

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

April 13, 2010

8:00 p.m.

Call to Order

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

Roll Call of Members by the Clerk

Thirteen members of the Board answered roll call. Mr. Serven was not present.

Pledge of Allegiance and Moment of Silence

Presentations:

Mr. Peter Kehoe, Executive Director of New York State Sheriff's Association, officially awarded Accreditation status by the New York State Sheriff's Association to the Seneca County Sheriff's Office Court Security Division, becoming one of only five Court Security Divisions state-wide to have achieved this distinction.

Petitioner:

Mr. Robert McGill, resident, Town of Waterloo, addressed the Board of Supervisors expressing concern of "environmental problems" in Seneca County, specifically "ground water contamination, air pollution, and contamination of the lakes". His remarks are filed with the Office of the Clerk of the Board of Supervisors.

Submission of Claims for Audit

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

Supervisors vouchers	# 822 - 1131	totaling	\$	944,533.89
OFA vouchers	# 203 - 275	totaling	\$	119,116.94
Workforce Development vouchers	# 58 - 77	totaling	\$	19,982.62
Insurance vouchers	# 23 - 33	totaling	\$	22,205.60
Sheriff vouchers	# 234 - 292	totaling	\$	66,961.93
County Airport vouchers	# 31 - 43	totaling	\$	12,918.21
Highway Transportation vouchers				
Maintenance & State Snow	# 73 - 103	totaling	\$	189,178.57
Highway Machinery	# 123 - 161	totaling	\$	67,495.01
		Highway Total	\$	256,673.58

Airport Capital vouchers	# 4 - 5	totaling	\$	38,335.00
Highway Capital vouchers	# 7 - 8	totaling	\$	1,649.46
Veterans Cemetery Capital Vouchers	# 11 - 15	totaling	\$	219,986.50
Sewer and Water District vouchers	# 18 - 24 26 - 43	Totaling	\$	39,165.33

Reports of Standing Committees

Public Safety, Mr. Davidson, Chairperson, reported that the Committee approved May 5th as “Law Day” in Seneca County. The theme for 2010 is “Law in the 21st Century: Enduring Traditions, Emerging Challenges”. The Committee also approved refilling one position for Correctional Officer.

Public Works, Mr. Davidson, Chairman, said that the Committee discussed the request from the Varick Sewer District to construct a sewer line to connect to Seneca County District No. 1 at the Sampson State Park. Jason McCormick, P.E., Director of the Seneca County Sewer & Water Department will research the matter and report back to the Committee at its next meeting. Also, the Committee met in executive session to discuss proposed litigation in regard to the status of certain sewer lines operated by Seneca County Sewer District No. 2.

Indian Affairs, Mr. Shipley, Chairperson, said that the Committee recommended that the Board of Supervisors suspend the rules and pass a same-night resolution authorizing comment by the Board of Supervisors encouraging the State DTF to require payment of tax on sales of cigarettes by Indian tribes in New York.

Human Services, Mr. Mooney, Chairperson, reported that the Committee recommended awarding bids to Adecco of Auburn, NY for temporary labor at 63 % over pay rate for the Weatherization Assistance ARRA Program; and at 62% over pay rate for the non-ARRA Weatherization Assistance Program. The Committee recommended endorsing several members from Ontario, Yates, and Wayne counties to the Workforce Investment Board in accordance with the Administrative Agreement with Seneca County. Also, the Committee approved the following as recommended by the Vacancy Committee. Refill 2 Summer Youth Counselor vacancies; refill part time Driver vacancy; refill part time Typist vacancy; refill 2 Caseworkers; one Foster Care, one Child Protective; and rather than refill vacant Social Services Investigator position, increase hours of current Social Services Investigator.

Personnel & Technology, Mr. Same, Chairperson, reported that the Committee discussed and recommended that the Board of Supervisors adopts a model plan resolution before December 31, 2011.

