

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

September 14, 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 were present.

Pledge of Allegiance and Moment of Silence

Public Hearing:

Proposed Local Law 5 of 2010 the Seneca County Hotel or Motel Occupancy Tax – no comments were offered on said subject matter.

Public Hearing:

New York State Office of Community Renewal for up to \$236,000 in Community Development Block Grant Innovative Projects Program funding for On the Job Training projects – no comments were offered on said subject matter.

Unsafe Building Hearing:

Pursuant to Seneca County Local Law No. 3 of 2003, the Unsafe Buildings Law, notice was served on Zbigniew Majewski, Syracuse, NY, that a certain building located at 8392 Main Street, Interlaken, New York 14847, Seneca County Tax Map No. 01-2-21 is determined to be an Unsafe Building, in that the subject property has been determined by Seneca County to be dangerous and unsafe to the general public, is open and accessible, may become a place of rodent infestation, presents danger to the health, safety, and general welfare of the public and is unfit for the purposes for which it may be lawfully used.

Zbigniew Majewski was present and represented by his daughter Caroline Majewski. The hearing was adjourned until September 28, 2010 at which time the property owner will show good cause to prevent the demolition and removal of said property.

Submission of Claims for Audit

Mr. Kubasik moved that the following vouchers having gone through the proper auditing process; now, therefore be it

RESOLVED, that said vouchers be approved for payment.

Supervisors vouchers	# 2139 - 2404	totaling	\$	200,676.27
OFA vouchers	# 524 - 597	totaling	\$	101,769.72

Workforce Development vouchers	# 159 - 174	totaling	\$ 18,552.29
Insurance vouchers	# 53 - 63	totaling	\$ 79,995.55
Sheriff vouchers	#530 - 634	totaling	\$ 79,980.47
County Airport vouchers	# 92 – 107	totaling	\$ 16,202.37
Highway Transportation vouchers			
Maintenance & State Snow	# 193 – 212	totaling	\$ 301,650.03
Highway Machinery	# 310 – 340	totaling	\$ 21,142.31
		Highway total	\$ 322,792.34
Airport Capital vouchers	# 14 & 15	totaling	\$ 9,492.07
Highway Capital vouchers	# 19 & 20	totaling	\$ 91,471.57
Veterans Cemetery Capital Vouchers	# 30	totaling	\$ 21.78
Sewer and Water District vouchers	# 150 - 177	totaling	\$ 28,506.59

Reports of Standing Committees

Planning, Development, Agriculture and Tourism Committee – Mrs. Amidon reported that the committee approved a Public Comment Period for Disadvantages Business Enterprise (DBE) Plan for Finger Lakes Regional Airport; and approved to amend the Chamber of Commerce contract for tourism services by increasing county funding to \$5,000 for the upcoming Cork ‘n Fork Event.

Public Safety Committee – Mr. Davidson reported that the committee recommended that the Chairman of the Board of Supervisors execute the Probation Eligible Diversion Program contract #PE10523173 between NYS DCJS and Seneca County for receipt of \$5,668 of New York State funding; and the Alternatives to Incarceration Classification Funding contract #T490600 between NYS DCJS and Seneca County for receipt of \$6,345 in New York State funding. The committee also approved the refill of the position of Head Jail Nurse and the position of Correction Officer. Lastly, the committee met in executive session and reconvened in regular session and approved the use of funds up to approximately \$40,000 from the District Attorney budget and/or the Contingency fund for the purpose of moving forward with a criminal investigation.

Public Works Committee – Mr. Davidson reported that the committee took the following actions. The committee approved a Board resolution supporting the efforts made by the Friends of Sampson Marina to rehabilitate the condition of the marina at Sampson State Park. The committee met in executive session for the purpose of holding discussions regarding the status of non-District sewer lines in the Town of Romulus and to take advice of counsel. The committee reconvened in public session and Mr. Shipley moved that the an agreement with Aspen Development be made for all necessary improvements to the sewer line located in the “Colonel’s Row” area to its connection with the force main

running along the East Lake Road in order to bring such sewer line to compliance with all appropriate code provisions and to transfer such sewer line to Sewer District No. 2; all material would be supplied by Aspen Development and installation and inspection would be supplied by Seneca County and dedication to Seneca County Sewer District No. 2 will be executed by Aspen Development.

