

REGULAR SESSION

(March 09, 2010)

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 2:40 PM Chairman Berwanger, T/Arcade, called the meeting to order.

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

FRANK J. HOLLISTER JR.

Mr. Hollister's service to his country comes while serving during the Iraq/Afghanistan War.

Frank Hollister Jr. was born and raised in Warsaw. He graduated from Warsaw Central in 1990 and joined the Air Force shortly thereafter. After serving for a short period of time, he was medically discharged and returned home to Warsaw and married his wife Roxanne Ongjoco of Perry, in 1993.

They relocated to Pennsylvania, where Frank graduated from Paramedic School in 1994 as a Nationally Registered Paramedic and began working at the Williamsport Hospital. In 1995, they moved to Fort Wayne Indiana where Frank worked for American Medical Response as a Paramedic Supervisor. He developed and commanded the Disaster Response Team, specializing in Anti-Terrorism, Hazardous Materials, Mass Casualty and Mass Fatality response. He also developed the SWAT and Bomb Squad medic programs with the City of Fort Wayne Police Dept, serving on both of those teams until returning to Wyoming County in December of 2003.

Frank worked for Rural Metro in Rochester, Monroe Ambulance in Wyoming County and Mercy Flight out of Buffalo. In 2005 he re-enlisted in the military as a Navy Combat Corpsman. Upon completion of his training, he was assigned to India Company, 3rd Battalion, 25th Marines in Buffalo which is an infantry company. Also in 2005, Frank became the Bioterrorism Coordinator for the Wyoming County Health Department.

During his tenure at the Wyoming County Health Department, Frank has worked with staff, community partners, and other County Departments, creating a Public Health Emergency Preparedness program to effectively respond to the needs of Wyoming County residents during various emergencies. Over the last several years, the Health Department has effectively and efficiently responded to several events including most recently the H1N1 influenza vaccination campaign.

Frank is currently a Petty Officer Second Class in the Marine Corp Reserves.

For his service to his country he has earned:

The National Defense Service Ribbon

The Good Conduct Ribbon

The Global War on Terrorism Medal

The Navy & Marine Corp Achievement Medal

The Military Outstanding Volunteer Service Medal

(for his many years of coaching football, wrestling, & baseball in Perry & Warsaw)

A Navy & Marine Corp Commendation Medal will be presented for:

(being selected as the “Sailor of the Year in 2009 for the 4th Marine Corp Div. as well
“Sailor of the Year” for the entire Marine Corp Reserves)

This will also make him eligible for a ‘Meritorious Promotion’

After 4-1/2 years of service to Wyoming County, Frank has resigned from the Health Department, as India Company and the rest of 3rd Battalion 25th Marines has been activated and will be leaving soon to join the fight in Afghanistan.

Frank currently lives in Perry, with his wife Roxanne and their three boys Corey, Christian, and Andrew.

The pledge was said by all.

Mr. Hollister was joined by his wife, parents and many members of the Public Health Department who wished to show their admiration and friendship as he embarks on his military assignment in Afghanistan.

As a show of gratitude, admiration, and respect the entire Board of Supervisors presented Mr. Hollister with a standing ovation. The many visitors, guests and on lookers joined the Board’s gesture.

Chairman Berwanger, T/Arcade thanked Mr. Hollister for leading today’s pledge and presented him with a certificate of appreciation. Chairman Berwanger explained that traditionally the Board allows the veteran an opportunity to address the Board about anything he so chooses. Mr. Hollister took the opportunity to thank his many friends at the Public Health Department stating that the Public Health Department is one of the best places to work and he thanked the Board for their continued support.

Communications by Clerk Ketchum:

None for the Month of March

#1

**RESOLUTION NO. 10-118
(March 09, 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:

Economic Development			
To: 01.42.6421.4.42477 Small Cities Grant w/ 01.12.6421.408916 Federal Aid Reason: To re-appropriate unspent funds for Small Cities (CDBG) Grant project, McCormick Farms Inc.	\$9,429.00	\$9,429.00	
To: 01.42.6421.4.42477 Small Cities Grant w/ 01.12.6421.408916 Federal Aid Reason: To re-appropriate unspent funds for Small Cities (CDBG) Grant project, Marquart Brothers Farms.	\$256,000.00	\$256,000.00	
To: 01.42.6421.4.42477 Small Cities Grant w/ 01.12.6421.408916 Federal Aid Reason: To appropriate funds for Small Cities (CDBG) Grant project, Sregnuoy Farms.	\$100,000.00	\$100,000.00	
Economic Development Total			\$365,429.00
Sheriff Department			
To: 01.37.3110.2.23001 Cars w/ 01.13.3110.5031 Interfund Revenue Reason: To allow for CIP funds to be transferred to purchase new patrol cars.	\$105,000.00	\$105,000.00	
To: 01.37.3110.1.10301 Overtime w/01.03.3110.128901 STOP-DWI Reason: STOP-DWI per Res 09-442 to cover salary expenses for patrols	\$5,000.00	\$5,000.00	
To: 01.37.3110.1.10301 Overtime w/01.12.3110.438902 Federal Grants Reason: Buckle Up New York (BUNY) per Res 09-443 to cover salary expenses for patrols	\$2,380.00	\$2,380.00	
To: 01.37.3110.4.40508 Private Auto Repair w/01.08.3110.2680 Insurance Recovery Reason: offset of insurance company collision payment for car 17	\$2,983.06	\$2,983.06	
Sheriff Total			\$115,363.06
Board of Supervisors / Legislature			
To: 01.31.1010.1.10202 Temporary 01.31.1010.8.81001 Retirement 01.31.1010.8.83001 FICA 01.31.1010.8.85001 Medicare <i>From Any Funds Available</i> Reason: To cover Student Aide position through the end of the year.	\$12,800.00 1,408.00 793.60 185.60	\$15,187.20	
Board of Supv. / Legis. Total			\$15,187.20
Veterans Services			
To: 01.43.6510.4.40411 Volunteer Mileage w/01.03.6510.1289 Other Departmental Income Reason: Volunteer mileage expense made possible through funding from Angel Action/Community Action.	\$3,000.00	\$3,000.00	
Veterans Services Total			\$3,000.00

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Highway			
To: 04.53.5112.4.40948 NYSDOT Project <i>From any funds available</i>	\$318,001.02	\$318,001.02	
Reason: In order to pay NYSDOT for the County's share of the construction of Exchange Street (CR#31)			
Highway Total			\$318,001.02

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

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$2,348,426.90** for the month of **February 2010**.

