

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

March 25, 2008

8:00 p.m.

Call to Order

Chairman Lafler called the meeting to order at 8:00 p.m.

Roll Call of Members by the Clerk

All members of the Board of Supervisors were present.

Pledge of Allegiance and Moment of Silence

Presentations

a. Summary Review of Western Regional Off-Track Betting Corporation (WROTBC) Operations for 2007. Representatives present were Martin Basinait, President & CEO, Timothy McCarthy, General Counsel of WROTBC, and William White, Director of Seneca County WROTBC. A slideshow was shown and a report was distributed to each member of the Board of Supervisors.

b. Department Report – Seneca County Board of Elections. Joan Mooney, Republican Commissioner reported on the function and responsibility of the Board of Elections Department. Ruth Same, Democratic Commissioner reported on the continuing preparation and implementation of the HAVA requirements in Seneca County and for future elections.

Approval of Meeting Minutes

Mrs. Amidon made a motion to approve the minutes for the Board of Supervisors Regular meeting of February 26, 23008. Mr. Hayssen seconded the motion. The motion carried.

Reports of Standing Committees

Government Operations Committee, Mrs. Amidon, Chairperson, reported on the Committee's recommendation for a resolution be adopted by the Board of Supervisors recognizing May 1 as Law Day in Seneca County. Mrs. Amidon also reported that the members of the Committee would receive information regarding citizen's advisory committees. She asked that the information be reviewed for Committee discussion on May 8.

Mental Health Services Committee, Mr. Reynolds, Chairman, reported on the Committee's recommendation that a full-time position be filled for a Psychiatric Mental Health Nurse. He said the position resulted from a consolidation of a part-time position and full-time position..

Public Safety Committee, Mr. Shipley, Chairman, reported on two recommendations made by the Committee. One was for a resolution authorizing the transfer of funds in the Sheriff's Department budget for a contract with Black Creek for the maintenance and upgrades of the sallie ports. The other was for a resolution authorizing the purchase, under NYS contract, of a van to transport inmates.

Human Services Committee, Mr. Mooney, Chairman, reported on the Committee's recommendation to re-appoint Charles Schillaci as Commissioner of Human Services for a term of five years.

Personnel & Technology Committee, Dr. Dresser, Chairman, reported on the Committee's recommendation to fill the position of Computer Network Specialist and the position of a full-time Psychiatric Mental Health Nurse.

Indian Affairs Committee, Mr. Same, Chairman, reported on the Committee's recommendation that the Chairman of the Board be authorized to send a letter to Governor Paterson regarding the collection of sales tax gasoline and cigarettes purchased by non-Indian consumers. Mr. Same also said he received a copy of a letter to Mr. Franklin Keel, Regional Director, Eastern Region, Bureau of Indian Affairs, from Brian Laudadio, Esq, Harris Beach Attorneys at Law, regarding the Final Environmental Impact Statement for the Oneida Indian Nation's Land-in-Trust Application. The letter, written on behalf of Seneca and Cayuga Counties, was in opposition to the FEIS because it did not comply with the mandates of NEPA. It lacked objectivity, failed to state a legitimate need to place the land-in-trust, and lacked critical information needed for a thorough review of the application.

Planning, Development, Agriculture & Tourism Committee, Mr. Kaiser, Chairman, reported on three recommendations made by the Committee: a resolution authorizing a CDBG loan to Lloyd Deal / Urban Sun; a resolution approving the advancement of the Chadwick Road Project to lengthen the runway; and a resolution authorizing the complete transition of tourism from Seneca County to the Chamber of Commerce.

Finance, Assessment & Insurance Committee, Mr. Barto, Chairman, reported on the Committee's recommendation to extend the tax rolls and bills for the school districts and village. Mr. Barto said the Committee also approved the filling of the Psychiatric Nurse position and the Computer Network Specialist position in the Information and Technology Department.

#### County Attorney's Remarks

Mr. Fisher informed the Board of Supervisors of his appointment of Brian Fay as the Assistant County Attorney.

#### Communications

50. From Daniel C. Gunderson, Chairman, Empire State Development Corporation, a letter dated March 14, 2008, stating that Governor David A. Paterson, at a news conference on March 13, stressed a commitment to reversing the trend of Upstaters leaving New York to find work elsewhere, and spoke of his commitment to the \$1 billion Upstate Revitalization Fund.

