

Seneca County Board of Supervisors

Regular Meeting & Public Hearing

May 24, 2011

8:00 p.m.

Call to Order

Chairman Lafler called the meeting to order at 8:07 p.m.

Roll Call of Members by the Clerk

All members of the Board answered roll call.

Pledge of Allegiance and Moment of Silence

Presentation

Deputy Melinda Marquart of the Seneca County Sheriff's Office was awarded the Employee of the 1<sup>st</sup> Quarter of 2011.

Public Hearing

Any resident of the County is entitled to be heard regarding the adoption of Proposed Local Law B of 2011 entitled "A Local Law to Establish the Voting Power of each Member of the Board of Supervisors of Seneca County" to read in substantially the following form:

Section 1. In all voting by the Seneca County Board of Supervisors requiring a simple majority for passage, the following weights shall apply to the vote of the member or members representing the following Towns: Covert – 50; Fayette – 82; Junius – 31; Lodi – 33; Ovid – 62; Romulus – 46; Seneca Falls – 70; Seneca Falls – 70; Seneca Falls – 70; Tyre – 20; Varick – 39; Waterloo – 59; Waterloo – 59; Waterloo – 59; Total Number of Weighted Votes: 750.

Section 2. In all voting by the Seneca County Board of Supervisors requiring a two-thirds majority for passage the following weights shall apply: Covert – 100; Fayette – 164; Junius – 61; Lodi – 66; Ovid – 124 – Romulus – 92; Seneca Falls – 140; Seneca Falls – 140; Seneca Falls – 140; Tyre – 41; Varick – 78; Waterloo – 118; Waterloo – 118; Waterloo – 118; Total Number of Weighted Votes: 1,500.

Section 3. In all voting by the Seneca County Board of Supervisors requiring a three-fifths majority for passage the following weights shall apply: Covert – 72; Fayette – 117; Junius – 44; Lodi – 47; Ovid – 89; Romulus – 65; Seneca Falls – 100; Seneca Falls – 100; Seneca Falls – 100; Tyre – 29; Varick – 55; Waterloo – 84; Waterloo – 84; Waterloo – 84; Total Number of Weighted Votes: 1,070.

Section 4. Local Law No. 1 of 1993 is hereby repealed.

Section 5. Effective date: This local law shall become effective in accordance with the New York State General Municipal and Home Rule Laws.

No comments were heard.

Reports of Standing Committees:

Planning, Development, Agriculture & Tourism Committee – Mrs. Amidon, Chairperson. The Committee approved (1) participation in the Regional Transportation Planning Coalition with Cayuga, Cortland, Tioga, Chemung, Tompkins, and Schuyler counties for a regional mobility study that will generate recommendations that will lead to increased mobility alternatives for inter-county travel. Seneca County is being asked to contribute \$1,000 towards funding the study; (2) approved the scheduling and advertising of two public hearings relating to two different requests that property be added to the Agricultural Districts in the towns of Seneca Falls (Lott) and Waterloo (Shenk); (3) approved amendments to the DBE Plan for the Finger Lakes Regional Airport which were on file for review in the Department of Planning and Community Development for the extended comment period which ended on May 3, 2011. No comments were received. The Chairman of the Board of Supervisors needs to sign the document for it to be submitted to the Federal Aviation Administration (FAA).

Human Services Committee – Mr. Mooney, Chairman. The committee approved (1) the Workforce Investment Act contracts for youth, adults, dislocated worker and Work Keys programs for the July 1, 2011 – June 30, 2012 period; (2) approved the appointments to the Finger Lakes Workforce Investment Board effective July 1, 2011 to June 30, 2014 for Charles Schillaci, Robert Doeblin, Suzanne Sinclair and Menzo Case; (3) approved moving forward with the security renovations project in DHS Temporary Assistance.

Public Safety Committee – Mr. Davidson, Chairman. The Committee (1) approved the recommendation by the Vacancy Committee to fill the part-time position for Dispatcher in E-911; (2) approved awarding the bid for a Dive Team Trailer for the Seneca County Sheriff to Snowfighting Equipment of Buffalo, NY for \$14,300; (3) a brief discussion about creating a surcharge for cell phone use in Seneca County due to the loss of revenue from land lines not being used because of wireless phones for home use. The committee requested a specific proposal to be presented to the committee at a future meeting.

