

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

June 14, 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

Eleven members of the Board of Supervisors answered roll call. Not present were Mr. Same, Mr. Davidson and Mr. Serven.

Petitioner:

a. Glenn Houle, a property owner from the Town of Waterloo, spoke regarding Local Law 2, year 2006 §(d)(6) which prevents issuance of building permits if property has delinquent taxes. Mr. Houle requested that this stipulation be waived permitting him to place three trailers on his property so that he can collect more rent which could be used to pay his delinquent taxes.

Chairman Lafler directed the County Attorney to research the matter and get in touch with Mr. Houle.

Presentations:

a. Phil Griswold, District Manager, Seneca County Soil & Water Conservation District reported on the SWCD's year-to-date activity

b. Robert Aronson, Executive Director, Seneca County IDA reported on the ongoing projects to improve the economy for Seneca County.

Submission of Claims for Audit

Mr. Hayssen moved that the following vouchers, having gone through the proper auditing process, be approved for payment.

Supervisors vouchers	# 1185 - 1420	totaling	\$	389,034.63
OFA vouchers	# 307 - 365	totaling	\$	108,932.47
Workforce Development vouchers	# 121 - 145	totaling	\$	28,041.74
Self Insurance vouchers	# 25 - 39	totaling	\$	19,291.62
Sheriff vouchers	# 321 - 375	totaling	\$	74,430.95
County Airport vouchers	# 55 - 67	totaling	\$	19,427.42
Highway Transportation vouchers				
Maintenance & State Snow	# 104 - 125	totaling	\$	83,169.48

Highway Machinery	# 191 - 222	totaling	\$ 35,078.94
	Highway Total		\$ 118,248.42
Water & Sewer	# 98 - 129	totaling	\$ 31,846.41
Airport Capital vouchers	# 11	totaling	\$ 4,989.66
Highway Capital vouchers	# 6	totaling	\$ 12,134.43
Veterans Capital vouchers	# 12 - 16	totaling	\$ 171,944.83

Reports of Standing Committees

Planning, Development, Agriculture & Tourism Committee - Mrs. Amidon, Chairperson. The Committee went into executive session to discuss the current settlement of litigation in New York State Supreme Court in the matter of McMann v. Seneca County. When the Committee reconvened in public session, no action was taken.

Public Safety Committee - Mr. Shipley, Vice-Chairman. The Committee voted in favor of the (1) Chairman of the Board to sign a Memorandum of Understanding for the Finger Lakes Region New York Interoperable Communications Consortium. The goal of the consortium is to provide a seamless wireless communications and Next Generation 911 system for governmental public safety/service agencies throughout a ten (10) county region consisting of Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Steuben, Wayne, Wyoming and Yates Counties; (2) the Committee also voted in favor of refilling a position for Deputy in the Sheriff's office and to created and filling a position for part-time Laborer at the Law Enforcement Center.

Public Works Committee - Mr. Shipley, Vice-Chairman. The Committee approved (1) sending out Requests for Proposals qualified architectural and engineering design firms to prepare a space needs analysis for the Seneca County Courts and District Attorney's Office. Based on the recommendations of the space needs analysis, a design shall be prepared for the required renovation and demolition of the Courthouse facility. The end result of the project will be a facility that provides efficient workspace for the court administration, the District Attorney's Office, a backup facility for the E911 dispatch center and a north end substation for the Sheriff's Department; (2) The Committee discussed the current contract with Seneca Pavement Marking. They are the company that paints the striping on the roads. The contract was awarded in 2010. Seneca Pavement Marking notified the County that they are unable to satisfy the contract at the agreed rate due to the increase in gasoline and increase in cost of materials. The Committed directed the Highway Superintendent, Roy Gates to notify Seneca Pavement Marking that the contract is in effect and if they can't abide by the contract, then it will be canceled and Mr. Gates will go to the Committee for further discussion; (3) The Committee approved the creation of advisory boards for Seneca County Water District No. 1 and Seneca County Sewer District No. 2.

Under new business the committee discussed a concern from Sonni Sampson a Seneca County resident who is seeking assistance on correcting erosion from a drainage ditch / creek that is threatening her garage and some of her neighbor's buildings. Mrs. Sampson alleges that NYS DOT discontinued maintaining the ditch and she is seeking help from other municipalities. Roy Gates, Highway Superintendent and Jason McCormick, County Engineer were directed to follow-up and bring the issue back to committee.

A Special Meeting of the committee was scheduled for June 22 to discuss the Veterans Cemetery project and contracting with the IDA board for the operation and maintenance of the cemetery.

Indian Affairs Committee - Mr. Shipley, Chairman. David Dresser, former Supervisor, reported that the "Carcieri Fix" bill was approved by the Senate Committee on Indian Affairs. Mr. Shipley stated that Senator Schumer assured him that the bill would not reach the house floor for this session. Mr. Shipley said that Senator Schumer would be visiting at the Chamber of Commerce on June 28.

Phil Spellane, attorney, Harris Beach, LLPC, met with the Committee and reviewed the options resulting from the temporary restraining order issued by the Appellate Division of the State Supreme Court regarding the collection of sales tax on cigarettes sold to non-Indians. He said the efforts of the Seneca Nation to delay implementation of a state tax collection system for cigarettes sold by tribal stores to non-Indians will be considered June 20 by the Fourth Department Appellate Division Court in Rochester. The issue will be whether a temporary injunction against the state collecting the taxes should be continued until a formal appeal is settled. Mr. Spellane also said he is waiting for a ruling from U.S. District Court Judge Charles Siragusa of Rochester on whether the county can foreclose on tax delinquent properties owned by the Cayugas.

