

SENECA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING & PUBLIC HEARING

July 14, 2009

8:00 p.m.

Call to Order

Chairman Lafler called the meeting to order at 8:20 p.m.

Roll Call of Members by the Clerk

Twelve members of the Board of Supervisors answered roll call. Mr. Barto and Dr. Dresser were not present.

Pledge of Allegiance and Moment of Silence

Public Hearing

No comments were heard or written comments received relating to proposed Local Law D of the Year 2009.

Proposed Local Law D of the Year 2009, entitled "A Local Law to Amend Local Law No. 1 of 1972" be and the same hereby is introduced before the Board of Supervisors of Seneca County, New York to read in substantially the following form:

That Local Law number 1 of 1972 be amended as follows:

That §3 of said local law be amended to read as follows:

Section 3. The additional Supervisors from the Town of Seneca Falls and the Town of Waterloo shall:

- (a) be elected by the voters in their respective Towns at a general election to be held in November, 2009;
- (b) the term of office of such additional Supervisors shall be four years, except when appointed to fill a vacancy, commencing January 1, 2010, and except as follows: the initial term of office of the candidate for such office from each said Town receiving the second highest total number of votes for such office shall be two years commencing January 1, 2010 and shall, except to fill a vacancy, be four years thereafter commencing January 1, 2012.

Sections (c) and (d) of §3 shall remain unchanged.

And that §6 of said Local Law be amended to read as follows:

Section 6. This Local Law, as amended, shall become operative immediately upon the election to take place November 3, 2009 and shall effect the terms of office of the Seneca County additional supervisors for the Towns of Seneca Falls and Waterloo commencing January 1, 2010 and shall be filed with the office of the Secretary of State.

Such Local Law shall, if passed by the Board of Supervisors, be subject to a referendum vote to take place at the next general election in November, 2009.

Submission of Claims for Audit

Mr. Same, moved that the following vouchers having gone through the proper auditing process, be approved for payment.

Supervisors vouchers	#1517 – 1590 #1592 - 1810	totaling	\$	589,059.35
OFA vouchers	#444 – 505	totaling	\$	88,087.64
Workforce Development vouchers	#139 – 158	totaling	\$	20,993.40
Insurance vouchers	#44 – 48	totaling	\$	2,158.53
Sheriff vouchers	#469 – 534	totaling	\$	85,006.35
County Airport vouchers	#58 – 70	totaling	\$	1,999.61
Highway Transportation vouchers				
Maintenance & State Snow	#171 – 193	totaling	\$	40,011.09
Highway Machinery	#197 – 229	totaling	\$	28,389.99
		Highway Total	\$	68,401.08
Highway Capital Voucher	#8 – 12	totaling	\$	11,996.30
Jail Capital Voucher	#7	totaling	\$	2,058.00

Approval of Minutes

Meeting minutes for May 26 and June 9 board meetings were approved as written.

Reports of Standing Committees

Government Operations Committee, Mrs. Amidon, Chairperson, indicated that her committee discussed and approved waiving Local Law No. 2 of 1979, traffic safety for mass gatherings, for the three days of Empire Farm Days (August 11, 12 & 13, 2009).

Public Works Committee, Mr. Davidson, Chairperson, reported on committee approval for board resolutions authorizing the Snow & Ice Agreements, the renewal of the lease with BOCES for office space, and that the committee discussed the City of Geneva leachate project and how it may impact Seneca County.

Mental Health Committee, Mr. Reynolds, Chairperson, reported on the committee's approval for a board resolution supporting the Community Services Board's (CSB) recommendation to appoint Robert Fisher to the CSB.

Public Safety Committee, Mr. Shipley, Chairperson, reported on the committee's approval of refilling the position of a Correction Officer vacated due to resignation and temporarily filling a

Correction Officer position vacated due to military leave. Approval was also given to raise the rate of holiday pay for the Nurse position at the jail.

Personnel and Information Technology Committee, Mr. Same, Chairman, reported that there was an agreement made in the CSEA negotiations and the new contract would be voted on later in the month.

Finance, Assessment & Insurance Committee, Mr. Same, Minority Leader, reported that the committee also approved refilling the Correction Officer positions and the holiday pay rate increase; and approval was given for a board resolution authorizing appropriation of \$2,500 to the Sampson Veterans Memorial Cemetery Association to support development and outreach activities.