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

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #2 through #7. A voice vote was taken and all voted aye.

#2

RESOLUTION NO. 10-119

(March 09, 2010)

By Mr. Kushner, Chairman of Public Health Committee:

CHAIRMAN / COMMISSIONER OF HEALTH AUTHORIZED TO SIGN A LEASE WITH FORD MOTOR CREDIT COMPANY ON BEHALF OF THE COUNTY HEALTH DEPARTMENT

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign a lease agreement with Ford Motor Credit Company (Municipal Finance), The American Road, POB 1739, Dearborn, MI, 48121 on behalf of the County Health Department. Said lease is for three (3) 2010 Ford Focus for a thirty-six (36) month term with twelve (12) quarterly payments of three thousand six hundred thirty-nine dollars (\$3,639.00) and a one dollar (\$1.00) each buyout at lease end.

Contingent upon the availability of funds.

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

**RESOLUTION NO. 10-120
(March 09, 2010)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN / COMMISSIONER OF HEALTH AUTHORIZED AND DIRECTED TO
SIGN AN AGREEMENT WITH PLANNED PARENTHOOD OF WESTERN NEW
YORK ON BEHALF OF THE COUNTY HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign an agreement with Planned Parenthood of WNY, 2697 Main Street, Buffalo, NY 14214 on behalf of the County Health Department. Said agreement is for the provision of Outreach and Community Education in an amount not to exceed twelve thousand dollars (\$12,000.00); effective February 01, 2010 through December 31, 2010. Reimbursed by NYSDOH Title X grant and MWHS receivables, funds budgeted.

Contingent upon the availability of funds.

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

**RESOLUTION NO. 10-121
(March 09, 2010)**

By Mr. Kushner, Chairman of Public Health Committee:

NATIONAL GAMBLING AWARENESS WEEK PROCLAIMED

WHEREAS, Problem gambling is a public health issue affecting millions of Americans of all ages, race and ethnic backgrounds in all communities and has a significant societal and economic cost; and

WHEREAS, Promoting the awareness week provides Health Care Professionals in the problem gambling community an opportunity to educate the public and policymakers about the social and financial effectiveness of services available for problem gambling including prevention; and

WHEREAS, Problem gambling is treatable and treatment is effective in minimizing harm to both individuals and society as a whole; and

WHEREAS, Numerous individuals, professionals and organizations have dedicated their efforts to the education of the public about problem gambling and the availability and effectiveness of treatment and prevention; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors does hereby proclaim March 7th through March 13th as:

NATIONAL PROBLEM GAMBLING AWARENESS WEEK

And be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors, along with Partners For Prevention, invites all residents of the County of Wyoming and beyond to participate in National Gambling Awareness Week.

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

#5

RESOLUTION NO. 10-122
(March 09, 2010)

By Mr. Kushner, Chairman of Public Health Committee:

CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE US DEPARTMENT OF HEALTH AND HUMAN SERVICES / OFFICE OF NATIONAL DRUG CONTROL POLICY ON BEHALF OF WYOMING COUNTY MENTAL HEALTH

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and acceptance award with the US Department of Health and Human Services / Office of National Drug Control Policy (ONDCP) and the Substance Abuse and Mental Health Services Administration (SAMHSA), Division of Grants Management, 1 Choke Cherry Road – Room 7-1091, Rockville, MD 20850 on behalf of Wyoming County Mental Health for the Drug Free Communities Grant for Year 8 in a minimum amount of one hundred twenty-five thousand dollars (\$125,000.00); effective October 1, 2010 through September 30, 2011.

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

#6

RESOLUTION NO. 10-123
(March 09, 2010)

By Mr. Kushner, Chairman of Public Health Committee:

CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE US DEPARTMENT OF HEALTH AND HUMAN SERVICES / SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION ON BEHALF OF WYOMING COUNTY MENTAL HEALTH

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

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the US Department of Health and Human Services/ Substance Abuse and Mental Health Services Administration (SAMHSA), 1 Choke Cherry Road – Room 7-1901, Rockville, MD 20850 on behalf of Mental Health. Said grant is for the STOP Act (Sober Truth on Preventing Underage Drinking) in a minimum amount of fifty thousand dollars (\$50,000.00) for Year 3 of a four year grant; effective October 1, 2010 through September 30, 2011.

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

#7

**RESOLUTION NO. 10-124
(March 09, 2010)**

By Mr. Kushner, Chairman of Public Health Committee:

RESOLUTION NUMBER 09-489 AMENDED

WHEREAS, Resolution Number 09-489 entitled, “**CHAIRMAN AUTHORIZED TO SIGN 2010 RENEWAL CONTRACTS ON BEHALF OF MENTAL HEALTH,**” passed by this Board of Supervisors on December 08, 2009 and provides for various 2010 contracts on behalf of the Mental Health Department, including a contract with Hillside Children’s Center in an amount not to exceed \$1,500.00, Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That Resolution Number 09-489 be hereby amended to reflect an increase in the Hillside Children’s Center contract for customized children’s mental health services by \$8,000.00 for a total contract amount of nine thousand five hundred (\$9,500.00) for 2010 services. 100% State Aid. No County Levy. All else remains unchanged.

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

Chairman Berwanger, T/Arcade invited Supervisor Kushner, T/Eagle (Chairman, Public Health Committee) to the podium for the presentation of the National Problem Gambling Awareness Month proclamation. Supervisor Kushner, T/Eagle invited Supervisor Bush, T/Gainesville to the podium to make the presentation.

There was a motion by Mr. Fleischman, T/Java, to combine resolutions #8 through #10. A voice vote was taken and all voted aye.

