

Seneca County Board of Supervisors

Regular Meeting

January 9, 2007

7:00 p.m.

Call to Order:

Chairman Barto called the meeting to order at 7:00 p.m.

Roll Call of Members by the Clerk:

Twelve members of the Board of Supervisors answered roll call. Supervisor Trickler was absent. Supervisor Davidson was seated at 7:03 p.m.

Pledge of Allegiance and Moment of Silence

Petitioners and Presentations:

Paul Griswold, President and CEO, Finger Lakes Technologies Group gave a presentation of the future of fiber optic communications in Seneca County.

Public Hearings:

a. Providing for the Administration and Operation of Seneca County E911 Center – Proposed Local Law 1, 2007. Chairman Barto opened the floor for public comments. No comments were heard. Supervisor Lafler moved the public hearing closed. Second by Supervisor Amidon. All voted in favor.

b. Authorizing the Director of Community Mental Health Services of the County of Seneca to reside outside of said county - Proposed Local Law 2, 2007. Chairman Barto opened the floor for public comments. No comments were heard. Supervisor Same moved the public hearing closed. Second by Supervisor Lafler. All present voted in favor.

Submission of Claims for Audit:

Motion to approve vouchers for payment made by Supervisor Anglim. Second by Supervisor Kaiser. All present voted in favor.

Supervisors vouchers	1 - 311	totaling	\$521,309.00
OFA vouchers	1 - 52	totaling	\$52,338.03
Workforce Development vouchers	1 - 27	totaling	\$27,787.18
Insurance vouchers	1 - 7	totaling	\$8,649.15
County Airport vouchers	1 - 7	totaling	\$6,664.75
Jail Capital Project vouchers	1-7 and 9-16	totaling	\$194,465.14
E-911 vouchers	1 - 3	totaling	\$20,048.34

Highway Transportation vouchers

Maintenance & State Snow	1 - 26	totaling	\$47,179.14
Highway Machinery	1 - 38	totaling	\$38,718.29

Reports of Standing Committees:

Public Works & Planning, Development, Agriculture & Tourism Committee. Written copy filed with Office of the Clerk of the Board of Supervisors.

Native American Affairs Committee. Written copy filed with Office of the Clerk of the Board of Supervisors.

Government Operations, Personnel & Technology Committee

Chairman's Remarks:

Chairman Barto stated that he received some specific requests from supervisors regarding their committee preference. He extended the deadline for requests for Friday, January 12 at 5:00 p.m.

County Manager's Remarks:

Ms. Secor said that the E-911 Center was planning an Open House during the first week of February and more information would be forthcoming.

County Attorney's Remarks:

None

Communications:

The following communications were received and filed:

1. From NYS Office of the Lieutenant Governor, Mary O. Donohue, a copy of the report, *Quality Communities: Five Years of State and Local Partnerships*.
2. From NYS Sheriff's Association Institute, Inc., a letter dated December 20, 2006 and a letter dated December 27, 2006, sent as part of a settlement agreement with the Office of the Attorney General of NYS, regarding Seneca County's participation in the contract between The Institute (now Star Governmental) and GPS and the contract between the Association and AT&T (now Global Tel*Link), and the right to select another provider or continue participation in the current contracts.
3. From Finger Lakes Resource Conservation & Development Council, Inc., a copy of November 15, 2006 meeting minutes.
4. From the Seneca County Board of Health, a copy of December 20, 2006 meeting minutes.

5. From the Seneca County Economic Development Corporation, a copy of December 7, 2006 Regular Meeting minutes.

6. From Seneca County Industrial Development Agency, a copy of Regular Meeting minutes dates December 7, 2006.

7. From Western Finger Lakes Solid Waste Management Authority, a copy of meeting minutes dated September 5, 2006.

The following communications were received and referred to the committee indicated:

8. From Seneca County Soil & Water Conservation District Board of Directors, a letter dated December 27, 2006, supporting the reappointment of Norman Sharman; and requesting two appointments be made for a one-year term to represent the Seneca County Board of Supervisors. Referred to the oversight committee for Planning, Development, Agriculture & Tourism.

9. From Thomas J. Wutz, Chief, Fire Services Bureau, Office of Fire Prevention and Control, NYS Department of State, a letter dated December 21, 2006, regarding the Seneca County Board of Supervisors PSAP and eligibility for Local Enhanced Wireless 911 reimbursements. Referred to the Public Safety Committee.

