

REGULAR MEETING

March 14, 2006

7:00 P.M.

The Board of Supervisors convened under the rules of regular session with twelve members answering roll call. Supvr. Trickler arrived at 7:20 p.m. during the Healing Field presentation. Supvr. Anglim was absent

During the Moment of Silence, Bob Burton, who recently passed away, was remembered. Mr. Burton was a driver for the Department of Human Services for over thirteen years.

Presentations and Petitioners:

- The Seneca County Employee of the Year for 2005 was awarded to Patsye Yonce, Nutrition Services Coordinator, Office for the Aging
- Jane Shaffer and David Duprey distributed information and showed a video about A Healing Field Flag Memorial planned for Waterloo May 25 - 30 2006
- Sandy Huey, Chairperson and Eileen Peterson, Outreach Chair, distributed information and showed a video about the Canon Envirothon 2007 planned for July 29 to August 4, 2007
- Greg Lazzaro, Seneca Falls resident, petitioned the board regarding Seneca County Government.

Supvr. Barto made a motion, seconded by Supvr. Lafler, that the following vouchers, having gone through the proper auditing process be approved for payment. Motion was carried.

Supervisor vouchers 765 - 1094 totaling \$684,639.33
Office for the Aging vouchers 111 - 164 totaling \$54,367.97
Workforce Development vouchers 30 - 46 totaling \$23,190.12
Insurance vouchers 13 - 17 totaling \$14,684.78
County Airport vouchers 20 - 27 totaling \$7,640.14
Airport Capital Project vouchers 3 - 4 totaling \$97,241.76
Jail Capital Proj. vouchers 26-29 & 31-41 totaling \$1,091,316.06
E-911 voucher 1 totaling \$291,535.00
Highway Transportation vouchers: Maintenance & State Snow vouchers 58 - 85 totaling \$98,538.37 and Highway Machinery vouchers 76 - 106 totaling \$31,623.71

Minutes were approved as printed for the February 28, 2006 board meeting.

Reports of Standing Committees:

The following committee reports were given by the respective Chairman of said committee. Copies of the reports were filed with the office of the Clerk of the Board of Supervisors.

Commented [sjg1]:

Public Works, Planning, Development, Agriculture & Tourism Committee - James Mooney, Chairman and as Board representative, Supvr. Mooney also gave a report on recent activity of the Seneca County IDA.

Indian Land Claim Committee - David Dresser, Chairman.

Government Operations, Personnel & Technology Committee - David Kaiser, Chairman.

Public Safety & Jail Construction Oversight Committee - Chuck Lafler, Vice-Chairman.

The following communications were received and filed:

62. From U.S. Department of Housing and Urban Development, a copy the executed Closeout Agreements for Small Cities Community Development Block Grant (CDBG); Grant Numbers B-93-DH-36-0029 and B-94-DH-36-0253.

63. From NYS Office of Homeland Security, information on the nationwide application for funding process for state and local governments, and a copy of the New York State Strategy for the Implementation of the National Incident Management System (NIMS).

64. From NYS Division of Housing and Community Renewal, a copy of NYS's Program Year 2005 Performance Report for the period from January 1, 2005 through December 31, 2005.

65. From NYS Department of Labor Workforce New York, a copy of a letter dated February 14, 2006 to Deborah B. Culeton, Chair, Finger Lakes Workforce Investment Board, Inc., from Yue F. Yee, Deputy Director, confirming approval of the combined Comprehensive Three-Year Plan and Addendum.

66. From Harris Beach PLLC, a copy of Payment in Lieu of Tax Agreements for DeCarolis Truck Rental, Inc., and F/C Waterloo Development LLC.

67. From Walter J. Gable, Seneca County Historian, a copy of a letter of inquiry dated February 27, 2006, to Sharon Secor, Seneca County Manager, regarding the exact date in March 1804 that Seneca County was created.

68. From Harry Pettingill, Jr., a copy of a letter and information dated March 2, 2006 to Franklin Keel, Director Eastern Regional Office, Bureau of Indian Affairs, regarding DEIS Scoping comments on Cayuga Indian Nation of New York, Trust Acquisition Project.

