

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

April 14, 2009

8:00 p.m.

Call to Order

Chairman Lafler called the meeting to order at 8:05 p.m.

Roll Call of Members by the Clerk

All members of the Board of Supervisors were present.

Pledge of Allegiance and Moment of Silence

Petitions/Petitioners

Vickie Swinehart, Director of Public Health and Kerry VanAuken, Public Health Educator did a power point presentation on a Worksite Wellness Program for County Employees. They pointed out that by getting fit, employees will be healthier, will take less sick time and will perform their jobs more effectively. The Seneca County Wellness Committee meets monthly and is comprised of reps from various departments. The Committee is currently planning a campaign to introduce the program to all county employees. There will be Health Risk Assessments completed by the employees to assist the committee in identifying the most prevalent modifiable risk factors. The committee will be introducing ideas for incentives to gain participation in the wellness program to the supervisors at future meetins.

Submission of Claims for Audit

Mr. Barto made a motion, seconded by Mr. Mooney, and carried that the following vouchers have gone through the proper auditing process, be approved for payment.

Supervisors vouchers	#776 - 1042	totaling	\$	998,956.72
OFA vouchers	#188 - 242	totaling	\$	120,979.45
Workforce Development vouchers	#69 - 91	totaling	\$	20,084.74
Insurance vouchers	#17 - 29	totaling	\$	390,670.17
Sheriff vouchers	#238 - 298	totaling	\$	63,019.50
County Airport vouchers	#27 - 38	totaling	\$	12,283.54
Highway Transportation vouchers				
Maintenance & State Snow	#88 - 117	totaling	\$	207,547.46
Highway Machinery	#104 - 136	totaling	\$	24,215.78
		Highway Total	\$	231,763.24
Airport Capital Voucher	#6 - 8	totaling	\$	8,474.88

Highway Capital Voucher

#3 - 4

totaling \$ 21,388.62

### Reports of Standing Committees

Government Operations Committee, Mrs. Amidon, Chairperson, reported that her committee discussed and has directed the county attorney to look into amending Local Law No. 1 of 1972, which created the four positions for county supervisors representing Seneca Falls and Waterloo. Mrs. Amidon also indicated that her committee wants a letter of thank you to go to Senator Schumer for his efforts regarding the ARRA stimulus funds granted to New York State's counties.

Mental Health Services Committee, Mr. Reynolds, Chairperson, reported on the committee's approval of the application process to receive grant monies from the NYS Crime Victims Board. The grant funds the county's programs for domestic violence, criminal justice and personal advocacy, in-person counseling services, group treatment and support, and home visits. The Mental Health Services Committee also approved amending the 2009 budget to reflect additional state aid in the amount of \$8,520 for one additional unit (bed) of supported housing.

Public Safety Committee, Mr. Shipley, Chairman, reported on the committee's approval for the Sheriff's Office to purchase under NYS OGS contract a Dodge Grand Caravan 7-passenger mini-van to be used primarily to transport in-boarded federal inmates. The cost of the vehicle is \$18,836.15. The committee also recommended the introduction of a local law prohibiting texting while driving.

Human Services Committee, Mr. Mooney, Chairman, reported on the committee's approval for Seneca County to enter into an Agreement with United Way of Seneca County for ACT for Youth which is an initiative to expand the existing program to include in-school and out of school youth in the WIA program.

Indian Affairs Committee, Dr. Dresser, Chairman, reported on the committee's discussion regarding the Cayuga Nations' application to place 129 acres for land-into-trust. Several points were discussed at length, including a request for Senators Schumer and Gillibrand and Congressman Arcuri to meet with Interior Secretary Ken Salazar to obtain a "cessation of action." A draft environmental impact statement on the application was recently issued but quickly withdrawn by the BIA for further review, in large part, so the Indian Affairs Committee believes, due to the comments submitted by parties that oppose the land-into-trust. Some of these comments cited: the Indian Reorganization Act of 1934 didn't apply to the Cayuga Nation; the 129 acres was bought with proceeds from the sale of untaxed gasoline and cigarettes; the DEIS was "incomplete and biased" in concluding that no significant impact would result if the land is placed into trust as it would have an enormous negative impact on the town and county tax base if 129 acres are taken into trust.

Dr. Dresser also reported that several meetings were being planned to inform the public about the DEIS and invite them to send comments to the BIA.

Personnel and Technology Committee, Mr. Same, Chairman, reported that an agreement regarding the CSEA contract is at an impasse and negotiations continue.

