

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

July 28, 2009

8:00 p.m.

Call to Order

Chairman Lafler called the meeting to order at 8:03 p.m.

Roll Call of Members by the Acting Clerk

All members answered roll call.

Pledge of Allegiance and Moment of Silence

Presentations / Petitioners

Neetu Chandak, a finalist in the 2009 Scripps National Spelling Bee was honored by the Board of Supervisors. Neetu began the competition as one of about eleven million participants nationwide in the Spelling Bee, and was one of eleven students to make it into the championship finals. Neetu is a student at Seneca Falls Middle School, where she excels in math and music. Among her other accomplishments are speaking Hindi and participating in a regional math competition.

John Hennessy was awarded the Employee of the 4<sup>th</sup> Quarter for 2008 and the 2008 Employee of the Year. John works in the Information Technology Department.

Certificates of Appreciation were given to the volunteers who participated in Volunteer Income Tax Assistance (VITA) Program. *(names of volunteers will be added)*

Reports of Standing Committees

Public Works Committee, Mr. Davidson, Chairman, reported that the Committee approved the recommendation to award the bid for the County road 114 Bridge Project to Silverline Construction, Inc. for \$323,262.00. There was also discussion about the transition of the water district to the county and the committee approved a proposed resolution by the Board of Supervisors to develop a contract between Seneca County and the Town of Romulus for administrative services for the water district during the interim period. The committee also approved the placement of a Civil War monument in Lafayette Park.

Mental Health Services Committee, Mr. Reynolds, Chairperson, reported that the committee approved the appointment of Kurt Brewer to the Community Services Board. It also approved refilling the position of Senior Psychiatric Social Worker.

Public Safety Committee, Mr. Shipley, Chairperson, reported that the committee discussed the recommendation by Toni Smith, Seneca County E-911 Director, to impose a surcharge for cell phones to increase revenue necessary to maintain the E-911 facility. The committee approved the execution of documents to receive state aid funding to offset costs in operation probation programs for the year January 1, 2009 through December 31, 2009 the amount of allocation is \$74,959. The committee was

asked to approve the submission of an application to receive ARRA Broadband Stimulus funds to develop a Seneca County Public Safety Data Network. If awarded, the grant would provide 80% of the total infrastructure build-out cost, with a 20% cost in cash and in-kind services to the County.

Human Services Committee, Mr. Mooney, Chairperson, reported that the committee approved the following issues to be presented to the Board of Supervisors at future meetings. 2009 Resource Allocation Plan for State Aid Funding for Youth Programs; advertise for two public hearings for the Office for the Aging Annual Implementation Plan to be held in September; support for public sector representatives to sit on the Finger Lakes Workforce Investment Board effective July 1, 2009 to June 30, 2012; and approved the recommendations by the Vacancy Committee to refill the following positions: the Deputy Director of Workforce Development position vacated by retirement, a Typist position that was vacated by promotion, a Child Protective Caseworker vacated during probation, a Preventive Caseworker position vacated due to resignation, a Social Welfare Examiner position (Food Stamps), and to fill the position of an Adult/Family Services that was created in the 2009 budget.

Indian Affairs Committee, Dr. Dresser, Chairperson, said efforts were continuing to press New York State to pay for legal fees incurred from the raid on Lakeside Trading and that a resolution would be introduced under suspension of the rules later in the evening.

Personnel & Technology Committee, Mr. Same, Chairperson, said that his Committee discussed the security in the building and it was suggested that the County seek Requests for Proposals. The vote was favorable for the CSEA contract and the Board of Supervisors would be passing a resolution accepting the contract later in the evening under suspension of the rules.

#### County Manager's Remarks

The County Manager introduced Sonia Frederick, her summer help through Workforce Development. Sonia is 14 years old and will be going into the 10<sup>th</sup> grade at Waterloo School this coming fall. She is a tremendous help to both the County Manager's Department and the Board of Supervisors' Department.

#### Communications:

113. From Kirsten E. Gillibrand, a letter dated July 16, 2009, acknowledging receipt of Seneca County Resolution 134-09, Supervisors Oppose Land-Into-Trust Application of Cayuga Indian Nation.

