

# DRAFT

## SENECA COUNTY BOARD OF SUPERVISORS

### REGULAR MEETING

October 14, 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

Thirteen members of the Board of Supervisors were present. Mr. Davidson was absent.

#### Pledge of Allegiance and Moment of Silence

#### Public Hearing

PROPOSED LOCAL LAW C, YEAR 2008 "TO EXEMPT SPECIAL PATROL OFFICERS EMPLOYED BY THE SENECA COUNTY SHERIFF'S DEPARTMENT 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 Special Patrol Officer in Seneca County, provided, however, that such person performing the duties and functions of Special Patrol Officer resides in Seneca County or any adjoining county within New York state, unless otherwise provided by an act of the state legislature.

#### SECTION II. 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.

No comments were offered at the public hearing.

#### Presentations / Petitioners

Employee of the 2<sup>nd</sup> Quarter 2008 - Annie Mahoney, Runaway Coordinator, Seneca County Youth Bureau

#### Seneca County Department Review:

- a. Mental Health, Scott LaVigne, Director
- b. Office for the Aging and Weatherization, Angela Reardon, Director

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## Submission of Claims for Audit

Mr. Bart moved the following vouchers having gone through the proper auditing process, be approved for payment.

Supervisors vouchers	#2629 – 2941	totaling	\$	556,294.48
OFA vouchers	#504 – 564	totaling	\$	69,129.71
Workforce Development vouchers	#167 – 183	totaling	\$	16,354.83
Insurance vouchers	#249 – 258	totaling	\$	20,208.17
Sheriff vouchers	#779 – 833	totaling	\$	82,827.80
County Airport vouchers	#85 – 95	totaling	\$	2,348.37
Highway Transportation vouchers				
Maintenance & State Snow	#240 – 260	totaling	\$	233,709.05
Highway Machinery	#305 – 343	totaling	\$	161,436.34
		Highway Total	\$	395,145.39
Highway Capital vouchers	#13 & 14		\$	8,538.59
Airport Capital vouchers	#8 & 9		\$	100.00

## Approval of Meeting Minutes

The September 9, 2008 Board meeting minutes were approved.

## Reports of Standing Committees

Government Operations Committee - Mrs. Amidon, Chairwoman, reported that the Committee discussed the November 11 meetings and that the Committee rejected suggestion of not having the meeting due to the date being a Holiday for the County.

Public Works Committee - Mr. Shipley, Vice-Chairman, reported the Committee's approval to refill a vacant part-time laborer position.

Public Safety Committee - Mr. Shipley, Chairman, reported that the Committee met to discuss the application for FY08 Homeland Security Grants, and the Committee gave its approval for the Chairman to sign the application

Mental Health Services Committee - Mr. Reynolds, Chairman, reported that the Committee discussed the vacancy that has been in the Mental Health Clinic for a Psychiatric Social Worker. The Committee approved refilling the vacant position.

Human Services Committee - Mr. Mooney, Chairman, reported that the Committee met regarding Red Ribbon Week October 23 – 31, 2008 and a Board resolution would be introduced later in the agenda. Mr. Mooney also reported on the application for out-of-state travel by an employee of the Veterans' Services Department for training and the Committee approved the travel request. Mr. Mooney further

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reported that there is a need to refill a typist position, two caseworkers, counselor in Employment and Training as well as an assistant in Employment and Training and the Committee approved the refill of each position.

Personnel and Technology Committee - Dr. Dresser, Chairman, reported that a proposal for security for the County Office Building was postponed until the next meeting. The Committee also approved the out-of-state travel request for the Veterans' Service Agency employee for training purposes. The Committee also met in Executive Session to discuss health insurance for an active duty employee.

Indian Affairs Committee - Mr. Same, Chairman, announced that there is a Resolution to be presented to the Board later in the evening and that the Committee also discussed the meeting at Cayuga County on Monday evening to discuss a change of counsel.

Planning, Development, Agriculture & Tourism, Mr. Kaiser, Chairman, reported that the Committee discussed the updating of the Seneca County Comprehensive Plan, and the Committee approved moving forward with that process. Mr. Kaiser also said resolutions later in the agenda from Committee were an application for a grant to stabilize the Mama Bear building in Ovid; withdrawal of the TEA 21 grant for the Canal Trail, and development of an RFQ from approved FAA engineering firms to act as Seneca County's designated engineering firm for oversight of the Finger Lakes Regional Airport.

### Chairman's Remarks

Chairman Lafler thanked Scott LaVigne and Angela Reardon for their reports and for all that they do for Seneca County. He also thanked Sheriff Stenberg for all of his Department's help with the motorcade on October 04, 2008.

