

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

November 24, 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

Twelve members of the Board of Supervisors answered roll call. Mr. Terryberry and Mr. Westfall were absent.

Pledge of Allegiance and Moment of Silence

Petitioners:

- a. Glen Silver, Seneca County resident, spoke in opposition to the Board of Supervisors' approval of the TIGER Grant which would provide funding to support passenger and freight rail improvements in Seneca, Ontario and Wayne Counties. His main objection was that garbage would be transported by rail to Seneca Meadows Landfill.
- b. Vickie Swinehart, R. N., Director of Public Health, informed the Board of Supervisors that there were eighteen cases reported for H1N1 (Swine Flu) in Seneca County. She also said that those allowed the vaccine were priority groups as defined by the Center of Disease Control: established by CDC, including: Pregnant women; Children and young people ages six months to 24 years; People who live with or provide care for infants under six months of age; Health care workers and emergency medical services personnel; and People ages 25 to 64 years who have medical conditions that put them at higher risk for serious illness and influenza-related complications. As more of the vaccine is manufactured, then it will be made available to all of the public regardless of these restrictions.

Reports of Standing Committees

Public Works Committee, Mr. Davidson, Chairperson, reported that his committee discussed the transition of the Sewer and Water operations to the County, focusing primarily on when and by whom an audit should be conducted. No action was taken.

Public Safety Committee, Mr. Shipley, reported that his committee approved authorizing the County Manager to sign the Aid to Prosecution Grant in the amount of \$35,300 for the purpose of enhancing the prosecution of repeat violent and serious felony offenders. There was also a discussion on the criteria necessary to assign cases to a public defender. No action was taken.

Planning, Development, Agriculture & Tourism, Mr. Kaiser, Chairperson, reported that his committee approved awarding the contract for site clearing and grubbing at Sampson Veterans Memorial cemetery to Zoldaz Construction Company, Inc. for \$46,372.34.

Finance Committee, Mr. Barto, Chairperson, reported that his committee approved the distribution the mortgage tax collections and directed payment be made. The committee also met with Greg Guy, Director, Options of Independence, who sought county funding. The committee directed the County Attorney to meet with Options of Independence representatives to develop a contract and the issue would be addressed at the next Finance Committee meeting. The committee also discussed the proposed County Budget for 2010 and set a date for a public hearing on the budget. The committee entered executive session for 68 minutes for the purpose of holding discussions on the employment history of certain individuals.

Approval of Meeting Minutes

The minutes of board meetings on September 22, 2009 and October 13, 2009 were approved as printed.

Communications:

The following communications were received and filed:

- 174 A copy of the Tentative Seneca County Budget 2010
- 175 A copy of the adopted Town of Varick Budget 2010
- 176 A copy of the Adopted Town of Junius Budget 2010
- 177 A copy of the Adopted Town of Ovid Budget 2010
- 178 A copy of the Adopted Town of Covert's Budget 2010
- 179 A copy of the Adopted Town of Romulus Budget 2010
- 180 A copy of the Seneca County Planning Board October 8, 2009 meeting minutes
- 181 A copy of the Finger Lakes Resource Conservation & Development Council, Inc. September 16, 2009 meeting minutes
- 182 A copy of the Seneca County Soil & Water Conservation District October 26, 2009 meeting minutes
- 183 From New York State Office for the Aging, a summarization of findings from the Annual Evaluation of the Seneca County Area Agency on Aging (OFA) conducted on October 28, 2009
- 184 From New York State Department of Agriculture and markets, notice of certification that the district review plan to consolidate with modification Seneca County Agricultural District No. 12 is consistent with State environmental plans, policies and objectives
- 185 From Billie Luisi-Potts, a letter of resignation from the Seneca County Advisory Committee on Tourism as of the month of November, 2009
- 186 An article forwarded by Linda Ochs, member of Concerned Citizens of Seneca County, titled, "Recycle, Reuse for Earth's Sake" by Peter Grannis and Resa Dimino (NYS DEC Commissioner & Assistant Commissioner)

187 An email from John Patti, resident of Seneca County and a letter from Laura Ann Cammisa, President, New York State Humane Association, opposing the white deer hunting at the former Seneca County Army Depot

188 From Green County Legislature, a copy of Resolution No. 343-09, "Opposing Various Proposed Anti-Gun Owner Legislation in New York State." Referred to the Public Safety Committee.

Resolutions and Motions

**RESOLUTION APPOINTING RELPH BENEFIT ADVISORS AS
EMPLOYEE BENEFITS BROKER**

RESOLUTION NO. 234-09, moved by Mr. Barto, seconded by Mr. Kaiser and adopted by 619 ayes (Barto, Kaiser, Reynolds, Serven, Davidson, Dresser, Same, Lafler, Amidon, Hayssen, Mooney, Shipley) and 131 absentees (Terryberry and Westfall).

WHEREAS, the County is desirous of cutting costs, including insurance costs, which continue to rise statewide; and

WHEREAS, RELPH Benefit Advisors, 1150 Pittsford-Victor Road, Suite G, Pittsford, NY, 14534 is a full-service insurance brokerage agency; and

WHEREAS, the Finance, Assessment and Insurance Committee of the Seneca County Board of Supervisors has recommended that the County appoint RELPH Benefit Advisors as a way to cut costs and improve efficiencies in the procurement of insurance for its employees; now, therefore, be it

RESOLVED, that the Board of Supervisors appoints RELPH Benefit Advisors, 1150 Pittsford-Victor Road, Suite G, Pittsford, NY 14534 as their Employee Benefit Broker.

