

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

May 12, 2009

8:00 p.m.

Call to Order

Chairman Lafler called the meeting to order at 8:10 p.m.

Roll Call of Members by the Clerk

Thirteen (13) members of the Board were present. Mr. Same was absent.

Pledge of Allegiance and Moment of Silence

Submission of Claims for Audit

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

Supervisors vouchers	#1043 – 1283	totaling	\$	224,573.39
OFA vouchers	#314 – 379	totaling	\$	84,015.99
Workforce Development vouchers	#92 – 112	totaling	\$	17,847.55
Insurance vouchers	#30 – 32	totaling	\$	14,507.90
Sheriff vouchers	#299 – 346	totaling	\$	58,228.29
County Airport vouchers	#39 – 49	totaling	\$	3,656.33
Highway Transportation vouchers				
Maintenance & State Snow	#118 – 143	totaling	\$	112,972.30
Highway Machinery	#137 – 170	totaling	\$	21,478.57
		Highway Total	\$	134,450.87
Highway Capital Voucher	#5 – 6	totaling	\$	8,393.44

Reports of Standing Committees

Public Works Committee, Mr. Davidson, Chairman, reported the Committee's approval to hire two part-time Seasonal Laborer positions to use for mowing the roadsides from may 11 through October 2, 2009; and its approval to move forward with the installation of a rooftop cooling unit for the phone server room at the Law Enforcement Center.

Mental Health Services Committee, Mr. Reynolds, Chairman, reported that his committee approved the appointment of Mr. Sayer to the Community Services Board.

Public Safety Committee, Mr. Shipley, Chairman, said that his committee approved the execution of a grant contract to received \$18,750 from NYS Office of Homeland Security to fund the development of explosives detection and response tactical teams. The Committee approved the hiring of three Correction Officer Positions required to transport federal inmates who are being housed in the county jail to and from the Law Enforcement Center; and approved to hire one full-time dispatcher at an hourly rate of \$13.495 to fill the vacancy created by the promotion to fill the Senior Dispatcher position. The Committee discussed Ontario County's plans to build a gas liquidification plant at its landfill in the Town of Flint. They also discussed the City of Geneva's plans to install a leachate line to the city's sewer system. Some of the concerns included the possibility of odors from the landfill wafting into Seneca County; and for Seneca County to be officially notified of the ongoing plans for both projects. Jason McCormick, County Engineer is meeting with officials from each municipality and will continue to keep the Committee informed.

Human Services Committee, Mr. Mooney, Chairman, reported that the committee approved refilling a Caseworker position and Social Welfare Examiner position in the Department of Human Services. The Caseworker position is 65% state reimbursable, and the Social Welfare Examiner position is 100% state reimbursable.

Indian Affairs Committee, Dr. Dresser, Chairman, reported that his Committee discussed the second draft of the Draft Environmental Impact Statement prepared for the BIA. Meetings hosted by Cayuga County and Seneca County were planned to educate the public about the DEIS and urge the public to submit written comments opposing any action by the BIA on the Cayuga Indian Nation application for land-into-trust.

The Indian Affairs Committee also discussed the recent news that the County Executive in Oneida County proposed a settlement with the Oneida Indian Nation. The agreement proposed was that the Oneidas agreed to give the county a \$30 million lump sum payment, and then \$2.5 million a year for 10 years. In return, the county would drop its legal challenges to the 8,800 acres of land granted trust status by the federal government in May 2008. The tribe also could seek trust status for 1,800 more acres without challenge.

Planning, Development, Agriculture & Tourism Committee, Mr. Kaiser, Chairman, reported that his committee approved the appropriation of \$120,000, as budgeted, to fund the Seneca County IDA; approved the FAA application for the design phase of the rehabilitation of Runway 1-19 project as the Finger Lakes Regional Airport; approved the recertification of Agricultural District #12; approved the agreement with Twin Lakes Snowmobile association for funding to assist in trail maintenance; approved a budget amendment to reflect revenue and expenses associated with the stabilization and redevelopment of the Mama Bear building in Ovid, NY and to authorize additional services by Bero Architecture, PLLC;

and approved additional funds to support marketing and fundraising efforts undertaken by the Sampson Veterans Memorial Cemetery Association.

