

REGULAR SESSION
(August 15, 2023)

Tuesday

2:00 PM

The regular session of the Wyoming County Board of Supervisors was held in the Youth Building of the Wyoming County Fairgrounds, Pike, New York with all Supervisors present. Also present were Assistant County Attorney Jennifer Nunnery, Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Lisa Perez. The board meeting was open to the public.

CALL TO ORDER ~

At 2:01 PM Chairwoman Ryan, T/Warsaw, called the meeting to order.

ACKNOWLEDGEMENT OF COLORS ~

- *By Dedicated Retired Veterans of Wyoming County*

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

MM3 James Jarnot

Mr. Jarnot was born in Buffalo and raised in Cheektowaga, where he graduated in 1981 from Cheektowaga High School. Shortly thereafter, he enlisted in the Navy and arrived at Great Lakes, Illinois for boot camp. After successful completion of boot camp, Mr. Jarnot was assigned to the USS Jouett CG-29 stationed in San Diego, California.

During his time in the Navy, Sergeant Jarnot completed missions in the South Pacific, including Japan, Thailand and Pearl Harbor. MM3 Jarnot also participated in operations off the Iranian coast with the USS Enterprise battle group. On Mr. Jarnot's voyage to the Middle East, he sailed from Japan to Beirut with his brother on board, which pleasantly surprised him because brothers typically cannot travel together due to the Sullivan tragedy in World War II. He also completed missions in the Indian Ocean and Persian Gulf with the USS New Jersey BB-62 after its recommissioning in 1983.



Mr. Jarnot was honorably discharged in 1985 and served for two additional years in the Naval Reserves, until 1987, where he ended his military time as a Class I-III Main Control Engine Room Supervisor. For his valor and courageous service to his country, Sergeant Jarnot was awarded the:

- Battle "E" Ribbon
- Sea Service Deployment Ribbon with one Bronze Star

Upon discharge, Mr. Jarnot began tending bar which is where he saw an advertisement that a local printing company was hiring. He accepted a position working on their docks and with his strong work ethic and grit, Mr. Jarnot rose to become the plant manager. In 2002, in addition to his plant manager duties, he accepted a part-time Corrections Officer position at our county jail. In 2008, he left the printing company to become a full-time corrections officer where he has been ever since. One of his favorite parts of being a CO is talking with the younger prisoners in the hopes his words help them to turn their lives around.

Mr. Jarnot has been married to his wife Debbie since 2000 and together they have two daughters, Melissa, who is a PA for the Rochester Regional Health System and Nicole, who is a welder. His hobbies include hunting, riding motorcycle, camping and husbandry. An honest, hardworking veteran like Mr. Jarnot, personifies the integrity and grit that so many proud Wyoming County residents possess.

The pledge was said by all.

Chairwoman Ryan presented the customary certificate of appreciation to Mr. Jarnot. Mr. Jarnot was offered an opportunity to address the board and said he was humbled and very much appreciated it.

Chairwoman Ryan read "This Day in History - William Brewster of the Mayflower". Wyoming County resident, Veteran and American Legionnaire Charla Fisher is an actual descendant of Mr. Brewster through her mother's side, she is the granddaughter, 12 generations removed.

OPENING PRAYER ~

- *Rev. Mack Bixby*

Chairwoman Ryan, T/Warsaw asked Veterans Services Director Solina to present the American Legion award to Mr. Jarnot recognizing him as the Corrections Officer of the Year.

#1

RESOLUTION NO. 23-399 (August 15, 2023)

By Mr. Becker, Chairman of the Agriculture Committee:

WYOMING COUNTY FAIR WEEK PROCLAIMED

WHEREAS, The 2023 Wyoming County Fair will be held from August 12th through August 19th, 2023 in the Town of Pike, Wyoming County, State of New York; and

WHEREAS, The Wyoming County Fair is a fabulous opportunity for residents and visitors of Wyoming County to experience and enjoy the many exhibits, programs and demonstrations the Fair has to offer; and

WHEREAS, The Fair is also one of the favorite locations of the 4-H Youth Development Program which provides an opportunity for the youth in Wyoming County to gain

invaluable life skills through development of their own projects and participation in club-based activities that help them grow in character, commitment, community service and responsibility; and

WHEREAS, The Fair’s theme for 2023 is “*Blue Jeans and Country Dreams*”; and

WHEREAS, The purpose of the Fair focuses on all families, particularly the farm family, agriculture, horticulture, domestic arts and allied sciences through educational instruction display and competition; and

WHEREAS, The Wyoming County Fair is truly a showcase for our farmers, artisans of all types and the youth of the entire County; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby proclaim the week of August 12th through August 19th in the year 2023 as “**WYOMING COUNTY FAIR WEEK**”; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors does hereby recognize and applaud the untiring efforts of the Wyoming County Fair Association that makes this event a huge success, year after year.

Carried: XXX Ayes: 201 Noes: Absent: Abstain:

Supervisor Becker, T/Sheldon read the proclamation and presented a Certificate of Recognition to Fair Queen, Annetta Owens from the Town of Pike. She was crowned Monday night and sponsored by the Charcoal Corral.

Wyoming County Fair General Superintendent and Town of Eagle Supervisor, Michael Roche provided a Fair update.

Chairwoman Ryan introduced the following guests and provided each an opportunity to address the board:

- Western New York Regional Director *George NcNerney* provided an update from Washington on behalf of Congresswoman Claudia Tenney. He also presented Queen Annetta with a certificate of recognition.
- New York State Senator *George Borrello* from the 57th District provided an update from Albany as the ranking member of the Senate Agriculture Committee. He also presented Queen Annetta with a certificate of recognition.
- New York State Assemblywoman *Marjorie Byrnes* from the 133rd District which includes Perry gave an update from the New York State Assembly.

Chairwoman Ryan recognized the following Wyoming County elected officials:

- Sheriff Linder
- District Attorney O’Geen
- Clerk Pierce

- Treasurer LaWall

Chairwoman Ryan asked 4-H Educator Holly Harwood to join her in recognizing the following individuals that represented Wyoming County and New York State at the National 4-H Shooting Sports Championship in Grand Island, Nebraska June 26 – 30, 2023. Ms. Harwood deferred to Mr. Nathan Paddock, Program Volunteer for the Shooting Sports Group.

Mr. Paddock thanked the board for supporting Cooperative Extension and acknowledged the financial support received from Veterans Services and the American Legion. Every person from New York State that got an award was from Wyoming County!

- Katelyn Hardie, Wyoming
- Abigail Paddock, Perry
- Katelyn Green, Alexander
- Blake Siewert, Perry
- Caleb Spicer, Pavilion

Western New York Regional Director George Mc Nerney and Senator Borrello also presented each with a certificate.

