

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

November8, 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

Thirteen members of the Board were present. Mr. Kaiser was not present

Public Hearing:

NOTICE IS HEREBY GIVEN, that the Seneca County Board of Supervisors will hold a public hearing to receive comments on proposed Local Law E Year 2011, "A Local Law To Override The Tax Levy Limit Established In General Municipal Law §3-C".

Four members of the public spoke in opposition to any such local law: Ave Bauder, Cornell Cooperative Extension; Larry Yehle, resident of Ovid, NY; Jim Mitchell, resident of Fayette, NY; John Makai, resident of Ovid, NY.

Submission of Claims for Audit

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

Supervisors vouchers	# 2395 - 2635	totaling	\$	630,758.37
OFA vouchers	# 624 - 678	totaling	\$	80,245.03
Workforce Development vouchers	# 303 - 1318	totaling	\$	22,517.74
Self Insurance vouchers	#60- 61	totaling	\$	114.05
Sheriff vouchers	#593 - 645	totaling	\$	87,020.73
County Airport vouchers	#117 - 124	totaling	\$	1,384.57
Highway Transportation vouchers				
Maintenance & State Snow	# 213 - 236	totaling	\$	56,436.10
Highway Machinery	# 355 - 393	totaling	\$	31,045.75
	Highway Total		\$	87,481.85
Water & Sewer	# 239 - 261	totaling	\$	27,798.80
Veterans Capital vouchers	# 35 - 39	totaling	\$	266,351.00

Reports of Standing Committees

Planning, Development, Agriculture & Tourism Committee, Mrs. Amidon, Chairperson. The Committee approved for a board resolution (1) the issuance by the IDA of tax-exempt Industrial Development Revenue Bonds (Bruce Henry Properties, LLC Project), Series 2011 in a principal amount not to exceed \$5,000,000 for the purpose of financing the costs of and/or refinancing certain taxable indebtedness of the Company the proceeds of which were used to finance acquisition by the Issuer of an interest in property located at 1855 Routes 5 & 20, Seneca Falls, New York and the existing building located thereon, known as the former Wal-Mart building, the reconstruction, renovation and equipping of the Existing Improvements for use by the Company in manufacturing custom dental pieces, the acquisition by the Company in and around the Improvements and Existing Improvements of certain items of equipment, machinery and other tangible personal property and funding a debt service reserve fund, if any, and certain other costs incidental to the issuance of the Bonds; (2) the appointment of Jeff Shipley, Executive Director of the Chamber of Commerce to serve a three year term on the Finger Lakes Regional Airport Advisory Committee.

Human Services Committee, Mr. Mooney, Chairman. The Committee approved for board resolution the following: (1) the 2012-2016 Annual Plan for the Child and Family Services Plan (January 1, 2012 – December 31, 2016) Annual Plan for the Child and Family Services as required by the New York State Office of Children and Family Services and covers the Strategic Component, Administrative Component – Local Department of Social Services, Administrative Component Youth Bureau and the PINS Diversion Services –Strategic Component. This plan covers outcomes and strategies for the above components; (2) the Agreement with Bonadio & Co. for Account and Fraud-Related Services with the Division of Human Services. Bonadio and Co. are certified public accountants who specialize in accounting and fraud-related issues. The agreement will have a rate of pay of, \$150.00 per hour, up to \$10,000.00.

Public Health Services Committee, Mr. Kubasik, Chairman. The Committee approved for board resolution the following: (1) for the Chairman of the Board of Supervisors to sign Contracts with Service Providers for the Early Intervention Program. The Health Department must maintain contracts with service providers for the evaluation and provision of services to children enrolled in the Early Intervention Program; (2) a contract extension through July 31, 2012 with the Office of Homeland Security to expend additional grant dollars. The original grant amount was \$27,778, and \$10,892 remaining.

The Committee also voted to lay on the table until the November 11, 2011 committee meeting, the issue of a moratorium on the unsafe building law.

Personnel & Technology Committee, Mr. Same, Chairman. The Committee received and update from Dieter Ryrko, Director of Information Technology Department on the following projects which IT is making progress: New Financials; Phone System Upgrade; Router Replacement and PC Upgrades.

The Personnel & Technology Committee convened in Executive Session for the purpose of having discussions regarding the employment history of certain county employees.

Finance, Assessment & Insurance Committee, Mr. Hayssen, Chairman. The Committee approved (1) a contract with the Bonadio Group for the annual audit of Seneca County. The Bonadio Group has performed the required audit since 2006. They submitted a contract with quotes for 3 years and 2 one year options. There was no increase in the fee for the audit for 2011. For years 2012 and 2013 and option years 2014 and 2015 the average annual increase is less than 3%.

