

REGULAR SESSION
(July 9, 2019)

Tuesday

2:30 PM

The regular session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors present except Supervisor Ryan, T/Warsaw. Also present were County Attorney, Jim Wujcik, Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Lisa Perez.

At 2:43 PM Chairman Berwanger, T/Arcade, called the meeting to order.

Res. Frank Fraser, Family Life Church, Attica, NY offered a prayer to open the board meeting.

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

Sergeant Edward V. Redding

Mr. Redding was born June 28, 1919 in Java Center, New York. At twenty-five years old, he was married, owned a milk hauling business and maintained all of his own equipment. Mr. Redding entered the U.S. Army in December of 1944 and became a Heavy Machine Gunner, Paratrooper and Demolition Specialist at Fort Benning, Georgia.

By August 1945, Mr. Redding departed for Manila in the Philippines joining D Company of the 341st Infantry Paratrooper Regiment under the Asiatic Pacific Command. He executed eleven jumps helping complete the Philippines Campaign to expel the Imperial Japanese forces during WWII. Having saved one of these silk parachutes, he had it redesigned into a baptismal gown, which his son and nine grandchildren wore for their baptisms.

Mr. Redding was honorably discharged from the Army in 1946. For his valor and courageous service to his country, Mr. Redding was awarded the:

Army Good Conduct Medal
Asiatic Pacific Campaign Medal
Philippines Liberation Ribbon
World War II Victory Medal

After leaving Fort Dix, New Jersey, Mr. Redding came home and found employment as a truck driver for the Town of Java. Once he earned enough money, he repurchased his milk hauling business and operated it until 1957. After selling the business, he drove truck for the Buffalo News until his official retirement.

He served two terms as Supervisor for the Town of Java thereby also serving as a member of the Wyoming County Board of Supervisors from 1964 to 1967.

Mr. Redding just celebrated his 100th birthday on June 28th and is the oldest living WWII Veteran in the Town of Arcade. He is an avid card player and enjoys that pastime at the VFW with family and friends. Mr. Redding is also a loyal patron at Nellie’s Restaurant in Arcade.

The Wyoming County Board of Supervisors honored Mr. Redding last year with Veteran’s Day 2018 being proclaimed *Edward V. Redding Day in Wyoming County*.

The pledge was said by all.

Chairman Berwanger presented the customary certificate of appreciation to Mr. Redding and an opportunity to address the Board. At which time, Mr. Redding graciously accepted the certificate and shared a humorous story about one of his jumps while in the Army.

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

COMMUNICATIONS ~

- 06-20-19 Correspondence from Senator Gallivan and 06-21-19 correspondence from Assemblyman DiPietro both acknowledging receipt of Resolution Nos. 19-264, 19-266 and 19-288
- 06-21-19 Correspondence from Assembly Minority Leader Kolb acknowledging receipt of Resolution No. 19-288
- 06-28-19 Correspondence from NYSAC Exe. Dir. Acquario acknowledging receipt of Resolution Nos. 19-264 and 19-288

OPEN PUBLIC HEARING ~

- Local Law No. 3, Year 2019 (Introductory B, Year 2019) Entitled, “**A Local Law to Establish a Sustainable Energy Loan Program (Open C-Pace) in the County of Wyoming**”

#1

**RESOLUTION NO. 19-292
(July 9, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2019 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2019 accounts as follows:

Treasurer			
To: 01.33.1325.1.10001 Salary S/D/I	\$24,260.00		
01.33.1325.1.10101 CSEA Wages	500.00		
01.33.1325.1.10601 Unused Benefit	1,065.00		
01.33.1325.8.83001 FICA	1,600.00		
01.33.1325.8.85001 Medicare	375.00		
01.33.1325.8.89001 Medical Ins.	5,000.00		

<i>w/any funds available</i> Reason: Cover staffing changes for balance of FY 2019.		\$32,800.00	
Treasurer Total			\$32,800.00
DSS/Medicaid			
To: 01.40.6102.4.42250 MMIS IGT/DSH Payment <i>w/any funds available</i> Reason: To cover the 50% county share of the DSH payment (SFY 2015-2016 reconciliation).	\$162,000.00	\$162,000.00	
DSS/Medicaid Total			\$162,000.00
Human Resource			
To: 01.34.1431.4.41204 Advertising Expense <i>w/any funds available</i> Reason: For planned recruiting expenses for 2019.	\$11,000.00	\$11,000.00	
Human Resource Total			\$11,000.00
Sheriff Seized Assets			
To: 01.37.3113.4.42306 Other w/01.07.3113.2626 Forfeiture of Crime Proceeds Reason: To purchase Live Link Encoder App for Drug Task Force.	\$2,495.00	\$2,495.00	
Sheriff Seized Assets Total			\$2,495.00
Sheriff			
To: 01.37.3110.1.10001 Salary S/D/I 01.37.3110.1.10502 On Call Pay 01.37.3110.8.81001 Retirement 01.37.3110.8.83001 FICA 01.37.3110.8.85001 Medicare 01.37.3110.8.89001 Medical Ins 01.37.3110.8.89002 Health Reim. Emp. 01.37.3110.8.89003 Health Reim. Admin. <i>w/any funds available</i> Reason: To cover new 911 Coordinator position.	\$42,340.00 14,000.00 9,015.00 3,493.00 817.00 11,008.00 3,500.00 42.00	\$84,215.00	
Sheriff Total			\$84,215.00

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

Mr. Granger, T/Castile, Chairman of the Audit Committee, presented bills totaling **\$2,806,725.10** for the month of **June, 2019**.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

There was a motion by Mr. Tallman, T/Gainesville, to combine resolutions #2 through #4. Hearing no objection, resolution titles were read.

