

**REGULAR SESSION**  
**(June 09, 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 2:42 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance this month was:

**FREDERICK S. HANCE**

Mr. Hance's service to his country comes while serving during the Korean War. Mr. Hance had been working for the Genesee Parks Commission (Letchworth Park) in surveying when he answered the call to arms and joined the United States Army on November 16, 1950. He completed both Basic and Advanced Training at Ft. Dix, N.J. and became qualified as a Combat Engineer.

Mr. Hance was then shipped overseas to Korea and was assigned to the Headquarters and Service Company of the 1092<sup>nd</sup> Combat Engineer Battalion, which was located north of the 38<sup>th</sup> parallel and on the DMZ. His part of the unit was 'Intelligence and Reconnaissance' and his additional duties included: clearing minefields and building bridges. One noted mission included entering the Village of Chor-Won, an insecure area of which the only remaining building standing was a church.

Mr. Hance returned to the United States a year later and was honorably discharged at Ft. Indiantown Gap, Pennsylvania on August 22, 1952 at the rank of Tech. Sgt.

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

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

Mr. Hance returned to this area and went to work for the Capitol Engineers of Pennsylvania as an inspector in highway construction. A year later, he took advantage of the GI Bill and enrolled in Clarkson University in 1953 where he graduated with a BA in Civil Engineering in 1956. He then went to work for New York State as a Civil Engineer and kept this position until his retirement in 1991 completing 32 years of State Service.

Mr. Hance's service is to his community as well. He has been an active life member for 55 years at the Wallace-Jeffers Post 753 of the American Legion in Castile, past-Commander of the Wyoming County American Legion, a life member of VFW Post 5009 in Perry, a 40 year member of the Oakland Lodge of Masons in Castile, and a present member of the Castile Historical Society. He has been married to his wife, Jane for 59 years, and they live in the Village of Castile.

***The pledge was said by all.***

Chairman Berwanger, T/Arcade thanked Mr. Hance for leading in the pledge today and presented him with a certificate of appreciation. Mr. Hance was offered the opportunity to address the Board. He shared a brief story regarding what his draft letter read years ago and thanked the Board for inviting him to lead in the pledge.

**Communications:**

**C1:** Yates County is hosting InterCounty this month at the Glenora Wine Cellars in Dundee, NY this month's guest speaker is Peter Landre, Executive Director of Yates County Cornell Cooperative Extension – **"Small Farms, Big Impacts!"** Reservations are due no later than June 11<sup>th</sup>.

**C2:** July 1<sup>st</sup> Ag Committee to be held in the Government Center not Camp Wyomoco like the agenda indicates.

*Chairman Berwanger, T/Arcade stated that because Wyoming County will be celebrating Dairy Month during June 2009 he asked that Resolution Numbers 14 and 13 be considered first.*

**#14**

**RESOLUTION NO. 09-240  
(June 09, 2009)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

**JUNE 2009 PROCLAIMED DAIRY MONTH IN WYOMING COUNTY**

**WHEREAS,** June as Dairy Month was originally celebrated to help stabilize the demand for milk and dairy products during the spring months of peak production. Today we simply honor our dairy farmers and the safe, wholesome products they produce; and

**WHEREAS,** New York is the nation's third largest dairy state behind California and Wisconsin; and

**WHEREAS,** Wyoming County is the leading milk producing county in New York State in terms of total milk production and cow numbers; and



*farmers are opposed to being told how much milk they can produce. He stated that it is impossible to shut off a cow...*

*He also stated that each farmer knows what they need to produce in order to make a living and pay the bills.*

*Mr. McCormick touched on other legislation that farmers are opposed to that would require both the clean product and the dirty plastic milk containers be transported on the same truck.*

*Supervisor Rogers, T/Pike explained the pricing Mr. McCormick spoke of is per hundred weight.*

*Roger Almeter explained the Milk Export Assistance Program that Mr. McCormick spoke briefly of. He stated that US farmers are not allowed to export their products. He stated that area farmers are at a competitive disadvantage to the rest of the world in milk exporting. Congress has recently allowed DEP to go ahead. This legislation would allow farmers to compete on the world market. Opposed to Government telling them what they can and can't do.*

*Chairman Berwanger further challenged the Ag. Committee to draft a resolution that can be sent on to state and federal representatives urging comprehensive relief to US farmers.*

