

## SENECA COUNTY BOARD OF SUPERVISORS

### REGULAR MEETING

January 22, 2008

7:00 p.m.

#### Call to Order

Chairman Lafler called the meeting to order at 7:07 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

#### Approval of Meeting Minutes

Minutes of the Year-end meeting on December 28, 2008 and the Organizational meeting on January 8, 2008 were approved.

#### Reports of Standing Committees

- Mental Health Services, Mrs. Amidon, Chair, reported that the Committee was recommending that the Board of Supervisors appoint Alex Barberi to the Community Services Board for a four-year term.
- Public Safety – Mr. Shipley, Chair reported that based on a staffing analysis submitted by the NYS Commission of Correction, five full-time positions would be added to the Law Enforcement Center.
- Human Service, Mr. Mooney, Chair, reported that the committee was recommending the hire of a temporary aide for Weatherization through Kelly Services. The committee also recommended entering into a contract for services with the following: Catholic Charities of the Finger Lakes, Finger Lakes Community College for Youth Workshops and ESI, Health Association EAP, Inc for Employee Assistance Services
- Indian Affairs Committee, Dr. Dresser, Chair, reported that according to the latest report from NYSAC, Governor Spitzer would not be meeting with the NYSAC Native American Affairs Committee during the Winter Conference, however, Richard Rifkin, Special Counsel on Indian Affairs would take his place. Dr. Dresser also reported that early indications were that the Governor's budget would contain a revenue figure of \$200,000,000 coming from taxes on sales of products by Indian tribes to non-Indians, however, this was not confirmed.
- Planning, Development, Agriculture & Tourism Committee, Mr. Kaiser, Chair, reported that there were several resolutions prefiled for the Board meeting that the committee had recommended.

#### Chairman's Remarks

Chairman Lafler congratulated the Town of Romulus on winning a \$2.5 million dollar grant for the town's economic growth.

Chairman Lafler charged the Government Operations Committee to review the current meeting times for committee and board meetings. He believed that the committees needed more time to discuss the issues that were brought to their attention. He suggested starting the board meetings later than 7:00 p.m.

Chairman Lafler then recognized Sharon Secor, former County Manager. Ms. Secor was presented with a plaque, which would be prominently displayed in the Board of Supervisors meeting room. The plaque inscription is as follows:

With Sincere Appreciation to  
Sharon Secor  
For Outstanding Service to  
Seneca County  
1967 – 2007  
Our Gratitude For Your Untiring Work Ethic  
Is Only Matched By Our Appreciation For Your Loyalty And Friendship  
Your Presence Will Be Long Remembered And Greatly Missed  
From the Seneca County Board of Supervisors on Behalf of  
the Residents of Seneca County

County Manager's Remarks

County Manager Sinclair reported that she scheduled a meeting with the department heads and members of the Board of Supervisors for the purpose of relaying her expectations and to receive comments and hear their expectations of a county manager. County Manager Sinclair also said that she met with Joan Grela, from Senator Nozzolio's office for the purpose of establishing a relationship with the Senator's office.

Communications

11. From Connie Sowards, Village Clerk, Seneca Falls, a Notice of Intent to Establish Lead Agency for the purposes of fulfilling the SEQRA requirements relative to the Clarence Hotel Project in said village.
12. From NYSAC, a printed copy of Governor Spitzer's second Annual State of the State Address.
13. A copy of the minutes from the E-911 Board meetings on January 8, 2008 and December 11, 2007.
14. A copy of the minutes from the Seneca County Federation of Sportsmen's Club, Inc. meeting on November 18, 2007.
15. A copy of the minutes from the Seneca County IDA Regular meeting on December 12, 2007.

Resolutions and Motions

**AUTHORIZATION TO CORRECT & REFUND TAXES TO COUNTY TREASURER**

RESOLUTION NO. 06-08, moved by Mr. Barto, seconded by Mrs. Amidon and unanimously adopted.

WHEREAS, Section 554 (9) & 556 (8) of the Real Property Tax Law authorizes the tax levying body such as the Seneca County Board of Supervisors to delegate its authority to the County Treasurer to correct errors and refund taxes, as provided by Section 554 (1-8) and 556 (1-7) of the said law; and

WHEREAS, it would be in the best interest of the Board of Supervisors and taxpayers of Seneca County to delegate the refunding authority to expedite the corrective refund process; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors delegates the authority to correct and refund taxes pursuant to Section 554 and Section 556 of the Real Property Tax Law to the County Treasurer for the fiscal year 2008 where said applications are for \$2,500.00 or less; and be it

FURTHER RESOLVED, that the County Treasurer submit a report to the Board of Supervisors before the 15th of each month detailing the corrections and refunds granted for the prior month. Said resolution to be effective until December 31, 2008.

