

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

May 25, 2010

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:

A public hearing was held with regard to the property located at 392 Routes 5&20, Waterloo determined to be an unsafe buildings under Local Law 3 of 2003. The owners of the building will have ninety days to improve the condition of the building in the manner that it will no longer be deemed unsafe. If the building is not properly taken care of within 90 days, the county will have them demolished and the cost billed to the owners.

Approval of Minutes of Past Meetings

The board meeting minutes were approved for November 24, 2009 and December 24, 2009.

Reports of Standing Committees

Planning, Development, Agriculture & Tourism Committee voted in favor of (1) re-establishing the County Planning Board to assure diversity in geographic representation, clarify terms of service, and allow for alternate members

Public Safety Committee voted in favor of a board resolution (1) authorizing the transfers of funds from the contingency account to pay a District Attorney voucher in the amount of \$23,557.52 for appeal work performed in 2009 by John Cirando, Esq.; (2) the Committee voted in favor to renew the contract with Lexis Nexus for 2010 (\$10,788) and 2011 (\$11,508) to meet NYS Commissioner of Corrections requirement to maintain a current law library for inmates.

Indian Affairs Committee voted to lay on the table the issue regarding payment to Harris Beach LLC 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.

Environmental Affairs Committee discussed introducing a board resolution declaring a temporary ban on hydraulic fracturing horizontal gas drilling on property owned or managed by Seneca County, ban on disposal of all hydrofracking waste within Seneca County, and support for a statewide moratorium on

hydrofracking until certain conditions are met. The Committee decided to lay the issue on the table until an unbiased expert on hydrofracturing was available to meet with the supervisors for educational purposes.

Government Operations Committee voted in favor of refilling the full-time Clerical position in the Office of the County Clerk as recommended by the Vacancy Committee.

Personnel & Technology Committee (1) voted in favor of a board resolution authorizing the transfers of funds from the contingency account to pay a District Attorney voucher in the amount of \$23,557.52 for appeal work performed in 2009 by John Cirando, Esq.; (2) voted to lay on the table the issue of creating a Seneca County policy addressing nepotism because the employment of relatives in the same area of an organization may cause serious conflicts, problems with favoritism or the perception of favoritism, or problems with internal controls. Stephanie Engster, CSEA, met with the Committee and expressed strong opposition to such a policy because it could also prohibit employees from moving into a position(s) that could further their career if a relative worked in the same department and keeping in mind that 15% - 20% of county employees have a familial relationship; (3) The dress code policy was revised and updated and presented for discussion and acceptance of revisions.

Finance, Assessment & Insurance Committee voted in favor of refilling the full-time Clerical position in the Office of the County Clerk as recommended by the Vacancy Committee.

Communications:

78. From the Town of Ovid, copy of Notice of Adoption of Local Law 1 of Year 2010, enacting a one-year moratorium on waste management facilities in the Town of Ovid, adopted on May 12, 2010.

79. From Brian M. Kolb, Assembly Minority Leader, a copy of a letter dated May 7, 2010 to Governor Paterson, stating that it was the second letter written “in regards to the unfortunate legal battle between the People of Seneca and Cayuga Counties and the Cayuga Indian Nation”.

80. Letters dated May 5, 2010 from Brian M. Kolb, Assembly Minority Leader, acknowledging receipt of Seneca County’s Resolution No. 103-10, requesting that New York State delay implementation of the Ignition Interlock Program provision of Leandra’s Law; and Resolution No. 97-10, proclaiming the month of May as “One Stop Month” for Seneca County.

81. From the County of Fulton Board of Supervisors a copy of its Resolution No. 204, “Directing the Probation Director to not submit a County Plan to Department of Probation and Correctional Alternatives for Implementation of Leandra’s Law Interlock Device Procedures”, and Resolution No. 199, “Urging Governor Paterson and NYS Legislature to Delay Proposed Implementation of Ignition Interlock Provision of Leadra’s Law”.

82. From the Schuyler County Legislature, a copy of its Resolution No. 25, “Opposing Assembly Bill No. A.9911 and Senate Bill No. S.6849 Amending the Public Officers Law, in relation to Requiring

Certain Records which are the subject of a discussion conducted at an open meeting be made available to the public”.

83. Notice Letter dated May 6, 2010 Re: Seneca County IDA and Goulds Pumps, Inc. and ITT Corporation – 2010 Equipment Acquisition Project, Public Hearing, May 24, 2010 at 10:00 a.m. at the Village Hall Board Room, Seneca Falls, NY.

