

Seneca County Board of Supervisors

Regular Meeting

June 26, 2007

7:00 p.m.

Call to Order

Chairman Barto called the meeting to order at 7:05 p.m.

Roll Call of Members by the Clerk

Thirteen members of the Board of Supervisors answered roll call. Mr. Anglim was not present.

Pledge of Allegiance and Moment of Silence

Presentations / Petitioners

Chairman Barto recognized the following Seneca County residents, who spoke against settlement with the Cayuga Nation. Mike Shaffer, a convenience store operator; Bob Apgar, proprietor of a liquor store, Preet Bajwa, convenience store / gas station owner; and Richard Ricci, former County Supervisor and ex-officio member of the Board of Supervisors Native American Affairs Committee.

Reports of Standing Committees

Public Works Committee – Mr. Davidson, Chairman, reported that the committee was recommending an adopted resolution to accept the bid for aggregate material under the highway department.

Personnel & Information Technology Committee – Mr. Reynolds, Chairman, reported that the committee was recommending that the Board of Supervisors adopt a resolution to refill the Systems Administrator position in the Information Technology Department.

Public Safety Committee – Mr. Shipley, Chairman, reported that the committee was recommending the resolution be adopted, in support of the NYS bill known as the “Tiffany Heitkamp’s Law”, which would allow for stiffer penalties and process an individual as a second time offender, if he/she has previously been convicted of another alcohol related offense.

Human Services Committee – Mr. Mooney, Chairman, reported that the committee discussed the realignment of staff and services in Youth Bureau and Workforce Development departments to better administer services to county residents and especially count youth.

Native American Affairs Committee – Dr. Dresser, Chairman, reported that two land purchases were made by the Cayuga Indian Nation. 181 acres on the north side of East Bayard St., just past ITT Goulds, in Seneca Falls; and 8.5 acres south of Union Springs in Cayuga County. The committee made a recommendation for a board resolution at the July 10 board meeting, that if the proposed settlement with the Cayuga Nation were to be accepted, Seneca County and each affected municipality shall receive payment each year in an amount equal to the actual loss of property taxes attributable to land having been

placed into restricted fee status for the Cayuga Indian Nation. A copy of said report was filed with the Office of the Clerk of the Board of Supervisors.

Public Health Services Committee – Mr. Lafler, Chairman, reported that the committee recommended board authorization for the purchase of a copier for the Environmental Health and Code Enforcement departments. The committee also recommended a board resolution authorizing an agreement with the county school districts to allow the health department and the office of emergency management to utilize resources of the various school districts in the case of an emergency.

Government Operations Committee – Mr. Smith, Chairman, reported that the committee recommended a board resolution authorizing the Sheriff Department to provide security for the County Office Building and Health Building until the December 31, 2007, and security equipment to be purchased for security.

Chairman's Remarks

Chairman Barto's remarks: "Grassroots Democracy Can Make A Difference". Following is an excerpt from his remarks. A complete copy was filed with the Office of the Clerk of the Board of Supervisors.

Regardless of where you stand on the resolution of the Cayuga Indians' trust application, the participation of town boards and private citizens in the current decision-making process has been a valuable exercise in grassroots democracy. Every human being deserves a say in the decisions that affect their lives and not be subject to the will of another.

With that in mind, I am pleased to note that Seneca County has put forth a number of initiatives to increase public participation and to ensure that our public representatives are fully accountable to the people who elect them.

Our county has a number of citizens' advisory boards....and currently, a County Manager Search Committee.

We have encouraged public comment on major areas of county concern...a recent public hearing on the Indian trust proposal, and in November, a public referendum on the county manager term of office. These special proceedings are in addition to our regular board meetings, where petitioners are always welcome to address the board.

To quote an old African proverb, "If you think you are too small to make an impact, try sleeping in a room with a few mosquitoes.

