

Seneca County Board of Supervisors  
Regular Meeting  
Three Bears Courthouse, Ovid, NY  
September 27, 2011  
8:00 p.m.

Call to Order

Chairman Lafler called the meeting to order at 8:00 p.m.

Roll Call of Members by the Clerk

All members of the Board of Supervisors answered roll call.

Pledge of Allegiance and Moment of Silence

Welcome

Dan Motill, President, Friends of the Three Bears, welcomed the Board of Supervisors and the public to the Three Bears. He gave a brief update on the progress of the restoration of Mama Bear building. He also said they are anticipating a grant from New York State to fund the roof repair of the Papa Bear building.

Petitioners:

Penny Gugino, Tobacco Action Coalition of the Finger Lakes, spoke on the Benefits of Smoke Free Public Places.

Michael Whirtley, Criminal Justice Advisory Board, spoke about Theft Prevention Classes being offered to two different age groups, 7 – 15 (which also include a parent(s) or guardian(s) and 16-24.

Approval of Meeting Minutes:

The board meeting minutes of July 26, 2011 and August 9, 2011 were approved.

Reports of Standing Committees

Planning, Development, Agriculture & Tourism, Mrs. Amidon, Chairperson. The Committee approved the Chairman of the Board to sign necessary documents to accept a \$60,000 grant award through the efforts of Senator Nozzolio, for restoration work at the Historic Courthouse (a.k.a. Papa Bear) in Ovid, NY.

Human Services Committee, Mr. Mooney, Chairman. The Committee approved the appointment of Theodore Jordan Jr., Regional Administrator for PathStone Corporation of Monroe County to the Finger Lakes Workforce Investment Board.

Public Health Committee, Mr. Kubasik, Chairman. The Committee approved (1) membership with the Finger Lakes Public Health Alliance. This alliance is a consortium of nine county Health Departments: Seneca, Schuyler, Steuben, Wayne, Ontario, Yates, Chemung, Monroe, and Livingston. This consortium allows the county's to perform emergency preparedness planning, as well as the planning

and execution of drills and exercises, on a regional basis. The cost for this membership is \$2,000 which is paid for from the Emergency Preparedness Grant 10-115-5-4014-4370; (2) the contract with Health Research, Inc. (HRI) for the Public Health Emergency Preparedness Grant. The Health Department has been awarded \$ 50,000 for the period August 10, 2011 to August 9, 2012 for the Public Health Emergency Preparedness Grant. These funds will allow the Department to continue emergency planning activities and for the Chairman of the Board to sign the contract; (3) approved awarding the LCP Group, Inc., of Vestal, New York, for the demolition and removal of the unsafe building at 2121 Orchard Street in the Village of Lodi pursuant to the provisions of Local Law No. 3 of 2003 and to Geiter Done of WNY, Inc., of Buffalo, New York, for the demolition and removal of the County owned building at NYS Route 96 in the Town of Romulus; (4) the committee voted to Lay on the Table the issue to move forward with the demolition of the designated unsafe building located at 8392 Main Street, Village of Interlaken for additional information.

Finance, Assessment & Insurance Committee, Mr. Hayssen, Chairman. The Committee discussed the 2012 County Budget preparations. A special meeting of the committee was scheduled for Monday, October 10 to begin in-depth review for the 2012 budget.

Chairman's Remarks

Chairman Lafler thanked Nicholas Sciotti, County Treasurer and Keith Kubasik, County Supervisors, for their time and effort on the 2012 Budget. Chairman Lafler announced that Seneca County would be hosting the InterCounty meeting on October 21, 2011 at Knapp Restaurant and Winery. Walter Gable, County Historian will be the speaker. Chairman Lafler brought to the attention to the supervisors that Finger Lakes Community College received a \$3.35million National Science Foundation grant to roll out a national model for incorporating research into community college biology courses nationwide. It is the only grant the foundation awarded this year for such a project, under a program called Transforming Undergraduate Education in STEM (Science, Technology, Engineering and Math.

Communications

118. A letter dated September 16, 2011 from Jeff Willett, Ph.D., Director, Tobacco Control Program, New York State Department of Health, supporting the proposed local law to prohibit smoking on county-owned or county-leased property.

119. A copy of Seneca County IDA Annual Financial Disclosure Form / Certification of No Conflict of Interest for newly appointed board member Ralph Lott.

