

## REGULAR SESSION

(January 12, 2009)

**Tuesday**

**2:30 PM**

The regular session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors present. Also present were County Attorney, Eric T. Dadd; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:36 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran(s) leading the Pledge of Allegiance this month was:

### **Matthew F. Comstock**

Mr. Comstock's service to his country comes while serving during the Korean War. He was inducted into the United States Army on June 25, 1952 and completed Basic Training at Fort Dix, New Jersey. Mr. Comstock was then assigned duties with HQ Company, 1<sup>st</sup> Battalion, 279<sup>th</sup> Infantry Regiment, in the 45<sup>th</sup> Infantry Division on the Pacific Island of Kokido, where he guarded Korean Prisoners of War and was then sent to Japan for training as a 'Field Wireman.' Mr. Comstock returned to his unit and worked in the commo section, where he would set-up and repair communication lines within and between units. The 279<sup>th</sup> Infantry Regiment was then shipped to the northern part of Korea where he continued to work as a 'field wireman'. Mr. Comstock took part in battles at "Old Baldy" and "Heartbreak Ridge." At the end of the War, Mr. Comstock returned to the United States and was Honorably Discharged at Camp Kilmer, New Jersey on April 27, 1954 at the rank of Corporal.

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

**The National Defense Service Medal**  
**The Korean Service Medal w/2 Bronze Service Stars**  
**The United Nations Service Medal**  
**The Combat Infantry Badge**

Following the war, Mr. Comstock returned to this area and went to work as a 'welder's helper' for the Ralph White Pipeline Company. He worked about 5 years with this company helping to install and repair gas and oil lines, both in commercial and residential local communities and in and around Jamestown. Mr. Comstock then transferred to Lapp Insulator in Leroy and spent the next ten (10) years working as a general laborer. Mr. Comstock then desired to work more outdoors, so he went to work in the field of construction as a crane operator. He worked for several companies which included: Higgs Construction, C.P. Ward Construction, and Benzanooto Construction until his retirement in 1965. Mr. Comstock still wanted to stay active and in the outdoor setting, so he worked part-time for Paul McCormick as a truck driver for about 15 years. Mr. Comstock has been a member of the Walter Klein Post 532 of the American Legion for 54 years and still lives in the Town of Warsaw.

*The pledge was said by all.*

Chairman Berwanger, T/Arcade thanked Mr. Comstock for leading in the pledge today and presented him with a certificate of appreciation. The Chairman explained to Mr. Comstock that he has to opportunity to address the Board about anything he so chooses. Mr. Comstock stated that he was all set and thanked the Board for today's invitation.

**Communications by Clerk Ketchum:**

**C1:** Letter from New York Municipal Insurance Reciprocal, dated December 11, 2009 regarding recommendations for Wyoming County. The letter reads as follows:

Dear Mr. Berwanger:

I would like to thank you and the staff for affording me the opportunity to perform an underwriting survey of your municipality. Since you are a subscribing member of the New York Municipal Insurance Reciprocal, it is imperative that the proper time and attention be devoted to providing a safe environment for officials, employees and others who use and visit your facilities. Careful consideration should be given to methods of preventing and minimizing losses and accidents, which could result in bodily injury and property damage.

As a result of this underwriting survey, we are happy to inform you there are no recommendations for your municipality. Should you have any questions, please feel free to contact me at 716-282-4890.

Yours truly,

J. Brett Carruthers  
Senior Loss Control Specialist

**Open Public Hearing:**

*Local Law No. 1 Year 2010, (INTRODUCTORY D, Year 2009) - "County of Wyoming, Providing Salaries for Certain County Officers for the Year 2010"*

#1

**RESOLUTION NO. 10-08  
(January 12, 2010)**

By Mr. Davis, Chairman of the Finance Committee:

**FUNDS TRANSFERRED TO VARIOUS 2009 ACCOUNTS**

**BE IT RESOLVED**, That funds are hereby transferred to the various 2009 accounts as follows:

**RESOLUTION NO. 10-08**  
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<b>Board of Elections</b>			
<b>From:</b> 01.34.1450.4.41211 Election & Primary Exp. <b>To:</b> 01.34.1450.1.10001 Salaries <b>Reason:</b> transfer funds to cover the cost of the 2 county election custodians not budgeted for. (\$100/machine – custodial cost)	\$2,542.00	\$2,542.00	
<b>Board of Elections Total</b>			<b>\$2,542.00</b>

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

#2

**RESOLUTION NO. 10-09**  
**(January 12, 2010)**

By Mr. Davis, Chairman of the Finance Committee:

**FUNDS APPROPRIATED TO VARIOUS 2009 ACCOUNTS**

**BE IT RESOLVED**, That funds are hereby appropriated to the various 2009 accounts as follows:

<b>Wyoming County Community Action</b>			
<b>To:</b> 06.57.6290.4.42449 JTPA 2A Admin - due NY State w/ 06.12.6290.4790 JTPA 2A Federal Aid <b>Reason:</b> Job Training Program through Wyoming County Community Action.	\$26,814.38	\$26,814.38	
<b>Wyoming County Community Action Total</b>			<b>\$26,814.38</b>
<b>Board of Supervisors</b>			
<b>To:</b> 01.31.1010.4.40301 Prof. Svc. Contracts <i>From Any Funds available</i> <b>Reason:</b> To cover contract with Municipal Solutions, Inc.	\$3,750.00	\$3,750.00	
<b>Board of Supervisors Total</b>			<b>\$3,750.00</b>
<b>County Jail</b>			
<b>To:</b> 01.37.3150.1.10202 Temporary 01.37.3150.4.40806 Cleaning Supplies 01.37.3150.4.41010 Office Supplies 01.37.3150.4.41209 Operating Supplies 01.37.3150.4.41414 Misc Repair 01.37.3150.4.41417 Locks & Camera 01.37.3150.4.41711 Inmate Medical 01.37.3150.8.89001 Medical Insurance <i>From any funds available</i> <b>Reason:</b> even up line item shortfalls for balance of 2009	\$18,829.09 \$3,500.00 \$500.00 \$1,000.00 \$100.00 \$500.00 \$35,000.00 <u>\$11,798.59</u>	\$71,227.68	
<b>County Jail Total</b>			<b>\$71,227.68</b>

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

**RESOLUTION NO. 10-10  
(January 12, 2010)**

By Mr. Davis, Chairman of the Finance Committee:

**FUNDS APPROPRIATED TO VARIOUS 2010 ACCOUNTS**

**BE IT RESOLVED**, That funds are hereby appropriated to the various 2010 accounts as follows:

<b>Treasurer</b>			
To: 01.33.1325.4.42306 Other w/01.11.1325.3089 Other State Grant <b>Reason:</b> To roll un-used Collaborative Tax Collection Study residual grant proceeds into 2010 for use purchasing services from IT.	\$15,095.50	\$15,095.50	
<b>Treasurer Total</b>			<b>\$15,095.50</b>
<b>Board of Supervisors</b>			
To: 01.31.1010.4.40301 Prof. Svc. Contracts <i>From Any Funds available</i> <b>Reason:</b> To cover contract with The Brennan Group.	\$11,200.00	\$11,200.00	
<b>Board of Supervisors Total</b>			<b>\$11,200.00</b>
<b>District Attorney</b>			
To: 01.32.1166.4.41010 Misc. Equip. / Ofc. Supplies w/01.11.1166.308907 State Block Grant increased by same. <b>Reason:</b> Recording Equipment as granted by DCJS through the Operation Impact Tools Grant.	\$10,000.00	\$10,000.00	
<b>District Attorney Total</b>			<b>\$10,000.00</b>

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

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$1,589,272.77** for the month of **December 2009**.