**APPORTION FUNDS COLLECTED UNDER ARTICLE SEVEN OF THE NEW YORK STATE  
AGRICULTURE AND MARKETS LAW**

RESOLUTION NO. 07-08, moved by Mr. Barto, seconded by Mr. Mooney and unanimously adopted.

WHEREAS, the Annual Report of the County Treasurer on Funds received for dog licenses and other related fees under Article Seven of the New York State Agriculture and Markets Law has been received, and

WHEREAS, there is a surplus of \$3,312.62 and pursuant to Section 111 of the New York State Agriculture and Markets Law, 75% of these funds (\$2,484.47) may be apportioned to the various Towns, now, therefore be it

RESOLVED, that the Seneca County Treasurer apportion said funds for payment to the Towns as follows:

Covert	\$202.31
Fayette	\$431.34
Junius	\$42.09
Lodi	\$78.34
Ovid	\$95.88
Romulus	\$224.94
Seneca Falls	\$591.01
Tyre	\$145.00
Varick	\$125.68
Waterloo	\$547.88
Total:	\$2,484.47

AND BE IT FURTHER RESOLVED THAT, pursuant to Agriculture and Markets Law § 111(3), such money shall be used by the towns only for the purposes of controlling dogs and enforcing the provisions of Article 7 of the Agriculture and Markets Law of the State of New York and/or any rule, regulation, or local law or ordinance adopted pursuant thereto, including subsidizing the spaying or neutering of dogs and any facility, as authorized under section one hundred seventeen of said Article 7, used therefore, and subsidizing public humane education programs in responsible dog ownership.

**AUTHORIZATION TO COUNTY TREASURER TO PAY MATCHING FUNDS TO  
THE CHAMBER OF COMMERCE**

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

WHEREAS, Seneca County has approved the Seneca County Chamber of Commerce the Tourism Promotion Agency (TPA) for Seneca County; and

WHEREAS, the Matching Funds for the project was approved in the 2008 Budget for \$91,154; and

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

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the Seneca County Treasurer to pay the Matching Funds of \$91,154 to the Seneca County Chamber of Commerce from Account 8021-4707.

**CHAIRMAN OF THE BOARD TO SIGN AGREEMENT WITH KELLY SERVICES FOR  
WEATHERIZATION PROGRAM**

RESOLUTION NO. 09-08, moved by Mr. Mooney, seconded by Dr. Dresser and unanimously adopted.

WHEREAS, the Seneca County Weatherization Program is behind in its production schedule; and

WHEREAS, an employee is out of work on medical leave; and

WHEREAS, hiring a worker through a temporary agency is in the best interest of the county; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign an agreement with Kelly Services for the Weatherization Program for a period of no longer than 90 working Days.

**CHAIRMAN OF THE BOARD AUTHORIZED TO SIGN THE 2008 AGREEMENT  
BETWEEN THE SENECA COUNTY DIVISION OF HUMAN SERVICES  
AND CATHOLIC CHARITIES OF THE FINGER LAKES**

RESOLUTION NO. 10-08, moved by Mr. Mooney, seconded by Mr. Shipley and unanimously adopted.

WHEREAS, the contract between the Seneca County Division of Human Services and Catholic Charities is entered into for the purpose of implementing programs and services designed to increase access to Food Stamps; and

WHEREAS, funds have been allocated to local Social Services districts for the purpose of maintaining high accuracy rates in the issuance of Food Stamps, and increasing access to the program for working families and other underserved populations; and

WHEREAS, the Food Stamp Education and Outreach program is to target underserved populations, with priority given to working families and the elderly; and

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

RESOLVED, the Chairman of the Board to sign the 2008 agreement between the Seneca County Division of Human Services and Catholic Charities of the Finger Lakes.

**CHAIRMAN OF THE BOARD TO AUTHORIZE AND SIGN THE ESI, HEALTH ASSOCIATION  
EAP, INC. CONTRACT TO BECOME THE PROVIDER OF EMPLOYEE ASSISTANCE  
SERVICES TO SENECA COUNTY EMPLOYEES**

RESOLUTION NO. 11-08, moved by Mr. Mooney, seconded by Mr. Kaiser and unanimously adopted.

