

Seneca County Board of Supervisors

Regular Meeting

May 8, 2007

7:00 p.m.

Call to Order

Chairman Barto called the meeting to order at 7:00 p.m.

Roll Call of Members by the Clerk

All members of the Board of Supervisors answered roll call.

Pledge of Allegiance and Moment of Silence

Presentations / Petitioners

Michael Mirras, Seneca County Public Defender, Tracy Greene, Seneca County Youth Bureau, and Deborah Rickerson, Seneca County Probation, and Joyce Mahoney, Justice, Town of Seneca Falls, as members of the Seneca County Criminal Justice Advisory Board recognized Law Day which was May 1, 2007 and told how the Board celebrated the day with thirty-two high school students who participated in a program "shadowing" members of the criminal justice system at work and a tour of the Seneca County Law Enforcement Center.

Public Hearing:

Adoption of proposed Local Law No. A (PROPOSED) of the County of Seneca for the year 2007, providing for the creation of the position of county manager and setting the duties and term of office thereof.

Mr. Lafler made a motion to open the floor to accept public comment. Mrs. Amidon seconded the motion. The motion was carried.

Dr. David Dresser, Supervisor, Ovid, NY and Sharon Secor, Seneca County Manager were recognized. Each spoke in support of the proposed local law.

As no other public comment was offered, Mr. Smith moved the public hearing closed, seconded by Mr. Davidson and carried.

Submission of Claims for Audit

Mr. Anglim made a motion to approve the following vouchers for payment. Mrs. Amidon seconded the motion. All present voted in favor.

Supervisors vouchers	#1065 - 1417	totaling	\$122,903.51
OFA vouchers	#184 - 240	totaling	\$66,447.36
Workforce Development vouchers	#75 - 88	totaling	\$25,302.51
Insurance vouchers	#19 - 27	totaling	\$383,952.86
County Airport vouchers	#22 - 31	totaling	\$2,782.82

Jail Capital Project vouchers	#78 - 106	totaling	\$110,220.73
E-911 Capital vouchers	#13 - 16	totaling	\$30,036.85
Highway Transportation vouchers			
Maintenance & State Snow	#84 - 107	totaling	\$122,581.66
Highway Machinery	#116 - 156	totaling	\$35,421.91

#### Reports of Standing Committees

Public Safety Committee - Mr. Shipley, Chairman said the committee recommended the acceptance of awarding DeMaria's Nursery the bid for landscaping for \$15,000. The committee recommended authorizing Toni Smith, E911 Coordinator to sign the contract with OnStar for Priority PSAP Access. The committee moved to lay on the table the issue regarding the salary increase for the Assistant District Attorney positions.

Human Services Committee – Mr. Mooney, Chairman said the committee recommended that the Board of Supervisors help to bring public awareness to abuse of the elderly by adopting a proclamation resolution at the May 22 board meeting, calling for June 15 as Elder Abuse Awareness Day.

Native American Affairs Committee – Dr. Dresser, Chairman reported that the Seneca Indian Nation has threatened to cancel the 1976 agreement with the State that allowed construction of the Southern Tier Expressway through tribal land in Allegany County, in what would appear to be “the Senecas are attempting to gain leverage in their dispute with the Governor over his intent to collect taxes on sales of gas and cigarette on their reservation.”. Dr. Dresser also reported that the Department of the Interior intended to have a decision by June 14 regarding the agreement and legalization of the Turning Stone Casino. A written copy was filed with the Office of the Clerk of the Board of Supervisors.

Public Health Services Committee - Mr. Lafler, Chairman said the committee recommended that the Board Chairman sign necessary documents for the Childhood Lead Poisoning Prevention Program Grant for \$23,548. The committee also agreed on the necessity of increasing the salaries of the Public Health Nurse and Registered Nurse positions to attract eligible candidates.

Planning, Development, Agriculture & Tourism Committee – Mr. Kaiser, Chairman gave a brief update on the status of hiring a director for the Economic & Development Planning Department and an IDA Director; whether the positions should be separate, and the needs of the IDA and the planning department.