#2

**RESOLUTION NO. 19-293
(July 9, 2019)**

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

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS GRANT APPLICATIONS AND
ACCEPTANCE AWARDS WITH NEW YORK STATE BOARD OF ELECTIONS ON
BEHALF OF WYOMING COUNTY BOARD OF ELECTIONS**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized to sign various grant applications and acceptance awards with *New York State Board of Elections*, 40 North Pearl Street, Suite 5, Albany, NY 12207 on behalf of Wyoming County Board of Elections as follows:

- For reimbursement of costs related to the implementation of early voting and eligible expenses such as additional voting equipment, staffing and poll site expenses in a minimum amount of twenty-seven thousand four hundred seventy-seven dollars (\$27,477.00); effective dates to be determined.
- For initial technology costs of electronic poll books, associated software, on-demand ballot printers and cyber security software required to implement early voting in a minimum amount of thirty-five thousand three hundred sixty-eight dollars (\$35,368.00); effective dates to be determined.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

#3

**RESOLUTION NO. 19-294
(July 9, 2019)**

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

**MEMORANDUMS OF UNDERSTANDING BY AND BETWEEN
CSEA AND THE COUNTY OF WYOMING APPROVED**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney and County Labor Attorney is hereby authorized and directed to sign the following individual Memorandums of Understanding by and between the Civil Service Employee's Association and the County of Wyoming amending the current collective bargaining agreement to allow for the following:

Jail Kitchen

- Amend ***Cook*** (position code 077.061) to become a ***Food Service Helper*** within the unit on CSEA Schedule B, Grade 2; effective June 19, 2019.
- Amend ***Cook, PT*** (position code 078.061) to become an ***Assistant Cook*** within the unit on CSEA Schedule B, Grade 3; effective June 19, 2019.

Wyoming County Community Health System

- Create a new position of ***Rad Tech IV*** within the unit on CSEA Schedule WCCHS at grade 18A; effective July 1, 2019.

All else remains unchanged.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

#4

**RESOLUTION NO. 19-295
(July 9, 2019)**

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

SALARY SCHEDULE “X” HANDBOOK AMENDMENT APPROVED

BE IT RESOLVED, That the Salary Schedule “X” Handbook is hereby amended to include the following language, in **BOLD**, under **CONTINUING MEDICAL EDUCATION (CME)**; effective July 9, 2019:

CONTINUING MEDICAL EDUCATION (CME)

Full time employees classified at “Mid-Levels” covered under this Schedule will be eligible to receive continuing medical education reimbursement payments up to \$1,500.00 annually and up to three (3) days additional paid time off each calendar year. Part time eligible employee will receive a pro-rate payment in accordance with their FTE. Reimbursement payments will only be made upon written submission of successful completion and attendance with required receipts. Employees must have completed one year of service to be eligible for this benefit. Unused CME benefits will not carry over from year to year.

Full time employees classified at Physicians covered under this Schedule will be eligible to receive continuing medical education reimbursement payments up to \$2,500.00 annually and up to five (5) days additional paid time off each calendar year. Part time eligible employee will receive a pro-rate payment in accordance with their FTE. Reimbursement payments will only be made upon written submission of successful completion and attendance with required receipts. Employees must have completed one year of service to be eligible for this benefit. Unused CME benefits will not carry over from year to year.

Mid-Levels and Physicians covered under this schedule will be eligible for annual reimbursement, up to \$1,000.00, for required licensure and related fees, including New York State Licensure, Board Registration fees, and DEA certificates. Part time Physicians will be eligible for a pro-rata reimbursement.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

There was a motion by Ms. Grant, T/Bennington, to combine resolutions #5 through #7.
Hearing no objection, resolution titles were read.

#5

**RESOLUTION NO. 19-296
(July 9, 2019)**

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

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE
AWARD WITH THE NEW YORK STATE OFFICE FOR THE AGING ON BEHALF OF
WYOMING COUNTY OFFICE FOR THE AGING**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized to sign a grant application and acceptance award with the *New York State Office for the Aging*, 2 Empire State Plaza, Albany, NY 12223 on behalf of Wyoming County Office for the Aging. Said grant funds are for unmet needs in a minimum amount of forty-three thousand five hundred sixty-two dollars (\$43,562.00); effective April 1, 2019 through March 31, 2020.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

#6

**RESOLUTION NO. 19-297
(July 9, 2019)**

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

**CHAIRMAN/COMMISSIONER OF SOCIAL SERVICES AUTHORIZED TO SIGN A
WELFARE MANAGEMENT SYSTEM CONTRACT WITH AMY'S AFTER SCHOOL
ADVENTURES ~ AMY YENCER ON BEHALF OF THE
DEPARTMENT OF SOCIAL SERVICES**

BE IT RESOLVED, That the Chairman of this Board and Commissioner of Social Services, pursuant to General Municipal Law §104(b) and with the approval of the County Attorney, are hereby authorized and directed to sign a contract with *Amy's After School Adventures ~ Amy Yencer*, 10 Erie Street, Mt. Morris, NY 14510 on behalf of the Department of Social Services. Said contract to provide day care services in a variable amount depending upon services provided; effective May 22, 2019 through December 31, 2019.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

#7

**RESOLUTION NO. 19-298
(July 9, 2019)**

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

CHAIRMAN/COMMISSIONER OF SOCIAL SERVICES AUTHORIZED TO SIGN A CONTRACT WITH U & S SERVICES, INC. ON BEHALF OF THE DEPARTMENT OF SOCIAL SERVICES

BE IT RESOLVED, That the Chairman of this Board and Commissioner of Social Services, pursuant to General Municipal Law §104(b) and with the approval of the County Attorney, are hereby authorized and directed to sign a contract with *U & S Services Inc.*, 95 Stark Street, Tonawanda, NY 14150 on behalf of the Department of Social Services. Said contract to provide fire alarm preventative maintenance in an amount not to exceed one thousand nine hundred twenty dollars (\$1,920.00) annually; effective July 1, 2019 and shall automatically renew until written notice of intent to terminate is received. (*State Contract Number PT 63600.*)

Contingent upon the availability of funds.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

There was a motion by Ms. Grant, T/Bennington, to combine resolutions #8 and #9. Hearing no objection, resolution titles were read.

