

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

August 12, 2008

8:00 p.m.

Call to Order

Chairman Lafler called the meeting to order at 8:05 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. Seneca County Department Review - Seneca County Historian, Walter Gable, gave an overview of the responsibilities of the County Historian Department, some of which are assisting people who are seeking information, especially family genealogy, researching and preparing a monthly article for the Reveille Between the Lakes, and making presentations to organizations such as the Seneca Falls Historical Society, Seneca Nursing Home, and at the annual conference of the National Council of History Education in Louisville, Kentucky.

b. Weights and Measures, Sue Sauvageau spoke about the Department of Weights and Measures, which is one of the oldest Departments and jobs of the County. The responsibilities of this office include conducting petroleum quality testing; calibrate dairy tanks; systematically test county commercial weighing & measuring devices; advise businesses on proper equipment & procedures; research & address consumer questions & complaints; and check commodities packaging in supermarkets & other retail stores.

Submission of Claims for Audit

Mr. Barto made a motion, seconded by Mrs. Amidon, and carried that the following vouchers have gone through the proper auditing process, be approved for payment.

Supervisors vouchers	#1925 - 2237	totaling	\$	301,504.90
OFA vouchers	#390 - 449	totaling	\$	73,495.32
Workforce Development vouchers	#129 - 152	totaling	\$	22,428.88
Insurance vouchers	#230 - 239	totaling	\$	50,206.47
Sheriff vouchers	#649 - 714	totaling	\$	136,106.90
County Airport vouchers	#69 - 78	totaling	\$	27,554.13
Highway Transportation vouchers				

Maintenance & State Snow	#189 - 216	totaling	\$	224,304.49
Highway Machinery	#235 - 271	totaling	\$	31,816.72
	Highway Total		\$	256,121.21
Airport Capital vouchers	#7			13,318.06

Reports of Standing Committees

Public Works Committee, Mr. Davidson, Chair, reported that the Committee approved the acceptance of the NYS Occupational Safety and Health Hazard Abatement Board Grant for \$8,215 and for the County Manager to sign the necessary documents. The Committee also approved the agreement between Seneca County and the Waterloo VFW Post #6433 relating to the maintenance of the parking lot.

Mr. Davidson also reported that the Board of Supervisors would be voting on a resolution to enter into an agreement between Seneca County and the Friends of the Three Bears for maintenance on the Papa Bear and Mama Bear.

Mental Health Services Committee, Mr. Reynolds, Chair, reported that the Committee approved the recommendation to refill the vacancy for a Psychiatric Social Worker in Mental Health.

Public Safety Committee, Mr. Shipley, Chair, reported that the Committee approved the acceptance of the NYS DCJS grant for the District Attorney Retention program for \$4,543. The Committee also approved the distribution of Personal Funds in the Public Defender budget for an Assistant Public Defender who was on leave of absence until the end of 2008. The distribution of funds would go to the existing staff that was carrying the workload of the absent assistant. The Committee also recommended Board consideration of the request to move the Civil Office from the Town of Waterloo to the LEC in Romulus, NY, which needs public referendum.

Human Services Committee, Mr. Mooney, Chair, reported that the Committee approved the creation of a part-time driver position for Veterans Services, which was recommended by the Vacancy Committee. The Committee also approved moving forward with the process for the Wage Subsidy Transitional Employment Program to develop job opportunities for public assistance and low income individuals. The program is 100% reimbursable by NYS and there is no cost to the County.

Chairman's Remarks

Chairman Lafler thanked the Board for their patience for the Indian Land Claim issues this evening. He remarked about the article in the newspaper about the award given to Shawn Bossard from Cornell Cooperative Extension and how deserving Mr. Bossard is to be getting the award. He told about Camp Babcock Hovey being improved by having a Science and Technology Center, thanks in part to the generosity of Gould's Pumps.

County Manager's Remarks

The County Manager announced that the County has a new IDA Director, Robert Aaronson. Dr. Dresser has been selected for the Cornell Board. She read a letter from the Korean War Vets thanking David Aldrich and his people for the fine work that do on LaFayette Park. There is a government formed task force which will be starting in September and Charlie Schillaci has been asked to serve.