51. From NYS Office of Parks, Recreation and Historic Preservation, notification that the Cobblestone House at 1370 Route 318, Junius, NY, has been listed on the National Register of Historic Places.

52. From NYS OFA, a copy of a letter dated March 6, 2008, to Angela Reardon, Director, Seneca County OFA, regarding Notification of Grant Award for the federal fiscal year 2008 (FFY 2008) Nutrition Services Incentive Program (NSIP) for \$23,612.43.

53. From the City of Geneva, a certified copy of a resolution concerning the imperative for an Environmental Impact Statement for the proposed ethanol plant at the former Seneca Army Depot.

54. From the Seneca County Federation of Sportsmen's Clubs, Inc. a copy of a letter dated February 24, 2008 to Paul J. D'Amato, NYSDEC Region 8 Office, supporting the DEC proposal for additional wetland acres identified at the former Army depot.

55. From Steven M. Urlass, Manager, Federal Aviation Administration New York Airports District Office, a letter dated March 4, 2008, regarding a complaint alleging that the Finger Lakes Airport's rotating beacon has been inoperable for approximately one month.

56. From Milt vonHahmann, Manager, Finger Lakes Airport, a letter dated March 19, 2008 to Steven Urlass, Manager, Federal Aviation Administration New York Airports District Office, responding to a complaint alleging that the Finger Lakes Airport's rotating beacon has been inoperable for approximately one month.

57. A copy of the Seneca County Planning Board February 14, 2008 meeting minutes.

58. A copy of Genesee/Finger Lakes Regional Planning Council Executive Committee February 7, 2008 meeting minutes.

59. A copy of Seneca County Agriculture Enhancement Board January 2, 2008 meeting minutes and February 13, 2008 meeting minutes.

60. A copy of E-911 Board March 11, 2008 meeting minutes.

61. A copy of Seneca County Federation of Sportsmen's Clubs, Inc. February 18, 2008 General meeting minutes.

62. A copy of Seneca County Board of Health March 19, 2008 meeting minutes.

63. From the Town of Cheektowaga, a copy of Resolution 2008-127 requesting action by the State Senate, Assembly and Governor, to enact legislation prohibiting text messaging when operating a motor vehicle. Referred to the oversight committee for Public Safety.

64. From NYS Office of Real Property Services, information regarding the 2007-2008 CPTAP County Assessing Initiative Award #A45 and grant approval for \$25,000 for the preparation of a study to implement a county-wide assessing program. Referred to the Finance, Insurance & Assessment Committee.

65. From the NYS DEC Office of Natural Resources, Region 8, a letter dated March 12, 2008 regarding the development of the Region 8 Open Space Advisory Committee, for the purpose of providing the NYS DEC and the Office of Parks, Recreation and Historic Preservation (OPRHP) with advice from the public on the preparation and implementation of an open space conservation program; and requesting an appointment of a representative of Seneca County for said committee membership. Referred to the Planning, Development, Agriculture & Tourism Committee.

Resolutions and Motions

**CHAIRMAN OF THE BOARD OF SUPERVISORS IS AUTHORIZED TO SIGN THE NEW YORK STATE CONTRACT TO PROVIDE EARLY INTERVENTION ADMINISTRATION**  
RESOLUTION NO. 79-08, moved by Mr. Hayssen, seconded by Mrs. Amidon and unanimously adopted by 750 ayes.

WHEREAS, the Department of Public Health enters into a annual contract with the NYS Department of Health to provide Early Intervention Administration; and

WHEREAS, the contract is for the period from October 2007 to September 2008; and

WHEREAS, the amount of the contract is \$30,562 from the NYS Department of Health with no local share; and

WHEREAS, the Public Health Standing Committee approved and recommended the acceptance of the Early Intervention Administration Contract; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign the New York State contract to provide Early Intervention Administration.

Mr. Kaiser made a motion to adopt a resolution authorizing a CDBG loan to Lloyd Deal. Mr. Terryberry seconded the motion.

Mr. Barto said he was waiting for information from Ms. Sinclair, County Manager on the status of Mr. Deal's previous loans.

Mr. Kaiser made a motion to Lay on the table the Main Motion until the information was obtained. Mr. Hayssen seconded the motion. The motion carried.