#8

**RESOLUTION NO. 19-299
(July 9, 2019)**

By Ms. Grant, Vice-Chairman of the Public Health Committee:

RESOLUTION NUMBER 19-015 AMENDED

WHEREAS, Resolution Number 19-015 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE NEW YORK COUNCIL ON PROBLEM GAMBLING ON BEHALF OF MENTAL HEALTH,**” passed by this Board of Supervisors on January 8, 2019 and provides funds for underage gambling prevention education in a minimum amount of fifteen thousand dollars (\$15,000.00); effective January 1, 2019 through November 6, 2019; now therefore

BE IT RESOLVED, That *Resolution Number 19-015* be hereby amended to correct the actual grant amount from fifteen thousand dollars (\$15,000.00) to *eleven thousand four hundred seventeen dollars (\$11,417.00)*.

All else remains the same.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

#9

**RESOLUTION NO. 19-300
(July 9, 2019)**

By Ms. Grant, Vice-Chairman of the Public Health Committee:

RESOLUTION NUMBER 17-518 AMENDED

WHEREAS, Resolution Number 17-518 entitled, “**CHAIRMAN/COMMISSIONER OF HEALTH AUTHORIZED TO SIGN NEW YORK STATE DEPARTMENT OF HEALTH IN PERSON ASSISTORS AND NAVIGATOR GRANT SUB-AGREEMENTS WITH WYOMING COUNTY CHAMBER OF COMMERCE AND WYOMING COUNTY COMMUNITY ACTION ON BEHALF OF THE COUNTY HEALTH DEPARTMENT**” was passed by this Board of Supervisors on December 12, 2017 and provides for Sub-Agreements for reimbursement of Navigator Grant activities, as required by the New York State Department of Health Work Plan; effective October 1, 2017 through September 30, 2018 as follows:

- **Wyoming County Chamber of Commerce**, 36 Center Street, Suite A, Warsaw, NY 14569 in an amount not to exceed \$10,000.00 annually; renewable through September 30, 2018
- **Wyoming County Community Action**, 6470 Route 20A, Suite 1, Perry, NY 14530 in an amount not to exceed \$49,382.00 annually; renewable through September 30, 2018

And

WHEREAS, That Resolution Number 17-518 was previously amended by this Board of Supervisors on September 11, 2018 by **Resolution Number 18-364** as follows:

- **Wyoming County Chamber of Commerce**, 36 Center Street, Suite A, Warsaw, NY
 - Extend the contract end date from September 30, 2018 through **April 30, 2019** in an amount not to exceed **\$3,000.00** for a new total contract amount of **\$13,000.00**
- **Wyoming County Community Action**, 6470 Route 20A, Suite 1, Perry, NY
 - Extend the contract end date from September 30, 2018 through **April 30, 2019** in an amount not to exceed **\$30,261.00** for a new total contract amount of **\$79,643.00**

Now therefore,

BE IT RESOLVED, That **Resolution Number 17-518** as previously amended by **Resolution Number 18-364** be hereby further amended as follows:

- **Wyoming County Community Action**, 6470 Route 20A, Suite 1, Perry, NY
 - Extend the contract end date from April 30, 2019 through **July 31, 2019** in an amount not to exceed **\$13,644.00** for a new total contract amount of **\$93,287.00**

All else remains the same.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

There was a motion by Mr. Kehl, T/Attica, to combine resolutions #10 and #11. Hearing no objection, resolution titles were read.

#10

RESOLUTION NO. 19-301
(July 9, 2019)

By Mr. Kehl, Chairman of the Agriculture Committee:

LOCATION AND TIME OF AUGUST 2019 REGULAR SESSION CHANGED

WHEREAS, The Rules of Procedure of the Board of Supervisors have been suspended by unanimous consent for the purpose recited in this resolution; now therefore

BE IT RESOLVED, That the Regular Session of the Wyoming County Board of Supervisors will be held on *Tuesday, August 13, 2019 at 2:00 PM* in the *Youth Building* of the *Wyoming County Fairgrounds in Pike, New York*.

Carried: XXX **Ayes:** 1398 **Noes:** **Absent:** 201 (Warsaw) **Abstain:**

#11

RESOLUTION NO. 19-302
(July 9, 2019)

By Mr. Kehl, Chairman of the Agriculture Committee:

AUTHORIZING THE BOARD OF SUPERVISORS TO ENDORSE THE APPLICATION FOR A FARMLAND PROTECTION IMPLEMENTATION GRANT THROUGH THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS FOR EMERLING FARMS, LLC, TOWN OF PERRY, NEW YORK AS PART OF THE COUNTY'S PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

WHEREAS, Article 25-AAA of the New York State Agriculture and Markets Law provides for the development of county agricultural and farmland protection plans; and

WHEREAS, Wyoming Board of Supervisors Resolution No. 05-309 approved the Wyoming County Agricultural Development and Farmland Protection Plan, and by letter dated October 25, 2005, Nathan L. Rudgers, Commissioner of the New York State Department of Agriculture and Markets, approved the Wyoming County Agricultural Development and Farmland Protection Plan; and

WHEREAS, The Wyoming County Agricultural Development & Farmland Protection Plan recommended support of a Purchase of Development Rights (PDR) program to protect productive agricultural land in Wyoming County; and

WHEREAS, The Wyoming County Board of Supervisors supports a Purchase of Development Rights program and authorizes the Wyoming County Agricultural and Farmland Protection Board (AFPB) to solicit applications from county property owners who wish to voluntarily participate in the PDR program; now therefore

BE IT RESOLVED, That the County of Wyoming endorses the application for a Farmland Protection Implementation Grant for approximately *1,310 acres of the Emerling Farms, LLC located in the Town of Perry, New York* as recommended by the Wyoming County Agriculture and Farmland Protection Board on June 20, 2019 and per the County's participation in the New York State Purchase of Development Rights (PDR) Program.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

There was a motion by Mr. Leuer, T/Middlebury, to combine resolutions #12 and #13. Hearing no objection, resolution titles were read.