Under new business, the Committee was informed that one of three hot water heaters at the Law Enforcement Center needed to be replaced at a cost of \$64,000 OR repaired at a cost of \$7,000. The hot water heaters at the LEC need to be re-hauled. This will be discussed in more detailed at the Public Works Committee meeting on November 22.

Communications:

The following communications were received and filed:

143. A copy of the Seneca County IDA meeting minutes for October 6, 2011.
144. A copy of the Seneca County Board of Health meeting minutes for October 19, 2011.
145. A copy of the Seneca County Cooperative Extension 3rd Quarter 2011 Report.
146. From Cattaraugus County Legislature, a copy of Act No. 482-2011, Supporting A.1909 and S.796 Regarding Free Hunting, Fishing and Trapping Licenses to New York State Residents who are Active Duty Members of the United States Armed Services.
147. A letter from Tracy Nicandri, dated October 25, 2011, inquiring about the validity of a waiver of liability holding Seneca County harmless of any legal or financial repercussion and/or lawsuit allowing employees to walk off county property during their 15 minute break time during work hours.

RESOLUTIONS AND MOTIONS

**A RESOLUTION ADOPTING LOCAL LAW 5 OF 2011 ENTITLED "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C"
(DEFEATED)**

RESOLUTION NO. 229-11, moved by Mr. Hayssen, seconded by Mrs. Amidon and defeated by 602 nays (Hayssen, Reynolds, Serven, Davidson, Prouty, Same, Lafler, Churchill, Mooney, Shipley, Kubasik), 102 ayes (Garlick Lorenzetti, Amidon) and 46 not present (Kaiser).

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 November 8, 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 Override the Tax Levy Limit Established in General Municipal Law §3-C”; 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 November 8, 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. 5 of the year 2011, as follows:

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.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED TO SIGN THE OFFICE
FOR THE AGING FOUR YEAR PLAN FOR SERVICES AND FUNDING APPLICATIONS**

RESOLUTION NO. 230-11, moved by Mr. Mooney, seconded by Mr. Reynolds and adopted.

WHEREAS, the Seneca County Office for the Aging is required to submit the Four Year Plan for Aging Services for the period April 1, 2012 – March 31, 2016 for Seneca County which includes funding applications for the period April 1, 2012 – March 31, 2013; and

WHEREAS, two public hearings have been held on September 27, 2011 at 2276 County Road 139, Ovid, NY and September 29, 2011 at One DiPronio Drive, Waterloo, NY on said plan; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the Office of the Aging Four Year Plan for Aging Services and funding applications; and be it

FURTHER RESOLVED, that the Director of the Office of the Aging is hereby authorized and directed to submit such funding applications and enter into agreements and contracts as described in said plan.

**BOARD OF SUPERVISORS TO APPROVE THE 2012 – 2016 ANNUAL PLAN FOR THE
CHILD AND FAMILY SERVICES PLAN**

RESOLUTION NO. 231-11, moved by Mr. Mooney, seconded by Mr. Kubasik and adopted.

WHEREAS, the 2012 – 2016 (January 1, 2012 – December 31, 2016) Annual Plan for the Child and Family Services is required by the New York State Office of Children and Family Services and covers the Strategic Component, Administrative Component – Local Department of Social Services, Administrative Component Youth Bureau and the PINS Diversion Services – Strategic Component;

WHEREAS, this plan covers outcomes and strategies for the above components; and

WHEREAS, the plan is due November 11, 2011; and

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

RESOLVED, the Board authorizes the approval of the 2012 – 2016 Annual Plan for the Child and Family Services Plan; and be it

FURTHER RESOLVED, the Chairman of the Board is authorized and directed to sign the 2012 – 2016 Annual Plan for the Child and Family Services Plan.

**BOARD OF SUPERVISORS TO APPROVE DHS BUDGET ADJUSTMENTS (BUDGET
MODIFICATION – CHILD CARE BLOCK GRANT / FFFS)**

RESOLUTION NO. 232-11, moved by Mr. Mooney, seconded by Mr. Reynolds and adopted.

WHEREAS, increase in appropriation and funding for Child Care Block Grant based on State Fiscal Year (SFY) 11-12 block grant allocation and Federal Fiscal Year (FFY) 11-12 FFFS allocation; and

WHEREAS

Dr.	10-125-5-6055-4700	Child Care Block Grant	\$250,000
Cr.	10-319-3-3655	Day Care	\$150,000
	10-320-3-4615	Flexible Fund for Family Services	\$100,000; and

WHEREAS, these adjustments have been reviewed and approved by the Human Services Committee on October 25, 2011; now, therefore, be it

RESOLVED, that the Board of Supervisors approve the DHS Budget Adjustments.