Communications

147. From NYS Commission of Investigation, a report titled, "A Perfect Storm: Easy Money and the Mortgage Meltdown, the Subprime Mortgage Crisis in New York State" July 2008.

148. A copy of minutes of the Seneca County IDA of its July 10 and 18, 2008 meetings.

149. From Seneca County Chamber of Commerce, a copy of its TPA Report 2007-2008 Program Year, 2<sup>nd</sup> Quarter.

150. A copy of Minutes from the Seneca County Board of Health for its July 16, 2008 meeting.

151. A copy of minutes from the Seneca County Soil & Water Conservation District of its June 28, 2008 meeting.

152. From Mary Anne Kowalski, an email, subject: Gas Drilling Dangers, about the water district and water suppliers and the Board of Supervisors having adequate oversight over the gas drilling contract being negotiated for the depot and the IDA.

Resolutions and Motions

**SUPERVISORS AUTHORIZE EXTENDING RECYCLING CONTRACT WITH  
CASELLA WASTE MANAGEMENT**

RESOLUTION NO. 196-08, moved by Mr. Barto, seconded by Mr. Mooney and unanimously adopted by  
750 ayes.

WHEREAS, the initial three-year term of the contract with Casella Waste Management for the collection and marketing of recyclable materials expires on October 31, 2008; and

WHEREAS, Section 2 & 3 of said contract with Casella Waste Management authorizes Seneca County the option, at its sole discretion, to extend the term of the contract for up to two additional one-year periods; and

WHEREAS, the County must give sixty (60) days written notice prior to the expiration of the initial contract or the extended contract to exercise the extension option; and

WHEREAS, it would be in the best interest of Seneca County to extend the Contract for the first additional year at a cost of \$293,228; now therefore be it

RESOLVED, that the Board of Supervisors does hereby authorize extending the Contract with Casella Waste Management for the first additional one-year period. Said first one year extension for the

recycling contract will expire on October 31, 2009, and the Recycling Coordinator, James A. Bastian, be directed and authorized to send a copy of this resolution to Casella Waste Management to comply with the notification requirement for the one year extension.

**TREASURER AUTHORIZED TO TRANSFER FUNDS – 2008 SELF INSURANCE BUDGET**  
RESOLUTION NO. 197-08, moved by Mr. Barto, seconded by Dr. Dresser and unanimously adopted by 750 ayes.

WHEREAS, there is a significant increase in fees for outside counsel services; and

WHEREAS, the bills received have exceeded the amount budgeted in the 2008 Insurance Budget; now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized and directed to transfer the sum of \$90,000 from the Contingent Fund to account 65-101-5-1910-4380 (Trial Counsel).

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN  
A CONTRACT WITH JACQUELYN ATER FOR THE PRE-SCHOOL PROGRAM**  
RESOLUTION NO. 198-08, moved by Mr. Hayssen, seconded by Mrs. Amidon and unanimously adopted by 750 ayes.

WHEREAS, the Health Department is required to secure contracts for professional services for the Pre-School Program; and

WHEREAS, Jacquelyn Ater, Speech Language Pathologist, desires to secure a contract with Seneca County for the provision of a swallowing evaluation on one individual child; and

WHEREAS, the rate of reimbursement for this evaluation is set by the New York State Education Department at \$180; and

WHEREAS, the money for this evaluation is included in the Health Department budget 2960.470; and

WHEREAS, the Public Health Committee has approved this contract; and

WHEREAS, it is necessary to establish a contract to facilitate payment for these services; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign a contract with Jacquelyn Ater for professional services.

**PUBLIC HEALTH DIRECTOR AUTHORIZED AND DIRECTED TO SIGN A CONTRACT  
WITH THE NEW YORK STATE DEPARTMENT OF HEALTH FOR THE ADOLESCENT  
TOBACCO USE PREVENTION ACT (ATUPA) GRANT**  
RESOLUTION NO. 199-08, moved by Mr. Hayssen, seconded by Mrs. Amidon and unanimously adopted by 750 ayes.

