

REGULAR SESSION
(October 9, 2018)

Tuesday

2:30 PM

The regular session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors present except Supervisors E. Grant, T/Bennington, B. Hastings, T/Eagle, D. Leuer, T/Middlebury, S. May, T/Orangeville and J. Copeland, T/Wethersfield. Also present were County Attorney Jim Wujcik, Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Lisa Perez.

At 2:32 PM Chairman Berwanger, T/Arcade, called the meeting to order.

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

Corporal William C. Clester, Sr.

Mr. Clester was born in Buffalo, NY in 1938 and went to school in Fillmore until his family moved to Pike when he was fifteen. He dropped out of school at the age of sixteen and two years later, at a town celebration in Fillmore, he and two of his friends met a recruiter in his dress blues. Whether it was how he looked; what he said; or the lack of jobs, the three friends joined the Marines together and reported to Buffalo two months later on August 30, 1956. Mr. Clester was one month shy of his 18th birthday.

Mr. Clester and his friends had a surprise right after swearing in; they were immediately put on a train heading straight to Paris Island, South Carolina. Together, the three went through basic training and then to Fort Lejeune for peacetime infantry. After about a year, Mr. Clester struck out on his own and headed to Fort Meade, Maryland to become base security for the National Security Agency (NSA).

The NSA was established in 1952 by a presidential directive from Harry S. Truman who specified its mission as *"to provide an effective, unified organization and control of the communications intelligence activities of the United States conducted against foreign governments, to provide for integrated operational policies and procedures pertaining thereto."* The NSA is a division of the Department of Defense and belongs to the Intelligence Community of 17 agencies working under the direction of the Director of National Intelligence. Mr. Clester served out the rest of his two-year enlistment and was honorably discharged in August of 1958. For his valor and courageous service to his country, Mr. Clester was awarded the Good Conduct Medal.

Upon returning home, Mr. Clester went on a double date with a friend of his and two women they had never met. His friend was not impressed with his date, but Mr. Clester got along with his date, Adrienne, so well that they were married just four months later in December 1958 and are still married today. Mr. Clester also started working for Kittinger Furniture Company

upholstering furniture that same year. He remained a loyal employee of Kittinger Furniture for 32-years until the Castile building closed its doors in 1990. He may have stopped working at Kittinger, but he still upholsters furniture. Mr. Clester joined the Fire Company in Pike in 1963 and has been an active member there for 55 years. He also was on the rescue squad for 25 years from 1970 to 1995.

Mr. Clester is a member of the Mount Zion Tabernacle Church. He and his wife have three children, five grandchildren, six great-grandchildren and his faithful companion Charlie.

The pledge was said by all.

Mr. Clester stated he wasn't much of a talker but was very appreciative of being asked to lead the pledge today and thanked the Board for the opportunity...

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

COMMUNICATIONS ~

- 09/24/18 Correspondence from Julia Tedesco, President and CEO of Foodlink thanking the Board for the Hunger Action Month Proclamation and support
- 09/27/18 Correspondence from Senator Gallivan acknowledging Wyoming County's request on behalf of the Fair Association for a \$50,000 allocation for the cattle barn

#1

**RESOLUTION NO. 18-401
(October 9, 2018)**

By Mr. Brick, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2018 ACCOUNTS

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

CIP ~ Jail			
From: 12.61.1620.2.21007 Jail CIP To: 12.61.9950.9.99004 Inter Fund Transfers Reason: To move money left from Jail CIP to Inter Fund Transfers as Jail project is now complete.	\$376.78	\$376.78	
CIP ~ Jail Total			\$376.78
Probation			
From: 01.37.3140.8.89001 Med/Hospital Ins. To: 01.37.3140.1.10202 Temporary Reason: To cover the cost of temporary position covering for medical leave.	\$7,000.00	\$7,000.00	
Probation Total			\$7,000.00

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

*There was a motion by Mr. Tallman, T/Gainesville, to combine resolutions #3 through #5.
Hearing no objection resolution titles were read.*

#3

**RESOLUTION NO. 18-403
(October 9, 2018)**

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

RESOLUTION NUMBER 18-254 AMENDED

WHEREAS, Resolution Number 18-254 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH INDEED, INC. ON BEHALF OF THE HUMAN RESOURCE DEPARTMENT,**” passed by this Board of Supervisors on June 12, 2018 and provides for online “*pay-per-click*” job posting/advertisements in an amount of one dollar (\$1.00) per click and a total amount not to exceed nine thousand dollars (\$9,000.00); effective April 19, 2018 through July 19, 2018; now therefore

BE IT RESOLVED, That *Resolution Number 18-254* be hereby amended to correct the contract end date from July 19, 2018 to **July 31, 2018.**

All else remains the same.

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

#4

**RESOLUTION NO. 18-404
(October 9, 2018)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH INDEED, INC.
ON BEHALF OF THE HUMAN RESOURCE DEPARTMENT**

CHIEF EXECUTIVE OFFICER'S SIGNATURE:		REFERENCES: DHR/EEOC Regs and Related Law
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POLICY: Sexual Harassment Policy

PURPOSE: Wyoming County is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. Wyoming County has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Wyoming County commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with Wyoming County, or with a government agency or in court under federal, state or local antidiscrimination laws.

PROCEDURE:

1. This Wyoming County Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with Wyoming County.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Wyoming County has a zero-tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected sexual harassment. Any employee of Wyoming County who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, or non-employee¹ working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, or Human Resources. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects Wyoming County to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual

harassment, including managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be penalized for such misconduct.

5. Wyoming County will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. Wyoming County will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe to Human Resources.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be posted prominently in all work locations and be provided to employees upon hiring.

What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient’s job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

Any employee who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of Sexual Harassment:

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, grabbing, brushing against another employee’s body or poking another employees’ body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the victim’s job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience, which create a hostile work environment.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
 - Sabotaging an individual’s work;
 - Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the

workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

What is “Retaliation”?

Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.”

Protected activity occurs when a person has:

- filed a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- complained that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. Wyoming County cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or Human Resources. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or Human Resources.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf. Employees, paid or unpaid interns or non-employees who believe they have been a victim of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that

sexual harassment is occurring, **are required** to report such suspected sexual harassment to Human Resources.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue. Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

All complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and should be completed within 30 days. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Employees who participate in any investigation will not be retaliated against.

