

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

December 22, 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

All members of the Board answered roll call.

Pledge of Allegiance and Moment of Silence

Public Hearing

Adoption of proposed Local Law D of the County of Seneca for the year 2009, titled "A LOCAL LAW TO REPEAL LOCAL LAW NUMBER 2 OF 1988 REGARDING THE DISTRICT BOARD OF SENECA COUNTY SEWER DISTRICT NO 1", to read in substantially the following form: SECTION 1: 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year 1988 entitled "A Local Law Establishing Rules and Procedures for the Seneca County Sewer District No. 1" is hereby repealed.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. Any resident of the County is entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at the Office of the Clerk of the Board of Supervisors, One DiPronio Drive, Waterloo, New York.

There were no speakers and motion was made by Dr. Dresser, seconded by Mr. Barto and unanimously carried to close the Public Hearing at 8:12 p.m.

Petitioners:

a. Glen Silver, Seneca County resident – expressed opposition to the recent resolution adopted by the Board of Supervisors in support of the Seneca County Industrial Development Agency 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. and / or IESI Corporation, stating that the Board of Supervisors did not properly notice the public before said resolution was adopted under suspension of the rules. Mr. Silver also expressed opposition to a proposed amendment to Rule 34 of the Rules of Order for the Board of Supervisors which would prevent the public from petitioning the Board on the same subject matter more than once in sixty days, stating that the change would be in violation of the First Amendment.

b. Linda Ochs, Seneca County resident, expressed opposition to the support from the Board of Supervisors of the \$90,000,000 IDA bond to benefit Seneca Meadows / IESI, stating that the Board of Supervisors should focus on other types of business for Seneca County and criticized the supervisors for approving the issue in committee the same night they adopted the resolution.

Reports of Standing Committees

Human Services Committee, Mr. Mooney, Chairman. The Committee approved a board resolution be considered urging additional reform of the Medicaid Program and an extension of the Federal Medicaid Assistance Percentage (FMAP) that New York receives from the federal government.

Public Works Committee, Mr. Davidson, Chairman. The Committee approved a board resolution to accept the lowest bid was from Cannioto Builders of Rock Stream, New York in the amount of \$61,000 for a cover for the salt storage space; and a board resolution authorizing the Chairman of the Board to sign maintenance contracts for Seneca County Sewer District 1 and Sewer District 2 and Yaws for 2010 and 2011, which calls for an increase of 3% over the previous contract. The fees would be: SCSD #1: \$85,081 for 2010 and \$87,633 for 2011; SCSD #2: \$43,515 for 2010 and \$44,280 for 2011 (Hillside Building); SCSD #2: \$74,509 for 2010 and \$76,744 for 2011 (Corrections Bldg 4).

Indian Affairs Committee, Dr. Dresser, Chairman. The Committee approved a board resolution authorizing payment of attorney's fees for defense of the County's District Attorney and Sheriff in the New York State Supreme Court litigation, Cayuga Indian nation v. Gould, et. al. are currently due and payable to the firm of Harris Beach.

Public Health Services, Mr. Hayssen, Chairman. The Committee approved a board resolution authorizing the Chairman of the Board to send a letter opposing proposed cuts to the Medicare Program for the Healthcare Reform Bill. These cuts will affect the care provided to Medicare beneficiaries. The American Health Care Association, which represents nursing homes, said that the cuts would force layoffs, lower salaries, reduces benefits and ultimately would hurt patient's quality of care; approved the contracts with the Public Health Department and Dr. Emanuel Li, for the Tuberculosis Control Program at \$150 per hour; and Elaine Day, Dental Hygienist at \$150 per clinic for the pre-school dental clinic. The funding for these contracts is in the Public Health Budget 10-115-5-4010-4350 for Elaine Day and 10-115-5-4010-4391 for Dr. Li; approved a board resolution authorizing the Chairman of the Board to sign a contract with the New York State Department of Health for a 2009-2010 capacity building for Public Health Partners Grant; approved a board resolution. The Health Department is receiving a Capacity Building Grant for obesity prevention in the amount of \$34,000 for the time period August 1, 2009 through March 31, 2010. The Health Department will partner with workplaces, municipalities, schools, and other partner organizations interested in developing their own plan to address the issue of obesity. These entities must support the development of local obesity prevention action plans and must address the

implementation of at least one of CDC's recommended strategies for obesity prevention such as those to promote the availability of affordable healthy food and beverage choices, create safe communities that support physical activity and to encourage communities to organize for change; approved a board resolution authorizing the Chairman of the Board of Supervisors to sign a contract with the NYSDOH for the Enhanced Immunization Capacity Grant in the amount of \$20,000 for the period of October 1, 2009 through March 31, 2011. The purpose of this grant is to increase immunization rates in children and adults and improve vaccine storage and handling practices. Examples of these activities include conducting education and public awareness campaigns, increase off site immunization clinics to include expanded clinic hours. These activities have begun and will be ongoing; approved a board resolution authorizing the Chairman of the Board of Supervisors to Sign Contracts with Service Providers for the Early Intervention Program; approved a board resolution authorizing the Chairman of the Board of Supervisors to Sign a Contract with Finger Lakes Migrant Health Care Project, Inc. for the Provision of STD Testing and Treatment.