114. From Seneca Falls Town Board, a copy of a resolution adopting the Seneca County Hazard Mitigation Plan at its meeting held on July 13, 2009

115. From Stan Praszkwicz, an email dated July 14, 2009, expressing support to continue opposing the Cayuga Indian Nation's application for land-into-trust

116. From the Seneca County Federation of Sportsmen's Clubs, Inc., a copy of minutes from the President & Vice President's Dinner meeting held on June 16, 2009.

117. From the Fayette Town Board, a copy of a resolution adopted on July 2, 2009, opposing the Cayuga Indian Nation's Land-into-Trust Application.

118. From Fulton County Board of Supervisors, a copy of Resolution No. 300, Opposing Various Proposed Anti-Gun Owner Legislation in New York State; and Resolution No. 299, Opposing NYS Assembly Bill A-1747 and NYS Senate Bill S-3344 which would include Local Correctional Facilities within the Definition of Hospital Under the Jurisdiction of the NYS Department of Health. Referred to the Public Safety Committee

119. From the Wyoming County Board of Supervisors, a copy of Resolution No. 09-285, Urging the Federal Government to Implement Immediate Actions to Help Relieve the Current Dairy Fiscal Crisis. Referred to the Planning, Development, Agriculture & Tourism Committee.

Resolutions and Motions

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

RESOLUTION NO. 154-09, moved by Mr. Barto, seconded by Mr. Davidson and unanimously adopted by 750 ayes.

WHEREAS, the first additional year of the contract with Casella Waste Management for the collection and marketing of recyclable materials expires on October 31, 2009; 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 second and final year at a cost of \$302,025; and

WHEREAS, the Finance, Assessment & Insurance Committee approved this resolution at its meeting on July 28, 2009; now, therefore, be it

RESOLVED, that the Board of Supervisors does hereby authorize extending the contract with Casella Waste Management for the second one-year period ending October 31, 2010; and be it

FURTHER RESOLVED, the Board of Supervisors does hereby authorize James A. Bastian, Recycling Coordinator to send a copy of this resolution to Casella Waste Management to comply with the notification requirement for the one year extension.

**SUPERVISORS ADOPT 2010 WORKERS' COMPENSATION BUDGET**

RESOLUTION NO. 155-09, moved by Mr. Barto and seconded by Mr. Mooney and unanimously adopted by 750 ayes.

WHEREAS, the Finance, Assessment & Insurance Committee approved the 2010 Workers' Compensation Budget on July 28, 2009; and

WHEREAS, the Workers' Compensation Budget must be filed with the Board of Supervisors by August 15 of each year per Article 5, Section 67 of the New York State Workers' Compensation Law; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby adopt the Seneca County Workers' Compensation Budget for the year 2010 as follows:

1710	ADMINISTRATION	
.1100	Personal Service Administrator	\$30,000.00
.1110	Employee Benefits Assistant Longevity	21,500.00
.1200	Workers' Comp Attorney	46,000.00
.1400	Severance	2,750.00
.2200	Equipment	500.00
.2300	Computer Equipment	500.00
.4200	Supplies	800.00
.4240	Postage	1,000.00
.4260	Books and Periodicals	800.00
.4270	Membership and Dues	250.00
.4280	State Assessment	100,000.00
.4440	Mileage	500.00
.4450	Hotels and Meals	500.00
.4560	Excess Insurance	96,000.00
.4700	Investigation	4,000.00
.4701	Training	1,000.00
.4702	Legal Services	5,000.00
.4703	Rehabilitation Services	9,000.00
.8100	Retirement	10,589.00
.8300	Social Security	6,253.00
.8600	Hospitalization	15,420.00
.8700	Medicare	1,462.00
	TOTAL ADMINISTRATION	\$354,474.00
1720	NON-ADMINISTRATION	
.4100	Indemnification / Benefits & Award	\$300,000.00
.4110	Long Term Indemnity Liabilities	145,000.00

.4200	Medical	190,000.00
.4210	Long Term Medical Liabilities	50,000.00
.4220	Independent Medical Examinations	9,000.00
.4440	Mileage / Claimants	8,000.00
.4700	Reserve	20,000.00
	TOTAL NON-ADMINISTRATION	\$722,000.00
	GRAND TOTAL	\$1,076,474.00

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN  
A CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF HEALTH FOR THE  
EARLY INTERVENTION ADMINISTRATION GRANT**

RESOLUTION NO. 156-09, moved by Mr. Hayssen, seconded by Mr. Shipley and unanimously adopted by 750 ayes.