TREASURER AUTHORIZED TO PAY MORTGAGE TAX

RESOLUTION NO. 235-09, moved by Mr. Barto, seconded by Mr. Reynolds and adopted by 619 ayes (Barto, Reynolds, Serven, Davidson, Dresser, Kaiser, Same, Lafler, Amidon, Hayssen, Mooney, Shipley) and 131 absentees (Terryberry, Westfall).

WHEREAS, the mortgage tax report for the period April 1, 2009 through September 31, 2009 has been filed; now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized and directed to pay to the municipalities of Seneca County the amount apportioned as follows:

<u>TOWN</u>	<u>AMOUNT ALLOCATED</u>	<u>VILLAGE SHARE</u>	<u>TOWN SHARE</u>
Covert	\$23,810.24	\$ 1,343.05	\$ 22,467.19
Fayette	49,620.00	2,884.99	46,735.01
Junius	8,671.59		8,671.59
Lodi	17,495.50	736.44	16,759.06
Ovid	21,082.47	1,433.23	19,649.24

Romulus	12,921.50	63.71	12,857.79
Seneca Falls	47,461.00	13,106.22	34,354.78
Tyre	6,655.41		6,655.41
Varick	12,388.00		12,388.00
Waterloo	<u>51,251.31</u>	<u>6,539.79</u>	<u>44,711.52</u>
TOTALS	\$251,357.02	\$26,107.43	\$225,249.59

At 8:34 p.m., Chairman Lafler recognized Supervisors Barto who moved the suspension of the rules. Supervisor Barto then moved that the Finance, Assessment & Insurance Committee hold a meeting to review amendments to the proposed 2010 budget that related to salary increases for certain county employees. Chairman Lafler called a recess of the Board of Supervisors.

At 8:36 p.m., Chairman Lafler reconvened the Board of Supervisors for its regular board meeting.

CLERK OF THE BOARD AUTHORIZED AND DIRECTED TO ADVERTISE FOR PUBLIC HEARING RE: 2010 SENECA COUNTY BUDGET

RESOLUTION NO. 236-09, moved by Mr. Barto, seconded by Mr. Same and adopted by 619 ayes (Barto, Same, Reynolds, Serven, Davidson, Dresser, Kaiser, Lafler, Amidon, Hayssen, Mooney, Shipley) and 131 absentees (Terryberry, Westfall).

RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized and directed to advertise for a public hearing on the tentative 2010 Seneca County Budget; and said public hearing to be held on December 8, 2009 at or about 8:00 p.m.

SENECA COUNTY HEALTH DEPARTMENT AUTHORIZED TO APPLY FOR OFFICE OF HOMELAND SECURITY GRANT FUNDING

RESOLUTION NO. 237-09, moved by Mr. Hayssen, seconded by Mr. Davidson and adopted by 619 ayes (Hayssen, Davidson, Reynolds, Barto, Serven, Dresser, Kaiser, Same, Lafler, Amidon, Mooney, Shipley) and 131 absentees (Terryberry, Westfall).

WHEREAS, the Health Department has submitted a grant application for funding through the Office of Homeland Security; and

WHEREAS, the amount of this funding is \$27,779; and

WHEREAS, the funding will be used to support the Department's emergency planning efforts and pandemic planning and H1N1 response activities; and

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

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

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the grant for the receipt of this Homeland Security grant.

**BOARD OF SUPERVISORS AUTHORIZES SENECA COUNTY TREASURER TO ISSUE
FUNDS TO REIMBURSE THE SENECA COUNTY ECONOMIC DEVELOPMENT
CORPORATION (SCEDC) FOR PROJECT MANAGEMENT SERVICES FOR
SAMPSON VETERANS MEMORIAL CEMETERY**

RESOLUTION NO. 238-09, moved by Mr. Kaiser, seconded by Mr. Reynolds and adopted by 619 ayes (Kaiser, Reynolds, Barto, Serven, Davidson, Dresser, Same, Lafler, Amidon, Hayssen, Mooney, Shipley) and 131 absentees (Terryberry, Westfall).

WHEREAS, Seneca County is the owner of 162 acres of land in the Town of Romulus; and

WHEREAS, the County is developing the property to be used as the Sampson Veterans Memorial Cemetery; and

WHEREAS, New York State has committed \$3.97 million in grant funding to support development of the cemetery; and

WHEREAS, initial development and management services to progress the project were undertaken by a consultant retained by the SCEDC in the amount of \$87,514.06; and

WHEREAS, these services were solicited by the SCEDC because it was initially understood that the SCEDC would be the recipient of grant funding for the project; and

WHEREAS, it was subsequently determined that Seneca County would be the recipient of NYS grant funding; and

WHEREAS, Seneca County is currently in the process of confirming the eligibility of said expenses for reimbursement with the New York State Dormitory Authority; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on November 10, 2009; now, therefore, be it

RESOLVED, the Seneca County Treasurer is authorized and directed to expend funds in the amount of \$87,514.06 payable to the Seneca County Economic Development Corporation upon confirmation by the New York State Dormitory Authority that said expenditures are eligible for reimbursement to Seneca County under the allocated NYS grant funding for the project.

