

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

March 24, 2009

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 Deputy Clerk of the Board

All members of the Board were present.

Pledge of Allegiance and Moment of Silence

Approval of Minutes

Motion was made by Mr. Kaiser, seconded by Mr. Same and carried that the Minutes of the February 10<sup>th</sup> Board Meeting be approved.

Reports of Standing Committees

- a. Government Operations Committee, Mrs. Amidon, Chairperson, indicated that her committee approved the appointment of Ruth Same as Democratic Commissioner of Elections.
- b. Public Works Committee, Mr. Davidson, Chairperson, reported that his committee discussed two issues this evening, a 10 wheel dump truck for the Highway Department and the other involves a Resolution, discussed in Executive Session, which will be before the Board this evening.
- c. Public Safety Committee, Mr. Shipley, Chairperson, reported that his committee discussed the appointment of a Jail Physician (which was prefiled in a prior meeting), and discussion of the ongoing dispute with Ontario County and the fact that Seneca County will not negotiate on the matter.
- d. Human Services Committee, Mr. Mooney, Chairperson, reported that his Committee had several issues this evening, which will come before the Board tonight. One is the filling of a position with Weatherization; accept bids for Weatherization services, a contract for YAP and refilling a caseworker position.
- e. Indian Affairs Committee, Dr. Dresser, Chairperson, reported that he discussed his trip to Washington DC and discussed the Harris Beach response.
- f. Planning, Development, Agriculture & Tourism, Mr. Kaiser, Chairperson, reported that his committee had two items, one is a Resolution asking the Board to approve a Resolution calling upon NYS Legislature to immediately enact the permanent authority of county-wide

IDA to finance civic facility projects and the other was a discussion of the Comprehensive Plan.

- g. Public Health Services Committee, Mr. Hayssen, Chairperson, reported this his committee has two issues before the board, one is approving the Transportation Contract with A & E Transportation, for one year and the other is a Resolution for approval of a contract for the design of the water systems in the hamlet of Fayette.
- h. Finance, Assessment, & Insurance Committee, Mr. Barto, Chairperson, reported that his committee discussed and approved a physician for the jail, refilling a caseworker position in DHS, fill weatherization position, and approving agreement to extend tax rolls and bills for school districts.

#### Chairman's Remarks

Chairman Lafler spoke about how nice it was to have the County Manager back with us.

#### County Manager's Remarks

The County Manager indicated that she had had a nice time in Ireland, but was glad to be back.

#### County Attorney's Remarks:

The County Attorney said that, with regard to the Indian matter, the matter will be before the Appellate Division in Rochester on April 03. Both he and Dr. Dresser are planning on being there and if anyone would like to go, let him or Dr. Dresser know.

#### Communications:

46. A copy of a resolution numbered 108-2009 and adopted on March 12, 2009 by the Board of Supervisors, Columbia County urging Governor Paterson to order the printing and issuing of tax exemption coupons for members of Indian Tribes so that as much as \$1 billion a year in sale and excise taxes can be collected from non-Indians when they purchase cigarettes, gasoline and other products from Indian enterprises on and off reservations.

47. County of Seneca, Local Law No. 1, 2009, notice of filing on March 09, 2009 from NYS Department of State.

48. January 20 and February 17 meeting minutes from Seneca County Federation of Sportsmen's Clubs, Inc.

49. February 12 meeting minutes from Seneca County Planning Board.

50. March 10 meeting minutes from Seneca County E911 Board.

51. Election Commissioner Certification for Ruth V. Same for the four year term January 2010 – December 2013, filed with the Office of the Clerk of the Board of Supervisors on March 16, 2009, from Theodore H. Young, Chairman, Seneca County Democratic Committee. Referred to the Government Operations Committee.

52. From NYS Association of Auxiliary Police, a request to submit a memorandum in support of Assembly Bill A04368 which is an act in relation to creating the volunteer peace officer benefits law. Referred to the Public Safety Committee.

