

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

August 26, 2008

8:00 p.m.

Call to Order

Chairman Lafler called the meeting to order at 8:04 p.m.

Roll Call of Members by the Clerk

Ten members of the Board of Supervisors answered roll call. Mr. Shipley was absent. Mr. Hayssen and Mr. Barto were seated after the Pledge of Allegiance and Moment of Silence.

Pledge of Allegiance and Moment of Silence

Presentations / Petitioners

Seneca County Department Review - Seneca County Division of Human Services, Charles Schillaci, Commissioner, gave an overview of the seven areas of DHS and the responsibilities of each area.

Reports of Standing Committees

Government Operations Committee, Mrs. Amidon, Chair, reported on the Committee's approval to amend the Rules of Order to hold the September 23 Board Meeting in Ovid. The Committee would also have discussions on the County "going green" at its September 9 meeting.

Public Works Committee, Mr. Davidson, Chair, reported on the Committee's approval for the County to accept the title to land that is being widened on North Road for the proposed project to expand Wal-mart.

Public Safety Committee, Mr. Davidson, Vice-Chair, reported that the Committee was brought up-to-date on how to provide additional security for the County Office Buildings as recommended by the County Manager.

Human Services Committee, Mr. Mooney, Chair, reported on the Committee's approval to appoint County Manager Sinclair to the Workforce Investment Board; and to proceed to apply for a grant for the Volunteer Income Tax Assistance (VITA). If awarded the grant would reimburse the County for approximately \$36,000.

Personnel & Technology Committee, Dr. Dresser, Chair, reported on the Committee's approval to introduce and advertise for a proposed local law allowing Special Patrol Officers, employed with Seneca County, to live in an adjoining county. Dr. Dresser also noted on the agenda, the resolution introducing a proposed local law changing the residency requirements for part-time Sheriff Deputies employed with Seneca County. A public hearing would be held at the September 23 board meeting in Ovid.

Planning, Development, Agriculture & Tourism Committee, Mr. Kaiser, Chair reported on the Committee's approval to re-appoint Rodman Lott and August Gillon to the Airport Advisory Committee; to submit the application for funding for the Snowmobile Trail Phase II; to accept the firm of Wendel Duchscherer for the design of the Veterans Cemetery; and introducing a resolution to designate the Chamber of Commerce as the TPA for Seneca County under suspension of the rules.

Finance, Assessment & Insurance Committee, Mr. Barto, Chair, reported on the Committee's approval to provide Trumansburg School Central Scholl District tax extract files for the 2008 tax bills.

Approval of Minutes

The June 12th and June 26th minutes were approved.

Chairman's Remarks

Chairman Lafler announced that there would be a meeting of the UCE and Citizens Advisory Group to the Indian Affairs Committee on August 27 at the SMS in Seneca Falls. There is a motorcade planned and a press conference on Wednesday September 03 at Sen. Nozzolio's Office. Both events are related to seeking support of NYS Governor to sign the bill to collect sales taxes on purchases made by non-Indian consumers from Indian enterprises.

Chairman Lafler recognized the efforts of the UCE and Citizens Advisory Group, as well as past and current supervisors, who continually opposed settlement of the Indian Land claim and worked towards passing legislation to put Indian business and non-Indian businesses on an even playing field.

Chairman Lafler also recognized Shawn Bossard, Director, Cornell Cooperative Extension, who received _____.

County Manager's Remarks

The County Manager thanked the Board of Supervisors and staff for the Employee Picnic, along with thanks to the community agencies for their contributions and thanks to the Sheriff's Department for food.

County Attorney's Remarks:

The County Attorney, Frank Fisher, reported on developments on various litigation matters that had been in the media of late. He indicated that if there are any questions or if there was any need for qualification, to please contact him and he could arrange for an executive session at the next Board Meeting.

Communications

152a. From NYS Office of Parks, Recreation and Historic Preservation, a letter of notification that the Cobblestone House at 1229 Birdsey Road, Junius, Seneca County was listed on the National Register of Historic Places on August 06, 2008.

