

**REGULAR SESSION
(November 12, 2019)**

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 Jim Wujcik, Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Lisa Perez.

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

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

MARK DADD

A Lieutenant in the United States Navy, Mr. Dadd is a former County Court Judge who currently serves as the Chairman of the Wyoming County Industrial Development Board of Directors.

The pledge was said by all.

POW / MIA DAY RECOGNITION CEREMONY ~

In keeping with tradition and in honor of Veteran's Day, the MIA/POW Ceremony was presented by Director of Veteran Services, Lisa Harvey and Asst. Director of Veteran's Services, Robin Kruppa.

OPENING PRAYER ~

- *Rev. Frank Fraser, Family Life Church Parishioner*
 - Rev. Frasier was unavailable...

CORRESPONDENCE ~

- *None*

OPEN PUBLIC HEARING ~

- "Local Law No. 4, Year 2019 (Introductory C, Year 2019) Entitled, "A *Local Law Providing Salaries for Certain County Officers for the Year 2019*"

RULES OF CONDUCT FOR AN OPEN MEETING ~

- *Recited by Chairman Berwanger*

The Open Meetings Law provides the public with the right to attend meetings of public bodies, but it is silent concerning the ability of members of the public to speak or otherwise participate.

The Wyoming County Board of Supervisors welcomes and encourages members of the general public to attend and observe regular monthly meetings of the Board and the regular monthly

standing committee meetings. Information on the time, date and location can be found on the County Web Site.

Participation in these meetings is at the pleasure of the Chairman of the Board and/or the Committee Chair. Permission to speak must be made in writing prior to any such meeting. The general rule of the Wyoming County Board of Supervisors is for observation only...

During Public Meetings and/or Public Hearings there is an opportunity to be heard but comments are limited to only the purpose of the Public Meeting and/or Hearing. Comments are generally limited to 3 min. per speaker and permission to speak must be made in writing prior to any such meeting. Speakers are asked not to duplicate the comments of other speakers.

Outbursts from the general public will not be tolerated. Members of the general public may be escorted from the meeting by law enforcement, if behavior warrants.

#1

**RESOLUTION NO. 19-439
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2019 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2019 accounts as follows:

Public Health			
From: 01.38.4010.1.10101 FT CSEA	\$10,165.38		
01.38.4010.8.81001 Retirement	8,000.00		
01.38.4010.8.83001 FICA	3,105.00		
To: 01.38.4011.1.10001 Fixed SDI		6,000.00	
01.38.4011.1.10101 FT CSEA		650.00	
01.38.4011.1.10202 Temp		3,489.98	
01.38.4011.1.10301 OT		16.40	
01.38.4011.1.10401 Longevity		9.00	
01.38.4011.8.81001 Retirement		1,000.00	
01.38.4011.8.82001 Disability		30.00	
01.38.4011.8.83001 FICA		650.00	
01.38.4011.8.85001 Medicare-FICA		175.00	
01.38.4011.8.89001 Med/Hosp		7,500.00	
01.38.4011.8.89002 HRA		1,750.00	
Reason: To cover expenses due to staffing changes at the Health Dept.			
Public Health Total			\$21,270.38

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#2

**RESOLUTION NO. 19-440
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2019 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2019 accounts as follows:

Information & Technology			
To: 01.34.1681.4.41402 Computer Maintenance	\$1,945.13		
01.34.1681.4.41410 Software	3,066.44		
w/01.07.1681.2610 Fines & Litigation		\$1,945.13	
01.08.1681.2650 Surplus		3,066.44	
Reason: Class action settlement for overpayment on PC from 1998-2002 (2650) Sale of surplus equipment.			
Information & Technology Total			\$5,011.57
DSS/Medicaid			
To: 01.40.6102.4.42250 MMIS IGT/DSH Payment	\$1,010,876.		
w/ <i>any funds available</i>	50	\$1,010,876.5	
Reason: To cover IGT/DSH pymt.		0	
DSS/Medicaid Total			\$1,010,876.50
Human Resource			
To: 01.34.1431.4.40301 Prof. Services	\$10,000.00		
w/ <i>any funds available</i>		\$10,000.00	
Reason: To cover legal representation contract for remainder of 2019.			
Human Resource Total			\$10,000.00
Board of Elections			
To: 01.34.1450.4.42484 Early Voting	\$4,000.00		
w/01.11.1450.3089 Other State Aid		\$4,000.00	
Reason: To cover costs associated with <i>early voting</i> this year.			
Board of Elections Total			\$4,000.00
Public Health			
To: 01.38.4010.4.41706 Medical/Safety Supplies	\$4,500.00		
w/01.03.4010.160107 Immunization Revenue		\$4,500.00	
Reason: To purchase vaccines for Health Dept. Immunization Clinics.			
Public Health Total			\$4,500.00
Wyoming County Water Resource Agency			
To: 01.48.8310.4.40301 Prof. Service Contracts	\$53,775.00		
w/01.04.8310.2378 Water Services-Other Govt.		\$53,775.00	
Reason: To pay for unbudgeted prof. services contract to complete the Silver Lake Sediment Dredging Project Ph. 2/Sampling Plan Implement.			
Wyoming County Water Resource Agency Total			\$53,775.00
District Attorney			
To: 01.32.1161.4.41361 Traffic Diversion Program	\$1,355.00		
01.32.1161.2.20501 Law Enforcement Equip.	1,645.00		
w/01.07.1161.2610 Fines & Forfeitures		\$3,000.00	

Reason: To purchase a radar gun, tint meters and basic computer.			
District Attorney Total			\$3,000.00
Sheriff			
To: 01.37.3110.2.23001 Cars w/01.08.3110.2680 Insurance Recover Reason: Purchase vehicle replace one totaled in an accident.	\$27,400.00	\$27,400.00	
Sheriff Total			\$27,400.00

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

Mr. Granger, T/Castile, Chairman of the Audit Committee, presented bills totaling **\$4,377,723.86** for the month of **October 2019**.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

There was a motion by Mr. Tallman, T/Gainesville, to combine resolutions #3 through #8. Hearing no objection resolution titles were read.

#3

**RESOLUTION NO. 19-441
(November 12, 2019)**

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

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

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

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

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

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

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

WHEREAS, Our residents need to understand and obtain new licenses (Enhanced or Real ID) and this education and service has largely been placed on counties with little to no increased funding to achieve this goal; and

WHEREAS, In 2019 the State Legislature passed, and the Governor signed into law, the Green Light NY Law which will allow undocumented immigrants the right to obtain a driver's license; and

WHEREAS, The State provided no funding to help counties to implement the requirements of Green Light NY and to pay for additional training needs, translation services, or foreign document verification services; and

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

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

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

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

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

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#4

**RESOLUTION NO. 19-442
(November 12, 2019)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH MARK H. DADD LAW
OFFICE, PLLC ON BEHALF OF THE COUNTY ATTORNEY**

BE IT RESOLVED, That the Chairman of this Board, pursuant to General Municipal Law §104(b) and with the approval of the County Attorney, is hereby authorized and directed to sign a contract with the *Mark H. Dadd Law Office, PLLC*, 166 Main Street, Attica, NY 14011 on behalf of the County Attorney. Said contract is for legal services in an amount not to exceed twenty thousand dollars (\$20,000.00); effective January 1, 2020 through December 31, 2020.

Contingent upon the availability of funds.

Carried: XXX **Ayes:** 1599 **Noes:** **Absent:** **Abstain:**

#5

**RESOLUTION NO. 19-443
(November 12, 2019)**

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

**RESOLUTION URGING GOVERNOR ANDREW M. CUOMO AND THE STATE
LEGISLATURE TO CONTINUE THE FUNDING COMMITMENT FOR ALL COSTS
ASSOCIATED WITH EARLY VOTING REFORMS IMPLEMENTED AT THE
COUNTY LEVEL**

WHEREAS, The 2019 legislative session included many election reforms, including the authorization of electronic poll books and provisions for early voting; and

WHEREAS, Counties through local Boards of Elections are responsible for managing election operations, and paying for all or most of the costs associated with these operations; and

WHEREAS, The State's new early voting law requires counties to open polling sites for early voting for 10-days prior to any primary or general election, starting during the 2019 general election; and

WHEREAS, The enacted SFY 2020 State Budget included \$14.7 million in capital equipment aid and \$10 million in operational aid support to assist counties with implementing these election law reforms; and

WHEREAS, Counties are grateful for this state assistance; and

WHEREAS, Without continued state financial assistance, counties will have a difficult time maintaining electronic poll books and sustaining early voting; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls on the Governor and State Legislature to continue to fund election law reforms at SFY 2020 levels; and be it

FURTHER RESOLVED, That the New York State Division of Budget expedite disbursement of these funds to local Boards of Elections so counties can continue to prepare for early voting and electronic poll book implementation; and be it

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

State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

Carried: XXX **Ayes:** 1599 **Noes:** **Absent:** **Abstain:**

#6

**RESOLUTION NO. 19-444
(November 12, 2019)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#7

**RESOLUTION NO. 19-445
(November 12, 2019)**

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

**RESOLUTION CALLING FOR THE STATE OF NEW YORK TO ALLOW FOR
COUNTY HOME RULE AUTHORITY REGARDING EMPLOYMENT
RESIDENCY REQUIREMENTS**

WHEREAS, New York's Public Officers Law (POL) §3 generally requires certain employees reside in the political subdivision or municipality in which he or she holds such public office; and

WHEREAS, This law has a worthy intent, which is to promote that local officials interact with the community in which they serve, even in off hours, as well as to keep local tax-funded salaries within the community; and

WHEREAS, Since the 1970's, the State has authorized over 70 exceptions to POL residency requirements, including for police officers, in recognition that for some job specifications it is important to increase the potential hiring pool to obtain highly skilled employees; and

WHEREAS, In recent years, the population of upstate New York has declined, shrinking the potential hiring pool; and

WHEREAS, In this same period, the State has forced county governments to vastly increase skilled labor hires in order to implement new state reforms such as raising the age of

criminal responsibility, public defense expansion, and criminal justice reforms such as bail, speedy trial, and discovery; and

WHEREAS, County governments are best situated to know what job titles should have residency requirements and which should have flexibility to ensure efficient and quality county services; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls for the State of New York to amend Public Officers Law §3 and allow for home rule authority to determine county employee residency requirements; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#8

**RESOLUTION NO. 19-446
(November 12, 2019)**

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

SALARY SCHEDULE “D” AND “S” HANDBOOK AMENDMENTS APPROVED

BE IT RESOLVED, That Salary Schedule “D” and Salary Schedule “S” Handbooks are hereby amended by deleting all current language under **DISABILITY INSURANCE** and replacing the same with the bold text noted below; effective November 12, 2019:

DISABILITY INSURANCE

Full time employees are provided (after 30 days of employment) a 100% employer paid enhanced disability plan for non-occupational injuries or illnesses. These benefits are subject to the terms of the plan. If an employee would like to receive benefits under this plan they should notify the county insurance office within 30 days of the disability arising. The county insurance office will provide additional information on how to file a claim and advise the employee as to what other options may exist.

The plan provides for a benefit of 50% of basic weekly earnings up to a maximum of \$500 per week for up to 52 weeks. Benefits begin on the 8th day of disability. The benefit may be supplemented with accrued and available benefit time, up to the employee’s full pay.

Part time employees are not entitled to NYS enhanced disability benefits.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

Prior to the roll call vote, Chairman Berwanger provided attendees with a background of the former Director's retirement and the merging of the Weights and Measures Department within the County Health Department. The new merger provides Weights and Measures with support and consistency.

**Joint Resolution
#9**

**RESOLUTION NO. 19-447
(November 12, 2019)**

By Mr. Tallman, Chairman of the Human Resource Committee and Mrs. Ryan, Chairman of the Public Health Committee:

ROBERT W. JINES APPOINTED DIRECTOR OF WEIGHTS AND MEASURES

BE IT RESOLVED, That *Robert W. Jines*, 6591 Center Road, Gainesville, NY 14066 be hereby appointed to the position of *Director of Weights and Measures*; effective November 14, 2019.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

There was a motion by Ms. Grant, T/Bennington, to combine resolutions #10 through #23. Hearing no objection resolution titles were read.

#10

**RESOLUTION NO. 19-448
(November 12, 2019)**

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

RESOLUTION URGING THE STATE TO PROVIDE FUNDS TO OFFSET FEDERAL CUTS TO THE SENIOR NUTRITION PROGRAM

WHEREAS, County Offices of the Aging provide Senior Nutrition Services programs that provide a critical service to many of the counties' most vulnerable seniors in terms of both providing nutritious meals as well as providing a means of regular contact with an often socially isolated group; and

WHEREAS, There has been a sustained increase in the demand in most counties for the senior nutrition services programs, such as meals on wheels; and

WHEREAS, Federal funding for senior nutrition service programs has not kept up with demand, and in fact has been reduced; and

WHEREAS, The 2019-20 New York State Budget provides an additional \$15 million for the Expanded In-Home Services for the Elderly Program (EISEP) services through local Offices for the Aging to address the unmet needs of the elderly; and

WHEREAS, Demand for nutrition services continues to outstrip funding from the state or federal governments; and

WHEREAS, Most counties have determined that it is in the best interests of all county residents that the seniors of their communities continue to receive the valuable service provided by the Senior Nutrition Program, even when funding shortfalls must be covered by local tax dollars; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors urges Governor Andrew M. Cuomo to include, as part of the Executive Budget proposal, an increase in state funding for county Senior Nutrition Services programs; and be it

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

Carried: XXX

Ayes: 1599

Noes:

Absent:

Abstain:

#11

**RESOLUTION NO. 19-449
(November 12, 2019)**

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

**RESOLUTION URGING THE GOVERNOR AND LEGISLATURE TO CLARIFY AND
STREAMLINE ITS HOMELESSNESS PREVENTION GOALS BY MAKING
PERMANENT HOUSING THE CENTRAL FOCUS**

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

WHEREAS, The Governor and Legislature continue to prioritize finding solutions to the affordable housing crisis; and

WHEREAS, The level of homelessness is occurring in an environment where the New York economy is strong, the number of private sector jobs is the highest in state history, the state is experiencing record low unemployment with every region of the state having lower unemployment today than the same period last year, and we are in the midst of the strongest wage growth in over a decade; and

WHEREAS, The entrenched nature of homelessness in New York in this environment highlights that overall housing affordability remains a key problem that still must be addressed more ardently; and the amount and type of state, federal and local resources and services need to be realigned to better serve the homeless and to prevent homelessness in the first instance; and

WHEREAS, Regardless of family size and demographics, many of those facing homelessness or seeking emergency shelter can have challenging medical needs, mental health and substance abuse issues, or are former foster children, veterans, registered sex offenders, state

prison parolees, or on probation, with many facing several of these challenges at the same time; and

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

WHEREAS, Local resources are stretched thin due to revenue limitations placed on counties by the State; and

WHEREAS, Insufficient state shelter reimbursements are compounded by no increase in a decade, even as housing costs have soared; and

WHEREAS, Counties have also experienced significant state funding cuts in a wide array of social services programs over the last decade that has restricted counties' ability to pursue more aggressive assistance efforts that can prevent homelessness in the first instance; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls on the Governor and Legislature to make permanent and stable housing the central focus of homelessness policy in New York State; and be it

FURTHER RESOLVED, State leaders should target supportive housing overseen by OMH, OASAS, DOH and OPWDD to efforts that prevent homelessness and quickly re-house people that become homeless; and be it

FURTHER RESOLVED, OMH, OASAS, DOH, OPWDD and DOCCS should focus efforts on services to prevent people from becoming homeless and for rapid rehousing by providing necessary clinical services, supports and after-care during the transition period to permanent housing; and be it

FURTHER RESOLVED, The State should utilize mobile mental health and alcohol treatment services that will take people from shelters and motels to their appointments or bring services directly to them; and be it

FURTHER RESOLVED, The State should ensure that existing funds for improving housing stock target low income housing in communities across the state (urban, rural and suburban) and is linked to a larger effort to prevent homelessness; and be it

FURTHER RESOLVED, State funding should target rental assistance to prevent evictions and to provide transition funding for people moving out of shelters and motels to more permanent housing in order to achieve stable housing; and be it

FURTHER RESOLVED, The State should expand existing shelter supplement plans and approve plans that require more state money, instead of insisting on savings or cost neutrality criteria, which ultimately limits the ability to reduce homelessness; and be it

FURTHER RESOLVED, The State should support efforts to use safety net assistance funding for stable housing so counties can be less reliant on shelters and motels; and be it

FURTHER RESOLVED, The state should encourage innovation and approve local waivers that propose new approaches; and be it

FURTHER RESOLVED, The state should develop a public relations campaign to convey how everyone in the community benefits when we achieve stable housing for those most in need; and be it

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

Carried: XXX

Ayes: 1599

Noes:

Absent:

Abstain:

#12

**RESOLUTION NO. 19-450
(November 12, 2019)**

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

**RESOLUTION REQUESTING THE GOVERNOR VETO THE S.4203-A/A.2199-A
"PRESERVING FAMILY BONDS" ACT**

WHEREAS, Both chambers of the Legislature have passed the *"Preserving Family Bonds"* Act; and

WHEREAS, While the legislation may be well intentioned, counties remain concerned about possible negative consequences for adopted children and their families, as well as the state's foster care and adoption systems if enacted; and

WHEREAS, The act grants family court judges the discretion to order continued visitation and/or contacts between children and their birth parents and/or siblings when a parent's parental rights are terminated; and

WHEREAS, Current law already allows for post termination and post adoption visitation rights for grandparents, siblings and half-siblings; and

WHEREAS, New York is currently ranked as one of the lowest in the country in complying with the federal mandate to achieve timely permanency for children who need to be freed and adopted; and

WHEREAS, The federal government has required New York to set up a program improvement plan to try and resolve this issue; and

WHEREAS, The single most significant cause of this problem is court delays; and

WHEREAS, The most common solution to ensure timely permanency is by expediting a termination petition, which prevents court delays. The key way to achieve this is for all the

parties to agree that the birth parents will surrender the child with some conditions — usually including some limited and safe contact with the child after adoption occurs; and

WHEREAS, The "*Preserving Family Bonds*" act would result in the possibility of constant court involvement and intervention in the adoptive family's life and repeated trauma for the child; and

WHEREAS, Any possibility of constant court involvement will likely reduce the number of families and individuals interested in adopting; and

WHEREAS, Any reduction in the number of adoptive families and individuals in New York will likely cause the state to be unable to comply with other federal laws, including the "*Family First Prevention Services*" act, jeopardizing hundreds of millions of dollars in federal foster care assistance; and

WHEREAS, While many adoptions are resolved through a negotiated settlement that considers all parties' interests (adoptee, parents, biological natives, DSS, etc.), forcing a solution will have serious negative consequences for potential adoptive parents, children who will remain without a permanent home, and strain local capacity and resources; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors oppose the enactment of the "*Preserving Family Bonds*" Act into law and we urge the Governor to veto this legislation; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain: #13

**RESOLUTION NO. 19-451
(November 12, 2019)**

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

RESOLUTION URGING THE GOVERNOR AND LEGISLATURE TO MAINTAIN OUR MUTUAL GOALS OF NOT SHIFTING NEW COSTS TO COUNTIES, WHILE MAINTAINING REASONABLE LOCAL FLEXIBILITY OVER ADMINISTRATIVE FUNCTIONS, AS THE STATE REALIGNS MEDICAID ADMINISTRATIVE FUNCTIONS AND HUMAN SERVICES PROGRAMS

WHEREAS, The New York State Department of Health (NYSDOH) continues its multi-year effort to take over the administrative responsibilities of the Medicaid program from county government as a way to provide improved consistency in the administration of Medicaid and to reduce administrative burdens for counties and New York City; and