COMMUNICATIONS ~

- None

#2

**RESOLUTION NO. 23-400
(August 15, 2023)**

By Mr. Kehl, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2023 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2023 accounts as follows:

Social Services			
From: 016119.542253 Child Care	\$50,000.00		
To: 016070.542247 Service to Recipient-Contract Other		\$50,000.00	
Reason: To cover unanticipated overuse of the federal grant ESGCV Covid.			
Social Services Total			\$50,000.00

Carried: XXX Ayes: 201 Noes: Absent: Abstain:

#3

**RESOLUTION NO. 23-401
(August 15, 2023)**

By Mr. Kehl, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2023 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2023 accounts as follows:

Social Services			
To: 016070.542247 Service to Recipient- Contract Other w/01601005.446890-CO19 Federal Grant (ESGCV) Reason: To cover expenditures for ESCGV Grant.	\$20,165.10	\$20,165.10	
Social Services Total			\$20,165.10
Sheriff			
To: 013110.520002 IT/Communication w/01311018.443890.SHERG Fed. Traffic Aid Reason: To appropriate awarded FY2018 Edward Byrne Memorial Justice Assistance Grant funds.	\$70,000.00	\$70,000.00	
Sheriff Total			\$70,000.00

Carried: XXX **Ayes:** 201 **Noes:** **Absent:** **Abstain:**
Non-Consent
#4

RESOLUTION NO. 23-402
(August 15, 2023)

By Mr. Kehl, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2023 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2023 accounts as follows:

County Attorney			
To: 011420.540902 Legal Services w/ <i>any funds available</i> Reason: To pay Sokoloff Stern, LLP as vouchered.	\$10,000.00	\$10,000.00	
County Attorney Total			\$10,000.00

Carried: XXX **Ayes:** 138 **Noes:** 22 (Arcade) **Absent:** **Abstain:**
15 (Castile)
6 (Eagle)
11 (Gainesville)
2 (Genesee Falls)
7 (Middlebury)
63 Total
Non-Consent
#5

RESOLUTION NO. 23-403
(August 15, 2023)

By Mr. Kehl, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2023 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2023 accounts as follows:

County Attorney			
To: 011420.540902 Legal Services w/ <i>any funds available</i>	\$30,000.00	\$30,000.00	
Reason: To pay Webster Szanyi, LLP as vouchered.			
County Attorney Total			\$30,000.00

Supervisor Brick, T/Perry stated this is non-consent because not everyone on the committee agreed with this. The decision was made by a different board.

Supervisor Leuer, T/Middlebury further clarified this voucher is to pay for the cost of the litigation concerning Dr. Mason’s defamation lawsuit and breach of contract. He opposed the termination of Dr. Mason and opposes this as well.

Supervisor King, T/Pike stated she would be voting yes as it is the County’s responsibility, no matter what lawsuit it is faced with, to protect the taxpayers.

Supervisor Gozelski, T/Castile said he would vote no because the decision to terminate Dr. Mason was made without any thought.

Supervisors McCormick, T/Java said whether you agree or not with Dr. Mason’s termination, the board has the responsibility to protect the pocketbook of the taxpayer.

Supervisor Gozelski, T/Castile restated his above position.

Supervisor Kehl, T/Attica said he supported the hospital Board of Managers decision and he has not forgotten his oath of office to protect the citizens of this county, he would be voting yes.

*Mr. Jacoby, T/Wethersfield, Chair of the Audit Committee, presented the approved payment of bills totaling **\$12,429,595.91** for the month of **July 2023**. No further action is required.*

Carried: XXX **Ayes:** 112 **Noes:** 22 (Arcade) **Absent:** **Abstain:**
15 (Castile)
6 (Eagle)
11 (Gainesville)
2 (Genesee Falls)
7 (Middlebury)
26 (Perry)
89 Total

There was a motion by Mrs. King, T/Pike, to withdraw resolution #6 and read resolution #7 only. Hearing no objection, the resolution title only was read.

#6

**RESOLUTION NO. 23-
(August 15, 2023)**

By Mrs. King, Chairman of the Human Resource Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH _____ ON
BEHALF OF THE COUNTY ATTORNEY**

Withdrawn

BE IT RESOLVED, That the Chairman of this Board, pursuant to General Municipal Law §164(b) and with the approval of the County Attorney, is hereby authorized and directed to sign a contract with *OUTSIDE COUNSEL* on behalf of the County Attorney. Said contract is for legal services in connection with the investigation and commencement of any and all litigation to enjoin implementation and enforcement of the 2023 modification and amendment of New York Racing, Pari-Mutuel Wagering and Breeding Law §502 in an initial retainer of \$5,000.00, total amount dependent upon services provided; effective _____, 2023 through closing of the financing. Contingent upon the availability of funds. (*Munis #XXX*)

Carried: **Ayes:** **Noes:** **Absent:** **Abstain:** #7

**RESOLUTION NO. 23-404
(August 15, 2023)**

By Mrs. King, Chairman of the Human Resource Committee:

**WYOMING COUNTY DONATION OF BENEFIT TIME POLICY APPROVED AND
ADOPTED**

BE IT RESOLVED, That the *Wyoming County Donation of Benefit Time Policy* is hereby approved and adopted as annexed hereto and supersedes all prior approved versions; effective August 16, 2023.

Carried: XXX **Ayes:** 201 **Noes:** **Absent:** **Abstain:**

**Wyoming County
ADMINISTRATIVE POLICY AND PROCEDURE**

Effective Date: 1/22/96 Reviewed Date: 2/1/01, 1/24/05, 11/19/08, 4/18/22, 08/16/23	Reviewed by: (Individuals/Committees) Daniel Farberman	Department Name: Human Resources
Date Developed: 01/22/1996	Department Head's Signature:	Supersedes: All Prior

Department Senior Manager's Signature:	Prepared By: Human Resources	Reference:
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Donation of Benefit Time

POLICY:

Procedure for Wyoming County employees to voluntarily donate benefit time to another Wyoming County employee with a serious health condition or a dependent with a serious health condition.

PURPOSE:

To provide Wyoming County employees a means of donating benefit time to co-workers on a voluntary basis for a serious illness as defined by the FMLA.

ELIGIBILITY:

In order to receive donated benefit time, an employee must be in a position that is 0.6 FTE or greater, have a zero or negative benefit balance, and have a serious health condition or a dependent with a serious health condition, as defined by the FMLA, even if the employee is under the threshold to qualify for the FMLA.

PROCEDURE:

- 1) A written request must be submitted to the department head on behalf of the employee seeking the donation of benefit time.
- 2) The department head must then send the submitted request to the Human Resources Director for review and approval, based on the above eligibility requirements.
- 3) If the request is approved, the Human Resources Department will generate a donation form for employees wishing to donate time to utilize. Employees may only donate vacation time. Donated vacation time will under no circumstances be re-paid to the employee making the donation.
- 4) Upon receipt of a signed benefit time donation form, the designated hours of benefit time will be deducted from the donating employee's vacation totals and made available to the employee who requested the donation.
- 5) Unused donated benefit time shall not be intermingled with the requesting employee's accrued vacation bank and will only be available for use to receive pay during leave of absence for an FMLA protected purpose.
- 6) The donated benefit time will be allocated each pay period based on the requesting employee's FTE status until the employee has returned to work or the donated benefit time has been exhausted.
- 7) If further donations are needed, another request may be presented to the County Human Resources Director for further consideration in accordance with this policy.
- 8) A copy of all donation forms shall be maintained by the Human Resources Department.
- 9) This benefit donation shall be available only to employees on Schedules C, D, S, and E and to employees represented by the CSEA.

10) Once an employee has exhausted all of their accruals and/or does not meet the maximum requested hours in the donation of benefit time request, the process is considered complete for the previously approved occurrence.

11) An employee denied a donation of benefit time request by the Human Resources Director may appeal this decision to the Human Resources Committee of the Board of Supervisors

There was a motion by Ms. Grant, T/Bennington, to combine resolutions #8 and #9. Hearing no objection, resolution titles only were read.