WHEREAS, the Health Department has been awarded a grant in the amount of \$27,025 for the period of October 1, 2008 through September 30, 2009 for the tobacco enforcement program; and

WHEREAS, it is necessary for the Tobacco Enforcement Officer to sign the grant to accept this funding; and

WHEREAS, the person authorized to sign this contract is the Public Health Director; and

WHEREAS, the Public Health Committee has approved acceptance of these grant funds; and

WHEREAS, the grant funds are in the Public Health Budget 10-115-5-4011-4800; now, therefore be it

RESOLVED, that the Public Health Director is hereby authorized and directed to sign the ATUPA contract with the New York State Department of Health..

Mr. Hayssen made a motion to adopt the Resolution No. 200-08. Mrs. Amidon seconded the motion. Mr. Mooney made a motion to amend the main motion by deleting the text \$92,000 and inserting the text \$90,160. Mr. Hayssen seconded the motion to amend the main motion. The motion to amend the main motion was carried.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN  
A CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF HEALTH FOR THE  
WATER ENHANCEMENT GRANT (as amended)**

RESOLUTION NO. 200-08, moved by Mr. Hayssen, seconded by Mrs. Amidon and unanimously adopted by 750 eyes.

WHEREAS, the Health Department has been awarded a Water Enhancement Grant in the amount of \$90,160 for the period April 1, 2008 through March 31, 2009; and

WHEREAS, this funding allows for additional water sampling and oversight for county residents and enhances the Department's ability to assist with the development and monitoring of vulnerability assessments; and

WHEREAS, the funding is included in the departmental budget 10-115-5-4016; and

WHEREAS, the Public Health Committee has approved the receipt of this grant funding; and

WHEREAS, it is necessary for the Chairman of the Board of Supervisors to sign this contract to receive these grant funds; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign this contract for the Water Enhancement Grant.

**SUPERVISORS SUPPORT CHAIRMAN OF THE BOARD TO SUBMIT LETTER OF  
OPPOSITION TO DEPARTMENT OF ENVIRONMENTAL CONSERVATION PROPOSED  
REVISIONS TO PART 215 – OPEN FIRES, PART 191 – FOREST FIRE PREVENTION, AND  
PART 621 – UNIFORM PROCEDURES**

RESOLUTION NO. 201-08, moved by Mr. Kaiser, seconded by Mr. Reynolds and unanimously adopted by 750 ayes.

WHEREAS, the Department of Environmental Conservation (DEC) recently released draft regulations that would significantly limit the burning of residential wastes within towns and villages with populations under 20,000 residents; and

WHEREAS, the draft regulations would also prohibit the open burning of several materials associated with the agricultural industry, which is a major sector in the Seneca County economy; and

WHEREAS, the draft regulations, if adopted, would result in increased costs to homeowners and farmers alike, in some instances in excess of a thousand dollars per year; and

WHEREAS, the New York Farm Bureau has identified these draft regulations as a significant policy matter affecting the farming industry; and

WHEREAS, the DEC is accepting public comment on these draft resolutions until August 14, 2008; and

WHEREAS, the Seneca County Board of Supervisors has determined that these draft regulations will not serve the best interests of Seneca County residents and farmers; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on July 22, 2008; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Chairman of the Board to submit written comments to the DEC by August 14, 2008 expressing opposition to the draft regulations.

**RESOLUTION AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**

**LOAN TO BEDFORD FALLS LLC (THE CLARENCE HOTEL)**

RESOLUTION NO. 202-08, moved by Mr. Kaiser, seconded by Mr. Terryberry and unanimously adopted by 750 ayes.

WHEREAS, Seneca County has received Community Development Block Grant (CDBG) funds from the United States Department of Housing and Urban Development (HUD) to make economic development loans; and

WHEREAS, businesses to whom these monies have been loaned are repaying the loans, thereby establishing a revolving loan fund for business development and job creation; and

WHEREAS, a loan application has been received and reviewed by the CDBG Loan Review Committee and found to be satisfactory and in full compliance with regulations and guidelines applicable to the Revolving Loan Program; and

WHEREAS, this \$200,000 loan at 5% interest for 15 years for the Clarence Hotel at 108 Fall Street, Seneca Falls, will finance the purchase of the property by Bedford Falls LLC, and will help create 40 full-time and 20 part-time jobs with collateral being a mortgage position on the property; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on July 22, 2008; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors approves the proposed loan for the sum of two hundred thousand dollars (\$200,000) under the CDBG Program from funds account no. 272310840 under the terms and conditions provided for such loans through the Department of Housing and Urban Development and the CDBG Loan Committee.

