

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

February 12, 2008

7:00 p.m.

Call to Order

Acting Chairman Mooney called the meeting to order at 7:04 p.m.

Roll Call of Members by the Clerk

Thirteen members of the Board of Supervisors were present. Chairman Lafler was absent

Pledge of Allegiance and Moment of Silence

Public Hearing

Proposed Local Law No. 1 of 2008 entitled "A Local Law to Amend Local Law No. 2 of 2006

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)

Mr. Same made a motion to open the floor for public comment. Mr. Hayssen seconded the motion the motion was carried. No public comment was heard. Mr. Shipley made a motion to close the floor for public comment. Mr. Hayssen seconded the motion. The motion carried.

Presentations

a. Joe Strykiewicz of BBL Construction presented the Dedication Plaque for the Seneca County Law Enforcement Center, a gift from BBL Construction. The inscription on the plaque is as follows:

SENECA COUNTY
LAW ENFORCEMENT CENTER
Dedicated April 21, 2007
Seneca County Board of Supervisors
Edward L. Barto, CHAIRMAN

Patricia Amidon – Tyre	Michael Reynolds – Covert
Sean Anglim – Seneca Falls	C. Jerry Robinson – Waterloo
E. Lee Davidson – Lodi	Peter W. Same – Seneca Falls
David L. Dresser – Ovid	Robert Shipley – Waterloo
David Kaiser – Romulus	Dale Smith – Junius
Chuck Lafler – Seneca Falls	Joan E. Teichner – Varick
James H. Mooney – Waterloo	

County Manager Sharon L. Secor	County Attorney Steven J. Getman
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Leo T. Connolly Sheriff	Michael K. Cleere Undersheriff
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Construction Manager
BBL Construction Services, LLC

Architect
Crandell Associates, P.C.

b. Captain Swain, New York State Trooper, gave a review of the 2007 annual activity of NYS Troop E. Capt. Swain also urged the Board of Supervisors to support the District Attorney’s request to create a full-time position in the District Attorney’s office to process the increasing traffic violations issued by New York State police.

c. Shawn Bossard, Executive Director, presented the 2007 Annual Report for Seneca County Cornell Co-Operative Extension. Mr. Bossard reported that state funding increased for 2007, allowing new programs and / or the continuation of several programs. The Report cited the Eat Smart NY Program which targets low-income families for proper nutrition. The Farmer’s Market in Waterloo is also a result of the Eat Smart NY Program. Currently there are three regional agricultural groups, the Northwest NY Dairy Team, the Cornell Vegetable Team and the Finger Lakes Grape Program, that provide support and expertise to area farmers.

Andrew Schibley, a 4-H Youth member, relayed to the Board of Supervisors his experience with the 4-H / Youth Development Program and the benefits he has derived from the program.

Submission of Claims for Audit

Mr. Barto made a motion to approve the following vouchers for payment. Mr. Same seconded the motion. The motion carried.

Supervisors vouchers	#188 – 525	totaling	\$	785,766.70
OFA vouchers	#48 – 108	totaling	\$	81,753.98
Workforce Development vouchers	#14 - 27	totaling	\$	20,509.95
Insurance vouchers	# 5 – 11	totaling	\$	11,667.96

Sheriff vouchers	#1 – 54	totaling	\$	107,367.00
County Airport vouchers	#1 - 15	totaling	\$	16,975.98
Airport Capital Project vouchers	#1	totaling	\$	8,048.23
Jail Capital Project vouchers	#4 - 5	totaling	\$	16,829.93
Highway Capital vouchers	#1 - 2	totaling	\$	16,537.14
Highway Transportation vouchers	#24 - 67	totaling	\$	338,676.64

Approval of meeting minutes

Mr. Kaiser moved to approve the minutes as presented for the October 8 Regular Board of Supervisors meeting. Dr. Dresser made a second on the motion. The motion to approve said minutes was carried.

Reports of Standing Committees

Government Operations Committee – Mrs. Amidon, Chair, reported that the Committee recommended the appointment by the Board of Supervisors, of Joan Mooney, as the Republican Election Commissioner in the Board of Elections office.