Public Works Committee – Mr. Davidson, Chairman. The committee approved (1) awarding Seneca Stone Corp. and Hanson Aggregates the bid for hot mix asphalt concrete; (2) approved additional construction services by HMI Mechanical Systems, Inc at the Sampson Veterans Memorial Cemetery site; (3) approved the request by the Sampson Veterans Memorial Association for the sum of \$14,500 be allocated to support the development of public restrooms in the former Firehouse Building and \$2,653.99

from private funds supporting the Sampson Veterans Memorial Cemetery Association to cover the cost of website development to reimburse the County.

Public Health Committee – Mr. Kubasik, Chairman. The Committee approved awarding a demolition contract to LCP Group, Inc. for property in Interlaken, NY that has been declared unsafe. LCP Group, Inc. was the only responsive bidder at \$34,500.00.

Finance, Assessment & Insurance Committee – Mr. Hayssen, Chairman. The Committee approved the next step in the process of requesting the extension of the additional 1% Sales and Compensating Use Tax which is to adopt a resolution by two-thirds vote of the Board of Supervisors to request Home Rule Legislation for the extension of the additional 1% Sales Tax and authorizing the Clerk of the Board to execute the required Home Rule Requests; (2) the issue to discuss the creation of an enterprise fund for the veterans cemetery was laid on the table until the proposal that the IDA operate the cemetery was discussed; (3) the Committee approved the Treasurer's calculation of Mortgage Tax Collections and distributions for payments of collected taxes; (4) the committee approved the recommendation by the Vacancy Committee to fill a part-time Dispatcher position to perform training activities in E-911; (5) approved a contract to provide funding of \$2,500 for Options for Independence.

Approval of Meeting Minutes:

The minutes were approved for board meetings April 12, 2011 and April 26, 2011 board meetings.

Chairman's Remarks

Chairman Lafler spoke about the new setup of the Heroes Conference Room for the Committee Meetings. Mrs. Amidon suggested microphones at the committee tables so that they can be heard throughout the room. Chairman Lafler directed the Clerk of the Board to contact Information Technology about a sound system for the Heroes Conference Room.

County Manager's Remarks

County Manager Sinclair said that she held a workshop for any person working on a budget that felt they needed help with Excel.

Ms. Sinclair attended the meeting of County Managers and Administrators. It was agreed at the meeting that the tax cap is not effective in addressing high property taxes in New York, but the Assembly and Senate need to find way to cut spending by focusing on state mandates.

Nick Sciotti, Seneca County Treasurer was as given the Special Recognition Award by the CNY Business Journal for his career achievements.

The Inter-County Association passed two resolutions at its meeting this month. One resolution called for adequate funding for Community Services Block Grants and maintaining the formula based resource distribution process. The other resolution opposed federal legislation that would divert

Homeland Security funding away from the Buffalo-Niagara Falls Metropolitan Statistical Area. The Association laid on the table a resolution calling for modernization of procurement practices allowing local governments, school districts and BOCES to actively cooperate in the procurement of goods and services. A written report by the Seneca County Manager for May 12 – May 23, 2011 was submitted and filed.