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

*There was a motion by Mr. Patti, T/Attica, to combine resolutions #4 through #8. A voice vote was taken and all voted aye.*

*Prior to the roll call vote Chairman Berwanger, T/Arcade asked Superintendent of County Highways, Todd Gadd, to explain resolution number 5. The resolution pertains to a shared municipal agreement / grant for the purchase of a tractor and boom mower to be utilized by the 16 towns and the County. Superintendent Gadd explained a little about how the sharing will work.*

**RESOLUTION NO. 10-11  
(January 12, 2010)**

By Mr. Patti, Chairman of Public Works Committee:

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
PROPOSED DETOUR APPROVED**

**WHEREAS**, Route 98 (Market Street & High Street) and Route 238 (Buffalo Street, Main Street & Halls Corners Road) in the Village and Town of Attica has been approved by the New York State Department of Transportation for rehabilitation and improvement using state and federal aid funds; and,

**WHEREAS**, The storm drainage installation, curb placement, pavement widening and reconstruction, pavement milling and resurfacing, and other operations related to the rehabilitation and improvements proposed on Route 98 (High Street) will require the temporary closure of Route 98 (High Street) between the intersection with Route 354 (Attica-Bennington Highway) and the intersection with Route 238 (Main Street); and,

**WHEREAS**, In conformance with Section 42 of the New York State Highway Law, the New York State Department of Transportation proposes to utilize the following roads as a short-term detour during the period of the pavement reconstruction:

**Exchange Street (C.R. 31)**, from the intersection with Dunbar Road to the intersection with Route 238 (Main Street); and,

**WHEREAS**, The New York State Department of Transportation will include contract provisions that restrict use of said short-term detour to specific time periods, as defined in the contract documents prepared for the intersection improvements, during the period of construction; and,

**WHEREAS**, The New York State Department of Transportation will provide traffic control devices and make improvements or repairs when and where necessary to the above mentioned roads to make them adequate to handle additional detour traffic; now therefore

**BE IT RESOLVED**, That the Wyoming County Board of Supervisors does hereby authorize the New York State Department of Transportation to utilize the above mentioned road as a short-term detour during the period of construction as defined above; and be it

**FURTHER RESOLVED**, That Wyoming County will continue to provide routine maintenance on the above mentioned road, including snow and ice control; and be it

**FURTHER RESOLVED:** That the Clerk of this Board is hereby directed to transmit five (5) certified copies of this resolution to the New York State Department of Transportation.

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

**RESOLUTION NO. 10-12  
(January 12, 2010)**

By Mr. Patti, Chairman of Public Works Committee:

**HIGHWAY EQUIPMENT BID AWARDED**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to award the bid and sign a contract for the purchase of one (1) 2010 John Deere 6330 Tractor w/Tiger Mower from Z&M Ag & Turf, 3517 Railroad Ave., Alexander, NY 14005 in an amount not to exceed one hundred eleven thousand eight hundred twenty-five dollars and ninety cents (\$111,825.90) be hereby approved using Local Government Efficiency Grant funding.

Contingent upon the availability of funds.

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

**RESOLUTION NO. 10-13  
(January 12, 2010)**

By Mr. Patti, Chairman of Public Works Committee:

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

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with NOMAD Enterprises, Inc., 6270 Abbott Rd., Silver Springs, NY 14550 on behalf of Buildings and Grounds. Said contract is to provide lawn maintenance in an amount not to exceed ten thousand five hundred forty-five dollars (\$10,545.00); effective April 01, 2010 through November 30, 2010.

Contingent upon the availability of funds.

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

**RESOLUTION NO. 10-14  
(January 12, 2010)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH BENNET-N-HALEY  
SEALCOATING & MORE ON BEHALF OF BUILDINGS AND GROUNDS**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Bennet-N-Haley Sealcoating

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& More, 2421 Strong Rd., Delevan, NY 14042 on behalf of Buildings and Grounds. Said contract is to provide for parking lot restorations at the Government Center, Jail secured lot and the Health Department in an amount not to exceed nine thousand eight hundred seventy-five dollars (\$9,875.00); effective April 1, 2010 through the completion of project.

Contingent upon the availability of funds.

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

**#8**

**RESOLUTION NO. 10-15**

**(January 12, 2010)**

By Mr. Patti, Chairman of Public Works Committee:

**MEMBERS APPOINTED / REAPPOINTED TO THE TRAFFIC SAFETY BOARD**

**BE IT RESOLVED**, That the following members are hereby appointed/reappointed to the Traffic Safety Board for a term of three years; effective November 14, 2009 through November 13, 2012:

- Paul Korzelius (Town of Eagle) 4201 Hillside Rd., Bliss NY 14024
- Gary Rinehart (Town of Gainesville) 18 South Main Street, Silver Springs NY 14550
- Gary Vasile, (Town of Genesee Falls) 6641 Pike Street, Portageville, NY 14536
- Ronald George (Town of Java) 4885 Coby Road, North Java, NY 14113
- John Hurst (Town of Middlebury) 51 Main Street, Wyoming, NY 14591

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

*There was a motion by Mr. Rogers, T/Pike, to combine resolutions #9 through #12. A voice vote was taken and all voted aye.*

**#9**

**RESOLUTION NO. 10-16**

**(January 12, 2010)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A RENEWAL CONTRACT  
WITH WYOMING COUNTY ATTICA LEGAL AID BUREAU, INC.  
ON BEHALF OF THE PUBLIC DEFENDER'S OFFICE**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Wyoming County Attica Legal Aid Bureau, Inc., 18 Linwood Ave., Warsaw, NY 14569 on behalf of the Public Defender's

**RESOLUTION NO. 10-16**

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Office. Said contract renewal is for partial funding of a part time Secretary with primary duties to prepare vouchers for “606” claims in an amount not to exceed fifteen thousand dollars (\$15,000.00); effective January 01, 2010 through December 31 2010.

Contingent upon the availability of funds.

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

**#10**

**RESOLUTION NO. 10-17  
(January 12, 2010)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE AWARD WITH  
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICE ON BEHALF OF  
THE DISTRICT ATTORNEY’S OFFICE**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant acceptance award with NYS Division of Criminal Justice Service, 4 Tower Place, Albany, NY 12203-3764 for the Operation Impact Tools Grant on behalf of the District Attorney’s office. Said grant will provide funding for the purchase of recording equipment for police agencies within our county in an amount not to exceed ten thousand dollars (\$10,000.00) with county match for a total of twelve thousand five hundred (\$12,500.00), effective January 01, 2010 through December 31, 2010.