Indian Affairs Committee, Mr. Same, Vice-Chairman reported that the committee approved a resolution that would be introduced under suspension of the rules urging Governor Paterson to prohibit the patronage of the Turning Stone Casino by State Department and Agencies for business conference and seminars and meetings.

Planning, Development, Agriculture & Tourism Committee, Mr. Kaiser, Chairman, reported that the committee approved to move forward with an application for a \$40,000 grant to update the Airport Layout Plan in conjunction with the Design Phase of the recapping of the runway. The committee also approved a contract with Frank J. Marianacci, Inc., for the Mama Bear Stabilization Project.

Chairman's Remarks

Chairman Lafler recognized Sheriff Jack Stenberg. The Sheriff gave an update on in-housing of inmates at the Law Enforcement Center. The current income from in-housing is \$115,765. Tompkins County inmates were accepted in February and currently have five inmates from Tompkins County. On April 27th inmates from the U S Marshall's Service were accepted on a contract basis. Currently there are nineteen federal prisoners. Transportation and medical treatment of the federal prisoners is a federal expense. The Sheriff praised staff for taking on the extra load. Sheriff Stenberg also said the cost of feeding inmates has decrease from \$7.00 per day to \$4.00 per day per inmate. The Sheriff also indicated that the Department should be accredited by year's end.

County Manager's Remarks

The County Manager spoke about the fact that she supports the Board's position related to recent developments in Indian Affairs.

Communications

99. Letters of acknowledgment dated June 22, 2009 from Assemblyman Brian Kolb in regard to Seneca County Resolution No. 129-09 supporting the passage of Assembly Bill A04365 / Senate Bill S3701 relating to creating the Volunteer Peace Officer Benefit Law and Resolution No. 134-09 opposing the land-into-trust application of the Cayuga Indian Nation and urging the Bureau of Indian Affairs to elect the No ACTION alternative in accordance with the Carcieri vs. Salazar decision.

100. From Melvin J. Bushart, a copy of written comments, dated June 24, 2009, to Franklin Keel of the Bureau of Indian Affairs, on the Draft Environmental Impact Statement relating to the Cayuga Indian Nation Trust Acquisition Project.
101. From Jack and Bonnie Langley, Ovid, New York, an email dated July 2, 2009 relating to the Intermunicipal (Towns) Dock and Mooring Steering Committee.
102. A copy of the 2008 Annual Report for Seneca County Division of Human Services.
103. A copy of the Cornell Cooperative Extension Board of Directors' March 3, 2009 and May 5, 2009 meeting minutes.
104. A copy of the Finger Lakes Resource Conservation & Development Council, Inc.'s May 21, 2009 meeting minutes.
105. A copy of the Seneca County IDA's May 7, 2009 regular meeting minutes.
106. A copy of the Seneca County Agriculture Enhancement Board March 4, 2009, April 1, 2009, May 6, 2009 and June 3, 2009 meeting minutes.
107. A copy of the Genesee / Finger Lakes Regional Planning Council's 32nd Annual Meeting minutes for June 11, 2009.
108. A copy of the Seneca County Board of Health's June 17, 2009 meeting minutes.
109. A copy of the Seneca County Planning Board's June 11, 2009 meeting minutes.
110. From John Patti, Waterloo, New York, two emails opposing Local Law to implement a \$0.35 surcharge on wireless phones. Referred to Public Safety Committee.
111. From Genesee / Finger Lakes Regional Planning Council, a copy of the Preliminary Regional Council Budget for January 1, 2010 to December 31, 2010. Referred to the Planning, Development, Agriculture & Tourism Committee.
112. From Melanie Wickham, Show Manager, Empire Farm Days, a letter dated June 23, 2009 requesting that Local Law No. 2, 1979 relating to mass gatherings and crowd control be waived during the Empire Farm Days event on August 11, 12 & 13. Referred to the Government Operations Committee.

Resolutions and Motions

AUTHORIZE TREASURER TO MAKE PAYMENT OF \$1,700 TO DUPREY VIDEO PRODUCTIONS, INC. FOR SERVICES REGARDING THE BUREAU OF INDIAN AFFAIRS PUBLIC HEARING ON JUNE 17, 2009

RESOLUTION NO. 147-09, moved by Mr. Same, seconded by Mr. Davidson and adopted by 617 ayes and 133 absentees (Barto and Dresser).