84. A copy of the Seneca County Planning Board April 8, 2010 meeting minutes.

85. A copy of the Seneca County Federation of Sportsmen’s Club, Inc. April 20, 2010 meeting minutes.

86. A copy of the Finger Lakes Regional Airport Advisory Committee March 10, 2010 meeting minutes.

87. From Robert Hayssen, Supervisor, Town of Varick, a copy of an email dated April 17, 2010 from David Bulson, resident, Sault Ste. Marie, MI regarding two houses he owns in Varick and the process of connecting to the town sewer lines.

88. From Kathleen R. Sinicopi, Chair, Romulus Town Planning Board, a letter dated May 7, 2010 requesting the Environmental Affairs Committee to coordinate a public forum for the Town of Romulus to discuss issues related to hydrofracturing gas drilling. Referred to the Environmental Affairs Committee.

89. From Empire Farm Days, a letter dated May 14, 2010 requesting the waiver of Local Law No. 2 be waived by the Board of Supervisors during the Empire Farm Days event for August 10 – 12, 2010. Referred to the Government Operations Committee.

Resolutions and Motions

CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED TO SIGN AN AGREEMENT FOR ELECTRONICS RECYCLING

RESOLUTION NO. 117-10, moved by Mr. Hayssen, seconded by Mrs. Amidon and adopted.

WHEREAS, Regional Computer Recycling and Recovery, 7318 Victor-Mendon Road, Victor, had provided electronics recycling services for the Annual Household Hazardous Waste Collection Day for the last two years; and

WHEREAS, the anticipated expenditures are less than \$2,000 for this year; and

WHEREAS, the funds for these services are in the Public Health budget 10-115-5-4011-4700; and

WHEREAS, the breakdown of expenses includes onsite event support including labor, packing and transportation is \$200 with additional costs of \$5 per television. All other electronic equipment will be recycled at no charge; and

WHEREAS, the Public Health Committee has recommended approval of this contract; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign an agreement with Regional Computer Recycling and Recovery for the electronics recycling.

BOARD OF SUPERVISORS DETERMINES A CERTAIN BUILDING LOCATED AT 8392 MAIN STREET IN THE VILLAGE OF INTERLAKEN TO BE AN UNSAFE BUILDING AND DIRECTS REPAIR OR DEMOLITION AND REMOVAL OF SUCH BUILDING

RESOLUTION NO. 118-10, moved by Mr. Hayssen, seconded by Mr. Reynolds and adopted by 710 ayes (Reynolds, Garlick-Lorenzetti, Serven, Davidson, Prouty, Kaiser, Same, Lafler, Churchill, Amidon, Mooney, Shipley, Kubasik) and 40 nays (Hayssen).

WHEREAS, a report prepared by the Seneca County Building Inspector, appointed to enforce the provisions of Local Law No. 3 of 2003, Seneca County's Unsafe Buildings Law was received and reviewed by the Board; and

WHEREAS, such report demonstrates the fact that a certain building located at 8392 Main Street in the Village of Interlaken, Seneca County, New York is dangerous and unsafe to the public; is accessible to and an object of attraction to minors under the age of eighteen years of age as well as other trespassers; may become a place of rodent infestation and is unfit for the purposes for which it may lawfully be used; and

WHEREAS, the Building Inspector recommends that such building be ordered repaired or demolished and removed on the grounds that the same may or may not be safely repaired; and

WHEREAS, the Board of Supervisors has given due consideration to such report; and

WHEREAS, the Public Health Services Committee has approved this resolution on May 11, 2010; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors hereby determines that a certain building located at 8392 Main Street in the Village of Interlaken, Seneca County, New York is unsafe and dangerous and that the same may or may not safely be repaired; and be it further

RESOLVED, that the Building Inspector is directed to serve Notice upon the owner, owners, executor, administrator, agent, lessee or other person defined under §7 of the Unsafe Buildings Law as such may be shown by the records of the Seneca County Tax Office or of the Seneca County Clerk pursuant to §6 of the Seneca County Unsafe Buildings Law, directing that such buildings be repaired or demolished and removed within the time period set out under Local Law No. 3 of 2003.