Investigations will be done in accordance with the following steps:

- Upon receipt of complaint, Human Resources will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If complaint is oral, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;

Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:

- A list of all documents reviewed, along with a detailed summary of relevant documents;
- A list of names of those interviewed, along with a detailed summary of their statements;
- A timeline of events;
- A summary of prior relevant incidents, reported or unreported; and
- The final resolution of the complaint, together with any corrective actions action(s).

Keep the written documentation and associated documents in the employer’s records.

Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective actions identified in the written document.

Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by Wyoming County but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Wyoming County, employees may also choose to pursue legal remedies with the following governmental entities **at any time**.

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Wyoming County does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, www.dhr.ny.gov
Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml

Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Chairman Berwanger asked HR Director Farberman if he would please provide the reason for the policy update.

Dir. Farberman stated this change is a result of New York State Department of Labor and New York State Division of Human Rights adopting new requirements in the efforts to combat sexual harassment in the workplace. The policy has been updated to conform to new state regulations. He also noted that all supervisory employees are mandated to attend sexual harassment prevention training. This training will also be available to all town and village supervisory positions in Wyoming County. The new policy has been distributed and training will be completed before the deadline.

There was a motion by Mrs. Ryan, T/Warsaw to combine resolutions #6 through #9. Mrs. Ryan also noted that Resolution #9 is a joint resolution with the Human Services and Public Safety Committees. Hearing no objection resolution titles were read.

#6

RESOLUTION NO. 18-406 (October 9, 2018)

By Mrs. Ryan, Vice-Chairman of the Human Services Committee:

**JONATHAN FUZAK APPOINTED TO THE
GLOW WORKFORCE DEVELOPMENT BOARD**

BE IT RESOLVED, That *Jonathan Fuzak*, New York State Laborers' Organizing Fund, 25 Tyrol Drive, Cheektowaga, NY 14227 be hereby appointed to the GLOW Workforce Development Board as a Labor Organization Representative for a two (2) year term; effective October 9, 2018 through October 8, 2020.

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

#7

**RESOLUTION NO. 18-407
(October 9, 2018)**

By Mrs. Ryan, Vice-Chairman of the Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN ANNUAL GLOW CEO WORKFORCE
DEVELOPMENT BOARD (WDB) MULTI-JURISDICTIONAL CEO AGREEMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign the annual *GLOW CEO Workforce Development Board (WDB) Multi-Jurisdictional CEO Agreement* between Chief Elected Officials of Genesee, Livingston, Orleans, and Wyoming Counties and the GLOW Workforce Development Board (WDB), Genesee County Career Center, 587 East Main Street, Suite 100, Batavia, New York 14020 on behalf of Wyoming County; effective July 1, 2018 through June 30, 2019.

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

#8

**RESOLUTION NO. 18-408
(October 9, 2018)**

By Mrs. Ryan, Vice-Chairman of the Human Services Committee:

**CHAIRMAN/COMMISSIONER OF SOCIAL SERVICES AUTHORIZED TO SIGN
VARIOUS WELFARE MANAGEMENT SYSTEM CONTRACTS ON BEHALF OF THE**

DEPARTMENT OF SOCIAL SERVICES

BE IT RESOLVED, That the Chairman of this Board and Commissioner of Social Services, pursuant to General Municipal Law §104(b) and with the approval of the County Attorney, are hereby authorized and directed to sign a contract with the following agencies to provided day care services on behalf of the Department of Social Services:

- *Precious People Daycare*, 12001 Broadway, Alden, NY 14004; effective September 4, 2018 through December 31, 2018
- *Amy Yencer ~ Precious Panda Daycare*, 52 Stanley Street, Mt. Morris, NY 14510; effective September 1, 2018 through December 31, 2018

Contracts are variable amounts depending upon services provided.

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

Joint Resolution
#9

RESOLUTION NO. 18-409
(October 9, 2018)

By Mrs. Ryan, Vice-Chairman of the Human Services Committee and Mr. Copeland, Chairman of the Public Safety Committee:

DOMESTIC VIOLENCE AWARENESS MONTH PROCLAIMED

WHEREAS, Domestic violence affects all residents of Wyoming County, and its damage is inflicted not only upon victims, but their children, families and communities; sadly, one in four individuals suffer abuse at the hands of their partner and these victims can be of any age, race, religion, gender or economic status, and can endure extreme suffering and possible long-term harm; and

WHEREAS, Wyoming County through its domestic violence programs take decisive steps to strengthen the polices of New York State that hold domestic violence offenders accountable and ensure the safety of victims and their children by focusing upon the improved working relationship with legal, law enforcement, human services, education and healthcare systems; and

WHEREAS, Wyoming County has dedicated individuals and organizations who work daily to counter the problem of domestic violence and to help families obtain assistance they need to be free from domestic violence; and

WHEREAS, Wyoming County is stronger when all citizens become aware of domestic violence prevention; and

WHEREAS, Wyoming County residents will support victims of domestic violence and will support the public and private entities that continuously strive to provide the best coordinated response to domestic violence within the county, therefore sending a strong and unwavering message to abusers that domestic violence will not be tolerated in this county; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby proclaim the Month of October 2018 as **DOMESTIC VIOLENCE AWARENESS MONTH** in Wyoming County and commend this observance to the citizens of this county.

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

Chairman Berwanger, T/Arcade invited Supervisor Ryan, T/Warsaw to the podium to present the Domestic Violence Awareness Month proclamation.

Supervisor Ryan invited Commission Barber; RESTORE Outreach and Education Specialist Lauren Berger and Domestic Violence Advocate Andy Kershner to join her as well.

Ms. Berger was invited to say a few words... She stated that new clients have doubled since 2016, there were 69 new clients in 2017 and as of August of 2018, that number has been surpassed. Word is getting out that these services are available in Wyoming County and more people are getting help. People of all genders are being serviced.

Supervisor Ryan acknowledged that all Supervisors were provided information about the RESTORE program.