The Committee also approved three resolutions: (1) that a letter be written to our State representatives and to the New York State Thruway Authority asking about and its current tax status with the Pullens Truck Center which is owned by the Cayuga Nation; (2) that a letter be sent to Seneca County's United States Senators and Congressional Representative requesting that they seek an investigation of an incident on May 31, 2011 at the Lakeside Trading property and the means by which the Cayuga Indian Nation may be compelled to contribute their fair share to the services and infrastructure provided by State and Local Government commensurate with their consumption and use of such services and infrastructure and reporting to the Chairman their findings and recommendations; (3) a letter be sent to Seneca County's New York State representatives with several demands as recommended by the Indian Affairs Citizen Advisory Group.

Human Services Committee – Mr. Mooney, Chairman. The Committee approved the Chairman of the Board to sign documents for receipt of the 2011 Resource Allocation Plan for State Aid Funding for Youth Programs. The 2011 allocation for Seneca County is \$101,350.00.

Public Health Services Committee - Mr. Kubasik, Chairman. The Committee approved the Chairman of the Board to sign the necessary documents between the County and the New York State Department of Health Immunization Program for the Immunization Action Plan. The Health Department has been awarded \$30,000 for administration of the Immunization Action Plan for Seneca County. The grant period is April 1, 2011 through March 31, 2012. In order to receive this funding, it is necessary for the Chairman of the Board of Supervisors to sign the contract. This is included in the Health Department budget 10-115-5-4012.

Environmental Affairs Committee – Mr. Churchill, Chairman. The Committee approved A resolution urging New York State to require a separate Environmental Impact Statement for each and every High Volume Slick Water Horizontally Drilled Hydraulic Fractured Gas Well in Seneca County and the entire Finger Lakes watershed

Government Operations Committee – Mr. Kaiser, Chairman. The Committee approved (1) the use of County Roads for the Musselman Triathlon on the weekend of July 15 - 17, 2011 and a letter signed by the Board Chairman to the NYS Department of Transportation stating its authorization for use of the roads which is part of the permit required by the NYS DOT; (2) The Committee received an update from Supervisors Garlick Lorenzetti about the Dial-a-Ride Program by STS Bus Transportation. Mrs. Garlick Lorenzetti stated that from September 2010 to February 2011 there were approximately 49 scheduled Dial-a-Ride trips to Lakeside Trading, of which 14 canceled. It was also learned that whether the driver chooses to wait for the passenger at the Dial-a-Ride destination, the return trip is an additional charge.

Finance, Assessment & Insurance Committee – Mr. Hayssen, Chairman. The Committee approved (1) a resolution urging New York State to significantly cut the unfunded mandates that cause local property tax increases before imposing a cap on local property taxes; (2) approved recommendations by the Vacancy Committee to refill a vacant Deputy Sheriff Position and to create and fill a part-time Laborer position at the Law Enforcement Center.

Communications:

75. A copy of the Seneca County Board of Health May 18, 2011 meeting minutes.
76. A copy of the Seneca County IDA May 5, 2011 meeting minutes.
77. A copy of the Seneca County Planning Board May 12, 2011 meeting minutes.
78. A letter from Mercy Flight Central to County Manager Suzanne Sinclair dated May 25, 2011 thanking Seneca County for its funding of \$2,500 for the year 2011.

79. From the Ontario County Board of Supervisors, adopted Resolution No. 356-2011 approving the agreement with the Finger Lakes Workforce Investment Board.

80. From Sonni Sampson, Seneca County resident, a letter dated June 2, 2011, seeking assistance on correcting erosion from a drainage ditch / creek that is threatening her garage and some of her neighbor's buildings. Mrs. Sampson alleges that NYS DOT discontinued maintaining the ditch and she is seeking help from other municipalities. Referred to the Public Works Committee.

**TREASURER AUTHORIZED TO PAY MORTGAGE TAX**

RESOLUTION NO. 116-11, moved by Mr. Hayssen, seconded by Mr. Reynolds and adopted.

WHEREAS, the mortgage tax report for the period October 1, 2010 through March 31, 2011 has been filed; now, therefore, be it

WHEREAS, this Resolution has been approved by the Finance Committee; now, therefore be it

RESOLVED, that the County Treasurer is hereby authorized and directed to pay to the municipalities of Seneca County the amount apportioned as follows:

TOWN	AMOUNT ALLOCATED	VILLAGE SHARE	TOWN SHARE
Covert	\$17,260.26	\$949.78	\$16,310.48
Fayette	32,851.50	1,903.79	30,947.71
Junius	2,230.50		2,230.50
Lodi	13,058.00	511.70	12,546.30
Ovid	17,316.50	1,073.54	16,242.96
Romulus	13,309.46	65.16	13,244.30
Seneca Falls	40,348.50	10,746.82	29,601.68
Tyre	3,762.50		3,762.50
Varick	14,542.00		14,542.00
Waterloo	33,852.14	7,305.39	26,546.75
Totals:	\$188,531.36	\$22,556.18	\$165,975.18

**2011 FUNDING FOR OPTIONS FOR INDEPENDENCE**

RESOLUTION NO. 117-11, moved by Mr. Hayssen, seconded by Mrs. Amidon and adopted by 557 ayes (Hayssen, Amidon, Reynolds, Garlick Lorenzetti, Prouty, Kaiser, Lafler, Churchill, Mooney, Shipley) and 60 nays (Kubasik), and 133 not present (Serven, Davidson, Same).

