

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

May 11, 2010

8:00 p.m.

Call to Order

Chairman Lafler called the meeting to order at 8:06 p.m.

Roll Call of Members by the Clerk

Twelve members of the Board answered roll call. Mr. Same and Mr. Hayssen were absent.

Pledge of Allegiance and Moment of Silence

Petitioner:

Linda Ochs, Waterloo, NY – Composting at the Municipal Level

Submission of Claims for Audit

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

Supervisors vouchers	# 1132 - 1373	totaling	\$ 288,122.03
OFA vouchers	# 276 - 338	totaling	\$ 80,777.49
Workforce Development vouchers	# 78 - 94	totaling	\$ 23,696.88
Insurance vouchers	# 34	totaling	\$ 10,937.50
Sheriff vouchers	# 293 - 357	totaling	\$ 126,686.56
County Airport vouchers	# 44 - 51	totaling	\$ 2,076.02
Highway Transportation vouchers			
Maintenance & State Snow	# 104	totaling	\$ 117,574.10
Highway Machinery	# 162	totaling	\$ 201,432.35
		Highway Total	\$ 319,006.45
Highway Capital vouchers	# 9	totaling	\$ 2,843.19
Veterans Cemetery Capital Vouchers	# 16 - 19	totaling	\$ 15,178.6
Sewer and Water District vouchers	# 44 – 69	Totaling	\$ 26,115.33

Reports of Standing Committees

Planning, Development, Agriculture & Tourism, Mrs. Amidon, Chairperson, reported that her committee laid on the table until the next meeting the issue regarding the reestablishment of the County Planning Board. They also heard an update on the Canal Trail and Veterans' Cemetery.

Human Services, Mr. Mooney, Chairperson, reported that his committee discussed and approved the purchase of two 2010 Grand Caravans by DHS under State Contract. They also approved the signing of the ESI Health Association EAP Contract by the Chairman and they approved the proclaiming of June 15, 2010 as Elder Abuse Awareness Day in Seneca County.

Personnel & Technology, Mr. Mooney, Vice Chairperson, reported that this committee approved the ESI Health Association EAP contract.

Government Operations, Mr. Kaiser, Chairperson, reported that his committee laid on the table the item regarding refilling a vacancy in the County Clerk's Office; and it discussed suggestions and concerns regarding the process created on refilling vacancies and the duties of the Vacancy Committee.

Public Health Services Committee, Mrs. Garlick-Lorenzetti, Vice Chairperson, reported that her committee recommended moving forward with the process of declaring a certain building in Interlaken as unsafe and appropriate for demolition or improvement to avoid demolition. The committee also recommended a board resolution authorizing a contract for Electronics Disposal for the Annual Household Hazardous Waste Collection Day.

Finance, Assessment & Insurance Committee, Mr. Kubasik, Chairperson, reported that his committee tabled vacancy committee suggestion, approved the signing of the EAP contract and the Contract with the area libraries for funding.

Communications:

72. A copy of the Seneca County Board of Health April 21, 2010 meeting minutes.

73. A copy of the Seneca County IDA April 1, 2010 meeting minutes.

74. A copy of Resolution No. 90-10 adopted by the Allegany Legislature, "Opposing Various Proposed New York State Legislation" in relation to "the right to bear arms".

75. A copy of Resolution No. 263-2010 adopted by the Ontario County Board of Supervisors, endorsing the appointment of Kevin B. O'Hagan, Program Specialist, Canandaigua Veterans Administration Medical Center, to the Finger Lakes Workforce Investment Board.

76. A copy of Resolution No. 264-2010 adopted by the Ontario County Board of Supervisors, endorsing the reappointment of Margaret Churchill, Director, Wayne County IDA; Robert E. Leiby, Superintendent, Manchester – Shortsville Central School District; Clark Culver, Business Manager, IBEW Local 840; Barbara G. Risser, President, FLCC; Nicolette Leathersich, District Manager, VESID; Michael Manikowski, Director, Ontario County Economic Development; Orlando Rivera, Regional Administrator, PathStone Corp; Colleen Coombs, R.N., President, American Federal Government Employees, L-3306; and Jocelyn VanGelder, CSC Manager, NYS Department of Labor, to the Finger Lakes Workforce Investment Board.

77. From Joanne E. McHale, Seneca Falls, NY, a letter dated April 26, 2010, commending the staff of the Seneca County Veterans Service Agency, Melissa Granger, Deputy Director, Jack O'Connor, Social Welfare Examiner, and Veronica Arnott, Typist – for their assistance to her and her mother in settling the affairs of Joseph Errico (father and husband) with regard to survivor's pension, health insurance and information on funeral expense reimbursement and a head stone for his grave.

