

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

April 22, 2008

8:00 p.m.

DRAFT

Call to Order

Chairman Lafler called the meeting to order at 8:00 p.m.

Roll Call of Members by the Clerk

All members of the Board of Supervisors were present.

Pledge of Allegiance and Moment of Silence

Presentations / Petitioners

a. Department Review – Bill Bordeau, Deputy Director of Economic Planning and Development gave an overview of the department

b. Dan Motill, President, Friends of the Three Bears, announced the organizations celebration of Law Day, held at the Papa Bear, which pays tribute to past judges of Seneca County

Reports of Standing Committees

Government Operations Committee, Mrs. Amidon, Chairperson, said that the public hearing for the 315 area code overlay proposal was changed to May 8, 2008.

Public Works Committee, Mr. Davidson, Chairman reported that the Committee recommended the acceptance of bids by Seneca Stone Corporation and Hanson Aggregates for aggregate materials and hot mix asphalt

Mental Health Services, Mr. Reynolds, Chairman, reported that a proclamation resolution was recommended recognizing May 4 thru 10, 2008 as Mental Health Week for Children.

Public Safety Committee, Mr. Shipley, Chairman, that the Committee recommended the appointment and re-appointment of members to the Traffic Safety Board. The Committee also recommended that the position of Deputy Sheriff be refilled.

At this time, Sheriff Stenberg was recognized by Chairman Lafler. Sheriff Stenberg told the members of the Board of Supervisors that the County was ready to in-board inmates from other counties.

Human Services Committee, Mr. Mooney, Chairman, reported that the Committee recommended the purchase of a new copier for Workforce Development and Board of Supervisor approval of the Finger Lakes Workforce Area Workforce Investment Act Local Plan Modification Program for 2008-2009. Mr. Mooney also said that at May 13 Board meeting, several youth would be recognized for their participation in the Youth Bureau Art Expo.

Personnel & Technology Committee, Dr. Dresser, Chairman, reported that the Committee recommended that the Chairman of the Board be authorized to send a letter to Senator Nozzolio and

Assemblyman Kolb, with copies to Senator Bruno and Speaker Silver urging them to oppose legislation amending the Civil Service Law regarding independent hearing officers for disciplinary hearings. Dr. Dresser also stated that the hiring policy was currently being reviewed by the County Manager, the Personnel Director, and Supervisors Barto and Westfall and it was expected that any amendments to the current hiring policy would be proposed at the May 13 meeting.

Indian Affairs Committee, Mr. Same, Chairman, reported that two hundred and ten acres of the town and village of Seneca Falls were purchased by the Cayuga Nation and an application to erect a barn was made to the Village Zoning Board.

Planning, Development, Agriculture & Tourism Committee, Mr. Kaiser, Chairman, reported that the Committee recommended Board of Supervisors opposition to NYS proposal to change the fees to travel on the canal. He also stated that the Committee was recommending the appointment of Suzanne Sinclair and Bill Bordeau to serve as members of the GFLRPC. He also said he planned to move a suspension of the rules to introduce a resolution to award the bid for construction of wetland at the former Army depot

Communications:

73. From Peter A. Drago, Director, Executive Chamber Operations, of the State of New York, a letter dated April 4, 2008 acknowledging receipt of Chairman Lafler's letter regarding the collection of Indian sales tax.

74. From Brian M. Kolb, Assemblyman, of the State of New York, a letter dated March 28, 2008, acknowledging receipt of a certified copy of Seneca County Board of Supervisors Resolution No. 74-08 which urges the State Legislature to oppose the proposed shift of 100 percent of the cost of Juvenile Detention Facilities to Counties.

75. Copy of January 15, 2008 and February 5, 2008 meeting minutes of the Seneca County Cornell Cooperative Extension Board of Directors.

76. Copy of March 5, 2008 meeting minutes of the Seneca County Agriculture Enhancement Board.

77. Copy of March 13, 2008 meeting minutes of the Genesee / Finger Lakes Regional Planning Council.

78. Copy of March 13, 2008 meeting minutes of the Seneca County Planning Board.

79. From Thomas J. Wutz, Chairman, 911 Board, a letter dated April 2, 2008 outlining required documentation due by May 2, 2008 to support a written request for contract period extensions to July 31, 2008. Referred to the Public Safety Committee.

80. From John R. Gibb, Director, NYS Emergency Management Office, a letter dated April 10, 2008 regarding Letters of Intent for a mitigation program to be funded with Hazard Mitigation Grant

Program monies provided by the Federal Emergency Management Agency (FEMA). Referred to the Public Safety Committee.