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

#10

**RESOLUTION NO. 18-410
(October 9, 2018)**

By Mr. Kehl, Chairman of the Agriculture Committee:

ORDER OF PROTECTION FOR DEER APPROVED

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

BE IT RESOLVED, That this Board hereby orders and requires that all dogs in the County of Wyoming shall be securely confined for the period of November 1, 2018 through April 1, 2019, under Article 7, Section 122 of the New York State Agriculture and Markets Law. *A dog shall not be deemed to be in violation of such order if accompanied by and under the full control of the handler;* and be it

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

Perry Herald, Perry, New York
Daily News, Batavia, New York

and be it

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

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

#11

RESOLUTION NO. 18-411
(October 9, 2018)

By Mr. Kehl, Chairman of the Agriculture Committee:

CONFINEMENT OF DOGS IN WYOMING COUNTY AUTHORIZED

BE IT RESOLVED, That this Board hereby orders and requires that all dogs in the County of Wyoming shall be securely confined between sunset and one hour after sunrise for the period January 1, 2019 through Midnight, December 31, 2019, under Article 7, Section 122 of the New York State Agriculture and Markets Law. *A dog shall not be deemed to be in violation of such order if accompanied by and under the full control of the handler;* and be it

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

Perry Herald, Perry, New York

Daily News, Batavia, New York

and be it

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

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

There was a motion by Mrs. Ryan, T/Warsaw, to combine resolutions #12 and #13. Hearing no objection resolution titles were read.

#12

**RESOLUTION NO. 18-412
(October 9, 2018)**

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

**CHAIRMAN/COMMISSIONER OF HEALTH AUTHORIZED TO SIGN A CONTRACT
WITH UNITED MEMORIAL MEDICAL CENTER ON BEHALF OF THE COUNTY
HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health, pursuant to General Municipal Law §104(b) and with the approval of the County Attorney, are hereby authorized and directed to sign a contract with *United Memorial Medical Center*, 127 North Street, Batavia, NY 14020 on behalf of the County Health Department. Said contract to provide outreach in Wyoming County for the New York State Department of Health Cancer Services Program in an amount not to exceed twenty-six thousand two hundred dollars (\$26,200.00); effective October 1, 2018 through September 30, 2019. (*Revenue Contract*)

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

#13

**RESOLUTION NO. 18-413
(October 9, 2018)**

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

CHAIRMAN/COMMISSIONER OF HEALTH AUTHORIZED TO SIGN A CONTRACT WITH FREED MAXICK CPA'S, PC ON BEHALF OF THE COUNTY HEALTH DEPARTMENT

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health, pursuant to General Municipal Law §104(b) and with the approval of the County Attorney, are hereby authorized and directed to sign a contract with *Freed Maxick CPA's PC*, 40 Main Street, Suite 800, Buffalo, NY 14202 on behalf of the County Health Department. Said contract is for the preparation of the 2017 Diagnostic and Treatment Center (AHCF) Medicaid Cost Report in an amount not to exceed five thousand seven hundred dollars (\$5,700.00) and direct expenses; effective through completion and upload of the Cost Report due November 12, 2018.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1250 Noes: **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

There was a motion by Mr. Kehl, T/Attica, to combine resolutions #14 and #15. Hearing no objection resolution titles were read.

#14

**RESOLUTION NO. 18-414
(October 9, 2018)**

By Mr. Kehl, Representative of the Public Safety Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH LIVINGSTON COUNTY SHERIFF'S DEPARTMENT ON BEHALF OF THE WYOMING COUNTY SHERIFF'S DEPARTMENT

BE IT RESOLVED, That the Chairman of this Board pursuant to General Municipal Law §104(b) and with the approval of the County Attorney is hereby authorized and directed to sign a contract with the *Livingston County Sheriff's Department*, 4 Court Street, Geneseo, NY 14454 on behalf of the Wyoming County Sheriff's Department. Said contract to provide prisoner housing in an amount not to exceed eighty-five dollars (\$85.00) per day; effective January 1, 2018 through December 31, 2018.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1250 Noes: **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)

58 (Orangeville)
38 (Wethersfield)
349 Total

#15

**RESOLUTION NO. 18-415
(October 9, 2018)**

By Mr. Kehl, Representative of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE
AWARD WITH THE NEW YORK STATE DIVISION OF HOMELAND SECURITY
AND EMERGENCY SERVICES ON BEHALF OF WYOMING COUNTY
EMERGENCY SERVICES**

BE IT RESOLVED, That the Chairman of this Board, with the approval of the County Attorney, is hereby authorized and directed to sign a grant application and acceptance award with the *New York State Division of Homeland Security and Emergency Services*, 1220 Washington Avenue, Building 7A, Suite 710, Albany, NY 12242 on behalf of Wyoming County Emergency Services. Said funding is for FY-2018 Emergency Management Performance Grant in a minimum amount of twenty thousand six hundred fifty-five dollars (\$20,655.00); effective October 1, 2017 through September 30, 2019.

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

*There was a motion by Mr. Davis, T/Covington, to combine resolutions #16 through #21.
Hearing no objection resolution titles were read.*

#16

**RESOLUTION NO. 18-416
(October 9, 2018)**

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

**WYOMING COUNTY ANIMAL SHELTER CAPITAL IMPROVEMENT PROJECT
ESTABLISHED**

WHEREAS, The Wyoming County Board of Supervisors' Agriculture Committee, Public Works Committee, Finance Committee and this Board of Supervisors, in consultation with the Animal Control Officer and Superintendent of Buildings and Grounds, through

discussion during these committee meetings has identified the need to complete improvements to the Wyoming County Animal Shelter located at 4380 Route 19 South, Silver Springs, NY; and

WHEREAS, That Wyoming County applied for and has been awarded a New York State Companion Animal Capital Fund Grant by New York State Agriculture and Markets which was accepted by this Board of Supervisors on June 12, 2018 by Resolution Number 18-277; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors, on the recommendation of the above mentioned committee, hereby establishes the *Wyoming County Animal Shelter Capital Improvement Project* in an amount not to exceed one hundred forty-five thousand three hundred seventy-one dollars (\$145,371.00); and be it

FURTHER RESOLVED, That permission is hereby granted to seek proposals for the completion of this established project.