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

**#11**

**RESOLUTION NO. 10-18  
(January 12, 2010)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A LEASE AGREEMENT WITH WELLS  
FARGO FINANCIAL LEASING, INC. ON BEHALF OF THE SHERIFF’S  
DEPARTMENT**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a lease agreement with Wells Fargo Financial Leasing Inc, 800 Walnut St, Des Moines, IA 50309 on behalf of the Sheriff’s Department. Said lease will provide for a Savin 8025 copier in an amount not to exceed ninety-three dollars and twenty-eight cents (\$93.28) per month for 36 months, total lease amount not to exceed three thousand three hundred fifty-nine dollars and eight cents (\$3,359.08) with an end of term buyout of \$1.00; effective January 01, 2010 through December 31, 2013.

Contingent upon the availability of funds.

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

**#12**

**RESOLUTION NO. 10-19**  
**(January 12, 2010)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE AWARD WITH THE  
DORMITORY AUTHORITY OF THE STATE OF NEW YORK ON BEHALF OF  
EMERGENCY SERVICES**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant acceptance award with the Dormitory Authority of the State of New York, 515 Broadway, Albany, NY 12207 on behalf of Emergency Services. Said grant is to provide partial funding for the establishment of the fire training facility in the minimum amount of three hundred thousand dollars (\$300,000.00); effective October 2008 through October 2009.

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

*There was a motion by Mrs. Totslie, T/Genesee Falls, to combine resolutions #13 through #21. A voice vote was taken and all voted aye.*

*Prior to the roll call vote Chairman Berwanger, T/Arcade asked Director of OFA and Youth, Andrea Aldinger, to explain the Pine Lounge contract from resolution number 15. Director Aldinger explained that the program is new, it's called restaurant dining and it's for the senior congregate meal site in Bennington. The site was in danger of closing due to lack of attendance. Eligible seniors are asked to make a suggested donation of \$3.00/meal for a ticket. The site went from 6-8 attending to 40 per week attending.*

*Other towns have expressed an interest in running their congregate meal site the same way so the Director said to watch for it in the future...*

**#13**

**RESOLUTION NO. 10-20**  
**(January 12, 2010)**

By Mrs. Totslie, Chairman of Human Services Committee:

**RESOLUTION NUMBER 09-482 AMENDED**

**WHEREAS**, Resolution Number 09-482 entitled, **"MEMBERS APPOINTED/REAPPOINTED TO THE OFFICE FOR THE AGING ADVISORY**

**COUNCIL,**” passed by this Board of Supervisors on December 8, 2009 and provides for the appointment / reappointment of various members to the Office for the Aging Advisory Council for a term of *three (3) years; effective January 01, 2010 through December 31, 2012*; now therefore

**BE IT RESOLVED,** That Resolution Number 09-482 be hereby amended to reflect a change in appointment to **Beth Schafer** (DSS) 466 N. Main Street Warsaw, NY 14569 from Deb Vosburg who replaced Gordon Lew, to reflect the balance of a **three (3) term; effective January 01, 2010 through December 31, 2011.**

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

**#14**

**RESOLUTION NO. 10-21  
(January 12, 2010)**

By Mrs. Totslie, Chairman of Human Services Committee:

**FRAN RUDGERS APPOINTED TO THE  
WYOMING COUNTY OFFICE FOR THE AGING ADVISORY COUNCIL**

**BE IT RESOLVED,** That **Fran Rudgers**, 217 Wyoming Ct., Warsaw, NY 14569 be hereby appointed to the Wyoming County Office for the Aging Advisory Council *for a term of three (3) years as a Community Member representing the Town of Warsaw; effective January 1, 2010 through December 31, 2012 replacing Bea Tilton.*

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

**#15**

**RESOLUTION NO. 10-22  
(January 12, 2010)**

By Mrs. Totslie, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS AND AGREEMENTS  
ON BEHALF OF WYOMING COUNTY OFFICE FOR THE AGING**

**BE IT RESOLVED,** That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign various contracts and agreements on behalf of Wyoming County Office for the Aging for 2010 as follows:

- **WCJW 3258 Merchant Road, Warsaw, NY 14569**
  - Memorandum of Understanding to provide Radio advertising for various OFA programs that require promotions in an amount not to exceed five thousand dollars (\$5,000.00); effective January 01, 2010 through December 31, 2010.

**RESOLUTION NO. 10-22**

**January 12, 2010**

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- Contract to provide information and outreach to Caregivers in Wyoming County in an amount not to exceed five thousand two hundred eighty dollars (\$5,280.00); effective January 01, 2010 through December 31, 2010.
- **The Pine Lounge 164 Clinton St. Cowelsville, NY 14037**
  - Memorandum of Understanding for the provision of Congregate Nutrition – variable depending on use. Not to exceed 2010 budget effective January 01, 2010 through December 31, 2010.
- **The Cloister, 171 N. Maple St., Warsaw, NY 14569**
  - Memorandum of Understanding for the provision of Respite Care – variable depending on use. Not to exceed 2010 budget effective January 01, 2010 through December 31, 2010.

Contingent upon the availability of funds.

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

**#16**

**RESOLUTION NO. 10-23  
(January 12, 2010)**

By Mrs. Totline, Chairman of Human Services Committee:

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

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign contracts on behalf of the Wyoming County Youth Bureau:

- **Karen Maskell, 210 South Main Street, Batavia, NY 14020.**
  - Contract for the provision of Early Intervention Services not to exceed 2010 - 2011 budget – variable depending on number of services effective amount variable; effective December 01, 2009 through June 30, 2012.
- **Children First of Western New York LLC, 4 Lancaster Lane, Orchard Park, NY 14127**
  - Contract for the provision of Early Intervention Services not to exceed 2010-2011 budget – variable depending on number of services effective amount variable; effective December 01, 2009 through June 30, 2012. For their center based programming.

Contingent upon the availability of funds.

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

**#17**

**RESOLUTION NO. 10-24**  
**(January 12, 2010)**

By Mrs. Totslin, Chairman of Human Services Committee:

**MEMBERS APPOINTED/REAPPOINTED TO**  
**THE WYOMING COUNTY YOUTH BOARD**

**Community Members**

*Term of three (3) years; effective January 1, 2010 through December 31, 2012*

- **Kristi Streamer (Warsaw Central School)** 81 West Court St., Warsaw, NY 14569 (filling a vacancy)
- **Tricia Janes (Perry Central School)** 33 Watkins Ave., Perry, NY 14530 (filling a vacancy)
- **Robert Farnsworth (Pike Community Church)** P.O. Box 297, Pike, NY 14140

**Agency Members**

*Term of two (2) years; effective January 1, 2010 through December 31, 2011*

- **Patricia Baron-Mills (Wyoming County Mental Health)** 338 North Main St., Warsaw, NY 14569
- **Colin Reagan (Wyoming County Sheriff's Department)** 151 North Main St., Warsaw, NY 14569
- **Amanda Daniel (Probation Department)** 143 North Main St., Warsaw, NY 14569

**Youth Members**

*Term of one (1) year; effective January 1, 2010 through December 31, 2010*

- **Spencer Darby**, 45 Allen St., Warsaw, NY 14569 (replacing Ashley White)
- **Kirstyn Geercken**, 3519 Truesdell Rd., Warsaw, NY 14569 (replacing Samantha Meyers)

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

**#18**

**RESOLUTION NO. 10-25**  
**(January 12, 2010)**

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER OF SOCIAL SERVICES AUTHORIZED TO SIGN**  
**VARIOUS CONTRACTS ON BEHALF OF THE DEPARTMENT OF SOCIAL**  
**SERVICES**

**RESOLUTION NO. 10-25**

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**BE IT RESOLVED**, That the Chairman of this Board and the Commissioner of Social Services with the approval of the County Attorney are hereby authorized and directed to sign various contract on behalf of the Department of Social Services:

- **Eric T. Dadd, 11 Exchange Street, Attica, NY 14011**
  - Legal services for Child Support & Family Court in an amount not to exceed fifty-eight thousand two hundred fourteen dollars and eighteen cents (\$58,214.18): effective January 01, 2010 through December 31, 2010.
  