Resolutions and Motions

**SUPERVISORS ACCEPT PROPOSAL FROM MAXIMUS CONSULTING INC. FOR COUNTY  
INDIRECT COST ALLOCATION PLAN**

RESOLUTION NO. 62-09, moved by Mr. Barto, seconded by Mr. Mooney, and unanimously adopted.

WHEREAS, Seneca County must allocate indirect expenses to maximize state aid reimbursement; and

WHEREAS, Maximus Consulting has submitted a five-year proposal to develop the Seneca County indirect cost allocation plan for years ending 2008 through 2012 at an annual increase of 1.8%; and

WHEREAS, this resolution was approved on March 10, 2009 by the Finance, Assessment & Insurance Committee; now, therefore, be it

RESOLVED, that Seneca County Board of Supervisors does hereby accept the proposal from Maximus Consulting to develop the Seneca County indirect allocation plan for the fiscal years 2008, 2009, 2010 at an annual cost of \$6,800 and the years 2011, 2012 at an annual cost of \$7,100.

**BOARD OF SUPERVISORS AUTHORIZE RENEWAL CONTRACTS FOR  
TRANSPORTATION SERVICES FOR THE EARLY INTERVENTION AND 3-5 PROGRAMS**  
RESOLUTION NO. 63-09, moved by Mr. Hayssen, seconded by Mrs. Amidon and unanimously adopted.

WHEREAS, the Health Department has contracts with A & E Transportation and Seneca Cayuga ARC for the transportation services for the Early Intervention and 3-5 programs; and

WHEREAS, the County has the exclusive right to renew these contracts for one additional one year period at the current rates; and

WHEREAS, it is necessary for the board to pass a resolution to endorse the contract renewals; and

WHEREAS, the funding for these services is in the Public Health Budget 2960.4701 and 4145.4701; now, therefore, be it

RESOLVED, that the Board of Supervisors approves the renewal of the contracts with A & E Transportation and Seneca Cayuga ARC; and be it

FURTHER RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign said contracts.

**CLERK AUTHORIZED TO PUBLISH NOTICE OF PUBLIC HEARING FOR AGRICULTURE  
DISTRICT**

RESOLUTION NO. 64-09, moved by Mr. Kaiser, seconded by Mr. Davidson and unanimously adopted.

WHEREAS, Seneca County Agricultural District Number 12 is to be expanded to include the area currently included in Agricultural District Numbers 2 & 7; and

WHEREAS, per New York State Agriculture and Markets Law Article 25AA Section 303a, before the request for recertification of Agricultural District Number 12 IS sent to the New York State Commissioner of Agriculture and Markets, the Seneca County Board of Supervisors must hold a Public Hearing; and

WHEREAS, this resolution was approved on March 10, 2009 by the Planning, Development, Agriculture & Tourism Committee; now, therefore, be it

RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized and directed to advertise for a public hearing to provide an opportunity for citizens to offer comments on the recertification of Agricultural District Number 12. Said Public Hearing to be held on Tuesday, April 28, 2009 at or about 7:00 p.m. in the Board of Supervisors Chambers of the Seneca County Office Building.

**REQUESTING NEW YORK STATE LEGISLATION FOR RATIONAL STATEWIDE  
ECONOMIC DEVELOPMENT POLICIES AND REAUTHORIZATION OF CIVIC FACILITIES  
FINANCING**

RESOLUTION NO. 65-09, moved by Mr. Kaiser, seconded by Mr. Shipley and unanimously adopted.

WHEREAS, Industrial Development Agency reform bills establishing greater accountability and new reporting requirements for local agencies have been introduced in both houses of the New York State Legislature; and

WHEREAS, the New York State Legislature first enacted amendments to the General Municipal Law in 1997, which have been extended every two years prior to this session, authorizing county-wide Industrial Development Agencies to utilize their tax exempt bonding authority to finance construction of civic facilities including not-for-profit hospitals, continuing care residential facilities for the elderly, college dormitories and other projects for non-profit community-based organizations; and

WHEREAS, this financing mechanism has provided non-profit hospitals and residential care facilities with significant savings on costs for construction on new medical facilities since financing through local Industrial Development Agencies is considerably less expensive than that available through other sources assisting their efforts to control the costs of health care; and

