

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

October 11, 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 were present.

Presentations:

Francis Steverson, Mayor of Lodi, spoke regarding the removal of a building in Lodi. He said that it needs to be removed.

Terrance O'Neill gave an update on the ProAct Prescription Program. To date there has been over 64 million in savings.

Submission of Claims for Audit

Mr. Hayssen, Chairperson, made a motion, seconded by Mr. Same, and carried that the following vouchers have gone through the proper auditing process, be approved for payment.

Supervisors vouchers	# 2163 - 2394	totaling	\$ 449,740.47
OFA vouchers	# 564 - 623	totaling	\$ 63,510.78
Workforce Development vouchers	# 263 - 302	totaling	\$ 101,820.51
Self Insurance vouchers	# 59	totaling	\$ 463.90
Sheriff vouchers	#537 - 592	totaling	\$ 81,789.65
County Airport vouchers	#103 - 116	totaling	\$ 22,123.69
Highway Transportation vouchers			
Maintenance & State Snow	# 195 - 212	totaling	\$ 205,068.40
Highway Machinery	# 319 - 354	totaling	\$ 81,563.69
	Highway Total		\$ 286,632.09
Water & Sewer	# 212 - 238	totaling	\$ 55,527.97
Airport Capital vouchers	# 18 - 19	totaling	\$ 13,894.23
Highway Capital vouchers	#9	totaling	\$ 2,386.66
Veterans Capital vouchers	# 33 - 34	totaling	\$ 13,481.30

Reports of Standing Committees

Planning, Development, Agriculture & Tourism Committee, Mrs. Amidon, Chairperson. The Committee approved: (1) Fountains Spatial, Inc. for consultant services for a fee of \$23,875, to rectify the Seneca County digital tax maps to the New York State Ortho imagery files. Errors in alignment of tax map boundaries with aerial photography are normal during the conversion process which Seneca County conducted in 2006. The Seneca County Department of Soil and Water and the Seneca County Industrial Development Agency have both provided written commitments to fund the rectification process in full with no Seneca County match.

Public Safety Committee, Mr. Davidson, Chairman. The Committee approved: (1) a board resolution authorizing acceptance of the New York State Office of Homeland Security grant (\$35,167) for the purchase and service costs of installing mobile connectivity hardware infrastructure, and to purchase mobile data terminal wireless modems for Sheriff Patrol vehicles. Some of the funding may be used to cover the monthly service fees for these modems. There is no requirement in this grant for a local County match requirement; (2) the Board Chairman to sign documents to accept \$17,501 from the Local Enhanced Wireless 911 Program. This sum is reimbursement for Computers, Phone lines, Radio Tower space and other costs incurred by the E-911 Center from April 2011 through March 31, 2014; (3) the purchase of a 2012 Chevrolet Impala LS Fleet vehicle under the New York State Bid pricing contract for the Sheriff's Office. The base price of the vehicle is \$17,579.13, with local add-ons not to exceed \$600.00 and a delivery charge of \$110.00 for a total amount not to exceed \$18,290.13. This is in the 2011 budget under line # 10-110-5-3113-2600.

Public Works Committee, Mr. Davidson, Chairman. The Committee approved: (1) the annual renewal of the Agreement for the Unified Court System (UCS) and the County of Seneca for Court cleaning and minor repairs for the State fiscal year 2011-2012 is required to receive reimbursements from the UCS. This agreement reimburses the County a portion of the associated costs with cleaning and maintaining the County Courthouse facility located at 48 West Williams Street, Waterloo, NY 13165. The maximum reimbursement from UCS for the State fiscal year 2011-2012 is estimated to be \$74,870. The maximum reimbursement from UCS for the State fiscal year 2010-11 was \$54,013.00; (2) transferring \$60,000 from the General Fund Contingency or the Machinery Fund Balance to pay for gas and diesel fuel for the Highway Department for the remainder of the year. The 2011 budget was based on \$3.00/gallon. The actual increase for diesel was as high as \$4.10/gallon.