69. From Seneca County Airport Advisory Committee, a copy of minutes from the March 15, 2006 meeting.

70. From Seneca County Board of Health, a copy of minutes from the February 15, 2006 meeting.

71. From Seneca County Cornell Cooperative Extension Board of Directors, a copy of minutes from the January 24, 2005 meeting.

72. From Seneca County Industrial Development Agency, a copy of minutes from the February 2, 2006 meeting.

73. From Seneca County Industrial Development Agency and Seneca County Economic Development Corporation, a copy of minutes from the July 13, 2005, August 23, 2005, and December 15, 2005 joint meeting minutes.

74. From Finger Lakes Resource Conservation & Development Council, Inc., a copy of January 18, 2006 meeting minutes.

75. From Seneca County Soil & Water Conservation District Board of Directors, a copy of January 23 and February 8, 2006 meeting minutes.

**SUPERVISORS AUTHORIZE ADDITIONAL FUNDS TO HARRIS BEACH, PLLC, FOR
LEGAL SERVICES TO DEFEND COUNTY AGAINST THE CAYUGA NATION'S LAND INTO
TRUST APPLICATION**

RESOLUTION NO. 70-06, moved by Dr. Dresser, seconded by Mrs. Teichner and adopted by 679 ayes (Dresser, Teichner, Reynolds, Barto, Smith, O'Neill, Kaiser, Same, Lafler, Amidon, Mooney, Trickler, Shipley) and 71 absentees (Anglim).

WHEREAS, the Cayuga Indian Nation of New York has applied to the U.S. Department of Interior's Bureau of Indian Affairs (BIA) to have land placed in trust for them in Seneca and Cayuga counties; and

WHEREAS, Seneca County has already retained the services of Harris Beach, PLLC, the same law firm that represented our county in successfully appealing the land claim of Cayuga Indian Nation v Pataki, et al, to represent the County in responding to the Cayuga Indian Nation's Land Into Trust Application to the Bureau of Indian Affairs; and

WHEREAS, the County has incurred, or is likely to incur, additional legal costs in connection with the defense of the aforesaid trust application, said additional costs resulting from a number of factors, including, but not limited to, unanticipated acts by the Cayuga Indians, the State of New York and the federal government; and

WHEREAS one of these factors is the news that the U.S. Department of the Interior is inclined to grant cooperating agency status to the county under the National Environmental Policy Act of 1969 (NEPA), which specifies procedures that must be followed in the preparation of the Environmental Impact Statement (EIS) required in connection with the Cayugas' application; the process is lengthy and time-consuming and likely to take a year to complete; and

WHEREAS, these additional legal costs in all matters are estimated to total at least \$46,000.00; and

WHEREAS, authorization for these additional costs has been recommended by both the Indian Land Claim Committee and the Finance, Assessment & Insurance Committee; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize additional funds of \$46,000.00 be transferred to the County Attorney's budget for the defense and indemnification of the Cayuga Indian Trust application by Harris Beach, PLLC; for these additional services, past and future; and be it

FURTHER RESOLVED, said funds be transferred from the Contingent Fund Account 1990.470 to the County Attorney Legal Fees Account 1420.433.

**RESOLUTION CALLING UPON THE STATE OF NEW YORK AND/OR THE FEDERAL
GOVERNMENT TO FUND THE COUNTY'S DEFENSE AND RESPONSE TO THE LAND INTO
TRUST APPLICATION OF THE CAYUGA INDIAN NATION OF NEW YORK**

RESOLUTION NO. 71-06, moved by Dr. Dresser, seconded by Mr. Mooney and adopted by 679 ayes (Dresser, Mooney, Reynolds, Barto, Smith, O'Neill, Kaiser, Same, Lafler, Amidon, Teichner, Trickler, Shipley) and 71 absentees (Anglim).