153. From Border City Fire Department, a letter of support for the Public Safety Interoperable Communications (PSIC) Grant Program FY07.

154. From the Town of Geneva, a notice of a public hearing for proposed Local Law Establishing a Moratorium on Kennels and Puppy Mills in the Town of Geneva on September 16, 2008 at 7:00 p.m. in the Geneva Town Hall, 3750 County Road 6, Geneva, New York. Comments accepted from residents of the Town of Geneva.

155. From Assemblyman Kolb's office, a letter dated August 20, 2008 acknowledging receipt of Seneca County Board of Supervisors Resolution No. 215-08 relating to the enforcement of law regarding taxation of sale of cigarettes, gasoline and diesel fuel at Indian owned businesses.

156. A copy of the First Half Year (6 months) Activity Report January – June, 2008 from the Seneca County Sheriff's Office.

157. A copy of minutes from the Seneca County Planning Board meeting on July 10, 2008.

158. A copy of minutes from the Finger Lakes Resource Conservation & Development Council, Inc. meeting on July 16, 2008.

159. A copy of minutes from the Finger Lakes Regional Airport Advisory Committee meeting on June 4, 2008.

160. A copy of minutes from the Seneca County Soil & Water Conservation District meeting on June 23, 2008 and July 28, 2008.

161. A copy of minutes from the Seneca County Federation of Sportsmen's Club meeting on June 17, 2008.

162. A copy of minutes from the Western Finger Lakes Solid Waste management Authority meeting on July 10, 2008.

163. From the Sullivan County Legislature, a copy of Resolution No. 315-08 opposing the \$2.6 billion in cuts to the 2008 – 2009 NYS budget proposed by Governor David A. Paterson. Referred to the Government Operations Committee.

Resolutions and Motions

PROVIDE TAX ROLLS AND BILL EXTRACT FILES TO TRUMANSBURG CENTRAL SCHOOL DISTRICT

RESOLUTION NO. 217-08, moved by Mr. Barto, seconded by Mr. Hayssen and adopted by 690 ayes and 60 absentees (Mr. Shipley).

WHEREAS, Seneca County provides tax extract files to the Romulus-Seneca Falls-Waterloo School Districts to enable them to extend their own school tax bills; and

WHEREAS, Trumansburg Central School District has requested the same service for 2008; and

WHEREAS, it would be in the best interest of the County and Trumansburg Central School District to provide the service; now therefore be it

RESOLVED, that the Chairman of the Seneca County Board of Supervisors, after review and approval by the County Attorney, be and hereby is authorized to sign an agreement with the Trumansburg Central School District to provide tax extract files to enable the schools to extend tax bills for 2008.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
A CONTRACT WITH RUSHVILLE HEALTH CENTER FOR THE PROVISION OF
PREVENTATIVE DENTAL HEALTH SERVICES IN SENECA COUNTY SCHOOLS**

RESOLUTION NO. 218-08, moved by Mr. Hayssen, seconded by Mr. Westfall and adopted by 690 ayes and 60 absentees (Mr. Shipley).

WHEREAS, Rushville Health Center has been providing dental services in Seneca County schools for many years; and

WHEREAS, these schools include Frank Knight, Romulus, Cady Stanton, South Seneca and Waterloo; and

WHEREAS, all children enrolled in 1st and 4th grades are offered a dental screening, cleaning, and fluoride treatment, tooth brushing and flossing instructions; and

WHEREAS, this cost is billed to the child's health insurance; and

WHEREAS, if the child does not have dental insurance, Rushville Health Center will bill the Seneca County Health Department at \$40 per child; and

WHEREAS, all other children enrolled in the school are offered dental services at their parents' expense; and

WHEREAS, the lack of dental health care is consistently identified in the Seneca County Health Department's Community Health Assessment; and

WHEREAS, the approximate cost for these Dental Health Services is \$5,000 which is in the Health Department Budget (10-115-5-4010-4280); and

WHEREAS, the Public Health Committee has approved this contract; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign a contract with Rushville Health Center.