#12

**RESOLUTION NO. 19-303
(July 9, 2019)**

By Mr. Leuer, Chairman of the Planning Committee:

CHAIRMAN AUTHORIZED TO SIGN AN INTER-MUNICIPAL COOPERATIVE AGREEMENT WITH GLOW SOLID WASTE MANAGEMENT COMMITTEE ON BEHALF OF WYOMING COUNTY

BE IT RESOLVED, That the Chairman of this Board, pursuant to General Municipal Law §104(b) and with the approval of the County Attorney, is hereby authorized and directed to sign the Inter-Municipal Cooperative Agreement with the *GLOW Solid Waste Management Committee*, Genesee County Building 2, 3837 West Main Street Road, Batavia, NY 14020 on behalf of Wyoming County. Said Agreement to carry out GLOW Solid Waste Pharmaceutical and Household Hazardous Waste Collection programs and services in an amount not to exceed eighteen thousand one hundred seven dollars (\$18,107.00) per year for a total of thirty-six thousand two hundred fourteen dollars (\$36,214.00) for two (2) years; effective January 1, 2020 through December 31, 2021.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

#13

**RESOLUTION NO. 19-304
(July 9, 2019)**

By Mr. Leuer, Chairman of the Planning Committee:

CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE AWARD WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ON BEHALF OF THE BOARD OF SUPERVISORS

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized to sign a grant application and acceptance award with the *New*

York State Department of Environmental Conservation, E-Waste Assistance Grants, Division of Materials Management, 625 Broadway, Albany, NY 12233-7253 on behalf of the Board of Supervisors. Said grant funds to cover fifty percent (50%) of the May 12, 2019 Countywide Electronics Collection Day in a minimum amount of seven thousand one hundred fifty-one dollars and eighty-two cents (\$7,151.82); effective January 1, 2018 through December 31, 2018.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

There was a motion by Mr. Copeland, T/Wethersfield, to combine resolutions #14 and #18. Hearing no objection, resolution titles were read.

#14

**RESOLUTION NO. 19-305
(July 9, 2019)**

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

**APPROVING SOLE SOURCE PROCUREMENT WITH LEA-AID, INC.
ON BEHALF OF THE SHERIFF'S DEPARTMENT**

WHEREAS, Wyoming County Sheriff's Department has identified a need for covert surveillance equipment; and

WHEREAS, The Sheriff's Department has researched several possible entities to provide this type of equipment and has determined that there are no other entities, other than **LEA-AID, Inc.**, capable of offering an "equal" product for the specific surveillance equipment needed; and

WHEREAS, The Sheriff's Department has received and retained on file a letter from **LEA-AID, Inc.** indicating that they are headquartered in Raleigh, North Carolina and manufacture their own pole cameras, transmitters, repeaters, receivers, video systems and devices and the same is only available through their offices and are the only manufacturer of the LEA Encoder APP; and

WHEREAS, **LEA-AID, Inc.** is a global leader in USA made electronic surveillance equipment and ensures excellent customer support, services and training; and

WHEREAS, Based upon the above, the Public Safety Committee has determined that **LEA-AID, Inc.** qualifies for sole source status; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby authorizes sole source status for **LEA-AID, Inc.** pursuant to the Wyoming County Purchasing Policy authorized by Resolution Number 16-359 and adopted by this Board of Supervisors on December 13, 2016 and no other solicitation of written proposals or quotations shall be required; and be it

FURTHER RESOLVED, That pursuant to this Resolution, any contract arising from the sole source provider described above shall be subject to the approval of the County Attorney and contingent upon the availability of funds.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

#15

**RESOLUTION NO. 19-306
(July 9, 2019)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH BRUCE JAMES
D/B/A B-COM ON BEHALF OF 9-1-1**

BE IT RESOLVED, That the Chairman of this Board, pursuant to General Municipal Law §104(b) and with the approval of the County Attorney, is hereby authorized and directed to sign a contract with *Bruce James, d/b/a B-Com*, 355 Liberty Street, Warsaw, NY 14569 on behalf of 9-1-1. Said contract to provide maintenance, training and other related assistance with Wyoming County's radio system in an amount not to exceed eight thousand dollars (\$8,000.00) annually; effective January 1, 2019 and shall automatically renew until written notice of intent to terminate is received.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

#16

**RESOLUTION NO. 19-307
(July 9, 2019)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH UBMD
ON BEHALF OF EMERGENCY SERVICES**

BE IT RESOLVED, That the Chairman of this Board, pursuant to General Municipal Law §104(b) and with the approval of the County Attorney, is hereby authorized and directed to sign a contract with *UBMD*, 77 Goodell Street, Suite 340, Buffalo, NY 14203 on behalf of Emergency Services. Said contract to provide medical direction for pre-hospital care in an amount not to exceed thirty-eight thousand two hundred fifty dollars (\$38,250.00); effective August 1, 2019 through December 31, 2020.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

#17

RESOLUTION NO. 19-308
(July 9, 2019)

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

**BRIAN MEYERS APPOINTED DIRECTOR OF FIRE AND EMERGENCY
MANAGEMENT**

BE IT RESOLVED, That *Brian Meyers*, 5 Clearview Drive, Arcade, NY 14009 be hereby appointed to the position of *Director of Fire and Emergency Management*; effective July 1, 2019; and be it

FURTHER RESOLVED, That Salary Schedule “D” be hereby amended to set the salary of the *Director of Fire and Emergency Management* at \$57,500.00 annually; effective July 1, 2019; and be it

FURTHER RESOLVED, That upon completion of six (6) months employment and contingent upon satisfactory performance and meeting pre-established goals, set the salary of the *Director of Fire and Emergency Management* at \$60,000.00 annually; effective on or about January 1, 2020.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

#18

RESOLUTION NO. 19-309
(July 9, 2019)

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

**CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN A CONTRACT WITH
CONROY MOTORS CORPORATION ON BEHALF OF WYOMING COUNTY
FIRE AND BUILDING CODE ENFORCEMENT**

BE IT RESOLVED, That the Chairman of this Board, pursuant to General Municipal Law §103 and with the approval of the County Attorney, is hereby authorized and directed to sign a contract with *Conroy Motors Corporation*, P.O. Box 176, Java Center, NY 14085 on behalf of Wyoming County Fire and Building Code Enforcement. Said contract is for the purchase of a new mid-size SUV, all-wheel drive (AWD) in an amount not to exceed twenty-three thousand sixty-four dollars (\$23,064.00); effective June 27, 2019 through delivery of vehicle.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

Before moving on, Chairman Berwanger took an opportunity to introduce Brian Meyers, the new

director of Fire and Emergency Management.