**BOARD OF SUPERVISORS AUTHORIZES CONTRACT FOR SITE CLEARING &
GRUBBING AT SAMPSON VETERANS MEMORIAL CEMETERY SITE**

RESOLUTION NO. 239-09, moved by Mr. Kaiser, seconded by Mr. Same and adopted by 619 ayes (Kaiser, Same, Reynolds, Barto, Serven, Davidson, Dresser, Lafler, Amidon, Hayssen, Mooney, Shipley) and 131 absentees (Terryberry, Westfall).

WHEREAS, Seneca County is the owner of 162 acres of land in the Town of Romulus; and

WHEREAS, the County is development the property to be used as the Sampson Veterans Memorial Cemetery; and

WHEREAS, New York State has committed \$3.97 million in grant funding to support development of the cemetery; and

WHEREAS, the clearing and grubbing of the site is necessary and consistent with the Adopted Master Plan for the site; and

WHEREAS, Seneca County solicited proposals from qualified firms to undertake base work in the amount of eighteen (18) acres, a first alternate in the amount of an additional ten (10) acres and a second alternate in the amount of an additional eighty-nine (89) acres; and

WHEREAS, Seneca County received six (6) proposals with the lowest responsible bidder for base work and alternate number one being Zoladz Construction Co., Inc., of Alden, New York in the amount of \$46,372.34; and

WHEREAS, the Seneca County Board of Supervisors does hereby accept the proposal from Zoladz Construction Co., Inc. for the clearing and grubbing of twenty-eight (28) acres in an amount not to exceed \$46,372.34; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on November 24, 2009; now, therefore, be it

RESOLVED, the Chairman of the Seneca County Board of Supervisors be authorized and directed to sign all necessary documentation to enter into a contract with Zoladz Construction Co., Inc. for clearing and grubbing of land at the Sampson Veterans Memorial site.

TREASURER AUTHORIZED TO PAY LEGAL FEES INCURRED FOR REPRESENTATION OF SHERIFF AND DISTRICT ATTORNEY IN CAYUGA INDIAN NATION V. GOULD
RESOLUTION NO. 240-09, moved by Dr. Dresser, seconded by Mr. Same and adopted by 619 ayes (Dresser, Same, Reynolds, Barto, Serven, Davidson, Kaiser, Lafler, Amidon, Hayssen, Mooney, Shipley) and 131 absentees (Terryberry, Westfall).

WHEREAS, the firm of Harris Beach, Attorneys at Law were retained by the County in December, 2008 to represent the Seneca County Sheriff and the Seneca County District Attorney in the matter of Cayuga Indian Nation v. Gould; and

WHEREAS, fees are currently due and payable to the firm in the amount of \$140,548.69; and

WHEREAS, payment of these fees has been reviewed and approved by the Indian Affairs Committee; now, therefore, be it

RESOLVED, that the Seneca County Treasurer is authorized and directed to pay from the County's contingency funds, the sum of \$140,548.69 to the law firm of Harris Beach for legal fees incurred in the representation of the Seneca County Sheriff and District Attorney in the matter of Cayuga Indian Nation v. Gould.

**CHAIRMAN OF THE BOARD TO AUTHORIZE AND SIGN THE ESI, HEALTH
ASSOCIATION EAP, INC. CONTRACT TO BECOME THE PROVIDER OF
EMPLOYEE ASSISTANCE SERVICES TO SENECA COUNTY EMPLOYEES**

RESOLUTION NO. 241-09, moved by Mr. Mooney, seconded by Mr. Same and adopted by 619 ayes (Mooney, Same, Reynolds, Barto, Serven, Davidson, Dresser, Kaiser, Lafler, Amidon, Hayssen, Shipley) and 131 absentees (Terryberry, Westfall).

WHEREAS, the EAP programs are proven to help employees overcome personal difficulties that may impact their work life; and

WHEREAS, EAP is a success for the organization as good and valued employees are retained in their jobs; and

WHEREAS, the EAP provides confidential counseling and other services on a wide variety of topics, that address many issues and has proven successful in Seneca County Department of Human Services and all County Departments; and

WHEREAS, the Seneca County Board of Supervisors saw fit to extend this service to ALL employees of the County and included funding for the same in the 2010 budget; and

WHEREAS, Employee Services Inc., EAP, Health Association EAP, One Mount Hope Avenue, Rochester, New York 14620, was accepted by the Board of Supervisors for EAP services for all County Employees in 2007, with options to renew for 2008 and 2009 fiscal years and based upon the 2008 performance of Employee Services Inc., Health Association EAP the Seneca County Board of Supervisors approves the 2009 contract with this agency to continue services for the period 01/01/10 to 06/30/10 at a cost not to exceed \$22.38 per employee per year; and

WHEREAS, funds are available in the 2010 Seneca County Budget in accounts 10-101-5-1430-4371 and 10-125-5-6006-4701, DHS and Personnel; and

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

RESOLVED, the Board of Supervisors approves the agreement between Seneca County and the ESI, Health Association EAP, Inc.; and be it

FURTHER RESOLVED, the Chairman of the Board is authorized and directed to sign the agreement between Seneca County and the ESI, Health Association EAP, Inc.

**CHAIRMAN OF THE BOARD TO SIGN 2010 SENECA COUNTY REINTEGRATION
PROJECT AGREEMENT WITH THE YOUTH ADVOCATE PROGRAMS, INC.**

RESOLUTION NO. 242-09, moved by Mr. Mooney, seconded by Mr. Shipley and adopted by 619 ayes (Mooney, Shipley, Reynolds, Barto, Serven, Davidson, Dresser, Kaiser, Same, Lafler, Amidon, Hayssen) and 131 absentees (Terryberry, Westfall).

