

Seneca County Board of Supervisors

Regular Meeting

June 12, 2012

6:00 p.m.

Call to Order

Chairman Hayssen called the meeting to order at 6:07 p.m.

Roll Call of Members by the Clerk

All members of the Board answered roll call.

Pledge of Allegiance and Moment of Silence

Petitioner & Presentations

- a. Employee of the First Quarter 2012 Award – Heather Carson, Account Clerk Typist, Workforce Development
- b. Council on Alcoholism and Addiction of the Finger Lakes - Nelson Acquilano, Executive Director and Glen Johnson, Environmental Prevention Specialist. Stated the Council’s opposition to a New York State Assembly bill that would provide for counties to legalize gambling.
- c. The Patriot Award - Sheriff Jack Stenberg and Undersheriff Gary Sullivan. This award recognizes employers for their support of employees serving with the National Guard and Reserves. Staff Sargent Rick Reed, who is a patrolman with the Seneca County Sheriff’s Department nominated the Sheriff and Undersheriff for this award. Retired Major General Dennis Lutz and Sargent Major Chuck Boenke presented the award. There are only 100 of these awards given annually across the United States.
- d. Georgine Vitetta Rosata, resident of the Town of Waterloo, stated her opposition to the expansion of the landfill across Burgess Road citing safety issues with traffic flow and trucks from the landfill frequently crossing the road daily. She also stated that the Board of Supervisors should not allow the landfill to continue to expand its operation and they should be more concerned about creating a safe and healthy environment for the citizens of Seneca County
- e. Larry Yehle – resident of the Town of Romulus, stated his concerns about county employee compensation costs, which he states represents almost half of the 2012 budget for Seneca County
- f. David Dresser – resident of the Town of Ovid, stated the importance and urgency for the Board of Supervisors to adopt a resolution supporting New York State Bill S3866C / A5151B1, which would amend the definition of a “qualified Indian reservation in New York State law”, and to reaffirm that a “qualified reservation and an “Indian reservation” must be “Lands within the State over which an Indian nation or tribe lawfully exercises tribal sovereignty.”

g. Skip Stamberger, owner of Silver Strand B & B, in Sheldrake, New York, stated his opposition to the proposed 1% increase to the hotel/motel room tax for Seneca County.

Approval of Meeting Minutes

Motion was made by Mr. Davidson, seconded by Mr. Lafler, and unanimously carried to approve the meeting minutes for the May 8, 2012 board meeting.

Submission of Claims for Audit

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

Supervisors vouchers	# 1130 - 1341	totaling	\$ 184,219.33
Workforce Development vouchers	# 98 - 117	totaling	\$ 22,038.17
OFA vouchers	# 293 - 360	totaling	\$ 61,507.51
Self Insurance vouchers	# 31 - 34	totaling	\$ 1, 812.78
County Airport vouchers	# 44 - 55	totaling	\$ 19,906.08
Sheriff	# 263 - 314	totaling	\$ 124,314.78
Highway Transportation vouchers			
Maintenance & State Snow	# 107 - 125	totaling	\$ 319,413.81
Highway Machinery	# 171 - 205	totaling	\$ 38,443.74
	Highway Total		\$ 357,857.55
Water & Sewer	#96 - 136	totaling	\$ 86,998.20
Airport Capital voucher	# 9 - 10	totaling	\$ 16,453.45
Courthouse Capital vouchers	# 2	totaling	\$ 9,890.00
Financial Software Capital vouchers	# 1	totaling	\$ 15,040.99
Veteran Cemetery vouchers	# 12 - 20	totaling	\$ 9,391.70

Reports of Standing Committees:

Mental Health Services Committee – Mrs. Amidon, Chairwoman. At its meeting on May 22, 2012, the Committee voted to approve, for a board resolution, the following issues: (1) the appointment of Shelby Fisher, resident of Waterloo, NY to the Seneca County Community Services Board (CSB). Ms. Fisher currently works as a Program Supervisor at the ARC of Wayne County, has worked in the Seneca County Department of Social Services in the past, and brings a wealth of experience that would enhance and improve the Community Services Board's representation, especially as related to people with developmental disabilities; (2) to extend for one year the contract with the New York State Crime Victims Board to receive 2012 grant funding for victims assistance; (3) to abolish the position of Psychiatric Social Worker and create the position of Senior Psychiatric Social Worker; and to create and

fill the position of Psychiatric Social Worker upon the expiration of temporary Psychiatric Social Worker. The Committee also approved refilling the position of Program Director of Clinical Services as recommended by the Vacancy Committee.

Planning, Development, Agriculture & Tourism Committee – Mrs. Amidon, Chairwoman. The Committee voted in favor of the following issues at its meeting on May 22, 2012: (1) authorization for the Chairman of the Board of Supervisors to sign related documents for the 2011-2012 and 2012-2013 snowmobile season grants. The Twin Lakes Snowmobile Association will be providing all documentation to demonstrate that the funds have been spent in the appropriate manner. These reports and subsequent vouchers require the signature of an authorized official.