Prior to the roll call vote being taken, Chairman Berwanger, T/Arcade asked Supervisor Fleischman, T/Java if he cares to comment on resolution number 8. Supervisor Fleischman responded with an explanation of what the fee imposed by the state would do to Wyoming County Economic Development as well as IDA’s across the state.

RESOLUTION NO. 10-125
(March 09, 2010)

By Mr. Fleischman, Chairman of Planning Committee:

RESOLUTION IN OPPOSITION TO THE IDA TAX IMPOSED ON ALL LOCAL INDUSTRIAL DEVELOPMENT AGENCIES BY NEW YORK STATE AS A MEANS TO HELP CLOSE THE STATE'S BUDGET DEFICIT

WHEREAS, Local Industrial Development Agencies (IDAs) serve as the primary vehicle for the implementation of economic development programs in counties and local communities across New York State; and

WHEREAS, The primary mission of local IDAs is the creation and retention of jobs for New York's residents, through innovative, locally-driven and developed programs to make counties and local communities better places in which to invest, grow productive business enterprises and create better business atmospheres to generate new economic activity, job creation and tax revenue producers; and

WHEREAS, The 2009-2010 State budget contained a maximum statewide "cost recovery" tax of \$5 million to "reimburse New York State and allocable share of state governmental costs attributable to the provisions of services to industrial development agencies;" and

WHEREAS, The State Department of Taxation and Finance has sent Tax bills to every IDA in the state, for amounts corresponding to 4.7% of the gross revenue received by an IDA in the 2008 calendar year, payable by March 31, 2010; and

WHEREAS, Wyoming County's bill arrived in the amount of one hundred forty thousand five hundred ninety dollars (\$140,590.00); and

WHEREAS, The tax bills received by local IDAs were received long after local IDA budgets were developed and implemented, without the inclusion of this new unanticipated tax in their adopted budgets; and

WHEREAS, The revenue received by IDAs subject to this tax includes payments in lieu of taxes collected for local governments and school districts, state and federal grants and local taxpayer funded appropriations; and

WHEREAS, Imposing a state gross receipts tax on revenues from 2008 that include tax generated resources from the state and federal government is redundant, punitive and will lead to these resources and those appropriated by counties for local job creation to be used instead to help bail out the State during its time of financial crisis; now therefore

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BE IT RESOLVED, That the Wyoming County Board of Supervisors along with the New York State Association of Counties (NYSAC) strongly opposes the imposition of the new tax on the gross revenues of local Industrial Development Agencies as a means to help eliminate the state budget deficit; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors calls upon the Governor and the State Legislature to repeal this onerous tax on the primary economic development organizations of New York's counties and other local government; a tax which will take local resources that could better be used to create jobs in our communities in this time of economic crisis; and be it

FURTHER RESOLVED, That the Clerk to this Board is hereby instructed to forward copies of this resolution to Governor David A. Paterson, New York State Senator Dale Volker, Assemblyman Daniel Burling, New York State Association of Counties, and Western New York Inter-County and all others deemed necessary and proper.

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

#9

**RESOLUTION NO. 10-126
(March 09, 2010)**

By Mr. Fleischman, Chairman of Planning Committee:

DOUGLAS PATTI APPOINTED TO THE BUSINESS EDUCATION COUNCIL

BE IT RESOLVED, That *Douglas Patti* (T/Attica) 333 E. Main St., Attica NY 14011 be hereby appointed to the *Business Education Council* as the *Supervisor Member/Alternate* for a term of *one (1) year; effective January 1, 2010 through December 31, 2010.*

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

#10

**RESOLUTION NO. 10-127
(March 09, 2010)**

By Mr. Fleischman, Chairman of Planning Committee:

**DOUGLAS PATTI APPOINTED TO THE WYOMING COUNTY
TOURIST PROMOTION AGENCY**

BE IT RESOLVED, That *Douglas Patti* (T/Attica) 333 E. Main St., Attica NY 14011 be hereby appointed to the *Wyoming County Tourist Promotion Agency* as the *Supervisor Member/Alternate* for a term of *one (1) year; effective January 1, 2010 through December 31, 2010.*

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

There was a motion by Mr. Gozelski, T/Castile, to combine resolutions #11 and #12. A voice vote was taken and all voted aye.

Prior to the Roll Call vote, Chairman Berwanger, T/Arcade asked the Board if there were any questions regarding resolutions #11 or #12. Supervisor Davis, T/Covington and Supervisor Rogers, T/Pike both requested that resolution #11 be voted on separately. Supervisor Davis, T/Covington stated that he has mixed emotions and will vote against resolution #11.

Supervisor Brick, T/Perry reminded the Board that this is not the first time this issue came before the Board for consideration. He wondered how many times it will resurface if defeated today. Chairman Berwanger explained that the issue will come before the entire Board of Supervisors as many times as the Agriculture Committee approves it for consideration to the floor.

Chairman Berwanger, T/Arcade asked Scott Gardner, Assemblyman Burling's District Representative. Mr. Gardner stated that the Assemblyman would support the Board's decision. Wyoming County Wildlife Federation representatives stated that Senator Volker would support any decision of the Board of Supervisors.

#11

**RESOLUTION NO. 10-128
(March 09, 2010)**

By Mr. Gozelski, Chairman of Agriculture Committee:

**SUPPORTING WYOMING COUNTY WILDLIFE FEDERATION REQUEST FOR
STATE LEGISLATION REGARDING THE TAKING OF DEER BY RIFLE**

WHEREAS, The Wyoming County Wildlife Federation is seeking state legislation to amend the Environmental Conservation Law to allow the taking of deer by use of rifle in Wyoming County which would include a trial period that would sunset one (1) year from the effective date; and

WHEREAS, The Wyoming County Wildlife Federation is requesting that the Wyoming County Board of Supervisors support their request for such legislation; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors supports the Wyoming County Wildlife Federation in their request for state legislation amending section 11-0907 of the Environmental Conservation Law to authorize the taking of deer by rifle in Wyoming County; and be it

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FURTHER RESOLVED, That the Clerk to this Board is hereby directed to send certified copies of this resolution to Senator Dale M. Volker, Assemblyman Daniel J. Burling, and the Wyoming County Wildlife Federation.

