

REGULAR SESSION
(November 13, 2018)

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 B. Hastings, T/Eagle and D. Leuer, T/Middlebury. Also present were County Attorney Jim Wujcik, Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Lisa Perez.

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

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

Master Sargent Scott A. Woolley

Mr. Woolley was born in Arcade in 1962 and graduated from Pioneer High School in 1980. He went to Alfred State College majoring in Animal Husbandry. He entered the United States Air Force in 1986 after his younger brother, Michael, joined the United States Army. Although no family members had been in the service before, all five of the Woolley siblings entered the military; one Army, one Marine Corps and three in the Air Force.

Mr. Woolley's served on Bitburg Air Force Base, Germany; George Air Force Base, California; Offutt Air Force Base, Nebraska and retired from Ramstein Air Force Base, Germany.

Construction of the Ramstein Air Force Base began under the Franco-American Reciprocal Agreement in 1951. It was originally set up as two separate bases, Ramstein and Landstuhl. Landstuhl was the operational fighter base with hangars, runways, and air traffic control tower. The Ramstein base was used as the headquarters of NATO and the Twelfth Air Force. In 1957, they combined to form the largest NATO controlled air base in Europe and was renamed Ramstein AFB in 1958. The headquarters of the US Air Forces in Europe was moved from the Wiesbaden air base to Ramstein by March 1973. The USAFE started the expansion of the base, as it became the largest American community outside the US. NATO operated an underground combat operations center, called the Air Defense Operations Center (ADOC) or Kindsbach Cave, in Kindsbach near Ramstein during the Cold War (1947-91).

Mr. Woolley suffered an illness while at Ramstein and was sent home for medical treatment. He rejoined his wife and two children, Ethan and Aaron, in Germany until he suffered a second round of that same illness in 2009 when he returned to the states for

continued care. For his valor and courageous service to his country, Mr. Woolley was awarded the:

- **AIR FORCE GOOD CONDUCT MEDAL**
- **NATIONAL DEFENSE SERVICE MEDAL**
- **ARMED FORCES SERVICES MEDAL**
- **OVERSEAS LONG TOUR RIBBON WITH 3 DEVICES**
- **OVERSEAS SHORT TOUR RIBBON**
- **AIR FORCE TRAINING RIBBON**
- **INTELLIGENCE FUNCTIONAL BADGE**

Since returning home, Mr. Woolley has reconnected with his agricultural background. He regularly supports the local 4~H program by purchasing pigs at the Wyoming County Fair, paying for them to be processed and then donates the meat to local veterans in need. He enjoys music and literature.

Mr. Woolley is joined this afternoon by his nephews, Connor and Luke Matheis.

The pledge was said by all.

Chairman Berwanger presented the customary certificate of appreciation and a special recognition for helping local Veterans in need by his continued support of the Wyoming County 4~H Animal Project Show and Sale to Mr. Woolley and offered him an opportunity to address the Board. At which time, Mr. Woolley's nephew thanked the Board for the opportunity to lead the pledge...

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

In honor of Veteran's Day, the MIA/POW Ceremony was presented by Asst. Director of Veteran's Services, Robin Kruppa.

COMMUNICATIONS:

None

OPEN PUBLIC HEARING ~

- Public Hearing to close out Round I of the Rural Arts Initiative grant
- "Local Law No. 5, Year 2018 (Introductory E, Year 2018) Entitled, "***A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-C for Fiscal Year 2019***"

#1

RESOLUTION NO. 18-437 (November 13, 2018)

By Mr. Brick, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2018 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2018 accounts as follows:

Information & Technology			
To: 01.34.1681.4.41402 Computers w/01.08.1681.2650 Revenue IT Reason: Sale of equipment on EBay being used to purchase new camera and miscellaneous supplies.	\$1,500.00	\$1,500.00	
Information & Technology Total			\$1,500.00
Treasurer			
To: 01.33.1325.4.40301 Professional Services w/ <i>any funds available</i> Reason: To cover contract increase from \$1,200 to \$2,200.	\$1,000.00	\$1,000.00	
Treasurer Total			\$1,000.00
Historian			
To: 01.46.7510.4.42404 Grant Expense w/01.03.7510.128901 Other Dept. Income Grant Reason: For the <i>Treasurer Hunt Through History</i> Tour	\$1,246.88	\$1,246.88	
Historian Total			\$1,246.88
Human Resource			
To: 01.34.1431.1.10601 Unused Benefit Time 01.34.1431.8.83001 FICA 01.34.1431.8.85001 Medicare-FICA w/ <i>any funds available</i> Reason: To cover shortage for unused benefit time due to L. Nash resignation and to cover FICA and MA-FICA shortage due to additional employees.	\$5,292.39 6,129.00 1,434.00	\$12,855.39	
Human Resource Total			\$12,855.39
Veterans Services			
To: 01.43.6510.1.10001 Salaries-Fixed SchS/D/I 01.43.6510.1.10601 Unused Benefit time 01.43.6510.8.89001 Medical/Hospitalization w/ <i>any funds available</i> Reason: To cover salary and health insurance for two FT employees and unbudgeted unused benefit time for employee who resigned.	\$6,000.00 1,105.36 4,000.00	\$11,105.36	
Veterans Services Total			\$11,105.36
Public Health			
To: 01.38.4011.2.23001 Motor Vehicles w/01.11.4011.340112 PH Environmental Grant w/ <i>any funds available</i> Reason: \$12,820 approved through NYSDOH DWE grant. Remaining \$2,788.34 anticipated from NYSDOH Article 6 State Aid or NYSDOH Year 6 Performance Incentive.	\$15,608.34	\$12,820.00 2,788.34	
To: 01.32.1185.4.40927 Monroe Cty Med Exam w/ <i>any funds available</i> Reason: For contracted autopsy services in excess of budget due to higher volumes.	\$11,837.00	\$11,837.00	
Public Health Total			\$14,625.34

Animal Control			
To: 01.37.3510.1.10001 Salaries – Fixed Sch S/D/I 01.37.3510.4.41212 Veterinary Expense 01.37.3510.4.40803 Building Supplies w/01.09.3510.2705 Gifts & Donations <i>w/any funds available</i> Reason: To cover salary and veterinary expense and a new mat for the entryway.	\$9,000.00 1,500.00 400.00	\$400.00 10,500.00	
Animal Control Total			\$10,900.00
Emergency Services			
From: 12.61.3020.2.22002 Bennington Tower Project w/12.11.3020.3397 State aid Revenue Reason: To reduce appropriation that was initially for the construction of the Bennington Tower. Due to changes, the remainder of the grant funds will be used for Radio Equipment.	(\$142,115.96)	(\$142,115.96)	
To: 01.37.3020.2.20101 Telecomm. Equip. 01.37.3020.2.20101 Telecomm. Equip. w/01.11.3020.3389 Other State Aid 01.11.3020.3389 Other State Aid Reason: To appropriate Statewide Communications Grant funds (2016 & 2017 partial) to cover the cost of radio equipment.	\$142,115.96 300,000.00	\$142,115.96 300,000.00	
Emergency Services Total			\$300,000.00

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle) **Abstain:**
62 (Middlebury)
113 Total

Mr. Granger, T/Castile, Chairman of the Audit Committee, presented bills totaling **\$3,096,028.62** for the month of **October 2018**.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle) **Abstain:**
62 (Middlebury)
113 Total

There was a motion by Mr. Tallman, T/Gainesville, to combine resolutions #3, 4, 6 and 7. Supervisor Becker, T/Sheldon has asked for Resolution Office #5 to be voted on separately. Hearing no objection resolution titles were read.

#3

**RESOLUTION NO. 18-439
(November 13, 2018)**

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

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

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 following contracts on behalf of the County Attorney:

- **Mark H. Dadd Law Office, PLLC**, 166 Main Street, Attica, New York 14011 for legal services to be provided in an amount not to exceed twenty thousand dollars (\$20,000.00) annually; effective January 1, 2019 through December 31, 2019.
- **Jennifer Wilkinson**, 11 Exchange Street, Attica, NY 14011 for legal services to the Wyoming County Department of Social Services at the rate of seventy-five (\$75.00) per hour not to exceed ten thousand dollars (\$10,000.00) annually; effective January 1, 2019 through December 31, 2019.

Contingent upon the availability of funds.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle) **Abstain:**
62 (Middlebury)
113 Total

#4

**RESOLUTION NO. 18-440
(November 13, 2018)**

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

**RESOLUTION CALLING FOR AN INCREASE IN THE SHARE OF REVENUE
COUNTIES RETAIN FOR PROVIDING STATE DMV SERVICES**

WHEREAS, 51 of the 62 New York Counties are mandated by the State to operate a local Department of Motor Vehicles (DMV) Office; and

WHEREAS, County clerks take pride in overseeing and operating this important service on behalf of the State for our residents; and

WHEREAS, This local DMV operation is one of many examples of shared services that counties provide for the state; and

WHEREAS, Under current law, the State of New York takes 87.3 percent of all fees collected from the work performed by the county-operated DMV's; and

WHEREAS, The remaining 12.7 percent county share has not been increased since 1999, yet the amount of work required by the local DMV offices has increased in that same period; and

WHEREAS, Our residents that need to obtain new licenses must understand the difference between traditional licenses, enhanced licenses, and Real IDs, and this education and service has largely been placed on counties with little to no increased funding to achieve this goal; and

WHEREAS, The in-person customer service requests and transactions that take place in a county DMV are increasingly time-consuming and costly, with little or no fee allotted; and

WHEREAS, The Governor and the State Legislature have repeatedly stated that lowering the property tax burden on local residents is a key priority; and

WHEREAS, Increasing the county DMV revenue sharing rate with the state will not result in any increased costs or fees to local residents or taxpayers and will provide counties with needed revenue to continue to provide necessary local government services; and

WHEREAS, There is a clear inequity present when a county DMV provides all the services, including overhead and staffing needs to fulfill these state services, yet the State takes 87.3 percent of the revenue generated from providing these services; and

WHEREAS, The counties recognize the important function of the state DMV in providing both support to counties and resident services; accordingly, any loss in state DMV operational budget that occurs from an increased county revenue should be made whole through the State General Fund; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls on Governor Andrew M. Cuomo and members of the State legislature to require a substantial increase of the county DMV revenue share with the State; and be it

FURTHER RESOLVED, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle) **Abstain:**
62 (Middlebury)
113 Total

#6

**RESOLUTION NO. 18-442
(November 13, 2018)**

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

**RESOLUTION CALLING FOR THE FULL REPEAL OF THE NEW YORK STATE
SCAFFOLD LAW OR REFORM TO INCLUDE A PURE STANDARD OF
COMPARATIVE NEGLIGENCE**

WHEREAS, New York Labor Law §240 and §241, commonly known as the “*Scaffold Law*,” outlines liability for injuries caused by an employee’s fall from a height; and

WHEREAS, The laws impose strict liability on employers and owners of buildings if a worker falls from any height; and

WHEREAS, The law was first imposed in 1885 at a time when worker safety was lacking in New York State and at a time when modern safety equipment and scaffolding techniques did not exist; and

WHEREAS, The Scaffold Law has caused a dramatic increase in construction costs due to higher insurance required for employers in the construction business, causing New York State to have the highest general liability insurance costs in the nation; and

