

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

October 27, 2009

8:00 p.m.

Call to Order

Chairman Lafler called the meeting to order at 8:00 p.m.

Roll Call of Members by the Clerk

Twelve members of the Board answered roll call. Dr. Dresser and Mr. Same were in New York City testifying at the New York State Senate Hearings on the state's non-collection of taxes on cigarettes sold to non-Native Americans.

Pledge of Allegiance and Moment of Silence

Petitioners:

- a. Don Gentilcore from Seneca Meadows spoke about the Wetland Project located between Black Brook Road and State Rt. 414. There is a plan to develop six and one half miles of trails that will be eight feet wide for hiking, biking and cross country skiing. He said the Audubon Society were stewards for the project. Expected date for opening of the Wetlands is Spring / Summer 2010. He said that Seneca Meadows and the Town of Waterloo were planning to hold community meetings regarding the clay mining project.
- b. Fred Gaffney from the Seneca County Chamber gave a brief summary on the TPA report for the third quarter in 2009. He said that hotel occupancy increased in September, as did visitation to the wineries and the Heritage Park in Seneca Falls. He also said that Seneca County Tourism had a fan page on Facebook. They were also present at Empire Farm Days and the dog show.

Reports of Standing Committees

Human Services Committee, Mr. Mooney, Chairperson, reported that his committee approved the county treasurer to make amendments to the Division of Human Services and Workforce Development budget Fiscal Year 2009 to reflect funding allocation for the ARRA & TANF programs; and approved the reappointment of Ron Golumbeck and Fred Gaffney to serve as members on the Board of Finger Lakes Workforce Investment;.

Public Health Committee, Mr. Mooney, Vice-Chairperson, indicated that his committee approved the contract with NYS DOH for the Children with Special Health Care Needs Program for funding in the amount of \$16, 889 for the period October 1, 2009 through September 30, 2010; and approved amendments made to the Public Health 2009 Bioterrorism Grant budget to meet expenditures through

December. The expenditures are reimbursable by the grant; and approved the contracts with Finger lakes Speech-Language Pathology and Physical Therapy Services, PLL.

Planning, Development, Agriculture & Tourism, Mr. Kaiser, Chairperson, reported that his committee discussed the Marcellus Shale Gas Drilling by hydro-fracture although no action was decided. The committee also was informed that the Brewer Road / Gem Creek project started two weeks later than anticipated and completion date was expected to be November 6, 2009.

Finance, Assessment and Insurance Committee, Mr. Barto, Chairperson, reported that his committee approved the equalization rates for 2010 county tax apportionment and approved transferring \$21,486.88 out of the Contingent Fund to pay for legal services by outside counsel as contracted through the District Attorney's Office.

Approval of Meeting Minutes

The minutes were approved as written for the September 8, 2009 and October 13, 2009 Board of Supervisors meetings.

Chairman's Remarks

Chairman Lafler commented on the report for ProAct, Inc. Discount Pharmacy Card, which was distributed by Vickie Swinehart, Director of Public Health. For January through September 2009, 2,882 claims were received by ProAct resulting in an average price savings of \$23.98.

County Manager's Remarks

The County Manager reported that she attended Western Inter-County Association meeting where a discussion took place regarding the proposed state budget and expected cuts to local agencies in state funding in the amount of \$500 million.

Communications:

154. A copy of the Finger Lakes Regional Airport Advisory Committee September 9, 2009 meeting minutes.
155. A copy of the Seneca County Federation of Sportsmen's Clubs, Inc. September 18, 2009 meeting minutes.
156. A copy of the Seneca County Board of Health September 16, 2009 meeting minutes.
157. A copy of the Seneca County Agriculture Enhancement Board August 5, 2009 meeting minutes.
158. A copy of the InterCounty of Western New York August 21, 2009 meeting minutes.
159. A copy of the Seneca County Soil & Water Conservation District August 24, 2009 meeting minutes.
160. A copy of the Genesee / Finger Lakes Regional Planning Council September 10, 2009 meeting minutes.

161. From the Board of Supervisors of Delaware County, a copy of Resolution No. 168, Encouraging Immediate Relief for Dairy Farmers and Supporting Changes at the Federal Level Establishing the Price of Fluid Milk at the Farm Gate. Referred to the Planning, Development, Agriculture & Tourism Committee.

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SENECA,
EXTENDING THE ADDITIONAL RATE OF TAXES ON SALES AND USES OF TANGIBLE
PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL
ROOMS AND ON AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX
LAW OF THE STATE OF NEW YORK**

RESOLUTION NO. 221-09, moved by Mr. Barto, seconded by Mrs. Amidon and adopted by 628 ayes and 122 absentees (Dresser and Same).

Be it enacted by the Board of Supervisors of the County of Seneca, as follows:

SECTION 1. Section 4-A of the resolution enacted by the Seneca County Board of Supervisors on January 12, 1982 (and amended by Board resolution on July 13, 1982), imposing sales and compensating use taxes, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes. Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and shall be paid an additional one percent rate of sales and compensating use taxes, for the period beginning December 1, 2002, and ending November 30, 2011. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4, and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating to or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph B of subdivision (1) of section 11 of a resolution enacted by the Seneca County Board of Supervisors on January 12, 1982 (and amended by Board resolution on July 13, 1982), imposing sales and compensating use taxes, is amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning December 1, 2002, and ending November 30, 2011, in respect to the use of property used by the purchaser in this County prior to December 1, 2002.

