

Seneca County Board of Supervisors

Regular Meeting

July 24, 2007

Call to Order

Chairman Barto called the meeting to order at 7:17 p.m.

Roll Call of Members by the Clerk

Thirteen members of the Board of Supervisors answered roll call. Mr. Lafler was absent.

Pledge of Allegiance and Moment of Silence

Public Hearing

Public Hearing: regarding the adoption of a proposed Local Law No. B of the County of Seneca for the year 2007, Providing for the Administration and Operation of the Seneca County Criminal Justice Advisory Board. Mr. Mooney made a motion to open the floor for any resident of the County. Mr. Same made a second to the motion. The motion carried. No public comment was heard. Mrs. Amidon made a motion to close the public hearing. Mr. Mooney seconded the motion. The motion was carried and the public hearing was closed.

Presentations

Volunteer Income Tax Assistance (VITA) - Several volunteers were recognized for their work under the VITA program for Seneca County. VITA is a free IRS sponsored program to help low- and medium-income workers to have their taxes prepared and electronically filed at no cost and it ensures that workers receive all the tax credits to which they are entitled.

Petitioners

a. Here 4 You, Cliff Irwin, Chairman, was granted privilege of the floor. Here 4 You is a collaborative effort among Seneca County residents to provide care packages for local military personnel currently deployed overseas. Mr. Irwin appeal for donations of health and wellness items to be included in the care packages and monetary donations to be used to cover the shipping and handling costs to mail the packages.

Reports of Standing Committees

Personnel & Technology Committee, Mr. Reynolds, Chairman, reported that the committee received four policies to review for Seneca County personnel and the committee recommended the acceptance of \$4,000 in a grant from DCJS for the District Attorney Retention Program.

Native American Affairs Committee, Dr. Dresser, Chairman, reported that meetings with the Seneca County and Cayuga County legislative representatives were on-going. The purpose of the meetings was to develop a common response to the settlement proposed to resolve the trust applications of the Cayuga Indian Nation. Dr. Dresser also reported that the Cayuga Nation submitted an amendment

to the current settlement proposal, being that the counties' had the right to veto Class II gaming in the counties. A complete copy of Dr. Dresser's report was filed with the Office of the Clerk of the Board.

Planning, Development, Agriculture & Tourism Committee, Mr. Kaiser, Chairman, reported that the job description for a Director of Seneca County Planning and Development was currently being reviewed by Frank Sinicropi, Personnel Director. Mr. Kaiser said that a meeting of the committee would be scheduled, if possible, before August 14 to continue discussion about the position.

Government Operations Committee, Mr. Smith, Chairman, reported that the committee recommended that the local law regarding mass gatherings be waived during Empire Farm Days by a board resolution.

Public Works Committee, Mrs. Teichner, Vice-Chairwoman, reported that the committee reviewed and recommended for approval by the Board of Supervisors, to extend the bid agreement for hot mix asphalt concrete for another year, and the purchase of a S220 Bobcat Skid-Steer loader.

Inter-County Committee, Mrs. Teichner, Chairwoman, reported that the meeting of the Inter-County of Western New York was hosted by Seneca County. She said the participants heard a presentation about our E911 division by Toni Smith, E911 Coordinator and toured the E911 facility. Mrs. Teichner said the meeting was a success.

Public Safety Committee, Mr. Shipley, Chairman, urged the public to contact our state representatives to enforce the collection of sales tax on gasoline and cigarette purchases by non-Indian consumers from Indian owned businesses.

Chairman's Remarks

The focus of Chairman Barto's remarks was Middle Class Property Tax Relief, of which an excerpt is following. A complete copy of his remarks was filed with the Office of the Clerk to the Board of Supervisors.

As noted recently on our Seneca County website, I would like to take this time to remind our resident homeowners that they will soon receive letters with important information on how to get their property tax rebate check. It is part of the existing state School Tax Relief (STAR) Program. Seniors 65-years or older who receive the enhanced STAR exemption will receive their STAR rebate check automatically.

