

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

November 09, 2010

8:00 p.m.

Call to Order

Chairman Lafler called the meeting to order at 8:05 p.m.

Roll Call of Members by the Clerk

All members of the Board were present.

Presentations

Drive-thru Flu Clinic - Vickie Swinehart, Director of Public Health - The clinic served one hundred and forty individuals in ninety vehicles. Recipients of the vaccine had an age requirement of nineteen years or older. There were approximately 28 to 35 volunteers. Of sixty feedback surveys distributed, fifty-six were returned. Twenty-five evaluations were completed. Average time of service from scanning the license to exit was four minutes.

Submission of Claims for Audit

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

Supervisors vouchers	# 2766 - 2991	totaling	\$ 552,479.59
OFA vouchers	# 654 - 710	totaling	\$ 90,554.36
Workforce Development vouchers	# 196 - 210	totaling	\$ 23,283.64
Insurance vouchers	# 68 - 69	totaling	\$ 338.46
Sheriff vouchers	# 694 - 737	totaling	\$ 70,046.06
County Airport vouchers	# 120 - 128	totaling	\$ 8,361.75
Highway Transportation vouchers			
Maintenance & State Snow	# 233 - 253	totaling	\$ 178,206.19
Highway Machinery	# 378 - 420	totaling	\$ 21,019.63
		Highway total	\$ 199,225.82
Airport Capital vouchers	# 17 - 18	totaling	\$ 23,034.52
Highway Capital vouchers	# 24 - 25	totaling	\$ 10,344.31
Veterans Cemetery Capital Vouchers	# 34 - 35	totaling	\$ 335,138.31
Sewer and Water District vouchers	# 201 - 228	totaling	\$ 29,039.67

Reports of Standing Committees

Planning, Development, Agriculture & Tourism Committee - Mr. Same, Vice-Chair reported that the committee recommended that the Seneca County Chamber be designated as the Tourism Promotion Agency for 2011 for Seneca County.

Public Safety and Public Works Committees, Mr. Davidson, Chairperson, reported that the Public Safety committee recommended the acceptance of the State of New York Department of State funding for \$17,218.00 for the County of Seneca from the Local Enhanced Wireless 911 Program. This sum is reimbursement for Computers, Phone lines, Radio Tower space and other costs incurred by the E-911 Center from April 2010 through March 31, 2013; approval to refill the several positions in the Sheriff's Office: Civil Clerk position; Deputy Sheriff Position; Refill part-time Cook position & Assistant Cook position; and three (3) Deputy Sheriff Recruit positions in January of 2011. Under the Public Works Committee, the issue of the Varick Sewer District seeking permission to construct a sewer line to connect to Seneca County District No. 1 at the Sampson State Park was on the agenda. Mr. Kubasik was directed to arrange a meeting with the municipalities involved.

Mental Health, Mr. Reynolds, Chairperson, reported that the committee approved refilling the Prevention and Treatment Program Director position.

Indian Affairs Committee, Mr. Shipley, Chairperson, reported that the committee met in Executive Session in order to discuss pending or proposed litigation about the Cayuga Indian Nation Fee to Trust application and to take advice of counsel with regard thereto. The committee also discussed action by the board to withhold county funding and services from occupants of property in the land-into-trust area. Frank Fisher, the county attorney was charged with researching the legality of such action and to report to the committee at the November 23 committee meeting.

Human Services Committee, Mr. Mooney, Chairperson, reported that the committee met with Dr. Risser from Finger Lakes Community College (FLCC) regarding the proposal for Cayuga County Community College to apply for Seneca County to part of its service area. The committee also recommended approval of the Seneca County 2011 education contract between FLCC and Seneca County. The contract is no to exceed \$57,172.00; recommended the approval of Christine Kinsman from the town of Waterloo as a member of the Youth Board; and recommended board approval for the Chairman of the Board to sign the 2011 County Reintegration Project Agreement with the Youth Advocate Program, Inc.