WHEREAS, The Scaffold Law is a boon to personal injury lawyers as half of the 30 largest law suits in the state stem from Scaffold Law issues, and while scaffold related injuries have decreased in the past 20 years, the number of Scaffold Law claims has increased 500 percent; and

WHEREAS, New York is the only state in the country to impose a construction law like the Scaffold Law that imposes strict liability on the employer; further it is one of a very few laws that mandate strict liability in the State of New York; and

WHEREAS, The increase in costs in New York drives away investment in our infrastructure when developers and contractors can get better rates in neighboring states; and

WHEREAS, Not only does the law drive away out-of-state investment in infrastructure, but the lost investment to other states also serves to decrease the number of new construction jobs created every year, making it more difficult for many of New York's skilled laborers to find appropriate employment; and

WHEREAS, This negligence standard under the Scaffold Law would not ban recovery for an injured worker due to their own negligence, but would allow the employer to bring issues with employee culpability to mitigate the damages in cases where the worker's actions contributed to his or her injury; and

WHEREAS, Federal regulations have been enacted that attempt to protect workers from injury due to falls by requiring certain precautions be in place for people working at a height above the ground and allows an outlet for workers concerned about their safety to engage federal review of any worksite for compliance with these regulations; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors is in support of Scaffold Law reform as well as meaningful protection of construction workers; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors supports the full repeal of the Scaffold Law or its modification to include a pure standard of comparative negligence; and be it

FURTHER RESOLVED, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York

1. This Wyoming County Policy applies to all non-bargaining unit employees of Wyoming County.
2. This policy is intended to establish a uniform and fairly administrated system and procedure for market adjustments to the wages and salaries of non-bargaining unit employee working in the various Departments within Wyoming County, and to provide stability and predictability to the budgeting process and to payroll administration.
3. This policy will establish a review window between April 1 through June 30 of each year for the review and possible modification of employee wages and salaries. No wage or salary reviews will be conducted outside this established window without the approval of the Human Resources Director and the Compensation Committee.
4. Each Wyoming County Department head will have the opportunity to make a written submission to the Human Resources Director during the review window as established herein for the review of wages and salaries of specific employees in their respective departments the Department Head believes are deserving of a market adjustment to their wages or salaries. These requests should be based upon all or some of the below listed factors:
 - Comparison to similar employees in similar jobs within Wyoming County.
 - Significant and meaningful changes in the employee's job responsibilities.
 - Salary survey data for similar jobs in other Counties or private industry.
 - An assessment of the employee leaving employment
5. The submitting Department Head and the Human Resources Director will review the supporting information and reasoning for any wage or salary market adjustment and these requests will be submitted in writing accompanied by all the supporting documentation to the Compensation Committee for review and recommendation.
6. The Compensation Committee in conjunction with the Human Resources Director will review each market adjustment as recommended by Department Heads and submit the recommendations of the committee to the Finance Committee of the Wyoming County Board of Supervisors for review.
7. Market adjustments to non-bargaining unit employees made under this procedure will be made on a case – by – case basis and will only become effective after review and approval by the Wyoming County Board of Supervisors.
8. Once a final decision has been made regarding a Wage & Salary market adjustment request The Human Resources Director will be responsible to communicate with the requesting department head on this decision.

Prior to the roll call vote for Resolution #5, Supervisor Becker, T/Sheldon offered the Chairman an explanation as to why he will be voting no to the Election Commissioner reappointments. He explained an incident in the Town of Sheldon whereby he worked with the Board of Elections in a timely and professional manner regarding a resident in his town. After all plans were made, the Supervisor was given an 18-hour timeframe to change everything. He has not received an apology and has lost all faith in the current Commissioners, therefore he will be voting no.

#5

**RESOLUTION NO. 18-441
(November 13, 2018)**

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

HAROLD BUSH REAPPOINTED ELECTION COMMISSIONER (D)

BE IT RESOLVED, That *Harold Bush*, 4579 Miller Road, Silver Springs, NY 14550 is hereby reappointed as Election Commissioner (D) for a two (2) year term; effective January 1, 2019 through December 31, 2020.

Carried: XXX Ayes: 1384 Noes: 102 (Sheldon) Absent: 51 (Eagle) Abstain:
62 (Middlebury)
113 Total

Supervisor Becker, T/Sheldon reiterated his comments relative to resolution #5 for resolution #8.

**Non-Consent
#8**

**RESOLUTION NO. 18-444
(November 13, 2018)**

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

JAMES SCHLICK REAPPOINTED ELECTION COMMISSIONER (R)

FURTHER RESOLVED, That *James Schlick*, 1468 Church Road, Darien, NY 14040 is hereby reappointed as Election Commissioner (R) for a two (2) year term; effective January 1, 2019 through December 31, 2020.

Carried: XXX Ayes: 1365 Noes: 102 (Sheldon) Absent: 51 (Eagle) Abstain:
19 (Genesee Falls) 62 (Middlebury)
121 Total 113 Total

There was a motion by Ms. Grant, T/Bennington, to combine resolutions #9 through #24. Hearing no objection resolution titles were read.

#9

Contingent upon the availability of funds.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle) **Abstain:**
62 (Middlebury)
113 Total

#14

**RESOLUTION NO. 18-450
(November 13, 2018)**

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

**RESOLUTION URGING THE GOVERNOR AND THE NEW YORK STATE
LEGISLATURE TO IMPROVE THE EARLY INTERVENTION PROGRAM TO
BETTER SERVE CHILDREN AND FAMILIES THROUGH REFORMS THAT
ADDRESS THE LACK OF AVAILABLE PROVIDERS IN MANY AREAS
OF THE STATE**

WHEREAS, The Early Intervention Program in New York State is still in need of comprehensive reform in order to address the concerning issue of provider capacity since the transition to State administered provider agreements in April 2013; and

WHEREAS, Counties are responsible to ensure that services developed in an Individualized Family Service Plan (IFSP) begin within a timely fashion, namely 30 days from the date of the authorizing IFSP; and

WHEREAS, Counties must assign providers to a child's IFSP that have current provider agreements with the New York State Bureau of Early Intervention and are listed per county in the New York Early Intervention System (NYEIS) database; and

WHEREAS, The NYEIS database is not maintained in an accurate and timely manner; and

WHEREAS, Providers listed in the NYEIS database are frequently unavailable to service a child due to factors including the area in which the child resides, the provider is only accepting referrals for one or two children enrolled in the Early Intervention Program (EIP) due to other commitments outside of the EIP, provider case load is full and/or the provider no longer works for the EIP although is still listed in the NYEIS; and

WHEREAS, There are many children not receiving the EIP services they are entitled to, and are instead placed on wait lists pending an available provider; and

WHEREAS, Some regions of the state can find no available providers that specialize in certain service categories; and

WHEREAS, The existing number of rendering providers are inadequate to meet the needs of the currently enrolled EIP children and their families; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls upon the Governor and New York State Legislature to consider reforms to the Early Intervention Program to ensure sufficient provider capacity is available and that counties will be held harmless for any delays due to a lack of adequate and timely availability of providers; and be it

FURTHER RESOLVED, The State Department of Health should consider other models of service delivery options for counties to utilize, including telemedicine, primary medicine and routine-based intervention to address the lack of available providers in many areas of the state; and be it

FURTHER RESOLVED, The State must ensure the NYEIS database is maintained for accuracy; and be it

FURTHER RESOLVED, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle)
62 (Middlebury)
113 Total **Abstain:**

#15

**RESOLUTION NO. 18-451
(November 13, 2018)**

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

**RESOLUTION URGING THE DEPARTMENT OF HEALTH AND THE DIVISION OF
BUDGET TO REQUIRE PROVIDERS TO MAXIMIZE REIMBURSEMENT FROM
ALL THIRD-PARTY PAYERS**

WHEREAS, Prior to 2013, counties funded 100% of the cost of the state's Early Intervention Program and then sought reimbursement beginning in the following county fiscal year as required under state law; and

WHEREAS, New York State implemented a State Fiscal Agent administrative model in April 2013 that centralized billing and contracting at the state level, rather than at the county level; and

WHEREAS, There is little evidence that the centralization of provider agreements and billing, through the statewide fiscal agent model has improved the overall rate of collections from third party private insurance or Medicaid; and

WHEREAS, The State Fiscal Agent used their own administrative and reimbursement information technology system to collect funds from counties and make payments to providers

due to limitations with the New York State Department of Health's Early Intervention System (NYEIS); and

WHEREAS, Due to the lack of oversight by the State Fiscal Agent, problems have arisen related to the lack of follow through by some service providers; and

WHEREAS, Any extensive delay in providing such information can result in a denial by the insurance company due to untimely filing, causing these claims to fall to the state and counties, forcing both to pay more than they should under the law; and

WHEREAS, We continue to support legislative and administrative proposals from the Governor that prioritize and require the State to enforce current insurance regulations regarding payment of Early Intervention service claims in an attempt to increase commercial insurance collections; and

WHEREAS, The State has implemented health insurance benefit changes in its Child Health Plus program that will likely reduce third party billing opportunities, resulting in higher costs for counties in the Early Intervention Program; and

WHEREAS, Under the statewide fiscal agent model, counties remain concerned about program integrity efforts pursued by the fiscal agent and the Department of Health (DOH) through audits, and believe that third party collections are not being maximized; and

WHEREAS, While counties have been advised by DOH that counties can pursue their own audits and collections to ensure program integrity, counties have no effective mechanism under the law, or leverage with providers, to recoup any audit findings as counties do not hold the provider contracts or have the ability to withhold payments as a way to recoup funds; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls on the Governor and the State of New York to implement policies and procedures to ensure that provider claims are filed in a timely manner to commercial insurance providers and Medicaid; and be it

FURTHER RESOLVED, That the State require all providers to enroll in 835 electronic remits and execute timely filing requirements; and be it

FURTHER RESOLVED, The State Fiscal Agent must implement systematic changes to the billing system to track claims and ensure providers exhaust all appeals in a timely manner before moving on to the next payer of record; and be it

FURTHER RESOLVED, The State should carefully review all benefit changes in state-supported public health insurance programs such as Medicaid and Child Health Plus to ensure new costs are not shifted to county public health programs when current benefits are eliminated or modified; and be it

RESOLUTION IN SUPPORT OF CONTINUING EFFORTS BETWEEN LOCAL DEPARTMENTS OF SOCIAL SERVICES AND THE OFFICE OF CHILDREN AND FAMILIES SERVICES TO FIND A SOLUTION THAT ENSURES COUNTIES NOT LOCATED NEAR THE TRAINING CENTER, ESPECIALLY IN WESTERN NEW YORK, ARE NOT ADVERSELY IMPACTED BY TRAVEL AND COST CONSTRAINTS

WHEREAS, The State and local departments of social services have been working together to update and modernize state training initiatives; and

WHEREAS, Counties appreciate the open dialogue and communication during this process; and

WHEREAS, Counties supported the decision to move to a more consolidated training system and to update the curriculum; and

WHEREAS, Even with this open communication it has become apparent that counties not located near the new training center will face significant transportation and cost challenges to process new staff through the training in the required 90 days; and

WHEREAS, Counties are also concerned about the preparedness of the State to handle the rush of training upon opening the new facility; and