I am happy to report that additional property tax relief may be coming. It is my understanding that State Senator Michael Nozzolio and his colleagues in the State Senate have passed legislation to double the size of direct property tax rebate checks for senior citizen homeowners this year, and triple the size of property tax rebate checks for all homeowners in 2008.

Seneca County has worked hard over the years to keep property taxes low. Even in years with double digit tax increases in neighboring counties, caused by state mandates, our county was able to hold the line more often than not and keep property taxes low.

As former U.S. Senator Bob Dole said, "The purpose of a tax cut is to leave more money where it belongs: in the hands of the working men and working women who earned it in the first place."

Speaking for the Board of Supervisors, I promise that we will continue to do what we can to keep that money where it belongs, with you the taxpayer.

County Manager's Remarks

Ms. Secor reported that the meetings with the Chamber of Commerce and SCACOT were on-going to develop a comprehensive strategic plan for tourism

Communications

The following communications were received and filed:

169. From Seneca County Airport Advisory Committee, a letter dated July 5, 2007, recommending the Board of Supervisors adopt a resolution to approve the amended consulting agreement with C&S, and to approve Change Orders 1 & 2 for the Chadwick Road relocation; and to reject Donald McMann's expansion proposal at the Finger Lakes Regional Airport.

170. A copy of minutes of the E911 Advisory Board meeting July 10, 2007

171. From the Town of Varick, a copy of a resolution adopted by the town board opposing the proposed settlement of the Cayuga Indian Trust Application in its present form and oppose any negotiations with the state until all applicable sales and use taxes from sales to non-Native Indians are collected.

172. From Todd Gastaldo, Hillsboro, OR, an email Richard Swinehart, D.A., Subject: OBs are Hurting Babies Senselessly.

173. From NYS Office for the Aging, copies of Notifications of Grant Award for Long Term Care Insurance Education and Outreach Program (LECIEOP) and the Health Insurance Information, Counseling and Assistance Program (HIICAP).

174. From the Western Finger Lakes Solid Waste Management Authority, a copy of its 2006 Financial Statements.

The following communications were received and referred to committee:

175. From the NYS Office for Small Cities, a letter dated July 3, 2007 regarding the Semi-Annual Project Status Report for Grant No. 1056ME22-05. Referred to the oversight committee for Planning and Development.

176. From the NYS Public Service Commission, Notice Seeking Public Comment on the terms of Joint Proposal Concerning the Provision of Fixed Price Commodity Service by NYSEG. Referred to the oversight committee for Public Works and the County Manager's office.

Resolutions and Motions

SUPERVISORS ADOPT 2008 WORKERS' COMPENSATION BUDGET

RESOLUTION NO. 183-07, moved by Mr. Anglim, seconded by Mrs. Amidon and adopted by 679 ayes (Anglim, Amidon, Reynolds, Barto, Smith, Davidson, Dresser, Kaiser, Same, Teichner, Mooney, Shipley, Robinson) and 71 absentees (Lafler).

RESOLVED, that the Seneca County Board of Supervisors does hereby adopt the Seneca County Workers' Compensation budget for the year 2008 as follows:

| | | |
|-------|--------------------------------|---------------|
| 1710 | ADMINISTRATION | |
| .1100 | Personal Service Administrator | \$ 26,395.00 |
| .1110 | Employee Benefits Assistant | 19,391.00 |
| | Longevity | 1,050.00 |
| .1200 | Workers' Comp. Attorney | 35,400.00 |
| .2200 | Equipment | 500.00 |
| .2300 | Computer Equipment | 500.00 |
| .4200 | Supplies | 500.00 |
| .4240 | Postage | 1,000.00 |
| .4260 | Books and Periodicals | 750.00 |
| .4270 | Membership and Dues | 250.00 |
| .4280 | State Assessment | 99,000.00 |
| .4440 | Mileage | 600.00 |
| .4450 | Hotels and Meals | 600.00 |
| .4560 | Excess Insurance | 91,000.00 |
| .4700 | Investigation | 5,000.00 |
| .4701 | Training | 1,000.00 |
| .4702 | Legal Services | 5,500.00 |
| .4703 | Rehabilitation Services | 10,000.00 |
| .8100 | Retirement | 8,635.00 |
| .8300 | Social Security | 5,100.00 |
| .8600 | Hospitalization | 11,173.00 |
| .8700 | Medicare | 1,193.00 |
| | TOTAL ADMINISTRATION | \$ 324,537.00 |