Finance, Assessment & Insurance Committee, Mr. Kubasik, Chairperson, reported that the committee recommended a board resolution authorizing the Clerk of the Board to advertise for the public hearing for the 2011 tentative budget; recommended board approval of budget transfers within the Board of Elections to allow for the correct procedure to compensate election workers; the committee also

approved refills previously mentioned in the Sheriff's Office, Mental Health Department and Human Services. Finally, the Committee met in executive session to discuss and to take action with regard to pending litigation in the matter of Lukowski, et. al. v. Seneca County and take advice of counsel.

Approval of Meeting Minutes

The minutes of the August 10 and August 24, 2010 board meeting were approved.

Communications:

171. Notice of Public Hearings for the Town of Ovid on November 10, 2010; the Town of Lodi on November 11, 2010; the Town of Romulus on November 17, 2010 to hear comment on proposed Local Law Z of 2010, "A Local Law providing for Licensing, Identification, and Control of Dogs", to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, domestic animals and deer from dog attack and damage, and the fees and penalties related thereto.

172. Notice of Public Hearing for the Town of Romulus on November 17, 2010 concerning proposed Local Law no. YY or 2010, "A proposed Local Law to repeal Local Law No. 1 of the Year 2007 of the Town of Romulus, 'a local law relative to recording the Town of Romulus snow removal law' which provides [set forth an abstract of the proposed local law]: Local Law No. 1 of the Year 2007 of the Town of Romulus, "a local law relative to the recording the Town of Romulus snow removal law" shall hereby be repealed.

173. From Harris Beach, PLLC, on behalf of the Seneca County Industrial Development Agency, Form 412-a Application for Real Property Tax Exemption form with attached Fourth Amended Payment in Lieu of Tax Agreement (PILOT) for Bruce Henry Properties, LLC d/b/a Bonadent.

174. From Mark LaVigne, Deputy Director, NYSAC, notice by email that the Department of Environmental Conservation decided to hold a further round of public comment (schedule to be announced) before acting on proposed rules to phase out polluting outdoor wood-fired boilers.

175. From Cindy French, an email dated November 4, 2010, subject: Sr. Living is Needed in Seneca County, focusing on the need for independent and/or assisted living facilities to accommodate seniors in Seneca County.

176. A copy of the Seneca County IDA October 7, 2010 meeting minutes.

177. A copy of the Seneca County Board of Health October 20, 2010 meeting minutes.

178. A copy of the Seneca County Soil & Water Conservation District September 27, 2010 meeting minutes.

Resolutions and Motions

**RESOLUTION URGING NEW YORK STATE TO ADDRESS THE ROOT CAUSE OF
PROPERTY TAXES BY RELIEVING COUNTIES FROM FINANCING NINE UNFUNDED
STATE MANDATES**

RESOLUTION NO. 230-10, moved by Mr. Kubasik, seconded by Mr. Kaiser and adopted.

WHEREAS, New York State property taxes are nearly 80 percent above the national average;
and

WHEREAS, county leaders have long recognized the need for lower property taxes and have strongly advocated for lowering the local tax burden for decades; and

WHEREAS, in 2010 across the State (outside of New York City) nearly \$4.4 billion was raised through county property taxes, of which \$4 billion or 90 percent was consumed by nine unfunded State mandates; and

WHEREAS, individual counties do not have a choice over how to spend most of their locally raised revenues, as mandates from Albany and other fixed costs make up the vast majority of a typical county budget, including these nine major State mandates:

- Medicaid
- Public Assistance
- Early Intervention Services
- Pre-School Special Education
- Child Welfare
- Youth Detention
- Probation
- Indigent Defense
- Pension Costs; and

WHEREAS, current property tax cap proposals coming from the State Capitol do nothing to lower property taxes or eliminate current and future State mandates on counties; and

WHEREAS, simply proposing to cap property taxes without addressing the root causes and reforming service delivery and financing only preserves the distinction of having the highest property taxes in the nation without achieving any tangible benefit in local communities;

NOW, THEREFORE, BE IT RESOLVED, that Seneca County encourages the State to enact policies so that fiscal responsibility for services resides with the level of government that has the decision-making authority over those services; this will in turn bring about government accountability, reduce the property tax burden and put New York back on the right track; and

BE IT FURTHER RESOLVED, copies of this resolution be forwarded to the Governor, members of the New York State Legislature and all those deemed necessary and proper.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED TO SIGN THE OFFICE
FOR THE AGING ANNUAL IMPLEMENTATION PLAN FOR SERVICES AND FUNDING
APPLICATIONS**

RESOLUTION NO. 231-10, moved by Mr. Mooney, seconded by Mr. Davidson and adopted.