#### Chairman's Remarks

Chairman Barto's remarks focused on public safety. He commended the Seneca County Youth Bureau which hosted the Seneca County Health and Safety Fair where health and safety information was available for children, i.e. school bus safety demonstration, a child safety seat checkpoint, and free bike helmets were distributed.

Chairman Barto also recognized the Seneca County Office for the Aging, which, in connection with Cornell Cooperative Extension and AARP sponsors a defensive driving course, a two day prevention course for senior citizens.

Chairman Barto was pleased to announce that Seneca County CSEA representatives have provided “Labor Management Safety and Health Training” for the county. This training is designed to assist the County in addressing health and safety issues for county workers. Two highway workers attended a “Traffic Control Trainer and National Safety Council Flagger Training”, who in turn train other county employees in highway safety.

#### County Manager’s Remarks

Ms. Secor informed the Board of Supervisors and public that paving would begin in the County Office Building parking lot. She announced the days and start times and the location parking would be re-directed.

#### County Attorney’s Remarks

Mr. Getman gave kudos to Michael Mirras and the Criminal Justice Advisory Board on the success of the first Law Day activities and public awareness efforts at Seneca County offices.

#### Communications:

The following communications were received and filed:

121. From Steve Isaacs, Executive Director, Cornell Agriculture & Food Technology Park, a letter of appreciation, dated April 17, 2007, to the Board of Supervisors, for the adoption of Resolution No. 94-07, supporting the re-location of the NYS Food Testing Laboratory to Geneva, NY.
122. From Carmina Russo, President, CSEA, a copy of the Spring 2007 CSEA Central Region 5 newsletter containing an article about training provided by Ms. Russo and John Vaughn, County Unit President, titled, *Labor-Management Safety and Health Training*.
123. From NYSAC, a memorandum dated April 20, 2007, regarding local impact of the Sex Offender Management and Treatment Act.
124. Minutes from the April 24, 2007 meeting of the 911 Advisory Board.
125. Minutes from the April 18, 2007 meeting of the Seneca County Board of Health.
126. Minutes from the March 21, 2007 meeting of the Seneca County Airport Advisory Committee.
127. Minutes from the April 20, 2007 meeting of the Inter-County Association of Western New York
128. Minutes from the March 21, 2007 meeting of the Finger Lakes Resource Conservation & Development Council, Inc.
129. Minutes from the March 19, 2007 meeting of the Western Finger Lakes Solid Waste Management Authority.

130. Minutes from the March 8, 2007 meeting of the Genesee/Finger Lakes Regional Planning Council.

131. Minutes from the March 8, 2007 meeting of the Seneca County Planning Board.

The following communications were received and referred to the oversight committee indicated:

132. From the Ontario County Board of Supervisors, a copy of a resolution endorsing the appointment of Jocelyn VanGelder and Chris LaDelfa to the Finger Lakes Workforce Investment Board. Referred to the oversight committee for Human Services.

133. From NYS Taxation and Finance, a copy of information sent to Seneca County Treasurer Nicholas A. Sciotti, regarding the sales tax Medicaid intercept option. Referred to the oversight committee for Finance.

134. From the office of the NYS Governor, a letter dated April 23, 2007 regarding the Executive Order creating a Commission on Local Government Efficiency and Competitiveness. Referred to the oversight committee for Government Operations.

#### RESOLUTIONS AND MOTIONS

#### **RESOLUTION IN SUPPORT OF COLLATERAL SOURCE LEGISLATION, S.4164/A.2989 (FORMERLY S.1544/A.4354 OF 2005-2006) AND ASKING LOCAL STATE LEGISLATORS TO SERVE AS CO-SPONSORS**

RESOLUTION NO. 119-07, moved by Mr. Anglim, seconded by Mr. Shipley and adopted by 750 ayes.

