

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

May 26, 2009

8:00 p.m.

Call to Order

Chairman Lafler called the meeting to order at 8:08 p.m.

Roll Call of Members by the Acting Clerk

Thirteen members of the Board of Supervisors answered roll call. Mr. Mooney was absent.

Pledge of Allegiance and Moment of Silence

Public Hearing

Proposed Local Law B of the County of Seneca for the year 2009, titled "A Local Law Prohibiting the use of Wireless Handsets to Compose, Read or Send Text Messages while Operating a Motor Vehicle in Seneca County.

Section 1: Title

This law shall be known as the "Local Law To Prohibit The Use Of Wireless Handsets To Compose, Read Or Send Text Messages While Operating A Motor Vehicle In Seneca County".

Section 2. Declaration of Intent

Text messaging while driving is a growing problem on our roads. This activity by its very nature involves the driver taking hands off the wheel and eyes off the road, and is a clear distraction that leads to accidents and fatalities. Often, it is the younger, less experienced driver who texts while underway. Until such time as the New York State legislature passes a similar law, Seneca County needs to address this problem with a local law.

Section 3. Definitions

As used in this law, the following terms shall have the meanings indicated:

- A) "Hands-free" shall mean the manner in which a wireless handset is operated for the purpose of composing, reading or sending text messages, by using an internal feature or function, or through an attachment or addition, including but not limited to an ear piece, head set, remote microphone or short-range wireless connection, thereby allowing the user to operate said device without the use of the hands.
- B) "Motor vehicle" shall mean any vehicle that is self-propelled by a motor, including but not limited to, automobiles, trucks, vans, buses, construction vehicles, etc.
- C) "Inoperability" shall mean a motor vehicle that is incapable of being operated or being operated in a safe and prudent manner due to mechanical failure, including but not limited to engine overheating or tire failure.

D) "Person" shall mean any natural person, corporation, unincorporated association, firm, partnership, joint venture, joint stock association or other entity or business organization of any kind.

E) "Stopped" shall mean not in motion.

F) "Text message", also referred to as short messaging service (SMS), shall mean the process by which users send, read or receive messages on a wireless handset, including but not limited to, text messages, instant messages, electronic or e-mails, in order to communicate with any person or device.

G) "To use" shall mean to hold a wireless handset in one's hand.

H) "Wireless Handset" shall mean a portable electronic or computing device, including cellular telephones and personal digital assistants (PDAs) capable of transmitting data in the form of a text message.

Section 4. Prohibition

No person shall use a wireless handset to compose, read, or send text messages while operating a motor vehicle on any public street or public highway within Seneca County.

Section 5. Exceptions

A. Notwithstanding Section 4, this law shall not be construed to prohibit the use of any wireless handset by:

i. Any law enforcement, public safety or police officers, peace officers, emergency services officials, first aid, emergency medical technicians and personnel, and fire safety officials in the performance of duties arising out of and in the course of their employment as such;

ii. A person using a wireless handset to contact any individual listed in subsection (i); or

iii. A person using a wireless handset inside a motor vehicle while such motor vehicle is parked, standing or stopped and is removed from the flow of traffic, in accordance with applicable laws, rules or ordinances, or is stopped due to the inoperability of such motor vehicle.

iv. Any person who holds a valid amateur radio operator's license issued by the FCC and who operates a duly licensed portable mobile transmitter and in connection therewith a receiver or receiving set.

B. Notwithstanding Section 4, this law shall not be construed to prohibit a person operating a motor vehicle from utilizing a hands-free wireless handset.

Section 6. Penalties

A violation of Section 4 of this local law shall constitute an offense and be punishable by a fine not to exceed \$150.00 for each single violation. Each such violation shall constitute a separate and distinct offense.

This local law shall be enforced by the Seneca County Sheriff's Office and may be enforced by any other law enforcement agency having jurisdiction.

Section 7. Effect of Other Laws

This local law shall be null and void on the day that New York statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this local law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by Seneca County. The Board of Supervisors may determine via resolution whether identical or substantially similar statewide legislation or preempting regulations have been enacted for the purposes of triggering the provision of this section.

Section 8. Severability

If any section, subsection, sentence, clause, phrase or other portion of this local law is for any reason declared unconstitutional, or invalid or in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law which remaining portions shall remain in full force and effect.