### Communications

177. From Bonadio & Co., LLP, for the County of Seneca, New York, a copy of the "Basic Financial Statement for the year ended December 31, 2007, together with Independent Auditors' report".

178. A copy of minutes of the Genesee / Finger Lakes Regional Planning Council September 1, 2008 meeting.

179. A copy of minutes of the Seneca County Soil & Water Conservation District August 15, 2008 meeting.

180. A draft copy of minutes of the Seneca County Industrial Development Agency September 4, 2008 meeting.

181. A copy of minutes of the Seneca County Board of Health September 17, 2008 meeting.

182. A copy of minutes of the Seneca County Planning Board September 11, 2008 meeting.

183. A copy of minutes of the InterCounty Association of Western NY August 15, 2008 meeting.

184. From NYS DEC, application for "Terrestrial Invasive Special Education Grant Program". Referred to the Planning, Development, Agriculture & Tourism Committee.

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185. From David E. Jensen, President, Seneca County Sheriff's Employees' Association, a letter dated September 29, 2008 to the Board of Supervisors as a follow – up on the subject of accreditation of Sheriff's employees. Referred to Public Safety Committee.

### Resolutions and Motions

#### **CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN AN INTERMUNICIPAL AGREEMENT WITH YATES COUNTY ON BEHALF OF THE S2AY RURAL HEALTH NETWORK**

RESOLUTION NO. 249-08, moved by Mr. Hayssen, seconded by Mr. Barto and adopted by 719 ayes (Hayssen, Barto, Reynolds, Serven, Dresser, Kaiser, Lafler, Same, Terryberry, Amidon, Mooney, Shipley, Westfall) and 31 absentees (Mr. Davidson).

WHEREAS, the Seneca County Health Department is a member of the Finger Lakes Public Health Alliance; and

WHEREAS, this alliance is a regional consortium of 9 counties (Seneca, Steuben, Schuyler, Ontario, Wayne, Yates, Chemung, Livingston and Monroe); and

WHEREAS, membership allows the counties to perform emergency preparedness planning and the planning and execution of drills and exercises on a regional level; and

WHEREAS, the cost of this Agreement will be \$7,425; and

WHEREAS, the funds for this membership are included in the Emergency Preparedness Grant 10-115-5-4014-4370; and

WHEREAS, the Public Health Committee has recommended approval of this Agreement; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign this inter-municipal agreement with Yates County.

#### **BOARD OF SUPERVISORS AUTHORIZES AND DIRECTS THE CHAIRMAN TO SIGN CONSULTANT SERVICES AGREEMENT FOR “STRUCTURAL STABILIZATION OF MAMA BEAR” PROJECT AT HISTORIC OVID COURTHOUSE COMPLEX**

RESOLUTION NO. 250-08, moved by Mr. Kaiser, seconded by Mr. Terryberry and adopted by 719 ayes (Kaiser, Terryberry, Reynolds, Barto, Serven, Dresser, Same, Lafler, Amidon, Hayssen, Mooney, Shipley, Westfall) and 31 absentees (Mr. Davidson).

WHEREAS, Seneca County is the owner of the Historic Ovid Courthouse Complex; and

WHEREAS, Seneca County has received grant funds from New York State to support stabilization and restoration work on the building within the complex commonly known as Mama Bear; and

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WHEREAS, this restoration work will require design services to ensure that the stabilization work is undertaken in a historically and structurally appropriate manner; and

WHEREAS, requests for proposal for professional services were solicited to assist the county in preparing a stabilization plan; and

WHEREAS, the County received one proposal from Bero Architects Associates; and

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

WHEREAS, the firm of Bero Architects Associates has demonstrated the ability to serve the interests of Seneca County in progressing this important project; and

WHEREAS, the contract for services is not to exceed \$22,600 plus estimated reimbursable expenses of \$1,600, all of which will be fully reimbursed through New York State Grant funds; and

WHEREAS, Seneca County will provide staff support from the Department of Planning and Community Development and the County Engineer, along with the support and input of the Friends of the Three Bears, to further this project; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on September 23, 2008; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Chairman of the Board to sign a contract for services with Bero Architects Associates as consultants for the "Structural Stabilization of Mama Bear" project.

**BOARD OF SUPERVISORS AUTHORIZES AND DIRECTS THE CHAIRMAN TO NOTIFY THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION OF SENECA COUNTY'S INTENT TO WITHDRAW TEA-21 TRANSPORTATION ENHANCEMENT PROGRAM GRANT FOR CAYUGA – SENECA CANAL TRAIL AND PREPARE FOR RESUBMISSION DURING NEXT FUNDING ROUND**

RESOLUTION NO. 251-08, moved by Mr. Kaiser, seconded by Mr. Mooney and adopted by 659 ayes (Kaiser, Mooney, Reynolds, Barto, Serven, Dresser, Same, Lafler, Terryberry, Amidon, Hayssen, Westfall) 60 nays (Shipley) and 31 absentees (Mr. Davidson).