WHEREAS, Seneca County and its towns have previously expressed their support for the above-captioned legislation, which would amend the Civil Practice Law and Rules to allow municipalities to offset awards for future lost earnings made to employees by disability pensions and other collateral sources of compensation; and

WHEREAS, under current law, negligence damages recovered against a municipality by its employees are not reduced by the amount of the employee's disability pension; and

WHEREAS, that is notwithstanding the fact that, in the case of uniformed workers, approximately 75% of the cost of that pension is paid for by the municipality that results in a municipal employee being compensated twice by the municipality for future lost earnings; and

WHEREAS, private employers are permitted to reduce future lost earnings by the amount of a pension, however public employers are not; and

WHEREAS, this legislation, which last year was on the Senate Calendar, and missed by one vote being reported out of the Assembly Judiciary Committee, would save municipalities millions of dollars annually by giving the same benefit to public employers that private defendants now enjoy, a matter of fundamental fairness and sound public policy, and

WHEREAS, the bill's supporters include Governor Spitzer, the Advisory Committee on Civil Practice established by the Chief Administrative Judge, the New York State Bar Association, the largest Bar Association in the State which is composed of over 70,000 lawyers, the Association of the Bar of the City of New, the Citizens Union, all of the State's 62 cities, 54 of its 57 counties, 730 towns and 428 villages; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby request that both Senator Nozzolio and Assembly Member Kolb, if they have not already done so, to sign on as co-sponsors of this bill.

**RESOLUTION AUTHORIZING THE CHAIR OF THE BOARD TO SIGN CONTRACT FOR MICROFILMING AND IMAGING OF COUNTY CLERK DOCUMENTS**

RESOLUTION NO. 120-07, moved by Mr. Smith, seconded by Mr. Kaiser and adopted by 750 ayes.

WHEREAS, currently the Seneca County Clerk's office contracts with ACS for microfilming and imaging of all land and court documents; and

WHEREAS, the contract is due to expire and funds have been appropriated in the Seneca County Clerk's budget appropriation account 1410.438 to cover the cost of said contract; now, therefore be it

RESOLVED, that the Chair of the Seneca County Board of Supervisors is hereby authorized and directed to sign a five year contract with ACS State & Local Solutions, Inc. – 1800 M Street, N.W., Washington, D.C., 20036 for microfilming and imaging of all land and court documents in the Seneca County Clerk's office.

**RESOLUTION DIRECTING DEVELOPMENT OF COMPREHENSIVE TOURISM PLAN FOR SENECA COUNTY**

RESOLUTION NO. 121-07, moved by Mr. Kaiser, seconded by Mr. Mooney and adopted by 750 ayes.

WHEREAS, the Seneca County Chamber of Commerce has proposed working with the Seneca County Tourism Advisory Board and the County's tourism office to jointly develop a comprehensive plan for tourism promotion and development in the county, and

WHEREAS, these agencies would work collaboratively to develop this plan that would establish a framework and set of priorities for the county in allocating resources, and

WHEREAS, the County Economic Development and Planning Director, as well as the Tourism Director would coordinate with the Chamber and the Advisory Board to ensure that action items identified in the plan are pursued, and

WHEREAS, the plan would be presented to the Board of Supervisors for approval, prior to implementation, now, therefore be it

RESOLVED, that the Board of Supervisors authorizes and directs for Seneca County Tourism and Economic Development and Planning office to work with the Chamber of Commerce and the Seneca

County Tourism Board to develop a comprehensive Tourism plan and to submit a proposal to the full Board of Supervisors with a target date of December 31, 2007.

**BOARD OF SUPERVISORS AUTHORIZE RAISING STARTING SALARY FOR  
PUBLIC HEALTH NURSE AND REGISTERED NURSE**

RESOLUTION NO. 122-07, moved by Mr. Lafler, seconded by Mr. Davidson and adopted by 750 ayes.

WHEREAS, in February, the Health Department began advertising for a full-time Public Health Nurse (PHN); and

WHEREAS, the advertising resulted in an insufficient number of highly qualified applicants; and

WHEREAS, when the last nursing vacancy was filled, it was necessary to raise the starting salary to remain competitive and attract candidates; and

WHEREAS, the current starting salary for a PHN is \$20.427 per hour and the current starting salary for a RN is \$19.273; and

WHEREAS, the Department is requesting that the starting salary for a PHN be increased to \$21.957 (step 3) and the starting salary for a RN be increased to \$20.273 (step 3); now, therefore be it

RESOLVED, that the Board of Supervisors authorize these starting salary increases.