County Manager's Remarks

County Manager Secor introduced Dieter Ryrko, the newly appointed Director for the department of Information and Technology

Communications

The following communications were received and filed:

152. From NYS Office for the Aging, copies of official copies of approved Notifications of Grant Awards for The Transportation Program for April 1, 2007 – March 31, 2008; the Long Term Ombudsman Program Support Agreement for April 1, 2007 – March 31, 2008; and the Older Americans Act Title VII program for January 1, 2007 – December 31, 2007.

153. A copy of minutes from the Seneca County Planning Board meeting held on May 10, 2007

154. A copy of minutes from the E911 Advisory Board meeting held on May 8, 2007.

155. A copy of Resolution #51-07, adopted by the Town Board of Romulus, NY, requesting the Seneca County Board of Supervisors to reject the proposed settlement agreement regarding the Cayuga Indian Trust application.

The following communications were received and referred to committee:

156. From Marlene S. Koberg, Seneca Lake Star Fleet, a letter dated June 15, 2007, requesting assistance from the County in promoting the International Star Class Yacht Racing Association Western Hemisphere Championship from May 19 to May 24, 2008. Referred to the Planning, Development, Agriculture & Tourism Committee.

157. A copy of Resolution No. 225, adopted by the Genesee County Legislature opposing Assembly Bill A.8703, which, “relates to the function of industrial development agencies...and makes certain provisions of law permanent”. Referred to the Planning, Development, and Agriculture & Tourism Committee for June 26, 2007.

Resolutions and Motions

ACCEPT SEALED BID FOR TAX SALE PARCEL

RESOLUTION NO. 156-07, moved by Mr. Mooney, seconded by Mr. Same and adopted by 679 ayes (Mooney, Same, Reynolds, Barto, Smith, Davidson, Dresser, Kaiser, Lafler, Amidon, Teichner, Shipley, Robinson) and 71 absentees (Anglim).

RESOLVED, upon the recommendation of the Finance, Assessment & Insurance Committee, that the bid for the foregoing property received from W. Michael & Patricia Bowen, 3253 Demont Rd. Seneca Falls, N.Y. 13148, is accepted and the Seneca County Treasurer be authorized and directed to accept the bid and convey by deed to the parties named below in the manner provided by law all the right, title and interest of the County of Seneca in the described Tax Sale parcel held by the County of Seneca upon payment of the amount of \$502.00, which includes:

Past due taxes in the amount of \$1997.44.

Current taxes are not included.

Purchaser / Address: W. Michael & Patricia Bowen, 3253 Demont Rd. Seneca Falls, N.Y. 13148

Formerly Owned by: Seneca County

Town of Waterloo

Tax Map No. 03-2-28 Containing .23 Acres.

This resolution to be effective for 30 days.

**BOARD OF SUPERVISORS SUPPORTS CONSULTANT SELECTION FOR THE ROUTE
96/318 HIGHWAY CORRIDOR STUDY**

RESOLUTION NO. 157-07, moved by Mr. Kaiser, seconded by Mr. Smith and adopted by 679 ayes (Kaiser, Smith, Reynolds, Barto, Davidson, Dresser, Same, Lafler, Amidon, Teichner, Mooney, Shipley, Robinson) and 71 absentees (Anglim).

WHEREAS, the Genesee Transportation Council (GTC) has awarded planning funds for the completion of a Highway Corridor Study for the Route 96 and Route 318 Corridor area located between Thruway Exit 43 and State Route 89; and

WHEREAS, Ontario County will serve as lead agency for this Two County, Six Town, and Three Village planning process; and

WHEREAS, Ontario County as Lead Agency will receive all funds from GTC, and sign contracts with Consultants selected; and

WHEREAS, the Request for Proposal as posted in the NYS contract Reporter on March, 26, 2007, resulted in eight proposals being received; and

WHEREAS, representatives of the Ontario County Planning Department, the Seneca County Department of Economic Development and Planning, the Genesee Transportation Council reviewed proposals for completeness and selected four firms to be interviewed; and