WHEREAS, Seneca County received a TEA-21 Transportation Enhancement Program (TEP) grant in 2003 in the amount of \$420,968 to support the development of the first phase of the Cayuga – Seneca Canal Trail Project; and

WHEREAS, this grant amount was predicated on a total project estimate of \$535,968; and

WHEREAS, additional engineering and design work resulted in a revised construction cost of \$1.7 million dollars; and

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WHEREAS, Seneca County is not in a financial position to provide local dollars to bridge the gap in funding; and

WHEREAS, New York State Department of Transportation Officials have indicated that the County could position itself for a greater allocation in the next funding round; and

WHEREAS, Seneca County will continue to work with the Canal Trail Committee and its partners in local government, as well as New York State Electric and Gas (NYSEG) to move forward with the project; and

WHEREAS, design work associated with the 96A Crossing and related portions of the proposed trail will be undertaken through a \$50,000 state grant received by the Town of Waterloo; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on September 23, 2008; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Chairman of the Board to notify the New York State Department of Transportation of Seneca County's intent to withdraw the TEA-21 TEP Grant for the Cayuga-Seneca Canal Trail and prepare for resubmission in the next round of grant opportunities.

## **REQUEST FOR QUALIFICATIONS (RFQ) FOR ENGINEERING FIRM FOR FINGER LAKES REGIONAL AIRPORT**

RESOLUTION NO. 252-08, moved by Mr. Kaiser, seconded by Dr. Dresser and adopted by 719 ayes (Kaiser, Dresser, Reynolds, Barto, Serven, Same, Lafler, Same, Terryberry, Amidon, Mooney, Shipley, Westfall) and 31 absentees (Mr. Davidson).

WHEREAS, Seneca County owns and operates the Finger Lakes Regional Airport in Seneca Falls, New York; and

WHEREAS, it is a requirement of the Federal Aviation Administration (FAA) that owners of the Airport go through the process of soliciting a "Request of Qualifications" (RFQ) for engineering services every five (5) years; and

WHEREAS, Seneca County is at the five-year limit for this requirement; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on September 23, 2008; now, therefore, be it

RESOLVED, that the Seneca County Department of Planning and Community Development be directed to work with the County Engineer in the development of an RFQ from approved FAA engineering firms to act as Seneca County's designated engineering firm for oversight of the Finger Lakes Regional Airport.

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## **THE SENECA COUNTY BOARD OF SUPERVISORS URGES CONGRESS TO PROHIBIT LAND FROM BEING TAKEN INTO TRUST FOR INDIAN TRIBES THAT VIOLATE FEDERAL, STATE OR LOCAL LAW**

RESOLUTION NO. 253-08, moved by Mr. Same, seconded by Mr. Shipley and adopted by 719 ayes (Same, Shipley, Reynolds, Barto, Serven, Dresser, Kaiser, Lafler, Terryberry, Amidon, Hayssen, Mooney, Westfall) and 31 absentees (Mr. Davidson).

WHEREAS, Indian tribes in the State of New York have applied to have land placed in federal trust that has been acquired with profits from the sale of motor fuel, cigarettes, and other products for which sales and excise taxes have not been legally collected and remitted; and

WHEREAS, Indian tribes in the State of New York have applied to have land placed in federal trust with respect to which they have refused to pay property taxes; and

WHEREAS, Indian tribes in the State of New York have applied to have land placed in federal trust that has been acquired with profits earned from illegal gaming operations; now, therefore, be it

RESOLVED, the Seneca County Board of Supervisors urges Congress to pass legislation that would prohibit the Secretary of Interior from taking land into trust for the benefit of Indian tribes that are violating any federal, state, or local law at the time of the tribe's application, or Indian tribes that purchased the land subject to a trust application with revenue derived from activities that violate federal, state, or local laws; and be it

FURTHER RESOLVED, that the Chairman of the Board shall convey this resolution to the following federal, state and county officials: The Honorable Charles Schumer, U. S. Senator; The Honorable Hillary Rodham Clinton, U. S. Senator; The Honorable Michael Arcuri, U. S. Representative; The Honorable John McHugh, U. S. Representative; The Honorable David Paterson, Governor, State of New York; The Honorable John Becker, Chair, Madison County Board of Supervisors; The Honorable Roger Mills, Chair, Cayuga County Legislature; The Honorable Gerald Fiorini, Chair, Oneida County Legislature; The Honorable Guy Smith, Chair, Franklin County Legislature.