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

RESOLUTION NO. 123-07, moved by Mr. Lafler, seconded by Mr. Same and adopted by 750 ayes.

WHEREAS, the Seneca County Health Department has been awarded a \$92,000 Water Enhancement Grant for the grant period April 1, 2007 through March 31, 2008; and

WHEREAS, these funds are in the Public Health Budget 10-115-5-4016; and

WHEREAS, it is necessary for the Chairman of the Board of Supervisors sign the contract to receive these funds; now, therefore be it

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

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

RESOLUTION NO. 124-07, moved by Mr. Lafler, seconded by Mr. Mooney and adopted by 750 ayes.

WHEREAS, the Health Department will be receiving a grant in the amount of \$23,548 for the Childhood Lead Poisoning Prevention Program for the period April 1, 2007 through March 31, 2008 ; and

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

WHEREAS, it is necessary for the Chairman of the Board of Supervisors to sign the contract to receive these funds; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the Lead Poisoning Prevention Program contract.

**HIGHWAY SUPERINTENDENT AUTHORIZED TO REFILL  
SEASONAL LABORER POSITIONS**

RESOLUTION NO. 125-07, moved by Mr. Davidson, seconded by Mrs. Teichner and adopted by 750 ayes.

WHEREAS, the Seneca County Highway Department has previously utilized seasonal laborers during the road construction season to assist with maintenance and construction duties; and

WHEREAS, the positions conform to the current hiring policy; and

WHEREAS, these positions are funded through the Consolidated Local Street and Highway Improvement Program (CHIPS) – Highway Road and Bridge Construction Account 5112.1200; and

WHEREAS, the Public Works Committee approved this request on April 24, 2007 now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the Seneca County Highway Superintendent to refill up to four (4) seasonal laborer positions.

**SUPERVISORS APPROVE PURCHASE OF A PICKUP TRUCK FOR  
HIGHWAY DEPARTMENT**

RESOLUTION NO. 126-07, moved by Mr. Davidson, seconded by Mrs. Amidon and adopted by 750 ayes.

WHEREAS, funds for the purchase of one (1) 2008 Ford 4X4 Extended Cab F-250 Pickup Truck from State Contract PC62886 in the amount of \$29,171.60 have been appropriated from the 2007 Seneca County Highway Road Machinery Vehicles Account 5130.2600; and

WHEREAS, the purchase was approved by the Public Works Committee on April 24, 2007; 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) 2008 Ford 4X4 Extended Cab F-250 Pickup Truck from State Contract PC62886 in the amount of \$29,171.60.

Unfinished Business

None

New Business

Mr. Kaiser made a motion to suspend the rules of order to introduce resolutions not previously filed. Mrs. Amidon seconded the motion. The motion was carried.

**RESOLUTION OF THE BOARD OF SUPERVISORS DIRECTING THE PERSONNEL  
DIRECTOR TO BEGIN SEARCH FOR FULL-TIME DIRECTOR OF ECONOMIC  
DEVELOPMENT AND PLANNING**

RESOLUTION NO. 127-07, moved by Mr. Kaiser, seconded by Mr. Lafler and adopted by 750 ayes.

WHEREAS, the Planning, Economic Development and Tourism Committee has recommended that a full-time Director of Economic Development and Planning, separate from the position of IDA Director, be appointed, in order to assist in the planning, initiation, implementation and administration of programs to attract industries, promote expansion of existing industries and coordinate public and private sector groups and officials devoted to economic development in Seneca County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby directs that the position of Director of Economic Development and Planning be a full-time position and that the Personnel Director begin a search for qualified individuals to fill this position on a full-time basis, subject to appointment and setting of salary by the Board of Supervisors.