Indian Affairs Committee – Mr. Shipley reported that the committee approved the following actions: Adoption of a resolution to withhold Medicaid payments by Seneca County to New York State until New York State collects tax payments from retail sales made by the Cayuga Indian Nation. The failure by New York State to collect taxes results in the loss of multiple millions of dollars in revenue for the State and Seneca County; and a proclamation resolution adopted by the Board of Supervisors proclaiming September 289 as Governor Paterson Day and renaming a portion of East Bayard Street in Seneca Falls, NY for his efforts to collect the sales tax on cigarettes sold by Native American retailers to non-Indian customers.

Human Services Committee – Mr. Mooney reported that the committee approved the recommendation by the Vacancy Committee to refill three positions for Caseworker and the position for Heating & Weatherization Technician.

Finance, Assessment & Insurance Committee – Mr. Kubasik reported that the committee approved the recommendations by the Vacancy Committee to refill three positions for Caseworker in Human Services, a position for Head Jail Nurse and a Correction Officer in the Law Enforcement Center; and one position for Heating & Weatherization Technician. The committee also met in executive session for the purpose to discuss proposed litigation regarding collection of debts due the County and to take advice of counsel. The committee reconvened in public session, no action was taken, the committee adjourned.

#### Chairman's Remarks

Chairman Lafler announced that he was going to jail and asked for assistance in raising bail. He was participating in the Geneva Lock-Up to Benefit the Muscular Dystrophy Association on September 23. He thanked those who had donated and asked that everyone consider making a donation to help in the fight against Muscular Dystrophy.

#### Communications:

138. A copy of the Seneca County Agriculture Enhancement Board meeting minutes for May 5, 2010; April 7, 2010; June 2, 2010 and August 4, 2010.
139. From Karen McNamara, on behalf of the libraries of Seneca County, a request dated September 1, 2010 for \$45,450.00 to fund the countrywide information services, infrastructure expenses for fiscal year 2011.
140. A copy of the Seneca County Planning Board August 12, 2010 meeting minutes.

141. From Ontario County Board of Supervisors, a copy of Resolution No. 508-2010 adopted on August 26, 2010 Authorizing Agreements between Ontario County and Seneca, Wayne, and Yates Counties for Course Offerings – FLC 2010-2011 academic year.

142. A copy of the Seneca County IDA August 20, 2010 Special Meeting minutes and August 5, 2010 meeting minutes.

143. A copy of the Finger Lakes Resource Conservation & Development Council, Inc. July 21, 2010 meeting minutes.

144. A Notice Letter from the Seneca County IDA regarding Notice of Public hearing on Wednesday, September 8, 2010 at 2:00 p.m., at the Seneca Falls Town Hall regarding the Seneca County IDA and Bruce Henry Properties, LLC d/b/a BonaDent.

Resolutions and Motions

**BOARD OF SUPERVISORS AUTHORIZES CONTRACT FOR THE DEMOLITION OF A CERTAIN BUILDING LOCATED AT 392 WATERLOO-GENEVA ROAD IN THE TOWN OF WATERLOO THAT HAS BEEN DECLARED TO BE AN UNSAFE BUILDING PURSUANT TO LOCAL LAW NO. 3 OF 2003**

RESOLUTION NO. 196-10, moved by Mr. Hayssen, seconded by Mr. Mooney and adopted.

WHEREAS, the Board of Supervisors has determined that a certain building located at and commonly known as 392 Waterloo-Geneva Road, Town of Waterloo is an Unsafe Building as defined under Local Law No. 3 of 2003 and is dangerous; and

WHEREAS, the Board of Supervisors ordered the commencement of demolition pursuant to said local law within thirty (30) days of May 15, 2010 and removal of said structure within sixty (60) days thereafter; and

WHEREAS, the owner of said property has failed to commence or complete demolition or otherwise initiate correcting action; and

WHEREAS, as a result of this refusal to comply, Seneca County has solicited bids from qualified firms to provide for the demolition and removal of said structure; and

WHEREAS, Seneca County has received two proposals for said work, the lowest responsible bid being from the LCP Group Inc., with offices in Vestal, New York, in the amount of \$19,997.00; and

WHEREAS, funding will be made available from the County's Contingency fund in an amount necessary to complete the demolition and removal of said building; and

WHEREAS, all expenses incurred by the County in connection with the proceedings to demolish and remove the said building shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided for the levy and collection of a special ad

valorem levy or collected by commencement of a special proceeding against the owner of said unsafe building pursuant to General Municipal Law Section 78-b; now, therefore, be it

RESOLVED, that the Board of Supervisors authorizes and directs the Chairman to sign a contract with the LCP Group, Inc., of Vestal, New York, for the demolition and removal of an Unsafe Building at 392 Waterloo-Geneva Road in the Town of Waterloo pursuant to the provision of Local Law No. 3 of 2003.