The Committee also discussed the impact the clay mining from Seneca Meadows would have on Burgess Road in the town of Waterloo. The Highway Superintendent, Mr. Gates, was directed to obtain a count of vehicles that access Burgess Road.

Indian Affairs Committee, Mr. Shipley, Chairman. The County Attorney, Frank Fisher and Cayuga County attorney Frederick Westphal and Philip Spellane of the Harris Beach will meet with Lt. Gov. Robert Duffy and the Governor's counsel on a variety of issues. Two issues to be discussed will be asking the state to pay the legal expenses of the two counties, which have used Harris Beach staff to argue a state sovereignty issue in federal district court regarding whether the county can foreclose on properties owned by the Cayuga Indian Nation that are three years arrears in property taxes; and the second issue is the state's definition and position on what is an Indian-manufactured cigarette and how the state plans to make sure excise and sales taxes are paid on those cigarettes sold at Indian stores to non-Indians.

Public Health Committee, Mr. Kubasik, Chairman. The Committee approved a contract between Cathy Bond and Seneca County Health Department. Cathy Bond is a consultant who has worked with the Health Department for several years with the Emergency Preparedness and Office of Homeland Security Grants. It is necessary to renew her contract for the grant period August 10, 2011 through August 9, 2012. Her duties will include; writing and re-writing plans or components of plans as stated in the OHS work-plan; education and training; designing and facilitating drills or exercises; and writing the After Action Reports; and the management of volunteers. She will be paid \$60 per hour, not to exceed \$5,000. The funds are in the Public Health budget 10-115-5-4370.

Personnel & Technology Committee, Mr. Same, Chairman. The Committee met with Stephanie Engster, the Labor Relations Specialist for the CSEA to hear the concerns expressed by employees about the changes in the health insurance for 2012 and how it they would impact the CSEA employees. She suggested the creation of a Medical Emergency Reimbursement Plan (MERP) to offset the increase in premium and the \$500 co-pay for inpatient hospital stays for non-surgical reasons. It was decided that the Seneca County Risk Manager and Ms. Engster would meet at a later time to discuss the concerns of the CSEA.

The Committee approved: (1) the revision of §101.406 of the County Policy as it has been overridden by Local Law No. 3 of 2011. It is recommended that the Board act to rescind that section of the Policy manual and replace it with the following: "SMOKING POLICY. Seneca County's smoking policy is established under Local Law No. 3 of 2011. Smoking is not permitted on Seneca County property."

The Committee also discussed whether or not salary increases would be given to management employees for 2012 budget. There were certain individuals that would be reviewed and so the Committee decided to discuss the issue in executive session at the next meeting.

Finance, Assessment & Insurance Committee, Mr. Hayssen, Chairman. The Committee approved adopting the equalization rates for the final 2011 assessment rolls have been received from the NYS board of real property tax services for 2012 county taxation. The rates are as follows: Covert-Lodi-Ovid-

Romulus-Varick- 100.00% Fay-SF 88% Junius 100% Tyre 100.00% and Waterloo 100%.

The Committee also discussed the whether to protest against New York State mandates and the 2% tax cap legislation. Mr. Fisher, County Attorney was charged with drafting a local law for the following meeting for discussion.

County Attorney's Remarks:

The County Attorney reported that the Governor's Office was finally giving Seneca County attention regarding the Indian Affairs Issues and that he would be going to Albany to meet with the Governor's staff with the Cayuga County Attorney and others and would report back to all upon his return.

Communications:

131. From William R. White, Director of Seneca County WROTB, a letter of resignation effective October 5, 2011.

132. From Sue and Arthur Vigor, residents, Town of Lodi, an email urging the Board of Supervisors to vote in favor of the demolition of a building declared unsafe in accordance located at 2121 Orchard Street, Lodi, NY and photos depicting the condition of said building.

133. A copy of a petition with 46 signatures supporting the "demolition of the unhealthy and dangerous building at 2121 Orchard Street, Lodi, New York."