Mental Health Committee – Mr. Reynolds, Chair, reported that the Committee recommended that contracts with various service agencies are accepted and the Board Chairman’s signature is authorized. Mr. Reynolds also reported that the Committee recommended hiring Dr. Venkata Satti, who currently provides mental health services on a contract basis. Dr. Satti’s services would be at the Mental Health Services Clinic in Ovid.

Human Services Committee – Mr. Mooney, Chair, reported that the Committee recommended authorization by the Board of Supervisors, to move forward with the application process for the Rural Business Opportunity Grant for \$50,000 from USDA Rural Development. The purpose of the grant is to enhance Seneca County Workforce Development Micro-Enterprise Program.

Planning, Development, Agriculture & Tourism Committee – Mr. Kaiser, Chair, reported that the Committee recommended Board resolutions authorizing several grant applications; the appointment of Greg Wadhams and Chris Tarr to the Agriculture Enhancement Board; the approval of a CDBG loan to Jason Swartley; and authorization for the Chairman of the Board to write a letter on behalf of the Board of Supervisors, supporting the Seneca County IDA's request that the DEC conduct public hearings to receive further comment and technical information regarding the proposed re- mapping and designation of additional wetlands within the former Seneca Army Depot.

County Manager’s Remarks

Ms. Sinclair reported that she attended a meeting of the Town Board of Covert and also a reception in her honor held after the meeting. She thanked the members of the Covert Town Board for their hospitality.

Acting County Attorney's Remarks

Mr. Fisher gave an update on the Class Action Suit filed against pharmaceutical companies on behalf of NYS counties. He reported that Bristol Meyers Squibb had opted for settlement and Seneca County could expect a payment of \$10,000 as a result.

Communications

16. Copy of Seneca County Federation of Sportsmen's Clubs, Inc. meeting minutes of January 15, 2008.

17. Draft copy of Seneca County IDA meeting minutes of January 10, 2008.

18. Copy of Seneca County Law Department Annual Report 2007.

19. Copy of Seneca County Jury Board meeting minutes of January 25, 2008.

20. Copy of Seneca County Board of Health meeting minutes of January 16, 2008.

21. From NYS Office of Parks, Recreation and Historic Preservation a letter dated January 16, 2008 re: the nomination of the property identified as the Cobblestone House at 1370 Route 318, Junius for listing on the National Register.

22. From George C. Dutton, Waterloo, NY, a copy of a letter dated January 16, 2008, to the Seneca County Election Commissioners, supporting the procurement of a ballot marking device which is compatible with a paper ballot, ballot scanner voting system, and avoid DRE systems.

23. In response to Chairman Barto's letter to Governor Spitzer dated September 11, 2007, a letter dated January 17, 2008 from Barbara G. Billet, Acting Commissioner, NYS Department of Taxation and Finance, citing the preliminary injunction issued in Day Wholesale, Inc. v. State of New York, enjoining the State from enforcing Tax Law Sec. 461-e, and anticipation of the matter to be heard by the court in late March or early April.

24. From Harris Beach, PLLC, on behalf of the Seneca County IDA, a copy of a "First Amendment to PILOT Agreement with the Blade Shop, Inc. (as Assignee of SMM Property Corp.)

25. A copy of Seneca County Soil & Water Conservation District meeting minutes of December 17, 2007.

26. A copy of Genesee Finger Lakes Regional Planning Council Executive Committee meeting minutes and regular meeting minutes of December 13, 2007.

27. A copy of Western Finger Lakes Solid Waste Management Authority meeting minutes of December 17, 2007.

28. From NYS Office of the State Comptroller, a copy of the Indigent Legal Services Fund (ILSF) 2007 Annual Report form and instructions and deadlines on submitting required information. Referred to the Public Safety Committee.

29. From the Seneca County Republican Committee, the Election Commissioner Certification recommending by majority vote of said committee, Joan Mooney, Waterloo, NY, as the suitable and qualified person for appointment to the office of Commissioner of Elections to fill the existing vacancy in said office for the remainder of the current term. Referred to the Government Operations Committee.

Resolutions and Motions

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
A CONTRACT WITH BARTON AND LOGUIDICE, P.C. FOR ENGINEERING SERVICES
FOR THE PUBLIC HEALTH DEPARTMENT**

RESOLUTION NO. 19-08, moved by Mr. Hayssen, seconded by Mr. Kaiser and unanimously adopted.

