

Seneca County Board of Supervisors

Regular Meeting

May 22, 2007

7:00 p.m.

Call to Order

Chairman Barto called the meeting to order at 7:07 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

Donna Cathy, Chairperson of the Finger Lakes Elder Abuse Coalition, requested the Board of Supervisors adopt a resolution recognizing June 15, 2007 as Elder Abuse Day

Approval of Board Meeting Minutes

Mrs. Amidon moved, Mr. Same seconded to approve the minutes for the April 10 and 24 board meetings. The motion was carried.

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Reports of Standing Committees

Mental Health Services Committee - Mrs. Amidon, Chairperson, as a member of the Youth Bureau Board of Directors, said that the Youth Bureau, through fund raiser golf tournaments, raised enough money to support four \$500 scholarships awarded to high school students.

Public Works Committee - Mr. Davidson, Chairman, reported that the committee recommended board consideration for the Highway Department to purchase two tractors/mowers. The committee also approved for a board resolution the asbestos survey for the anticipated razing of the structure on the former Parsons property.

Public Safety Committee - Mr. Shipley, Chairman said the committee continued its discussion regarding the salary increase for the Assistant District Attorney positions without a recommendation to date.

Human Services Committee - Mr. Mooney, Chairman said the committee recommended the approval of Jeb Becker's re-appointment to the Workforce Investment Board, and its recommendation to move the youth counselor position in Youth Bureau to the Probation department, with a motion to be made under suspension of the rules.

Native American Affairs Committee - Dr. Dresser, Chairman referred to brief quotes from two newspapers. One from the Seattle Post-Intelligencer, dated May 18, "The Seneca Indian Nation....will

start charging a \$1 toll for each vehicle that travels on the <NYS> Thruway in response to a proposal that would tax reservation sales of gasoline, cigarettes and other goods to non-Indian customers.

The second from the Syracuse Post-Standards, "A federal judge...said the Oneida Indians can't take back land they sold more than a century ago, but they might be entitled to profits the state made when reselling the land." A copy of Dr. Dresser's report was filed with the Clerk of the Board of Supervisors.

Planning, Development, Agriculture & Tourism Committee - Mr. Kaiser, Chairman said he planned to make a motion to suspend the rules of order to introduce a resolution requesting continued support for an immigration reform bill that includes a guest worker provision for agriculture.

#### Chairman's Remarks

Chairman Barto's remarks focused on Governor Spitzer's priority to consolidate New York's multiple layers of local government and how it relates to increased property taxes. Chairman Barto said that Seneca County has twice the number of layers of government, including: one county legislature, five villages, four school districts, several fire districts, several water districts and ten towns, many of which often duplicate services.

He said Seneca County was considering several areas where consolidation may be able to improve efficiency and cut costs. One example is the establishment of a new County Engineer position. It is anticipated that the county could share some engineering services with the towns and help keep costs down.

Chairman Barto also said that the town of Fayette was examining the possibility of contracting with the County's highway and code enforcement departments to provide services to town residents for shared savings.

A copy of Chairman Barto's remarks were filed with the Office of the Clerk of the Board of Supervisors.

#### County Manager's Remarks

Mrs. Secor read a letter from Senator Nozzolio praising Seneca County Clerk Tina Lotz for the work she does for the County.

#### County Attorney's Remarks

None

#### Communications

The following communications were received and filed:

135. From Seneca County IDA, notice of a public hearing re: Seneca County IDA and Finger Lakes Technologies Group, Inc. proposed transaction at the former Seneca Army Depot, on Friday, June 8, 2007 at 10:00 a.m. at the Varick Town Hall, Romulus, NY.
136. A copy Monitoring Report for the annual Administrative System Review for July 1, 2006 – June 30, 2007 of the Finger Lakes Workforce Investment Board, Inc.
137. A copy of the 2006 Annual Report of the Erie Canalway National Heritage Corridor.
138. A copy of minutes for the Seneca County Cornell Cooperative Extension Board of Directors meeting of March 6, 2007.
139. A copy of minutes for the Seneca County IDA Regular meeting of April 5, 2007.
140. A copy of minutes for the Seneca County Planning Board meeting of April 12, 2007.
141. A copy of minutes for the Seneca County Soil & Water Conservation District meeting of April 23, 2007.
142. A copy of minutes for the 911 Advisory Board meeting of May 8, 2007.

Resolutions and Motions

**TREASURER AUTHORIZED TO PAY MORTGAGE TAX**

RESOLUTION NO. 133-07, moved by Mr. Anglim, seconded by Mr. Same and adopted by 750 ayes.

