

Seneca County Board of Supervisors  
Regular Meeting  
July 12, 2011

Call to Order

The board meeting was called to order at 8:00 p.m.

Roll Call

All members of the Board of Supervisors were present.

Pledge of Allegiance and Moment of Silence

Public Hearing

**a.** NOTICE IS HEREBY GIVEN, that pursuant to New York State Agriculture and Markets Law Article 25AA the Seneca County Board of Supervisors will hold a Public Hearing to provide an opportunity for citizens to offer comments and input on the request of Rodman Lott & Sons Farm Town to have Seneca Falls tax map parcel 453289-37-1-2.1 located on State Route 414, consisting of 124.8 acres included into Agricultural District No. 8.

Douglas Freier, Chairman of the Seneca County Agricultural Enhancement Board (AEB) addressed the Board of Supervisors. He stated that the AEB supported the addition of Rodman Lott's property to be enrolled into the Central District, Certified Agricultural District #8.

**b.** NOTICE IS HEREBY GIVEN, that pursuant to New York State Agriculture and Markets Law Article 25AA the Seneca County Board of Supervisors will hold a Public Hearing to provide an opportunity for citizens to offer comments and input on the request of Karl Schenk and Mary Teague-Schenk to have the Town of Waterloo tax map parcel 453889-17-1-44.1 consisting of 23.792 acres located on Pre-Emption St, enrolled in Agricultural District No. 6.

Karl Schenk, owner of the above cited property spoke on his own behalf and in support of the addition of his property to be included in Agricultural District No. 6.

Herald Rappalee, addressed the Board of Supervisors, and spoke in support of including Mr. Schenk's property into Ag District #6.

Douglas Freier, Chairman of the Seneca County Agricultural Enhancement Board (AEB) addressed the Board of Supervisors. He stated that the AEB supported the addition of Karl Schenk's property to be enrolled into the North District, Certified Agricultural District #6.

Petitioners

**a.** Prevention First-NY! Grant - Diane Laws, Data Coordinator- Seneca County Substance Abuse Coalition. Prevention First-NY! aims to build a sustainable prevention infrastructure by capitalizing on New York State's evidence-based, risk and protective factor-focused prevention

framework, incorporating all five stages of the federal Strategic Prevention Framework (SPF) to reduce underage drinking and increase prevention capacity across the state.

This will be achieved through community coalition development; community needs assessments, strategic planning, training in evidence-based prevention, and the utilization of OASAS Prevention Resource Centers (PRCs). Up to 10 sub-recipient communities will be funded.

**b. Seneca County Fair - George Poormon.** This year is the 168<sup>th</sup> Annual Seneca County Fair from July 18 to July 23, 2011

Submission of Claims for Audit

WHEREAS, the following vouchers having gone through the proper auditing process; now, therefore be it

RESOLVED, that said bill be approved for payment.

Supervisors vouchers	# 1421 - 1674	totaling	\$ 513,336.84
OFA vouchers	# 366 - 438	totaling	\$ 74,927.45
Workforce Development vouchers	# 146 - 176	totaling	\$ 29,463.59
Self Insurance vouchers	# 40 - 44	totaling	\$ 5,585.90
Sheriff vouchers	# 376 - 429	totaling	\$ 111,580.66
County Airport vouchers	# 68 - 79	totaling	\$ 11,840.68
Highway Transportation vouchers			
Maintenance & State Snow	# 126 - 146	totaling	\$ 99,078.50
Highway Machinery	# 223 - 256	totaling	\$ 33,292.65
	Highway Total		\$ 132,371.15
Water & Sewer	# 130 - 152	totaling	\$ 22,122.89
Airport Capital vouchers	# 12 - 14	totaling	\$ 66,639.26
Highway Capital vouchers	# 7	totaling	\$ 3,609.97
Veterans Capital vouchers	# 17 - 22	totaling	\$ 160,497.61

Reports of Standing Committees

Planning, Development, Agriculture & Tourism Committee – Mrs. Amidon, Chair. The Committee approved authorizing the Chairman of the Board of Supervisors to sign a Grant Application for Papa Bear Roof project. The New York Office of Parks, Recreation, and Historic Preservation has released the 2011-2012 Environmental Protection Fund Historic Preservation Grant Program, due on September 1, 2011. This competitive program will provide, if awarded, \$37,500 (75% of the cost) of replacing the roof on the former Seneca County Courthouse known as “Papa Bear.” The remaining \$

12,500 (the matching funds) will be covered by member item monies secured by State Senator Michael F. Nozzolio.