The Seneca Sledders Snowmobile Association also has been working on a new trail section from Loop Trail maintained by Twin Lakes Snowmobile Association north in the Towns of Covert and Ovid. The deliverables to be provided by the club will include signatures from all landowners whose property will be part of the trail. The Phase I documents requesting that these trail segments be included on the state snowmobile trail system must be to the New York State Department of Parks, Recreation, and Historic Preservation by June 30, 2012; (2) to enter into a contract with the Seneca Sledders Snowmobile Club providing eligibility of the Club to receive state funding for the 2012-2013 season; (3) to submit an application for a grant through the New York State Consolidated Funding Application for the former Seneca County Courthouse Elevator project; (4) authorization for the Chairman of the Board of Supervisors to sign documents approving the Airport Layout Plan for Finger Lakes Regional Airport; (5) to submit an application to FAA for land acquisition to remediate drainage problems at the finger lakes regional airport. The FAA portion of the grant is \$315,000, NYSDOT - \$17,500 and Seneca County - \$17,500 which has been budgeted in the 2012 Airport Budget; (5) to submit an application to FAA for the design, rehabilitation and drainage improvements of the taxiway at the Finger Lakes Regional Airport. This is the 3rd stage of the wetland remediation program at the Airport. This grant will be for the design of the taxiway so that the final stage of the drainage remediation can be accomplished. The FAA portion of the grant is \$180,000, NYSDOT - \$10,500 and Seneca County - \$10,000 which has been budgeted in the 2012 Airport Budget; (6) to enter into a contract with Ralph Lott for the purpose of leasing 22 acres at the Finger Lakes Regional. Ralph Lott & Sons Farms has proposed to lease the property and plant crops which will keep the vegetation growth to a minimum and provide revenue to the County. A lease has been proposed for two (2) years at the rate of \$999.75 per year.

Human Services Committee – Mr. Davidson, Chairman. The Committee voted in favor of a board resolution regarding the following issues at its meeting on May 22, 2012: (1) authorization for the Chairman of the Board of Supervisors to sign four contracts for available funding in accordance with the Workforce Investment Act for the period July 1, 2012 – June 30, 2013: WIA Youth - \$94,305.00; WIA

Adult and Dislocated Worker - \$83,867.00; WIA Work Keys - \$60,361.00; WIA Administrative Agreement - No Cost.; (2) to abolish a Caseworker position and create and fill Caseworker Trainee position. The Committee also approved to refill temporarily the position of Senior Support Investigator due to leave of absence and Support Investigator due to above promotion.

Public Safety Committee – Mr. Reynolds, Chairman. The Committee approved (1) the purchase and installation of carpeting at the Law Enforcement Center to the lowest responsible bidder, ProCarpet of Spencerport, New York for \$24,095.00; (2) the Emergency Services Director to purchase a Mobile Response Vehicle from the lowest responsible bidder, Command Fire Apparatus, Lancaster, Pa for \$70,000, and is 100% Homeland Security Grant dollars with no cost to county taxpayers; (3) the Sheriff's Office to purchase a new, unused 4 x 4 Utility Vehicle (UTV) from Bibbens Sales and Service, of Weedsport, New York, under the 2011 SLETPP grant funding from the Sheriff's Budget, at a price not to exceed the \$12,280.00 bid price.

Indian Affairs – Mr. Shipley, Chairman. It was decided that there would not be a link on the Seneca County website for the video made of the tour of Indian purchased property led by Brad Jones. The County Attorney stated that allowing this video to be on the website, opens the door for other private groups to be able to post links on the county website. Harris Beach LLP also advised us not to post a link.

The County Attorney reported to the Committee that he continues his attempts at obtaining information from the U.S. Census Bureau that would explain why land purchased by the Cayuga Nation in Seneca County, was identified by the Census Bureau as a Designated Reservation. He said he received some information, but it didn't satisfy his request.

Public Health Services – Mr. Earle, Chairman. The Committee approved refilling the vacant position of Code Enforcement Officer as recommended by the Vacancy Committee.

Public Works Committee – Mr. Kaiser, Chairman. The Committee approved the following issues at its meeting on May 22, 2012: (1) approved the grant of easement to NYSE&G across the County highway right-of-way in the Town of Romulus to lay a gas main on County Road 135, Seneca St. in the Hamlet of Romulus; (2) to refill six laborer positions in the County Highway Department for the Summer season.

Under Unfinished Business, the County Manager provided an update on the development of the Capital Improvement Plan for Seneca County. Eleven projects were cited as priority for the years 2013 through 2017. The Waterloo Courthouse / Former Jail project has been deemed as the most urgent and most costly project.

The elevator repair project is progressing with parts ordered and the contract with Kistler for service is in place.

The Phase One Security Improvement Plan has moved forward by moving the DMV entrance and creating a security station at the south side entrance. Security procedures will begin when the elevator is repaired.

Improvements to the handicap accessibility at the south entrance is on hold until the County Engineer can obtain quotes on the cost of handicap accessible press buttons for the doors.

The County Manager met with the director of STS. The bus stop located on the north side of the county building has been relocated to the south side of the building. STS plans to build a concrete area with weather protection for a bus stop.

BOCES moved out of the county building. The furniture was left for the county's use. The county attorney needs to be consulted about the legality of accepting the furniture as a donation.

Government Operations Committee - Mr. Westfall, Chairman. At its meeting on May 22, 2012, the Committee approved the following issues for referral to the Board of Supervisors for a resolution: (1) authorize the Chairman of the Board of Supervisors to contact Senator Nozzolio and Assembly Minority Leader Kolb and request legislation that will permit the amendment of Local Law 5 – 2010 by increasing the Hotel / Motel Tax for Seneca County from 3% to 4% as recommended by the Seneca County Advisory Committee on Tourism; (2) to waive the Local Law 2 – 1979, “A local Law Assuring Traffic Safety during Mass Gatherings during Empire Farm Days on August 7, 8 and 9; (3) opposing the amendment to Article X of the Power of NY Act 2011 and to protect and reinstate “Home Rule” regarding siting of energy facilities and to involve the public, elected officials and appointed officials in this cause; (4) to introduce proposed local law B of 2012, which would change the weighted voting power of the Board of Supervisors based on the 2010 census figures together with recently enacted changes in New York State Law that require the weighted vote of the Board of Supervisors by local law be considered at this time; (5) to amend the Seneca County policy by allowing the use of electronic “smoking” devices by employees in specifically designated areas on county property; and (4) the Committee also voted in favor of refilling the vacant position of Assistant County Attorney.