Planning, Development, Agriculture & Tourism Committee, Mr. Kaiser, Chairman. The Committee approved a board resolution authorizing Chairman to sign contracts with PLAN Architectural Studio, PC and FRA Engineering for architectural and engineering services for the Sampson Veterans Memorial Cemetery. As a result of grant funding being temporarily held earlier this year and a shifting of Phase One priorities; it was determined to be in the best interest of the project to re-solicit proposals for architectural and engineering services. The firm of Wendel Duchscherer had previously been authorized by the Board to undertake these services for an amount not to exceed \$300,000 plus reimbursable expenses. A notice to proceed was never issued due to the then uncertainty of state grant funding. On November 23, 2009, the County received proposals for architectural and engineering services and undertook a comprehensive review of the proposals. Based on that review, the Board is being asked to authorize contracts with PLAN Architectural Studio, PC, in an amount not to exceed \$89,845.00 plus reimbursable expenses, for architectural services; and with FRA Engineering, in an amount not to exceed \$179,900, plus reimbursable expenses, for civil/site engineering and landscape architecture services. The total amount for these services would be \$269,745, plus reimbursable expenses, and is accounted for in the Phase One Budget of \$3.97 million; approved a board resolution to lease property at the Finger Lakes Regional Airport to Ralph Lott & Sons Farms. The size of the parcel is 12.5 acres. The lease will be for two (2) years at \$999.75 per year.

Government Operations Committee, Mrs. Amidon, Chairperson. The Committee met with Glen Silver and Linda Ochs who addressed the committee regarding their concerns about proposed amendments to Rule of Order No. 34, which addresses the Authority to Speak at board meetings. The Committee also reviewed and recommended amendments to the Rules of Order of the Board of Supervisors as

recommended by the County Attorney for Rules of Order 5 - Order Of Business– Regular Meetings Of The Month; Rule 16 - Divisions Of Questions; Rule 18 - Previous Question; Rule 25 - Standing Committees; Rule 34 - Authority To Speak.

Finance, Assessment & Insurance Committee, Mr. Barto, Chairman. The Committee approved a series of board resolutions authorizing the extension and collection of 2010 Town & County Taxes prior to December 31, 2009; approved a resolution authorizing a contract with Option for Independence for \$5,000 funding for 2010. The Committee also approved a board resolution to introduce a proposed local law to establish the salaries of certain public officials whose salaries are expected to increase in 2010: County Sheriff - \$65,430; County Undersheriff - \$59,481; County Attorney - \$88,795; County Manager - \$88,019; and County Planning Director - \$74,796.

Communications

196. A copy of the 2010 Adopted Budget for the Town of Seneca Falls.
197. A copy of the E-911 Board November 10, 2009 meeting minutes.
198. A copy of the Seneca County Planning Board November 12, 2009 meeting minutes.
199. A copy of the Finger Lakes WIRED Governing Board Meeting Notes for December 9, 2009.
200. From the Finger Lakes Workforce Investment Board, a copy of a letter dated December 2, 2009 to John Vrabel, Deputy Director for Seneca County Workforce Development, and a copy of the Workforce Investment Act (WIA) Youth Program Compliance Monitoring Report for the period of July 1, 2009 – October 31, 2009.
201. From Shawn Bossard, Executive Director, Seneca County Cornell Cooperative Extension, a letter announcing his resignation effective January 3, 2010.
202. Electronic communication expressing opposition to salary increases for county employees for 2010 from Jim Sandlas, Geneva, NY; Pat Ellison, Waterloo, NY; and Michele Bulley, Waterloo, NY.
203. From James Roloson, President, Seneca County Agricultural Society, a request for continues support from the Seneca County Board of Supervisors in the amount of \$6,000.00 for the year 2010. Referred to the Finance, Assessment & Insurance Committee.
204. From Kristin E. White, Bookkeeper / Secretary to the Board, Seneca County Soil & Water Conservation District, a copy of a letter dated November 30, 2009 to Paul B. Kronenwetter, announcing his nomination to continue serving on the Fish & Wildlife Management Board as its representative. Referred to the Planning, Development, Agriculture & Tourism Committee.
205. An email from Randall C. Nemecek, Regional Supervisor of Natural Resources, Region 8, regarding 2010 appointments for Legislative and Sportsmen Representatives to the Department of

Environmental Conservation's Region 8 Fish and Wildlife Management Board. Referred to the Planning, Development, Agriculture & Tourism Committee.

Resolutions and Motions

LEVY RETURNED SCHOOL TAXES

RESOLUTION NO. 264-09, moved by Mr. Barto, seconded by Mrs. Amidon and unanimously adopted.

RESOLVED, that there be assessed, levied and collected from the various Towns, the following school taxes for the year 2009 and when collected, to be paid to the County Treasurer:

Covert	\$ 163,480.80
Fayette	240,395.02
Junius	152,367.12
Lodi	141,748.13
Ovid	140,264.90
Romulus	150,010.03
Seneca Falls	551,665.34
Tyre	51,945.99
Varick	138,261.23
Waterloo	374,966.05
Total	\$ 2,105,104.61

DEBITS AND CREDITS

RESOLUTION NO. 265-09, moved by Mr. Barto, seconded by Mr. Reynolds and unanimously adopted.