Public Health, Mrs. Garlick Lorenzetti, Vice-Chairperson, reported that the Committee approved the solicitation of bids the Annual Household Hazardous Waste Collection Day. The Department will hold a pharmaceutical collection event in conjunction with the HHW Collection event. The funding for this collection is in the Pubic Health budget with anticipated partial reimbursement from the DEC. The

Committee also recommended a board resolution authorizing the Chairman of the Board to sign the necessary paperwork for a contract with Ontario County for the Cancer Services Program. The period for this grant will be April 1, 2010 through March 31, 2011. The Health Department will be compensated in the amount of \$ 34,070 for these services.

Finance, Assessment & Insurance Committee, Mr. Kubasik, Chairperson, reported that his committee discussed and approved the extension of tax rolls and bills for School Districts and Villages; provide tax roll and tax bill extract files to Romulus, Seneca Falls, Trumansburg and Waterloo School Districts to extend tax bills; transfer of funds from the Workers' Compensation Reserve Account into the State Assessment Account.

#### Chairman's Remarks

Chairman Lafler urged the public to complete the 2010 Census. The deadline was April 16. Statistically there were still 450 households that needed to mail in its census, and 72% of households in Seneca County have responded.

#### County Manager's Remarks

County Manager Sinclair provided each supervisor a copy of her monthly report which is on file at the Office of the Clerk of the Board of Supervisors.

#### Communications:

43. From NYS Assembly Minority Leader Brian Kolb, a copy of a letter dated March 31, 2010, to Governor Paterson recommending reconsideration for financial assistance with litigation costs under Article 2 Section 10 of State Law incurred by Seneca and Cayuga Counties.
44. From Governor Paterson, an acknowledgment of receipt letter dated March 8, 2010 for Seneca County Resolution No. 37-10 requesting assistance by elected officials to speak with Governor Paterson to fulfill his obligation under §10 New York State Law, providing representation for Seneca County on the grounds that action by the Cayuga Indian Nation, to take property in Seneca and Cayuga Counties into trust, constitutes an attack upon the sovereignty of the State.
45. From Fred Gaffney, Executive Director, Seneca County Chamber of Commerce, a copy of a letter dated March 22, 2010 to John W. Bartlett, Director of Regulations, Department of Taxation and Finance, supporting all efforts to enforce the New York State tax law in collecting sales and excise taxes on cigarette sales at American Indian businesses, including the proposed amendment to the Cigarette Tax Regulation Section 74.6, to limit the supply of unstamped and untaxed cigarettes to American Indian retailer for use only by tribal members.
46. From Patrick Hooker, Commissioner, NYS Department of Agriculture and Markets, a copy of a letter dated March 24, 2010, approving the Town of Junius Agriculture and Farmland Protection Plan adopted by the Town Board on November 18, 2009.

47. From Robert H. Hayssen, a copy of a letter from and to NYS Minority Leader Brian M. Kolb from Betty Kusel, Deputy Director, Division of Laboratory Quality Certification, NYS Department of Health, which summarizes the reasons behind the Department's denial of the Seneca County Board of Supervisors' request for an exemption to use the analysis of Independent Forensic Services in the Netherlands.
48. From Glen Silver, President, Concerned Citizens of Seneca County, Inc., an electronic communication dated March 21, 2010 to the Seneca County Supervisors regarding "possible conflict of interest on the Environmental Affairs and Citizen's Advisory Committee", citing reasons why supervisors and other agencies should not be appointed to the Environmental Affairs Committee or Advisory Committee, and naming six agencies that should be given priority representation.
49. From Glen Silver, an electronic communication dated March 21, 2010 to the Seneca County Supervisors expressing opposition to "Seneca County's push toward fluoridating its water supplies".
50. From John P. Patti, Waterloo, NY, an electronic communication dated April 10, 2010 regarding Cayuga County's Regional Digester Project and requesting that the Environmental Affairs Committee track the development of the project.
51. From Essex County Board of Supervisors, Resolution No. 109, "Calling on the Governor of the State of New York to Enforce the Collection of Sales Taxes on Tobacco sold on Indian Lands.
52. A copy of minutes of the Seneca County Industrial Development Agency February 4, 2010 meeting.
53. A copy of minutes of the Seneca County Planning Board March 11, 2010 meeting.
54. A copy of minutes of the Seneca County Soil & Water Conservation District February 22, 2010 meeting.
55. From Rensselaer County Legislature, a copy of Resolution No. P/143/10 in support of rail transportation services for Rensselaer County. Referred to the Planning, Development, Agriculture & Tourism Committee.
56. From American Postal Workers Union Local 2255 and National Postal Mail Handlers Union, a request for a resolution from the Seneca County Board of Supervisors to demand that the United States Postal Service cease and desist from consolidating the Elmira and the Rochester facilities. Referred to the Government Operations Committee.