134. A copy of the Seneca County Planning Board September 8, 2011 meeting minutes.

135. A copy of the Seneca County IDA September 1, 2011 meeting minutes.

136. From the Town of Phelps, New York, a Notice of Public Hearing on proposed Local Law 4 of 2011, "Establishing a Moratorium on Horizontal and Directional Gas Drilling and Hydraulic Fracturing" scheduled for Tuesday, October 11, 2011 at the Phelps Town Court / Meeting Facility, 1331 State Route 88, Phelps, NY.

Resolutions and Motions

ADOPT EQUALIZATION RATES

RESOLUTION NO. 209-11, moved by Mr. Hayssen, seconded by Mr. Davidson and adopted.

RESOLVED, that the Seneca County Board of Supervisors does hereby adopt the following County Equalization Rates supplied by the New York State Board of Real Property Services for 2012 County Tax apportionment in accordance with Section 840 of the Real Property Tax Law:

Covert	100.00
Fayette	88.00
Junius	100.00
Lodi	100.00
Ovid	100.00

Romulus	100.00
Seneca Falls	88.00
Tyre	100.00
Varick	100.00
Waterloo	100.00

BOARD OF SUPERVISORS AMENDS SMOKING POLICY

RESOLUTION NO. 210-11, moved by Mr. Same, seconded by Mrs. Garlick Lorenzetti and adopted by 443 ayes (Same, Garlick Lorenzetti, Reynolds, Davidson, Lafler, Amidon, Mooney, Kubasik) and 307 nays (Serven, Prouty, Kaiser, Churchill, Hayssen, Shipley).

WHEREAS, Seneca County enacted Local Law No. 3 of 2011 on September 27, 2011, which act will take effect on October 17, 2011 and which act prohibits smoking on Seneca County property; and

WHEREAS, Seneca County’s smoking policy as set out under §101.406 of the County Policy Manual sets forth areas of County property where smoking is permitted; and

WHEREAS, such policy has now been overridden by Local Law No. 3 of 2011 and its presence in the Policy Manual is likely to cause confusion; and

WHEREAS, this resolution has been approved by the Personnel & Technology Committee on October 11, 2011; now, therefore, be it

RESOLVED, that §101.406 of the County Policy manual be amended to read as follows:

“SMOKING POLICY

Seneca County’s smoking policy is established under Local Law No. 3 of 2011. Smoking is not permitted on Seneca County property.”

During the discussion of this resolution, Mr. Kaiser said that he would not be voting in favor of the resolution because he disagreed with a smoking ban on county property because it infringes on people’s personal freedom.

SERVICE AGREEMENT BETWEEN SENECA COUNTY HEALTH DEPARTMENT AND THE S2AY RURAL HEALTH NETWORK

RESOLUTION NO. 211-11, moved by Mr. Kubasik, seconded by Mr. Reynolds and adopted.

WHEREAS, the Seneca County Health Department has been a member of the Finger Lakes Public Health Alliance for several years; and

WHEREAS, this alliance is a consortium of nine county health Departments: Seneca, Schuyler, Steuben, Wayne, Ontario, Yates, Chemung, Monroe and Livingston; and

WHEREAS, the consortium allows the counties to perform emergency preparedness planning, as well as the planning and execution of drills and exercises on a regional basis; and

WHEREAS, the cost for this membership is \$2,000 which is paid from the Emergency Preparedness Grant 10-115-5-4010-4370; and

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

WHEREAS, the Chairman of the Board of Supervisors must sign the contract; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign a contract with the S2AY Rural Health Network for the FLPHA membership.

CONTRACT WITH THE ROCHESTER PRIMARY CARE NETWORK

RESOLUTION NO. 212-11, moved by Mr. Kubasik, seconded by Mrs. Garlick Lorenzetti and adopted.