WHEREAS, Counties support efforts to streamline government operations in ways that can improve the delivery of services and responsiveness to recipients' needs, while not shifting new costs to county taxpayers; and

WHEREAS, The State has enacted a cap in reimbursement to counties and New York City related to Medicaid administrative claiming; and

WHEREAS, Even though the state has made progress in taking over more Medicaid administrative functions from counties, they have also increased local administrative responsibilities in other areas, including Medicaid long-term care services and supports, expanding administrative duties under Immediate Need for Personal Care Services and Consumer Directed Personal Assistance programs, added new responsibilities under a variety of state homelessness and emergency shelter activities, and expanded responsibilities under Raise the Age legislation that all stress local social services district (DSS) staff capacity; and

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

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

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

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

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

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

FURTHER RESOLVED, That the New York State Department of Health should continue to provide specific time frames to counties and New York City to ease the transition of personnel currently; and be it

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

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain: #14

**RESOLUTION NO. 19-452
(November 12, 2019)**

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

FAMILY CAREGIVERS MONTH PROCLAIMED

WHEREAS, During this season of Thanksgiving, as we pause to reflect on the many blessings that have been bestowed upon us as individuals and as a County, we are especially grateful for the love of our families and friends. One of the most profound ways in which that love is expressed is through the generous support provided by family caregivers to loved ones who are chronically ill, elderly, or disabled. Caregivers reflect family and community life at its best. They are among our County's most important natural resources; and

WHEREAS, The need for family caregivers is growing. We are blessed to live in a time when medicine and technology have helped us live longer. As a result, persons with disabilities are living longer and people over 85 are the fastest growing segment of our population. Family caregivers can be found in every city and town in America. It is likely that we all know at least one family caregiver; and

WHEREAS, Family caregivers deserve our lasting gratitude and respect. This month, as we honor the many contributions that family caregivers make to the quality of our national life, let us resolve to work through our community, religious, social, civic and business organizations to offer programs and services that will provide caregivers the support and encouragement they need to carry out their vital responsibilities; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors does hereby proclaim *November 2019* as:

**FAMILY CAREGIVERS MONTH
in Wyoming County**

Carried: XXX Ayes: 1599 Noes: Absent: Abstain: #15

**RESOLUTION NO. 19-453
(November 12, 2019)**

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

CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE NEW YORK STATE OFFICE FOR THE AGING ON BEHALF OF WYOMING COUNTY OFFICE FOR THE AGING

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and acceptance award with the *New York State Office for the Aging*, 2 Empire Plaza, Albany, NY 12223-1251 on behalf of Wyoming County Office for the Aging. Said grant is funding for Title's IIIB, C1, C2, D, E, EISEP, CSE, CSI, WIN, HIICAP, TRANS, Title V in an approximate amount of six hundred three thousand five hundred seventy-nine dollars (\$603,579.00); effective January 1, 2020 through December 31, 2020 and April 1, 2020 through March 31, 2021.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#16

**RESOLUTION NO. 19-454
(November 12, 2019)**

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

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

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

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

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

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

WHEREAS, Providers listed in the NYEIS database are frequently unavailable to service a child due to factors including the area in which the child resides, the provider is only accepting referrals for one (1) or two (2) children enrolled in the Early Intervention Program (EIP) due to other commitments outside of the EIP, provider case load is full and/or the provider no longer works for the EIP although is still listed in the NYEIS; and

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

WHEREAS, Some regions of the state don't have providers available that specialize in certain service categories; and

WHEREAS, There is little evidence that the centralization of provider agreements and billing, through the statewide fiscal agent model, has improved the overall rate of collections from third party private insurance or Medicaid, but may be contributing to a decline in the number of providers willing to participate in the Early Intervention Program; now therefore

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

FURTHER RESOLVED, The state Department of Health should operationalize a robust system of service delivery options for counties to utilize, including teletherapy, to address the lack of available providers in many areas of the state; and be it

FURTHER RESOLVED, The State should adjust the Early Intervention rate structure to improve access to these services for children who live in poverty, via no less than a 5% rate increase for services provided to children in zip codes where the percentage of the population below poverty is 15% or higher; and be it

FURTHER RESOLVED, That the State should cap county costs, ensuring that the counties are held harmless by any increase in provider rates; and be it

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

Carried: XXX **Ayes:** 1599 **Noes:** **Absent:** **Abstain:**

#17

**RESOLUTION NO. 19-455
(November 12, 2019)**

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

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

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

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

WHEREAS, The State Fiscal Agent used their own administrative and reimbursement information technology system to collect funds from counties and make payments to providers due to limitations with the New York State Department of Health's (NYSDOH's) Early Intervention System (NYEIS); and

WHEREAS, Recent problems have arisen under the State Fiscal Agent platform related to the lack of follow through by some service providers when they file for payment from insurance companies in the first instance as the law requires and insurers ask for more information; and

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

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

WHEREAS, We also ask that as part of these systems enhancement proposals, Medicaid revisit the retro re-billing process where the state identifies all claims that the counties and state pay including, but not limited to, waived services, and resubmit those to Medicaid to identify if a child's coverage changed; and

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

WHEREAS, Under the statewide fiscal agent model counties remain concerned about program integrity efforts pursued by the fiscal agent and the NYSDOH through audits, and believe that third party collections are not being maximized based on the increasing drawdown of funds out of the escrow for many counties far in excess of what has been budgeted or caseload changes suggest should be the case; and

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

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

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

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

FURTHER RESOLVED, That we ask that Medicaid instead pay the claims in the first instance, so that counties don't have to pay upfront and then receive these monies many years later; and be it

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

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

Carried: XXX

Ayes: 1599

Noes:

Absent:

Abstain:

#18

**RESOLUTION NO. 19-456
(November 12, 2019)**

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

**RESOLUTION URGING GOVERNOR ANDREW M. CUOMO AND STATE
LEGISLATURE TO GRADUALLY ELIMINATE THE COUNTY FISCAL
RESPONSIBILITY FOR PRESCHOOL SPECIAL EDUCATION AND SUMMER
SCHOOL SPECIAL EDUCATION PROGRAMS**

WHEREAS, Chapter 23 of the Laws of 1989 established the Preschool Program for Children with Handicapping Conditions as 4410 of the Education Law; and

WHEREAS, The original law included a provision to limit the county fiscal responsibility to 25% by the 1993-94 school year; and

WHEREAS, In 1996, a gubernatorial statewide Task Force on Reforming Preschool Special Education determined that counties should be removed completely from financing the State's preschool special education program; and

WHEREAS, The State has enacted legislation to provide universal prekindergarten for all four-year-old children in New York State to be financed 100% with State resources; and

WHEREAS, The State also requires counties to support 10% of summer school special education 4408 program costs for all children; and

WHEREAS, School districts make decisions on programs for children, with limited input from the counties; and

WHEREAS, The fact that other states do not require county governments to pay for these special education expenses and the failure of New York State to fully fund its promised share of preschool special education program costs contributes directly to New York's highest in the nation property tax burden; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls upon Governor Andrew M. Cuomo and the New York State Legislature to implement a plan to gradually remove counties from the fiscal responsibility of paying for preschool and summer school special education programs; and be it

FURTHER RESOLVED, The first phase should be capping county fiscal liability for preschool special education at 75% of the average county cost for the last three-years and then implementing a 5% annual county match reduction to incrementally reduce the county fiscal liability for this program to zero for both preschool and summer school special education costs; and be it

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

Carried: XXX

Ayes: 1599

Noes:

Absent:

Abstain:

#19

**RESOLUTION NO. 19-457
(November 12, 2019)**

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

**RESOLUTION URGING THE GOVERNOR AND STATE LEGISLATURE TO
ELIMINATE THE COUNTY FISCAL CAP ON PRESCHOOL SPECIAL EDUCATION
TRANSPORTATION COSTS AND TO INCENTIVIZE THE USE OF EXISTING
SCHOOL BUS FLEETS AND TRANSPORTATION SYSTEMS**

WHEREAS, The county cost of transporting preschool special education students is significant and counties cannot recoup all of these costs due to state-imposed transportation reimbursement caps and stringent Medicaid interpretation for reimbursement; and

WHEREAS, The fact that other states do not require county government to pay for special education transportation expenses and the failure of New York State to fully fund its promised share of preschool special education program costs contributes to New York's high property tax burden; and

WHEREAS, In 1996, a gubernatorial statewide task force on reforming preschool special education determined that counties should be removed completely from financing the state's preschool special education program, including transportation; and

WHEREAS, School districts make decisions on programs for children, including travel to these programs, with limited input from the counties; and

WHEREAS, School districts already have infrastructure in place to transport school-age children, including children transported outside their own districts; and

WHEREAS, The safety of children, specifically children with special needs, is a priority; now therefore

BE IT RESOLVED, The Wyoming County Board of Supervisors calls upon Governor Andrew M. Cuomo and the New York State Legislature to implement a plan to gradually remove counties from the fiscal responsibility of paying for transportation costs for preschool children; and be it

FURTHER RESOLVED, That the State needs to provide incentives that will help increase the utilization of existing school bus fleets and other transportation systems so that preschool special education is more cost effective for the State and the counties; and be it

FURTHER RESOLVED, That the first phase will be to require school districts to transport preschool children to preschool special education programs and services determined by the CPSE and be reimbursed through an equal cost share between the school district, the State and the counties; and be it

FURTHER RESOLVED, That the second phase will be to reduce counties' transportation costs by 5% annually to incrementally reduce the counties fiscal liability for preschool special education transportation to zero; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#20

**RESOLUTION NO. 19-458
(November 12, 2019)**

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

RESOLUTION NUMBER 16-246 AMENDED

WHEREAS, Resolution Number 16-246 entitled, “**CHAIRMAN AUTHORIZED TO AWARD BIDS AND SIGN VARIOUS CONTRACTS ON BEHALF OF THE YOUTH BUREAU,**” passed by this Board of Supervisors on June 14, 2016 and provides for various contracts as follows:

- **McDonald's Bus Service, Inc.**, 248 Sargent Street, Cowelsville, NY 14037 for transportation services in an amount not to exceed the 2016 ~ 2018 budget, variable depending on number of services; effective July 1, 2016 through June 30, 2018.
- **Letchworth Central School District of Wyoming County**, 5550 School Road, Gainesville, NY 14066 for transportation services in an amount not to exceed the 2016 ~ 2018 budget, variable depending on the number of services; effective July 1, 2016 through June 30, 2018.

And,

WHEREAS, That Resolution Number 16-246 was previously amended by this Board of Supervisors on February 12, 2019 by **Resolution Number 19-047** to correct the dates for both contracts from July 1, 2016 through June 30, 2018 to **July 1, 2016 through June 30, 2019** and also extend the contract term for both contracts through **June 30, 2020** (*first of two 1-year extension options*); now therefore

BE IT RESOLVED, That **Resolution Number 16-246** be hereby corrected to include the amount of both contracts shall not exceed the **2016 ~ 2019 budgets**, variable depending on number of services; and be it

FURTHER RESOLVED, That **Resolution Number 19-047** be hereby corrected to include the amount of both contracts shall not exceed the **2019 ~ 2020 budget**, variable depending on number of services; and be it

FURTHER RESOLVED, That **Resolution Number 16-246** as previously amended by **Resolution Number 19-047** be hereby further amended to extend the contract term for both contracts through **June 30, 2021** (*second of two 1-year extension options*) in an amount not to exceed the **2020 ~ 2021 budget**, variable depending on number of services.

All else remains the same.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#21

**RESOLUTION NO. 19-459
(November 12, 2019)**

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

RESOLUTION NUMBER 16-247 AMENDED

WHEREAS, Resolution Number 16-247 entitled, “**CHAIRMAN AUTHORIZED TO EXERCISE THE “BEST VALUE AWARD” METHODOLOGY AS AN ELIGIBLE POLITICAL SUBDIVISION UNDER GML §103 AND SIGN A CONTRACT WITH C & F TRANSPORT ON BEHALF OF THE YOUTH BUREAU,**” passed by this Board of Supervisors on June 14, 2016 and provides for the following contract:

- **C & F Transport**, 6398 Sonyea Road, Mt. Morris, NY 14510 for transportation services in an amount not to exceed the 2016 ~ 2018 budget, variable depending on the number of services; effective July 1, 2016 through June 30, 2018.

And,

WHEREAS, That **Resolution Number 16-247** was previously amended by this Board of Supervisors on February 12, 2019 by **Resolution Number 19-048** to correct the contract dates from July 1, 2016 through June 30, 2018 to **July 1, 2016 through June 30, 2019** and extend the contract term through **June 30, 2020** (*first of two 1-year extension options*); now therefore

BE IT RESOLVED, That **Resolution Number 16-247** be hereby corrected to include the amount of the contract shall not exceed the **2016 ~ 2019 budgets**, variable depending on number of services; and be it

FURTHER RESOLVED, That **Resolution Number 19-048** be hereby corrected to include the amount of the contract shall not exceed the **2019 ~ 2020 budget**, variable depending on number of services; and be it

FURTHER RESOLVED, That **Resolution Number 16-247** as previously amended by **Resolution Number 19-048** be hereby further amended to extend the contract term through **June 30, 2021** (*second of two 1-year extension options*) in an amount not to exceed the **2020 ~ 2021 budget**, variable depending on number of services.

All else remains the same.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#22

**RESOLUTION NO. 19-460
(November 12, 2019)**

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

CHAIRMAN/COMMISSIONER OF SOCIAL SERVICES AUTHORIZED TO SIGN A WELFARE MANAGEMENT SYSTEM CONTRACT WITH KRISTINA AND VANESSA RUTENKROGER 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 **Kristian and Vanessa Rutenkroger**, 155 Werkley Road, Tonawanda, NY 14150 on behalf of the Department of Social Services. Said contract to provide foster care services for children related to the vendor in a variable amount depending upon eligibility; effective September 1, 2019 through March 31, 2020.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

**RESOLUTION NO. 19-461
(November 12, 2019)**

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

NATIONAL ADOPTION AWARENESS MONTH PROCLAIMED

WHEREAS, November 2019 is National Adoption Awareness Month and is designed to provide us with an opportunity to acknowledge the families and staff who are involved in adoption activities throughout the year. The focus this year is on those children currently in foster care; and

WHEREAS, Deciding to open their hearts and homes to a child, adoptive and foster care families demonstrate great compassion and provide hope and love to these children. National Adoption Awareness Month and National Adoption Day, November 23, 2019 help to raise public awareness of the fact that there are children available who are waiting for caring families; and

WHEREAS, There are currently 10 children freed for adoption and approximately 20 children in Wyoming County in foster care. The valuable contributions of foster care and adoptive parents are recognized as they continually strive to improve the quality of life for the children brought into their lives; now therefore

BE IT RESOLVED, That November 2019 is hereby proclaimed

**NATIONAL ADOPTION MONTH
in Wyoming County**

And be it

FURTHER RESOLVED, That it is the desire of the Wyoming County Board of Supervisors and the Department of Social Services that all children awaiting adoption in Wyoming County and beyond find permanent and loving homes.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

Following the conclusion of the passage of Resolutions Numbered 10 through 23, Chairman Berwanger invited Supervisor Grant, T/Bennington to the podium. In turn, Supervisor Grant invited Director of Aging and Youth, Andrea Aldinger to join her to receive the Family Caregivers Month proclamation. Director Aldinger graciously accepted the proclamation and thanked the Board of Supervisors for their continued support of these Office for the Aging programs.

Next, Supervisor Grant invited Dept. of Social Services Commissioner, Kim Barber and Supervisor Becker, T/Sheldon to the podium for the presentation of the National Adoption Month proclamation. Supervisor Becker read the proclamation and shared his adoption story with attendees and presented the proclamation to Commissioner Barber...

Commissioner Barber explained that in Wyoming County you have to first be a foster parent in order to be eligible to adopt a child...

There was a motion by Mrs. Ryan, T/Warsaw, to combine resolutions #24 through #27. Hearing no objection resolution titles were read.

#24

**RESOLUTION NO. 19-462
(November 12, 2019)**

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

RESOLUTION IN SUPPORT OF ESTABLISHING A TEMPORARY COMMISSION FOR THE EVALUATION OF OFFICE OF MENTAL HEALTH (OMH) HOUSING PROGRAMS PURSUANT TO S.5637-A (CARLUCCI)/A.7489-A (GUNTHER)

WHEREAS, Safe and affordable supportive housing is an essential component of recovery for people with serious mental illness; and

WHEREAS, The mental hygiene housing program models that were developed decades ago had much lower level requirements for types of services and levels of staffing than what is necessary to assist clients with much higher-needs today; and

WHEREAS, The State's Office of Mental Health supportive housing programs are expected and required to serve the clients with the highest and most challenging behavioral health needs and long-term viability of these programs are an essential component of recovery; and

WHEREAS, The State has a constitutional responsibility to provide stable, dignified, and affordable housing to these high-needs clients and by continuing to provide insufficient reimbursement rates and inadequate funding, the counties will see further reductions in capacity and limited access to care leading to increased homelessness in their communities; and

WHEREAS, Directors of Community Services throughout the State report significant waiting lists for mental health housing and it is becoming increasingly more difficult to find safe affordable units and provide higher level services and appropriate staffing to safely serve these medically-complex individuals; and

WHEREAS, Depending on the model of care, funding for approximately 40,000 units of OMH housing, statewide, has been decreased by 40-70% due to inflation and funding limitations, staffing turnover rates have reached all-time highs in all programs; and

WHEREAS, The Senate and Assembly passed legislation S.5637-A/A.7489-A in June, to establish a temporary commission, to be known as the Office of Mental Health Housing Program Evaluation Commission to evaluate the effectiveness of these programs and make recommendations on the adequacy of funding levels, number of direct care and professional staff and levels of programmatic needs for the residents they serve; and

WHEREAS, The New York State Conference of Local Mental Hygiene Directors fully supports this legislation and believes its approval will lead to a more comprehensive review of

the current levels of programming and will help to identify the much needed resources that are required by the State in order to effectively serve these high-needs individuals; now therefore,

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls on the Governor to approve S.5637-A/A.7489-A to establish the Office of Mental Health Housing Program Evaluation Commission in an effort to make known any existing gaps in the State's current mental housing program model and identify the adequate levels of reimbursement needed to support the appropriate management of this higher level of service in every county; and be it

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

Carried: XXX **Ayes:** 1599 **Noes:** **Absent:** **Abstain:**

#25

**RESOLUTION NO. 19-463
(November 12, 2019)**

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

RESOLUTION FOR ALLOCATING UNRESTRICTED RESOURCES TO LOCAL HEALTH DEPARTMENTS TO FORTIFY PROVISION OF CORE PUBLIC HEALTH SERVICES AND PREPARE FOR IMPLEMENTATION OF EXPANDED PUBLIC HEALTH MANDATES

WHEREAS, Local health departments are New York State's partners and operational extensions, working in the forefront of communities, addressing public health issues and serving as the first line of defense against all public health crises by protecting communities and residents; and

WHEREAS, Activities led by the 58 local health departments are paramount to our collective ability to achieve Prevention Agenda goals, address health disparities, improve health outcomes and ensure community safety and stability; and

WHEREAS, Directors and Commissioners of public health are health strategists within their respective Counties, with the unparalleled expertise needed to apply knowledge, bridge competency gaps, lead multi-sector health improvements and identify vulnerable populations; and

WHEREAS, Un- and under-funded public health mandates continue to emerge routinely, including: expansion of responsibilities for children's camps, Zika virus/mosquito surveillance, monitoring of contaminants in drinking water, technical assistance to schools to address lead in school drinking water, registration of cooling towers and most recently, lowering of the elevated blood lead level in children (EBLL); and

WHEREAS, The state aid share for core public health services has not kept up with growing public health needs, nor has it supported the implementation of new and expanded state