SUPERVISORS REAPPOINT MEMBERS OF AIRPORT ADVISORY COMMITTEE

RESOLUTION NO. 219-08, moved by Mr. Kaiser, seconded by Mr. Davidson, and adopted by 690 ayes and 60 absentees (Mr. Shipley).

WHEREAS, this Resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on August 12, 2008; now, therefore be it

RESOLVED, that Rodman Lott and August Gillon be reappointed to the Finger Lakes Regional Airport Advisory Committee for terms of three (3) years to expire on October 31, 2011.

AUTHORIZE SNOWMOBILE TRAIL PHASE II APPLICATION

RESOLUTION NO. 220-08, moved by Mr. Kaiser, seconded by Mrs. Amidon and adopted by 690 ayes and 60 absentees (Mr. Shipley).

WHEREAS, a trail that is an existing part of the New York State Snowmobile Trail System loops into Seneca County in the Towns of Covert and Lodi; and

WHEREAS, the Twin Lakes Snowmobile Club has requested that Seneca County serve as a sponsor for them to receive Grant-in-Aid Program funding from the New York State Office of Parks, Recreation and Historic Preservation; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has approved Seneca County's pre-application; and

WHEREAS, this Resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on August 26, 2008; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Department of Planning and Community Development to prepare a Phase II Application for the NYS Snowmobile Trails Grant-in-Aid Program; and be it

FURTHER RESOLVED, that the Chairman of the Board is authorized and directed to sign said Grant Application.

BOARD OF SUPERVISORS SUPPORTS CONSULTANT SELECTION FOR SAMPSON VETERANS MEMORIAL CEMETERY MASTER PLAN AND DESIGN DEVELOPMENT

RESOLUTION NO. 221-08, moved by Mr. Kaiser, seconded by Dr. Dresser and adopted by 690 ayes and 60 absentees (Mr. Shipley).

WHEREAS, Seneca County recently accepted title to lands formerly part of the Sampson Air Force Base for the purpose of development a Veterans Memorial Cemetery; and

WHEREAS, the development of the cemetery will require the development of a Master Plan and design consideration; and

WHEREAS, State funding has been secured through the efforts of Senator Michael F. Nozzolio to support development of the Master Plan and design for the cemetery; and

WHEREAS, Requests for Proposal for professional services were solicited to assist the County in preparing a Master Plan and progressing the development of a design; and

WHEREAS, the County solicited for consultant services and in response received two (2) proposals; and

WHEREAS, said proposals were reviewed for completeness and appropriateness in furthering the County's plans; and

WHEREAS, the firm of Wendel Duchscherer demonstrated the ability to best serve the interest of Seneca County in progressing this important project; and

WHEREAS, Seneca County will provide staff support from the Department of Planning and Community Development to further this project; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on August 26, 2008; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors supports the use of Wendel Duchscherer as consultants for Master Plan and design services for the Sampson Veterans Memorial Cemetery.

A RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW B, YEAR 2008 TO CHANGE RESIDENCY REQUIREMENTS FOR PART-TIME SHERIFF'S DEPUTIES AND PROVIDING FOR PUBLIC HEARING

RESOLUTION NO. 222-08, moved by Dr. Dresser, seconded by Mr. Terryberry and adopted by 690 ayes and 60 absentees (Mr. Shipley).