WHEREAS, the Health Department has been contracting with Rushville Health Center for several years to provide preventive dental health services in Seneca County Schools; and

WHEREAS, Rushville Health Center is now under the Rochester Primary Care Network; and

WHEREAS, preventive dental health services are offered in Seneca Falls, Romulus, South Seneca and Waterloo Schools; and

WHEREAS, all children enrolled in first and fourth grades are offered a dental screening, cleaning and fluoride treatment; tooth brush and flossing instructions; and

WHEREAS, the cost for these services will be billed to the patient's insurance, if available, and if no insurance is available, the Health Department will pay the Rochester Primary Care Network \$45 per child; and

WHEREAS, the costs for these services and supplies are approximately \$5,000 per year and are included in the Public Health Department budget 10-115-5-4010-4350; 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 a contract with the Rochester Primary Care Network for the provision of preventive dental health services in Seneca County schools.

CONTRACT WITH HEALTH RESEARCH, INCORPORATED FOR THE 2011-2012 PUBLIC HEALTH EMERGENCY PREPAREDNESS GRANT

RESOLUTION NO. 213-11, moved by Mr. Kubasik, seconded by Mr. Mooney and adopted.

WHEREAS, the Seneca County Health Department has been awarded a Public Health Emergency Preparedness Grant for the period 8/10/11 to 8/09/2012; and

WHEREAS, the grant amount is \$50,000, and is included in the Public Health Budget 10-115-5-4014; and

WHEREAS, in order to receive these grant funds it is necessary to have a signed contract with Health Research, Inc. (HRI); and

WHEREAS, this Resolution was approved by the Public Health Committee; now, therefore, be it RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign this contract with HRI.

CONTRACT FOR THE DEMOLITION OF CERTAIN BUILDINGS, ONE LOCATED AT 2121 ORCHARD STREET IN THE VILLAGE OF LODI THAT HAS BEEN DECLARED TO BE AN UNSAFE BUILDING PURSUANT TO LOCAL LAW NO. 3 OF 2003, AND ONE LOCATED AT 5632 NYS ROUTE 96 IN THE TOWN OF ROMULUS THAT THE COUNTY HAS ACQUIRED THROUGH PROPERTY TAX FORECLOSURE

RESOLUTION NO. 214-11, moved by Mr. Kubasik, seconded by Mr. Davidson and adopted.

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 2121 Orchard Street in the Village of Lodi, 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; and

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

WHEREAS, the owner of said property has failed to 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 proposals for said work at 2121 Orchard Street, the lowest responsible bid being from the LCP Group, Inc., with offices in Vestal, New York, in the amount of \$13,780.00; and

WHEREAS, Seneca County further desires to demolish the property at 5632 NYS Route 96 in the Town of Romulus; and

WHEREAS, Seneca County received proposals for said work at 5632 NYS Route 96, the lowest responsible bid being from Geiter Done of WNY, Inc., with offices in Buffalo, New York, in the amount of \$19,200.00; 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 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.

Under the discussion of this resolution, Mr. Kubasik directed Mr. Rowe, Director of Code Enforcement, to place a moratorium on any demolition until the county has a plan on how to fund the demolitions.

**BOARD OF SUPERVISORS APPOINTS FINGER LAKES WORKFORCE INVESTMENT
BOARD MEMBER**

RESOLUTION NO. 215-11, moved by Mr. Mooney, seconded by Mr. Kubasik 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 October 11, 2011 to June 30, 2013:

Public Sector

Mr. Theodore Jordan Jr.

10/11/2011 – 06/30/2013

PathStone Corporation

Regional Administrator

Monroe County

400 East Avenue

Rochester, NY 14607; 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 Theodore Jordan Jr. 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.

MENTAL HEALTH SERVICES PROVIDERS CONTRACTS FOR 2011

RESOLUTION NO. 216-11, moved by Mr. Reynolds, seconded by Mr. Davidson and adopted.