**#13**

**RESOLUTION NO. 09-239  
(June 09, 2009)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

**RESOLUTION NUMBER 09-216 RESCINDED**

**WHEREAS**, Resolution Number 09-216 entitled, **“RESOLUTION IN SUPPORT OF REINTRODUCTION OF FEDERAL SENATE BILL S-1722, THE FEDERAL MILK MARKETING IMPROVEMENT ACT,”** passed by this Board of Supervisors on May 12, 2009 provides for support by the Wyoming County Board of Supervisors to reintroduce S.1722 “Federal Milk Marketing Improvement Act of 2007” and requests that our representatives in the United States Congress and Senate pass the bill to correct the many inequities the dairy farming industry is facing in Wyoming County and nation wide; now therefore

**BE IT RESOLVED**, That resolution number 09-216 be hereby rescinded. The Wyoming County Board of Supervisors has since learned that the New York State Farm Bureau is not in support of the reintroduction of S.1722 as it is currently written. Representatives from local Dairy Cooperatives have stated that they feel there is a better way to solve the milk pricing problem other than supply management.

**FURTHER RESOLVED**, That certified copies of this resolution be forwarded to President Barack Obama, United States Senators Arlen Specter, Robert P. Casey Jr., Charles Schumer, and Kirstin Gillibrand, United States Congressmen Michael Arcuri and Chris Lee, New York State Senator Dale Volker, New York State Assemblyman Daniel Burling, New York



**RESOLUTION NO. 09-227**

**June 09, 2009**

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<b>Public Health</b>			
<b>To:</b> 01.38.4010.4.42461 Cancer Svc Pgrm Grant w/01.11.4010.340106 State Aid <b>Reason:</b> For OTPS expenses for NYSDOH Cancer Services Program from 4/1/09 to 3/31/10.	\$38,479.00	\$38,479.00	
<b>Public Health Total</b>			<b>\$38,479.00</b>
<b>Youth Bureau</b>			
<b>To:</b> 01.45.7310.4.42434 Stars of Tomorrow w/01.09.7310.2705 – Donations <b>Reason:</b> Funds will be used towards the Red Wings Camp Day program on July 23, 2009.	\$491.00	\$491.00	
<b>Youth Bureau Total</b>			<b>\$491.00</b>
<b>Social Services</b>			
<b>Re-Appropriation:</b> <b>To:</b> 01.39.6015.4.42306 Other Point of Entry w/01.11.6015.3615 Point of Entry State Aid <b>Reason:</b> POE year 2 grant was extended thru 03/31/2009 balance of 2008 to re-appropriated to 2009.	\$18,116.23	\$18,116.23	
<b>To:</b> 01.39.6015.2.20201 Computer Equip 01.39.6015.4.41402 Computer Other 01.39.6015.4.41410 Software 01.39.6015.4.42306 Other Point of Entry w/01.11.6015.3615 Point of Entry <b>Reason:</b> Point of Entry 3 Grant 10/01/2008-09/30/2009	\$ 5,070.00 262.00 665.00 56,003.00	\$62,000.00	
<b>Social Services Total</b>			<b>\$80,116.23</b>
<b>Department of Motor Vehicles</b>			
<b>To:</b> 01.34.1411.1.10601 Unused Benefit Time w/01.03.1411.1255 Clerk Fees <b>Reason:</b> sell back of unused vacation time	\$ 1,407.70	\$ 1,407.70	
<b>Department of Motor Vehicles Total</b>			<b>\$ 1,407.70</b>
<b>Records Retention</b>			
<b>To:</b> 01.34.1460.8.89001 Health Insurance <i>From any funds available</i> <b>Reason:</b> In order to pay unbudgeted Healthcare Insurance for Records Clerk new enrollment.	\$7,705.36	\$7,705.36	
<b>Records Retention Total</b>			<b>\$7,705.36</b>
<b>District Attorney</b>			
<b>To:</b> 01.32.1165.4.41304 Extradition Expenses 01.32.1165.4.42301 Books, Pubs, Subs 01.32.1165.4.40103 Auto Insurance 01.32.1165.4.40503 Gasoline <i>From any funds available</i> <b>Reason:</b> To cover bills of the District Attorney's Office	\$3,000.00 2,000.00 500.00 500.00	\$6,000.00	
<b>District Attorney Total</b>			<b>\$6,000.00</b>





















Entitlement, Military Employee Leave/Medical and to accomplish this in a manner that accommodates the legitimate interests of employers.