Finance, Assessment & Insurance – Mr. Prouty, Chairman. The Committee approved (1) the transfer of \$54,700 from the Contingency Fund for the cost of repairing the elevator; and \$207,000 from the Contingency Fund for a PBA Arbitration Settlement; and (2) refilling the following positions: six laborer position for the summer season in the Highway Department; (3) to abolish the position of Psychiatric Social Worker and create the position of Senior Psychiatric Social Worker; and to create and fill the position of Psychiatric Social Worker upon the expiration of temporary Psychiatric Social Worker. The Committee also approved refilling the position of Program Director of Clinical Services as recommended by the Vacancy Committee; and (4) to abolish a Caseworker position and create and fill Caseworker Trainee position. The Committee also approved to refill temporarily the position of Senior

Support Investigator due to leave of absence and Support Investigator due to above promotion; and (5) the Committee also voted in favor of refilling the vacant position of Assistant County Attorney; and (6) approved refilling the vacant position of Code Enforcement Officer as recommended by the Vacancy Committee; and (7) to introduce an amendment to Local Law 9 of 2007, which will limit the dollar amount authorized to the County Manager to transfer within the budget from \$10,000 to \$1,000.

#### Chairman's Remarks

Chairman Hayssen reported that he and County Manager Rowe attended a very nice Memorial Day Ceremony at the Veterans Cemetery and they also attended an award ceremony in Rochester.

#### County Manager's Remarks

The County Manager reported that he and Chairman Hayssen did attend a ceremony at the Memorial Art Gallery in Rochester for the design award for the Veterans Cemetery. He also reported on the storm in Seneca Falls and asked Greg Pellicano to talk about the 100 hp compressor that is out of service due to the storm. This compressor does cool a large amount of the building. Greg reported that the insurance claim is time sensitive. The deductible is \$25,000, total loss is \$35,834. We will receive a refund of \$5,788 for the core. We will also have to close the driveway on the east side of the building while the repairs are being done. His budget does include the \$25,000 deductible. He also reported that there was power loss to the entire building related to the compressor going down, with the exception of 911- who is on the generator. Mr. Churchill indicated that a surge protector should be looked into.

#### Communications

78. From Barry Porsch, Seneca County District Attorney, notice that he made the following appointments pursuant to County Law 703 (1) and (3): Mark S. Sinkiewicz, First Assistant District Attorney; Lora J. Tryon, Second Assistant District Attorney; Patrick J. Morrell, Assistant District Attorney; E. Dennis Benjamin, Assistant District Attorney.

79. A copy of the Seneca County Planning Board April 12, 2012 meeting minutes, and May 10, 2012 meeting minutes.

80. A copy of the Seneca County Board of Health May 16, 2012 meeting minutes.

81. A copy of the Finger Lakes Regional Airport Advisory Committee March 14, 2012 meeting minutes.

82. A copy of the Seneca County Soil & Water Conservation District April 23, 2012 meeting minutes.

83. From the County of Fulton Board of Supervisors, a copy of Resolution No. 182, "Calling Upon the Governor's Mandate Relief Council to Submit a Package of Mandate Relief Proposals to State Legislators".

84. From Miranda O. Polmanteer, Director of Communication and Tourism Promotion, a copy of the Seneca County Matching Funds, 2012 First Quarter Report for Seneca County.

85. From the Seneca County Five Libraries, a copy of its newsletter, About Seneca Shares, with the focus on Programs Offered by the Libraries and its Community Partnerships.

86. From Melanie Wickham, Show Manager, Empire Farm Days, a letter dated May 20, 2012, requesting that Local Law No. 2, 1979 be waived by the Board of Supervisors for the Empire Farm Days event on August 7, 8 & 9. Referred to the Government Operations Committee.

87. From Mary Pat Hancock, President, NYSAC, an email dated May 21, 2012, seeking support from New York State counties, of proposed legislation (S5629-B Marcellino / A6575 Galef), which would end the practice of requiring state approval and renewal for local sales tax rate changes that do not exceed four percent. Referred to the Finance, Assessment & Insurance Committee.

88. From the Cortland County Legislature, a copy of Resolution No. 133, 2012, "A Local Law Prohibiting within Cortland County the Use, Possession, Purchase, Attempted Purchase, Selling, Public Display for Sale, Attempted Sale or Giving or Alternative and/or Synthetic Marijuana as Define Herein". Referred to the Public Health Committee.

Resolutions and Motions

**BOARD OF SUPERVISORS AMEND 2012 COUNTY BUDGET**

RESOLUTION NO. 102-12, moved by Mr. Prouty, seconded by Mr. Davidson and adopted.