Section 9. Effective date

This local law shall take effect thirty days after filing in the Office of the Secretary Of State pursuant to section 27 of the Municipal Home Rule Law

A discussion among some of the supervisors ensued relating to whether the proposed local law could be enforced and why wasn't the current state law banning the use of cell phones sufficient. The county attorney, Mr. Fisher, informed the Board that the current law specifically addresses the use of cell phones but does not address using a cell phone to send text messages, hence the proposed local law. Mr. Fisher also said the local law could be enforced by police but it may be easy to contest the charges in court unless the county took steps to post the local law requirement, should it pass, at every road that allows access by a vehicle into Seneca County. It was generally agreed that adopting the proposed local law was a message to the State to review its current law regarding use of cell phones while operating a motorized vehicle.

Presentation

Mike Madziarz, Head Building Maintenance Mechanic for the Law Enforcement Center was presented with the Employee of the First Quarter 2009 Award.

Reports of Standing Committees

Government Operations Committee - Mrs. Amidon, Chairperson, reported that the Committee discussed changing the length of term of office for the four county supervisor positions on the Board of Supervisors. The Committee also recommended that the Board of Supervisors submit a letter to New York State Department of Transportation allowing access to roads in Seneca County for the bike portion of the Musselman Triathlon in June.

Human Services Committee - Mrs. Amidon, acting Chairperson, said that the Committee recommended board approval to proclaim June 15, 2009 as Elder Abuse Awareness Day; and for the

Board Chairman to sign Workforce Investment Act contracts with Finger Lakes Workforce Board for grant money and for money funded from the American Recovery and Reinvestment Act.

Public Works Committee - Mr. Davidson, Chairperson, reported that the Committee discussed several issues including installation of directional signage to the Premium Outlet Center on Route 318; maintenance by the County of roadways at the former army depot; realigning Seneca County with Region 4 NYS DOT; and a brief discussion, due to time constraints, relating to the Town of Varick, Sewer District 1 and 2 and Water District 1.

Public Safety Committee - Mr. Shipley, Chairperson, reported that the Committee recommended a board resolution introducing a proposed local law for a \$0.35 surcharge for wireless phone devices; a resolution to accept grant funding for \$56,250 under New York State Office of Homeland Security; and a resolution supporting the New York State Assembly bill A04368 known as the Volunteer Peace Officer Benefit Law bill.

Indian Affairs Committee - Dr. Dresser, Chairperson, reported that the Committee discussed several issues including the future Bureau of Indian Affairs (BIA) public hearing for comments on the Draft Environmental Impact Statement (DEIS) in relation to the Cayuga Indian Nation's (CIN) application for land-into-trust and cited the website www.nocayugalandintotrust.com, where information about the DEIS could be obtained and instructions on how to comment to the BIA. Dr. Dresser read a letter from Senator Nozzolio, which supported the collection of sales taxes from Tribe owned businesses. Dr. Dresser also urged all the towns to pass similar resolutions opposing the DEIS findings and urging the BIA to take no action on the land-into-trust.

Personnel & Technology Committee - Mr. Same, Chairperson, reported that the Committee met jointly with the committee on Finance and Public Health to discuss the Worksite Wellness Program and ideas for initiatives to be offered to employees who participate.

Planning, Development, Agriculture & Tourism Committee - Mr. Kaiser, Chairperson, reported that the Committee recommended a board resolution be introduced later in the meeting authorizing the Board Chairman to sign agreements associated with the development of the canal trail, including public trail easement agreement and possible license agreement with NYS Electric & Gas, to allow for development activities to begin on June 6, 2009.

Public Health Services Committee - Mr. Hayssen, Chairperson, reported that the Committee discussed the Worksite Wellness Program, as stated previously by Mr. Same and also recommended a board resolution authorizing the Board Chairman to execute a contract with the Mandel Therapy Group for the Early Intervention Program and 3-5 Preschool Program.

Finance, Assessment & Insurance Committee - Mr. Barto, Chairperson, said that the Committee recommended Board authorization by resolution to request an extension of the New York State Tax Law

allowing Seneca County to continue to impose a 1% sales tax to help alleviate the tax burden on property owners.

Mr. Barto also said that the Town of Fayette had an informational meeting about the Draft Environmental Impact Statement (DEIS) presented by the BIA relating to the Cayuga Indian Nation's application for land-into-trust. He said the meeting was well attended by the public. There were many questions asked by the public and the meeting was very informative.