- **David H. Nelson, 11 Exchange Street, Attica, NY 14011**
  - Resource recovery at a rate of \$70.00/hr. not to exceed 2010 budgeted amounts; effective January 01, 2010 through December 31, 2010.

Contingent upon the availability of funds.

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

**#19**

**RESOLUTION NO. 10-26  
(January 12, 2010)**

By Mrs. Totsline, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER OF SOCIAL SERVICES AUTHORIZED TO SIGN A GRANT ACCEPTANCE AWARD WITH NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES DIVISION OF INFORMATION TECHNOLOGY ON BEHALF OF THE DEPARTMENT OF SOCIAL SERVICES**

**BE IT RESOLVED**, That the Chairman of this Board and the Commissioner of Social Services are hereby authorized and directed to sign a grant acceptance award with the NYS Office of Children and Family Services Division of Information Technology, 52 Washington Street, Rensselaer, NY 12144 on behalf of the Department of Social Services. Said grant is to provide funding for 8 laptop computers for child welfare workers in the minimum amount of eight thousand four hundred ninety-four dollars and twenty-four cents (\$8,494.24); effective December 01, 2009 through June 30, 2012.

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

**RESOLUTION NO. 10-27  
(January 12, 2010)**

By Mrs. Totslie, Chairman of Human Services Committee:

**RESOLUTION NUMBER 09-16 AMENDED**

**WHEREAS**, Resolution Number 09-16 entitled, “**CHAIRMAN / COMMISSIONER AUTHORIZED TO SIGN A CONTRACT WITH WENDY SISSON, ATTORNEY, ON BEHALF OF THE DEPARTMENT OF SOCIAL SERVICES,**” passed by this Board of Supervisors on January 13, 2009 and provides for legal services in an amount not to exceed three thousand dollars (\$3,000.00); effective January 01, 2009 through December 31, 2009. Contingent upon the availability of funds; now therefore

**BE IT RESOLVED**, That Resolution Number 09-16 be hereby amended to reflect an increase in the contract by three hundred fifty dollars (\$350.00) for additional legal services to reflect a total contract price for 2009 of three thousand three hundred fifty dollars (\$3,350.00), all else remains the same.

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

**RESOLUTION NO. 10-28  
(January 12, 2010)**

By Mrs. Totslie, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER OF SOCIAL SERVICES AUTHORIZED TO SIGN CONTRACTS WITH WENDY SISSON, ATTORNEY, ON BEHALF OF THE DEPARTMENT OF SOCIAL SERVICES**

**BE IT RESOLVED**, That the Chairman of this Board and the Commissioner of Social Services with the approval of the County Attorney are hereby authorized and directed to sign a contract with Wendy Sisson, Attorney, P.O. Box 242, Geneseo, NY 14454 on behalf of the Department of Social Services. Said contract is to provide legal services in an amount not to exceed three thousand dollars (\$3,000.00); effective January 01, 2010 through December 31, 2010.

Contingent upon the availability of funds.

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

*Prior to the roll call vote of resolution number 22, County Attorney Dadd expressed a desire to discuss the contract with his home committee because the contract is not now what it once was and “morphed” into its current structure.*

**RESOLUTION NO. 10-  
(January 12, 2010)**

By Mrs. Totslie, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER OF SOCIAL SERVICES AUTHORIZED TO SIGN A  
LEASE AGREEMENT WITH ERIC T. DADD ON BEHALF OF THE DEPARTMENT  
OF SOCIAL SERVICES**

**BE IT RESOLVED**, That the Chairman of this Board and the Commissioner of Social Services are hereby authorized and directed to sign a contract with Eric T. Dadd, 11 Exchange Street, Attica NY 14011 on behalf of the Department of Social Services. Said lease is to provide office space for the County Attorney in an amount not to exceed four thousand eight hundred dollars (\$4,800.00); effective January 01, 2010 through December 31, 2010.

**Carried:      Ayes:      Noes:      Absent:      Abstain:**

**Referred to County Attorney's home committee (Human Resource Committee)**

*There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #23 through #26. A voice vote was taken and all voted aye.*

**#23**

**RESOLUTION NO. 10-29  
(January 12, 2010)**

By Mr. Kushner, Chairman of Public Health Committee:

**DR. JAMES WAWRZYNIAK REAPPOINTED TO  
THE WYOMING COUNTY BOARD OF HEALTH**

**BE IT RESOLVED**, That Dr. James Wawrzyniak, 727 Getman Rd. Alden NY14004 be hereby reappointed to the Wyoming County Board of Health for a term of six (6) years; effective January 01, 2010 through December 31, 2015.

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



**RESOLUTION NO. 10-30**  
**January 12, 2010**  
**Page 2**

Monroe County Department of Health Medical Examiner Services January 1 – December 31, 2010 (Multi-year agreement 1/1/08 – 12/31/10)	\$33,840 / year
Susan Schell, RD Registered Dietician Services (CHHA & Public Health) January 1 – December 31, 2010	Per Schedules B & B-1 TBD based on usage Not to exceed amount budgeted
Frank Hollister, Jr. Emergency Preparedness Coordination Services (H1N1 Response) January 1, 2010 – August 9, 2010	\$30.00 /hr TBD based on usage Not to exceed amount budgeted
Scott Treutlein, MD Medical Director Services MWHS January 1 – December 31, 2010	\$ 6,000 / year
United Church of Christ Building Use Agreement WIC January 1 – December 31, 2011	\$425 / month (2010) \$450 / month (2011)
Buffalo Hospital Supply Medical Supplies CHHA January 1 – December 31, 2010	Per Bid Price List TBD based on usage Not to exceed amount budgeted
Community Care of WNY dba Homecare & Hospice Home Health Aide Services January 1 – December 31, 2010	\$27.52 / one hour visit \$21.80 / one hour + visit TBD based on usage / Not to exceed amount budgeted
Jolene Griffith, PA MWHS Mid-Level Practitioner Services January 1 – December 31, 2010	\$40.00 / hr. TBD based on usage Not to exceed amount budgeted
Karen Nelson, MSW \$40.00 / hr in-service Medical Social Worker Services January 1 – December 31, 2010	\$75.00 / visit & TBD based on usage Not to exceed amount budgeted
Step-by-Step Physical Therapy Physical Therapy Services January 1 – December 31, 2010	\$66.20 / visit TBD based on usage Not to exceed amount budgeted

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

**RESOLUTION NO. 10-31  
(January 12, 2010)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH SPECTRUM HUMAN SERVICES, INC. ON BEHALF OF THE MENTAL HEALTH DEPARTMENT**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Spectrum Human Services, Inc., 227 Thorn Ave., Orchard Park, NY on behalf of the Mental Health Department. Said contract for an amount not to exceed ten thousand dollars (\$10,000.00) of unspent 2009 Mental Hygiene State Aid.