#8

**RESOLUTION NO. 23-405
(August 15, 2023)**

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

CHAIRMAN/COMMISSIONER OF SOCIAL SERVICES AUTHORIZED TO SIGN A WELFARE MANAGEMENT SYSTEM CONTRACT WITH H. E. TURNER AND COMPANY, INC. 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 welfare management system contract with *H. E. Turner and Company, Inc.*, 403 East Main Street, Batavia, NY 14020 on behalf of the Department of Social Services. Said contract to provide funeral service payments for indigents in a variable amount depending upon services provided; effective June 1, 2023 through December 31, 2027. Contingent upon the availability of funds. (*Munis #N/A*)

Carried: XXX Ayes: 201 Noes: Absent: Abstain:

#9

**RESOLUTION NO. 23-406
(August 15, 2023)**

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

CHILD SUPPORT AWARENESS MONTH PROCLAIMED

WHEREAS, Our children are our most precious and valuable resource and by investing in them, we secure a future of hope and opportunity for us all; and

WHEREAS, The welfare of our children is the most important responsibility we have as parents and a child should be able to rely on parental support; and

WHEREAS, Children who receive adequate emotional and financial support from both parents may experience less difficulty in becoming healthy, happy and productive citizens; and

WHEREAS, Prior to 1975, child support enforcement was primarily accomplished in the private sector through civil actions by private attorneys; and

WHEREAS, The public sector of Child Support Enforcement was established in 1975 under Title IV-D of the Social Security Act, making child support enforcement a joint federal, state and local partnership in order to ensure that children are financially supported by both parents. In addition to the efforts made by the public sector, private attorneys will continue to play an active role in child support enforcement; and

WHEREAS, Concerned and dedicated child support workers, clerks of the court, county attorneys, support magistrates, judges and deputy sheriffs throughout the County work diligently to establish and enforce child support obligations for the benefit of children in Wyoming County; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby proclaim August 2023 as **CHILD SUPPORT AWARENESS MONTH** in Wyoming County.

Carried: XXX Ayes: 201 Noes: Absent: Abstain:

Chairwoman Ryan, T/Warsaw asked Supervisor Grant, T/Bennington to come to the podium for the reading of the proclamation. Supervisor Grant requested Commissioner Barber join her. Commissioner Barber explained there have been many changes in the Department. She introduced Janelle Koson as the new Child Support Collection Unit Director.

Ms. Koson stated they are currently at 1,564 active child support cases and rank above the state average across all performance measures. Year to date collection is \$2.6 million dollars.

Commissioner Barber recognized Attorney Brian Degnan as part of the department and the work he does on their behalf.

#10

**RESOLUTION NO. 23-407
(August 15, 2023)**

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

**CHAIRMAN/COMMISSIONER OF HEALTH AUTHORIZED TO SIGN A CONTRACT
WITH WYOMING COUNTY COMMUNITY ACTION, INC. ON BEHALF OF
PUBLIC HEALTH**

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 **Wyoming County Community Action, Inc.**, 6470 Route 20A, Suite 1, Perry, NY 14530 on behalf of Public Health. Said contract is for the reimbursement of Navigator Grant Program activities in an amount not to exceed ninety-five

thousand dollars (\$95,000.00); effective August 1, 2023 through July 31, 2024 and fully reimbursed by New York State Department of Health Consumer Assistance for New York State of Health Navigator Program grant authorized by Resolution Number 19-260. (*Munis #1659*) Contingent upon the availability of funds.

Carried: XXX Ayes: 201 Noes: Absent: Abstain:

There was a motion by Mr. Becker, T/Sheldon, to combine resolutions #11 and #12. Hearing no objection, resolution titles only were read.

**Local Law
#11**

**RESOLUTION NO. 23-408
(August 15, 2023)**

By Mr. Becker, Chairman of the Agriculture Committee:

SET PUBLIC HEARING ~ INTRODUCTORY LOCAL LAW NO. C YEAR 2023

WHEREAS, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 15th day of August 2023, a proposed local law entitled, “Local Law Introductory No. C, Year 2023, entitled, “*A Local Law Amending Local Law 1, Year 2021*”, 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 said proposed Local Law by this Wyoming County Board of Supervisors on the *12th day of September, 2023 at 2:30 PM in the Supervisors’ Chambers, 2nd Floor of the Wyoming County Government Center, 143 North Main Street, Warsaw, New York.*

**INTRODUCTORY LOCAL LAW NO. C OF THE YEAR 2023
“A Local Law Amending Local Law 1, Year 2021”**

BE IT ENACTED by the Board of Supervisors of the County of Wyoming as follows:

Section 1. Section 1 of Local Law 1, Year 2021 is hereby amended to read as follows:

Section 1. Legislative Intent

The intent of this Local Law is to authorize Wyoming County to permit 12- and 13-year-old individuals to participate in the new and safe hunting opportunities in accordance with Environment Conservation Law §11-0935. The enacted 2023-2024 New York State Budget (Chapter 58 of the laws of 2023) includes an extension of the pilot program established in 2021 allowing the opportunity for young hunters, ages 12 and 13, to hunt deer with firearms and crossbows through 2025 if a county authorizes such action within their municipality. Wyoming County is passing this local law as hunting is a valued tradition for many families, and this new opportunity allows experienced, adult hunters to introduce the value of hunting to the next generation. Furthermore, teaching young

people safe, responsible, and ethical hunting practices, which will ensure a rewarding experience for the youth, while providing quality food to families and contributing to important deer management population control practices.

Section 2. Section 2 of Local Law 1, Year 2021 is hereby amended to read as follows:

Section 2. Pilot Program Authorization

Pursuant to Environmental Conservation Law, ECL 11-0935, Wyoming County elects to participate in the temporary program to allow for young hunters, ages twelve (12) and thirteen (13), to hunt deer with a firearm, to include rifles, shotguns, and muzzle loaded firearms or crossbow through 2025.

Section 3. Effective Date

This local law shall take effect immediately upon filing and publication in accordance with Section 27 of the Municipal Home Rule.

DATED at Warsaw, New York
August 15, 2023 (Introduced)
Cheryl J. Ketchum, ^{CMC}
Clerk to the Board

Carried: XXX Ayes: 201 Noes: Absent: Abstain:

#12

**RESOLUTION NO. 23-409
(August 15, 2023)**

By Mr. Becker, Chairman of the Agriculture Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH PIONEER FORESTRY,
LLC ON BEHALF OF THE BOARD OF SUPERVISORS**

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 *Pioneer Forestry, LLC*, 4000 Skunk Hollow Road, Jamestown, NY 14701 on behalf of the Board of Supervisors. Said contract is for various activities associated with the established 2022/2023 10-Year Work Schedule in an amount not to exceed twenty-four thousand three hundred dollars (\$24,300.00) plus ten percent (10%) commission fee on commercial bid sales in Fall of 2023 and Spring of 2024; effective August 15, 2023 through completion of project. Contingent upon the availability of funds. (*Munis #1663*)

Carried: XXX Ayes: 201 Noes: Absent: Abstain:

There was a motion by Mr. Leuer, T/Middlebury, to combine resolutions #13 through #15. Hearing no objection, resolution titles only were read.

#13

RESOLUTION NO. 23-410

(August 15, 2023)

By Mr. Leuer, Chairman of the Planning Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH HARDING PLUMBING AND HEATING ON BEHALF OF THE WYOMING COUNTY WATER RESOURCE AGENCY

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 *Harding Plumbing and Heating*, 34 North Main Street, Perry, NY 14530 on behalf of the Wyoming County Water Resource Agency. Said contract is for the removal and installation of new water meters in the Perry Center Water District as part of the New York State Local Government Efficiency Meter Replacement Grant in an amount not to exceed twelve thousand three hundred dollars (\$12,300.00); effective August 16, 2023 through completion of project. Contingent upon the availability of funds. (*Munis #1656*)

Carried: XXX Ayes: 201 Noes: Absent: Abstain: #14

**RESOLUTION NO. 23-411
(August 15, 2023)**

By Mr. Leuer, Chairman of the Planning Committee:

CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE AWARD WITH THE NEW YORK STATE DEPARTMENT OF STATE, DIVISION OF LOCAL GOVERNMENT SERVICES, LOCAL WATERFRONT REVITALIZATION PROGRAM ON BEHALF THE WYOMING COUNTY WATER RESOURCE AGENCY