WHEREAS, the Public Health Department is required to have the availability of a Professional Engineer for the review and approval of plans for mobile home parks, temporary residences, water systems and septic systems; and

WHEREAS, the County Engineer will be providing these services for most departmental needs; and

WHEREAS, it will be necessary to continue a contract with Barton and Loguidice, P.C. for any activities that the County Engineer may be unable to perform; and

WHEREAS, the Department is requesting to renew this contract for these necessary services to continue; and

WHEREAS, the money to cover these Professional services is in the Public Health budget 10-115-5-4011-4280; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the contract with Barton and Loguidice, P.C.

BOARD OF SUPERVISORS MAKE APPOINTMENT TO THE LOCAL BOARD OF HEALTH

RESOLUTION NO. 20-08, moved by Mr. Hayssen, seconded by Mrs. Amidon and unanimously adopted.

WHEREAS, the Local Board of Health is the governing body for the Health Department; and

WHEREAS, Public Health Law states that the membership of the Board of Health is appointed by the Board of Supervisors for a term of office of six years and shall consist of seven members; and

WHEREAS, three of these members must be physicians who reside in Seneca County; and

WHEREAS, Dr. Timothy J. Ryan has been the Medical Director for the Health Department as well as a member of the Board of Health for many years; and

WHEREAS, his term on the Board expired 12-31-07; and

WHEREAS, Dr. Ryan has agreed to accept another six year term on the Board and the Local Board of Health is recommending that Dr. Ryan be re-appointed; now, therefore be it

RESOLVED, that the Board of Supervisors does hereby appoint Dr. Timothy J. Ryan to the Local Board of Health for a six year term expiring on 12-31-2013.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
A CONTRACT AMENDMENT WITH THE NEW YORK STATE DEPARTMENT OF HEALTH
FOR THE COLO-RECTAL CANCER EXPANSION PROJECT**

RESOLUTION NO. 21-08, moved by Mr. Hayssen, seconded by Mr. Shipley and unanimously adopted.

WHEREAS, the Seneca County Health Department was awarded a Colo-Rectal Cancer Expansion Grant from the New York State Department of Health; and

WHEREAS, the original grant amount was \$40,000; and

WHEREAS, in July, the New York State Department of Health awarded an additional \$5,000 for Patient Services; and

WHEREAS, the original grant period was to expire 12-31-07; and

WHEREAS, the New York State Department of Health has extended this contract until 3-31-08; and

WHEREAS, this will increase the grant funding to \$56,250; and

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

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the contract amendment with the New York State Department of Health; and be it

FURTHER RESOLVED, that the treasurer is authorized to amend the Public Health budget to increase 10-115-5-4017-4704 to \$5,000; increase 10-115-5-4017-4280 contracts \$ 11,250; and increase 10-319-3-3449 Revenues \$16,250.

**PUBLIC HEALTH AUTHORIZED TO FILE APPLICATION FOR STATE ASSISTANCE FOR
HOUSEHOLD HAZARDOUS WASTE COLLECTION DAY**

RESOLUTION NO. 22-08, moved by Mr. Hayssen, seconded by Mr. Kaiser and unanimously adopted.

WHEREAS, New York State DEC provides financial assistance for Household Hazardous Waste Collection Programs; and

WHEREAS, the municipality may be reimbursed for 50% of the costs associated with the collection program; and

WHEREAS, it is necessary for the Board of Supervisors to pass a resolution for the receipt of these funds; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes the Public Health Department to apply for state assistance for Household Hazardous Waste Collection.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
CONTRACTS WITH PROVIDERS FOR THE
HEALTHY WOMEN'S PARTNERSHIP PROGRAM**

RESOLUTION NO. 23-08, moved by Mr. Hayssen, seconded by Mrs. Amidon and unanimously adopted.