Public Safety Committee – Mr. Davidson, Chairman. The Committee approved the recommendation to implement a wireless surcharge of \$0.30. The revenue generated by the \$ 0.35 surcharge for hard line (land line) phones, which was implemented in September 1995 by Local Law # 6, has decreased over the years due to the decreased usage of hard line phones and the increase in wireless phones for home use. Implementation of a wireless surcharge would help to replace some of the lost revenue and cover the cost for Next Generation implementation.

The Committee also approved the filling a vacancy for a Correction Officer position in the Law Enforcement Center.

Public Works Committee – Mr. Davidson, Chairman. The Committee approved the budget transfers for the Water and Sewer Districts. In order to cover the remainder of this year's utility payments for the Water District, \$230,000 from Other Supplies and Expenses line item could be transferred into the Utility line. It is anticipated that at least another \$200,000 in just water utility payments from the Village of Waterloo where we purchase our water supply will be incurred.

The Committee approved the budget transfer for Sewer Dist. #1, which is in immediate need for new parts or materials to keep equipment working properly and functioning to its full potential. This is ongoing all year round. In order to cover the negative balances the District currently carries and leave a little room for future purchases, the District is requesting that \$8,200 be transferred from Repairs & Maintenance 32-101-5-8110-4220 to the following accounts:

The Committee approved the budget transfer for Sewer District #2. At the end of January of this year, the District had to purchase a new In-Flow pump for Building #4 from ITT Water & Wastewater that totaled \$8,987.00, which accounts for most of this balance. Other purchases are for new parts or materials to keep equipment functioning properly. The District is requesting that \$13,000 be transferred from Utilities 33-101-5-8110-4140 to Other Supplies and Expenses to cover the negative balance and leave a little for reserve for future purchases needed.

The Committee approved the acceptance of the New York State Department of Labor grant award for the Seneca County Highway Department \$4,377 as part of its Occupational Safety and Health Hazard Abatement Board Grant program. The purpose of this grant is to fund training programs for County, Town, and Village Highway Department personnel. These funds will cover 100% of the training workshop costs, and no local matching funds will be used.

The Committee approved the recommendation to rescind Resolution 67-11, thereby eliminating the cemetery representative position and the "cemetery department," and amending the 2011 Seneca County budget to return the operating expense appropriation for the SVMC to the Contingent Fund.

Because of the newly signed agreement with the Seneca County EDC, neither the position nor the appropriation is needed for the 2011 or the 2012 county budget.

Mental Health Services Committee – Mr. Reynolds, Chairman. The Committee approved (1) the acceptance of additional \$10,000 in Grant money from the NYS Office of Alcohol and Substance Abuse Services to Reduce Underage Drinking. This grant will provide additional funding to the Seneca County Substance Abuse Program (SCSAP), in partnership with STOP-DWI and Seneca County’s law enforcement agencies, for increased ABC checks, party patrols, sobriety checkpoints, and education programs, all aimed at deterring and reducing underage drinking in Seneca County.

The Committee also approved extending the deadline for one additional year for the position of a temporary Psychiatric Social Worker because of a waiting list for clients to be treated.

Indian Affairs Committee – Mr. Shipley, Chairman. The Committee approved the Recommendation by the Committee that the Board of Supervisors request action by State Assembly Minority Leader Brian Kolb and Senator Michael F. Nozzolio that they consider introduction of legislation to enforce collection of tax on Indian tribe sales of gasoline and Indian manufactured tobacco products.

Human Services Committee – Mr. Mooney, Chairman. The Committee approved advertising two public hearings for the Office for the Aging Annual Service Plan process.

The Committee also recommended the passage of two proclamations be passed by the Board of Supervisors. One is in recognition of two Seneca County students who are recognized with the Brightest Star Award sponsored by the Seneca County Youth Bureau. The other proclamation is for the annual Literacy Celebration on September 24, 2011. The event highlights the importance of literacy and is the seventh year of the annual county literacy event. The theme this year is “Grow a Garden of Readers: READ!”

The Committee approved refilling a position for Senior Social Welfare Examiner and a position for Typist in the Department of Human Services.

Public Health Services – Mr. Kubasik, Chairman. The Committee members and members of the Board of Supervisors received an informational packet on a proposed local law to ban the use of tobacco products on county-owned or county-leased property as recommended by the Seneca County Board of Health. Chairman Kubasik requested that the information be reviewed by the supervisors and at the next meeting of the Public Health Services Committee, they would discuss the proposal.

The Committee was updated on the status of property in Seneca County that was ruled as unsafe and dilapidated buildings as defined in Seneca County’s Local Law 3, 2003.