Resolutions and Motions

**BOARD OF SUPERVISORS ADOPT A HEALTHY MEETINGS POLICY
FOR SENECA COUNTY**

RESOLUTION NO. 105-10, moved by Mrs. Garlick-Lorenzetti, seconded by Mr. Mooney and adopted.

WHEREAS, the recent data released has indicated that among counties in New York State, Seneca County has the highest percentage of residents who are obese or overweight (30%); and

WHEREAS, the Board of Health has recommended that the Board of Supervisors adopt a Healthy Meetings Policy for Seneca County Government; and

WHEREAS, this policy would state that any meeting sponsored by Seneca County Government would include offering healthy foods as well as providing participants with physical activity breaks to help participants stay alert and focused; and

WHEREAS, dietary guideline strategies could include serving low calorie and low fat foods, serving fruits and vegetables, small portions, and offering vegetarian options; and

WHEREAS, the Public Health Committee has recommended the adoption of a Health Meetings Policy; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors adopts a Healthy Meetings Policy for Seneca County Government.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
AN INTER-MUNICIPAL AGREEMENT FOR PUBLIC HEALTH**

RESOLUTION NO. 106-10, moved by Mrs. Garlick-Lorenzetti, seconded by Mr. Churchill and adopted.

WHEREAS, all county health departments have responsibilities for public health emergency planning and response; and

WHEREAS, some public health problems may require public health services that exceed the capacity of the individual county public health department's resources; and

WHEREAS, in 2006 the FLPHA (Finger Lakes Public Health Alliance) counties developed an Inter-Municipal Agreement to provide mutual aid to each other during a Public Health Emergency; and

WHEREAS, this agreement needs to be renewed at this time; and

WHEREAS, the Public Health Committee has approved the renewal of this agreement; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the Inter-Municipal Agreement between the counties of Seneca, Schuyler, Steuben, Ontario, Wayne, Yates, Chemung, Livingston and Monroe.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
A SERVICE AGREEMENT BETWEEN SENECA COUNTY HEALTH DEPARTMENT AND
THE S2AY RURAL HEALTH NETWORK FOR FLPHA MEMBERSHIP**

RESOLUTION NO. 107-10, moved by Mrs. Garlick-Lorenzetti, seconded by Mr. Reynolds and adopted.

WHEREAS, the Seneca County Health Department has been a member of the Finger Lakes Public Health Alliance since 2002; and

WHEREAS, this alliance is a consortium of nine county Health Departments: Seneca, Schuyler, Steuben, Wayne, Ontario, Yates, Chemung, Livingston and Monroe; and

WHEREAS, this consortium allows the counties to perform emergency preparedness planning as well as the planning and execution of drills and exercises on a regional basis; and

WHEREAS, the funding for this membership is \$1,000 and is included in the Emergency Preparedness Grant 10-115-5-4014-4370; and

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

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the MOU between the Seneca County Health Department and the S2AY Rural Health Network for FLPHA membership.

**RESOLUTION AUTHORIZING ONE YEAR EXTENSION OF AGREEMENTS WITH
HARTFORD LIFE INSURANCE COMPANY AND NATIONWIDE RETIREMENT
SOLUTIONS FOR ADMINISTRATION OF DEFERRED COMPENSATION PLAN**

RESOLUTION NO. 108-19, moved by Mr. Mooney, seconded by Mrs. Amidon and adopted.

WHEREAS, the County of Seneca contracts with Hartford Life Insurance Company and Nationwide Retirement Solutions to administer a Deferred Compensation plan for its employees; and

WHEREAS, the purpose of such plan is to provide employees with a convenient and tax-favored method of saving on a regular and long term basis and thereby provide for their retirement; and

WHEREAS, these contracts are due to expire on May 9, 2010; and

WHEREAS, Section 9003.5(b) of the Rules & Regulations of the New York State Deferred Compensation Board allows for an additional one-year extension from the expiration date of the contracts; and

WHEREAS, it is in the best interest of the County of Seneca to extend contracts with Hartford Life Insurance Company and Nationwide Retirement Solutions for a period of one year from the expiration date of May 9, 2010 for reasons which include but are not limited to the preservation of the

stability of the Plan's administration, to have additional time to evaluate the effectiveness of programs and to prepare for the solicitation and evaluation of competitive proposals in accordance with Section 9003.3 of the Rules & Regulations of the New York State Deferred Compensation Board;

NOW, upon recommendation of the Deferred Compensation Committee of the County of Seneca, be it

RESOLVED, that the County of Seneca is hereby authorized to extend, for a one-year period from expiration date, Deferred Compensation Plan Administration contracts with Hartford Life Insurance Company in conjunction with Reliance Trust Company (RTC) as Trustee and Nationwide Retirement Solutions in conjunction with Nationwide Trust Company as Trustee.