WHEREAS, the Division of Human Services would like to renew the agreement with the Youth Advocate Program, Inc. (YAP) for the Seneca County Reintegration Project; and

WHEREAS, the agency is proposing to serve up to 10 youth at any one time with up to 12.5 youth receiving services annually; and

WHEREAS, YAP will successfully return 85% of the youth back into the community; and

WHEREAS, the proposed operating budget for the proposed program is not to exceed \$250,633; and

WHEREAS, this funding is currently available in the 2009 budget, under line item 10-125-5-6070-4747, and planned for in the 2010 budget; and

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

RESOLVED, the Board of Supervisors approves the agreement between Seneca County Division of Human Services and the Youth Advocate Programs, Inc.; and be it

FURTHER RESOLVED, the Chairman of the Board is authorized and directed to sign the agreement between the Seneca County Division of Human Services and the Youth Advocate Programs, Inc.

SENECA COUNTY SUBMITS REGIONAL APPLICATION FOR STATE HAZARDOUS MATERIALS TEAM GRANT MONIES

RESOLUTION NO. 243-09, moved by Mr. Shipley, seconded by Mr. Davidson and adopted by 619 ayes (Shipley, Davidson, Reynolds, Barto, Serven, Dresser, Kaiser, Same, Lafler, Amidon, Hayssen, Mooney) and 131 absentees (Terryberry, Westfall).

WHEREAS, the New York State Office of Homeland Security has published the competitive 2009 HazMat Grant Program application due December 9, 2009; and

WHEREAS, the Seneca County Office of Emergency Management HazMat Team, in partnership with Wayne Decon and the Ontario County HazMat team intends to apply for \$100,000 in funds to purchase a Foam Trailer for use in mitigation and control responses in the event of a large toxic flammable liquid spill; and

WHEREAS, the grant has no local cash match requirement; and

WHEREAS, this resolution was reviewed and approved by the Public Safety Committee on November 10th, 2009; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign any and all documents necessary to apply to the 2009 HazMat Grant Program from the New York State Office of Homeland Security.

**SENECA COUNTY APPLIES FOR STATE HOMELAND SECURITY GRANT MONIES TO
ESTABLISH A REGIONAL DIVE TEAM**

RESOLUTION NO. 244-09, moved by Mr. Shipley, seconded by Mr. Mooney and adopted by 619 ayes (Shipley, Mooney, Reynolds, Barto, Serven, Davidson, Dresser, Kaiser, Same, Lafler, Amidon, Hayssen) and 131 absentees (Terryberry, Westfall).

WHEREAS, the New York State Office of Homeland Security has published the FY2009 State Homeland Security Program (SHSP) grant application due November 30, 2009; and

WHEREAS, the Seneca County Office of Emergency Management intends to apply for \$53,972 in funds for Emergency Operations training and exercises, hazmat team equipment, P25-complaint radios, and to develop a Seneca County Regional Dive Team in conjunction with the Seneca County Sheriff's Office; and

WHEREAS, the grant has no local cash match requirement, and the application is due on November 30, 2009; and

WHEREAS, this resolution was reviewed and approved by the Public Safety Committee on November 10th, 2009; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign any and all documents necessary to apply for a FY2009 State Homeland Security Program (SHSP) grant from the New York State Office of Homeland Security.

**SENECA COUNTY APPLIES FOR STATE HOMELAND SECURITY MONIES FOR FY2009
STATE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM (SLETPP) GRANT**
RESOLUTION NO. 245-09, moved by Mr. Shipley, seconded by Mr. Davidson and adopted by 619 ayes (Shipley, Davidson, Reynolds, Barto, Serven, Dresser, Kaiser, Same, Lafler, Amidon, Hayssen, Mooney) and 131 absentees (Terryberry, Westfall).

WHEREAS, the New York State Office of Homeland Security has published the FY2009 State Law Enforcement Terrorism Prevention Program (SLETPP) grant application due November 30, 2009; and

WHEREAS, the Seneca County Sheriff's Office and the Seneca County Office of Emergency Management intend to develop a Seneca County regional Dive Team; and

WHEREAS, the proposed seven-man dive team will have a total cost of \$47,250 covering all necessary equipment, training, and exercises; and

WHEREAS, if awarded, the FY2009 SLETPP would cover \$27,250 of the total cost of the dive team, the remainder provided by the Office of Emergency Services; and

WHEREAS, the grant has no local cash match requirement, and the application is due on November 30, 2009; and

WHEREAS, this resolution was reviewed and approved by the Public Safety Committee on November 10th, 2009; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign any and all documents necessary to apply for a FY2009 State Law Enforcement Terrorism Prevention Program (SLETPP) grant from the New York State Office of Homeland Security.

**APPROVE CONTRACT WITH NEW YORK STATE DEFENDERS ASSOCIATION, INC.
FOR PUBLIC DEFENSE CASE MANAGEMENT
SYSTEM MAINTENANCE AND SOFTWARE SUPPORT**

RESOLUTION NO. 246-09, moved by Mr. Shipley, seconded by Mr. Barto and adopted by 619 ayes (Shipley, Barto, Reynolds, Serven, Davidson, Dresser, Kaiser, Same, Lafler, Amidon, Hayssen, Mooney) and 131 absentees (Terryberry, Westfall).

