

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

December 08, 2009

8:00 p.m.

Call to Order

Chairman Lafler called the meeting to order at 8:03 p.m.

Roll Call of Members by the Clerk

All members of the Board of Supervisors were present

Pledge of Allegiance and Moment of Silence

Public Hearing

NOTICE IS HEREBY GIVEN, that the Board of Supervisors of the County of Seneca will meet in the Board of Supervisors Meeting Room at the Seneca County Office Building, One DiPronio Drive, Waterloo, New York, at or about 8:00 p.m., Tuesday, December 08, 2009, for the purpose of holding a public hearing on the tentative budget of said County for the fiscal year beginning January 1, 2010.

Copies of said tentative budgets are available at the Office of the Clerk of the Board of Supervisors located at the Seneca County Office Building, One DiPronio Drive, Waterloo, New York, during regular business hours Monday through Friday for the purpose of inspection or procurement by interested persons.

The maximum amount of compensation that may be fixed and payable for said fiscal year to each member of the Board of Supervisors of said County and to the Chairman thereof is as follows: 13 members - \$10,560 each; Chairman - \$14,270.

Chairman Lafler recognized Brian Preston, Waterloo, NY, who commented on the proposed salary increase for members of the Board of Supervisors, stating that it would be "fiscally irresponsible" for the supervisors to approve the proposed increase. Mr. Preston stated that the budget is up by 4.2 percent, while the inflation rate is actually negative 0.18 percent. He asked consideration of a 5 percent decrease for all departments, and county employees should not be given raises, they were fortunate not to be facing layoffs.

Chairman Lafler recognized Keith Kubasik, Supervisor-Elect, Town of Waterloo, NY, who stated that keeping the tax levy from increasing by using the contingency fund and reserve fund was not as prudent as county departments making additional cuts in spending.

Presentations

- a. Employee of the 3<sup>rd</sup> Quarter 2009 - Jim Rappleye, Highway Maintenance Supervisor
- b. Backbone Ridge History Group – Kari Lusk and Allan Buddle, members of the BRHG Advisory Team. Information about the Backbone Ridge History Group and progress made since its

organization in 2006. A framed certificate was presented to Seneca County for the Backbone Ridge History Group being awarded the 2009 Debra E. Bernhardt Annual Archives Award for Excellence in Documenting New York’s History.

Submission of Claims for Audit

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

Supervisors vouchers	#3325 - 3585	totaling	\$ 273,042.44
OFA vouchers	# 759 - 813	totaling	\$ 69,002.09
Workforce Development vouchers	# 233 - 255	totaling	\$ 20,773.24
Insurance vouchers	# 82 – 92	totaling	\$ 39,933.90
Airport vouchers	# 117 - 134	totaling	\$ 2,944.06
Sheriff vouchers	# 788 - 847	totaling	\$ 72,689.84
Highway Transportation vouchers			
Maintenance & State Snow	# 276 -	totaling	\$ 55,422.51
Highway Machinery	# 378 -	totaling	\$ 25,528.44
		Highway total	\$ 80,950.95
Airport Capital Vouchers	# 11	totaling	\$ 12,250.00
Highway Capital Vouchers	#24 - 26	totaling	\$ 117,075.49
Jail Capital Vouchers	# 7	Totaling	\$ 14,332.20
Veterans Cemetery Project Vouchers	# 14 - 16	totaling	\$ 99,108.80

Reports of Standing Committees

Human Services, Mr. Mooney, Chairperson, reported that the Committee received an update on the Annual Plan for Children and Family Services and approved refilling a Caseworker position and a Senior Caseworker position; and approved budget amendments for funding for the Child Care Block Grant and the Back to School Assistance Program.

Mental Health Services, Mr. Reynolds, Chairperson, reported that the Committee approved applying for a \$20,000 grant from New York State Office of Alcohol and Substance Abuse Services to Reduce Underage Drinking; approved refilling a position for Psychiatric Social Worker; approved the Chairman of the Board to sign an amendment to the contract for “Victims of Crime” grant.

Public Health Services, Mr. Hayssen, Chairperson, reported that the Committee approved the introduction and public hearing of a local law to transfer oversight of the Code Enforcement Department from the County Engineer to the Director of Planning and Development.