WHEREAS, the Department of Mental Health enters into services contracts each year with Lakeview Mental Health Services, Inc.; Finger Lakes Parent Network; Cayuga Home for Children; Unity House of Cayuga County; Challenge Industries; and the Council on Alcoholism and Other Chemical Dependencies of the Finger Lakes, Inc., to provide mental health and alcoholism services to the residents of Seneca County; and

WHEREAS, the funds used for these contracts are passed through state aid monies from New York State Office of Mental Health and New York State Office of Alcoholism and Substance Abuse Services; and

WHEREAS, the total state dollars invested amount is \$815,271 (account 10-319-3-3490; 10-319-3-3488 and 10-319-3-3491) with no local mandated share; and

WHEREAS, the Board of Supervisors Mental Health Committee approved these contracts to be moved forward to the full Board of Supervisors for review and approval; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign the 2011 services providers' contracts for Lakeview Mental Health Services, Inc.; Finger Lakes Parent Network; Cayuga Home for Children; Unity House of Cayuga County; Challenge Industries; and Council on Alcoholism and Other Chemical Dependencies of the Finger Lakes, Inc.

SUPERVISORS ACCEPT \$35,167 NEW YORK STATE DIVISION OF HOMELAND SECURITY

GRANT FOR MOBILE CONNECTIVITY EQUIPMENT

RESOLUTION NO. 217-11, moved by Mr. Davidson, seconded by Mr. Reynolds and adopted.

WHEREAS, the New York State Division of Homeland Security and Emergency Services has awarded the Seneca County Sheriff's Department a \$35,167 grant through the 2010 State Law Enforcement Terrorism Prevention Program (SLETPP) for the purpose of an explosive response tactical team; and

WHEREAS, the total cost of the necessary training and equipment is \$35,167.00; and

WHEREAS, the grant covers 100% of the cost of the project with no additional cost to the County; and

WHEREAS, this request was reviewed and approved by the Public Safety Committee on October 11th, 2011; now, therefore, be it

RESOLVED, that the Chairman, Seneca County Board of Supervisors, is hereby authorized and directed to sign any and all necessary contract documents with the New York State Division of Homeland Security and Emergency Services; and be it

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

Add Revenue: 3113-3314	+\$ 35,167 SLETPP 2009 Grant
Increase Expense Line: 3113-2400	+\$ 35,167 Technical Equipment

**SENECA COUNTY SHERIFF'S OFFICE TO PURCHASE ONE 2012 CHEVROLET IMPALA
UNDER NYS OGS CONTRACT**

RESOLUTION NO. 218-11, moved by Mr. Davidson, seconded by Mrs. Amidon and adopted.

WHEREAS, the Seneca County Sheriff's Office requests the purchase of one vehicle under the NYS OGS Contract #PC65026, described as one 2012 Chevrolet Impala LS Fleet from Hoselton Auto Mall, 909 Fairport Road, Rochester, New York; and

WHEREAS, the purchase of one 2012 Chevrolet Impala would eliminate the need to include said vehicle in the 2012 budget; and

WHEREAS, the base price of the vehicle is \$17,579.13, with local add-ons not to exceed \$600.00, and a delivery charge of \$110.00 for a total amount not to exceed \$18,290.13. The monies for said purchase are listed in the 2011 budget under line #10-110-5-3113-2600; and

WHEREAS, the Resolution was approved by the Public Safety Committee October 11, 2012; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the Seneca County Sheriff's Office to purchase one 2012 Chevrolet Impala under NYS OGS Contract #PC65026 for a total cost not to exceed \$18,290.13 to be handled through appropriate budget lines.

LOCAL ENHANCED WIRELESS 911 REIMBURSEMENT PROGRAM

RESOLUTION NO. 219-11, moved by Mr. Davidson, seconded by Mr. Shipley and adopted.

WHEREAS, the County of Seneca has received an application to file for Local Enhanced Wireless 911 Reimbursement money; and

WHEREAS, the Public Safety Committee has approved the acceptance of the appropriated funds in the amount of \$17,501.00 from the State of New York, Department of State, for reimbursement from the Local Enhanced Wireless 911 Program; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes the Chairman of the Board of Supervisors to sign this acceptance form for the Enhanced Wireless 911 Reimbursement Program.

**BOARD OF SUPERVISORS AUTHORIZES AND DIRECTS THE CHAIRMAN TO SIGN
CONSULTANT SERVICES AGREEMENT FOR COUNTRYWIDE TAX MAP
RECERTIFICATION PROJECT**

RESOLUTION NO. 220-11, moved by Mrs. Amidon, seconded by Mr. Reynolds and adopted.