WHEREAS, the Health Department is receiving a grant from the New York State Department of Health for the administration of the Early Intervention Program; and

WHEREAS, the grant period is October 1, 2009 through September 30, 2010; and

WHEREAS, the grant amount is \$28,493.00; and

WHEREAS, the Public Health Committee recommends acceptance of this grant funding; and

WHEREAS, the funding is in the Health Department budget 10-115-5-4147; and

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

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the Early Intervention Administration Grant with the New York State Department of Health.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN  
A CONTRACT WITH CLEAN HARBORS ENVIRONMENTAL SERVICES FOR ANNUAL  
HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT**

RESOLUTION NO. 157-09, moved by Mr. Hayssen, seconded by Mr. Reynolds and unanimously adopted by 750 ayes.

WHEREAS, bids were solicited by the Health Department for the Annual Household Hazardous Waste Collection Event; and

WHEREAS, two sealed bids for this event were received; and

WHEREAS, Clean Harbors Environmental Services, Inc., 1 Hill Avenue, Braintree, MA 02182, submitted the lowest bid; and

WHEREAS, the prices included: set up fee: \$2,000; charge per household: \$47.00; and

WHEREAS, the money for this contract is in the Public Health Department budget 10-115-5-4011-4801; and

WHEREAS, the Public Health Committee has recommended approval of this contract at its meeting on July 14, 2009; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the contract with Clean Harbors Environmental Services for the Annual Household Hazardous Waste Collection Event.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN  
A CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF HEALTH FOR THE  
CHILDHOOD LEAD POISONING PREVENTION PROGRAM**

RESOLUTION NO. 158-09, moved by Mr. Hayssen, seconded by Mrs. Amidon and unanimously adopted by 750 ayes.

WHEREAS, the Health Department is receiving a grant from the NYSDOH for the Childhood Lead Poisoning Prevention Program; and

WHEREAS, the period covered by this grant is April 1, 2009 to March 31, 2010; and

WHEREAS, the amount of the grant is \$22,354.00; and

WHEREAS, the money is included in the Public Health Department budget 10-115-5-4013; and

WHEREAS, it is necessary for the Chairman of the Board of Supervisors to sign this contract to receive the funds; and

WHEREAS, the Public Health Services Committee approved this resolution at its meeting on July 14, 2009; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the Childhood Lead Poisoning Prevention Program Grant with the New York State Department of Health.

**BOARD OF SUPERVISORS AUTHORIZE STABILIZATION PROJECT FOR “MAMA BEAR”  
LOCATED AT THE HISTORICAL SENECA COUNTY COURTHOUSE COMPLEX**

RESOLUTION NO. 159-09, moved by Mr. Kayser, seconded by Mr. Shipley and unanimously adopted by 750 ayes.

WHEREAS, Seneca County is the owner of the historical Seneca County Courthouse Complex, known as the “Three Bears”; and

WHEREAS, one of the three buildings within the historical Seneca County Courthouse Complex, the building known as “Mama Bear”, requires stabilization work; and

WHEREAS, New York State has committed grant funding to support this stabilization work; and

WHEREAS, Seneca County has amended its 2009 Budget to reflect these grant funds, along with the anticipated expenditure of said funds; and

WHEREAS, Seneca County solicited proposals from qualified firms to undertake the stabilization work consisting of first floor framing, stabilization of masonry walls with the addition of steel tube columns and tie rods, mezzanine steel framing, masonry repairs, stone porch floor repairs, ventilating crawl space, separation of wood column bases from the masonry and regrading at building perimeter; and alternate bids for mezzanine wood floor framing and floor decking (alternate #1), gutters, downspouts and underground storm system (alternate #2), and wood windows (alternate #3); and

WHEREAS, Seneca County received a proposal from Frank J. Marianacci, Inc. of Bloomfield, NY at a cost of \$104,600; and

WHEREAS, that the Seneca County Board of Supervisors does hereby accept the proposal from Frank J. Marianacci, Inc. for the “Mama Bear” Stabilization work at a cost not to exceed \$104,600; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on July 14, 2009; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors be authorized and directed to sign all necessary documentation to enter into a contract with Frank J. Marianacci, Inc. for the “Mama Bear” Stabilization Project at the former County Clerk’s Office building at the historical Seneca County Courthouse Complex.