Government Operations, Mrs. Amidon, Chairperson, reported that the Committee approved the date of Tuesday, January 5, 2010 for the Annual Organizational Meeting for the Board of Supervisors. The Committee met with Walter Gable, County Historian and reviewed numerous articles he prepared relating to Seneca County history. The articles appear monthly in the Reveille Between the Lakes and weekly in the Tri-Village Pennysaver and Finger Lakes Times. Peter Brown, County Grantwriter, was charged with researching grants to fund a project to compile these articles for publication. The Committee also discussed several amendments to the Rule of Order for the Board of Supervisors and charged the county manager, the county attorney and the board clerk to review the amendments for presentation at the next meeting of the committee.

Planning, Development, Ag & Tourism, Mr. Kaiser, Chairperson, reported that the Committee approved awarding the bid for building closures that will remain at the site of the Sampson Veterans Memorial Cemetery to Big Moose Excavating, Inc., Victor, NY in the amount of \$8,200; approved the transfer of the abandoned county property at the northwest corner of Routes 141 and 5&20. This had been approved in 2008 but needed approval again because the time limit had expired; approved a board resolution to authorize the issuance by the Seneca County IDA of up to \$90,000,000 Principal Amount Industrial Development Solid Waste Disposal Revenue Bonds for Seneca Meadows, Inc. Project Series 2009.

Finance, Assessment & Insurance, Mr. Barto, Chairperson, reported that the Committee approved a board resolution to refund Waterloo Heights Association \$6,137.28 for overpayment of property taxes for the last three years; approved budget amendments for funding for the Child Care Block Grant and the Back to School Assistance Program; and approved refilling positions for Psychiatric Social Worker; Caseworker, Senior Caseworker and Employee Benefits Assistant. The Committee laid on the table until the December 22 meeting the issue relating to the creation of a local law to establish salaries for certain public officials.

#### Chairman's Remarks

Chairman Lafler recognized the newly elected District Attorney Barry Porsch. He also expressed condolences on behalf of the Board of Supervisors to the family of Barbara McCann. Barbara came to work for Seneca County in the Board of Elections office in 1990 as a Senior Clerk. She served as the Deputy Elections Commissioner (Dem) since 1997.

#### County Manager's Remarks

Ms. Sinclair announced that she will match "one dollar for pound", up to \$1,000 to in support of the United Way Annual Food Drive.

### Communications

189 From Robert Hayssen, Supervisor, Town of Varick, a letter dated December 2, 2009 Re: Varick Sewer District No. 2: 2007, 2008, 2009 Unit Charges, Varick Sewer District No. 2: 2007, 2008, 2009 Operation and Maintenance; Seneca Lake Water District: 2007, 2008, 2009 Unit Charges

190 A copy of the 2010 Adopted Budget for the Town of Fayette

191 A copy of the 2010 Adopted Budget for the Town of Lodi

192 A copy of the 2010 Adopted Budget for the Town of Waterloo

193 A copy of the 2010 Adopted Budget for the Town of Tyre

194 From the New York State Department of Taxation and Finance, a copy of a letter to Frank R. Fisher, Seneca County Attorney, dated November 7, 2009, and resolution signed by Acting Commissioner Woodard, waiving and reducing the minimum 90 day notice requirement to a period of not less than 30 days, pursuant to section 1210(d) of the Tax Law, and accepting as sufficient the service and certified mailing of a certified copy of the resolution not less than 30 days prior to its effective date, so that Seneca County's Resolution No. 221-09 can take effect December 1, 2009

195 A copy of Seneca County IDA's November 5, 2009 meeting minutes

### Resolutions and Motions

Chairman Lafler recognized Mr. Barto who moved to amend the Seneca County Tentative Budget for 2010 as presented.

1. Sheriff's salary for 2010 shall be \$65,430;
2. Undersheriff's salary for 2010 shall be \$59,481;
3. County Attorney's salary for 2010 shall be \$88,795;
4. County Manager's salary for 2010 shall be \$88,019;
5. Planning Director's salary for 2010 shall be \$74,796;
6. Each member of the Board of Supervisors shall receive a 3% salary increase for 2010;
7. All management employees not previously mentioned will receive a 3% salary increase;
8. The Finance Chairman's stipend is eliminated;
9. The Deputy Clerk of the Board stipend shall be \$1,500 for 2010.