**SUPERVISORS ADOPT HOME RULE MESSAGE FOR EXTENSION OF ADDITIONAL 1%  
SALES TAX**

RESOLUTION NO. 128-07, moved by Mr. Anglim, seconded by Mr. Smith and adopted by 1506 ayes.

WHEREAS, the County of Seneca presently has authority to collect an additional one percent sales tax, but authority expires November 30, 2007; and

WHEREAS, without said additional one percent sales tax, real estate taxes would be further burdened; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors hereby requests our State Legislators, Sen. Michael Nozzolio and Assemblyman Brian Kolb, to adopt Home Rule Message legislation giving the County of Seneca authority to extend the additional one percent sales tax to November 30, 2009.

**RESOLUTION RECOGNIZING ARMED FORCES DAY – MAY 19, 2007**

RESOLUTION NO. 129-07, moved by Mr. Mooney, unanimously seconded and adopted by 750 ayes.

WHEREAS, on August 31, 1949, Secretary of Defense Louis Johnson announced the creation of an Armed Forces Day; and

WHEREAS, the single-day celebration stemmed from the unification of the Armed Forces under one department -- the Department of Defense; and

WHEREAS, in a speech announcing the formation of the day, President Truman "praised the work of the military services at home and across the seas" and said, "it is vital to the security of the nation and to the establishment of a desirable peace"; and

WHEREAS, in an excerpt from the Presidential Proclamation of Feb. 27, 1950, Mr. Truman stated: Armed Forces Day, marks the first combined demonstration by America's defense team of its progress, under the National Security Act, towards the goal of readiness for any eventuality; and

WHEREAS, another purpose for holding Armed Forces Day was to expand public understanding of what type of job is performed and the role of the military in civilian life; and

WHEREAS, it is a day to honor and acknowledge the people of the Armed Forces of the United States; and

WHEREAS, because of their unique training schedules, it is a day to honor and acknowledge the National Guard and Reserve units; and

WHEREAS, Armed Forces Day is celebrated annually on the third Saturday of May and the 2007 theme for Armed Forces Day is "Freedom"; now therefore be it

RESOLVED, that the Board of Supervisors, of the County of Seneca, does hereby acknowledge Saturday May 19 in the year 2007 as Armed Forces Day.

**SUPERVISORS ADOPT HOME RULE MESSAGE FOR AMENDMENT OF NEW YORK  
STATE CORRECTION LAW SECS. 500-a and 500-c,  
IN RELATION TO USE OF THE COUNTY JAIL**

RESOLUTION NO. 130-07, moved by Mr. Shipley, seconded by Mr. Same and adopted by 1506 ayes.

WHEREAS, Sections 500-a and 500-c of the Correction Law of the State of New York ("the Correction Law") sets forth statutory law regarding the use of county jails;

NOW THEREFORE BE IT RESOLVED, that the Seneca County Board of Supervisors hereby requests our State Legislators, Senator Michael Nozzolio and Assemblyman Brian Kolb, to adopt Home Rule Message legislation amending Section 500-a of the Correction Law to include language stating that the Seneca county jail may also be used for the detention of persons under arrest being held for arraignment in any court located in the county of Seneca; and be it further

RESOLVED, that the Seneca County Board of Supervisors hereby requests our State Legislators, Senator Michael Nozzolio and Assemblyman Brian Kolb, to adopt Home Rule Message legislation to amend Section 500-c of the Correction Law to include language stating that notwithstanding any other provision of law, in the county of Seneca, all of the provisions of Correction Law §500-c shall equally apply in any case where the sheriff is holding a person under arrest for arraignment, prior to commitment, as if such person had been judicially committed to the custody of the sheriff and such person may be held in the Seneca county jail.

Mrs. Amidon made a motion to enter executive session for the purpose of holding a discussion regarding the medical, financial, credit or employment history of a particular person or corporation, or

matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

The Board of Supervisors reconvened and the Resolution 131-07 was introduced and adopted.

**RESOLUTION CONFIRMING SALARY OF INTERIM DIRECTOR OF COMMUNITY  
MENTAL HEALTH SERVICES FOR SENECA COUNTY**

RESOLUTION NO. 131-07, moved by Mr. Amidon, seconded by Mr. Same and adopted by 750 ayes.