**PROCLAIM OCTOBER 2, 2010 AS HEROES IN BOOKS: READ! DAY**

RESOLUTION NO. 197-10, moved by Mr. Mooney, seconded by Mr. Davidson and adopted.

WHEREAS, the Seneca County Partners for Children, Youth & Families is celebrating the importance of literacy during the sixth annual county literacy event October 2, the theme is “Heroes in Books: READ!”; and

WHEREAS, the Seneca County Partners for Children, Youth & Families define literacy as, “the essential skill that encompasses the use of reading, writing, speaking and listening to find meaning, solve problems, and communicate information for a variety of personal and professional uses; and

WHEREAS, the Seneca County Partners for Children, Youth & Families emphasizes the importance of promoting literacy in Seneca County based on the following points:

- A high percentage of students during Kindergarten screening fall below average in school readiness skills and have no “book of their own”.
- Many parents lack the information on ways to provide pre-literacy experiences for their children.
- Early literacy prevention support and strategies can prevent children from becoming classified as special needs students requiring costly support services.
- Higher literacy in adults can lead to better paying jobs, wage gains and an opportunity for families to break out of the cycle of poverty; and

WHEREAS, the Seneca County Partners for Children, Youth & Families furthermore recognizes that a large percentage of low-income families have no books at home for their children; and

WHEREAS, the Seneca County Partners for Children, Youth & Families / Seneca County Literacy Partnership will host a Literacy Celebration on October 2, 2010 from 1:00 to 4:00 p.m. at the Office for the Aging Conference Room – Seneca County Office Building; and

WHEREAS, Seneca County agencies, schools and the community have committed to promote literacy efforts during this week as well; now, therefore, be it

RESOLVED, the Seneca County Board of Supervisors does hereby proclaim October 2 as HEROES in Books: READ! Day, as the sixth annual literacy event in Seneca County; and be it further

RESOLVED, as child's literacy development and school success is directly linked to parental involvement and the literacy environment in the home, the Seneca County Board of Supervisors urges all of our citizens to join forces increasing literacy awareness; thus providing greater opportunities for the success of our children and families.

Mr. Reynolds made the motion, seconded by Mr. Same, for Board authorization to create a position for a Psychiatric Social Worker for one-year to assist with case overload in the Seneca County Community Counseling Center.

Under the discussion of the motion, Chairman Lafler recognized Mr. Kubasik who stated that he believed, based on information he collected from other counties and on financial information provided by the County Manager and the Director of Mental Health, that there may be more economically sound alternatives to alleviating the caseload and waiting time in mental health services other than creating a new position. He said in comparison to the budget of other counties, Seneca County's budget for mental health operates at a much higher percentage (i.e. Wayne County 1.5%; Cayuga County 6%; Seneca County 15%).

Mr. Kaiser stated that he was in favor of the motion on the floor because it resolved to create the position for one year and would also respond to the immediate needs of the mental health clients; but he also wants to review the alternatives of which Mr. Kubasik referred for the future. Mr. Kaiser added that he thought the policy creating the vacancy committee and the process of refilling and creating positions should be reviewed to allow time for any questions and concerns to be worked out at the Board of Supervisors committee level.

The discussion continued with several supervisors participating. Mrs. Amidon, supported by Mr. Reynolds called the question, which was defeated by 389 ayes and 1117 nays. Discussion continued.

Ms. Sinclair stated that the Vacancy Committee met with Scott LaVigne, Director of Mental Health Services, as well as with the Finance Committee and Mental Health Services Committee weeks prior to the board meeting and strongly recommended that the Board of Supervisors adopt the motion on the floor.