WHEREAS, colleges and universities, including county community colleges, have been able to finance construction of dormitory facilities at reduced costs, with resulting savings to taxpayers; and

WHEREAS, community based, not-for-profit organizations employ thousands of New York's citizens and are an integral part of the economic framework of our local communities; and

WHEREAS, Seneca County has seen the economic development benefits of this type of financing with the New York Chiropractic College and Hillside Children's Center; and

WHEREAS, the Seneca County Board of Supervisors has charged the Seneca County Industrial Development Agency with promoting economic development throughout the county; and

WHEREAS, proposed legislation such as A.3659 and S.1241 along with predecessor bill A.8703 and similar legislation would force all Industrial Development Agency assisted projects of private investors to pay prevailing wages during construction and pay median wages on all subsequent jobs, thereby further increasing the cost of doing business in New York State; and

WHEREAS, those additional costs would effectively negate any and all Industrial Development Agency benefits and limit Industrial Development Agencies' ability to generate project fee revenues; and

WHEREAS, the authority of county-wide Industrial Development Agencies to finance not-for-profit and civic facilities projects expired on January 31, 2008 without action by the State Legislature; and

WHEREAS, over \$2 billion in construction projects for not-for-profit organizations, which will increase the quality of services to our citizens and create new jobs particularly in communities hardest hit by our current economic recession, have been delayed, scaled back or abandoned as a result of the lapse of this authority; and

WHEREAS, the lapsed authority for financing of civic facilities projects was limited to a cap of \$20 million per project, severely curtailing the ability of not-for-profit hospitals to take full advantage of the cost savings for construction financing of expansion and modernization projects available through county-wide industrial development agencies; and

WHEREAS, A.3659 and S.1241 along with predecessor bill A.8703 would potentially force Industrial Development Agencies, which are largely self-funded, to seek additional county funding or cause a "Going Out of Business Scenario" for many counties' major tool for economic development; and

WHEREAS, these additional costs caused by the lapse in this authority and the delay in these much needed projects will ultimately be borne by the taxpayer, either through reduced services or higher costs of construction; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors calls upon the New York State Legislature to immediately enact the permanent authority of county-wide Industrial Development Agencies to finance civic facility projects with an increase in the volume cap to \$50 million per project as part of overall Industrial Development Agency reform; and be it

FURTHER RESOLVED, that the Seneca County Board of Supervisors support the enactment of Industrial Development Agency reform legislation that strengthens public accountability and secures the confidentiality of personal and proprietary information while maintaining local flexibility, oversight and

control of Industrial Development Agencies, and opposes A.3659 and S.1241 along with predecessor bill A.8703 or any similar legislation; and be it

FURTHER RESOLVED, that the Seneca County Board of Supervisors shall forward copies of this resolution to Governor David Paterson, the New York State Legislature representatives Senator Michael F. Nozzolio, Assemblymen Brian Kolb, NYS Association of Counties and Mr. Brian McMahon, New York State Economic Development Council.

**SUPERVISORS ACCEPT BID FOR GENERAL CONTRACTING EMERGENCY WORK FOR WEATHERIZATION PROGRAM**

RESOLUTION NO. 66-09, moved by Mr. Mooney, seconded by Mr. Terryberry and unanimously adopted.

WHEREAS, the County, as part of the New York State Division of Housing and Community Renewal Weatherization Assistance Program, solicited bids for general contracting emergency work; and

WHEREAS, two bids have been received; and

WHEREAS, funds have been approved in the 2009 Seneca County Weatherization Program budget (100% state and federal aid); and

WHEREAS, S & H Construction Co., Inc., having principal offices at 142 E. Bayard Street, Seneca Falls, New York, was the lowest responsible bidder; and

WHEREAS, this resolution was approved on March 24, 2009 by the Human Services Committee; now, therefore, be it

RESOLVED, that the Seneca County board of Supervisors does hereby award the 2009-10 Weatherization Program bid for general contracting emergency work to S & H Construction Co., Inc., having principal offices at 142 E. Bayard Street, Seneca Falls, New York for Show Up Fee / 1<sup>st</sup> hour labor rate: \$33.50 and additional per hour labor rate: \$33.50.