| | | |
|-------|----------------------------------|---------------|
| 1720 | NON-ADMINISTRATION | |
| .4100 | Indemnification/Benefits & Award | \$ 225,000.00 |
| .4110 | Long Term Indemnity Liabilities | 157,600.00 |
| .4200 | Medical | 165,000.00 |
| .4210 | Long Term Medical Liabilities | 54,000.00 |
| .4220 | Independent Medical Examinations | 10,000.00 |
| .4440 | Mileage/Claimants | 5,500.00 |
| .4700 | Reserve | 20,000.00 |
| | TOTAL NON-ADMINISTRATION | \$ 637,100.00 |
| | GRAND TOTAL | \$ 961,637.00 |

WAIVE LOCAL LAW REQUIREMENTS FOR EMPIRE FARM DAYS

RESOLUTION NO. 184-07, moved by Mr. Smith, seconded by Mr. Shipley and adopted by 679 ayes (Smith, Shipley, Reynolds, Barto, Davidson, Dresser, Kaiser, Same, Anglim, Amidon, Teichner, Mooney, Robinson) and 71 absentees (Lafler).

WHEREAS, the sponsors of Empire Farm Days have requested from the Board of Supervisors a waiver of the provisions of Local Law No. 2 of 1979; and

WHEREAS, Local Law No. 2 of 1979 assures traffic safety for mass gatherings; and

WHEREAS, all necessary state permits involving health emergencies, crowd control, and food and health code regulations will be secured before the Empire Farm Days begins; now, therefore be it

RESOLVED, that the requirements of Local Law No. 2 of 1979 be and hereby are waived by the Seneca County Board of Supervisors for Empire Farm Days to be held August 7, 8, and 9, 2007.

AMEND THE PUBLIC HEALTH BUDGET TO INCLUDE THE CANCER SERVICES GRANT
 RESOLUTION NO. 185-07, moved by Mrs. Teichner, seconded by Mr. Smith and adopted by 679 ayes (Teichner, Smith, Reynolds, Barto, Davidson, Dresser, Kaiser, Same, Anglim, Amidon, Mooney, Shipley, Robinson) and 71 absentees (Lafler).

WHEREAS, the Health Department has received a grant from the New York State Department of Health for Cancer services; and

WHEREAS, it is necessary to establish a budget for receipt and expenditures of this \$ 40,000 grant; and

WHEREAS, the account will be set up as follows

| | | |
|---------------|-----------------|----------|
| 10-115-5-4017 | Cancer Services | |
| .1100 | Salaries | \$ 4,018 |

| | | |
|-------|-----------------------------|---------------------------|
| .4200 | Office Supplies and Expense | \$ 2,270 |
| .4240 | Postage | \$ 615 |
| .4280 | Contracts | \$ 24,023 |
| .4440 | Employee Mileage | \$ 611 |
| .4550 | Printing/Copying | \$ 200 |
| .4703 | Promotional Items | \$ 1,576 |
| .4704 | Patient Services | \$ 5,000 |
| .8100 | Retirement | \$ 422 |
| .8300 | Social Security | \$ 249 |
| .8400 | Workers Comp. | \$ 78 |
| .8600 | Hospitalization | \$ 880 |
| .8700 | Medicare | \$ 58 |
| | Total Appropriation | \$ 40,000 |
| .3449 | Increase Revenue | \$ 40,000 |
| | Total County Cost | -0-; now, therefore be it |

RESOLVED, that the County Treasurer is hereby authorized and directed to establish this budget.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
A CONTRACT WITH ROCHESTER CLINICAL LABORATORY FOR THE
HEALTHY WOMEN'S PARTNERSHIP**

RESOLUTION NO. 186-07, moved by Mrs. Teichner, seconded by Mr. Shipley and adopted by 679 ayes (Teichner, Shipley, Reynolds, Barto, Smith, Davidson, Dresser, Kaiser, Same, Anglim, Amidon, Mooney, Robinson) and 71 absentees (Lafler).