RESOLUTIONS AND MOTIONS

**RESOLUTION TO AUTHORIZE THE TREASURER TO TRANSFER FUNDS FOR
ADVERTISING EXPENSES FOR COUNTY PERSONNEL**

RESOLUTION NO. 102-08, moved by Mr. Barto, seconded by Mr. Same and unanimously adopted by 750 ayes.

WHEREAS, the advertising budget for the Personnel Department was set at \$4,000 for 2008; and

WHEREAS, there has been an unanticipated need for advertising for personnel after the budget was passed and adopted by the Board of Supervisors; and

WHEREAS, the Personnel Department has recently received requests for additional unanticipated advertising for personnel that amount to \$2,800.00 in expenditures; and

WHEREAS, the advertising for recent personnel has all but depleted the budget account which currently maintains a balance of \$1,303.03; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby accept the request to increase the Personnel Department Advertising budget 10-101-5-1430.4360 by \$2,5000.00; and be it

FURTHER RESOLVED, that the Seneca County Treasurer is hereby authorized and directed to transfer the sum of \$2,500.00 from account 10-101-519-1990.4700 Contingent Fund to account 10-101-5-1430.4360 Personnel Advertising to cover the cost of unanticipated advertising expenses.

**APPOINT SINCLAIR AND BORDEAU TO GENESEE FINGER LAKES
REGIONAL PLANNING COUNCIL**

RESOLUTION NO. 103-08, moved by Mr. Kaiser, seconded by Mr. Same and unanimously adopted by 750 ayes.

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on April 8, 2008; now, therefore be it

RESOLVED, that Ms. Suzanne Sinclair, Seneca County Manager, be appointed as County Representative to the Genesee Finger Lakes Regional Planning Council; and be it

FURTHER RESOLVED, that Wilfred Bordeau, Deputy Director of the Department of Economic Development and Planning is to serve as the alternate to Chairman Laverne C. Lafler, Jr., in his position on the Genesee Finger Lakes Regional Planning Council; and be it

FURTHER RESOLVED, that Ms. Sinclair shall represent Seneca County on the Executive Committee of the Genesee Finger Lakes Regional Planning Council.

**BOARD OF SUPERVISORS AWARD BID FOR SECURITY IMPROVEMENTS AT
FINGER LAKES REGIONAL AIRPORT**

RESOLUTION NO. 104-08, moved by Mr. Kaiser, seconded by Mr. Mooney and unanimously adopted by 750 ayes.

WHEREAS, the County has solicited bids for Security Improvements including Installation of Fencing and Gates, and five competitive bids were received and opened on March 20, 2008, and reviewed by C&S Companies on behalf of the County; and

WHEREAS, the lowest bidder was Gudabri, Inc. of Savannah, NY for \$198,078.00; and

WHEREAS, one hundred percent (100%) of the cost will be covered by New York State Department of Transportation (Project #3911.81); and

WHEREAS, this resolution was recommended by the Planning, Development, Agriculture & Tourism Committee on April 8, 2008; now, therefore be it

RESOLVED, that the Board of Supervisors does hereby award the bid Security Improvements including the Installation of Fencing and Gates to bidder Gudabri, Inc., for the sum of \$198,078.00; and be it

FURTHER RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the contract with Gudabri, Inc. of Savannah, NY upon review of said contract by the Seneca County Attorney; and be it

FURTHER RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign documents as may be required by the New York State Department of Transportation for Receipt of Funds for Project #3911.81 upon review by the County Attorney.

**BOARD OF SUPERVISORS AWARD BID FOR REPLACEMENT OF TIE DOWNS AT
FINGER LAKES REGIONAL AIRPORT**

RESOLUTION NO. 105-08, moved by Mr. Kaiser, seconded by Mrs. Amidon and unanimously adopted by 750 ayes.

WHEREAS, the County has solicited bids for the Replacement of Tie Downs, and five competitive bids were received and opened on March 20, 2008, and reviewed by C&S Companies on behalf of the County; and

WHEREAS, the lowest bidder being Paul F. Vitale, Inc. of Auburn, NY at \$29,100.00; and

WHEREAS, ninety percent (90%) of the cost will be covered by New York State Department of Transportation (Project #3911.80) and ten percent (10%) of the cost, \$2,910.00, is to be covered by Seneca County from the Airport Capital Account; and

WHEREAS, this resolution was recommended by the Planning, Development, Agriculture & Tourism Committee on April 8, 2008; now, therefore be it

RESOLVED, that the Board of Supervisors does hereby award the bid for the replacement of Airport Tie Downs including the installation of 33 Tie Downs to Paul F. Vitale, Inc., for the sum of \$29,100.00; and be it

FURTHER RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the contract with Paul F. Vitale, Inc. of Auburn, NY for the Replacement of Airport Tie Downs upon review of said contract by the Seneca County Attorney; and be it

FURTHER RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign documents as may be required by the New York State Department of Transportation for Receipt of Funds for Project #3911.80 upon review by the County Attorney.