SECTION 3. This enactment shall take effect December 1, 2009.

APPOINTMENTS TO SENECA COUNTY TOURISM ADVISORY COMMITTEE

RESOLUTION NO. 222-09, moved by Mr. Kaiser, seconded by Mr. Barto and adopted by 628 ayes and 122 absentees (Dresser and Same).

WHEREAS, the Seneca County Board of Supervisors realizes the economic importance of tourism; and

WHEREAS, there are currently two vacancies on the nine member board; and

WHEREAS, Jeff Kostick and Bob Stack have volunteered to serve on this committee to advise the Chamber of Commerce with marketing of the County; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on October 13, 2009; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Jeff Kostick and Bob Stack to serve as members of the Seneca County Tourism Advisory Committee.

CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED TO SIGN THE OFFICE FOR THE AGING ANNUAL IMPLEMENTATION PLAN FOR SERVICES AND FUNDING APPLICATIONS

RESOLUTION NO. 223-09, moved by Mr. Mooney, seconded by Mr. Davidson and adopted by 628 ayes and 122 absentees (Dresser and Same).

WHEREAS, the Seneca County Office for the Aging is required to submit the Annual Implementation Plan (AIP) for services for the period April 1, 2010 – March 31, 2011 for Seneca County which includes funding applications; and

WHEREAS, two public hearings have been held on September 21, 2009 at 2276 County Road 139, Ovid, New York and September 23, 2009 at One DiPronio Drive, Waterloo, New York on said plan; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the Office for the Aging Annual Implementation Plan and funding applications; and be it

FURTHER RESOLVED, that the Director of the Office for the Aging is hereby authorized and directed to submit such funding applications and enter into agreements and contracts as described in said plan.

SENECA COUNTY BOARD OF SUPERVISORS APPROVE CONTRACT BETWEEN HILLSIDE FAMILY OF AGENCIES AND SENECA COUNTY DIVISION OF HUMAN SERVICES DEPARTMENT OF YOUTH BUREAU AND OFFICE OF EMERGENCY SERVICES

RESOLUTION NO. 224-09, moved by Mr. Mooney, seconded by Mrs. Amidon and adopted by 628 ayes and 122 absentees (Dresser and Same).

WHEREAS, this agreement will be in effect for the period of October 15, 2009 through April 15, 2010; and

WHEREAS, it is made between Hillside Family of Agencies and the Seneca County Division of Human Services and Office of Emergency Services agencies of the County of Seneca; and

WHEREAS, this contract will provide Risk Assessments to Hillside Family of Agencies Varick Campus through the Juvenile Firesetter Intervention Program at a fee of \$200.00 per client; and

WHEREAS, Hillside Family of Agencies will be billed monthly per client; and

WHEREAS, this contract has been reviewed by the Oversight Committee for Human Services; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is authorized to sign the Contract between Hillside Family of Agencies and Seneca County Division of Human Services Youth Bureau and Office of Emergency Services.

**BOARD OF SUPERVISORS TO APPROVE THE FOLLOWING CHANGES TO THE DIVISION
OF HUMAN SERVICES AND WORKFORCE DEVELOPMENT ACCOUNTS FOR FISCAL
YEAR 2009**

RESOLUTION NO. 225-09, moved by Mr. Mooney, seconded by Mr. Kaiser and adopted by 628 ayes and 122 absentees (Dresser and Same).

WHEREAS, Seneca County has received the following allocations for these programs and has Board approved contracts authorizing their implementation; and

ARRA & TANF WORKFORCE SUMMER CONTRACT INCREASES

20-125-5-6011-1100	Employee Salary	+	15,000
20-125-5-6011-8100	Retirement	+	1,575
20-125-5-6011-8300	FICA	+	930
20-125-5-6011-8400	Work Comp	+	318
20-125-5-6011-8700	Medicare	+	218
20-125-5-6011-1202	Youth Part Wages	+	90,000
20-125-5-6011-8302	FICA	+	5,580
20-125-5-6011-8402	Work Comp	+	1,910
20-125-5-6011-8702	Medicare	+	1,305
20-125-5-6011-4260	Books and Periodicals	+	500
20-125-5-6011-4500	Copying and Printing	+	2,000
20-125-5-6011-4380	Other Fees and Services	+	2,500
20-125-5-6011-4741	Participant Support Services	+	6,000

TOTAL EXPENSES

127,836

20-320-3-4616	ARRA Summer Youth Program	+	96,309	
20-320-4-4909	TANF Summer Program	+	16,527	
20-320-4-4907	WIA Dislocated Worker	+	15,000	
	TOTAL REVENUE			127,836
20-125-5-6070-4750	Wheels to Work Program	+	20,000	
20-125-5-6070-4751	Community Solutions to Transportation	+	10,000	
	TOTAL EXPENSES			30,000
10-320-3-4670	Services to Recipients Revenue	+	30,000	
	TOTAL REVENUE			30,000

WHEREAS, these changes have been reviewed by the Oversight Committee for Human Services and Finance; now, therefore, be it

RESOLVED, the Board of Supervisors approves the requested changes for the Division of Human Services and Workforce Development accounts for Fiscal Year 2009.