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

WHEREAS, During the 2019-2020 State Budget Session, the definition of elevated blood lead level (EBLL) was lowered in statute to 5 mg/dL, a protective public health policy of which will result in a six fold increase in children requiring public health interventions and the state's investment of \$9.4 million for local health department services leaves approximately \$36.6 million - or 80% of - of the costs to be paid by local governments; and

WHEREAS, New York State is considering policy to legalize regulated cannabis, which if passed, will lead to increased response including education, surveillance, public awareness, and oversight by local health departments; and

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

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

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

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

WHEREAS, A thorough assessment of the full fiscal implications of any new policy is crucial if the state desires to maintain the promise made to local taxpayers through the 2% state property tax cap, and if the state wishes to deliver on new public health promises that they want to implement through state statute and regulations; and

WHEREAS, Now is the time for a call to action to evaluate allocate the resources that are truly needed to expand public health and safety infrastructure in New York State, further demonstrating the State's commitment to pass progressive public health policy and thereby protect the residents of New York State; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls on the Governor and State Legislature to provide resources, flexibility and support to local health departments within County and NYC Governments by:

- Allocating \$40M of unrestricted, flexible funding to local health departments so they have the resources needed to protect children with elevated blood lead levels;

- Restoring Article 6 reimbursement to New York City, which was reduced from 36% to 20% in the 2019-2020 State Budget;
- Providing 100% reimbursement for the first full year of any new and/or significantly expanded public health mandates emerging from law, rule or regulation, including any programming related to lead safe housing/primary lead prevention;
- Fully restore the Cost of Living Adjustment (COLA) for Department of Health programs, which was removed in the 2018-2019 State Budget;
- Allow reimbursement of fringe expenses under Article 6 State Aid Appropriation

And be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#26

**RESOLUTION NO. 19-464
(November 12, 2019)**

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

RESOLUTION TO DELAY THE IMPLEMENTATION OF NEW LEAD POISONING REGULATIONS DUE TO AN UNWORKABLE TIMELINE AND EXORBITANT COST

WHEREAS, Protecting children from exposure to lead is a key public health priority. Even low levels of lead in blood have been shown to affect IQ, ability to pay attention, and academic achievement; there is no safe level of lead exposure and the neurological and behavioral effects of lead are believed to be irreversible; and

WHEREAS, New York State has lowered the definition of elevated blood lead level (EBLL) to five micrograms per deciliter (5 pg/dL) to address the long-term health and economic impact that lead poisoning has on individual children and families and our communities as a whole; and

WHEREAS, The change in the law was not accompanied with the resources needed to assure swift and effective implementation; in their recent regulatory impact statement, the New York State Department of Health indicates that lowering the EBLL to 5 ng/dL will result in a six-fold increase in children requiring public health interventions statewide; and

WHEREAS, Counties anticipate that the statutory change will result in renewed efforts to assure compliance with current lead testing requirements on the part of physicians, which may further increase the number of reported cases; and

WHEREAS, The regulatory impact statement provides an average nursing cost of \$713.00 per case and an average environmental management cost of \$2,123.00 per case; and

WHEREAS, Based on the average projected number of cases and the average costs provided, the NYS 2019-20 fiscal year investment of \$9.4 million for local health department services leaves approximately \$36.6 million — or 80% — of the costs to be paid by local governments; and

WHEREAS, Local health departments report that they will incur additional personnel and non-personnel costs relative to the increased number of lead cases; and

WHEREAS, Article Six state aid reimbursement does not allow for reimbursement of fringe or indirect costs, which are a 100% county cost; and

WHEREAS, The costs associated with this expanded mandate may affect the ability of local governments to stay within the state enacted property tax cap, thus placing a greater tax burden on communities; and

WHEREAS, The proposed implementation date of this new mandate is October 1, 2019, which necessitates significant mid-year unbudgeted expenditures by counties; and

WHEREAS, Securing the necessary resources in that timeframe could result in either significant reductions in other critical public health services and staff or the inability to comply with the new requirements; and

WHEREAS, Full and effective implementation of this statutory change cannot occur in the short timeframe currently proposed; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors requests that the New York State Department of Health extend the implementation of the proposed deadline to at least April 1, 2020 in recognition of the time needs related to budgeting, hiring and purchasing; and be it

FURTHER RESOLVED, The Governor and the New York State Legislature identify and provide additional revenue sufficient to cover the full costs of this expanded mandate to local governments; and be it

FURTHER RESOLVED, That this funding be provided through grant mechanisms to allow the needed flexibility to support hiring and non-personnel expenses; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors urges that future savings to government programs from this statutory change be allocated to support primary lead poisoning prevention activities and other public health services; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#27

**RESOLUTION NO. 19-465
(November 12, 2019)**

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

**CHAIRMAN/COMMISSIONER OF HEALTH AUTHORIZED TO SIGN A CONTRACT
WITH ENVIRONMENTAL TESTING AND CONSULTING, INC. 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 *Environmental Testing and Consultation, Inc.*, PO box 466, Batavia, NY 14020 on behalf of the County Health Department. Said contract is for residential lead hazard evaluations to meet Public Health Law requirements, according to the fee schedule and based upon volume; effective October 1, 2019 through December 31, 2019.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

There was a motion by Mr. Kehl, T/Attica, to combine resolutions #28 through #30. Hearing no objection resolution titles were read.

#28

**RESOLUTION NO. 19-466
(November 12, 2019)**

By Mr. Kehl, Chairman of the Agriculture Committee:

**RESOLUTION IN SUPPORT OF AGRICULTURE EDUCATION FOR THE YEAR 2020
AND BEYOND**

WHEREAS, In 1996, the National Council for Agricultural Education embarked on a strategic plan to effectively change the future of agriculture education through the creation and implementation of a project, entitled "Reinventing Agricultural Education for the Year 2020 (RAE 2020);" and

WHEREAS, The Council's stated viewpoint was expressed as, "Agriculture is too important a topic to be taught only to the relatively small percentage of students considering careers in agriculture and pursuing vocational agriculture studies;" and

WHEREAS, The RAE 2020 strategic plan referenced the need to modernize the focus of agricultural education from production agriculture and training students to become practicing farmers to one that prepares students for careers encompassing applied agri-sciences, bio-technologies, food sciences and technologies, and a host of emerging careers in agriculture; and

WHEREAS, 21st Century secondary agriculture education programs are a unique part of career and technical education that strives to enhance student education by using agriculture as the vehicle to provide a complete educational experience through the three-circle model of agricultural education, which includes Classroom Instruction, Future Farmers of America (FFA), and Supervised Agricultural Experiences; and

WHEREAS, New York agriculture education has experienced a renaissance of growth and importance in recent years with currently 207 school campuses offering agricultural education programs to over 10,000 students across New York State, representing 51% of New York's rural schools and 7% of our Urban schools; and

WHEREAS, In addition to schools that are already offering agriculture education programs, there are over seventy additional school districts that have inquired about starting an agriculture education program because they see the value in real-world application of rigorous STEM education; and

WHEREAS, FFA is an integral component of an agriculture education program that provides valuable leadership development opportunities and New York FFA has had a 23% increase in the number of chapters, adding 24 chapters since 2017, and with anticipation that, by the end of 2019, it is expected to charter another 40 new FFA chapters; and

WHEREAS, County legislators throughout New York have long acknowledged the benefits of agriculture education for all students in New York, with counties such as Oneida County that have developed Action Plans in support of agriculture, including objectives such as to "innovate and improve recruitment to existing Ag-education and develop the programs to meet and exceed national agricultural education standards" through actions such as "expand the presence of Future Farmers of America (FFA) throughout every school district in Oneida County;" and

WHEREAS, As we approach the year 2020, more than two decades after The Council's initial Strategic Plan to Reinvent Agriculture Education, New York agricultural education is experiencing unprecedented growth and recognition as a premier educational option for student success and is poised to strive to achieve RAE 2020's goal of an "agricultural education option for every student in every school."; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors supports RAE 2020's goals and objectives to develop agriculture education options for every student in New York State; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors supports state funding that create new, or enhance existing, agriculture education programs in New York State; and be it

FURTHER RESOLVED, That the Board of Supervisors supports efforts to educate local, state and federal governmental officials, local school administrators, Boards of Education, guidance counselors, community members, and agriculture industry stakeholders of the significant importance of agriculture education for the year 2020 and beyond; and be it

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

Carried: XXX

Ayes: 1599

Noes:

Absent:

Abstain:

#29

**RESOLUTION NO. 19-467
(November 12, 2019)**

By Mr. Kehl, Chairman of the Agriculture Committee:

RESOLUTION IN SUPPORT OF A COLLABORATION BETWEEN EMPIRE STATE COLLEGE AND SUNY COBLESKILL TO DEVELOP AN AGRICULTURE EDUCATION TEACHER PREPARATION/CERTIFICATION PATHWAY

WHEREAS, Agricultural education has long been recognized as a premier career and technical educational program that utilizes agriculture as the vehicle to deliver traditional classroom and laboratory instruction, leadership development through Future Farmers of America (FFA), and experiential learning through Supervise Agricultural Experiences (SAE) and, thus, prepares students to be problem solvers, leaders, entrepreneurs, life-long learners and productive members of society; and

WHEREAS, School districts recognize the value of the contribution of agricultural education's model of rigorous application of STEM education, which leads to a well-rounded education that prepares students for success in college and the agricultural workforce; and

WHEREAS, Interest in secondary agriculture education programs in New York and nationally has experienced unprecedented growth and the demand for highly effective agriculture teachers continues to grow; and

WHEREAS, Growth in need for agriculture teachers in New York has increased from 211 teachers in 2015 to 300 in 2018 due to the growth in agriculture education programs from 145 in 2015 to 205 in 2018; and

WHEREAS, The Northeastern United States has also experienced a growth in demand for agriculture teachers from 1,294 in 2015 to 1,737 in 2018; and

WHEREAS, In New York, there are currently over 70 additional middle-level and secondary schools in both rural and urban communities planning to, or interested in, adding Agricultural Education programs to their school offerings; and

WHEREAS, Based upon the projected number of graduates in the current certification pathways over the next five years, there will be a severe shortfall of certified, agriculture teachers; and

WHEREAS, School districts are hiring an increasing number of alternatively certified agriculture teachers to fill open positions; and

WHEREAS, A key component of the success of an agriculture education program is hiring and retaining highly qualified staff that are trained by a state-accredited agriculture teacher preparation program that provides technical agriculture coursework and teaching pedagogy; and

WHEREAS, Only two New York higher education institutions — SUNY Oswego and Ithaca College in partnership with Cornell University — are currently certified to prepare needed agriculture teachers and only two certified programs exist in New England to service all other New England states; and

WHEREAS, Many collegiate agriculture students obtain 4-year bachelor's degrees in technical agriculture and cannot readily transfer to an agriculture teacher preparation program using pathways currently offered in New York State; now therefore,

BE IT RESOLVED, That the Wyoming County Board of Supervisors supports the "fast track" development and creation of an agriculture education teacher certification pathway through a collaboration with Empire State College and SUNY Cobleskill; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors advocate for this initiative with the State University of New York SUNY Chancellor and support state funding for this initiative; and be it

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

Carried: XXX

Ayes: 1599

Noes:

Absent:

Abstain:

#30

**RESOLUTION NO. 19-468
(November 12, 2019)**

By Mr. Kehl, Chairman of the Agriculture Committee:

**RESOLUTION IN OPPOSITION TO S.2837 (RAMOS)/A.2750 (NOLAN) REGARDING
THE FARMWORKERS FAIR LABOR PRACTICES ACT OF 2019**

WHEREAS, As has been widely reported, area farms are ceasing to operate; and

WHEREAS, According to the USDA, 98% of New York State farms are family owned;
and

WHEREAS, Farming is a highly regulated industry, that operates twenty-four hours a day, every day of the year; and

WHEREAS, Farmers provide valuable jobs and are a critical component of our State's economy; and

WHEREAS, Senate Bill 2837 (Ramos)/Assembly Bill 2750 (Nolan), which was passed during the 2019 Legislative Session and signed by the Governor, would, among other things, provide for collective bargaining rights of farm workers and require overtime pay; and

WHEREAS, According to Farm Credit East, overtime, combined with the rising minimum wage, would raise labor costs on New York farms by approximately \$300 million and reduce net farm income 23.4%; and

WHEREAS, Family farming is already on the decline, and decreasing profitability is further disincentive to continue family farming operations when the land farms sit on can be sold and developed for non-agricultural uses; and

WHEREAS, New York's farm families must deal with competitive global agricultural markets and prices that cannot be passed on to consumers; and

WHEREAS, The net effect of increasing agricultural costs on New York farms will drive more New York farm families out of business; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors opposed the passage of Senate Bill 2837 (Ramos)/Assembly Bill 2750 (Nolan) and calls on the New York State Legislature and Governor to repeal or amend this law; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors recommends the following amendments to the legislation in line with Grow NY's recommendations:

- A requirement that wages paid on the seventh consecutive day of work are based on an overtime rate, if a farm worker waives their right to a day of rest; and
- Modify the definition of family to recognize the role of close relatives such as aunts, uncles, nieces, nephews and cousins, whose participation in farm activities are subject to the new statute; and
- The wage board created under the law lacks New York's key agency expert on agricultural issues, the State Commissioner of the Department of Agriculture and Markets, and should be modified to include the Commissioner; and
- Elections involving the ability to form a union lack the integrity of a secret ballot,

And be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

There was a motion by Mr. Leuer, T/Middlebury, to combine resolutions #31 through #39. Hearing no objection resolution titles were read.

#31

RESOLUTION NO. 19-469
(November 12, 2019)

By Mr. Leuer, Chairman of the Planning Committee:

**RESOLUTION RECOGNIZING, THANKING, AND SUPPORTING THE STATE OF
NEW YORK, NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION AND THE NEW YORK ATTORNEY GENERAL FOR FIGHTING
FOR THE ADIRONDACK TRAIL PROJECT**

WHEREAS, By statutory and constitutional authority, the NYS Department of Environmental Conservation (NYSDEC) designs, constructs, and maintains all trails in Adirondack Forest Preserve; and

WHEREAS, Since 2014, the DEC planned and approved to move forward on an Adirondack trail project that would both help to maintain the integrity of the Adirondack Forest Preserve and allow for sustainable access into the preserve for the public to enjoy; and

WHEREAS, This project would create a 27-mile trail to be used by snowmobiles in the winter and by hikers in the other seasons, moving existing snowmobile trails to the edge of the Forest Preserve and away from areas that are more susceptible to damage; and

WHEREAS, NYSDEC's right to continue this project was challenged and in a split decision, the State Appellate Division Third Department ruled against NYSDEC, stopping the planned construction of a trail intended for snowmobile and hiker use; and

WHEREAS, This ruling is a severe setback to the people of New York State and negatively impacts those who choose to enjoy the stated purpose of the great state park: outdoor recreation and forest preservation; and

WHEREAS, This ruling interferes with NYSDEC's authority and purpose to promote and maintain the integrity of the Adirondack Forest Preserve; and

WHEREAS, This ruling could cause a chilling effect on future trail maintenance and Adirondack economic growth because the legal definition of what qualifies as unresolvable "timber" may have been redefined to include brush; and

WHEREAS The dissenting opinion accurately states this NYSDEC project is reasonable under the State Constitution because the trail is limited in its small tree removal and "[w]hatever the advantages may be of having wild forest lands preserved in their natural state, the advantages are for everyone within the [s]tate and for the use of the people of the [s]tate"; and

WHEREAS On August 9, 2019, Attorney General Letitia James filed an appeal to the NYS Court of Appeals in order for this important trail project to continue and for NYSDEC to maintain their right to reasonably provide maintenance to the Adirondack Park for both public enjoyment and forest preservation; now therefore,

BE IT RESOLVED, That the Wyoming County Board of Supervisors thanks and supports the State of New York's efforts and, in particular, Attorney General James for fighting to protect this important DEC trail program by appealing the decision; and be it

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

Carried: XXX

Ayes: 1599

Noes:

Absent:

Abstain:

#32

**RESOLUTION NO. 19-470
(November 12, 2019)**

By Mr. Leuer, Chairman of the Planning Committee:

SMALL BUSINESS SATURDAY PROCLAIMED

WHEREAS, Small business is the backbone of the economy and since the birth of this country has represented opportunity, independence, and the fulfillment of dreams for generations of Americans; and

WHEREAS, Our small business owners work long hours, juggle family and career responsibilities and serve as community volunteers, are central to our country's prosperity and to the vibrancy of our community. These diverse entrepreneurs are vital to our national economy. Small businesses account for 99.7% of all registered businesses in the U.S., creating over sixty percent of new jobs, and they account for 58.9 million employees representing 53% of the private workforce; and

WHEREAS, Through the opportunities offered by the men and women who own and operate over one thousand diverse small businesses including family farms in Wyoming County, many of our residents are able to pursue their dreams of a better life; and

WHEREAS, We recognize "Small Business Saturday" which is Saturday, November 30, 2019, a day to celebrate and support small businesses that create jobs, boost the economy, and strengthen neighborhoods around the country to encourage shopping locally; and

WHEREAS, The Wyoming County Board of Supervisors wishes to recognize small businesses for the critical role they play in keeping our local economy strong and urging all our citizens to join in this observance, as we celebrate the accomplishments of small business owners and their employees and encourage the development of new small businesses; now therefore

BE IT RESOLVED, That Saturday, November 30th, 2019 is hereby designated as

**SMALL BUSINESS SATURDAY
in Wyoming County**

in conjunction with the Wyoming County Chamber of Commerce and Tourism office and communities across Wyoming County, the State of New York, and the United States who have declared this as an important day in celebration and recognition of small business.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#33

**RESOLUTION NO. 19-471
(November 12, 2019)**

By Mr. Leuer, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN MEMORANDUMS OF UNDERSTANDING ON
BEHALF OF THE WYOMING COUNTY WATER RESOURCE AGENCY**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign Memorandums of Understanding to provide funding revenue for the completion of the Silver Lake Dredging Project for Phase 2 (Sampling Plan and Survey Cost) on behalf of the Wyoming County Water Resource Agency as follows:

Silver Lake Association	\$14,975.00
Silver Lake Watershed Commission	\$9,150.00
Village of Perry	\$9,150.00
Town of Perry	\$9,150.00
Town of Castile	\$9,150.00
County of Wyoming	\$1,685.00
R. S. Maher	\$1,100.00
Village of Mount Morris	\$1,100.00
TOTAL	\$55,460.00

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#34

**RESOLUTION NO. 19-472
(November 12, 2019)**

By Mr. Leuer, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH CLARK PATTERSON
LEE ON BEHALF OF THE WYOMING COUNTY WATER RESOURCE AGENCY**

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 *Clark Patterson Lee*, 205 St. Paul Street, Suite 500, Rochester, New York 14604 on behalf of the Wyoming County Water Resource Agency. Said contract is for the completion of the Silver Lake Dredging Project ~ Phase 2 Sampling Plan Implementation Scope

of Work in an amount not to exceed fifty-five thousand four hundred sixty dollars (\$55,460.00); effective October 25, 2019 through completion of project.

Contingent upon the availability of funds.