WHEREAS, a consultant selection interview team, which included representation from the Town of Junius, the Town of Tyre, the Seneca County Department of Economic Development and Planning, as well as representatives from State DOT, GTC, Ontario County Planning and Corridor Municipalities in Ontario County, interviewed the four firms on May 17, 2007; and

WHEREAS, the consultant selection team chose Bergmann Associates because of their plan for public participation, the way they proposed to group communities along the corridor, and their familiarity with the area; and

WHEREAS, Seneca County's contribution will be In-kind staff time and activities of the Economic Development and Planning staff; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on June 12, 2007; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors supports the use of Bergmann Associates as the Consultants for the Routes 96 and 318 Highway Corridor Study.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF ERIE FOR THE
WEST NILE VIRUS SURVEILLANCE PROGRAM**

RESOLUTION NO. 158-07, moved by Mr. Lafler, seconded by Mrs. Teichner and adopted by 679 ayes (Lafler, Teichner, Reynolds, Barto, Smith, Davidson, Dresser, Kaiser, Same, Amidon, Mooney, Shipley, Robinson) and 71 absentees (Anglim).

WHEREAS, the Health Department has contracted with the County of Erie to provide laboratory services for the West Nile Virus Surveillance Program for several years; and

WHEREAS, the Vector and Pest Field Laboratory within the Department of Health for Erie County will provide mosquito identification and quantification for mosquitoes trapped by the Environmental Health Sanitarians; and

WHEREAS, the Department will continue to use four traps at various locations throughout the County; and

WHEREAS, the cost for this service is \$2,400 (four traps at \$600 per trap); and

WHEREAS, the cost for this service is included in the Public Health Budget 10-115-5-4011-4370; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign a contract with the County of Erie for this service.

**SUPERVISORS APPROVE PROMOTION OF FULL-TIME DISPATCHER TO FULL-TIME
SUPERVISOR POSITION WITHIN THE SENECA COUNTY E-911 CENTER**

RESOLUTION NO. 159-07, moved by Mr. Shipley, seconded by Mr. Mooney and adopted by 679 ayes (Shipley, Mooney, Reynolds, Barto, Smith, Davidson, Dresser, Kaiser, Same, Lafler, Amidon, Teichner, Robinson) and 71 absentees (Anglim).

WHEREAS, the Seneca County E-911 Center is requesting to promote one full-time dispatcher to the position of full-time supervisor (promotion from valid civil service list); and

WHEREAS, the money for this promotion has already been appropriated in the 2007 budget (line item 10-110-5-3020.1100; and)

WHEREAS, this promotion will allow additional flexibility in the supervision schedule and provide continuous supervision on all shifts; now therefore be it

RESOLVED, the Board of Supervisors does hereby approve the promotion of one full-time Dispatcher to full-time Supervisor from the valid Civil Service list.

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW NO. B OF THE YEAR 2007
PROVIDING FOR THE ADMINISTRATION AND OPERATION OF THE SENECA COUNTY
CRIMINAL JUSTICE ADVISORY BOARD AND PROVIDING FOR PUBLIC HEARING**

RESOLUTION NO. 160-07, moved by Mr. Shipley, seconded by Mrs. Amidon and adopted by 679 ayes (Shipley, Amidon, Reynolds, Barto, Smith, Davidson, Dresser, Kaiser, Same, Lafler, Teichner, Mooney, Robinson) and 71 absentees (Anglim).