The Committee was updated on the recent “Code Enforcement Roundtable,” which was aimed at bringing together Code Officers from throughout the County to share information and discuss

opportunities for improvement, ways to improve service, as well as to share information about best practices. Those that attended found the meeting to be worthwhile and suggested that meetings continue on a quarterly basis.

Personnel & Technology Committee – Mr. Same, Chairman. The Committee approved the recommendation to upgrade Seneca County’s phone system to current releases before November 20th using funds from the building reserve fund, account 10-886. Seneca County’s phone system, Nortel, was bought out by Avaya thus requiring Seneca County to do an upgrade to the phone system hardware and software. Currently the phone hardware is behind by three revisions from where we should be and the software is behind by our revisions. This puts the county phone system “out of support” via Nortel/Avaya NetPass which cripples any vendor and IT from supporting/fixing the phone system in the event of a problem or catastrophic event. To avoid completely replacing the phone system, it is recommended that the software and hardware be upgraded to current release levels. Our current vendor is under New York

Government Operations Committee – Mr. Kaiser, Chairman. The Committee approved the recommendation to waive Local Law 2, 1979 prohibiting mass gathering for Empire Farm Days in August. The Committee also approved the purchase of historic marker denoting the existence of the Seneca Army Depot, 1941-2000. The marker will read:

SENECA ARMY DEPOT  
1941-2000  
MUNITIONS DEPOT STARTED 1941  
FOR DEFENSE OF  
NORTHEAST U.S. COAST  
LATER MAJOR ARMY SUPPLY FACILITY

Finance, Assessment & Insurance Committee – Mr. Hayssen, Chairman. The Committee approved the recommendation for the Board of Supervisors to approve the Deferred Compensation Plan and the appointment of Reliance Trust Company and Nationwide Trust Company to serve as trustees under the plan.

The Committee also approved refilling the following vacancies as recommended by the Vacancy Committee: Correction Officer Position, Senior Social Welfare Examiner position, and the position of Typist in the Department of Human Services (DHS); and to extend the temporary Psychiatric Social Worker position for one additional year.

Chairman’s Remarks

Chairman Lafler recognized County Manager Suzanne Sinclair for her dedication and hard work she showed while working for Seneca County. This was her final board meeting. She accepted another position and would resign on July 20, 2011.

County Manager's Remarks

County Manager Sinclair thanked the Board of Supervisors and the County Staff with a special appreciation extended to Barbara Carr, Confidential Secretary to the County Manager.

County Attorney's Remarks

County Attorney Frank Fisher wished the best for Ms. Sinclair in her new position.

Communications:

86. From NYS Department of State a notification letter dated June 30, 2011 of the Local Enhance Wireless 911 Program Aid to Localities Contract which is subject to the reduction of 1.1% as enacted by NYS legislation as part of the 2010 State Budget; therefore the funding supporting this contract was reduced to \$17,029.00.

87. From Ontario County Board of Supervisors, Resolution No. 406-2011 appointing John Garvey, the Ontario County Administrator to the Workforce Investment Board for a four year term; and Resolution No. 407-2011 endorsing the re-appointments to the Finger Lakes Workforce Investment Board of Robert Doeblin and Charles Schillaci, both representing Seneca County.

88. From Mary Anne Kowalski, an email dated July 8, 2011 with a copy of an article titled, Study: Gas Drilling will Hurt Local Tourism about a study released by the Southern Tier Central Regional Planning & Development Board that concluded that widespread Marcellus Shale drilling in the Southern Tier could substantially damage the long-term growth of the local tourism industry.

89. From Phil Snyder, an email dated June 29, 2011 expressing his support for the E-911 Center to charge a usage fee of \$0.30 per cell phone as a resource for revenue.

90. From NYS Assembly Minority Leader Brian Kolb, a letter dated June 20, 2011 acknowledging receipt of Seneca County Resolution No. 118-11 urging the Governor and Legislature of New York State to impose a real property tax cap unless it is coupled with significant cuts in local costs for State mandated programs that cause local property tax increases.

91. A copy of the Seneca County IDA June 2, 2011 meeting minutes.

92. A copy of the 2010 Annual Report of the Seneca County Agricultural Society.

93. A copy of the Seneca County Planning Board June 9, 2011 meeting minutes.

94. A copy of the Seneca County Federation of Sportsmen's Clubs, Inc. June 21, 2011 meeting minutes.

**RESOLUTIONS AND MOTIONS**

**BOARD OF SUPERVISORS AUTHORIZES THE EXPENDITURE OF UP TO \$1,100 FOR THE PURCHASE OF A HISTORIC MARKER ON THE SENECA ARMY DEPOT**

RESOLUTION NO. 147-11 moved by Mr. Kaiser, seconded by Mr. Shipley and adopted.