Public Health Services Committee, Mr. Hayssen, Chairman, reported that his committee approved a contract with Ontario County for the Cancer Services Program, approved a contract with NYS DOH for the Immunization Action Program, and approved a contract with the NYS DOH for the Water Enhancement Grant.

Finance, Assessment, & Insurance Committee, Mr. Barto, Chairman, reported that the Committee met with Karen E. Creenan, Director of the Finger Lake Library System and approved \$51,000 funding for Finger Lake Library System. The money supports the public libraries in Seneca County.

County Manager's Remarks

The County Manager reported that she accepted a seat on the Board of Directors of the Finger Lakes Health Network Agency (FLHSA). The FLHSA promotes the health of the region's population by: providing a "community table" where all stakeholders meet; conducting outreach to community groups; and retaining extensive data on the region's health and health care.

County Attorney's Remarks:

The County Attorney reported on this year's CAASNY and CLE credits that he and the Assistant County Attorney attended. He attended a seminar relative to new procedures regarding oil and gas damages to County highways.

Communications

70. Copy of minutes from the Seneca County IDA April 2, 2009 Regular Meeting.
71. Copy of minutes from Seneca County Soil & Water Conservation District March 23, 2009 meeting.
72. Copy of minutes from the InterCounty Association of Western New York April 17, 2009 meeting minutes.
73. Copy of minutes from the Western Finger Lakes Solid Waste Management Authority March 23, 2009 meeting.
74. Copy of minutes from the Seneca County Board of Health April 15, 2009 meeting.
75. Copy of minutes from the Finger Lakes Resource Conservation & Development Council, Inc. March 18, 2009 meeting.
76. Copy of the Seneca County Chamber of Commerce Tourism Promotion Agency Report for 2009 Program Year – First Quarter.
77. From Governor David A. Paterson, a letter of acknowledgement dated April 29, 2009, relating to Senate Bill S.1241 / Assembly Bill A.3659 (Seneca County Resolution No. 65-09 requesting New York

State Legislation For Rational Statewide Economic Development Policies and Reauthorization of Civic Facilities Financing).

78. Copy of the NYS Application of the Fayette Town Board for the Establishment of Water District No. 5, File No. 2009-07.

79. From Colleen Head, dairy farmer from Madison County, requesting from the Seneca County Board of Supervisors a resolution supporting the Federal Milk Marketing Improvement Act of 2009 (Senate Bill S.889). Referred to the Planning, Development, Agriculture & Tourism Committee.

80. An electronic communication, subject: resolution supporting legislation to allow NYS counties to maintain lever voting machines. Referred to the Government Operations Committee.

Resolutions and Motions

Mr. Hayssen moved, with a second from Mrs. Amidon, the following resolution as written and prefiled.

Following a lengthy discussion, Mr. Davidson called the question. The motion was defeated and discussion continued.

Mr. Hayssen moved, with a second from Mr. Shipley, the prefiled resolution be amended by striking out the following text:

Whereas, the Worksite Wellness Committee is requesting the Board of Supervisors authorize the addition of one "Wellness Day" off for any County employee who completes the Health Risk Assessment and the biometric screening this year; and

Whereas, There must be an 85% participation rate of all Seneca County employees for this incentive to be offered; and

Whereas, This "Wellness Day" must be used in calendar year 2009 with the approval of the Department Head; and

Further Resolved that the Board of Supervisors hereby authorize an additional "Wellness Day" off for all employees who complete the Health Risk Assessment and complete the Biometric Screening, contingent upon 85% participation rate from all Seneca County employees.