Resolutions and Motions

**BOARD OF SUPERVISORS APPROVES TRANSFER OF FUNDS FROM THE WORKERS' COMPENSATION RESERVE ACCOUNT TO THE STATE ASSESSMENT ACCOUNT 1710.4280 AND AUTHORIZES THE TREASURER TO MOVE FUNDS**

RESOLUTION NO. 81-10, moved by Mr. Kubasik, seconded by Mr. Reynolds and adopted.

WHEREAS, the County has received an unanticipated increase in the Workers' Compensation Board Assessments, this will cause a shortfall in the 2010 State Assessment line item; and

WHEREAS, State Assessment Account 1710.4280 currently lacks funds necessary to pay this invoice and future invoices throughout 2010 and requires additional funds to do so in order to avoid financial penalty for failure to pay, requiring that the Seneca County Treasurer transfer \$100,000 from the Workers' Compensation Reserve to account 1710.4280 (State Assessments); now, therefore, be it

RESOLVED, that the Treasurer is authorized and directed to transfer funds of the Workers' Compensation Reserve Fund in the amount of \$100,000 to the account of Workers' Compensation Board Assessment account no. 1710.4280.

**PROVIDE TAX ROLL AND BILL EXTRACT FILES TO ROMULUS – SENECA FALLS – TRUMANSBURG – WATERLOO SCHOOL DISTRICTS**

RESOLUTION NO. 82-10, moved by Mr. Kubasik, seconded by Mrs. Amidon, and adopted.

WHEREAS, Seneca County has provided tax extract files to the Romulus – Seneca Falls – Trumansburg – Waterloo School Districts to enable them to extend their own school tax bills for the past 3 years; and

WHEREAS, the School Districts are desirous of continuing this service in 2010; and

WHEREAS, it would be in the best interest of the County and School Districts to continue the service; now, therefore, be it

RESOLVED, that the Chairman of the Seneca County Board of Supervisors, after review and approval by the County Attorney, be and hereby is authorized to sign agreements with the Romulus-Seneca Falls-Trumansburg-Waterloo School Districts to provide tax extract files to enable the schools to extend tax bills.

**EXTEND TAX ROLLS AND BILLS FOR SCHOOLS AND VILLAGES THAT UTILIZE COUNTY'S COMPUTER SYSTEM**

RESOLUTION NO. 83-10, moved by Mr. Kubasik, seconded by Mr. Davidson and adopted.

WHEREAS, Seneca County has for the past several years extended school rolls and tax bills for the school districts and villages within the County; and

WHEREAS, the school districts and villages are desirous of continuing this service; and

WHEREAS, it would be in the best interest of the County, School Districts and Villages to continue the service; now, therefore, be it

RESOLVED, that the Chairman of the Seneca County Board of Supervisors, after review and approval by the County Attorney, be and hereby is authorized to sign the annual agreements pertaining to the extension of tax rolls and bills for schools and villages located in towns that utilize the County's

computer system in the following school districts: South Seneca and Phelps-Clifton Springs and in the following villages: Interlaken, Lodi, Ovid, Seneca Falls and Waterloo.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED TO SIGN A CONTRACT  
WITH CATHY BOND FOR EMERGENCY PREPAREDNESS PLANNING**

RESOLUTION NO. 84-10, moved by Mr. Hayssen, seconded by Mr. Same and adopted.