**POLICY:**

**1. ELIGIBILITY CRITERIA:**

Employees who have been employed for at least one year and have rendered service for at least 1,250 hours (not including paid time off) during the preceding 12-month period, from the date leave commences or should commence, are eligible for Family Medical Leave. The 12 month period will be measured forward from the date the employee's first FMLA leave begins. Employees normally working full time hours per week will have the following hours of leave as a starting point: 35.0 hr/wk = 420 hrs; 37.0 hr/wk = 444 hrs; 37.5 hr/wk = 450; 40 hr/wk = 480 hours of leave. Part time employees will be granted leave on a pro-rata basis.

An employee may take leave all at once or intermittently, including reduced workdays. New York Disability or Workers' Compensation Benefits which require time off shall run concurrently with qualifying FMLA leave.

**2. QUALIFYING REASONS FOR LEAVE:**

All employees who meet the applicable time-of-service requirements may be granted a total of 12 weeks of Family Medical Leave for the following reasons (combined uses for "Recognized Reasons for Leave" may not exceed a total of twelve weeks in a one (1) year period):

- A. The birth of employee's child or to care for a newborn child; the placement with the employee of a child for adoption or foster care.
- B. Special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12 month period. This covers service members in any branch of the Armed Forces who has a serious injury or illness incurred in the line of duty which may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status or is on the temporary disability retired list.

**Definitions:**

**Spouse:** Legally married spouse as defined by state law. (Common law not recognized in NYS)

**Child:**

- Any child under age 18 for whom the employee is acting as a parent (“in loco parentis”).
- A child age 18 or older, if the child is (a) incapable of self-care, (b) has a mental or physical disability as recognized by the American’s with Disabilities Act (ADA).

**Parent:**

- Biological parent.
- Individual who acted in the place of (in loco parentis) when the employee was a son or daughter as defined above.
- Parents-in-law are NOT part of this condition.

- C. To care for a spouse, child or parent (not in-law) who has a serious health condition and is unable to care for himself or herself; or
- D. A serious health condition that renders the employee incapable of performing one or more of the essential functions of their job.
- E. Military family leave entitlements for spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

**Serious Health Condition:**

- A serious health condition is an illness, injury, impairment or physical or mental condition which involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job or prevents the qualified family member from participating in school or other daily activities.
- Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**Spouses:**

If two spouses are employed and eligible for family leave, you are entitled to a combined 12-week allotment for birth, adoption or placement of a foster child with your spouse. If one spouse returns before exhausting the allotment, the other spouse may take any leave remaining. Where both employees use a portion of their 12 weeks of leave for the birth, adoption or placement of a foster child, each is entitled to the difference between the amount taken individually and 12 weeks of FMLA leave for another purpose (such as their own serious health condition). For example, if each spouse takes 6 weeks to care for a healthy newborn, each could use an additional 6 weeks to care for their own serious health condition, or that of a child, spouse or parent.

**3. BENEFIT COVERAGE DURING LEAVE AND SCHEDULING:  
EMPLOYEE NOTICE REQUIREMENTS**

**Benefit Time:**

The employee must use all of their accrued benefit time including vacation, compensatory, holiday, sick and personal leave benefits to cover the leave period if the leave is for them self. In the event that an employee does not have any accrued benefits nor has an insufficient amount available, that period will be without pay. If the employee has an FMLA for a qualified family member the employee must follow company policy which means the employee would use vacation, P.L. and Holiday first as the FMLA is not for themselves. Sick time would be utilized only in the event that all other benefit time was exhausted. This applies whether the FMLA is continuous or intermittent.

**Scheduling:**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

**Employee notice requirements: (Foreseeable Leave)**

Thirty (30) day's advance notice or as soon as practicable (normally the business day or next business day if off work when learning of leave need) If timely notice is not given the period of delay counts as non-FMLA absence. Employee must comply with the employer's usual notice requirements absent unusual circumstances

**Employee notice requirements: (Unforeseeable Leave)**

Employee will notify the employer as soon as practicable or in accordance with the employer's usual and customary absence notification policy.

**Health Insurance:**

An employee will be retained on the County Health Care Benefit Plan for the duration of the 12 week FMLA, regardless of whether it is a paid or unpaid leave. On completion of the 12 weeks if the employee remains off on a **paid leave of absence (using their accrued benefit time)** there will be no change in contributions to the Health Care Benefit Plan. If an employee remains on an **unpaid leave of absence** they will need to contribute the full amount of their health care benefit coverage or a loss of coverage will occur.