**BOARD OF SUPERVISORS ADOPTS REVISED NEGATIVE DECLARATION FOR CONSTRUCTION OF CHADWICK RD. AND AUTHORIZES BIDS FOR CONSTRUCTION OF WETLAND AT FORMER SENECA ARMY DEPOT AND RELOCATION OF CHADWICK RD.**  
RESOLUTION NO. 80-08, moved by Mr. Kaiser, seconded by Dr. Dresser and unanimously adopted by 750 ayes.

WHEREAS, a revised Environmental Assessment Form and Negative Declaration have been prepared to include as part of the Relocation of Chadwick Road Project the required construction of a one acre Wetland at the Former Seneca Army Depot; and

WHEREAS, the required construction of the Wetlands to be created on the former Seneca Army Depot is estimated to be about \$215,000.00 which will require a local 2.5% share of approximately \$5,375.00. Funds exist in the Airport Capital Account to cover this cost; and

WHEREAS, the Phase II construction of Chadwick Road is estimated to be about \$785,000.00 which will require a local 2.5% share of approximately \$19,625.99; funds exist in the Airport Capital Account to cover this cost; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on March 25, 2008; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby adopt the revised Environmental Assessment Form and Negative Declaration for the Relocation of Chadwick Road which includes the construction of the one acre Wetland at the Former Seneca Army Depot; and be it

FURTHER RESOLVED, that the County Manager is hereby authorized and directed to advertise for bids for construction of the one acre Wetland at the Former Seneca Army Depot. Said bids are to be received at the County Office Building in Waterloo, New York by April 18, 2008 at 2:00 P.M.; and be it

FURTHER RESOLVED, the local share of the total project cost will be funded from the Airport Capital Account; and be it

FURTHER RESOLVED, that the County Manager is hereby authorized and directed to advertise for bids for construction of the Relocation of Chadwick Road at the Finger Lakes Regional Airport. Said bids are to be received at the County Office Building in Waterloo, New York by May 2, 2008 at 2:00 P.M.

#### **APPOINTMENT OF SENECA COUNTY COMMISSIONER OF HUMAN SERVICES**

RESOLUTION NO. 81-08, moved by Mr. Mooney, seconded by Dr. Dresser and unanimously adopted by 750 ayes.

WHEREAS, the term of office of the Commissioner of the Department of Human Services expires on April 3, 2008; and

WHEREAS, it would be in the best interest of Seneca County to reappoint an experienced and certified Commissioner of the Department of Social Services; and

WHEREAS, the Human Services Committee has reviewed and recommended said appointment at its meeting on March 25, 2008; now therefore, be it

RESOLVED, that the Board of Supervisors does hereby appoint Charles L. Schillaci as Commissioner of the Department of Human Services for a five (5) year term of office with term to expire April 3, 2013.

**BOARD OF SUPERVISORS AUTHORIZES THE PURCHASE 16 DESKTOP COMPUTERS  
AND 11 MONITORS FOR DIVISION OF HUMAN SERVICES**

RESOLUTION NO. 82-08, moved by Mr. Mooney, seconded by Mr. Reynolds and unanimously adopted by 750 ayes.

WHEREAS, the Division of Human Services requires the purchase of 16 Nexlink 3000 Series Intel Mainstream Desktop Computers at \$700.00 each, for a total of \$11,200.00; and 11 AOC 19 inch Black Panel Monitors at \$187.00 each, for a total of \$2,057.00, for a grand total of \$13,257.00; and

WHEREAS, these purchases are currently budgeted in the 2008 budget and will be paid from Welfare Management Services account: 10-125-5-6030-2300; and

WHEREAS, this purchase has been reviewed by the oversight committee for Human Services and recommended for full Board approval; now therefore be it

RESOLVED, that the Board of Supervisors authorizes the purchase of 16 desktop computers (\$11,200.00) and 11 monitors (\$2,057.00) for the Division of Human Services for a grand total of \$13,257.00.

**APPOINTMENT OF SENECA COUNTY SUPERINTENDENT OF HIGHWAYS**

RESOLUTION NO. 83-08, moved by Mr. Davidson, seconded by Mrs. Amidon and unanimously adopted by 750 ayes.

WHEREAS, the term of office of the Superintendent of Highways expired on February 10, 2008; and

WHEREAS, it would be in the best interest of Seneca County to reappoint an experienced Superintendent of Highways; and

WHEREAS, the Public Works Committee reviewed and recommended said appointment at its meeting on March 25, 2008; now therefore be it

RESOLVED, that the Board of Supervisors does hereby appoint Roy E. Gates as Seneca County Highway Superintendent for a four (4) year term of office with term to expire February 10, 2012.