In the final Whereas clause, the text "*and incentive*"

**BOARD OF SUPERVISORS SUPPORTS THE SENECA COUNTY
WORKSITE WELLNESS PROGRAM (as amended)**

RESOLUTION NO. 99-09, moved by Mr. Hayssen, seconded by Mr. Shipley and adopted by 426 ayes (Hayssen, Shipley, Reynolds, Barto, Serven, Dresser, Kaiser, and Mooney), 253 nays (Davidson, Lafler, Terryberry, Amidon, and Westfall) and 71 absentees (Same).

WHEREAS, through the S2AY Rural Health Network the Public Health Department has received a grant to engage employers in the county to offer Worksite Wellness Programs to their employees; and

WHEREAS, the nursing staff will be offering free biometric screening (glucose, cholesterol, blood pressure, and body fat) to all interested employees; and

WHEREAS, the Public Health, Finance, Assessment & Insurance, and Personnel & Technology Committees have recommended approval of the program; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby authorizes the formation of the Seneca County Worksite Wellness Committee.

**BOARD OF SUPERVISORS DIRECTS THE COUNTY TREASURER TO AMEND BUDGET
FOR ROUTES 5 & 20 / 414 CORRIDOR STUDY**

RESOLUTION NO. 100-09, moved by Mr. Kaiser, seconded by Mr. Shipley and adopted by 679 ayes (Kaiser, Shipley, Reynolds, Barto, Serven, Davidson, Dresser, Lafler, Terryberry, Amidon, Hayssen, Mooney, and Westfall) and 71 absentees (Same).

WHEREAS, Seneca County has received funding from the Genesee Transportation Council (GTC) in the amount of \$42,000 to undertake a transportation corridor study of Routes 5 & 20 / 414 in the Town of Seneca Falls, Tyre and Waterloo, and the Villages of Seneca Falls and Waterloo; and

WHEREAS, Seneca County has contracted with the firm of Clark Patterson Lee to provide services not to exceed \$42,000, all of which will be fully reimbursed through the GTC funding; and

WHEREAS, this resolution has been reviewed and approved by both Committees of Planning, Development, Agriculture & Tourism; and Finance, Assessment & Insurance; now, therefore be it

RESOLVED, that the Seneca County Treasurer amend the Seneca County Department of Planning and Community Development 2009 Budget as follows:

Create / Add Account 10-135-5-8020-4381 – Routes 5 & 20 / 414 Corridor Study - \$42,000

Increase Revenue Account 10-313-3-2372 - \$42,000

**AMEND THE BYLAWS FOR THE SENECA COUNTY FINGER LAKES AIRPORT
ADVISORY COMMITTEE**

RESOLUTION NO. 101-09, moved by Mr. Kaiser, seconded by Mr. Mooney and adopted by 679 ayes (Kaiser, Mooney, Reynolds, Barto, Serven, Davidson, Dresser, Lafler, Terryberry, Amidon, Hayssen, Shipley and Westfall) and 71 absentees (Same).

WHEREAS, currently the Bylaws of the Airport Advisory Committee, Section 4, paragraph “b” reads “A Representative of the Seneca County Industrial Development Agency”. The Airport Advisory Committee voted at the March 11, 2009 meeting to request the Seneca County Board of Supervisors to change paragraph “b” to read “A representative of the Seneca County Industrial Development Agency (IDA) and/or a staff member of the Seneca County Department of Planning and Community Development”; and

WHEREAS, this Bylaw change is required as a result of the separation of the IDA and County Planning functions in 2008; and

WHEREAS, Advisory Committee recommendations are routed through the Department of Planning and Community Development to the Seneca County Board of Supervisors; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on April 28, 2009; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors approves the changes requested by the Airport Advisory Committee so that there shall be substitutes at paragraph "b" of the Bylaws the words "A representative of the Seneca County Industrial Development Agency (IDA) and/or a staff member of the Seneca County Department of Planning and Community Development Agency", and be it further

RESOLVED, that such amendment of the by-laws of the Airport Advisory Committee shall take effect upon the filing of this resolution with the Clerk of the Board.