WHEREAS, the EAP programs are proven to help employees overcome personal difficulties that may impact their work life; and

WHEREAS, the EAP is a success for the organization as good and valued employees are retained in their jobs; and

WHEREAS, the EAP provides confidential counseling and other services, on a wide variety of topics, that address many issues and has proven successful in Seneca County DHS and all County Departments; and

WHEREAS, the Seneca County Board of Supervisors saw fit to extend this service to all employees of the County and included funding for the same in the 2008 budget; and

WHEREAS, Employee Services Inc., EAP, Health Association EAP, One Mount Hope Avenue, Rochester, New York 14620, was accepted by the Board of Supervisors for EAP services for all County Employees in 2007, with options to renew for 2008 and 2009 fiscal years and based upon the 2007 performance of Employee Services Inc., Health Association EAP the Seneca County Board of Supervisors approves the 2008 contract with this agency to continue services for the period 01/01/08 to 12/31/08 at a cost not to exceed \$21.42 per employee per year and an annual cost not to exceed \$10,410.12 for the 12 month contract; and

WHEREAS, funds are available in the 2008 Seneca County Budget in accounts 10-101-5-1430-4371 and 10-125-5-6006-4701, DHS and Personnel;

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

RESOLVED, the Chairman of the Board to sign the agreement between the Seneca County Division of Human Services and Employee Services Inc., EAP, Health Association.

**SENECA COUNTY DIVISION OF HUMAN SERVICES TO CONTRACT WITH THE FINGER LAKES COMMUNITY COLLEGE FOR YOUTH WORKSHOPS**

RESOLUTION NO. 12-08, moved by Mr. Mooney, seconded by Mr. Davidson and unanimously adopted.

WHEREAS, the Seneca County Division of Human Services would contract with the Finger Lakes Community College to provide a series of workshops on both personal and professional development for youth; and

WHEREAS, a special component will be developed for youth who choose to move forward with a college degree; and

WHEREAS, ten four-hour workshops will be designed and delivered based on the County's request; and

WHEREAS, this contract will not exceed \$10,000.00; and

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

RESOLVED, the Chairman of the Board to sign the agreement between the Seneca County Division of Human Services and Finger Lakes Community College.

**RESOLUTION NAMING THE LATE MRS. ELISABETH (BETTY) AUTEN AS THE 2008 RECIPIENT OF THE SENECA COUNTY HISTORIAN'S AWARD**

RESOLUTION NO. 13-08, moved by Mr. Shipley, seconded by Dr. Dresser and unanimously adopted.

WHEREAS, Seneca County has a rich history that includes the birth of the Women's Rights Movement, significant abolitionist activity, religion reform, and temperance; and

WHEREAS, there is growing desire to enhance the awareness of Seneca County's rich heritage; and

WHEREAS, the Board of Supervisors established by resolution the Seneca County Historian's Award for persons who are, in the opinion of the historian, instrumental in the advancement of the study and awareness of Seneca County history; and

WHEREAS, Elisabeth "Betty" Auten (1917-2005) devoted much of her professional career to the advancement of the history of Upstate New York, including specifically that of Seneca County; and

WHEREAS, Ms. Auten was a resident of the Town of Waterloo for more than fifty years who grew to know and appreciate the history of Waterloo as the Waterloo reporter for the Geneva Times for 12 years; and

WHEREAS, in 1973 she became the Waterloo Town Historian and served in that capacity for more than 33 years; she was the Seneca County Historian from January 1, 1978 until July 25, 1997; and in

her tenure as the county historian, for a few years she published a newsletter recalling historical events in the county and its 10 towns; and

WHEREAS, following her retirement as county historian at age 80, she embarked on the writing of a book on Civil War soldiers from Seneca County;

NOW THEREFORE BE IT RESOLVED, that with great gratitude for her tremendous contributions to the advancement of Seneca County history, the Board of Supervisors hereby endorses the Seneca County Historian's Office granting the "Seneca County Historian's Award" to Elisabeth "Betty" Auten for the advancement of Seneca County history.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN CONTRACTS FOR PROFESSIONAL SERVICES FOR THE PUBLIC HEALTH DEPARTMENT**  
RESOLUTION NO. 14-08, moved by Mrs. Amidon, seconded by Mr. Davidson and unanimously adopted.