#### Communications

64. From David Dresser, a copy of an article dated May 13, 2011 from the Oneida Dispatch Newspaper titled, Chuck Schumer, Bill Owens Introduce Cull that would Cover Trust Land Losses.
65. A copy of Seneca County Sewer District #1 Advisory Board meeting minutes on May 18, 2011.
66. A copy of the Finger Lakes Regional Airport Advisory Committee meeting minutes on March 9, 2011.
67. A copy of the Seneca County Soil & Water Conservation District meeting minutes on April 25, 2011.
68. A copy of the Seneca County Water & Sewer Districts April 2011 Report.
69. A letter of support from Sr. Judy Whalen, SSJ of St. Joseph Global Environment Committee, Rochester, NY for the Seneca Army Depot / Seneca White Deer, Inc. and preserving the unique wildlife and military history of the former Seneca Army Depot through conservation, ecotourism, and economic development.
70. From Stephen J. Acquario, Executive Director, NYSAC, a letter dated May 9, 2011 acknowledging receipt of Seneca County Resolution No. 84-11, “Resolution Urging the New York State Department of Environmental Conservation to Continue to Fund the Stormwater Management Position in Region 8”.
71. From the New York State Assembly Minority Leader Brian M. Kolb, a letter dated May 18, 2011 acknowledging receipt of Seneca County Resolution No. 101-11, proclaiming the Month of May as “One Stop Month” for Seneca County.
72. From the Town of Geneva, Notice of Public Hearing on July 12, 2011 at 7:00 p.m. at the Geneva Town Hall, 3730 County Road #6, Geneva, NY, concerning the proposed: Local Law 1-2011, “Amending Chapter 123 (Site Plan Review) and Chapter 136 (Subdivision of Land) of the Code of the Town of Geneva”; and Local Law 2-2011, “Amending Chapter 165 (Zoning) Hydrofracking of the Code of the Town of Geneva”.
73. From the New York State Department of Transportation, a letter dated May 16, 2011 notifying Seneca County of the First Quarter SFY 2011-12 State Transportation Operating Assistance (STOA) payments for Seneca County’s regional transportation authority to the State Comptroller and the level of STOA Funds requiring local match for the first quarter being paid to the Authority is \$931,500. The

amount from Seneca County, based on the percentage of 0.67% is \$6,241.05. Referred to the Government Operations Committee.

74. From Stephen J. Acquario, Executive Director, NYSAC, a letter dated May 23, 2011, RE: County Concerns with the Ongoing Property Tax Cap Deliberations in Albany, urging county leaders to continue to inform the public and state lawmakers about the consequences of imposing a state solution to a local problem that was caused by the state. Referred to the Finance, Assessment & Insurance Committee.

#### RESOLUTIONS AND MOTIONS

### **RESOLUTION REQUESTING HOME RULE LEGISLATION FOR EXTENSION OF ADDITIONAL 1% SALES TAX**

RESOLUTION NO. 108-11, moved by Mr. Hayssen, seconded by Mr. Davidson, and adopted by two-thirds of the total membership of Seneca County Board of Supervisors.

WHEREAS, this Board of Supervisors requested that its New York State Legislators enact a special state law authorizing and empowering Seneca County to impose an additional one percent sales and compensating use tax; and

WHEREAS, on April 12, 2011, Senator Nozzolio has introduced such legislation in the New York State Senate as Senate Bill No. S.4573; and

WHEREAS, on April 27, 2011, Assembly Minority Leader Kolb has introduced identical legislation in the New York State Assembly as Assembly Bill No. A.7287; and

WHEREAS, following the introduction of the bills in the State Legislature, this Board has been advised that it must adopt a resolution authorizing the execution and filing of formal Home Rule Requests for each bill; therefore, be it

RESOLVED, that the Board of Supervisors of the County of Seneca approves the legislation set forth as Senate Bill No. S.4573 and Assembly Bill No. A.7287 which is entitled, "An Act to amend the tax law, in relation to extending the expiration of the authorization to the County of Seneca to impose an additional one percent sales and compensating use tax"; and be it further

RESOLVED, that this Board approves the Home Rule Request for the passage of Senate Bill No. S.4573 and the Home Rule Request for the passage of Assembly Bill No. A.7287; and be it further

RESOLVED, that the Clerk of this Board of Supervisors be authorized and directed to execute the required Home Rule Requests and to transmit the appropriate forms to the Senate and Assembly Home Rule Counsels.

### **PROCLAMATION: ELDER ABUSE AWARENESS DAY – 2011**

RESOLUTION NO. 109-11, moved by Mr. Mooney, seconded by Mr. Shipley and adopted.

WHEREAS, the County has been informed by the International Network for the Prevention of Elder Abuse that June 15, 2011 is annual World Elder Abuse Awareness Day; and

WHEREAS, the Seneca County Office for the Aging and Division of 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, 2011 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.