WHEREAS, the mortgage tax report for the period October 1, 2006 through March 31, 2007 has been filed; now, therefore be it

RESOLVED, that the County Treasurer is hereby authorized and directed to pay to the municipalities of Seneca County the amount apportioned as follows:

TOWN	AMOUNT ALLOCATED	VILLAGE SHARE	TOWN SHARE
Covert	\$ 20,305.50	\$ 1,302.03	\$ 19,003.47
Fayette	36,646.00	2,339.88	34,306.12
Junius	6,134.50		6,134.50
Lodi	14,430.00	662.53	13,767.47
Ovid	14,523.50	1,103.51	13,419.99
Romulus	25,707.50	147.89	25,559.61
Seneca Falls	49,545.63	14,380.37	35,165.26
Tyre	2,931.50		2,931.50
Varick	14,205.00		14,205.00
Waterloo	35,688.28	7,871.16	27,817.12
TOTALS:	\$ 220,117.41	\$ 27,807.37	\$ 192,310.04

**RESOLUTION CREATING SECOND FULL TIME COOK POSITION FOR  
LAW ENFORCEMENT FACILITY**

RESOLUTION NO. 134-07, moved by Mr. Shipley, seconded by Mr. Reynolds and adopted by 750 ayes.

WHEREAS, the staffing required to perform the tasks associated with the cook's duties requires staffing coverage for a minimum twelve hours per day, seven days a week for a total of 84 hours per week; and

WHEREAS, one full-time cook does not provide sufficient coverage; and

WHEREAS, the addition of another full-time cook would provide the necessary coverage with part-time cooks to provide coverage for the 4 hours per week plus time off, including vacation; and

WHEREAS, this will provide continuity and potentially address the need for an additional cook as the inmate population increases; now therefore be

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the creation of a second full time cook for the Seneca County Sheriff's Law Enforcement facility effective immediately at an hourly rate of \$11.249.

**RESOLUTION AWARDDING CONTRACT FOR LANDSCAPING AT THE SENECA COUNTY LAW ENFORCEMENT CENTER**

RESOLUTION NO. 135-07, moved by Mr. Shipley, seconded by Mr. Mooney and adopted by 750 ayes.

WHEREAS, three quotes were received for landscaping services at the Law Enforcement Center with the lowest quote received from DeMaria Nurseries LLC, Geneva NY, in the amount of \$15,000, which includes 36 Bradford pear trees, 4 red maple trees 110 pivots and mulch and delivery; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby accept the quote from DeMaria's Nurseries LLC in the amount of \$15,000 to be paid from the jail capital project construction account.

**SUPERVISORS AUTHORIZE E-911 COORDINATOR TO SIGN ONSTAR PRIORITY PSAP ACCESS PROPOSAL**

RESOLUTION NO. 136-07, moved by Mr. Shipley, seconded by Mr. Davidson and adopted by 750 ayes.

WHEREAS, OnStar now has the capability of passing a call, previously screened by OnStar employees, directly to a designated PSAP; and

WHEREAS, this new technology will improve the speed in which a call is dispatched and provide the 911 call taker/dispatcher with a more accurate location of the incident and complete details of the injuries; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes the E-911 Coordinator to sign the OnStar's Priority PSAP Access Proposal.

**RESOLUTION RECLASSIFY BOAT PATROL OFFICER TO NAVIGATION OFFICER**

RESOLUTION NO. 137-07, moved by Mr. Shipley, seconded by Mr. Mooney and adopted by 750 ayes.

WHEREAS, the NYS Navigation Law requires navigation officers to be certified through New York State as a peace officer; and

WHEREAS, in order to receive state reimbursement, individuals serving in this capacity shall meet and be qualified as peace officers; and

WHEREAS, the navigation officer is responsible for safety of the public and enforcement of all navigation laws on NYS waterways in Seneca County, including Seneca Lake, Cayuga Lake and the Barge Canal; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby reclassify the position of boat patrol officer to Navigation officer to meet state qualifications at an hourly rate of \$12.669 per hours with reimbursement for 2007 up to 75% of the cost effective immediately.

**RESOLUTION RECLASSIFYING TWO CORRECTION OFFICER POSITIONS TO SENIOR CORRECTION OFFICER POSITIONS**

RESOLUTION NO. 138-07, moved by Mr. Shipley, seconded by Mr. Lafler and adopted by 750 ayes.