Planning, Development, Agriculture & Tourism Committee, Mr. Kaiser, Chairman, reported that the Board would be considering a resolution approved by the Committee that authorizes the transfer of 5.07 acres at the former army depot from the IDA to Seneca County.

Finance, Assessment, & Insurance Committee, Mr. Barto, Chairman, reported that the committee reviewed and approved recommendations from the Vacancy Committee to refill two positions of Senior Correction officer with promotions and refill the two vacant positions created by the promotion. They also approved the refill of a full-time position for Alcohol Counselor in the Addictions Clinic. The Committee met with John Bartholf of Relph Benefit Advisors, regarding the benefits of a worksite wellness program to the employees, as well as the county health insurance rating.

#### Chairman's Remarks

Chairman Lafler said that he directed the County Manager to work with the Clerk of the Board and department heads to tighten up the process of compiling the agendas for board meetings and committee meetings.

Chairman Lafler also said that he and Mr. Shipley were in the process of forming an EMS advisory group for the purpose of improving ways to respond in the event of a county-wide emergency.

Chairman Lafler recognized Mr. Shipley who wanted to publicly thank the volunteer fire and ambulance corps., stating that if Seneca County did not have these volunteers, our taxes would be "sky high" with "hired" services. Mr. Shipley said that one of the issues that should be reviewed was how to recruit more volunteers for the fire and ambulance corps.

#### County Manager's Remarks

County Manager Sinclair expressed support for the ideas and efforts of the Wellness Committee to implement a program that will benefit the health of Seneca County employees hopefully resulting in decrease of cost for health insurance.

#### Communications

53. Minutes of the Western Finger Lakes Solid Waste Management Authority meeting on January 26, 2009.
54. Minutes of the Seneca County Board of Health meeting on March 19, 2009.
55. Minutes of the Seneca County IDA meeting on March 5, 2009.

56. From Assemblyman Brian Kolb, acknowledgment of receipt of Seneca County's Resolution No. 65-09 requesting NYS Legislation for rational statewide economic development policies and reauthorization of civic facilities financing.
57. Minutes of the Seneca County Planning Board meeting on March 12, 2009.
58. From Steve Acquario, Executive Director, NYSAC, email regarding the NYS Budget enacted on April 1, 2009, volunteer fire fighters and the use of fire trucks. This email was forwarded to members of the Board of Supervisors, the County Attorney, the County Manager, and the Emergency Services Director.
59. From AKRF Environmental and Planning Consultants, and electronic copy of the Draft Environmental Impact Statement for the Fee-to-Trust application of the Cayuga Indian Nation of New York.
60. Minutes of the Seneca County Agriculture Enhancement Board meeting on March 4, 2009.
61. A copy of the NYS Tourism Matching Funds Program Final Report for 2007 / 2008.
62. Minutes of the Seneca County Soil & Water Conservation District meeting on February 23, 2009.
63. A copy of the Seneca County Sheriff's Office new letter dated March 2009.
64. A copy of a resolution adopted by the Erie County Legislation titled regarding the passage of "Jilly's Law" by NYS Legislation and urging other counties to do same. Referred to the Mental Health Services Committee.
65. From Norbert H. Hausner, Owner, RiverPark Commons Waterloo, LLC, a letter dated March 27, 2009 requesting a letter of support to be used in a presentation to the Canal Corporation. Referred to the Planning, Development, Agriculture & Tourism Committee.

Resolutions and Motions

**EXTEND TAX ROLLS AND BILLS FOR SCHOOL DISTRICTS AND VILLAGES**

RESOLUTION NO. 77-09, moved by Mr. Barto, seconded by Mr. Same, and unanimously adopted.

WHEREAS, Seneca County has for the past several years extended school rolls and tax bills for the school districts and villages within the County; and

WHEREAS, the school districts and villages are desirous of continuing this service; and

WHEREAS, it would be in the best interests of the County, School Districts and Villages to continue 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 the annual agreements pertaining to the extension of tax rolls and bills for schools and villages located in towns that utilize the County's computer system in the following districts: South Seneca and Phelps-Clifton Springs and in the following Villages: Interlaken, Lodi, Ovid, Seneca Falls and Waterloo.

**PROVIDE TAX ROLL AND BILL EXTRACT FILES TO ROMULUS – SENECA FALLS –  
TRUMANSBURG – WATERLOO SCHOOL DISTRICTS**

RESOLUTION NO. 78-09, moved by Mr. Barto, seconded by Mr. Same and unanimously adopted.