WHEREAS, State Law, Section 10 provides in part for the defense of State sovereignty and jurisdiction "for the defense of any action or proceeding instituted against the State or against any person deriving title there from, to recover any lands within the State under pretense of any claim inconsistent with its sovereignty and jurisdiction"; and

WHEREAS, Title 25 USC, Section 465 authorizes the Secretary of the Interior to acquire certain land in trust for Indians and provides that "the land shall be exempt from state and local taxation; and

WHEREAS, the placement of Seneca County lands in trust, not subject to state or local law, within the borders of the County, threatens the acquisition's regulatory jurisdiction, real property taxes and special assessments, and ultimately, the very livelihoods of the people who live and work herein; and

WHEREAS, application has been made to the Secretary of the Interior to place Seneca County land in trust; and

WHEREAS, Seneca County has already retained the services of Harris Beach, PLLC; and

WHEREAS, the State of New York through the office of Governor Pataki has assisted the County in the defense of the land in trust application by providing the County with the services of expert witnesses; and

WHEREAS, it is the County's position that the defense by the County to an application to place lands in trust is a claim contemplated by State Law, Section 10; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors renews its request of our state officials that Seneca County be reimbursed for its legal fees and expenses incurred in defending itself against the attempts to have various lands in Seneca County placed in trust pursuant to Title 25 USC, Section 465; and be it

FURTHER RESOLVED, that the Seneca County Board of Supervisors renews its request of our federal officials that Seneca County be reimbursed and "held harmless" for its legal fees and expenses incurred in defending itself against the attempts to have various lands in Seneca County placed in trust pursuant to Title 25 USC, Section 465; and, be it

FURTHER RESOLVED, that the Clerk of the Board shall transmit copies of this resolution to the following public officials: Governor George Pataki, Attorney General Eliot Spitzer, Senator Michael

Nozzolio, Assemblyman Brian Kolb, President George W. Bush, Senator Charles Schumer, Senator Hillary Rodham Clinton and Congressman Sherwood Boehlert.

**RESOLUTION CALLING UPON NEW YORK STATE ATTORNEY GENERAL ELIOT SPITZER
TO ENFORCE COLLECTION OF SALES TAX ON SALES
BY INDIAN TRIBES TO NON-INDIANS**

RESOLUTION NO. 72-06, moved by Dr. Dresser, unanimously seconded and adopted by 679 ayes (Dresser, Reynolds, Barto, Smith, O'Neill, Kaiser, Same, Lafler, Amidon, Teichner, Mooney, Trickler, Shipley) and 71 absentees (Anglim).

WHEREAS, the state Department of Taxation and Finance has said it will not enforce the existing state law requiring Indian tribes to pay taxes on sales to non-Indians; and

WHEREAS, a major purpose of the legislation was to help cure New York State's budget woes, in that, as noted by State Senator Michael Nozzolio, it has been estimated that the collection of these taxes would result in millions of dollars in revenue for the State annually, as well as significant revenue for the municipalities of the state; and

WHEREAS, New York State Attorney General Eliot Spitzer has been quoted in the mainstream media as stating that, as of March 1, 2006, the state government is violating the law by choosing not to enforce this legislation that would end the huge sales advantage that Indian tribes have over taxpaying competitors; and

WHEREAS, the Attorney General is chief legal officer of the State, and is responsible for issuing formal opinions to state departments and agencies; now, therefore be it

RESOLVED, that the County of Seneca hereby calls upon New York State Attorney General Eliot Spitzer to take all steps reasonable and necessary in his power to enforce the collection of sales tax on sales by Indian tribes to non-Indians, pursuant to New York State Law; and be it

FURTHER RESOLVED, that the Clerk of the Board shall transmit a copy of this resolution to Attorney General Spitzer, together with copies to Governor George Pataki, State Senator Michael Nozzolio and Assemblyman Brian Kolb.

**SUPERVISORS AUTHORIZE REMOVAL OF UNDERGROUND GASOLINE TANK FROM
NORTHEAST CORNER OF MAMA BEAR**

RESOLUTION NO. 73-06, moved by Mr. Mooney, seconded By Mr. O'Neill and adopted by 679 ayes (Mooney, O'Neill, Reynolds, Barto, Smith, Dresser, Kaiser, Same, Lafler, Amidon, Teichner, Trickler, Shipley) and 71 absentees (Anglim).