WHEREAS, the Public Health Department has established many contracts with providers of Professional services for the Healthy Women's Partnership Program; and

WHEREAS, these contracts must be renewed annually; and

WHEREAS, it is necessary to renew these contracts at this time with the following providers; Lifecare Diagnostics, Inc., Tri-County Surgical, PLLC, Dr. Jonathan Rubins, Finger Lakes Regional Health Systems Lab, Schuyler Hospital Primary Care Center, Taylor Brown Health Center, Geneva Regional Health center, Elizabeth Wende Breast Clinic, Medical Associates of the Finger Lakes, East Hill Family Medical, Schuyler Hospital, Trumansburg Family Health Center, Centrex Labs. Joseph A. Lorenzetti, MD, Cayuga Medical Center at Ithaca, September Hill Women's Center, Yates County Family Planning Center, Rochester Clinical Laboratory, Quest Diagnostics of Pennsylvania, Inc. and Dr. Susan Dantoni; and

WHEREAS, there are funds available in the 2008 County budget in account 10-115-5-4015-4704 in the amount of \$35,000 to pay for contractors services; and

WHEREAS, all cost related to these contracts are 100% reimbursed from the New York State Department of Health and there is no County cost; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the contracts for Professional Services with: Lifecare Diagnostics, Inc., Tri-County Surgical, PLLC, Dr. Jonathan Rubins, Finger Lakes Regional Health Systems Lab, Schuyler Hospital Primary Care Center, Taylor Brown Health Center, Geneva Regional Health center, Elizabeth Wende Breast Clinic, Medical Associates of the Finger Lakes, East Hill Family Medical, Schuyler Hospital, Trumansburg Family Health Center, Centrex Labs. Joseph A. Lorenzetti, MD, Cayuga Medical Center at Ithaca, September Hill Women's Center, Yates County Family Planning Center, Rochester Clinical Laboratory, Quest Diagnostics of Pennsylvania, Inc. and Dr. Susan Dantoni.

**BOARD OF SUPERVISORS AUTHORIZE INCREASE IN STARTING SALARY FOR PUBLIC
HEALTH NURSE AND REGISTERED PROFESSIONAL NURSE**

RESOLUTION NO. 24-08, moved by Mr. Hayssen, seconded by Mr. Westfall and unanimously adopted.

WHEREAS, there is a nationwide nursing shortage which has resulted in difficulty in recruiting and retaining RPN or PHN candidates; and

WHEREAS, a salary study was conducted of the Public Health Departments in the contiguous county's and area hospitals; and

WHEREAS, this information has been reviewed by the Public Health Director, County Manager and Director of Human Resources; and

WHEREAS, the Public Health Committee recommends increasing the starting salary for RPNs to \$21.939 per hour and for PHNs to \$22.198 per hour; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorize the Personnel Officer to advertise the starting rate of \$21.939 for RPNs and \$22.198 for PHNs.

Mr. Kaiser made a motion, with a second by Mr. Same, to adopt the following prefiled resolution:

APPOINTMENTS TO THE SENECA COUNTY AGRICULTURAL ENHANCEMENT BOARD

WHEREAS, Gregory Wadhams has served on the Seneca County Agricultural Enhancement Board for a three-year term that expired on December 31, 2007, as a representative of crop farming and has been recommended for a reappointment by the Seneca County Agricultural Enhancement Board; and

WHEREAS, Chris Tarr is an Appraiser with the USDA Farm Service Bureau and is recommended for an appointment to the Seneca County Agricultural Enhancement Board; and

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

RESOLVED, that the Board of Supervisors does hereby reappoints Gregory Wadhams of the Town of Junius to an additional three-year term to expire December 31, 2010; and be it

FURTHER RESOLVED, that the Board of Supervisors does hereby appoint Chris Tarr as the agri-business representative of the Town of Junius to a three-year term on the Agricultural Enhancement Board to expire on December 31, 2010.

Under discussion, Mr. Davidson nominated Roy Ike to be considered for appointment to the Agriculture Enhancement Board. Mrs. Amidon seconded the nomination.

Under discussion, questions regarding parliamentary procedure on amending a motion and nominating candidates not previously reviewed by the appropriate Board of Supervisors' Standing Committee were answered by Mr. Fisher, Acting County Attorney.