WHEREAS, At the June 1, 2022 Planning Committee Meeting, approval was given authorizing the Chairman to sign a grant application with the *New York State Department of State, Division of Local Government Services, Local Waterfront Revitalization Program* in a minimum amount of two hundred forty-three thousand dollars (\$243,000.00); 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 *New York State, Division of Local Government Services, Local Waterfront Revitalization Program*, One Commerce Plaza, 99 Washington Avenue, Suite 1015, Albany, NY 12231-0001 on behalf of the Wyoming County Water Resource Agency. Said grant to assist in development of and implementing plans for Silver Lake communities and waterfront revitalization efforts in a minimum amount of one hundred seventy-five thousand dollars (\$175,000.00); effective August 1, 2023 through July 31, 2028. (*Munis 1660*)

Carried: XXX Ayes: 201 Noes: Absent: Abstain: #15

RESOLUTION NO. 23-412
(August 15, 2023)

By Mr. Leuer, Chairman of the Planning Committee:

**RESOLUTION SETTING DATE FOR A SECOND PUBLIC HEARING FOR
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING**

WHEREAS, Wyoming County received Community Development Block (CDBG) funding from the New York State Office of Community Renewal (Project No. 1279ME977-21) to implement the Wyoming County Microenterprise Assistance Program (the “Program”); and

WHEREAS, The Wyoming County Board of Supervisors is required to hold a public hearing to discuss the implementation of the Program and to provide information about the progress of the ongoing CDBG Program and to receive comments related to the effectiveness of administration of the CDBG Program; now therefore

BE IT RESOLVED, That a public hearing be held on *August 30, 2023, at 3:00 p.m.* in the Wyoming County Ag and Business Center, 2nd Floor Conference Room, 36 Center Street, Warsaw, New York, before the Wyoming County Board of Supervisors, where all interested parties shall be heard regarding the implementation of the CDBG Program; and be it

FURTHER RESOLVED, That the Clerk to the Board is directed to prepare a notice of said hearing, to cause the publication of the notice of such hearing in the newspapers which have been officially designated by this Board to publish “notices” and to affix a copy of said notice on the County bulletin board in the County Government Center at 143 North Main Street, Warsaw, New York; both publication and posting to be made at least eight (8) days before said public hearing.

Carried: XXX Ayes: 201 Noes: Absent: Abstain:

There was a motion by Mr. Brick, T/Perry, to combine resolutions #16 and #17. Hearing no objection, resolution titles only were read.

#16

RESOLUTION NO. 23-413
(August 15, 2023)

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH NORFOLK SOUTHERN
RAILWAY CORPORATION ON BEHALF OF COUNTY HIGHWAY**

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 *Norfolk Southern Railway Corporation*, 1200 Peachtree Street NE, Atlanta,

GA 30309 on behalf of the County Highway. Said contract is for costs associated with project coordination and review of project plans for CR02 East Lake Road preventative maintenance project PIN: 4WY0.08, contract D040644 in an amount not to exceed twenty thousand dollars (\$20,000.00); effective July 27, 2023 through completion of project. Contingent upon the availability of funds. (*Munis #XXX*)

Carried: XXX Ayes: 201 Noes: Absent: Abstain:

#17

**RESOLUTION NO. 23-414
(August 15, 2023)**

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

**COUNTY HIGHWAY SUPERINTENDENT AUTHORIZED TO EXTEND
SNOW AND ICE REMOVAL AGREEMENTS WITH TOWNS AND VILLAGES
FOR 2024/2025**

WHEREAS, The public interest demands the snow removal and the control of ice on all County roads within the County to bear the entire cost in accordance with §135-a of the Highway Law; and

WHEREAS, The County is desirous of extending agreements with several Towns and Villages of the County for the removal of snow and for control of ice on County roads; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby authorizes the Superintendent of Highways to enter into agreements with the various Towns and Villages for the purpose of removing snow and the control of ice on County roads for the winter season of **2024/2025**; and be it

FURTHER RESOLVED, That the County will make payment to Towns and Villages from the *County Snow Funds* as follows:

- **2024/2025** ~ The base rate will be increased by \$100.00 per centerline mile over the 2023/2024 agreement with a minimum snow index of 0.69.

Carried: XXX Ayes: 201 Noes: Absent: Abstain:

There was a motion by Mrs. May, T/Orangeville, to combine resolutions #18 through #22. Hearing no objection, resolution titles only were read.

#18

**RESOLUTION NO. 23-415
(August 15, 2023)**

By Mrs. May, 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 §103 and with the approval of the County Attorney, is hereby authorized and directed to sign various *REVENUE* contracts on behalf of the Sheriff's Department as follows:

- **Letchworth Central School**, 5550 School Road, Gainesville, NY 14066 for law enforcement and police services when school is in session in an amount not to exceed \$57.78 per hour September 1, 2023 through December 31, 2023 and \$60.47 per hour from January 1, 2024 through June 30, 2024; effective September 1, 2023 through June 30, 2024. (*Munis #1657*)
- **Attica Central School**, 3338 East Main Street, Attica, NY 14011 for law enforcement and police services in an amount not to exceed \$55.88 per hour July 1, 2023 through December 31, 2023 and \$58.57 per hour from January 1, 2024 through June 30, 2024; effective July 1, 2023 through June 30, 2024. (*Munis #1658*)

Carried: XXX Ayes: 201 Noes: Absent: Abstain:

#19

**RESOLUTION NO. 23-416
(August 15, 2023)**

By Mrs. May, Chairman of the Public Safety Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH VIGILANT SOLUTIONS, LLC 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 a contract with **Vigilant Solutions, LLC**, 1152 Stealth Street, Livermore, CA 94551 on behalf of the Sheriff's Department. Said contract is for the purchase of two (2) License Plate Reader Systems, including licensing and software services in an amount not to exceed sixty-five thousand six hundred forty dollars (\$65,640.00); effective August 16, 2023 through five (5) years from installation date. Contingent upon the availability of funds. (*Munis #1661*)

Carried: XXX Ayes: 201 Noes: Absent: Abstain:

#20

**RESOLUTION NO. 23-417
(August 15, 2023)**

By Mrs. May, Chairman of the Public Safety Committee:

CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES ON BEHALF OF THE SHERIFF'S DEPARTMENT

BE IT RESOLVED, That the Chairman of this Board, with the approval of the County Attorney, is hereby authorized and directed to sign a grant application and acceptance award with the *New York State Division of Criminal Justice Services*, 80 South Swan Street, Albany, NY 12210 on behalf of the Sheriff's Department. Said grant funds for the purchase of a laser scanner and software in a minimum amount of seventy thousand dollars (\$70,000.00); effective August 1, 2023 through July 31, 2024. (*Munis #1666*)

Carried: XXX Ayes: 201 Noes: Absent: Abstain: #21

**RESOLUTION NO. 23-418
(August 15, 2023)**

By Mrs. May, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO AWARD BIDS AND SIGN VARIOUS CONTRACTS
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 award bids and sign various contracts on behalf of the Sheriff's Department as follows:

- ***Pioneer Motorsport Inc.***, 12220 Olean Road, Chaffee, NY 14030 for one (1) new Can AM Defender Max Cab UTV with Track System in an amount not to exceed thirty-eight thousand seven hundred ninety-nine dollars (\$38,799.00); effective August 15, 2023 through delivery of vehicle. (*Munis #1667*)
- ***Davis Trailer World, LLC***, 1640 Main Street, York, NY 14592 for one (1) new Haul-About Enclosed Trailer in an amount not to exceed eleven thousand five hundred seventy dollars (\$11,570.00); effective August 15, 2023 through delivery of trailer. (*Munis #1670*)

Contingent upon the availability of funds.