WHEREAS, Seneca County was awarded an Environmental Protection Act grant for stabilization of the "Mama Bear" building at the historic Ovid Court House Complex; and

WHEREAS, the first project under this grant is to remove the gasoline tank located at the northeast corner of "Mama Bear" so that subsequent foundation work may be done; and

WHEREAS, this resolution has been reviewed and approved by the Public Works, Planning, Development, Agriculture & Tourism Committee on February 28, 2006; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes the Friends of the Three Bears, LLC to solicit quotes and award a contract for gasoline tank removal at the northeast corner of Mama Bear by a county approved contractor with insurance coverage as required by the county and approval of all bid documents and proposals by the Department of Economic Development and Planning; and, be it

FURTHER RESOLVED, Seneca County will pay for the removal of said tank out of Account 10-135-5-8020-4391.

SUPERVISORS AUTHORIZE TRANSFER OF FUNDS FOR THE STABILIZATION OF THE "MAMA BEAR" BUILDING OF THE HISTORIC OVID COURT HOUSE COMPLEX

RESOLUTION NO. 74-06, moved by Mr. Mooney, seconded By Mr. Kaiser and adopted by 679 ayes (Mooney, Kaiser, Reynolds, Barto, Smith, O'Neill, Dresser, Same, Lafler, Amidon, Teichner, Trickler, Shipley) and 71 absentees (Anglim).

WHEREAS, the Seneca County Board of Supervisors, by Resolution 211-05, dated July 13, 2005 authorized a appropriation in the 2006 Seneca County Planning and Development Budget in the amount of \$11,500 as its share of matching funds for the stabilization of the "Mama Bear" building of the historic Ovid Court House Complex; and

WHEREAS, this resolution has been reviewed and approved by the Public Works, Planning, Development, Agriculture & Tourism Committee on February 28, 2006; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby direct the County Treasurer to transfer \$11,500 from account 10-135-5-8020-4370 "Consulting Services" to Account Number 10-135-5-8020-4391 "Mama Bear Stabilization".

SUPERVISORS AUTHORIZE REFILL OF A PREVENTIVE CASEWORKER POSITION

RESOLUTION NO. 75-06, moved by Mr. O'Neill, seconded By Mr. Lafler and adopted by 679 ayes (O'Neill, Lafler, Reynolds, Barto, Smith, Dresser, Kaiser, Same, Amidon, Teichner, Mooney, Trickler, Shipley) and 71 absentees (Anglim).

WHEREAS, the Preventive Caseworker position will be vacant on March 10, 2006 as the result of a resignation due to accepting a position in the Seneca County Probation Office; and

WHEREAS, each Preventive Caseworker position in the unit manages a caseload of 15-18 families, as a result of state mandates this constitutes the necessity of about 30-36 home visits per month; and

WHEREAS, the responsibilities associated with this position are considered a public safety for children and families, as well as a liability issue for the County; and

WHEREAS, the request to refill this position has been approved by the committees for Finance, Assessment & Insurance; Government Operations, Personnel & Technology; and Mental Hygiene, Public Health and Human Services; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the refilling of the Preventive Caseworker position in accordance with County Policy 101.201 (I) (B) (3) (c), which states, "As per the Board Resolution dated November 22, 2005, vacancies created due to internal promotions are hereby exempted from the 60 or 180 day waiting period."

**APPROVAL OF CONTRACT WITH UNITED WAY OF SENECA COUNTY SURGE PROGRAM -
STIPENDS FOR TUTORS IN AFTER SCHOOL PROGRAMS**

RESOLUTION NO. 76-06, moved by Mr. O'Neill, seconded By Mr. Same and adopted by 679 ayes (O'Neill, Same, Reynolds, Barto, Smith, Dresser, Kaiser, Lafler, Amidon, Teichner, Mooney, Trickler, Shipley) and 71 absentees (Anglim).