Following discussion, Mr. Davidson made a motion and a second was made by Mrs. Amidon, to amend the Main Motion by striking out the words in the first WHEREAS clause, "*Gregory Wadhams has served*", and inserting the words, "*Roy Ike has been nominated to serve*"; and striking out the words "*that expired on December 31, 2007*", and the words, "*and has been recommended for a reappointment by the Seneca County Agricultural Enhancement Board*", and striking out the third WHEREAS clause; and in the RESOLVED clause, striking out the words, "*reappoints Gregory Wadhams*", and inserting the words, "*appoints Roy Ike*"; and striking out the word, "*Junius*", and inserting the word, "*Lodi*"; and striking out the words, "*to an additional*", and inserting the words, "*for a*".

Discussion regarding parliamentary procedure and amending resolutions continued until Mr. Barto called the question. The motion to amend the Main Motion was carried. Mr. Hayssen made a motion to lay on the table the Amended Motion. A second was made by Dr. Dresser. The motion to lay the amended motion on the table was carried.

**RESOLUTION AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
LOAN TO JASON SWARTLEY**

RESOLUTION NO. 25-08, moved by Mr. Kaiser, seconded by Mrs. Amidon and unanimously adopted.

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 \$25,000 loan will help finance the expansion of Mr. Swartley's trucking business and assist in the retention of 10 full-time jobs at the business located at 4126 MacDougall Road in the Town of Fayette; 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 approves the proposed loan for the sum of twenty-five thousand dollars (\$25,000) 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.

REQUEST PROPOSALS FOR STABILIZATION WORK AT "MAMA BEAR"

RESOLUTION NO. 26-08, moved by Mr. Kaiser, seconded by Mr. Same and unanimously adopted.

WHEREAS, grants received from New York State Parks Recreation and Historic Preservation require that professional services be solicited through a competitive process; 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 Department of Economic Development and Planning is directed to work with the County Engineer in the development of a "Request for Proposals" from qualified design professionals for stabilization work on "Mama Bear" at the historic Ovid Courthouse Complex.

**SUPERVISORS APPROVE BLANKET BOND FOR GENESEE/FINGER LAKES REGIONAL
PLANNING COUNCIL AND TREASURER TO PAY COUNTY'S SHARE
OF OPERATING FUNDS**

RESOLUTION NO. 27-08, moved by Mr. Kaiser, seconded by Mr. Reynolds and unanimously adopted.

WHEREAS, the County of Seneca has appropriated the sum of \$6,647.00 as its share of the 2008 operating funds of the Genesee/Finger Lakes Regional Planning Council; and

WHEREAS, pursuant to Section 119-00 of the General Municipal Law of the State of New York, the County is authorized to provide for the payment of such appropriations to an officer of the agency designated by the agency to receive such monies provided that such officer shall have executed an official undertaking approved by the governing body of the County; and

WHEREAS, the Genesee/Finger Lakes Regional Planning Council has designated David Zorn, Executive Director of the Council, as the officer to receive payments of such monies; and

WHEREAS, the Genesee/Finger Lakes Regional Planning Council has secured a Public Employees Fidelity (Blanket) Bond, issued by National Grange Mutual Insurance Company, providing faithful performance blanket bond coverage for the officers and employees of the Council including the said David Zorn, as Executive Director, of the Genesee/Finger Lakes Regional Planning Council; 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 hereby approves such bond as the official undertaking required pursuant to Section 119-00 of the General Municipal Law; and be it

FURTHER RESOLVED, that the Seneca County Treasurer is hereby authorized and directed to pay David Zorn, Executive Director, of the Genesee/Finger Lakes Regional Planning Council of 50 West Main Street, Suite 8107, Rochester, NY 14614-1293, the sum of \$6,647.00 as the County's share of operating funds for the year 2008 as appropriated in the Planning and Development account #8020.438.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED TO SIGN GRANT
DOCUMENTS FOR ALTERNATIVES TO INCARCERATION CLASSIFICATION FUNDING**

RESOLUTION NO. 28-08, moved by Mr. Shipley, seconded by Mr. Reynolds and unanimously adopted.

WHEREAS, the Director of the Seneca County Probation Department and the Chairperson of the Criminal Justice Advisory Board requests permission to submit an application to the New York State Division of Probation and Correctional Alternatives, in order to receive grant funds in the amount of \$8,200; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to execute and submit an application to the NYS Division of Probation and Correctional Alternatives, 80 Wolf Road, 5th Floor, Albany, NY 12205, for receipt of grant funds in the maximum amount of \$8,200

for Alternatives to Incarceration funding for a term commencing January 1, 2008 and terminating December 31, 2008; and, be it

FURTHER RESOLVED, that upon notification of the award of said grant funds, the Chairman of the Seneca County Board of Supervisors is hereby authorized and directed to execute any and all grant documents on behalf of the County of Seneca relative to the above.