120. A copy of a letter dated September 8, 2011 to Angela Reardon, Director, Seneca County Office for the Aging, from New York State Office for the Aging, summarizing its findings from the Annual Evaluation of the Seneca County Area Agency on Aging resulting in "no significant issues or problems

related to the operations of the Area Agency”....”the Area Agency benefits from a dedicated and committed staff in providing services to the older adults of Seneca County”.

121. A copy of a Letter to the Editor, “Smoke-free Public Places Benefit Everyone” authored by Penny Gugino, Tobacco Action Coalition of the Finger Lakes and published in the Finger Lakes Times on September 21, 2011.

122. A copy of a letter dated September 21, 2011 from Sandra J. Boyes, resident, Town of Waterloo, NY expressing opposition to the proposed local law prohibiting the use of tobacco products on county-owned or county-leased property.

123. A copy of the Seneca County Board of Health August 17, 2011 meeting minutes.

124. A copy of the Seneca County Planning Board August 11, 2011 meeting minutes.

125. A copy of the Seneca County Soil & Water Conservation District August 22, 2011 meeting minutes.

126. A copy of the Genesee / Finger Lakes Regional Planning Council September 8, 2011 meeting minutes.

127. A copy of a letter dated September 16, 2011 to Governor Cuomo and Senator Saland from William Steinhaus, Dutchess County Executive, requesting an immediate review of the State’s planned closing of the Hudson River Psychiatric Center and the impact it will have on Dutchess County government and no new county spending to perform prior state mental health functions.

128. From the Fulton County Board of Supervisors, Resolution No. 289 requesting “Comptroller Thomas DiNapoli to Reform the Funding Policy for the New York State Common Retirement Fund”.

129. From Phil Cianciotto, President of Seneca Lake Pure Waters Association, a copy of a letter dated September 13, 2011, sent to all representative governing bodies within the Seneca Lake Watershed, concerning “drilling for natural gas in the Marcellus Shale”....and....”the storage of Liquefied Petroleum Gas (LPG) in the salt caverns at the southern end of Seneca Lake”...and...urging the Seneca County Board of Supervisors to “exercise home rule rights to protect communities, Seneca Lake and its watershed...by delaying these activities until we are certain of their environmental and fiscal impact of our communities”. Referred to the Environmental Affairs Committee.

130. From William R. Steinhaus, Dutchess County Executive, a letter dated September 22, 2011, seeking support of Senate Bill 5889A, calling for an immediate freeze on the local county share of Medicaid costs and the eventual phase out of any county contribution to the state run Medicaid program. Referred to the Government Operations Committee.

#### Resolutions and Motions

### **CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN A CONTRACT FOR EARLY INTERVENTION AND 3-5 PROGRAM SERVICES**

RESOLUTION NO. 199-11, moved by Mr. Kubasik, seconded by Mr. Mooney and adopted.

WHEREAS, the Health Department is required to maintain contracts with individuals or agencies to provide professional services for the Early Intervention and 3-5 Programs; and

WHEREAS, Nancy Fuhr Bonn is a Licensed Clinical Social Worker who has many years of experience providing services to children; and

WHEREAS, Ms. Fuhr Bonn would like to contract with Seneca County to provide these services; and

WHEREAS, the funding for this contract is in the Public Health Budget 2960.470 and 4145.470; and

WHEREAS, the Public Health Committee has approved this contract; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the contracts with Ms. Fuhr Bonn.

**A RESOLUTION ADOPTING LOCAL LAW 3 OF YEAR 2011 LOCAL LAW  
PROHIBITING SMOKING UPON ALL REAL PROPERTY OWNED OR LEASED  
BY THE COUNTY OF SENECA**

RESOLUTION NO. 200-11, moved by Mr. Kubasik, seconded by Mrs. Garlick Lorenzetti and adopted by 393 ayes (Kubasik, Garlick Lorenzetti, Davidson, Same, Lafler, Amidon, Mooney), 357 nays (Reynolds, Serven, Prouty, Kaiser, Churchill, Hayssen, Shipley).

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 September 13, 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 Prohibiting Smoking Upon All Real Property Owned or Leased by the County of Seneca"; 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 September 13, 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. 4 of the year 2011, as follows:

Section 1: Findings

The Board of Supervisors of the County of Seneca finds that smoking on real property owned or leased by the County should be prohibited in order to:

- A) Protect the public health, safety and general welfare by eliminating exposure to secondhand smoke
- B) Acknowledge the need of nonsmokers, especially children, to breathe smoke-free air, recognizing the danger to public health which secondhand smoke causes
- C) Recognize that the need to breathe air free of the disease-causing toxins in secondhand smoke should have priority over the desire to and convenience of smoking on real property owned or leased by the County.
- D) Recognize the right and benefit to municipal residents and visitors to be free from unwelcome secondhand smoke while on real property owned or leased by the County.