**SUPERVISORS ACCEPT BID FOR VINYL REPLACEMENT WINDOWS FOR WEATHERIZATION PROGRAM**

RESOLUTION NO. 67-09, moved by Mr. Mooney, seconded by Mrs. Amidon and unanimously adopted.

WHEREAS, the County, as part of the New York State Division of Housing and Community Renewal Weatherization Assistance Program, solicited bids for vinyl replacement windows for up to 75 united inches, 76-101 united inches and 100+ united inches; and

WHEREAS, three bids have been received; and

WHEREAS, funds have been approved in the 2009 Seneca County Weatherization Program budget (100% state and federal aid); and

WHEREAS, South Seneca Vinyl, having principal offices at 1585 Yale Farm Road, Romulus, New York, was the lowest responsible bidder; and

WHEREAS, this resolution was approved on March 24, 2009 by the Human Services Committee; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby award the 2009-2010 Weatherization Program bid for vinyl replacement windows: up to 75 UI \$120.00; 76-101 UI \$140.00; over 101 UI \$140.00 to South Seneca Vinyl, having principal offices at 1585 Yale Farm Road, Romulus, New York.

**SUPERVISORS ACCEPT BID FOR TUNE AND CLEAN OF NATURAL GAS FIRED HEATING SYSTEMS FOR WEATHERIZATION PROGRAM**

RESOLUTION NO. 68-09, moved by Mr. Mooney, seconded by Mr. Reynolds and unanimously adopted.

WHEREAS, the County, as part of the New York State Division of Housing and Community Renewal Weatherization Assistance Program, solicited bids for the completion of Tuning and Cleaning of Natural Gas fired heating systems, including performance of Steady State Efficiency Tests; and

WHEREAS, four bids have been received; and

WHEREAS, funds have been approved in the 2009 Seneca County Weatherization Program budget (100% state and federal aid); and

WHEREAS, E & V Energy, Co., having principle offices at P. O. Box 1176, Weedsport, New York was the lowest responsible bidder; and

WHEREAS, this resolution was approved on March 24, 2009 by the Human Services Committee; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby award the 2009 – 2010 Weatherization Program bid for the completion of Tuning and Cleaning of Natural Gas fired heating systems, including Performance of Steady State Efficiency Tests at \$79.95 per unit to E & V Energy, Co., having principal offices at P. O. Box 1176, Weedsport, New York.

**SUPERVISORS ACCEPT BID FOR TUNE AND CLEAN OF OIL FIRED HEATING SYSTEMS FOR WEATHERIZATION PROGRAM**

RESOLUTION NO. 69-09, moved by Mr. Mooney, seconded by Mr. Davidson and unanimously adopted.

WHEREAS, the County, as part of the New York State Division of Housing and Community Renewal Weatherization Assistance Program, solicited bids for the completion of Tuning and Cleaning of Oil Fired Heating Systems, including performance of Steady State Efficiency Tests; and

WHEREAS, four bids have been received; and

WHEREAS, funds have been approved in the 2009 Seneca County Weatherization Program budget (100% state & federal aid); and

WHEREAS, E & V Energy Co., having principle offices at P. O. Box 1176, Weedsport, NY was the lowest responsible bidder; and

WHEREAS, this resolution was approved on March 24, 2009 by the Human Services Committee; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby award the 2009-2010 Weatherization Program bid for the completion of Tuning and Cleaning of Oil Fired Heating Systems, including Performance of Steady State Efficiency Tests at \$99.95 per unit to E & V Energy Co., having principal offices at P. O. Box 1176, Weedsport, New York.

**SUPERVISORS ACCEPT BID FOR TUNE AND CLEAN OF PROPANE FIRED HEATING SYSTEMS FOR WEATHERIZATION PROGRAM**

RESOLUTION NO. 70-09, moved by Mr. Mooney, seconded by Mrs. Amidon and unanimously adopted.