RESOLUTIONS AND MOTION:

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW NO. 3 OF THE YEAR 2007
PROVIDING A PARTIAL EXEMPTION FROM REAL PROPERTY TAXES TO
PERSONS WITH DISABILITIES WHO HAVE LIMITED INCOME AND PROVIDING
FOR PUBLIC HEARING**

RESOLUTION NO. 02-07, moved by Mr. Anglim, seconded by Mr. Smith and adopted by 690 ayes (Anglim, Smith, Reynolds, Barto, Davidson, Dresser, Kaiser, Same, Lafler, Amidon, Teichner, Mooney, Shipley) and 60 absentees (Trickler).

WHEREAS, it has been recommended by the Director of Real Property Tax Services and the Board of Supervisors' Finance and Assessment and Insurance committee that it is in the best interests of the County that there be introduced a Local Law Providing A Partial Exemption From Real Property Taxes To Persons With Disabilities Who Have Limited Income;

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law No. 3 of the year 2007 entitled, "A Local Law Providing A Partial Exemption From Real Property Taxes To

Persons With Disabilities Who Have Limited Income" be and the same is hereby introduced before the Board of Supervisors of Seneca County, New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed local law be laid upon the desks of each member of the County Board; and

BE IT FURTHER RESOLVED, that the County Board hold a public hearing on said proposed Local Law at the County Office Building, 1 DiPronio Drive, Waterloo New York at 7:00 p.m. on the 13th day of February 2007; and

BE IT FURTHER RESOLVED, that the Clerk to the Board publish or cause to be published a notice of said public hearing in the official newspaper of the County at least ten (10) days prior thereto.

**SUPERVISORS APPROVE THE APPOINTMENT OF ROSE TO THE MENTAL
HEALTH SENECA COUNTY COMMUNITY SERVICES BOARD**

RESOLUTION NO. 03-07, moved by Mr. Smith, seconded by Mrs. Teichner and adopted by 690 ayes (Smith, Teichner, Reynolds, Barto, Davidson, Dresser, Kaiser, Same, Lafler, Anglim, Amidon, Mooney, Shipley) and 60 absentees (Trickler).

WHEREAS, the Seneca County Community Services Board is in need of a new member; and

WHEREAS, Donna Rose, a member of the community who resides at Rivers Edge Community, Waterloo NY, has applied for Community Services Board membership; and has the endorsement of the Seneca County Community Services Board; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby approve the appointment of Donna Rose to the Seneca County Community Services Board.

**BOARD OF SUPERVISORS APPOINT DR. EMANUEL LI TO
THE SENECA COUNTY BOARD OF HEALTH**

RESOLUTION NO. 04-07, moved by Mr. Smith, seconded by Mr. Mooney and adopted by 690 ayes (Smith, Mooney, Reynolds, Barto, Davidson, Dresser, Kaiser, Same, Lafler, Anglim, Amidon, Teichner, Shipley) and 60 absentees (Trickler).

WHEREAS, the local Board of Health is the governing body for the health department; and

WHEREAS, Public Health law states that the membership of the Board of Health is appointed by the Board of Supervisors for a term of office of six years; and

WHEREAS, the membership of the Board of Health shall consist of seven persons, three of whom must be physicians; and

WHEREAS, Dr. Emanuel Li has agreed to participate on the Board of Health; and

WHEREAS, Dr. Li currently serves as the consulting physician for the tuberculosis control program; and

WHEREAS, the Board of Health has recommended that Dr. Li be appointed for a six year term; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Dr. Emanuel Li to a six year term (January 2007 through December 31, 2012) on the Seneca County Board of Health.

Prefiled resolution no. 15 - Chairman of Board Authorized to Revise the Contract Amount between the Bonadio & Co., LLP. and the Division of Human Services:

A motion to Lay on the Table prefiled resolution #15 was made by Supervisor Kaiser. Second by Supervisor Anglim. All present voted in favor.

New Business:

Supervisor Lafler made a motion to Suspend the Rules of Order to introduce resolutions not prefiled with the Clerk of the Board. Second by Supervisor Kaiser. All present voted in favor.

RESOLUTION AUTHORIZING ADOPTION BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SENECA OF PROPOSED LOCAL LAW NO. 1 OF THE YEAR 2007
RESOLUTION NO. 05-07, moved by Mr. Anglim, seconded by Mr. Smith and adopted by 690 ayes (Anglim, Smith, Reynolds, Barto, Davidson, Dresser, Kaiser, Same, Lafler, Amidon, Teichner, Mooney, Shipley) and 60 absentees (Trickler).

