

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

and

PUBLIC HEARING

February 24, 2009

8:00 p.m.

Call to Order

Chairman Lafler called the meeting to order at 8:00 p.m.

Roll Call of Members by the Acting Clerk

All members of the Board were present.

Pledge of Allegiance and Moment of Silence

Public Hearing:

Mr. Mooney moved the floor be opened to hear public comment regarding “A Local Law to Repeal Local Law Number 3 of 1995.”

WHEREAS, Seneca County, in recognition of the sacrifices made by its veterans and in accordance with §458-a of proposed Local Law A of 2009 entitled “A LOCAL LAW TO REPEAL LOCAL LAW NUMBER THREE OF 1995” be and the same is hereby introduced before the Board of Supervisors of Seneca County, New York to read in substantially the following form:

SECTION 1. Be it enacted that Local Law No. three of the year 1995 entitled “A Local Law in relation to the maximum Exemption Allowable for the Alternative Veteran’s Exemption from Real Property Taxation” is hereby repealed.

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.

As no comments were heard from the public, Mr. Hayssen moved the public hearing was closed.

Petitions/Petitioners

a. Karen Beals, Executive Director of the United Way of Seneca County, presented to the Seneca County Administration, the Building Bridge Award given in recognition of efforts to work more effectively for children, youth and families in Seneca County. presented to Seneca County (Suzanne Sinclair, County Manager and Chuck Lafler, Chairman of the Board, accepted on behalf of Seneca County) and award for all the County does to support the United Way.

b. Shawn Bossard, Executive Director of Seneca County Cornell Cooperative Extension (SCCCE), presented its Annual Report for 2008. It continues the task of redistricting the county Agricultural Districts. There are three regional agricultural groups that provide expertise to the members in the county and supplying specialists to work with the farmers. Projects with other counties include Finger Lakes Sustainable Farming Center and GIS mapping. This year the SCCCE earned full accreditation status with Cornell University, which means it is performing as per expectations directed by Cornell University.

Approval of Meeting Minutes

January 6, 2009 and January 27, 2009 were approved as written.

Reports of Standing Committees

Public Safety Committee - Mr. Shipley, Chairperson, reported the Committee's approval for the purchase of new vehicles from NYS OGS contract for the Sheriff's Office. The purchase will include three 2009 Crown Victoria vehicles, one 2009 Chevy Trailblazer, and two Chevy Impalas. The Committee also approved the Chairman of the Board to sign application documents for a \$99,150 grant from FEMA for smoke detectors, carbon monoxide detectors and for the purchase of a fire extinguisher simulator and six hundred residential fire extinguishers.

Indian Affairs Committee - Dr. Dresser, Chairperson, informed the Board that there will be a public meeting tomorrow evening at Cayuga Community College to discuss the Cayuga Nations' land-into-trust application and the Draft Environmental Impact Study.

Dr. Dresser also said that the United States Supreme Court handed down its decision on the Rhode Island v. Salazar, Secretary of the Interior case. The Court said that the federal government could not accept into federal trust a 31 acre parcel of land owned by the Narragansett Indian Tribe in Rhode Island. The court ruled the federal government can only take land in trust from tribes officially recognized by the federal government as of the 1934 Indian Reorganization Act, and the Narragansett were not recognized. Dr. Dresser said the decision applied only to this specific case, but it was encouraging for the Seneca and Cayuga counties because at that time, the Cayuga was not a federally recognized tribe.

Mr. Same, Chairperson of the Personnel & Technology Committee, did not offer a committee report. Mr. Same took the opportunity to recognize Harry Pettingill, member and historian for the Upstate Citizens for Equality (UCE), who has been diligent in his research on the legitimacy of claims made by the Cayuga Indian Nation for sovereign land in Seneca County.