Contingent upon the availability of funds.

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

**RESOLUTION NO. 10-32  
(January 12, 2010)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH CANDLE INC. ON BEHALF OF THE MENTAL HEALTH DEPARTMENT**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Candle Inc., 100 Brugh Ave., Butler, PA 16001 on behalf of the Mental Health Department. Said contract is to purchase *Reality Tour*, in order to create a Wyoming County version for the community in order to educate youth and parents on the risks and harms of drug use and abuse. The license and materials are three thousand five hundred dollars (\$3,500.00) from 2009 Funds, with an annual renewal fee of five hundred dollars (\$500.00) for continued use of the license; effective December 22, 2009 through December 21, 2014. 100% State Aid, no County levy.

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

*There was a motion by Mr. Fleischman, T/Java, to combine resolutions #27 through #34. A voice vote was taken and all voted aye.*

**RESOLUTION NO. 10-33  
(January 12, 2010)**

By Mr. Fleischman, Chairman of Planning Committee:

**BOARD OF SUPERVISORS APPROVES EXTENSION OF EXISTING AGREEMENT WITH ECC TECHNOLOGIES ON BEHALF OF PLANNING AND DEVELOPMENT**

**WHEREAS**, That by Resolution Number 09-279 the Chairman of this Board was authorized to sign an agreement with ECC Technologies, 845 Fairport Office Centre, Fairport, New York 14450 to perform a Broadband/Fiber Optics Telecommunications Infrastructure Installation Study in preparation for Wyoming County to apply for federal Department of Commerce stimulus funds under the American Recovery and Reinvestment Act in an amount not to exceed thirty seven thousand five hundred dollars (\$37,500.00) to be completed by September 30, 2009; and

**WHEREAS**, That by Resolution Number 09-408 the Contractual Agreement was extended by thirty (30) days to expire on October 30, 2009, at no additional cost to the County; and

**WHEREAS**, ECC Technologies has completed the research and collection of all necessary data and information to develop and distribute the preliminary business/marketing plan model; and

**WHEREAS**, The Department of Commerce, National Telecommunications and Information Agency has not yet released the Notice of Funding Availability for Round 2 of the Rural Broadband Fiber Optics Technology Opportunities Installation Program which prevents ECC Technologies from completing Phase III High Level Business Model and Grant Support Task of Service costing ninety-five hundred dollars \$9,500.00; now therefore

**BE IT RESOLVED**, That Resolution Numbers 09-279 as amended by 09-408 be hereby amended to reflect an extension of the existing Broadband Fiber Optics Telecommunications Infrastructure Installation Study being conducted by ECC Technologies, 845 Fairport Office Centre, Fairport, New York 14450 until March 31, 2010 at no additional cost to the County other than rolling over ninety-five hundred dollars (\$9,500.00) already appropriated in 2009, that has yet to be spent and will not be spent until we apply for grant funds from the Department of Commerce. All other terms and conditions remain the same.

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

**RESOLUTION NO. 10-34  
(January 12, 2010)**

By Mr. Fleischman, Chairman of Planning Committee:

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN  
COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT**

**WHEREAS,** The County of Wyoming has been approved to receive a one hundred thousand dollar (\$100,000.00) 2009 NYS Economic Development Community Development Block Grant that will be used by the Wyoming County IDA to provide financial assistance to Sregnuoy Farms, Java, New York for its continued growth and expansion; and

**WHEREAS,** The loan repayments from Sregnuoy Farms will be used by the Wyoming County IDA to provide financial assistance to other business within its jurisdiction that will create additional job opportunities in Wyoming County; now therefore

**BE IT RESOLVED,** That the Chairman of this Board is hereby authorized as the official representative of Wyoming County, New York to execute the grant agreement from the NYS Office of Community Renewal 38-40 State St., Hampton Plaza, 9<sup>th</sup> Floor, Albany, NY 12207 for a one hundred thousand dollar (\$100,000.00) NYS Community Development Block Grant, OCR Economic Development program; effective November 10, 2009 through November 10, 2011, and is hereby authorized and directed, upon approval of the County Attorney, to sign all documents and take all actions needed to receive the approved grant funds; and be it

**FURTHER RESOLVED,** That the Chairman of this Board designates Drew Shapiro, Director of the Wyoming County Department of Planning and Development to act as Certifying Officer for the purposes of carrying out an environmental review.

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

**RESOLUTION NO. 10-35  
(January 12, 2010)**

By Mr. Fleischman, Chairman of Planning Committee:

**DREW SHAPIRO REAPPOINTED TO THE  
GLOW SOLID WASTE PLANNING COMMITTEE**

**BE IT RESOLVED,** That Drew Shapiro (Director of Planning & Development) 6470 Route 20A, Suite 4, Perry, NY 14530 be hereby reappointed to the GLOW Solid Waste Planning Committee for a term of one (1) year; effective January 1, 2010 through December 31, 2010.

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

#30

**RESOLUTION NO. 10-36  
(January 12, 2010)**

By Mr. Fleischman, Chairman of Planning Committee:

**DREW SHAPIRO REAPPOINTED TO THE  
GLOW SOLID WASTE ADVISORY COMMITTEE**

**BE IT RESOLVED**, That Drew Shapiro (Director of Planning & Development) 6470 Route 20A, Suite 4, Perry, NY 14530 be hereby reappointed to the GLOW Solid Waste Advisory Committee for a term of one (1) year; effective January 1, 2010 through December 31, 2010.

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

#31

**RESOLUTION NO. 10-37  
(January 12, 2010)**

By Mr. Fleischman, Chairman of Planning Committee:

**DREW SHAPIRO REAPPOINTED TO THE  
GLOW REGIONAL SOLID WASTE MANAGEMENT COMMITTEE**

**BE IT RESOLVED**, That Drew Shapiro (Director of Planning & Development) 6470 Route 20A, Suite 4, Perry, NY 14530 be hereby reappointed to the GLOW Regional Solid Waste Management Committee for a term of one (1) year; effective January 1, 2010 through December 31, 2010.