During a period of Family Medical Leave, an employee will be retained on the County's health plan under the same conditions that applied before leave commenced. To continue health coverage, the employee must continue to make any contributions the employee made to the plan before taking the leave. Failure of the employee to pay such share of the health insurance may result in loss of coverage. The same process pertains to the County's Dental Plan.

**4. RETURN FROM LEAVE:**

Upon return from leave every attempt will be made to restore the employee to their original or equivalent position with equivalent pay, benefits and other employment terms.

If the leave is intermittent, the employer may require such employee to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and has equivalent pay and benefits and better accommodates recurring periods of leave than the regular position of the employee.

The exception being, is for those employees designated as "key" employees

**PROCEDURE:** The following procedure will be followed:

**EMPLOYEE RESPONSIBILITIES:**

1. Employees must provide to the employer an FMLA application and medical certification by a health care

provider. Medical certification may include and is not limited to:

- a. The date on which the serious health condition commenced;
  - b. The probable duration of the condition;
  - c. The appropriate medical facts within the knowledge of the health care provider regarding the condition;
  - d. A statement that the eligible employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time such employee is needed to care for them.
  - e. A statement that the employee is unable to perform the functions of the employee's position.
  - f. For planned medical treatment, dates on which such treatment is expected to be given and the estimated duration of such treatment.
2. Employees must provide 30 days advance notice of the need to take an FMLA leave when foreseeable. When 30 days notice is not foreseeable the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures (WCCH Human Resources provides and processes request forms for all hospital employees and the Wyoming County Worker's Compensation Office provides and processes requests forms for all other County Departments). Completed request forms are to be returned by the employee to the appropriate mentioned departments above.
  3. All employees returning from Family Medical Leave for their own serious health condition must submit a written statement from their physician/health provider to the appropriate designee before the employee can return to work. Employee may be requested to have a Return to Work Fitness for Duty Evaluation done by Workplace Health Services prior to returning to work.
  4. If an employee wishes to return to work before the expiration of a leave notification must be given at least two weeks prior to the planned return or as soon as reasonably possible.
  5. Failure of an employee to return to work upon the expiration of the approved Family Medical Leave will be counted as an unexcused absence and may be subject to corrective action process, up to and including termination (i.e. may be considered an abandonment of employment).
  6. An employee may request an extension of the Family Medical Leave. The employee must submit a request for extension to the appropriate designee as soon as the employee learns they cannot return on the approved return

date. Requests for extension **must be made prior to the expiration**. In no case can the total leave granted be for more than 12 weeks in a one year period, including the extension.

**NOTE: The Physician/Physician Assistant/Nurse Practitioner treating the “serious health condition” must complete the physician portion of the FMLA form.**

#### **EMPLOYER RESPONSIBILITIES:**

1. The employer must respond within the required time period (5 business days) with information on FMLA rights, benefits during leave, any certification requirements, etc. A copy of the policy will be provided to all employees.
2. The employer may deny leave or delay it for 30 days if notice of foreseeable leave is not given on time.
3. The employer will provide applicable forms for leaves and assure processing of forms/notification within 5 business days.
4. The employer can not count FMLA leave against employees for attendance purposes.
5. The employer may ask for periodic status reports from employees on leave (i.e. recertification at a minimum of every 30 days).
6. The employer may require independent medical exam (2<sup>nd</sup> or 3<sup>rd</sup>) opinions at the employer’s expense. The 3<sup>rd</sup> opinion is binding and final.
7. The employer is obligated to notify an employee if a form is incomplete however, is NOT obligated to notify employee if the form is not received.
8. The employer may require an employee needing intermittent or reduced leave, based on a planned medical treatment schedule, to transfer temporarily to an available alternative position for which the employee is qualified and which has equivalent pay and benefits and better accommodates recurring periods of leave. When the transferred employee no longer needs the leave and is able to resume full time work, the employee must be placed in the same or equivalent position as he/she was transferred from.
9. The employer must maintain records for 3 years and keep records confidential.
10. FMLA makes it unlawful for any employer to:
  - ◆ Interfere with, restrain or deny the exercise of any right provided under FMLA.



Date Developed: 11/1/06  Date Revised: 06/09/09 Res #09-		Supersedes: 2/13/07; Res 07-64 12/12/06; Res 06-391 12/11/07; Res 07-397
Administrative Approval:  A.D. Berwanger Chairman, Board of Supervisors  Ron Krawiec WCCHS CEO	PREPARED BY:  HR Work Group 10/25/07  REVISED BY: D. Perkins 06/09/09	REFERENCE:

### **Donation of Benefit Time**

**POLICY:** Procedure for Wyoming County employees to voluntarily donate benefit time to another Wyoming County employee with serious health conditions or family related serious health conditions.