WHEREAS, Cathy Bond is a consultant who has been working with the Health Department on Emergency Preparedness Planning for five years; and

WHEREAS, under the Emergency Preparedness Grant (Aug. 10, 2009 to August 9, 2010) her duties include: the assessment of current plans, re-write and updating of local plans, the development of new plans per NYSDOH deliverable contract requirements, the facilitation of drills and exercises and the completion of After Action Reports. She also performs quarterly staff trainings and ILI (Influenza Like Illness) daily surveillance at schools, provider offices, nursing homes and day care centers; and

WHEREAS, she will receive \$60 per hour, not to exceed \$40,000 per grant year; and

WHEREAS, under the Office of Homeland Security Grant (August 10, 2009 to August 9, 2010) her duties include: the development of a Health Emergency Radiological Response Plan Annex, conducting quarterly communication drills, conducting quarterly SNS trainings, conducting COOP workshops for Local Health Department and key County Leadership, producing and distributing a quarterly MRC Newsletter and performing volunteer coordination and volunteer training; and

WHEREAS, she will receive \$60 per hour, not to exceed \$13,889 for the two year grant period; and

WHEREAS, the funds for these expenses are in the Public Health budget 10-115-5-4014-4370 (Emergency Preparedness) and 10-115-5-4010-4371 (Homeland Security); and

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

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign a contract with Cathy Bond for consulting work under the Emergency Preparedness and Office of Homeland Security Grants.

**BOARD OF SUPERVISORS AUTHORIZES AND DIRECTS CHAIRMAN TO ENTER INTO  
AGREEMENT WITH THE TOWN OF FAYETTE FOR ZONING ENFORCEMENT SERVICES**

RESOLUTION NO. 85-10, moved by Mr. Hayssen, seconded by Mr. Shipley and adopted by 699 ayes (Hayssen, Shipley, Reynolds, Garlick-Lorenzetti, Davidson, Prouty, Kaiser, Same, Lafler, Churchill, Mooney, Kubasik), 20 nays (Amidon) and 31 not present (Serwen).

WHEREAS, the Town of Fayette and the County of Seneca are desirous of entering into an agreement pursuant to §284(I) of the New York State Town Law for enforcement of the Town of Fayette Land Use and Sub-division Regulations (Zoning Code); and

WHEREAS, this resolution was approved by the Public Health Services Committee on March 23, 2010 for recommendation to the Board of Supervisors; now, therefore, be it

RESOLVED, that the Chairman is authorized and directed to enter into a contract with the Town of Fayette pursuant to §284(I) of the New York State Town Law to provide zoning code enforcement services for the Town of Fayette under the Land Use and Sub-division regulations of the Town of Fayette; and be it further

RESOLVED, that the terms of such agreement shall provide for reimbursement of the County by the Town of Fayette for personnel expenses incurred by the County for such purpose in an amount consummate with the County's actual salary, fringe and mileage costs; that such agreement shall continue for an additional period of nine months; and that any reimbursement or funding through any program or grant from the State of New York shall be divided between the County and the Town of Fayette in proportion to their respective contributions.

Prior to the adoption of the above resolution, Mrs. Amidon stated that she would not support the resolution because it did not cite a specific rate of reimbursement.

**SUPERVISORS AUTHORIZE CHAIRMAN TO SIGN LETTER EXPRESSING SUPPORT BY THE BOARD OF SUPERVISORS FOR NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE REGULATIONS COLLECTING TAX ON SALES OF TOBACCO PRODUCTS BY INDIAN TRIBES TO NON-INDIANS**

RESOLUTION NO. 86-10, moved by Mr. Shipley, seconded by Mr. Mooney and adopted.