WHEREAS, there was a public hearing on June 17, 2009 hosted by the Bureau of Indian Affairs to hear comments on the Draft Environmental Impact Statement for the Cayuga Indian Nation Land Acquisition Project; and

WHEREAS, the services of Duprey Video Productions were used to tape the public hearing; and
WHEREAS, the cost of said services is \$1,700; and

WHEREAS, the appropriate oversight committee reviewed and approved this resolution on July 14, 2009; now, therefore, be it

RESOLVED, that the Board of Supervisors authorizes the County Treasurer to issue payment for \$1,700 to Duprey Video Productions, Inc..

**BOARD OF SUPERVISORS AMENDS RESOLUTION NO. 110-09 REGARDING
DEVELOPMENT OF CAYUGA-SENECA CANAL TRAIL**

RESOLUTION NO. 148-09, moved by Mr. Kaiser, seconded by Mr. Shipley, and adopted by 617 ayes, and 133 absentees (Barto and Dresser).

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 in the amount of \$50,000 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 completed a Full Environmental Assessment Form and determined that the development of the Cayuga-Seneca Canal Trail will not have an adverse impact on the environment; 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 June 23, 2009; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors supports the development of the Cayuga-Seneca Canal Trail, declares that the development of the Cayuga-Seneca Canal Trail will not have an adverse impact on the environment, and authorizes the Chairman to sign public easement and

related agreements, including potential 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.

**APPLICATION TO FAA FOR THE UPDATING OF THE AIRPORT LAYOUT PLAN FOR THE
FINGER LAKES REGIONAL AIRPORT**

RESOLUTION NO. 149-09, moved by Mr. Kaiser, seconded by Mr. Mooney, and adopted by 617 ayes and 133 absentees (Barto and Dresser).

WHEREAS, the FAA has required that the Finger Lakes Regional Airport Layout Plan be updated along with the grant for the Design Phase of the Rehabilitation of Runway I-19; and

WHEREAS, the plan was last updated in 1988; and

WHEREAS, the total grant would be for \$40,000 with the Seneca County Local Share at 2.5% or \$1,000 which will come out of the airport 2009 budget account number 10-101-5-5610 line 4280 maintenance projects; and

WHEREAS, the resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on July 14, 2009; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors approves the application to the FAA for the updating of the Finger Lakes Regional Airport Layout 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.

**SUPERVISORS URGE GOVERNOR TO PROHIBIT THE PATRONAGE OF THE TURNING
STONE CASINO BY STATE DEPARTMENTS AND AGENCIES**

RESOLUTION NO. 150-09, moved by Mr. Same, seconded by Mrs. Amidon and adopted by 617 ayes and 133 absentees (Barto and Dresser).

WHEREAS, the conference and events office of the Turning Stone Casino has confirmed that numerous New York State departments and agencies schedule conferences and meetings at the Turning Stone Resort and Casino in Verona, New York; and

WHEREAS, the Turning Stone Resort and Casino is owned and operated by the Oneida Indian Nation (OIN), which refuses to pay taxes to the state and municipalities; and

WHEREAS, the Turning Stone Casino is the only Indian casino in the State that does not turn over a percentage of its net drop to the State; and

WHEREAS, the compact to operate the Turning Stone Casino was signed by Governor Cuomo but never approved by the State Legislature, leaving the legality of its operation in question; and

WHEREAS, the OIN operates numerous other businesses in Oneida and Madison counties, notably a large number of SaveOn gas stations and convenience stores, that do not charge / collect state sales or excise taxes on gasoline, cigarettes, and other products, thus driving non-Indian enterprises out of

business or severely reducing their profits, while shorting the State and the counties millions of dollars of revenue which by law they are due; and

WHEREAS, the State of New York is currently joined with Madison and Oneida counties in legal opposition to the taking of some 13,003 acres of land into federal trust for the OIN; therefore, be it

RESOLVED, Seneca County Board of Supervisors calls upon Governor Patterson to direct all state agencies and departments not to expend State funds at the Turning Stone Resort and Casino; and be it

FURTHER RESOLVED, a copy of this resolution shall be sent to Governor Patterson with a cover letter from the Chairman of the Seneca County Board of Supervisors; and be it

FURTHER RESOLVED, copies of this Resolution shall be sent to the following officials:

John Becker, Chairman of the Madison County Board of Supervisors;

Gerald Fiorini, Chairman of the Oneida County Legislature;