WHEREAS, the Board of Supervisors is concerned with the need for assistance for persons with disabilities in Seneca county over and above that which is available through the County's Division of Human Services; and

WHEREAS, Options for Independence is a not-for-profit organization providing services to assist disabled persons in central New York; and

WHEREAS, it is the desire of the Board of Supervisors to contract with Options for Independence to continue to provide services to disabled persons in Seneca County throughout 2011; and

WHEREAS, this resolution has been reviewed and approved by the Finance Committee; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized and directed to enter into a contract on behalf of the County for the services of Options for Independence, of 75 Genesee St, Auburn, New York, consideration for which contract shall be payment by the Treasurer of the sum of \$2,250.00; and it is further

RESOLVED, that the Treasurer is authorized to pay such sums to Options for Independence on behalf of the County.

**RESOLUTION URGING NEW YORK STATE TO SIGNIFICANTLY CUT THE UNFUNDED MANDATES THAT CAUSE LOCAL PROPERTY TAX INCREASES BEFORE IMPOSING A CAP ON LOCAL PROPERTY TAXES**

RESOLUTION NO. 118-11, moved by Mr. Hayssen, seconded by Mr. Shipley and adopted.

WHEREAS, before the end of the New York State Legislative Calendar for 2011, it is expected that the Governor and Legislature will negotiate and pass state legislation to cap LOCAL property taxes that does not include language that addresses the root cause of New York's high property taxes – primarily state mandated spending from Albany; and

WHEREAS, counties do not have a choice about how to spend most of their locally raised revenues because mandates from Albany and other fixed costs that make up as much as 90 percent of a typical county budget; and

WHEREAS, little action has been taken by New York State to decrease or control the costs of unfunded State mandates, which have been driving up county property tax levels for decades; and

WHEREAS, in 1966 the State mandated local property taxes to finance its Medicaid program, and in 2010 over \$7 billion in local taxes was dedicated to this single unfunded mandate; and

WHEREAS, other major cost drivers for counties include pension contributions, which are determined by benefit levels established by the State Legislature; early intervention services, pre-school special education, public assistance, child welfare, youth detention, probation, and indigent defense that will cost county property tax payers and New York City residents over \$10 billion this year alone, along with numerous other programs; and

WHEREAS, to stay under the cap imposed by the legislation, counties will be forced to eliminate non-mandated state programs and community-based programs that include veterans services and aging

programs, local road and bridge maintenance and repair, road patrol, long term care and substance abuse services; and

WHEREAS, simply capping property taxes does nothing to reduce the costs of these and many other State services that counties must pay for and implement at the local level; in fact it preserves the distinction of having the highest property taxes in the nation; and

WHEREAS, this distinction continues to drive people and businesses out of New York and acts as a deterrent to re-location to our state; and

WHEREAS, the property tax cap proposal allows local boards to override the cap with a two-thirds majority vote, thereby not only shifting costs to local governments, but also unfairly shifting blame to local leaders for tax increases that are actually caused by the State; and

WHEREAS, the property tax cap does not address Medicaid or any of the other state mandates that consume the county property tax; and

WHEREAS, these costs should not be exempted from a CAP, but should be eliminated altogether from the local property tax as part of any corresponding mandate relief measure; and

WHEREAS, these mandated costs grow well in excess of the rate of inflation nearly every year, including:

- County payments to the New York State Retirement System that are expected to rise 40% in 2011 and by a similar amount in 2012, and have grown by over 1000 percent since the year 2000 due to generous benefit expansions mandated by the State Legislature and Governor;
- Since 2005, the local share of Medicaid costs has increased at least 3% each year and sometimes by double digit annual increases in the years prior to 2005;
- The State continued to shift its costs to counties in the 2009-10 and 2010-11 State budgets by over \$400 million in human service delivery alone;
- New York State counties are owed hundreds of millions of dollars in state reimbursement at any given moment, without providing any compensation to counties for the cost of “floating” cash to the state, and this amount can easily double when the State Budget is not adopted on time.

WHEREAS, State lawmakers must understand the consequences of imposing a “STATE SOLUTION” to a local problem that was created by the state; therefore, be it

RESOLVED, that the Seneca County Board of Supervisors encourages state officials to enact legislation 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 reduce the property tax burden and not preserve the status quo; and be it

RESOLVED, that the Seneca County Board of Supervisors urges the Governor and State Legislature not to impose a local property tax cap unless it is coupled with significant cuts in local costs for State mandated programs that cause local property tax increases; and be it

RESOLVED, that copies of this Resolution be forwarded to the Governor of New York State, Congressman Hanna, Senator Nozzolio, NYS Assembly Minority Leader Kolb and those deemed necessary and proper.

**A RESOLUTION ADOPTING LOCAL LAW NO. 2 OF 2011 ENTITLED A LOCAL LAW TO ESTABLISH THE VOTING POWER OF EACH MEMBER OF THE BOARD OF SUPERVISORS OF SENECA COUNTY**

RESOLUTION NO. 119-11, moved by Mr. Kaiser, seconded by Mrs. Amidon and adopted.

WHEREAS, a resolution was duly adopted by the Board of Supervisors of the County of Seneca for a Public Hearing to be held by said County on May 24, 2011 at 8:00 p.m. at the Seneca County Office Building, Waterloo, NY, to hear all interested parties on a proposed Local Law entitled “A Local Law to Establish the Voting Power of Each Member of the Board of Supervisors of Seneca County”; and

WHEREAS, notice of said Public Hearing was duly advertised in the official newspapers of the County of Seneca; and

WHEREAS, said public hearing was duly held on May 24, 2011 at 8:00 p.m. at the Seneca County Office Building, Waterloo, NY, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Board of Supervisors of the County of Seneca, after due deliberation, finds it in the best interests of the County of Seneca to adopt said Local Law; now, therefore, be it

RESOLVED, that the Board of Supervisors of the County of Seneca hereby adopts Local Law No. 2 of the year 2011, as follows:

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 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:	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:	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:	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.