Chairman's Remarks

Chairman Lafler recognized Vincent Scalise, who presides over the Seneca Cayuga Trail Association, for his constant efforts towards making the Trail a reality.

Communications

81. Minutes of the Seneca County Soil & Water Conservation District meeting held on April 27, 2009.

82. From the NYS Canal Corporation, information about its effort to petition the Environmental Protection Agency for a "No Discharge Zone" designation for the Canal System.

83. A copy of the Draft Environmental Impact Statement for the fee-to-trust application of the Cayuga Indian Nation of New York; public hearing June 17 from 6:00 p.m. to 9:00 p.m.; deadline for written comments July 6, 2009.

84. Minutes of the Seneca County Planning Board meeting held on April 9, 2009.

85. From Jack Gilroy, Interlaken resident, electronic communication expressing opposition to Ontario County's "gasification plant".

Resolutions and Motions

BOARD OF SUPERVISORS APPROVES CONTRACT FOR SERVICES OF FINGER LAKES REGIONAL LIBRARY

RESOLUTION NO. 105-09, moved by Mr. Barto, seconded by Mr. Shipley and adopted by 690 ayes (Barto, Shipley, Reynolds, Serven, Davidson, Dresser, Kaiser, Same, Lafler, Terryberry, Amidon, Hayssen and Westfall) and 60 absentees (Mooney).

WHEREAS, the Seneca County Board of Supervisors recognizes the contribution made to the cultural and educational welfare of the citizens of Seneca County by our public libraries; and

WHEREAS, the Board further recognizes the need for continued support of the services provided to these institutions through the Finger Lakes Regional Library; and

WHEREAS, the Board wishes to continue to maintain as a public service to the citizens of the County, the support of such institutions by the Finger Lakes Regional Library and to enter into a contract with the Library for such service; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized and directed to enter into a contract with the Finger Lakes Library for the support of the public libraries of Seneca County and for payment to the Regional Library of the sum of fifty-one thousand dollars for that purpose; and be it

FURTHER RESOLVED, that the 2009 Seneca County Budget is amended to decrease the contingent fund account 1900-1990-4700 in the amount of fifty-one thousand dollars, and to increase the Bookmobile and Library account 10-135-5-8792.470 by fifty-one thousand dollars, and that the Seneca County Treasurer is authorized to make payment to the Finger Lakes Regional Library according to the contract terms.

**RESOLUTION REQUESTING HOME RULE LEGISLATION FOR EXTENSION OF
ADDITIONAL 1% SALES TAX**

RESOLUTION NO. 106-09, moved by Mr. Barto, seconded by Mr. Same and adopted by 630 ayes (Barto, Same, Reynolds, Serven, Davidson, Dresser, Kaiser, Lafler, Terryberry, Amidon, Hayssen and Westfall), 60 nays (Shipley) and 60 absentees (Mooney).

WHEREAS, the County of Seneca presently has authority to collect an additional one percent sales tax pursuant to §1210(1)(28) of the New York State Tax Law; and

WHEREAS, such authority expires November 30, 2009; and

WHEREAS, without said additional one percent sales tax, real estate taxes would be significantly further burdened; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors hereby requests our state legislators, Senator Michael Nozzolio and State Assembly Minority Leader Brian Kolb, to prepare and introduce a Home Rule Statute amending §1210(1)(28) of the New York State Tax Law and giving the County of Seneca authority to extend the additional one percent sales tax to November 30, 2011.

Mr. Shipley stated that his nay vote was because although the sales tax offsets the burden on property owners, it is still a tax paid by the residents of Seneca County.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
A CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF HEALTH
IMMUNIZATION PROGRAM FOR THE IMMUNIZATION ACTION PLAN**

RESOLUTION NO. 107-09, moved by Mr. Hayssen, seconded by Mr. Terryberry and adopted by 690 ayes (Hayssen, Terryberry, Reynolds, Barto, Serven, Davidson, Dresser, Kaiser, Same, Lafler, Amidon, Shipley and Westfall) and 60 absentees (Mooney).