BOARD OF SUPERVISORS RECOMMENDS REESTABLISHMENT OF 2007 FEES AND HOURS OF OPERATION ON THE NEW YORK STATE CANAL SYSTEM

RESOLUTION NO. 106-08, moved by Mr. Kaiser, seconded by Mr. Terryberry and unanimously adopted by 750 ayes.

WHEREAS, the New York State Canal System has announced that it will be reinstating the Recreation Canal Passes; and

WHEREAS, the New York State Canal System has announced that they will be reducing the hours of operation from previous years; and

WHEREAS, the Waterloo and Seneca Falls Locks on the Cayuga-Seneca Canal have some of the highest lock usage rates on the New York State Canal System; and

WHEREAS, the reduction of hours, especially when coupled with the reestablishment of the pass fees, has the potential to have a significant negative impact on canal related tourism in Seneca County; and

WHEREAS, this resolution was recommended by the Planning, Development, Agriculture and Tourism Committee on April 8, 2008; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors authorizes and directs the Chairman of the Board to correspond with the New York State Canal Corporation for the purpose of expressing the recommendation and request of the Board of Supervisors that Canal System fees and hours of operation are returned to 2007 levels; and be it

FURTHER RESOLVED, that copies of the above correspondence also be sent to the Honorable Michael F. Nozzolio, State Senator of the 54th District and the Honorable Brian M. Kolb, State Assemblyman for the 129th District.

**APPROVAL OF THE FINGER LAKES WORKFORCE INVESTMENT AREA LOCAL PLAN
MODIFICATION FOR WORKFORCE INVESTMENT ACT TITLE 1-B AND WAGNER
PEYSER PROGRAMS – PROGRAM YEAR 2008-2009**

RESOLUTION NO. 107-08, moved by Mr. Mooney, seconded by Mr. Kaiser and unanimously adopted by 750 ayes.

WHEREAS, the Finger Lakes Workforce Investment Board has completed the Plan Modifications for the four Counties for Program Year 2008 and 2009; and

WHEREAS, this plan has been reviewed by the Deputy Commissioner in charge of Workforce, the Commissioner of DHS/DSS representative on the WIB, the Human Services Committee of the Board of Supervisors and the County Attorney; and

WHEREAS, Seneca County

- agrees to comply with all statutory and regulatory requirements of the Act as well as other applicable state and federal laws, regulations and policies
- affirms that the composition of the Local Board is in compliance with the law, rules and regulations and is approved by the State
- affirms that this Plan Modification was developed in collaboration with the Local Board and is jointly submitted with the Chief Elected official(s) on behalf of the Local Board
- agrees to comply with §661.310 by ensuring a firewall exists between the board and the provision of core services, intensive services, training services and the One-Stop Operators; and

WHEREAS, this plan is being submitted jointly by the Local Workforce Investment Board and the respective Chief Elected Officials of Ontario, Seneca, Wayne and Yates Counties; now, therefore be it

RESOLVED, that this Board of Supervisors approves the submission of the Finger Lakes Workforce Investment Act Local Plan Modification and authorizes the Chairman of the Board of Supervisors to sign the Plan for Program Year 2008 -2009.

SUPERVISORS AUTHORIZE AMENDMENT TO 2006 HOMELAND SECURITY GRANT

RESOLUTION NO. 108-08, moved by Mr. Shipley, seconded by Mr. Westfall and unanimously adopted by 750 ayes.

WHEREAS, the New York State Office of Homeland Security has awarded the Seneca County Sheriff's Department a \$29,500 grant through the 2006 Law Enforcement Terrorism Prevention Program (LETPP) for the purpose of installing fifteen mobile radio repeaters into Seneca County Sheriff's Department vehicles; and

WHEREAS, \$250 in unspent monies remain after purchase of the fifteen repeaters which will be used to repair a security surveillance camera; and

WHEREAS, Homeland security has deemed this activity as acceptable, but requires a grant project amendment to authorize the activity change; and

WHEREAS, this request was reviewed and approved by the Public Safety Committee on April 22, 2008; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign any and all necessary documents to amend the contract with the New York State Office of Homeland Security as detailed above.