WHEREAS, due to prolonged contract negotiations between the Seneca County Sheriff's Police Benevolent Association (PBA) and the County of Seneca, the 2012 County Budget was constructed using 2009 salaries for PBA members; and

WHEREAS, through an arbitration settlement, adjustments must be made to certain wage and benefit provisions that necessitate amendments to several related budget accounts; and

WHEREAS, unanticipated repairs to the Seneca County Office Building elevator are required; and

WHEREAS, these items will require utilization of the Contingency Account; and

WHEREAS, the proposed utilization of the Contingency Fund for these purposes was reviewed and approved by the Finance, Assessment & Insurance Committee on May 22, 2012; now, therefore, be it

RESOLVED, the County Treasurer will amend the 2012 County Budget by transferring a total of \$331,564.00 from Contingency Account No. 10-101-5-1990-4700 to the following accounts as so indicated:

Sheriff – Court Security

10-101-5-1110-1100	\$	7,448
10-101-5-1110-8100		1,795

10-101-5-1110-8300		462
10-101-5-1110-8400		149
10-101-5-1110-8700		108
<u>Sheriff – Civil</u>		
10-110-5-3112-1100	\$	6,484
10-110-5-3112-8100		1,563
10-110-5-3112-8300		402
10-110-5-3112-8400		130
10-110-5-3112-8700		94
<u>Sheriff – Road Patrol</u>		
10-110-5-3113-1100	\$	130,789
10-110-5-3113-8100		31,520
10-110-5-3113-8300		8,109
10-110-5-3113-8400		2,616
10-110-5-3113-8700		1,896
<u>Sheriff – Criminal Investigation</u>		
10-110-5-3114-1100	\$	38,250
10-110-5-3114-1200		8,279
10-110-5-3114-8100		11,213
10-110-5-3114-8300		2,885
10-110-5-3114-8400		931
10-110-5-3114-8700		675
<u>Sheriff – Juvenile Division</u>		
10-110-5-3147-1100	\$	15,750
10-110-5-3147-8100		3,796
10-110-5-3147-8300		977
10-110-5-3147-8400		315
10-110-5-3147-8700		228
<u>Buildings &amp; Grounds</u>		
10-101-5-1622-4800	\$	54,700;

And be it further

RESOLVED, the County Treasurer is authorized and directed to make necessary payments for the elevator repairs and improvement.

**A RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW OF 2012**

**“AMENDING LOCAL LAW NUMBER 9 OF 2007”**

**AND PROVIDING FOR PUBLIC HEARING**

RESOLUTION NO. 103-12, moved by Mr. Prouty, seconded by Mr. Earle and adopted.

WHEREAS, Local Law No. 9 of 2007 provides for the creation of the position of County Manager and setting the duties and term of office thereof; and

WHEREAS, Section 8 of such Local Law further provides for the specific powers and duties of said office; and

WHEREAS, it is the recommendation of the Finance, Assessment & Insurance Committee, that the authority of the County Manager to transfer funds within budget object codes be restricted to a maximum amount of \$1,000; now, therefore, be it

RESOLVED, that proposed Local Law A of 2012, “A Local Law to Amend Local Law No. 9 of 2007”, be and the same is hereby introduced before the Board of Supervisors of Seneca County, New York to read in substantially the following form:

That Local Law No. 9 of 2007 be amended as follows: That paragraph 8 of Section 8 of said local law be amended to read as follows:

“8. Be authorized to transfer funds within the budget within all object codes, up to \$1,000.00 subject to the transfer policy of the Board of Supervisors.”; 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 on or about July 10, 2012; 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.

**BOARD OF SUPERVISORS AUTHORIZES CHAIRMAN TO REQUEST**

**AMENDMENT TO §1202-o NEW YORK STATE TAX LAW**

RESOLUTION NO. 104-12, moved by Mr. Westfall, seconded by Mrs. Amidon and adopted by 578 ayes (Westfall, Amidon, Reynolds, Garlick Lorenzetti, Earle, Lafler, Churchill, Hayssen, Shipley, Kubasik) and 172 nays (Serven, Davidson, Prouty, Kaiser).

WHEREAS, it has come to the attention of the Board that many Counties have raised their occupancy tax rate to four percent; and

WHEREAS, Seneca County’s need for revenue for purposes of tourism, promotion and development continues to increase; and

WHEREAS, unlike many counties, the statutory restrictions on Seneca County's occupancy tax remains three percent under §1202-o of the New York State Tax Law; and

WHEREAS, this resolution has been approved by the Government Operations Committee at its meeting on May 22, 2012; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized and directed to request of Seneca County's State Legislators that they introduce legislation amending §1202-o(1) of the New York State Tax Law as the same relates to Seneca County to increase the maximum rate of Seneca County's hotel-motel occupancy tax, authorized thereby from three percent to four percent of the per diem rental rate for each room.

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

RESOLUTION NO. 105-12, moved by Mr. Westfall, seconded by Mr. Prouty 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 May 22, 2012; 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 7, 8 and 9, 2012.

**RESOLUTION CALLING UPON THE GOVERNOR AND THE LEGISLATURE TO  
RECOGNIZE THE IMPORTANCE OF LOCAL GOVERNMENT INVOLVEMENT IN  
THE NEW ARTICLE X POWER PLANT SITING PROCESS**

RESOLUTION NO. 106-12, moved by Mr. Westfall, seconded by Mrs. Amidon and adopted.

WHEREAS, New York State enacted legislation known as the Power of NY Act of 2011, that amended the public service law by adding a new Article X, which establishes a New York State Board on Electrical Generation Siting and the Environment; and

WHEREAS, this Board will have the authority to permit the siting of electrical generating facilities in the State that have a generating capacity of twenty-five thousand kilowatts or more; and

WHEREAS, previously, while various state agencies had regulatory oversight for such facilities, as a home rule state, New York's local municipalities, by virtue of decisions made by locally-elected representatives, could ultimately decide whether such development was in their resident's best interests; and

WHEREAS, the Power of NY Act of 2011 puts the decision-making authority into the hands of a State board that will have the authority to disregard “any local ordinance, law...or any local standard or requirement...if it finds that...such is unreasonably burdensome...on taxpayers whether located inside or outside of such municipality”; and

WHEREAS, the new law further states, “no...municipality...may require any approval, consent, permit, certificate or other condition for the construction of operation” of such facility; and

WHEREAS, while the law provides for the set-aside of funds for per-hearing research on behalf of the affected communities, said funds are controlled by the Board and will be allocated as it sees fit; and

WHEREAS, while municipalities may be a party to the siting hearings, so may any individual within five miles of the proposed facility’s site, and therefore municipalities are not engaged in any special way to represent the residents of the affected municipality; and

WHEREAS, the Government Operations Committee recommended this resolution at its May 22, 2012 meeting; now, therefore, be it

RESOLVED, the Seneca County Board of Supervisors encourages the State to meaningfully engage county officials in the process of siting new power plants, since these decisions will significantly affect the quality of life in their communities; and be it

FURTHER RESOLVED, that the Clerk of the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, its New York State representatives and all others deemed necessary and proper.

