

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

February 23, 2010

8:00 p.m.

Call to Order

Chairman Lafler called the meeting to order at 8:02 p.m.

Roll Call of Members by the Clerk

Twelve members of the Board answered roll call. Mr. Kaiser and Mr. Hayssen took their seats during the Tourism presentation.

Pledge of Allegiance and Moment of Silence

Presentations

(a) Seneca County Tourism Quarterly Report presented by Fred Gaffney, Executive Director of the Chamber of Commerce

(b) Seneca County Cornell Cooperative Extension Annual Report presented by Judy Wright, Interim Executive Director and Moira Tidball, Human Ecology Resource Educator

Petitioners

Glen Silver, Concerned Citizens, petitioned the Board of Supervisors to involve the citizens as members for the newly created Environmental Committee of the Board of Supervisors.

Reports of Standing Committees

Planning, Development, Agriculture & Tourism, Mrs. Amidon, Chairperson, reported that the committee approved the application and public hearing for the Community Development Block Grant (CDBG) Housing Rehabilitation Grant Program; the Committee recommended the appointment of Michael Reynolds as one of the board representatives on the Soil & water Conservation District Board.; and recommended the appointment of Ron Serven as the board representative on the Seneca County Agricultural Enhancement Board.

Public Safety Committee, Mr. Davidson, Chairman reported that the Committee recommended the following issues be approved by the Board of Supervisors: (1) Apply for NYS Division of Probation and Correctional Alternatives Grant; (2) Contract with Monroe County Department of Public Safety for Forensic Services; (3) the Chairman of the Board of Supervisors to sign the NY SEMO FFY 2009 Local Emergency Management Performance Grant; (4) authorize the Director of Emergency Services authorized to sign Memorandum of Agreement (MOA) between Seneca County and Cayuga County for the NYS Office of Homeland Security 2009 Technical Rescue Grant; (5) to amend a previously adopted Resolution No. 24-10 by correcting the text to reflect a grant of \$3,793.00, to be distributed as follows: \$2,293 – Assistant District Attorney, \$750 – Part Time Assistant District Attorney, \$750 – Part Time Assistant District Attorney.

The Public Safety Committee also approved refilling positions as recommended by the Vacancy Committee: E-911 Dispatcher; two positions for Correction Officer; the First Assistant and Second Assistant District Attorney positions by promotion and the Confidential Secretary Position to the District Attorney

The Public Works Committee, Mr. Davidson, Chairman, reported that the Committee discussed the two ongoing bridge projects, and recommended awarding the contracts for the engineering firm for County Road 132 Bridge Project and the construction phase bid for the County Road 143 Bridge project

Indian Affairs, Mr. Shipley, Chairperson, reported that the Committee recommended a resolution be passed by the Board of Supervisors requesting from our state representatives for Seneca and Cayuga County regarding §10 State Law which provides defense by the Governor in the matter of Cayuga Indian Nation of New York being in possession of and offering for sale cigarettes that lacked the necessary stamp indicating payment of tax imposed under Article 20 of the New York State Tax Law. The Committee also recommended action by the Board in relation to the Governor's proposal to close some state parks due to funding deficits and that the deficit would be alleviated if the sales tax was collected on the cigarettes sold by the Indian businesses.

Personnel & Technology, Mr. Same, Chairperson, reported that the Committee met in executive session regarding the employment history of certain individuals pertaining to the proposed local law to allow hiring outside Seneca County to fill the position of second assistant district attorney; and the Committee met in executive session to discuss union negotiations.

Government Operations, Mr. Kaiser, Chairperson, reported that the task force appointed to research the formation of an Environmental Committee will meet March 4 at 5:30 p.m. at the Romulus Fire Department.

Finance, Assessment & Insurance, Mr. Kubasik, Chairperson, reported that the Committee approved refilling vacant positions in the Mental Health Department, Human Services Department, Workforce, E911, Sheriff Offices, Maintenance and District Attorney Office.

