

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

April 12, 2011

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

Thirteen members of the Board were present. Mr. Kubasik was absent.

Petitioner

Ralph Calabrese petitioned the Board of Supervisors regarding the leasing of buildings at the VA Hospital in Canandaigua to outside agencies.

Submission of Claims for Audit

Mr. Hayssen, 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	# 652 - 947	totaling	\$ 689,207.97
OFA vouchers	# 181 - 243	totaling	\$ 77,44.82
Workforce Development vouchers	# 61 - 96	totaling	\$ 29,447.62
Self Insurance vouchers	# 8 - 22	totaling	\$ 407,764.99
Sheriff vouchers	# 214 - 269	totaling	\$ 71,120.12
County Airport vouchers	# 33 - 46	totaling	\$ 3,027.26
Highway Transportation vouchers			
Maintenance & State Snow	# 57 - 78	totaling	\$ 133,923.24
Highway Machinery	# 111 - 151	totaling	\$ 73,048.15
	Highway Total		\$ 206,971.39
Water & Sewer	# 50 - 77	totaling	\$ 26,473.32
Airport Capital vouchers	# 9	totaling	\$ 8,958.15
Highway Capital vouchers	# 5	totaling	\$ 7,172.94

Reports of Standing Committees

Planning, Development, Agriculture & Tourism Committee - Mrs. Amidon, Chairperson. The Planning, Development, Agriculture & Tourism Committee approved the following issue: (1) Acceptance of a Grant from NYSDOT for the Design Phase of the Rehabilitation of Runway 1-19 and for Airport Layout Plan for the Seneca County Airport. NYSDOT approved the Seneca County Grant for the 2009

projects for \$4,125. Seneca County's match is \$4,125 and FAA approved \$156,750; (2) Apply for Community Development Block Grant for Housing Rehabilitation Funding. New York State Homes and Community Renewal (HCR) published the 2011 Notice of Funding Availability for the 2011 Community Development Block Grant Program, with applications due on May 27, 2010. The CDBG Housing Rehabilitation Program provides housing repair grants to income-eligible homeowners and renters for up to \$25,000. Towns, Villages, and Counties may apply for these funds, and Seneca County is eligible to apply for up to \$750,000 in CDBG funds for housing rehabilitation projects throughout the entire county. Seneca County intends to apply for \$500,000 in owner-occupied housing rehabilitation funds for low-to-moderate income owners. In addition, \$ 250,000 will be applied for low-moderate income rental rehabilitation projects. The rental rehabilitation funding will support the New York Main Street applications being submitted by both Town of Seneca Falls and Village of Interlaken, and be available for use throughout the County; (3) the appointment of Edward Franzoni as Alternate Member to the Seneca County Planning Board; (4) Approval to request bids for an Airport Utility Vehicle. The Finger Lakes Regional Airport was budgeted for a utility vehicle for 2011 for \$16,083

Public Safety Committee - Mr. Davidson, Chairperson. The Public Safety Committee approved the following items: (1) Authorize Chairman of the Board to sign the Ignition Interlock Monitoring Program contract with NYS Department of Criminal Justice Services. To enhance public safety by engaging in Breath Alcohol Ignition Interlock Device monitoring activities for adult DWI offenders, New York State recognizes there is a cost to localities for such activities. To that end, the NYS Division of Criminal Justice Services has awarded contracts to each locality for providing monitoring activities. For the grant period 10/1/10 – 9/30/11, NYS DCJS has awarded Seneca County up to \$14,103.00; (2) A contract with the K & A Radiologic Technology Services, Inc., for services to the Seneca County Correctional Facility. K & A will provide such onsite services as X-Rays, EKG Services and Portable Ultrasound Services. This would provide savings from Emergency Room fees, transporting of inmates either by our vans or ambulance. One of the first items that would come into play would be those inmates that are tested positive in the TB screenings that then require a chest x-ray be performed; (3) Recommendations from the Vacancy Committee to temporarily fill a Deputy Sheriff position vacant due to military leave.

Public Works Committee – Mr. Davidson, Chairman. The Public Works Committee approved the following issues: (1) Approve an amendment to the contract with James & Sons Construction for additional general construction work at the Sampson Veterans Memorial Site. Asbestos abatement and partial demolition of the former Guard Shack is required so that in-kind services can be provided to reconstruct the building for use as a Public Information Center and for on-site office use. The General Construction contractor submitted a proposal in the amount of \$10,120.00. Funding is available in the

capital fund being supported by the state grant; (2) Create Engineering Technician position. The County Engineer requests creation of the position of Engineering Technician at a starting salary of \$39,710. The position is funded under the 2011 budget.