**A RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW B OF 2012**  
**“A LOCAL LAW TO ESTABLISH THE VOTING POWER OF EACH MEMBER**  
**OF THE BOARD OF SUPERVISORS OF SENECA COUNTY**

RESOLUTION NO. 107-12, moved by Mr. Westfall, seconded by Mr. Prouty and adopted by 621 ayes (Westfall, Prouty, Reynolds, Garlick Lorenzetti, Serven, Davidson, Kaiser, Earle, Churchill, Amidon, Hayssen, Shipley) and 129 nays (Lafler, Kubasik).

WHEREAS, the voting power of the members of the Seneca County Board of Supervisors is determined by the proportionate population of each of the Towns comprising Seneca County, subject however to the provisions of §10(1)(a) of the New York State Municipal Home Rule Law; and

WHEREAS, a recalculation of the proposed weighted vote of the Board has been made using data from the Federal Census of 2010; and

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

RESOLVED, that proposed Local Law B of 2012, “A Local Law to Establish the Voting Power of Each Member of the Board of Supervisors of Seneca County” 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. In all voting by the Seneca County Board of Supervisors the following weights shall apply to the vote of the members representing the following Towns:

Covert	49
Fayette	89
Junius	33
Lodi	35
Ovid	52
Romulus	52
Seneca Falls	68
Seneca Falls	68
Seneca Falls	68
Tyre	23
Varick	42
Waterloo	57
Waterloo	57
Waterloo	57
TOTAL:	750

Section 2. Local Law No. 2 of 2011 is hereby repealed.

Section 3. Effective date: This local law shall become effective in accordance with the New York State General Municipal and Home rule Laws.

**SUPERVISORS AMEND POLICY NO. 101.406 “SMOKING POLICY”**

**EFFECTIVE IMMEDIATELY**

RESOLUTION NO. 108-12, moved by Mr. Westfall, seconded by Mr. Churchill and adopted by 568 ayes (Westfall, Churchill, Reynolds, Garlick Lorenzetti, Serven, Prouty, Kaiser, Earle, Hayssen, Shipley) and 182 nays (Davidson, Lafler, Amidon, Kubasik).

WHEREAS, Seneca County’s Smoking Policy No. 101.406 has been overridden by Local Law No. 3 of 2011; and

WHEREAS, there has been discussion regarding the use of electronic cigarettes on County Property; and

WHEREAS, it has been determined that County Employees who elect to smoke E-cigarettes shall be permitted to do so at designated locations; now, therefore, be it

RESOLVED, the Seneca County Board of Supervisors amends Policy 101.406 effective immediately 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.

The use of e-cigarettes, defined as any electronic nicotine delivery system designed to use the inhalation of water vapor as a substitute for smoking, is permitted by Seneca County employees on County premises in the following outdoor locations only:

- |  |  |
|--|--|
| County Office Building:                      | Loading dock area  |
| Health Building:                             | Picnic table area on south side of building                  |
| County Courthouse:                           | East rear side of the former jail                            |
| Maintenance Building:                        | West rear side of the building                               |
| Highway:                                     | Outside of passage door for west side of barn                |
| Water & Sewer Department (Depot Site):       |  |
|  | Rear of building   |
| OFA Nutrition Sites in Ovid and Trumansburg: |  |
|  | Rear of building in each location                            |
| Ovid Mental Health Clinic:                   | Patio in rear of building                                    |
| Drop in Center:                              | Rear of building   |
| LEC Personnel:                               | Adjacent to loading dock entrance                            |
| Jail Personnel:                              | Inner yard outside from corridor passing Lieutenant's Office |

**BOARD OF SUPERVISORS APPROVES EASEMENT TO NEW YORK STATE ELECTRIC AND GAS CORP. FOR PURPOSE OF LAYING GAS MAIN ALONG COUNTY ROAD 135, SENECA STREET IN THE HAMLET OF ROMULUS**

RESOLUTION NO. 109-12, moved by Mr. Kaiser, seconded by Mr. Reynolds and adopted.

WHEREAS, New York State Electric and Gas Corp. has requested an easement along the County's highway right-of-way on County Road 135, known as Seneca Street in the Hamlet of Romulus for the purpose of laying a gas main; and

WHEREAS the proposed usage of the County's right-of-way would benefit the residents of the Hamlet and the County; and

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

RESOLVED, that the Chairman of the Board of Supervisors is authorized and directed to execute the necessary documents to provide to the New York State Electric and Gas Corp., an easement within the County Highway right of way along County Road 135, Seneca Street in the Hamlet of Romulus for the purpose of laying a gas main within the right of way.

**BOARD OF SUPERVISORS AUTHORIZES REPLACEMENT OF CARPETING  
AT THE SENECA COUNTY CORRECTIONAL FACILITY  
AND AMENDS 2012 COUNTY BUDGET**

RESOLUTION NO. 110-12, moved by Mr. Reynolds, seconded by Mr. Westfall and adopted.