WHEREAS, New York State Department of Taxation and Finance has proposed regulations by which the State shall commence collection of tax on sales of tobacco products by Indian Tribes to non-Indians; and

WHEREAS, these rules would, after many years of failure on the part of the state, enforce New York State Tax laws on sales by members of Indian Tribes in New York; and

WHEREAS, the benefits to both State and local government as well as local businesses that will result from imposition of the proposed regulations are virtually incalculable, involving the likely collection of hundreds of thousands of dollars in sales taxes alone; now, therefore, be it

RESOLVED, that the Chairman of the Seneca County Board of Supervisors is hereby authorized and directed to sign a letter directed to the New York State Department of Taxation and Finance expressing the support of the Seneca County Board of Supervisors on behalf of the people of Seneca

County for proposed regulations designed to collect tax on sales of tobacco products by Indian Tribes to non-Indians.

**BOARD OF SUPERVISORS APPROVES CONTRACT FOR FORENSIC SERVICES**

RESOLUTION NO. 87-10, moved by Mr. Davidson, seconded by Mrs. Amidon and adopted.

WHEREAS, Seneca County, on behalf of the County's corners, has previously contracted with the County of Onondaga Health Department to provide forensic services through the Onondaga County Medical Examiner's Office and the Center for Forensic Sciences; and

WHEREAS, a new contract for the term of January, 2010, through December 31, 2014 is necessary in order to maintain such services; and

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

RESOLVED, that the Chairman of the Board of Supervisors is authorized and directed to execute a contract with the Onondaga County Health Department for forensic services to be provided to the County Corners and Sheriff's Department.

**BOARD OF SUPERVISORS OPPOSES PURCHASE OF FACILITIES FOR FAMILY AND CONJUGAL VISITS AT FIVE POINTS CORRECTIONAL FACILITY**

RESOLUTION NO. 88-10, moved by Mr. Davidson, seconded by Mrs. Garlick-Lorenzetti and adopted.

WHEREAS, the Governor has Proposed to Purchase Trailers for Five Points Correctional Facility for conjugal and family visits at the Five Points Correctional Facility in Romulus, Seneca County; and

WHEREAS, these trailers are intended to enable inmates to host family members for as long as 44 hours once every eight weeks and "Family Reunion" Programs; and

WHEREAS, New York currently faces a \$9 billion dollar deficit and the Governor has proposed cutting aid to schools and hospitals, closing state parks and historic sites and delaying residents' income tax refunds; and

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

RESOLVED, that the Board of Supervisors authorizes and directs the Chairman to sign a letter to the Governor expressing their opposition, on behalf of the people of Seneca County to \$778,000 funding of two double-wide, four-unit trailers at Five Points Correctional Facility while NYS faces a \$9 billion dollar deficit.

**CONSULTANT SERVICES AGREEMENT FOR COUNTYWIDE VEHICLE MAINTENANCE BARN STUDY**

RESOLUTION NO. 89-10, moved by Mr. Davidson, seconded by Mr. Shipley and adopted.

WHEREAS, Seneca County has received funding from the New York State Department of State Local Government Efficiency Grant Program in the amount of \$27,000 to undertake a study investigating the feasibility of developing a countywide shared vehicle maintenance facility; and

WHEREAS, Requests for Proposals were solicited from interested and qualified firms; and

WHEREAS, a Steering Committee has been formed with representatives from each of the interested municipalities and school districts to assist the selected firm with undertaking the study; and

WHEREAS, the County received eight (8) proposals from qualified firms and the Steering Committee carefully considered each proposal; and

WHEREAS, the firm of MRB Group demonstrated the ability to best serve the interest of Seneca County and the interested municipalities and school districts in undertaking the shared services study; and

WHEREAS, the contract for services is not to exceed \$31,981, which will be reimbursed through the Department of State funding and through the Seneca County Engineer's budget; and

WHEREAS, Seneca County will provide staff support from the Seneca County Engineer and the Department of Planning and Community Development to further this project; and

WHEREAS, this resolution has been reviewed and approved by the Public Works Committee on February 23, 2009; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Chairman of the Board to sign a contract for services with MRB Group as consultants for the Countrywide Vehicle Maintenance Barn Study.