WHEREAS, the Division of Human Services has received Youth Engagement Services funds to assist TANF supported in-school and out of school youth to become valued members of the workforce and aid them to help themselves out of poverty; and

WHEREAS, the Division of Human Services wishes to provide tutoring and tutoring stipends utilizing the Youth Engagement Services Grant Funding; and

WHEREAS, the services will be provided through a subcontract with the Seneca County Department of Workforce Development at a cost not to exceed \$8,000.00; and

WHEREAS, the contract was reviewed and approved by the Mental Hygiene, Public Health & Human Services Committee; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors hereby authorizes the contract with United Way of Seneca County SURGE Program.

**APPROVAL OF CONTRACT WITH WORKKEYS CENTER, SYRACUSE UNIVERSITY TO
PROVIDE ASSESSMENTS TO YOUTH PARTICIPATING IN YES PROGRAM**

RESOLUTION NO. 77-06, moved by Mr. O'Neill, seconded By Mr. Lafler and adopted by 679 ayes (O'Neill, Lafler, Reynolds, Barto, Smith, Dresser, Kaiser, Same, Amidon, Teichner, Mooney, Trickler, Shipley) and 71 absentees (Anglim).

WHEREAS, the Division of Human Services has received Youth Engagement Services funds to assist TANF supported in-school and out of school youth to become valued members of the workforce and aid them to help themselves out of poverty; and

WHEREAS, the Division of Human Services wishes to contract with WorkKeys Center, Syracuse University to provide analysis and skill assessment to youth participating in the YES Program; and

WHEREAS, the contract was reviewed and approved by the Mental Hygiene, Public Health & Human Services Committee; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors hereby authorizes the contract with WorkKeys Center, Syracuse University, for an amount not to exceed \$14,000.00.

SUPERVISORS ACCEPT BID FOR HEATING SYSTEM REPAIR WORK FOR WEATHERIZATION PROGRAM

RESOLUTION NO. 78-06, moved by Mr. O'Neill, seconded By Mr. Mooney and adopted by 679 ayes (O'Neill, Mooney, Reynolds, Barto, Smith, Dresser, Kaiser, Same, Lafler, Amidon, Teichner, Trickler, Shipley) and 71 absentees (Anglim).

WHEREAS, the County, as part of the New York State Division of Housing and Community Renewal Weatherization Assistance Program, solicited bids for heating system repair work; and

WHEREAS, five bids were received; and

WHEREAS, funds were approved in the 2006 Seneca County Weatherization Program budget (100% state & federal aid); and

WHEREAS, Procraft, Inc., having its offices at 2283 Sisson Road, Penn Yan, NY was the lowest responsible bidder; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby award the 2006-07 Weatherization Program bid for heating system repair work to Procraft Inc., having its offices at 2283 Sisson Road, Penn Yan, NY as follows: Show up - \$75.00; Add'l. hr. - \$54.00.

SUPERVISORS AWARD BID FOR REFRIGERATORS FOR WEATHERIZATION PROGRAM

RESOLUTION NO. 79-06, moved by Mr. O'Neill, seconded By Mrs. Amidon and adopted by 679 ayes (O'Neill, Amidon, Reynolds, Barto, Smith, Dresser, Kaiser, Same, Lafler, Teichner, Mooney, Trickler, Shipley) and 71 absentees (Anglim).

WHEREAS, the County, as part of the New York State Division of Housing and Community Renewal Weatherization Assistance Program, solicited bids for three common size refrigerators: 14 cubic feet, 18 cubic feet, and 21 cubic feet; and

WHEREAS, three bids were received; and

WHEREAS, funds were approved in the 2006 Seneca County Weatherization Program budget (100% state & federal aid); and

WHEREAS, Lowes Home Center, Inc. having its offices at 299 Grant Avenue, Auburn, NY was the lowest responsible bidder; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby award the 2006-07 Weatherization Program bid for refrigerators to Lowes Home Center, Inc. having its offices at 299 Grant Avenue, Auburn, NY, including installation and removal as follows: 14 cubic feet - \$367; 18 cubic feet - \$407; 21 cubic feet - \$537.

SUPERVISORS ACCEPT BID FOR GAS FURNACES FOR WEATHERIZATION PROGRAM

RESOLUTION NO. 80-06, moved by Mr. O'Neill, seconded By Mrs. Amidon and adopted by 679 ayes (O'Neill, Amidon, Reynolds, Barto, Smith, Dresser, Kaiser, Same, Lafler, Teichner, Mooney, Trickler, Shipley) and 71 absentees (Anglim).