WHEREAS, certain areas of the Seneca County Correctional Facility require carpet replacement;  
and

WHEREAS, the Public Safety Committee approved the purchase and installation of carpeting to the lowest responsible bidder through a sealed bid opened on Monday June 11, 2012 at its meeting on May 22, 2012; and

WHEREAS, through a bid process ProCarpet of 5580 Ridge Road West, Spencerport, New York 14559 was the lowest responsible bidder in the amount of \$24,095.00; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is authorized to sign all documents associated with this purchase and installation; and be it further

RESOLVED, the County Treasurer amend the 2012 County Budget by transferring \$9,095.00 from Contingency Account No. 10-101-5-1990-4700 to Account No. 10-110-5-3152-4120 to provide for a portion of the funding for the carpet improvements.

**BOARD OF SUPERVISORS AUTHORIZES PURCHASE OF MOBILE RESPONSE VEHICLE  
AND AMENDS STATE HOMELAND SECURITY PROGRAM BUDGET**

RESOLUTION NO. 111-12, moved by Mr. Reynolds, seconded by Mr. Davidson and adopted.

WHEREAS, in the FY 10 & FY 11 State Homeland Security Program Grants, the purchase of a Mobile Response Vehicle has been authorized at no cost to the County; and

WHEREAS, through a bid process, Command Fire Apparatus, 20 Wildflower Lane, Lancaster, PA. 17603 was the lowest responsible bidder for \$70,000; and

WHEREAS, at its meeting on May 22, 2012, the Public Safety Committee approved the purchase of said vehicle to the lowest responsible bidder through a sealed bid to be opened on Monday, June 11, 2012; now, therefore, be it

RESOLVED, the Director of Emergency Services is hereby authorized to purchase a Mobile Response Vehicle from Command Fire Apparatus, 20 Wildflower Lane, Lancaster, PA. 17603; and be it further

RESOLVED, the Chairman of the Board of Supervisors is authorized to sign all documents associated with this purchase; and be it further

RESOLVED, the County Treasurer is authorized to amend the 2012 Emergency Management SHSP budget 10-110-5-3642 to add \$70,000 to line 3642-2600 Vehicles and add \$70,000 to revenue line 10-319-3-3005; and be it further

RESOLVED, the County Treasurer is authorized and directed to make necessary payments for the purchase of said Mobile Response Vehicle.

**SHERIFF'S OFFICE AUTHORIZED TO PURCHASE 4 X 4 UTILITY VEHICLE (UTV)**

RESOLUTION NO. 112-12, moved by Mr. Reynolds, seconded by Mr. Westfall and adopted.

WHEREAS, the Seneca County Sheriff's Office requires the purchase of a new, unused 4 x 4 Utility Vehicle (UTV) designed to provide transportation of equipment and personnel at an emergency law enforcement incident, under the 2011 SLETPP grant funding from the Sheriff's Budget; and

WHEREAS, bids were solicited and opened on April 23, 2012; and there was one bid received from Bibbens Sales and Service, 3282 East Brutus Street Road, Weedsport, New York for \$12,280.00; and

WHEREAS, this resolution was approved by the Public Safety Committee at its meeting on May 22, 2012; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the Sheriff's Office to purchase a new, unused 4 x 4 Utility Vehicle (UTV) from Bibbens Sales and Service, of Weedsport, New York, under the 2011 SLETPP grant funding from the Sheriff's Budget, at a price not to exceed the \$12,280.00 bid price.

**BOARD OF SUPERVISORS APPROVES THE CREATION AND FILLING OF A FULL-TIME CASEWORKER INTERN AND ABOLISHING A CASEWORKER POSITION**

RESOLUTION NO. 113-12, moved by Mr. Davidson, seconded by Mrs. Amidon and adopted.

WHEREAS, the Seneca County Division of Human Services Social Services Unit is responsible for investigating and handling issues dealing with Children and Families Welfare; and

WHEREAS, the Seneca County Division of Human Services Social Services Unit would like to abolish one full-time Caseworker position; and

WHEREAS, the Seneca County Division of Human Services Social Services Unit would like to create one full-time Caseworker Intern position; and

WHEREAS, this position is essential to ensuring the day-to-day operations and efficiency of the Social Services Unit; and

WHEREAS, the Human Services Committee and the Finance, Assessment & Insurance Committee approved abolishing said position and creating and filling said position at its meeting on May 22, 2012; now, therefore, be it

RESOLVED, that the Board of Supervisors does hereby approve the abolishment of one full-time Caseworker position in the Seneca County Division of Human Services Social Services Unit; and be it further

RESOLVED, that the Board of Supervisors does hereby approve the creating and filling of one full-time Caseworker Intern in the Seneca County Division of Human Services Social Services Unit.

**THE SENECA COUNTY BOARD OF SUPERVISORS APPROVES VIA CONTRACTS  
WITH FINGER LAKES WORKFORCE INVESTMENT BOARD FOR  
THE PERIOD JULY 1, 2012 TO JUNE 30, 2013 DESCRIPTION**

RESOLUTION NO. 114-12, moved by Mr. Davidson, seconded by Mrs. Amidon and adopted.

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

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

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

WIA Youth	July 1, 2012 – June 30, 2013	\$94,305.00
WIA Adult and Dislocated Worker	July 1, 2012 – June 30, 2013	\$83,867.00
WIA Work Keys	July 1, 2012 – June 30, 2013	\$60,361.00
WIA Administrative Agreement	July 1, 2012 – June 30, 2012	no cost;

and

WHEREAS, the Human Services Committee approved said Agreements on May 22, 2012; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is authorized and directed to sign said contracts and Administrative Agreement on behalf of the County and send certified copies of this subsequent resolution to the Finger Lakes Workforce Investment Board.