**SUPERVISORS APPROVE PURCHASE OF A 6-WHEEL DUMP TRUCK FOR  
HIGHWAY DEPARTMENT**

RESOLUTION NO. 84-08, moved by Mr. Davidson, seconded by Mr. Mooney and unanimously adopted by 750 ayes.

WHEREAS, the Seneca County Highway Department needs to replace a 1983 6-wheel dump truck; and

WHEREAS, funds for the purchase of one (1) 2009 6-wheel International 4300SBA 4X2 dump truck from State Contract PC62757 in the amount of \$67,456.23 have been appropriated from the 2008 Seneca County Highway Road Machinery Vehicle Account 50-120-5-5130.2600; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Highway Superintendent to purchase one (1) 2009 6-wheel International 4300SBA 4X2 dump truck from State Contract PC62757 in the amount of \$67,456.23 with funds appropriated from the 2008 Highway Road Machinery Vehicle Account 50-120-5-5130.2600.

**SUPERVISORS APPROVE PURCHASE OF A 6-WHEEL CREW CAB DUMP TRUCK  
FOR HIGHWAY DEPARTMENT**

RESOLUTION NO. 85-08, moved by Mr. Davidson, seconded by Mr. Terryberry and unanimously adopted by 750 ayes.

WHEREAS, the Seneca County Highway Department is in need of a 6-wheel crew cab dump truck to transport additional road crew, signage and equipment to job sites under new Public Employee Safety and Health (PESH) requirements; and

WHEREAS, funds for the purchase of one (1) 2009 6-wheel International 4300SBA 4X2 Crew Cab Dump Truck from State Contract PC62757 in the amount of \$70,748.36 have been appropriated from the 2008 Seneca County Highway Road Machinery Vehicle Account 50-120-5-5130.2600; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Highway Superintendent to purchase one (1) 2009 6-wheel International 4300SBA 4X2 Crew Cab Dump Truck from State Contract PC62757 in the amount of \$70,748.36 with funds appropriated from the 2008 Highway Road Machinery Vehicle Account 50-120-5-5130.2600.

Suspension of the Rules

Mr. Kaiser made a motion to Suspend the Rules of Order to introduce resolutions not previously filed. Mr. Shipley seconded the motion. The motion carried.

**RESOLUTION AUTHORIZING AGREEMENT FOR CONSULTING SERVICES BETWEEN  
SENECA COUNTY AND THE SENECA COUNTY CHAMBER OF COMMERCE, INC.**

RESOLUTION NO. 86-08, moved by Mr. Kaiser, seconded by Mr. Mooney and unanimously adopted by 750 ayes.

WHEREAS, the Seneca County Chamber of Commerce, Inc., is a not-for-profit corporation organized under the laws of the State of New York; and

WHEREAS, the Board of Supervisors of Seneca County has appointed the Seneca County Chamber of Commerce as the Tourism Promotion Agency (“TPA”); and

WHEREAS, the Chamber has made a proposal to the Board of Supervisors regarding the performance of certain duties related to tourism promotion of Seneca County; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes the drafting of a contract memorializing the terms of this proposal in a form and content approved by the County Attorney, and

authorizes the Chairman of the Board of Supervisors to sign such contract; term to commence April 1, 2008, through December 31, 2008; funding to be provided as shown in Attachment C of the proposal.

**PURCHASE OF TRANSPORT VAN FOR CORRECTIONAL FACILITY AUTHORIZED**  
RESOLUTION NO. 87-08, moved by Mr. Shipley, seconded by Mr. Davidson and unanimously adopted by 750 ayes.

WHEREAS, the funds to purchase a new vehicle for corrections transport was included in the Seneca County Sheriff Correctional Facility budget for 2008 under line item 10-110-5-3150-2600 (Vehicles); and

WHEREAS, the Seneca County Sheriff's Office requires the purchase of one Chevrolet Express 12 passenger van, at the cost of \$19,963.58; a radio equipment swap for one vehicle at \$300.00; striping for one vehicle at \$160.00; installation of striping and security partitions for one vehicle at \$525.00; and new Havis security partition for one vehicle at \$2,522.25 for a total of \$23,470.83; and

WHEREAS, said vehicle will be obtained through NYS Contract PC62820; and

WHEREAS, the oversight committee for Public Safety reviewed and recommended said purchase of vehicle at its meeting on March 25, 2008; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the purchase of one Chevy Express Van for Corrections Transport, with needed extras as stated above for \$23,470.83.