**REGIONAL PARTNERSHIP AGREEMENT BETWEEN SENECA COUNTY AND CAYUGA COUNTY FOR NYS REGIONAL HOMELAND SECURITY GRANT, AND DIRECTOR OF EMERGENCY SERVICES AUTHORIZED TO SIGN REGIONAL PARTNERSHIP AGREEMENT**

RESOLUTION NO. 110-11, moved by Mr. Davidson, seconded by Mr. Same and adopted.

WHEREAS, the Cayuga County Office of Emergency Services has been awarded a Regional Hazardous Materials grant from the New York State Office of Homeland Security for the purchase of a detection instrumentation and to provide training; and

WHEREAS, Seneca County is a participating partner in the grant; and

WHEREAS, the requirement of the NYS Office of Homeland Security is for Regional Partnership Agreement be signed by the County Fire Coordinator; and

WHEREAS, this resolution has been approved by the Public Safety Committee on May 10, 2011; now, therefore, be it

RESOLVED, that the Seneca County Director of Emergency Services is authorized to sign the Regional Partnership Agreement as required by the grant directives.

**BOARD OF SUPERVISORS ACCEPTS DONATED SERVICES FOR ADDITIONAL DESIGN  
WORK AT THE SAMPSON VETERANS MEMORIAL CEMETERY**

RESOLUTION NO. 111-11, moved by Mr. Davidson, seconded by Mr. Shipley and adopted by 557 ayes (Davidson, Shipley, Reynolds, Serven, Prouty, Kaiser, Same, Lafler, Amidon, Mooney, Kubasik) and 193 nays (Garlick Lorenzetti, Churchill, Hayssen).

WHEREAS, Seneca County is developing portions of the former Sampson Air Force and Naval Base as the Sampson Veterans Memorial Cemetery; and

WHEREAS, PLAN Architecture, with offices in Rochester, New York, is the architect of record for the building renovation portion of the project; and

WHEREAS, PLAN Architecture has offered to donate additional services to evaluate the former Steam Plant and suggest potential re-uses in later phases of the project; and

WHEREAS, these services are welcome and appreciated by Seneca County; and

WHEREAS, this resolution has been reviewed and approved by the Public Works Committee on May 10, 2011; now, therefore, be it

RESOLVED, Seneca County accepts donated services from PLAN Architecture and thanks the firm for its ongoing commitment to the project.

During the discussion of the preceding resolution, Mr. Hayssen stated that he would be voting nay because he doubts that work will be done on the former steam plant building regardless of the outcome of the evaluation.

**AUTHORIZATION TO APPLY FOR HOUSING REHABILITATION FUNDS UNDER THE 2011  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

RESOLUTION NO. 112-11, moved by Mrs. Amidon, seconded by Mr. Reynolds and adopted.

WHEREAS, New York State Homes and Community Renewal (NYS HCR) has published the annual competitive Community Development Block Grant Program which allows counties to apply for up to \$750,000 in funds for the purpose of housing rehabilitation; and

WHEREAS, Seneca County is applying for funds to provide up to \$24,999 in grants to income-eligible homeowners and landlord of income-eligible households to address critical housing system repairs; and

WHEREAS, if awarded, Seneca County intends to allocate up to \$250,000 of these funds toward rental rehabilitation projects to landlords of income-eligible tenants, with landlords required to invest 25% of the project cost in order to participate and receive CDBG funds; and

WHEREAS, conducting rehabilitation work to existing homes is a Type II Action under SEQRA; and

WHEREAS, the Seneca County Board of Supervisors has established itself as Lead Agency for SEQRA purposes; and

WHEREAS, Seneca County has met the CDBG program requirement of holding two public hearings prior to resolution to submit the application; and

WHEREAS, the CDBG application is due on May 27<sup>th</sup>, 2011 and has no requirement for matching funds from the County; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee at the April 12<sup>th</sup>, 2011 meeting; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors finds that this project is a Type II project and no further SEQR review is required; and be it

FURTHER 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 \$750,000 in housing rehabilitation funds from New York State Homes and Community Renewal's 2011 Community Development Block Grant Program.