**SUPERVISORS APPOINT SHELBY FISHER TO THE  
SENECA COUNTY COMMUNITY SERVICES BOARD**

RESOLUTION NO. 115-12, moved by Mrs. Amidon, seconded by Mr. Reynolds and adopted.

WHEREAS, there are vacancies on the Community Services Board; and

WHEREAS, the Community Services Board has moved to recommend the appointment of Shelby Fisher to the Community Services Board; and

WHEREAS, at its May 22, 2012 meeting, the Board of Supervisors' Mental Health Committee supported and approved the Community Services Board recommendation; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Shelby Fisher, of Waterloo, NY, for a four-year term on the Community Services Board, to expire June 12, 2016.

**BOARD OF SUPERVISORS APPROVES THE CREATION AND FILLING OF A**

**FULL-TIME SENIOR PSYCHIATRIC SOCIAL WORKER POSITION**

RESOLUTION NO. 116-12, moved by Mrs. Amidon, seconded by Mr. Reynolds and adopted by 691 ayes and 59 nays (Kubasik).

WHEREAS, the Seneca County Mental Health Department would like to abolish one full-time Psychiatric Social Worker position which is currently vacant; and

WHEREAS, the Seneca County Mental Health Department would like to create one full-time Senior Psychiatric Social Worker position; and

WHEREAS, this position is essential to meet the demand for clinical services and to ensure operational efficiency of the Mental Health Department's Mental Health Clinic; and

WHEREAS, the Board of Supervisors' Mental Health Committee and the Finance, Assessment, & Insurance Committee both approved abolishing said position and creating and filling said position at its meeting on May 22, 2012; now, therefore, be it

RESOLVED, that the Board of Supervisors does hereby approve the abolishment of one full-time Psychiatric Social Worker position within the Seneca County Mental Health Department; and be it further

RESOLVED, that the Board of Supervisors does hereby approve the creating and filling of one full-time Senior Psychiatric Social Worker position within the Seneca County Mental Health Department.

**BOARD OF SUPERVISORS APPROVES THE CREATION AND FILLING OF A  
FULL-TIME PSYCHIATRIC SOCIAL WORKER POSITION**

RESOLUTION NO. 117-12, moved by Mrs. Amidon, seconded by Mr. Prouty and adopted by 691 ayes and 59 nays (Kubasik).

WHEREAS, the Seneca County Mental Health Department would like to abolish one temporary full-time Psychiatric Social Worker position; and

WHEREAS, due to increased and consistent demand for treatment services over a two year time period, the Seneca County Mental Health Department would like to create one full-time permanent Senior Psychiatric Social Worker position; and

WHEREAS, this position is essential to meet the demand for clinical services and within the Mental Health Department's Mental Health Clinic; and

WHEREAS, the Board of Supervisors' Mental Health Committee and the Finance, Assessment, & Insurance Committee both approved abolishing said position and creating and filling said position at its meeting on May 22, 2012; now, therefore, be it

RESOLVED, that the Board of Supervisors does hereby approve the abolishment of one full-time temporary Psychiatric Social Worker position within the Seneca County Mental Health Department; and be it further

RESOLVED, that the Board of Supervisors does hereby approve the creating and filling of one full-time permanent Psychiatric Social Worker position within the Seneca County Mental Health Department.

**RESOLUTION ALLOWING SENECA COUNTY BOARD OF SUPERVISORS CHAIR TO SIGN A ONE-YEAR EXTENSION OF THE MENTAL HEALTH DEPARTMENT'S CURRENT CRIME VICTIMS BOARD (CVB) "VICTIMS OF CRIME" GRANT CONTRACT**

RESOLUTION NO. 118-12, moved by Mrs. Amidon, seconded by Mr. Shipley and adopted.

WHEREAS, the Seneca County Community Counseling Center of the County Mental Health Department has received grant funding from the NYS Crime Victims Board (CVB) with no local cash match required to provide services to individuals under the Victims of Crime Grant; and

WHEREAS, the grant has funded a large portion of the salary and fringe benefits of the county's Coordinator of Victims Witness Domestic Violence Services since 1997; and

WHEREAS, the NYS Crime Victims Board (CVB) has issued a 1-year extension of our current grant contract with funds that are already stipulated in the Mental Health Department budget; and

WHEREAS, services provided through this funding include: Criminal Justice and Personal Advocacy; In-person Counseling (with follow-up); Group Support / Treatment; Information and Referral; Telephone Counseling; and Home Visits; and

WHEREAS, this grant's original contract had been reviewed and approved by the Mental Health Committee of the Seneca County Board of Supervisors; was accepted by the full Seneca County Board of Supervisors, and was previously signed by the Seneca County Board of Supervisors' Chair; and

WHEREAS, the Seneca County Board of Supervisors' Mental Health Committee has reviewed and approved the Chair of the signing a 1-year extension of that contract; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors' Chair is authorized to sign the 1-year extension of the Mental Health Department's current contract with the Crime Victims Board as detailed above.

**AUTHORIZE SNOWMOBILE TRAIL GRANT APPLICATIONS WITH TWIN LAKES SNOWMOBILE ASSOCIATION AND SENECA SLEDDERS SNOWMOBILE ASSOCIATION FOR 2012-2013 SEASON**

RESOLUTION NO. 119-12, moved by Mrs. Amidon, seconded by Mr. Shipley and adopted.