**BOARD OF SUPERVISORS AUTHORIZES APPROPRIATION IN THE AMOUNT OF \$2,500  
FOR SAMPSON VETERANS MEMORIAL CEMETERY ASSOCIATION**

RESOLUTION NO. 160-09, moved by Mr. Kaiser, seconded by Mrs. Amidon and unanimously adopted by 750 ayes.

WHEREAS, Seneca County is currently holding in trust \$22,000 in privately raised funds which have been donated to assist in the development of the Sampson Veterans Memorial Cemetery; and

WHEREAS, the Board of Supervisors has established a policy for appropriating these funds which provides for requests to be submitted by the Sampson Veterans Memorial Cemetery Association to the Seneca County Board of Supervisors; and

WHEREAS, the Association is requesting that the sum of \$2,500 be allocated to replenish the imprest fund that the Association is managing to support incidental expenses associated with development, fundraising and public outreach activities; and

WHEREAS, the Association is subject to annual financial audits and is providing the County with periodic financial reports; and

WHEREAS, this resolution has been reviewed and approved by the Finance, Assessment & Insurance Committee on July 14, 2009; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes the County Treasurer to issue payment of \$2,500 for use by the Sampson Veterans Memorial Cemetery Association for development, fundraising and public outreach activities.

**BOARD OF SUPERVISORS DECLARES THAT DEVELOPMENT OF THE SAMPSON VETERANS MEMORIAL CEMETERY AT THE FORMER SAMPSON AIR FORCE AND NAVAL BASE BY SENECA COUNTY WILL NOT HAVE AN ADVERSE IMPACT ON THE ENVIRONMENT**

RESOLUTION NO. 161-09, moved by Mr. Kaiser, seconded by Mrs. Amidon and unanimously adopted by 750 ayes.

WHEREAS, portions of the former Sampson Air Force and Naval Base have been made available to Seneca County for the creation of a new Veterans Memorial Cemetery; and

WHEREAS, the development of the cemetery is a Type I action under SEQRA; and

WHEREAS, the Seneca County Board of Supervisors has established itself as Lead Agency for SEQRA purposes; and

WHEREAS, the Seneca County Board of Supervisors has determined that the development of the Sampson Veterans Memorial Cemetery at the former Sampson Air Force and Naval Base by Seneca County will not have an adverse impact on the environment; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on July 28, 2009; now, therefore, be it

RESOLVED, the Seneca County Board of Supervisors determines that the development of the Sampson Veterans Memorial Cemetery at the former Sampson Air Force and Naval Base by Seneca County will not have an adverse impact on the environment and hereby issues a Negative Declaration under SEQRA.

**CLERK AUTHORIZED TO PUBLISH NOTICE OF PUBLIC HEARING FOR AGRICULTURAL DISTRICT**

RESOLUTION NO. 162-09, moved by Mr. Kaiser, seconded by Mrs. Amidon and unanimously adopted by 750 ayes.

WHEREAS, Seneca County did advertise as is allowed under New York State Agriculture and Markets Law for property owners who would like to have their lands included in an Agricultural District to make their desires known; and

WHEREAS, the requests to have tax parcel 453889-17-1-31.1 be added to district #6 and that tax parcels 452289-25-1-01 and 453201-18-1-73.3 be added to district #8 was reviewed by the Seneca County Agricultural Enhancement Board and are recommended for inclusion in these districts to the Seneca County Board of Supervisors; and

WHEREAS, New York State Agricultural and Markets Law requires that the Board of Supervisors hold a Public Hearing on this matter before taking action to have these properties included in the Agricultural Districts; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on July 28, 2009; now, therefore, be it

RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized and directed to advertise for a public hearing to provide an opportunity for citizens to offer comments on the inclusion of tax parcel 453889-17-1-31.1 being added to agricultural district #6 and of tax parcels 452289-25-1-01 and 453201-18-1-73.3 being added to agricultural district #8. Said Public Hearing to be held on Tuesday, August 25, 2009 at or about 7:00 p.m. in the Board of Supervisors Chambers of the Seneca County Office Building.