SUPERVISORS SUPPORT OBSERVANCE OF CHILDREN'S MENTAL HEALTH WEEK
RESOLUTION NO. 109-08, moved by Mr. Reynolds, seconded by Mr. Shipley and unanimously adopted by 750 ayes.

WHEREAS, the Supervisors of Seneca County value the health of the County's children and adolescents; and

WHEREAS, almost 21% of children and adolescents in the United States have a mental health disorder; nearly 11% suffer from a major mental illness that results in significantly impaired behavior at home, at school, and among peers; 5% have extreme functional impairment in addition to their mental health issues; and

WHEREAS, it is important that children and adolescents, along with their families and communities learn about the warning signs of mental health problems and where to obtain necessary assistance and treatment; and

WHEREAS, obtaining a full and accurate diagnosis of a child requires gathering information from diverse sources, including the family, school, and others involved with that child; and

WHEREAS, early diagnosis and appropriate treatment of mental health problems among children and adolescents provide them better opportunities to lead full and productive lives; the participation of family members in the assessment and treatment of children and adolescents is integral to positive clinical outcomes; and

WHEREAS, Children's Mental Health Week was developed by families of children with special mental, emotional, and behavioral needs to focus on the needs of their children and families, it is fitting to increase public awareness among all New Yorkers to this important issue; now, therefore be it,

RESOLVED, that the Seneca County Board of Supervisors does hereby proclaim May 4-10, 2008 as CHILDREN'S MENTAL HEALTH WEEK.

**RESOLUTION IN SUPPORT OF THE NEW YORK STATE SCENIC BYWAY DESIGNATION
FOR A PORTION OF STATE ROUTE 414**

RESOLUTION NO. 110-08, moved by Mr. Davidson, seconded by Mr. Reynolds and unanimously adopted by 750 ayes.

WHEREAS, in 1992, the state created a program to recognize transportation corridors that are of particular statewide significance and representative of a region's "scenic, recreational, cultural, natural, historic or archaeological significance;" and

WHEREAS, a group of concerned citizens has formed "Seneca Lake Byway, Inc.," a not-for-profit corporation, to nominate an approximately eighteen (18) mile stretch of New York State Route 414, from the Village of Lodi (where NYS Route 414 intersects with NYS Route 96A) to the southern boundary of the Town of Hector; and

WHEREAS, this designation will help address several key issues that may impact the residents of this area, and give land owners, businesses, agricultural interests and others a new opportunity to positively enhance this important highway corridor, in order that the area may enjoy the benefits of better economic opportunity, enhanced access to grants from state and federal government and assist in maintaining the area's rural character and scenic views to promote tourism; and

WHEREAS, this resolution was recommended by the Planning, Development, Agriculture and Tourism Committee of the Seneca County Board of Supervisors; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors hereby supports the effort to nominate the Lodi-Hector Town Section of State Route 414 for the New York State Scenic Byway Designation; and be it

FURTHER RESOLVED, that the Clerk of the Board is hereby directed to forward a certified copy of this resolution to Seneca Lake Byway, Inc., c/o 9048 Barbara Drive, Lodi, New York 14860, and to our representatives in the New York State Legislature.

RESOLUTION PROCLAIMING MAY 1 AS "LAW DAY" IN SENECA COUNTY

RESOLUTION NO. 111-08, moved by Mrs. Amidon, seconded by Mr. Davidson and unanimously adopted by 750 ayes.

WHEREAS, Law Day is a celebration of our nation's great heritage of liberty, justice, and equality under law; and

WHEREAS, this is the fiftieth observance of Law Day since 1958, when President Eisenhower proclaimed the first Law Day a "day of national dedication to the principle of government under law"; and

WHEREAS, all youth need to understand their rights and responsibilities under the law to become effective participants in our nation's civic life; and

WHEREAS, the Law Day 2008 theme is "The Rule of Law: Foundation for Communities of Opportunity and Equity"; and

WHEREAS, the County of Seneca, through its Criminal Justice Advisory Board has instituted a program to teach our children about Law Day and the Legal system; now therefore, be it

RESOLVED, that the Board of Supervisors of Seneca County hereby proclaims Thursday, May 1, 2008, as Law Day and urges the citizens, schools, businesses, and media of Seneca County to use this occasion to preserve and strengthen the rule of law; and be it

FURTHER RESOLVED, that the Board of Supervisors hereby recognizes the members of the Seneca County Criminal Justice Advisory Board and the youths participating in "Law Day" for their assistance and commitment to teaching and learning of our great heritage of liberty under the law; and be it

FURTHER RESOLVED, that the student participants in Law Day be recognized at, and invited to attend, the May 13 meeting of the Board of Supervisors, together with any members of the Criminal Justice Advisory Board who also wish to attend.