#### Section 2: Application of Article to County-Owned and Leased Real Property

All real property owned or leased by the County of Seneca shall be subject to the provisions of this Local Law. The term “real property” shall include real estate, lands and any structures, buildings or facilities located upon said real estate and lands. The term “real property” shall not include roadways and rights of ways located within the county road system established under Section 115 of the New York State Highway Law.

#### Section 3: Regulation of Smoking Upon County-Owned and Leased Real Property

- A) “Smoking” shall mean inhaling of, exhaling or, burning of, or carrying of any lighted cigar, cigarette, pipe, weed, or other plant in any manner or in any form.
- B) Smoking shall be prohibited upon all real property owned or leased by the County of Seneca, except when located within a moving motor vehicle which is in the process of exiting or entering real property owned or leased by the County of Seneca.

#### Section 4: Posting of Signs

SMOKING IS PROHIBITED, or NO SMOKING signs, using the international NO SMOKING symbol – consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be prominently and conspicuously posted upon the entrance to all real property where smoking is regulated by this Article. NO SMOKING signs shall be protected from tampering, damage, removal or concealment.

#### Section 5: Enforcement

- A) For the purpose of this Local Law the term “enforcement officer” shall mean the Seneca County Board of Health, or its designee.
- B) The enforcement officer may cause to have issued and served upon the person complained against a written notice, together with a copy of the complaint made against him, which shall specify the provisions of this Local Law of which such person is said to be in violation and a statement of the manner in which that person is said to violate it and

shall require the person so complained against to answer the charges of such complaint at a public hearing before a Hearing Officer designated by the Board of Health at a time not less than fifteen (15) days after the date of service of notice.

- C) The Board of Health may serve, together with a copy of the complaint, a stipulation offer to the person complained against. The stipulation offer shall allow the person complained against to enter into a stipulation under the terms and conditions as set forth in the stipulation offer. The person complained against shall have the option of entering into the stipulation or proceeding with a formal hearing before a Hearing Officer designated by the Seneca County Board of Health.
- D) If the Hearing Officer determines after a hearing that a violation of this Local Law has occurred, a civil penalty may be imposed by the enforcement officer pursuant to Section 6 of this Local Law. Nothing herein shall be construed to prohibit an enforcement officer from commencing a proceeding for injunctive relief to compel compliance with this Local Law.
- E) Any person who desires to register a complaint under this Local Law may do so with any appropriate enforcement officer.
- F) Any person who elects to seek a review of a final decision or order of the Hearing Officer shall file a notice of appeal with the Seneca County Department of Health within 15 days of receipt of a copy of the decision and order of the Officer. The notice of appeal is to be accompanied by a brief or memorandum outlining the specific reasons why the decision and order should be changed. The filing of a notice of appeal will stay the collection of any fine or imposition of a penalty or order until the Board has rendered its decision. Appeals shall be made upon the record of the hearing and are to be made without physical appearance of the appellant unless requested by the appellant in the notice of appeal. Any appeal in which an appearance is made by the appellant will be open to the public.
- G) Appeals shall be reviewed by the Seneca County Board of Health which shall issue its decision in writing within thirty days of the later of, receipt of the appeal or of the appearance of the appellant before the Board. A copy of the decision shall be provided by the mail to the appellant.
- H) The decision of any Board of Health shall be reviewable pursuant to Article seventy-eight of the Civil Practice Law and Rules.
- I) The enforcement officer, subsequent to any appeal having been finally determined, may bring an action to recover the civil penalty provided in Section 6 of this Local Law.

Section 6: Violations and Penalties

- A) It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this Local Law.
- B) Any person who violates any provision of this Local Law shall be guilty of a violation, punishable by a civil penalty not to exceed one thousand dollars (\$1,000.00).

Section 7: Other Applicable Laws

This Local Law shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Section 8: Severability

If any provision, clause, sentence, or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Local Law which can be given effect without the valid provision or application, and to this end the provisions of this Local Law are declared to be severable.

Section 9: Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the New York State Municipal Home Rule Law.

And be it further

RESOLVED, that the Clerk of the Board is authorized and directed to assign an appropriate number to this Local Law dependent upon action taken by the Board as to this and another Local Law proposed for passage this date.