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

#17

**RESOLUTION NO. 18-417
(October 9, 2018)**

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

CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN A CONTRACT WITH PERRY LUMBER & HARDWARE, INC., D/B/A BURT'S LUMBER, HEALTHY HOME INSULATION ON BEHALF OF BUILDINGS AND GROUNDS (CIP)

BE IT RESOLVED, That the Chairman of this Board, pursuant to General Municipal Law §104(b) and with the approval of the County Attorney, is hereby authorized and directed to award bid and sign a contract with *Perry Lumber & Hardware, Inc., d/b/a Burt's Lumber, Healthy Home Insulation*, 2 Washington Boulevard, Perry, NY 14530 on behalf of Buildings and Grounds (CIP). Said contract is for spray foam insulation at the Wyoming County Animal Shelter in an amount not to exceed seven thousand seven hundred seventy-six dollars (\$7,776.00); effective September 24, 2018 through completion of the project.

Contingent upon the availability of funds.

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)

38 (Wethersfield)
349 Total

#18

RESOLUTION NO. 18-418
(October 9, 2018)

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

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE
AWARD WITH THE NEW YORK STATE UNIFIED COURT SYSTEM ON BEHALF
OF WYOMING COUNTY BUILDINGS AND GROUNDS (CO. BLDGS.)**

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 *New York State Unified Court System*, 92 Franklin Street, 3rd Floor, Buffalo, NY 14202 on behalf of Wyoming County Buildings and Grounds (Co. Bldgs.). Said funding is for the cleaning, minor repairs and maintenance at the Courthouse Campus, Government Center and Records Retention in a minimum amount of ninety-two thousand forty dollars (\$92,040.00); effective April 1, 2018 through March 31, 2019. (*Contract #C300473*)

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

#19

RESOLUTION NO. 18-419
(October 9, 2018)

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

**CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN A CONTRACT WITH
TERRY MOONEY CONSTRUCTION, INC. ON BEHALF OF
BUILDINGS AND GROUNDS (CIP)**

BE IT RESOLVED, That the Chairman of this Board, pursuant to General Municipal Law §104(b) and with the approval of the County Attorney, is hereby authorized and directed to award bid and sign a contract with *Terry Mooney Construction, Inc.*, 18 West Buffalo Street, Warsaw, NY 14569 on behalf of Buildings and Grounds (CIP). Said contract is for the installation of a metal roof on the Highway Office Building in an amount not to exceed twenty-two thousand five hundred dollars (\$22,500.00); effective October 10, 2018 through completion of the project.

Contingent upon the availability of funds.

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

#20

**RESOLUTION NO. 18-420
(October 9, 2018)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
FEEDWATER TREATMENT SYSTEMS, INC. ON BEHALF OF
BUILDINGS AND GROUNDS (CO. BLDGS.)**

BE IT RESOLVED, That the Chairman of this Board, pursuant to General Municipal Law §104(b) and with the approval of the County Attorney, is hereby authorized and directed to sign a contract with *Feedwater Treatment Systems, Inc.*, PO Box 439, Athol Springs, NY 14040 on behalf of Buildings and Grounds (Co. Bldgs.). Said contract is for the monitoring, maintaining, testing and inspecting the cooling towers at the Jail, Courthouse, Public Health and Government Center in an amount not to exceed eleven thousand dollars (\$11,000.00); effective October 1, 2018 through September 30, 2019.

Contingent upon the availability of funds.

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

#21

**RESOLUTION NO. 18-421
(October 9, 2018)**

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

RESOLUTION NUMBER 18-238 AMENDED

WHEREAS, Resolution Number 18-238 entitled, “**CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN A CONTRACT WITH PAVILION DRAINAGE SUPPLY CO., INC. ON BEHALF OF COUNTY HIGHWAY,**” passed by this Board of Supervisors on May 8, 2018 and provides for guide rails and installations; effective May 8, 2018 through completion of each project and in amounts not to exceed as follows:

WHEREAS, Subdivision 5, Section 20 of the Municipal Home Rule Law requires a public hearing to be held on such local law; now therefore

BE IT RESOLVED, That a Public Hearing will be held on the said proposed Local Law by this Wyoming County Board of Supervisors on *the 13th day of November, 2018 at 2:30 PM in the Supervisors' Chambers, 2nd Floor of the Wyoming County Government Center, 143 North Main Street, Warsaw, New York.*

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

INTRODUCTORY LOCAL LAW NO. E - YEAR 2018

A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-C for Fiscal Year 2019

Section 1. Legislative Intent

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

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

Section 2. Authority

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

Section 3. Tax Levy Limit Override

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

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of

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

Section 5. Effective Date

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

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

#23

**RESOLUTION NO. 18-423
(October 9, 2018)**

By Mr. Brick, Chairman of the Finance Committee:

RESOLUTION NUMBER 16-088 AMENDED

WHEREAS, Resolution Number 16-088 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY HEALTH SYSTEM,**” passed by this Board of Supervisors on February 9, 2016 and provides for various contracts on behalf of the Wyoming County Community Health System, in part, as follows:

- *Dentserv Dental Services, PC*, 15 Canal Road, Pelham Manor, NY 10803 to provide dental services to the residents of the Skilled Nursing Facility in an amount not to exceed thirty-seven thousand two hundred dollars (\$37,200.00) per year; effective April 1, 2016 through May 31, 2018.

Now therefore,

BE IT RESOLVED, That Resolution Number 16-088 be hereby amended as follows:

- Extend the term of the contract from May 31, 2018 through *May 31, 2020*.
- In accordance with the *automatic renewal* clause, increase the contract amount in an amount not to exceed thirty-seven thousand nine hundred forty-four dollars (\$37,944.00) per year for a total contract amount of seventy-five thousand eight hundred eighty-eight dollars (\$75,888.00)

All else remains the same.

Carried: XXX Ayes: 1250 Noes: Absent: 140 (Bennington) Abstain:

51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

#24

RESOLUTION NO. 18-424
(October 9, 2018)

By Mr. Brick, Chairman of the Finance Committee:

RESOLUTION NUMBER 17-431 AMENDED

WHEREAS, Resolution Number 17-431 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM**”, passed by this Board of Supervisors on October 10, 2017 and provided in part for the following contract:

- **Tarun Ohri, MD**, Ohri Medical Group, 165 Brooklyn Street, Warsaw, NY 14569 on an as needed basis for mutually agreeable weekends in an amount not to exceed one thousand dollars (\$1,000.00) per weekend period from 5:00 p.m. Friday until 7:00 a.m. Monday for phone and on-site availability for cardiac consultation coverage; effective October 1, 2017 through April 1, 2018.