Mr. Meyers thanked the Board for this opportunity and said he was looking forward to working with the Supervisors, towns, villages, and County departments to ensure public safety

There was a motion by Mr. Davis, T/Covington, to combine resolutions #19 and #20. Hearing no objection, resolution titles were read.

#19

**RESOLUTION NO. 19-310
(July 9, 2019)**

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

AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT SUPPLEMENT #1 AND APPROPRIATING FUNDS THEREFORE

WHEREAS, A Project for the *Rehabilitation of Schoellkopf Road Bridge, Town of Bennington, Wyoming County, P.I.N. 4WY0.03; BIN 3319610* (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, The County of Wyoming desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of *PE/Design and ROW*.

NOW, THEREFORE, The Board of Supervisors, duly convened does hereby

RESOLVE, That the Board of Supervisors hereby approves the above-subject project; and it is hereby further

RESOLVED, That the Board of Supervisors hereby authorizes the Chairman to pay in the first instance 100% of the federal and non-federal share of the cost of construction work for the Project or portions thereof; and it is further

RESOLVED, That the sum of **\$167,000.00** is hereby appropriated from Board of Supervisors and made available to cover the cost of participation in the above phase of the Project; and it is further

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

RESOLVED, That the Chairman of the Board of Supervisors be and is hereby

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

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

RESOLVED, This Resolution shall take effect immediately.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

#20

**RESOLUTION NO. 19-311
(July 9, 2019)**

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

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF
BUILDINGS AND GROUNDS (CO. BLDGS.)**

BE IT RESOLVED, That the Chairman of this Board, pursuant to General Municipal Law §104(b) and with the approval of the County Attorney, is hereby authorized and directed to sign various contracts on behalf of Buildings and Grounds (Co. Bldgs.) as follows:

- **WYCO Construction, Inc.**, 4608 Liberty Street Road, Warsaw, NY 14569 for the removal and installation of a new grease trap at the Wyoming County Jail kitchen in an amount not to exceed twenty-five thousand dollars (\$25,000.00); effective October 1, 2019 through completion of project.
- **Seal-A-Deal Pavement Maintenance**, 5957 Bauer Road, Warsaw, NY 14569 for the sealing, striping and hot crack filling at the Wyoming County Health Department in an amount not to exceed five thousand two hundred dollars (\$5,200.00); effective July 15, 2019 through completion of project.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

There was a motion by Mr. Brick, T/Perry to combine resolutions #21 and #28. Hearing no objection, resolution titles were read.

#21

RESOLUTION NO. 19-312
(July 9, 2019)

By Mr. Brick, Chairman of the Finance Committee:

**INSURANCE PREMIUMS FOR THE 2019 ~ 2020 POLICY TERM THROUGH
TOMPKINS INSURANCE AGENCIES, INC. APPROVED**

BE IT RESOLVED, That the various premiums offered by the following insurance companies for the 2019 ~ 2020 policy term through *Tompkins Insurance Agencies, Inc.*, 90 Main Street, Batavia, NY 14020 for the County of Wyoming are hereby approved as follows:

- ***New York Municipal Insurance Reciprocal (NYMIR)***
 - Auto \$83,714.40
 - Inland Marine-EMS \$5,284.40
 - Owners Contractor Protective – HWY \$275.00
 - Owners Contractor Protective – IDA \$275.00
 - Property \$108,540.30
 - General Liability \$109,265.20
 - Police Professional \$52,994.70
 - Public Officials \$45,136.30
 - Excess Liability \$31,675.60
 - Soldiers/Sailors Monument \$1,050.00
- ***American International Group (AIG)***
 - Cyber \$46,237.28
- ***Cincinnati Insurance Company***
 - Boiler Coverage \$10,848.00
- ***Travelers Insurance***
 - Crime \$1,863.00
- ***Selective Insurance***
 - Inland Marine
 - Highway \$13,240.00
 - Sheriff, Voting Machines, Electronic Data Processing \$8,870.00

Contingent upon the availability of funds.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

#22

RESOLUTION NO. 19-313
(July 9, 2019)

By Mr. Brick, Chairman of the Finance Committee:

By Mr. Brick, Chairman of the Finance Committee:

JAMES KIRSCH REAPPOINTED REAL PROPERTY TAX SERVICES DIRECTOR

BE IT RESOLVED, That *James Kirsch*, 3454 Humphrey Road, Varysburg, NY 14167 be hereby reappointed to the position of Real Property Tax Services Director per RPTL §1530 for a statutory term of six (6) years; effective October 1, 2019 through September 30, 2025.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

#23

RESOLUTION NO. 19-314

(July 9, 2019)

By Mr. Brick, Chairman of the Finance Committee:

SALARY SCHEDULES “C”, “P”, “G”, “D”, “S” AND “X” AMENDED

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

Salary Schedule “C”:

Wyoming County Community Health System

- Set the effective date of the ***Controller*** under FISCAL SERVICES as May 28, 2019.

- Place one (1) position of ***Chief Financial Officer*** under FISCAL SERVICES and set the salary at \$110,000.00 annually; effective September 1, 2019.
 - In six (6) months from the effective date, the CFO will be evaluated by the CEO with a report back to the BOM Compensation Committee.
 - This position will not be eligible for a cost of living increase during the calendar year January 1, 2020 through December 31, 2020.

- Place one (1) position of ***Chief Nursing Officer*** under NURSING ADMINISTRATION and set the salary at \$110,000.00 annually; effective June 25, 2019.
 - This position will be eligible for a cost of living increase effective January 1, 2020.

Salary Schedule “P”:

Wyoming County Community Health System

- Set the salary for one (1) position of ***Certified Nurse Midwife, FT*** (position code 17.111.519) under OB CLINIC at \$100,000.00 annually; position available date is June 25, 2019.