WHEREAS, it has been recommended by the Board of Supervisors' Public Safety and Jail Construction committee that it is in the best interests of the county that there be introduced a local law providing for the administration and operation of the Seneca County Criminal Justice Advisory Board; now, therefore, be it

RESOLVED, that proposed Local Law No. B of the year 2007 entitled "A Local Law Providing for the Administration and Operation of the Seneca County Criminal Justice Advisory Board" be and the same is hereby introduced before the Board of Supervisors of Seneca County, New York; and be it

FURTHER RESOLVED, that copies of the aforesaid proposed local law be laid upon the desks of each member of the county board; and be it

FURTHER RESOLVED, that the county board hold a public hearing on said proposed local law at the County Office Building, 1 DiPronio Drive, Waterloo New York at 7:00 p.m. on the 24th day of July, 2007; and be it

FURTHER RESOLVED, that the Clerk to the Board publish or cause to be published a notice of said public hearing in the official newspaper of the county at least ten (10) days prior thereto.

REFILL SYSTEMS ADMINISTRATOR IN THE IT DEPARTMENT, JULY, 2, 2007 (AS AMENDED)

RESOLUTION NO. 161-07, moved by Mr. Reynolds, seconded by Mrs. Teichner and adopted by 679 ayes (Reynolds, Teichner, Barto, Smith, Davidson, Dresser, Kaiser, Same, Lafler, Amidon, Mooney, Shipley, Robinson) and 71 absentees (Anglim).

WHEREAS, Joan Keebler, the current Systems Administrator in the IT department is retiring as of June 29, 2007; and

WHEREAS, this position is critical to the county in its performance of the following duties: Payroll - W2's; Support all financial/payroll/purchasing functions; User administration - permissions budgeting and accounting software; Add new users/set security; Budgeting and accounting software (ACS) updates; Set up new year and budget process and provide assistance with budget compilation; Magnetic media state quarterly; Special requests for programming & file transfers; Election dept - file transfer; Real property software (RPS) - reports, labels, tax rolls/assessment rolls, tax bills, media file; Insurance refunds – payroll; 1099's; Phone system maintenance; Programming (general); Special requests using the RPS files; Change tape backups/ take off site; Self insurance; Department billing reports; Managing data processing it staff/resources under director supervision; Computer operations, general system; Retirement magnetic media; Direct deposit; Telephone maintenance/support; Track-it (help desk

support) and programming; Closing year - this includes vendors, accounts and projects; Special reports and programs as requested; and

WHEREAS, with a newly hired IT Director, this position is necessary to be refilled to maintain the business operations of the county; and

WHEREAS, there are available funds in the IT budget in account 10-101-5-1680-1-100 for severance and wages; now therefore be it

RESOLVED, that the Board of Supervisors recognizes the criticality of this position and approves refilling the position immediately in order to maintain business operations for the county based on committee approval; and be it

FURTHER RESOLVED, that any positions vacated due to promotion into this position be refilled immediately.

Prior to the adoption of Resolution No. 161-07, Mr. Reynolds made a motion to amend the pre-filed resolution by inserting the FURTHER RESOLVED clause. Mrs. Amidon seconded the motion. The motion was carried.

CHAIRMAN OF THE BOARD AUTHORIZED TO SIGN SNOW AND ICE AGREEMENT

RESOLUTION NO. 162-07, moved by Mr. Davidson, seconded by Mrs. Amidon and adopted by 679 ayes (Davidson, Amidon, Reynolds, Barto, Smith, Dresser, Kaiser, Same, Lafler, Teichner, Mooney, Shipley, Robinson) and 71 absentees (Anglim).

WHEREAS, the New York State Commissioner of Transportation and Seneca County have entered into an Agreement No. D089860 entitled "Snow and Ice Agreement between the New York State Department of Transportation and Seneca County; and

WHEREAS, the term of the said Agreement is for a period of three years commencing March 11, 1975 and the said Agreement provides that the parties may at the end of each year of the term of the Agreement extend such term for an additional year; and

WHEREAS, this agreement has been regularly extended since the original term; and

WHEREAS, the present term of the Agreement, as extended, expires June 30, 2007; and