Scott LaVigne, Director of Mental Health Services was recognized by Chairman Lafler. Several supervisors inquired about the necessity to create the new position of psychiatric social worker. Mr. LaVigne stated that the clinicians exceed productivity requirements (106 %) and still there remain 80 people on a waiting list for services. The large caseload could be a result of there being two agencies in Seneca County that provide clinician-based psychiatric services. The Seneca Ontario Community Services program (SOCS) is operated by New York State and Seneca County Community Counseling is operated by Seneca County. Clients who seek services suffer from diagnosable psychiatric conditions and include referrals from hospital emergency rooms or discharged from in-hospital stays.

Mrs. Garlick Lorenzetti stated that she was prepared to vote in favor of the motion on the floor because it was for one year only and the position would be reevaluated.

As there was no further discussion, Chairman Lafler called for a vote.

**MENTAL HEALTH DEPARTMENT AUTHORIZED TO CREATE AND FILL ONE NEW  
TEMPORARY PSYCHIATRIC SOCIAL WORKER POSITION**

RESOLUTION NO. 198-10, moved by Mr. Reynolds, seconded by Mr. Same and adopted.

WHEREAS, there exists a large waiting list for access to treatment services within the Seneca County Community Counseling Center's Mental Health Clinic; and

WHEREAS, this waiting list has continued to increase each month for the past six months; and

WHEREAS, the Seneca County Board of Supervisors' Vacancy Committee, Mental Health Committee and Finance Committee have all approved the creation and filling of a new, temporary (one-year) Psychiatric Social Worker position within the Mental Health Clinic of the Seneca County Community Counseling Center; and

WHEREAS, this full time temporary (one-year) position is revenue neutral to revenue positive; and

WHEREAS, this full time temporary (one-year) position would be re-evaluated prior to the end of one year to determine if demand is sufficient to warrant this position's continuation; now, therefore, be it

RESOLVED, that the Mental Health Department is authorized to create and fill one new, temporary (one-year) full time Psychiatric Social Worker position within the Seneca County Community Counseling Center's Mental Health Clinic.

**SUPERVISORS AUTHORIZE RENEWAL OF CLOTHING CONTRACT FOR  
MAINTENANCE DEPARTMENT**

RESOLUTION NO. 199-10, moved by Mr. Davidson, seconded by Mrs. Amidon and adopted.

WHEREAS, existing clothing contract which provides the required work clothing for maintenance department personnel will expire in 2010; and

WHEREAS, Cintas currently supplies clothes to both the Seneca County Maintenance and Highway Departments; and

WHEREAS, Cintas has provided a contract with no change to the fee structure of the previous contract; and

WHEREAS, the County Engineer has reviewed the proposal and recommends the County retain Cintas for the services; and

WHEREAS, the Public Works Committee approved this resolution on August 24, 2010; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the clothing contract with Cintas for a total fee not to exceed \$4,000.00; and be it

FURTHER RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign any and all necessary contract documents for said project.

Mr. Davidson made the motion to adopt the following resolution, seconded by Mr. Shipley.

Under discussion, Chairman Lafler recognized Valerie Dorn, owner of Balcony View Bed & Breakfast, Rt. 89, Romulus, NY. Ms. Dorn who distributed a petition signed by homeowner and business owners requesting a reduction I the speed limit on State Route 89 in the area extending from Ernsberger Road in Varick, south to County Road 138 in the Town of Romulus. Supervisors Kaiser, Davidson and Garlick Lorenzetti voiced their opinion in support of the request. Chairman Lafler called for a vote.

**BOARD OF SUPERVISORS SUPPORTS REQUEST FOR INVESTIGATION BY NEW YORK STATE DEPARTMENT OF TRANSPORTATION OF NEED FOR A SPEED ZONE TO BE ESTABLISHED ON A PORTION OF ROUTE 89**

RESOLUTION NO. 200-10, moved by Mr. Davidson, seconded by Mr. Shipley and adopted.