WHEREAS, the New York State Department of Health has awarded the Health Department \$30,000 for the administration of the Immunization Action Plan for Seneca County; and

WHEREAS, the grant period is April 1, 2009 through March 31, 2010; and

WHEREAS, in order to receive this funding, it is necessary for the Chairman of the Board of Supervisors to sign the contract; and

WHEREAS, this funding is included in the Health Department budget 10-115-5-4012; and

WHEREAS, the Public Health Committee has approved this grant; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign a contract with the New York State Department of Health.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
A CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF HEALTH FOR THE
WATER ENHANCEMENT GRANT**

RESOLUTION NO. 108-09, moved by Mr. Hayssen, seconded by Mr. Kaiser and adopted by 690 ayes (Hayssen, Kaiser, Reynolds, Barto, Serven, Davidson, Dresser, Same, Lafler, Terryberry, Amidon, Shipley and Westfall) and 60 absentees (Mooney).

WHEREAS, the Health Department has been awarded \$84,750 for administration of the Water Enhancement Program; and

WHEREAS, the period for this grant is April 1, 2009 through March 31, 2010; and

WHEREAS, the grant funding allows for additional water sampling for county residents and enhances the Department's ability to assist with the development and monitoring of vulnerability assessments; and

WHEREAS, the funding is included in the Public Health budget 10-115-5-4016; and

WHEREAS, the Public Health Committee has approved this grant; and

WHEREAS, it is necessary for the Chairman of the Board of Supervisors to sign this grant to receive the funding; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign a contract with the New York State Department of Health for the Water Enhancement Grant.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
A CONTRACT WITH ONTARIO COUNTY FOR THE CANCER SERVICES PROGRAM**

RESOLUTION NO. 109-09, moved by Mr. Hayssen, seconded by Mr. Kaiser and adopted by 690 ayes (Hayssen, Kaiser, Reynolds, Barto, Serven, Davidson, Dresser, Same, Lafler, Terryberry, Amidon, Shipley and Westfall) and 60 absentees (Mooney).

WHEREAS, Ontario County Public Health is the lead agency for the Cancer Services program for Ontario, Seneca and Yates counties; and

WHEREAS, Ontario County will be contracting with Seneca County Public Health to provide outreach, education and case management services; and

WHEREAS, the time period for this grant is April 1, 2009 through March 31, 2010; and

WHEREAS, the Health Department will be compensated in the amount of \$33,513 for these services; and

WHEREAS, this funding is included in the Health Department budget 10-115-5-4017; and

WHEREAS, the Public Health Committee has approved this contract; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign a contract with Ontario County for the Cancer Services Program.

BOARD OF SUPERVISORS SUPPORTS DEVELOPMENT OF CAYUGA-SENECA CANAL TRAIL, DECLARES THAT IT WILL NOT HAVE AN ADVERSE IMPACT ON THE ENVIRONMENT AND AUTHORIZES CHAIRMAN TO SIGN PUBLIC TRAIL EASEMENT AND RELATED AGREEMENTS WITH NEW YORK STATE ELECTRIC AND GAS
RESOLUTION NO. 110-09, moved by Mr. Kaiser, seconded by Mr. Shipley and adopted by 470 ayes (Shipley, Serven, Davidson, Dresser, Same, Lafler, Terryberry, Amidon and Westfall), 220 nays (Kaiser, Reynolds, Barto and Hayssen) and 60 absentees (Mooney).

WHEREAS, a trail along the Cayuga-Seneca Canal has been proposed, to be located principally on lands owned by New York State Electric & Gas; and

WHEREAS, the Cayuga-Seneca Canal Trail Association has been established to support this endeavor; and

WHEREAS, a Master Plan for the trail was prepared in 2005; and

WHEREAS, a Department of State Coastal Resources Grant has been awarded to the Town of Waterloo in the amount of \$50,000 that has allowed for the development of detailed design, survey and legal agreements for the portion of the proposed trail from NYS Route 96-A to NYS Route 96; and

WHEREAS, Seneca County and New York State Electric & Gas have negotiated a public trail easement agreement; and

WHEREAS, Seneca County anticipates future grant funding to support development of the trail; and

WHEREAS, the Cayuga-Seneca Canal Trail Association has secured in-kind and volunteer resources to commence construction of the trail; and

WHEREAS, the Seneca County Board of Supervisors has had a Full Environment Impact Statement prepared and determined that the development of the Cayuga-Seneca Canal Trail will not have an adverse impact on the environment; and

WHEREAS, June 6, 2009 is National Trails Day and a fitting occasion to commence construction of the trail; and

WHEREAS, the Cayuga-Seneca Canal Trail will enhance recreational opportunities and enhance the quality of life for residents and visitors of Seneca County; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on May 26, 2009; now, therefore, be it

RESOLVED, the Seneca County Board of Supervisors has determined there will be no significant environmental impact from the development and construction of the Cayuga-Seneca Canal Trail; and be it

FURTHER RESOLVED, that the Seneca County Board of Supervisors supports the development of the Cayuga-Seneca Canal Trail, and authorizes the Chairman to sign public trail easement and related agreements, including a license agreement to allow for the project kick-off on June 6, 2009, with New York State Electric & Gas to allow construction of the canal trail to commence.