WHEREAS, the use of a correction officer to fill a supervisory senior correction office position will no longer be permitted; and

WHEREAS, by reclassifying two correction officer positions to senior correction officers, it will be more cost effective than having to pay overtime cost for the coverage of supervision shifts; and

WHEREAS, this allows the County to maintain minimum staffing requirements established by the Commission of Corrections, including supervision without adding additional staff at this time; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby re-classify two existing Correctional Officer positions to Sr. Corrections Officers at a cost of \$ .437 per hour for a total annual cost of \$1,286.

**SUPERVISORS PROCLAIM JUNE 15, 2007 AS ELDER ABUSE AWARENESS DAY**  
RESOLUTION NO. 139-07, moved by Mr. Mooney, seconded by Mr. Shipley and adopted by 750 ayes.

WHEREAS, the Finger Lakes Elder Abuse Coalition along with the Seneca County Office for the Aging and the Seneca County Division of Human Services seek to educate the general public on issues of elder mistreatment; and

WHEREAS, people who are elderly have contributed to the general welfare of Seneca County by helping to preserve customs, values and traditions of many people from diverse backgrounds; and

WHEREAS, these residents are vital and integral members of our society and their wisdom and experience have enriched our lives; and

WHEREAS, abuse of the elderly in domestic and institutional settings is a widespread problem, affecting hundreds of thousands of people across the country; and

WHEREAS, according to the National Center on Elder Abuse, it is estimated that only 1 in 5 cases of elder abuse is reported because the elderly who are being abused find it very difficult to tell anyone and are often ashamed and sometimes afraid; and

WHEREAS, elder abuse happens to men and women of all income levels, all cultural and ethnic groups, whether they are in good health or incapacitated in some way, in rural or urban neighborhoods; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby proclaim the day of June 15, 2007 Elder Abuse Awareness Day in Seneca County, and urge all citizens to work together to help reduce abuse and mistreatment of people who are elderly.

Mr. Kaiser moved to suspend the rules of order to introduce resolutions not previously filed. Mr. Mooney seconded the motion. The motion was carried.

**RESOLUTION REQUESTING CONTINUED SUPPORT FOR AN  
IMMIGRATION REFORM BILL**

RESOLUTION NO. 140-07, moved by Mr. Kaiser, seconded by Mr. Shipley and adopted by 679 ayes, and 71 nays (Lafler).

WHEREAS, Seneca County has a large number of dairy, fruit, vegetable, grape, and nursery farms that rely heavily on foreign labor to perform the tasks needed to plant, cultivate and harvest the crops; and

WHEREAS, Seneca County Farmers and their employees, including migrant and seasonal labor, spend their money locally; and

WHEREAS, if a guest worker provision for agriculture is not included in the final immigration reform package, there will be a detrimental impact on the economy in Seneca County; and

WHEREAS, the region's wine industry has been flourishing and has become a staple of the area's economy and a stimulant to the tourism industry; and

WHEREAS, the Seneca County Board of Supervisors support the following provisions to be included in a final immigrant labor bill:

1. Provide an un-capped number of temporary worker visas that each lasts several years and is renewable multiple times but eventually ends

2. Not impose more stringent requirements on agriculture than other sectors including housing, transportation payment guarantees and the hiring of workers after the contract period has begun

3. Increase enforcement of immigration and nationality laws only as part of the temporary worker program; and offer a legitimate and fair opportunity for some agricultural workers already working in this country to apply for a permanent resident visa

4. Support legislation that tightens border security while creating a workable mechanism for agriculture labor needs

5. Support an immigration reform program that includes agriculture, which would allow agricultural employers a legal and efficient means of employing seasonal and year round labor

6. Support passage of legislation that reforms the H2a program and provides for an earned adjustment of status

NOW, THEREFORE BE IT RESOLVED, that the Chairman of Seneca County Board of Supervisors is hereby authorized and directed to execute a letter on behalf of the Seneca County Board of Supervisors to Senator Charles Schumer, Senator Hillary Rodham Clinton, Senate Majority Leader Harry Reid, Congressman Michael Arcuri, and House Speaker Nancy Pelosi requesting continued support for an immigration reform bill that includes a guest worker provision for agriculture.

**RESOLUTION ABOLISHING A FULL-TIME YOUTH PROGRAM COUNSELOR  
POSITION IN THE YOUTH BUREAU AND CREATING A FULL-TIME PROBATION  
OFFICER TRAINEE POSITION IN THE PROBATION DEPARTMENT**

RESOLUTION NO. 141-07, moved by Mr. Mooney, seconded by Mr. Robinson and adopted by 750 ayes.