And,

WHEREAS, That Resolution Number 17-431 was previously amended by this Board of Supervisors on May 8, 2018 by **Resolution Number 18-243** to extend the contract expiration date from April 1, 2018 through **September 30, 2018**; now therefore

BE IT RESOLVED, That **Resolution Number 17-431**, as previously amended by **Resolution Number 18-243** be hereby further amended to extend the contract term from September 30, 2018 through **March 30, 2019**.

All else remains the same.

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

#25

RESOLUTION NO. 18-425
(October 9, 2018)

By Mr. Brick, Chairman of the Finance Committee:

CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM

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

- **Spectrum**, 280 East Broad Street, Suite 1506, Rochester, NY 14604 for TV/cable services in an amount not to exceed one thousand six hundred sixty-four dollars (\$1,664.00) per month at a total contract amount not to exceed fifty-nine thousand nine hundred four dollars (\$59,904.00) for thirty-six (36) months; effective at time of installation estimated to be October 1, 2018 through September 30, 2021.
- **Western New York Physicians, PLLC**, 2261 Route 19 North, Warsaw, NY 14569 to provide clinical patient hospitalist services to patients in the acute and behavioral health areas, to any unassigned patients in the hospital regardless of insurance or the lack thereof in an amount not to exceed seven hundred thousand dollars (\$700,000.00) per year; effective October 1, 2018 through September 30, 2021.

Contingent upon the availability of funds.

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

#26

**RESOLUTION NO. 18-426
(October 9, 2018)**

By Mr. Brick, Chairman of the Finance Committee:

RESOLUTION NUMBER 18-390 AMENDED

WHEREAS, Resolution Number 18-390 entitled, “**CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN A CONTRACT WITH EDWARD HULME, INC. ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on September 11, 2018 and provides for the total excavation, mill and fill of “*Area 1*” which is identified as Parking Lot #4 of the Wyoming County Community Health

System and the entrance road between Duncan Street and Parking Lot #4 in an amount not to exceed seventy-two thousand eight hundred fourteen dollars and twenty-one cents (\$72,814.21); effective September 12, 2018 through December 31, 2018; now therefore,

BE IT RESOLVED, That **Resolution Number 18-390** be hereby amended to include additional cost for Saturday work to remove existing curb and light pole base, prep area for blacktop, form and pour new curbing in an amount not to exceed eight thousand eight hundred seventeen dollars and seven cents (\$8,817.07) for a new contract amount not to exceed eighty-one thousand six hundred thirty-three dollars and twenty-eight cents (\$81,631.28).

All else remains the same.

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

#27

RESOLUTION NO. 18-427
(October 9, 2018)

By Mr. Brick, Chairman of the Finance Committee:

CHAIRMAN AUTHORIZED TO SIGN AN EMPLOYMENT AGREEMENT ~ SALARY SCHEDULE “P” WITH TRACY E. FABIAN, DO ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM

BE IT RESOLVED, In accordance with Resolution Number 11-209 passed by the Wyoming County Board of Supervisors, on June 14, 2011 entitled, “**AMENDING RESOLUTION 91-159, AUTHORITY OF THE BOARD OF MANAGERS OF THE HOSPITAL,**” the Chairman of this Board, pursuant to General Municipal Law §104(b) and with the approval of the County Attorney and/or Costello Cooney Fearon, PLLC, legal counsel, is hereby authorized and directed to sign an Employment Agreement – Salary Schedule “P” with **Tracy E. Fabian, DO.**, 1 South Street, Apartment 412, Buffalo, NY 14204 on behalf of the Wyoming County Community Health System. Said contract to provide family practice services in an amount not to exceed two hundred thirty-three thousand dollars (\$233,000.00) plus a one-time fee of thirty-six thousand dollars (\$36,000.00); effective August 1, 2019 through July 31, 2022 or within sixty (60) days upon the completion of credentialing and obtaining malpractice insurance.

Contingent upon the availability of funds.

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)

WHEREAS, Resolution Number 17-034 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM**”, was passed by this Board of Supervisors on January 17, 2017 and provides, in part, for the following contract:

- **Jean Jurek Associates, Inc.**, 8975 Main Street, Clarence, NY 14031 to provide medical coding and auditing services, \$500 one-time set up fee, mileage, tolls and expenses for on-site visits, plus per diem charges/fees as negotiated in the agreement in an amount not to exceed one hundred fifty thousand dollars (\$150,000.00) per term; effective December 8, 2016 through September 1, 2017.

And,

WHEREAS, That Resolution Number 17-034 was previously amended by this Board of Supervisors on August 15, 2017 by **Resolution Number 17-326** as follows:

- Extend the expiration date of the contract from September 1, 2017 through **December 31, 2018**
- Amend the not to exceed amount from one hundred fifty thousand dollars (\$150,000.00) per term to **one hundred sixty thousand dollars (\$160,000.00)** per term

Now therefore,

BE IT RESOLVED, That **Resolution Number 17-034**, as previously amended by **Resolution Number 17-326** be hereby further amended to increase the contract in an amount not to extend **two hundred twenty thousand dollars (\$220,000.00)** per term

All else remains the same.