**MUSSELMAN TRIATHLON GRANTED PERMISSION TO USE SENECA COUNTY ROADS  
FOR RACE ON JULY 15, 16 AND 17, 2011**

RESOLUTION NO. 120-11 moved by Mr. Kaiser, seconded by Mr. Reynolds and adopted.

WHEREAS, the Musselman Triathlon, held each year in Seneca and Ontario County, will be on July 15, 16 and 17, 2011; and

WHEREAS, as part of the permit process to hold the bike race, New York State Department of Transportation requires written permission from the municipalities for use of its roads mapped out on the bike portion of the race; and

WHEREAS, this resolution was approved by the Government Operations Committee at its meeting on June 14, 2011; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Chairman of the Board to send a letter of permission to New York State Department of Transportation for the Musselman Triathlon to use public roads within Seneca County for the bike race portion on July 15, 16 and 17, 2011.

**CHAIRMAN OF THE BOARD AUTHORIZED AND DIRECTED TO SIGN A CONTRACT  
WITH THE NEW YORK STATE DEPARTMENT OF HEALTH FOR  
THE WATER ENHANCEMENT GRANT**

RESOLUTION NO. 121-11, moved by Mr. Kubasik, seconded by Mr. Mooney and adopted.

WHEREAS, the Health Department has been awarded a Drinking Water Enhancement Grant by the New York State Department of Health in the amount of \$95,207; and

WHEREAS, the contract period for this grant is April 1, 2011 through March 31, 2011; and

WHEREAS, the Public Health Committee has approved this grant; and

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

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the contract with the New York State Department of Health for the Water Enhancement Grant.

**BOARD OF SUPERVISORS AUTHORIZE CONTRACT FOR THE DEMOLITION OF A CERTAIN BUILDING LOCATED AT 8392 MAIN STREET IN THE VILLAGE OF INTERLAKEN THAT HAS BEEN DECLARED TO BE AN UNSAFE BUILDING PURSUANT TO LOCAL LAW NO. 3 OF 2003 (DEFEATED)**

RESOLUTION NO. 122-11, moved by Mr. Kubasik, seconded by Mr. Reynolds and defeated.

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

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

WHEREAS, the Building Inspector recommended that such building be ordered repaired or demolished and removed; and

WHEREAS, the Board of Supervisors gave due consideration to such Report and afforded the property owner with the opportunity to be heard on said matter on September 29, 2010; and

WHEREAS, the Board of Supervisors determined that said building is unsafe and dangerous; and

WHEREAS, the Board of Supervisors ordered the commencement of said demolition within thirty (30) days of September 4, 2010 and removal of said structure within sixty (60) days thereafter; and

WHEREAS, the owner of said property has failed to commence nor complete demolition or otherwise initiate sufficient corrective action; and

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

WHEREAS, Seneca County received a proposal for said work, the lowest responsible bid being from the LCP Group, Inc., with offices in Vestal, New York, in the amount of \$34,500.00; 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 unsafe 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 the unsafe building at 8392 Main Street in the Village of Interlaken pursuant to the provision of Local Law No. 3 of 2003.

**BOARD OF SUPERVISORS APPROVES THE SECURITY RENOVATIONS IN THE DIVISION OF HUMAN SERVICES – TEMPORARY ASSISTANCE (DEFEATED)**

RESOLUTION NO. 123-11, moved by Mr. Mooney, seconded by Mrs. Amidon and defeated by 353 nays (Mooney, Garlick Lorenzetti, Prouty, Hayssen, Shipley, Kubasik), 264 ayes (Amidon, Reynolds, Kaiser, Lafler, Churchill) and 133 not present (Serven, Davidson, Same).

WHEREAS, the Division of Human Services (DHS) is proposing a renovation to the current DHS – Temporary Assistance area in order to ensure the safety and security of our staff; and

WHEREAS, the preliminary renovation plans have been reviewed and approved by the Human Services Committee; now, therefore, be it

RESOLVED, the Board of Supervisors approves the Commissioner of the Division of Human Services in conjunction with the County Engineer to go out to bid for the renovations in the Division of Human Services – Temporary Assistance area.

**THE SENECA COUNTY BOARD OF SUPERVISORS APPROVES VIA CONTRACTS WITH FINGER LAKES WORKFORCE INVESTMENT BOARD FOR THE PERIOD JULY 1, 2011 TO JUNE 30, 2012**

RESOLUTION NO. 124-11, moved by Mr. Mooney, seconded by Mr. Reynolds and adopted.

WHEREAS, the Seneca County Department of Workforce Development will provide a variety of services and programs utilizing funds available under the Workforce Investment Act; and

WHEREAS, it is necessary for the County to enter into a variety of financial contracts with the Finger Lakes Workforce Investment Board, acting as Grant Recipient for the Finger Lakes Workforce Investment Area; and

WHEREAS, the Seneca County Board of Supervisors does hereby approve the following contracts with Finger Lakes Workforce Investment Board:

WIA Youth	July 1, 2011 – June 30, 2012	\$93,405.00
WIA Adult and Dislocated Worker	July 1, 2011 – June 30, 2012	\$83,867.00
WIA Work Keys	July 1, 2011 – June 30, 2012	\$56,706.00; and

WHEREAS, these agreements have been reviewed and approved by the Human Services Committee; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is authorized and directed to sign said contracts on behalf of the County; and be it

FURTHER RESOLVED, that the Clerk of the Board mail certified copies of this resolution to the Finger Lakes Workforce Investment Board.

**BOARD OF SUPERVISORS APPROVE THE APPOINTMENT OF  
FINGER LAKES WORKFORCE INVESTMENT BOARD MEMBERS**

RESOLUTION NO. 125-11, moved by Mr. Mooney, seconded by Mrs. Amidon and adopted.