WHEREAS, the Seneca County Public Defender's Office (SPDO) and New York State Defenders Association, Inc. (NYSDA) entered into a Maintenance and Software Support Agreement for the Public Defense Case Management System on May 24, 2005 and covering the period October 4, 2005 through October 3, 2006; and

WHEREAS, NYSDA agreed to provide certain support and maintenance services to the SPDO for the Public Defense Case Management System software; and

WHEREAS, the SPDO and NYSDA desire to extend the Maintenance Agreement; and

WHEREAS, in consideration of the mutual covenants hereinafter set forth, the parties hereto mutually agree as follows:

1. Paragraph 12 of the Maintenance Agreement stating: "This Agreement shall commence on the date the Post Implementation task in the Implementation Plan is complete and shall terminate on the first anniversary of the date the Post Implementation task in the Implementation Plan was completed unless otherwise extended for one additional year by written agreement by the parties," shall be deleted and replaced with the following:

"This Agreement shall terminate on October 3, 2010 unless extended for one additional year by written agreement of the parties."

2. All other terms and conditions of the Maintenance Agreement shall remain unchanged; and

WHEREAS, the Public Safety Committee of the Board of Supervisors approved this resolution at its November 10, 2009 meeting; now, therefore, be it

RESOLVED, the Seneca County Board of Supervisors does hereby authorize the Chairman of the Board of Supervisors to sign the all related and necessary documents to accept the Agreement between

Seneca County Public Defender's Office and New York State Public Defenders Association, Inc. for the Public Defense Case Management System Maintenance and Software Support Agreement.

**RESOLUTION AUTHORIZING THE COUNTY MANAGER SIGNATURE ON THE
AID TO PROSECUTION GRANT AWARD FROM DIVISION OF
CRIMINAL JUSTICE SERVICES FOR \$35,300**

RESOLUTION NO. 247-09, moved by Mr. Shipley, seconded by Mrs. Amidon and adopted by 619 ayes (Shipley, Amidon, Reynolds, Barto, Serven, Davidson, Dresser, Kaiser, Same, Lafler, Hayssen, Mooney) and 131 absentees (Terryberry, Westfall).

WHEREAS, the New York State Division of Criminal Justice Services has awarded Seneca County District Attorney a \$35,300 grant through 2009 Aid to Prosecution Program for the purpose of enhancing the prosecution of repeat violent and serious felony offenders by maintaining increased levels of experienced prosecution personnel who will seek to minimize the plea-bargaining option and to impose the maximum sentence for such defendants; and

WHEREAS, the total cost of this grant provides one hundred percent of the cost of these services with no county match required; and

WHEREAS, the District Attorney's request was reviewed and approved by the Public Safety Committee of the Board of Supervisors on November 24, 2009; now, therefore, be it

RESOLVED, that the County Manager is hereby authorized and directed to sign all necessary paperwork to accept the Aid to Prosecution Grant.

**AGREEMENT BETWEEN THE UNIFIED COURT SYSTEM AND THE COUNTY OF SENECA
FOR COURT CLEANING AND MINOR REPAIRS FOR THE
PERIOD APRIL 1, 2009 THROUGH MARCH 31, 2010**

RESOLUTION NO. 248-09, moved by Mr. Davidson, seconded by Mr. Same and adopted by 619 ayes (Davidson, Same, Reynolds, Barto, Serven, Dresser, Kaiser, Lafler, Amidon, Hayssen, Mooney, Shipley) and 131 absentees (Terryberry, Westfall).

WHEREAS, pursuant to Section 1 of the existing contract between the Unified Court System (UCS) and the County of Seneca; and

WHEREAS, a new period in the five-year term is being established and shall commence on April 1, 2009 and terminate on March 31, 2010; and

WHEREAS, all terms and conditions of the C300221 Agreement shall continue to apply, except that the budget for services to be rendered shall be \$69,202; and

WHEREAS, pursuant to the provisions of Chapter 686 of the laws of 1996, as amended to date, the maximum compensation for the 2009-2010 period shall be 100% of that amount, or \$69,202; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is hereby authorized and directed to sign the Agreement between the Unified Court System and the County of Seneca for the provision of Court Cleaning and Minor Repairs for the Seneca County Courts for the period of April 1, 2009 and terminate on March 31, 2010.

**SUPERVISORS APPROVE PURCHASE OF AN EXTENDED CAB PICKUP TRUCK FOR
HIGHWAY DEPARTMENT**

RESOLUTION NO. 249-09, moved by Mr. Davidson, seconded by Mr. Mooney and adopted by 619 ayes (Davidson, Mooney, Reynolds, Barto, Serven, Dresser, Kaiser, Same, Lafler, Amidon, Hayssen, Shipley) and 131 absentees (Terryberry, Westfall).

WHEREAS, funds for the purchase of one (1) 2010 Ford F250 4 x 4 Extended Cab pickup truck from State Contract PC62886 in the amount of \$23,746.81 have been appropriated from the 2009 Seneca County Highway Road Machinery Vehicle Account 5130-2600; and

WHEREAS, the purchase was approved by the Public Works Committee of the Seneca County Board of Supervisors on November 10, 2009; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Highway Superintendent to purchase one (1) 2010 Ford F250 4 x 4 Extended Cab pickup truck from State Contract PC62886 in the amount of \$23,746.81 with funds appropriated from the 2009 Highway Road Machinery Vehicle Account 50-120-5-5130-2600.