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

#30

**RESOLUTION NO. 18-430
(October 9, 2018)**

By Mr. Brick, Chairman of the Finance Committee:

RESOLUTION NUMBER 17-199 AMENDED

WHEREAS, Resolution Number 17-199 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM**”, passed by this Board of Supervisors on April 11, 2017 and provided in part for the following contract:

- **Eichenauer Group, LLC**, 35 Sylvan Knoll, Rush, NY 14543
 - To assist in operating, managing and supervising the Hospital in the name, for the account, and on behalf of the Hospital and Donald T. Eichenauer be hereby appointed to staff the position of CEO in an amount not to exceed twenty-five thousand two hundred forty-five dollars (\$25,245.00) per month for a total of three hundred two thousand nine hundred forty dollars (\$302,940.00) per year. Plus one thousand dollars (\$1,000.00) per month for the cost of computer, computer software and support, cell phone, professional organization memberships, dues and licensing and local business travel expenses; effective May 1, 2017 through April 30, 2018;

And,

WHEREAS, That Resolution Number 17-199 was previously amended by this Board of Supervisors on May 8, 2018 by **Resolution Number 18-246** to extend the contract expiration date from April 30, 2018 through **April 30, 2019**; and

WHEREAS, That Resolution Number 17-199 as previously amended by Resolution Number 18-246 was further amended by **Resolution Number 18-282** by this Board of Supervisors on June 12, 2018; effective May 1, 2018 as follows:

- Fees for services of the CEO/Administrator will be set at three hundred twenty-five thousand dollars (\$325,000.00) per year
- CEO/Administrator will assist and participate in the recruitment and onboarding of a replacement CEO/Administrator in contemplation of retirement
 - A fee of forty thousand dollars (\$40,000.00) will be paid upon completion
- Provisions included for continuing consulting services on a full or part-time basis for a period of nine (9) months after retirement as CEO/Administrator at the current rate per hour
- A provision for non-compete with WCCHS by the CEO/Administrator has been added

Now therefore,

BE IT RESOLVED, That Resolution Number 17-199 as previously amended by Resolution Number 18-246 and Resolution Number 18-282 be hereby further amended as follows:

- The following language is removed from the Services Agreement and from **Resolution Number 18-282**:

WHEREAS, There has been duly presented and introduced at a meeting of the Board of Supervisors of Wyoming County on this 9th day of October 2018, a proposed Local Law entitled, "Local Law Introductory No. F, Year 2018, "A LOCAL LAW PROVIDING SALARIES FOR CERTAIN COUNTY OFFICERS FOR THE YEAR 2018," and

WHEREAS, Section 5 of Article 20 of the Municipal Home Rule Law requires a public hearing to be held on such local law and therefore

BE IT RESOLVED, That a Public Hearing will be held on the said proposed Local Law by this Wyoming County Board of Supervisors on the 13th day of November, 2018, at 2:30 PM in the Supervisors' Chambers, 2nd Floor of the Wyoming County Government Center, 43 North Main Street, Warsaw, New York

INTRODUCTORY LOCAL LAW NO. F YEAR 2018

County of Wyoming, Providing Salaries for Certain County Officers for the year 2018

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WYOMING AS FOLLOWS:

Section 1. Effective as hereafter provided, the annual salary for the Wyoming County District Attorney shall be increased by \$14,250.00 for a new annual salary of \$197,000.00

Section 2. All salaries set forth in Section 1 above shall be effective as of April 1, 2018

Section 3. This Local Law shall take effect forty-five (45) days from the date of adoption by the Board of Supervisors unless a petition is filed in accordance with Municipal Home Rule Law Section 24.

Section 4. This Local Law is subject to permissive referendum.

DATED at Warsaw, New York
October 09, 2018 (Introduced)
Cheryl J. Ketchum, CMC
Clerk to the Board

Carried: Ayes: Noes: Absent: Abstain:

#36

**RESOLUTION NO. 18-434
(October 9, 2018)**

By Mr. Brick, Chairman of the Finance Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH PRO-FLEX ADMINISTRATORS, LLC ON BEHALF OF THE COUNTY INSURANCE DEPARTMENT

BE IT RESOLVED, That the Chairman of this Board pursuant to General Municipal Law §104(b) and with the approval of the County Attorney is hereby authorized and directed to

sign a contract with the *Pro-Flex Administrators, LLC*, 8321 Main Street, Williamsville, NY 14221 on behalf of the County Insurance Department. Said contract to provide Flexible Spending Account (FSA) claims administration; effective January 1, 2019 through December 31, 2023. The County of Wyoming to pay the administration fee of three dollars and seventy-five cents (\$3.75) per person, per month.

Contingent upon the availability of funds.

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

Supervisor Brick, T/Perry noted that the amendment to Resolution #32 is to remove Salary Schedule “S” and the two bulleted items from this resolution.

Clerk Ketchum recapped that these are not Salary Schedule “S” positions and are being pulled from this resolution and the hourly wages will be set in a standalone resolution to follow.

Clerk Ketchum read the amended resolution title.

#32

**RESOLUTION NO. 18-435
(October 9, 2018)**

By Mr. Brick, Chairman of the Finance Committee:

SALARY SCHEDULES “C”, “G”, “T” AND “P” AMENDED

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

Salary Schedule “C”:

Wyoming County Community Health System

- Set the salary of the ***Clinic Office Manager*** under CLINIC ADMINISTRATION at \$72,000.00 annually; effective September 26, 2018
- Place one (1) position of ***Pharmacy Director*** under PHARMACY and set the salary at \$110,000.00 annually; position available date is September 26, 2018
- Set a stipend for the ***Director of Behavioral Health*** under MENTAL HEALTH UNIT in the amount of \$384.62 plus corresponding fringes; effective September 30, 2018 until such time other arrangements can be implemented

- Payable each bi-weekly payroll period while providing social work services for the Skilled Nursing Facility

Salary Schedule “G”:

County Health Department & OFA

- Extend end dates for stipends through the Navigator Program Grant through April 30, 2019.
 - *Director of Aging and Youth* \$1,000.00/annually
 - *Public Health Administrator* \$2,516.00/annually
 - *Director of Nursing (Public Health)* \$2,516.00/annually
 - *PH Fiscal Administrator* \$2,516.00/annually
 - *Fiscal Officer I (Office for the Aging)* \$1,000.00/annually
 - Said funds provided through New York State Department of Health “Consumer Assistance for the New York Health Benefit Exchange - In Person Assistors and Navigators”
 - Seven (7) month grant extension from October 1, 2018 through April 30, 2019

Salary Schedule “G”:

District Attorney

- Set the following stipends plus corresponding fringes:
 - *Assistant District Attorney (2nd)* \$5,000.00
 - *Administrative Assistant (DA)* \$10,000.00
 - *Secretary to the District Attorney* \$10,000.00
 - *Deputy County Treasurer* \$3,000.00
 - Said funds provided through the Traffic Diversion Program
 - Said funds plus corresponding fringes to be paid out in November 2018