Mr. Barto said that his reason for voting nay is because many of his constituents are landowners on the trail or adjacent to it and when he asked questions about the trail on their behalf, he didn't receive any answers.

**BOARD OF SUPERVISORS AUTHORIZES CHAIRMAN TO SIGN AGREEMENT WITH
TWIN LAKES SNOWMOBILE ASSOCIATION AND AUTHORIZES TREASURER TO
DISTRIBUTE FUNDS FOR TRAIL MAINTENANCE**

RESOLUTION NO. 111-09, moved by Mr. Kaiser, seconded by Mr. Shipley and adopted by 690 ayes (Kaiser, Shipley, Reynolds, Barto, Serven, Davidson, Dresser, Same, Lafler, Terryberry, Amidon, Hayssen and Westfall) and 60 absentees (Mooney).

WHEREAS, to distribute the funds for Snowmobile Trail maintenance received from the New York State Office of Parks, Recreation and Historic Preservation, an agreement should be in place between the County and the Twin Lakes Snowmobile Association; and

WHEREAS, the Seneca County Treasurer has received a check in the amount of \$3,780.00 which represents a 70% advance on the funding for the 2008-2009 season; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on May 12, 2009; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized and directed to sign the Agreement between Seneca County and the Twin Lakes Snowmobile Association for the period of September 1, 2008 to August 31, 2010; and be it

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

Create and Add: #101355-9020-4-382 Snowmobile Grants \$9,200

Increase Revenue Account: #1031933060 \$9,200; and be it

FURTHER RESOLVED, that the Seneca County Treasurer is authorized and directed to pay the Twin Lakes Snowmobile Association, having offices at 2271 Kraft Road, Ithaca, New York 14850;

\$3,780.00 from Account #101355-8020-4-382 upon notification that the contract with Twin Lakes Snowmobile Association has been signed by both parties.

**BOARD OF SUPERVISORS AMENDS 2009 BUDGET TO REFLECT REVENUES AND
EXPENDITURES ASSOCIATED WITH STABILIZATION AND REDEVELOPMENT
OF MAMA BEAR AND AUTHORIZES ADDITIONAL SERVICES BY
BERO ARCHITECTURE PLLC**

RESOLUTION NO. 112-09, moved by Mr. Kaiser, seconded by Mr. Davidson and adopted by 690 ayes (Kaiser, Davidson, Reynolds, Barto, Serven, Dresser, Same, Lafler, Terryberry, Amidon, Hayssen, Shipley and Westfall) and 60 absentees (Mooney).

WHEREAS, Seneca County is the owner of real property commonly referred to as “The Three Bears Complex” consisting of the former Courthouse, Clerk’s Office and Surrogate’s Office, a park area and parking lot located in the Village and Town of Ovid, Seneca County, New York; and

WHEREAS, Seneca County has been working collaboratively with the Friends of the Three Bears to progress the stabilization and redevelopment of “Mama Bear”; and

WHEREAS, Seneca County has secured grant funding from the New York State Environmental Protection Fund in the amount of \$60,000, from the New York State Senate in the amount of \$25,000, and from the New York State Assembly in the amount of \$5,000; and

WHEREAS, the Friends of the Three Bears has also committed \$18,000 in funding to support the project; and

WHEREAS, the total additional funding available for the project is currently \$108,000; and

WHEREAS, the additional available funding provides for the opportunity to undertake further design work for redevelopment of the structure in an amount not to exceed \$4,260 and stabilization work in an amount not to exceed \$103,740; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee and Finance, Assessment & Insurance Committee on May 12, 2009; now, therefore, be it

RESOLVED, that the Chairman of the Seneca County Board of Supervisors is hereby authorized and directed to sign a revised agreement with Bero Architects PLLC in an additional amount not to exceed \$4,260 and the Seneca County Treasurer shall amend the Department of Planning & community Development 2009 Budget as follows:

Increase Account 10-135-5-8020-4391 Mama Bear Stabilization - \$108,000

Increase Revenue Account 1031933660 - \$108,000

Mr. Kaiser introduced the resolution to authorize the Seneca County Treasurer to reimburse the Seneca County Industrial Development Agency for salary, fringe benefits and marketing for it

professional staff in the amount of \$120,000. A second was not received. The next order of business was presented.