**RESOLUTION AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
LOAN TO B & W POWERSPORTS**

RESOLUTION NO. 203-08, moved by Mr. Kaiser, seconded by Mrs. Amidon and unanimously adopted by 750 ayes.

WHEREAS, Seneca County has received Community Development Block Grant (CDBG) funds from the United States Department of Housing and Urban Development (HUD) to make economic development loans; and

WHEREAS, businesses to whom these monies have been loaned are repaying the loans, thereby establishing a revolving loan fund for business development and job creation; and

WHEREAS, a loan application has been received and reviewed by the CDBG Loan Review Committee and found to be satisfactory and in full compliance with regulations and guidelines applicable to the Revolving Loan Program; and

WHEREAS, this \$40,000 loan at 5% interest for 10 years to Jim White and Michael Bishop, B & W Powersports, will help finance the operation of a sport utility repair shop by purchasing equipment and inventory for the business located on Route 318 in the Town of Tyre and will create two (2) full-time and two (2) part-time jobs with collateral being a second mortgage position on the property; and

WHEREAS, this Resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on July 22, 2008; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors approves the proposed loan for the sum of Forty Thousand Dollars (\$40,000) under the CDBG Program from funds in account no. 272310840 under the terms and conditions provided for such loans through the Department of Housing and Urban Development and the CDBG Loan Committee.

**APPOINTMENT TO SENECA COUNTY TOURISM ADVISORY COMMITTEE**

RESOLUTION NO. 204-08, moved by Mr. Kaiser, seconded by Mr. Same and unanimously adopted by 750 ayes.

WHEREAS, the Seneca County Board of Supervisors realizes the economic importance of tourism; and

WHEREAS, there are currently three (3) vacancies on the nine (9) member board; and

WHEREAS, Patricia Amidon, Kenneth McConnell and Suzanne Sinclair have volunteered to serve on this committee to advise the Tourism Department with the marketing of the County; and

WHEREAS, this Resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on July 22, 2008; now, therefore, be it

RESOLVED, that the Seneca county Board of Supervisors does hereby appoint Kenneth McConnell, Patricia Amidon and Suzanne Sinclair to serve as members of the Seneca County Tourism Advisory Committee.

**REQUEST PROPOSALS FOR PROFESSIONAL CONSULTANT SERVICES REGARDING  
THE PREPARATION OF THE ROUTES 5 & 20 AND 414 CORRIDOR STUDY**

RESOLUTION NO. 205-08, moved by Mr. Kaiser, seconded by Mr. Shipley and unanimously adopted by 750 ayes.

WHEREAS, grant funds have been received from the Genesee Transportation Council (GTC) to undertake a transportation corridor study for Routes 5 & 20 and 414 in the Seneca County Towns of Waterloo and Seneca Falls, extending from NYS Route 96A to Routes 89 and 318, and the 4-mile section of NYS Route 414 between NYS Route 318 and NYS Routes 5 & 20 in the Seneca County Towns of Seneca Falls and Tyre that will provide a decision-making framework to review forthcoming development; and

WHEREAS, those grant funds require that professional services associated with the study be solicited through a competitive process; and

WHEREAS, this Resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on August 12, 2008; now, therefore, be it

RESOLVED, that the Seneca County board of Supervisors hereby directs the Department of Planning and Community Development to prepare and issue Requests for Proposal (RFP) from qualified firms for work on the Routes 5 & 20 / 414 Corridor Study.

**BOARD OF SUPERVISORS URGES CONGRESSIONAL REPRESENTATIVES TO DRAFT  
LEGISLATION AMENDING REGULATIONS GOVERNING LAND TAKEN INTO TRUST  
FOR INDIAN TRIBES**

RESOLUTION NO. 206-08, moved by Mr. Same, seconded by Mr. Shipley and unanimously adopted by 750 ayes.