Salary Schedule “G”:

County Health Department & OFA

- Extend current Navigator Grant stipends under CONSUMER ASSISTANCE FOR NEW YORK STATE HEALTH ~ WYOMING COUNTY NAVIGATOR PROGRAM through July 31, 2024 per Resolution Number 19-260 approved on June 11, 2019 extending

funding for the following positions:

- Director of Aging and Youth \$1,000.00
- Public Health Administrator \$3,516.00
- Fiscal Officer I (Office for the Aging) \$1,000.00
- PH Fiscal Administrator \$3,516.00

- Remove the current Navigator Grant stipend under CONSUMER ASSISTANCE FOR NEW YORK STATE HEALTH ~ WYOMING COUNTY NAVIGATOR PROGRAM for the following position; effective July 27, 2019:
 - Director of Nursing (Public Health) \$2,516.00

Salary Schedule “D”:

Public Health Dept

- Set the stipend for the ***Medical Director, PT*** (position code 116.403) at \$16,945.00 annually; effective August 1, 2019.

Salary Schedule “S”:

Jail

- Remove the following two (2) position titles; effective June 19, 2019:
 - ***Cook*** (position code 077.061)
 - ***Cook, PT*** (position code 078.061)
 - Positions added to the CSEA General Unit

Civil Defense

- Set the salary of the ***County Fire Coordinator*** (position code 008.352) at \$45,000.00 annually and change the position FLSA status to *Exempt*; effective July 1, 2019.

Salary Schedule “X”:

Wyoming County Community Health System

- Amend Salary Schedule X to set the salaries for the job titles covered on Salary Schedule X; effective July 1, 2019 or as otherwise noted and annexed hereto.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

2019 WYOMING COUNTY EXTERNAL FAMILY CLINIC SALARY SCHEDULE "X"

Official Civil Service Titles	Position Code	FLSA Status	Res. #	Effective Date	FTE	Hours/day	Annual Hours	Hourly Wage	Annual Wage Equivalent	Salary	Notes
Wyoming County Family Practice - Arcade						8					
Clinic Office Manager	02.208.525	Exempt		07/01/19	1.00	8	2088.0			84,000	
Nurse Practitioner	17.112.311	Non-exempt		07/01/19	0.80	6.4	1670.4	45.1774	75,464		
Physician's Assistant	17.113.067	Non-exempt		07/01/19	1.00	8	2088.0	40.5745	84,720		
Physician's Assistant	17.114.067	Non-exempt		07/01/19	1.00	8	2088.0	40.3900	84,334		
Physician's Assistant	17.115.067	Non-exempt		07/01/19	0.80	6.4	1670.4	40.6028	67,823		
Physician's Assistant	17.116.067	Non-exempt		07/01/19	0.80	6.4	1670.4	42.5011	70,994		
Medical Office Assistant	12.181.480	Non-exempt		07/01/19	0.50	4	1044.0	17.4730	18,242		
Medical Office Assistant	12.182.480	Non-exempt		07/01/19	0.70	5.6	1461.6	14.5440	21,258		
Medical Office Assistant	12.183.480	Non-exempt		07/01/19	0.80	6.4	1670.4	14.0000	23,386		
Medical Office Assistant	12.184.480	Non-exempt		07/01/19	1.00	8	2088.0	13.3320	27,837		
Medical Office Assistant	12.186.480	Non-exempt		07/01/19	0.50	4	1044.0		0		
Medical Biller	12.185.473	Non-exempt		07/01/19	1.00	8	2088.0	16.1600	33,742		
Registered Nurse	03.880.209	Non-exempt		07/01/19	0.80	6.4	1670.4	21.4120	35,767		
Registered Nurse	03.881.209	Non-exempt		07/01/19	1.00	8	2088.0	22.3210	46,606		
Registered Nurse	03.882.209	Non-exempt		07/01/19	1.00	8	2088.0	21.2100	44,286		
Registered Nurse	03.883.209	Non-exempt		07/01/19	1.00	8	2088.0	20.2000	42,178		
Registered Nurse	03.884.209	Non-exempt		07/01/19	Per Diem	N/A	N/A	21.8160	N/A		
Medical Receptionist	12.187.153	Non-exempt		07/01/19	1.00	8	2088.0	17.4730	36,484		
Medical Receptionist	12.188.153	Non-exempt		07/01/19	0.80	6.4	1670.4	16.9680	28,343		
Medical Receptionist	12.189.153	Non-exempt		07/01/19	0.80	6.4	1670.4	14.1400	23,619		
Medical Receptionist	12.190.153	Non-exempt		07/01/19	1.00	8	2088.0	14.6450	30,579		
Medical Receptionist	12.191.153	Non-exempt		07/01/19	1.00	8	2088.0	14.1400	29,524		
Wyoming County Family Practice - O'Dell										78,780	
Physician's Assistant	17.117.067	Exempt		07/01/19	0.80	6.4	1670.4				
Physician's Assistant	pending	Exempt		06/30/2019	1	8	2088				80,000 - 95,000 per year
Nurse Practitioner	pending	Exempt		06/30/2019	1	8	2088				80,000 - 95,000 per year
Phlebotomist Per Diem	pending	Non-exempt		06/30/2019	Per Diem	N/A	N/A				\$13.33 - 17.50/Hr
Medical Receptionist	12.192.153	Non-exempt		07/01/19	1.00	8	2088.0	17.1700	35,851		
Medical Receptionist	12.193.153	Non-exempt		07/01/19		0	0.0		0		
Registered Nurse	03.885.209	Non-exempt		07/01/19		0	0.0		0		
Licensed Practical Nurse	04.580.147	Non-exempt		07/01/19	1.00	8	2088.0	17.1700	35,851		
Wyoming County Family Practice - Warsaw											
Medical Receptionist	12.194.153	Non-exempt		07/01/19		0	0.0		0		
Registered Nurse	03.886.209	Non-exempt		07/01/19		0	0.0		0		
Registered Nurse	03.887.209	Non-exempt		07/01/19		0	0.0		0		
Licensed Practical Nurse	04.581.147	Non-exempt		07/01/19		0	0.0		0		
Licensed Practical Nurse	04.582.147	Non-exempt		07/01/19		0	0.0		0		
WCCHS Orthopedic Clinic											
Licensed Practical Nurse	04.583.147	Non-exempt		07/01/19		0	0.0		0		

Approved by BOM

05/28/2019 pjp

Approved by Board of Supervisors' Office

06/11/2019 cjk

#24

RESOLUTION NO. 19-315

(July 9, 2019)