**BOARD OF SUPERVISORS AUTHORIZES APPROPRIATION IN THE AMOUNT OF \$2,500
FOR SAMPSON VETERANS MEMORIAL CEMETERY ASSOCIATION**

RESOLUTION NO. 113-09, moved by Mr. Kaiser, seconded by Mrs. Amidon and adopted by 690 ayes (Kaiser, Amidon, Reynolds, Barto, Serven, Davidson, Dresser, Same, Lafler, Terryberry, Hayssen, Shipley and Westfall) and 60 absentees (Mooney).

WHEREAS, Seneca County is currently holding in trust \$25,000 in privately raised funds which have been donated to assist in the development of the Sampson Veterans Memorial Cemetery; and

WHEREAS, the Board of Supervisors has established a policy for appropriating these funds which provides for requests to be submitted by the Sampson Veterans Memorial Cemetery Association to the Seneca County Board of Supervisors; and

WHEREAS, the Association is requesting that the sum of \$2,500 be allocated to replenish the imprest fund that the Association is managing to support incidental expenses associated with development, fundraising and public outreach activities; and

WHEREAS, the Association is subject to annual financial audits and is providing the County with periodic financial reports; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee and the Finance, Assessment & Insurance Committee on May 12, 2009; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes the appropriation of \$2,500 for use by the Sampson Veterans Memorial Cemetery Association for development, fundraising and public outreach activities.

**APPLICATION TO FAA FOR THE DESIGN PHASE OF THE REHABILITATION OF
RUNWAY 1-19 FOR THE FINGER LAKES REGIONAL AIRPORT**

RESOLUTION NO. 114-09, moved by Mr. Kaiser, seconded by Dr. Dresser and adopted by 690 ayes (Kaiser, Dresser, Reynolds, Barto, Serven, Davidson, Same, Lafler, Terryberry, Amidon, Hayssen, Shipley and Westfall) and 60 absentees (Mooney).

WHEREAS, the FAA has indicated that a grant will be made available for the Design Phase of the Rehabilitation of Runway 1-19 project; and

WHEREAS, the pavements were reconstructed in 1990 and have reached a point where significant rehabilitative effort should be undertaken to ensure satisfactory service and lower maintenance costs; and

WHEREAS, pavement rehabilitation and upgrades to the existing edge lights are anticipated; and

WHEREAS, the total grant would be for \$125,000 with the Seneca County Local Share at 2.5% or \$3,125 which will come out of the airport capital fund; and

WHEREAS, the resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on May 12, 2009; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors approves the application to the FAA for the Design Phase of the Rehabilitation of Runway 1-19 project and that the Chairman of the Board of Supervisors be authorized and directed to sign all necessary documentation to submit this application to the FAA.

**BOARD OF SUPERVISORS RECOMMEND RECERTIFICATION OF AGRICULTURAL
DISTRICT #12 TO NEW YORK STATE COMMISSIONER OF
AGRICULTURE AND MARKETS**

RESOLUTION NO. 115-09, moved by Mr. Kaiser, seconded by Mr. Barto and adopted by 690 ayes (Kaiser, Barto, Reynolds, Serven, Davidson, Dresser, Same, Lafler, Terryberry, Amidon, Hayssen, Shipley and Westfall) and 60 absentees (Mooney).

WHEREAS, the Seneca County Agricultural Enhancement Board recommends that Agricultural District #12 be modified by merging Districts #2 and #7 into District #12 with other modifications as requested by property owners; and

WHEREAS, pursuant to New York State Agriculture and Markets Law Article 25AA Section 303a, the Seneca County Board of Supervisors held a Public Hearing on Tuesday, April 28, 2009 to provide an opportunity for citizens to offer comments and input on the re-certification of Agricultural District #12 with modifications; and

WHEREAS, no modifications other than proposed by the Agricultural Enhancement Board have been received; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on May 12, 2009; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors requests that the New York State Commissioner of Agriculture and Markets re-certify the Seneca County Agricultural District #12 with the following modifications:

- a) Merge Agricultural Districts #2, #7 and #12;
- b) Add to the District Town of Covert Tax Parcels 8-1-19.1; 14-1-10; 14-1-11; 14-1-20; 14-1-40; 14-1-58; and 21-1-36.
- c) Add to the District Town of Lodi Tax Parcels 02-1-26; 04-1-01; 14-1-25; 15-1-07.2; 17-1-19.11, 17-1-19.12 and 21-1-30.