**AUTHORIZATION TO APPLY FOR HOUSING REHABILITATION FUNDS UNDER THE 2010  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

RESOLUTION NO. 90-10, moved by Mrs. Amidon, seconded by Mr. Kaiser and adopted.

WHEREAS, the New York State Office of Community Renewal (NYS OCR) has published the annual competitive Community Development Block Grant Program which allows counties to apply for up to \$750,000 in funds for the purpose of housing rehabilitation; and

WHEREAS, Seneca County is applying for funds to provide up to \$24,999 in grants to income-eligible homeowners to address critical housing system repairs; and

WHEREAS, the CDBG program will provide funds up to 18% of the total grant project cost to cover program delivery and administration costs; and

WHEREAS, conducting rehabilitation work to existing homes is a Type II Action under SEQRA; and

WHEREAS, the Seneca County Board of Supervisors has established itself as Lead Agency for SEQRA purposes; and

WHEREAS, Seneca County has met the CDBG program requirement of holding two public hearings prior to resolution to submit the application; and

WHEREAS, the CDBG application is due on April 23<sup>rd</sup>, 2010; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on February 23<sup>rd</sup>, 2010 meeting; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors finds that this project is a Type II project and no further SEQR review is required; and be it

FURTHER RESOLVED, that the Seneca County Board of Supervisors hereby authorizes and directs the Chairman of the Board of Supervisors to sign all required documents to apply for up to \$750,000 in housing rehabilitation funds from the New York State Office of Community Renewal' 2010 Community Development Block Grant Program.

**RESOLUTION AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
LOAN TO BLANCHE BELLIVEAU**

RESOLUTION NO. 91-10, moved by Mrs. Amidon, seconded by Mr. Same and adopted by 688 ayes (Amidon, Same, Reynolds, Garlick-Lorenzetti, Prouty, Kaiser, Lafler, Churchill, Hayssen, Mooney, Shipley, Kubasik), 31 nays (Davidson) and 31 not present (Serwen).

WHEREAS, Seneca County has received Community Development Block Grant (CDBG) funds from the United States Department of Housing and Urban Development (HUD) to make development loans; and

WHEREAS, businesses to whom these monies have been loaned are repaying the loans, thereby establishing a revolving loan fund for business development and job creation and retention; and

WHEREAS, a loan application has been reviewed and approved by the CDBG Loan Review Committee and found to be satisfactory and in full compliance with regulations and guidelines applicable to the Revolving Loan Fund Programs; and

WHEREAS, this \$20,000 loan will help stabilize this business and assist in the creation of two full-time jobs at the business located at 7194 South Main Street, Ovid, New York; and

WHEREAS, this resolution has been approved by the Planning, Development, Agriculture & Tourism Committee on March 23, 2010; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors approves the proposed loan for the sum of twenty thousand dollars (\$20,000) under the CDBG Program from funds account no. 272017469 under the terms and conditions provided for such loans through the Department of Housing and Urban Development (HUD) and the CDBG Loan Committee and authorizes the Chairman of the Board of Supervisors to sign closing documentation.

Unfinished Business:

Chairman appointments to the Environmental Affairs Committee: Mr. Churchill, Chairman; Mr. Reynolds, Vice-Chairman, Mrs. Garlick-Lorenzetti, Mr. Prouty and Mr. Kubasik.

Mitch Row gave an update on status of declaring a certain building at 392 Waterloo-Geneva Road in the Town of Waterloo as unsafe under Seneca County Local Law No. 3 of 2003. The process was within the thirty day notice.

Special Order of the Day

The meeting was adjourned at 8:47 p.m.