Carried: XXX	Ayes: 924	Noes: 154 (Attica)	Absent:	Abstain:
		57 (Covington)		
		96 (Gainesville)		
		92 (Java)		
		63 (Middlebury)		
		<u>210</u> (Warsaw)		
		672 Total		

#12

**RESOLUTION NO. 10-129
(March 09, 2010)**

By Mr. Gozelski, Chairman of Agriculture Committee:

**JOAN PETZEN APPOINTED TO THE
GLOW SOLID WASTE ADVISORY COMMITTEE**

BE IT RESOLVED, That *Joan Petzen*, (Cornell Cooperative Extension of Wyoming County), 401 North Main Street, Warsaw, NY 14569 be hereby appointed 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:
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~~Pioneer Central FFA presentation of "Docking"~~

Mary Lou Genoway, Pioneer FFA Advisor described briefly what the students will be presenting. She explained competition requirements the students must meet prior to State and National Competition.

The students presented Pros and Cons to tail docking of dairy cattle. Once the presentation was over the students had an opportunity to answer questions from the Board of Supervisors regarding their presentation.

Chairman Berwanger, T/Arcade presented the Pioneer Chapter of the FFA with a Certificate of Recognition in regards to their Chapter of the Year Award presented to Pioneer FFA Chapter Students this past January in Syracuse at the Annual Ag. Society meeting.

~~Certificate of Recognition presented to original members of the "Warsaw Kitchen Konference"~~

Chairman Berwanger, T/Arcade invited Supervisor Ryan, T/Warsaw to present the Certificates of Recognition to members of the Warsaw Kitchen Conference. Supervisor Ryan read aloud the letter Jerome Smith provided Chairman Berwanger encouraging him to acknowledge the groups personal dedication to agriculture and rural living.

Four certificates were prepared for the original four couples to the Konference. The members included: Edwin & Marian Fisher, Clayton & Lucille Carlson, Gertrude Meyer and Jerome & Carol Smith

Jerome and Carol Smith and Clayton and Lucille Carlson were on hand to receive their certificates.

Mr. Smith offered his very heart felt appreciation for the Veteran that lead in today's pledge to the flag. He also shared a brief story about one of the first meetings of the Warsaw Kitchen Conference that took place on a snowy day about 50 years ago...

There was a motion by Mr. Rogers, T/Pike, to combine resolutions #13 and #14. A voice vote was taken and all voted aye.

#13

**RESOLUTION NO. 10-130
(March 09, 2010)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH ATTICA LEGAL AID 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 Office. Said agreement is to provide funding for representation of indigent inmates at the Attica and Wyoming Correctional Facilities on Administrative parole appeals as well as Wyoming County residents in parole revocation matters in the local jail for the Indigent Parole Program in an amount not to exceed one hundred eighty thousand dollars (\$180,000.00); effective January 01, 2009 through December 31, 2009.

Contingent upon the availability of funds.

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

**RESOLUTION NO. 10-131
(March 09, 2010)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH ATTICA LEGAL AID 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 Office,. Said agreement is to provide funding for representation of indigent inmates at the Attica and Wyoming Correctional Facilities on Administrative parole appeals as well as Wyoming County residents in parole revocation matters in the local jail for the Indigent Parole Program in an amount not to exceed one hundred eighty thousand dollars (\$180,000.00); effective January 01, 2010 through December 31, 2010. Contingent upon the availability of funds.

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

There was a motion by Mr. Patti, T/Attica, to combine resolutions #15 and #20. A voice vote was taken and all voted aye.

**RESOLUTION NO. 10-132
(March 09, 2010)**

By Mr. Patti, Chairman of Public Works Committee:

**RESOLUTION URGING THE GOVERNOR AND THE LEGISLATURE
OF THE STATE OF NEW YORK TO CREATE A STATE AID TO LOCAL BRIDGE
PROGRAM TO INCREASE BRIDGE SAFETY AND FURTHER STIMULATE THE
STATE’S ECONOMY**

WHEREAS, Local governments are responsible for an increasing proportion of the statewide highway and bridge system; 85% of the State’s 110,000 miles of roadways, and 50% of the State’s 18,000 bridges; and

WHEREAS, A safe and efficient highway infrastructure is necessary for trade, economic development and revitalization, our schools, businesses, health and hospital facilities, emergency responders, as well as the general traveling public and traveling tourists visiting New York State; and

WHEREAS, Roughly one-third of the 8,535 bridges maintained by New York’s local governments are structurally deficient or functionally obsolete. As an indication of a dangerous trend, this number actually increased between 2002 and 2007, from 2,966 to 3,006 bridges.

NYSDOT indicates that the number of deficient bridges will increase by another 1,500 in the next few years; and

WHEREAS, The Comptroller's August 2009 report entitled "Cracks in the Foundation: Local Government Infrastructure and Capital Planning Needs" identified that New York will need to invest \$175.2 billion for transportation infrastructure needs over the next 20 years; and

WHEREAS, The DOT proposed Five-Year Capital Plan for transportation released in December proposes the establishment of a \$150 million State Aid to Local Bridge Program and \$150 million for Local Touring Route Investments but these initiatives are not included in the Executive Budget; and

WHEREAS, Highway, bridge and culvert construction and maintenance projects are vital to extending the life of local bridge inventory and maintaining the system in a safe and structurally sound condition, so any bridge program must also include funds for culverts as well; and

WHEREAS, The State Aid to Local Bridge Program is a proven method of funding improvements to local bridge infrastructure in a way that will help further stimulate the economy of the State and help secure the safety of the traveling public; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors urge the Governor and the Legislature of the State of New York to establish a new State Aid funding stream in the amount of \$300 million to Local Bridge Program and other local transportation investments in accordance with the DOT proposed Five-Year Capital Plan to insure the safety of the local transportation system, improve the State's economy and improve the livelihoods of the millions of citizens who rely on local roads every day; and be it

FURTHER RESOLVED, That the Clerk to this Board be hereby directed to forward copies of this resolution to Governor David A. Paterson, New York State Senator Dale M. Volker, Assemblyman Daniel J. Burling, the New York State Association of Counties, Inter-County of Western New York all others deemed necessary and proper.