WHEREAS, pursuant to New York State Mental Hygiene Law Sec. 41.09(a), and other applicable statutes and case law, the Community Services board has appointed Jeffrey G. Weyrauch of Honeoye, New York, as interim Director of Community Mental Health Services for Seneca County, to fill the existing vacancy in the office of Director of Community Mental Health Services, at an annualized salary of \$85,562.00, with no other fringe benefits, for an interim period of up to six months;

NOW, THEREFORE, BE IT RESOLVED that said salary is confirmed by the Board of Supervisors of Seneca County for an interim period of up to six months; and be it further

RESOLVED that the Seneca County Personnel Director is requested to begin preparing an advertisement to solicit applications to fill the vacancy in the office of Director of Community Mental Health Services for Seneca County on a permanent basis.

**RESOLUTION AUTHORIZING ADOPTION BY THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SENECA OF LOCAL LAW NO. A  
OF THE YEAR 2007**

RESOLUTION NO. 132-07, moved by Mr. Smith, seconded by Mrs. Amidon and adopted by 750 ayes.

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 May 8, 2007 at 7:00 pm 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 providing for the creation of the position of county manager and setting the duties and term of office thereof"; 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 May 8, 2007 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. A of the year 2007 as follows:

Section 1. Definitions

As used in this local law the following terms shall mean and include:

1. "County". The County of Seneca, State of New York.
2. "Administrative unit". An office, department, division, bureau, board or commission, or any other agency of county government.
3. "Department Head". The Public Officer serving as supervisor of an administrative unit.
4. "County act". A local law or resolution adopted by the Board of Supervisors.
5. "Local law". A law adopted by the Board of Supervisors pursuant to this local law or other act of the Board of Supervisors in accordance with the provisions of the Municipal Home Rule Law

Section 2. County Manager Office Created and Continued

Pursuant to the provisions of the Municipal Home Rule Law, there is hereby created the position of County Manager, who will be directly responsible to the Board of Supervisors and as County Manager perform the functions of the Chief Administrative Officer on behalf of the Board of Supervisors with the Board of Supervisors retaining the final administrative authority. The County of Seneca shall hereinafter have a chief administrative officer to be called "County Manager." The Board of Supervisors shall appoint the County Manager and shall delegate duties to the County Manager.

Section 3. County Manager Term of Office

- A. The term of office of the county manager shall be four years from and including the first day of January. Successors shall be appointed for terms of four years each.
- B. Vacancies occurring otherwise than by expiration of term shall be filled by appointment by the Board of Supervisors for the unexpired portion of the term.
- C. Every County Manager appointed for a fixed term may hold over and continue to discharge the duties of his/her office after the expiration of his/her term until his/her successor is chosen and has qualified, but after the expiration of such term the office shall be deemed vacant for the purpose of choosing a successor. All provisions of section five of the public officer's law not inconsistent with this local law shall apply.
- D. At least six months prior to the end of the County Manager's term of office, the Board of Supervisors shall determine if it wishes to advertise and seek applications for the position or to reappoint the incumbent County Manager. The County Manager shall receive written notification of either decision. If it is the wish of the Board of Supervisors to seek

applications for the position of County Manager, the Chairman of the Board shall appoint a Selection Committee.

#### Section 4. Qualifications

A person holding the office of County Manager shall have the qualifications prescribed by section three of the public officer's law, except that, at the time of his/her appointment the county manager need not be a resident of the county or the state, but shall become a resident within ninety (90) days of his/her taking office. No member of the Board of Supervisors shall, during the term for which he/she was elected, be eligible for appointment as County Manager.

A. In addition to the above qualifications, the County Manager shall meet or exceed the following qualifications:

1. Possess a Master of Public Administration or Master of Business Administration or equivalent degree from an accredited college or university, and have four years of full-time management experience in a business, educational or governmental enterprise, OR
2. Possess a Baccalaureate degree in a business-related field from an accredited college or university and have six years of full-time management experience in a business, educational or governmental enterprise, OR
3. Possess an Associate's Degree in a business-related field from an accredited college or university and have ten years full-time management experience in a business, educational or governmental enterprise, OR
4. Possess an equivalent combination of education and experience listed above.