WHEREAS, the provisions of §3 of the Public Officers Law of the State of New York require a person holding a civil office to be a resident of the political subdivision or municipal corporation of the state for which such person shall be chosen or within which such person's official functions are required to be exercised; and

WHEREAS, this section currently applies to Sheriff's deputies employed by Seneca County; and

RESOLVED, that Local Law B of 2008 entitled "A LOCAL LAW TO EXEMPT PART-TIME SENECA COUNTY SHERIFF'S DEPUTIES FROM THE PROVISIONS OF §3 OF THE PUBLIC OFFICERS LAW" be and the same is hereby introduced before the Board of Supervisors of Seneca County, New York to read substantially the following form:

RESOLVED, that the following proposed Local law be adopted:

A LOCAL LAW TO EXEMPT PART-TIME SHERIFF'S DEPUTIES FROM THE PROVISIONS OF §3 OF THE PUBLIC OFFICERS LAW

SECTION 1.

In the County of Seneca, the provisions of Section 3 of the Public Officers Law of the State of New York requiring a person holding a civil office to be a resident of the political subdivision or municipal corporation of the state for which such person shall be chosen or within which such person's official functions are required to be exercised, shall not prevent a person from holding the office of part-time Sheriff's Deputy in Seneca County, provided, however, that such person performing the duties and functions of part-time Sheriff's Deputy resides in Seneca County or any adjoining county within New York State, unless otherwise provided by an act of the state legislature.

SECTION II: Definitions

For purposes of this local law, the term “part-time” shall mean any employment or combination of one or more employments within the Seneca County Sheriff’s Department in which an individual works twenty (20) hours or less, or wherein the employee earns not more than one half (1/2) of the rate assigned to the position if the position has been allocated to a graded salary schedule.

SECTION III: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the New York State Municipal Home Rule Law; 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 on the 23rd day of September, 2008; 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.

BOARD OF SUPERVISORS TO APPROVE THE CREATION OF A PART-TIME DRIVER POSITION FOR VETERAN TRANSPORTATION IN THE DIVISION OF HUMAN SERVICES
RESOLUTION NO. 223-08, moved by Mr. Mooney, seconded by Mr. Reynolds and adopted by 690 ayes and 60 absentees (Mr. Shipley).

WHEREAS, the Seneca County Division of Human Services requests the creation, with the approval of the Vacancy Committee on August 5th, 2008, a part-time Driver position, at a rate of \$9.22 per hour, to be utilized for veteran transportation; and

WHEREAS, this position is the result of the resignation of two (2) volunteer drivers and rising gasoline costs; and

WHEREAS, an average of four (4) transports are conducted weekly in order to get veterans to needed medical appointments; and

WHEREAS, due to mental and/or physical conditions some veterans are unable to navigate the public transportation system and have difficulties transferring buses; and

WHEREAS, this request has been approved by the Humans Services and Finance Committee; now, therefore, be it

RESOLVED, the Board approves the creation of the part-time Driver position in the Division of Human Services.

**APPOINTMENT OF CHIEF ELECTED OFFICIAL DESIGNEE TO FINGER LAKES
WORKFORCE INVESTMENT BOARD**

RESOLUTION NO. 224-08, moved by Mr. Mooney, seconded by Mr. Same and adopted by 690 ayes and 60 absentees (Mr. Shipley).

WHEREAS, the Seneca County Board of Supervisors has authorized the creation of the Finger Lakes Workforce Investment Board for the Counties of Ontario, Seneca, Wayne and Yates in compliance with the Workforce Investment Act (WIA) of 1998; and

WHEREAS, the Workforce Investment Act requires Board members to be appointed by the respective Board of Supervisors; and

WHEREAS, terms of appointment for each member have been made in accordance with the Workforce Investment Board Bylaws; and

WHEREAS, this appointment has been reviewed and approved by the Human Services Committee on August 26, 2008; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Suzanne Sinclair, Seneca County Manager, to the Finger Lakes Workforce Investment Board as the Seneca County Chief Elected Official Designee; and be it

FURTHER RESOLVED, that the Clerk to the Board of Supervisors send a certified copy of this resolution to the Finger Lakes Workforce Investment Board and to the Clerks of the Boards of Ontario, Wayne and Yates Counties.