**2009 RESOURCE ALLOCATION PLAN FOR STATE AID FUNDING FOR YOUTH PROGRAMS**

RESOLUTION NO. 163-09, moved by Mr. Mooney, seconded by Mrs. Amidon and unanimously adopted by 750 ayes.

WHEREAS, the Resource Allocation Plan is an annual plan that is submitted to the New York State Office of Children and Family Services to receive state aid funding for youth programs in Seneca County; and

WHEREAS, the Seneca County Youth Board approved the Allocations for State Aid at their June 29, 2009 meeting; and

WHEREAS, the 2009 state aid for Seneca County youth programs is \$102,228.00; and

WHEREAS, this request has been reviewed by the Oversight Committee for Human Services and recommended for full Board approval; now, therefore, be it

RESOLVED, the Seneca county Board of Supervisors hereby approves the 2009 Resource Allocation Plan for State Aid Funding for Youth Programs; and

FURTHER RESOLVED, authorizes and directs the Chairman of the Board to sign the Resource Allocation Plan documents for 2009.

**SUPERVISORS APPOINT ROBERTA FISHER AND KURT BREWER TO THE SENECA COUNTY COMMUNITY SERVICES BOARD**

RESOLUTION NO. 164-09 moved by Mr. Reynolds, seconded by Mrs. Amidon and unanimously adopted by 750 ayes.

WHEREAS, there are vacancies on the Community Services Board; and

WHEREAS, the Community Services Board has moved to recommend the appointment of Ms. ROBERTA FISHER and Mr. KURT BREWER to the Community Services Board; and

WHEREAS, the Board of Supervisors' Mental Health Committee supports and approves the Community Services Board's recommendation of these two candidates; now, therefore, be it

RESOLVED, that the Seneca county Board of Supervisors does hereby appoint ROBERTA FISHER, who resides in Seneca Falls, NY 13148, and KURT BREWER, who resides in Waterloo, NY 13165 to a four-year term on the Community Services Board, to expire July 28, 2013.

**CHAIRMAN OF THE BOARD AUTHORIZED TO SIGN SNOW AND ICE AGREEMENT**  
RESOLUTION NO. 165-09, moved by Mr. Davidson, seconded by Dr. Dresser and unanimously adopted by 750 ayes.

WHEREAS, the New York State Commissioner of Transportation and Seneca County have entered into an Agreement No. D089860 entitled "Snow and Ice Agreement between the New York State Department of Transportation and Seneca County"; and

WHEREAS, the term of said Agreement is for a period of three years commencing March 11, 1975 and the said Agreement provides that the parties may, at the end of each year of the term of the Agreement, extend such term for an additional year; and

WHEREAS, this agreement has been regularly extended since the original term; and

WHEREAS, the present term of the Agreement, as extended, expired June 30, 2009; and

WHEREAS, Section 7 of the said agreement provides that the Commissioner of Transportation shall furnish the County with a map for each term of the Agreement or for any extended term thereof, modified to show the changes, if any, to the State Highway affected by this Agreement; and

WHEREAS, Section 10 of the said Agreement provides for an annual update of the estimated expenditure to be determined by the Commissioner subject to the provisions of Section 10 at the time for extension of the Agreement; and

WHEREAS, the Public Works Committee approved extending this agreement on July 14, 2009; now, therefore, be it

RESOLVED, that the aforementioned "Snow and Ice Agreement Between New York State Department of Transportation and the County of Seneca" is hereby extended for a period of 2 years, now to expire June 30, 2010, unless further extended; and be it

FURTHER RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign an agreement on behalf of the County of Seneca with the New York State Department of Transportation to extend the Municipal Snow and Ice Agreement for the 2009 / 2010 season and the 2010 / 2011.

**SUPERVISORS AUTHORIZE CHAIRMAN TO SIGN SUPPLEMENT AGREEMENT FOR  
PHASE II OF THE COUNTY ROAD 143 BRIDGE PROJECT**

RESOLUTION NO. 166-09, moved by Mr. Davidson, seconded by Mr. Shipley and unanimously adopted by 750 ayes.