B. The County Manager shall be appointed on the basis of these and such other qualifications as may be required for the responsibilities of the office.

C. The County Manager shall be in the exempt class for Civil Service purposes.

#### Section 5. Compensation

The County Manager shall be paid annual compensation to be fixed by the Board of Supervisors of the County in accordance with the provisions of the County Law of the State of New York.

#### Section 6. No partisan elective office

The County Manager shall, during the term for which he/she was appointed, hold no partisan elective office.

#### Section 7. Annual Evaluation

The County Board of Supervisors shall conduct an annual performance evaluation of the County Manager. The results of the evaluation shall be made known to the County Manager in a timely fashion.

### Section 8. Powers and Duties

The county manager, except as otherwise provided by this local law or by other law, shall perform all the duties now and hereafter conferred or imposed upon the office by law and directed by the Board of Supervisors and exercise all the powers and perform all the duties necessarily implied or incidental thereto. Such powers and duties will include but are not necessarily limited to the following:

1. Be the administrative head of the county government.
2. Make recommendations to the appropriate jurisdictional committees of the Board of Supervisors or the Chairman of the Board for appointments by the Board of Supervisors of all heads of units of County government not administered by an elected official.
3. Select and appoint staff as necessary and authorized by the Board of Supervisors.
4. Have supervision, direction and control over governmental functions of all administrative units of the county.
5. Have and exercise all functions, powers and duties as the sole budget officer under article seven of the County Law of the State of New York.
6. Audit all claims, accounts and demands which are made county charges by law and which otherwise would be audited by the Board of Supervisors, and to cause an audit and examination to be made of the books, records and papers of any administrative unit of the county and of any county officer or other official paid from county funds and report thereon to the Board of Supervisors with all convenient speed.
7. Execute and approve contracts, in the name of the County, up to \$10,000.00, subject to the rules and regulations of the Board of Supervisors.
8. Be authorized to transfer funds within the budget within all object codes, up to \$10,000.00, subject to the transfer policy of the Board of Supervisors.
9. Prepare the annual budget and provide for the appropriate budgetary controls to promote effective and efficient management, including authorization to transfer personnel both full and part-time, such transfers to be reported to the Board of Supervisors at their next regular session.
10. Work in conjunction with and coordinate the activities of County department or unit heads and the administration of all units of County government to most efficiently implement the directives of the Board of Supervisors.
11. Transfer employees temporarily from one department, unit or office to another after consultation with the affected department heads and the County Personnel Officer.

12. Oversee all collective bargaining processes in County-based negotiations with organizations representing employees and be responsible for all personnel grievances.
13. Present to the Board of Supervisors, from time to time, such information concerning the affairs of the county as he/she may deem necessary or as the Board of Supervisors by county act may request.
14. Aid the Board of Supervisors in evaluating proposals presented to it and make recommendations concerning those proposals.
15. Serve as an advisor to the Board of Supervisors and to develop policy and procedural recommendations for consideration by the Board which will promote economy and efficiency in the operation of Seneca County government.
16. Undertake studies and submit to the Board of Supervisors reports and recommendations regarding governmental operations as he/she deems appropriate or as the Board may request.
17. Provide for the enforcement of all local laws, legalizing acts, ordinances and resolutions of the Board of Supervisors and all other actions required by operation of law.
18. Report to the Board of Supervisors the failure of any county officer or other official paid from county funds, or the head of any administrative unit, institution or other county agency to enforce any law or county act which such official has been charged to perform.
19. Promulgate such administrative regulations and procedures as needed to implement provisions of local laws, legalizing acts and resolutions and all other actions required by operation of law.
20. Attend all meetings of the Board of Supervisors and other meetings as requested by the Board of Supervisors.
21. Provide and coordinate all staff services to the Board of Supervisors, the Chairman of the Board, and the committees of the Board.
22. In conjunction with the Board of Supervisors, maintain liaison and represent the Board in contacts with political subdivisions and state and federal officials and agencies.
23. Serve as liaison between the Board of Supervisors and the boards, commissions and advisory committees established by the Board of Supervisors.