WHEREAS, due to errors and audit adjustments on the 2009 tax rolls, corrections must be made to adjust the 2010 tax levy; now, therefore, be it

RESOLVED, that the following Towns be charged as follows, thus increasing their share of the 2010 County General tax:

Covert	\$ 0.00
Fayette	876.21
Junius	747.46
Lodi	310.80
Ovid	0.00
Romulus	0.00
Seneca Falls	10.43
Tyre	0.00
Varick	0.00
Waterloo	0.00

Total \$ 1,944.90

LEVY COUNTY TAXES

RESOLUTION NO. 266-09, moved by Mr. Barto, seconded by Mr. Mooney and unanimously adopted.

WHEREAS, the County tax levy for the year 2010 in the amount of \$9,614,178 has been adopted by the Board of Supervisors; and

WHEREAS, this amount has been apportioned to the several Towns; now, therefore, be it

RESOLVED, that there be assessed, levied and collected from the various Towns, the following amounts which are to be paid to the Seneca County Treasurer:

Covert	\$ 945,997.81
Fayette	1,564,413.54
Junius	363,472.05
Lodi	576,812.28
Ovid	735,748.25
Romulus	753,326.30
Seneca Falls	2,277,875.65
Tyre	245,837.23
Varick	787,209.17
Waterloo	1,363,485.71
Total	\$ 9,614,178.00

LEVY TOWN TAXES

RESOLUTION NO. 267-09, moved by Mr. Barto, seconded by Mr. Terryberry and unanimously adopted.

WHEREAS, there has been presented to the Board of Supervisors a duly certified copy of the annual budget of each of the several Towns in the County of Seneca for the fiscal year beginning January 1, 2010; now, therefore, be it

RESOLVED, that there be assessed, levied and collected from the various taxable property situated in the following Towns outside of incorporated villages wholly or partially therein, amounts indicated below for Highway Item I and General purposes as specified in the amount for the respective Towns:

Town	Item I	General
Covert	\$ 174,490.00	
Fayette	480,610.00	
Junius	185,000.00	
Lodi	403,233.00	\$ 4,312.00
Ovid	440,992.00	\$ 445.00

Romulus	272,277.00	\$ 6,694.00
Seneca Falls	75,478.00	
Tyre	159,260.00	
Varick	167,120.00	
Waterloo	133,500.00	2,400.00

AND BE IT FURTHER RESOLVED, that there be assessed, levied and collected from the real property liable therefore, within the respective fire and other special districts in the following Towns, the amounts indicated below as specified in the budget of the respective Towns:

Town	Special District	Dollar Amount
Covert	Trumansburg Fire	108,242.47
	Interlaken Fire	94,228.46
	South Seneca Ambulance	12,651.84
Fayette	Fayette Varick Fire	50,510.00
	Fayette-Seneca Lake Fire Protection #1	27,000.00
	Fayette-Seneca Lake Fire Protection #2	27,000.00
	Varick Volunteer Fire	38,145.00
	Canoga Fire Protection	70,100.00
	Canoga Light District	2,049.00
	Fayette-Varick Light	1,655.00
	Fayette Water Dist. #1 Ext.	20,882.00
	Co. House Rd./Rt. 96 Water	41,125.00
	Cayuga Lake Water Dist #3	62,619.00
Junius	Junius Fire Protect	83,372.00
	Junius Water District	35,950.00
	Junius Water Dist. #2	10,017.42
Lodi	Ovid-Lodi Fire	84,000.00
	South Seneca Ambulance	36,243.00
Ovid	Ovid-Lodi Fire	9,012.08
	Ovid-Romulus Fire	81,594.75
	Ovid-Interlaken Fire	37,738.06
	South Seneca Ambulance	49,377.32
Romulus	Ovid-Romulus Fire	117,405.25
	Varick Volunteer Fire	3,228.00
	Romulus-Varick Fire	59,428.06

	Willard Light District	4,980.00
	Hayts Corners Light	1,490.00
	Romulus-Varick Light	3,790.00
	Spring Light	3,995.00
	Lakeshore Light	2,895.00
	Willard Water & Sewer Ext.	1,826.00
	Romulus Sewage District #1	4,824.00
	South Seneca Ambulance	42,260.66
Seneca Falls	Bridgeport Fire	162,542.00
	Seneca Falls Fire	124,425.00
	Ken-Mor Light	2,450.00
	Seneca Falls Outside Refuse	99,085.00
	Bridgeport Sewage	226,720.00
	Bridgeport Area Water	11,213.00
	Seneca Falls West Sewer	10,000.00
Tyre	Tyre Fire Prot Dist.	93,600.00
	Tyre Water District #1	16,735.17
Varick	Fayette-Varick Fire	64,285.00
	Varick Volunteer Fire	76,814.00
	Romulus-Varick Fire Prot	52,095.00
	Romulus-Varick Light	3,200.00
	Fayette-Varick Light	1,300.00
	Varick Sewage District #1	3,911.00
	Seneca Lake Water Dist.	44,748.00
	Seneca Lake Sewer Dist. #2	60,000.00
	South Seneca Ambulance	30,971.00
Waterloo	Border City Fire	169,705.93
	Waterloo Fire Prot	61,500.00
	Border City Light	29,000.00
	Waterloo Drainage	120.00
	Border City Sewage	99,950.00
	5 & 20 Sewer District	96,340.00
	Waterloo Hydrant	3,750.00
	Border City Water	13,055.00