Carried: XXX Ayes: 201 Noes: Absent: Abstain: #22

**RESOLUTION NO. 23-419
(August 15, 2023)**

By Mrs. May, Chairman of the Public Safety Committee:

FIRE ADVISORY BOARD DELEGATES APPOINTED/REAPPOINTED

BE IT RESOLVED, That the following named persons are hereby appointed/reappointed to the Wyoming County Fire Advisory Board as Members At-Large for Towns

without Departments in accordance with Section 225-a of the County Law for a term of one (1) year; effective **July 1, 2023 through June 30, 2024:**

Arcade	Gregory Landis	782 Geer Rd., Arcade, NY 14009
Attica	Jay Myers	297 Main St., Attica, NY 14011
Bennington	Chester Zymowski, Jr	1931 Rt. 354, Attica, NY 14011
Bliss	Marc Roche	3438 Rt. 39, Bliss, NY 14024
Castile	William Dake	73 W. Park Rd., Castile, NY 14427
Cowlesville	Nicholas Szuniewicz	282 Clinton St., Cowlesville, NY 14037
Gainesville	Rob Patterson	PO 354, 5006 Shearing Rd., Gainesville, NY 14066
Harris Corners	Tom Keem	2579 Route 77, Strykersville, NY 14545
North Java	Doug George	4825 Route 98, North Java, NY 14113
Perry	David Spink	PO Box 243, Perry, NY 14530
Perry Center	James Brick	7618 Rt. 20A, Perry, NY 14530
Pike	Doug Anderson	Route 19, Gainesville, NY 14066
Sheldon	Laurel Perl	4520 Vernal Rd., Attica, NY 14011
Silver Springs	John Proper	PO Box 183, 80 Orchard St., Silver Springs, NY 14550
Strykersville	Doug Schwab	3678 Route 78, Strykersville, NY 14145
Varysburg	Adam Vetter	2465 Main St., Varysburg, NY 14167
Warsaw	Joseph Cummins	5400 Toolhouse Rd., Warsaw, NY 14569
Wyoming	John Moore	911 Tower Rd., Wyoming, NY 14591

Members At-Large for Town without Departments

Orangeville	Town Supervisor	Town of Orangeville
Covington	Town Supervisor	Town of Covington

Carried: XXX Ayes: 201 Noes: Absent: Abstain:

There was a motion by Mr. Kehl, T/Attica, to combine resolutions #23 through #41. Supervisor Roberts, T/Genesee Falls indicated she would be abstaining from resolutions #30 through #41. Resolutions #23 through #29 will be voted on first and then another vote on resolutions #30 through #41. Hearing no further objections, resolution titles only were read.

#23

**RESOLUTION NO. 23-420
(August 15, 2023)**

By Mr. Kehl, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH TRIAD GROUP, LLC ON
BEHALF OF WORKERS' COMPENSATION**

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 award bid and sign a contract with the *Triad Group, LLC*, 400 Jordan Road, Troy, NY 12180 on behalf of Workers' Compensation. Said contract is Workers' Compensation claims administration including but not limited to bill review nurse case management, PAR responses and 207C nurse case management in an amount not to exceed seven hundred sixty thousand dollars (\$760,000.00); effective January 1, 2024 through December 31, 2028. Contingent upon the availability of funds. (*Munis #1668*)

Carried: XXX Ayes: 201 Noes: Absent: Abstain: **#24**

**RESOLUTION NO. 23-421
(August 15, 2023)**

By Mr. Kehl, Chairman of the Finance Committee:

WYOMING COUNTY PETTY CASH POLICY AMENDED AND APPROVED

BE IT RESOLVED, That the *Wyoming County Petty Cash Policy* is hereby amended and approved as annexed hereto; effective August 15, 2023.

Carried: XXX Ayes: 201 Noes: Absent: Abstain:

WYOMING COUNTY PETTY CASH POLICY

EFFECTIVE DATE: 8/15/2023	REVIEWED BY:	
ORIGINAL DATE DEVELOPED: March 10, 2020 by Wyo. Co. Treasurer, C. Mayer	Revision PREPARED BY: DRAFT 6/16/23 by Wyo. Co. Treasurer, R. LaWall	SUPERSEDES:
CHIEF EXECUTIVE OFFICER'S SIGNATURE:		REFERENCES:

POLICY

Petty cash funds may be established at the discretion of the Board of Supervisors in certain departments for small or emergency purchases on the basis of demonstrated need. It is to be used only for the acquisition of those unanticipated items that require an immediate cash payment and should not be used as a means to circumvent proper purchasing procedures.

DEFINITION

Petty cash funds are revolving impress accounts that are used to make small or emergency purchases to avoid the inconvenience and expense of processing checks through the County's normal purchasing procedures. These funds are COUNTY CASH.

STANDARD PROCEDURES

Before requesting establishment of a petty cash fund, the Department Head should ascertain that the goods purchased **cannot** be obtained from one of the following:

- a. Standard purchasing procedures
- b. Standing purchase order
- c. Procurement card

PROHIBITED PURCHASES

No item should be handled as a petty cash item that can be readily secured through normal County procurement channels. An item requiring a purchase order is also prohibited from being purchased with petty cash funds. The fund custodian, the Treasurer and the Budget Director must carefully monitor purchases with petty cash funds since these purchases bypass the Purchasing Department's control over procurement.

The following items will **not be reimbursed** from petty cash:

(Note: List is not all-inclusive)

- Items on State Contract
- Equipment of any kind
- Payment to an individual for services rendered
- Office parties, gifts, holiday decorations, flowers, greeting cards
- Meals of any kind, including prepared foods (i.e., fast food restaurants)
- Software
- **State sales tax**
- Gasoline
- Honorariums
- Alcoholic beverages
- No IOUs for cashing personal checks
- Items purchased **more than 30 days** prior to request for reimbursement

The County is **exempt** from state sales tax. It is the employee/purchaser's responsibility to inform the merchant at the point of sale that he/she is using County funds that are exempt from state sales tax and provide a sales tax exemption number.

Contact the County Treasurer's Office to obtain the sales tax exemption number, or obtain an ST-121 tax exempt form from the Public Directory.

The Board of Supervisors reserves the right to deny reimbursement for non-allowable expenditures.

The above list is not meant to be all inclusive.

If an employee is not sure of the propriety of the expenditure, please call the County Auditor in advance of making a request for reimbursement.

Violation of this policy may result in the cancellation of the petty cash fund.

ESTABLISHMENT

Establishment of a petty cash fund or increases to existing funds may be requested by a Department Head.

The request should include the following:

- Name of custodian who will be responsible for safeguarding and dispensing fund cash
- Amount of request
- Purpose of fund
- Security procedures to safeguard cash
- Specific location of fund

If approved, the Board of Supervisors will process the request, at the next scheduled Board meeting.

USING THE PETTY CASH FUND

All expenditures that are to be reimbursed with petty cash funds are to be preapproved by the fund custodian or department head. A receipt to verify the purchase and payment must support expenditures from the fund.

It is the responsibility of the fund custodian to determine if the transaction meets the requirements as set forth in the petty cash policy.

At the time the expenditure is made, a sales slip or other document, such as a cash register receipt containing the following, must be obtained:

- Date
- Name of vendor
- Positive evidence that a payment was made (i.e., a cash register receipt or handwritten receipt on which the word “paid” appears)
- The amount paid
- A description of the goods purchased (entered by the vendor if a handwritten receipt is obtained or by the purchaser if a cash register tape is issued)
- A signature indicating receipt of goods
- The fund custodian’s signature documenting approval of expenditure
- An explanation of the purchase justifying the relevance of each purchased item

At any given time, cash on hand plus receipt documents **must** equal the authorized amount of the fund. It is the responsibility of the fund custodian to maintain a current record of the fund’s financial status. The following format is recommended:

Date	Description	Expenditure	Reimbursements	Balance
8/02/00	Beginning Balance			\$100.00
8/07/00	Name of Vendor	\$7.50		\$92.50
8/13/00	Name of Vendor	\$25.00		\$67.50
8/19/00	Name of Vendor	\$13.75		\$53.75
8/26/00	Name of Vendor	\$21.24		\$32.51
8/30/00	Reimbursement		\$67.49	\$100.00

REPLENISHING THE PETTY CASH FUND

A County petty cash fund may be reimbursed as frequently as required and **must** be replenished by end of the quarter. The Petty Cash Custodian must prepare an **invoice in Munis** with supporting documentation (i.e., sales slips, cash register receipts) scanned as an invoice attachment when submitted through workflow to the Auditor for reimbursement. Following approval, a check will be issued and made payable to the Petty Cash Custodian.