WHEREAS, the Public Health Department currently has contracts for the provision of professional services offered by the Agency; and

WHEREAS, these contracts must be renewed on an annual basis; and

WHEREAS, contracts for the following individuals need to be signed by the Chairman of the Board of Supervisors: Dr. Mary Brady, Pediatrician at \$180 per hour; Dr. Emanuel Li, Tuberculosis Control Program Physician at \$150 per hour; and Elaine Day, Dental Hygienist at \$140 per pre-school dental clinic; and

WHEREAS, the funding for these contracts is in the Public Health budget 10-115-5-4010-4350 for Dr. Brady and Elaine Day; and 10-115-5-4010-4391 for Dr Li; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign these contracts for professional services.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN A CONTRACT WITH HEALTH RESEARCH, INCORPORATED FOR THE 2007-2008 PUBLIC HEALTH PREPAREDNESS/RESPONSE FOR BIO-TERRORISM GRANT**

RESOLUTION NO. 15-08, moved by Mrs. Amidon, seconded by Mr. Same and unanimously adopted.

WHEREAS, the Seneca County Health Department has been awarded a Public Health Preparedness/Response for Bioterrorism Grant for the period 8/31/2007 to 8/09/2008; and

WHEREAS, the grant amount is \$64,465; and

WHEREAS, in order to receive these grant funds, it is necessary to have a signed contract with Health Research, Inc. (HRI); now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign this contract with HRI.

**RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW NO. A, YEAR 2008 AMENDING  
LOCAL LAW 2, YEAR 2006 AND PROVIDING FOR PUBLIC HEARING**

RESOLUTION NO. 16-08, moved by Mrs. Amidon, seconded by Dr. Dresser and unanimously adopted.

WHEREAS, Local Law number 2 of 2006 provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code in the County of Seneca; and

WHEREAS, such Local Law further provides for administration of said code and appointment and oversight of the position of Code Enforcement Officer and staff by the Director of Public Health; and

WHEREAS, it is the recommendation of the Public Health Committee that administration and oversight of the code and appointment and oversight of the Code Enforcement Officer be transferred to the County Engineer; now therefore be it

RESOLVED, that Local Law number A of 2008 entitled "A Local Law To Amend Local Law No. 2 of 2006" be and the same is hereby introduced before the Board of Supervisors of Seneca County, New York to read in substantially the following form:

That Local Law number 2 of 2006 be amended as follows:

That § 2(m) of said local law be amended to read as follows:

m) "County Engineer" shall mean the person duly appointed by the Seneca County Board of Supervisors as Engineer for the County of Seneca.

That § 3(a) of said local law be amended to read as follows:

The office of Code Enforcement Officer is hereby created. The Code Enforcement Officers shall administer and enforce, under the direction of the County Engineer, all the provisions of the Uniform Code, the Energy Code and this local law. The Code Enforcement Officer shall have the following powers and duties: (subparagraphs 1 through 11 to continue unchanged)

That § 3(b) through 3(d) of said law be amended as follows:

(b) Each Code Enforcement Officer shall be appointed by the County Engineer within the limits of the appropriation set by the Board of Supervisors. Each Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the County Engineer within the limits of the appropriation set by the Board of Supervisors to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer

shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(d) (i) The County of Seneca hereby transfers to the Office of the County Engineer, positions for Building Inspectors and other necessary support staff to act under the supervision and direction of the County Engineer and/or Code Enforcement officer, and to exercise any portions of the powers and duties of the Code Enforcement Officer as so directed, to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Building Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(ii) In the absence of the Code Enforcement Officer, or in the case of his or her inability to act for any reason, the county's County Engineer shall have the power to designate a person to act on behalf of the Code Enforcement officer, within the limits of appropriation by the Board of Supervisors, and to exercise all the powers conferred upon him or her by this local law.

That § 18 of said law be amended as follows:

#### SECTION 18. AUTHORITY OF THE COUNTY ENGINEER

The County Engineer is hereby authorized to: (paragraphs a and b to remain unchanged); and be it FURTHER RESOLVED, that copies of the aforesaid proposed local law be laid upon the desks of each member of the County Board; and be it

FURTHER RESOLVED, that the County Board hold a public hearing on said proposed Local Law at the County Office Building, 1 DiPronio Drive, Waterloo New York at or about February 12, 2008 at 7:00 p.m.; and be it

FURTHER RESOLVED, that the Clerk to the Board publish or cause to be published a notice of said public hearing in the official newspapers of the County at least five (5) days prior thereto.]

#### **SUPERVISORS APPOINT ALEX BARBERI TO COMMUNITY SERVICES BOARD**

RESOLUTION NO. 17-08, moved by Mrs. Amidon, seconded by Mr. Same and unanimously adopted.