**CHAIRMAN OF THE BOARD TO SEND A LETTER TO GOVERNOR URGING THE  
ENFORCEMENT OF THE LAW REQUIRING THE COLLECTION OF TAXES ON  
PRODUCTS SOLD BY INDIAN ENTERPRISES TO NON-INDIANS**

RESOLUTION NO. 88-08, moved by Mr. Same, seconded by Mr. Shipley and unanimously adopted by 750 ayes.

WHEREAS, the State of New York has failed to enforce Tax Law Sections 471-e and 482-e which require the collection of taxes on sales of motor fuel, cigarettes, and other products sold by tribal enterprises to non-Indians; and

WHEREAS, the State's failure to collect these taxes is costing Seneca County hundreds of thousands of dollars a year and the State hundreds of millions of dollars a year; and

WHEREAS, the State's failure to collect these taxes produces unfair competition with non-Indian enterprises which must collect these taxes; and

WHEREAS, the Seneca County Board of Supervisors has repeatedly urged former Governors Pataki and Spitzer to collect these taxes; and

WHEREAS, David Paterson is now the Governor of the State of New York, with the authority and responsibility to see that the Department of Taxation and Finance enforces this law; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Chairman of the Board to send a letter to Governor David Paterson urging him to enforce the law requiring the collection of taxes on products sold by Indian enterprises to non-Indians; and be it

FURTHER RESOLVED, that the Board of Supervisors directs the Chairman to request in the same letter a meeting with the Governor to discuss, with representatives of Cayuga, Madison and Oneida counties, his plans to collect these taxes; and be it

FURTHER RESOLVED, that copies of this letter be sent to State Senators Bruno and Nozzolio, Assemblymen Finch, Kolb, Oaks, Townsend and Silver, and Attorney General Cuomo.

Ms. Sinclair returned to the meeting with information regarding Mr. Deal's loan status on previous loans.

Mr. Kaiser made a motion to Take from the Table the Main Motion. Mrs. Amidon seconded the motion. The motion carried.

Under discussion, Mr. Same said he would be voting in favor of a resolution approving Mr. Deal for another CDBG loan, based on the fact that the CDBG Loan Review Committee already approved Mr. Deal. He said he was confident in the Committee's decision.

Mr. Barto made a motion to convene in Executive Session for the purpose of holding discussion on the financial, credit or employment history of a particular person or corporation. Mr. Kaiser seconded the motion. The motion carried by 679 ayes, and 71 nays (Same). The Board of Supervisors convened in Executive Session at 9:26 p.m.

The Board of Supervisors reconvened in Regular Session at 9:30 p.m. The following action took place.

**RESOLUTION AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT  
LOAN TO LLOYD DEAL**

RESOLUTION NO. 89-08, moved by Mr. Kaiser, seconded by Mr. Terryberry and unanimously adopted by 750 ayes.

WHEREAS, Seneca County has received Community Development Block Grant (CDBG) funds from the United States Department of Housing and Urban Development 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

WHEREAS, this loan will finance the purchase of inventory at 20 East Bayard Street, Seneca Falls, New York, and will retain 26 full-time jobs and collateral will be first position on equipment; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on March 11, 2008; now, therefore be it

RESOLVED, that the County of Seneca lend to Lloyd Deal \$50,000 from the CDBG funds from account no. 272310840 to be repaid at terms and conditions agreeable to the Department of Housing and Urban Development and the CDBG Loan Review Committee.

New Business

Mrs. Amidon asked if there were any concerns regarding the Area Code Relief Plan for the 315 area code. She said there was a public hearing in the Board of Supervisors Meeting Room scheduled for April 10, hosted by the NYS Department of Public Service. She suggested the Board of Supervisors discuss the issue and perhaps prepare a statement for the public hearing. Chairman Lafler charged the Government Operations Committee to research the issue.

Special Order of the Day

Mr. Same made a motion to adjourn the meeting. Dr. Dresser seconded the motion. The motion carried. The meeting was adjourned at 9:34 p.m.