WHEREAS, the Seneca County Board of Supervisors has authorized the creation of the Finger Lakes Workforce Investment Board for the counties of Ontario, Wayne, Seneca and Yates in compliance with the Workforce Investment Act (WIA) of 1998 and the appointment of the public sector Workforce Investment Board Members must be endorsed by the four counties of Ontario, Wayne, Seneca and Yates and the private sector members must be appointed by their legislative bodies; and

WHEREAS, the Seneca County Board of Supervisors shall endorse the following public and private sector representatives to the Finger Lakes Workforce Investment Board effective July 1, 2011 to June 30, 2014:

Public Sector

- Charles L. Schillaci 07/01/2011 – 06/30/2014  
Commissioner  
Seneca County Division of Human Services  
One DiPronio Drive  
Waterloo, New York 13165
- Robert Doeblin 07/01/2011 – 06/30/2014  
Director of Resident Services  
Geneva Housing Authority  
Section 8 Housing Representative  
P. O. Box 153  
41 Lewis Street  
Geneva, New York 14456
- Suzanne Sinclair 07/01/2011 – 06/30/2014  
Seneca County Manager  
One DiPronio Drive  
Waterloo, New York 13165

Private Sector

- Menzo D. Case, CPA 07/01/2011 – 06/30/2014

Seneca Falls Savings Bank  
19 Cayuga Street  
Seneca Falls, New York 13148

WHEREAS, these appointments have been reviewed and approved by the Human Services Committee; now, therefore, be it

RESOLVED, the Board of Supervisors approves the appointment of Charles Schillaci, Robert Doeblin, Suzanne Sinclair and Menzo Case to the Workforce Investment Board; and be it

FURTHER RESOLVED, that the Clerk to the Board of Supervisors send a certified copy of this resolution to the Finger Lakes Workforce Investment Board and to the Clerks of the Boards of Ontario, Wayne and Yates Counties.

**AUTHORIZE PURCHASE OF PUBLIC SAFETY DIVE TRAILER AND AMEND STATE  
HOMELAND SECURITY PROGRAM BUDGET**

RESOLUTION NO. 126-11, moved by Mr. Shipley, seconded by Mr. Mooney and adopted.

WHEREAS, in the FY 09 State Homeland Security Program Grant (SHSP), the purchase of a Public Safety Dive Trailer has been authorized at no cost to the County; and

WHEREAS, through a bid process, Snowfighting Equipment & Consultants of Buffalo, Inc., P. O. Box 126, South Side Station, Buffalo, N.Y., 14220 was the low bidder; and

WHEREAS, the Public Safety Committee approved the purchase of said trailer at its meeting on May 24, 2011; now, therefore, be it

RESOLVED, the Director of Emergency Services is hereby authorized to purchase a Public Safety Dive Trailer from Snowfighting Equipment & Consultants of Buffalo, Inc.; and be it further

RESOLVED, the County Treasurer amends the 2011 Emergency Management SHSP Budget 10-110-5-3642 to add \$14,300.00 to line item 3642.2600 Vehicles and add \$14,300.00 to revenue line 10-319-3-3005.

**SENECA COUNTY TO JOIN THE FINGER LAKES REGION NEW YORK  
INTEROPERABLE COMMUNICATIONS CONSORTIUM**

RESOLUTION NO. 127-11, moved by Mr. Shipley, seconded by Mr. Reynolds and adopted.

WHEREAS, the Finger Lakes Region New York Interoperable Communications Consortium will work to provide a seamless wireless communications and Next Generation 911 system for governmental public safety / service agencies throughout a ten county region; and

WHEREAS, the consortium will work to provide wireless narrowband, communications network for all first FLRNYICC responders in the area; and

WHEREAS, this consortium will work towards reducing member agency costs and continue to seek alternative funding methods to reduce local government costs; and

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

RESOLVED, the Board of Supervisors does hereby authorize and direct the Chairman of the Board of Supervisors to sign the MOU as part of the Finger Lakes Region New York Interoperable Communications Consortium.

**SUPERVISORS ACCEPT BIDS FOR HOT MIX ASPHALT CONCRETE**

RESOLUTION NO. 128-11, moved by Mr. Shipley, seconded by Mr. Mooney and adopted.

WHEREAS, on April 8, 2011 Seneca County solicited bids on a contract for hot mix asphalt concrete; and

WHEREAS, two bids were received, one from Seneca Stone, Fayette, New York, and one from Hanson Aggregates New York, Inc., Oaks Corners, New York; and

WHEREAS, said bids were opened on May 4, 2011; and

WHEREAS, the Public Works Committee of the Seneca County Board of Supervisors recommended accepting the bids from Seneca Stone and Hanson Aggregates on May 24, 2011; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby award the bid to Seneca Stone, Fayette, New York, and Hanson Aggregates New York, Inc., Oaks Corners, New York, for hot mix asphalt concrete, letting availability and delivery costs be the deciding factors:

	<u>SENECA STONE CORP</u>	<u>HANSON AGGREGATES</u>
TYPE 7 TOP	58.75 / Ton	58.90 / Ton
TYPE 6 TOP	56.50 / Ton	56.90 / Ton
FINE BINDER	51.50 / Ton	52.65 / Ton
TYPE 3 BINDER	51.50 / Ton	51.65 / Ton
TYPE 1 BASE	51.10 / Ton	50.50 / Ton

And, be it

FURTHER RESOLVED, that the Seneca County Highway Department and all towns, villages and school districts in Seneca County, are hereby authorized to purchase hot mix asphalt concrete at bid price.