Indian Affairs Committee - Mr. Shipley, Chairman. The Indian Affairs Committee approved the following: (1) to adopt a resolution urging Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Richard Hanna, and Congressman Bill Owens, to send a jointly-signed letter to President Obama, and for New York State Governor Andrew Cuomo to send a letter to President Obama explaining the serious negative implications for New York counties if a Carcieri fix becomes law and if land is taken into trust for the Cayuga Indian Nation. The Final Environmental Impact Study (FEIS) regarding these applications is completed, and a Record of Decision (ROD) could be issued by the Secretary of the Interior at any time. Issuance of a ROD appears to be held up by the U.S. Supreme Court's February 2009 ruling in *Carcieri v. Salazar* that the Secretary of the Interior does not have the authority to take land in trust for Indian tribes that were not federally recognized and under federal jurisdiction in 1934 when the Indian Reorganization Act was passed. Bills have been introduced to both the House (H.R.1231) and the Senate (S.676) to allow any federally recognized Indian tribe to be granted land in trust. The Cayuga Indian Nation of New York, if federally recognized in 1934, was certainly not under federal jurisdiction at that time. In addition to the fifteen Seneca County acres in the Nation's current trust applications, the Cayugas have already purchased more than 1,100 acres in the county with intent to place them in trust if and when its initial applications are approved. President Obama has indicated his intention to sign into law a bill which provides a Carcieri fix. A letter should be sent to the President assuring that he is aware of the disruptive practical consequences of checkerboarded sovereign land, and that the congressional intent of the Indian Reorganization Act (IRA) of 1934 was not to establish new reservations, but to restore to Indian tribes, principally in the West, reservation land which those tribes had lost by allotting parcels to individual Indians following the Dawes Act of 1887.

Human Services Committee - Mr. Mooney, Chairman. The Human Services Committee approved the following: (1) to proclaim May 4, 2011 as LAW DAY in Seneca County. The Criminal Justice Advisory Board has instituted a program to teach students about Law Day and the Legal System. Included in the Law Day Celebration in Seneca County are a mentoring job shadowing program and a STOP DWI presentation. This year's theme for Law Day is "Legacy of John Adams: From Boston to Guantanamo"; (2) the appointment of Wilson Augustave, Regional Administrator, Pathstone Corporation, Ontario/Wayne County to the Finger Lakes Workforce Investment Board. In compliance with the Workforce Investment Act (WIA) of 1998, the appointment of the public sector Workforce Investment Board members must be endorsed by the four counties of Ontario, Wayne, Seneca and Yates; (3) to apply for RESTORE Grant funds for Emergency repairs for Senior Citizens. The RESTORE

Program provides emergency home repair grants up to \$7,500 for income-eligible senior homeowners. Seneca County Weatherization is eligible to apply for up to \$75,000 in RESTORE funds for projects throughout the entire county. This year, both Seneca Housing and Weatherization agreed that it made more sense for Seneca County Weatherization to be the applicant and operate the program on its own - with assistance from Seneca Housing as needed and requested. There is no matching fund requirement on this program; (4) Recommendation from the Vacancy Committee to refill a vacant part-time Typist position in the Department of Human Services. The Committee voted to lay on the table until its next meeting the issue of purchasing sixteen computers for the Department of Human Services. Mr. Churchill requested additional information on using "white box" Netlink computers.

Personnel & Technology Committee - Mr. Same, Chairman. The Personnel & Technology Committee approved (1) an agreement with PAETEC to continue providing Seneca County with local and long distance and toll free telephone service. Seneca County's average monthly telephone bill is approximately \$3,000 with its highest bill in February 2011 of \$3,260. Under the new agreement the monthly cost would be reduced to \$2,092.40 saving the county approximately \$1,000 per month.

Government Operations Committee - Mr. Kaiser, Chairman. The Government Operations Committee approved the introduction of a local law and to advertise for a public hearing creating a new weighted voting power of each member of the Board of Supervisors based on the 2010 Census; (2) There was a discussion about sighting of the STS bus blocking the intersection of Stevenson St and East Bayard Street. It was agreed that this sighting(s) may be due to the bus stop not being clearly marked or the sign may have been damaged due to snow plowing. Board Chairman Lafler stated that he spoke with the Regional Director for STS, Bill White, who said he will follow up and make sure the bus stop is clearly marked and that if the STS bus is serving a Dial-a-Ride request to the smokeshop on the east corner of Stevenson Street and East Bayard Street, it is supposed to stop/stand/park in the parking lot owned by the business.