AND BE IT FURTHER RESOLVED, that the amounts to be raised by tax for all other purposes specified in the budget presented to this Board shall be and are hereby assessed, levied and to be collected from the taxable property in the Towns listed below except as otherwise provided by law:

Town	General	All Others
Covert	\$ 223,770.00	162,169.00
Fayette	161,362.00	262,818.00
Junius	31,000.00	
Lodi	212,164.00	150,220.00
Ovid	130,933.00	37,634.00
Romulus	345,001.00	
Seneca Falls		0
Tyre	135,730.00	15,000.00
Varick	150,078.00	
Waterloo	517,270.00	182,500.00

AND BE IT FURTHER RESOLVED, that such taxes and assessments, when collected, shall be paid to the Supervisors of the respective Towns in the amounts shown by this resolution for distribution by them in the manner prescribed by law.

LEVY RETURNED VILLAGE TAXES

RESOLUTION NO. 268-09, moved by Mr. Barto, seconded by Dr. Dresser and unanimously adopted.

RESOLVED, that there be assessed, levied and collected from the various Towns, the following 2008 returned village taxes and when collected, to be paid to the County Treasurer:

Town of Covert	\$ 24,096.18
Town of Fayette	24,339.52
Town of Lodi	6,470.80
Town of Ovid	31,019.31
Town of Romulus	671.00
Town of Seneca Falls	273,777.03
Town of Waterloo	147,477.53
Totals:	\$ 507,851.37

RATIFY TAX ROLLS

RESOLUTION NO. 269-09, moved by Mr. Barto, seconded by Mrs. Amidon and unanimously adopted.

RESOLVED, that the taxes as extended on the rolls of the several Towns are hereby approved and the collectors are directed to collect the same on the warrants as signed by the Chairman and the Clerk of the Board of Supervisors.

APPROPRIATION FOR EXTENSION SERVICE

RESOLUTION NO. 270-09, moved by Mr. Barto, seconded by Mr. Mooney and adopted by 710 ayes (Barto, Mooney, Reynolds, Serven, Davidson, Dresser, Kaiser, Same, Lafler, Terryberry, Amidon, Shipley, Westfall) and 40 nays (Hayssen).

WHEREAS, a total budget of \$337,405 has been submitted by the Cornell Cooperative Extension Association; and

WHEREAS, this budget has been approved by the Board of Supervisors; now, therefore, be it

RESOLVED, that the appropriation of \$337,405 be allocated to the Cooperative Extension Association for the year beginning January 1, 2010; and be it

FURTHER RESOLVED, that the Seneca County Treasurer is hereby authorized and directed to pay the sum of \$84,351.25 in advance of the first day of each quarter beginning January 1, 2010 to the duly elected and properly bonded Treasurer of the Seneca County Cornell Cooperative Extension Association; and be it

FURTHER RESOLVED, that the Chair of the Seneca County Board of Supervisors is hereby authorized and directed to execute such Memorandum of Agreement as may be approved by Cornell University as the agent for the State of New York, purposes set forth therein and requiring an annual report of the end of the year containing therein a true and accurate account of all receipts and expenditures of said Association.

APPROPRIATION FOR SOIL & WATER CONSERVATION DISTRICT

RESOLUTION NO. 271-09, moved by Mr. Barto, seconded by Mr. Reynolds and adopted by 710 ayes (Barto, Reynolds, Serven, Davidson, Dresser, Kaiser, Same, Lafler, Terryberry, Amidon, Mooney, Shipley, Westfall) and 40 nays (Hayssen).

WHEREAS, Chapter 727 of the Laws of the State of New York, 1940, as amended, provides that the Board of Supervisors may appropriate to the Soil and Water Conservation District for the year 2010 moneys to be expended in accordance with the budget submitted to the Board; now, therefore, be it

RESOLVED, that the Board of Supervisors appropriate the sum of \$322,637 for the Seneca County Soil and Water Conservation District for the year 2010; and be it

FURTHER RESOLVED, that the Seneca County Treasurer is hereby authorized and directed to pay the duly elected and properly bonded Treasurer of the Seneca County Soil and Water Conservation District the sum of \$80,659.25 in advance of each quarter beginning January 1, 2010.

REFUND OF TAXES AND CORRECTED TAX BILL

RESOLUTION NO. 272-09, moved by Mr. Barto, seconded by Mr. Mooney and unanimously adopted.

WHEREAS, Waterloo Heights Association submitted an application RP556 for a refund of taxes; and

WHEREAS, it was ascertained that there was a clerical error in the taxable value on parcel 10-2-78 for the past three years; and

WHEREAS, the mistake is present on the 2009 assessment roll for 2010 taxes; now, therefore, be it

RESOLVED, that Waterloo Heights be refunded \$6,137.28 (Seneca County Portion \$4,097.01) (Town of Waterloo Portion \$2,040.27) for overpayment of taxes and that a corrected tax bill will be issued for 2010 taxes in accordance with Section 556 and Section 554 of the Real Property Tax Law; and be it further

RESOLVED, that the Treasurer is authorized and directed to make such payments on behalf of the County and the Town of Waterloo.

A RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW A OF 2010 TO ESTABLISH THE SALARIES OF CERTAIN COUNTY OFFICIALS AND PROVIDING FOR PUBLIC HEARING (as amended)

RESOLUTION NO. 273-09, moved by Mr. Barto, seconded by Mrs. Amidon and adopted by 579 ayes (Barto, Amidon, Reynolds, Serven, Davidson, Dresser, Same, Lafler, Terryberry, Hayssen, Westfall) and 171 nays (Kaiser, Mooney, Shipley).

WHEREAS, the Board of Supervisors has approved the County Budget for 2010; and

WHEREAS, the said 2010 budget includes adjustments in the salaries of certain County Officials; and

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

RESOLVED, that proposed Local Law A of 2010 entitled "A LOCAL LAW TO ESTABLISH THE SALARIES OF CERTAIN COUNTY OFFICIALS" be and the same is hereby introduced before the Board of Supervisors of Seneca County, New York to read in substantially the following form: The salaries of the following County Officers as of January 1, 2010 shall be as indicated opposite their respective titles:

County Sheriff	\$65,430
County Manager	\$88,019

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, One DiPronio Drive, Waterloo, New York at or about 8:00 p.m. on January 12, 2010; 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.

A RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW NUMBER B AMENDING LOCAL LAW NUMBER 2 OF 2006 AS AMENDED BY LOCAL LAW NUMBER 1 OF 2008 AND PROVIDING FOR PUBLIC HEARING

RESOLUTION NO. 274-09, moved by Mr. Hayssen, seconded by Mr. Terryberry and unanimously adopted.

WHEREAS, Local Law Number 2 of 2006 as amended by Local Law No. 1 of 2008 provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code in the County of Seneca; and

WHEREAS, such local law further provides for administration of said code and appointment and oversight of the position of Code Enforcement Officer and staff by the County Engineer; and

WHEREAS, it is the recommendation of the Public Health Committee that administration and oversight of the code and appointment and oversight of the Code Enforcement Officer be transferred from the County Engineer to the Director of Planning; now, therefore, be it

RESOLVED, that proposed Local Law B of 2010 entitled "A Local Law To Amend Local Law No. 2 of 2006 as amended by Local Law No. 1 of 2008" be and the same is hereby introduced before the Board of Supervisors of Seneca County, New York to read in substantially the following form:

That Local Law number 2 of 2006 as amended by Local Law No. 1 of 2008 be amended as follows:

That § 2(m) of said local law be amended to read as follows:

m) "DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT" shall mean the person duly appointed by the Seneca County Board of Supervisors as head of the Division of Planning and Community Development for the County of Seneca.

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

The office of Code Enforcement Officer is hereby created. The Code Enforcement Officers shall administer and enforce, under the direction of the Director of Planning and Community Development, all the provisions of the Uniform Code, the Energy Code and this local law. The Code Enforcement Officer shall have the following powers and duties: (subparagraphs 1 through 11 to continue unchanged)

That § 3(b) through 3(d) of said law be amended as follows:

(b) Each Code Enforcement Officer shall be appointed by the Director of Planning and Community Development within the limits of the appropriation set by the Board of Supervisors. Each

Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Director of Planning and Community Development within the limits of the appropriation set by the Board of Supervisors to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(d)(i) the County of Seneca hereby transfers to the Office of Planning and Community Development, positions for Building Inspectors and other necessary support staff to act under the supervision and direction of the Director of Planning and Community Development and/or Code Enforcement Officer, and to exercise any portions of the powers and duties of the Code Enforcement Officer as so directed, to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Building Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(ii) In the absence of the Code Enforcement Officer, or in the case of his or her inability to act for any reason, the county's Director of Planning and Community Development shall have the power to designate a person to act on behalf of the Code Enforcement officer, within the limits of appropriation by the Board of Supervisors, and to exercise all the powers conferred upon him or her by this local law. That § 18 of said law be amended as follows:

SECTION 18. AUTHORITY OF THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

The Director of Planning and Community Development is hereby authorized to: (paragraphs a and b to remain unchanged)

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 County Office Building, One DiPronio Drive, Waterloo, New York at or about 8:00 p.m., on January 12, 2010; and be it

FURTHER RESOLVED, that the Clerk to 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.

**BOARD OF SUPERVISORS AUTHORIZES CONTRACT FOR BUILDING CLOSURES AT
SAMPSON VETERANS MEMORIAL CEMETERY SITE**

RESOLUTION NO. 275-09, moved by Mr. Kaiser, seconded by Mr. Mooney and unanimously adopted.

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, the closure of certain buildings is necessary and consistent with the Adopted Master Plan for the site; and

WHEREAS, Seneca County solicited proposals from qualified firms to undertake the work; and

WHEREAS, Seneca County received six (6) proposals with the lowest responsible bidder for the work being Big Moose Excavating, Inc., of Victor, New York, in the amount of \$8,200.00; and

WHEREAS, the Seneca County Board of Supervisors does hereby accept the proposal from Big Moose Excavating, Inc., for building closures in an amount not to exceed \$8,200.00; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on December 8, 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 Big Moose Excavating, Inc., for building closures at the Sampson Veterans Memorial Site.