By Mr. Brick, Chairman of the Finance Committee:

CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS WITH DALE L. DEAHN, MD, PC ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM

BE IT RESOLVED, In accordance with Resolution Number 11-209 passed by the Wyoming County Board of Supervisors, on June 14, 2011 entitled, **"AMENDING RESOLUTION 91-159, AUTHORITY OF THE BOARD OF MANAGERS OF THE HOSPITAL,"** the Chairman of this Board, pursuant to General Municipal Law §104(b) and with the approval of the County Attorney and/or Costello Cooney Fearon, PLLC, legal counsel, is hereby authorized and directed to sign the following contracts on behalf of the Wyoming County Community Health System:

- **Dale L. Deahn, M.D., P.C.**, 401 Main Street, Arcade, NY 14009:

- **Personal Services Agreement** to provide medical services, physician assistant supervision, medical director services, strategic and operational oversight for WCCHS’s family medicine locations in the Arcade area in an amount not to exceed two hundred seventy-five thousand dollars (\$275,000.00) annually based on an acceptable valuation report substantiating the fair market value and commercial reasonableness plus office management, billing, code oversight through the services of Elizabeth Deahn for mutually agreed upon hours at the rate not to exceed twenty-five dollars and sixty-one cents (\$25.61) per hour, effective July 15, 2019 through July 14, 2022.
- **P.C. Stock Escrow Agreement** whereby Physician establishes and is the sole shareholder of Wyoming County Family Medicine, P.C. and Physician delivers his shares of stock to the Hospital to hold in escrow during the term of an agreement whereby Physician agrees to ensure that the P.C. is operated exclusively for the purposes of providing professional family practice medical services to the residents of Wyoming County and as part of the Wyoming County Community Health System; effective July 15, 2019.
- **Asset Purchase Agreement** to purchase substantially all tangible and intangible assets including, without limitation, medical and office equipment, furnishings, computers, software, telephone numbers, website, medical, pharmaceutical and office supplies and active patient medical records in an amount not to exceed three hundred twenty thousand dollars (\$320,000.00); effective July 15, 2019 and subject to the receipt of an acceptable valuation report substantiating the fair market value and commercial reasonableness.
- **Real Estate Purchase Agreement** for the real property located at 401-403 Main Street, Arcade, NY 14009 consisting of approximately 0.675 acres and a 4,830 ± square foot medical office building in an amount not to exceed three hundred eighty thousand dollars (\$380,000.00) based on an acceptable appraisal substantiating the fair market value; effective July 15, 2019.
- **GE Healthcare**, PO Box 641936, Pittsburg, PA 15264-1936 for four (4) anesthesia machines in an amount not to exceed eleven thousand six hundred seventy-three dollars and sixty cents (\$11,673.60) annually for a total contract amount not to exceed fifty-eight thousand three hundred sixty-eight dollars (\$58,368.00); effective May 29, 2019 through June 30, 2024.

Contingent upon the availability of funds.

Carried: XXX **Ayes:** 1398 **Noes:** **Absent:** 201 (Warsaw) **Abstain:**

#25

**RESOLUTION NO. 19-316
(July 9, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

RESOLUTION NUMBER 18-395 RESCINDED

WHEREAS, Resolution Number 18-395 entitled, “**CHAIRMAN AUTHORIZED TO SIGN AN EMPLOYMENT AGREEMENT – SALARY SCHEDULE P WITH VINCENT C. NEWMAN, DO ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on September 11, 2018 for an Employment Agreement to provide family practice services in an amount not to exceed two hundred thirty-three thousand dollars (\$233,000.00) plus a one-time fee of thirty-six thousand dollars (\$36,000.00); effective August 1, 2019 through July 31, 2022 or within sixty (60) days upon the completion of credentialing and obtaining malpractice insurance; now therefore

BE IT RESOLVED, That *Resolution Number 18-395* be hereby rescinded in its entirety and the contract terminated effective immediately.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

#26

**RESOLUTION NO. 19-317
(July 9, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

RESOLUTION NUMBER 19-279 AMENDED

WHEREAS, Resolution Number 19-015 entitled, “**CHAIRMAN AUTHORIZED TO SIGN AN EMPLOYMENT AGREEMENT ~ SALARY SCHEDULE “P” WITH RACHEL MUROFF, RN, BSN ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on June 11, 2019 and provides inpatient and outpatient midwifery services in an amount not to exceed one hundred five thousand dollars (\$105,000.00) per year; effective August 1, 2019 through July 31, 2021 or within sixty (60) days upon the completion of credentialing and obtaining malpractice insurance; now therefore

BE IT RESOLVED, That *Resolution Number 19-279* be hereby amended to correct the contract amount from one hundred five thousand dollars (\$105,000.00) annually to an amount not to exceed *one hundred fifteen thousand dollars (\$115,000.00) annually*.

All else remains the same.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

#27

**RESOLUTION NO. 19-318
(July 9, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

CHAIRMAN AUTHORIZED TO SIGN AWARD BID AND SIGN A CONTRACT WITH FOUR BROTHERS BUILDERS, LLC ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM

BE IT RESOLVED, In accordance with Resolution Number 11-209 passed by the Wyoming County Board of Supervisors, on June 14, 2011 entitled, “**AMENDING RESOLUTION 91-159, AUTHORITY OF THE BOARD OF MANAGERS OF THE HOSPITAL,**” the Chairman of this Board, pursuant to General Municipal Law §104(b) and with the approval of the County Attorney and/or Costello Cooney Fearon, PLLC, legal counsel, is hereby authorized and directed to award bid and sign a contract with *Four Brothers Builders, LLC*, 8491 Cole Road, Colden, NY 14033 on behalf of the Wyoming County Community Health System. Said contract is for the construction of a garage in Parking Lot 7 at the Wyoming County Community Health System in an amount not to exceed one hundred three thousand one hundred eighty dollars; effective June 25, 2019 through October 28, 2019.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

#28

**RESOLUTION NO. 19-319
(July 9, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

POSITION(S) APPROVED

BE IT RESOLVED, That the following positions are hereby created, amended, extended modified, reassigned, abolished and/or reclassified in the following Wyoming County Departments:

CREATED:

Health Department

- One (1) position of ***Health Insurance Enrollment Specialist*** (0.6 FTE) on Salary Schedule G at a rate of \$23.00/hr.; effective August 1, 2019 through July 31, 2024.