**SUPERVISORS ACCEPT \$18,750 NEW YORK STATE OFFICE OF HOMELAND SECURITY
GRANT FOR TACTICAL UNIT DEVELOPMENT**

RESOLUTION NO. 102-09, moved by Mr. Shipley, seconded by Mr. Terryberry and adopted by 619 ayes (Shipley, Terryberry, Reynolds, Barto, Serven, Davidson, Dresser, Kaiser, Lafler, Amidon, Hayssen, and Mooney), 60 nays (Westfall) and 71 absentees (Same).

WHEREAS, the New York State Office of Homeland Security has awarded the Seneca County Sheriff's Department a \$18,750 grant through the 2008 State Law Enforcement Terrorism Prevention Program (SLETPP) for the purpose of an explosive response tactical team; and

WHEREAS, the total cost of the necessary training and equipment is \$18,750; and

WHEREAS, the grant covers 100% of the cost of the project with no additional cost to the County; and

WHEREAS, this request was reviewed and approved by the Public Safety Committee on May 12, 2009; now, therefore, be it

RESOLVED, that the Chairman, Seneca County Board of Supervisors is hereby authorized and directed to sign any and all necessary contract documents with the New York State Office of Homeland Security.

FURTHER RESOLVED, that the Seneca County Treasurer is hereby authorized and directed to amend the 2009 Seneca County Budget as follows:

Add Revenue	3113-3314	+ \$18,750	SLETPP 2009 Grant
Increase Expense Line	3113-4350	+ \$ 9,434	K9 Expenses
Increase Expense Line	3113-2400	+ \$ 9,316	Technical Equipment

New Business:

Dr. Dresser moved to suspend the rules of order to introduce the following resolutions.

**SUPERVISORS OPPOSE PROPOSED PARTNERSHIP PACT BETWEEN ONEIDA COUNTY
AND THE ONEIDA INDIAN NATION**

RESOLUTION NO. 103-09, moved by Dr. Dresser, seconded by Mr. Davidson and adopted by 679 ayes (Dresser, Davidson, Reynolds, Barto, Serven, Kaiser, Lafler, Terryberry, Amidon, Hayssen, Mooney, Shipley and Westfall) and 71 absentees (Same).

WHEREAS, Oneida County Executive Anthony J. Picente, Jr., announced the terms of a proposed partnership plan between Oneida County and the Oneida Indian Nation of New York; and

WHEREAS, it is stated in the Executive Summary of Terms of the proposed partnership plan, the Nation shall place \$30,000,000 in escrow within five (5) days after the Agreement is signed by the Nation and the County; and

WHEREAS, it is further stated in the Executive Summary of Terms of the Proposed partnership plan, that upon the occurrence of the following (a) the Oneida County Board of Legislators' approval of the Agreement; (b) the County discontinuing or withdrawing as a party from all of its litigation involving the Nation; (c) the signing of a Deputization Agreement by the Oneida County Sheriff; (d) and the receipt of Federal District Court approval of the Agreement; (e) the State taking the action set forth in Paragraph 6 of the Agreement, the escrowed funds will be paid over to the County.

- Upon receipt of these funds, the County will satisfy the tax liens it claims against the Nation and cease its attempts to foreclose those tax liens.
- The Nation shall pay the County an additional \$25,000,000 at the rate of \$2,500,000 per year for the next ten (10) years with the first installment paid on the date the escrowed funds are released to the County.
- Upon receipt of the initial \$32,500,000, the property accepted for the trust status on May 20, 2008 by the U. S. Department of the Interior ("DOI")("Category 1 Properties") will become tax exempt by enactment of State legislation.
- All other properties now owned by the Nation in Oneida County ("Category 2 Properties") will be subject to the Nation's making "Silver Covenant Payments" to the applicable taxing districts in an amount no less than the amount of the real estate taxes to be billed by the applicable taxing districts until such time as those properties may, in the future, go into trust for the Nation.
- Similarly, Silver Covenant Payments shall be made for any properties the Nation acquires in the future ("Category 3 Properties") unless and until such time as those parcels may be placed in trust for the benefit of the Nation, if ever.