WHEREAS, Seneca County has provided tax extract files to the Romulus – Seneca Falls, Trumansburg and Waterloo School Districts to enable them to extend their own school tax bills for the past 2 years; and

WHEREAS, the School Districts are desirous of continuing this service in 2009; and

WHEREAS, it would be in the best interest of the County and School Districts to continue 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 agreements with the Romulus – Seneca Falls – Trumansburg – Waterloo School Districts to provide tax extract files to enable the schools to extend tax bills.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN  
DEED WHICH TRANSFERS TITLE FROM THE SENECA COUNTY IDA TO SENECA  
COUNTY 5.07 ACRES AT THE FORMER SENECA ARMY DEPOT**

RESOLUTION NO. 79-09, moved by Mr. Barto, seconded by Mr. Same and unanimously adopted.

WHEREAS, pursuant to the Defense Base Closure and Realignment Act (BRAC) of 1990, the US Army has conveyed certain portions of the former Seneca Army Depot to the Seneca County Industrial Development Agency (IDA), the Department of Defense designated Local Redevelopment Authority (LRA) for reuse at the former Depot; and

WHEREAS, Seneca County, the Seneca County IDA and PEZ Lake Development, LLC entered into an Agreement on September 24, 2002 for Seneca County to use various buildings at the former Depot, to include Buildings 103, 122, 138 and 147 (5.07 acres) and for Seneca County to take title to these buildings at such time as the Army transferred title to Seneca County IDA; and

WHEREAS, the Seneca County IDA has taken title to the Depot buildings from the US Army and is ready to Quitclaim Deed the 5.07 acres to Seneca County; and

WHEREAS, this resolution was approved by the Planning, Development, Agriculture & Tourism Committee on April 14, 2009; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign Quitclaim Deed which transfers title from the Seneca County IDA to Seneca County 5.07 acres at the former Seneca Army Depot, including Buildings 103, 122, 138 and 147.

**CHAIRMAN OF THE BOARD TO SIGN AGREEMENT BETWEEN THE UNITED WAY OF  
SENECA COUNTY, INC. AND SENECA COUNTY WORKFORCE DEVELOPMENT FOR  
THE *ACT for YOUTH* INITIATIVE**

RESOLUTION NO. 80-09, moved by Mr. Mooney, seconded by Mr. Davidson and unanimously adopted.

WHEREAS, the United Way of Seneca County's *ACT for Youth* is an initiative to expand its existing countywide, school-based Youth Council to include in school and out of school youth engaged in Seneca County Workforce Development WIA programs activities; and

WHEREAS, this agreement will not exceed \$4,000.00 for the time period of April 1, 2009 to June 30, 2009; 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, Board approval for the Chairman to sign the agreement between the United Way of Seneca County, Inc. and the Seneca County Workforce Development for the *ACT for Youth* initiative.

**RESOLUTION ALLOWING SENECA COUNTY COMMUNITY COUNSELING CENTER TO  
APPLY FOR NYS CRIME VICTIMS BOARD (CVB) "VICTIMS OF CRIME" GRANT**

RESOLUTION NO. 81-09, moved by Mr. Reynolds, seconded by Mr. Shipley and unanimously adopted.

WHEREAS, the Seneca County Community Counseling Center of the Mental Health Department has the opportunity to apply for grant funding from the NYS Crime Victims Board (CVB) by May 8, 2009 with no local cash match required; and

WHEREAS, the grant has funded a large portion of the salary and fringe benefits of the county's Coordinator of Victims Witness Domestic Violence Services since 1997; and

WHEREAS, if awarded again, this grant has a three year cycle which would begin October 1, 2009, with requested funding of: \$56,051 for Year – 1; \$60,517 for Year – 2; and \$64,647 for Year – 3; and

WHEREAS, services provided through this funding include: Criminal Justice and Personal Advocacy; In-person Counseling (with follow-up); Group Support / Treatment; Information and Referral; Telephone Counseling; and Home Visits; and

WHEREAS, this action has been reviewed and approved by the Mental Health Committee of the Seneca County Board of Supervisors; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors' Chair is authorized to sign all necessary application and contract-documents such that the grant can be applied for, received and administered by the Seneca County Community Counseling Center.