County Manager's Remarks

Ms. Sinclair reported that Scott LaVigne, the Director of Mental Health, was appointed to the NYS Conference of Local Mental Hygiene Directors, Inc., an Affiliate of the New York State Association of Counties. He serves as the Second Vice-Chair for CLMHD and Chair of the CLMHD Planning Committee.

Ms. Sinclair also reported that the Governor's report, *Charting a New Course: A Blueprint for Transforming Juvenile Justice in New York State* was released. Charles Schillaci, Commissioner of Human Services, served on the Governor's Task Force for Juvenile Justice. The task force focused in particular on youth's placement into the care and custody of the Office of Children and Family Services.

Communications:

21. A copy of the Seneca county Federation of Sportsmen's Clubs, Inc. January 19, 2010 Annual meeting minutes.
22. A copy of the Finger Lakes Regional Airport Advisory Committee December 08, 2009 meeting minutes.
23. From Paul S. Beeber, Esq., President and General Counsel, NYS Coalition Opposed to Fluoridation, Inc., an email addressing the subject: "Why Citizens & Legislators should say NO to fluoridation of public water supply".
24. From the Department of State, notification of funding through the Local Waterfront Revitalization Program for the following projects: construction of the Cayuga Seneca Trail 1 - \$88,160.00; construction of the Cayuga Seneca Trail 2 - \$78,921.00; construction of the Cayuga Seneca Trail 3 - \$9,291.00; Cayuga Lake Blueway Trail Plan - \$45,000.00.
25. From the Department of the Treasury, feedback from comments made by the ranking panel that reviewed Seneca County's VITA Program.
26. From the Seneca County IDA, a copy of the Annual Financial Disclosure Forms / Certification of No Conflict of Interest for IDA Board members and staff.

Resolutions and Motions

BOARD APPROVES APPOINTMENT OF A FINGER LAKES WORKFORCE INVESTMENT BOARD MEMBER

RESOLUTION NO. 36-10, moved by Mr. Mooney, seconded by Mrs. Amidon and unanimously adopted.

WHEREAS, the Seneca County Board of Supervisors has authorized the creation of the Finger Lakes Workforce Investment Board for the counties of Ontario, Wayne, Seneca and Yates in compliance with the Workforce Investment Act (WIA) of 1998 and the appointment of the public sector Workforce Investment Board Members must be endorsed by the four counties of Ontario, Wayne, Seneca and Yates; and

WHEREAS, the Seneca County Board of Supervisors shall endorse the following public sector representative to the Finger Lakes Workforce Investment Board for a term effective January 1, 2010 to June 30, 2012:

Mr. Martin Williams, Deputy Director
Wayne County Department of Aging and Youth
Wayne County
1519 Nye Road, Suite 300
Lyons, New York 14489; and

WHEREAS, this appointment was reviewed and approved by the Human Services Committee on February 09, 2010; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby endorse the appointment of Mr. Martin Williams to the Finger Lakes Workforce Investment Board; and be it

FURTHER RESOLVED, that the Clerk to the Board of Supervisors send a certified copy of this resolution to the Finger Lakes Workforce Investment Board and to the Clerks of the Boards of Ontario, Wayne and Yates Counties.

**BOARD OF SUPERVISORS AUTHORIZES REQUEST FOR ASSISTANCE FROM STATE
ELECTED OFFICIALS**

RESOLUTION NO. 37-10, moved by Mr. Shipley, and unanimously adopted.

WHEREAS, the Cayuga Indian Nation of New York has applied to the Bureau of Indian Affairs to take property in Cayuga and Seneca Counties into trust pursuant to the 1934 Indian Reorganization Act; and

WHEREAS, the State of New York, in fulfilling its obligation under §10 of the State Law, provides both counties with representation in defense of this action on the grounds that the action constitutes an attack upon the sovereignty of the State; and

WHEREAS, in November 2009, law enforcement officials in both Seneca and Cayuga Counties determined that the Cayuga Indian Nation of New York may be in possession of and offering for sale cigarettes that lacked the necessary stamp indicating payment of tax imposed under Article 20 of the New York State Tax Law; and