ALL Petty cash funds must be reimbursed at fiscal year-end (December 31st) in order to charge expenditures to the proper accounting period.

For any questions regarding petty cash **reimbursement** procedures or allow ability of expenditures, please contact the County Auditor at 786-8804.

SAFEGUARDING THE PETTY CASH FUND

Petty cash funds and supporting documentation (receipts) must be kept in a safe location (i.e., locked up in a safe, vault, or desk drawer) and must not be commingled with any other funds. The fund should be verified and reconciled on at least a weekly basis. The Wyoming County Sheriff must be notified immediately if the fund is missing and theft is suspected. The loss must also be reported to the County Treasurer. The fund custodian must prepare a document outlining the facts and circumstances of the loss. All suspected thefts are to be treated confidentially since an investigation may be ongoing.

The Chief Fiscal Officer at any time may require the official responsible for the use of a petty cash fund to account for the moneys in such fund. Persons declaring themselves as authorized to conduct an audit must be identified before funds or records are relinquished. The custodian should remain with the auditors at all times to observe the counting of funds and examination of records. At year end (December 31st) of each year, each custodian will be requested by letter to confirm the amount of the fund in his/her possession to the County Treasurer in preparation of the annual audit.

CHANGE OF CUSTODIAN

The responsible Department Head will notify the County Treasurer by memorandum when a new individual becomes custodian of an existing petty cash fund on a temporary or permanent basis. The fund custodian must ensure that the fund is replenished before it is turned over to a new custodian. **Unauthorized** transfer of custody between employees is not permitted and may result in the cancellation of the petty cash fund.

CLOSEOUT

When the fund is no longer needed as determined by the department head, the following procedures must be followed:

- Notify Board of Supervisors.
- Prepare Remittance Invoices in Munis for all remaining receipts.
- Deposit the entire amount with the County Treasurer.

The Board of Supervisors maintains the right to close a petty cash fund at any time.

#25

**RESOLUTION NO. 23-422
(August 15, 2023)**

By Mr. Kehl, Chairman of the Finance Committee:

**INCREASING THE RATE OF TAXES ON SALES AND USES OF TANGIBLE
PERSONAL PROPERTY AND OF CERTAIN SERVICES AND ON OCCUPANCY OF
HOTEL ROOMS AND AMUSEMENT CHARGES PURSUANT TO ARTICLE 29 OF
THE TAX LAW OF THE STATE OF NEW YORK**

BE IT ENACTED by the Wyoming County Board of Supervisors as follows:

SECTION 1. The first sentence of section two of Resolution No. 80-284, as enacted November 25, 1980, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax.

On and after March 1, 1981, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing December 1, 1992 through November 30, 2025, there is hereby imposed and there shall be paid an additional tax of one percent upon:

SECTION 2. Subdivision (f) of section three of Resolution No. 80-284 as enacted in nineteen hundred eighty, as amended, is amended to read as follows:

(f) With respect to the additional tax of one percent imposed for the period commencing December 1, 1992 through November 30, 2025, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to December 1, 1992, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to August 1, 1992, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 1992. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 1992, any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 3. Section four of Resolution No. 80-284 as enacted in nineteen hundred eighty, as amended, is amended to read as follows:

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after December 1, 1992, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing December 1, 1992 through November 30, 2025, the tax shall be at the rate of four percent, and on and after December 01, 2025, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 1992 through November 30, 2025, the tax shall be at the rate of four percent, and on and after December 01, 2025, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 1992 through November 30, 2025, the tax shall be at the rate of four percent, and on and after December 01, 2025, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over

and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing December 1, 1992 through November 30, 2025, the tax shall be at the rate of four percent, and on and after December 01, 2025, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration of any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing December 1, 1992 through November 30, 2025, the tax shall be at the rate of four percent, and on and after December 01, 2025, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 4. Subdivision (k) of section six of Resolution No. 80-284 as enacted in nineteen hundred eighty, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed, by sections 2 and 4, respectively, of this resolution for the period commencing December 1, 1992 through November 30, 2025.

SECTION 5. Paragraph (B) of subdivision one of section eleven of Resolution No. 80-284 as enacted in nineteen hundred eighty, as amended, is amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning December 1, 1992 through November 30, 2025, in respect to the use of property used by the purchaser in this County prior to December 1, 1992.

SECTION 6. This enactment shall take effect on December 1, 2023.

Carried: XXX Ayes: 201 Noes: Absent: Abstain:

#26

**RESOLUTION NO. 23-423
(August 15, 2023)**

By Mr. Kehl, Chairman of the Finance Committee:

SET PUBLIC HEARING ~ INTRODUCTORY LOCAL LAW NO. D YEAR 2023

WHEREAS, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 15th day of August 2023, a proposed local law entitled, “Local Law Introductory No. D, Year 2023, **“A LOCAL LAW PROVIDING SALARIES FOR CERTAIN COUNTY OFFICERS FOR THE YEAR 2023,”** 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 *12th day of September, 2023 at 2:30 PM in the Supervisors’ Chambers, 2nd Floor of the Wyoming County Government Center, 143 North Main Street, Warsaw, New York.*

INTRODUCTORY LOCAL LAW NO. D - YEAR 2023

A Local Law entitled *“Providing Salaries for Certain County Officers for the year 2023”*

BE IT ENACTED by the Board of Supervisors of the County of Wyoming as follows:

- Section 1. Effective as hereafter provided, additional compensation for the *Commissioner of Public Health* shall be \$5,876.61
- Section 2. All salaries set forth in Section 1 above shall be for the year 2023; effective as of July 01, 2023.
- Section 3. This Local Law shall take effect forty-five (45) days from the date of adoption by the Board of Supervisors unless a petition is filed in accordance with Municipal Home Rule Law Section 24.
- Section 4. This Local Law is subject to permissive referendum.

DATED at Warsaw, New York
August 15, 2023 (Introduced)
Cheryl J. Ketchum, ^{CMC}
Clerk to the Board

Carried: XXX Ayes: 201 Noes: Absent: Abstain:

#27

**RESOLUTION NO. 23-424
(August 15, 2023)**

By Mr. Kehl, Chairman of the Finance Committee:

POSITION(S) CREATED

BE IT RESOLVED, That the following positions are hereby CREATED in the following Wyoming County Department(s):

CREATED:

Buildings and Grounds

- One (1) position of *Carpenter (Temp.)* (1.00 FTE) with only those benefits mandated by law for a period of six (6) months from date of hire; hourly range of \$20.00-\$25.00; position available date is August 16, 2023.

Carried: XXX Ayes: 201 Noes: Absent: Abstain:

#28

**RESOLUTION NO. 23-425
(August 15, 2023)**

By Mr. Kehl, Chairman of the Finance Committee:

POSITION(S) ABOLISHED

BE IT RESOLVED, That the following position is hereby ABOLISHED in the following Wyoming County Department(s):

ABOLISHED:

Buildings and Grounds

- One (1) position of *Laborer (Temp.)* (Per Diem) (position code 053.144); effective August 15, 2023.