BOARD OF SUPERVISORS TO APPROVE DHS BUDGET ADJUSTMENTS (BUDGET MODIFICATION ENHANCED CPS STAFF RATION)

RESOLUTION NO. 233-11, moved by Mr. Mooney, seconded by Mr. Kubasik and adopted.

WHEREAS, increase in appropriation and funding for overtime in Child Protective Services Unit based on Enhanced CPS Staff Ratio funding awarded; and

WHEREAS,

Dr.	10-125-5-6002-1300	Overtime	\$15,129
Cr	10-320-3-4610	Federal Administration	\$15,129; and

WHEREAS, these adjustments have been reviewed and approved by the Human Services Committee on October 25, 2011; now, therefore, be it

RESOLVED, that the Board of Supervisors approve the DHS Budget Adjustments.

CHAIRMAN OF THE BOARD TO SIGN THE SENECA COUNTY 2012 EDUCATION CONTRACT BETWEEN FINGER LAKES COMMUNITY COLLEGE AND SENECA COUNTY DIVISION OF HUMAN SERVICES FOR EDUCATION COORDINATOR SERVICES

RESOLUTION NO. 234-11, moved by Mr. Mooney, seconded by Mr. Kubasik and adopted by 513 ayes (Mooney, Kubasik, Reynolds, Garlick Lorenzetti, Serven, Davidson, Lafler, Churchill, Amidon, Hayssen), 191 nays (Prouty, Same, Shipley) and 46 not present (Kaiser).

WHEREAS, the Seneca County Division of Human Services would like to enter into an agreement with Finger Lakes Community College for the Employee Education and Training Program and Education Coordinator Services; and

WHEREAS, the contract with the community college supports both the education of individual workers and training within the organization; and

WHEREAS, the Education Coordinator will provide assistance to the Division by facilitating registration into education and training opportunities to all DHS employees and other related agency staff;

arrange for training that will help strengthen and develop workplace skills, community collaboration and efficiency; purchase training supplies and curriculum; and assist the Commissioner and Deputy Commissioner in identifying training resources for the Division; and

WHEREAS, the 2012 Employee Education and Training Program provides DHS Employees options to earn college credit toward completion of a College Certificate, Associate's, Bachelor's, or Master's degree, and attend in-service and non-credit training programs; and

WHEREAS, this contract will not exceed \$57,179.00; and

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

RESOLVED, the Board authorizes the approval of the 2012 Education Contract with Finger Lakes Community College; and be it

FURTHER RESOLVED, the Chairman of the Board is authorized and directed to sign the 2012 Education Contract with Finger Lakes Community College.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
AMENDMENT TO CONTRACT WITH FIRM BARTON AND LOGUIDICE**

RESOLUTION NO. 235-11, moved by Mr. Davidson, seconded by Mr. Mooney and adopted.

WHEREAS, the Indian Creek Bridge (County Road 132) Bridge Replacement Project is moving forward now that Phase I-Design is complete; and

WHEREAS, in 2010 the county contracted with Barton & Loguidice, Architectural / Engineering Consultants for the design and construction of the bridge replacement; and

WHEREAS, a Supplement to the original contract requires the Chairman of the Board of Supervisor's signature to begin Phase II; and

WHEREAS, the certain easements are required on property adjacent to said project in the Town of Romulus; and

WHEREAS, the contract between the County and the firm of Barton & Loguidice must be amended to reflect authorization for the firm to offer the sum of \$1,800 for easement over premises of Joseph and Francis Keeler, \$2,000 for easement over premises of John and Deborah Zimmers and to prepare plans and specifications for project bids; and

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

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the amendment to contract between Seneca County and the firm of Barton & Loguidice to reflect authorization for the firm to offer the sum of \$1,800 for easement over premises of Joseph and Francis Keeler, \$2,000 for easement over premises of John and Deborah Zimmers and to prepare plans and specifications for project bids.

**AUTHORIZATION TO HOLD PUBLIC HEARING FOR
SENECA COUNTY AGRICULTURE PLAN**

RESOLUTION NO. 236-11, moved by Mrs. Amidon, seconded by Mr. Davidson and adopted.

WHEREAS, municipal plans require both a State Environmental Quality Review and a public hearing prior to adoption; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee at the October 25, 2011 meeting; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors declares itself Lead Agency for the Seneca County Agriculture Plan's State Environmental Quality Review; and be it

FURTHER RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the holding of a public hearing for the purpose of soliciting public comment prior to the adoption of the Seneca County Agriculture Plan on December 13, 2011 at 8:00 p.m. in the Board of Supervisors Board Room in the Seneca County Office Building at One DiPronio Drive, Waterloo, New York; and be it

FURTHER RESOLVED, that the Clerk of the Board is hereby authorized and directed to advertise for said public hearing.

Special Order of the Day

The meeting was adjourned at 8:46 p.m.