WHEREAS, an investigation following the execution of a search warrant, revealed a large quantity of allegedly untaxed cigarettes; and

WHEREAS, in response to the execution of such search warrant, the Cayuga Indian Nation of New York instituted a civil action against Seneca and Cayuga County Officials, challenging the authority of County Officials to enforce the provisions of New York State Tax Law on property owned by the Cayuga Indian Nation of New York on the grounds that the Nation maintained a sovereign reservation on these parcels of land and that they are therefore immune from enforcement of provisions of New York State Tax Law by the State; and

WHEREAS, Seneca County was thereby obligated and compelled to retain legal counsel to defend this action and the right of duly elected Law Enforcement Officials to enforce New York State Law on these parcels of land situate in the County of Seneca; and

WHEREAS, the County has requested, pursuant to the State Law of the State of New York, §10, that the County of Seneca be provided with representation in defense of these actions inasmuch as these actions by the Cayuga Indian Nation of New York constitute a claim inconsistent with the State of New York's sovereignty and jurisdiction; and

WHEREAS, the Governor has denied the request of Seneca County; and

WHEREAS, in response to the appeal by both Cayuga and Seneca Counties of the decision of the Supreme Court Appellate Division, the Attorney General has submitted an amicus curia brief in support of the claim of both counties and said brief asserts the fact that the refusal of the Cayuga Indian Nation of New York to pay taxes pursuant to Article 20 of the New York State Tax Law is based on its claim of special legal status flowing from its claim that the relevant lands are a reservation and that indeed one of the distinguishing characteristic of an Indian Reservation is the right of the tribe to exercise sovereignty over the land; and

WHEREAS, it is the position of the Seneca County Board of Supervisors that the action instituted by the Cayuga Indian Nation of New York constitutes an attack upon the sovereignty of the State of New York and that therefore the Governor of the State of New York should fulfill his obligations under §10 of the State Law; now, therefore, be it

RESOLVED, that the County of Seneca respectfully requests the assistance of its duly elected legislative leaders in speaking with the Governor to fulfill its obligation under §10 of the State Law of the State of New York; and be it further

RESOLVED, a copy of this resolution be sent to the following public officials: David Paterson, Governor of the State of New York; Michael Nozzolio and David Valesky, New York State Senators; and Brian Kolb, Gary Finch and Robert Oaks, New York State Assemblymen, together with a statement of the County's legal fees and the County's efforts to obtain legal representation from the Governor under §10 State Law.

Laverne C. Lafler, Jr., Chairman

Robert Shipley, Indian Affairs Committee Chair

Patricia Amidon

Stephen J. Churchill

Lee Davidson

Robert W. Hayssen

David M. Kaiser

Keith Kubasik

Cindy Garlick-Lorenzetti

James H. Mooney

Alfred "Walt" Prouty, Jr.

Michael G. Reynolds

Peter Same

Ron Serven

**SUPERVISORS APPOINT RICHARD UNDERWOOD TO THE SENECA COUNTY
COMMUNITY SERVICES BOARD**

RESOLUTION NO. 38-10, moved by Mr. Reynolds, seconded by Mr. Davidson and unanimously adopted.

WHEREAS, there are vacancies on the Community Services Board; and

WHEREAS, the Community Services Board has moved to recommend the appointment of Richard Underwood, Director of the Elmira Psychiatric Center Outpatient Clinic, to the Community Services Board; and

WHEREAS, the Board of Supervisors Mental Health Committee supports and approves the Community Services Board recommendations; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Richard Underwood to the Community Services Board, for a four-year term to expire February 23, 2014.

**SUPERVISORS REAPPINT PETER SAME, EDWARD FRANZONI, TED PAPPERMAN, AND
CRAIG VANVESSEM TO THE SENECA COUNTY COMMUNITY SERVICES BOARD**

RESOLUTION NO. 39-10, moved by Mr. Reynolds, seconded by Mr. Kaiser and unanimously adopted.