**BOARD OF SUPERVISORS AUTHORIZES APPROPRIATION IN THE AMOUNT OF \$14,500  
FOR SAMPSON VETERANS MEMORIAL CEMETERY ASSOCIATION AND  
TRANSFER OF FUNDS FROM PRIVATE ACCOUNT TO REIMBURSE  
CAPITAL ACCOUNT FOR WEBSITE DEVELOPMENT**

RESOLUTION NO. 129-11, moved by Mr. Shipley, seconded by Mr. Hayssen and adopted by 546 ayes (Shipley, Hayssen, Reynolds, Garlick Lorenzetti, Prouty, Kaiser, Lafler, Amidon, Mooney, Kubasik), 71 nays (Churchill) and 133 not present (Serwen, Davidson, Same).

WHEREAS, Seneca County is currently holding in trust privately raised funds which have been donated to assist in the development of the Sampson Veterans Memorial Cemetery; and

WHEREAS, the Board of Supervisors has established a policy for appropriating these funds which provides for requests to be submitted by the Sampson Veterans Memorial Cemetery Association to the Seneca County Board of Supervisors; and

WHEREAS, the Association is requesting that the sum of \$14,500 be transferred to its account to support physical development of the cemetery; and

WHEREAS, private fund reimbursement in the amount of \$2,653.99 is necessary to provide for expenses associated with the development of the cemetery's website that were initially paid for out of the project's capital account; and

WHEREAS, this resolution has been reviewed and approved by the Public Works Committee on May 24, 2011; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes the appropriation of \$14,500.00 for use by the Sampson Veterans Memorial Cemetery Association for physical development and the transfer of funds from the private account to the capital account in the amount of \$2,653.99 to cover the cost of website development.

**BOARD OF SUPERVISORS AUTHORIZE CONTRACT FOR ADDITIONAL BUILDING  
RENOVATION AND CONSTRUCTION WORK AT SAMPSON VETERANS MEMORIAL  
CEMETERY SITE (DEFEATED)**

RESOLUTION NO. 130-11, moved by Mr. Shipley, seconded by Mrs. Amidon and defeated by 364 nays (Garlick Lorenzetti, Prouty, Churchill, Hayssen, Mooney, Kubasik), 253 ayes (Shipley, Amidon, Reynolds, Kaiser, Lafler), and 133 not present (Serwen, Davidson, Same).

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 \$3.17 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 to provide water and sanitary plumbing is necessary; and

WHEREAS, HMI Mechanical Systems, Inc. of Lyons, NY has submitted a proposal for these services in the amount of \$20,072.00; and

WHEREAS, the Seneca County Board of Supervisors does hereby accept the proposal from HMI for additional construction work in an amount not to exceed \$20,072.00; and

WHEREAS, this resolution has been reviewed and approved by the Public Works Committee on May 24, 2011; now, 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 HMI Mechanical Systems, Inc. for additional construction work at the Sampson Veterans Memorial Site.

During the discussion of this resolution, Mr. Hayssen stated that he was opposed and would vote nay because it needs to be determined if there would be enough funds to blacktop the roadways in the cemetery and that he believed the work could be done in-house for less money.

**SENECA COUNTY AUTHORIZES THE RELEASE OF THE REQUEST FOR PROPOSAL  
FOR THE PROFESSIONAL SERVICES REQUIRED FOR THE  
COUNTY COURTHOUSE RENOVATION PROJECT**

RESOLUTION NO. 131-11, moved by Mr. Shipley, seconded by Mr. Hayssen and adopted by 557 ayes (Shipley, Hayssen, Reynolds, Garlick Lorenzetti, Prouty, Kaiser, Lafler, Churchill, Amidon, Mooney), 60 nays (Kubasik) and 133 not present (Serven, Davidson, Same).

WHEREAS, the Seneca County Courthouse located at 48 West William Street, Waterloo, NY is in need of repair; and

WHEREAS, the County has an established capital reserve fund for such; and

WHEREAS, the County will require the assistance of design professionals to complete the project; and

WHEREAS, this request has been reviewed and approved by the Public Works Committee at the June 14<sup>th</sup> 2011 meeting; now, therefore, be it

RESOLVED, that County Manager is hereby authorized and directed to release the Request for Proposal for the professional services required for the County Courthouse Renovation Project.

Under discussion of this resolution Mr. Kubasik opposed the resolution and urged the supervisors to wait until a capital improvement plan was in place to review the county's building priorities. Mr. Shipley said he agreed with the need for a capital improvement plan, but this project has been discussed only since the new county jail was built in Romulus and it was time to take action.

Mr. Kaiser said that improvements to the physical condition of the building should be a priority now because the District Attorney and his staff were working in poor conditions.

**CLERK AUTHORIZED TO PUBLISH NOTICE OF PUBLIC HEARING FOR  
INCLUDING PROPERTY IN AGRICULTURAL DISTRICTS**

RESOLUTION NO. 132-11, moved by Mrs. Amidon, seconded by Mr. Mooney and adopted.

WHEREAS, Seneca County did advertise as is allowed under New York State Agriculture and Markets Law for property owners who would like to have their lands included in an Agricultural District to make their desires known; and

WHEREAS, the requests to have Town of Seneca Falls tax map parcel 453289-37-1-2.1 located on State Route 414, consisting of 124.8 acres owned by Rodman Lott & Sons Farm be included into Agricultural District No. 8, and that Town of Waterloo Tax Map parcel 453889-17-1-44.1 consisting of 23.792 acres located on PreEmption Street and owned by Karl Schenk and Mary Teague-Schenk be enrolled in Agricultural District No. 6, was reviewed by the Seneca County Agricultural Enhancement Board and are recommended to the Seneca County Board of Supervisors for inclusion in these districts; and

WHEREAS, New York State Agricultural and Markets Law requires that the Board of Supervisors hold a Public Hearing on this matter before taking action to have these properties included in the Agricultural Districts; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on May 24, 2011; now, therefore, be it

RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized and directed to advertise for a public hearing to provide an opportunity for citizens to offer comments on the inclusion of tax parcel 453889-17-1-44.1 being added to Agricultural District No. 6 and of tax parcel 453289-37-1-2.1 being added to Agricultural District No. 8. Said Public Hearing to be held on Tuesday, July 12, 2011 at or about 8:00 p.m. in the Board of Supervisors Chambers of the Seneca County Office Building.