**BOARD APPROVAL FOR DIVISION OF HUMAN SERVICES BUDGET AMENDMENT BACK
TO SCHOOL ASSISTANCE**

RESOLUTION NO. 276-09, moved by Mr. Mooney, seconded by Dr. Dresser and unanimously adopted.

WHEREAS, the Division of Human Services is requesting an increase in appropriations and revenues in the amount of \$164,800 for one time payments for back to school assistance, granted to eligible families on Temporary Assistance with children between the ages of 3 – 18; and

WHEREAS, the payments were initiated by the state of New York in August 2009 and to be completed and reconciled at the county level by December 31, 2009; and

WHEREAS, the total amount of benefits issued is offset by state (20%) and federal (80%) revenues; and

WHEREAS, the Division of Human Services is requesting approval for the County Treasurer to increase to the following budgetary accounts:

DR.	10-125-5-6109-4700	Temporary Assistance to Needy Families	\$164,800
CR.	10-319-3-4609	Aid to Dependent Children	\$131,840
	10-319-3-3610	SS Administration	\$ 32,960; and

WHEREAS, this budget amendment has been reviewed by the Human Services and Finance Committees; now, therefore, be it

RESOLVED, the Board approves the Division of Human Services budget amendment to reflect the Back to School Assistance.

**BOARD APPROVAL FOR DIVISION OF HUMAN SERVICES BUDGET AMENDMENT
CHILD CARE BLOCK GRANT**

RESOLUTION NO. 277-09, moved by Mr. Mooney, seconded by Mr. Shipley and unanimously adopted.

WHEREAS, the Division of Human Services is requesting an increase in appropriations and revenues in the amount of \$87,570 to reflect current year appropriation and allocation amount; and

WHEREAS, the Division of Human Services is requesting approval for the County Treasurer to increase to the following budgetary accounts:

Dr.	10-125-5-6055-4700	Child Care Block Grant	\$87,570
Cr.	10-319-3-4615	Flexible Fund for Family	\$50,000
	10-319-3-4655	Day Care – Federal Aid	\$30,316
	10-319-3-3655	Day Care	\$ 7,254; and

WHEREAS, this budget amendment has been reviewed by the Human Services and Finance Committees; now, therefore, be it

RESOLVED, the Board approves the Division of Human Services budget amendment to reflect the Child Care Block Grant.

**CHAIRMAN OF THE BOARD TO SIGN THE SENECA COUNTY 2010 EDUCATION
CONTRACT BETWEEN FINGER LAKES COMMUNITY COLLEGE AND SENECA COUNTY
DIVISION OF HUMAN SERVICES FOR EDUCATION COORDINATOR SERVICES**

RESOLUTION NO. 278-09, moved by Mr. Mooney, seconded by Mr. Terryberry and unanimously adopted.

WHEREAS, the Seneca County Division of Human Services would like to enter into agreement with Finger Lakes Community College for the Employee Education and Training Program and Education Coordinator Services; and

WHEREAS, the Education Coordinator will provide education and training opportunities to DHS full time employees that will help strengthen and develop workplace skills; and

WHEREAS, the 2010 Employee Education and Training Program provides DHS employees options to earn college credit toward completion of a College Certificate, Associate's, Bachelor's, or Master's degree, and attend in-service and non-credit training programs; and

WHEREAS, this contract will not exceed \$52,172.00; and

WHEREAS, this agreement has been reviewed by the Human Services and Finance Committees; now, therefore, be it

RESOLVED, the Board authorizes the approval the 2010 Education agreement with Finger Lakes Community College; and be it

FURTHER RESOLVED, the Chairman of the Board is authorized and directed to sign the 2010 Education agreement with Finger Lakes Community College.

RESOLUTION CALLING FOR MEDICAID RELIEF

RESOLUTION NO. 279-09, moved by Mr. Mooney, seconded by Mr. Barto and unanimously adopted.

WHEREAS, Medicaid is a federal, state, and local health care program whose costs and administration represents the largest component of the state and local fiscal relationship in New York, currently totaling over \$46 billion annually; and

WHEREAS, since the program's inception, counties across the state have struggled to fund the growth of the Medicaid local share and even with local budget austerity measures, the program's cost has resulted in higher property taxes, higher sales taxes, and a decline in county services; and

WHEREAS, in response to the coordinated efforts of this Association and county officials from across the state, the Governor and State Legislature included in the enacted 2005-06 State Budget a local Medicaid "cap" designed to limit annual Medicaid growth to 3.5 percent in 2006, 3.25 percent in 2007, and 3 percent in 2008 and years thereafter; and

WHEREAS, this Medicaid "cap" represents a significant reform in the way New York finances its Medicaid program and provides counties with a new level of stability and predictability that will benefit local taxpayers for years to come; and

WHEREAS, while the Medicaid "cap" will help shield local taxpayers from the impact of excessive Medicaid growth at the federal and state level, counties remain concerned with the future sustainability of the Medicaid program, the effect on other state and local budget priorities, and the overall outlook for New York's economic competitiveness; and

WHEREAS, as New York's Medicaid program has evolved, it has become overly expensive, inefficient and unable to adapt to today's ever changing health care delivery environment; and