WHEREAS, Title 25, Chapter 14, Subchapter 5, Section 465 of the United States Code, written in response to the Indian Reorganization Act of 1934, authorizes the Secretary of the Interior to acquire land for Indians; and

WHEREAS, Title 25, Chapter I, Part 151 of the Code of Federal Regulations outlines the procedures the Bureau of Indian Affairs (BIA) must follow in acquiring land in trust for Indian Tribes; and

WHEREAS, these procedures provide for notification of State and Local Governments having jurisdiction over the land to be acquired and a period of thirty (30) days for comment by such governments as to potential impacts on regulatory jurisdiction, real property taxes, and special assessments; and

WHEREAS, these procedures provide for no consultation or negotiation with State and Local Governments after such comments are submitted and permit the Secretary of Interior to take land into trust for Indian Tribes at his/her sole discretion; and

WHEREAS, the National Association of Counties at its 2008 Annual Conference unanimously passed a Resolution calling for preliminary notification of trust applications to be given to counties by the BIA, calling for an extension of the official comment period from 30 to 120 days, and calling for a written response by the BIA to such comments within 90 days, such comments and response to be fully considered by the Secretary before making a determination; and

WHEREAS, the National Association of Counties at its 2008 Annual Conference also unanimously passed a resolution that lands not be placed into trust for Indian Tribes without adequate notice, meaningful consultation, and to the extent constitutionally permissible the consent of the affected counties, and that Secretary should deny trust applications when the loss of property tax revenue would have a negative financial impact on affected counties; now, therefore, be it

RESOLVED, the Seneca County Board of Supervisors urges its Congressional Representatives to collectively draft legislation to amend federal regulations so as to implement the unanimous policy resolutions of the National Association of Counties outlined above; and be it further

RESOLVED, that this Resolution be conveyed to U. S. Senator Charles Schumer, U. S. Senator Hillary Clinton, and U. S. Congressman Michael Arcuri, with copies to New York State Governor David Patterson, State Senator Michael Nozzolio and State Assemblyman Brian Kolb.

**BOARD OF SUPERVISORS URGES CONGRESSIONAL REPRESENTATIVES TO DRAFT  
LEGISLATION AMENDING THE INDIAN GAMING REGULATORY ACT TO REQUIRE  
MITIGATION OF LOCAL IMPACTS**

RESOLUTION NO. 207-08, moved by Mr. Same, seconded by Mr. Hayssen and unanimously adopted by 750 ayes.

WHEREAS, the Indian Gaming Regulatory Act (IGRA) of 1988 provides a framework for the regulation of Indian Gaming; and

WHEREAS, Class III or casino-style gaming is restricted to states where the tribe has negotiated a compact with the state; and

WHEREAS, the Department of the Interior has the authority to overrule states and authorize Class III gaming; and

WHEREAS, the Department of the Interior has a trust obligation to Indian Tribes but no commensurate responsibility for protecting the surrounding community; and

WHEREAS, there is no statutory guidance for the Department of the Interior with regard to mitigation of local impacts; and

WHEREAS, counties can incur significant costs from tribal gaming and have no authority to recoup such costs; and

WHEREAS, the National Association of Counties at its 2008 Annual Conference unanimously passed a resolution calling for amendment of the Indian Gaming Regulatory Act to require consultation with affected local governments, mitigation of impacts on local governments, and implementation of accountability procedures; now, therefore, be it

RESOLVED, the Seneca County Board of Supervisors urges its congressional representatives to collectively draft legislation to amend the Indian Gaming Regulatory Act in accordance with the resolution of the National Association of Counties outlined above; and be it further

RESOLVED, that this resolution be conveyed to U. S. Senator Charles Schumer, U. S. Senator Hillary Clinton, and U. S. Congressman Michael Arcuri, with copies to New York Governor David Patterson, State Senator Michael Nozzolio and State Assemblyman Brian Kolb.

**BOARD APPROVAL FOR THE RESPONSE TO THE NYS OTDA WAGE SUBSIDY  
TRANSITIONAL EMPLOYMENT PROGRAM**

RESOLUTION NO. 208-08, moved by Mr. Mooney, seconded by Mr. Same and unanimously adopted by 750 ayes.