CHAIRMAN OF THE BOARD IS AUTHORIZED AND DIRECTED TO SIGN THE ESI, HEALTH ASSOCIATION EAP, INC. CONTRACT TO BECOME THE PROVIDER OF EMPLOYEE ASSISTANCE SERVICES TO SENECA COUNTY EMPLOYEES

RESOLUTION NO. 119-10, moved by Mr. Mooney, seconded by Mr. Davidson and adopted by 710 ayes (Mooney, Davidson, Reynolds, Garlick-Lorenzetti, Serven, Prouty, Kaiser, Same, Lafler, Churchill, Amidon, Shipley, Kubasik) and 40 nays (Hayssen).

WHEREAS, the EAP programs are proven to help employees overcome personal difficulties that may impact their work life; and

WHEREAS, the EAP is a success for the organization as good and valued employees are retained in their jobs; and

WHEREAS, the EAP provides confidential counseling and services on a wide variety of topics that address many issues and has proven successful in all County Departments; and

WHEREAS, the Seneca County Board of Supervisors included funding for the same in the 2010 budget and a request for proposals was completed this Spring with 3 vendors responding; and

WHEREAS, an RFP Review Team evaluated the proposals and met with each vendor; and

WHEREAS, Employee Services Inc., EAP, Health Association EAP, One Mount Hope Avenue, Rochester, New York 14620, is being recommended by the EAP RFP Review Team for contract approval for the period of July 1, 2010 to June 30, 2013 with option to extend for an additional 3 years; and

WHEREAS, maximum cost per employee for years 1 and 2 will not exceed \$22.38 per employee per year; and

WHEREAS, for year 3 the increase will be no greater than 5%; and

WHEREAS, per the most recent Employee numbers from Personnel, the County has 537 employees; and

WHEREAS, the maximum annual cost for the contract for years 1 & 2 will not exceed \$12,018.06 each; and

WHEREAS, the DHS portion of this bill is \$2,573.70; and

WHEREAS, should other towns or villages participate in contracting through this RFP the cost per employee may decline further; and

WHEREAS, funds are available in the 2010 Seneca County Budget in accounts 10-101-5-1430-4380 and 10-125-5-6006-4700, Personnel and DHS Training; and

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

RESOLVED, the Chairman of the Board is authorized and directed to sign the agreement between ESI and Seneca County for Employee Assistance Services.

PROCLAMATION: ELDER ABUSE AWARENESS DAY – 2010

RESOLUTION NO. 120-10, moved by Mr. Mooney, seconded by Mrs. Amidon and adopted by 710 ayes (Mooney, Amidon, Reynolds, Garlick-Lorenzetti, Serven, Davidson, Prouty, Kaiser, Same, Lafler, Churchill, Shipley, Kubasik) and 40 nays (Hayssen).

WHEREAS, the County has been informed by the International Network for the Prevention of Elder Abuse that June 15, 2010 is annual World Elder Abuse Awareness Day; and

WHEREAS, the Seneca County Office for the Aging and Division Human Services in conjunction with the Finger Lakes Elder Abuse Coalition seek to educate the general public on issues of elder mistreatment and to facilitate legislative change for the protection of the vulnerable elderly; and

WHEREAS, elder abuse is grossly under reported because the elderly who are being abused find it very difficult to tell anyone and are usually ashamed and sometimes afraid; and

WHEREAS, nationally only 1 in 5 cases get reported; and

WHEREAS, Seneca Counties older citizens laid the foundation for the state and nation we enjoy today; and

WHEREAS, abuse of older persons is a tragedy inflicted on a vulnerable segment of the population that crosses all socio-economic boundaries; and

WHEREAS, combating abuse of older people will help to improve the quality of life for seniors across Seneca County and New York State; and will allow senior citizens to continue to live as independently and vibrantly as possible; and

WHEREAS, Seneca County seniors should be treated with respect and dignity as they continue to serve as leaders, mentors, volunteers, and important and active members of our councils; and

WHEREAS, the County of Seneca honors the countless contributions of its senior citizens, and recognizes all efforts to end elder abuse as vital to the interests of the citizens of this County; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby proclaim June 15, 2010 as World Elder Abuse Awareness Day; and further

RESOLVED, to urge both the public and private sectors to join with this Board in recognizing the contributions of all older Americans and the right of these Americans to live in peace and dignity without fear of abuse, and in particular, those older Americans who are residents of Seneca County.

New Business:

At 8:53 p.m. the Board of Supervisors entered 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 McAnn 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. The Board of Supervisors reconvened in open session at 8:58 p.m.

Special Order of the Day

The meeting was adjourned at 8:59 p.m.