WHEREAS, New York's Medicaid program must be reformed into a modern, patient driven system that ensures public integrity, improves patient outcomes and reduces overall program costs;

NOW, THEREFORE, BE IT RESOLVED, that the Seneca County Board of Supervisors calls for the continued implementation of the Local Medicaid Cap enacted in the 2005-06 state budget to stabilize county budgets and the impact the program has on local real property taxes; and

BE IT FURTHER RESOLVED, that the Seneca County Board of Supervisors calls for an extension of the enhanced FMAP currently set in the American Recovery and Reimbursement Act (ARRA) as passed by the United States House of Representatives in H.R. 3962; and

BE IT FURTHER RESOLVED, that the Seneca County Board of Supervisors call upon the Governor and State Legislature to continue to focus on the Medicaid program and expand statewide reform efforts designed to ensure public integrity, improve patient outcomes, and reduce overall program costs; and

BE IT FURTHER RESOLVED, that the Seneca County Board of Supervisors shall forward copies of this Resolution to the Governor, the New York State Legislature, New York State's Congressional Delegation, New York State Association of Counties,4 and all others deemed necessary and proper.

**ABANDONMENT OF CERTAIN FORMER COUNTY HIGHWAY PROPERTY TO
ADJOINING PROPERTY OWNERS PURSUANT TO §118-A NEW YORK STATE HIGHWAY
LAW**

RESOLUTION NO. 280-09, moved by Mr. Davidson, seconded by Mr. Reynolds and unanimously adopted.

WHEREAS, maintenance of County Road 104 (Mound Road) at its former intersection with Routes Five and Twenty in the Town of Seneca Falls has been abandoned and the premises is of no further use for highway purposes or for any other governmental purposes; and

WHEREAS, such premises lie adjacent to and east of premises owned by Bill Cram, Inc., Tax Map No. 33.00-01-13.0; and

WHEREAS, such premises consist of approximately 45' x 300' of land as shown on a certain survey map entitled "Exhibit Map Showing Portion of Mound Road to be Acquired" made by TVGA Consultants; and

WHEREAS, abandonment of such premises has been approved by the County Superintendent of Highways who has certified that the land is of no further use for highway purposes; and

WHEREAS, abandonment of all of the County's rights with regard to such highway property pursuant to the Highway Law in exchange for payment of the sum of thirty-eight thousand three hundred dollars (\$38,300.00) has been approved by the Planning and Development Committee, following review

of a Real Property Appraisal prepared by Klauk, Lloyd & Wilhelm, Inc., and dated November 24, 2008; now, therefore, be it

RESOLVED, that the Board of Supervisors does hereby approve abandonment by the County of the premises formerly part of County Road 104 and commonly known as the Mound Road at the former intersection of such County Road with Routes Five and Twenty in the Town of Seneca Falls; and be it

FURTHER RESOLVED, that the Chairman of the Board of Supervisors is authorized and directed to execute a quit-claim deed to the property above described to the adjoining property owners in exchange for the sum of thirty-eight thousand three hundred dollars (\$38,300.00) payable to the County of Seneca.

RESOLUTION AUTHORIZING ADOPTION BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SENECA OF LOCAL LAW NO. 3, YEAR 2009 (as amended)

RESOLUTION NO. 281-09, moved by Mr. Davidson, seconded by Mrs. Amidon, and adopted by 639 ayes (Reynolds, Barto, Serven, Dresser, Kaiser, Same, Lafler, Terryberry, Hayssen, Mooney, Shipley) and 111 nays (Davidson, Amidon, Westfall).

WHEREAS, a resolution was duly adopted by the Board of Supervisors of the County of Seneca for a Public Hearing to be held by said County on December 22, 2009 at 8:00 p.m. at the Seneca County Office Building, Waterloo, New York, to hear all interested parties on a proposed Local Law entitled “A LOCAL LAW TO REPEAL LOCAL LAW NUMBER 2 OF 1988 REGARDING THE DISTRICT BOARD OF SENECA COUNTY SEWER DISTRICT NO. 1”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper(s) of the County of Seneca; and

WHEREAS, said public hearing was duly held on December 22, 2009 at 8:00 p.m. at the Seneca County Office Building, Waterloo, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Board of Supervisors of the County of Seneca, after due deliberation, finds it in the best interests of the County of Seneca to adopt said Local Law;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Seneca hereby adopts said Local Law No. 3 of the year 2009, as follows:

SECTION I.

Be it enacted that Local Law No. 2 of the year 1988 entitled “A Local Law Establishing Rules and Procedures for the Seneca County Sewer District No. 1” is hereby amended to suspend the Board of Sewer District No. 1 which Board shall be reconstituted within six months as an Advisory Board to the Seneca County Water and Sewer Department.

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.

SUPERVISORS AWARD BID FOR COVER FOR SALT STORAGE SPACE

RESOLUTION NO. 282-09, moved by Mr. Davidson, seconded by Mr. Same and unanimously adopted.