Under discussion, concern was expressed that the supervisors were not given enough time to review the budget. This concern was countered with statements that there were opportunities for the board to suggest changes to the spending plan over the past three months, as well as scheduled meetings with the committee chairman, the county manager and department heads.

Discussion also included the proposed increase in salaries.

Chairman Lafler recognized Mrs. Amidon who moved that Amendment No. 6 be removed. The motion was unanimously carried.

Chairman Lafler called for a vote on the main motion as amended by deleting the text "Each member of the Board of Supervisors shall receive a 3% salary increase for 2010"

**BOARD OF SUPERVISORS AMENDS SENECA COUNTY  
TENTATIVE BUDGET FOR 2010 (as amended)**

RESOLUTION NO. 258-09, moved by Mr. Barto, seconded by Mr. Same and unanimously adopted.

WHEREAS, the Tentative Seneca County Budget for 2010 has been filed with the Clerk; and

WHEREAS, the Finance Committee recommends amendment of such budget to reflect increased salaries of certain Public Officers; now, therefore, be it

RESOLVED, that the following amendments be made to the Tentative 2010 Budget:

1. Sheriff's salary for 2010 shall be \$65,430;
2. Undersheriff's salary for 2010 shall be \$59,481;
3. County Attorney's salary for 2010 shall be \$88,795;
4. County Manager's salary for 2010 shall be \$88,019;
5. Planning Director's salary for 2010 shall be \$74,796;
6. All management employees not previously mentioned will receive a 3% salary increase;
7. The Finance Chairman's stipend is eliminated;
8. The Deputy Clerk of the Board stipend shall be \$1,500 for 2010.

Chairman Lafler recognized Mr. Barto who made a motion to adopt the tentative budget as changed, altered, revised and amended as the budget for Seneca County for the year 2010. Mr. Same seconded the motion.

Discussion followed with focus on the proposed budget for the District Attorney's Office. Incoming District Attorney Barry Porsch recommended a savings of \$56,516 could be made in the budget by eliminating a part-time investigator position and the use of outside counsel. The discussion also including debate on adding \$500,000 to the sales tax revenue account and reducing the tax levy by the same amount; concern about the cuts expected with the New York State budget and whether funding awarded to the county by New York State would be received; the accuracy of the estimated sales tax revenue; the increased amount in the proposed budget for road maintenance and equipment, Union contract salary increases; non-union employees salary increases, support of community agencies and community college tuition.

Chairman Lafler recognized Mr. Shipley who moved that the proposed budget be amended by reducing the District Attorney budget by \$56,516 by eliminating a part-time investigator position and the use of outside counsel.

Chairman Lafler recognized Mr. Hayssen who made a motion to use \$500,000 from the contingency fund to reduce the tax levy. The motion did not receive a second.

Chairman Lafler called for a vote on the motion to amend the proposed budget by reducing the District Attorney budget by \$56,516 by eliminating a part-time investigator position and the use of outside counsel. The motion was unanimously carried.

Chairman Lafler called for a vote on the main motion as amended.

**SUPERVISORS ADOPT 2010 COUNTY BUDGET (as amended)**

RESOLUTION NO. 259-09, moved by Mr. Barto, seconded by Mr. Same and adopted by 539 ayes (Barto, Same, Reynolds, Serven, Davidson, Dresser, Lafler, Terryberry, Amidon, Westfall) and 211 nays (Kaiser, Hayssen, Mooney, Shipley).

WHEREAS, the heads of Seneca County departments have made their estimates of revenues and expenditures for Fiscal Year 2010; and

WHEREAS, the Tentative 2010 Seneca County Budget has been duly presented to the Board of Supervisors by the budget officer and a duly advertised public hearing has been held on December 8, 2009; now, therefore, be it

RESOLVED, that pursuant to Section 269 of the County Law said tentative budget, as changed, altered, revised and amended, be and hereby is adopted as the budget for Seneca County for the year 2010.