WHEREAS, The new training regimen will require more travel and time away from home, which is making recruitment more difficult; and

WHEREAS, Counties believe some temporary training options, such as using existing trainers within the counties or at local community colleges and the expanded use of internet-based learning, can be successfully utilized during the transition; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls upon the Office of Children and Family Services, to continue to work with local departments of social services on a transitional training program that allows for a temporary training system in western New York to be led by qualified county staff in this region; and be it

FURTHER RESOLVED, That copies of this resolution be forwarded to the Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the State Department of Health, New York State Association of Counties and all others deemed necessary and proper.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle)
62 (Middlebury)
113 Total **Abstain:**

#23

**RESOLUTION NO. 18-459
(November 13, 2018)**

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

RESOLUTION URGING THE STATE TO CLARIFY ITS HOMELESSNESS PREVENTION GOALS BY MAKING PERMANENT HOUSING THE CENTRAL FOCUS, WHILE DEVELOPING A MORE EFFECTIVE EMERGENCY SHELTER MODEL

WHEREAS, Homelessness continues to be a major concern across the state; and

WHEREAS, The Governor continues to prioritize finding solutions for the homeless and affordable housing problems across the state; and

WHEREAS, While this commitment by the Governor is welcomed, there are still significant shortfalls in affordable housing and state and federal financial resources in many communities regarding emergency shelter; and

WHEREAS, Counties have a long-standing commitment to serve vulnerable children and adults in our communities; and

WHEREAS, The needs of those seeking emergency shelter continues to evolve with many having challenging family dynamics; and

WHEREAS, Regardless of family size and demographics, many of those facing homelessness or seeking emergency shelter can have challenging medical needs, mental health and substance abuse issues, some are registered sex offenders, and still others are state prison parolees or on probation, with some facing several of these challenges at the same time; and

WHEREAS, Local social service districts focus scarce resources on achieving permanent housing, preventing homelessness and providing temporary placement; and

WHEREAS, Counties maintain that preventing homelessness in the first place is the best way to keep families safe and secure; and

WHEREAS, Significant state funding cuts in a wide array of social service programs over the last decade in conjunction with the state-imposed property tax cap has restricted counties' ability to pursue more aggressive prevention efforts that can reduce homelessness in the first instance; and

WHEREAS, Counties agree that providing safe, secure and sanitary emergency shelter is critically important; and

WHEREAS, Recent state directives, emergency rulemaking and data requests that focus on safety and security in emergency and temporary shelter situations are causing significant administrative burdens for counties without providing any additional financial support from the state to assist and comply with these demands, even though the state has increased its own staff significantly; and

WHEREAS, The new administrative needs are drawing resources away from service that are targeted to prevent homelessness in the first place and provide stability for families at risk; and

WHEREAS, Counties maintain that while it is important to provide help in a crisis, it is better policy to maintain stability and prevent emergencies by providing sufficient resources up front; and

WHEREAS, State policies are directing excessive attention on inspections of motels, hotels, and shelters beyond what is required in state law to ensure health and safety, as well as conflict with inspections from the State Comptroller and local codes; and

WHEREAS, These increased state inspections are steering emergency shelter policy toward higher cost shelter options that do not currently exist in most counties in sufficient numbers, if at all; and

WHEREAS, Counties believe there is insufficient OTDA inspection training and a lack of clarity on inspection procedures; and

WHEREAS, The Governor has emphasized certain emergency homelessness measures to address public safety and health concerns such as the “Code Blue” initiative; and

WHEREAS, This special focus in cold winter months is creating unintended consequences because they are promulgated under different rules that do not require visitors to follow local and state social service district eligibility rules designed to help them overcome barriers (such as drug and alcohol abuse, mental health treatment and employment), which impede their ability over the long term to achieve permanent housing and stability; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls on the Governor and State Legislature to make permanency the central focus of statewide homelessness policy; and be it

FURTHER RESOLVED, The State should coordinate a timely transition to supportive housing for the highest need individuals with mental health and substance abuse issues in collaboration with OTDA, other state agencies, and local social services districts; especially those that have been repeatedly homeless and in need of supportive placements overseen by OMH and OASAS; and be it

FURTHER RESOLVED, The State should target funding to counties that allows them to work with community partners to develop service models that achieve permanency through innovative and flexible approaches that meet local needs; and be it

FURTHER RESOLVED, The State should work with counties in developing a public education campaign to ensure the public better understands the plight of families and individuals struggling with homelessness and how everyone can benefit by helping them achieve stable housing in our communities; and be it

WHEREAS, policies have evolved such that the local DSS role is shrinking in terms of eligibility determinations, but simultaneously increasing in terms of home care assessments and responsibilities, and the other areas outlined above; and

WHEREAS, capped reimbursement with minimal relief from administering the State's Medicaid program creates significant fiscal and liability concerns for counties and is counterproductive in the current property tax cap environment; and

WHEREAS, counties also struggle with administering all other human services programs mandated by the State, especially since State financial support for local social service district administrative costs was essentially eliminated many years ago to help balance state budget shortfalls; and

WHEREAS, the State Legislature has also passed legislation that will dramatically increase local district costs by requiring caseload caps for child welfare services without providing any additional state resources to support these actions; now therefore

BE IT RESOLVED, That until the state Medicaid administrative takeover is complete we urge the Governor and Legislature to hold county property taxpayers harmless by maintaining the state funding level of the current Medicaid administration cap, continuing to prioritize state resources within the Office of Health Insurance Programs to facilitate the transition and preventing any shifting of costs if the state falls short in its attempt to takeover local Medicaid administrative functions; and be it

FURTHER RESOLVED, The State should not reduce counties' Medicaid administrative funding caps without a verifiable and commensurate reduction in local administrative responsibilities to avoid cost shifts; and no district shall be required to perform Medicaid functions unless performance of those functions is cost and liability neutral to the district; and be it

FURTHER RESOLVED, The Department of Health should continue to provide specific time frames to counties and New York City to ease the transition of personnel currently associated with the Medicaid program on the local level; and be it

FURTHER RESOLVED, The State should abstain from enacting new caseload staffing requirements and administrative edicts on local social service districts until such time that they fully fund these initiatives; and be it

FURTHER RESOLVED, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the New York State Department of Health, New York State Association of Counties and all others deemed necessary and proper.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle)
62 (Middlebury)
113 Total **Abstain:**

After the roll call vote was taken, Chairman Berwanger invited Supervisor Grant, T/Bennington to the podium for the presentation of the Family Caregivers' Month and Adoption Awareness Month proclamations. Director of Aging and Youth, Andrea Aldinger was invited to join Supervisor Grant to receive the Family Caregivers' Month proclamation. Jamie McGrath, Alzheimer's Coordinator and Tess Phillips, Deputy Director were introduced as primary contacts for the Wyoming County program. Director Aldinger also introduced her mom, who sat in the gallery for today's meeting...

Supervisor Grant spoke of a conversation she had this morning with Maryann Kelly whose father, a past Chairman of the Board, and whose widow is now 92 years old, and how important services are in keeping seniors in their homes.

Supervisor Grant then invited Commissioner of Social Services, Kimberly Barber to the podium to receive the Adoption Awareness Month proclamation. Commissioner Barber announced that, thankfully, our foster children numbers have been reduced earlier this month through adoptions. In addition, she thanked the Board of Supervisors for their continued support of the department.

There was a motion by Mrs. Ryan, T/Warsaw, to combine resolutions #25 through #39. Hearing no objection resolution titles were read.

#25

**RESOLUTION NO. 18-461
(November 13, 2018)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
LIVING OPPORTUNITIES OF DEPAUL ON BEHALF OF MENTAL HEALTH**

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 *Living Opportunities of DePaul*, 2240 Old Union Road, Cheektowaga, NY 14227 on behalf of Mental Health. Said contract is for residential programs in an amount not to exceed three hundred forty-seven thousand three hundred eighty dollars (\$347,380.00); effective January 1, 2019 through December 31, 2019.

Contingent upon the availability of funds.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle) **Abstain:**
62 (Middlebury)
113 Total

#26

**RESOLUTION NO. 18-462
(November 13, 2018)**

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

WHEREAS, A New England Journal of Medicine study found that in the first two weeks after release, former inmates with an opioid use disorder were 12.7 times more likely than other individuals to die of an overdose; and

WHEREAS, New York State's own analysis of the costs and benefits of jail-based SUD treatment found these services save taxpayers \$2,170 in criminal justice costs and victims \$676 per person, for a total impact of \$2,846 saved for each person served, as well as a reduction of 13 victimizations per 100 people served; and

WHEREAS, In the property tax cap era, a dedicated State funding stream to counties is desperately needed to provide SUD treatment services in the jails, including screening and assessment at entry, education and counseling services, peer support, medication assisted treatment and discharge planning to continue treatment post-incarceration; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls on the Governor and the Office of Alcoholism and Substance Abuse Services to establish a recurring appropriation without jeopardizing existing funding for community based services in the Governor's proposed 2019-20 Executive Budget for the establishment of permanent jail-based SUD treatment and transition services programs in every county correctional facility, therefore providing the local governments with the resources necessary to address the existing gap in the SUD treatment continuum and support efforts to reduce the human cost of the heroin/opioid epidemic on New Yorkers, while also reducing recidivism and victimization; and be it

FURTHER RESOLVED, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the Office of Alcoholism and Substance Abuse Services, New York State Association of Counties and all others deemed necessary and proper.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle) **Abstain:**
62 (Middlebury)
113 Total

#36

**RESOLUTION NO. 18-472
(November 13, 2018)**

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

**CHAIRMAN/COMMISSIONER OF HEALTH AUTHORIZED TO AWARD BID AND
SIGN A CONTRACT WITH SPURR CHEVROLET, INC. ON BEHALF OF
COUNTY HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health, 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 *Spurr Chevrolet, Inc.*, 6325 Brockport-Spencer Road, Brockport, NY 14420 on behalf of County Health Department. Said contract is for the purchase of a new mid-size, front wheel drive, four-door sedan in an amount not to

WHEREAS, The public health workforce employed within local health departments are first responders, working at the forefront of communities during times of need and when emerging health issues occur; and

WHEREAS, Local health departments have not received an increase in core public health aid in more than six years, nor have they received adequate compensation needed to respond to emerging health issues; and

WHEREAS, State Budget appropriations for public health spending have been reduced year after year and new funding streams for emergency response activities are frequently accompanied by stringent federal spending or supplanting restrictions, which impacts how funds can be utilized and reduces flexibility to respond to local community need; and

WHEREAS, The public health workforce is central to New York State's public health infrastructure, yet it is dwindling due to public-sector budget restraints, competition, shortages of workers who are approaching retirement, ability to recruit new workers in all areas throughout the state, all of these factors culminate in significant workforce retention challenges; and

WHEREAS, New York State does not allow local health departments to recover any of its necessary or fringe expenses for local health department personnel under Article 6; and

WHEREAS, Now is the time for a call to action to reinvest in public health and safety infrastructure in New York State through bolstered funding of Article 6, Public Health Law and to demonstrate the State's commitment to public health preparedness and safety measures aimed to protect residents in New York State; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls on the Governor to call to action and reinvest within the 201920 Executive Budget by restoring COLA and expanding Article 6 State Aid for General Public Health Work base grants and reimbursement rates in the following ways:

1. Fully restore the COLA for DOH programs which was removed in the 2018-2019 State Budget;
2. Allow reimbursement of fringe expenses under Article 6 State Aid Appropriation;
3. Increase base grants to ensure public health services are eligible for full reimbursement of local expenditures:
 - a. Increase the base grant to Full Service LHDs (i.e. those with environmental health units) from \$650,000 to \$750,000;
 - b. Increase the base grant to Partial Service LHDs (i.e. those without environmental health units) from \$500,000 to \$550,000;
 - c. Increase the per capita rate for the largest counties from 65 cents per resident to \$1.30;
 - d. Increase the beyond-base-grant state aid reimbursement rate from 36% to 40%.
4. Provide 100% reimbursement for the first full year of any new and/or significantly expanded mandates emerging from law, rule or regulation;
5. Allow local health departments the increased flexibility in funding to respond to public health community needs; and

medication and drug abuse, lethal activities, and to alert the appropriate county agencies and the public of these dangers; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls upon Governor Andrew M. Cuomo and the State Legislature to restore direct state funding for unattended death investigations; and be it

FURTHER RESOLVED, That local health departments should be allocated additional funding in ways which allow for discretion and flexibility in addressing local public health priorities, such as the growing opioid and heroin epidemic; and

FURTHER RESOLVED, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle) **Abstain:**
62 (Middlebury)
113 Total

There was a motion by Mr. Kehl, T/Attica, to combine resolutions #40 through #42. Hearing no objection resolution titles were read.