WHEREAS, Seneca County advertised solicitations for bids for a cover for the salt storage space; and

WHEREAS, two bids were received, the lowest being from Cannioto Builders of Rock Stream, New York in the amount of \$61,000; and

WHEREAS, the Public Works Committee of the Seneca county Board of Supervisors recommended accepting the bid from Cannioto Builders on December 22, 2009; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby award the bid to Cannioto Builders of Rock Stream, New York for a cover for the salt storage space at a cost not to exceed \$61,000.00; and be it

FURTHER RESOLVED, that the Chairman of the Seneca County Board of Supervisors is authorized and directed to execute the contract between Seneca County and Cannioto Builders.

SUPERVISORS AMEND THE RULES OF THE BOARD FOR 2010 ORGANIZATIONAL MEETING

RESOLUTION NO. 283-09, moved by Mrs. Amidon, seconded by Mr. Kaiser and unanimously adopted.

RESOLVED, that the Seneca County Board of Supervisors does hereby amend the Rules of the Board as follows: Organizational Meeting for the year 2010 of the Seneca County Board of Supervisors to be held January 5, 2010 at 5:30 p.m.

Unfinished Business

There was no unfinished business.

New Business:

Under suspension of the rules, Mr. Same, moved, seconded by Mrs. Amidon, to introduce the following resolutions:

BOARD OF SUPERVISORS AUTHORIZES CONTRACTS WITH YAWS ENVIRONMENTAL FOR OPERATION OF SEWER DISTRICT PROPERTIES

RESOLUTION NO. 284-09, moved by Mr. Davidson, seconded by Mr. Hayssen and unanimously adopted.

WHEREAS, the Seneca County sewer districts have maintained contracts with Yaws Environmental Process Control, Inc. for the operation of sewer districts properties; and

WHEREAS, Yaws Environmental has proposed a two year extension to such contracts as an annual increase of three per-cent; and

WHEREAS, Seneca County desires to continue such contracts with Yaws Environmental Process Control, Inc.; and

WHEREAS, this resolution has been reviewed and approved by the Public Works Committee on December 22, 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 contracts with Yaws Environmental Process Control, Inc., for operation of the facilities belonging to Seneca County Sewer Districts Numbers One and Two for a period of two years commencing January 1, 2010.

BOARD OF SUPERVISORS AUTHORIZES CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES AT SAMPSON VETERANS MEMORIAL CEMETERY SITE
RESOLUTION NO. 285-09, moved by Mr. Kaiser, seconded by Mr. Mooney and unanimously adopted.

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, the project has progressed through master planning and site work and now requires detailed architectural and engineering services to be prepared for the next phase of construction, including building renovations, road reconstruction and site amenities; and

WHEREAS, Seneca County solicited proposals from qualified firms to undertake these services; and

WHEREAS, Seneca County desires to contract with PLAN Architectural Studio, PC, in an amount not to exceed \$89,845.00 plus reimbursable expenses not to exceed \$3,250, for architectural services; and with FRA Engineering, in an amount not to exceed \$179,900, plus reimbursable expenses not to exceed \$5,500, for civil / site engineering and landscape architecture services; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on December 22, 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 contracts with PLAN Architectural Studio, PC and FRA Engineering for architectural and engineering services at the Sampson Veterans Memorial Site.

CHAIRMAN OF THE BOARD TO SEND LETTER TO REPRESENTATIVES OPPOSING CUTS TO MEDICARE PROGRAM TO FUND PROPOSED HEALTHCARE REFORM

RESOLUTION NO. 286-09, moved by Mr. Hayssen, seconded by Mr. Davidson and unanimously adopted.

WHEREAS, Congress has proposed cuts to Medicare starting in 2010 to fund proposed overhaul of the nations healthcare system; and

WHEREAS, Congress has proposed cutting Medicare funding for seniors in nursing homes by more than \$32 billion dollars over ten years in addition to Medicare cuts of at least \$12 billion dollars imposed by the administration; and

WHEREAS, the sustainability of many of the proposed cuts is questionable and may result in the loss of dozens of healthcare jobs in Seneca County and hundreds of jobs across the state; and

WHEREAS, our senior citizens must also benefit from the proposed healthcare reform and Congress must ensure that quality care and caregivers' jobs are protected through adequate Medicare funding; now, therefore, be it

RESOLVED, that the Seneca County board of Supervisors authorizes the Chairman of the Board to send a letter on its behalf expressing opposition to the proposed cuts to the Medicare program and its negative effect on healthcare for the elderly.

BOARD OF SUPERVISORS AMENDS 2009 BUDGET

RESOLUTION NO. 287-09, moved by Mr. Barto, seconded by Mr. Davidson and unanimously adopted.

WHEREAS, New York State law permits funding of a County Fair in each County of the State; and

WHEREAS, Seneca County has previously provided such funding to the County Agricultural Committee responsible for organizing the annual Seneca County Fair; and

WHEREAS, such funding was inadvertently deleted from the 2009 and 2010 budgets; and

WHEREAS, it is the recommendation of the Finance, Assessment & Insurance Committee that such funding be returned to the budgets for fiscal years 2009 and 2010 in the amount of Six Thousand Dollars for each year; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors amends the 2009 budget to provide for funding to the Seneca County Agricultural Committee for purposes of organizing and conducting the annual Seneca County Fair and that the said Committee receive the sum of Six Thousand Dollars for fiscal years 2009 and 2010.

Special Order of the Day

The meeting adjourned at 9:43 p.m.