## **BOARD OF SUPERVISORS TO APPROVE THE ABOLISHMENT OF FOUR PART-TIME CLEANER POSITIONS AND THE CREATION OF A FULL-TIME CLEANER POSITION**

RESOLUTION NO. 254-08, moved by Dr. Dresser, seconded by Mrs. Amidon and adopted by 719 ayes (Dresser, Amidon, Reynolds, Barto, Serven, Kaiser, Same, Lafler, Terryberry, Hayssen, Mooney, Shipley, Westfall) and 31 absentees (Mr. Davidson).

WHEREAS, the County is finding it difficult to keep cleaners in the Public Health and Mental Health building due to the late hours; and

WHEREAS, the Vacancy Committee, the Personnel Officer and the Facilities Department are recommending the creation of a full-time Cleaner position; and

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WHEREAS, abolishing four part-time Cleaner positions that are currently vacant will fund the full-time Cleaner position and save the Department in personal services costs; and

WHEREAS, the oversight committees for Personnel, Finance and Public Works reviewed and approved said action; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors abolish four part-time Cleaner positions and create one full-time Cleaner position effective October 20, 2008; and be it

FURTHER RESOLVED, that the full-time Cleaner position be paid in accordance with the current CSEA contract; and the hours be established by the Department Head to fit the needs of the department; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to make the following budget transfers in the Building & Grounds County Office Building budget:

Decrease line item 10-101-5-1622-1200 (Part-time) by \$3,949

Increase line item 10-101-5-1622-1100 (Salaries) by \$2,718

Increase line item 10-101-5-1622-8600 (Hospitalization) by \$1,231

### **RESOLUTION AUTHORIZING ADOPTION BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SENECA OF LOCAL LAW NO. 2, YEAR 2008**

RESOLUTION NO. 255-08, moved by Dr. Dresser, seconded by Mr. Same and adopted by 719 ayes (Dresser, Same, Reynolds, Barto, Serven, Kaiser, Lafler, Terryberry, Amidon, Hayssen, Mooney, Shipley, Westfall) and 31 absentees (Mr. Davidson).

WHEREAS, a resolution was duly adopted by the Board of Supervisors of the County of Seneca for a Public Hearing to be held by said County on September 23, 2008 at 8:00 p.m. at the former County Courthouse in Ovid, New York, to hear all interested parties on a proposed Local Law entitled "A Local Law to Exempt Part-Time Sheriff's Deputies from the provisions of §3 of the Public Officers Law"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper(s) of the County of Seneca; and

WHEREAS, said public hearing was duly held on September 23, 2008 at 8:00 p.m. at the former County Courthouse in Ovid, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Board of Supervisors of the County of Seneca, after due deliberation, finds it in the best interests of the County of Seneca to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Seneca hereby adopts said Local Law No. 2 of the year 2008, as follows:

#### **SECTION I.**

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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.

### **SUPERVISORS SUPPORT RED RIBBON WEEK OCTOBER 23 – 31, 2008**

RESOLUTION NO. 256-08, moved by Mr. Mooney, seconded by Mr. Westfall and adopted by 719 ayes (Mooney, Westfall, Reynolds, Barto, Serven, Dresser, Kaiser, Same, Lafler, Terryberry, Amidon, Hayssen, Shipley) and 31 absentees (Mr. Davidson).

WHEREAS, alcohol and other drug abuse in the nation has reached epidemic stages; and

WHEREAS, local leaders are becoming increasingly concerned about the rise in use of alcohol and other drugs in Seneca County; and

WHEREAS, the Seneca County community understands that the problems of alcohol and other drug abuse must be attacked through a variety of protection programs, including: public awareness, prevention education, and family based programming, treatment, and law enforcement actions; and

WHEREAS, the National Family Partnership is sponsoring the National Red Ribbon Campaign which offers citizens the opportunity to demonstrate their commitment to drug free lifestyles; and

WHEREAS, business, government, law enforcement, schools, youth, physicians, senior citizens, military, sports teams, religious institutions, service organizations and individuals will demonstrate their commitment to drug free, healthy lifestyles by wearing and displaying red ribbons during this week long campaign; and

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WHEREAS, the County of Seneca further commits its resources to ensure the success of the Red Ribbon Campaign; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby support October 23 – 31, 2008 as “Red Ribbon Week” and encourages participation in drug prevention education activities, making a viable statement that we are strongly committed to a drug-free community.

### New Business:

Mrs. Amidon brought to discussion the matter of November 11 being an official holiday and day-off for employees, but also a board meeting night. Discussion ensued and it was decided that there would be a board meeting that evening as acheduled.

### Special Order of the Day

The meeting was adjourned at 8:54 p.m.