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

WHEREAS, the Community Services Board has moved to recommend the appointment of Alex Barberi to the Community Services Board, and

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

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Alex Barberi, Douglas Drive, Waterloo, NY, 13165, to a four-year term to expire November 27, 2011.

Unfinished Business:

Mr. Barto addressed the comments made by Mr. Lambert regarding reuse of the former army depot in Romulus. Mr. Barto said that in his remarks made to the Board, Mr. Lambert claimed that the Board of Supervisors did not act on behalf of the depot when it closed. Mr. Barto said that on July 10, 1992 a meeting was held to discuss the Pentagon's decision regarding the Seneca Army Depot. He said several meetings were held in the interest of depot employees and job security. Seneca County filed a lawsuit against the Army, and Judge Larimer decided in favor of Seneca County. The result was BRAC. Although the former Army depot closed, Mr. Barto said that the Board of Supervisors took action on behalf of the residents of the County and employees at the depot.

There was discussion regarding the appointment of an OTB Director and what was the final action made at the January 8 meeting. It was concluded that the motion failed by a tie vote.

Mr. Same made a motion to open the floor for nominations for OTB Director. Dr. Dresser made a second. The motion to open the floor for nominations for OTB Director was carried.

Mr. Same nominated James Stevers for OTB Director. Dr. Dresser seconded the nomination.

Mr. Shipley nominated William White for OTB Director. Mr. Hayssen seconded the nomination.

Mr. Same made a motion to close the floor for nominations for OTB Director. Dr. Dresser seconded the motion. The motion to close the floor for nominations was carried.

A roll call vote was taken for the appointment of James Stevers as OTB Director for a two-year term. The majority of the Board of Supervisors voted in favor of Mr. Stevers being appointed OTB Director with a vote of 406 ayes (Same, Dresser, Serven, Davidson, Lafler, Terryberry, Amidon, Westfall) and 344 nays (Reynolds, Barto, Kaiser, Hayssen, Mooney, Shipley).

Chairman Lafler declared James Stevers the OTB Director for the 2008 and 2009 term of office.

New Business:

**RESOLUTION AUTHORIZING PAYMENT FOR UNIFORM ALLOWANCE**

RESOLUTION NO. 18-08, moved by Mr. Shipley, seconded by Mr. Barto and unanimously adopted.

RESOLVED, that the Board of Supervisors authorizes the payment for the uniform allowance for sheriff deputies in accordance with the union contract.

The following appointments were made by Chairman Lafler:

Airport Advisory Board, Board of Supervisors' representative: Peter Same

Chamber of Commerce, Board of Supervisors' representative: Patsy Amidon

Cayuga-Seneca Canal Trail Association, Board of Supervisors' representative: Suzanne Sinclair

The following Board or Supervisors Committee meeting assignments were made by Chairman Lafler:

- Committee No. 1 – Finance, Assessment & Insurance: Barto, Chair;  
Same, Vice-Chair, Mooney, Kaiser, Westfall
- Committee No. 2 – Personnel & Technology: Dresser, Chair; Reynolds,  
Vice-Chair, Westfall, Davidson, Barto
- Committee No. 3 – Government Operations: Amidon, Chair; Hayssen,  
Vice-Chair, Same, Westfall, Mooney
- Committee No. 4 – Public Works: Davidson, Chair; Shipley, Vice-Chair,  
Reynolds, Serven, Terryberry
- Committee No. 5 – Planning, Development, Agriculture & Tourism:  
Kaiser, Chair; Dresser, Vice-Chair, Davidson, Amidon, Same
- Committee No. 6 – Mental Health Services: Reynolds, Chair; Kaiser,  
Vice-Chair, Amidon, Same, Dresser
- Committee No. 7 – Public Health Services: Hayssen, Chair; Mooney,  
Vice-Chair, Kaiser, Shipley, Terryberry
- Committee No. 8 – Human Services: Mooney, Chair; Amidon, Vice  
Chair, Shipley, Westfall, Serven
- Committee No. 9 – Public Safety & Jail Construction: Shipley, Chair;  
Davidson, Vice-Chair, Amidon, Terryberry, Serven
- Committee No. 10 – Indian Affairs: Same, Chair; Barto, Vice-Chair,  
Terryberry, Hayssen, Dresser
- Committee No. 11 – Inter-County Committee: Kaiser, Chair; Mooney,  
Vice-Chair, Reynolds, Sinclair

Special Order of the Day

As no other business was before the Board, the meeting was adjourned.