WHEREAS, in 2005 Seneca County contracted with Barton & Loguidice Architectural Engineering Consultants for the design and construction of a bridge replacement project on County Road 143; and

WHEREAS, Phase I – Design of the project has been completed; and

WHEREAS, a supplement to the original contract requires the signature of the Chairman of the Board of Supervisors in order to begin Phase II – Construction; and

WHEREAS, this resolution has been reviewed and approved by the Public Works Committee; now, therefore, be it

RESOLVED, that the Chairman of the Seneca County Board of Supervisors is hereby authorized and directed to sign the Supplement to the original contract with Barton & Loguidice for design and construction of the bridge replacement project on County Road 143.

**SUPERVISORS AWARD BID FOR CONSTRUCTION OF BRIDGE REPLACEMENT  
PROJECT ON COUNTY ROAD 114**

RESOLUTION NO. 167-09, moved by Mr. Davidson, seconded by Mr. Mooney and unanimously adopted by 750 ayes.

WHEREAS, on June 22, 2009 Seneca County advertised solicitations for bids for the construction of a bridge replacement project on County Road 114; and

WHEREAS, bids were received from Silverline Construction, Inc., Villager Construction, Inc., and Economy Paving Co., Inc.; and

WHEREAS, Silverline Construction, Inc. was the lowest responsible / responsive bid at \$323,262.00; and

WHEREAS, the Public Works Committee of the Seneca County Board of Supervisors recommended accepting the bid from Silverline Construction, Inc., on July 28, 2009; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby award the bid for construction of a bridge replacement project on County Road 114 to Silverline Construction, Inc., at a cost not to exceed \$323,262.00.

**WAIVE LOCAL LAW REQUIREMENT FOR EMPIRE FARM DAYS**

RESOLUTION NO. 168-09, moved by Mrs. Amidon, seconded by Mr. Shipley and unanimously adopted by 750 ayes.

WHEREAS, the sponsors of Empire Farm Days have requested from the Board of Supervisors a waiver of the provisions of Local Law No. 2 of 1979; and

WHEREAS, Local Law No. 2 of 1979 assures traffic safety for mass gatherings; and

WHEREAS, all necessary state permits involving health emergencies, crowd control, and good and health code regulations will be secured before the Empire Farm Days begins; and

WHEREAS, the Government Operations Committee approved this resolution at its meeting on July 14, 2009; now, therefore, be it

RESOLVED, that the requirements of Local Law No. 2 of 1979 be and hereby are waived by the Seneca County Board of Supervisors for Empire Farm Days to be held August 11, 12 and 13, 2009.

New Business:

Dr. Dresser moved the suspension of the rules to introduce the following resolution.

**RESOLUTION URGING SENATORS SCHUMER AND GILLIBRAND AND CONGRESSMAN  
ARCURI TO OPPOSE ANY “CARCIERI FIX”**

RESOLUTION NO. 169-09, moved by Dr. Dresser, seconded by Mr. Hayssen, and unanimously adopted by 750 ayes.

WHEREAS, the Supreme Court of the United States ruled in favor of the State of Rhode Island, denying fee to trust land to the Narragansett Indian tribe because it was not a federally recognized tribe under federal jurisdiction in 1934 when the Indian Reorganization Act (IRA) was passed by Congress (Carcieri vs. Salazar); and

WHEREAS, this decision is consistent with the legislative intent of Congress in passing the IRA, which was designed to restore to Indian tribes land they had lost due to the Dawes Act of 1887 and provided for tribal land to be allotted to individual tribal members, many of whom subsequently lost title to the land due to death, divorce, bankruptcy, or other misfortune; and

WHEREAS, no land in the State of New York was lost to any tribe due to allotment; and

WHEREAS, the Cayuga Indian Nation sold its reservation land to the State of New York in 1795 and 1807; and

WHEREAS, the Cayuga Indian Nation was not a federally recognized tribe under federal jurisdiction in 1934 and therefore is not entitled to land in trust; and