WHEREAS, the following current members of the Community Services Board have terms that are set to expire; and

WHEREAS, the Community Services Board has moved to recommend the reappointment of Mr. Peter Same, Dr. Edward Franzoni, Dr. Ted Papperman and Mr. Craig VanVessem to the Community Services Board; and

WHEREAS, the Board of Supervisors Mental Health Committee supports and approves the Community Services Board recommendations that these four candidates be reappointed; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby reappoint:

Peter Same, Seneca Falls, New York 13148

Dr. Edward Franzoni, Ph.D., Ovid, New York 14521

Dr. Ted Papperman, Ph.D., Seneca Falls, New York 13148

Craig VanVessem, Romulus, New York 14541

To the Community Services Board, each to a four-year term to expire February 23, 2014.

**SUPERVISORS APPROVE 2010 MENTAL HEALTH DEPARTMENT CONSULTANT
SERVICE PROVIDER CONTRACTS**

RESOLUTION NO. 40-10, moved by Mr. Reynolds, seconded by Mr. Same and unanimously adopted.

WHEREAS, the Department of Mental Health enters into services contracts each year with mental health consultant-specialists to provide services which are not easily hired-for, and/or are not needed on a full time basis; and

WHEREAS, the following consultants:

John Burrows, Lodi, New York 14860, Vocational Education
Dr. Dorothy Lennon, Syracuse, New York 13224, Medical Director
Lisa DePalma, Geneva, New York 14456, Nurse
Katherine Merriman, Trumansburg, New York 14886, Psychiatric Social Worker
Dr. David Kaufman, Rochester, New York 14610, Child & Adolescent Psychiatrist
Dr. Venkatta Satti, Horseheads, New York 14845, Psychiatrist
William Kelly, Rochester, New York 14623, Sexual Offender Psychiatric SW
Dr. Kang Yu, Seneca Falls, New York 13148, Medical Director
Pamela King, Farmington, New York 14425, nurse practitioner
Paula Noyes, Waterloo, New York 13165, nurse
Raymond Pettis, Canandaigua, New York 14424, Psychiatric Social Worker
Martha Ann Sims, Rush, New York 14543, Psychiatric Social Worker
Lori Webb, Farmington, New York 14425, Psychiatric Social Worker
Ann Knoll, Fairport, New York 14450, Child Sexual Abuse Psychiatric Social Worker
Tricia Miller, Geneva, New York 14456, Jail Psychiatric Social Worker
Richard Hoyt, Ph.D., Lyons, New York 14489, Psychologist
Ida May Elliott, Waterloo, New York 13165, SPOA Coordinator

Have been approved by the Mental Health Department; and

WHEREAS, the funds for these consultant contracts are available in the 2010 Mental Health Budget in the following accounts 10-115-5-4320-4350; 10-115-5-4220-4350 and 10-115-5-4310-4350; and

WHEREAS, the Board of Supervisors Mental Health Committee approved this measure to go before the full Board of Supervisors; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized and directed to sign the 2010 Consultant Service Provider contracts.

SUPERVISORS APPROVE 2010 MENTAL HEALTH DEPARTMENT AGENCY SERVICE PROVIDER CONTRACTS

RESOLUTION NO. 41-10, moved by Mr. Reynolds, seconded by Mrs. Amidon and unanimously adopted.

WHEREAS, the Department of Mental Health enters into services contracts each year with Seneca-Cayuga ARC; Lakeview Mental Health Services, Inc; Finger Lakes Parent Network; Cayuga Home for Children; Unity House of Cayuga County; Challenge Industries; and the Council on Alcoholism and Other Chemical Dependencies of the Finger Lakes, Inc., to provide mental health and alcoholism services to the residents of Seneca County; and

WHEREAS, the funds used for these contracts are passed through state aid monies from the New York State Office of Mental Health, New York State Office of Mental Retardation and Developmental Disabilities and the New York State Office of Alcoholism and Substance Abuse Services; and

WHEREAS, the total state dollars invested amount is \$974,943 (account 10-319-3-3490; 10-319-3-3488 and 10-319-3-3491) and the mandated local share is \$28,230; and

WHEREAS, the Board of Supervisors Mental Health Committee approved this measure to go before the full Board of Supervisors; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized and directed to sign the 2010 Agency Service Provider contracts for Seneca-Cayuga ARC; Lakeview Mental Health Services, Inc.; Finger Lakes Parent Network; Cayuga Home for Children; Unity House of Cayuga County; Challenge Industries; and the Council on Alcoholism and Other Chemical Dependencies of the Finger Lakes, Inc.