Public Health Committee, Mr. Mooney, Vice-Chair, (the chairman deferred to the vice-chairman) reported the Committee's approval for the county to enter into contract with NYS DOH for grant money \$28,493 for the period October 1, 2008 through September 30, 2010 for Early Intervention

Administration; approval to file an application for state assistance in the form of 50% reimbursement of cost for the household hazardous waste collection event; and approval to incorporate the collection of pharmaceutical products at the event. The cost is an additional \$1,000 for security and transportation to an incinerator, which is necessary for a waste drug collection and is non-reimbursable by DEC. Vickie Swinehart, Public Health Director, was directed to ascertain if there were additional fees for the incinerator plant.

Finance, Assessment and Insurance – Mr. Barto, Chairperson, reported that his committee discussed and approved payment of a voucher for services provided by the Substance Abuse Coordinator; approved the appropriation of \$5,000 of privately raised funds (held in trust by Seneca County) to the Sampson Veterans Memorial Cemetery Association to support development and outreach activities.

The matter of funding an economic development fund account was discussed by the Committee and the county manager was charged with drafting a proposal based on the discussion.

Chairman's Remarks

Chairman Lafler spoke about being in the building late last week, when a health emergency arose in E911. The staff handled the situation very well and effectively. He is very impressed with the way it was all done and expressed appreciation to the county staff.

County Manager's Remarks

The County Manager was downstairs for a meeting when the health emergency occurred, when someone from IT came and informed her of it and by the time she got the E911 it was all taken care of (which was a matter of minutes). She echoed the Chairman's feelings for E911 and staff. She informed the room that she will be in Ireland from March 03 to 19th.

County Attorney's Remarks:

The County Attorney informed the Board of Supervisors that just prior to tonight's meeting, he was told that in the matter of Lukowski v. Seneca County, Judge Telesca, U. S. District Court, dismissed the majority of complaints filed by the plaintiff. When he received a copy of the decision, he would provide more detail to the supervisors.

Communications

30. From the Town Board of Geneva, a Notice of Public Hearing on March 10, 2009 at 7:00 p.m. at the Geneva Town Hall regarding the adoption of Local Law 2 of 2009 which would amend the Code of the Town of Geneva relative to a new L-R Lake Residential Zoning District. Referred to the Planning, Development, Agriculture & Tourism Committee.

31. A copy of the Tourism Promotion Agency Report for the 2007 – 2008 Program Year 4th Quarter.

32. Minutes of the Finger Lakes Regional Airport Advisory Committee's December 10, 2008 meeting.
33. Minutes of the Seneca County Water Symposium held on February 7, 2009.
34. Minutes of the E-911 Board's meeting on February 10, 2009.
35. Minutes of the Seneca County Soil & Water Conservation District meeting on January 26, 2009.

Resolutions and Motions

BOARD OF SUPERVISORS SUPPORT TACFL EFFORTS TO LIMIT THE EXPOSURE OF STUDENTS OF THE FINGER LAKES FROM THE TOBACCO INDUSTRY

RESOLUTION NO. 41-09, moved by Mr. Hayssen, seconded by Mr. Barto, and unanimously adopted.

WHEREAS, tobacco use kills over 25,000 New Yorkers every year; and is the leading preventable cause of death in our communities; and

WHEREAS, the Surgeon General has concluded that tobacco advertising contributes to youth smoking rates; and

WHEREAS, each year tobacco companies spend \$15.4 billion to market cigarettes in the United States, including \$516 million in New York; and

WHEREAS, over 24,900 youths under age eighteen in New York State become new daily smokers each year; and

WHEREAS, three out of four teenagers shop in convenience stores at least once per week; and

WHEREAS, tobacco advertising in retail stores has a powerful influence on teens, who are significantly more likely to smoke due to advertising than they are due to peer pressure; and

WHEREAS, research shows that youth are more than twice as likely as adults to recall tobacco advertising; and

WHEREAS, outdoor and exterior facing tobacco ads at retail stores are often seen by students walking to and from school; and