**CHAIRMAN AUTHORIZED TO APPLY FOR UNITED STATES INTERNAL REVENUE
SERVICE VOLUNTEER INCOME TAX GRANT**

RESOLUTION NO. 225-08, moved by Mr. Mooney, seconded by Mrs. Amidon and adopted by 690 ayes and 60 absentees (Mr. Shipley).

WHEREAS, Seneca County intends to apply to the United States Department of Treasury Internal Revenue Service for \$36,000 in technical assistance program funding through the competitive Volunteer Income Tax Assistance (VITA) grant program; and

WHEREAS, if awarded, this program would reimburse 50% of the funding for the sixth year of the coordinating Seneca County Department of Workforce Development's VITA program; and

WHEREAS, this resolution has been reviewed and approved by the Human Services Committee on August 26, 2008; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign all necessary documents to submit an application to US Internal Revenue Service for the Volunteer Income Tax Assistance (VITA) grant program.

Mr. Davidson moved adoption of a resolution which, after debate, was defeated as follows:

SUPERVISORS DIRECT REFERENDUM PURSUANT TO §216 NEW YORK STATE COUNTY LAW TO REMOVE CIVIL OFFICE OF THE SENECA COUNTY SHERIFF'S DEPARTMENT FROM THE VILLAGE OF WATERLOO TO THE LAW ENFORCEMENT CENTER AT 6150 ROUTE 96, ROMULUS, NEW YORK (DEFEATED)

RESOLUTION NO. 226-08, moved by Mr. Davidson, seconded by Mr. Mooney and defeated by 406 nays (Davidson, Barto, Serven, Same, Lafler, Amidon, Hayssen, Westfall), 60 absentees (Shipley) and 284 ayes (Mooney, Reynolds, Dresser, Kaiser, Terryberry).

WHEREAS, the Seneca County Sheriff's Department was relocated to the new Law Enforcement Center located at 6150 Route 96 in the Town of Romulus in 2005; and

WHEREAS, since such relocation the Civil Office of the Sheriff's Department has remained in the Village of Waterloo as required under the provisions of §216 of the New York State County Law; and

WHEREAS, this situation has caused inconvenience, inefficiency and expense to the Department; and

WHEREAS, Section 216 of the New York State County Law requires that removal of the Civil Office of a Sheriff's Department from its location within a Village requires the approval of a proposition therefore by the affirmative vote of a majority of the qualified electors of the county voting thereon at a general or special election; and

WHEREAS, this resolution has been approved by the Public Safety Committee; now, therefore, be it

RESOLVED, that the Clerk of the Board of Supervisors is directed to transmit, forthwith to the Board of Elections, the following proposition to be placed upon the ballot at the general election to be held on November 4, 2008: "Shall the Civil Office of the Seneca County Sheriff's Department be permanently removed from its present location at the Seneca County Office Building, 1 DiPronio Drive in the Village of Waterloo, New York, to the Seneca County Law Enforcement Building located in the Town of Romulus at 6150 Route 96, Romulus, New York"; and be it further

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the clerk of the Board of Supervisors to cause a notice of such an election to be published in the official newspapers of the County once a week for six (6) weeks previous to such election; and that on or before the first day of publication, she cause such notice to be posted upon the bulletin board at the office of each town clerk in the County stating the time of the election, the name of the office or building and the proposed site thereof by a description in general terms sufficient for readily identifying the proposed site and further that she cause a certificate to be filed with the Board of Elections stating the proposition to be submitted on or before the first publication.

LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT FFY 2008

RESOLUTION NO. 227-08, moved by Mr. Davidson, seconded by Mrs. Amidon and adopted by 690 ayes and 60 absentees (Mr. Shipley).

WHEREAS, the New York State Emergency Management Office (SEMO) administers the Local Emergency Management Performance Grant Program; and

WHEREAS, Seneca County will receive \$20,340.00 for Federal Fiscal Year 2008; and

WHEREAS, SEMO requires the signature of an authorized certifying official for Seneca County to receive the funding; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Chairman of the Board to sign all and any documents as required by the New York State Emergency Management Office for Seneca County to receive the funding of \$20,340.00 from the Local Emergency Management Performance Grant FFY 2008.