Paul Miller, Madison County Administrator;

Anthony Picenti, Oneida County Executive;

Malcolm Smith, New York State Senate Majority Leader;

Sheldon Silver, Speaker of the New York State Assembly;

Michael Nozzolio, New York State Senator;

Brian Kolb, Minority Leader, New York State Assembly;

William Magee, Member, New York State Assembly

**SUPERVISORS AUTHORIZE THE MODIFICATION TO THE FIRE ALARM SYSTEM AT
THE LAW ENFORCEMENT CENTER (LEC)**

RESOLUTION NO. 151-09, moved by Mr. Davidson, seconded by Mrs. Amidon and adopted by 617 ayes and 133 absentees (Barto and Dresser).

WHEREAS, the LEC maintenance staff and County Engineer have determined that modifications to the LEC Fire Alarm System are necessary for improved life safety; and

WHEREAS, the modifications include reprogramming proper labeling of the alarm panel and connection of the new roof top cooling unit to the FM-200 fire suppression system; and

WHEREAS, Simplex Grinnell, the authorized maintenance and repair company for the fire alarm system, has provided a proposal to complete the modification for \$2,100.00; and

WHEREAS, the County Engineer reviewed the proposal and recommends that the County retain Simplex Grinnell for the services; and

WHEREAS, the Public Works Committee approved this resolution on June 23, 2009; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the modification of the fire alarm system at the LEC, as described in the accepted proposal from Simplex Grinnell, in the amount not to exceed \$2,100.00; and be it

FURTHER RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign any and all necessary contract documents for said project.

**SUPERVISORS AUTHORIZE INSTALLATION OF THE ROOF TOP COOLING UNIT AT
THE LAW ENFORCEMENT CENTER (LEC)**

RESOLUTION NO. 152-09, moved by Mr. Davidson, seconded by Mr. Reynolds and adopted by 617 ayes, and 133 absentees (Barto and Dresser).

WHEREAS, the Phone Server Room located in the Law Enforcement area of the LEC 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, it has been improved to install a new roof top cooling unit for this room; and

WHEREAS, three quotations were received and reviewed for this contract; and

WHEREAS, SSM & RC has provided the low quote to complete all roof work necessary for the installation of the roof top cooling unit for a sum of \$2,488.00; and

WHEREAS, SSM & RC is the company that originally installed the roof and is the only company authorized to work on the roof in order to maintain the original warranty; and

WHEREAS, the County Engineer has reviewed the proposal and recommends that the County retain SSM & RC for the services; and

WHEREAS, the Public Works committee approved this resolution on June 23, 2009; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the installation of roof top cooling unit, as described in the accepted proposal from SSM & RC, in the amount not to exceed \$2,488.00; and be it

FURTHER RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign any and all necessary contract documents for said project.

Unfinished Business

There was no unfinished business

New Business:

Mr. Same moved the suspension of the rules to introduce the following resolution.

**SUPERVISORS DIRECT THE LAW FIRM OF HARRIS BEACH TO APPEAL DECISION IN
CAYUGAS v. GOULD, ET AL**

RESOLUTION NO. 153-09, moved by Mr. Same, seconded by all members of the Board of Supervisors present at the meeting, and adopted by 617 ayes and 133 absentees (Barto and Dresser).

WHEREAS, the New York State Supreme Court Appellate Division for the Fourth Judicial Department has overturned the decision of the New York State Supreme Court in the matter of Cayugas v. Gould, et al; and

WHEREAS, the issues involved in this litigation are crucial to the economy of the County and the maintenance of sovereignty of the State of New York within the County; and

WHEREAS, the Indian Affairs Committee having taken advice of counsel as to procedures open to the County in regard to such litigation; and

WHEREAS, the Indian Affairs Committee having recommended the action herein; now, therefore, be it

RESOLVED, the Seneca county Board of Supervisors directs that the law firm of Harris Beach take such action as it deems necessary in the interests of the County to seek leave to appeal the decision of the New York Supreme Court Appellate Division in the matter of Cayugas v. Gould, et al, and to prosecute such appeal before the New York State Court of Appeals; and be it

FURTHER RESOLVED, that the said firm is further directed to seek a stay of said Court prohibiting further sale of untaxed products by the Cayuga Indian Tribe pending the process of such appeal.

Special Order of the Day

The meeting was adjourned at 8:40 p.m.