WHEREAS, retail stores are an integral and valuable part of our community; and

WHEREAS, the Public Health Services Committee approved this resolution at its meeting on February 10, 2009; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors hereby partners with the Tobacco Coalition of the Finger Lakes (TACFL) and Reality Check in requesting that retailers of the Finger Lakes reduce overall tobacco advertising in their place of business and eliminate tobacco advertising from areas likely to be seen by children, including exterior poles, walls, windows facing "out", interior wall space below five feet, near candy displays, and on counter tops.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
A CONTRACT WITH BARTON AND LOGUIDICE, P.C. FOR ENGINEERING SERVICES
FOR THE PUBLIC HEALTH DEPARTMENT**

RESOLUTION NO. 42-09, moved by Mr. Hayssen, seconded by Mr. Westfall and unanimously adopted.

WHEREAS, the Public Health Department is required to have the availability of a Professional Engineer for the review and approval of plans for mobile home parks, temporary residences, water systems and septic systems; and

WHEREAS, the County Engineer will be providing these services for most departmental needs; and

WHEREAS, it will be necessary to continue a contract with Barton and Loguidice, P.C. for any activities that the County Engineer may be unable to perform; and

WHEREAS, the Department is requesting to renew this contract for these necessary services; and

WHEREAS, the funds to cover these professional services is in the Public Health budget 10-115-5-4011-4280; and

WHEREAS, the Public Health Services approved this resolution at its February 10, 2009 meeting; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the contact with Barton and Loguidice, P. C.

**BOARD APPROVAL FOR THE DIVISION OF HUMAN SERVICES TO CREATE AND
REFILL TWO CASEWORKERS AND TWO SUMMER YOUTH COUNSELORS**

RESOLUTION NO. 43-09, moved by Mr. Mooney, seconded by Mr. Hayssen and unanimously adopted.

WHEREAS, the Seneca County Vacancy Committee reviewed and recommended the creation and refill of two Caseworkers and two Summer Youth Counselors at an hourly rate of \$15.800 per hour and \$16.742 per hour, respectively; and

WHEREAS, the funding for these positions was included in the adopted 2009 Seneca County Budget; and

WHEREAS, these refills have been reviewed and recommended for refill by the oversight committees for Human Services and Finance and recommended for Board of Supervisors approval; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby approve the creation and filling of Caseworker positions and two Summer Youth Counselor positions under the Division of Human Services.

PURCHASE CHEVY IMPALA THROUGH NEW YORK STATE CONTRACT FOR MENTAL HEALTH DEPARTMENT AND PUBLIC HEALTH DEPARTMENT

RESOLUTION NO. 44-09, moved by Mr. Reynolds, seconded by Mr. Davidson and unanimously adopted.

WHEREAS, the departments of Mental Health and of Public Health recommend the purchase of a 2009 Chevrolet Impala through the New York State Contract PC62760 at a cost of \$16,355; and

WHEREAS, the purpose is to replace a 2002 Ford Taurus vehicle that has been totaled in an automobile accident in June, 2008; and

WHEREAS, the vehicle is used by staff at the Public Health Department, and also by the Mental Health Department staff to transport clients to and from appointments at the mental health clinic in Waterloo and Ovid; and

WHEREAS, there are funds available in the 2009 Mental Health budget in account 10-115-5-4320-2600 and account 10-115-5-4220-2600; and Public Health budget 10-115-4010-2600 for this purchase; and

WHEREAS, fifty percent of this purchase will be offset by state aid; and

WHEREAS, the Board of Supervisors' oversight committees for Mental Health and Public Health Services has reviewed and recommended the purchase of a 2009 Chevy Impala at the February 10, 2009 meetings; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes a purchase through NY State Contract PC63772 for one 2009 Chevy Impala for the Mental Health and Public Health Departments.

New Business:

Mr. Same discussed the County House Road gas well application. The gas well would be directly in the center of the property. He requested that Frank Fisher look into the matter.

Mrs. Amidon moved the rules be suspended to introduce resolutions not on the agenda.

RESOLUTION AUTHORIZING ADOPTION BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SENECA LOCAL LAW NO. 1, YEAR 2009

RESOLUTION NO. 45-09, moved by Mr. Mooney, seconded by Mr. Shipley and unanimously adopted.