**PURPOSE:** To provide Wyoming County employees a means of donating time to co-workers on a voluntary basis who are experiencing serious health issues or a family member for which they are a care giver.

**PROCEDURE:**

- 1) WCCHS department managers must submit a written request to the Human Resource Director, who will present it to the Sr. Management Team for review and approval. For all other County Departments, a written request from the department head is to be sent to the Human Resource Department for review and approval.
- 2) The employee experiencing the serious health issue must exhaust all of their available benefit time in order to be eligible to receive donated benefit time to their sick leave accruals. After the employee has exhausted all their own benefit time, the donated benefit time will be added in increments as needed per pay period. While receiving/using donated benefit time, the employee understands they will not accrue any benefit time. This supersedes all Wyoming County Collective Bargaining Agreements regarding benefit time.



















- \* 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 and 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.





*Supervisor Davis, T/Covington stated that he would love to be able to hunt with a rifle in Wyoming County. However, he felt that the population density of the county in certain areas is too high to allow rifle hunting in some of the southern towns like Eagle, Pike and Covington would be fine however, towns like Warsaw, Arcade, Attica, Perry and Castile may not be. So, looking out for all residents of Wyoming County Supervisor Davis will be voting no on this resolution.*

*Supervisor Rogers, T/Pike stated that he called Russell Biss from the NYS DEC, he's a regional wild life biologist with the DEC. He stated that the DEC takes no position on this issue and that it would be a local matter. He also shared state statistics regarding rifle accidents and recommendations by the Pike Town Board he will be voting in favor of this resolution.*

*Supervisor Copeland, T/Wethersfield stated that he also discussed the issue with his Town Board and they instructed him to support this resolution.*

*Supervisor Gozelski, T/Castile added that he agrees with the statements made by Supervisor Davis and he will be voting against this resolution.*

*Chairman Berwanger, T/Arcade stated that he will be voting no for this resolution because of the close proximity to other homes within his community.*

**Defeated  
UC#32**

**RESOLUTION NO. 09-258  
(June 09, 2009)**

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

**RESOLUTION BY THE WYOMING COUNTY BOARD OF SUPERVISORS IN FAVOR  
OF AMENDING ENVIRONMENTAL CONSERVATION LAW TO ALLOW RIFLE  
HUNTING OF BIG GAME IN WYOMING COUNTY**

**WHEREAS**, Earlier this year the Wyoming County Wildlife Federation asked their member organizations to survey its membership regarding the use of center-fire rifles for deer hunting in Wyoming County; and

**WHEREAS**, The vast majority of members surveyed were in favor. The results of several surveys conducted of Sportsmen in Wyoming County were discussed at the April 2009 meeting of the Wyoming County Wildlife Federation and a motion to seek the support of the Wyoming County Board of Supervisors to amend the NYS Environmental Conservation Law to allow the use of rifles for Big Game Hunting in Wyoming County passed by a unanimous vote; and

**WHEREAS**, According to representatives of the Wildlife Federation on reason the State originally disallowed the use of rifles was not a matter of safety but a matter of conservation. In the late 19<sup>th</sup> and 20<sup>th</sup> centuries, because of overhunting and the widespread clearing of land for farming, the deer population was in steep decline. By limiting deer hunting to shotguns the

hunter had to be close to be effective therefore conserving the limited deer resource. Much of the land that was cleared for farming has since reverted back to woodland as the small farmers discontinued the business. Limiting deer hunting to shotgun slugs was a wise strategy at the time. The Department of Environmental Conservation estimates the current New York deer herd at 1 million and as a result there is a growing problem with crop damage and motor vehicle accidents; and

**WHEREAS**, Rifle caliber handguns have been used for deer hunting in Wyoming County for many years. Rifles can be used with DEC nuisance deer permits. Therefore rifles can be used in Wyoming County for most of the year except for the period of time when big game hunting season is open; and

**WHEREAS**, The majority of land in Wyoming County is privately owned and posted, therefore it would be up to the landowner to decide if he or she will allow hunting with rifles on their property; and

**WHEREAS**, When the big game hunting regulations were amended to allow the use of rifles in counties that previously did not allow them, a trial period of 1 to 3 years was enacted to see if there were any problems resulting from the use of rifles by big game hunters. The trial period resulted in few, if any, reported incidents or problems and the use of rifles for big game hunting in these counties has been extended; now therefore

**BE IT RESOLVED**, That the Wyoming County Board of Supervisors does hereby request appropriate New York State legislation to amend New York State Conservation Law Section 11-0907 to allow the taking of big game by rifle in Wyoming County; and be it

**FURTHER RESOLVED**, That certified copies of this resolution be sent to New York State Senator Dale Volker and New York State Assemblyman Daniel Burling for further legislative action.