WHEREAS, the Seneca County Office for the Aging is required to submit the Annual Implementation Plan (AIP) for services for the period April 1, 2011 – March 31, 2012 for Seneca County which includes funding applications; and

WHEREAS, two public hearings have been held on September 21, 2010 at 2276 County Road 139, Ovid, NY and September 23, 2010 at One DiPronio Drive, Waterloo, NY on said plan; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the Office for the Aging Annual Implementation Plan and funding applications; and be it

FURTHER RESOLVED, that the Director of the Office for the Aging is hereby authorized and directed to submit such funding applications and enter into agreements and contracts as described in said plan.

**SUPERVISORS APPROVE PURCHASE OF 6-WHEEL TRUCK FOR HIGHWAY
DEPARTMENT**

RESOLUTION NO. 232-10, moved by Mr. Davidson, seconded by Mrs. Amidon and adopted.

WHEREAS, funds for the purchase of one (1) 2011 6-wheel Ford F450 flatbed truck from State Contract PC63652 in the amount of \$32,269.45 have been appropriated from the 2010 Seneca County Highway road Machinery Vehicle Account 5130-2600; and

WHEREAS, the purchase was approved by the Public Works Committee of the Seneca County Board of Supervisors on October 26, 2010; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Highway Superintendent to purchase on (1) 2011 6 – wheel Ford F450 flatbed truck from State Contract PC63652 in the amount of \$32,269.45 with funds appropriated from the 2010 Highway Road machinery Vehicle Account 50-120-5-5130-2600.

**TREASURER AUTHORIZED TO AMEND 2010 SENECA COUNTY HIGHWAY STATE SNOW
BUDGET FOR INCREASED MACHINERY RENTAL**

RESOLUTION NO. 233-10, moved by Mr. Davidson, seconded by Mr. Kubasik and adopted.

WHEREAS, the Seneca County Highway budget for 2010 appropriated \$140,000 in machinery rental for State Snow; and

WHEREAS, the Highway Department has expended an additional \$66,874.31 in machinery rental this year which is fully reimbursed through the Snow & Ice Agreement; and

WEHREAS, the Highway Superintendent wishes to amend the State Snow budget to include this additional cost for machinery rental; and

WHEREAS, the Public Works Committee approved these amendments on October 26, 2010; now, therefore, be it

RESOLVED, that the Seneca County Treasurer is hereby authorized and directed to amend the 2010 Seneca County Highway State Snow budget as follows:

Decrease Account 5144-1300 State Snow – Overtime	40,000
Decrease Account 5144-4552 State Snow – Salt	27,000
Increase Account 5144-4201 State Snow – Machinery Rental	67,000

SUPERVISORS AUTHORIZE LEASE AGREEMENT WITH STS FOR SPACE AT THE COUNTY OFFICE BUILDING

RESOLUTION NO. 234-10, moved by Mr. Davidson, seconded by Mr. Mooney and adopted.

WHEREAS, STS currently has a lease agreement with the County for the use of Building 103 at the former Seneca Army Depot in Romulus; and

WHEREAS, Building 103 at the former Seneca Army Depot has been deemed to be uninhabitable due to water, mold and building condition issues; and

WHEREAS, STS has expressed an interest in relocating to the County Office Building located at One DiPronio Drive, Waterloo, NY; and

WHEREAS, 585 square feet of office space is available on the third floor of the Seneca County Office Building where minor renovations will be done by the Facilities Department, including the construction of a partition wall; and

WHEREAS, STS would pay annual rent in the amount of \$9.50 / sf per year for a total of \$5,557.50 annually; and

WHEREAS, the Public Works Committee approved this resolution at its meeting on October 26, 2010; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the lease agreement between Seneca County and STS for a term of three years; and be it

FURTHER RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the lease agreement with STS for the rental of office space at the Seneca County Office Building located at One DiPronio Drive, Waterloo, NY.