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

#32

**RESOLUTION NO. 10-38  
(January 12, 2010)**

By Mr. Fleischman, Chairman of Planning Committee:

**MARTY MUCHER AND DAVID RUMSEY  
APPOINTED/REAPPOINTED TO THE 2-1-1 ADVISORY BOARD**

**BE IT RESOLVED**, That *Marty Mucher (Community Action)* 208 State Street, Batavia, NY 14020 and *David Rumsey (Social Services)* 6436 Main St., Stafford, NY 14143 be hereby appointed / reappointed to the 2-1-1 Advisory Board *for a term of one (1) year; effective January 01, 2010 through December 31, 2010.*

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

**RESOLUTION NO. 10-39  
(January 12, 2010)**

By Mr. Fleischman, Chairman of Planning Committee:

**JAMES PIERCE REAPPOINTED TO THE  
GLOW WORKFORCE INVESTMENT BOARD**

**BE IT RESOLVED**, That James Pierce (Wyoming County Business Development Corp.) 6470 Rt. 20A, Suite 2, Perry, NY 14530 be hereby reappointed to the GLOW Workforce Investment Board *for an indefinite term; effective January 1, 2010 as a Private Sector Member.*

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

**RESOLUTION NO. 10-40  
(January 12, 2010)**

By Mr. Fleischman, Chairman of Planning Committee:

**JOSEPH HAMM APPOINTED TO THE  
GLOW WORKFORCE INVESTMENT BOARD**

**BE IT RESOLVED**, That Joseph Hamm (New York State Department of Labor) 276 Waring Rd., Rochester, NY be hereby appointed to the GLOW Workforce Investment Board *for an indefinite term; effective September 15, 2009 as an At Large Member.*

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

*Chairman Berwanger, T/Arcade asked County Consultant, Patrick Brennan of the Brennan Group to deliver his monthly update to the Board at this time.*

**BRENNAN GROUP CONSULTING LLC  
7705 SALLY RD  
WATERVILLE NY 13480**

**WYOMING CO BOARD OF SUPERVISORS  
January 2010 REPORT**

January 2010

Wyoming County NYS Department of State High Priority Grant Program Application to be submitted this month; work to be considered, County-wide water project study.

Dec 10, 2009

Governor Paterson signed into law Tier 5 Pension Reform. “The legislation creates a new Tier 5 pension level, the most significant reform of the State’s pension system in more than a quarter-century. This could save the state and local governments \$48.5 billion dollars over the next 30 years. The new Tier 5 legislation applies to both uniformed and non-uniformed public employees and significantly reforms the pension system”.

Key components of Tier V include:

1. raising the minimum age for most civilians from 55 to 62 and imposing a penalty of up to 38% for any civilian who retires prior to age 62.
2. requiring employees to continue contributing 3% of their salary toward pension costs, as long as they accumulate additional pension credit.
3. increasing the minimum years of service required to draw a pension from 5 to 10 years.
4. capping the amount of overtime that can be considered in the calculation of pension benefits for civilians at \$15,000 per year, and for police/firefighters at 15% of non-overtime wages.

NYS Teachers Retirement System:

1. raising the minimum age an individual can retire from 55 to 57 yrs.
2. must contribute 3.5% of their annual wages to pension costs versus 3% for non-teachers, and continue this increased contribution as long as they accumulate pension credits.
3. increasing the 2% multiplier threshold for final pension calculations from 20yrs. To 25 yrs.

The projected Tier V savings for Western New York are \$2.8 billion over the next 30 years.

Dec 15, 2009

Gov. Paterson accepted the final 2009 State Energy Plan (Plan). The Plan identifies a number of specific policy initiatives:

1. continue to expand opportunities to improve energy efficiency.
2. support the development of in-state energy supplies.
3. encourage investment in, and identify future needs for energy infrastructure.
4. stimulate innovation in the clean energy economy and help the existing manufacturing base transition to a low-carbon future.
5. improve coordination between the State, other governments and communities.

Gov. Paterson will be proposing in 2010, the following legislative initiatives:

1. improving coordination and expanding energy efficiency and renewable energy programs across the State in support of the Governor’s ‘45 by 15’ clean energy goal.

2. submit legislation that will establish a power-plant siting process that will provide greater certainty to developers and greater opportunities for public involvement.
3. submit legislation to establish a long-term Power for Jobs program and develop new criteria that encourage energy efficiency.
4. work with the New York Power Authority (NYPA) to procure another 100 megawatts of solar energy statewide.
5. work with NYPA to develop an off-shore wind project in the Great Lakes.
6. ensure stringent environmental safeguards are in place for natural gas drilling in the Marcellus Shale gas reserves.
7. release a Climate Action Plan that will identify strategies to achieve an 80% reduction in greenhouse gas emissions by 2050
8. establish incentives to repower existing power plants to reduce emissions and increase power output.

Dec 22, 2009

NYSERDA announces Implementation Funding for Small Municipalities  
\$24 million available from the American Recovery and Reinvestment Act (ARRA)  
Request for Proposals (RFP) 10.

This RFP provides statewide funding for the implementation of energy conservation measures by small municipalities including: energy efficiency improvements, renewable energy improvements, efficient transportation system implementation, material conservation, and energy management personnel.

Application deadline is Feb 17, 2010 at 5pm EST.  
Jan 6, 2010

Gov. Paterson delivers his second State of the State address, "A Time to Rebuild". The Governor "outlined a plan for an era of reform and recommitment by rebuilding state economy and restoring trust and confidence in government".

The Governor discussed the following initiatives.

Fiscal reform:

1. enact real and lasting cuts to our bureaucracy.
2. merge agencies to improve efficiency and save money.
3. begin public tracking of agency performance.
4. develop a long-term (4 yr.) strategy for fiscal planning.

Ethics reform: Reform Albany agenda

1. drastically reduce campaign contributions.
2. require disclosure of outside income.
3. strip the pension from any public official convicted of a felony.

4. phase in public financing of campaigns.
5. impose term limits on all State office holders through a Constitutional amendment.

The Governor also highlighted the ‘Excelsior Jobs Program’, a replacement for the ‘Empire Zone Program.’ The Governor also discussed creating a \$25 million dollar “New Technology Seed Fund,” to bring together higher education/research and development sector/business community, to support entrepreneurial activity.

Although Gov. Paterson attempted to deliver a positive message on the State of the State, the overriding sentiment was one of deep concern regarding the fiscal crisis and there was a sense of little support from the Governor’s own party to assist him on his policy objectives.

*There was a brief discussion about the ECC Technologies Board Band Study. The Board asked Mr. Brennan if he wouldn’t mind reviewing ECC’s findings. He agreed.*

*There was a motion by Mr. Gozelski, T/Castile, to combine resolutions #35 through #37. A voice vote was taken and all voted aye.*

#35

**RESOLUTION NO. 10-41  
(January 12, 2010)**

By Mr. Gozelski, Chairman of Agriculture Committee:

**GREGORY MCKURTH REAPPOINTED TO THE SENECA TRAIL RESOURCE  
CONSERVATION & DEVELOPMENT COUNCIL**

**BE IT RESOLVED**, That *Gregory McKurth* (Wyoming County Soil & Water) 31 Duncan St. Ext., Warsaw, NY 14569 be hereby reappointed to the Seneca Trail Resource Conservation & Development Council *for a term of three (3) years; effective January 01, 2010 through December 31, 2012 as the Soil & Water Representative.*

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

#36

**RESOLUTION NO. 10-42  
(January 12, 2010)**

By Mr. Gozelski, Chairman of Agriculture Committee:

**ORDER OF PROTECTION FOR DEER APPROVED**

**WHEREAS**, The Wyoming County Department of Animal Control has indicated that there is a potential for unnecessary loss to the white tailed deer population within the County of Wyoming due to anticipated weather conditions; now therefore

**BE IT RESOLVED**, That this Board hereby orders and requires that all dogs in the County of Wyoming shall be securely confined for the period of November 1, 2009 through

**RESOLUTION NO. 10-42**

**January 12, 2010**

**Page 2**

April 1, 2010, under Article 7, Section 122 of the New York State Agriculture and Markets Law; and be it

**FURTHER RESOLVED**, That notice of this Order has been given publication in the following newspapers of general circulation within the County of Wyoming:

*Perry Herald, Perry NY*  
*Daily News, Batavia NY*

and be it

**FURTHER RESOLVED**, That the Clerk of this Board shall file a certified copy of this Order in the Office of each Town Clerk and Village Clerk in the County and with the Commissioner of the Department of Agriculture and Markets of the State of New York.