SUPERVISORS AUTHORIZE LEASE AGREEMENT RENEWAL BETWEEN SENECA COUNTY AND THE VFW MEMORIAL POST #6433

RESOLUTION NO. 228-08, moved by Mr. Davidson, seconded by Mr. Mooney and adopted by 690 ayes and 60 absentees (Mr. Shipley).

WHEREAS, a lease agreement between Seneca County and the VFW Memorial Post #6433, with its principal offices at the corner of Chestnut Street and West Elisha Street, Village of Waterloo, New York has been in existence for several years and is in need of renewal; and

WHEREAS, the new lease contains the same language and content as the expired lease with the exception of the removal of the parking guidelines that were followed by the Seneca County Sheriff's Department, necessary to accommodate the VFW Memorial Post, #6433 during specified activity nights; and

WHEREAS, it is agreed upon in the lease that the parking area used during the daytime hours between 8:00 a.m. to 5:00 p.m. on the days the Seneca County Courthouse is open for its employees and used by the general public will be kept in good order and repair including, but not limited to, striping and snow removal; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the renewal of the lease agreement between Seneca County and the VFW Memorial Post #6433, with a beginning date of August 26, 2008 and will expire on July 31, 2009; and be it

FURTHER RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the lease renewal agreement along with the Commander of the VFW Post #5433.

**TREASURER AUTHORIZED TO AMEND 2008 SENECA COUNTY HIGHWAY BUDGET FOR
MAINTENANCE OF SENECA COUNTY TRANSIT SERVICE FLEET**

RESOLUTION NO. 229-08, moved by Mr. Davidson, seconded by Mr. Barto and adopted by 690 ayes and 60 absentees (Mr. Shipley).

WHEREAS, the Seneca County Highway Department has insufficient funds allocated in the 2008 Highway Budget for fuel and maintenance of the Seneca Transit Service Fleet provided through the Rochester Genesee Regional Transportation Authority (RGRTA); and

WHEREAS, this shortage is due to increased costs for diesel fuel, tires, oil and parts; and

WHEREAS, the Rochester Genesee Regional Transportation Authority reimburses the County for any expenses related to these services plus an additional 10 cents per gallon for fuel and a 20 per cent markup on parts and supplies; and

WHEREAS, this budget amendment was reviewed and approved by the Public Works Committee on 08/12/08; now, therefore, be it

RESOLVED, that the Seneca County Treasurer is hereby authorized and directed to amend the 2008 Seneca County Highway Maintenance budget as follows:

Increase Expense Account 40-120-5-5110-4700 RGRTA \$50,000

Increase Revenue Account 40-3173-4700 RGRTA \$50,000

**RESOLUTION ACCEPTING TRAFFIC IMPROVEMENTS ON NORTH ROAD IN
CONNECTION WITH PROPOSED PROJECT BY WAL-MART STORES**

RESOLUTION NO. 230-08, moved by Mr. Davidson, seconded by Mr. Terryberry, and adopted by 690 ayes and 60 absentees (Mr. Shipley).

WHEREAS, as part of its proposed expansion project in the Town of Seneca Falls, Wal-Mart Stores, Inc. ("Wal-Mart") is undertaking and constructing, at its expense, traffic improvements to the roadway infrastructure near the site; and

WHEREAS, the improvements include constructing left turn only lanes at each of the legs of the NYS Route 414 / North Road intersection and widening portions of North Road; and

WHEREAS, it is Wal-Mart's intent to turn over the portions of land required to widen North Road prior to construction; and

WHEREAS, the Seneca County Engineer and Highway Superintendent will require a Highway Permit and Performance Security to ensure proper completion of the improvements; and

WHEREAS, this Resolution has been reviewed and approved by the Public Works Committee on August 26, 2008; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors approves the above described changes to North Road and agrees to accept title to the land necessary to widen North Road prior to its completion

with the condition that performance security is provided and that the improvements are undertaken as required by the County Engineer and Highway Superintendent, and authorizes and directs the Chairman to execute such documents as are necessary to effect such transfer.