SUPERVISORS ACCEPT \$40,375 NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES GRANT FOR AID TO PROSECUTION

RESOLUTION NO. 29-08, moved by Mr. Shipley, seconded by Mr. Davidson and unanimously adopted.

WHEREAS, the Division of Criminal Justice has awarded Seneca County District Attorney a \$40,375 grant through the Aid to Prosecution for the purpose of enhancing the prosecution of repeat violent and serious felony offenders by maintaining increased levels of experienced prosecution personnel who will seek to minimize the plea-bargaining option and to impose the maximum sentence for such defendants; and

WHEREAS, the total cost of this grant provides one hundred percent of the cost of these services with no county match required; and

WHEREAS, the amount have already been appropriated in the District Attorney's budget; and

WHEREAS, this request was reviewed and approved by the Public Safety Committee on February 12, 2008; now, therefore be it

RESOLVED, that the Board of Supervisors hereby authorizes and directs the County Manager to sign any and all necessary contract documents with the New York State Division of Criminal Justice Services.

SUPERVISORS AUTHORIZE THE COUNTY TREASURER TO TRANSFER FUNDS FOR THE PURCHASE OF HEAT PUMPS

RESOLUTION NO. 30-08, moved by Mr. Davidson, seconded by Mrs. Amidon and unanimously adopted.

WHEREAS, two heating pumps, original to the Seneca County Office Building in 1989, are in need of emergency replacement; and

WHEREAS, the Seneca County Facilities Department, along with the approval of Jason McCormick, County Engineer, has contacted Robert L. Kistler Service Corp., and secured a quote for the replacement of the two existing pumps; and

WHEREAS, partial funding for the emergency pump replacement would come from money encumbered from the 2007 budget; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorize the Seneca County Treasurer to transfer funds, in the amount of \$8,976.00 from the Building Repair Reserve account, line

item #10-101-5-1990-4700 to the Repairs and Maintenance line item, 10-101-5-1622-4220, for the emergency purchase of the two pumps for a total cost of \$14,866.00

Suspension of the Rules

Mr. Kaiser made a motion to suspend the rules of order to introduce resolutions not previously filed with the Office of the Clerk of the Board. Mr. Reynolds seconded the motion. The motion carried.

**ACTING CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED TO SIGN LETTER
TO NEW YORK STATE DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

RESOLUTION NO. 31-08, moved by Mr. Kaiser, seconded by Mr. Same and unanimously adopted.

WHEREAS, the Seneca County Industrial Development Agency has been tasked by Seneca County Board of Supervisors to enhance and facilitate opportunities for economic development in the County; and

WHEREAS, THE Seneca County Industrial Development Agency utilizes the former Seneca Army Depot as one of the resources available for economic development; and

WHEREAS, the New York State Department of Environment and Conservation has declared significant additional acreage to be regulated wetlands, materially reducing the acreage available for economic development; and

WHEREAS, the Seneca County Industrial Development Agency has expressed its opposition and objections to such declaration; now therefore be it

RESOLVED, that the acting Chairman of the Board of Supervisors is hereby authorized and directed to sign a letter supporting the Seneca County Industrial Development Agency's letter to Mr. Scott Jones of the New York State Department of Environment and Conservation , dated February 8, 2008, and signed by Stephen L. Dennis, Executive Director of the Seneca County Industrial Development Agency.

APPOINT JOAN MOONEY ELECTION COMMISSIONER

RESOLUTION NO. 32-08, moved by Mrs. Amidon, seconded by Mr. Serven and unanimously adopted.

WHEREAS, the position of Commissioner of Elections is vacant due to the retirement of Elaine Catanise; and

WHEREAS, pursuant to Section 31 of the Election Law, on February 4, 2008, the Chairman of the Republican Committee filed with the Seneca County Board of Supervisors an Election Commissioner Certificate recommending the appointment of Joan Mooney to the office of Commissioner of Elections; now, therefore be it

RESOLVED, that Joan Mooney is hereby appointed Commissioner of Elections in and for the County of Seneca to fill an existing vacancy in said office for the remainder of the current term to expire December 31, 2010.