24. Perform such additional acts, duties and governmental functions as may be delegated to him/her by county act.

#### Section 9. Acting County Manager

The County Manager shall designate the head of a department to perform the duties of the office during the absence or inability of the County Manager without additional compensation. In no event shall that person serve in excess of sixty consecutive (60) days without a resolution by the Board of Supervisors.

#### Section 10. Department Heads

- A. The County Manager shall nominate the head of every department or office in the exempt class of the civil service which is appointed for a fixed term and not administered by an elective official. Nothing herein shall change the term of office of any such department head. The nomination of any such head of any department or office in a county shall be subject to confirmation by the Board of Supervisors by affirmative weighted vote of a majority of the whole number of members of the Board of Supervisors taken at a regular meeting or at a special meeting of the Board of Supervisors called for that purpose. All appointees shall be subject to the provisions of the Public Officer's Law of the State of New York.
- B. Pending confirmation and qualification of a department head, any incumbent shall hold over and continue to discharge the duties of his/her office after the expiration of his/her term until his/her successor is chosen and has qualified, but after the expiration of such term the office shall be deemed vacant for the purpose of choosing his/her successor. All provisions of section five of the public officer's law not inconsistent with this local law shall apply.
- C. The heads of such departments shall remain in the exempt class for Civil Service purposes.

#### Section 11. No Divestiture of Powers or Duties of the Board of Supervisors

Nothing contained in this local law shall operate or be constructed to divest the Board of Supervisors of Seneca County of any of its powers or duties.

#### Section 12. Separability of Provisions

If any clause, sentence, paragraph, subdivision, section or part of this local law be adjudged by any court or competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered.

### Section 13. Ballot Proposition

Upon the adoption of this local law the clerk of the Board of Supervisors is hereby directed to transmit, forthwith, to the board of elections, the form of the ballot proposition to be voted upon on the November ballot, in substantially the following form: "Proposition No. 1, submitting a local law for the 2007 to the electors of the County of Seneca. To be voted upon at the General Election of the County of Seneca, to be held on the 6th day of November, 2007. Shall there be approved and adopted in the County of Seneca, New York, a local law entitled 'A local law providing for the creation of the position of county manager and setting the duties and term of office thereof,' as enacted by the Board of Supervisors of the County of Seneca on (the date of enactment)."

### Section 14. Laws Repealed

Local Law No. 7 of the Year 1995, entitled "A local law to create the position of County Manager," and all acts amendatory thereof or supplemental thereto, including, but not limited to Local Law No. 3 of the Year 1996, Local Law No. 4 of the Year 2001, and Local Law No. 2 of the Year 2002, are hereby repealed except as otherwise provided herein. Such repeal shall take effect upon the effective date of this local law.

### Section 15. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State after approval by a majority of the electors voting thereon in accordance with the requirements of Section 27 of the Municipal Home Rule Law of the State of New York.

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 BE IT FURTHER RESOLVED that, upon the adoption of this local law the clerk of the Board of Supervisors is hereby directed to transmit, forthwith, to the board of elections, the form of the ballot proposition to be voted upon on the November ballot, in substantially the following form: "Proposition No. 1, submitting a local law for the 2007 to the electors of the County of Seneca. To be voted upon at the General Election of the County of Seneca, to be held on the 6th day of November, 2007. Shall there be approved and adopted in the County of Seneca, New York, a local law entitled 'A local law providing for the creation of the position of county manager and setting the duties and term of office thereof,' as enacted by the Board of Supervisors of the County of Seneca on 8<sup>th</sup> day of May, 2007";

AND BE IT FURTHER RESOLVED that, after approval by a majority of the electors voting thereon in accordance with the requirements of Section 27 of the Municipal Home Rule Law of the State of New York, the Clerk of the Board be and hereby is directed to enter said 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.

Special Order of the Day

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