**ANNUAL PLAN UPDATE TO THE CHILD AND FAMILY SERVICES PLAN**

RESOLUTION NO. 260-09, moved by Mr. Mooney, seconded by Mr. Davidson and unanimously adopted.

WHEREAS, the 2009 Annual Plan Update extends the Child and Family Services to January 1, 2010 – December 31, 2010; and

WHEREAS, the plan update is required by the New York State Office of Children and Family Services and covers the Strategic Component, Administrative Component – Local Department of Social Services, Administrative Component Youth Bureau and the PINS Diversion Services – Strategic Component; and

WHEREAS, this plan covers outcomes and strategies for the above components; and

WHEREAS, the plan is due December 15, 2009; and

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

RESOLVED, the Board authorizes the approval of the 2009 Child and Family Services Plan update; and be it

FURTHER RESOLVED, the Chairman of the Board is authorized and directed to sign the Plan Signature Page for 2009.

**SENECA COUNTY APPLIES FOR \$20,000 GRANT PROGRAM  
TO REDUCE UNDERAGE DRINKING**

RESOLUTION NO. 261-09, moved by Mr. Reynolds, seconded by Mrs. Amidon and unanimously adopted.

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services (OASAS) has released the 2009 Enforcing Underage Drinking Law (EUDL) competitive grant program for the purpose of supporting law enforcement activities design to deter and reduce underage drinking; and

WHEREAS, if awarded, this grant will provide \$20,000 to the Seneca County Substance Abuse Program, Seneca County Sheriff's Office, and the local village law enforcement agencies to deter and reduce underage drinking in Seneca County through additional ABC checks, party patrols, sobriety checkpoints, and education programs; and

WHEREAS, the application is due on December 23<sup>rd</sup>, 2009, and requires no local matching dollars; and

WHEREAS, this resolution has been reviewed and approved by the Mental Health Committee on December 8<sup>th</sup>, 2009; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized and directed to sign all documentation required to apply for this grant.

New Business

Chairman Lafler recognized Mr. Kaiser who the suspension of the rules to introduce two resolutions not previously filed.

**BOARD OF SUPERVISORS AUTHORIZE THE ISSUANCE BY THE SENECA  
COUNTY INDUSTRIAL DEVELOPMENT AGENCY OF UP TO \$90,000,000  
PRINCIPAL AMOUNT INDUSTRIAL DEVELOPMENT SOLID WASTE DISPOSAL  
REVENUE BONDS (SENECA MEADOWS, INC. PROJECT), SERIES 2009**

RESOLUTION NO. 262-09, moved by Mr. Kaiser, seconded by Mr. Same and adopted by 1278 ayes (Kaiser, Same, Reynolds, Barto, Serven, Davidson, Dresser, Lafler, Terryberry, Amidon, Hayssen, Mooney) and 228 nays (Shiple, Westfall).

WHEREAS, the Seneca County Industrial Development Agency (the "Issuer") proposes to issue its Solid Waste Disposal Revenue Bonds (Seneca Meadows, Inc. Project), Series 2009, in an aggregate principal amount not to exceed \$90,000,000 (the "Bonds") for the benefit of Seneca Meadows, Inc., for

itself or on behalf of IESI Corporation, its parent corporation (the “Company”), to finance a certain Project, as more fully described below; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”) requires the approval by the Seneca County Board of Supervisors (the “Board”) prior to the issuance by the Issuer of the Bonds; and

WHEREAS, the Project shall consist principally of: (A) the acquisition or retention by the Issuer of fee title to or other interest in a parcel or parcels of land located at or near 1786 Salcman Road, Waterloo, New York (the “Land”) and the improvements located thereon, consisting of the Company’s existing solid waste disposal facility (the “Existing Improvements”); (B) the preservation of the Existing Improvements and the construction of new buildings and other improvements on the Land and/or adjacent parcels of land including landfill cell excavation, cell development / stabilization, gas collection systems, access roads, drainage / slide control systems, and related improvements (the “Improvements”); (C) the acquisition in and around the Improvements of certain items of machinery, equipment, furniture, fixtures and other items of tangible personal property (the “Equipment”, and, with the Land, the Existing Improvements and the Improvements, the “Facility”); (D) paying certain costs associated with the issuance of the Bonds (as defined below)(the costs associated with items (A) through (D) above hereinafter referred to as the “Project Costs”); (E) the financing of all or a portion of the costs of the foregoing through the issuance by the Issuer the “Bonds in one or more series; and (F) the sale or lease of the Facility financed with the Bonds to the Company or such other person as may be designated by the Company and agreed upon by the Issuer; and