Carried: XXX Ayes: 201 Noes: Absent: Abstain:

#29

**RESOLUTION NO. 23-426
(August 15, 2023)**

By Mr. Kehl, Chairman of the Finance Committee:

SALARY SCHEDULE “S” AMENDED

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 1, 1967, as amended, is hereby amended as follows:

Salary Schedule “S”:

Sheriff

- Set the hourly wage for one (1) position of *Administrative Assistant* (position code 110.549) at \$24.04 per hour (annual salary equivalent of \$40,002.56); effective July 10, 2023. Position currently filled at a 0.80 FTE.

Carried: XXX Ayes: 201 Noes: Absent: Abstain:

**RESOLUTION NO. 23-427
(August 15, 2023)**

By Mr. Kehl, Chairman of the Finance Committee:

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

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

- **Fujifilm Healthcare Americas Corporation**, 81 Hartwall Avenue, Suite 300, Lexington, MA 02421 for NETAPP PACS storage hardware and software system including professional services SYNAPSE PACS subsequent implementation services related to imaging services in an amount not to exceed one hundred sixty-five thousand dollars (\$165,000.00); effective July 21, 2023 through July 20, 2024.
- **Complete RX, LTD**, 3200 Wilcrest Drive, Suite 250, Houston, TX 77042 to provide interim Director of Pharmacy services in an amount not to exceed one hundred thousand dollars (\$100,000.00); effective May 8, 2023 through August 8, 2023.
- **John R Valvo, MD**, 200 Shady Run, Apt. 208, Penfield, NY 14625 to provide urology services at the hospital in an amount not to exceed two hundred thousand dollars (\$200,000.00) per year; effective August 21, 2023 through August 21, 2025.
- **John Delisio, PA-C**, 6 Bowns Hill Lane, Fairport, NY 14450 to provide urology services at the hospital as an independent contractor in an amount not to exceed one hundred fifty thousand dollars (\$150,000.00) per year; effective August 21, 2023 through August 21, 2025.
- **Medline Industries, Inc.**, 1 Medline Place, Mundelein, IL 60060 in an amount not to exceed nine hundred fifty thousand dollars (\$950,000.00); effective May 1, 2023 through April 30, 2024.

Contingent upon the availability of funds.

Carried: XXX Ayes: 199 Noes: Absent: Abstain: 2 (Genesee Falls)

**RESOLUTION NO. 23-428
(August 15, 2023)**

By Mr. Kehl, Chairman of the Finance Committee:

HOSPITAL ADMINISTRATOR AUTHORIZED TO SIGN AN EMPLOYMENT AGREEMENT ~ SALARY SCHEDULE “P” WITH KELLY SHEA, WHNP 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 Hospital Administrator of the hospital, pursuant to General Municipal Law §104(b) and with the approval of the County Attorney and/or Costello Cooney Fearon, PLLC, legal counsel, is hereby authorized and directed to sign an Employment Agreement – Salary Schedule “P” with *Kelly Shea, WHNP*, 7 Kent Drive, Orchard Park, NY 14127 on behalf of the Wyoming County Community Health System. Said contract to provide professional medical services in the Women’s Health (Gynecology) Outpatient Clinic as a nurse practitioner at a rate not to exceed fifty-eight dollars (\$58.00) per hour; effective August 21, 2023 through August 21, 2025. Contingent upon the availability of funds.

Carried: XXX Ayes: 199 Noes: Absent: Abstain: 2 (Genesee Falls) #32

**RESOLUTION NO. 23-429
(August 15, 2023)**

By Mr. Kehl, Chairman of the Finance Committee:

RESOLUTION NUMBER 19-157 AMENDED

WHEREAS, Resolution Number 19-157 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on March 12, 2019 and provided, in part, for the following contract:

- *Mark Varallo, MD, PLLC*, P.O. Box 1207, Wilson, NY 14172 to provide behavioral health services required by patients at the Wyoming County Community Health System in amount not to exceed three hundred ten thousand dollars (\$310,000.00) per year; effective July 1, 2019 through June 30, 2022.

And,

WHEREAS, That Resolution Number 19-157 was previously amended by this Board of Supervisors on July 12, 2022 by *Resolution Number 22-382* to extend the term of the contract from July 1, 2019 through June 30, 2022 to *July 1, 2022 through June 30, 2023*; now therefore

BE IT RESOLVED, That *Resolution Number 19-157* as previously amended by *Resolution Number 22-382* be hereby further amended to extend the term of the contract from July 1, 2022 through June 30, 2023 to *July 1, 2023 through December 31, 2023* while a new agreement is being negotiated. All else remains the same.

Carried: XXX Ayes: 199 Noes: Absent: Abstain: 2 (Genesee Falls) #33

RESOLUTION NO. 23-430
(August 15, 2023)

By Mr. Kehl, Chairman of the Finance Committee:

RESOLUTION NUMBER 23-339 AMENDED

WHEREAS, Resolution Number 23-339 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on June 13, 2023 and provided, in part, for the following contract:

- **Devon Huff, MD**, 951 Robin Road, Amherst, NY 14228 to provide general surgery locum coverage in an amount not to exceed fifty thousand dollars (\$50,000.00); effective June 1, 2023 through May 31, 2024.

Now therefore,

BE IT RESOLVED, That *Resolution Number 23-339* be hereby amended to rescind this contract in its entirety effective June 1, 2023 as said contract was not executed. All else remains the same.

Carried: XXX Ayes: 199 Noes: Absent: Abstain: 2 (Genesee Falls)

#34

RESOLUTION NO. 23-431
(August 15, 2023)

By Mr. Kehl, Chairman of the Finance Committee:

RESOLUTION NUMBER 23-123 AMENDED

WHEREAS, Resolution Number 23-123 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS EMPLOYMENT AGREEMENTS ~ SALARY SCHEDULE “P” ON BEHALF OF WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on February 14, 2023 and provided, in part, for the following contract:

- **Anthony Dibenedetto, MD**, 1101 Telephone Road, Rush, NY 14543 to provide professional general surgery services and departmental leadership to surgical service line in an amount not to exceed five hundred fifty thousand dollars (\$550,000.00) per year; effective March 5, 2023 through March 4, 2025.

Now therefore,

BE IT RESOLVED, That *Resolution Number 23-123* be hereby amended to add general surgery on-call services beyond existing contract requirements in an amount not to exceed two thousand dollars (\$2,000.00) per weekday and five thousand dollars (\$5,000.00) per weekend; effective July 23, 2023. All else remains the same.

Carried: XXX Ayes: 199 Noes: Absent: Abstain: 2 (Genesee Falls)

#35

**RESOLUTION NO. 23-432
(August 15, 2023)**

By Mr. Kehl, Chairman of the Finance Committee:

RESOLUTION NUMBER 22-567 RESCINDED

WHEREAS, Resolution Number 22-567 entitled, “**HOSPITAL ADMINISTRATOR AUTHORIZED TO AWARD BID AND SIGN A CONTRACT WITH LANDRY MECHANICAL CONTRACTORS, INC. ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on October 11, 2022 and provides for a contract to disconnect and remove two rooftop units (SNF #1 and ICU #1), two new RTUs scope of work includes new mechanical piping, pumps, valves, controls and coil heaters to prevent/protect freezing of coils during the winter months in an amount not to exceed five hundred two thousand dollars (\$502,000.00) base bid plus twenty-five thousand dollars (\$25,000.00) contingency for a total amount not to exceed five hundred twenty-seven thousand nine hundred dollars (\$527,900.00); effective October 12, 2022 through the project completion; now therefore,

BE IT RESOLVED, That *Resolution Number 22-567* be hereby rescinded in its entirety as the bid submittal was rejected for not meeting the minimum requirements for material listed in the project specifications and was subsequently rebid; effective October 11, 2022. All else remains the same.