**SUPERVISORS APPROVE PURCHASE OF HYDRAULIC POST DRIVER, POST PULLER
AND POWER UNIT FOR HIGHWAY DEPARTMENT**

RESOLUTION NO. 250-09, moved by Mr. Davidson, seconded by Mr. Shipley and adopted by 619 ayes (Davidson, Shipley, Reynolds, Barto, Serven, Dresser, Kaiser, Same, Lafler, Amidon, Hayssen, Mooney) and 131 absentees (Terryberry, Westfall).

WHEREAS, the Seneca County Highway Department requires a hydraulic post driver, post puller and power unit to facilitate the installation and removal of posts for signs, snow fence, delineators and guide rail; and

WHEREAS, this equipment would greatly reduce the possibility of injuries and promote a safer environment when installing and removing posts; and

WHEREAS, funds for the purchase of the post driver, post puller and post adaptor (\$4,685.00) are available in Highway Maintenance Account 40-120-5-5110-4546 (sign posts) and funds for the power unit and hose assembly (\$5,300.00) are available in Highway Road Machinery Account 50-120-5-5130-4540 (Highway Supplies); and

WHEREAS, the purchase was approved by the Public Works Committee of the Seneca County Board of Supervisors on November 10, 2009; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Highway Superintendent to purchase a Stanley post driver, post puller and post adaptor for \$4,685.00 with funds appropriated from the Highway Maintenance Account 40-120-5-5110-4546 (sign posts) and to purchase a Stanley power unit and hose assembly for \$5,300.00 with funds appropriated from Highway Road Machinery Account 50-120-5-5130-4540 (Highway Supplies).

**SUPERVISORS APPROVE PURCHASE OF A REGULAR CAB PICKUP TRUCK FOR
HIGHWAY DEPARTMENT**

RESOLUTION NO. 251-09, moved by Mr. Davidson, seconded by Mr. Mooney and adopted by 619 ayes (Davidson, Mooney, Reynolds, Barto, Serven, Dresser, Kaiser, Same, Lafler, Amidon, Hayssen, Shipley) and 131 absentees (Terryberry, Westfall).

WHEREAS, funds for the purchase of one (1) 2010 Ford F350 4 x 4 regular cab pickup truck with snow plow package from State Contract PC62886 in the amount of \$25,238.15 have been appropriated from the 2009 Seneca County Highway Road Machinery Vehicle Account 5130-2600; and

WHEREAS, the purchase was approved by the Public Works Committee of the Seneca County Board of Supervisors on November 10, 2009; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Highway Superintendent to purchase one (1) 2010 Ford F350 4 x 4 regular cab pickup truck with snow plow package from State Contract PC62886 in the amount of \$25,238.15 with funds appropriated from the 2009 Highway Road Machinery Vehicle Account 50-120-5-5130-2600.

**BOARD OF SUPERVISORS AUTHORIZE RELEASE OF
LETTER OF CREDIT TO WAL-MART REAL ESTATE**

RESOLUTION NO. 252-09, moved by Mr. Davidson, seconded by Mrs. Amidon and adopted by 619 ayes (Davidson, Amidon, Reynolds, Barto, Serven, Dresser, Kaiser, Same, Lafler, Hayssen, Mooney, Shipley) and 131 absentees (Terryberry, Westfall).

WHEREAS, the North Road, Route 414 intersection improvement project has been completed and has been inspected and approved by the County Engineer and the Highway Superintendent; and

WHEREAS, Wal-Mart Real Estate Corp, requests release of their Letter of Credit issued by JP Morgan Chase Bank securing their performance on this project; and

WHEREAS, this resolution has been reviewed and approved by the Public Works Committee at its November 10, 2009 meeting; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby authorizes and directs that the Chairman of the Board execute a release of JP Morgan Chase Bank's Letter of Credit No. L5LS-538070 securing the performance by Wal-Mart Real Estate in regard to the above described project.

Chairman Lafler recognized Mr. Davidson, who introduced the following resolution as a motion. Mr. Shipley seconded the motion.

Chairman Lafler recognized Mr. Kaiser, who made a motion, seconded by Mr. Hayssen to amend the motion to include a resolved clause stating that the Seneca County Board of Supervisors would establish a user advisory board no later than July 31, 2010 for Sewer District No. 1. A discussion ensued on whether a “board” vs. “committee” would be established. Mr. Hayssen brought up several concerns regarding Sewer District No. 1 billing and the Town of Varick and how well the South end users would be represented. It was expressed by some supervisors that the motion as introduced was necessary to complete the transition before the end of the year of Sewer District No. 1 under the responsibility of Seneca County, and that the details would be addressed in the near future.

Chairman Lafler called for a vote on Mr. Kaiser’s motion to amend the main motion. It was defeated by 344 nays (Serven, Davidson, Same, Lafler, Amidon, Mooney, Shipley), 275 ayes (Hayssen, Kaiser, Reynolds, Barto, Dresser) and 131 not present (Terryberry and Westfall).

Chairman Lafler called for a vote on the main motion moved by Mr. Davidson.

A RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW D OF 2009 TO REPEAL LOCAL LAW NUMBER 2 OF 1988 REGARDING THE DISTRICT BOARD OF SENECA COUNTY SEWER DISTRICT NO. 1

RESOLUTION NO. 253-09, moved by Mr. Davidson, seconded by Mr. Shipley and adopted by 568 ayes (Davidson, Shipley, Reynolds, Barto, Serven, Dresser, Same, Lafler, Amidon, Hayssen, Mooney), 51 nays (Kaiser) and 131 absentees (Terryberry, Westfall).

WHEREAS, the Board of Supervisors finds it advisable to restructure the administration of Seneca County Sewer District #1; and

WHEREAS, the Board, in furtherance of that goal, desires to establish a Water and Sewer Department to replace the existing Water and Sewer District Boards and to be overseen by the office of the Seneca County Engineer; and

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

RESOLVED, that proposed Local Law D of 2009 entitled “A LOCAL LAW TO REPEAL LOCAL LAW NUMBER 2 OF 1988 REGARDING THE DISTRICT BOARD OF SENECA COUNTY SEWER DISTRICT NO. 1” be, and the same is hereby introduced before the Board of Supervisors of Seneca County, New York to read in substantially the following form:

SECTION I.

Be it enacted that Local Law No. Two of the year 1988 entitled “A Local Law Establishing Rules and Procedures for the Seneca County Sewer District No. 1” is hereby repealed.

SECTION II. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the New York State Municipal Home Rule Law.

And be it further

RESOLVED, that copies of the aforesaid proposed local law be laid upon the desks of each member of the County Board; and be it further

RESOLVED, that the County Board hold a public hearing on said proposed Local Law at the Board of Supervisors' Room at the Seneca County Office Building, 1 DiPronio Drive, Waterloo, New York at or about 8:00 p.m., on December 22, 2009; and be it further

RESOLVED, that the Clerk of the Board publish or cause to be published a notice of said public hearing in the official newspapers of the County at least ten (10) days prior thereto.

Chairman Lafler recognized Mr. Davidson, who introduced the following resolution as a motion. Mr. Shipley seconded the motion.

Chairman Lafler recognized Mr. Kaiser, who made a motion, seconded by Mr. Hayssen to amend the motion to include a resolved clause stating that the Seneca County Board of Supervisors would establish a user advisory committee no later than July 31, 2010 for Sewer District No. 2.

Mr. Hayssen commented about property with two sewer connections that have been disconnected for several years because the lines were substandard. Mr. Hayssen said that the owner would need to pay \$10,000 to obtain sewer connections and they have asked the Town of Varick and the Town of Romulus to cover the cost. Mr. Hayssen said that this should be the first order of business to be resolved by the Seneca County Board of Supervisors.

Chairman Lafler called for a vote on the motion to amend the main motion by adding a resolved clause stating that the Seneca County Board of Supervisors would establish a user advisory board no later than July 31, 2010 for Sewer District No. 2. The motion was defeated by 344 nays (Serven, Davidson, Same, Lafler, Amidon, Mooney, Shipley), 275 ayes (Hayssen, Kaiser, Reynolds, Barto, Dresser) and 131 not present (Terryberry and Westfall).

Chairman Lafler called for a vote on the main motion moved by Mr. Davidson.

BOARD OF SUPERVISORS RESCINDS RESOLUTION #109-00 AND ABOLISHES SENECA COUNTY SEWER DISTRICT #2 BOARD

RESOLUTION NO. 254-09, moved by Mr. Davidson, seconded by Mr. Shipley and adopted by 568 ayes (Davidson, Shipley, Reynolds, Barto, Serven, Dresser, Same, Lafler, Amidon, Hayssen, Mooney), 51 nays (Kaiser) and 131 absentees (Terryberry, Westfall).

WHEREAS, the Board of Supervisors finds it advisable to restructure the administration of Seneca County Sewer District #2; and

WHEREAS, the Board, in furtherance of that goal, desires to establish a Water and Sewer Department to replace the existing Water and Sewer District Boards and to be overseen by the office of the Seneca County Engineer; and

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

RESOLVED, that the Seneca County Board of Supervisors rescinds and repeals the provisions of Resolution No. 109-00 of 2000 and dissolves the current Seneca County Sewer District #2 Administrative Board effective January 1, 2010.

Chairman Lafler recognized Mr. Davidson, who introduced the following resolution as a motion. Mr. Same seconded the motion.

Chairman Lafler recognized Mr. Kaiser, who made a motion, seconded by Mr. Hayssen to amend the motion to include a resolved clause stating that the Seneca County Board of Supervisors would establish a user advisory committee no later than July 31, 2010 for Water District No. 1.

Chairman Lafler called for a vote on the motion to amend the main motion. The motion to amend the main motion was defeated by 344 nays (Serven, Davidson, Same, Lafler, Amidon, Mooney, Shipley), 275 ayes (Hayssen, Kaiser, Reynolds, Barto, Dresser) and 131 not present (Terryberry and Westfall).

Chairman Lafler called for a vote on the main motion moved by Mr. Davidson.

**BOARD OF SUPERVISORS RESCINDS RESOLUTION #111-00 AND
ABOLISHES SENECA COUNTY WATER DISTRICT #1 BOARD**

RESOLUTION NO. 255-09, moved by Mr. Davidson, seconded by Mr. Same and adopted by 568 ayes (Davidson, Same, Reynolds, Barto, Serven, Dresser, Same, Lafler, Amidon, Hayssen, Mooney, Shipley), 51 nays (Kaiser) and 131 absentees (Terryberry, Westfall).