WHEREAS, the County, as part of the New York State Division of Housing and Community Renewal Weatherization Assistance Program, solicited bids for the completion of Tuning and Cleaning of Propane fired heating systems, including performance of Steady State Efficiency Tests; and

WHEREAS, four bids have been received; and

WHEREAS, funds have been approved in the 2009 Seneca County Weatherization Program budget (100% state & federal aid); and

WHEREAS, E & V Energy Co., having principle offices at P. O. Box 1176, Weedsport, NY was the lowest responsible bidder; and

WHEREAS, this resolution was approved on March 24, 2009 by the Human Services Committee; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby award the 2009-10 Weatherization Program bid for the completion of Tuning and Cleaning of Propane fired heating systems, including performance of steady state efficiency tests for \$79.95 per unit to E & V Energy Co., having principle offices at P. O. Box 1176, Weedsport, New York.

**SUPERVISORS ACCEPT BID FOR TEMPORARY LABOR FOR WEATHERIZATON PROGRAM**

RESOLUTION NO. 71-09, moved by Mr. Mooney, seconded by Mr. Same and unanimously adopted.

WHEREAS, the County, as part of the New York State Division of Housing and Community Renewal Weatherization Assistance Program, solicited bids for providing Temporary labor for pay at \$9.00 per hour and \$10.00 per hour; and

WHEREAS, funds have been approved in the 2009 Seneca County Weatherization Program budget (100% state and federal aid); and

WHEREAS, one bid has been received from Adecco Employment Services, having principle offices at 101 Genesee Street, Auburn, New York; and

WHEREAS, this resolution was approved on March 24, 2009 by the Human Services Committee; and

WHEREAS, this resolution was approved on March 24, 2009 by the Human Services Committee; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby award the 2009-2010 Weatherization Program bid for use or Temporary Labor to Adecco Employment Services, having principle offices at 101 Genesee Street, Auburn, NY, as follows: pay at \$9.00 per hour will result in weatherization bill rate of \$14.43 and pay at \$10.00 per hour will result in weatherization bill rate of \$16.03.

**CHAIRMAN OF THE BOARD TO SIGN CONTRACT WITH YOUTH ADVOCATE PROGRAMS, INC. (YAP) FOR FAMILY RESILIENCY SERVICES**

RESOLUTION NO. 72-09, moved by Mr. Mooney, seconded by Mrs. Amidon and unanimously adopted.

WHEREAS, the Division of Human Services would like to renew the agreement with the Youth Advocate Program, Inc. (YAP) for Family Resiliency Services; and

WHEREAS, YAP will provide the following services such as Family Advocacy, Home and Community Based Preservation and Youth Advocacy at an 85% success rate; and

WHEREAS, the proposed operating budget for the proposed program is not to exceed \$533,000.00; and

WHEREAS, this funding is available under line item 10-125-5-6070-4747; and

WHEREAS, this agreement has been reviewed by the Oversight Committee for Human Services and recommended for full Board approval; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes the Chairman of the Board to sign the agreement between the Youth Advocate Programs, Inc. and Seneca County Division of Human Services for Family Resiliency Services.

**RESOLUTION TO APPOINT A SENECA COUNTY JAIL PHYSICIAN AND AUTHORIZE TREASURER TO TRANSFER FUNDS**

RESOLUTION NO. 73-09, moved by Mr. Shipley, seconded by Mr. Davidson and unanimously adopted.