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

RESOLUTION NO. 10-133
(March 09, 2010)

By Mr. Patti, Chairman of Public Works Committee:

**RESOLUTION URGING INVESTMENT IN THE STATE'S CONSOLIDATED
HIGHWAY IMPROVEMENT PROGRAM (CHIPS)**

WHEREAS, The State's Consolidated Highway Improvement Program (CHIPS) funds are vital to county highway departments in order to maintain and upgrade important components of the local transportation system, and purchase necessary highway equipment and materials; and

WHEREAS, The Marchiselli Program is the State component of a successful Federal, State, and Local partnership, delivering transportation improvements to federal aid eligible local highway projects; and

WHEREAS, Local governments are responsible for an increasing proportion of the statewide highway and bridge system; 85% of the State's 110,000 miles of roadways, and fifty percent of the State's 18,000 bridges; and

WHEREAS, A safe and efficient highway infrastructure is necessary for trade, economic development and revitalization, job creation and retention, schools, businesses, health and hospital facilities, emergency responders, as well as the general traveling public; and

WHEREAS, The current budget appropriation for CHIPS and Marchiselli represents the last year of the Five Year Capital Plan; and

WHEREAS, The New York State Department of Transportation has proposed a new Five-Year Capital plan that calls for a level of CHIPS (\$420 million) and Marchiselli (\$56 million) to simply maintain the current condition of our local transportation system far in excess of what is being proposed in the Executive Budget (\$363 million, \$39 million); and

WHEREAS, Highway capital expenditures by local governments outside of New York City are in excess of \$1.12 billion annually, yet an additional \$1.2 billion is required annually in local pavement and bridge investment to reverse the deterioration process;

WHEREAS, The level of CHIPS and Marchiselli funding scheduled for this fiscal year and in the proposed future Five-Year Capital Plan falls well short of what will be needed to simply maintain the current condition of our local transportation system; and

WHEREAS, In an audit entitled, "The Dedicated Highway and Bridge Trust Fund: Where Did the Money Go?" Comptroller DiNapoli reveals that since 1991 just 34.9% of the money in the state's DHBTF went directly toward the repair and improvement of the State's deteriorating roads and bridges; now therefore

BE IT RESOLVED, that the Wyoming County Board of Supervisors urge the Governor and the Legislature of the State of New York to recognize the unfunded need of over \$1.2 billion annually; to insure that the CHIPS and Marchiselli programs are funded at least at the level proposed by the 5 Year Capital Plan; and to reform the DHBTF so that the bulk of the state revenues dedicated to the highway and bridge fund are used primarily for capital projects and insure the safety of the traveling public; and

FURTHER RESOLVED, That the Clerk to this Board be hereby directed to forward copies of this resolution to Governor David A. Paterson, New York State Senator Dale M. Volker, Assemblyman Daniel J. Burling, the New York State Association of Counties, Inter-County of Western New York all others deemed necessary and proper.

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

#17

**RESOLUTION NO. 10-134
(March 09, 2010)**

By Mr. Patti, Chairman of Public Works Committee:

A RESOLUTION AUTHORIZING THE STATE OF NEW YORK TO INCORPORATE THE CONSTRUCTION OF EXCHANGE STREET (C.R. 31) RECONSTRUCTION WORK FOR WYOMING COUNTY IN THE CONTRACT FOR THE REHABILITATION AND IMPROVEMENT OF ROUTES 98 AND 238 AND REPLACEMENT OF ROUTE 238 BRIDGE OVER STEVENS BROOK IN THE VILLAGE AND TOWN OF ATTICA, S.H. 9224, 1267, 58-10, 8260 AND 8022, WYOMING COUNTY.

WHEREAS, Section 10, Subdivision 27 of the New York Highway Law provides, in part, that the Commissioner of Transportation shall have power, upon the request of the municipality, to perform for and at the expense of such municipality, any work of construction or reconstruction, including the removal and relocation of facilities, provided the Commissioner of Transportation deems it practicable to perform such work in connection with the performance of any work of construction, reconstruction, or improvement; and

WHEREAS, The State of New York is presently preparing contract plans for the construction, reconstruction, or improvement of Routes 98 and 238 and Replacement of Route 238 Bridge over Stevens Brook in the Village and Town of Attica, which involves construction within the route which the County of Wyoming contemplated using for the construction of Exchange Street (C.R. 31) reconstruction work, and

WHEREAS, Said construction, reconstruction, or improvement can be undertaken in conjunction with the construction of the aforesaid Exchange Street (C.R. 31) reconstruction work at a substantial ultimate savings to Wyoming County, now therefore

RESOLUTION NO. 10-134

March 09, 2010

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BE IT RESOLVED, That the Wyoming County Board of Supervisors in regular meeting convened, petitions the New York State Department of Transportation as follows:

Petition 1. The State of New York is hereby authorized to proceed with the necessary arrangements to incorporate the proposed Exchange Street (C.R. 31) reconstruction work in the contract for the Rehabilitation and Improvement of Routes 98 and 238 and Replacement of Route 238 Bridge over Stevens Brook in the Village and Town of Attica, S.H. 9224, 1267, 58-10, 8260 and 8022, Wyoming County with the cost of said construction and necessary work in connection therewith to be borne by Wyoming County.

Petition 2. Wyoming County will maintain said Exchange Street (C.R. 31) reconstruction subsequent to the construction thereof.

Petition 3. This resolution shall take effect immediately; and be it

FURTHER RESOLVED, That the Clerk of this County Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.