RESOLUTION DIRECTING TREASURER TO TRANSFER FUNDS IN TOURISM BUDGET

RESOLUTION NO. 33-08, moved by Mr. Barto, seconded by Mr. Same and unanimously adopted.

WHEREAS, the Tourism Department has a position not fully funded at this time; and

WHEREAS, the Board of Supervisors supports the continuation of the full-time position in the Tourism Department; now therefore be it,

RESOLVED, that the County Treasurer transfers \$15,000 from account #10-312-3-1291 to account #10-310-3-1113 for purposes for funding said position.

**SUPERVISORS CREATE PART-TIME PSYCHIATRIST POSITION IN
OVID MENTAL HEALTH DEPARTMENT**

RESOLUTION NO. 34-08, moved by Mr. Reynolds, seconded by Mr. Westfall and unanimously adopted.

WHEREAS, Dr. Venkata Satti, has been a sub-contract employee with the County for several years; and

WHEREAS, Dr. Satti has agreed to provide services for Seneca County residents at the Mental Health office in Ovid, NY; and

WHEREAS, Dr. Satti has agreed to be placed on the County payroll at the same rate he currently receives under contract, which is \$110 hour for eight hours a week: now therefore be it

RESOLVED, that the Seneca County Board of Supervisors creates a part-time Psychiatrist position at a rate of \$110.00 per hour for eight hours a week.

**RESOLUTION AUTHORIZING ADOPTION BY THE BOARD OF SUPERVISORS OF THE
COUNTY OF SENECA OF PROPOSED LOCAL LAW NO. 1, YEAR 2008**

RESOLUTION NO. 35-08, moved by Mr. Hayssen, seconded by Mrs. Amidon and unanimously adopted.

WHEREAS, a resolution was duly adopted by the Board of Supervisors of the County of Seneca for a Public Hearing to be held by said County on February 12, 2008 at 7:00 p.m. at the Seneca County Office Building, One DiPronio Drive, Waterloo, NY 13165 to hear all interested parties on a proposed Local Law entitled "A Local Law To Amend Local Law No. 2 of 2006"; and

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

WHEREAS, said public hearing was duly held on February 12, 2008 at 7:00 PM at the Seneca County Office Building, One DiPronio Drive, Waterloo, NY 13165 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local law, or any part thereof; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Seneca hereby adopts said Local Law No. 1 of the year 2008, as follows:

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

ACTING CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SEND LETTERS TO SENATOR BRUNO AND ASSEMBLYMAN SILVER URGING COLLECTION OF TAXES ON SALES TO NON-INDIANS BY TRIBAL ENTERPRISES
RESOLUTION NO. 36-08, moved by Mr. Same, seconded by Mr. Barto and unanimously adopted.

WHEREAS, State Senate Majority Leader Joseph Bruno has indicated his support for a resolution passed by the New York State Association of Counties (NYSAC) that "calls on the Governor of the State of New York to take any and all necessary action to insure collection of all sales and excise taxes on tribal and Indian sales of all goods and services to tribal members for the benefit of state and local governments without further delay," and

WHEREAS, revenue from this source is estimated to be in excess of \$1 billion per year, and the State of New York is facing a budget deficit between \$4 and \$5 billion in the next fiscal year, and

WHEREAS, Governor Spitzer has had more than a year to develop the procedures for collecting these taxes, yet his Special Counsel on Indian Affairs told NYSAC's Committee on Native American Affairs and Gaming last month that he could not say when, how, or whether these taxes would be collected, and

WHEREAS, the Governor placed in the current year's state budget revenue of \$200,000,000 that will not be collected and has placed in next year's state budget \$174,000,000 that may not be collected; and

WHEREAS, Seneca and other counties are each losing hundreds of thousands of dollars in revenue annually because these taxes, authorized by law, are not being collected, be it therefore

RESOLVED, that the acting Chairman of the Board of Supervisors be authorized and directed to send letters to Senate Majority Leader Joseph Bruno and Assembly Speaker Sheldon Silver urging them to take all necessary steps to see that taxes are collected on sales to non-Indians by tribal enterprises without further delay, and further be it

RESOLVED, that copies of these letters be sent to Governor Eliot Spitzer and to Senator Michael Nozzolio and Assemblyman Brian Kolb, respectively.