**APPROVE DISADVANTAGED BUSINESS ENTERPRISE PLAN FOR  
FINGER LAKES REGIONAL AIRPORT**

RESOLUTION NO. 133-11, moved by Mrs. Amidon, seconded by Mr. Churchill and adopted.

WHEREAS, a Draft Amendment to the Disadvantaged Business Enterprise (DBE) Plan for the Finger Lakes Regional Airport, for fiscal year 2011 has been on file for review in the Seneca County Department of Planning and Community Development for the required 30 days ending on April 18, 2011 and the extended comment period ending on May 3, 2011; and

WHEREAS, no significant comments have been received; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on May 24, 2011; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is directed to sign the Amendment to the Disadvantaged Business Plan for FAA fiscal year 2011 for the Finger Lakes Regional Airport.

**BOARD OF SUPERVISORS SUPPORTS PARTICIPATION IN  
REGIONAL TRANSPORTATION STUDY**

RESOLUTION NO. 134-11, moved by Mrs. Amidon, seconded by Mr. Churchill and adopted.

WHEREAS, Seneca County has been invited to join the counties of Cayuga, Cortland, Tioga, Chemung, Tompkins, and Schuyler in the formation of a Regional Transportation Planning Coalition; and

WHEREAS, Seneca County recognizes that there is significant inter-county travel within this region; and

WHEREAS, Seneca County understands that the proposed study will focus on mobility needs and that it will generate recommendations that will lead to increased mobility alternatives for inter-county travel; and

WHEREAS, increased mobility options will benefit Seneca County residents; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, & Tourism Committee on May 24, 2011; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors supports participation in the Regional Planning Study and commits one thousand dollars in funding from the 2011 Budget of the Department of Planning & Community Development, account no. 10-135-5-8020-4370 (consulting fees) to support the study.

New Business

Mr. Shipley made a motion, seconded by Mr. Hayssen and carried that under suspension of the rules, to introduce the following resolutions:

**BOARD OF SUPERVISORS REQUESTS INVESTIGATION OF  
THRUWAY TRUCKING CONTRACTS**

RESOLUTION NO. 135-11, moved by Mr. Shipley, seconded by Mr. Kaiser and adopted.

WHEREAS, it has come to the attention of the Seneca County Board of Supervisors that the New York State Thruway Authority contracts with or otherwise permits a certain trucking company of Weedsport, New York to conduct towing operations on the New York State Thruway; and

WHEREAS, it is the understanding of the Board of Supervisors that such trucking company is a subsidiary of, and/or fully owned by the Cayuga Indian Nation of New York, an entity which has steadfastly refused to pay justly due tax on their business transactions conducted in this state or on property owned by the Cayuga Indian Nation in the State and thereby has failed and refused to contribute to the services and infrastructure provided by State and Local government; and

WHEREAS, the people of the State and users of the services provided on the New York State Thruway are, in effect, and if such understanding is correct, subsidizing an entity that declines to contribute their fair share to State and Local government services; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Chairman to sign a letter to Seneca County's New York State Senator and Assemblyman and to the New York State Thruway Authority inquiring as to the status of any contract between the Authority and such trucking company and as to whether the Thruway Authority has determined the current tax status of trucking companies operating under authority of any such contract or contracts and of any owners and operators of such companies; and if not, why such an inquiry should not be made and that authority of any such company not currently paying all justly due taxes on their business transactions and real property owned in this state, should not be rescinded by the Thruway Authority.

**BOARD OF SUPERVISORS REQUESTS INVESTIGATION OF INCIDENT INVOLVING  
CAYUGA INDIAN NATION AT ITS FACILITY IN SENECA FALLS**

RESOLUTION NO. 136-11, moved by Mr. Shipley, seconded by Mr. Hayssen and adopted.

WHEREAS, it has come to the attention of the Seneca County Board of Supervisors that on or about May 31, 2011, an incident occurred at a facility owned and operated by the Cayuga Indian Nation of New York, which incident required expenditure of County resources consisting primarily of considerable time and effort of the Seneca County Sheriff's Office; and

WHEREAS, the Cayuga Indian Nation of New York, has steadfastly refused to pay justly due tax on their business transactions conducted in this state and real property taxes on property owned by them in the State and thereby has failed and refused to contribute to the services and infrastructure provided by State and Local government, including law enforcement services; and

WHEREAS, the people of the State and the County are subsidizing law enforcement and other services consumed by an entity that declines to contribute their fair share to State and Local government services; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Chairman to sign a letter to Seneca County's United States Senators and Congressional Representative requesting that they seek an investigation of the incident of May 31, 2011 and the means by which the Cayuga Indian Nation may be compelled to contribute their fair share to the services and infrastructure provided by State and Local Government commensurate with their consumption and use of such services and infrastructure and reporting to the Chairman their findings and recommendations.