- The County will withdraw its opposition to the DOI's 2008 Land In Trust Decision and to the placement of excess federally owned property, such as the Verona Test Site, into trust.
- The County shall withdraw its appeal from the U.S. District Court's denial of the County's ability to foreclose its tax liens on Nation Property and it shall withdraw from certain tax certiorari cases commenced by the Nation in 2005.
- The Nation shall observe a 5 year moratorium on future trust applications brought in Oneida County. After that period, the County shall not oppose any applications for trust property made by the Nation to have Category 2 Properties placed into trust but the County reserves the right to oppose any application the Nation may ever make to place Category 3 properties into trust.
- All Nation owned properties in Oneida County, unless and until said properties are taken into trust, will be subject to land use, building codes and similar laws, regulations and ordinances enacted by the Nation that will meet or exceed such federal, state and local standards as would be applicable to non-Nation owned properties in the same community. Disputes shall be resolved by arbitration.
- As a condition of the release of funds from escrow to the County, the State will also be asked to (a) withdraw as a party to the action challenging the 2008 Land Into Trust Decision; (b) approve this Agreement and authorize the County to carry out the terms of the Agreement; and (c) enter into a sales tax compact with the Nation.
- The Federal District Court, hearing the current land into trust challenge, will have authority to resolve any issues in dispute that may arise under this Agreement except that issues related to land use or deputization will be resolved by arbitration. The Nation waives its sovereign immunity as necessary to resolve such issues in either forum.
- Before the funds are released from escrow, if any term of this Agreement is held to be unenforceable, the funds shall be returned to the Nation and this Agreement shall be null and void; and

WHEREAS, this proposed Agreement does not satisfactorily resolve either the land into trust or the sales tax issues outstanding, and passes the cost thereof onto future generations; be it therefore

RESOLVED, on the basis of this Executive Summary, that the Seneca County Board of Supervisors opposes the proposed partnership pact between Oneida County and the Oneida Indian Nation and urges its state representatives to do the same; and be it

FURTHER RESOLVED, a copy of this resolution be sent to Senator Michael Nozzolio, Assembly Minority Leader Brian Kolb, Senate Majority Leader Malcolm A. Smith, Assembly Speaker

Sheldon Silver, the Legislative Bodies of Madison County and Oneida County, and the County Attorney of Madison County and Oneida County.

APPOINT PATRICK SAYER TO COMMUNITY SERVICES BOARD

RESOLUTION NO. 104-09, moved by Mr. Reynolds, seconded by Mr. Terryberry and adopted by 619 ayes (Reynolds, Terryberry, Barto, Serven, Davidson, Dresser, Kaiser, Lafler, Amidon, Hayssen, Mooney, Shipley, and Westfall) and 71 absentees (Same).

WHEREAS, there are vacancies on the Community Services Board; and

WHEREAS, the Community Services Board has moved to recommend the appointment of Patrick Sayer to the Community Services Board; and

WHEREAS, the Board of Supervisors Mental Health Committee has moved to recommend the appointment of Patrick Sayer to the Community Services Board; and

WHEREAS, the Board of Supervisors Mental Health Committee supports and approves the Community Services Board recommendation; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Patrick Sayer, 7552 Pitcher Road, Ovid, NY 14521, to a four-year term on the Community Services Board, term to expire May 12, 2013.

Special Order of the Day

The meeting was adjourned at 9:07 p.m.