WHEREAS, Seneca County needs to rectify its tax map boundary files to align them with the New York State Ortho imagery files; and

WHEREAS, requests for proposals were solicited from interested and qualified firms; and

WHEREAS, the County received two (2) proposals from qualified firms and has carefully considered each proposal; and

WHEREAS, the firm of Fountains Spatial, Inc., 137 Jay Street, Schenectady, New York 12305, demonstrated the ability to best serve the interest of Seneca County; and

WHEREAS, the contract for services is not to exceed \$23,875; and

WHEREAS, the Seneca County Department of Soil and Water has agreed to reimburse the County \$18,000, and the Seneca County Industrial Development Agency has agreed to reimburse the remaining \$5,875 to Seneca County toward this project; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on October 11, 2011; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Chairman of the Board to sign a contract for services with Fountains Spatial, Inc. as consultants for the Countrywide Tax Map Recertification project.

**BOARD AUTHORIZES CHAIRMAN TO SIGN NECESSARY DOCUMENTS FOR
ACCEPTANCE OF NYS GRANT TO ASSIST WITH RESTORATION OF THE HISTORIC
SENECA COUNTY COURTHOUSE**

RESOLUTION NO. 221-11, moved by Mrs. Amidon, seconded by Mr. Mooney and adopted.

WHEREAS, New York State has awarded Seneca County a grant in the amount of \$60,000 to assist with restoration of the historic Seneca County Courthouse in Ovid, NY; and

WHEREAS, this funding will be programmed to support roof and drainage improvements and potentially provide match funding for additional grant opportunities the County is pursuing; and

WHEREAS, Seneca County recognizes the efforts of Senator Michael Nozzolio as the legislative sponsor of this grant funding; and

WHEREAS, the resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on September 27, 2011; now, therefore, be it

RESOLVED, that the Chairman of the Seneca County Board of Supervisors is hereby authorized and directed to sign all necessary documents for acceptance of a grant from New York State to assist with restoration of the historic Seneca County Courthouse.

New Business

Mr. Hayssen moved the Suspension of the Rules to introduce the following resolution:

A RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW E OF THE YEAR 2011 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

RESOLUTION NO. 222-11, moved by Mr. Hayssen, seconded by Mr. Davidson and adopted.

WHEREAS, the Board of Supervisors has been made aware of passage by the State Legislature §3-C of the New York State General Municipal Law (GML); and

WHEREAS, §3-C GML provides for a “tax cap” on tax levies by municipalities without placing a similar “cap” on unfunded mandates imposed upon municipalities by the State; and

WHEREAS, required County expenditures, including those for such unfunded mandates continue to rise at a rate in excess of the cap imposed under §3-C GML; and

WHEREAS, this resolution has been approved by the Finance Committee of the Board of Supervisors on October 10, 2011; now, therefore, be it

RESOLVED, that proposed Local Law E of 2011 entitled “A Local Law To Override The Tax Levy Limit Established In General Municipal Law §3-C” be, and the same is hereby introduced before the Board of Supervisors of Seneca County, New York to read in substantially the following form:

Section 1. Legislative Intent

It is the intent of this local law to allow the County of Seneca to adopt a budget for the fiscal year commencing January 1, 2012 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The County Board of Seneca, County is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2012 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a Court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the Court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

And be it further

RESOLVED, that copies of the aforesaid proposed local law be laid upon the desks of each member of the County Board; and be it further

RESOLVED, that the County Board hold a public hearing on said proposed Local Law at the County Office Building, One DiPronio Drive, Waterloo, New York at or about 8:00 p.m. on November 8, 2011; and be it further

RESOLVED, that the Clerk to the Board publish or cause to be published a notice of said public hearing in the official newspapers of the County at least ten (10) days prior thereto.

Mr. Shipley made the motion to appoint Richard Ricci to complete the current term as OTB Director due to the resignation of William White. The motion was seconded and unanimously carried.

Special Order of the Day

The meeting was adjourned at 8:45 p.m.