**BOARD OF SUPERVISORS AUTHORIZES CHAIRMAN TO APPLY FOR NYSDOT PERMIT  
FOR ROUTE 96A UNDERPASS PORTION OF CAYUGA-SENECA CANAL TRAIL AND  
AUTHORIZES BID SOLICITATION FOR SAID WORK**

RESOLUTION NO. 113-11, moved by Mrs. Amidon, seconded by Mr. Shipley and adopted by 699 ayes and 51 nays (Kaiser).

WHEREAS, Seneca County is developing Sections 1 and 2 of the Cayuga-Seneca Canal Trail; and

WHEREAS, a portion of these sections involves the proposed construction of an underpass along NYS Route 96A; and

WHEREAS, this work requires the issuance of a Use and Occupancy Permit by the New York State Department of Transportation; and

WHEREAS, funding for this work is available through a grant received from the New York State Department of State; and

WHEREAS, Seneca County will need to solicit proposals from qualified firms to undertake this work; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on May 10, 2011; now, therefore, be it

RESOLVED, the Chairman of the Seneca County Board of Supervisors be authorized and directed to sign all necessary documentation required for application to the New York State Department of Transportation for a Use and Occupancy Permit to construct an underpass at NYS Route 96A and the Director of Planning & Community Development be authorized and directed to solicit bids for said work.

**CHAIRMAN AUTHORIZED TO SIGN MUNICIPAL SNOWMOBILE GRANTS**

RESOLUTION NO. 114-11, moved by Mrs. Amidon, seconded by Mr. Same and adopted.

WHEREAS, the Twin Lakes Snowmobile Association will be providing all documentation to demonstrate that the funds for the 2010-2011 Snowmobile Season have been spent in the appropriate manner; and

WHEREAS, Phase III Municipal Snowmobile Grant paperwork is due by May 31, 2011; and

WHEREAS, the Twin Lakes Snowmobile Association has plans for a new trail section from the current trail to the “Happy Landing” in the Town of Ovid; and

WHEREAS, Phase I paperwork for the 2011-2012 Snowmobile Season requesting that the new trail be included in the State Snowmobile Trail Program is due in Albany by June 30, 2011; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on May 10, 2011; now, therefore, be it

RESOLVED, that the Chairman of the Seneca County Board of Supervisors is authorized to sign Phase III of the 2010 – 2011 Municipal Snowmobile Grant Program paperwork; and be it

FURTHER RESOLVED, that the Chairman of the Seneca County Board of Supervisors is authorized to sign Phase I of the 2011-2012 Municipal Snowmobile Grant Program paperwork.

New Business:

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

**BOARD OF SUPRVISORS AUTHORIZE THE COUNTY ATTORNEY TO ENTER INTO  
NEGOTIATIONS WITH THE SENECA COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
FOR MANAGEMENT OF THE SAMPSON VETERANS MEMORIAL CEMETERY**

RESOLUTION NO. 115-11, moved by Mr. Davidson, seconded by Mrs. Amidon and adopted.

WHEREAS, the Seneca County Board of Supervisors, in recognition of the sacrifices made by our veterans, has commenced construction of the Sampson Veterans Memorial Cemetery; and

WHEREAS, in order to effectively operate and maintain the Cemetery at the highest standards befitting the honor due interment of our veterans, the Board seeks to provide for the highest quality management and maintenance services; and

WHEREAS, the Seneca County Industrial Development Agency has offered to contract with the County, through a subsidiary corporation, to be formed by the IDA to provide such management and maintenance services for the County; and

WHEREAS, the Board of Supervisors desires to explore the opportunity to contract with the IDA for the provision of such services to the County in respect to the Cemetery; and

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

RESOLVED, that the Seneca County Board of Supervisors, as the owner and operator of the Sampson Veterans Memorial Cemetery, authorizes the County Attorney to enter into negotiations with the Seneca County Industrial Development Agency to contract with a corporation to be formed under authority of the IDA and subject to approval by the IDA Board, to conduct the day-to-day management and maintenance of the Cemetery.

Special Order of the Day

The meeting was adjourned at 8:32 p.m.