Prior to the roll call vote, Chairman Berwanger commented that considering that the Dairy Industry is one of the largest industries in Wyoming County and two of these resolutions have to do with milk and milk pricing, it would be a good idea for the Board to support both...

#40

**RESOLUTION NO. 18-476
(November 13, 2018)**

By Mr. Kehl, Chairman of the Agriculture Committee:

**RESOLUTION CALLING FOR INCREASED STATE SUPPORT FOR CORNELL
COOPERATIVE EXTENSION COUNTY ASSOCIATIONS IN THE
STATE OF NEW YORK**

WHEREAS, Cornell Cooperative Extension (CCE) is a formal collaboration between the National Institute of Food and Agriculture at USDA, New York State, county governments, and the citizens of New York State that has served to apply unbiased, research-based knowledge from Cornell, New York's Land Grant University, to the needs of New Yorkers and their communities for over 100 years; and

WHEREAS, Local CCE educators are key community partners in helping to implement state initiatives, including: maximizing agriculture and local food systems; strengthening the economy; promoting healthier eating habits and access to good nutrition; fighting poverty, particularly in rural areas; protecting water quality and stewardship of New York's natural resources; building opportunity through STEM-based youth education and leadership skills in 4-

WHEREAS, The Healthy, Hunger-Free Kids Act of 2010 required the USDA to update federal nutrition standards for schools including restricting schools to offer only fat-free or 1% milk; and

WHEREAS, According to USDA statistics, student lunch participation has decreased in 49 states under the 2010 standards and, in just the first two years after low-fat flavored milk was removed from the school lunch program, 1.1 million fewer school students drank milk with their lunch; and

WHEREAS, Strict limits on calories, fat, sugar, carbohydrates, sodium and other aspects of the federal school lunch regulations for schools participating in the free and reduced lunch program has increased cafeteria costs at the same time as a drastic drop has occurred in the number of participating students; and

WHEREAS, The School Milk Nutrition Act of 2017 looks to reverse this trend and allow schools to offer low-fat and fat-free milk, including flavored milk with no more than 150 calories per 8-ounce serving, to participants in the federal school lunch and breakfast programs and allows individual schools and school districts to determine which milk fat varieties to offer their students; and

WHEREAS, According to U.S. Secretary of Agriculture Sonny Perdue, milk is a key component of school meals, meaning schools must have more options for students who select milk as part of their lunch or breakfast; and

WHEREAS, Secretary Perdue has directed the USDA to begin the regulatory process for schools to serve one percent flavored milk through the school meals programs; and

WHEREAS, Increasing milk consumption through the National School Lunch Program is not only beneficial to our youth but also supportive of our state's dairy industry; and

WHEREAS, NYSAC recognizes the importance of its leadership role at the county level and influence of state government and commits to assist in formulating policy that address our societal issues; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors supports legislation that promotes milk consumption in our schools; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisor supports the elimination of restrictive policies at the state and federal level that unduly discourage the consumption of milk in our school lunch program; and be it

FURTHER RESOLVED, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

WHEREAS, The mental challenges to dairy farmers and farm families, along with other factors, such as hazardous working conditions, fluctuating labor needs, and unpredictable weather conditions, exacerbate the crisis for humans involved in this industry; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby calls on the State to support the development of a state-sponsored New York price supplemental program or margin protection program that addresses low milk prices for our dairy farmers when the cost of production exceeds the income from sales; and be it

FURTHER RESOLVED, That the State should identify a dedicated funding source for this program; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors is committed to educating local, county, state and federal governmental officials of the issues facing our dairy industry and seek their engagement in becoming part of the solution; and be it

FURTHER RESOLVED, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle) **Abstain:**
62 (Middlebury)
113 Total

There was a motion by Mr. Davis, T/Covington, to combine resolutions #43 through #49. Hearing no objection resolution titles were read.

#43

**RESOLUTION NO. 18-479
(November 13, 2018)**

By Mr. Davis, Vice-Chairman of the Planning Committee:

**RESOLUTION TO PUBLICLY DISCLOSE A CONFLICT OF INTEREST ARISING
OUT OF AN APPLICATION FOR COMMUNITY DEVELOPMENT
BLOCK GRANT FUNDING**

WHEREAS, Wyoming County, New York (the “County”) is the recipient of New York State administered grants through the Community Development Block Grant (CDBG) Program (the “CDBG Grants”); and

WHEREAS, The Wyoming County Business Assistance Corporation (“WCBAC”) administers the CDBG Grants on behalf of the County for the purpose of providing assistance to businesses within the County; and

WHEREAS, Restrictive legislation passed in 2008 prevents IDAs from providing loans, grants, or civic activity bonds; and

WHEREAS, The 2008 legislation had a negative impact on New York State by limiting capital that could be invested to develop infrastructure, create jobs, provide early stage seed funding, create workforce development programs, and increase downtown revitalization; and

WHEREAS, Several IDAs have reserves that could be directly invested in local communities to stimulate economic growth; and

WHEREAS, IDAs worked collaboratively with the Office of the State Comptroller (OSC) on groundbreaking legislation in 2016 to improve reporting, transparency, and accountability; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors supports legislation authorizing IDAs to provide loans and grants within their regions to create jobs, leverage private investment, and improve the economic climate and quality of life across New York State; and be it

FURTHER RESOLVED, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle) **Abstain:**
62 (Middlebury)
113 Total

#45

**RESOLUTION NO. 18-481
(November 13, 2018)**

By Mr. Davis, Vice-Chairman of the Planning Committee:

RESOLUTION SUPPORTING INVESTMENTS IN SHOVEL-READY/MARKET-READY SITES TO MAKE NEW YORK MORE COMPETITIVE FOR ECONOMIC DEVELOPMENT PROJECTS

WHEREAS, New York State has the opportunity to compete for large-scale, job-creating projects with other sites around the globe; and

WHEREAS, The “time to market” for an economic development project is longer in New York State than most competing areas; and

WHEREAS, economic development sites lack access to necessary infrastructure, be it water, sewer, roads, or utilities, as compared to other competing sites; and

effectively restrict the amounts and kinds of recycling exports from the United States to China; and

WHEREAS, These restrictive international policies are causing the cost of disposal of recycled materials to municipalities to increase to a point where the cost of disposing of recycled materials have exceeded and are now approaching our tipping fees for regular trash; and

WHEREAS, These world events are causing unsustainable increases in the cost of recycling material disposal for municipalities; and

WHEREAS, The worldwide commodity situation for recycled materials is unlikely to change in short-term; and

WHEREAS, The disposal of recycled materials previously provided municipalities a small revenue stream, but current events now make their disposal a growing cost to municipalities; and

WHEREAS, Raising tip fees and other costs associated with recycling often has detrimental environmental effects such as “dumping” on both private and public lands; now therefore

BE IT FURTHER RESOLVED, That the Wyoming County Board of Supervisors herby supports recycling and encourages all parties to collaboratively work together to protect, promote, and preserve the ability to effectively recycle; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors herby calls on Governor, the Legislature, and any relevant executive departments to re-evaluate current laws, policies, and administrative interpretations to preserve the ability to recycle; and

FURTHER RESOLVED, That the Wyoming County Board of Supervisors requests New York State to provide assistance to local governments who are affected by this international policy, so they can better educate and serve their citizens; and be it

FURTHER RESOLVED, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the New York State Department of Environmental Conservation and the New York State Association of Counties and all others deemed necessary and proper.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle) **Abstain:**
62 (Middlebury)
113 Total

After the roll call vote of resolution numbers 43 through 49, Chairman Berwanger invited Vice-Chairman Davis, T/Covington to the podium to present the Chamber of Commerce with the Small Business Saturday proclamation. President and CEO, Scott Gardner joined Supervisor

Davis at the podium... Chamber President, S. Gardner very graciously accepted the proclamation and reminded everyone to shop local!!

PUBLIC HEARING ~

- *Comment Period*
 - *No requests to speak have been submitted*

CLOSE PUBLIC HEARING ~

Motion to close the Public Hearing was made by Supervisor Ryan, T/Warsaw. Seconded by Supervisor Brick, T/Perry. Carried.

Chairman Berwanger confirmed with the Board Clerk that the above action satisfies the criteria for the Rural Arts Initiative close out public hearing. By wink of the Business Assistance Center, Exec. Director J. Pierce, the criteria has been satisfied.

There was a motion by Mr. Copeland, T/Wethersfield, to combine resolutions #50 through #63. Hearing no objection resolution titles were read.

#50

RESOLUTION NO. 18-486 (November 13, 2018)

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

CHAIRMAN AUTHORIZED TO SIGN VARIOUS GRANT ACCEPTANCE AWARDS ON BEHALF OF THE SHERIFF'S DEPARTMENT

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is authorized to sign the following grant acceptance awards on behalf of the Sheriff's Department:

- *New York State Department of Homeland Security*, 1220 Washington Avenue Albany NY 12242 for the funding of law enforcement terrorism prevention activities in a minimum amount of seventeen thousand four hundred ninety-five dollars (\$17,495.00); effective September 1, 2018 through August 31, 2021.
- *US Department of Justice*, 4th Floor, 810 Seventh Street NW, Washington, DC 20531
 - For the funding of bulletproof vests in a minimum amount of two thousand four hundred (\$2,400.00); effective August 1, 2018 through July 31, 2020.
 - For the funding of bulletproof vests in a minimum amount of three thousand eight hundred thirty-three dollars and forty-five cents (\$3,833.45); effective October 1, 2017 through September 30, 2019.