WHEREAS, the Seneca County Department of Workforce Development will respond to the Request for Proposal by the New York State Office of Temporary and Disability Assistance, Center for Employment & Economic Supports; and

WHEREAS, the purpose of the Wage Subsidy Transitional Employment Program is to develop job opportunities for public assistance and low income individuals using wage subsidies, in which the grant dollars are used to reimburse the employer for the training; and

WHEREAS, the DHS Workforce Development will be submitting the RFP due on August 18, 2008; and

WHEREAS, this request has been reviewed by the Oversight Committee for Human Services; now, therefore, be it

RESOLVED, the Board approves the DHS Workforce Development Department to respond to the NYS OTDA Wage Subsidy Transitional Employment Program.

**AUTHORIZE CHAIRMAN OF THE BOARD TO SIGN CONTRACT BETWEEN SENECA COUNTY AND NYS DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR THE PROBATION ELIGIBLE DIVERSION PROGRAM  
JANUARY 1, 2008 THROUGH DECEMBER 31, 2008**

RESOLUTION NO. 209-08, moved by Mr. Shipley, seconded by Mr. Kaiser and unanimously adopted by 750 ayes.

WHEREAS, New York State has enacted laws to promote more efficient jail population and prison population management and the development of Alternatives to Incarceration projects; and

WHEREAS, the State Legislature has appropriated funds for the continuation of existing Probation Eligible Diversion programming services for certain offenders throughout the State; and

WHEREAS, the application for said funds, submitted by Seneca County Department of Probation, was approved by New York State Division of Probation and Correctional Alternatives for funding not exceeding \$7,100; and

WHEREAS, the Board of Supervisors Public Safety Committee approved this Resolution at its meeting on July 22, 2008; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors be authorized and directed to sign the contract between NYS Division of Probation and Correctional Alternatives and Seneca County for the Probation Eligible Division Program.

**AUTHORIZE CHAIRMAN OF THE BOARD TO SIGN CONTRACT BETWEEN SENECA COUNTY AND NYS DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR THE ENHANCED SUPERVISION OF SEX OFFENDERS  
APRIL 1, 2008 THROUGH MARCH 31, 2009**

RESOLUTION NO. 210-08, moved by Mr. Shipley, seconded by Mr. Davidson and unanimously adopted by 750 ayes.

WHEREAS, the State Legislature of New York has appropriated funds for the establishment and operation of enhanced probation supervision services to individuals classified as Sex Offender Registration Act (SORA) Risk Level 2 and 3 Sex Offenders throughout the State for the effective management of sex offenders; and

WHEREAS, the application for said funds, submitted by Seneca County Department of Probation, was approved by New York State Division of Probation and Correctional Alternatives for funding not exceeding \$27,000; and

WHEREAS, the Board of Supervisors Public Safety Committee approved this Resolution at its meeting on July 22, 2008; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors be authorized and directed to sign the contract between NYS Division of Probation and Correctional Alternatives and Seneca County for Enhanced Supervision of Sex Offenders.

**BOARD OF SUPERVISORS ACCEPTS NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES 2008 DISTRICT ATTORNEY RETENTION PROGRAM GRANT**

RESOLUTION NO. 211-08, moved by Mr. Shipley, seconded by Mr. Reynolds and unanimously adopted by 750 ayes.

WHEREAS, the State of New York Division of Criminal Justice (DCJS) has awarded the District Attorney's Office \$4,543 as part of a \$1,000,000 award from the State Senate awarded to 57 counties for the DA Retention Program; and

WHEREAS, the stated purpose of the program is to use the money to retain ADAs or other staff that might leave to go to private industry or larger District Attorney's offices where the salaries are higher; and

WHEREAS, DCJS has confirmed that the state is allowing the funds to be used as enhancements or bonuses to existing salaries; and

WHEREAS, the District Attorney will use this to cover a portion of the costs associated with the First and Second Assistant District Attorneys and Part-time Assistant District Attorney salaries; and

WHEREAS, this Resolution has been reviewed and approved by the Finance, Assessment & Insurance, the Personnel & Technology, and the Public Safety Committees on August 12<sup>th</sup>, 2008; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the County Manager to sign all necessary grant documents to accept this DCJS Grant; and be it further

RESOLVED, that the Seneca County Treasurer is hereby authorized and directed to amend the 2008 Seneca County Budget as follows:

District Attorney's Office;

Amend District Attorney Salaries (1165.1100)                   +\$4,543

Add Revenue Account 3097 DCJS DA Retention               +\$4,543

**SUPERVISORS AUTHORIZE THE PUBLIC DEFENDER TO DISTRIBUTE PERSONAL SERVICES BASED ON A PERCENTAGE TO REMAINING STAFF**

**EFFECTIVE IMMEDIATELY**

RESOLUTION NO. 212-08, moved by Mr. Shipley, seconded by Mr. Kaiser and adopted by 690 ayes (Shipley, Kaiser, Reynolds, Barto, Serven, Davidson, Dresser, Same, Lafler, Terryberry, Amidon, Hayssen, Mooney) and 60 nays (Westfall).