Carried: XXX

Ayes: 1599

Noes:

Absent:

Abstain:

#35

**RESOLUTION NO. 19-473
(November 12, 2019)**

By Mr. Leuer, Chairman of the Planning Committee:

**RESOLUTION CALLING ON THE FEDERAL GOVERNMENT, GOVERNOR
ANDREW M. CUOMO AND THE NEW YORK STATE LEGISLATURE TO ADDRESS
THE LACK OF CELLULAR PHONE COVERAGE**

WHEREAS, Cellular service and the ability to use individual wireless devices is no longer a luxury, but rather a public necessity; and

WHEREAS, Every area of the State, irrespective of financial means or the economics of the individual community, has a right to this critical piece of infrastructure; and

WHEREAS, Cell phones and the requisite cell phone coverage are in many cases the first link of our emergency response chain for first responders including fire, EMS, and law enforcement; and

WHEREAS, This infrastructure also drives commerce and tourism, and is a critical component to the success of our education system and our students; and

WHEREAS, There are many large tracts of New York that do not have access to this public utility; and

WHEREAS, Government has an obligation to provide for the public safety, education, and equal treatment and opportunity for all of our citizens; and

WHEREAS, The Governor in his 2019 State of the State address called for the creation of an Upstate Cellular Coverage taskforce to identify solutions and develop policies addressing the lack of cellular coverage throughout New York State; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby calls upon Governor Andrew M. Cuomo and the State Legislature to invest in cellular infrastructure, and push providers to invest in counties and communities throughout the State; and be it

FURTHER RESOLVED, That New York State should work in tandem with the New York Congressional Delegation to push the federal government to increase appropriations for the Federal Communications Commission Mobile Fund Phase II project; and be it

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

Carried: XXX **Ayes:** 1599 **Noes:** **Absent:** **Abstain:**

#36

RESOLUTION NO. 19-474
(November 12, 2019)

By Mr. Leuer, Chairman of the Planning Committee:

RESOLUTION SUPPORTING EFFORTS TO ALLOCATE NEW YORK STATE RESOURCES AND FUNDING TO REGIONS OR COUNTIES ESTABLISHING "FULL COUNT" COMMITTEES

WHEREAS, The US Census Bureau is preparing for the 2020 decennial census; and

WHEREAS, Decennial census counts help the federal government distribute more than \$400 billion in funds annually for infrastructure, programs, and services; and

WHEREAS, The decennial census helps communities plan for future needs and deal with population-based programs; and

WHEREAS, Decennial population counts affect state and federal congressional representation and redistricting; and

WHEREAS, New York State and county governments are committed to ensuring that every resident in the state is counted in the 2020 Census; and

WHEREAS, Last year, every county in New York State participated in the Local Update of Census Addresses Program (LUCA), which is the only opportunity for states and municipalities to review and comment on the U.S. Census Bureau's residential address list for their jurisdiction prior to the 2020 Census; and

WHEREAS, now the State of New York is encouraging counties and other regional and community entities to create "Full Count" committees; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors encourages New York State to provide resources and funding to counties, municipalities, and regional planning commissions as incentives and seed funding to create "Full Count" committees; and be it

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

Carried: XXX **Ayes:** 1599 **Noes:** **Absent:** **Abstain:**

#37

RESOLUTION NO. 19-475
(November 12, 2019)

By Mr. Leuer, Chairman of the Planning Committee:

**DAVID JOHNSON REAPPOINTED TO THE WYOMING COUNTY
PLANNING BOARD**

BE IT RESOLVED, That *David Johnson* (T/Covington) 507 Pavilion-Warsaw Road, Wyoming, NY 14591 is hereby reappointed to the Wyoming County Planning Board as a Voting Member for a three (3) year term; effective January 1, 2020 through December 31, 2022.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#38

RESOLUTION NO. 19-476
(November 12, 2019)

By Mr. Leuer, Chairman of the Planning Committee:

**RESOLUTION URGING RENEWED FUNDING FOR ELECTRONIC WASTE
COLLECTION**

WHEREAS, The New York State Electronic Equipment Recycling and Reuse Act (Act) was adopted by the State in 2010 to assist local governments with managing the fast-growing electronics waste stream by requiring electronics manufacturers to fund a recycling infrastructure and relieve municipalities from the recycling and end-of-life management costs; and

WHEREAS, The Act has succeeded in significantly increasing electronics recovery and recycling in the state, but the collection infrastructure is unstable and local governments and other collectors are faced with mounting fees in the absence of consistent manufacturer funding and limited markets for cathode ray tubes (CRTs); and

WHEREAS, While the Act intended to place the burden of electronics recycling on the manufacturers of electronic devices, the Act failed to stipulate adequate education requirements to inform the public of the process by which they could recycle their electronics with the manufacturers; and

WHEREAS, The Act created a ban on disposal of electronic waste in landfills, effective January 2015, which resulted in a growing number of waste stream planning units throughout New York's counties bearing more of the fiscal responsibility for continued e-scrap collection in their communities; and

WHEREAS, The Act requires, and the state relies on, electronics manufacturers to fund e-scrap recycling programs that are effective, continuous and reasonably convenient to all consumers across the state; and

WHEREAS, Once manufacturers have met their performance standard (goal), which, in many cases, is midway through the year, they no longer provide financial support to continue their collection programs, thus shifting management costs to cash-strapped local governments; and

WHEREAS, While the New York State Department of Environmental Conservation (DEC) indicates there are no longer performance goals, some manufacturers continue to dodge their legal responsibility to accept electronic waste; and

WHEREAS, The issue is exacerbated by the fact that electronics sold today weigh much less than the obsolete CRT devices that make up approximately 70% of the weight of e-scrap generated, which are cost intensive to responsibly manage; and

WHEREAS, This has resulted in many local governments across the state having grappled with the burden to fund or cease e-scrap collection, which has been particularly difficult in rural communities that do not benefit from retail collectors or economies of scale; and

WHEREAS, The Fiscal Year 2016-17 appropriation for the Environmental Protection Fund provided much needed assistance to municipalities by making \$3 million available to reimburse up to 50% of expenses incurred for the collection/recycling of e-waste; and

WHEREAS, As of 2019, the FY 2016-17 appropriation for Electronic Waste Assistance Grants has been depleted with no plan for renewal; and

WHEREAS, Continued funding for e-waste recycling is necessary to mitigate the financial pressures local governments face in collecting and properly managing e-waste; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls on state lawmakers to help alleviate the financial and administrative burden on municipalities who are dealing with these electronics by appropriating \$3 million in the FY 2020-21 State Budget for continued reimbursement of expenses incurred collecting and recycling e-waste; and be it

FURTHER RESOLVED, That local governments approved for less than 50% reimbursement in 2019 due to the depleted FY 2016-17 appropriation be made whole; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#39

**RESOLUTION NO. 19-477
(November 12, 2019)**

By Mr. Leuer, Chairman of the Planning Committee:

RESOLUTION REQUESTING RELIEF AMID AN ONGOING RECYCLING CRISIS

WHEREAS, China's "National Sword" policy, which bans the import of mixed paper and plastics and imposes a low 0.5% contamination standard on recycled materials, has deflated corresponding commodity markets and recycled materials by as much as 90%; and

WHEREAS, Additional commodity price stresses have been generated by the closure of the largest glass bottle manufacturer in the Northeast; and

WHEREAS, The commodity market for plastics declined by 45% between May and August of 2019; and

WHEREAS, Localities handling recycled materials are finding it difficult and no longer profitable to dispose of such materials in domestic or secondary markets to the point where municipal tip fees for regular solid waste no longer cover the cost of recycling; and

WHEREAS, The world-wide commodity situation for recycled materials is unlikely to improve in the short term; and

WHEREAS, By effectively declining to prioritize a substantive and effective solution, or set of solutions, to combat the recycling crisis, New York State has missed an opportunity to provide needed leadership on this issue and continues to enforce an outdated set of regulations that overburden localities; and

WHEREAS, New York State has not directed the significant state resources needed to collaborate on effective solutions to the crisis and provide relief to the aggrieved municipalities of the state; and

WHEREAS, No substantive or significant changes to recycling laws and administrative interpretations have been made to provide any relief related to the numerous regulations on solid waste recycling, temporary or otherwise; and

WHEREAS, Counties have requested additional support from New York State to avoid turning to less environmentally friendly solutions that may result in tragic environmental effects on public and private lands alike; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls on the Governor and State Legislature to take a leadership role in providing relief to municipalities from the crisis in the recycling markets, which is currently adding substantial costs to the processing and disposal of such materials; and be it

FURTHER RESOLVED, That New York State either relieve mandates relating to recycling or provide municipalities other options to solve the crisis on their own; and be it

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

Carried: XXX

Ayes: 1599

Noes:

Absent:

Abstain:

At the conclusion of the roll call vote for Resolutions Numbered 31 through 39, Chairman Berwanger invited Supervisor Leuer, T/Middlebury to the podium to present the Small Business Saturday proclamation. Supervisor Leuer read the proclamation and offered to deliver the proclamation to Wyoming County Chamber/Tourism...

In presenting this proclamation, Supervisor Leuer, shamelessly made a plug for Midnight Magic in the Village of Warsaw on Friday, December 6, 2019. To include a chili cook off...

Before Supervisor Leuer left the podium, Chairman Berwanger asked him to comment on the 5th Annual Innovation Conference he attended in Albany with Code Enforcement Officer Don Roberts and Zoning Enforcement Officer Alyssa Cutcliffe, where they were presented with this year's Regional Impact Award and Citation by Governor Cuomo for Wyoming County's Countywide Shared Services efforts in the areas of Countywide Assessing, Zoning, Fire and Building Code Enforcement, Water Resource Agency and Highway collaborations.

Chairman Berwanger then asked Director of Environmental Health, S. Perkins, to provide a recap of Resolution Number 19-471 and the Countywide Shared Services Matching Funds grant opportunity potential associated with this plan.

Director of Environmental Health, S. Perkins made his way to the podium and explained the Inter-Municipal Agreements provide funding revenue for the completion of the Silver Lake Dredging Project for Phase 2, which consists of a sampling plan and survey cost.

There was a motion by Mr. Copeland, T/Wethersfield, to combine resolutions #40 through #56. Hearing no objection resolution titles were read.

#40

**RESOLUTION NO. 19-478
(November 12, 2019)**

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

RESOLUTION CALLING ON GOVERNOR ANDREW M. CUOMO AND THE STATE LEGISLATURE TO FULLY FUND COSTS ASSOCIATED WITH IMPLEMENTING RECENTLY ENACTED CRIMINAL JUSTICE REFORMS INCLUDING BAIL, SPEEDY TRIAL AND DISCOVERY REFORM

WHEREAS, The SFY 2020 enacted state budget included significant criminal justice reforms, which take effect January 1, 2020; and

WHEREAS, The state budget did not include any targeted funding for counties to comply with bail, speedy trial, and discovery reforms; and

WHEREAS, These reforms will significantly impact many county departments, including probation, district attorney, county attorney, public defender, county administration and sheriff; and

WHEREAS, Counties are preparing their budgets for the 2020 fiscal year without state revenue to offset the increase in staffing, equipment, technology and software needs across these departments, while also complying with a state-imposed property tax cap; and

WHEREAS, Without a thorough review and modification of jail staffing levels on an annual basis, counties will not see a reduction in county jail staffing costs; and

WHEREAS, The state taskforce must work to determine the full impact to the criminal justice system, including additional costs borne by county government and recommend appropriate state funding support to assist counties with implementation of this new statute; and

WHEREAS, In addition to financial resources, the Wyoming County Board of Supervisors calls for statutory changes to the law clarifying electronic monitoring provisions, and pre-trial service agencies; and

WHEREAS, The Wyoming County Board of Supervisors supports efforts to reform cash bail, discovery and speedy trial to return people to society where services can be provided. However, without adequate state funding, costs associated with pretrial supervision, district attorney costs for providing discovery to defense counsel within 15 days for most defendants, and the costs associated with transporting offenders that fail to appear to court are beyond current county resources; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls upon Governor Andrew M. Cuomo and the State Legislature to hold counties harmless and fund 100% of the incremental costs associated with these criminal justice reform proposals; and be it

FURTHER RESOLVED, The State Commission on Corrections must revise the minimum staffing requirement for each local correctional facility upon implementation of this legislation to adjust for expected reductions in local jail census; and be it

FURTHER RESOLVED, That §510.40 4(c) of the Criminal Procedures Law be amended to strike "but counties, municipalities and the state shall not contract with any private for-profit entity for such purposes"; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#41

**RESOLUTION NO. 19-479
(November 12, 2019)**

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

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

AND CONTROLLED BY THE STATE

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

WHEREAS, On April 1, 2016 the State Legislature approved the Commission's recommendation and placed Supreme Court judges' salaries at \$193,000 in 2016 and approximately \$207,000 in 2018 and placed County Court Judges at 95% of a Supreme Court Justice's salary; and

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

WHEREAS, Historically, and prior to this increase, the State fully funded all District Attorney salary increases that they imposed on the counties; and

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

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

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

WHEREAS, For some counties, the District Attorney salary increase represented approximately one third of their total allowable property tax growth for all government operation in 2016, 2017 and 2018; and

WHEREAS, In 2020 and beyond, this annual unfunded mandate will continue to increase as Judicial salaries, and the District Attorney salary tied to them, receive annual COLA raises; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls on the State of New York to fully fund this mandated salary increase as part of the 2019-20 budget and thereafter, including a one-time amount for the retroactive salary increase that has not been funded to date; and

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

**RESOLUTION NO. 19-480
(November 12, 2019)**

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

**RESOLUTION SUPPORTING A.6215/S.5459 TO AMEND THE VEHICLE AND TRAFFIC
LAW IN RELATION TO ACCESSIBLE PARKING SPACE REQUIREMENTS FOR
PERSONS WITH DISABILITIES AND ENFORCEMENT OF ILLEGAL PARKING**

WHEREAS, State Senator Patty Ritchie and Assemblyman Will Barclay have introduced S.5459/A6215, which will update accessible parking requirements to bring New York State law in line with the Americans with Disabilities Act (ADA) and International Building Code as adopted by New York State; and

WHEREAS, Under current 1981 law, shopping facilities with more than five stores and at least twenty parking spaces must designate 5% or ten spaces (whichever is less) as accessible parking spaces, and law enforcement can ticket and or tow violators if a local law is in place; and

WHEREAS, Current law does not align with International Building Code, and local law enforcement is often unable to ticket violators if no local law is in place, creating unnecessary hardships for persons with disabilities; and

WHEREAS, The term "handicapped" is no longer a phrase used when referring to persons with disabilities; and

WHEREAS, The proposed legislation amends Section 1203-c of the vehicle and traffic law to give law enforcement the authority to ticket and tow illegally parked vehicles in spaces and access aisles designated for persons with disabilities, and removes the provision that accessible parking requirements only apply to shopping centers or facilities with five separate retail stores; and

WHEREAS, The proposed legislation clarifies that the number of accessible parking spaces shall be in compliance with the International Building Code as adopted by New York State; and

WHEREAS, The proposed legislation amends section 1203 of the Vehicle and Traffic Law to replace the term "handicapped" with the term "persons with disabilities"; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors supports A6215/S5459, which amends the vehicle and traffic law in relation to accessible parking space requirements for persons with disabilities and enforcement of illegal parking; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

RESOLUTION NO. 19-481
(November 12, 2019)

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

RESOLUTION IN OPPOSITION TO THE HUMANE ALTERNATIVES TO LONG-TERM (HALT) SOLITARY CONFINEMENT ACT

WHEREAS, The Humane Alternatives to Long-Term (HALT) Solitary Confinement Act would mandate that counties in New York construct new residential rehabilitation units for the therapy, treatment and rehabilitative programming of incarcerated peoples who have been determined to require more than 14 days of segregated confinement; and

WHEREAS, These therapeutic residential rehabilitative units must be trauma-informed and aim to address individual treatment and rehabilitations needs and the underlying causes of problematic behaviors; and

WHEREAS, The Wyoming County Board of Supervisors supports policies that improve our criminal justice programs; and

WHEREAS, Improving jail safety and the rehabilitation system for our inmates is laudable, however, mandating counties to pay for new jail capital improvements to create residential rehabilitations units is extremely costly and is likely to exceed hundreds of millions of dollars; and

WHEREAS, This legislation places a profound unfunded mandate on county government, and without a dedicated funding stream included in this bill, the costs would only be passed onto the property taxpayers of New York; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors opposes state legislation S.1623/A.2500, otherwise known as the HALT Act, that would mandate counties be responsible for providing new rehabilitative units for county inmates; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#44

RESOLUTION NO. 19-482
(November 12, 2019)

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

RESOLUTION IN OPPOSITION TO THE MEDICATION-ASSISTED TREATMENT IN THE CORRECTIONAL SETTINGS ACT S.2161-B (BAILEY) / A.833-B (ROSENTHAL) MANDATORY MEDICATION ASSISTED TREATMENT IN COUNTY JAILS

WHEREAS, New York State is engaged in a significant effort to address the rising rate of substance use disorders, including the epidemic of opioid and heroin addiction and the increasing number of deaths due to overdose; and

WHEREAS, Medication-assisted treatment (MAT) is an evidence-based treatment for opioid use disorder that uses FDA-approved pharmacotherapy in combination with counseling and behavioral therapies to treat substance use disorders; and

WHEREAS, The cost of providing MAT inside county jails is mostly borne by the county, and any mandate to provide MAT to incarcerated individuals without an ongoing commitment of State Aid funding will create a significant unfunded mandate on the counties; and

WHEREAS, Legislation has been introduced to mandate MAT in the correctional settings whereby sheriffs and county officials would be required to provide all available forms of MAT to individuals incarcerated in local jails who are battling a substance use disorder (SUD); and

WHEREAS, This program would be optional for any inmate to participate in at any time during the length of their stay in a county correctional facility; and

WHEREAS, The proposed programs, in addition to administering medication to the inmate, must also include group and individual counseling and clinical support; peer support; discharge planning services; and reentry and transitional supports; and

WHEREAS, For counties to provide every available type of MAT to the entire jail population suffering from opioid addiction, which includes Vivitrol, Suboxone, Methadone and Sublocade, the New York State Conference of Local Mental Hygiene Directors (CLMHD) has estimated that the cost to county governments outside of NYC, to easily exceed \$74 million for the medication alone; and

WHEREAS, The Wyoming County Board of Supervisors recognizes that treating SUD's is a proven effective way to help rehabilitate an individual, whether incarcerated or not and that community-based treatment programs and services are essential for those suffering with addiction and dependence; and

WHEREAS, Mandating MAT for inmates in local correctional facilities places another new unfunded mandate on county governments that they cannot afford under a tax cap; and

WHEREAS, his legislation does not include a local fiscal estimate and without full state funding support for this new mandate, counties, despite this laudable intention, simply cannot support this legislation; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors supports providing SUD treatment to individuals suffering with addiction and dependence; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors supports the legislative intent expressed in S.2161-B (Bailey) / A.833-B (Rosenthal), however, counties are not in a position to pay for a new unfunded state mandate; and be it

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

Carried: XXX

Ayes: 1599

Noes:

Absent:

Abstain:

#45

**RESOLUTION NO. 19-483
(November 12, 2019)**

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

**RESOLUTION IN SUPPORT OF FEDERAL LEGISLATION TO REPEAL THE
MEDICAID INMATE EXCLUSION POLICY (MIEP) FOR PRE-TRIAL INMATES**

WHEREAS, The Restoring the Partnership for County Health Care Costs Act of 2019 (H.R. 1345) repeals the Medicaid Inmate Exclusion Policy (MIEP) for pre-trial inmates; and

WHEREAS, Repealing the MIEP allows individuals who are in the custody of law enforcement or ending disposition of charges the ability to remain on Medicaid for the purposes of continuing healthcare coverage until they are convicted of a crime; and

WHEREAS, This legislation further eliminates the current mandatory 30-day delay in reinstating Medicaid mental health care benefits for those released from custody; and

WHEREAS, A report published in 2015 by the Vera Institute of Justice shows that jail health care costs represent approximately 10% of total jail costs; and

WHEREAS, This legislation would alleviate a significant unfunded burden placed on county jails; and