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

PUBLIC HEARING ~

- *Comment Period*
 - *No written requests received*
 - *County Attorney Wujcik was recognized by Chairman Berwanger and offered that this local law is necessary to enter into the Energy Loan Program which is a pool of state money providing low interest loans to fund clean energy projects. Anyone that*

is interested should contact B. Daly at the Planning Department.

CLOSE PUBLIC HEARING ~

- *Motion to close the Public Hearing was made by Supervisor Becker, T/Sheldon. Seconded by Supervisor May, T/Orangeville. Carried.*

**Local Law
#29**

**RESOLUTION NO. 19-320
(July 9, 2019)**

By Mr. Leuer, Chairman of the Planning Committee:

**LOCAL LAW NO. 3 (INTRODUCTORY B, YEAR 2019) ~ YEAR 2019
ENTITLED, “*To Establish a Sustainable Energy Loan Program (Open C-Pace)
in the County of Wyoming*” ADOPTED**

WHEREAS, There was duly presented and introduced at a meeting of this Board, held on the 11th day of June, 2019, a proposed local law of the County, designated as Local Law Introductory No. B, for the year 2019, entitled, “*To Establish a Sustainable Energy Loan Program (Open C-Pace) in the County of Wyoming*”; and

WHEREAS, In accordance with the provisions of Resolution Number 19-265 there was a public hearing held by this Board of Supervisors on this 9th day of July, 2019, at 2:30 PM, after due notices of said hearing having been posted and published according to the law and said resolution; and

WHEREAS, After holding said public hearing, and the said local law having laid on the desks of the members of this Board of Supervisors at least seven (7) days prior to the final adoption, a majority of this Committee agreed to recommend the enactment and passage of the above- mentioned local law, designated as herein above set forth; now therefore

BE IT ENACTED, That Local Law 3, Year 2019, County of Wyoming, New York, as presented to this Board on the 11th day of June 2019, is hereby adopted, in its original form, as follows:

LOCAL LAW NO. 3 ~ YEAR 2019

A Local Law entitled, “*To Establish a Sustainable Energy Loan Program (Open C-Pace) in the County of Wyoming*”

BE IT ENACTED by the County of Wyoming (the “Municipality”) as follows:
Local Law No. 1 of the Year 2017 entitled “A Local Law Establishing a Sustainable Energy Loan Program in the County of Wyoming” and Local Law No. 1 of 2018 entitled “A Local Law Amending Local Law No. 1 of the Year 2017 entitled “A Local Law Establishing a Sustainable Energy Loan Program in the County of Wyoming” are hereby repealed in their entirety and replaced with the following local law:

SECTION 1. This local law shall be known as the “*Energize NY Open C-PACE Financing Program*” and shall read as follows:

ARTICLE I

§1. Legislative Findings, Intent and Purpose, Authority

- A. It is the policy of both the Municipality and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).
- B. The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

§2. Definitions

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:
 - **Annual Installment Amount** – shall have the meaning assigned in Section 8, paragraph B.
 - **Annual Installment Lien** – shall have the meaning assigned in Section 8 paragraph B.
 - **Authority** – the New York State Energy Research and Development Authority.
 - **Benefit Assessment Lien** – shall have the meaning assigned in Section 3, paragraph A.

- **Benefited Property** – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.
- **Benefited Property Owner** – the owner of record of a Benefited Property.
- **EIC** – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.
- **Eligible Costs** – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC’s Program administration fee, closing costs and fees, title and appraisal fees, professionals’ fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement
- **Enabling Act** – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.
- **Finance Agreement** – the finance agreement described in Section 6A of this local law.
- **Financing Charges** – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.
- **Financing Parties** – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.
- **Municipality** – the County of Wyoming, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.
- **Municipal Lien** – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.
- **Non-Municipal Lien** – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.
- **Program** – the Energize NY Open C-PACE Financing Program authorized hereby.
- **Qualified Project** – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects
- authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

- **Qualified Property** – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.
- **Qualified Property Owner** – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.
- **RPTL** – the Real Property Tax Law of the State, as amended from time to time.
- **Secured Amount** – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.
- **State** – the State of New York.

§3. Establishment of an Energize NY Open C-PACE Financing Program

- A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

§4. Procedures for Eligibility

- A. Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality’s offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 0 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.

- C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 0 of this local law.

§5. Application Criteria

Upon the submission of an application, EIC, acting on behalf of the Municipality, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current in payments on any real property taxes on the Qualified Property; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

§6. Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the “Finance Agreement”). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a “Benefited Property”).
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.

- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

§7. Terms and Conditions of Repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a “charge” within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.
- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the “Annual Installment Amount”). The Annual Installment Amount

shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the "Annual Installment Lien") and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the

- C. Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- D. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- E. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.
- F. EIC shall act as the Municipality's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.
- G. EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual

Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

§9. Verification and Report

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

§10. Separability

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

SECTION 2.

This local law shall take effect upon filing with the Secretary of State.

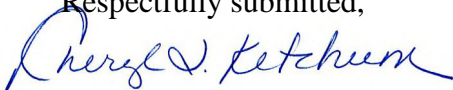
DATED at Warsaw, New York
June 11, 2019 (Introduced)
July 9, 2019 (Adopted)
Cheryl J. Ketchum, ^{CMC}
Clerk to the Board

Carried: XXX Ayes: 1398 Noes: Absent: 201 (Warsaw) Abstain:

Chairman Berwanger reminded all that the August 13th board meeting will be held at the Wyoming County Fair at 2:00 PM in the Youth Building!

There being no further business to come before this Board, Senior Supervisor Davis, T/Covington, adjourned the meeting at 3:07 PM with a rap on his desk.

Respectfully submitted,



Cheryl J. Ketchum, ^{CMC}
Clerk to the Board

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Real Property Tax Services
Director
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 06/20193

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