Public Health Committee - Mrs. Garlick Lorenzetti, Vice-Chair. The Public Health Committee approved the following issues to be referred to the Board of Supervisors: (1) Authorize the County Treasurer to make amendments to the Public Health Department. The Health Department was initially notified that the Emergency Preparedness Grant award for 2010-2011 would be in the amount of \$35,750. This was approved by the Board of Supervisors via resolution # 205-10. Since that time, the Department was notified that additional funding was available, increasing the grant amount to \$ 60,750; (2) Proclaim April 23-30, 2011 National Infant Immunization Week. The purpose of National Infant Immunization Week is to focus local and national attention on the importance of timely immunization for infants and toddlers 2 years old and younger.

Finance, Assessment & Insurance Committee - Mr. Hayssen, Chairman. The Finance, Assessment and Insurance Committee approved the following issues for the Board of Supervisors consideration: (1) Approve an amendment to the contract with James & Sons Construction for additional general construction work at the Sampson Veterans Memorial Site. Asbestos abatement and partial demolition of the former Guard Shack is required so that in-kind services can be provided to reconstruct the building for use as a Public Information Center and for on-site office use. The General Construction contractor submitted a proposal in the amount of \$10,120.00. Funding is available in the capital fund being supported by the state grant; (2) to extend Tax Rolls and Bills for School Districts and Villages. Seneca County has extended tax rolls and bills for school districts and villages located in Seneca County for the past several years by annual written agreements between the county and schools and villages. The schools and villages are desirous of continuing the process for 2011; (3) Provide Tax Roll and Tax Bill Extract Files to Romulus, Seneca Falls, South Seneca, Trumansburg and Waterloo School Districts to Extend Tax Bills. Seneca County has provided tax extract files to the Romulus, Seneca Falls, Trumansburg and Waterloo School Districts to enable the school districts to extend their own tax bills for the past few years. South Seneca is desirous of receiving the same service this year. The service was provided at no cost to the school districts by written agreements; (4) approve an amendment to the Investment and Deposit policy. The amendment is an increase in the Daily Maximum Amount from \$5,000 to \$10,000 in the designated depositories and from \$10,000 to \$15,000 for Bank of America; (5) Create Engineering Technician position. The County Engineer requested the creation of the position of Engineering Technician at a starting salary of \$39,710. The position is funded under the 2011 budget; (6) approved recommendations from the Vacancy Committee: Refill a vacant part-time Typist position in the Department of Human Services, Temporarily fill a Deputy Sheriff position vacant due to military leave, Refill the Real Property Tax Service Aide position upon vacancy in June 2011, Refill two vacant Code Enforcement Officer Positions.

Communications:

43. A copy of the Seneca County IDA February 3, 2011 meeting minutes.
44. A copy of the Seneca County Board of Health March 16, 2011 meeting minutes.
45. A copy of the Genesee / Finger Lakes Regional Planning Council March 10, 2011 meeting minutes.
46. A copy of the Seneca County Weights & Measures Annual Report 2010.
47. A copy of the InterCounty Association of Western New York March 18, 2011 meeting minutes.
48. A copy of the Seneca County Economic Development Corporation Annual Financial Disclosure Forms / Certifications of No Conflict of Interest.
49. A copy of Resolution No. 118, adopted by the Board of Supervisors of Fulton County urging Governor Cuomo to reject the 2011 NYS Mandate Relief.

50. A copy of a letter dated March 24, 2011 from Supervisor Robert Shipley, to Congressman Hanna and Congressman John Mica regarding the U. S. Department of the Interior BIA policy of placing Indian land-into-trust and the potential of a Congressional “Carcieri Fix” legislation.

Resolutions and Motions

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
A CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF HEALTH FOR THE
CHILDHOOD LEAD POISONING PREVENTION PROGRAM**

RESOLUTION NO. 69-11, moved by Mrs. Garlick Lorenzetti, seconded by Mr. Churchill and adopted.