Carried: XXX Ayes: 1486 Noes: Absent: 51 (Eagle) Abstain:
62 (Middlebury)

**RESOLUTION NO. 18-487
(November 13, 2018)**

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

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE
SHERIFF’S DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board, pursuant to General Municipal Law §104(b) and with the approval of the County Attorney, is hereby authorized and directed to sign the following contracts on behalf of the Sheriff’s Department:

- *New York State Unified Court System*; 8th Judicial District 92 Franklin St Buffalo, NY 14202 to provide court security for County, Family and Supreme courts in an amount not to exceed three hundred seventy-three thousand four hundred sixty-three dollars (\$373,463.00); effective April 1, 2018 through March 31, 2019. *Revenue Contract*
- *County of Monroe*, Regional Crime Laboratory 85 West Broad Street Rochester, NY 14614 to provide forensic laboratory services in an amount not to exceed forty-two thousand three hundred eleven dollars (\$42,311.00); effective January 1, 2018 through December 31, 2018.

Contingent upon the availability of funds.

Carried: XXX	Ayes: 1486	Noes:	Absent: 51 (Eagle)	Abstain:
			62 (Middlebury)	
			113 Total	

**RESOLUTION NO. 18-488
(November 13, 2018)**

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

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE
AWARD WITH THE NEW YORK STATE DEPARTMENT OF DIVISION OF
CRIMINAL JUSTICE SERVICES ON BEHALF OF THE SHERIFF’S DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is authorized to sign a grant application and acceptance award with the *New York State Division of Criminal Justice Services Office of Program Development and Funding*, 80 South Swan Street, Albany, New York, 12210 on behalf of the Sheriff’s Department. Said grant is for the funding of a School Resource Officer at Attica and Letchworth Central School Districts in a minimum amount of sixty-two thousand five hundred dollars (\$62,500.00); effective April 1,

**RESOLUTION NO. 18-491
(November 13, 2018)**

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

**RESOLUTION CALLING ON THE STATE TO COVER ALL EXPENSES IF
CASHLESS BAIL IS ENACTED IN 2019 AND BEYOND**

WHEREAS, New York Counties provide and pay for the majority of criminal justice services to our State’s residents; and

WHEREAS, among other services, New York county governments provide critical public safety functions, prosecute crimes, incarcerate those guilty of crimes, provide legal defense services, and deliver rehabilitation services, mental health support, and probation needs; and

WHEREAS, recently State Legislative leaders and the Governor have stated reforming the criminal justice system is a worthy and needed goal; and

WHEREAS, in 2018 numerous bills were introduced in efforts to reform our criminal justice system, including proposals to change the State’s bail system; and

WHEREAS, under current law, judges place monetary bail levels based on the “risk of flight” of the accused surrounding the facts of the case; and

WHEREAS, to combat inequities this type of system may cause to those with less fiscal means, states such as California have recently enacted what is known as “cashless bail”; and

WHEREAS, a cashless bail system would mean the accused is released from jail either on their own recognizance or with non-monetary conditions imposed by the court, such as reporting to a “pretrial services agency”; and

WHEREAS, New York State legislative leaders and the Governor have suggested a cashless bail system will be strongly considered in the 2019 legislative session; and

WHEREAS, reform efforts must include costs met by the State and not placed on counties and local taxpayers; and

WHEREAS, New York counties have been supportive of criminal justice changes such as raising the criminal age in New York, however, as this program has proven, there are many direct and indirect costs to counties when implementing this type of reform; and

WHEREAS, a cashless bail system will require county expenditures such as “pretrial

RESOLUTION CALLING ON THE GOVERNOR AND STATE LEGISLATURE TO INCREASE THE NEW YORK STATE INCOME TAX CREDIT FOR VOLUNTEER FIREFIGHTERS AND EMS WORKERS

WHEREAS, New York State counties and their communities rely heavily on a dedicated cadre of volunteer firefighters and EMS workers for emergency response; and

WHEREAS, Financial incentives, in the form of income tax credits for volunteers, provide volunteer fire departments and EMS agencies the ability to better recruit and retain volunteers; and

WHEREAS, New York State implemented an annual \$200 income tax credit for qualifying volunteer firefighters and EMS workers in 2007; however, the level of credit has remained unchanged and has become inadequate as volunteer numbers continue to decline; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls on the Governor and State Legislature to support legislation that provides an increase to the Volunteer Firefighter and EMS Worker State Income Tax Credit to \$500 annually; and be it

FURTHER RESOLVED, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle) **Abstain:**
62 (Middlebury)
113 Total

#59

**RESOLUTION NO. 18-495
(November 13, 2018)**

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

RESOLUTION CALLING FOR AN INCREASE IN FLEXIBILITY FOR LOCAL GOVERNMENTS TO PROVIDE NEEDED EMS SERVICES

WHEREAS, Counties with rural populations have been exploring the potential benefits of creating and operating county-wide emergency medical services (EMS); and

WHEREAS, Currently only a town board or village board may create such a district and may only establish a joint district to provide EMS services when the territory is contiguous; and

WHEREAS, This restriction creates difficulty for districts in rural communities or those with unique geography such as waterways or mountains, as transportation networks can be limited and response times unavoidably delayed; and

WHEREAS, Maintaining and improving 9-1-1 systems to ensure the highest operational efficiency, ease of use, accurate GPS location capability and ability to accept multiple data formats requires the full commitment of available resources; and

WHEREAS, In 1989, New York State enacted the Enhanced Emergency Telephone System Surcharge Law, that imposed a monthly fee on landline telephones; and

WHEREAS, In 1991, New York State expanded this law to add a fee for all cellular telephones in the state; and

WHEREAS, These fees were intended by the law to be used to support landline and wireless 9-1-1 emergency systems; and

WHEREAS, The State Legislature and numerous Governors authorized the diversion of these 9-1-1 fees and revenues for non-related purposes; and

WHEREAS, Over time, more and more of these funds were diverted; and

WHEREAS, Today, the State Legislature and Governor divert nearly 63 percent of the cellular surcharges raised for non-9-1-1 purposes; and

WHEREAS, Since 2008, the New York State Association of Counties (NYSAC) estimates that of the \$2.1 billion in revenue raised through cellular surcharges, over \$1.4 billion has been used for purposes other than 9-1-1 systems; and

WHEREAS, Federal administrators and members of congress have raised concerns for over a decade that New York State, and a handful of others, have diverted fees and revenues raised for maintaining and upgrading 9-1-1 systems to unrelated purposes; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors supports federal legislation H.R. 6424 that would no longer allow states to divert surcharges originally intended to support 9-1-1 systems to other purposes; and be it

FURTHER RESOLVED, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle) **Abstain:**
62 (Middlebury)
113 Total

#62

**RESOLUTION NO. 18-498
(November 13, 2018)**

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

**RESOLUTION CALLING ON THE STATE OF NEW YORK TO FULLY REIMBURSE
COUNTIES FOR DISTRICT ATTORNEY SALARY INCREASES THAT ARE SET
AND CONTROLLED BY THE STATE**

WHEREAS, On December 24, 2015, the New York State Commission on Legislative, Judicial, and Executive Compensation voted to recommend increasing all state judge salaries in 2016 and 2018; and

WHEREAS, The recommended increase placed Supreme Court judges' salaries at \$193,000 in 2016 and approximately \$207,000 in 2018 and placed County Court Judges at 95% of a Supreme Court Justice's salary; and

WHEREAS, On April 1, 2016, the State approved the Commission's recommendation; and

WHEREAS, New York State Judiciary Law Section 183-a links judicial salaries to county District Attorney (DA) salaries, requiring them to be equal or higher than either the County Court judge or Supreme Court judge in a county, depending on county size and full-time or part-time status; and

WHEREAS, Historically, for over 50 years, the state has fully funded all District Attorney salary increases that they imposed on the counties; and

WHEREAS, The District Attorneys Association of the State of New York (DAASNY), recognizing the automatic nature of these increases and its effect on local county budgets, and further to support the counties' position, requested in correspondences with state officials that the state fund this salary increase; and

WHEREAS, In 2016 and 2017 the State Legislature enacted separate \$150 billion state budgets but did not include state funding for the \$1.6 million in costs for the increase in District Attorney salaries, which grew further in 2018; and

WHEREAS, The state has been careful over the past few years to avoid shifting costs to the local tax base, mindful of the impact locally with the state-imposed property tax cap; and

WHEREAS, The Governor and State Legislature have recognized that lowering property taxes is a priority to ensure a healthy Upstate New York economy; and

WHEREAS, For some counties, the D.A. salary increase represented approximately one-third of their total allowable property tax growth for all government operation in 2016 and 2017; and

WHEREAS, In 2018; this annual unfunded mandate will increase significantly as Judicial salaries, and the District Attorney salary tied to them, will be required to increase approximately \$10,000 more; now therefore

WHEREAS, Structural changes to raising the age of criminal responsibility will require a significant investment in services based on a children and families social services model and a significant recalibration of the treatment of impacted youth and their families in the court, juvenile justice and educational systems; and

WHEREAS, The human services-based models will require the need for enhanced job-training skills, significant engagement of the education system before youth need intervention, transportation supports, drug and alcohol treatment, family and individual counseling, remedial and vocational education for youth and adults, coordinated mental hygiene services, case management, and an increase in trained foster parents with skills to care for and provide guidance to older troubled youth, and other interventions resulting in higher expenses; and

WHEREAS, The law includes significant reforms to and places new mandates on public safety, probation and county legal departments; and

WHEREAS, There are significant changes required under the law to the criminal justice system for youth requiring a fundamental realignment of court jurisdiction: training of judges, prosecutors, defense attorneys, and numerous other activities that are under the control of the Judicial Branch of New York State government; and

WHEREAS, The release of draft regulations for the construction of specialized secure detention facilities was done after most counties completed their budget process for 2018; and

WHEREAS, Available guidance on building these facilities was provided under an extremely short timeline considering requirements counties must follow under New York State procurement law and New York State County law; and

WHEREAS, While counties are working diligently with the State on these construction plans, the draft regulations did not provide for any streamlining of state procurement laws and rules; and

WHEREAS, Beyond the need for counties to show that they have built their own specialized secure detention beds, or secured bed availability through other counties, many regions of the state continue to struggle with ensuring they have adequate capacity to provide the type and quantity of necessary services to affected youth and their families in their local communities; and

WHEREAS, Numerous questions related to the new legal and judicial requirements remain open; and

WHEREAS, Counties appreciate the strong outreach by the Governor's Office and state agencies in coordination with county officials and others that will implement the law, yet remain concerned with the process and implementation; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls on the State of New York to fully cover all new costs associated with changing the age of criminal

responsibility for counties and New York City to avoid the imposition of a new unfunded mandate on local taxpayers; and be it

FURTHER RESOLVED, The State should decouple the requirement that counties adhere to the property tax cap in order to be eligible for full state reimbursement related to new costs incurred by the law; and be it

FURTHER RESOLVED, The State should consider removing fiscal caps for foster care and youth detention as part of this age of criminal responsibility reform, as well as restore the 65 percent state matching rate for child welfare services and continue state funding for PINS; and be it

FURTHER RESOLVED, The State needs to do extensive outreach and engage the K-12 school system as a partner in these systemic reforms; and be it

FURTHER RESOLVED, Given the fast approaching deadlines, we strongly encourage the State to consider a waiver process during the early transition period, especially in regard to finding appropriate placement options for youth and families in need of services, as well as for cases where placement in new adolescence detention facilities are required, but may not yet be built and fully operational; and be it

FURTHER RESOLVED, That fiscal waivers should be guaranteed for counties in the early years of the transition, or until such time that reliable historical data is available to help counties develop accurate budget projections; and be it

FURTHER RESOLVED, Counties strongly encourage state agencies and the judicial branch to continue to work with counties on solidifying first year fiscal, caseload and capital costs related to this law as soon as practicable so that counties can prudently plan their budgets in 2019 and beyond; and be it

FURTHER RESOLVED, The state should recognize there will need to be flexibility in accommodating differences between small and large counties and rural versus urban areas, such that a staggered roll-out may be appropriate in some counties depending on local conditions and service capacity; and be it

FURTHER RESOLVED, Counties appreciate the outreach by the Governor and state agencies related to implementation and we strongly encourage this dialogue to continue and be expanded in the future; and be it

FURTHER RESOLVED, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle) **Abstain:**
62 (Middlebury)
113 Total

There was a motion by Mr. Davis, T/Covington, to combine resolutions #64 through #70. Hearing no objection resolution titles were read.