WHEREAS, the County, as part of the New York State Division of Housing and Community Renewal Weatherization Assistance Program, solicited bids for 68,000 BTU and 75,000 BTU gas furnaces; and

WHEREAS, three bids were received; and

WHEREAS, funds were approved in the 2006 Seneca County Weatherization Program budget (100% state & federal aid); and

WHEREAS, in both instances R.E. Michel Co., Inc. having principle offices as One M.E. Michel Drive, Glen Burnie, MD, was the lowest responsible bidder; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby award the 2006-07 Weatherization Program bid for gas furnaces to R.E. Michel Co., Inc., Glen Burnie, MD as follows: 68,000 BTU - \$619.76; 75,000 BTU - \$619.43.

SUPERVISORS AWARD BID FOR TUNING AND CLEANING FOR HEATING SYSTEMS FOR WEATHERIZATION PROGRAM

RESOLUTION NO. 81-06, moved by Mr. O'Neill, seconded By Mr. Reynolds and adopted by 679 ayes (O'Neill, Reynolds, Barto, Smith, Dresser, Kaiser, Same, Lafler, Amidon, Teichner, Mooney, Trickler, Shipley) and 71 absentees (Anglim).

WHEREAS, the County, as part of the New York State Division of Housing and Community Renewal Weatherization Assistance Program, solicited bids for oil, tune and clean of oil heating systems; and

WHEREAS, four bids were received; and

WHEREAS, funds were approved in the 2006 Seneca County Weatherization Program budget (100% state and federal aid); and

WHEREAS, Suburban Energy Services having its offices at 516 Marshall Road, Waterloo, NY was the lowest responsible bidder; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby award the 2006-07 Weatherization Program bid for oil, tune and clean of oil heating systems to Suburban Energy Services having its offices at 516 Marshall Road, Waterloo, NY, as follows: Oil heating system - \$97.50

CHAIRMAN OF THE BOARD AUTHORIZED TO SIGN STIPULATION AND SETTLEMENT AGREEMENT WITH NEW YORK STATE DEPARTMENT OF HEALTH

RESOLUTION NO. 82-06, moved by Mr. O'Neill, seconded By Mrs. Amidon and adopted by 679 ayes (O'Neill, Amidon, Reynolds, Barto, Smith, Dresser, Kaiser, Same, Lafler, Teichner, Mooney, Trickler, Shipley) and 71 absentees (Anglim).

WHEREAS, Social Services Law ("SSL") §365(5) provides that the New York State Department of Health, (NYS DoH) is responsible for furnishing benefits to "eligible persons when such person is in need

of...medical assistance at the time he is discharged or released or conditionally released from a state department of mental hygiene facility pursuant to the mental hygiene law and when such person was admitted to such facility and has been a patient therein for a continuous period of five (5) or more years prior to his discharge or release"; and

WHEREAS, SSL §368-a(1)(f) provides that Medicaid benefits provided to persons described in SSL §365(5) shall be reimbursed by NYS DoH without regard to a local district contribution; and

WHEREAS, beneficiaries identified by SSL §365(5) are commonly referred to as "621 - eligibles", after the 1974 chapter law that initially described such persons; and

WHEREAS, NYS DoH and/or its predecessor New York State Department of Social Services ("NYS DSS") had designated the County pursuant to SSL §365(5) to act as an agent in discharging NYS DoH and/or NYS DSS's responsibility in making the necessary eligibility determinations; and

WHEREAS, the County contends that in making such eligibility determinations, it relied in part on information provided by OMH and/or OMRDD, causing both the categorization of certain 621 - eligibles as ineligible on the Welfare Management System and the Medicaid Management Information System, and the improper or erroneous local district financial contribution toward the costs of Medicaid provided to certain 621 - eligibles; and

WHEREAS, on a positive basis, the parties have endeavored to properly categorize 621 - eligibles; and