REAPPOINTMENT OF FINGER LAKES WORKFORCE INVESTMENT BOARD MEMBERS
 RESOLUTION NO. 226-09, moved by Mr. Mooney, seconded by Mr. Terryberry and adopted by 628 ayes and 122 absentees (Dresser and Same).

WHEREAS, the Finger Lakes Workforce Investment Board (FLWIB) director has solicited reappointments in accordance with the law; and

WHEREAS, said nominations and terms of each reappointment need has been reviewed and approved by the Human Services Committee; and

WHEREAS, the Seneca County Human Services Committee submits to the Seneca County Board of Supervisors for approval of the following individuals for reappointment to the FLWIB:

PUBLIC SECTOR:

Mr. Ron Golumbeck	Term of Office
Vice President, Human Resources	July 1, 2009 – June 30, 2012
ITT Industries, Industrial Pump Group	
240 Fall Street	
Seneca Falls, New York 13148	

Mr. Fred Gaffney	Term of Office
Seneca County Chamber of Commerce	July 1, 2009 – June 30, 2012
P O Box 70	
Seneca Falls, New York 13148;	

Now, therefore, be it

RESOLVED, the Seneca County Board endorses the reappointments of the above members to the Finger Lakes Workforce Investment Board; and it is

FURTHER RESOLVED, that the authorization and approval shall be subject to approval by the other county legislative bodies and the Finger Lakes Workforce Investment Board; and that certified copies of this resolution be sent to the clerks of the respective legislative bodies of Ontario, Wayne, and Yates Counties, the Finger Lakes Workforce Investment Board, and the Seneca County Treasurer.

BOARD OF SUPERVISORS ESTABLISHES SALARY FOR SENECA COUNTY DISTRICT ATTORNEY

RESOLUTION NO. 227-09, moved by Mr. Shipley, seconded by Mrs. Amidon and adopted by 628 ayes and 122 absentees (Dresser and Same).

WHEREAS, the proposed 2009 budget was amended in January 2009 to reflect the belief of the Board of Supervisors that §183-a of the New York State Judiciary Law (JL) required that the Seneca County District Attorney's annual salary equal at a minimum, all compensation received by the County Court Judge of the County in which the District Attorney serves; and

WHEREAS, on July 16, 2009, an opinion of the New York State Attorney General was issued on this subject declaring that §183-a JL requires that minimum salary requirements for the District Attorney correspond with the base salary of the County Court Judge; and

WHEREAS, it is and has been the intent of the Board of Supervisors to comply with §183-a JL by paying the Seneca County District Attorney at the rate required by law and to provide no greater salary than that required by New York State Law; and

WHEREAS, this resolution has been reviewed and approved by the Public Safety Committee; now, therefore, be it

RESOLVED, that effective January 1, 2010, the annual salary of the Seneca County District Attorney is amended to the sum equal to the base annual salary of the County Court Judge of Seneca County, One Hundred Nineteen Thousand Eight Hundred Dollars (\$119,800); and be it further

RESOLVED, that the proposed 2010 budget be amended to reflect the annual salary for the Seneca County District Attorney as \$119,800 commencing January 1, 2010.

Edward Barto, Finance Director, stated that after reviewing the District Attorney's proposed 2009 budget, he suggested that the Public Safety Committee review it for additional cost reductions before the Finance Committee reviewed it. He suggested that the district attorney position could be part-time since a full-time position is not mandated by state law.

CHAIRMAN OF THE BOARD AUTHORIZED TO SIGN AGREEMENT BETWEEN SENECA COUNTY AND FINGER LAKES COMMUNITY COLLEGE TO OFFER COLLEGE LEVEL COURSES IN SENECA COUNTY

RESOLUTION NO. 228-09, moved by Mrs. Amidon, seconded by Mr. Shipley and adopted by 628 ayes and 122 absentees (Dresser and Same).

WHEREAS, Finger Lakes Community College (FLCC) offers college-level courses in satellite locations in Seneca County; and

WHEREAS, no cost shall incur to Seneca County for the operation of these courses except for the normal operational charge backs per credit hour specified under community college law; and

WHEREAS, this resolution was approved by the Board of Supervisors Government Operations Committee at its meeting on October 13, 2009; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign an agreement with the Finger Lakes Community College to offer college-level courses in satellite locations in Seneca County for the 2009 – 2010 year.

New Business:

Motion was made by Mr. Shipley, seconded by Mrs. Amidon to enter Executive Session to hear a report by County Personnel Officer, Frank Sinicropi on status of labor negotiations under §105(1)(e) New York State Public Officers Law to discuss collective negotiations pursuant to Article 14 of the Civil Service Law.

Special Order of the Day

The meeting was adjourned at 9:21 p.m.