During the discussion of the above resolution, the supervisors who opposed the local law stated that the ban infringed on people's personal freedom and a suggestion was made that a designated smoking area far from any buildings be set-up for smoking. The supervisors in favor of the local law stated that it is a question of public health, that even second hand smoke causes serious health problems and there is a substantial cost to everyone for treating smoking related diseases.

**WEATHERIZATION PROGRAM TO ENTER INTO CONTRACT WITH  
NYSERDA'S EMPOWER NEW YORK PROGRAM**

RESOLUTION NO. 201-11 moved by Mr. Mooney, seconded by Mrs. Garlick Lorenzetti and adopted.

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) is offering the EmPower New York program to deliver energy efficiency and energy use education to low income New Yorkers; and

WHEREAS, the EmPower program is seeking contractors to provide these services; and

WHEREAS, the Seneca County Weatherization Program already provides these cost effective home energy services as well as providing electric reduction measures to income eligible Seneca County residents; and

WHEREAS, by entering into this contract, the Weatherization program can bring an additional income for services provided; and

WHEREAS, the Human Services Committee has approved this contract on September 13, 2011; and

WHEREAS, the Weatherization Program meetings all the criteria set forth in the contract; now, therefore, be it

RESOLVED, that the Seneca County Weatherization Program be allowed to enter into a contract with NYSEDA's EmPower New York Program for the period of October 1, 2011 – September 30, 2012.

**BOARD OF SUPERVISORS TO APPROVE THE APPOINTMENT OF A FINGER LAKES  
WORKFORCE INVESTMENT BOARD MEMBER**

RESOLUTION NO. 202-11, moved by Mr. Mooney, seconded by Mr. Davidson 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

WHEREAS, the Seneca County Board of Supervisors shall endorse the following public sector representative to the Finger Lakes Workforce Investment Board effective September 27, 2011 to June 30, 2013:

Public Sector

Mr. Michael L. Davis 09/27/11 – 06/30/2013

Business Manager – IBEW Local Union 840

Finger Lakes Building Trades

Ontario County

P. O. Box 851

Geneva, New York 14456; and

WHEREAS, this appointment has been reviewed and approved by the Human Services Committee; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Michael L. Davis to the Finger Lakes 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.

**A RESOLUTION TO ADOPT LOCAL LAW NUMBER 4 YEAR 2011 ESTABLISHING  
A WIRELESS TELEPHONE USAGE CHARGE PURSUANT TO §308-a OF  
NEW YORK STATE COUNTY LAW**

RESOLUTION NO. 203-11 moved by Mr. Davidson, seconded by Mr. Mooney and adopted by 482 ayes (Davidson, Mooney, Reynolds, Garlick Lorenzetti, Same, Lafler, Amidon, Hayssen, Kubasik) and 268 nays (Serven, Prouty, Kaiser, Churchill, Shipley).

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 September 13, 2011 at 8:00 p.m. at the Seneca County Office Building, Waterloo, NY, to hear all interested parties on a proposed Local Law establishing a wireless telephone usage charge pursuant to §308-a New York State County Law; 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 September 13, 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. 3 of the year 2011, as follows:

**A LOCAL LAW TO IMPOSE A SURCHARGE ON WIRELESS COMMUNICATIONS IN SENECA COUNTY PURSUANT TO §308-a OF THE COUNTY LAW**

**Section 1. Definitions**

- (a) "Place of primary use" shall mean the street address that is representative of where the customer's use of the wireless communications service primarily occurs, which address must be: (1) residential street address or the primary business street address of the customer; and (2) within the licensed service area of the wireless communications service supplier.
- (b) "Wireless communications service supplier" means a telecommunications corporation that provides service within Seneca County.
- (c) "System costs or other costs" means the costs associated with maintaining the telecommunications equipment and the telephone services necessary to provide

an E911 system and costs associated with the design, construction, operation, maintenance, and administration of public safety communications networks serving Seneca County.

Section 2. Pursuant to Section 308(a) of the County Law of the State of New York, there is hereby imposed a surcharge of thirty cents (\$.30) per month per wireless communications device which shall be reflected and made payable on bills rendered for wireless communications service that is provided to a customer whose place of primary use is within the County of Seneca. Wireless communication service suppliers shall begin to add the surcharge to all current service bills rendered on or after January 1, 2012. Any wireless communications service supplier required to collect the surcharge pursuant to the provisions of this section shall be given a minimum of forty-five (45) days written notice prior to the date it shall begin to add such surcharge to the billings of its customers or prior to any modification to or change in the surcharge amount.