- Set the following stipends plus corresponding fringes:
 - *Assistant District Attorney (1st)* \$10,000.00
 - *Administrative Assistant (DA)* \$500.00
 - *Secretary to the District Attorney* \$1,750.00
 - Said amounts are for the first six (6) months of the grant; effective October 1, 2018 through March 31, 2019
 - Said funds provided through the 2018~2019 ATP Grant
 - Said funds plus corresponding fringes to be paid out in January 2019

- Set the following stipends plus corresponding fringes:
 - *Assistant District Attorney (1st)* \$10,000.00
 - *Administrative Assistant (DA)* \$500.00
 - *Secretary to the District Attorney* \$1,750.00
 - Said amounts are for second half of the grant; effective April 1, 2019 through September 30, 2019
 - Said funds provided through the 2018~2019 ATP Grant
 - Said funds plus corresponding fringes to be paid out in April 2019

Salary Schedule “I”:

District Attorney

- Set the salary of the ***District Attorney*** within the office of DISTRICT ATTORNEY to comply with the Laws of New York, 2010, Chapter 567, the Report of the Special
- Commission of December 24, 2015, and Judiciary Law section 183-a at \$197,600.00 annually; effective retroactively to April 1, 2018.

Salary Schedule “P”:

Wyoming County Community Health System

- Amend the ***Pediatrician Physician*** position from 0.5 FTE to 0.6 FTE
- Salary Schedule “P” annexed hereto shall be substituted for the existing Schedule “P” and eligible employees in the job titles covered thereby shall be paid the salary in accordance with this wage and salary schedule

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

2018 WYOMING COUNTY COMMUNITY HOSPITAL SALARY SCHEDULE "P"

Official Civil Service Titles	Position Code	Res. #	Effective Date	Notes	Employment Agreement
OB CLINIC					
OBSYN Physician Provider	10.100.539	16-291	06/28/2016	\$240,000	Res. #18-307; 07/10/2018
Certified Nurse Midwife, FT	17.108.519	18-435	10/07/2018	\$125,000	Res. #18-093; 02/13/2018
Certified Nurse Midwife, FT	17.109.519	16-326	01/01/2016	\$100,000	Res. #18-245; 05/08/2018
Stipend for Certified Nurse Midwife, FT	17.109.519	16-326	01/01/2016	\$ 25,000	Up to, based on performance
PEDIATRIC CLINIC					
Mid-Level Provider (0.6 FTE)	17.110.443	17-033	10/21/2018	\$ 68,868	Res. #18-435; 10/09/2018
Pediatrician Physician (0.6 FTE)	10.102.582	18-391	08/29/2018	\$160,000	
Stipend for Pediatrician Physician (0.6 FTE)	10.102.582	18-435	10/10/2018	\$ 5,000	Res. #18-349; 08/14/2018
Pediatrician Physician (0.6 FTE)	10.102.582	18-435	09/10/2019	\$163,200	One-time Section 2(c)
Pediatrician Physician (0.6 FTE)	10.102.582	18-435	09/10/2020	\$166,464	2% adjustment Section 2(b)
NEUROLOGY CLINIC					
Neurology Physician Provider	10.101.566	18-435	01/16/2018	\$230,000	Res. #18-039; 01/16/2018
FAMILY PRACTICE					
Family Practice and Maternity Physician Provider	Pending	18-435	07/10/2018	\$230,000	
Stipend for Family Practice and Maternity Physician Provider	Pending	18-435	TBD	\$ 15,000	Upon start date, if on-call pediatric/newborn coverage Exhibit A, Section 2
Stipend for Family Practice and Maternity Physician Provider	Pending	18-435	TBD	\$ 36,000	One-time, upon start date Section 2(d)
Stipend for Family Practice and Maternity Physician Provider	Pending	18-435	TBD	\$ 300	Upon start date
Stipend for Family Practice and Maternity Physician Provider	Pending	18-435	TBD	\$ 300	Per occurrence, if pediatric/newborn call more than two times per month Exhibit A, Section 2
Family Practice and Maternity Physician Provider	Pending	18-435	xx/xx/2020	\$234,600	2% adjustment Section 2(b)
Family Practice and Maternity Physician Provider	Pending	18-435	xx/xx/2021	\$239,292	2% adjustment Section 2(b)
Family Practice and Maternity Physician Provider	Pending	18-435	xx/xx/2022	\$244,078	2% adjustment Section 2(b)
Family Practice Physician Provider	Pending	18-435	09/11/2018	\$230,000	
Stipend for Family Practice Physician Provider	Pending	18-435	TBD	\$ 36,000	One-time Section 2(c)
Stipend for Family Practice Physician Provider	Pending	18-435	TBD	\$ 300	Upon start date Section 2(d)
Stipend for Family Practice Physician Provider	Pending	18-435	TBD	\$ 300	Upon start date
Stipend for Family Practice Physician Provider	Pending	18-435	TBD	\$ 300	Per occurrence, if pediatric/newborn call more than two times per month Exhibit A, Section 2
Family Practice Physician Provider	Pending	18-435	10/09/2018	\$230,000	
Stipend for Family Practice Physician Provider	Pending	18-435	TBD	\$ 36,000	One-time Section 2(c)
Stipend for Family Practice Physician Provider	Pending	18-435	TBD	\$ 300	Upon start date Section 2(d)
Stipend for Family Practice Physician Provider	Pending	18-435	TBD	\$ 300	Upon start date
Stipend for Family Practice Physician Provider	Pending	18-435	TBD	\$ 300	Per occurrence, if pediatric/newborn call more than two times per month Exhibit A, Section 2

Approved by BOM
09/26/2018 pjp
Prepared by Board of Supervisors' Office
10/09/2018 cjk

Chairman Berwanger recognized Supervisor Brick, T/Perry to introduce Resolution #37.

At the request of Supervisor Brick, Clerk Ketchum read the title.

Supervisor Brick stated that these temporary employees are necessary due to the work being done at the Public Defender's Office and the renovations at the Animal Shelter.

Chairman Berwanger then recognized Supervisor King who asked Clerk Ketchum to confirm that the hourly wages in this separate resolution are the same as they were in Resolution #32 which was confirmed.