WHEREAS, a resolution was duly adopted by the Board of Supervisors of the County of Seneca for a Public Hearing to be held by said County on January 9, 2007 at 7:00 PM at the Seneca County Office Building, One DiPronio Drive, Waterloo, NY 13165 to hear all interested parties on a proposed Local Law entitled “a local law providing for the administration and operation of the Seneca County 911 center”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper(s) of the County of Seneca; and

WHEREAS, said public hearing was duly held on January 9, 2007 at 7:00 PM at the Seneca County Office Building, One DiPronio Drive, Waterloo, NY 13165 and all parties in

attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local law, or any part thereof; and

WHEREAS, the Board of Supervisors of the County of Seneca, after due deliberation, finds it in the best interests of the County of Seneca to adopt said Local Law;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Seneca hereby adopts said Local Law No. 1 of the year 2007, a copy of which is attached hereto and made a part of this resolution; and be it further

RESOLVED that the Clerk of the Board be and hereby is directed to enter said Local law in the minutes of this meeting and in the Local Law Book of the County of Seneca, and to give due notice of the adoption of said local law to the Secretary of the State of New York, and the County Clerk.

**RESOLUTION AUTHORIZING ADOPTION BY THE BOARD OF SUPERVISORS OF
THE COUNTY OF SENECA OF LOCAL LAW NO. 2 OF THE YEAR 2007**

RESOLUTION NO. 06-07, moved by Mr. Smith, seconded by Mr. Same and adopted by 690 ayes (Smith, Same, Reynolds, Barto, Davidson, Dresser, Kaiser, Lafler, Anglim, Amidon, Teichner, Mooney, Shipley) and 60 absentees (Trickler).

WHEREAS, a resolution was duly adopted by the Board of Supervisors of the County of Seneca for a Public Hearing to be held by said County on January 9, 2007 at 7:00 PM at the Seneca County Office Building, One DiPronio Drive, Waterloo, NY 13165 to hear all interested parties on a proposed Local Law entitled “A Local Law Authorizing The Director Of Community Mental Health Services Of The County Of Seneca To Reside Outside Of The Said County”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper(s) of the County of Seneca; and

WHEREAS, said public hearing was duly held on January 9, 2007 at 7:00 PM at the Seneca County Office Building, One DiPronio Drive, Waterloo, NY 13165 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local law, or any part thereof; and

WHEREAS, the Board of Supervisors of the County of Seneca, after due deliberation, finds it in the best interests of the County of Seneca to adopt said Local Law;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Seneca hereby adopts said Local Law No. 2 of the year 2007 as follows:

SECTION I:

In the County of Seneca, the provisions of Public Officers Law § 3 requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he shall be chosen or within which his official functions are required to be exercised, shall not prevent a person from holding the office of Director Of Community Mental Health Services of the County of Seneca, provided that such person: (a) meets or exceeds the minimum qualifications for the position previously adopted by the County of Seneca; (b) resides within the State of New York, unless otherwise provided by law.

SECTION II. Effective Date.

This local law shall take effect immediately upon filing with the secretary of state in accordance with Section 27 of the Municipal Home Rule Law; and be it further

RESOLVED that the Clerk of the Board be and hereby is directed to enter said Local law in the minutes of this meeting and in the Local Law Book of the County of Seneca, and to give due notice of the adoption of said local law to the Secretary of the State of New York and the Seneca County Clerk.

**RESOLUTION CREATING THE STANDING COMMITTEES OF THE
SENECA COUNTY BOARD OF SUPERVISORS**

RESOLUTION NO. 07-07, moved by Mr. Kaiser, seconded by Mr. Smith and adopted by 690 ayes (Kaiser, Smith, Reynolds, Barto, Davidson, Dresser, Same, Lafler, Anglim, Amidon, Teichner, Mooney, Shipley) and 60 absentees (Trickler).

WHEREAS, New York County Law §154 provides that the board of supervisors may create standing committees for the purpose of aiding and assisting the board in the transaction of its business;

NOW, THEREFORE, BE IT RESOLVED that the Rule 25 of the Rules of Order of the Board of Supervisors be revised as follows:

COMMITTEE NO. 1 – FINANCE, ASSESSMENT & INSURANCE - Responsible for County budget, returned school taxes, sales tax, debt service, and County Treasurer Department, County Insurance Programs, Risk Management, Workers' Compensation and Fixed Assets

Program, Assessment rolls, Real Property Tax Office, tax maps, reappraisals tax sale property, tax petitions, and all real property tax matters.

COMMITTEE NO. 2 – PERSONNEL and TECHNOLOGY - Responsible for Personnel Department, civil service, employee contracts, employee salaries and benefits, employee relations, and affirmative action program. Responsible for computers and computer related equipment, AS400, electronic communications including telephones and cellular phones and the Information Technology Department.