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

**#37**

**RESOLUTION NO. 10-43**  
**(January 12, 2010)**

By Mr. Gozelski, Chairman of Agriculture Committee:

**CONFINEMENT OF DOGS IN WYOMING COUNTY AUTHORIZED**

**BE IT RESOLVED**, That this Board hereby orders and requires that all dogs in the County of Wyoming shall be securely confined between sunset and one hour after sunrise for the period January 1, 2010 through Midnight, December 31, 2010, under Article 7, Section 122 of the New York State Agriculture and Markets Law; and be it

**FURTHER RESOLVED**, that notice of this Order shall be given publication in the following newspapers of general circulation within the County of Wyoming:

*Perry Herald, Perry NY*  
*Daily News, Batavia NY*

and be it

**FURTHER RESOLVED**, That the Clerk of this Board shall file a certified copy of this Order in the office of each Town Clerk and Village Clerk in the County and with the Commissioner of the Department of Agriculture and Markets of the State of New York.

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

*Prior to the reading of resolutions numbered 38 through 46 Chairman Berwanger, T/Arcade invited County Clerk Pierce to the podium to explain the importance of registering your vehicle through your local DMV.*

County Clerk Pierce informed everyone that when you register on-line or when you send your registration directly to the state, Wyoming County doesn't get any of the revenue for those registrations. However, when you register your vehicles through your local DMV a portion of those dollars remain within that county reducing county tax dollars!!

There was a motion by Mr. Davis, T/Covington, to combine resolutions #38 through #46. A voice vote was taken and all voted aye.

#38

**RESOLUTION NO. 10-44  
(January 12, 2010)**

By Mr. Davis, Chairman of Finance Committee:

**DISABILITY INSURANCE RATE WITH  
HARTFORD LIFE INSURANCE COMPANY APPROVED**

**BE IT RESOLVED**, That rates for statutory New York State Disability Insurance coverage with Hartford Life Insurance Company, P.O. Box 2999, Hartford, CT 06104 for CSEA Hospital Supervisory Group be hereby approved at the quarterly rate of \$7.47 per male and \$15.24 per female (which is a decrease in premium of \$3.18 per male and \$6.51 per female); effective January 1, 2010 through December 31, 2010.

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

#39

**RESOLUTION NO. 10-45  
(January 12, 2010)**

By Mr. Davis, Chairman of Finance Committee:

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

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

**INVESTMENT POLICY  
FOR WYOMING COUNTY**

**I.    SCOPE**

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

**II. OBJECTIVES**

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

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

**III. DELEGATION OF AUTHORITY**

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

**IV. PRUDENCE**

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

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

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

**V. DIVERSIFICATION**

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

**VI. INTERNAL CONTROLS**

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

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

**VII. DESIGNATION OF DEPOSITARIES**

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

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

**VIII. COLLATERALIZING OF DEPOSITS**

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

1. By a pledge of "eligible securities" with an aggregate "market value" as provided by GML Sec. 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organizations or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

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

**IX. SAFEKEEPING AND COLLATERALIZATION**

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

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

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

**X. PERMITTED INVESTMENTS**

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

- \* Special time deposit accounts;
- \* Certificates of deposit;
- \* Obligations of the United States of America;
- \* Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United State of America;
- \* Obligations of the State of New York;

\* Obligations issued pursuant to LFL Sec. 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the County of Wyoming;

\* Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments.

\* Certificates of Participation (COP's) issued pursuant to GML Sec. 109b.

\* Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML Sec. 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

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

**XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS**

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

**XII. PURCHASE OF INVESTMENTS**

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

1. Directly, including through a repurchase agreement, from an authorized trading partner.

2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.

3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

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

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

### **XIII. REPURCHASE AGREEMENTS**

Repurchase agreements are authorized subject to the following restrictions:

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

### **APPENDIX A**

#### Schedule of Eligible Securities

\_\_\_ (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.

\_\_\_ (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank, and the African Development Bank.

\_\_\_ (iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market Value of the obligation that represents the amount of the insurance or guaranty.

\_\_\_ (iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation, which under a specific State statute may be accepted as security for deposit of public moneys.

\_\_\_ (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

\_\_\_ (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

\_\_\_ (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

\_\_\_ (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.

\_\_\_ (ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.

\_\_\_ (x) Commercial paper and banker's acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.

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

and be it

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

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

**RESOLUTION NO. 10-46  
(January 12, 2010)**

By Mr. Davis, Chairman of Finance Committee:

**DATE OF FEBRUARY 2010 REGULAR SESSION CHANGED**

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

**BE IT RESOLVED**, That the Regular Session of the Wyoming County Board of Supervisors will be held on *Friday, February 5<sup>th</sup>, 2010 at 2:30 PM* at the *Wyoming County Government Center, Warsaw, New York*.

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

**RESOLUTION NO. 10-47  
(January 12, 2010)**

By Mr. Davis, Chairman of Finance Committee:

**POSITION CREATION(S) APPROVED**

**BE IT RESOLVED**, That the following position(s) is hereby created within the various Wyoming County Departments:

**Probation:**

- One (1) position of Probation Officer (1.00 fte) (Temporary) from mid-April 1, 2010 to October 31, 2010. CSEA Grade XV, 35 hours per week.

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

**RESOLUTION NO. 10-48  
(January 12, 2010)**

By Mr. Davis, Chairman of Finance Committee:

**MEMBERS REAPPOINTED TO INTER-COUNTY OF WESTERN NEW YORK**

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

**Member**

***One (1) year term; effective January 01, 2010 through December 31, 2010***

- Jerry Davis, 7414 Court Rd, PO Box 445, Pavilion, NY 14525
- Larry Rogers, PO Box 82, Pike, NY 14130-0082

- John Knab, 2246 Thomas Rd., Varysburg, NY 14167

**Alternate Member**

***One (1) year term; effective January 01, 2010 through December 31, 2010***

- A. Douglas Berwanger, 6608 E. Arcade Rd., Arcade, NY 14009

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

**#43**

**RESOLUTION NO. 10-49  
(January 12, 2010)**

By Mr. Davis, Chairman of Finance Committee:

**HIPAA OFFICERS REAPPOINTED**

**BE IT RESOLVED**, That the following persons are hereby reappointed to the following HIPAA Officer Positions, ***for a term of one (1) year to expire December 31, 2010:***

- **Joan Kibler** (Probation Director) – ***Privacy Officer***
- **Todd MacConnell** (Information Technology Director) – ***IT Security Officer***
- **Sally Meeder** (T/Middlebury Supervisor) - ***Corporate Compliance Officer***

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

**#44**

**RESOLUTION NO. 10-50  
(January 12, 2010)**

By Mr. Davis, Chairman of Finance Committee:

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

**BE IT RESOLVED**, That ***A. Douglas Berwanger*** (T/Arcade Supervisor) 6608 East Arcade Rd., Arcade NY 14009 is hereby reappointed County Purchasing Agent ***for a term of two (2) years; effective January 01, 2010 through December 31, 2011.***

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

**RESOLUTION NO. 10-51  
(January 12, 2010)**

By Mr. Davis, Chairman of Finance Committee:

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

**BE IT RESOLVED**, That the following members are hereby reappointed *as Town Representative Members to the Wyoming County Community Hospital Board of Managers for a term of five (5) years; effective January 01, 2010 through December 31, 2014:*

- **Dr. James Wawrzyniak**, (Town of Bennington Rep.) 727 Getman Dr., Alden, NY 14004,
- **Michael Medden** (Town of Arcade Rep.) 28 Decan Dr., Arcade, NY 14009

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

**RESOLUTION NO. 10-52  
(January 12, 2010)**

By Mr. Davis, Chairman of Finance Committee:

**JOSEPH KUSHNER REAPPOINTED TO THE WYOMING  
COUNTY COMMUNITY HOSPITAL BOARD OF MANAGERS**

**BE IT RESOLVED**, That *Joseph Kushner* (T/Eagle) 3468 E. Main St., Bliss, NY 14024 be hereby reappointed to the Wyoming County Community Hospital Board of Managers *as the Supervisor Member for a term of one (1) year; effective January 1, 2010 through December 31, 2010.*

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

**Public Comment:**  
None

*Motion made by Supervisor Gozelski, T/Castile to close the public hearing. Seconded by Supervisor Knab, T/Sheldon*

**Close Public Hearing:**

**Public Hearing  
#47**

**RESOLUTION NO. 10-53  
(January 12, 2010)**

By Mr. Davis, Chairman of Finance Committee:

**LOCAL LAW NO. 1, YEAR 2010 (INTRODUCTORY D, YEAR 2009) entitled, “A Local Law of the County of Wyoming, Providing Salaries for Certain County Officers for the year 2010,” ADOPTED**

**WHEREAS**, There was duly presented and introduced at a meeting of this Board, held on the 8<sup>th</sup> day of December, 2009, a proposed local law of the County, designated as Local Law Introductory No. D, for the year 2009, entitled, **A Local Law of the County of Wyoming, Providing Salaries for Certain County Officers for the year 2010**; and

**WHEREAS**, In accordance with the provisions of Resolution No. 09-495, there was a public hearing held by this Board of Supervisors on this 12<sup>th</sup> day of January, 2010 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 local law having laid on the desks of the members of this Board of Supervisors at least seven days prior to the final adoption, a majority of this Committee agreed to recommend the enactment and passage of the above mentioned local law, designated as herein above set forth; now therefore

**BE IT ENACTED**, That Local Law Introductory No. D, Year 2009, County of Wyoming, New York, as presented to this Board on the 12<sup>th</sup> day of January, 2010, be hereby adopted, enacted and passed by this Board in its present form as follows:

**LOCAL LAW NO. 1 - YEAR 2010**

**County of Wyoming, Providing Salaries for Certain County Officers for the year 2010**

Section 1. Effective as hereafter provided, the annual salary of the County Treasurer shall be increased by \$1,020.00.

Section 2. Effective as hereafter provided, the annual salary of the County Sheriff shall be increased by \$2,349.00.

Section 3. Effective as hereafter provided, the annual salary of the District Attorney shall be increased by \$2,444.00.

Section 4. Effective as hereafter provided, the annual salary of the County Clerk shall be increased by \$900.00.

Section 5. Effective as hereafter provided, the annual salary of the Commissioner of Elections (2) shall be increased by \$273.00.

**RESOLUTION NO. 10-53**

**January 12, 2010**

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Section 6. Effective as hereafter provided, the annual salary of the Clerk to the Board of Supervisors shall be increased by \$900.00.

Section 7. Effective as hereafter provided, the annual salary of the County Attorney, PT shall be increased by \$1,109.00.

Section 8. Effective as hereafter provided, the annual salary of the County Highway Superintendent shall be increased by \$1,530.00.

Section 9. Effective as hereafter provided, the annual salary of the Director of Community Services shall be increased by \$1,237.00.

Section 10. Effective as hereafter provided, the annual salary of the Public Defender, PT shall be increased by \$1,028.00.

Section 11. Effective as hereafter provided, the annual salary of the Commissioner of Public Health shall be increased by \$1,374.00.

Section 12. Effective as hereafter provided, the annual salary of the Director of Real Property Tax Service shall be increased by \$1,177.00.

Section 13. Effective as hereafter provided, the annual salary of the Director of Veteran's Services shall be increased by \$428.00.

Section 14. Effective as hereafter provided, the annual salary of the Director of Aging and Youth shall be increased by \$1,034.00.

Section 15. All salaries set forth above shall be effective as of January 01, 2010.

Section 16. This Local Law shall take effect 45 days from the date of adoption by the Board of Supervisors unless a petition is filed in accordance with Municipal Home Rule Law Section 24.

Section 17. This Local Law is subject to permissive referendum.

DATED at Warsaw, New York  
December 8, 2009 (Introduced)  
January 12, 2010 (Adopted)  
Cheryl J. Ketchum, Clerk

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

*Prior to the adjournment of this Board Meeting Chairman Berwanger, T/Arcade updated the Board on the letter dated January 4, 2010 which was signed by all of the Wyoming County*

Supervisors to Governor Paterson with copies going to Speaker of the Assembly, Sheldon Silver and Temporary President of the Senate, Malcolm Smith. Chairman Berwanger, T/Arcade stated that the letters have all been delivered registered mail and signed for.

Because of the above mentioned actions Chairman Berwanger, T/Arcade has asked that a new segment be added to the end of every Regular Session Board Meeting called, **“The Janis Report.”** This report will address reimbursements by the state that were outlined in the letter to Governor Paterson on January 04, 2010.

Budget Officer Cook reported the following receipt of reimbursements:

State Marcheselli		\$ 75,500.00		\$ 75,500.00
Court Security	4/1/09 - 11/2009	\$ 188,897.00		\$ 188,897.00
	Est. 4 Mos	\$ 96,000.00		\$ 96,000.00
Indigent Parole Program	3/1/09 - 11/09	\$ 100,193.00		\$ 100,193.00
Public Health State Aid	1/1/09 - 9/30/09	\$ 395,000.00	(126,283.00)	\$ 268,717.00
	Est. 4th Qtr	\$ 135,000.00		\$ 135,000.00
Mental Health	2008 Federal Salary Sharing	\$ 81,000.00		\$ 81,000.00
Pre-School		\$ 103,125.94		\$ 103,125.94
	Est. 4th Qtr	\$ 115,000.00		\$ 115,000.00
Parole Violators	Billed 3/31/09	\$ 9,738.40		\$ 9,738.40
DA Salary Supplement		\$ 43,867.00	(43,867.00)	\$ -
		\$ 1,343,321.34		\$ 1,173,171.34

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 3:40 PM with a rap on his desk.

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Respectfully submitted,

*Cheryl J. Ketchum*

Cheryl J. Ketchum, Board Clerk