**ACCEPT THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT)
GRANTS FOR RESURFACING OF RUNWAY 1-19 AND UPDATING THE AIRPORT MASTER
PLAN AT THE FINGER LAKES REGIONAL AIRPORT**

RESOLUTION NO. 235-10, moved by Mrs. Amidon, seconded by Mr. Churchill and adopted.

WHEREAS, NYSDOT has approved two grants, one for the updating of the Airport Master Plan for \$5,000 and one for the Rehabilitation of Runway 1-19 for \$32,653.00; and

WHEREAS, the resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on October 26, 2010; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors approve the acceptance of the NYSDOT grants for updating the Airport Master Plan for \$5,000 and \$32,653.00 for the resurfacing of Runway 1-19 of the Finger Lakes Regional Airport and that the Chairman of the Board of Supervisors be authorized and directed to sign all necessary documentation to accept this application.

AUTHORIZATION TO HOLD PUBLIC HEARING FOR SENECA COUNTY HOUSING PLAN
RESOLUTION NO. 236-10, moved by Mrs. Amidon, seconded by Mr. Mooney and adopted by 710 ayes (Amidon, Mooney, Reynolds, Garlick Lorenzetti, Serven, Davidson, Prouty, Kaiser, Same, Lafler, Churchill, Shipley, Kubasik) and 40 nays (Hayssen).

WHEREAS, municipal plans require both a State Environmental Quality Review and a public hearing prior to adoption; and

WHEREAS, the Seneca County Comprehensive Plan's Housing Chapter will serve as the Seneca County Housing Plan until the Comprehensive Plan is fully completed and adopted; and

WHEREAS, a Public Information meeting will be held at the Romulus Central High School Cafeteria on Tuesday, November 30, 2010 to provide the public an opportunity to review the draft and ask questions; and

WHEREAS, this Resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on October 26, 2010; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors declares itself Lead Agency for the Seneca County Housing Plan's State Environmental Quality Review; and be it

FURTHER RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the holding of a public hearing for the purpose of soliciting public comment prior to the adoption of the Seneca County Housing Plan on December 14th, 2010 at 8:00 p.m. in the Board of Supervisors Board Room in the Seneca County Office Building at One DiPronio Drive, Waterloo, New York; and be it

FURTHER RESOLVED, that the Clerk of the Board is hereby authorized and directed to advertise for said public hearings.

Prior to voting, Mr. Hayssen stated that he would be voting nay on this resolution because in reviewing the surveys conducted, he believed there was not enough public support from the towns in the south end of the county.

BOARD OF SUPERVISORS DESIGNATES SENECA COUNTY CHAMBER OF COMMERCE AS COUNTY TOURISM PROMOTION AGENCY (TPA) AND AUTHORIZES APPLICATION FOR MATCHING FUNDS PROGRAM IN 2011

RESOLUTION NO. 237-10, moved by Mrs. Amidon, seconded by Mr. Churchill and adopted.

WHEREAS, the Seneca County Board of Supervisors desires to enhance the general economy of Seneca County through the promotion and marketing of tourism attractions, conventions, trade shows, special events and other activities directly related to and in support of tourism assets; and

WHEREAS, the Seneca County Board of Supervisors supports the designation of the Seneca County Chamber of Commerce as the County's Tourism Promotion Agency (TPA); and

WHEREAS, Seneca County commits up to \$189,300.00 in support of the Matching Funds Program; and

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

RESOLVED, that the New York State Department of Economic Development be requested to designate the Seneca County Chamber of Commerce as Seneca County's Tourism Promotion Agency for 2011; and be it

FURTHER RESOLVED, that Seneca County will commit up to \$189,300.00 from the County's Room Tax in 2011 to provide the County's share of the 2011 Matching Fund Program.

RESOLUTION APPOINTING MEMBER TO THE FINGER LAKES REGIONAL AIRPORT ADVISORY COMMITTEE

RESOLUTION NO. 238-10, moved by Mrs. Amidon, seconded by Mr. Same and adopted.

WHEREAS, the Finger Lakes Regional Airport Advisory Committee has recommended that Dr. Hunter A. Mollin be appointed to the Finger Lakes Regional Airport Advisory Committee; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on September 28, 2010; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Dr. Hunter A. Mollin effective immediately and through September 31, 2013.