COMMITTEE NO. 3 - GOVERNMENT OPERATIONS – Responsible for County Clerk, Board of Elections, Courts, Central Services, Records Management, County rules and order of business, ethics, legislative proposals and reviews, County Manager, Clerk of the Board, Supervisors' expenses, Purchasing, County Law Department, and Weights and Measures.

COMMITTEE NO. 4 - PUBLIC WORKS - Responsible for repairs, maintenance and construction of all County roads, Highway Department, rights of way, snow removal, highway materials and equipment, repairs, maintenance, construction and siting of all County buildings, utilities, and Buildings and Grounds Department, and Solid Waste management, recycling and composting.

COMMITTEE NO. 5 – PLANNING, DEVELOPMENT, AGRICULTURE & TOURISM - Responsible for Economic Development and Planning Department, Planning Board, Industrial Development Agency, Tourism, Federal and State grants, Soil & Water Conservation District, Extension Service, Agriculture Districts, and Finger Lakes Regional Airport.

COMMITTEE NO. 6 – MENTAL HEALTH SERVICES - Responsible for the Mental Health Department, Mental Health Programs, Community Services Board, Alcoholism and Substance Abuse programs, Youth At Risk Programs.

COMMITTEE NO. 7 - PUBLIC HEALTH SERVICES - Responsible for the Public Health Department, home health agency, sanitation, handicapped children physical care program, Early Intervention, animal disease control and Code Enforcement, , and Handicapped Children Pre-K (3 -5).

COMMITTEE NO. 8 - HUMAN SERVICES - Responsible for the Division of Human Services, Social Services Department, Office for the Aging, County Historian, Veterans Services, Weatherization Program, and Community Colleges.

COMMITTEE NO. 9 - PUBLIC SAFETY AND JAIL CONSTRUCTION - Responsible for Sheriff's Department and Jail, District Attorney, Public Defender, Coroners, Justices and Constables, Fire Mutual Aid, Office of Emergency Management, Probation Department, STOP-DWI Program, E-911 and construction of the Seneca County Law enforcement center.

COMMITTEE NO. 10 – NATIVE AMERICAN AFFAIRS – Responsible for all issues relative to the Native American affairs.

COMMITTEE NO. 11—INTER-COUNTY COMMITTEE - Responsible for interactions between Seneca County and the other counties of the State of New York; and be it further

RESOLVED, that these amendments shall take effect immediately, upon the assignment by the Chairman of the membership of each of the above committees.

APPOINTMENTS TO SENECA COUNTY SOIL & WATER CONSERVATION BOARD
RESOLUTION NO. 08-07, moved by Mr. Mooney, seconded by Dr. Dresser and adopted by 690 ayes (Mooney, Dresser, Reynolds, Barto, Smith, Davidson, Kaiser, Same, Lafler, Anglim, Amidon, Teichner, Shipley) and 60 absentees.

RESOLVED, that the Board of Supervisors does hereby appoint Norman Sharman as a member at large to the Soil and Water Conservation District Board for a three year-term to expire on December 31, 2009; and be it

FURTHER RESOLVED, that the Board of Supervisors does hereby appoint David M. Kaiser, Supervisor from the Town of Romulus, and Michael Reynolds, Supervisor from the Town of Covert, to serve on the Soil and Water Conservation District Board as Board of Supervisor Representatives for a one-year term to expire on December 31, 2007.

**RESOLUTION DIRECTING THE FILING AND SERVICE OF A NOTICE OF APPEAL
(EXECUTIVE SESSION)**

RESOLUTION NO. 08a-07, moved by Dr. Dresser, seconded by Mrs. Teichner and adopted by 690 ayes (Dresser, Teichner, Reynolds, Barto, Smith, Davidson, Kaiser, Same, Lafler, Anglim, Amidon, Mooney, Shipley) and 60 absentees (Trickler).

RESOLVED, the County Attorney is hereby directed and requested to serve and file the Notice of Appeal in “In the Matter of the Application of THE COUNTY OF SENECA, a municipal corporation of the State of New York, Petitioner, v. ANDREW S. ERISTOFF, as the Commissioner, New York State Department of Taxation and Finance, et al, Supreme Court,

Albany County, Index No. 3172-06,” in order to protect and preserve the County’s rights under CPLR Art. 78 and other applicable statutes and case law.

Special Order of the Day:

Moved by Supervisor Kaiser. Second by Supervisor Shipley. All present voted in favor.