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

#18

**RESOLUTION NO. 10-135
(March 09, 2010)**

By Mr. Patti, Chairman of Public Works Committee:

**AUTHORIZING PAYMENT TO THE STATE FOR REQUESTED WORK FOR THE
REHABILITATION AND IMPROVEMENT OF ROUTES 98 AND 238 AND
REPLACEMENT OF THE ROUTE 238 BRIDGE OVER STEVENS BROOK IN THE
VILLAGE AND TOWN OF ATTICA**

WHEREAS, In connection with Contract No. D261351, for the construction of Rehabilitation and Improvement of Routes 98 and 238 and Replacement of Route 238 Bridge over Stevens Brook in the Village and Town of Attica, S.H. 9224, 1267, 58-10, 8260 and 8022, Wyoming County, the County of Wyoming by Resolution No. **10-134**, adopted March 09, 2010, requested and authorized the State Department of Transportation to proceed with the necessary arrangements to incorporate a proposed betterment in the contract for the construction of pavement reconstruction work on Exchange Street (C.R. 31), with the cost of said pavement reconstruction and necessary work in connection therewith to be borne by Wyoming County, and

WHEREAS, The Wyoming County Board of Supervisors desires that the said reconstruction work on Exchange Street (C.R. 31), the County share of which based upon the "additional cost" method is estimated to cost \$318,001.02, be constructed at the sole expense of

Wyoming County, in connection with the above mentioned State contract, as set forth in the plans for said project; now therefore

BE IT RESOLVED, That pursuant to Subdivision 27 of Section 10 of the Highway Law, the sum of \$318,001.02 is hereby appropriated to cover the cost of the Exchange Street (C.R. 31) reconstruction work, and the County Treasurer is hereby authorized and directed to deposit such sum with the State Comptroller within seven (7) days following passage of this resolution, and be it

FURTHER RESOLVED, That a copy of this resolution be filed with the State Comptroller and with the State Commissioner of Transportation; it being understood that upon completion of the said Exchange Street (C.R. 31) reconstruction work, in the Village of Attica, the Commissioner of Transportation of the State of New York shall transmit to this County Board of Supervisors a statement showing the actual costs and expenses of such work and shall notify the County Treasurer of the amount due from or to be returned to the County, as the case may be, and that any sum due the State of New York shall be paid by Wyoming County within ninety (90) days after the date of transmittal of said statement, and the funds therefore shall be raised according to the statutes in such cases made and provided; and be it

FURTHER RESOLVED, that Wyoming County will maintain said Exchange Street (C.R. 31) after construction thereof as set forth above and will make ample provision each year for such maintenance, and

BE IT FURTHER RESOLVED, that the Clerk of this County Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.

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

#19

RESOLUTION NO. 10-136

(March 09, 2010)

By Mr. Patti, Chairman of Public Works Committee:

AUTHORIZING TRANSFER OF OWNERSHIP OF THE HISTORIC WEST STREET BRIDGE TO THE VILLAGE OF ARCADE TO BE REUSED ON BEHALF OF COUNTY HIGHWAY

WHEREAS, Wyoming County has committed to a Federal/State-Aid Bridge Replacement Project (PIN 4754.06), West Street Bridge over Cattaraugus Creek (BIN 3319440), Village of Arcade; and

WHEREAS, Replacement of the bridge is necessary to provide unrestricted access for emergency, municipal, agricultural, delivery and school vehicle use; and

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WHEREAS, The existing Pony truss bridge was constructed in 1937 and is of historical significance and is worthy of preservation, which has been determined eligible for listing on the State and National Registers of Historic Places as part of the New York State Bridge Survey; now therefore

BE IT RESOLVED, That as part of this Federal/State-Aid bridge replacement project, Wyoming County is willing to commit to the historical preservation of the West Street Bridge by providing an appropriate site and setting for relocation by transferring ownership of the bridge to the Village of Arcade for re-use of the bridge.

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

#20

**RESOLUTION NO. 10-137
(March 09, 2010)**

By Mr. Patti, Chairman of Public Works Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH CLARK PATTERSON LEE ON BEHALF OF THE HOSPITAL RENOVATIONS CAPITAL IMPROVEMENT PROJECT AND 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 Clark Patterson Lee, 205 St. Paul Street, Suite 500, Rochester, NY 14604 on behalf of Buildings and Grounds. Said contract is for the provision of engineering costs associated with the Wyoming County Community Hospital Renovations Capital Improvement Project in an amount not to exceed \$1,300,000.00:

- Conceptual Design \$120,000.00
- Schematic Design 180,000.00
- Design Development 300,000.00
- Construction Documents 650,000.00
- Bidding Services 50,000.00
- Total \$1,300,000.00**

Contingent upon the availability of funds.

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

There was a motion by Mr. Davis, T/Covington, to combine resolutions #21 through #24. A voice vote was taken and all voted aye.

Prior to the roll call vote being taken, Chairman Berwanger, T/Arcade asked if there were any questions on resolutions #21 through #24. Supervisor Kushner, T/Eagle stated that for

clarification the \$24 million dollar renovation project will begin as soon as the Certificate of Need is acquired. He briefly described that areas such as the entrance to the hospital, parking lots and the emergency room will see major upgrades. Dr. Collins offered additional comments on the importance of renovations and what they will mean to the Wyoming County's Medical Community. WCCH CEO offered additional comments on the outstanding results of the Hospital Foundation's fund raising efforts. He stated that 80% of the pledges have been received with the balances arriving as scheduled.

#21

**RESOLUTION NO. 10-138
(March 09, 2010)**

By Mr. Davis, Chairman of Finance Committee:

**WYOMING COUNTY COMMUNITY HOSPITAL RENOVATIONS CAPITAL
IMPROVEMENT PROJECT ESTABLISHED**

WHEREAS, The Wyoming County Public Works Committee, Finance Committee, Wyoming County Community Hospital Board of Managers and this Board of Supervisors have met on numerous occasion in order to identify the need for renovations to the Wyoming County Community Health Care Facility located at 400 North Main Street, Warsaw New York. Said renovations are necessary in order to provide Wyoming County residents with state of the art health care and to see the facility well into the future; and

WHEREAS, Since its construction in 1953 the hospital has become a leading employer of Wyoming County residents, committed to providing quality health care to the residents of Wyoming County and beyond; and

WHEREAS, Project plans have been reviewed by the Public Works and Finance Committees of the Wyoming County Board of Supervisors; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors, on the recommendation of the above mentioned committees hereby establishes the Wyoming County Community Hospital Renovations Capital Improvement Project in an amount not to exceed twenty-four million dollars (\$24,000,000.00); and be it

FURTHER RESOLVED, That the County of Wyoming is fully committed to utilizing all grants and available low interest loans in the completion of the above project.