New Business

Dr. Dresser moved to Suspend the Rules of Order to introduce resolutions not previously filed. Mr. Kaiser made a second to the motion. The motion carried.

**BOARD OF SUPERVISORS AWARD BID FOR CONSTRUCTION OF WETLANDS AT THE
FORMER SENECA ARMY DEPOT**

RESOLUTION NO. 112-08, moved by Mr. Kaiser, seconded by Mr. Same and unanimously adopted by 750 ayes.

WHEREAS, the County has solicited bids for Construction of the Wetlands at the Former Seneca Army Depot, and four (4) competitive bids were received and opened on April 18, 2008, and reviewed by C&S Companies on behalf of the County; and

WHEREAS, the lowest bidder being Dendis Sand and Gravel, Inc. of Phelps, NY for \$142,755.99; and

WHEREAS, ninety five percent (95%) of the cost will be covered by the Federal Aviation Administration, two and a half percent (2.5%) New York State Department of Transportation and two and a half percent (2.5%) of the cost, (\$3,568.90), is to be covered by Seneca County from the Airport Capital Account; and

WHEREAS, this resolution has been recommended by the Planning, Development, Agriculture & Tourism Committee on April 22, 2008; now, therefore be it

RESOLVED, that the Board of Supervisors does hereby award the bid for Construction of Wetlands at the Seneca Army Depot to Dendis Sand and Gravel, Inc., for the sum of \$142,755.99; and be it

FURTHER RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the contract with Dendis Sand and Gravel, Inc. of Phelps, NY for the Construction of

Wetlands at the Former Seneca Army Depot upon review of said contract by the Seneca County Attorney; and be it

FURTHER RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign documents as may be required by the Federal Aviation Administration , and the New York State Department of Transportation for Receipt of Funds for the Project upon review by the County Attorney.

**RESOLUTION OPPOSING LEGISLATION MANDATING INDEPENDENT HEARING
OFFICERS FOR DISCIPLINARY DISMISSAL HEARINGS**

RESOLUTION NO. 113-08, moved by Dr. Dresser, seconded by Mr. Davidson and unanimously adopted by 750 ayes.

WHEREAS, an Act has been proposed to amend civil service law section 75 to prohibit public employers from dismissing a public employee for cause unless the determination is made by an independent hearing officer, and

WHEREAS, this bill has been proposed in both the State Senate (S.7298) and the State Assembly (A.10345), and

WHEREAS, this bill unduly interferes with local collective bargaining, which in Seneca County provides for due process before a public employee is dismissed, and

WHEREAS, this bill unfairly favors employees by allowing them but not employers the right to appeal an independent hearing officer's decision, and

WHEREAS, this bill would establish a procedure requiring pre-determination of the seriousness of an offense prior to a hearing on the substance of it, and

WHEREAS, this bill would place employee discipline in the hands of individuals not answerable to the public, and

WHEREAS, this bill appears to supersede Section 30 of the Public Officers Law, which requires immediate dismissal of an officer who has committed a felony or a misdemeanor in violation of their oath of office,

WHEREAS, this bill constitutes a significant new unfunded mandate which would raise the cost of local government, and

WHEREAS, similar legislation has been vetoed by each of the last three governors, a total of eight times, and

WHEREAS, this legislation is strongly opposed by the New York State Association of Counties, be it therefore

RESOLVED, that the Board of Supervisors of Seneca County strongly opposes legislation contained in Senate bill 7298 and Assembly bill 10325 which would prohibit public employers from

dismissing public employees for cause unless the determination is made by an independent hearing officer, and be it

FURTHER RESOLVED, that Board Chairman Lafler be authorized and directed to communicate the position of the Board on this matter to Senators Bruno and Nozzolio, Assemblymen Silver and Kolb, and Governor Paterson.

**RESOLUTION OPPOSING LEGISLATION MANDATING INDEPENDENT HEARING OFFICERS
FOR DISCIPLINARY DISMISSAL HEARINGS**

RESOLUTION NO. 114-08, moved by Mr. Shipley, seconded by Mr. Mooney and unanimously adopted by 750 ayes.

WHEREAS, the appropriate county hiring policy guidelines have been met; now therefore be it

RESOLVED, that the Board of Supervisors authorizes the Seneca County Sheriff to refill a vacant deputy sheriff position.

Chairman Lafler appointed Philip Knapp as a member of the Indian Affairs Advisory Committee.

Special Order of the Day

A motion was made by Dr. Dresser, seconded by Mrs. Amidon to adjourn. The motion was carried. The meeting was adjourned at 8:51 p.m.