WHEREAS, Rochester Clinical Laboratory would like to contract with the Seneca County Health Department to provide services through the Healthy Women's Partnership; and

WHEREAS, the money for these services is included in the Health Department budget 10-115-5-4015-4704; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the contract with Rochester Clinical Laboratory.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
A CONTRACT WITH THE S2AY RURAL HEALTH NETWORK FOR THE
COLO-RECTAL CANCER SCREENING AND OUTREACH PROJECT**

RESOLUTION NO. 187-07, moved by Mrs. Teichner, seconded by Mr. Same and adopted by 679 ayes (Teichner, Same, Reynolds, Barto, Smith, Davidson, Dresser, Kaiser, Anglim, Amidon, Mooney, Shipley, Robinson) and 71 absentees (Lafler).

WHEREAS, the Health Department has received a Colo-rectal screening and Prostate Education Grant through the New York State Department of Health; and

WHEREAS, through the S2AY Rural Health Network, Seneca, Ontario and Yates Counties are contracting for shared services; and

WHEREAS, these shared services include education, outreach and recruitment; and

WHEREAS, each County will contribute \$24,000 of the grant dollars to this effort; and

WHEREAS, the money for this is included in the Public Health Budget 10-115-5-4017-4280; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized and directed to sign a contract with the S2AY Rural Health Network..

CHAIRMAN, BOARD OF SUPERVISORS AUTHORIZED TO ACCEPT SAFE CHILD GRANT
RESOLUTION NO. 188-07, moved by Mr. Shipley, seconded by Mr. Mooney and adopted by 679 ayes (Shipley, Mooney, Reynolds, Barto, Smith, Davidson, Dresser, Kaiser, Same, Anglim, Amidon, Teichner, Robinson) and 71 absentees (Lafler).

WHEREAS, the Seneca County District Attorney's Office has been awarded \$15,000 by the New York State Department of Criminal Justice Services (DCJS) for the Operation SAFE CHILD grant program; and

WHEREAS, Operation SAFE CHILD is a state-wide partnership between the New York State Police, New York State Sheriff's Association, the New York State Association of Chiefs of Police, the NYS DCJS and local law enforcement to enhance the safety of children through a voluntary Child ID Card and database system; and

WHEREAS, The program is voluntary and requires parent/guardian consent to store the child's name, biographical information, and a fingerprint images on the card and in a central electronic database at DCJS in Albany; and

WHEREAS, The information will electronically expedite the return of a missing child, allowing the data to be disseminated, statewide within minutes, dramatically increasing the possibility of bringing a missing child home unharmed; and

WHEREAS, \$15,000 in funds will be used to purchase the DCJS approved equipment and supplies to create the ID Badges, and will require \$60 in matching funds; and

WHEREAS, The Seneca County Sheriff's Department will create the ID Cards on location during events throughout the year, or by appointment at the Law Enforcement Center; and

WHEREAS, this resolution has been reviewed and approved by the Public Safety and Jail Construction Committee on July 10th, 2007; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors approve acceptance of the grant, and hereby authorizes and directs the Chairman of the Board of Supervisors to sign any and all necessary contract documents with the New York State Division of Criminal Justice Services; and be it

FURTHER 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:

Sheriff's Road Patrol:

Add 10.1105.3113.2411 DCJS SAFE CHILD Grant \$15,000

Add Revenue Account 3317 DCJS SAFE CHILD Grant \$15,000

**ACCEPTANCE OF GRANT FROM DCJS FOR DISTRICT ATTORNEY
RETENTION PROGRAM**

RESOLUTION NO. 189-07, moved by Mr. Shipley, seconded by Mr. Robinson and adopted by 679 ayes (Shipley, Robinson, Reynolds, Barto, Smith, Davidson, Dresser, Kaiser, Same, Anglim, Amidon, Teichner, Mooney) and 71 absentees (Lafler).