WHEREAS, In 2018, in New York State there were a total of 22,860 inmates, of which 15,068 or 66% of the jail population remains un-sentenced, including a large portion of individuals that could remain on Medicaid, CHIP, and/or Supplementary Security Income (SSI) benefits; and

WHEREAS, This federal legislation preserves the partnership between the federal and local governments, ensuring that local governments are not burdened with an unfair share of meeting the mandate to guarantee medical coverage; and

WHEREAS, This legislation substantially reduces the cost of inmate medical care, resulting in significant savings to New York county governments; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors supports the repeal of the Medicaid Inmate Exclusion Policy (MIEP) for pre-trial; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors supports the Restoring the Partnership for County Health Care Costs Act of 2019 (H.R. 1345); and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#46

**RESOLUTION NO. 19-484
(November 12, 2019)**

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

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

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

- ***Attica Central School***, 3338 East Main Street, Attica, NY 14011 to provide law enforcement and police services when school is in session in an amount not to exceed forty-four dollars and forty-six cents (\$44.46) per hour; effective September 1, 2019 through June 30, 2020.
- ***Letchworth Central School***, 5550 School Road, Gainesville, NY 14066 to provided law enforcement and police services when school is in session in an amount not to exceed forty-nine dollars and seventy-five cents (\$49.75) per hour; effective September 1, 2019 through June 30, 2020.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#47

**RESOLUTION NO. 19-485
(November 12, 2019)**

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

**CHAIRMAN AUTHORIZED TO ACCEPT THE NEW YORK STATE OFFICE OF
GENERAL SERVICES VEHICLE MARKETPLACE BID AND SIGN A CONTRACT
WITH GENESEE VALLEY FORD, LLC ON BEHALF OF THE**

SHERIFF'S DEPARTMENT

BE IT RESOLVED, That the Chairman of this Board, pursuant to General Municipal Law §103 and with the approval of the County Attorney, is hereby authorized and directed to accept the following New York State Office of General Services Vehicle Marketplace bids and sign contracts on behalf of the Sheriff's Department:

- **Genesee Valley Ford, Inc.**, 1675 Interstate Drive, Avon, NY 14414
 - Mini-bid No. 19100090 for one (1) 2020 Dodge Charger Police Vehicle in an amount not to exceed twenty-seven thousand four hundred dollars (\$27,400.00); effective October 25, 2019 through delivery of vehicle. (PC67945)

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#48

**RESOLUTION NO. 19-486
(November 12, 2019)**

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

**CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE AWARD WITH THE
NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY
SERVICES ON BEHALF OF 9-1-1**

WHEREAS, During the May 30, 2019 Public Safety Committee Meeting, approval was granted for the submission of this grant application; now therefore

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized to sign a grant acceptance award with the *New York State Division of Homeland Security and Emergency Services*, 1220 Washington Avenue, Albany, NY 12242 on behalf of 9-1-1. Said grant funds for the 2019- 2020 Public Safety Answering Points (PSAP) Operations grant program in a minimum amount of one hundred twenty-one thousand four hundred sixty-two dollars (\$121,462.00); effective January 1, 2020 through December 31, 2020.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#49

**RESOLUTION NO. 19-487
(November 12, 2019)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
SAIA COMMUNICATIONS, INC. ON BEHALF OF 9-1-1**

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 *Saia Communications, Inc.*, 100 Stradtman Street, Buffalo, NY 14206 on

behalf of 9-1-1. Said contract for the monitoring of equipment for all radio sites in an amount not to exceed thirty-six thousand six hundred forty-five dollars (\$63,645.00); effective October 28, 2019 through completion of project.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#50

**RESOLUTION NO. 19-488
(November 12, 2019)**

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

RESOLUTION IN SUPPORT OF FEDERAL LEGISLATION THAT REQUIRES THE OFFICE OF MANAGEMENT AND BUDGET TO RECLASSIFY PUBLIC SAFETY TELECOMMUNICATORS AS A "PROTECTIVE SERVICE OCCUPATION"

WHEREAS, The Supporting Accurate Views of Emergency Services Act of 2019 (911 Saves Act) directs the U.S. Office of Management and Budget to reclassify public safety telecommunicators from "*Office and Administrative Support Occupations*" to the category of "*Protective Service Occupations*"; and

WHEREAS, The federal government's Standard Occupations Classification System (SOCS) sorts workers into occupational categories for statistical purposes, according to the nature of the work performed, and in some cases, on the skills, education or training needed to perform the work; and

WHEREAS, America's 9-1-1 telecommunicators are currently incorrectly categorized in the SOCS as an "Office and Administrative Support Occupation," a category which includes secretaries, office clerks, and taxicab dispatchers; and

WHEREAS, Classifying 9-1-1 telecommunicators as an "Office and Administrative Support Occupation" fails to recognize their central role in public safety and homeland security; their specialized training and skills; and their uniquely stressful work environment; and

WHEREAS, Classifying public safety telecommunicators as "Protective Service Occupations" alongside police, firefighters, security guards, lifeguards, and others whose job is to protect our communities would better reflect the work they perform, and along the SOCS with related classification systems; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors supports federal legislation H.R. 1629 that would reclassify 9-1-1 telecommunicators into the "Protective Service Occupations" SOCS category; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#51

**RESOLUTION NO. 19-489
(November 12, 2019)**

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

**RESOLUTION URGING NEW YORK STATE TO CLASSIFY EMERGENCY
MEDICAL SERVICES AS ESSENTIAL SERVICES FOR THE PURPOSES OF
STATE AID**

WHEREAS, Throughout New York State, volunteer emergency medical services play a vital role in keeping our communities safe; and

WHEREAS, In addition to working hard to safeguard the public, volunteers also work hard to generate the funds necessary to purchase up-to-date equipment, maintain buildings and vehicles, as well as to address other issues relating to the efficiency of operations; and

WHEREAS, By classifying emergency medical services as "essential services," organizations will be able to tap into an increased number of funding sources, and in turn, will be able to keep our communities safer; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors supports the classification of emergency medical services as "*essential services*" for the purposes of state funding eligibility; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors supports the legislative intent expressed in S.1381 (Ritchie)/A.1582 (Jones); and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#52

**RESOLUTION NO. 19-490
(November 12, 2019)**

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

**RESOLUTION CALLING ON GOVERNOR ANDREW M. CUOMO AND THE
DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY SERVICES,
OFFICE OF INTEROPERABLE COMMUNICATIONS TO SET ASIDE SUFFICIENT
911 FUNDING TO COUNTIES IN ORDER TO PROPERLY MAINTAIN EXISTING**

SYSTEMS AND BECOME COMPLIANT WITH FEDERAL FCC FUNDING OPPORTUNITIES

WHEREAS, The funding mechanism that New York State counties use to help operate, maintain and upgrade 911 system capability and performance is out of date and does not correspond well to recent technology and marketplace changes; and

WHEREAS, The Federal Communications Commission (FCC) found that, in 2017, New York State diverted \$170.9 million (90.35%) of E911 consumer fees generated for non 911-related programs, thus shifting the bulk of Next Generation 911 (NG911) readiness financing to counties and other local governments PSAPs in New York State; and

WHEREAS, The diversion of E911 funds results in a system that does not direct sufficient revenue to allow counties to properly maintain existing systems, while also preparing to implement NG911 technology required under federal law; and

WHEREAS, Under current law, for the last two budget years, \$10 million was authorized and targeted directly to PSAPs and up to \$65 million was set aside for the provision of grants and reimbursements to counties administered by the State Interoperable Communications Grants (SICG) program, administered by the Division of Homeland Security; and

WHEREAS, Due to the designation of said E911 fees by New York State for non 911-related expenses, New York State PSAPs are not eligible for any of the \$115 million federal grant funding for E911 and NG911 enhancements and IP based advanced networks; and

WHEREAS, The goal of upgraded NG911 systems is to make sure that all devices capable of connecting to the system can do so using voice, text, video images and other data formats including radio transmission to better inform the emergency responders to the situation they will be entering; and

WHEREAS, NG911 upgraded systems will be able to better pinpoint an emergency call that may be in a remote area of the state or in a multi-storied building in one of our communities; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls upon Governor Andrew M. Cuomo and the Department of Homeland Security and Emergency Services, Office of Interoperable Communications to release all funds authorized ensure eligibility for Federal FCC E911/Next Generation 911 resources and to ensure that future authorizations are released in full in the budget year they are appropriated; and be it

FURTHER RESOLVED, Releasing these funding obligations on a regular schedule will provide certainty and build continuity as counties upgrade and maintain existing systems and prepare for NG911 development and implementation; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#53

**RESOLUTION NO. 19-491
(November 12, 2019)**

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

**CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN A CONTRACT WITH
TETRA TECH, INC. ON BEHALF OF EMERGENCY SERVICES**

BE IT RESOLVED, That the Chairman of this Board, pursuant to General Municipal Law §103 and with the approval of the County Attorney is hereby authorized and directed to sign a contract with *Tetra Tech, Inc.*, 2400 Park Drive, Suite I, Harrisburg, PA 17110 on behalf of Emergency Services. Said contract is for the updating of the Multi-Jurisdictional All-Hazard Mitigation Plan in an amount not to exceed seventy-five thousand dollars (\$75,000.00); effective upon signing through completion of project.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#54

**RESOLUTION NO. 19-492
(November 12, 2019)**

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

**RESOLUTION CALLING FOR THE STATE TO FULLY FUND PARENTAL LEGAL
REPRESENTATION FOR FAMILY COURT MATTERS**

WHEREAS, In 2018 the Commission on Parental Legal Representation, led by the Honorable Chief Judge Janet DiFiore, held public hearings on “*quality representation for persons eligible for assigned counsel in family law matters*”; and

WHEREAS, This Commission held four (4) separate public hearings with testimony provided by New York State Association of Counties, Public Defenders, New York State Indigent Legal Services, Family Court representatives and other institutional providers; and

WHEREAS, New York created its Family Court system through a State Constitutional amendment in 1961, with the focus on providing solutions to family-related matters and helping individual family members with the safest and best path forward; and

WHEREAS, Judges in Family Court are faced with difficult and complex matters that can allow the Court to remove a child from a home when it is in the best interest of the family; and

WHEREAS, With matters as important as this it has been established by the Court of Appeals that all family members involved have should have their rights and best interests

legally protected; accordingly, often individuals from within the same household need separate counsel to guide them through this process and protect their individual rights; and

WHEREAS, In 1972, the New York State Court of Appeals ruled that “*an indigent parent, faced with the loss of a child's society [family structure]...is entitled to the assistance of counsel.*” In Re Ella B., 30 N.Y. 2d 352 (1972); and

WHEREAS, This right to counsel is and should be a State obligation, however the State has passed this obligation on to counties making New York unique to all other states in the nation; and

WHEREAS, In February 2019, the Commission on Parental Legal Representation delivered an interim report stating “*...a complete transformation is urgently needed in New York's publicly funded system of parental representation in child welfare matters*” and “*(t)he systematic problems in our underfunded, county-based system are well documented*”; and

WHEREAS, In recognition that counties are already fiscally overwhelmed by funding various State obligations, the Commission's interim report's solution to overhaul an underfunded and underperforming system was clear: “*(w)e recommend that the State pay for all costs associated with parental representation in child welfare proceedings to ensure quality representation and eliminate disparities among localities*”; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors supports the findings of the Commission on Parental Legal Representation and calls on the State to fully fund parental representation in child welfare proceedings, ensuring quality legal representation; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#55

**RESOLUTION NO. 19-493
(November 12, 2019)**

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

**RESOLUTION URGING THE STATE TO FULLY FUND FAMILY SUPPORT
SERVICES PROGRAMS AS PART OF THE PINS REFORM IN THE
SFY 2020 BUDGET**

WHEREAS, The SFY 2020 enacted budget included several provisions to make reforms to Persons in Need of Supervision (PINS) cases; and

WHEREAS, PINS is a term used to describe a child under the age of 18 who has committed a status offense. Examples of status offense include running away from home, using marijuana or other narcotics, or skipping school (truancy); and

WHEREAS, Most PINS petitions are filed by the parent or caregiver of a child. However, school officials, police officers, people injured by the child, or the local county human services agency or probation department can also file a PINS petition; and

WHEREAS, The New York State Office of Court Administration and New York State Office of Children and Family Services have analyzed recent PINS trends, which show that statewide PINS filings are down approximately 37%, PINS detention admissions are down 41%, and placement admissions are down 45%; and

WHEREAS, The PINS reform legislation eliminated PINS detention, strictly limited the use of pre-dispositional placements, and placed time limitations on post-dispositional placements; and

WHEREAS, The PINS reform legislation was crafted specifically to comply with new federal law—the Family First Prevention Services Act; and

WHEREAS, The legislation also allowed for the creation of Family Support Services Programs (Title 12 of Article 6 of the Social Services Law) which may be created at local option; and

WHEREAS, The goal of these programs are to provide community-based services to children and families to prevent PINS petitions from being filed, PINS adjudications, and PINS out-of-home placements; and

WHEREAS, The SFY 2020 budget did not include any funding to create Family Support Services Programs; and

WHEREAS, Without a dedicated funding stream, PINS children will not receive prevention services, resulting in many of these children remaining in the juvenile justice system; now therefore

BE IT RESOLVED, The Wyoming County Board of Supervisors calls on the Governor and State Legislature to dedicate funds to adequately provide for the creation of Family Support Service Programs; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#56

**RESOLUTION NO. 19-494
(November 12, 2019)**

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

RESOLUTION IN SUPPORT OF EFFORTS TO IMPROVE PROBATION AND ALTERNATIVES TO INCARCERATION IN NEW YORK STATE IN ORDER TO PROTECT THE PUBLIC AND REDUCE RELIANCE ON PRISONS, JAILS AND DETENTION

WHEREAS, County probation departments are an integral part of the Criminal Justice System and operate within the legal framework of the Criminal Procedure Law, the Penal Law and the Family Court Act; and

WHEREAS, It is the mission of Probation to protect the community through intervention in the lives of those under supervision by facilitating compliance with court orders and serving as a catalyst for positive change; and

WHEREAS, State funding for probation was drastically reduced between 1990 and 2015 from a 46.5% State share in 1990 to less than 10% in 2019, putting a huge strain on counties and cost to county property taxpayers; and

WHEREAS, At the same time there have been increases in the number of mandated programs and services county probation departments are required to provide; and

WHEREAS, The New York State Council of Probation Administrators, representing NYS Probation Directors, Administrators and Commissioners has diligently worked with NYSAC and State leaders to bring more awareness to the important work that Probation does to protect the public; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors supports proposals put forward by the Governor to immediately enact statutory and regulatory changes that improve probation and alternatives to incarceration in the following ways:

1. In response to Raise the Age Legislation:
 - a. Raise the minimum age that a youth can be charged as a Juvenile Delinquent from seven to twelve years old.
 - b. Mandate that the state's evidence-based criteria should account for existing local best practice programs.
 - c. Allow Probation the ability to make an application for a temporary order of protection as a part of the adjustment process.
 - d. Authorize law enforcement agencies to issue appearance tickets, instead of physical arrest, when Adolescent Offenders and Juvenile Offenders are charged with most D felonies.
 - e. Allow law enforcement agencies to deliver Adolescent Offenders, Juvenile Offenders and Juvenile Delinquents to detention facilities after business hours without a securing order until the next business day or until court is in session.
2. Establish a dedicated funding stream through DCJS/OPCA for 100% of all local probation costs including but not limited to probation personnel and evidence-based programming associated with Raise the Age Legislation.

3. Eliminate the requirement of a sentence of a conditional discharge or probation for Leandra Law cases when a defendant has been sentenced to a definite jail term or a term of imprisonment.
4. Ensure that local probation departments receive 100% of all pre-trial services cost including but not limited to probation personnel associated with bail reform.
5. Eliminate the mandate that pre-sentence investigations must be conducted when a sentence of up 364 days in jail has been negotiated.

And be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

There was a motion by Mr. Davis, T/Covington, to combine resolutions #57 through #64. Hearing no objection resolution titles were read.

#57

**RESOLUTION NO. 19-495
(November 12, 2019)**

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 the *Feedwater Treatment Systems*, 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 of cooling towers at the Jail, Courthouse, Public Health and Government Center in an amount not to exceed twelve thousand five hundred dollars (\$12,500.00); effective October 1, 2019 through October 1, 2020.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#58

**RESOLUTION NO. 19-496
(November 12, 2019)**

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 BUILDINGS AND GROUNDS (CO. BLDGS.)**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized 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 Buildings and Grounds (Co. Bldgs.). Said grant funds for the cleaning and minor repairs and maintenance at the Courthouse Campus, Government Center and Records Retention in a minimum amount of ninety-one thousand two hundred forty-seven dollars (\$91,247.00); effective April 1, 2019 through March 31, 2020.

Carried: XXX

Ayes: 1599

Noes:

Absent:

Abstain:

#59

**RESOLUTION NO. 19-497
(November 12, 2019)**

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

**RESOLUTION URGING THE ENACTMENT OF AN INCREASE IN THE
STATUTORY CHIPS BIDDING THRESHOLD AS PART OF THE EXECUTIVE
BUDGET PROPOSAL**

WHEREAS, Regular incremental raises in the competitive bidding threshold for highway projects are necessary to compensate for increases in inflation impacting material, transportation, labor, equipment and other highway construction costs; and

WHEREAS, Under current law, the local assistance funds allocated for local street or highway projects under the Consolidated Highway Improvement Program (CHIPS) are used to undertake work on projects either with the municipality's own resources and work forces or by competitively-bid contracts; and

WHEREAS, When the estimate for the contract work exceeds \$250,000 the work must be performed by contract let by competitive bid in accordance with the provisions for competitive bidding in the General Municipal Law; and

WHEREAS, The last increase in the competitive bidding threshold was in 2011 to bring the threshold up from \$100,000 to the current \$250,000 level; and

WHEREAS, Legislative proposals have been introduced in both houses of the State Legislature to increase the amount of the current cost threshold from \$250,000 to \$500,000 over which local highway and bridge construction work under the CHIPS program must be contracted through a competitive bid; and

WHEREAS, Under the legislation, projects which have construction contract work in excess of \$500,000 would continue to be subject to the mandatory competitive bid process; and

WHEREAS, The state is in the last year of its current 5 Year Transportation Capital Plan so the next state budget proposal will be released in January 2020 and negotiations on the next 5 Year Transportation Capital Plan will begin; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors supports the enactment of an increase in the CHIPS bidding threshold to give municipalities flexibility and the option to bid out or perform in-house projects that cost less than \$500,000; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors urges Governor Andrew M. Cuomo to include as part of the Executive Budget proposal this increase in the CHIPS bidding threshold as a way to allow local governments more flexibility in delivering local transportation projects at lower costs to taxpayers; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#60

**RESOLUTION NO. 19-498
(November 12, 2019)**

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

**RESOLUTION CALLING ON THE STATE TO PROVIDE AN UPDATED 20 YEAR
TRANSPORTATION NEEDS ASSESSMENT AND 5-YEAR CAPITAL PLAN THAT
MEETS THE NEEDS OF LOCAL ROADS, BRIDGES AND CULVERTS**

WHEREAS, Locally-owned roads and bridges account for 87% of the state's 110,000 miles of roadways and 50% of the state's 18,000 bridges, and 46% of the 350 million daily vehicle miles of travel in New York occurs over local highways; and

WHEREAS, The New York State Department of Transportation's 20-Year Transportation Needs Assessment (2010-2030) released at the end of 2007 outlined the transportation challenges facing New York State during the covered decades and presented NYSDOT recommendations for new capital investment policies and strategies to better meet these challenges facing state and local highways, bridges and culverts, intercity passenger and freight rail, suburban and upstate transit, ports and airports; and