WHEREAS, pursuant to Chapter 58 of the Laws of 2005 ("Chapter 58"), local district financial contribution toward the costs of Medicaid is to be capped in relation to calendar year 2005; and

WHEREAS, the County has retained NANCY ROSE STORMER, ESQ., to serve as outside counsel in this matter; and

WHEREAS, in the interests of avoid litigation, the parties wish to resolve fully, finally and completely any and all disputes relating in any manner whatsoever to any and all erroneous or improper categorization of 621 - eligibles for all dates of payments prior to October 1, 2005; and

WHEREAS, upon execution of the settlement in this matter, on or about March 31, 2006, NYS DoH shall pay to the County \$123,825; and

WHEREAS, such payment shall be in full satisfaction of any liability of the State of New York, NYS DoH, OMRDD, and/or OMH for any and all Medicaid local share overpayments made by the County as a result of improper or erroneous categorization of 621 - eligibles for all dates of payments prior to October 1 2005; now, therefore, be it

RESOLVED, that the Chairman of the Board is hereby authorized and directed to sign an agreement with New York State Department of Health, New York State Office of Mental Retardation and Developmental

Disabilities, New York State Office of Mental Health and Department of Social Services of Seneca County; and be it

FURTHER RESOLVED, that the Treasurer is authorized to pay the legal fees in this action to the county's outside counsel upon approval by the County Attorney.

Supvr. O'Neill offered a motion to suspend the rules of order to introduce a resolution not previously filed with the Clerk of the Board but had been reviewed by the appropriate oversight committee earlier that evening. Supvr. Lafler seconded the motion. Motion carried.

APPOINTMENT TO FINGER LAKES WORKFORCE INVESTMENT BOARD

RESOLUTION NO. 83-06, moved by Mr. O'Neill, seconded By Mr. Lafler and adopted by 679 ayes (O'Neill, Lafler, Reynolds, Barto, Smith, Dresser, Kaiser, Same, Amidon, Teichner, Mooney, Trickler, Shipley) and 71 absentees (Anglim).

WHEREAS, Finger Lakes Workforce Investment Board members must be appointed by the Board of Supervisors; and

WHEREAS, the following individual has been nominated to fill the unexpired term of Jerry Arsenaault on the FL WIB; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors hereby appoints Dominic Christopher, Executive Director, Seneca County Chamber of Commerce, Seneca Falls, NY to fill said unexpired term ending June 30, 2006.

Supvr. Dresser was granted privilege of the floor. He read the remainder of his statement that he had begun reading at the February 28, 2006 board meeting, and which is filed with the office of the Clerk of the Board.

Supvr. Dresser presented a motion to declare null and void the agreement signed on January 3, 2006, whereby Sharon Secor agreed to resign from the position of county manager effective December 31, 2006. He requested it be voted on at the March 28 board meeting. A paper copy of the resolution was circulated to all members of the Board. Discussion ensued during which Mr. Getman and Christopher Thomas, Esq., outside counsel for the county participated with the board. Supvr. Kaiser made a motion, seconded by Supvr. Trickler, to consider the motion that evening, but the motion failed by a vote of 2-11 (Voting aye - Kaiser and Trickler. Voting nay - Reynolds, Barto, Smith, O'Neill, Same, Lafler, Amidon, Teichner, Mooney, Trickler and Shipley). Supvr. Anglim was absent.

SUPERVISORS ENTER EXECUTIVE SESSION

RESOLUTION NO. 84-06, moved by Mr. Same, seconded by Mrs. Amidon and adopted by 559 ayes (Same, Amidon, Reynolds, Barto, Smith, O'Neill, Dresser, Kaiser, Lafler, Teichner, Shipley), 120 nays (Mooney, Trickler) and 71 absentees (Anglim).

RESOLVED, that the Seneca County Board of Supervisors does hereby enter into Executive Session to discuss matters which will imperil the

public safety if disclosed, and/or any matter which may disclose the identity of a law enforcement agency or informer, and/or information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed.

The Board of Supervisors reconvened. There was no action resulting from the executive session.

As no further business was before the board, Mr. O'Neill moved the meeting adjourned.