**APPLICATION FOR RECEIPT OF GRANT FUNDS IN THE MAXIMUM AMOUNT OF \$7,050
FOR ALTERNATIVES TO INCARCERATION FUNDING FOR A TERM COMMENCING
JANUARY 1, 2010 AND TERMINATING DECEMBER 31, 2010**

RESOLUTION NO. 42-10, moved by Mr. Davidson, seconded by Mr. Mooney and unanimously adopted.

WHEREAS, the Director of the Seneca County Probation Department and the Chairperson of the Criminal Justice Advisory Board requests permission to submit an application to the New York State Division of Probation and Correctional Alternatives in order to receive grant funds in the amount of \$7,050; and

WHEREAS, the Public Safety Committee approved this resolution at its meeting on February 23, 2010; now, therefore, be it

RESOLVED, that the County Manager is hereby authorized and directed to execute and submit an application to the NYS Division of Probation and Correctional Alternatives, 80 Wolf Road, 5th Floor, Albany, NY 12205, for receipt of grant funds in the maximum amount of \$7,050 for Alternatives to Incarceration funding for a term commencing January 1, 2010 and terminating December 31, 2010; and, be it

FURTHER RESOLVED, that upon notification of the award of said grant funds the County manager is hereby authorized and directed to execute any and all grant documents on behalf of the County of Seneca relative to the above.

**RESOLUTION AUTHORIZING INTERMUNICIPAL AGREEMENT FOR FORENSIC
SERVICES BETWEEN THE COUNTY OF MONROE AND COUNTY OF SENECA FOR
PERIOD JANUARY 1, 2010 THROUGH DECEMBER 31, 2010**

RESOLUTION 43-10, moved by Mr. Davidson, seconded by Mr. Churchill and unanimously adopted.

WHEREAS, the County of Monroe Public Safety Laboratory operates a regional laboratory (herein referred to as a laboratory) that provides forensic services to counties within the Genesee / Finger Lakes Region; and

WHEREAS, the County of Seneca is desirous of receiving continued services from the laboratory; and

WHEREAS, the County of Monroe has notified the Sheriff of Seneca County that the contract fee for 2010 will be \$12,915.00; and

WHEREAS, said amount was approved in the 2010 Seneca County Budget and will be appropriated from the Sheriff Criminal Investigation budget line 10-110-5-3114-4380; and

WHEREAS, the Public Safety Standing Committee approved this resolution at its meeting on February 23, 2010; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to execute the contract documents consistent with the terms hereof.

APPROVE MCFARLAND JOHNSON AS CONSULTANT ENGINEERS FOR THE MASTER PLAN UPDATE FOR THE FINGER LAKES REGIONAL AIRPORT

RESOLUTION NO. 44-10, moved by Mrs. Amidon, seconded by Mr. Davidson and unanimously adopted.

WHEREAS, Seneca County selected McFarland Johnson through a competitive process in 2009 to be Seneca County's Airport Engineers; and

WHEREAS, Seneca County is applying to the Federal Aviation Administration (FAA) for funding to update the Finger Lakes Regional Airport's Master Plan; and

WHEREAS, FAA is requiring the update before the rehabilitation and upgrades to the existing runway; and

WHEREAS, the total grant would be for \$200,000 with the Seneca County local share at 2.5% or \$5,000 which has been budgeted for in the 2010 Airport Budget; and

WHEREAS, the resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on February 9, 2010; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors approve McFarland Johnson as the Consultant Engineering Firm for the update of the Master Plan for the Finger Lakes Regional Airport.