#64

**RESOLUTION NO. 18-500
(November 13, 2018)**

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

**RESOLUTION URGING AIRPORT CAPITAL FUNDING PROGRAMS BE MADE
PERMANENT IN THE STATE BUDGET**

WHEREAS, Airports play a critical role in New York State's economy, job growth and transportation infrastructure, providing commercial air service, business aviation functions and supporting homeland security and critical emergency response for all of New York's local and regional communities and for the nation; and

WHEREAS, According to data from the New York State Department of Transportation and updated figures from the Port Authority of NY-NJ, the aviation industry contributes over \$72.3 billion in annual economic activity in New York State and more than 506,372 New York based jobs in aviation or aviation-related industries, generates \$25.8 billion in payroll and well over \$6 billion in state and local tax revenue annually; and

WHEREAS, In 2016, Governor Andrew Cuomo initiated a \$190 million state investment to revitalize New York State airports and subsequently enacted budgets have included funding for the Aviation Capital Grant Program that helps the state realize the full potential of its airports and aviation industries; and

WHEREAS, The Competition to Revitalize Upstate Airports has awarded six airports funding for projects that enhance safety, improve operations and access, reduce environmental impacts, create better passenger experiences and leverage private investments; and

WHEREAS, The Competition has now exhausted the available funding, leaving most other airports still in need of state assistance to update and expand their facilities and improve service; and

WHEREAS, The 2018-19 Executive Budget includes \$12.5 million for the Aviation Capital Grant Program for the next two years; a reduction of \$10 million per year from the 2016-17 and 2017-18 levels of \$22.5 million; and

WHEREAS, While this funding is welcomed and will be used for airport infrastructure and critical safety enhancements and business and economic development projects, creating and sustaining construction and aviation-related jobs, the reduced levels of state financial commitment is concerning and falls short of what is needed by the large number of airports in New York that are owned by counties and other local governments; and

WHEREAS, New York has no dedicated revenue source or permanent state capital program for airports and must rely on annual appropriations in the state budget for funding critical airport projects; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors does hereby commend Governor Cuomo and the Legislature for the state’s financial commitments to New York airports that will help fund critical airport infrastructure rehabilitation, improvement, and expansion projects; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors urges the Governor and the Legislature to provide increased, recurring, and reliable funding for the maintenance and development of all the state’s airports through a robust Aviation Capital Grant Program and a reauthorization and new round of funding for the Competition to Revitalize Upstate Airports; and be it

FURTHER RESOLVED, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle) **Abstain:**
62 (Middlebury)
113 Total

#65

**RESOLUTION NO. 18-501
(November 13, 2018)**

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

**RESOLUTION URGING STATE ACTION TO ASSURE EFFECTIVE CONTROL OF
WILDLIFE POPULATIONS AT AIRPORTS**

WHEREAS, Wildlife populations can pose a threat to aviation operations in and around airports and cause significant damage to aircraft, lengthy flight delays and threats to the safety of passengers and residents of surrounding communities; and

WHEREAS, Airports employ best humane practices to keep wildlife populations at bay by erecting fences, building walls, constructing storm water ponds, using pulsating lights and other mechanisms; and

WHEREAS, Despite these efforts, deer, birds, coyote and other wildlife still make their way onto runways, tarmacs and into flight paths; and

WHEREAS, According to FAA data, about 90 percent of bird strikes take place at or near airports, usually while taking off or landing, with 898 collisions between aircraft and white-tailed deer in the United States from 1990 to 2010; and

RESOLUTION URGING THE STATE TO INCREASE ITS COMMITMENT TO THE CONSOLIDATED LOCAL STREETS AND HIGHWAY IMPROVEMENT PROGRAM (CHIPS) AND OTHER LOCAL ROAD, BRIDGE AND CULVERT PROGRAMS

WHEREAS, Funding from the Consolidated Local Streets and Highway Improvement Program (CHIPS) and state assistance to local governments through BRIDGE NY, PAVE NY and Extreme Winter Recovery (EWR) programs is helping counties to meet the overwhelming needs of the locally-owned transportation systems; and

WHEREAS, While this funding is most welcomed and already being put to good use, locally-owned roads and bridges account for 87 percent of the state's 110,000 miles of roadways and 50 percent of the state's 18,000 bridges, and counties still struggle to raise enough funding for the maintenance and replacement of this vast system of aging and ailing infrastructure; and

WHEREAS, CHIPS is the financial lifeblood of any local highway department, distributing vital and reoccurring state funding through a formula to every local government in the state, yet the current 2018-2019 State Budget holds the base level for CHIPS at \$438M for the sixth year in a row; and

WHEREAS, Studies show that 48 percent of road pavements are rated fair or poor, and that increased funding is necessary to compensate for increases in inflation impacting material, transportation, labor, equipment and other highway construction costs; and

WHEREAS, New York State Comptroller Thomas P. DiNapoli reports that 20.7% of bridges in New York are functionally obsolete and 12.8% are structurally deficient and the cost to repair these bridges is \$27.4 billion dollars with local bridges more likely to be structurally deficient than state-owned bridges; and

WHEREAS, Programs designed to direct state funding to local transportation infrastructure, such as CHIPS, PAVE NY, BRIDGE NY and EWR, must be continued and enhanced to improve the conditions of New York's local roads, bridges and culverts; and

WHEREAS, With the state's promise of MTA-NYSDOT capital plan parity and the commitments of hundreds of millions of additional dollars to address the critical needs of the NYC transit systems, there is the expectation for a comparable increase in funding to address the unmet needs of other state and local transportation infrastructure; and

WHEREAS, A safe and efficient statewide integrated transportation system is necessary for trade, economic development and revitalization, job creation and retention, schools, agriculture, businesses, health and hospital facilities and emergency responders, as well as the general traveling public; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors commends Governor Cuomo and the New York State Legislature for their support of programs that provide direct state investments in local roads, bridges and culverts and urges that the state assistance to local highway departments continues, and appropriated at substantially increased levels in the 2019-2020 state budget; and be it

RESOLUTION NO. 18-510
(November 13, 2018)

By Mr. Brick, Chairman of the Finance Committee:

2019 WORKERS' COMPENSATION COSTS APPROVED

BE IT RESOLVED, That the cost of Workers' Compensation Insurance for the Participants covered by the Wyoming County Workers' Compensation Self-Insured Plan as based upon the 2019 budget of \$3,083,419 (total budget of \$3,124,179 minus a \$40,760 inter-fund transfer) are as follows:

TOWNS	
Arcade	39,632
Attica	37,893
Bennington	52,529
Castile	38,990
Covington	28,181
Eagle	35,972
Gainesville	42,459
Genesee Falls	24,938
Java	35,518
Middlebury	39,720
Orangeville	30,840
Perry	34,744
Pike	33,192
Sheldon	49,194
Warsaw	48,113
Wethersfield	34,754
TOTAL	606,669

and be it

FURTHER RESOLVED, That the Clerk of this Board is hereby authorized and directed to apportion the total sum of such estimated costs of Workers' Compensation Insurance to each of the above mentioned participants in these respective amounts and to levy the same against the taxable property of each respective municipality.

Wyoming County Workers' Compensation Insurance estimated costs for participating County Departments, Villages, School Districts, and outside County Agencies are as follows:

COUNTY	
County Government	335,162
County Highway Department	206,186

WHEREAS, Health insurance costs are among the fastest growing costs for local governments across the state; and

WHEREAS, To address this challenge, counties and local governments are exploring ways to create municipal health insurance consortiums to jointly self-fund their health plans at a significantly lower cost to taxpayers; and

WHEREAS, These plans could reduce costs and increase flexibility while ensuring quality coverage for counties, municipalities, and local government employees; and

WHEREAS, Governor Andrew M. Cuomo and State Leaders have strongly encouraged local governments to pool resources, share services and consolidate operations to improve efficiency and reduce costs to taxpayers, particularly with the State's recently enacted and expanded County Wide Shared Services Initiative; and

WHEREAS, Whenever two or more local governments want to join forces to provide employee health insurance, Article 47 of the Insurance Law is triggered; and

WHEREAS, Article 47 allows for the creation of municipal healthcare consortia, but its onerous regulations have enabled only one municipal healthcare consortium to form since 1991; and

WHEREAS, Counties have asked for several years that the state review its current legal and regulatory requirements that allow counties to establish shared health insurance risk pools to help lower costs for local governments; and

WHEREAS, Governor Cuomo asked the State Department of Financial Services to provide guidance for municipalities that want to create an Article 47 health insurance consortium, but that guidance did not reduce the onerous requirements of the law; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors does hereby urge Governor Andrew M. Cuomo and the State Legislature to amend State Insurance Law to make it easier to form municipal health insurance consortiums by allowing consortia to start with fewer than the required 2,000 employees with health insurance policy contracts, reduce the amount of IBNR reserves to more accurately reflect actuarial analysis of projected reserves needed, and allow other public entities to join a consortium as long as they have a connection to a taxing jurisdiction; and be it

FURTHER RESOLVED, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle)
62 (Middlebury)
113 Total **Abstain:**

#76

**RESOLUTION NO. 18-512
(November 13, 2018)**

By Mr. Brick, Chairman of the Finance Committee:

SEMI-ANNUAL MORTGAGE TAX REPORT

Mr. Brick, Chairman of the Finance Committee, presented the **SEMI-ANNUAL MORTGAGE TAX REPORT** for the period of April 1, 2018 through September 30, 2018 and moved that the Clerk draw warrants on the County Treasurer for the various amounts therein.