<b>Carried: XXX</b>	<b>Ayes: 82</b>	<b>Noes: 167 (Arcade)</b>	<b>Absent: 106 (Sheldon)</b>	<b>Abstain:</b>
		<b>154 (Attica)</b>	<b>210 (Warsaw)</b>	
		<b>135 (Bennington)</b>	<b>316 Total</b>	
		<b>118 (Castile)</b>		
		<b>57 (Covington)</b>		
		<b>50 (Eagle)</b>		
		<b>96 (Gainesville)</b>		
		<b>20 (Genesee Falls)</b>		
		<b>92 (Java)</b>		
		<b>63 (Middlebury)</b>		
		<b>54 (Orangeville)</b>		
		<b>192 (Perry)</b>		
		<b>1,198 Total</b>		

*Prior to the roll call vote of unanimous consent resolution #33 Supervisor Davis, T/Covington stated that he feels that the vote would matter.*

*Chairman Berwanger stated that there are hidden costs to maintaining and using the new voting machines. He mentioned that the county had to purchase a special air ride trailer for the transport of the machines in order to not void the warranty.*

*Supervisor Gozelski, T/Castile agreed with statements made by Chairman Berwanger.*

**UC#33**

**RESOLUTION NO. 09-259  
(June 09, 2009)**

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

**RESOLUTION URGING THE NEW YORK STATE ASSEMBLY, SENATE AND GOVERNOR AND THE NEW YORK STATE BOARD OF ELECTIONS TO ENACT LAWS, RULES AND REGULATIONS THAT SPECIFICALLY AUTHORIZE THE CONTINUED USE OF LEVER STYLE VOTING MACHINES AS A SOLUTION TO UNWARRANTED EXPENSES TO THE CITIZENS OF WYOMING COUNTY RELATIVE TO HAVA – BOARD OF ELECTIONS**

**WHEREAS**, For many decades Wyoming County has successfully used mechanical lever-style voting machines, with very few problems, and is desirous of continuing to do so, and

**WHEREAS**, New York State enacted the Election Reform and Modernization Act of 2005 (ERMA) and other laws that require all lever machines to be replaced and prohibit the use of any lever machines in any future elections in New York State, and

**WHEREAS**, Said New York State legislation relating to voting machines far exceeds the federal requirements of Help America Vote Act (HAVA), and

**WHEREAS**, While Wyoming County has been the recipient of federal funds to implement HAVA, the state's additional requirements and method of allocating funds has created undue financial hardship with mandated expenses far exceeding formula based revenues , and

**WHEREAS**, Said HAVA funding formula is not equitable to the smaller counties in that after purchasing the necessary voting machines and a minimal amount of training there are no funds left for the remainder of training and purchasing of the hardware and software necessary to operate the machines and the hiring of additional personnel to program machines, do the necessary quarterly testing, ballot definition, etc. as there is for the larger counties, and

**WHEREAS**, This inequitable formula is placing a severe burden on counties that have a smaller population and tax base with less ability to raise the funds necessary to purchase the hardware, software and additional training; and





**RESOLUTION NO. 09-261**

**June 09, 2009**

**Page 2**

**Carried: XXX    Ayes: 405    Noes: 167 (Arcade)    Absent: 106 (Sheldon)    Abstain:**  
**154 (Attica)                      210 (Warsaw)**  
**118 (Castile)                     316 Total**  
**50 (Eagle)**  
**20 (Genesee Falls)**  
**92 (Java)**  
**192 (Perry)**  
**45 (Pike)**  
**37 (Wethersfield)**  
**875 Total**

*Chairman Berwanger reminded everyone that the 2009 Dairy Princess is still here and to enjoy the lovely reception of dairy products she has available near the rear of the Supervisors' Chambers.*

*There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 4:00 PM with a rap on his desk.*

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*Respectfully submitted,*

*Cheryl J. Ketchum*

Cheryl J. Ketchum, Board Clerk