WHEREAS, The NYSDOT Assessment warned at the time that the statewide transportation systems were under stress from age, heavy use and deferred maintenance due to underfunding, and that the condition of the system's infrastructure is deteriorating and reversing this downward trend will require new investment strategies and a dedicated, sustained, long-term effort; and

WHEREAS, To provide a more current needs estimate for New York's locally-owned pavement and bridge infrastructure for the period 2015-2030, the NYS Association of Town

Superintendents of Highways commissioned a study released in November 2013, An Assessment of Local Jurisdiction Highway and Bridge Infrastructure Needs in New York State, which found that current expenditures on local roads are nowhere close to keeping pace with pavement and bridge needs; and

WHEREAS, According to the Office of the State Comptroller, local governments outside of New York City invest approximately \$1 billion annually on local roads and bridges, estimated to be \$15 billion over the period 2015-2030; and

WHEREAS, Over \$1.3 billion in additional revenue is needed annually to meet these needs or the deterioration of the pavement and bridge infrastructure will accelerate and will adversely impact the motoring public, system safety and the economic vitality of New York State; and

WHEREAS, The Consolidated Highway Improvement Program (CHIPS) is the financial lifeblood of any local highway department, distributing vital and reoccurring state funding through a formula to every local government in the state, yet the current 2019-2020 State Budget holds the base level for CHIPS at \$438 million for the seventh year in a row; and

WHEREAS, While other programs designed to direct state funding to local transportation infrastructure, such as PAVE NY and Extreme Winter Recovery are welcome, these funds are divided among all municipalities in the state, and BRIDGE NY funds only a few local bridge and culvert projects in each region, so counties still struggle to raise enough funding for the maintenance and replacement of this vast system of aging and ailing infrastructure and are financially restrained by the property tax cap; and

WHEREAS, As New York elected officials have committed to MTA-NYS DOT capital plan parity, the assurances of hundreds of millions of additional dollars to address the critical needs of the NYC transit systems, including an additional \$1.5 billion of motorist fees from a congestion pricing program dedicated to the MTA, adequate, predictable and reliable resources must also be identified and dedicated to address the annual unmet needs of other state and local transportation infrastructure so as to reestablish parity; and

WHEREAS, Due to decades of inflation and underfunding, it is critical that the state's 20 Year Needs Assessment be reevaluated and updated, and a 5 Year Transportation Capital Plan be presented to the public and the Legislature for review in a timely manner; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls on the Governor and NYSDOT Commissioner to develop and present to the legislature and the public a 20-year needs assessment and a 5-year capital plan that meets the needs of the local transportation systems and subject to public review and presented to the Legislature before February 1, 2020, so the information can be available for meaningful state budget deliberations and debate; and be it

FURTHER RESOLVED, That the next 5 Year Transportation Capital Plan include significant enhancements to CHIPS and the continuation of important state programs such as PAVE NY, BRIDGE NY and Extreme Winter Recovery at much greater funding levels that

close the current funding gaps and those revealed for the future by the updated 20-year needs assessment called for by this resolution; and be it

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

Carried: XXX

Ayes: 1599

Noes:

Absent:

Abstain:

#61

**RESOLUTION NO. 19-499
(November 12, 2019)**

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

**RESOLUTION EXPRESSING CONCERNS WITH THE TRANSPORTATION
ELECTRIFICATION MANDATES UNDER THE CLIMATE LEADERSHIP AND
COMMUNITY PROTECTION ACT**

WHEREAS, Governor Andrew M. Cuomo signed into law the Climate Leadership and Community Protection Act (CLCPA) to mandate the state of New York adopt a state energy plan establishing clean energy goals for the year 2030 aimed at producing 70% of electricity from renewable sources, increasing energy efficiency from 2012 levels by 23% and the additional expressed goal of reducing 100% of the electricity sector's greenhouse gas emissions by 2040; and

WHEREAS, The CLCPA also mandates reducing greenhouse gas emissions from all anthropogenic sources 100% over 1990 levels by the year 2050, with an incremental target of at least a 40% reduction in climate pollution by the year 2030, creating a Climate Action Council and calling for the preparation of a climate action plan; and

WHEREAS, The CLCPA directs the development of performance-based standards for sources of greenhouse gas emissions, including but not limited to: transportation, building, industrial, commercial, and agricultural sectors; land-use and transportation planning measures aimed at reducing greenhouse gas emissions from motor vehicles; measures to promote the beneficial electrification of personal and freight transport; and other strategies to reduce greenhouse gas emissions from the transportation sector; and

WHEREAS, the New York State Association of Town Superintendents of Highways commissioned a study released in November 2013 which found that current expenditures on local roads is not keeping pace with pavement and bridge needs, and that over \$1.3 billion in additional revenue is required annually to meet these needs or the deterioration of the pavement and bridge infrastructure will accelerate and will adversely impact the motoring public, system safety and the economic vitality of New York State; and

WHEREAS, The cost of transitioning the state and local highway departments' equipment, construction vehicles and snowplows to run on electricity is at this juncture incalculable but expected to exceed the ability to be financed without substantial sources of new

revenues that will need to be directed strictly for the retrofit or procurement of such electric equipment and vehicles; and

WHEREAS, Commercial production of heavy-duty large-scale, electric construction vehicles is today an essentially non-existent industry, the ability of local highway departments to plan for this transition, with its concomitant mandates that fuel and electricity charging sources be carbon-free, is of tremendous concern considering that transportation at all levels of New York government is currently significantly underfunded every year; and

WHEREAS, Considering these potential impacts on the ability of local governments to be able to deliver necessary transportation services and facilities to the traveling public and businesses, it is vital that representatives of county highway departments have a strong voice in assisting in the development of the state's strategies for achieving these aggressive greenhouse gas emissions reduction goals; and

WHEREAS, The CLCPA directs the Climate Action Council to convene advisory panels one of which is on transportation, to work directly with the Council and coordinate with the Environmental Justice Advisory Group and Climate Justice Working Group to provide recommendations to the Council on strategies to meet the CLCPA goals for the transportation sector; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls on the Governor, the New York State Department of Transportation Commissioner and Legislative Leaders to commit to providing the funds necessary to fully cover the counties' costs of complying with the state mandates under the CLCPA; and be it

FURTHER RESOLVED, That a representative of the New York State County Highway Superintendents Association be appointed as a member of the Transportation Advisory Panel as established by the CLCPA; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#62

**RESOLUTION NO. 19-500
(November 12, 2019)**

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

**RESOLUTION URGING THE DEVELOPMENT A ROBUST 5-YEAR CAPITAL PLAN
THAT MEETS THE INFRASTRUCTURE NEEDS OF THE STATE'S AIRPORTS**

WHEREAS, Airports play an essential role in New York State's economy, job growth and transportation infrastructure, providing commercial air service, business aviation functions

and supporting homeland security and critical emergency response for all of New York's local and regional communities and for the nation; and

WHEREAS, It is critical, therefore, that the Commissioner of Transportation be directed to develop and present to the Governor and Legislature a new 5-Year Transportation Capital Plan that is subject to public review prior to the passage of the state budget and that addresses the critical infrastructure and modernization needs of airports; and

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

WHEREAS, In 2016, Governor Andrew Cuomo initiated a supplemental \$200 million state investment to revitalize New York State airports and subsequently enacted budgets have included funding for the Aviation Capital Grant Program that helps the state realize the full potential of its airports and aviation industries; and

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

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

WHEREAS, Varying annual levels of funding for the State Aviation Capital Grant Program of between \$10 million and \$22.5 million over the last 5-Year Transportation Capital Plan has made it very difficult for airports to plan projects as the number and size of awards made are limited at these funding levels; and

WHEREAS, While this funding is welcomed, the reduced levels of state financial commitment is concerning and falls short of what is needed by the large number of airports in New York that are owned by counties and other local governments; and

WHEREAS, A higher funding level should be at a minimum \$40 million annually to fund the State Aviation Capital Grant Program each year via the next 5-Year Transportation Capital Plan to be used for airport infrastructure improvements and critical safety enhancements and business and economic development projects, creating and sustaining construction and aviation-related jobs; and

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

BE IT RESOLVED, That the Wyoming County Board of Supervisors does hereby commend Governor Cuomo and the Legislature for the state's past financial commitments to

infrastructure rehabilitation, improvement, and expansion projects for New York airports; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#63

**RESOLUTION NO. 19-501
(November 12, 2019)**

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

**RESOLUTION URGING STATE ACTION ON A CHAPTER AMENDMENT TO
ASSURE EFFECTIVE CONTROL OF WILDLIFE POPULATIONS AT AIRPORTS**

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

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

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

WHEREAS, According to FAA data, about 90% of bird strikes take place at or near airports, usually while taking off or landing, with 898 collisions between aircraft and white-tailed deer in the United States over a 10-year period; and

WHEREAS, Wildlife strikes to U.S. civil aircraft cost about \$718 million in damage to aircraft and about 567,000 hours of civil aircraft down time annually, and result in injuries to pilots and passengers; and

WHEREAS, The New York State Department of Environmental Conservation (DEC) recognizes that wildlife population reduction is necessary at airports and other public facilities and issues permits to authorized persons to use certain firearms and techniques to remove from these aviation properties deer and other wildlife that pose a threat; and

WHEREAS, Some previously permitted wildlife management methods are now no longer available with the potential for negative impacts on the safety of airport operations, making it more difficult for airports to effectively keep the runways and facilities clear of animal obstructions and interference and safe for aircraft and passengers and airport communities; and

WHEREAS, A bill, A.1599 (Hunter)/S.5849 (May), passed both houses of the legislature intended to partially restore prior practices by the DEC of issuing special wildlife management permits; and

WHEREAS, The legislation needs to be amended to include provisions critical to protecting New York's airports and aviation operations from the threat of wildlife; now therefore

BE IT RESOLVED, That controlling wildlife populations around airports is critical to insuring the safety of travelers, aircraft crews and surrounding neighborhoods; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors urges the Governor and Legislature to agree to a chapter amendment to the bills that have been passed to fully reinstate the authorization and use of certain successful wildlife management techniques in a strictly controlled manner by government employees acting in an official capacity or persons acting pursuant to a permit to continue to effectively control wildlife populations at airports and surrounding areas; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#64

**RESOLUTION NO. 19-502
(November 12, 2019)**

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

TODD GADD REAPPOINTED AS COUNTY HIGHWAY SUPERINTENDENT

BE IT RESOLVED, That *Todd Gadd*, 618 Clinton Street, Cowlesville, New York 14037 is hereby reappointed to the position of County Highway Superintendent, pursuant to County Highway Law §100, for a term of four (4) years; effective October 1, 2019 through September 30, 2023.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

There was a motion by Mr. Brick, T/Perry, to combine resolutions #65 through #93. Hearing no objection resolution titles were read.

#65

**RESOLUTION NO. 19-503
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

SET PUBLIC HEARING ~ INTRODUCTORY LOCAL LAW NO. D YEAR 2019

WHEREAS, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 12th day of November, 2019, a proposed local law entitled, “Local Law Introductory No. D Year 2019, **“A LOCAL LAW PURSUANT TO CHAPTER 97-2011 OF THE LAWS OF THE STATE OF NEW YORK AND SECTION 3-C OF THE GENERAL MUNICIPAL LAW OVERRIDING TAX LEVY LIMIT FOR FISCAL YEAR 2020”**”; and

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 *3rd day of December, 2019 11:00 AM in the Supervisors’ Chambers, 2nd Floor of the Wyoming County Government Center, 143 North Main Street, Warsaw, New York.*

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

INTRODUCTORY LOCAL LAW NO. D - YEAR 2019

A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-C for Fiscal Year 2020

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 2020 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 2020 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 2020 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 its 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
November 12, 2019 (Introduced)
Cheryl J. Ketchum, ^{CMC}
Clerk to the Board

#66

**RESOLUTION NO. 19-504
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

**RESOLUTION URGING THE CREATION OF A NEW YORK STATE TASK FORCE
TO CONSIDER LEGISLATIVE AMENDMENTS TO ADDRESS REAL PROPERTY
APPRAISAL CHALLENGES BASED UPON "DARK STORE THEORY"**

WHEREAS, Big box retailers have successfully challenged real property tax appraisals based upon the argument that their thriving commercial establishments are worth no more than an abandoned retail building of comparable size and location; and

WHEREAS, This argument, commonly known as "*Dark Store Theory*" has become more prevalent throughout the United States and is gaining a foothold in New York State; and

WHEREAS, "*Dark Store Theory*" is not a recognized appraisal term; and

WHEREAS, The only statutory guidance for appraising commercial properties in New York State Real Property Tax Law, states that "All real property in each assessing unit shall be assessed at a uniform percentage of value (fractional assessment) ..." without any further definition of what "value" the law refers to; and

WHEREAS, The New York State Office of Real Property Tax Services no longer gives Opinions of Counsel or provides any valuation related training for the local assessment community; and

WHEREAS, The courts in New York State that have considered "dark store" challenges have reached conflicting decisions on how to value big box stores or build-to-lease properties; and

WHEREAS, Some states' efforts to enact legislation which would preclude "dark store" challenges have been unsuccessful, and even though dark store theory is more prevalent in those states, have caused a significant drop in the tax base, and has cost local municipalities millions of dollars in legal fees incurred in defending assessed tax values; and

WHEREAS, In 2019, legislation was introduced in New York State intended to address dark store theory issues, but was never voted on because of concerns over the possibility of negative unintended consequences; and

WHEREAS, Vague statutory standards and conflicting judicial precedents have created confusion and uncertainty among local assessors and threaten the tax base and fiscal health of assessing municipalities and counties in New York State; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors urges Governor Andrew M. Cuomo to convene a task force, which would involve assessors, real property appraisers and real property tax attorneys; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain: #67

**RESOLUTION NO. 19-505
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN INTER-MUNICIPAL AGREEMENT WITH
THE TOWN OF ARCADE FOR COUNTYWIDE ASSESSING SERVICES**

WHEREAS, The Wyoming County Board of Supervisors offers Countywide Assessing Services, in accordance with Real Property Tax Law §1537, to the municipalities within the borders of Wyoming County; now therefore

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign an Inter-Municipal Agreement with the Town of Arcade for participation in the Countywide Assessing Services Program in accordance with the fee schedule negotiated with each municipality; effective October 1, 2019 through September 30, 2022.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain: #68

**RESOLUTION NO. 19-506
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

SALARY SCHEDULES “C”, “D”, “G”, “S” AND “X” 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

- Abolish the one-time stipend to the ***Director of Fire and Emergency Management*** (position code 006.352) under **CIVIL DEFENSE** for assistance with the Safety / Emergency Preparedness Coordinator position in the amount of \$2,500.00; effective September 24, 2019 through December 31, 2019.

- Set the salary of the ***Quality and Risk Management Coordinator*** (position code 02.160.545) under **ACUTE QUALITY** at \$68,260.00 per year; effective November 1, 2019.
 - This position *will not be* eligible for a cost of living increase during the calendar year January 1, 2020 through December 31, 2020.

- Set the salary of the ***Quality and Risk Management Coordinator*** (position code 02.160.545) under **ACUTE QUALITY** at \$74,260.00 per year; effective January 1, 2020.
 - This position *will not be* eligible for a cost of living increase during the calendar year January 1, 2020 through December 31, 2020.

Salary Schedule “D”:

Consumer Affairs

- Remove position of ***Director of Weights and Measures*** (position 001.105); effective November 13, 2019.

Salary Schedule “G”:

District Attorney

- Reflect the following hourly wage adjustment for ***Domestic Violence Coordinator*** (position code 016.400); effective October 1, 2019 through December 31, 2019 as follows:
 - ***Violence Against Women Act Grant (Cost Center 1167)***
 - 65.8 hrs. per pay period at \$18.8294/hr. = \$1,238.98
 - Not to exceed \$8,177.24 during effective dates
 - ❖ 94% of funding
 - ***Office of Victim Services Grant (Cost Center 1169)***
 - 4.2 hrs. per pay period at \$18.8294/hr. = \$79.08
 - Not to exceed \$521.95 during effective dates
 - ❖ 6% of funding
 - \$1,318.06 total biweekly wages based on 70 hours

Public Defender

- Remove position of ***Assistant Public Defender (5th), PT*** (position 010.503).

- Remove position of ***Investigator (PD)*** (1.00 FTE) (position code 007.514); effective March 6, 2019.

Salary Schedule “S”:

Real Property Tax Services

- Set the hourly rate of the **Assessment Account Specialist** to \$19.40/hr. and full time; effective November 18, 2019 due to the addition of the Town of Arcade in the Assessment Program.
 - This position *will not be* eligible for a cost of living increase during the calendar year January 1, 2020 through December 31, 2020

Public Health Dept

- Amend title of **Deputy Director of Environmental Health/Weights & Measures** (position code 137.591) to **Deputy Director of Environmental Health**; effective November 13, 2019.
- Set the salary of **Deputy Director of Environmental Health** (position code 137.591) to \$58,000.00 annually; effective January 1, 2020.
 - This position *will be* eligible for a cost of living increase during the calendar year January 1, 2020 through December 31, 2020

Public Defender

- Set the hourly wage of the **Data Management Account Clerk** (position 009.595) to \$20.72/hr. (annual wage equivalent of \$38,000.00); effective November 4, 2019.
 - This position *will be* eligible for a cost of living increase during the calendar year January 1, 2020 through December 31, 2020
 -
- Provide one-time lump sum stipend of \$471.78 for position of **Staff Social Worker** (position code 008.594) to cover the cost of health insurance paid in 2019.
- Provide one-time lump sum stipend of \$1,571.60 for position of **Investigator (PD)** (position code 007.514) to cover the cost of health insurance paid in 2019.
- Provide annual lump sum stipend for position of **Investigator (PD)** (position code 007.514) in an amount equal to 10% of the annual health insurance premium to last for the life of the associated grant or until a vacancy in the position occurs.
- Add one (1) position of **Assistant Public Defender (5th), PT** (position 010.503) and set the annual salary at \$19,500.00.
- Add one (1) position of **Investigator (PD)** (1.00 FTE) (position code 007.514) and set the hourly wage at \$19.2307 per hour (annual wage equivalent of \$35,134.00); effective March 6, 2019.

Salary Schedule “X”:

Wyoming County Community Health System

- Abolish one (1) position of **Registered Nurse** (position code 03.887.209) under WYOMING COUNTY FAMILY MEDICINE – WARSAW; effective October 22, 2019.