To: Cheryl D. Mayer, County Treasurer of Wyoming County, NY

In accordance with Section 261 of the Tax Law, you are hereby authorized and directed to distribute Mortgage Tax Receipts amounting to **\$241,099.15** to the several tax districts of Wyoming County, in accordance with the report filed with the Clerk of the Board of Supervisors, as follows:

TAX DISTRICTS	MORTGAGE TAX DISTRIBUTED	VILLAGE	TOWN
Arcade	\$28,740.78	\$6,159.80	\$22,580.98
Attica	\$21,212.69	\$3,944.97	\$17,267.72
Bennington	\$26,592.07		\$26,592.07
Castile	\$28,533.29	\$1,876.02	\$25,060.58
Perry Village		\$1,596.69	
Covington	\$5,971.98		\$5,971.98
Eagle	\$7,825.28		\$7,825.28
Gainesville	\$8,040.94	\$261.55	\$6,926.91
Silver Springs Village		\$852.48	
Genesee Falls	\$2,930.04		\$2,930.04
Java	\$24,442.73		\$24,442.73
Middlebury	\$6,431.02	\$492.36	\$5,938.66
Orangeville	\$5,527.82		\$5,527.82
Perry	\$22,290.68	\$4,421.97	\$17,868.71
Pike	\$3,832.77		\$3,832.77
Sheldon	\$15,507.00		\$15,507.00
Warsaw	\$26,344.88	\$7,727.29	\$18,617.59
Wethersfield	\$6,875.18		\$6,875.18
Total:		\$27,333.13	\$213,766.02
Grand Totals:	\$241,099.15		

Let This Be Your Warrant for Such Payment: **\$241,099.15 IN WITNESS WHEREOF**, I have hereunto set my hand and seal of the Board of Supervisors this 13th day of November 2018.

s/Cheryl J. Ketchum, Clerk
Board of Supervisors

Carried: XXX Ayes: 1486 Noes: Absent: 51 (Eagle) Abstain:
62 (Middlebury)

RESOLUTION NO. 18-513
(November 13, 2018)

By Mr. Brick, Chairman of the Finance Committee:

**RESOLUTION CALLING ON THE STATE TO CONTINUE PROVIDING STATE
MATCHING FUNDS FOR SAVINGS GENERATED THROUGH COUNTY-WIDE
SHARED SERVICES PROGRAMS**

WHEREAS, Counties have long used shared services and departmental consolidations as tools in improving local government efficiency; and

WHEREAS, Since 2011, the State has enacted a series of laws requiring local governments to reduce property tax increases and find new opportunities to share services and reduce costs at the local level; and

WHEREAS, These laws included the property tax cap enacted in 2011, the Government Efficiency Program enacted in 2014, and the County-Wide Shared Services Initiative enacted in 2017; and

WHEREAS, In 2015, 35 counties submitted Government Efficiency Plans with annual savings at more than \$170 million for a three-year total of \$513 million from 1,303 different projects; and

WHEREAS, In the 2017-18 State Budget, the County-Wide Shared Services Initiative called for county leaders to take the lead in convening and developing new shared services and consolidation proposals designed to reduce the burden of local property taxes; and

WHEREAS, In October 2017, 34 counties submitted 389 proposals that identified \$208 million in projected savings in 2018, \$75 million in 2019 and \$76.1 million in 2020; and

WHEREAS, In 2018, 23 counties have convened county-wide shared service panels in compliance with the law enacted in the 2017-18 State Budget, and will be adopting plans to be implemented in 2019; and

WHEREAS, Counties were required to spend resources, time, and funding to coordinate these shared services panels, including hiring additional staff members, or contracting with research agencies or consulting firms; and

WHEREAS, This year's enacted 2018-19 State Budget extended the requirement that counties convene these shared service panels in 2019, 2020, and 2021 to explore additional opportunities for local shared service projects; and

WHEREAS, This year's enacted 2018-19 State Budget includes \$225 million in state

a county and most recently, no renewal of local mortgage recording taxes for four counties at the close of the latest legislative session; and

WHEREAS, In the case of sales tax, counties often share the revenues with other local governments, where on average nearly one out of every four local sales tax dollars collected are shared with cities, towns, and villages to help pay for services delivered by these municipalities, or to directly lower the amount of property taxes levied in these jurisdictions; and

WHEREAS, The pass-through of local sales tax revenue from counties to cities, towns, villages, and school districts will likely exceed \$1.9 billion in 2018, which is more than double the AIM funding the state provides to local governments; and

WHEREAS, Enacting longer home rule revenue authorizations still allows for appropriate state legislative review; and

WHEREAS, Even if this local home rule revenue authority is made permanent, any future change would be subject to state legislative review and action; and

WHEREAS, A longer local authorization period would dramatically reduce administrative expense and duplication of effort to process the necessary paperwork, forms, legislative hearings, filings and notices, resulting in improved government operations and fiscal savings at both the state and local levels; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls upon the Governor and State Legislature to reform the home rule process so it works as efficiently as possible for local taxpayers, eliminates the unnecessary and duplicative legislative activity at the state and local level required under current state law, while retaining state legislative review; and be it

FURTHER RESOLVED, The State should, upon the next renewal of local sales tax rates and all other home rule revenue measures that come before the Legislature, provide a four-year authorization for each county; and be it

FURTHER RESOLVED, The State should make county sales tax authority permanent at the rate that exists at that time, the same authority that was granted to New York City nearly a decade ago; and be it

FURTHER RESOLVED, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle) **Abstain:**
62 (Middlebury)
113 Total

#79

RESOLUTION NO. 18-515
(November 13, 2018)

By Mr. Brick, Chairman of the Finance Committee:

**RESOLUTION URGING STATE LEGISLATIVE LEADERS TO FOCUS THEIR
PROPERTY TAX RELIEF EFFORTS ON FISCAL REFORMS THAT WILL LEAD TO
PERMANENT AND HISTORIC PROPERTY TAX REDUCTION BY ASSUMING THE
COST OF STATE MANDATED PROGRAMS, STARTING WITH MEDICAID**

WHEREAS, State leaders have identified property taxes as the number one fiscal burden for homeowners and small businesses, as well as the largest impediment to economic growth and job creation in Upstate New York and Long Island; and

WHEREAS, The Governor and State Legislature have enacted several laws over the last few decades designed to address New York's highest-in-the-nation property taxes, including the creation of STAR school tax relief, a property tax cap, a temporary two-year property tax freeze and rebate check program, and two separate temporary state matching grant programs for eligible local government shared services efforts; and

WHEREAS, For decades, counties and other local governments have implemented, and continue to implement, thousands of shared services projects and other government efficiencies; and

WHEREAS, County elected leaders have strongly advocated in support of ways to lower the property tax burden for homeowners and businesses across the state going back nearly 50 years when the largest state mandate, Medicaid, was first imposed on counties, growing from \$100 million then to over \$7.5 billion today; and

WHEREAS, Since that time, the State has required county taxpayers to finance with local taxes dozens of other state programs that, for the most part, counties in other states are not required to finance; and

WHEREAS, Many of these state mandated programs are very comprehensive and generous compared to what other states provide and often are among the most expensive in the country in total dollars, as well as per beneficiary; and

WHEREAS, State-imposed mandates on counties require more than \$12 billion annually in locally raised taxes to be sent to the state capitol so they can be used in lieu of state raised taxes to pay for statewide programs and initiatives; and

WHEREAS, State elected officials recognize that mandating local governments to finance state-designed and controlled programs directly impacts the property tax burden, and to help mitigate this they have enacted important mandate relief for county property taxpayers, including the implementation of two separate caps on the growth in the local share of Medicaid costs and major pension reforms; and

WHEREAS, Since the enactment of these mandate relief initiatives, the growth rate in

By Mr. Brick, Chairman of the Finance Committee:

RESOLUTION CALLING ON THE STATE TO EQUITABLY DISTRIBUTE SPORTS WAGERING REVENUE TO ALL NEW YORK COUNTIES

WHEREAS, In 2018, the United States Supreme Court struck down the Federal Professional and Amateur Sports Protection Act of 1992, which restricted sports gaming and sports gaming operations to four states (Nevada, Oregon, Delaware, and Montana); and

WHEREAS, Now all 50 states may allow for and regulate sports gambling in the near future; and

WHEREAS, Under current New York law, casinos are permitted to provide for sports betting operations as soon as NYS Gaming Commission regulations are implemented; and

WHEREAS, It is highly likely that sports gaming will be operational in New York in the near future as the NYS Gaming Commission has begun drafting regulations and the State Legislature has introduced and moved relevant bills; and

WHEREAS, Under the current revenue sharing system, New York State receives funding from gaming facilities and a portion of this funding is passed to local governments for needed infrastructure and resident services; and

WHEREAS, Depending on where the county is located, this local gaming revenue share can come from one or a combination of the following entities: private commercial casinos, Native American casinos, racinos, horse and harness raceways, and Off-Track Betting Corporations (OTBs); and

WHEREAS, With the expansion of casino gaming in New York State and the potential increase from sports gaming, there will be a significant realignment of gaming spending throughout the State; and

WHEREAS, Without future state legislative and regulatory changes, only the casinos (commercial and Native American) will be allowed to provide sports betting, which could lead to further realignment of gaming spending and local government revenue sharing throughout the state; and

WHEREAS, Under the current sharing/distribution system, it is arguable that Native American casinos would not need to share any revenue obtained from sports wagering with local governments or the State because these casinos now share revenue from VLT spending and not from other revenues, such as other games of chance; now therefore

BE IT RESOLVED, When sports gaming is legalized in New York, the Wyoming County Board of Supervisors calls on the State to distribute an equitable percentage of income and gaming revenues to local governments and to consider a method where preexisting gaming facilities could be involved in sports gaming services in order to retain revenue locally, keep and create local jobs, and to ensure needed local government revenue; and be it

Genesee Falls	\$0	\$ -
Java	\$0	\$ -
Middlebury	\$0	\$ -
Orangeville	\$0	\$ -
Perry	\$2,801.52	\$ -
Pike	\$198.77	\$ -
Sheldon	\$538.56	\$ -
Warsaw	\$0	\$ -
Wethersfield	\$777.93	\$ -
TOTAL	\$4,682.79	\$ -

Dated: November 6, 2018

Cheryl D. Mayer
Wyoming County Treasurer

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle) **Abstain:**
62 (Middlebury)
113 Total

#84

RESOLUTION NO. 18-520
(November 13, 2018)

By Mr. Brick, Chairman of the Finance Committee:

RESOLUTION URGING THE GOVERNOR AND LEGISLATURE TO FULLY FUND THE COSTS OF FIT CHARGEBACKS FOR STUDENTS ATTENDING FOR CREDITS FOR BACHELORS AND MASTERS DEGREES

WHEREAS, Under state law, funding for community colleges is to be provided through state aid, a county sponsor contribution, and student tuition and fees; and

WHEREAS, The establishment and continued operation of a statewide community college system was based on an ongoing state aid funding commitment for community college operating costs; and

WHEREAS, Counties are charged back for the tuition of students from their counties who attend a community college sponsored in another county; and

WHEREAS, Community colleges were designed as two-year higher education institutions granting associates degrees and professional trade certificates; and

WHEREAS, counties are currently being charged back for students attending FIT for bachelor's and master's degrees, which was not the intent of the community college chargeback funding requirement; and

WHEREAS, At least one county has stopped reimbursing FIT for the tuition costs of their residents attending FIT for bachelor's and master's degrees; and

WHEREAS, FIT chargeback tuition rate per student is the highest in the state at nearly \$16,000; and

WHEREAS, Section 6305 of the State education law requires the state to reimburse counties for FIT chargebacks, but the state has not provided the necessary appropriations to comply with this state law requirement; now therefore