WHEREAS, the Pre-Trial Diversion Program and Youth Counselor position currently providing pre-trial services is currently located within the Youth Bureau; and

WHEREAS, the focus of the Youth Bureau should be youth development; and

WHEREAS, the juvenile justice program would be a better fit in the Probation Department; and

WHEREAS, in an effort to place services which are closely related into one department for better coordination and consistency, the Commissioner of Human Services, Director of Youth Bureau and Probation Director have recommended that the full-time Youth Program Counselor position be abolished, and a full-time Probation Officer Trainee position be created and the functions be transferred to the Probation Department; and

WHEREAS, the Criminal Justice Advisory Board has recommended that the County implement an anger management program for individuals arrested for domestic violence and other offenses, and that these individuals would be better served by these services instead of serving jail time; and

WHEREAS, an anger management program will be implemented by the new Probation Officer Trainee; and

WHEREAS, no additional costs will be incurred for reassigning the position to the Probation Department and adding the additional duties; and

WHEREAS, there is potential for decreasing the inmate population and the jail facility through implementation of the anger management program; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the transfer of the Pre-Trial Program to the Seneca County Probation Department; and be it

FURTHER RESOLVED, that the Seneca County Board of Supervisors does hereby abolish the position of Youth Counselor in the Youth Bureau and create the position of Probation Officer Trainee in the Probation Department effective immediately.

Unfinished Business:

Mr. Same made a motion to take from the table the below resolution. Mrs. Amidon seconded the motion. The motion was carried. A discussion ensued.

Dr. Dresser called the Question.

Chairman Barto requested a roll call vote. Mr. Shipley voted nay stating that he felt any salary increase should be done at budget time.

**SUPERVISORS AUTHORIZE PROVIDING MARKET RATE SALARIES  
FOR CERTAIN EMPLOYEES**

RESOLUTION NO. 142-07, moved by Mr. Same, seconded by Mrs. Amidon and adopted by 477 ayes (Same, Amidon, Barto, Davidson, Dresser, Kaiser, Lafler, Teichner, Robinson), 213 nays (Reynolds, Smith, Anglim, Shipley), and 60 abstentions (Mooney).

WHEREAS, there are five titles currently held by employees who have been performing the duties of Deputy Election Commissioner (Rep), Personnel Technician, Personnel Aide, Employee Benefit's Assistant and Tourism Director; and

WHEREAS, these five employees are below the market rate for said titles; and

WHEREAS, these employees holding these titles should be at the Market Rate (under AMTEK); and

WHEREAS, funding will be from the contingent (1990-4700) as follows: total costs in each category: Wages (\$7,388); Social Security (\$462); Medicare (\$112); Workers Comp (\$76); Retirement (\$777); for a total of (\$8,815) for all but the Employee Benefit's Assistant which will be covered within the Insurance and Workers comp budget; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the salary increases for the above positions for conformance with AMTEK at market rate effective May 22, 2007; and be it

FURTHER RESOLVED, that the Seneca County Treasurer is hereby authorized and directed to amend the 2007 Seneca budget as follows:

Decrease contingent fund account 1990.470 - \$8,815

Increase appropriation accounts as follows:

1430.110 - Personnel Technician line item - \$1,205

1430.110 - Personnel Aide line item - \$1,887

1450.110 - Elections Deputy Election Commissioner (Republican) - \$1,887

8021.110 -Tourism Director - \$2,409

1430.810 - Personnel retirement - \$325

1430.830 - Personnel Social Security – \$194

1430.840 - Personnel Workers Comp - \$32

1430.870 - Personnel Medicare - \$48  
1450.810 - Elections retirement - \$198  
1450.830 - Elections social security - \$118  
1450.840 - Elections Workers comp - \$19  
1450.870 - Elections Medicare - \$29  
8021.810 - Tourism retirement - \$254  
8021.830 - Tourism Social Security - \$150  
8021.840 - Tourism Workers Comp - \$25  
8021.870 - Tourism Medicare - \$35

New Business:

Dr. Dresser moved to enter executive session for the purpose of holding discussions regarding proposed, pending or current litigation. Mr. Lafler seconded the motion. The motion was carried. The Board of Supervisors convened in executive session at 7:55 p.m.

At 9:14 p.m. the Board of Supervisors reconvened in regular session.

Mr. Same requested that it be noted in these minutes, he was not the north supervisors referred to in a newspaper report that quoted Mrs. Teichner as saying that a north supervisor commented to her that opposition to the landfill expansion would result in discontinued support from Seneca Meadows.

Special Order of the Day

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

**11. Unfinished Business**

**12. New Business:**

**13. Special Order of the Day**