**RESOLUTION ACCEPTING FUNDS FOR ONE (1) NEW SUPPORTED HOUSING UNIT AND  
TREASURER AUTHORIZED TO AMEND BUDGET**

RESOLUTION NO. 82-09, moved by Mr. Reynolds, seconded by Mr. Same and unanimously adopted.

WHEREAS, the 2008-09 Enacted State Budget authorized one (1) new unit (bed) of Supported Housing; and

WHEREAS, Seneca County was awarded funding for this one (1) new bed at \$8,520 each for a total additional state aid amount of \$8,520; and

WHEREAS, there is no local share commitment with this additional funding; and

WHEREAS, this action has been reviewed and approved by the Mental Health Committee of the Seneca County Board of Supervisors; and

WHEREAS, the 2009 County Budget needs to be amended to accept this money by increasing revenue account 10-319-3-3490 and expense account 10-115-5-4335-4380 by \$8,520; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors hereby accepts \$8,520 in Supported Housing Funds for fiscal year 2009; and be it

FURTHER RESOLVED, that the Seneca County Treasurer is hereby authorized and directed to amend the 2008 County Budget as follows:

Increase Revenue 10-319-3-3490 by \$8,520

Increase Expense 10-115-5-4335-4380 by \$8,520.

**SUPERVISORS AUTHORIZE CHAIRMAN TO SIGN SUPPLEMENT AGREEMENT FOR  
PHASE II OF THE COUNTY ROAD 114 BRIDGE PROJECT**

RESOLUTION NO. 83-09 moved by Mr. Davidson, seconded by Mr. Mooney and unanimously adopted.

WHEREAS, in 2005 Seneca County contracted with Barton & Loguidice, Architectural / Engineering Consultants for the design and construction of a bridge replacement project on County Road 114; and

WHEREAS, Phase I – Design of the project has been completed; and

WHEREAS, a supplement to the original contract requires the signature of the Chairman of the Board of Supervisors in order to begin Phase II – Construction; and

WHEREAS, the Public Works Committee approved this resolution on April 14, 2009; now, therefore, be it

RESOLVED, that the Chairman of the Seneca County Board of Supervisors is hereby authorized and directed to sign the Supplement to the original contract with Barton & Loguidice for design and construction of the bridge replacement project on County Road 114.

**SUPERVISORS AUTHORIZE APPLICATION FOR FEDERAL STIMULUS FUNDS TO  
REDUCE DIESEL FUEL EMISSIONS BY REPLACING TWO HIGHWAY TRUCKS**

RESOLUTION NO. 84-09, moved by Mr. Davidson, seconded by Mr. Terryberry and unanimously adopted.

WHEREAS, the United States Federal Government has released the American Recovery and Reinvestment Act Funding of the National Clean Diesel Funding Assistance Program through the U. S. Environmental Protection Agency (EPA) for the purpose of reducing diesel emissions by supporting efforts to upgrade engines, improve exhausts, introduce idling reduction techniques and replace vehicles; and

WHEREAS, the New York State Energy Research and Development Authority (NYERDA) is applying to the EPA for funding on behalf of New York State local government entities; and

WHEREAS, this competitive EPA grant program will, if awarded, provide up to 25% of the cost of purchasing new Clean Diesel Trucks that replace older trucks which are to be retired during 2009 and 2010; and

WHEREAS, if awarded, Seneca County Highway Department intends to retire and replace two twenty-year old diesel trucks with new, clean diesel trucks within this period, with anticipated grant funded cost savings of up to \$87,437; and

WHEREAS, this resolution has been reviewed and approved by the Public Works Committee at the April 14<sup>th</sup>, 2009 meeting; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign all necessary documents to apply for funding through the American Recovery and Reinvestment Act Funding of the National Clean Diesel Funding Assistance Program through the NYSERDA application.

**APPROVE THE EXTERIOR PAINTING OF THE SENECA COUNTY COURTHOUSE AND  
AUTHORIZE THE COUNTY TREASURER TO TRANSFER FUNDS**

RESOLUTION NO. 85-09, moved by Mr. Davidson, seconded by Mrs. Amidon and unanimously adopted.