WHEREAS, the Seneca Army Depot was a very important part of the history of Seneca County from its establishment in 1941 until its closure in 2000; and

WHEREAS, the Seneca Army Depot provided jobs for many local residents and income for many local businesses during the years of its existence; and

WHEREAS, the Seneca Army Depot began as a munitions supply base to help protect the northeast Atlantic Coast of the United States, and

WHEREAS, the Seneca Army Depot expanded its operations during and following World War II to be a major Army supply facility; and

WHEREAS, several local historians and local historical societies have been commemorating the 70th anniversary of the Seneca Army Depot by a series of programs and activities in 2011; and

WHEREAS, no historic marker currently exists denoting the heritage of this major part of the county's history and economy; now therefore be it

RESOLVED, that the Board of Supervisors authorizes the expenditure of up to \$1,100 for the purchase and erection of a historic marker regarding the Seneca Army Depot.

**WAIVE LOCAL LAW REQUIREMENTS FOR EMPIRE FARM DAYS**

RESOLUTION NO. 148-11 moved by Mr. Kaiser, seconded by Mr. Shipley and adopted.

WHEREAS, the sponsors of Empire Farm Days have requested from the Board of Supervisors a waiver of the provisions of Local Law No. 2 of 1979; and

WHEREAS, Local Law No. 2 of 1979 assures traffic safety for mass gatherings; and

WHEREAS, all necessary state permits involving health emergencies, crowd control, and food and health code regulations will be secured before the Empire Farm Days begins; and

WHEREAS, the Government Operations Committee approved this resolution at its meeting on July 12, 2011; now, therefore be it

RESOLVED, that the requirements of Local Law No. 2 of 1979 be and hereby are waived by the Seneca County Board of Supervisors for Empire Farm Days event on August 9, 10 and 11, 2011.

**SUPERVISORS ACCEPT BID FOR TEMPORARY LABOR FOR  
WEATHERIZATION (ARRA) PROGRAM**

RESOLUTION NO. 149-11 moved by Mr. Mooney, seconded by Mr. Reynolds and adopted.

WHEREAS, the County, as part of the New York State Division of Housing and Community Renewal Weatherization Assistance Program, solicited bids for providing Temporary Labor for the Weatherization Assistance ARRA program; and

WHEREAS, funds have been approved in the 2011 Seneca County Weatherization Program budget (100% federal aid); and

WHEREAS, the Human Services Committee of the Seneca County Board of Supervisors has reviewed and approved this request; and

WHEREAS, one bid has been received from Adecco Employment Services, having principle offices at 101 Genesee Street, Auburn, NY; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby award the Weatherization Assistance ARRA Program bid for use of Temporary Labor for the period July 1, 2011 – September 30, 2011 to Adecco Employment Services, having principle offices at 101 Genesee Street, Auburn, NY, as follows: 59.30% over pay rate; and be it further

RESOLVED, that the Chairman is authorized and directed to execute a contract with Adecco Employment Services consistent with the bid specifications.

**SUPERVISORS URGE SENATOR NOZZOLIO AND ASSEMBLYMAN KOLB  
TO PREPARE AND INTRODUCE LEGISLATION FOR AN ALTERNATE  
METHOD OF UPSTREAM COLLECTION OF TAXES ON MOTOR  
FUEL SOLD BY INDIAN TRIBAL ENTERPRISES TO NON-INDIANS**

RESOLUTION NO. 150-11 moved by Mr. Shipley, seconded by Mr. Same and unanimously adopted.

WHEREAS, Section 284-e of the New York State tax code provides a means of collecting taxes on motor fuel sold to non-Indians on qualified reservations using a tax exemption coupon system for tribal members; and

WHEREAS, state and federal courts have authorized use of a probable demand system as an alternative to the coupon system for the collection of taxes on the sales of cigarettes to non-Indians on Indian reservations; and

WHEREAS, New York State should anticipate legal action by Indian tribes to stop the collection of state and excise taxes on sales of gasoline to non-Indians if an alternate means of collection, such as the probable demand system, is not in place; and

WHEREAS, LakeSide trading stores in both the Town of Seneca Falls in Seneca County and the Village of Union Springs in Cayuga County continue to sell gasoline to non-Indians without collecting state sales and excise taxes in violation of Section 284-e of the state tax law; and

WHEREAS, law-abiding, non-Indian owned filling stations which must collect these taxes continue to suffer from the unfair price advantage created when LakeSide trading stores sell gasoline without charging the taxes due from their customers; now therefore be it

RESOLVED, the Seneca County Board of Supervisors hereby calls upon State Senator Michael Nozzolio and State Assemblyman Brian Kolb to prepare and submit legislation in their respective houses that would establish a system of motor fuel tax collection on Indian sales to non-Indians to serve as an alternate to the tax exemption coupon system outlined in Section 284-e of the New York State tax code.