Unfinished Business:

Mr. Kubasik moved the introduction of the following resolution that was approved at the November 1, 2010 Finance Committee meeting

**BOARD OF SUPERVISORS DIRECTS THE BUDGET OFFICER TO UTILIZE GUIDELINES
IN PREPARING THE 2011 TENTATIVE BUDGET FOR SENECA COUNTY**

RESOLUTION NO. 239-10, moved by Mr. Kubasik, seconded by Mr. Hayssen and adopted.

WHEREAS, recently proposed legislation calls for a property tax cap at 4% of the previous years tax levy or 120% of the Consumer Price Index (CPI) for the previous 12 months which ever is less, with upstate New York's CPI estimated at 1%; and

WHEREAS, the tentative 2011 County Budget is required by Statute to be presented to the Clerk of the Board on or before November 15, 2010; now, therefore, be it

RESOLVED, with the property tax cap legislation pending and the economic climate for upstate New York taking longer to recover, the Finance Committee of the Board of Supervisors hereby directs the Budget Officer to utilize the following guidelines in preparing the 2011 Tentative Budget for Seneca County:

The Budget Officer will deliver to the Board of Supervisors a Tentative Budget for fiscal year 2011 with a tax levy of less than 1% increase over 2010;

The allocation of sales tax shall not exceed the average of 2009 actual and 2010 estimated revenue based on 10 months receipts;

The allocation of fund balance use shall not exceed the average of 2009 and 2010 allocated amounts; and further

RESOLVED, that the Board of Supervisors will review the appropriations and revenues presented in the 2011 Tentative Budget and propose any amendments to said budget by resolution prior to the adoption of the 2011 budget by the New York Statute date of December 20, 2010.

New Business

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

**BOARD OF SUPERVISORS URGES ALL MUNICIPALITIES TO TAKE STEPS TO COLLECT
TAXES AND FEES ON PROPERTY AND SERVICES**

RESOLUTION NO. 240-10, moved by Mr. Shipley, seconded by Mr. Hayssen and adopted.

WHEREAS, the Cayuga Indian Nation has failed and refused to pay taxes lawfully due on commercial transactions, on real property and fees due for services provided to such properties; and

WHEREAS, despite such failure and refusal, the Cayuga Indian Nation, its businesses, employees and members continue to avail themselves of the rights, privileges and usage of the services and infrastructure made available to residents of Seneca and Cayuga Counties; and

WHEREAS, Seneca County has aggressively sought to remedy this unjust situation and restore just and fair collection of taxes and fees on all Seneca County residents resulting in equal treatment of all such residents in payments of such taxes and fees; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors deplores the Cayuga Indian nation's unjust, unfair, and unlawful refusal to pay their fair and lawful share of the taxes and fees attributable to their usage of the services and infrastructure of Seneca County and its municipalities, which usage is currently being underwritten by the tax-paying citizens of Seneca County; and be it further

RESOLVED, that the Board of Supervisors urges all municipalities, municipal agencies, districts and utilities to take all necessary and lawful steps to collect and enforce the just and lawful taxes, assessments and fees due upon real property and upon usage of the services and infrastructure of the Towns and Villages of the County, regardless of the race, color, religion or natural origin of the owner of such property, consumer of such services or user of such infrastructure.

CLERK OF THE BOARD AUTHORIZED AND DIRECTED TO ADVERTISE FOR PUBLIC HEARING RE: 2011 SENECA COUNTY BUDGET

RESOLUTION NO. 241-10, moved by Mr. Kubasik, seconded by Mr. Davidson and adopted.

RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized and directed to advertise for a public hearing on the tentative 2011 Seneca County Budget; and said public hearing to be held on December 2, 2011 at or about 6:00 p.m.

At 8:56 p.m., Mr. Kubasik made a motion, seconded by Mrs. Amidon, to enter Executive Session to take action with regard to pending litigation in the matter of Lukowski, et. al. v. Seneca County.

Special Order of the Day

The board reconvened in public session and the meeting was adjourned at 9:05 p.m.