WHEREAS, it appears that a portion of New York State Route 89 located in the Towns of Varick and Romulus in Seneca County and extending from Ernsberger Road in the Town of Varick, south to County Road 138 in the Town of Romulus, may pose a risk to highway vehicle and pedestrian traffic if permitted to remain under the State speed limit of fifty-five miles per hour; and

WHEREAS, the basis for this concern is the substantially increased business and residential activity in that area, particularly during the summer months; and

WHEREAS, it is believed that an investigation by the New York State Department of Transportation will determine that there has been an increase in traffic accidents and incidents on this portion of the road and that public safety is an issue unless a speed zone is established for the area in question; and

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

RESOLVED, that the Seneca County Board of Supervisors supports an investigation by the New York State Department of Transportation of the need for the establishment of a speed zone on New York State Route 89 in the area extending from Ernsberger Road in Varick, south to County Road 138 in the Town of Romulus; and be it further

RESOLVED, that the Seneca County Highway Superintendent is authorized and directed to so inform the New York State Department of Transportation.

**AUTHORIZATION FOR CLERK TO PLACE PUBLIC NOTICE REGARDING REVIEW OF  
DISADVANTAGED BUSINESS ENTERPRISE PLAN FOR FINGER LAKES REGIONAL  
AIRPORT**

RESOLUTION NO. 201-10, moved by Mrs. Amidon, seconded by Mr. Mooney and adopted.

RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized and directed to place a Public Notice regarding Finger Lakes Regional Airport Disadvantaged Business Enterprise (DBE) Plan being available for 30-day public review in the Department of Planning and Community Development, until October 22, 2010 and comment period open until November 8, 2010.

New Business

Mr. Churchill reminded everyone that Dr. Tony Ingraffea of Cornell University will deliver a presentation about High Volume Slick Water Hydraulic Fracture Horizontal Gas Drilling, also known as “hydrofracking” on Monday, Sept 20, 2010 at the South Seneca High School.

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

**BOARD OF SUPERVISORS PROCLAIM SEPTEMBER 28, 2010  
GOVERNOR DAVID A. PATERSON DAY**

RESOLUTION NO. 202-10, moved by Mr. Shipley, seconded by Mr. Davidson and adopted.

WHEREAS, Indian businesses have a long history of refusing to pay the state’s sales taxes, citing their sovereignty and treaties with the federal government; and

WHEREAS, in 1992, Mario Cuomo, then Governor of New York State, backed down from enforcing the collection of sales tax because he was intimidated by the burning of tires in protest resulting in part of the Thruway being closed; and

WHEREAS, in 1997, George Pataki, then governor of New York State, backed down from enforcing the collection of sales tax because he was intimidated by a confrontation between Indians and state troopers that shut down a 30-mile stretch of the Thruway south of Buffalo, NY; and

WHEREAS, in 2007, Eliot Spitzer, then governor of New York State, backed out of his campaign promise to collect taxes on the sale of cigarettes and gasoline by Indian retailers; and

WHEREAS, David A. Paterson, Governor of New York State moved forward with his plan to collect a \$4.35 - per – pack sales tax on cigarettes sold by Native American retailers to non-Indian customers effective September 10, 2010, despite state police warnings that such enforcement could result in “violence and death”; and

WHEREAS, at the eleventh hour, a federal judge granted the Cayuga Nation and Seneca Nation a two-week reprieve from the plan, which the tribes say will unjustly impact trade on their sovereign lands; now, therefore, be it

RESOLVED, that for his efforts to collect the sales tax on cigarettes sold by Native American retailers to non-Indian customers, the Seneca County Board of Supervisors hereby declares September 28, 2010 Governor David A. Paterson Day in Seneca County.

**BOARD OF SUPERVISORS RENAMES BAYARD STREET EXTENSION, IN THE TOWN OF  
SENECA FALLS, AS GOVERNOR DAVID A. PATERSON BOULEVARD**

RESOLUTION NO. 203-10, moved by Mr. Shipley, seconded by Mr. Same and adopted by 699 ayes (Shipley, Same, Reynolds, Garlick Lorenzetti, Serven, Prouty, Kaiser, Lafler, Churchill, Hayssen, Mooney, Kubasik) and 51 nays (Davidson, Amidon).

WHEREAS, to honor David A. Paterson, Governor of New York State, for moving forward with his plan to collect a \$4.35-per-pack sales tax on cigarettes sold by Native American retailers to non-Indian customers effective September 10, 2010, despite state police warnings that such enforcement could result in “violence and death”; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby rename Bayard Street Extension in the Town of Seneca Falls: Bayard Street Extension – Governor David A. Paterson Boulevard for September 28, 2010, known as Governor David A. Paterson Day in Seneca County, until the end of the year.

Special Order of the Day

The meeting was adjourned at 9:17 p.m.