WHEREAS, the exterior trim, front railings, posts and dome at the Seneca County Courthouse are in need of painting; and

WHEREAS, a notice to bidders was produced using specifications developed by the Seneca County Engineering Department; and

WHEREAS, two sealed bids were received and reviewed by the County Manager and the Engineering Department; and

WHEREAS, BBR Restoration and Services was the lowest bidder at \$44,400 meeting all insurance requirements; and

WHEREAS, the County's portion of the funding for this project is available under line item 10-1990-4700, Contingency; and

WHEREAS, the Unified Court System will reimburse Seneca County Nine Thousand Seven Hundred Sixty-eight Dollars (\$9,768); now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized and directed to sign all necessary documents and agreements to have BBR Restoration and Services perform the painting of the railings, posts and dome at the Seneca County Courthouse; and be it

FURTHER RESOLVED, that the Seneca County Treasurer is hereby authorized and directed to transfer the sum of \$34,632 from account 10-1990-4700, Contingency to account 10-101-5-1620-4280, Special Maintenance Projects; and be it

FURTHER RESOLVED, that Seneca County Treasurer is hereby directed to credit the \$9,768 reimbursement from the Unified Court System to account 10-101-5-1620-4280, Special Maintenance Projects.

New Business:

A motion was unanimously carried to introduce a resolution expressing congratulations to Assemblyman Brian Kolb on being elected as the Assembly Minority Leader.

**CONGRATULATE BRIAN M. KOLB ON BEING ELECTED AS NEW YORK STATE ASSEMBLY MINORITY LEADER**

RESOLUTION NO. 86-09, moved by Mr. Davidson, seconded by Mr. Barto and unanimously adopted.

WHEREAS, the Seneca County Board of Supervisors is proud to have Brian M. Kolb representing the people of Seneca County since he was first elected to represent New York State's 129<sup>th</sup> Assembly District by a special election held in February 2000 and overwhelmingly re-elected since that time; and

WHEREAS, Brian M. Kolb is dedicated to ensuring that residents and businesses throughout the district receive effective, responsive, constituent service and timely assistance with state government inquiries; and

WHEREAS, Brian M. Kolb is committed to reducing taxes, promoting job creation, and improving state education and healthcare; and

WHEREAS, it has come to the attention of the Seneca County Board of Supervisors that Assemblyman Brian M. Kolb has been elected as the New York State Assembly Minority Leader; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby congratulate Brian M. Kolb on his election as the New York State Assembly Minority Leader.

A motion was unanimously carried to introduce a resolution supporting RiverPark Commons and Fuzzy Guppies by submitting a letter of support to the NYS Canal Corporation .

**LETTER OF SUPPORT TO THE NEW YORK STATE CANAL CORPORATION ON BEHALF OF THE RIVERPARK COMMONS, WATERLOO, LLC.**

RESOLUTION NO. 87-09, moved by Mr. Kaiser seconded by Mr. Same and unanimously adopted.

WHEREAS, Norbert H. Hausner recently purchased the property on Waterloo-Geneva Road that houses several businesses and also known as RiverPark Commons Waterloo, LLC; and

WHEREAS, Mr. Hausner is the owner of the adjacent property known as the Waterloo Harbor Campground; and

WHEREAS, Mr. Hausner is the owner of Fuzzy Guppies, Inc., which sells and rents human powered watercraft such as kayaks, canoes, and paddleboats and located at the Waterloo Harbor; and

WHEREAS, the location of the RiverPark Commons, LLC. and the Waterloo Harbor Campground along the Seneca-Cayuga Canal is ideal with close proximity to the Finger Lakes Wine Trails, the Waterloo Premium Outlets, and the Women’s Rights Museum; and

WHEREAS, Mr. Hausner is in the process of securing access and control of the waterfront along both these properties and will be meeting with the New York State Canal Corporation; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors whole-heartedly supports Norbert H. Hausner (owner) and River Park Common Waterloo, LLC, Waterloo Harbor Campground and Fuzzy Guppies, Inc., located at 1278 Waterloo-Geneva Road, Waterloo, New York, 13165, on plans for development of said properties and working with the New York State Canal Corporation to stabilize and fortify their position as canal landowners and developers; and be it

FURTHER RESOLVED, that the Chairman of the Board is directed to send a letter of support to the New York State Canal Corporation on behalf of RiverPark Commons Waterloo, LLC.

Mr. Kaiser move suspension of the rules to introduce the following resolutions.

**SUPERVISORS AUTHORIZE CHAIRMAN TO SIGN LETTER EXPRESSING SENTIMENTS OF THE BOARD OPPOSING NEW YORK STATE LEGISLATIVE BILLS S.1241 AND A.3659**

RESOLUTION NO. 88-09, moved by Mr. Kaiser, seconded by Mr. Davidson, and unanimously adopted.