RESOLUTION TO AMEND AND RESTATE THE MODEL PLAN

RESOLUTION NO. 109-10, moved by Mr. Mooney, seconded by Mr. Kubasik and adopted.

WHEREAS, the New York State Finance Law ("Section 5") and the Regulations of the New York State Deferred Compensation Board (the "Regulations"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of Seneca County (the "Model Plan") and offers the Model Plan for adoption by local employers; and

WHEREAS, Seneca County, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of Seneca County; and

WHEREAS, effective December 7, 2007 the Board amended the Model Plan to adopt provisions

- Expanding the eligibility for unforeseeable emergency withdrawals
- Permitting law enforcement officers, firefighters, members of a rescue squad or ambulance crew who have retired for service or disability to request a plan distribution of up to \$3,000 annually to pay for health insurance or qualified long-term care premiums for themselves, their spouse or dependents.
- Permitting a beneficiary who is not the spouse of the deceased Participant to transfer their Plan account directly to an IRA.
- Permitting a Participant who is eligible for a distribution to rollover all or a portion of their Plan account to a Roth IRA.

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, Seneca County has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of Seneca County by adopting the amended Model Plan; now, therefore, be it

RESOLVED, that Seneca County hereby amends the Deferred Compensation Plan for Employees of Seneca County by adopting the amended Model Plan effective December 7, 2007.

APPOINTMENT OF FINGER LAKES WORKFORCE INVESTMENT BOARD MEMBERS

RESOLUTION NO. 110-10, moved by Mr. Mooney, seconded by Mr. Davidson and adopted.

WHEREAS, through an Administrative Agreement, the Seneca County Board of Supervisors supports 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

WHEREAS, the appointments of the private and public sectors 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 private and public sector representatives to the Finger Lakes Workforce Investment Board effective July 01, 2010 to June 30, 2013;

<u>Private Sector</u>	<u>Term of Office</u>
Mr. John E. "Jeb" Becker Gay and Son Agency, Inc. 51 State Street Seneca Falls, New York 13148	7/1/2010 – 6/30/2013
<u>Public Sector</u> Jocelyn VanGelder CSC Manager 2 NYS DOL 70 Elizabeth Blackwell Street Geneva, New York 14456; and	7/1/2010 – 6/30/2013

WHEREAS, these appointments have been reviewed and approved by the Human Services Committee; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint John Becker and Jocelyn VanGelder 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.

**SENECA COUNTY BOARD OF SUPERVISORS TO APPROVE WIA CONTRACTS WITH
FINGER LAKES WORKFORCE INVESTMENT BOARD FOR
THE PERIOD JULY 1, 2010 TO JUNE 30, 2011**

RESOLUTION NO. 111-10, moved by Mr. Mooney, seconded by Mr. Churchill and adopted.

WHEREAS, the Seneca County Department of Workforce Development will provide a variety of services and programs utilizing funds available under the Workforce Investment Act; and

WHEREAS, it is necessary for the County to enter into a variety of financial contracts with the Finger Lakes Workforce Investment Board, acting as Grant Recipient for the Finger Lakes Workforce Investment Area; and

WHEREAS, adjustments will be made to the 2010 budget per any increase in the line items in these grants; and

WHEREAS, the Seneca County Board of Supervisors does hereby approve the following contracts with Finger Lakes Workforce Investment Board:

WIA Youth	July 1, 2010 – June 30, 2011	\$85,989.00
WIA Adult	July 1, 2010 – June 30, 2011	\$77,364.00
WIA Dislocated Worker	July 1, 2010 – June 30, 2011	\$75,049.00
WIA Disability Program Navigator	July 1, 2010 – June 30, 2011	\$65,000.00; and

WHEREAS, these agreements have been reviewed and approved by the Human Services Committee; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is authorized and directed to sign said contracts on behalf of the County; and be it

FURTHER RESOLVED, certified copies of this resolution be sent to the Finger Lakes Workforce Investment Board.

DIVISION OF HUMAN SERVICES TO PURCHASE

TWO (2) 2010 DODGE GRAND CARAVANS

RESOLUTION NO. 112-10, moved by Mr. Mooney, seconded by Mrs. Amidon and adopted.