WHEREAS, the Board of Supervisors finds it advisable to restructure the administration of Seneca County Water District #1; and

WHEREAS, the Board, in furtherance of that goal, desires to establish a Water and Sewer Department to replace the existing Water and Sewer District Boards and to be overseen by the office of the Seneca County Engineer; and

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

RESOLVED, that the Seneca County Board of Supervisors rescinds and repeals the provisions of Resolution No. 111-00 of 2000 and dissolves the current Seneca County Water District #1 Administrative Board effective January 1, 2010.

BOARD OF SUPERVISORS ESTABLISHES SENECA COUNTY WATER AND SEWER DEPARTMENT, APPOINTS ADMINISTRATIVE HEAD OF COUNTY WATER AND SEWER DISTRICTS AND CREATES POSITIONS OF WATER AND SEWER DISTRICT EMPLOYEES

RESOLUTION NO. 256-09, moved by Mr. Davidson, seconded by Mr. Same and adopted by 619 ayes (Davidson, Same, Reynolds, Barto, Serven, Dresser, Kaiser, Lafler, Amidon, Hayssen, Mooney, Shipley), and 131 absentees (Terryberry, Westfall).

WHEREAS, the Board of Supervisors finds it advisable to restructure the administration of Seneca County Water District No. 1, Sewer District No. 1 and Sewer District No. 2; and

WHEREAS, the Board, in furtherance of that goal, desires to establish a Water and Sewer Department to replace the existing Water and Sewer District Boards and to be overseen and administered by the Seneca County Engineer; and

WHEREAS, the operational aspects of the districts will also be conducted through the County Water and Sewer Department; and

WHEREAS, there will need to be three full-time positions and one part-time position created as follows: one full-time Water and Sewer Maintainer, one part-time Water and Sewer Maintainer, one full-time Water and Sewer Maintenance Supervisor and one full-time Account Clerk; and

WHEREAS, this resolution has been reviewed and approved by the Public Works Committee at its meeting on November 10, 2009 and at a special meeting of the Committee held on November 16, 2009; now, therefore, be it

RESOLVED, that the Seneca County Water and Sewer Department is hereby established as a department of Seneca County government for purposes of administering Seneca County Water District No. 1, Seneca County Sewer District No. 1 and Seneca County Sewer District No. 2; and it is further

RESOLVED, that the Seneca County Engineer is hereby appointed as the head of such Department and as the Administrative Head of the said Districts pursuant to §261 of the New York State County Law, with all of the powers and duties conferred under Article 5-A of the New York State County Law upon a County Agency; and it is further

RESOLVED, that the following positions and salaries are hereby established as and for employees of the Seneca County Water and Sewer Department:

POSITION	2009 STARTING SALARY
One Full-Time Water and Sewer Maintainer	\$13.697 / hr
One Part-Time Water and Sewer Maintainer	\$13.697 / hr
One Full-Time Water and Sewer Maintenance Supervisor	\$16.274 / hr
One Full-time Account Clerk	\$12.57 / hr; and be it further

RESOLVED, that such positions are to be filled by December 15th of 2009.

New Business:

Chairman Lafler recognized Mr. Davidson who moved suspension of the rules to introduce the following resolution.

**COUNTY MANAGER AUTHORIZED TO RETAIN FIRM FOR PURPOSES
OF CONDUCTING AUDIT OF SENECA COUNTY
WATER DISTRICT NO. 1 AND SEWER DISTRICTS NOS 1 AND 2**

RESOLUTION NO. 257-09, moved by Mr. Davidson, seconded by Mr. Shipley and adopted by 169 ayes (Davidson, Shipley, Reynolds, Barto, Serven, Dresser, Kaiser, Same, Lafler, Amidon, Hayssen, Mooney) and 131 absentees (Terryberry, Westfall).

WHEREAS, the Board of Supervisors is establishing a County Department of Sewer and Water and will abolish the Boards of Seneca County Water District No. 1, Sewer District No. 1 and Sewer District No. 2, effective January 1, 2010; and

WHEREAS, an audit of the finances of the districts is desired by the Board for purposes of facilitating such transition; and

WHEREAS, the Public Works Committee has reviewed this resolution and recommends that the County Manager be authorized to retain an appropriate firm for purposes of conducting such an audit; now, therefore, be it

RESOLVED, that the Seneca County Manager is authorized and directed to retain a firm for purposes of conducting an audit of the finances of Seneca County Water District No. 1, Sewer District No. 1 and Sewer District No. 2 for a time period and for such fiscal years to be determined by the County Manager and to provide to the Board of Supervisors with a report of their findings.

Prior to the adoption of this resolution, Mr. Kaiser commented that the Sewer and Water Boards recently retained a firm to conduct an audit and it should continue with its services as approved by the Sewer and Water Boards. Mr. Shipley said the aforementioned resolutions eliminated the Sewer and Water Boards and Seneca County was responsible for finding a firm to conduct the audit. The general feeling of the Board of Supervisors was to move forward with the resolution as adopted.

Also, under New Business, Mr. Shipley suggested that the Board of Supervisors form a Solid Waste Management Task Force under the Public Works Committee. A brief discussion followed, no action taken. The matter would be addressed by the incoming Board of Supervisors.

Special Order of the Day

The meeting was adjourned at 9:14 p.m..