WHEREAS, the Seneca County Jail is currently without a jail physician due to resignation as of February 23, 2009; and

WHEREAS, section 501 of the NYS Correction Law requires that the Board of Supervisors appoint a jail physician; and

WHEREAS, the NYS Commission of Correction requires that we have a jail physician to provide medical services at the jail in conjunction with staff RNs; and

WHEREAS, funding for said position is available in the Sheriff Correctional Facility budget 10-110-5-3150; now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to make the following transfer of funds:

Decrease Account 10-110-5-3150-1100 (Jail Salaries) in the amount of \$16,175.00;

Increase Account 10-110-5-3151-1200 (Jail Physician PT) by \$13,266.00;

Increase Account 10-110-5-3151-8100 (Retirement) by \$1,640.00;

Increase Account 10-110-5-3151-8300 (Social Security) by \$823.00;

Increase Account 10-110-5-3151-8400 (Worker's Comp) by \$253.00;

Increase Account 10-110-5-3151-8700 (Medicare) by \$193.00;

and be it

FURTHER RESOLVED, that the Seneca County Board of Supervisors does appoint Pang I. Kooi, M.D. of Auburn, New York as the Seneca County Jail Physician, at an annual salary of \$29,000 effective this date.

**APPOINT TO THE OFFICE OF SENECA COUNTY COMMISSIONER OF ELECTIONS**  
RESOLUTION NO. 74-09, moved by Mrs. Amidon, seconded by Mr. Westfall and unanimously adopted.

WHEREAS, the Chairman of the Democratic Committee has filed with this Board of Supervisors, pursuant to Section 31 of the Election Law, a certificate recommending the appointment of Ruth V. Same to the Office of Commissioner of Elections; now, therefore, be it

RESOLVED, that Ruth V. Same is hereby appointed Commissioner of Elections in and for the County of Seneca with term of office to commence January 1, 2010 for a four-year term to expire December 31, 2013.

Unfinished Business

There was no unfinished business.

New Business:

Mr. Hayssen moved, seconded by Mr. Davidson, and carried, for suspension of the rules, to introduce the following resolutions.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN  
A CONTRACT WITH TOWN OF FAYETTE FOR COUNTY ENGINEERING SERVICES FOR  
THE DESIGN OF THE HAMLET OF FAYETTE WATER PROJECT**

RESOLUTION NO. 75-09, moved by Mr. Hayssen, seconded by Mr. Same and unanimously adopted.

WHEREAS, in accordance with Seneca County Resolution No. 295-07 adopted by the Board of Supervisors on December 11, 2007, authorizing the County to contract with municipalities within the County for Engineering services; and

WHEREAS, the Town of Fayette has requested the services of the Seneca County Engineer for the design of the Hamlet of Fayette Water Project; and

WHEREAS, the County Engineer will be providing these services at the rate of \$45.00 per hour; and

WHEREAS, a contract between Seneca County and the Town of Fayette will be required for the County Engineer to provide these services; and

WHEREAS, the Public Health Services Committee approved this resolution and provision of such services under such terms to the Town of Fayette at its March 24, 2009 meeting; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the contract between Seneca County and the Town of Fayette.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN  
AMENDMENT TO CONTRACT WITH FIRM BARTON AND LOGUIDICE**

RESOLUTION NO. 76-09, moved by Mr. Davidson, seconded by Mrs. Amidon and unanimously adopted.

WHEREAS, the Boardman Creek Bridge Replacement project is moving forward now that Phase I-Design is complete; and

WHEREAS, in 2005 the County contracted with Barton & Loguidice, Architectural / Engineering Consultants for the design and construction of the bridge replacement; and

WHEREAS, a Supplement to the original contract requires the Chairman of the Board of Supervisors signature to begin Phase II; and

WHEREAS, the certain easements are required on property adjacent to said project in the Town of Covert; and

WHEREAS, the contract between the County and the firm of Barton & Loguidice must be amended to reflect authorization for the firm to offer the sum of \$1,000 for easement over premises of Harold and Sue M. Wright, \$250 for easement over premises of Gerald and Colleen Collins, \$400 for easement over premises of James H. Linn, Jr. and to prepare plans and specifications for project bids; and

WHEREAS, the Public Works Committee approved this resolution; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the amendment to contract between Seneca County and the firm of Barton & Loguidice to reflect authorization for the firm sum of \$1,000 for easement over premises of Harold and Sue M. Wright, \$250

for easement over premises of Gerald and Colleen Collins, \$400 for easement over premises of James H. Linn, Jr. and to prepare plans and specifications for project bids.

Special Order of the Day

The meeting was adjourned at 8:26 p.m.