WHEREAS, the Public Defender staff has been decreased by one attorney due to an extended leave of absence; and

WHEREAS, the caseload requires the remaining staff plus the Public Defender to shoulder the additional work; and

WHEREAS, the Public Defender has requested that the remaining Personal Services Funds be distributed based on a percentage basis to the remaining staff; now, therefore, be it

RESOLVED, the Seneca County Board of Supervisors authorizes the Public Defender to distribute said Personal Services Funds based on a percentage basis until the employee returns to work.

Prior to the adoption of this resolution, a discussion ensued about how the Personal Services Funds would be distributed by percentages to the remaining staff. It was explained that each Assistant Public Defender, including the Public Defender will each acquire a percentage of the caseload carried by the Assistant who was on leave of absence. Mr. Mirras, Public Defender would be responsible for the distribution of the work. Mr. Mirras and Frank Sinicropi, Personnel Director would determine the percentage given to the remaining staff.

**SUPERVISORS AUTHORIZE CHAIRMAN OF THE BOARD TO SIGN LEASE AGREEMENT WITH THE FRIENDS OF THE THREE BEARS, INC. FOR USE OF THE TWO LARGEST BUILDINGS AT HISTORIC COURTHOUSE COMPLEX IN OVID COMMONLY KNOWN AS “THE THREE BEARS COMPLEX”**

RESOLUTION NO. 213-08, moved by Mr. Davidson, seconded by Mr. Shipley, and unanimously adopted by 750 ayes.

WHEREAS, Seneca County is currently the owner of real property commonly referred to as “The Three Bears Complex” consisting of the former Courthouse, Clerk’s Office, and Surrogate’s Office, a park area and parking lot located in the Village and Town of Ovid, Seneca County, New York; and

WHEREAS, the Friends of the Three Bears, Inc., is a duly organized not-for-profit corporation whose purpose is to promote the historic preservation and utilization of a portion of the complex; and

WHEREAS, the Seneca County Board of Supervisors deems it advantageous to itself and to the residents of Seneca County to grant a lease to the Friends of the Three Bears for a portion of the complex; and

WHEREAS, the Lease will address the terms of use of subject premises, as well as repair and maintenance responsibilities, and insurance, liability and indemnification requirements; and

WHEREAS, this Resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on July 22, 2008; now, therefore, be it

RESOLVED, that the Chairman of the Seneca County Board of Supervisors is hereby authorized and directed to sign a lease agreement with the Friends of the Three Bears, Inc. for the two largest buildings on the complex, known as "Papa Bear" and "Mama Bear".

**BOARD OF SUPERVISORS ACCEPT NEW YORK STATE DEPARTMENT OF LABOR  
HIGHWAY DEPARTMENT PERSONNEL TRAINING GRANT**

RESOLUTION NO. 214-08, moved by Mr. Davidson, seconded by Mr. Mooney and unanimously adopted by 750 ayes.

WHEREAS, the State of New York Department of Labor has awarded the Seneca County Highway Department \$8,215 as part of the New York State Occupational Safety and Health Hazard Abatement Board Grant Program; and

WHEREAS, the stated purpose of the program is to provide safety training courses to Highway Department personnel; and

WHEREAS, this Resolution has been reviewed and approved by the Public Works Committee on August 12<sup>th</sup>, 2008; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Chairman of the Board of Supervisors to sign all necessary grant documents to accept this New York State Department of Labor grant; and be it further

RESOLVED, that the Seneca County Treasurer is hereby authorized and directed to amend the 2008 Seneca County Budget as follows:

Seneca County Highway Maintenance:

Amended Highway Administration Training (5010.4450) + \$8,215

Add Revenue Account 3193.3506 OSHHAB Training Grant + \$8,215

New Business

Dr. Dresser extended an invitation to have the September 23<sup>rd</sup> Board Meeting held in the Papa Bear Building in Ovid. His request was referred to the Government Operations Committee.