WHEREAS, Section 7 of the said Agreement provides that the Commissioner of Transportation shall furnish the County with a map for each term of the Agreement or for any extended term thereof, modified to show the changes, if any, to the State Highways affected by this Agreement; and

WHEREAS, Section 10 of the said Agreement provides for an annual update of the estimated expenditure to be determined by the Commissioner subject to the provisions of Section 10 at the time for extension of the Agreement; now, therefore be it

RESOLVED, that the aforementioned "Snow and Ice Agreement Between New York State Department of Transportation and the County of Seneca is hereby extended for a period of one year, now to expire June 30, 2008, unless further extended; and be it

FURTHER RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign an agreement on behalf of the County of Seneca with the New York State Department of Transportation to extend the Municipal Snow and Ice Agreement for the 2007/2008 season.

Mr. Smith made a motion to Suspend the Rules of Order to introduce resolutions not previously filed. Mr. Same seconded the motion. The motion to Suspend the Rules of Order was carried.

RESOLUTION AUTHORIZING TREASURER TO AMEND 2007 BUDGET AND PAYMENT FOR POLLING PLACE ACCESS IMPROVEMENT FOR BOARD OF ELECTIONS

RESOLUTION NO. 163-07, moved by Mr. Smith, seconded by Mr. Kaiser and adopted by 679 ayes (Smith, Kaiser, Reynolds, Barto, Davidson, Dresser, Same, Lafler, Amidon, Teichner, Mooney, Shipley, Robinson) and 71 absentees (Anglim).

WHEREAS, The Seneca County Board of Elections applied for and received a grant to provide handicapped accessibility to all election polling districts within the County; and

WHEREAS, the Election Commissioners have retained a firm that completed an assessment and provide recommendations for the compliance; and

WHEREAS, The Election Commissioners authorized purchase of necessary equipment and supplies and were then notified that the County was required to pay the vendor and then submit the appropriate documentation to receive the reimbursement; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Treasurer to amend the 2007 Seneca County budget as follows:

Add appropriation account 1450.459 – access improvements - \$12,933

Add revenue account 3989 – State-aid access improvements - \$12,933; and be it

FURTHER RESOLVED, that the Seneca County Treasurer is hereby authorized and directed to pay Inclusion Solutions, LLC – 6909 N. Western Avenue, Chicago, IL 60645-4710 the sum of \$12,932.95 from account 1450.459 for Polling place access improvement equipment and supplies from State Contract T002661.

SUPERVISORS AUTHORIZATION OF SETTLEMENT OF FLYNN LITIGATION

RESOLUTION NO. 164-07, moved by Mr. Mooney, seconded by Mr. Same and adopted by 679 ayes (Mooney, Same, Reynolds, Barto, Smith, Davidson, Dresser, Kaiser, Lafler, Amidon, Teichner, Shipley, Robinson) and 71 absentees (Anglim).

WHEREAS, Mitchell A. Flynn individually and on behalf of Brenden S. Flynn, Brenden S. Flynn and Mary Jo Doris Flynn, commenced a civil action against the County of Seneca and others, for damages resulting from an accident which occurred o May 31, 2002; and

WHEREAS, it has been determined, that it is in the best interest of the County of Seneca and serves the interests of justice to resolve the aforesaid action; and

WHEREAS, it is the conclusion of the Board of Supervisors that settlement of said claims and the final resolution of said claims without proceeding to trial is in the best interest of the County of Seneca; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize payment for settlement of said litigation; and be it

FURTHER RESOLVED, that the attorneys for the County of Seneca are hereby authorized to enter into and execute a Stipulation of Discontinuance in said action upon payment of said authorized settlement funds; and be it

FURTHER RESOLVED, that the Seneca County Treasurer is hereby authorized and directed to issue a check payable to Williamson, Clune & Stevens, as attorneys for Mitchell A. Flynn, Brenden S. Flynn and Mary Jo Doris Flynn to be paid from the Insurance Reserve Fund, upon execution by all parties of aforesaid documents; and be it

FURTHER RESOLVED, that pursuant to the order of the Supreme Court in a related matter the terms of the settlement shall remain confidential pending further order of the court.