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 February 24, 2009 at 8:00 p.m. at the Seneca County Office Building, Waterloo, New York, to hear all interested parties on a proposed Local Law entitled "A Local Law to Repeal Local Law Number Three of 1995"; 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 February 24, 2009 at 8:00 p.m. at the Seneca County Office Building, Waterloo, 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. 1 of the year 2009, as follows:

SECTION I.

Be it enacted that Local Law No. three of the year 1995 entitled "A Local Law in relation to the maximum Exemption Allowable for the Alternative Veteran's Exemption from Real property Taxation" is hereby repealed.

SECTION II.

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 shall affect real property tax due for the tax years 2008-2009 and thereafter.

AUTHORIZE TREASURER TO MAKE PAYMENT FOR JANUARY SERVICES BY MENTAL HEALTH SUBSTANCE ABUSE COUNSELOR

RESOLUTION NO. 46-09, moved by Mr. Barto, seconded by Mr. Mooney and unanimously adopted.

RESOLVED, that the Seneca County Board of Supervisors authorizes the Seneca County Treasurer to make payment for services provided by Kimberly Zajac as a substance abuse counselor for Seneca County Community Counseling in January, 2009 in accordance with the set hourly rate of twenty dollars per hour.

BOARD OF SUPERVISORS AUTHOERIZE THE CHAIRMAN TO APPLY FOR FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION FIRE PREVENTION AND SAFETY GRANT

RESOLUTION NO. 47-09, moved by Mr. Shipley, seconded by Mr. Same and unanimously adopted.

WHREAS, the United States Fire Administration reports a higher rate of fire-related deaths among the poor, children under five, individuals over 64 and individuals living in rural low-income housings; and

WHEREAS, the single most effective tool to save lives during a fire are long-life battery-powered smoke detectors on each level and in each bedroom; and

WHEREAS, many Seneca County homes and apartments, particularly those of Seneca County seniors and families, either do not have any or not enough working smoke and carbon monoxide detectors; and

WHEREAS, the United States Federal Emergency Management Administration (FEMA) has released the competitive 2008 Fire Prevention and Safety Grant Program intended to provide monies to communities for fire safety education, increased regional response, and fire prevention; and

WHEREAS, the cost of purchasing and installing enough smoke and carbon monoxide detectors for 300 homes and apartments meeting the eligibility requirements, including project coordination is \$99,150; and

WHEREAS, the FEMA grant application is due March 06th, 2009, and if awarded, would provide the entire \$99,150 for the purchase and installation of the equipment, with no local County matching dollars required; and

WHEREAS, this resolution has been reviewed and approved by the Public Safety Committee on February 24, 2009; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors be authorized and directed to sign all necessary documentation to submit this application for the Federal Emergency Management Administration 2008 Fire Prevention and Safety Grant Program.

BOARD OF SUPERVISORS AUTHORIZES AND DIRECTS COUNTY ATTORNEY TO ENTER INTO SETTLEMENT AGREEMENT IN MATTER OF PSI v. UPE AND SENECA COUNTY
RESOLUTION NO. 48-09, moved by Mr. Shipley, seconded by Mr. Davidson and unanimously adopted.

WHEREAS, litigation has been commenced by Sub-contractor PSI, LLC (PSI) against Contractor United Prison Equipment Company (UPE), Hartford Insurance Co. and Seneca County in regard to the construction and equipment of the Seneca County Law Enforcement Center; and

WHEREAS, there is alleged to remain due UPE under said contract the sum of \$195,904; and

WHEREAS, there remains, however, back charges alleged to be due to the County by UPE in the amount of \$97,797.00; and

WHEREAS, there remains a mechanics lien filed by PSI in the amount of \$716,792 to be released, and fines due under the contract in the amount of \$24,850.00 for UPE's alleged failure to perform as required under the contract; and