Carried: XXX Ayes: 199 Noes: Absent: Abstain: 2 (Genesee Falls)

#36

**RESOLUTION NO. 23-433
(August 15, 2023)**

By Mr. Kehl, Chairman of the Finance Committee:

HOSPITAL ADMINISTRATOR AUTHORIZED TO AWARD BID AND SIGN A CONTRACT WITH MJ MECHANICAL SERVICES, INC. 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 Hospital Administrator, 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 *MJ Mechanical Services, Inc.*, 95 Pirson Parkway, Tonawanda, NY 14150 on behalf of the Wyoming County Community

Health System. Said contract is for the disconnection and removal of (2) two rooftop units (SNF #1 and ICU #1) and replacing with two (2) new RTUs scope of work includes new mechanical piping, pumps, valves, controls, and coil heaters to prevent/protect freezing of coils during the winter months in an amount not to exceed six hundred nineteen thousand six hundred eighty-two dollars (\$619,682.00) base bid plus thirty thousand three hundred eighteen dollars (\$30,318.00) for contingency for a total contract amount not to exceed six hundred fifty thousand dollars (\$650,000.00); effective July 25, 2023 through the project completion. Contingent upon the availability of funds.

Carried: XXX Ayes: 199 Noes: Absent: Abstain: 2 (Genesee Falls)

#37

**RESOLUTION NO. 23-434
(August 15, 2023)**

By Mr. Kehl, Chairman of the Finance Committee:

RESOLUTION NUMBER 22-706 AMENDED

WHEREAS, Resolution Number 22-706 entitled, “**HOSPITAL ADMINISTRATOR AUTHORIZED TO SIGN A CONTRACT WITH FARKAD M. BALAYA, MD, PC ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on December 13, 2022 and provided for professional medical services of one (1) or more qualified, board certified/eligible physicians specializing in OB/GYN to provide OB/GYN services at WCCHS for mutually agreed upon periods of time providing clinic, surgery, emergency on-call or laborist services in an amount not to exceed nine hundred twenty-five thousand dollars (\$925,000.00) per year; effective January 1, 2023 through December 31, 2025; now therefore,

BE IT RESOLVED, That *Resolution Number 22-706* be hereby amended to reflect a contract end date of August 21, 2023 as a new employment agreement has been negotiated, approved and is effective on the same date.

Carried: XXX Ayes: 199 Noes: Absent: Abstain: 2 (Genesee Falls)

#38

**RESOLUTION NO. 23-435
(August 15, 2023)**

By Mr. Kehl, Chairman of the Finance Committee:

HOSPITAL ADMINISTRATOR AUTHORIZED TO SIGN AN EMPLOYMENT AGREEMENT ~ SALARY SCHEDULE “P” WITH FARKAD BALAYA, MD 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 Hospital Administrator of the hospital, pursuant to General Municipal Law §104(b) and with the approval of the County Attorney and/or Costello Cooney Fearon, PLLC, legal counsel, is hereby authorized and directed to sign an Employment Agreement – Salary Schedule “P” with *Farkad Balaya, MD*, 38 Park Street, Warsaw, NY 14569 on behalf of the Wyoming County Community Health System. Said contract to provide for gynecology services in an amount not to exceed three hundred twenty-five thousand dollars (\$325,000.00) per year plus a one-time signing bonus in the amount of seventy-five thousand dollars (\$75,000.00) plus a stipend in an amount of sixty dollars (\$60.00) per wRVU in excess of 5,800 wRVU in any calendar year; effective August 21, 2023 through August 20, 2026. Contingent upon the availability of funds.

Carried: XXX Ayes: 199 Noes: Absent: Abstain: 2 (Genesee Falls)

#39

**RESOLUTION NO. 23-436
(August 15, 2023)**

By Mr. Kehl, Chairman of the Finance Committee:

SALARY SCHEDULES “C” AND “P” AMENDED

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

Salary Schedule “C”:

Wyoming County Community Hospital

- Set the salary for one (1) position of *Director of Emergency Services* (1.00 FTE) (position code 01.320.505) under EMERGENCY at \$120,000.00 per year; effective July 26, 2023.

Salary Schedule “P”:

Wyoming County Community Hospital

- Include a stipend for one (1) position of *General Surgeon* (position code 10.121.681) under GENERAL SURGERY CLINIC for general surgery on call services provided beyond existing contract requirements in an amount of \$2,000.00 per weekday and \$5,000.00 per weekend; effective July 23, 2023.
- Amend one (1) position of *Women's Health Nurse Practitioner* (position code 17.123.643) under WOMEN'S HEALTH CLINIC; effective July 26, 2023 as follows:
 - Change the 1.00 FTE to *0.60 FTE*.
 - Change the annual compensation from \$100,000.00 per year to *an hourly compensation of \$58.00 per hour*.
- Include a one-time stipend for the position of *Gynecologist* (position code TBD) under GYNECOLOGY CLINIC in the amount of \$75,000.00; effective August 21, 2023.

- Include a stipend for the position of *Gynecologist* (position code TBD) under GYNECOLOGY CLINIC in an amount of \$60.00 per wRVU in excess of 5,800 wRVUs in any calendar year; effective August 21, 2023.
- Amend one (1) position of *Women's Health Nurse Practitioner* (position code 17.123.643) under GYNECOLOGY CLINIC; effective July 26, 2023 as follows:
 - Change the 1.00 FTE to **0.60 FTE**
 - Change the annual compensation from \$100,000.00 per year to **an hourly rate of \$58.00 per hour.**

Carried: XXX Ayes: 199 Noes: Absent: Abstain: 2 (Genesee Falls)

#40

**RESOLUTION NO. 23-437
(August 15, 2023)**

By Mr. Kehl, Chairman of the Finance Committee:

POSITION(S) ABOLISHED

BE IT RESOLVED, That the following positions are hereby ABOLISHED in the following Wyoming County Department(s):

ABOLISHED:

Wyoming County Community Hospital

- One (1) position of *Pharmacy Director* (1.00 FTE) (position code 01.172.585) under PHARMACY on Salary Schedule “C”; effective July 26, 2023.
- One (1) position of *Biomedical Supervisor* (1.00 FTE) (position code 02.162.547) under BIOMEDICAL ENGINEERING on Salary Schedule “C”; effective August 16, 2023.
- One (1) position of *Family Practice and Maternity Physician Provider* (1.00 FTE) (position code 10.103.586) under WYOMING COUNTY FAMILY MEDICINE – O’DELL and two associated stipends on Salary Schedule “P”; effective August 1, 2023.

Carried: XXX Ayes: 199 Noes: Absent: Abstain: 2 (Genesee Falls)

#41

**RESOLUTION NO. 23-438
(August 15, 2023)**

By Mr. Kehl, Chairman of the Finance Committee:

POSITION(S) CREATED

BE IT RESOLVED, That the following positions are hereby CREATED in the following Wyoming County Department(s):

CREATED:

Wyoming County Community Hospital

- One (1) position of ***Gynecologist*** (1.00 FTE) (position code TBD) under **GYNECOLOGY CLINIC** and set the salary at \$325,000.00 per year; position available date is August 21, 2023.

Carried: XXX Ayes: 199 Noes: Absent: Abstain: 2 (Genesee Falls)

Chairwoman Ryan, T/Warsaw thanked everyone for attending today and brought attention to the flyer at the back of the board packet.

Supervisor May, T/Orangeville stated that on behalf of the Town of Orangeville and Invenergy, a donation has been made to 4-H.

Supervisor McCormick, T/Java personally thanked Chairwoman Ryan for her leadership with the issue of asylum seekers coming from New York City.

RETIREMENT OF COLORS ~

- *By our dedicated Wyoming County Veterans*

There being no further business to come before this Board, Senior Supervisor Berwanger, T/Arcade, adjourned the meeting at 3:17 PM with a rap on his desk.

Respectfully submitted,



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

A

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