WHEREAS, the Health Department is receiving a grant from the NYSDOH for the Childhood Lead Poisoning Prevention Program; and

WHEREAS, the period covered by this grant is October 1, 2010 to September 30, 2011; and

WHEREAS, the amount of the grant is \$22,354; and

WHEREAS, the money is included in the Public Health Department budget 10-115-5-4013; and

WHEREAS, the Public Health Committee has recommended approval of this grant; and

WHEREAS, it is necessary for the Chairman of the Board of Supervisors to sign this contract to receive the funds; therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the Childhood Lead Prevention Program Grant with the New York State Department of Health.

BOARD OF SUPERVISORS AUTHORIZE CHANGES TO THE PUBLIC HEALTH BUDGET
RESOLUTION NO. 70-11, moved by Mrs. Garlick Lorenzetti, seconded by Mr. Mooney and adopted.

WHEREAS, the Health Department was initially notified that the Emergency Preparedness Grant award for 2010 – 2011 would be in the amount of \$35,750; and

WHEREAS, since that time the Department has been notified that additional funding is available, increasing the grant amount to \$60,750; and

WHEREAS, the following changes need to be made to the Public Health Emergency Preparedness budget 10-115-5-4014:

2300	Computer Equipment	\$4,500
2400	Technical Equipment	\$3,750
4120	Building Expenses	\$ 500
4200	Office Supplies	\$17,800
4231	Cell Phones	\$ 4,200
4240	Postage	\$ 250
4360	Advertising	\$ 1,000
4370	Consulting	\$26,500

4440	Employee Mileage	\$ 500
4450	Training	\$ 1,750
	Total Appropriation	\$60,750
	Total Revenue	\$60,750

WHEREAS, the Public Health Committee has approved these budget changes; therefore, be it RESOLVED, that the Board of Supervisors authorizes the Treasurer to make the above changes to the Public Health Emergency Preparedness budget.

BOARD OF SUPERVISORS PROCLAIM APRIL 23 – 30, 2011

NATIONAL INFANT IMMUNIZATION WEEK

RESOLUTION NO. 71-11, moved by Mrs. Garlick Lorenzetti, seconded by Mr. Shipley and adopted.

WHEREAS, vaccines are among the world’s most successful and cost-effective public health tools available for preventing disease and death; and

WHEREAS, National Immunization levels are at or near record highs for most vaccines and several vaccine-preventable diseases have been reduced by 99 percent or more since the introduction of vaccines; and

WHEREAS, children need a series of vaccinations, starting at birth, to be fully protected against 14 potentially serious diseases; and

WHEREAS, immunizations are among the best ways parents can protect their children against serious disease; and

WHEREAS, National Infant Immunization Week focuses local and national attention on the importance of timely immunization for infants and toddlers 2 years old and younger; and

WHEREAS, National Infant Immunization Week serves as a call to parents, caregivers, and health care professionals to participate in educational, recognition, and media events to increase the awareness of the importance of immunizing children before their second birthday; and

WHEREAS, the week of April 23 – 30, 2011 has been declared National Infant Immunization Week to help ensure that children have all of their vaccinations by the age of two; and

WHEREAS, the Public Health Committee has made the recommendation for such a proclamation; therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby proclaim the week of April 23 – 30, 2011 as Infant Immunization Awareness Week in Seneca County; and be it further

RESOLVED, that public and private health care professionals, parents and children’s caregivers in Seneca County are encouraged to protect the health of children by ensuring early and on-time immunization against vaccine preventable childhood diseases.

**BOARD OF SUPERVISORS AUTHORIZES CONTRACT FOR
ADDITIONAL BUILDING RENOVATION AND CONSTRUCTION WORK
AT SAMPSON VETERANS MEMORIAL CEMETERY SITE**

RESOLUTION NO. 72-11, moved by Mr. Davidson, seconded by Mrs. Amidon and adopted by 519 ayes (Davidson, Amidon, Reynolds, Garlick Lorenzetti, Serven, Prouty, Kaiser, Same, Lafler, Mooney); 171 nays (Churchill, Hayssen, Shipley). Mr. Kubasik was not present for the meeting (60 votes).