WHEREAS, the Issuer proposes to assist in the financing of the Project through the issuance of the Bonds to (i) pay all or a substantial portion of the cost of financing certain costs incurred by the Company in its undertaking of the Project; and (ii) pay reserves and costs incidental to the issuance of the Bonds; and

WHEREAS, the Issuer proposes to assist in the financing of the Project by issuing the Bonds to: (i) pay all or a substantial portion of the cost of financing certain costs incurred by the Company in its undertaking of the Project; and (ii) pay reserves and costs incidental to the issuance of the Bonds; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), interest on the Bonds will not be excluded from gross income for Federal income tax purposes unless the issuance of the Bonds is approved by the Board after a public hearing to consider both the issuance of the Bonds and the nature and location of the facilities financed therewith has been conducted following reasonable public notice; and

WHEREAS, the Issuer held such a public hearing on July 14, 2008 upon proper notice in compliance with the Code; and

WHEREAS, the principal, premium, if any, and interest on the Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof, including, without limitation, Seneca County, New York, and neither the State nor any political subdivision thereof, including, without limitation, Seneca County, New York, shall be liable thereon; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on December 08, 2009; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors, as the applicable elected representative of Seneca County, New York, gives its approval of the issuance of the Bonds in accordance with Section 147(f) of the Code; and be it

FURTHER RESOLVED, that this resolution shall be deemed to be made for the benefit of the holders of the Bonds and shall take effect immediately.

**RESOLUTION ALLOWING SENECA COUNTY BOARD OF SUPERVISORS CHAIR TO SIGN THE AMENDMENT TO PREVIOUSLY AWARDED NYS CRIME VICTIMS BOARD (CVB) "VICTIMS OF CRIME" GRANT**

RESOLUTION NO. 263-09, moved by Mr. Reynolds, seconded by Mr. Same and unanimously adopted.

WHEREAS, the Seneca County Community Counseling Center of the County Mental Health Department has received grant funding from the NYS Crime Victims Board (CVB) with no local cash match required to provide services to individuals under the Victims of Crime Grant; and

WHEREAS, the grant has funded a large portion of the salary and fringe benefits of the county's Coordinator of Victims Witness Domestic Violence Services since 1997; and

WHEREAS, the grant as awarded under State Contract C-501150 has a three year cycle which began October 1, 2009 with funding of \$56,051 for Year-1; \$60,517 for Year-2; and \$64,647 for Year-3; and

WHEREAS, services provided through this funding include Criminal Justice and Personal Advocacy, In-person Counseling (with follow-up), Group Support/Treatment, Information and Referral, Telephone Counseling, and Home Visits; and

WHEREAS, this grant contract C-501150 had been reviewed and approved by the Mental Health Committee of the Seneca County Board of Supervisors; was accepted by the full Seneca County Board of Supervisors and was previously signed by the Seneca County Board of Supervisors Chairman; and

WHEREAS, in a letter to grantees dated November 4, 2009, the NYS Crime Victims Board Supervisor for Contract Administration, Ray Parainczuk, indicated that "Before the original approved contracts are returned, the Comptroller's Contract Unit for Grants is requiring all of our funded programs to agree to the following contract amendment language: Any proposed modification to the contract which

results in a change of greater than ten percent (10%) to any budget category, must be submitted to the Office of State Comptroller for approval”; and

WHEREAS, the amendment to the contract with this change was reviewed and approved by the Mental Health Committee of the Seneca County Board of Supervisors; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors Chairman is authorized to sign the amendment to Contract C-501150 such that the grant contract can be received and administered by the Seneca County Community Counseling Center.

Special Order of the Day

The meeting was adjourned at 9:30 p.m.