WHEREAS, New York State Legislature Bills S.1241 and A.3659 are currently being considered in the Senate and Assembly respectively; and

WHEREAS, these bills would significantly increase the cost of operating businesses in the State of New York; and

WHEREAS, they would also seriously impair the ability of Industrial Development Agencies in effectively drawing business to the central New York region; now, therefore, be it

RESOLVED, that the Chairman of the Seneca County Board of Supervisors is hereby authorized and directed to sign a letter directed to the Governor of the State of New York, with copies to our legislative representatives in the State Senate and Assembly expressing the sentiment of the Seneca County Board of Supervisors that these legislative acts be opposed.

**RESOLUTION REQUESTING REPRESENTATIVES INTERVENE WITH INTERIOR  
SECRETARY FOR CESSATION OF TRUST ACTIONS IN NY**

RESOLUTION NO. 89-09, moved by Dr. Dresser, seconded by Mr. Shipley and unanimously adopted.

WHEREAS, the Indian Reorganization Act (IRA) of 1934 that established the land into trust process was designed to restore to Indian tribes land lost to allotment to individual Indians, and no land was lost to any New York Tribe due to allotment; and

WHEREAS, the innocent citizens of affected counties should be held harmless and the land into trust process does not hold them harmless; and

WHEREAS, the U. S. Supreme Court in *Sherrill vs. the Oneida Indian Nation*, citing disruptive practical consequences of checker-boarded acreage, stated, “The Oneidas long ago relinquished governmental reins and cannot regain them through open market purchases from current titleholders”; and

WHEREAS, a complaint is pending in federal court regarding the award of 13,003 acres in trust for the Oneidas in Madison and Oneida counties; and

WHEREAS, the Cayuga Indian Nation (CIN), which sold its reservation to the State of New York over 200 years ago, has applied for 129 acres in Seneca and Cayuga Counties to be placed in trust; and

WHEREAS, the CIN has purchased 766 additional acres in the counties and will presumably purchase more with the intent of placing them in trust; and

WHEREAS, these purchases have been made largely from illegal proceeds from the sale of gasoline and cigarettes, including sales to minors, without the collection of state sales and excise taxes, to the great detriment of competing businesses; and

WHEREAS, the Bureau of Indian Affairs (BIA) has released and temporarily withdrawn an incomplete and biased Draft Environmental Impact Statement (DEIS) concluding no significant impact if this land is taken into trust; and

WHEREAS, there would be an enormous negative impact if 129 acres are taken into trust, Class II gaming is resumed, and the sale of untaxed products is sanctioned; and

WHEREAS, the U. S. Supreme Court in *Carcieri vs. Salazar* ruled that Rhode Island land could not be taken in trust for the Narragansett Tribe because it was not under Federal jurisdiction when the IRA was passed, and neither the Oneida Indian Nation nor the Cayuga Indian Nation were federally recognized tribes under Federal jurisdiction in 1934; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors asks Senators Gillibrand and Schumer and Congressman Arcuri to intervene with the Secretary of the Interior to obtain a cessation of action on land into trust applications in New York.

**AUTHORIZE SHERIFF TO PURCHASE SEVEN PASSENGER VAN**

RESOLUTION NO. 90-09, moved by Mr. Shipley, seconded by Mr. Davidson and unanimously adopted.

WHEREAS, the Seneca County Sheriff's Office requires the purchase of a 2009 Dodge Grand Caravan 7-passenger mini-van under the NYS OGS Contract PC63772, with installed radio, protective partition and striping; and

WHEREAS, the total cost of said vehicle would be \$18,836.15 which includes delivery, purchase and installation of radio, purchase and installation of protective partition (cage), and the purchase and application of striping; and

WHEREAS, this resolution was approved by the Public Safety Committee on April 14, 2009; now, therefore, be it

RESOLVED, that the Board of Supervisors authorizes the Sheriff's Office to purchase one (1) 2009 Dodge Grand Caravan 7-passenger mini-van with a radio and protective partition and striping to be funded by budget line 10-110-5-3150-2600.

Mr. Same moved to convene in executive session for the purpose of holding discussions on the employment history of a particular individual and/or matters leading to the removal of a particular individual.

The Board of Supervisors convened in executive session at 8:56 p.m. They reconvened in open session at 9:43 p.m.

Special Order of the Day

The meeting was adjourned at 9:43 p.m.