WHEREAS, Seneca County is the owner of 162 acres of land in the Town of Romulus; and

WHEREAS, the County is developing the property to be used as the Sampson Veterans Memorial Cemetery; and

WHEREAS, New York State has committed \$3.1 million in grant funding to support development of the cemetery; and

WHEREAS, the building renovation and construction work is necessary and consistent with the Adopted Master Plan and detailed design drawings for the site; and

WHEREAS, additional work in the form of asbestos abatement and partial demolition of the former guard shack is necessary; and

WHEREAS, James & Son Construction of Skaneateles, NY has submitted a proposal for these services in the amount of \$10,120.00; and

WHEREAS, the Seneca County Board of Supervisors does hereby accept the proposal from James & Son Construction for additional general construction work in an amount not to exceed \$10,120.00; and

WHEREAS, this resolution has been reviewed and approved by the Public Works and Finance, Assessment & Insurance Committees on April 12, 2011; therefore, be it

RESOLVED, the Chairman of the Seneca County Board of Supervisors be authorized and directed to sign all necessary documentation to enter into an amended contract with James & Son Construction for additional general construction work at the Sampson Veterans Memorial Site.

Prior to voting for the aforementioned resolution, Mr. Churchill stated that he would be voting nay. He fully supports the cemetery and the veterans, but he needs to see where the funding for the operation of the cemetery will be generated. He does not want the taxpayers to be burdened by supporting the cemetery.

Mrs. Garlick Lorenzetti stated that she never received a response to her email she sent asking several questions for additional information. She understood that when the project for a veterans cemetery began, it was not going to be on the "backs of the county taxpayers". She supports the veterans and the cemetery but she would be voting nay to the resolution.

Mr. Kaiser stated that he would be voting aye because if the cemetery project isn't completed then the county may have to pay back the \$3.17 million in grant funding. He stated that he is confident it will be a state run cemetery eventually.

Mr. Davidson stated that he would be voting aye but said the issue of internment had to be discussed separately.

County Manager Sinclair stated that she spoke briefly with Senator Schumer in Batavia earlier in the week. She stated that the Senator informed her that he was in favor of constructing a national veterans cemetery closer to Buffalo. He was not interested in making the Sampson cemetery a national cemetery.

Mr. Hayssen stated that he is offended when he is accused of not supporting the veterans and the cemetery. He said he wants to be sure the cemetery is done correctly so that it honors the veterans who deserve a top-notch cemetery.

At the close of a lengthy discussion, Mr. Davidson schedule a Special Meeting of the Public Works Committee to continue the discussion of concerns relating to the cemetery for April 18 at 5:30 p.m.

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

RESOLUTION NO. 73-11, moved by Mr. Davidson, seconded by Mr. Reynolds 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 \$41,903.98 have been appropriated from the 2011 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 March 22, 2011; therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Highway Superintendent to purchase one (1) 2011 6-wheel Ford F450 flatbed truck from State Contract PC63652 in the amount of \$41,903.98 with funds appropriated from the 2011 Highway Road Machinery Vehicle Account 50.120.5.5130.2600.

CHAIRMAN OF THE BOARD AUTHORIZED TO SIGN SNOW AND ICE AGREEMENT

RESOLUTION NO. 74-11, moved by Mr. Davidson, seconded by Mr. Reynolds and adopted.

WHEREAS, the New York State Commissioner of Transportation and Seneca County have entered into an Agreement No. D089860 entitled "Snow and Ice Agreement between the New York State Department of Transportation and Seneca County"; and

WHEREAS, the term of said Agreement is for a period of three years commencing March 11, 1975 and the said Agreement provides that the parties may, at the end of each year of the term of the Agreement, extend such term for an additional year; and

WHEREAS, this agreement has been regularly extended since the original term; and

WHEREAS, the present term of the Agreement, as extended, expires June 30, 2011; and

WHEREAS, Section 7 of the said agreement provides that the Commissioner of Transportation shall furnish the County with a map for each term of the Agreement or for any extended term thereof, modified to show the changes, if any, to the State Highways affected by this Agreement; and

WHEREAS, Section 10 of the said Agreement provides for an annual update of the estimated expenditure to be determined by the Commissioner subject to the provisions of Section 10 at the time for extension of the Agreement; and

WHEREAS, the Public Works Committee approved extending this agreement on March 22, 2011; therefore, be it

RESOLVED, that the aforementioned "Snow and Ice Agreement between New York State Department of Transportation and the County of Seneca" is hereby extended for a period of one year, now to expire June 30, 2012, unless further extended; and be it

FURTHER RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign an agreement on behalf of the County of Seneca with the New York State Department of Transportation to extend the Municipal Snow and Ice Agreement for the 2011 / 2012 season.