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

**RESOLUTION NO. 10-139
(March 09, 2010)**

By Mr. Davis, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
PHILLIPS LYTLE, LLP ON BEHALF OF THE COUNTY TREASURER’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 an agreement with Phillips Lytle LLP, 1400 First Federal Plaza, Rochester, NY 14614 for the provision of legal service in connection with 2008 REM proceedings in an amount not to exceed \$275.00 per parcel; effective January 1, 2010 through December 31, 2010. Expenses are offset through redemption of properties or auction revenues.

Contingent upon the availability of funds.

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

**RESOLUTION NO. 10-140
(March 09, 2010)**

By Mr. Davis, Chairman of Finance Committee:

RESOLUTION NUMBER 09-253 AMENDED

WHEREAS, Resolution Number 09-253 entitled, “**POSITION CREATIONS APPROVED**,” passed by this Board of Supervisors on June 09, 2009 and provides for the creation of various positions throughout Wyoming County including a Student Aide (Seasonal) (.6 FTE); and

WHEREAS, Resolution Number 10-111, entitled “Resolution Number 09-253 Amended,” passed by this Board of Supervisors on February 5, 2010 extended the Student Aide (Seasonal) (.6 FTE) position to December 31, 2010; now therefore

BE IT RESOLVED, That Resolution Number 09-253 as amended by Resolution Number 10-111 be hereby further amended to reflect an increase to the position of Student Aide (Seasonal) (.6 FTE) to (1.00 FTE) within the Board of Supervisors’ Office at a rate of \$8.00/hr. with only those benefits mandated by law.

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

**RESOLUTION NO. 10-141
(March 09, 2010)**

By Mr. Davis, Chairman of Finance Committee:

JAMES FOLEY APPOINTED TO THE WESTERN REGION OFF-TRACK BETTING CORPORATION BOARD OF DIRECTORS

BE IT RESOLVED, That *James Foley*, 2766 Blackhouse Road, Warsaw, NY 14569 is hereby appointed as the *Wyoming County Director* of the *Western Region Off-Track Betting Corporation* to fill a vacancy created with the resignation of Carol Butler *for the remainder of a two (2) year term effective through December 31, 2010.*

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

Prior to the roll call vote of 2/3 majority resolutions #25 and #26 Supervisor Kushner with the assistance of CEO Krawiec explained the necessity for the purchase of a new computer system. The current system is obsolete and the new system offers better clinical service. Besides the CEO added the Federal Government will require the ability to process clinicals in this manner within the next two years.

**2/3 Majority
#25**

**RESOLUTION NO. 10-142
(March 09, 2010)**

By Mr. Davis, Chairman of Finance Committee:

A RESOLUTION AUTHORIZING THE PURCHASE OF A NEW CPSI COMPUTER SYSTEM AT THE WYOMING COUNTY COMMUNITY HOSPITAL IN AND FOR THE COUNTY OF WYOMING, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,000,000, AND AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF SAID COUNTY TO PAY THE COST THEREOF

WHEREAS, All conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, It is now desired to authorize the financing of such capital project; now therefore

BE IT RESOLVED, By the affirmative vote of not less than two-thirds of the total voting strength of the Board of Supervisors of the County of Wyoming, New York, as follows:

Section 1. The purchase of a new CPSI Computer System in and for the County of Wyoming, New York, Wyoming County Community Hospital is hereby authorized at a maximum estimated cost of \$1,000,000.00.

Section 2. It is hereby determined that the aforesaid purpose constitutes a Type II action as defined under the SEQR regulations of the State of New York which, by definition, will not have a significant adverse impact upon the environment.

Section 3. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$1,000,000.00 bonds of said County hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said County of Wyoming, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the County Treasurer shall deem best for the interests of the County.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the County Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment

dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the County Treasurer. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the County Treasurer shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Clerk of the Board of Supervisors in substantially the form provided in Section 81.00 of the Local Finance Law.

Carried: XXX Ayes: 1470 Noes: Absent: Abstain:

**RESOLUTION NO. 10-143
(March 09, 2010)**

By Mr. Davis, Chairman of Finance Committee:

**AUTHORIZING AN INCREASE TO THE WYOMING COUNTY COMMUNITY
HOSPITAL FIVE STAR BANK CREDIT CARD LINE OF CREDIT**

WHEREAS, It has been determined that it is necessary for the Wyoming County Community Hospital to have a credit card for its day-to-day operations; now therefore

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney be hereby authorized and directed to sign whatever documents necessary to increase the Wyoming County Community Hospital Five Star Bank Credit Card line of credit from nine thousand dollars (\$9,000.00) to fifteen thousand dollars (\$15,000.00); and be it

FURTHER RESOLVED, That the Chairman of this Board is hereby designated as the contact person relating to said credit card.

Carried: XXX Ayes: 1470 Noes: Absent: Abstain:

Chairman Berwanger asked if there was any Supervisor who objected to the presentation of unanimous consent resolution #27 through 29. Hearing none, the Chairman asked the Clerk to read unanimous consent resolution #27 through 29 prior to the roll call vote.