- d) Add to the District Town of Ovid Tax Parcels 02-1-74.1; 03-1-57; 07-1-01.12, 07-1-02.11; 08-1-23.11; 11-1-35.2; 11-1-49.111; 11-1-53; 14-1-32.4; 14-1-33; 16-1-05; 16-1-10.12; 16-1-10.21; 16-2-25; 16-2-26; 21-1-08.12; 21-1-8.2; 21-1-12; and 21-1-34.2.
- e) Add to the District Town of Romulus Tax Parcels 03-1-02 and 05-1-25.
- f) Remove from the District Town of Lodi Tax Parcels 21-1-04.212; and
- g) Remove from the District Town of Ovid Tax Parcels 05-1-09.12 and 11-1-40.

BOARD OF SUPERVISORS PROCLAIMS THE MONTH OF MAY

“ONE STOP MONTH” FOR SENECA COUNTY

RESOLUTION NO. 116-09, moved by Mrs. Amidon, seconded by Mr. Barto and adopted by 690 ayes (Amidon, Barto, Reynolds, Serven, Davidson, Dresser, Kaiser, Same, Lafler, Terryberry, Hayssen, Shipley and Westfall) and 60 absentees (Mooney).

WHEREAS, the Workforce Investment Act of 1998 authorizes Local Workforce Investment Boards and Chief local elected officials to create One-Stop Career Centers within local Workforce Investment Areas; and

WHEREAS, the Workforce Investment Act of 1998 authorizes Local Workforce Investment Boards and Chief local elected officials to create One-Stop Career Centers within local Workforce Investment Areas; and

WHEREAS, Finger Lakes Works One Stop Centers, including the Seneca county site, opened their doors on July 1, 2000 and provide valuable services to this community by connecting businesses with works and job seekers with jobs; and

WHEREAS, the Finger Lakes Works One Stop Centers helps job seekers acquire skills, find jobs, find skilled workers for our businesses and helps our businesses upgrade the skills of their existing workforce; and

WHEREAS, in calendar year 2008, the Finger Lakes Works One Stop Centers assisted 9,785 people in finding jobs and 442 businesses find skilled workers; and

WHEREAS, May 2009 is One Stop Month in New York State; now, therefore, be it

RESOLVED, Seneca County Board of Supervisors proclaims the month of MAY “ONE STOP MONTH” for the County of Seneca, and acknowledges the achievements and the valuable services the Finger Lakes Works One Stop Centers provide to the citizens of this community; and it is

FURTHER RESOLVED, that certified copies of this resolution be sent by the Clerk of this Board to the Finger Lakes Workforce Investment Board, Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Michael Arcuri, Congressman Eric Massa, New York State Senator Michael Nozzolio and New York State Assembly Minority Leader Brian Kolb.

**CREATE THREE FULL-TIME CORRECTIONAL OFFICER POSITIONS AT THE SENECA
COUNTY LAW ENFORCEMENT CENTER**

RESOLUTION NO. 117-09, moved by Mr. Shipley, seconded by Mr. Davidson and adopted by 690 ayes (Shipley, Davidson, Reynolds, Barto, Serven, Dresser, Kaiser, Same, Lafler, Terryberry, Amidon, Hayssen and Westfall) and 60 absentees (Mooney).

WHEREAS, the Seneca County Sheriff's Office has entered into an agreement o house federal inmates at the LEC Correctional Facility; and

WHEREAS, the contract requires that the Correctional Staff provide transportation of the Federal Inmates to either be picked up at various facilities, delivered to various facilities and transported to make required Federal Court appearances in either Rochester or Syracuse Federal Courts; and

WHEREAS, the present number of Correctional Staff is governed by the New York State Department of Corrections agreement with Seneca County at a minimal staffing level; and

WHEREAS, it is requested that three additional full time Correctional Officer positions be created to enable the necessary transportation of Federal Inmates without disrupting the necessary required transportation of Seneca County Inmates to various courts, hospitals, dentists, medical and mental health appointments and maintain the safety of officers and inmates at the Correctional Facility; now, therefore, be it

RESOLVED, that three (3) new full-time Correctional Officer Positions be created at the Seneca County Correctional Facility at the rate of \$15.120 per hour (annual \$31,450) each.