APPLICATION TO FAA FOR MASTER PLAN UPDATE FOR THE FINGER LAKES REGIONAL AIRPORT

REGIONAL NO. 45-10, moved by Mrs. Amidon, seconded by Mr. Same and unanimously adopted.

WHEREAS, the Federal Aviation Administration (FAA) has indicated that a grant will be made available for the update of the Finger Lakes Regional Airport Master Plan; and

WHEREAS, the Master Plan has not been updated since 1988; and

WHEREAS, the FAA is requiring the update before the rehabilitation and upgrades to the existing runway; and

WHEREAS, the total grant would be for \$200,000 with the Seneca County local share at 2.5% or \$5,000 which has been budgeted for in the 2010 Airport Budget; and

WHEREAS, the resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on February 9, 2010; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors approves the application to the FAA for the Master Plan Update and that the Chairman of the Board of Supervisors be authorized and directed to sign all necessary documentation to submit this application to the FAA.

DIRECT CHAIRMAN TO SIGN 2010 CENSUS BOUNDARY VALIDATION FORMS
RESOLUTION NO. 46-10, moved by Mrs. Amidon, seconded by Mr. Churchill and unanimously adopted.

WHEREAS, the U. S. Census Bureau has sent out digital maps of the Seneca County Boundary for review and verification; and

WHEREAS, the Department of Planning and Community Development has reviewed the maps and finds them to be in order and consistent with historic maps of the county boundary; and

WHEREAS, the form to return these maps requires the signature of the Highest Elected Official for Seneca County; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on February 9, 2010; now, therefore, be it

RESOLVED, that the Chairman of the Seneca County Board of Supervisors be directed to sign the 2010 Census Boundary Validation Forms.

Old Business

A discussion took place regarding DNA testing by a laboratory in the Netherlands operated by Richard and Selma Eikelenboom and the 1985 homicide of Kristin O'Connell. Mr. Hayssen was contacted by Mrs. O'Connell who expressed her frustration. The Eikelennbloom laboratory developed technology known as Touch DNA. The technology could be used to help identify persons involved in the murder of her daughter. However, New York's Department of Health says the lab will have to apply to be licensed in New York State and it refuses to waive the licensing process.

Mr. Fisher, County Attorney, advised the supervisors to hold discussion of this case in executive session because although the case is twenty-four years old, it remains a criminal investigation and any discussion should include the District Attorney and the New York State Police.

New Business:

Mr. Davidson moved to suspend the rules of order to introduce the following resolutions:

**BOARD OF SUPERVISORS OPPOSES CLOSING OF STATE PARKS WHILE SALES OF
UNTAXED CIGARETTES BY INDIAN TRIBES CONTINUE**

RESOLUTION NO. 47-10, moved by Mr. Shipley and unanimously seconded and adopted.

WHEREAS, the Governor has proposed closing or restricting services at State Parks during 2010 in order to reduce the state budget deficit; and

WHEREAS, Indian Tribes in New York State have refused to pay taxes lawfully due on sales of hundreds of millions of dollars in cigarette sales made to non-Indian consumers, costing the State, at the most conservative estimates, tens of millions of dollars in revenue; now, therefore, be it

RESOLVED, that the Chairman of the Seneca County Board of Supervisors is authorized and directed to sign a letter directed to the Governor of the State of New York expressing the opposition of the Board of Supervisors on behalf of the citizens of Seneca County, to the planned closure of or restriction of services in State Parks during 2010 until appropriate action has been taken to collect taxes due on the sales of cigarettes by Indian Tribes in New York State; and be it further

RESOLVED, that the Clerk of the Board is directed to send a copy of such letter to Assemblyman Brian M. Kolb, Senator Michael F. Nozzolio and to the governing bodies of the counties in New York State.

**A RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW C OF 2010 ESTABLISHING
RESIDENCY REQUIREMENTS FOR THE POSITION OF ASSISTANT DISTRICT
ATTORNEY FOR SENECA COUNTY AND PROVIDING FOR PUBLIC HEARING**

RESOLUTION NO. 48-10, moved by Mr. Same, seconded by Mr. Davidson and adopted by 608 ayes (Same, Davidson, Reynolds, Serven, Prouty, Kaiser, Lafler, Churchill, Amidon, Hayssen, Mooney, Kubasik) and 142 nays (Garlick-Lorenzetti, Shipley).