**RESOLUTION TO AWARD BID AND AUTHORIZE PAYMENT FOR DIVING DRY SUITS  
AND ASSOCIATED EQUIPMENT FOR THE PUBLIC SAFETY DIVE TEAM UNDER THE  
AUSPICES OF THE SHERIFF'S OFFICE AND EMERGENCY MANAGEMENT OFFICE  
FROM THE 2009 SLETPP HOMELAND SECURITY GRANT**

RESOLUTION NO. 151-11 moved by Mr. Davidson, seconded by Mr. Prouty and unanimously adopted.

WHEREAS, the 2009 SLETPP Homeland Security Grant was previously awarded to Seneca County and accepted by the Board to form a Seneca County Public Safety Dive Team under the auspices of the Seneca County Sheriff's Office and Emergency Management Office; and

WHEREAS, part of the equipment needed consisted of seven (7) Dry Suits and seven (7) undergarments and said cost would be more than ten thousand dollars; and

WHEREAS, the purchasing of this equipment was put out to bid with the low bidder being Finger Lakes SCUBA located at 11 Dill Street, Auburn, NY at a bid price of \$12,034.40; and

WHEREAS, the money for this equipment is contained in the current Sheriff budget and further the entire amount is 100% reimbursable from New York State; now, therefore be it

RESOLVED, that the Board of Supervisors award the bid to Finger Lakes SCUBA and authorize payment to same in the amount of \$12,034.40 from the 2011 Sheriff's budget.

**RESOLUTION ACCEPTING FUNDS AND SIGNING CONTRACT FOR  
“ENFORCING UNDERAGE DRINKING LAW (EUDL) GRANT”  
AND TREASURER AUTHORIZED TO AMEND BUDGET**

RESOLUTION NO. 152-11 moved by Mr. Reynolds, seconded by Mr. Kaiser and unanimously adopted.

WHEREAS, the New York State Office of Alcohol and Substance Abuse Services (OASAS) has awarded the Seneca County Substance Abuse Program (SCASP) additional funds through the Enforcing Underage Drinking Law (EUDL) Grant, Contract #T001159- Amendment #2, in the amount of \$10,000 with no County match; and

WHEREAS, the EUDL Grant Contract #T001159-Ammendment #2 needs to be signed by the Seneca County Board of Supervisors Chair; and

WHEREAS, the 2011 County Budget needs to be amended to accept this money by increasing revenue account #10-319-3-3488 and expense account #10-115-5-4210-4555 by \$10,000 each; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors hereby accepts \$10,000 in funds from the OASAS EUDL Grant; and be it further

RESOLVED, that the Seneca County Board of Supervisors Chair is authorized to sign the EUDL Grant Contract #T0001159 – Amendment #2; and be it further

RESOLVED, that the Seneca County Treasurer is hereby authorized and directed to amend the 2011 County budget as follows:

Increase Revenue: 10-319-3-3488, by \$10,000.

Increase Expense: 10-115-5-4210-4555, by \$10,000

**AWARD BID FOR THE FINGER LAKES REGIONAL AIRPORT UTILITY VEHICLE**

RESOLUTION NO. 153-11 moved by Mrs. Amidon, seconded by Mr. Same and unanimously adopted.

WHEREAS, Seneca County has solicited bids for the purchase of a utility vehicle for use at the Finger Lakes Regional Airport; and

WHEREAS, two bids were received with Empire Tractor, offices in Waterloo, New York, being the low bidder in the amount of \$14,672; and

WHEREAS, \$16,083 was budgeted for this purchase in the 2011 Finger Lakes Regional Airport Account #30-101-5-5610-2-600; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on June 28, 2011; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors approves the purchase of the utility vehicle from Empire Tractor for the sum of \$14,672 and authorizes the Chairman of the Board of Supervisors to sign a contract for this purchase.

New Business

Mr. Davidson requested that any agency / organization / business of which Seneca County assisted through funding, provide an annual report to the Board of Supervisor.

Special Order of the Day

The meeting was adjourned at 8:455 p.m.