Carried: XXX

Ayes: 1599

Noes:

Absent:

Abstain:

#69

**RESOLUTION NO. 19-507
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN
2020 MEDICARE HEALTH INSURANCE RATES FOR RETIREES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign Medicare PPO renewal rates for Retired County Employees for **2020** as follows:

- Univera Medicare PPO High Option
 - ❖ Single ~ \$509.99
- Univera Medicare PPO Low Option
 - ❖ Single ~ \$466.67
- Excellus Medicare PPO
 - ❖ Single ~ \$464.09
- MVP Medicare Gold Anywhere-Buy Up Option
 - ❖ Single ~ \$378.95
- MVP Medicare Gold Anywhere-Standard Option
 - ❖ Single ~ \$350.93

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#70

**RESOLUTION NO. 19-508
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

2020 WORKERS' COMPENSATION COSTS APPROVED

BE IT RESOLVED, That the cost of Workers' Compensation Insurance for the Participants covered by the Wyoming County Workers' Compensation Self-Insured Plan as based upon the 2020 budget of \$2,973,240 are as follows:

TOWNS	
Arcade	37,541
Attica	37,325
Bennington	47,276
Castile	38,405
Covington	26,607
Eagle	34,627

Gainesville	41,618
Genesee Falls	24,200
Java	34,985
Middlebury	37,927
Orangeville	29,339
Perry	34,223
Pike	32,694
Sheldon	48,185
Warsaw	46,920
Wethersfield	34,223
TOTAL	586,105

and be it

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

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

COUNTY	
County Government	330,135
County Highway Department	185,567
Wyoming Co. Community Hospital	807,248
Wyoming Co. Volunteer Fire Depts.	379,006
TOTAL	1,701,956

VILLAGES	
Arcade	107,666
Attica	74,351
Castile	11,097
Gainesville	41
Perry	91,542
Silver Springs	9,873
Warsaw	114,777
Wyoming	6,895
TOTAL	416,242

SCHOOL DISTRICTS	
Attica Central School	123,052
Perry Central School	
• Tail claims prior 1/1/2017	26,015
Pioneer Central School	
• Tail claims prior 1/1/2016	56,587
Warsaw Central School	
• Tail claims prior 7/1/2003	7,666

Wyoming Central School	27,223
TOTAL	240,543

OTHER AGENCIES	
Community Action	23,278
Soil & Water Conservation	5,116
TOTAL	28,394

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#71

**RESOLUTION NO. 19-509
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

**RESOLUTION URGING THE NEW YORK STATE CONGRESSIONAL DELEGATION
TO PROTECT MEDICAID DISPROPORTIONATE SHARE (DSH)
HOSPITAL PAYMENTS**

WHEREAS, Congress established the Medicaid Disproportionate Share (DSH) program in 1981 to ensure state Medicaid programs provided adequate payments to public hospitals whose patient populations were disproportionately composed of low-income Medicaid and uninsured populations; and

WHEREAS, New York State receives over \$1.8 billion annually in federal DSH payments, which leverages state funds providing a total of \$3.7 billion in combined state and federal resources for hospitals; and

WHEREAS, 90% of hospitals in New York receive DSH payments; and

WHEREAS, Fiscally strong hospitals are the cornerstone of a comprehensive and accessible health care system for patients, especially low-income and vulnerable populations; and

WHEREAS, The Affordable Care Act includes provisions to reduce DSH payments as the uninsured rate falls across the country; and

WHEREAS, Even though New York has fewer uninsured people since enactment of the Affordable Care Act, federal DSH payments remain a key funding source for many hospitals across the state; and

WHEREAS, Congress has delayed the implementation of these federal funding cuts each year since 2014, but they are set to begin October 1, 2019 if no further action is taken by congress to again delay the cuts; and

WHEREAS, If the DSH cuts are not delayed, New York hospitals would lose over \$600 million in federal funds, or 33%; and

WHEREAS, These federal funding cuts would double in size in 2021; and

WHEREAS, Such cuts in federal funding would create dramatic budget shortfalls in many hospitals across New York, jeopardizing the comprehensive system of health care across the state; now therefore,

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls on the New York State Congressional Delegation to once again delay these funding cuts until such time as a sustainable solution for the preservation of this program is reached; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#72

**RESOLUTION NO. 19-510
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

RESOLUTION NUMBER 19-285 AMENDED

WHEREAS, Resolution Number 19-285 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A CONTRACTS WITH CROSS CUT ENTERPRISES, LLC ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on June 11, 2019 for the parking lot pavement project in an amount not to exceed two hundred sixty thousand three hundred seventy dollars and ninety-six cents (\$260,370.96); effective June 12, 2019 through October 15, 2019; now therefore,

BE IT RESOLVED, That *Resolution Number 19-285* be hereby amended as follows:

- ***Change Order Number 1***
 - Increase the contract by an amount not to exceed nine thousand two hundred fifty-three dollars (\$9,253.00)
- ***Change Order Number 2***
 - Increase the contract by an amount not to exceed two thousand sixty dollars (\$2,060.00)
- For a new total contract amount not to exceed two hundred seventy-one thousand six hundred eighty-three dollars and ninety-six cents (\$271,683.96)

All else remains the same.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#73

RESOLUTION NO. 19-511

(November 12, 2019)

By Mr. Brick, Chairman of the Finance Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH AIRGAS USA LLC 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 award bid and sign a contract with *Airgas USA LLC*, 130 Cross Road, Waterford, CT 06385 on behalf of the Wyoming County Community Health System. Said contract is for oxygen cylinder rental and medical bulk oxygen services in an amount not to exceed fifty thousand dollars (\$50,000.00); effective September 26, 2019 through September 26, 2026.

Contingent upon the availability of funds.

Carried: XXX **Ayes:** 1599 **Noes:** **Absent:** **Abstain:**

#74

**RESOLUTION NO. 19-512
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

RESOLUTION NUMBER 19-393 AMENDED

WHEREAS, Resolution Number 19-393 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on September 10, 2019 and provides for various contracts, in part, as follows:

- *Catholic Health*, 144 Genesee Street, 6th Floor, Buffalo, NY 14203 to provide Physician Assistant to assist in providing the orthopaedic services to the Hospital's patients in the Hospital's Orthopaedic Clinic in an amount not to exceed twenty-six thousand dollars (\$26,000.00) per year; effective November 1, 2019 through October 31, 2021 or within sixty (60) days upon the completion of credentialing and obtaining malpractice insurance.

Now therefore,

BE IT RESOLVED, That *Resolution Number 19-393* be hereby amended as follows:

- Change the contract entity name from Catholic Health to *Trinity Medical WNY, P.C.*
- Change the title of the contract from Professional Services Agreement to *Employee Lease Agreement*

All else remains the same.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#75

**RESOLUTION NO. 19-513
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

RESOLUTION NUMBER 17-272 AMENDED

WHEREAS, Resolution Number 17-272 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on June 13, 2017 and provides for various contracts, in part, as follows:

- ***S.C.I. Anesthesia, PLLC***, P.O. Box 718, Victor, NY 14564 to provide professional anesthesia and administrative services of anesthesiologist in amounts not to exceed two hundred twenty-five dollars (\$225.00) per hour for on-site anesthesia services, one hundred seventy-five dollars (\$175.00) per hour for off-site consultation and sixty dollars (\$60.00) per hour for on-site on-call work; effective December 1, 2016 through November 30, 2017;

And,

WHEREAS, That Resolution Number 17-272 was previously amended by this Board of Supervisors on December 12, 2017 by ***Resolution Number 17-538*** to extend the term of the professional anesthesia and administrative services of anesthesiologist agreement for an additional one-year term; effective through ***November 30, 2018***; and

WHEREAS, That Resolution Number 17-272 as previously amended by Resolution Number 17-538 was further amended by this Board of Supervisors on December 11, 2018 by ***Resolution Number 18-577*** to extend the contract expiration date through ***November 30, 2019***; now therefore

BE IT RESOLVED, That ***Resolution Number 17-272*** as previously amended by ***Resolution Number 17-538*** and ***Resolution Number 18-577*** be hereby further amended to extend the term of this contract for an additional one (1) year period through ***November 30, 2020***.

All else remains the same.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#76

**RESOLUTION NO. 19-514
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

RESOLUTION NUMBER 15-004 AMENDED

WHEREAS, Resolution Number 15-004 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on January 2, 2015 and provides for various contracts, in part, as follows:

- ***Surgery Specialists at the River, PLLC***, 5287 South Highway 95, Fort Mohave, AZ 86426 to provide a physician who is board certified or board eligible in the specialty of general surgery (**Ronald Weissenberg, D.O.**) to provide general surgery services at the hospital clinics, NYS Department of Corrections and on-call coverage on a 1:2 basis; effective December 16, 2014 through December 15, 2016:
 - PLLC will provide professional liability insurance covering all professional services.
 - WCCHS to provide office and support services and maintain all physician revenue in the amount of three hundred one thousand nine hundred thirty-eight dollars (\$301,938.00) per year payable twenty-five thousand one hundred sixty-one dollars and sixteen cents (\$25,161.16) per month for performance of services in accordance with this agreement plus up to five thousand dollars (\$5,000.00) based on properly documented receipts for travel and set-up expenses; and

WHEREAS, That Resolution Number 15-004 was previously amended by this Board of Supervisors on December 13, 2016 by ***Resolution Number 16-536*** to extend the contract expiration date through December 15, 2017 and change the administrative office address to 400 North Main Street, Warsaw, NY 14569; and

WHEREAS, That Resolution Number 15-004, as previously amended by Resolution Number 16-536, was further amended by this Board of Supervisors on December 12, 2017 by ***Resolution Number 17-540*** as follows:

- Change address to 124 North Maple Street, Warsaw, NY 14569
- Extend the term of the professional services agreement for an additional one-year; effective through December 15, 2018.
- Increase compensation in an amount not to exceed three hundred ten thousand nine hundred dollars (\$310,900.00 per year.

And,

WHEREAS, That Resolution Number 15-004, as previously amended by Resolution Number 16-536 and Resolution Number 17-540 was further amended by this Board of Supervisors on December 11, 2018 by ***Resolution Number 18-578*** to extend the contract expiration date through ***December 15, 2019***; now therefore

BE IT RESOLVED, That ***Resolution Number 15-004*** as previously amended by ***Resolution Number 16-536, Resolution Number 17-540*** and ***Resolution Number 18-578*** is hereby further amended to extend the term of this contract for an additional one (1) year period; effective ***December 16, 2019 through December 15, 2020***. All else remains the same.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

**RESOLUTION NO. 19-515
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

RESOLUTION NUMBER 18-524 AMENDED

WHEREAS, Resolution Number 18-524 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on November 13, 2018 and provides, in part, for the following contract:

- *University At Buffalo Pathologists, Inc. (UBP)*, a New York University Faculty Practice Corporation, 115 Flint Road, Williamsville, NY 14221 to provide services of a Laboratory Medical Director specializing in Pathology in an amount not to exceed **\$TBD**, effective December 1, 2018 through November 30, 2019.

And

WHEREAS, That Resolution Number 18-524 was previously amended by this Board of Supervisors on January 8, 2019 by *Resolution Number 19-034* to change the effective dates from December 1, 2018 through November 20, 2019 to *January 1, 2019 through December 31, 2019* and to reflect a contract amount not to exceed *one hundred thousand dollars (\$100,000.00)* per year; now therefore

BE IT RESOLVED, That *Resolution Number 18-524* as previously amended by *Resolution Number 19-034* is hereby further amended to extend the term of this contract for an additional one (1) year period; effective *January 1, 2020 through December 31, 2020* (first of two subsequent one-year terms).

All else remains the same.

Carried: XXX **Ayes:** 1599 **Noes:** **Absent:** **Abstain:**

**RESOLUTION NO. 19-516
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

RESOLUTION NUMBER 18-092 AMENDED

WHEREAS, Resolution Number 18-092 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on February 13, 2018 and provides, in part, for the following contract:

- **University at Buffalo Surgeons, Inc.**, 100 High Street, Buffalo, New York 14203 an approved General Surgeon to provide general surgery services at the WCCHS clinic, inpatient, surgery and 24-hour call services for the Hospital's patients seven (7) days per month in an amount not to exceed eight thousand seven hundred eighty-four dollars (\$8,784.00) per month; effective **January 1, 2018 through June 30, 2018**.
 - For the period of **July 1, 2018 through December 31, 2019**, an approved General Surgeon to perform general surgery services at the WCCHS clinic, inpatient, surgery and call services on a 1:2 basis in an amount not to exceed four hundred thirty-one thousand eight hundred seventy-five thousand dollars (\$431,875.00) annually with a three percent (3%) increase effective July 1, 2019 and each year thereafter.
 - Contract also provides for the potential of a fifty dollar (\$50.00) bonus per worked RVU based on exceeding six thousand seven hundred (6,700) Work Relative Value Units (“wRVUs”) in any contract year.

Now therefore

BE IT RESOLVED, That **Resolution Number 18-092** be hereby amended to extend the term of this contract for an additional one (1) year period; effective **January 1, 2020 through December 31, 2020**.

All else remains the same.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#79

**RESOLUTION NO. 19-517
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

SALARY SCHEDULE “P” AND “X” HANDBOOK AMENDMENTS APPROVED

BE IT RESOLVED, That the Salary Schedule “P” and “X” Handbooks are hereby amended to delete the strikethrough text shown below and replaced with the following language, in **bold**, under **JURY DUTY**; effective November 12, 2019:

JURY DUTY

Upon presenting proof of the necessity for the employee to serve jury duty, or to attend court for other than personal matters, a leave of absence with pay shall be granted to all employees by the Department Manager or CEO or Designee. ~~Any juror pay received by the employee, with the exception of mileage payment, shall be turned over to the WCCH Business Office.~~

Employees should advise the Court that the employee will be paid by the employer during their jury duty services

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#80

**RESOLUTION NO. 19-518
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

SEMI-ANNUAL MORTGAGE TAX REPORT

Mr. Brick, Chairman of the Finance Committee, presented the **SEMI-ANNUAL MORTGAGE TAX REPORT** for the period of April 1, 2019 through September 30, 2019 and moved that the Clerk draw warrants on the County Treasurer for the various amounts therein.

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

In accordance with Section 261 of the Tax Law, you are hereby authorized and directed to distribute Mortgage Tax Receipts amounting to **\$381,528.41** to the several tax districts of Wyoming County, in accordance with the report filed with the Clerk of the Board of Supervisors, as follows:

TAX DISTRICTS	MORTGAGE TAX DISTRIBUTED	VILLAGE	TOWN
Arcade	\$69,589.22	\$14,708.15	\$54,881.07
Attica	\$17,277.20	\$3,210.89	\$14,066.31
Bennington	\$38,286.44		\$38,286.44
Castile	\$34,517.64	\$1,989.07	\$30,774.46
Perry Village		\$1,754.11	
Covington	\$12,443.38		\$12,443.38
Eagle	\$44,443.90		\$44,443.90
Gainesville	\$7,189.18	\$232.29	\$6,201.37
Silver Springs Village		\$755.52	
Genesee Falls	\$759.59		\$759.59
Java	\$17,507.44		\$17,507.44
Middlebury	\$10,840.31	\$790.55	\$10,049.76
Orangeville	\$25,138.84		\$25,138.84
Perry	\$21,903.40	\$4,324.17	\$17,579.23
Pike	\$5,126.99		\$5,126.99
Sheldon	\$15,225.06		\$15,225.06
Warsaw	\$25,831.14	\$7,470.82	\$18,360.32
Wethersfield	\$35,448.68		\$35,448.68
Total:		\$35,235.57	\$346,292.84
Grand Totals:	\$381,528.41		

Let This Be Your Warrant for Such Payment: **\$381,528.41** IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Board of Supervisors this 12th day of November 2019.

s/Cheryl J. Ketchum, C

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#81

**RESOLUTION NO. 19-519
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

RESOLUTION CALLING ON THE GOVERNOR AND STATE LEGISLATIVE LEADERS TO PROVIDE COUNTIES WITH PERMANENT LOCAL AUTHORITY OVER THEIR EXISTING SALES TAX RATES

WHEREAS, Counties continue to face significant challenges in balancing their budgets while also meeting the goals of the property tax cap; and

WHEREAS, The two primary revenue sources for counties are the property tax and local sales tax; and

WHEREAS, It is critically important for counties to have confidence and stability in their revenue projections to efficiently and prudently develop their annual operating budgets, as well as to develop and implement long term capital and infrastructure plans; and

WHEREAS, The State has made the property tax cap permanent, therefore limiting a key county revenue in the face of rising costs and service needs in our communities; and

WHEREAS, In recent years, five counties have seen their home rule revenue authority held hostage in unrelated state policy fights, resulting in the temporary lapse of local sales and mortgage recording tax collections; and

WHEREAS, The loss of these revenues caused fiscal stress and budget uncertainty for these counties while increasing pressure on property tax rates, and this threat extends to all counties under the current state sales tax renewal process; and

WHEREAS, Counties, in addition to addressing local quality of life services expected by taxpayers, must also administer and pay for more than 40 state and federal programs that can consume up to 80% of a county's entire budget; and

WHEREAS, Local elected officials rely on their home rule authority to determine what balance of local taxes works best in their community; and

WHEREAS, New York City was granted permanent local authority over their sales tax rate a decade ago, while county requests for the same authority have been repeatedly denied; and

WHEREAS, In the case of sales tax, counties often share the revenues with cities, towns, and villages to help pay for services delivered by these municipalities, or to directly lower the amount of property taxes levied in these jurisdictions; and

WHEREAS, The pass-through of local sales tax revenue from counties to cities, towns, villages and some school districts will likely exceed \$2 billion in 2019; and

WHEREAS, Making existing local sales tax rates permanent still allows for appropriate state legislative review in the future upon any change; and

WHEREAS, Permanent home rule sales tax authority will provide more budget certainty and stability for counties; and

WHEREAS, Permanent home rule sales tax authority at existing rates will reduce administrative expense and duplication of effort to process the necessary paperwork, forms, legislative hearings, filings and notices, resulting in improved government operations and fiscal savings at both the state and local levels; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls upon the Governor and State Legislature to provide parity with New York City by granting permanent home rule sales tax authority to counties at their current tax rates; and be it

FURTHER RESOLVED, Reform the home rule process so it works as efficiently as possible for local taxpayers, eliminates unnecessary and duplicative legislative activity at the state and local level, while retaining state legislative review for future amendments; and be it

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

Carried: XXX

Ayes: 1599

Noes:

Absent:

Abstain:

#82

**RESOLUTION NO. 19-520
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

**RESOLUTION CALLING ON THE STATE OF NEW YORK TO MAKE ALL
MUNICIPALITIES WHOLE THAT HAVE BEEN IMPACTED BY THE STATE AND
SENECA NATION DISPUTE**

WHEREAS, In 2002, the State of New York and the Seneca Nation entered into a compact with a provision that gaming revenue would be shared with the State in return for certain gaming exclusivity rights in Western New York; and

WHEREAS, The State of New York shares with local governments, including 16 counties in Western New York, a portion of revenue they receive from the Seneca Nation; and

WHEREAS, The counties rely on that revenue to maintain infrastructure and provide public safety for all residents as well as provide services needed to help support this growing gaming industry; and

WHEREAS, In 2017, a dispute between the Seneca Nation and the State arose over the language within the compact, leading the Nation to stop revenue sharing payments to the State; and

WHEREAS, Under New York Law, this revenue is first sent to the State of New York, after which the State sends a portion to local governments to support local service costs; and

WHEREAS, The Seneca Nation and the State of New York elected to attempt to resolve this issue through arbitration and, after the long development, this matter is now pending within the U.S. Western District of New York, a process that could take years; and

WHEREAS, This revenue loss amounts to approximately \$50 million annually to the 16 counties in Western New York; and

WHEREAS, To date, this equates to over \$100 million in county funding that is needed to fix roads, support social services, and provide for public health and safety; and

WHEREAS, Municipalities have suffered significant losses, both financial and personal, involving at least one death; and

WHEREAS, The Seneca Nation and the counties of New York have a long history of productive partnerships and respect, and the Nation leaders have recently expressed their desire to continue fiscal support to local governments; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls on the State of New York to immediately make municipalities whole for past and current losses caused by the State's dispute with the Seneca Nation of Indians in order to avoid further catastrophic harm to public safety and county services; and be it

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

Carried: XXX **Ayes:** 1599 **Noes:** **Absent:** **Abstain:**

#83

**RESOLUTION NO. 19-521
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

**RESOLUTION IN OPPOSITION TO STATE LEGISLATIVE PROPOSALS THAT
UNDERMINE THE CAREFUL BALANCE THAT EXISTS IN STATE LAW RELATED
TO THE TAX FORECLOSURE PROCESS IN NEW YORK STATE**

WHEREAS, The current real property tax law process to ensure tax compliance and limit tax foreclosure has been on the books for decades; and

WHEREAS, The real property tax foreclosure process is designed to strike a balance for a strong enforcement mechanism to ensure critical property tax revenues are protected in order to provide vital state mandated and local services in our communities, while providing property owners important alternatives and additional time to make payments to avoid foreclosure; and

WHEREAS, A recent state legislative initiative proposed to eliminate certain tax enforcement fees and penalties, allow for varying interest rates in tax delinquencies, and eliminate the current law "reverse chronological order" of satisfying tax liens; and

WHEREAS, Reducing these fee, penalty and interest tax enforcement measures will likely reduce the effectiveness and balance of the current system, and sow confusion among taxpayers across the state; and

WHEREAS, Eliminating the current law "reverse chronological order" provisions will allow property owners to potentially abuse the system and remain perpetually in arrears on multiple years of their property taxes, significantly damaging tax compliance; and

WHEREAS, Reduced tax compliance will jeopardize the delivery of critical state and local services in the community, and will unfairly shift the burden of these unpaid property taxes to other property owners; and

WHEREAS, County government is the primary governmental unit, along with some cities and other municipalities, charged by the State with ensuring real property tax law compliance and enforcement at the local level; and

WHEREAS, Under this charge, counties are required to fully reimburse all school districts and most towns and villages for any property taxes they cannot collect in the first instance, which often requires counties to borrow tens of millions of dollars annually while tax recoupment is commenced, all with the primary goal of ensuring fairness for taxpayers and avoiding tax foreclosure; and

WHEREAS, The real property law provides an extensive notification process for property owners that fall into arrears to help them understand what is happening and their options; and

WHEREAS, The real property tax law also allows installment payment plans for up to 24 months for tax delinquency to ease the burden (and legislation passed the legislature this year to allow up to 36 months), and provides special allowances for farm property and military personnel - combined, these items can prevent tax foreclosure or extend the timeline for several years; and

WHEREAS, While many counties use these statutory allowances to ease the tax foreclosure process and burden, they also provide additional help including:

- Allowing partial payments for the initial property taxes due to ease the payment burden;
- Encouraging property owners to seek legal advice and other options so they can retain their property;
- Engaging family members, especially for senior citizens, to allow for these relatives to receive duplicate copies of property tax bills, delinquency notices and other real property items;
- Guiding property owners to local and state programs that may offer them assistance to clear up their delinquent taxes;

- Allowing property owners to repurchase their property in cases of tax foreclosure, under specified timelines and parameters, among other help.