WHEREAS, the State of New York Division of Criminal Justice (DCJS) has awarded the District Attorney's Office \$4,000 as part of a \$1,000,000 award from the State Senate awarded to 57 counties for the DA Retention Program; and

WHEREAS, the stated purpose of the program is to use the money to retain ADAs or other staff that might leave to go to private industry or larger District Attorney's offices where the salaries are higher; and

WHEREAS, DCJS has confirmed that the state is allowing the funds to be used as enhancements or bonuses to existing salaries; and

WHEREAS, the District Attorney would like to provide bonuses to staff with this grant; and

WHEREAS, the following is a breakdown for distribution of the funds as recommended by the District Attorney: 1st Assistant District Attorney - \$1,500; 2nd Assistant District Attorney - \$1,500, and Confidential Secretary to the District Attorney - \$1,000; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby accept the DCJS Grant in the sum of \$4,000; and be it

FURTHER RESOLVED, that the \$4,000 shall be distributed as a one-time bonus for retention to the following and in the following amounts: 1st Assistant District Attorney - \$1,500; 2nd Assistant District Attorney - \$1,500, and Confidential Secretary to the District Attorney - \$1,000.

SUPERVISORS EXTEND BID AGREEMENT FOR HOT MIX ASPHALT CONCRETE

RESOLUTION NO. 190-07, moved by Mr. Davidson, seconded by Mr. Mooney and adopted by 679 ayes (Davidson, Mooney, Reynolds, Barto, Smith, Dresser, Kaiser, Same, Anglim, Amidon, Teichner, Shipley, Robinson) and 71 absentees (Lafler).

WHEREAS, Seneca County has a bid agreement in place with Seneca Stone, Fayette, New York, and Hanson Aggregates New York, Inc., Oaks Corners, New York, (Board of Supervisors Resolution No. 151-06) for hot mix asphalt concrete, and

WHEREAS, the Highway Department would like to extend that agreement for an additional year through June 12, 2008 per contract provisions, and

WHEREAS, both Seneca Stone and Hanson Aggregates New York, Inc. are agreeable to this extension as stipulated in the contract, and

WHEREAS, this extension was approved by the Public Works Committee on 07/24/07; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby extend the bid agreement with Seneca Stone, Fayette, New York, and Hanson Aggregates New York, Inc., Oaks Corners, New York, for hot mix asphalt concrete, with availability and delivery costs to be the deciding factors. Funds for said purchases will be taken from Maintenance Account 5110.4543 and Road and Bridge Account 5112.2000.

New Business

Mr. Kaiser moved to suspend the rules of order to introduce a motion that was reviewed and recommended by the Planning, Development, Agriculture & Tourism Committee. Mr. Smith seconded the motion. The motion to suspend the rules of order was carried.

TREASURER AUTHORIZED TO PAY VILLAGER CONSTRUCTION, INC.

RESOLUTION NO. 191-07, moved by Mr. Kaiser, seconded by Mr. Smith and adopted by 679 ayes (Kaiser, Smith, Reynolds, Barto, Davidson, Dresser, Same, Anglim, Amidon, Teichner, Shipley, Mooney, Robinson) and 71 absentees (Lafler).

WHEREAS, Seneca County entered into a contract with Villager Construction, Inc. to provide contractor services for the construction of the Finger Lakes Regional Airport Chadwick Road Relocation Project; and

WHEREAS, Villager Construction, Inc. has submitted an invoice for services rendered September 9, 2004 through February 22, 2007; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on July 24, 2007; now, therefore be it

RESOLVED, that the Seneca County Treasurer is hereby authorized and directed to pay Villager Construction, Inc. of 425 Old Macedon Center Road, Fairport, NY, 14450, the final payment, in full, in the amount of \$73,780.37 from the Airport Capital Project Account 80-101-5-5610-2000. The County cost will be \$3,689.02 with 95% reimbursement from the FAA and NYS Department of Transportation.

As no other business came before the Board, Mrs. Amidon moved the meeting adjourned.