**AWARD OF BID AND INSTALLATION OF ROOFTOP COOLING UNIT FOR
PHONE SERVER ROOM AT THE LEC**

RESOLUTION NO. 118-09, moved by Mr. Davidson, seconded by Mrs. Amidon and adopted by 690 ayes (Davidson, Amidon, Reynolds, Barto, Serven, Dresser, Kaiser, Same, Lafler, Terryberry, Hayssen, Shipley and Westfall) and 60 absentees (Mooney).

WHEREAS, the Phone Server room is located in the Law Enforcement area of the LEC and houses the computers that operate critical TRAC and SJS systems within the Law Enforcement Division as well as the computer systems that operate the entire telephone system for the LEC; and

WHEREAS, the average temperature for the room in the winter months is in excess of 85 degrees and in the summer months exceeds 100 degrees and these temperatures are extremely detrimental to the computers responsible for operating the various systems at the LEC; and

WHEREAS, the original designs for the building called for the installation of a cooling unit for this room and the Management Group had set aside \$16,000 for the project; and

WHEREAS, on March 2, 2009 a SPEC SHEET was released and three bids were received to install a cooling unit; and

WHEREAS, the lowest accredited bid received was from Air Temp Heating and Air Conditioning, Inc. of 6820 Ellicott Drive, North Syracuse, New York at \$13,261.00; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors approves the installation of the cooling for the Phone Server Room at the LEC per lowest accredited bidder.

Unfinished Business

Mr. Westfall questioned why the motion made by Mr. Kaiser earlier in the meeting, relating to the IDA payment of \$120,000 didn't receive a second. Mr. Barto said he believed that the issue wasn't referred to the Board by the appropriate committee.

Chairman Lafler ordered short recess and directed the Clerk of the Board to research whether the issue was or was not referred by the appropriate committee.

Chairman Lafler reconvened the Board of Supervisors and advised its members that the issue had been reviewed and referred to the Board of Supervisors by the Planning, Development, Agriculture & Tourism Committee on May 12.

Mr. Westfall made the motion to introduce the resolution with a second by Mr. Same.

Mr. Barto called a point of order citing the resolution was removed from the agenda and could not be brought back before the Board unless there was a unanimous consent by the members of the Board of Supervisors. With Mr. Mooney absent, a unanimous aye vote could not be obtained.

Chairman Lafler referred the resolution back to the committee for planning and development.

New Business

Dr. Dresser moved a suspension of the rules to introduce a resolution recommended by the Indian Affairs Committee earlier that evening.

BOARD OF SUPERVISORS APPROVES EXPENDITURE FOR ADVERTISING PARTICIPATION IN DEIS PROCESS IN CAYUGA INDIAN LAND-INTO-TRUST APPLICATION

RESOLUTION NO. 119-09, moved by Dr. Dresser, seconded by Mr. Hayssen and adopted by 690 ayes (Dresser, Hayssen, Reynolds, Barto, Serven, Davidson, Kaiser, Same, Lafler, Terryberry, Amidon, Shipley and Westfall) and 60 absentees (Mooney).

WHEREAS, the Seneca County Board of Supervisors recognizes the importance of generating public participation in the comment period regarding the Draft Environmental Impact Statement on the Cayuga Indian Land-into-Trust Application; and

WHEREAS, the Board further recognizes the need for immediate action to be taken in providing notice of the process to the maximum number of Seneca County citizens before the June 17, 2009 hearing regarding the DEIS and the close of the comment period on July 6, 2009; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors and/or the County Manager are authorized and directed to expend from the County funds, sums not to exceed \$9,000.00, for the purpose of generating signage, brochures, direct mailings and/or letters to the editors of local news publications, providing information about and notice of the comment periods and the said June 17, 2009 hearing.

The Board of Supervisors convened in executive session at 8:54 p.m. for the purpose of holding discussions relating to collective negotiations pursuant to article fourteen of the civil service law.

Special Order of the Day

The Board of Supervisors reconvened in open session. The meeting was adjourned at 9:18 p.m.