Prior to voting on the aforementioned resolution, Mr. Kaiser stated that he received complaints that the county roads were not plowed in a timely fashion in the south end of the county. He said more plows need to be out on the roads now that the town opted out of the plowing initiative with the county.

AUTHORIZATION TO APPLY TO THE NEW YORK STATE HOMES AND COMMUNITY RENEWAL'S COMMUNITY DEVELOPMENT BLOCK GRANT INNOVATIVE PROJECTS PROGRAM FOR ON-THE-JOB TRAINING FUNDS

RESOLUTION NO. 75-11, moved by Mrs. Amidon, seconded by Mr. Mooney and adopted.

WHEREAS, Seneca County intends to act as lead and applicant to apply for \$216,000 in funding to provide on-the-job training activities for low-to-moderate income workers serving the Advanced Manufacturing sector; and

WHEREAS, if awarded, this program will provide \$50,000 each to Seneca, Ontario, Wayne, and Yates Counties for the on-the-job training costs of qualified workers, administered through the Finger Lakes Workforce Investment Board and each County's Workforce Development Department; and

WHEREAS, if awarded, the grant will cover 50% of the on-the-job training costs for each qualified worker in the program processed through each County's Workforce Development Department, with the remaining costs provided by the worker's employer; and

WHEREAS, if awarded, \$16,000 will be used to cover the Finger Lakes Workforce Investment Board's costs to deliver and administer this program; and

WHEREAS, this CDBG Innovative Projects application is by invitation only, and therefore, has no due date; and

WHEREAS, Seneca County has held the required two public hearings and conducted an environmental review of the project under the New York State Environmental Quality Review Act; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee at the January 25th, 2011 meeting; therefore, be it

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 \$216,000 in funding from the New York State Homes and Community Renewal's Community Development Block Grant Innovative Projects Program.

RESOLUTION FOR AVIATION CAPITAL PROJECT AUTHORIZING ACCEPTANCE OF A GRANT OFFER FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) FOR WORK AT THE FINGER LAKES REGIONAL AIRPORT DESCRIBED AS REHABILITATE AND STRENGTHEN RUNWAY 1/19; PERFORM LAYOUT PLAN UPDATE-DESIGN ONLY REHABILITATE AND STRENGTHEN RUNWAY 1/19 PERFORM LAYOUT PLAN UPDATE-DESIGN ONLY, PIN 3911.17

RESOLUTION NO. 76-11, moved by Mrs. Amidon, seconded by Mr. Same and adopted.

WHEREAS, the NYSDOT has offered a matching grant to federal grant 3-36-0133-18-09; and

WHEREAS, Seneca County desires to advance the Project by committing funds for the local match, the funding shares being federal (FAA): \$156,750; State \$4,125; Local \$4,125; and total \$165,000; and

WHEREAS, if Seneca County and/or the FAA notifies the NYSDOT that the County has requested and received an increase in Federal funding for the Project based on increased eligible costs; the State share noted above shall be increased proportionately up to a maximum increase of 15%; now, it is hereby

RESOLVED, that the County hereby approves the above subject Project; and it is hereby further

RESOLVED, that the Chairman of the Seneca County Board of Supervisors be and is hereby authorized to execute all necessary Agreements on behalf of the Finger Lakes Regional Airport of Seneca County with NYSDOT in connection with the Project; and it is hereby further

RESOLVED, that a certified copy of this RESOLUTION be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, that this Resolution shall take effect immediately.

New Business

Mr. Shipley to Suspend the Rules of Order to introduce the following resolutions:

**BOARD OF SUPERVISORS URGES ITS FEDERAL REPRESENTATIVES TO SEND
A JOINTLY SIGNED LETTER TO PRESIDENT OBAMA AND URGES NEW
YORK'S GOVERNOR TO SEND A LETTER TO PRESIDENT OBAMA
REGARDING LAND INTO TRUST AND A CARCIERI FIX**

RESOLUTION NO. 77-11, moved by Mr. Shipley, seconded by Mr. Davidson and adopted.