WHEREAS, the Board has determined that each and every expense incurred by the County in regard to the alleged failure of performance of the contract by the parties may be recovered by entering into a settlement agreement with the parties at this time; and

WHEREAS, this resolution has been approved by the Public Safety Committee for recommendation to the Board of Supervisors; now, therefore, be it

RESOLVED, that the County Attorney is authorized and directed to enter into a settlement agreement with all of the parties in the matter of PSI v. UPE, Hartford Insurance Co., and Seneca County, pending before the New York State Supreme Court under Index Number 40069; and be it

FURTHER RESOLVED, that the County Attorney recover from said parties any and all actual expenses and costs incurred by the County in the performance or failure of performance of the said contract by the parties as set forth in a list of such expenses prepared by Contractor BBL Construction Services and dated March 9, 2007 and designated under line three through twenty-one therein and amounting to the sum of Ninety-seven Thousand Seven Hundred Ninety-seven Dollars together with fines as provided under the contract.

AUTHORIZE PURCHASE BY SHERIFF'S DEPARTMENT OF SIX VEHICLES UNDER NEW YORK STATE OFFICE OF GENERAL SERVICES CONTRACT

RESOLUTION NO. 49-09, moved by Mr. Shipley, seconded by Mr. Mooney and adopted by 690 ayes (Shipley, Mooney, Reynolds, Barto, Serven, Davidson, Dresser, Kaiser, Same, Lafler, Terryberry, Amidon, Hayssen) and 60 nays (Westfall).

WHEREAS, the Seneca County Sheriff's Office would like to purchase three vehicles under the NYS OGS Contract PC64275 described as follows: three 2009 Ford Crown Victoria with dealer installed option, radio installations and computer equipment swaps, striping, new rhino bars, installation of striping and rhino push bar and cage unit swap; and

WHEREAS, the Seneca County Sheriff's Office would like to purchase two vehicles under the NYS OGS Contract PC62760 described as follows: two 2009 Chevy Impalas with installation of radio equipment; and

WHEREAS, the Seneca County Sheriff's Office would like to purchase one vehicle under the NYS OGS Contract PC62876 described as follows: one 2009 Chevy Trailblazer 4 x 4 for K9 with dealer installed option; Retro-fit K9 kennel to fit; Westin push bar; computer mount; computer and radio swap and installation, striping and installation of striping and push bar; and

WHEREAS, the total cost for the six vehicles, including delivery charges is \$147,566.56 and funding for these vehicles will be from the following accounts: Sheriff Criminal Investigation Budget for Vehicles (10-110-5-3114-2600) - \$16,735.00; and Sheriff Road Patrol Vehicles (10-110-5-3113-2600) - \$130,831.56; and

WHEREAS, this resolution was approved by the Public Safety Committee on February 24, 2008; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes the Sheriff's Office to purchase three 2009 Ford Crown Victorias with dealer installed option, radio installations and computer equipment swaps, striping, new rhino bars, installation of striping and rhino push bar and cage unit swap under NYS OGS Contract PC64275 for a total cost of \$83,978.22 to be funded by budget line item 10-110-5-3114-2600; and be it

FURTHER RESOLVED, that the Seneca County Board of Supervisors authorizes the Sheriff's Office to purchase two 2009 Chevy Impalas with installation of radio equipment under NYS OGS Contract PC62760 for a total cost of \$33,470.00 to be funded by budget line items 10-110-5-3113-2600 (\$16,735.00) and 10-110-5-3114-2600 (16,735.00); and be it

FURTHER RESOLVED, that the Seneca County Board of Supervisors authorizes the Sheriff's Office to purchase one 2009 Chevy Trailblazer 4 x 4 for K9 with dealer installed option; retro-fit K9 kennel to fit; Westin push bar; computer mount; computer and radio swap and installation, striping and installation of striping and push bar under NYS OGS Contract PC62876 for a total cost of \$30,118.34 to be funded by budget line item 10-110-5-3114-2600.

Special Order of the Day

The meeting was adjourned at 8:46 p.m.