#37

**RESOLUTION NO. 18-436
(October 9, 2018)**

By Mr. Brick, Chairman of the Finance Committee:

**SET THE HOURLY WAGE OF LABORER (PER DIEM) (TEMP) AND CARPENTER
(PER DIEM) (TEMP) IN BUILDINGS AND GROUNDS (CO. BLDGS.)**

BE IT RESOLVED, That the hourly wage of one (1) position of *Laborer (Per Diem) (Temp)* (position code 041.144) be set at \$17.53 per hour; effective September 10, 2018 and with only those benefits mandated by law; and be it

FURTHER RESOLVED, That the hourly wage of one (1) position of *Carpenter (Per Diem) (Temp)* (position code 042.037) be set at \$18.27 per hour; effective September 10, 2018 and with only those benefits mandated by law.

Carried: XXX **Ayes:** 1250 **Noes:** **Absent:** 140 (Bennington) **Abstain:**
51 (Eagle)
62 (Middlebury)
58 (Orangeville)
38 (Wethersfield)
349 Total

Chairman Berwanger stated that this Plan is a directive of the Governor of the State of New York. All counties, school districts, towns and villages are required to develop a Shared Services Plan demonstrating shared services and the resulting savings.

Some savings may be reimbursable...

Chairman Berwanger then presented the below Shared Services Initiative Plan...

PRESENTATION ~

- **Wyoming County Shared Services Initiative Plan**



2018 County-wide Shared Services

Initiative (CWSSI)

October 09, 2018 @ 2:30 PM

Wyoming County Government Center
Supervisors' Chambers, 2nd Floor
143 North Main Street
Warsaw New York



Panelists

Towns:

- | | |
|--------------------|-----------------|
| 1. A. D. Berwanger | T/Arcade |
| 2. B. Kehl | T/Attica |
| 3. E. Grant | T/Bennington |
| 4. K. Granger | T/Castile |
| 5. J. Davis | T/Covington |
| 6. B. Hastings | T/Eagle |
| 7. D. Tallman | T/Gainesville |
| 8. M. Vasile | T/Genesee Falls |
| 9. A. Brunner | T/Java |
| 10. D. Leuer | T/Middlebury |
| 11. S. May | T/Orangeville |
| 12. J. Brick | T/Perry |

- | | |
|-----------------|----------------|
| 13. S. King | T/Pike |
| 14. B. Becker | T/Sheldon |
| 15. B. Ryan | T/Warsaw |
| 16. J. Copeland | T/Wethersfield |

Villages:

- | | |
|-----------------|------------------|
| 17. J. May | V/Arcade |
| 18. W. Lepsch | V/Attica |
| 19. K. Washburn | V/Castile |
| 20. K. Falkner | V/Gainesville |
| 21. F. Hauser | V/Perry |
| 22. D. Coffey | V/Silver Springs |
| 23. J. Robinson | V/Warsaw |
| 24. N. Norton | V/Wyoming |

Summary:

Timeline ~

07/03/18 – Kick off meeting to discuss ideas and agree on public meeting dates.

Public Meetings ~

07/10/18

Wyoming County Board of Supervisors pass resolution number 18-315, entitled, **Resolution Number 17-306 Amended**, as an advisory vote to support improvements to the Plan. (**Instructions:** Submission to County Legislative Board by August 1, 2018)

08/07/18

09/04/18

The Panel voted on the amended 2018 plan at the conclusion of the meeting.
Results were 14 Aye / 10 Absent

(**Instructions:** Panel votes on Plan submitted by the County Leader by September 15, 2018)

Public Presentation

10/09/18 by October 15, 2018 (as instructed).

The Plan:

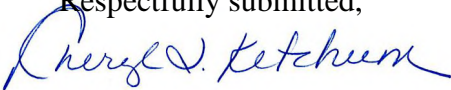
- I. ***Wyoming County Historian / Village of Perry Library***
 - a. Scanning and digitizing of local newspapers and several photo collections
 - i. Estimated cost - **\$44,000.00**
 - ii. Wyoming County Historian was able to provide the Perry Librarian with information on how to access the online availability of the local newspapers and where to find free manpower / volunteers to help with scanning and digitizing thereby avoiding the above estimated cost.
- II. ***County-Wide Assessing***
 - a. The Town of Sheldon is reporting cost avoidance of **\$25,000.00** in re-valuation activities by contracting with Wyoming County to provide Assessor services.
- III. ***County-Wide Electronics Collection Event***
 - a. Participants
 - i. 16 Wyoming County Towns
 - ii. 8 Wyoming County Villages
 - b. Three locations on May 12, 2018
 - i. Town of Arcade Highway barns
 - ii. Town of Attica Highway barns
 - iii. Perry Warsaw Airport
 - c. Total Project cost **\$19,850.45**
 - i. Advertising was all provided by NYS Senator P. Gallivan
 - ii. Estimated DEC grant funding (to be applied for 12/2018) for eligible costs \$9,819.72 (anticipated 50% - waiting on grant RFP)
 - iii. Total estimated cost to the county would then be \$10,030.73 (amount eligible for NYS Shared Services matching funds).
- IV. ***Total estimated savings for Wyoming County for 2018 and beyond***
 - a. **\$88,850.45**
- V. ***The sum total of property taxes levied in the year 2017 by the county, cities, towns, villages, school districts, BOCES, and special improvement districts within such county***
 - a. **\$70,307,934.36**
- VI. ***The sum total of property taxes levied in the year 2017 by the county, any cities, towns, villages, school districts, BOCES, and special improvements districts identified as participating in the panel.***
 - a. **\$38,504.676.00**
- VII. ***Anticipated savings as a percentage of Participating Entities Property Taxes***
 - a. **.230752286%**
- VIII. ***Anticipated savings to the Average Taxpayer (based on median assessed value of \$92,000)***
 - a. **\$2.403411**

Chairman Berwanger stated that now that the Plan has been presented, it will be submitted to the Department of State.

Chairman Berwanger thanked Clerk Ketchum for her work on the County's Plan and everyone that participated in the process.

There being no further business to come before this Board, Senior Supervisor Davis, T/Covington, adjourned the meeting at 3:09 PM with a rap on his desk.

Respectfully submitted,



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

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