WHEREAS, Section 3 of the New York State Public Officers Law establishes residency requirements for certain public officers; and

WHEREAS, exceptions to §3 P.O.L. have been passed rendering that law a special rather than general law and permitting municipalities to similarly create exceptions pursuant to New York State Municipal Home Rule Law; and

WHEREAS, it is the recommendation of the Personnel Committee that a Local Law be enacted exempting from the residency requirements of §3 P.O.L., Assistant District Attorneys for Seneca County other than the First Assistant District Attorney; now, therefore, be it

RESOLVED, that proposed Local Law C of 2010 entitled "A Local Law to Establish residency requirements for the position of Assistant District Attorney for Seneca County" 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 1 The provisions of §3 New York State Public Officers Law requiring a person to be a resident of the political subdivision or municipal corporation of the State for which he or she shall be chosen or within which his or her official functions are required to be exercised, shall not prevent a person from holding the office of Assistant District Attorney of the County of Seneca, provided that such person resides in Seneca County or in an adjoining county within the State of New York;

SECTION 2 The provisions of this local law shall not apply to any person holding the office of First Assistant District Attorney or Chief Assistant District Attorney, the holder of which office would assume the duties of the District Attorney upon the District Attorney's absence from the County or upon the District Attorney's inability to perform his or her duties.

SECTION 3 This local law shall take effect immediately upon filing with the Secretary of State in accordance with §27 of the 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 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 APPOINTS MICHAEL REYNOLDS TO THE SENECA COUNTY
SOIL & WATER CONSERVATION BOARD**

RESOLUTION NO. 49-10, moved by Mrs. Amidon, seconded by Mr. Same and unanimously adopted.

WHEREAS, membership of the Seneca County Soil & Water Conservation District Board includes representation of the governing body; and

WHEREAS, the term is one year, effective immediately upon appointment and expires on December 31, 2010; and

WHEREAS, the Board of Supervisors Planning, Development, Agriculture & Tourism Committee recommends the appointment of Supervisor Michael Reynolds of Covert to the position; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Michael Reynolds to the Seneca County Soil & Water Conservation District Board, for a one-year term effective immediately and to expire December 31, 2010.

**BOARD OF SUPERVISORS APPOINTS RON SERVEN TO THE SENECA COUNTY
AGRICULTURE ENHANCEMENT BOARD**

RESOLUTION NO. 50-10, moved by Mrs. Amidon, seconded by Mr. Churchill and unanimously adopted.

WHEREAS, membership of the Seneca County Agricultural Enhancement Board includes representation of the governing body; and

WHEREAS, the term is two years, effective immediately upon appointment and expires on December 31, 2011; and

WHEREAS, the Board of Supervisors Planning, Development, Agriculture & Tourism Committee recommends the appointment of Supervisor Ron Serven of Junius to the position; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Ron Serven to the Seneca County Agricultural Enhancement Board, for a two-year term effective immediately and to expire December 31, 2011.

Mrs. Amidon moved that the Board recess to hold committee meetings.

Mr. Same moved that the Personnel Committee meet in executive session for the purpose of holding discussions relating to collective negotiations pursuant to article fourteen of the civil service law. The committee met from 9:00 p.m. to 9:25 p.m. No action followed.

Mr. Davidson moved that the Public Works Committee meet in executive session for the purpose of holding discussions relating to the proposed acquisition of real property. The committee met from 9:28 p.m. to 9:46 p.m.

Mr. Davidson moved that the Public Safety Committee meet in executive session for the purpose of holding discussion relating to future investigation or prosecution of a criminal offense. The committee met from 9:49 p.m. to 9:55 p.m.

Chairman Lafler called to order the regular board meeting.

Special Order of the Day

The meeting was adjourned at 9:56 p.m.