**BOARD OF SUPERVISORS CALLS ON THE GOVERNOR AND LEGISLATURE OF NEW  
YORK STATE TO REQUIRE HIGHER 'HYDROFRACKING' STANDARDS FOR THE  
SENECA COUNTY AND THE FINGER LAKES WATERSHED**

RESOLUTION NO. 137-11, moved by Mr. Churchill, seconded by Mrs. Garlick Lorenzetti and adopted by 435 ayes (Churchill, Garlick Lorenzetti, Kaiser, Lafler, Hayssen, Mooney, Kubasik), 182 nays (Reynolds, Prouty, Amidon, Shipley) and 133 not present (Serven, Davidson, Same).

WHEREAS, in 2009 the New York State Department of Environmental Conservation issued a Draft Generic Environmental Impact Statement (DSGEIS) on High Volume Slick Water Horizontally Drilled Hydraulic Fractured Gas Drilling of the Marcellus Shale formation and given that more than 14,000 comments on the DSGEIS were submitted, many pointing out significant issues and a reliance on incomplete or flawed studies; and

WHEREAS, New Yorkers' concerns include questions about the ability of the New York State Department of Environmental Conservation, with its recent and proposed reductions in staffing levels, to protect our natural resources and prevent permanent damage to our environment; and

WHEREAS, recent disasters in West Virginia's coal mines and the BP oil spill in the Gulf of Mexico highlight the dangers inherent in extractive mining; and

WHEREAS, based on experience in other states where this drilling has been underway for years, including concerns but not limited to:

- Threats to groundwater and surface water supplies from accidents on the surface, as well as subsurface failures of casings and the hydrofracking process itself;
- Depletion and degradation of New York's lakes, rivers, streams, and wetlands;
- Dangers from drill cuttings and flowback water, which may be unsuitable and unsafe for disposal in New York's landfills and wastewater treatment plants; and

WHEREAS, rigorous scientific investigations of these issues are just beginning, including a study of the full life-cycle emissions of shale gas, the social and economic costs and benefits of the industry, and the federal Environmental Protection Agency's study of potential relationships between hydraulic fracturing and water resources; and

WHEREAS, New York State has acknowledged the dangerous potential for negative impacts with its determination that individual environmental assessments will be required for any wells in the New York City and Syracuse watersheds; and

WHEREAS, New York State has so far not committed itself to a course of action with respect to shale gas drilling in the Marcellus Shale or the Utica Shale; and

WHEREAS, the Finger Lakes are a unique geological feature; and

WHEREAS, the Finger Lakes are the sole source of water for hundreds of thousands of New York State citizens, municipalities, farms and adjacent landowners; and

WHEREAS, the economic health and vitality of the area are integrally linked to these bodies of water; and

WHEREAS, the Board of Supervisors supports the efforts of Yates County in supporting increased levels of oversight of drilling operations in the Finger Lakes watershed area; and

WHEREAS, this resolution has been approved by the Environmental Affairs Committee of the Board of Supervisors; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors hereby urges New York State to require a separate Environmental Impact Statement for each and every High Volume Slick Water Horizontally Drilled Hydraulic Fractured Gas Well in Seneca County and the entire Finger Lakes watershed; and be it further

RESOLVED, that copies of this resolution will be sent to Governor Andrew M. Cuomo, Assembly Speaker Sheldon Silver, Senate Leader Dean Skelos, NYS Health Commissioner Nirav R. Shah, DEC Commissioner Joe Martens, New York State Department of Agriculture & Markets Commissioner, Darrel J. Aubertine, the New York State Association of Counties, State Senator Michael F. Nozzolio, New York State Assembly Minority Leader Brian M. Kolb, and Attorney General Eric T. Schneiderman.

Motion was made by Chairman Lafler to recess the Board and reconvene the Indian Affairs Committee (9:37 p.m.).

Motion was made by Chairman Lafler to reconvene in public session the Board meeting (9:42 p.m.).

Motion was made by Mr. Shipley, seconded by Mrs. Amidon and carried that under Suspension of the Rules to introduce the following Resolutions:

**BOARD OF SUPERVISORS REQUEST ACTION BY NEW YORK STATE AUTHORITIES**  
RESOLUTION NO. 138-11, moved by Mr. Shipley, seconded by Mr. Hayssen and adopted by 7495 ayes (Shipley, Hayssen, Reynolds, Garlick Lorenzetti, Kaiser, Churchill, Amidon, Mooney, Kubasik), 122 nays (Prouty, Lafler), and 133 not present (Serven, Davidson, Same).

WHEREAS, the Board of Supervisors has, in numerous prior acts expressed its concern over the refusal of the Cayuga Indian Nation of New York to pay justly due taxes on their business transactions in the State of New York or on real property owned by them in this state and the application of the Cayuga Indian Nation to the United States Bureau of Indian Affairs to take land in Seneca County into trust on behalf of the Cayuga Indian Nation; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Chairman to sign a letter to Seneca County's New York State representatives demanding the following action:

1. That a meeting is scheduled between representatives of Seneca and Cayuga Counties with the Governor of the State of New York for purposes of expressing the concerns of the Counties with the activities of the Cayuga Indian Nation.

2. That protocols are established by competent state authority for response to and address of incidents at Cayuga Indian Nation facilities and that local law enforcement is made aware of such proposals.
3. That state legislation is passed amending the New York State Tax Law to redefine the term “qualified reservation” for proposed of the Tax Law.
4. That state legislation is passed rescinding unilateral authority on the part of the Governor to enter into agreements with Indian tribes in New York State without legislative authority.

Under the discussion of this resolution, Chairman Lafler stated that he would be voting nay because the responses previously received from Senator Nozzolio and Assemblyman Kolb satisfied his concern. Mr. Churchill stated that he agreed with Chairman Lafler, but he planed to vote in favor of the resolution in support of the efforts by the Citizens Advisory Group.

Special Order of the Day

The meeting was adjourned at 9:49 p.m.