WHEREAS, the Division of Human Services requires the purchase of two 2010 Dodge Grand Caravans from the New York State Contract PC65018 at a total cost of \$36,734.00; \$18,102.00 for each Dodge Grand Caravan and \$265.00 for delivery charge for each van; and

WHEREAS, the funds are available in account 10-125-5-6001-2600 and are 100% reimbursed through Medicaid; and

WHEREAS, the purchase of the vans has been reviewed and approved by the Human Services Committee and Finance Committee; now, therefore, be it

RESOLVED, the Board of Supervisors approves the Division of Human Services to purchase two Dodge Grand Caravans through New York State Contract PC65018 at a total cost of \$36,734.00.

2010 RESOURCE ALLOCATION PLAN FOR STATE AID FUNDING FOR YOUTH PROGRAMS

RESOLUTION NO. 113-10, moved by Mr. Mooney, seconded by Mr. Shipley and adopted.

WHEREAS, the Resource Allocation Plan is an annual plan that is submitted to the New York State Office of Children and Family Services to receive state aid funding for youth programs in Seneca County; and

WHEREAS, the Seneca County Youth Board approved the Allocations for State Aid at their April 26, 2010 meeting; and

WHEREAS, the 2010 state aid for Seneca County Youth Programs is \$87,966.00; and

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

RESOLVED, the Seneca County Board of Supervisors hereby approves the 2010 Resource Allocation Plan for State Aid Funding for Youth Programs; and be it

FURTHER RESOLVED, the Seneca County Board of Supervisors authorizes and directs the Chairman of the Board to sign the Resource Allocation Plan documents for 2010.

New Business

Mr. Shipley moved suspension of the rules to introduce the following resolutions.

**BOARD OF SUPERVISORS AUTHORIZES SUPERVISOR ROBERT SHIPLEY TO ENGAGE
IN JOINT EFFORTS WITH CAYUGA, MADISON AND ONEIDA COUNTIES TO SEEK
CONGRESSIONAL ACTION ON PAYMENT AND COLLECTION OF INDIAN REAL
PROPERTY TAXES IN NEW YORK**

RESOLUTION NO. 114-10, moved by Mr. Shipley, seconded by Mr. Davidson and adopted.

WHEREAS, the Seneca County Board of Supervisors has become aware of Federal Court decisions that prohibit collection of taxes due by Indian Tribes on real property owned by such tribes in New York State; and

WHEREAS, the Board recognizes the serious implications to Seneca County tax payers resulting from significant real property purchases by the Cayuga Indian tribe in Seneca county; and

WHEREAS, the counties of Cayuga, Madison, and Oneida are similarly situated in their efforts to collect real property tax on Indian owned property; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes Supervisor Robert Shipley to act on behalf of the Board in conjunction with the duly authorized representatives of Cayuga, Madison and Oneida counties and any other such authorized representatives of counties in the State of New York, to contact the respective Congressional representatives of such counties and of the State of New York for the purpose of soliciting their assistance in proposing and promoting legislation before Congress to permit and authorize collection of real property taxes justly due on Indian owned property in the State of New York.

**BOARD OF SUPERVISORS APPROVE CONTRACT FOR SERVICES OF
FINGER LAKES REGIONAL LIBRARY**

RESOLUTION NO. 115-10, moved by Mr. Kubasik, seconded by Mr. Shipley and adopted.

WHEREAS, the Seneca County Board of Supervisors recognizes the contribution made to the cultural and educational welfare of the citizens of Seneca County by our public libraries; and

WHEREAS, the Board further recognizes the need for continued support of the services provided to these institutions through the Finger Lakes Regional Library; and

WHEREAS, the Board wishes to continue to maintain as a public service to the citizens of the county, the support of such institutions by the Finger Lakes Regional Library and to enter into a contract with the Library for such service; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized and directed to enter into a contract with the Finger Lakes Regional Library of the sum of forty-five thousand four hundred fifty dollars for that purpose.

At 8:45 p.m., Mr. Kubasik moved that the Finance Committee enter executive session under §§105(1)(d) and 108(3) New York State Public Officers Law in order to discuss pending litigation in the matter of Lukowski et. al. v. Seneca County and to take advice of Counsel and to take action with regard thereto, and to invite into executive session, the County Manager, the County Attorney and the Clerk of the Board.

Chairman Lafler recessed the board meeting. The Board of Supervisors reconvened in open session at 9:05 p.m.

At 9:05 p.m., Mr. Kubasik moved that the Board of Supervisors enter executive session under §§105(1)(d) and 108(3) New York State Public Officers Law in order to discuss pending litigation in the matter of Lukowski et. al. v. Seneca County and to take advice of Counsel and to take action with regard thereto, and to invite into executive session, the County Manager, the County Attorney and the Clerk of the Board.

Chairman Lafler recessed the board meeting. The Board reconvened in open session at 9:15 p.m.
Special Order of the Day

The meeting adjourned at 9:16 p.m.