As no further business was brought before the Board, Mr. Lafler moved the meeting adjourned at 7:48 p.m.

At 9:20 p.m., the Board of Supervisors reconvened under the Rules of Order. Twelve supervisors answered the roll call. Mr. Davidson and Mr. Anglim were absent.

Mr. Shipley made a motion to Suspend the Rules of Order to introduce proposed resolutions recommended by the Native America Affairs Committee. Mr. Same seconded the motion. The motion to Suspend the Rules of Order was carried.

REQUEST FEDERAL REPRESENTATIVES TO OPPOSE LAND-IN-TRUST PROCESS AND ASSIST IN OBTAINING HOLD HARMLESS MEASURES

RESOLUTION NO. 165-07, moved by Dr. Dresser, seconded by Mr. Shipley and adopted by 648 ayes (Dresser, Shipley, Reynolds, Barto, Smith, Kaiser, Same, Lafler, Amidon, Teichner, Mooney, Robinson) and 102 absentees (Davidson and Anglim).

RESOLVED, that the Seneca County Board of Supervisors call upon Congressman Arcuri and Senator Clinton to join Senator Schumer in openly opposing the trust process in our county and that they

both assist Seneca County in obtaining better “Hold Harmless” measures specifically geared towards out businesses as well as our taxpayers; and be it

FURTHER RESOLVED, that certified copies of this resolution be sent to said federal representatives.

REQUEST GOVERNOR AND STATE REPRESENTATIVES TO COLLECT SALES AND USE TAX ON SALES BY NATIVE AMERICANS TO NON-NATIVE AMERICANS

RESOLUTION NO. 166-07, moved by Dr. Dresser, seconded by Mr. Mooney and adopted by 648 ayes (Dresser, Mooney, Reynolds, Barto, Smith, Kaiser, Same, Lafler, Amidon, Teichner, Shipley, Robinson) and 102 absentees (Davidson and Anglim).

RESOLVED, that the Seneca County Board of Supervisors requests our state representatives and governor to take all necessary steps to collect all sales and use taxes on sales by Native Americans to non-Native American; and be it

FURTHER RESOLVED, that certified copies of this resolution be sent to New York State Governor Eliot Spitzer, New York State Senator Michael Nozzolio, and New York State Assemblyman Brian Kolb.

SUPERVISORS ENDORSE CITIZENS ADVISORY GROUP

RESOLUTION NO. 167-07, moved by Dr. Dresser, seconded by Mr. Robinson and adopted by 648 ayes (Dresser, Robinson, Reynolds, Barto, Smith, Kaiser, Same, Lafler, Amidon, Teichner, Shipley, Mooney) and 102 absentees (Davidson and Anglim).

RESOLVED, that the Seneca County Board of Supervisors does hereby endorse the formation of a citizens advisory group for the purpose of reviewing the proposed settlement from the Cayuga Indian Nation and advising the county board of supervisors as it attempts to respond to the Cayugas’ trust application; including ways to help the county find a better way to compensate businesses and residents for tax revenue lost if land is taken into federal trust.

New Business

Mrs. Amidon, Supervisor, Town of Tyre, and Mr. Smith, Supervisor, Town of Junius, said that at their respective town meetings, the Cayuga Nation proposed settlement was defeated by their town boards.

Mr. Lafler said that he thought it was better that the settlement proposal was not brought before the Board of Supervisors because Mr. Davidson and Mr. Anglim were not present.

Russ Wheeler, Seneca County resident, was recognized by Chairman Barto. Mr. Wheeler said he would like the name of the Native American Affairs Committee changed to the American Indian Affairs Committee because he thought the words “native” and “American” was misleading since any person born in the United States was a native American.

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