BE IT RESOLVED, That while the state should fully fund this requirement, we are asking the state to consider an interim step of fully funding FIT chargebacks to counties related to all educational instruction provided after two years (coursework necessary for a 4-year, and/or master's degree); and be it

FURTHER RESOLVED, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle)
62 (Middlebury)
113 Total

#85

**RESOLUTION NO. 18-521
(November 13, 2018)**

By Mr. Brick, Chairman of the Finance Committee:

**RESOLUTION URGING THE GOVERNOR AND LEGISLATURE TO RENEW THEIR
COMMITMENT TO FULLY FUNDING THE STATE SHARE OF
COMMUNITY COLLEGE**

WHEREAS, Under state law, funding for community colleges is to be provided through state aid, a county sponsor contribution, and student tuition and fees; and

WHEREAS, The establishment and continued operation of a statewide community college system was based on an ongoing state aid funding commitment of at least one-third, and up to 40%, of community college operating costs; and

WHEREAS, The state funding amount has declined over the years and is now below their historic one-third commitment, and far short of 40%; and

WHEREAS, The Legislature and Governor have been providing modest increases in state aid the last few years, but that commitment remains far below the intended statutory commitment; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls on the Governor and State Legislature to make every effort to increase state aid funding to levels closer to 40% of the share for community college operating costs; and be it

FURTHER RESOLVED, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle) **Abstain:**
62 (Middlebury)
113 Total

#86

**RESOLUTION NO. 18-522
(November 13, 2018)**

By Mr. Brick, Chairman of the Finance Committee:

**RESOLUTION URGING THE GOVERNOR AND STATE LEGISLATURE TO ENACT
LEGISLATION THAT ENSURES A FAIR AND LEVEL PLAYING FIELD FOR ALL
RETAILERS BY UPDATING THE STATE SALES TAX CODE IN RECOGNITION OF
THE RECENT SUPREME COURT DECISION THAT RULED STATES HAVE THE
RIGHT TO COLLECT SALES TAX ON PURCHASES MADE
OVER THE INTERNET**

WHEREAS, the U.S. Supreme Court recently ruled in favor of the states to collect sales tax on Internet purchases made by consumers in their state under *South Dakota v. Wayfair*; and

WHEREAS, this decision overturned the *Quill* precedent set by the Court in 1992; and

WHEREAS, the *South Dakota v. Wayfair* ruling declared that “...*Quill* is flawed on its own terms...;” and

WHEREAS, the recent decision also declared that “*Quill* creates rather than resolves market distortions;” and

WHEREAS, the recent decision continues, “In effect, it is a judicially created tax shelter for businesses that limit their physical presence in a state but sell their goods and services to the state’s consumers...;” and

WHEREAS, the decision also states, “By giving some online retailers an arbitrary advantage over their competitors who collect sales taxes, *Quill*’s physical presence rule has limited states’ ability to seek long-term prosperity and has prevented market participants from competing on a level playing field;” and

RESOLUTION NO. 18-525
(November 13, 2018)

By Mr. Brick, Chairman of the Finance Committee:

CHAIRMAN AUTHORIZED TO SIGN AN EMPLOYMENT AGREEMENT ~ SALARY SCHEDULE “P” WITH LESLIE J. LEHMANN, DO 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 an Employment Agreement – Salary Schedule “P” with *Leslie J. Lehmann, DO.*, 7440 Michael Road, Orchard Park, NY 14127 on behalf of the Wyoming County Community Health System. Said contract 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 January 1, 2019 through December 31, 2022 or within sixty (60) days upon the completion of credentialing and obtaining malpractice insurance.

Contingent upon the availability of funds.

Carried: XXX **Ayes:** 1486 **Noes:** **Absent:** 51 (Eagle) **Abstain:**
62 (Middlebury)
113 Total

#90

RESOLUTION NO. 18-526
(November 13, 2018)

By Mr. Brick, Chairman of the Finance Committee:

SALARY SCHEDULES “P”, “G” AND “S” AMENDED

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

Salary Schedule “P”:

Wyoming County Community Health System

- Place one (1) position of ***Family Practice Physician Provider*** under FAMILY PRACTICE and set the salary at \$230,000.00 annually; position available date is November 13, 2018.

- Include a stipend for ***Family Practice Physician Provider*** under FAMILY PRACTICE

and set the amount at \$36,000.00; one-time upon start date.

- Include a stipend for **Family Practice Physician Provider** under FAMILY PRACTICE and set the amount at \$300 per occurrence, if pediatric/newborn call more than two times per month, upon start date.

Salary Schedule “G”:

Public Health

- Remove one (1) position of **Emergency Preparedness Coordinator** (position code 120.470) from Salary Schedule “G”.

Public Defender

- To provide Stipends plus corresponding fringes for the following:
 - Public Defender \$2,000.00
 - Assistant Public Defender (4th) \$12,000.00
 - Assistant Public Defender (1st) \$6,575.00
 - Assistant Public Defender (3rd) \$4,075.00
 - Secretary to the Public Defender, PT \$1,500.00
 - Said amount for the 2018 year effective and payable immediately
 - Funds provided through New York State Office of Indigent Legal Services and known as Distribution #8 (*Contract # C800056*)
- To provide Stipends plus corresponding fringes for the following:
 - Public Defender \$2,000.00
 - Assistant Public Defender (4th) \$12,000.00
 - Assistant Public Defender (1st) \$6,575.00
 - Assistant Public Defender (3rd) \$4,075.00
 - Secretary to the Public Defender, PT \$1,500.00
 - Said amounts are annual and to be paid bi-weekly from January 1, 2019 through December 31, 2020
 - Funds provided through New York State Office of Indigent Legal Services and known as Distribution #8 (*Contract # C800056*)

Salary Schedule “S”:

Sheriff

- Remove stipulation that **Stop DWI** stipends be paid in a lump sum in the first pay of December.

Human Resources

- Set hourly pay rate of **Human Resources Assistant** (position code 001.434) at \$18.3049/hr. (not to exceed \$33,315.00 annually); effective September 17, 2018.

Public Health

- Place one (1) position of **Emergency Preparedness Coordinator** (position code 120.470)

**RESOLUTION NO. 18-529
(November 13, 2018)**

By Mr. Brick, Chairman of the Finance Committee:

2019 EQUALIZATION TABLE PRESENTED AND TABLED

BE IT RESOLVED, That the 2019 Equalization Table is hereby presented; and be it **FURTHER RESOLVED**, That its adoption be tabled for at least one (1) day.

2019 EQUALIZATION TABLE

Advisory Equaliz Rates	TOWN	Taxable Assessed Value with Partial Exemptions Added	Full Value At State Rates	% of Co. Tax to be paid by Each Town	Taxable Assessed Value
92.00%	ARCADE	224,762,738	244,307,324	0.104061360	224,756,388
100.00%	ATTICA	189,823,910	189,823,910	0.080854450	189,813,510
42.00%	BENNINGTON	116,625,357	277,679,421	0.118276022	116,610,328
100.00%	CASTILE	250,470,054	250,470,054	0.106686341	250,444,004
100.00%	COVINGTON	81,646,319	81,646,319	0.034776800	81,645,819
100.00%	EAGLE	66,539,505	66,539,505	0.028342136	66,527,205
100.00%	GAINESVILLE	101,723,584	101,723,584	0.043328601	101,723,584
100.00%	GENESEE FALLS	30,265,140	30,265,140	0.012891270	30,263,340
100.00%	JAVA	149,558,007	149,558,007	0.063703410	149,546,007
100.00%	MIDDLEBURY	104,092,494	104,092,494	0.044337625	104,085,094
100.00%	ORANGEVILLE	102,015,391	102,015,391	0.043452894	102,015,391
100.00%	PERRY	221,963,003	221,963,003	0.094543920	221,943,803
100.00%	PIKE	56,949,706	56,949,706	0.024257414	56,949,706
85.00%	SHELDON	139,392,426	163,991,089	0.069851102	139,373,326
100.00%	WARSAW	241,961,467	241,961,467	0.103062156	241,958,467
100.00%	WETHERSFIELD	64,737,304	64,737,304	0.027574498	64,731,004
	TOTALS	2,142,526,405	2,347,723,719	1.000000000	2,142,386,976

FINANCE COMMITTEE

James Brick	Ellen Grant
Rebecca Ryan	John Copeland
David Tallman	Sandy King
Jerry Davis	Daniel Leuer
Bryan Kehl	Susan May

25-Oct-18

Carried: XXX Ayes: 1486 Noes: Absent: 51 (Eagle) Abstain:
62 (Middlebury)
113 Total

**RESOLUTION NO. 18-530
(November 13, 2018)**

LOCAL LAW NO. 5 (INTRODUCTORY E, YEAR 2018) ~ YEAR 2018, *“A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-C for Fiscal Year 2019”*
ADOPTED

WHEREAS, There was duly presented and introduced at a meeting of this Board, held on the 9th day of October, 2018, a proposed local law of the County, designated as Local Law Introductory No. E, for the year 2018*, entitled, *“A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-C for Fiscal Year 2019;”* and

WHEREAS, In accordance with the provisions of Resolution No. 18-422, there was a public hearing held by this Board of Supervisors on this 13th day of November, 2018, at 2:30 PM, after due notices of said hearing having been posted and published according to the law and said resolution; and

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

BE IT ENACTED, That Local Law 5, Year 2018, County of Wyoming, New York, as presented to this Board on the 9th day of October 2018, as hereby adopted, as advertised, enacted and passed by this Board in its original form as follows.

INTRODUCTORY LOCAL LAW NO. 5 - YEAR 2018
A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-C for Fiscal Year 2019

Section 1. Legislative Intent

Due to the continued financial obligations compelled by the State of New York upon the County of Wyoming in the form of mandated governmental services that are not fully funded by the State, the County, in addition to providing said services, also must provide other important services to our citizens.

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the County of Wyoming pursuant to General Municipal Law §3-c, and to allow the County of Wyoming to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the “tax levy limit” as defined, and to allow the County of Wyoming to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the “tax levy limit” contained in General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the county legislature to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the county legislature.

Section 3. Tax Levy Limit Override

The Wyoming County Board of Supervisors, is hereby authorized to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in it separation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

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

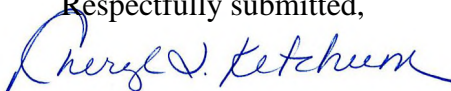
DATED at Warsaw, New York
October 09, 2018 (Introduced)
November 13, 2018 (Withdrawn)
Cheryl J. Ketchum, ^{CMC}
Clerk to the Board

In other news, Chairman Berwanger stated that a formal invitation is to follow as he spoke of the Capital One Campaign, a collection drive to subsidize renovations of WCCH. Over the years the Foundation has been trying to schedule an event to thank all of the donors. The event will take place on November 29th at 5:30 – 7:30 pm.

Also today, Supervisor Hastings, T/Eagle not being here, the Chairman was approached by his friends from NYSEDA, impressed with Green Energy efforts in the Town of Arcade and Wyoming County. He was invited to Albany to be part of a panel to discuss Green Energy. Representing Wyoming County and the Town of Arcade on today's panel are past Town of Eagle Supervisor, Joe Kushner and present Town of Eagle Supervisor, Brett Hastings as part of his current profession.

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

Respectfully submitted,



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

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