ACTING CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SEND LETTER TO STATE ATTORNEY GENERAL CUOMO URGING HIM TO FILE AN AMICUS CURIAE BRIEF IN SUPPORT OF THE STATE OF RHODE ISLAND IN ITS OPPOSITION TO TRIBAL LAND BEING PLACED INTO FEDERAL TRUST

RESOLUTION NO. 37-08, moved by Mr. Same, seconded by Mr. Terryberry and unanimously adopted.

WHEREAS, the Governor of the State of Rhode Island is appealing to the U. S. Supreme Court the decision of the First Circuit Court of Appeals that supported the Secretary of Interior taking land in Rhode Island in trust for the Narragansett Indian Tribe; and

WHEREAS, State Assemblyman David Townsend has urged New York State Attorney General Andrew Cuomo to file an *amicus curiae* brief in support of Governor Carcieri's petition to the U. S. Supreme Court; and

WHEREAS, an adverse decision by the U. S. Supreme Court could negatively affect New York State's ability to keep land in the State from being placed into federal trust for Indian tribes now therefore be it

RESOLVED, that the acting Chairman of the Board of Supervisors be authorized and directed to send a letter to State Attorney General Andrew Cuomo urging him to file an *amicus curiae* brief in support of the State of Rhode Island in its opposition to land being taken in trust for the Narragansett Indian Tribe; and be it further

RESOLVED, that copies of this letter be sent to Governor Eliot Spitzer, Senator Hillary Clinton, Senator Charles Schumer, and Congressman Michael Arcuri, State Senator Michael Nozzolio, and Assemblyman Brian Kolb.

**BOARD OF SUPERVISORS AUTHORIZES MEMBER TO ATTEND LEGISLATIVE
CONFERENCE OF THE NATIONAL ASSOCIATION OF COUNTIES IN WASHINGTON D.C.,
MARCH 1-5, 2008**

RESOLUTION NO. 38-08, moved by Mr. Same, seconded by Mr. Westfall and unanimously adopted.

WHEREAS, the National Association of Counties (NACO) will hold its annual Legislative Conference in Washington, D.C. March 1-5, 2008; and

WHEREAS, the New York State Association of Counties (NYSAC) has submitted a resolution to “amend federal law to create a process which takes into account considerations more sensitive to county and local interests in the land into trust process”; and

WHEREAS, this resolution was tabled at NACO’s most recent Annual Conference, but could be removed from the table at the March Legislative Conference and acted upon; and

WHEREAS, Paul Miller, Chairman of NYSAC’s Native American Affairs and Gaming Committee, is a member of NACO’s Indian Affairs committee and intends to make such a motion; and

WHEREAS, Mr. Miller has requested that Supervisor David Dresser attend the conference in order to provide a second for his motion and a vote in favor of it, since he is also a member of the relevant national committee; and

WHEREAS, Supervisor Dresser would also make every effort to meet with staff in the offices of Senators Clinton and Schumer and Congressman Arcuri while in Washington; and

WHEREAS, Supervisor Dresser has indicated his interest in attending the conference for this purpose, is available to do so, and would stay with friends thus saving Seneca County the expense of lodging in Washington; and

WHEREAS, expenses for conference registration, meals, and transportation should not exceed \$1,100; now therefore be it

RESOLVED, that David Dresser be appointed Seneca County’s delegate to the 2008 Legislative Conference of the National Association of Counties and that he be reimbursed for authorized expenses incurred in representing the County at this conference.

New Business

There was a brief discussion about voting on changing the time of the regular board meetings from 7:00 p.m. to 8:00 p.m. as recommended by the Government Operations Committee prior to the Board meeting. It was agreed that a resolution stating the time change would be prefiled with the Office of the Clerk of the Board for the February 26 board meeting.

Mr. Westfall requested that the Board of Supervisors create a proclamation in honor of Tom Coughlin, Head Coach for the NY Giants and the team’s Super Bowl victory.

Special Order of the Day

As no further business was before the Board, the meeting was moved adjourned.