- (a) Each wireless communications service supplier serving the County of Seneca shall act as a collection agent for the county and shall remit the funds collected pursuant to the surcharge imposed under the provisions of this section to the Seneca County Treasurer every month. Such funds shall be remitted no later than thirty (30) days after the last business day of the month.
- (b) Each wireless communications service supplier shall be entitled to retain, as an administrative fee, an amount equal to two percent (2%) of its collections of the surcharge imposed under the provisions of this section.
- (c) The surcharge required to be collected by a wireless communications service supplier shall be added to and stated separately in its billings to customers.
- (d) Each wireless communications service customer who is subject to the provisions of this section shall be liable to the County of Seneca for the surcharge until it has been paid to the county except that payment to a wireless communications service supplier shall be sufficient to relieve the customer from further liability for such surcharge.
- (e) No wireless communications service supplier shall have a legal obligation to enforce the collection of the surcharge imposed under the provisions of this section, provided, however, that whenever the wireless communications service supplier remits the funds collected to the County of Seneca, it shall also provide the County of Seneca with the name and address of any customer refusing or failing to pay the surcharge imposed under the provisions of this section and shall state the amount of such surcharge remaining unpaid.

- (f) Each wireless communications service supplier shall annually provide to the County of Seneca an accounting of the surcharge amounts billed and collected.
- (g) All surcharge monies remitted to the County of Seneca by a wireless communications service supplier shall be expended only upon authorization of the Seneca County Board of Supervisors and only for payment of system costs or other costs associated with the design, construction, operation, maintenance, and administration of public safety communications networks serving Seneca County. The County of Seneca shall separately account for and keep adequate books and records of the amount and source of all such monies and of the amount and object or purpose of all expenditures thereof. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

Section 3. The County of Seneca shall be exempt from the surcharge imposed under this local law.

Section 4. This local law shall take effect on January 1, 2012, provided, however, that a wireless communications service provider may treat the address used by such supplier for any wireless communications customer under a service contract or agreement in effect on the date of the adoption hereof by the Board of Supervisors, as that wireless communications customer's place of primary use for the remaining term of such service contract or agreement, for purposes of determining the taxing jurisdiction with respect to taxes on wireless communication service; and be it further

RESOLVED, that the Clerk of the Board is authorized and directed to assign an appropriate number to this Local Law dependent upon action taken by the Board as to this and another Local Law proposed for passage this date.

During the discussion of the above resolution, Mr. Kaiser, Mr. Shipley and Mr. Churchill expressed opposition to the surcharge on cell phones primarily because it another tax. Mr. Shipley stated that New York State collects a surcharge and it is supposed to distribute larger payments to the counties. Shipley said the state needs to be pressured to give the counties more of its \$1.20-a-month surcharge. Churchill and Kaiser indicated the county could use other funds to upgrade the 911 system without adding another tax. Supervisors who were in favor of the local law stated that the surcharge is revenue that will go toward updating 911 emergency equipment without having to fund it by increasing property taxes. A roll call vote was taken after the question was called.

**CHAIR OF THE BOARD OF SUPERVISORS IS AUTHORIZED AND DIRECTED TO SIGN A CONTRACT WITH POPLI DESIGN GROUP FOR PROFESSIONAL SERVICES FOR THE SPACE NEEDS ANALYSIS FOR THE COUNTY COURTHOUSE FACILITY**

RESOLUTION NO. 204-11, moved by Mr. Davidson, seconded by Mr. Same and adopted by 645 ayes (Davidson, Same, Reynolds, Garlick Lorenzetti, Serven, Prouty, Lafler, Churchill, Amidon, Hayssen, Mooney, Kubasik) and 105 nays (Kaiser, Shipley).

WHEREAS, a request for proposals was sent out for the space needs analysis for the County Courthouse facility located on West William Street, Waterloo, NY; and

WHEREAS, the County received 13 proposals from architectural and engineering design firms for the project; and

WHEREAS, the selection committee reviewed the proposals recommended retaining Popli Design Group from Penfield, NY; and

WHEREAS, Popli Design Group has agreed to provide professional services for space needs analysis for the County Courthouse facility a fee of \$23,940.00; and

WHEREAS, this request has been reviewed and approved by the Public Works Committee at the September 13, 2011 meeting; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized and directed to sign a contract with Popli Design Group for professional services for the space needs analysis for the County Courthouse facility.