New Business

Mr. Kaiser moved to suspend the rules of order, seconded by Mr. Same and carried.

**DESIGNATE SENECA COUNTY CHAMBER OF COMMERCE AS
TOURISM PROMOTION AGENCY AND AUTHORIZE
APPLICATION FOR MATCHING FUNDS PROGRAM IN 2008 – 2009**

RESOLUTION NO. 231-08, moved by Mr. Kaiser, seconded by Mr. Mooney and adopted by 690 ayes and 60 absentees (Mr. Shipley).

WHEREAS, the Seneca County Board of Supervisors desires to enhance the general economy of Seneca County through the promotion and marketing of tourism attractions, conventions, trade shows, special events, and other directly related and supporting tourism assets; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on August 26, 2008; now, therefore, be it

RESOLVED, that the New York State Department of Economic Development be requested to designate the Seneca County Chamber of Commerce as Seneca County's Tourism Promotion Agency for purposes of the Matching Funds Program in 2008 – 09; and be it

FURTHER RESOLVED, that the Chairman of the Board of Supervisors be authorized on behalf of Seneca County to sign an application for New York State financial assistance in 2008 under the Matching Funds Program; and be it

FURTHER RESOLVED, that Seneca county will commit up to \$150,000 from the Seneca County Room Tax in 2008 – 09 to provide the County's share of the Matching Funds Program.

Mr. Same moved adoption of a resolution which, after debate, was adopted as follows:

**BOARD OF SUPERVISORS DIRECTS APPOINTMENT OF COMMITTEE TO NEGOTIATE
CHANGE OF ATTORNEYS WITH CAYUGA COUNTY IN REGARD TO CAYUGA LAND
INTO TRUST APPLICATION**

RESOLUTION NO. 232-08, moved by Mr. Same, seconded by Dr. Dresser and adopted by 599 ayes (Same, Dresser, Reynolds, Barto, Serven, Davidson, Lafler, Terryberry, Amidon, Mooney and Westfall), 51 nays (Kaiser), 40 abstentions (Hayssen) and 60 absentees (Mr. Shipley).

WHEREAS, recent personnel changes within the law firm responsible for representation of Seneca and Cayuga Counties in regard to the Cayuga Indian Tribe land into trust application have suggested a need to reevaluate the County's relationship with its current attorneys; and

WHEREAS, the Indian Affairs Committee has interviewed three law firms with a view to determining the best choice to represent the County on this critical issue; and

WHEREAS, the Board is aware of the need for both Cayuga and Seneca Counties to act together with regard to representation in this matter; and

WHEREAS, the Board, upon recommendation of the Indian Affairs committee, determines that the firm of Bond, Schoeneck and King of Syracuse, New York is the best suited to represent the County in connection with this matter; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Chairman of the Board of Supervisors to appoint a committee, which committee shall be authorized to negotiate directly with the legislature of Cayuga County for the purpose of securing their agreement to retain the firm of Bond, Schoeneck and King to jointly represent both Cayuga and Seneca Counties in connection with the Cayuga Indian Tribe application to the Bureau of Indian Affairs to take land in said Counties into trust, together with any ancillary matters of litigation connected therewith, and to consult with representatives of the State of New York to determine whether there is any reason why the State should not indemnify the Counties for their expenses in retaining such firm for all such purposes.

The last issue brought before the Board was by Mr. Davidson, who indicated that the Water Committee would be traveling to five (5) other counties to discuss their Water structures (meetings have all been set up) and after all meetings have been had a full report of the findings will be made to the Board.

Special Order of the Day

The meeting was adjourned at 9:04 p.m.