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

**RESOLUTION TO REQUEST ENFORCEMENT OF LAW REGARDING TAXATION OF  
SALES OF CIGARETTES, GASOLINE AND DIESEL FUEL AT INDIAN OWNED  
ESTABLISHMENTS (as amended)**

RESOLUTION NO. 215-08, moved by Mr. Same, seconded by Mr. Hayssen and unanimously adopted by 750 ayes.

WHEREAS, the State of New York is currently in a financial crisis; and

WHEREAS, current State Law authorizes and requires collection of New York State sales tax on sales by Indian owned establishments to non-Indian purchasers; and

WHEREAS, the State has consistently failed and refused to collect such sales tax resulting in loss of millions of dollars annually in revenue to both the State and Local government; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized and directed to communicate to the Governor and to the members of the State Legislature the request of the Seneca County Board of Supervisors, as representatives of the citizens of Seneca County, that the State Legislature take all lawful steps to collect all motor fuel taxes and all New York State sales taxes due upon sales of cigarettes, motor fuel and other products by Indian owned establishments throughout the State.

Prior to the adoption of Resolution No. 215-08, Mr. Hayssen made a motion to amend the main motion by inserting the text “all motor fuel taxes” after the text “collect” on the second to last line. The motion to amend the main motion was seconded and carried.

**BOARD OF SUPERVISORS URGES GOVERNOR TO SIGN BILL PROHIBITING  
WHOLESALES FROM SELLING UNTAXED CIGARETTES TO RETAILERS**

RESOLUTION NO. 216-08, moved by Mr. Same, seconded by Dr. Dresser and unanimously adopted by 750 ayes.

WHEREAS, on Friday July 21, 2008, the New York State Senate passed S8146-B, a bill sponsored by Senator Michael Nozzolio that would require wholesalers to certify to manufacturers that they would not sell untaxed cigarettes to retailers; and

WHEREAS, on the same date the New York State Assembly passed A 11258-A, a companion bill sponsored by Assemblyman William Magee that specified the same requirements; and

WHEREAS, this legislation would prohibit manufacturers from selling cigarettes to stamping agents who have not provided certification, under penalty of perjury, that they would not sell the cigarettes untaxed; and

WHEREAS, this legislation seeks to enforce existing statutes requiring the collection of taxes on the sale of tobacco products by Indian enterprises to non-Indians; and

WHEREAS, the State Department of Taxation and Finance continues to ignore the intent and mandate of this law; and

WHEREAS, it is estimated that the collection of these taxes would generate more than \$400 million annually in State revenue; now, therefore, be it

RESOLVED, the Seneca County Board of Supervisors urges Governor David Paterson to sign into law the legislation proposed by S 8146-B/A 11258-A and direct the Department of Taxation and Finance to implement it without delay; and be it further

RESOLVED, copies of this resolution shall be sent with appreciation to State Senator Michael Nozzolio and State Assemblymen William Magee and Brian Kolb; and be it further

RESOLVED, copies of this resolution shall be sent to NYSAC and to the chairpersons of legislative boards of New York State counties urging them to pass a similar resolution.

Chairman Lafler recognized Margaret Li, Clerk to the Board of Supervisors, who appointed Barbara Carr as Deputy Clerk to the Board of Supervisors on an as needed basis.

There was a discussion on the meeting that took place between representatives from the Village of Waterloo and the Seneca County Water District relating to water infrastructure to the south end of the county. It was agreed that a meeting with Wayne County representatives would be arranged because Wayne County dealt with similar issues and water infrastructure. The County Manager, the Director of Community Development and Planning, and the Chairman of the Public Works Committee would be visiting several municipalities that had a water authority.

Mr. Westfall suggested the creation of a Green Committee. There was some agreement expressed on the floor. Chairman Lafler referred the suggestion to the Government Operations Committee.

#### Special Order of the Day

On a motion made by Mr. Same, which was seconded and carried, the meeting was adjourned at 9:27 p.m.