WHEREAS, the Cayuga Indian Nation has applied to the Bureau of Indian Affairs for land in Seneca and Cayuga counties to be taken into federal trust; and

WHEREAS, these counties and the State of New York have repeatedly and vehemently opposed these trust applications because their approval would impose a sovereign Indian reservation of the counties, which would mean not only land coming off the school, town and county tax rolls, but the uncontested opening of Class II electronic bingo parlors, thus bringing gambling to counties that do not want it, and the total removal of local jurisdiction over the land placed in trust; and

WHEREAS, the Final Environmental Impact Study (FEIS) regarding these applications has been completed, and although it is severely flawed, a Record of Decision (ROD) could be issued by the Secretary of the Interior at any time; and

WHEREAS, issuance of a ROD appears to be held up by the U. S. Supreme Court's February 2009 ruling in *Carcieri v. Salazar* that the Secretary of the Interior does not have the authority to take land in trust for Indian tribes that were not federally recognized and under federal jurisdiction in 1934 when the Indian Reorganization Act was passed; and

WHEREAS, bills have been introduced to both the House (H.R. 1231) and the Senate (S.676) to allow any federally recognized Indian tribe to be granted land in trust; and

WHEREAS, the Cayuga Indian Nation of New York, if federally recognized in 1934, was certainly not under federal jurisdiction at that time; and

WHEREAS, in addition to the fifteen Seneca County acres in the Nation's current trust applications, the Cayugas have already purchased more than 1,100 acres in the county with intent to place them in trust if and when its initial applications are approved; and

WHEREAS, the Bureau of Indian Affairs, with approximately 90% of its employees being Native Americans or Alaska natives, is biased in favor of the Cayugas if a Carcierri fix is passed by Congress; and

WHEREAS, President Obama has indicated his intention to sign into law a bill which provides a Carcierri fix; and

WHEREAS, the President may not be aware of the disruptive practical consequences of checkerboarded sovereign land pointed out by the U. S. Supreme Court in *Sherrill v. Oneida Indian Nation* (2006), only some of which have been mentioned above; and

WHEREAS, the President may not realize that the congressional intent of the Indian Reorganization Act (IRA) of 1934 was not to establish new reservations, but to restore to Indian Tribes, principally in the West, reservation land which those tribes had lost by allotting parcels to individual Indians following the Dawes Act of 1887; and

WHEREAS, the President may well not understand the negative impact which land placed into trust for the Cayugas would have on Seneca, Cayuga, and other New York counties, financially and otherwise; therefore, be it

RESOLVED, the Seneca County Board of Supervisors urges Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Richard Hanna, and Congressman Bill Owens, to send a jointly-signed letter to President Obama, and urges New York State Governor Andrew Cuomo to send a letter to President Obama explaining the serious negative implications for New York counties if a Carcieri fix becomes law and if land is taken into trust for the Cayuga Indian Nation; and be it

FURTHER RESOLVED, that the counties of Cayuga, Madison and Oneida be sent copies of this resolution and urged to send similar resolutions to their federal representatives and Governor Cuomo; and be it

FURTHER RESOLVED, that copies of the letter to President Obama be sent to Secretary of the Interior Kenneth Salazar, Bureau of Indian Affairs Director Larry Echo Hawk, the chair and member of the House Natural Resources Committee, the chair and members of the Senate Indian Affairs Committee, State Senator Michael Nozzolio, Assembly Minority Leader Brian Kolb, the New York delegation, and perhaps as an attachment to a Dear Colleague letter to all members of the 112th Congress.

AUTHORIZE THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO SIGN AN AGREEMENT WITH PAETEC TO CONTINUE PROVIDING SENECA COUNTY LOCAL, LONG DISTANCE AND TOLL FREE TELEPHONE SERVICES

RESOLUTION NO. 78-11, moved by Mr. Same, seconded by Mrs. Garlick Lorenzetti and adopted.

WHEREAS, Seneca County's current five year agreement with PAETEC is up for renewal in April 2011; and

WHEREAS, the IT administration reviewed the current contract with representatives from PAETEC in order to continue services at reduced costs; and

WHEREAS, PAETEC will provide an amendment to the current contract for continued local, long distance and toll free services at reduced costs until April 2013 saving Seneca County approximately \$1,000 per month; and

WHEREAS, this contract provider is listed on New York State Contract as group number 77017, award number 20268 and OGS contract number PS63070; therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby adopt to enter into an agreement with PAETEC for continued telephone service; and be it

FURTHER RESOLVED, the authorization and request for the Chairman of the Board to sign the PAETEC agreement at the earliest convenience.

Mr. Churchill announced that he would be attending a meeting in Watkins Glen on storing liquid petroleum under Seneca Lake.

Special Order of the Day

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