Now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors opposes state legislation that can undermine the careful balance that exists in state law related to the tax foreclosure process in New York State; and be it

FURTHER RESOLVED, Counties are especially concerned of the unintended consequences this legislation will cause by eliminating the current law reverse chronological order for paying tax liens, which would allow taxpayers to delay paying their property taxes for years, shifting the burden to their neighbors, and jeopardizing the delivery of state and local services; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#84

**RESOLUTION NO. 19-522
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

COUNTY INVESTMENT POLICY AMENDMENT APPROVED

BE IT RESOLVED, That the County Investment Policy is hereby amended by adding “**NYCLASS**” as an authorized depository under **DESIGNATION OF DEPOSITARIES** as noted below in bold text; effective November 12, 2019:

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 Officer</u>
Five Star Bank	\$20,000,000.00
Tompkins Bank of Castile	\$20,000,000.00
M & T Bank	\$20,000,000.00
Steuben Trust Company	\$20,000,000.00
JP Morgan Chase	\$10,000,000.00
Key Bank	\$10,000,000.00
NYClass	\$30,000,000.00

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

**RESOLUTION NO. 19-523
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

2020 TOWN BALANCES APPROVED

BE IT RESOLVED, That the statement of the County Treasurer as to TOWN BALANCES is hereby accepted; and be it

FURTHER RESOLVED, That the Clerk of the Board is hereby directed to credit or charge the amounts stated to the 2020 Tax Rolls of the respective towns:

TOWN	TOTAL
Arcade	\$0
Attica	\$0
Bennington	\$0
Castile	\$0
Covington	\$246.55
Eagle	\$250.21
Gainesville	\$1,042.65
Genesee Falls	\$0
Java	\$0
Middlebury	\$232.95
Orangeville	\$0
Perry	\$0
Pike	\$0
Sheldon	\$0
Warsaw	\$0
Wethersfield	\$0
TOTAL	\$1,772.36

Dated: November 5, 2019

Cheryl D. Mayer
Wyoming County Treasurer

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

**RESOLUTION NO. 19-524
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

**RESOLUTION SUPPORTING THE ESTABLISHMENT OF A COMMUNITY COLLEGE
FUNDING FLOOR WITH BASE STATE AID FORMULA FOR FISCAL YEAR**

2020 AND BEYOND

WHEREAS, Community colleges serve as economic engines that provide a trained workforce and educated citizenry for the State of New York and the local communities in which they are located; and

WHEREAS, Community colleges are anchor institutions that help keep their communities strong and vibrant by serving as major employers, community hubs, and social centers; and

WHEREAS, Community colleges are the primary catalyst to the middle class by serving more low-income students than any other sector of higher education; and

WHEREAS, Community colleges anticipate and respond to the emerging needs of their local communities and remain the most adaptable sector of higher education; and

WHEREAS, Community colleges serve nearly half of all undergraduates enrolled in the SUNY system, along with nearly as many life-long learners through non-credit classes; and

WHEREAS, A level of predictability in State funding is essential to provide community colleges the ability to plan and budget accordingly and recognizes each college's annual fixed costs; and

WHEREAS, The language from the FY 2019 State Budget that provided 98% of the previous year's funding or \$100 increase per FTE, whichever is greater, was a step in the right in the direction and appreciated; and

WHEREAS, The funding floor should be set in State statute at 100% of the previous year or \$100 increase per FTE, whichever is greater; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors urges that New York State Governor and Legislature to change the base state aid formula allocation for each community college to be permanently set at 100% of the previous year or \$100 increase per FTE, whichever is more; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#87

**RESOLUTION NO. 19-525
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

**RESOLUTION CALLING ON THE GOVERNOR AND LEGISLATURE TO UPDATE
NEW YORK'S HISTORIC COUNTY/NEW YORK CITY MEDICAID CAP BY**

LOWERING THE STATE STATUTORY CAP FOR EACH COUNTY AND NEW YORK CITY TO REFLECT THE ANNUAL SAVINGS CURRENTLY PROVIDED UNDER THE AFFORDABLE CARE ACT

WHEREAS, The Affordable Care Act was signed into law in 2010 and included a myriad of changes to the U.S. healthcare system; and

WHEREAS, A key change was the expansion of Medicaid eligibility to a larger share of the population; and

WHEREAS, The expansion of Medicaid included enhanced federal funding for certain eligible populations under the new law up to 90% of such costs; and

WHEREAS, The expansion provided savings for states and counties that had already covered these populations and under the law these federal savings were jointly shared with localities; and

WHEREAS, In New York, these federal savings were provided to counties net of the County Medicaid Caps enacted under state law in 2012; and

WHEREAS, Today, county Medicaid costs are, on average, about 6.6% below the state statutory caps due to the enhanced federal matching rates provided under the Affordable Care Act; and

WHEREAS, The state-imposed cap on county Medicaid costs, combined with the additional savings provided under the Affordable Care Act have allowed counties to reduce pressure on local tax levies and rates; and

WHEREAS, The Affordable Care Act continues to be challenged by the President, members of congress and some states, including through litigation; and

WHEREAS, A recent court ruling has declared the entire Affordable Care Act invalid and the ruling is being appealed; and

WHEREAS, Other legal, administrative, and statutory efforts continue to be pursued to undermine the law; and

WHEREAS, If the law is repealed or weakened further it could jeopardize the significant savings local taxpayers have been provided; and

WHEREAS, It is estimated that to replace the fiscal benefit lost from the enhanced federal match it would require counties and New York City to generate nearly \$600 million annually in additional local revenues; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls on the Governor and Legislature to lower each counties' state Medicaid statutory cap to reflect the current fiscal benefit provided by the enhanced federal match under the Affordable Care Act as an insurance policy to protect against a worst case scenario for local taxpayers from federal statutory, legal and administrative efforts to weaken or repeal the law; and be it

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

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#88

**RESOLUTION NO. 19-526
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

2020 EQUALIZATION TABLE PRESENTED AND TABLED

BE IT RESOLVED, That the 2020 Equalization Table is hereby presented; and be it

FURTHER RESOLVED, That its adoption be tabled for at least one (1) day.

2020 EQUALIZATION TABLE

Advisory Equaliz Rates	TOWN	Taxable Assessed Value with Partial Exemptions Added	Full Value At State Rates	% of Co. Tax to be paid by Each Town	Taxable Assessed Value
90.50%	ARCADE	228,077,130	252,018,928	0.103281064	228,070,780
96.00%	ATTICA	190,066,354	197,985,785	0.081137487	190,055,954
41.00%	BENNINGTON	116,892,834	285,104,473	0.116840007	116,877,805
100.00%	CASTILE	293,213,276	293,213,276	0.120163114	293,187,226
100.00%	COVINGTON	82,361,955	82,361,955	0.033753141	82,361,455
100.00%	EAGLE	67,473,291	67,473,291	0.027651547	67,460,991
98.00%	GAINESVILLE	103,687,681	105,803,756	0.043359936	103,687,681
99.00%	GENESEE FALLS	30,368,963	30,675,720	0.012571361	30,367,163
100.00%	JAVA	156,766,764	156,766,764	0.064245326	156,763,764
93.00%	MIDDLEBURY	91,820,272	98,731,475	0.040461611	91,812,872
100.00%	ORANGEVILLE	103,070,572	103,070,572	0.042239837	103,070,572
100.00%	PERRY	223,129,765	223,129,765	0.091441860	223,112,065
100.00%	PIKE	59,138,105	59,138,105	0.024235665	59,138,105
100.00%	SHELDON	172,960,573	172,960,573	0.070881787	172,952,473
97.00%	WARSAW	243,648,231	251,183,743	0.102938793	243,645,231
100.00%	WETHERSFIELD	60,508,965	60,508,965	0.024797464	60,502,665
	TOTALS	2,223,184,731	2,440,127,148	1.000000000	2,223,066,802

FINANCE COMMITTEE

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

1-Nov-19

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#89

RESOLUTION NO. 19-527
(November 12, 2019)

By Mr. Brick, Chairman of the Finance Committee:

**DATE OF PUBLIC HEARING FOR THE CONSIDERATION OF THE 2020
TENTATIVE COUNTY BUDGET SET**

BE IT RESOLVED, That a Public Hearing upon the Tentative Budget of the County for the fiscal year and calendar year 2020 will be held in the Supervisors' Chambers at the Wyoming County Government Center, 143 North Main Street, in the Village of Warsaw, NY 14569, on ***Tuesday, December 3, 2019 at 11:00 AM*** and that copies of that tentative County Budget will be available at the Public Hearing and after 4:00 P.M. on November 14, 2019, in accordance with Section 354(2) of the County Law of this State, at the Office of the Clerk of the Board of Supervisors; and be it

FURTHER RESOLVED, That the Clerk of this Board is hereby directed to publish a notice of said public hearing in the official newspapers published in the County of Wyoming, in accordance with the provisions of Section 359 of the County Law of this State; and be it

FURTHER RESOLVED, That, with the approval of the Finance Committee, the Rules of Procedure shall be suspended for that day only, to allow resolutions to be accepted until 10:00 A.M. on November 28, 2019.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain: #90

RESOLUTION NO. 19-528
(November 12, 2019)

By Mr. Brick, Chairman of the Finance Committee:

2020 RECYCLING FEES LEVIED

BE IT RESOLVED, That the Clerk of this Board is hereby authorized and directed to levy fees on behalf of Towns and the County for the year 2020 as indicated in the amount of ***\$2,480,683.13 (two million four hundred eighty thousand six hundred eighty-three dollars and thirteen cents)*** as indicated on the January Town and County tax bill and any other outstanding fees for services rendered:

Municipality	Recycle	Unit	Cost per Unit	Total
Bennington	Seasonal Garbage	42	\$ 125.36	\$ 5,265.12
	Year-Round Garbage	1,352	\$ 250.71	\$ 338,959.92
Castile	Seasonal Garbage	217	\$ 125.36	\$ 27,203.12
	Year-Round Garbage	1,229	\$ 250.71	\$ 308,122.59
Gainesville	Seasonal Garbage	18	\$ 125.36	\$ 2,256.48
	Year-Round Garbage	806	\$ 250.71	\$ 202,072.26
Genesee Falls	Seasonal Garbage	11	\$ 125.36	\$ 1,378.96
	Year-Round Garbage	188	\$ 250.71	\$ 47,133.48
Middlebury	Seasonal Garbage	8	\$ 125.36	\$ 1,002.88
	Year-Round Garbage	581	\$ 250.71	\$ 145,662.51
Orangeville	Seasonal Garbage	37	\$ 125.36	\$ 4,638.32
	Year-Round Garbage	489	\$ 250.71	\$ 122,597.19
Perry	Seasonal Garbage	7	\$ 125.36	\$ 877.52
	Year-Round Garbage	1,827	\$ 250.71	\$ 458,047.17
Pike	Seasonal Garbage	21	\$ 125.36	\$ 2,632.56
	Year-Round Garbage	413	\$ 250.71	\$ 103,543.23
Sheldon	Seasonal Garbage	12	\$ 125.36	\$ 1,504.32
	Year-Round Garbage	882	\$ 250.71	\$ 221,126.22
Warsaw	Seasonal Garbage	9	\$ 125.36	\$ 1,128.24
	Year-Round Garbage	1,810	\$ 250.71	\$ 453,785.10
Wethersfield	Seasonal Garbage	56	\$ 125.36	\$ 7,020.16
	Year-Round Garbage	318	\$ 250.71	\$ 79,725.78
	Town Subsidy			\$ (55,000.00)

\$ 2,480,683.13 levy to the towns

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#91

**RESOLUTION NO. 19-529
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

JANIS COOK REAPPOINTED COUNTY AUDITOR

BE IT RESOLVED, That *Janis Cook*, 3459 Truesdell Road, Warsaw, NY 14569 is hereby reappointed County Auditor for a one (1) year term; effective January 1, 2020 through December 31, 2020.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#92

**RESOLUTION NO. 19-530
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

POSITION(S) APPROVED

BE IT RESOLVED, That the following positions are hereby created, amended, extended modified, reassigned, abolished and/or reclassified in the following Wyoming County Departments:

CREATED:

Social Services

- One (1) position of *Social Services Program Specialist* (1.0 FTE) on CSEA Schedule A, Job Grade 8 at \$18.29/hr.-\$21.16/hr.; position available date is November 13, 2019.

Zoning Department

- One (1) position of *Keyboard Specialist* (1.0 FTE) on CSEA Schedule A, Job Grade 2 at \$15.89/hr. - \$17.35/hr.; position available date is November 13, 2019.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#93

**RESOLUTION NO. 19-531
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

RESOLUTION NUMBER 19-357 AMENDED

WHEREAS, Resolution Number 19-357 entitled, **“SALARY SCHEDULES “S” AND “G” AMENDED,”** passed by this Board of Supervisors on August 13, 2019 and provides for various salary schedule amendments, in part, as follows:

Salary Schedule “G”:

District Attorney

- Set one-time stipends plus corresponding fringes to the following:
 - Assistant District Attorney (2nd) \$5,000.00
 - Administrative Assistant (DA) \$10,000.00
 - Secretary to the District Attorney \$10,000.00
 - Principal Account Clerk (Treas. Office/A. Green) \$2,250.00
 - Said funds to be paid out November 2019
 - Said amounts are the annual budgeted stipends provided through 1161 (Traffic Diversion)

Now therefore,

BE IT RESOLVED, That *Resolution Number 19-357* be hereby amended to correct the one-time stipends plus corresponding fringes as follows:

- Administrative Assistant (DA) \$11,200.00
- Secretary to the District Attorney \$11,200.00

All else remains the same.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

At the conclusion of the reading of the Finance resolutions and prior to the roll call vote, Chairman Berwanger explained that the majority of the resolutions presented today are as a result of the Fall NYSAC Conference. Counties are encouraged to adopt the resolutions approved during the NYSAC business meeting in order to provide state representatives with a united front by counties.

Prior to the presentation of the next resolution Supervisor Brick, T/Perry who also serves as Chairman of the County Compensation committee explained the first time following the new process. He explained that some requests generated much deliberation and although the process isn't perfect he was happy with the results...

Supervisor Leuer, T/Middlebury also commented. He shared that the committee was not in full agreement but the local law does represent a consensus of the committee. He then asked the County Attorney to explain the process for a Permissive Referendum.

**Public Comment:
None heard**

Motion to close the Public Hearing was made by Supervisor Hastings, T/Eagle. Seconded by Supervisor May, T/Orangeville. Carried.

**Local Law
#94**

**RESOLUTION NO. 19-532
(November 12, 2019)**

By Mr. Brick, Chairman of the Finance Committee:

**LOCAL LAW NO. 4 (INTRODUCTORY C, YEAR 2019) ~ YEAR 2019,
"County of Wyoming, Providing Salaries for Certain County Officers for the Year 2020"
ADOPTED**

WHEREAS, There was duly presented and introduced at a meeting of this Board, held on the 8th day of October, 2019, a proposed local law of the County, designated as Local Law Introductory No. C, for the year 2019, entitled, "*County of Wyoming, Providing Salaries for Certain County Officers for the Year 2020*"; and

WHEREAS, In accordance with the provisions of Resolution Number 19-437 there was a public hearing held by this Board of Supervisors on this 12th day of November, 2019, at 2:30 PM, after due notices of said hearing having been posted and published according to the law and said resolution; and

WHEREAS, After holding said public hearing, and the said local law having laid on the desks of the members of this Board of Supervisors at least seven (7) days prior to the final

adoption, a majority of this Committee agreed to recommend the enactment and passage of the above- mentioned local law, designated as herein above set forth; now therefore

BE IT ENACTED, That Local Law 4, Year 2019, County of Wyoming, New York, as presented to this Board on the 8th day of October 2019, is hereby adopted, in its original form, as follows:

LOCAL LAW NO. 4 ~ YEAR 2019

County of Wyoming, Providing Salaries for Certain County Officers for the year 2020

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

- Section 1. Effective as hereafter provided, the annual wage equivalent for the *Commissioners of Election* shall be increased by **\$525.00** for a new annual salary of **\$16,485.00**.
- Section 2. Effective as hereafter provided, the annual salary for the *Clerk to the Board of Supervisors* shall be increased by **\$7,126.00** for a new annual salary of **\$72,262.00**.
- Section 3. Effective as hereafter provided, the annual salary for the *County Attorney* shall be increased by **\$1,581.00** for a new annual salary of **\$64,820.00**.
- Section 4. Effective as hereafter provided, the annual salary for the *County Highway Superintendent* shall be increased by **\$2,336.00** for a new annual salary of **\$95,796.00**.
- Section 5. Effective as hereafter provided, the annual salary for the *Public Defender* shall be increased by **\$1,532.00** for a new annual salary of **\$62,813.00**.
- Section 6. Effective as hereafter provided, the annual salary for the *Commissioner of Public Health* shall be increased by **\$2,048.00** for a new annual salary of **\$83,952.00**.
- Section 7. Effective as hereafter provided, the annual salary for the *Director of Real Property Tax Services* shall be increased by **\$1,710.00** for a new annual salary of **\$70,107.00**.
- Section 8. Effective as hereafter provided, the annual salary for the *Commissioner of Social Services* shall be increased by **\$1,760.00** for a new annual salary of **\$72,140.00**.
- Section 9. Effective as hereafter provided, the annual salary for the *Director of Veteran Services* shall be increased by **\$1,135.00** for a new annual salary of **\$46,525.00**.
- Section 10. Effective as hereafter provided, the annual salary for the *County Clerk* shall be increased by **\$9,239.00** for a new annual salary of **\$74,239.00**.

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