**Unanimous Consent
#27**

**RESOLUTION NO. 10-144
(March 09, 2010)**

By Mr. Berwanger, Chairman of the Committee of the Whole:

FUNDS APPROPRIATED TO VARIOUS 2010 ACCOUNTS

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

Buildings & Grounds			
To: 01.34.1681.2.20201 Computer Equipment	\$5,000.00		
01.34.1620.4.40802 Bldg Repair – Private	24,545.00		
01.38.4010.4.40802 Bldg Repair – Private	<u>4,310.00</u>		
<i>From Any Funds Available</i>		\$33,855.00	
Reason: To cover the cost of replacing the existing Andover Controls energy management and Control system. Includes Andover Controls equipment & labor, as well as the necessary computer equipment.			
Economic Development Total			\$33,855.00

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

**RESOLUTION NO. 10-145
(March 09, 2010)**

By Mr. Berwanger, Chairman of the Committee of the Whole:

MEMBERS APPOINTED TO THE GLOW WORKFORCE INVESTMENT BOARD

BE IT RESOLVED, That the following members are hereby appointed to the GLOW Workforce Investment Board as *Private Sector Reps.* for an indefinite term; effective immediately:

- **Kathy Pinter** (Adecco), 230 East Main Street, Arcade, NY 14009 (replacing Susan White /JN White Design)
- **Norb Fuest** (Morton Salt), 2039 Church Rd., Darien, NY 14040 (replacing William Maddison / Cornell Cooperative Extension)

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

**RESOLUTION NO. 10-146
(March 09, 2010)**

By Mr. Berwanger, Chairman of the Committee of the Whole:

**RESOLUTION URGING THE NEW YORK STATE LEGISLATURE
TO SUPPORT THE STATE'S FARMLAND PROTECTION PROGRAM
AND ENVIRONMENTAL PROTECTION FUND**

WHEREAS, Agriculture is a significant contributor to New York's economy; and

WHEREAS, Farms provide jobs, support local businesses and are part of industry sectors that have a \$23 billion economic impact annually in New York; and

WHEREAS, Farms comprise 7 million acres of land in New York, roughly 25% of the state's land base; and

WHEREAS, Farmers have a strong track record of pro-active environmental stewardship in New York; and

WHEREAS, Rapidly changing economic conditions threaten the future viability of New York's agricultural industry; and

WHEREAS, 26,000 acres of farmland are developed each year in New York; and

RESOLUTION NO. 10-146

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WHEREAS, The State of New York established a Farmland Protection Program in 1992 to assist towns and counties in developing and implementing local agricultural and farmland protection plans; and

WHEREAS, Over \$3 million has been awarded by the Farmland Protection Program to 50 counties and 52 towns to assist in the development of local agricultural and farmland protection plans; and

WHEREAS, The Farmland Protection program has awarded more than \$173 million to help farmer, local governments and land trusts permanently protect 74,000 acres on 303 farms; and

WHEREAS, Demand for Farmland Protection Program funding has been strong due to the program's popularity, with a record 181 farms seeking \$156 million in state funding to protect 49,500 acres in 2008; and

WHEREAS, Funding for the Farmland Protection Program is allocated from the state's Environmental Protection Fund (EPF), a dedicated fund whose principle funding source is a state Real Estate Transfer Tax (RETT); and

WHEREAS, The Governor and State Legislature must take steps this year to protect New York's valuable farmland and strengthen the future for farms across New York; now therefore

BE IT RESOLVED, That the County of Wyoming does hereby urge state lawmakers to support New York's farmers, the state's agricultural economy and protection of valuable farmland by supporting funding for the Farmland Protection Program and Environmental Protection Fund; and be it

FURTHER RESOLVED, That the County of Wyoming does hereby oppose drastic cuts to the Farmland Protection Program and Environmental Protection Fund, as outlined in the Governor's FY 2010-11 Budget Proposal; and be it

FURTHER RESOLVED, That the Clerk to this Board be hereby directed to forward copies of this resolution to Governor David A. Paterson, New York State Senator Dale M. Volker, Assemblyman Daniel J. Burling, the New York State Association of Counties, Inter-County of Western New York and the American Farmland Trust and all others deemed necessary and proper.

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

The Janis Report:

Budget Officer Cook reported the following receipt of reimbursements:

		Estimated Amts.	Actual Amts.	Amts. Rec.	Balance
State Marcheselli		\$ 75,500.00	\$ 75,500.00	\$ (11,700.00)	\$ 63,800.00
Court Security	4/1/09 - 11/2009	\$ 188,897.00	\$ 232,734.05		\$ 232,734.05
	Est. 4 Mos	\$ 96,000.00	\$ 52,162.95		
Indigent Parole Program	03/01/09 - 11/30/09	\$ 100,193.00			
	03/01/09 - 12/31/09		\$ 112,033.47		\$ 112,033.47
Public Health State Aid	1/1/09 - 9/30/09	\$ 395,000.00	\$ 391,879.88	(391,809.15)	\$ 70.73
	Est. 4th Qtr	\$ 135,000.00	\$ 135,000.00		
Mental Health	2008 Fed. Salary Sharing	\$ 81,000.00	\$ 81,000.00	(81,322.00)	\$ (322.00)
Pre-School		\$ 103,125.94	\$ 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		\$ 9,738.40
DA Salary Supplement		\$ 43,867.00	\$ 43,867.00	(43,867.00)	\$ -
Sub Total		\$ 1,343,321.34	\$1,352,041.69	\$ (528,698.15)	\$ 409,147.12
Total	<i>With Indigent Parole Program from above</i>				\$ 521,180.59

Budget Officer Cook has spoken with the State's Deputy Budget Officer with arrangements being made for her to speak directly to the State's Budget Officer in the near future.

Following Budget Officer Cook's report Chairman Berwanger, T/Arcade asked Supervisor Patti, Chairman of the Public Works committee to comment quickly on capital improvement projects.

Supervisor Patti stated that Wyoming Road and Weaver Road are scheduled for paving this year.

Middle Reservation Road paving will be put on hold because of its federal funding, the water line location from Letchworth Park and the Castile Water project. The County will not pay for paving only to have it dug up.

408 North Main building renovations will be done the on or about June 15th, 2010. The facility picked up 96 parking spaces with the purchase of this property.

The Dept. of Social Services renovations are coming along. Anticipated overall date of completion will be June 11th of 2011. Clark Patterson Lee helped to develop the project budget and with the utilization of county workforces the County will save an estimated \$1 million to \$1.5 million.

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 3:45 PM with a rap on his desk.

Respectfully submitted,
Cheryl J. Ketchum
 Cheryl J. Ketchum, Board Clerk