During the discussion of the above resolution, Mr. Hayssen and Mr. Kaiser were opposed to adopting the resolution and made a motion to return it back to the Public Works Committee. The motion to return it to committee was defeated by 634 nays (Reynolds, Garlick Lorenzetti, Davidson, Prouty, Same, Lafler, Churchill, Amidon, Mooney, Shipley, Kubasik), 85 ayes (Kaiser, Hayssen) and 31 abstentions (Serven).

**BOARD OF SUPERVISORS AUTHORIZES APPROPRIATION IN THE AMOUNT OF  
\$3,000 FOR LEGAL SERVICES RELATED TO THE FORMATION OF THE  
SAMPSON MEMORIAL CEMETERY ASSOCIATION AS A 501(c)(3)**

RESOLUTION NO. 205-11, moved by Mrs. Amidon, seconded by Mr. Mooney and adopted.

WHEREAS, in May, 2008, a resolution was adopted by the Board to accept a proposal from Michael Mirras for legal services associated with the creation of a not-for-profit corporation for the Sampson Veterans Memorial Cemetery; and

WHEREAS, the legal work has been completed and the 501(c)(3) has been formed; and

WHEREAS, funding is available in the project account through \$2,909.20 in privately raised funds and \$99.80 in non-refundable deposits from bidders; and

WHEREAS, this resolution has been reviewed and approved by the Finance, Assessment & Insurance Committee on September 13, 2011; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes the appropriation of \$3,000.00 for legal services associated with the creation of a not-for-profit corporation for the Sampson Veterans Memorial Cemetery.

**RESOLUTION AUTHORIZING COMMUNITY DEVELOPMENT  
BLOCK GRANT (CDBG) LOAN TO TIMOTHY DEAN**

RESOLUTION NO. 206-11, moved by Mrs. Amidon, seconded by Mr. Same and adopted.

WHEREAS, Seneca County has received Community Development Block Grant (CDBG) funds from the United States Department of Housing and Urban Development (HUD) to make development loans; and

WHEREAS, businesses to whom these monies have been loaned are repaying the loans, thereby establishing a revolving loan fund for business development and job creation and retention; and

WHEREAS, a loan application has been reviewed by the CDBG Revolving Loan Fund Committee and found to be satisfactory and in full compliance with regulations and guidelines applicable to the Revolving Loan Fund Program; and

WHEREAS, this \$25,000 loan will help with start-up for purchasing a dump truck and will assist in the creation of one (1) full-time job and one (1) part-time job at the business located at 3047 East Bayard Street, Seneca Falls, New York; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on September 13, 2011; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors approves the proposed loan for the sum of twenty-five thousand dollars (\$25,000) under the CDBG Program from funds account no. 2720310840 under the terms and conditions provided for such loans through the Department of Housing and Urban Development and the CDBG Revolving Loan Fund Committee and authorizes the Chairman of the Board of Supervisors to sign the closing documentation.

**AUTHORIZE AGREEMENT WITH TWIN LAKES SNOWMOBILE ASSOCIATION  
FOR 2011-2012 AND 2012-2013 SEASONS**

RESOLUTION NO. 207-11, moved by Mrs. Amidon, seconded by Mr. Same and adopted.

WHEREAS, the Twin Lakes Snowmobile Club, starting in 2008, requested that Seneca County serve as a Sponsor for it to receive the pass-through funding for the Grant-in-Aid Program funding from the New York State Office of Parks, Recreation and Historic Preservation for a section of trail on the New York State Snowmobile System that loops into Seneca County; and

WHEREAS, the agreement with the Twin Lakes Snowmobile Association for the 2011-2012 Season needs to be renewed; and

WHEREAS, it would be expedient to also have the contract cover the 2012-2013 Season; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on September 13, 2011; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized and directed to sign the Agreement between Seneca County and the Twin Lakes Snowmobile Association for the period of September 1, 2011 to August 31, 2013.

**RESOLUTION APPOINTING MEMBER TO THE  
FINGER LAKES REGIONAL AIRPORT ADVISORY COMMITTEE**

RESOLUTION NO. 208-11, moved by Mrs. Amidon, seconded by Mr. Shipley and adopted.

WHEREAS, the Finger Lakes Regional Airport Advisory Committee has recommended that August Gillon be reappointed to the Finger Lakes Regional Airport Advisory Committee; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on September 13, 2011; and, now, therefore, be it]

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint August Gillon to the Finger Lakes Regional Airport Advisory Committee, effective October 1, 2011 to September 30, 2014.

Special Order of the Day

The meeting was adjourned at 9:00m, p.m.