WHEREAS, Secretary of the Interior Kenneth Salazar has directed newly appointed Assistant Secretary to Indian Affairs Larry EchoHawk to quickly resolve the situation created by the Supreme Court’s decision that tribes not federally recognized and under federal jurisdiction in 1934 are not eligible for federal trust land; and

WHEREAS, consideration is being given to having Congress amend the IRA or otherwise changing the law to include lands acquired in trust by the Bureau of Indian Affairs (BIA) since 1934 and defining what is meant by “federal jurisdiction”; and

WHEREAS, any “Carcieri fix” would violate the intent of Congress in enacting the IRA and circumvent the carefully considered ruling of the Supreme Court in Carcieri vs. Salazar; and

WHEREAS, Mr. EchoHawk has held consultations with Indian Tribes on this issue but no consulted with affected counties and states; and

WHEREAS, a “Carcieri fix” would remove a legitimate reason for New York tribes, including the Cayuga Indian Nation, to be denied land in trust; now, therefore, be it

RESOLVED, the Seneca County Board of Supervisors urges Senators Schumer and Gillibrand and Congressman Arcuri to vigorously oppose any “Carcieri fix” and to continue its support of Cayuga and Seneca counties in opposition to land being taken into trust for the Cayuga Indian Nation; and be it

FURTHER RESOLVED, that copies of this resolution be sent by Chairman Lafler to:

Senator Charles Schumer

Senator Kirsten Gillibrand

Congressman Michael Arcuri

President Barack Obama

Secretary of the Interior Kenneth Salazar

Assistant Secretary of the Interior Larry EchoHawk

New York State Congressional Delegation

Mayor Bloomberg

New York State Association of Counties

New York State Counties

Mr. Shipley moved suspension of the rules to introduce the following resolution.

**SUPERVISORS SEEK EXPLANATION FROM NEW YORK STATE COMPTROLLER OF THE  
DIVERSION OF FUNDS DERIVED FROM TAX ON WIRELESS COMMUNICATION AND  
DEMAND FUNDS BE RETURNED TO COUNTIES TO SUPPORT E-911 SYSTEMS**

RESOLUTION NO. 170-09, moved by Mr. Shipley, seconded by Mr. Terryberry and unanimously adopted by 750 ayes.

WHEREAS, it has come to the attention of the Board that funds derived from taxes on wireless communications have been diverted by the State from their intended use; and

WHEREAS, such diversion of funds has caused local governments across the state to impose additional taxes on wireless communication by their residents; now, therefore, be it

RESOLVED, that the Board of Supervisors authorizes and directs the Chairman to request of the State Comptroller and our representatives in the State Legislature, an explanation of the diversion of funds derived from tax on wireless communication and to demand that such funds be returned to their intended use in support of the E-911 system.

Mr. Same moved the suspension of the rules to introduce the following resolution.

**BOARD OF SUPERVISORS APPROVES AND RATIFIES CSEA CONTRACT**

RESOLUTION NO. 172-09, moved by Mr. Same, seconded by Mr. Mooney and adopted by 668 ayes (Same, Mooney, Reynolds, Serven, Davidson, Dresser, Kaiser, Lafler, Terryberry, Amidon, Hayssen, Shipley and Westfall) and 82 abstentions (Barto).

WHEREAS, the CSEA and the County have reached a tentative agreement; and

WHEREAS, the CSEA has voted and passed said tentative agreement; and

WHEREAS, the Personnel Officer and County Manager recommend approval of the agreement which requires approval by the Board of Supervisors; now, therefore, be it

RESOLVED, that the Board of Supervisors approves and ratifies the contract between the County and the CSEA and authorizes and directs that the Chairman sign such contract on behalf of the Board of Supervisors of Seneca County.

Mr. Barto moved to enter executive session to discuss pending litigation in the New York State Supreme Court matter of Michael C. Iannone vs. John Kenyon Trucking, Inc. and to consult with, and obtain legal advice from counsel in regard to such litigation and to take action with regard thereto and that the Board of Supervisors invite into executive session, the following persons: the County Manager, the County Attorney, the County Sheriff, the County Personnel Officer, the Clerk of the Board and the County's Risk Management Officer.

Special Order of the Day

The Board of Supervisors reconvened in regular session and the meeting was adjourned.