WHEREAS, Seneca County has previously indicated that it would serve as Sponsor for the Twin Lakes Snowmobile Association and the Seneca Sledders Snowmobile Association for them 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 sections of trail on the New York State Snowmobile System in Seneca County; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on May 22, 2012; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Department of Planning and Community Development to prepare Applications for the New York State Snowmobile Trails Grant-in-Aid Program; and be it further

RESOLVED, that the Chairman of the Board is authorized to sign the Grant Applications; and be it further

RESOLVED, that the Chairman of the Board and the County Treasurer are authorized and directed to sign necessary reports and vouchers to receive funding for the New York State Snowmobile Grant Program for the 2012-2013 Season.

**BOARD OF SUPERVISORS AUTHORIZES CHAIRMAN TO SIGN AGREEMENT WITH  
SENECA SLEDDERS SNOWMOBILE ASSOCIATION**

RESOLUTION NO. 120-12, moved by Mrs. Amidon, seconded by Mr. Prouty and adopted.

WHEREAS, to distribute the funds for Snowmobile Trail maintenance received from the New York State Office of Parks, Recreation and Historic Preservation, an agreement should be in place between the County and the Seneca Sledders Snowmobile Association; and

WHEREAS, the Seneca County Board of Supervisors passed a resolution on December 27, 2011 indicating that they will serve as the sponsor of the Seneca Sledders Snowmobile Association; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on May 22, 2012; 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 Seneca Sledders Snowmobile Association for the period of September 1, 2012 to August 31, 2013.

**BOARD OF SUPERVISORS AUTHORIZE APPLICATION TO THE 2012 NEW YORK STATE  
CONSOLIDATED FUNDING APPLICATION FOR FORMER COUNTY COURTHOUSE  
ACCESSIBILITY GRANT PROJECT**

RESOLUTION NO. 121-12, moved by Mrs. Amidon, seconded by Mr. Reynolds and adopted.

WHEREAS, the Governor has released the 2012 Consolidated Funding Application, due on July 16, 2012, which includes competitive capital project funding programs such as the Environmental Protection Fund grant program administered by the New York State Office of Parks, Recreation and Historic Preservation; and

WHEREAS, eligible projects must be buildings or sites listed on the National Register of Historic Places; and

WHEREAS, eligible projects include measures to make historic buildings useable by the public, including installation of building access enhancements; and

WHEREAS, Seneca County is the owner of the National Register – listed former Seneca County Courthouse Complex in Ovid, New York; and

WHEREAS, in order to make the former Courthouse fully accessible and comply with the Americans with Disabilities Act (ADA), a limited-use elevator will need to be installed connecting all three floors, and doorway and bathroom modifications will also be needed, at a combined total cost of \$135,000; and

WHEREAS, if awarded, this grant would cover 75% of the costs amounting to \$101,250; and

WHEREAS, Seneca County would be responsible for the remainder of \$33,750 to be provided by as combination of \$18,400 in in-kind staff labor for engineering and architectural design, construction, and administration and \$15,350 in cash; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on May 22, 2012; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors finds that this project is a Type II project and no further SEQR review is required and hereby authorizes and directs the Chairman of the Seneca County Board of Supervisors to sign this project's Environmental Assessment Form; and be it further

RESOLVED, that Mr. Robert W. Hayssen as Chairman of the Seneca County Board of Supervisors, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$101,250, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the County of Seneca for rehabilitation of Papa Bear and, if appropriate, a conservation easement / preservation covenant to the deed of the assisted property.

**APPROVAL OF THE AIRPORT LAYOUT PLAN FOR THE  
FINGER LAKES REGIONAL AIRPORT**

RESOLUTION NO. 122-12, moved by Mrs. Amidon, seconded by Mr. Shipley and adopted.

WHEREAS, the Federal Aviation Administration (FAA) has required that the Finger Lakes Regional Airport Layout Plan be updated; and

WHEREAS, the plan has been completed; and

WHEREAS, the resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on May 22, 2012; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors approves the Airport Layout Plan and that the Chairman of the Board of Supervisors is authorized and directed to sign all necessary documentation to submit the Airport Layout Plan to the FAA.

**APPLICATION TO FEDERAL AVIATION ADMINISTRATION FOR LAND ACQUISITION TO REMEDIATE DRAINAGE PROBLEMS AT THE FINGER LAKES REGIONAL AIRPORT**

RESOLUTION NO. 123-12, moved by Mrs. Amidon, seconded by Mr. Earle and adopted.

WHEREAS, the Federal Aviation Administration (FAA) has indicated that a grant will be made available for the purchase of land and easements at the Finger Lakes Regional Airport to remediate drainage problems; and

WHEREAS, all landowners have been contacted and are in agreement to the purchase or easement; and

WHEREAS, the total project will be for \$350,000 with the FAA portion of the grant at \$315,000, the New York State Department of Transportation share at \$17,500 and the Seneca County Local Share at 5% or \$17,500, which has been budgeted for in the 2012 Airport Budget; and

WHEREAS, the resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on May 22, 2012; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors approves the application to the FAA for the land purchase and easement grant and that the Chairman of the Board of Supervisors be authorized and directed to sign all necessary documentation to submit this application to the FAA.

**APPLICATION TO THE FEDERAL AVIATION ADMINISTRATION TO BEGIN THE DESIGN, REHABILITATION AND DRAINAGE IMPROVEMENTS OF THE TAXIWAY AT THE FINGER LAKES REGIONAL AIRPORT**

RESOLUTION NO. 124-12, moved by Mrs. Amidon, seconded by Mr. Davidson and adopted.

WHEREAS, the Federal Aviation Administration (FAA) has indicated that a grant will be made available for the design, rehabilitation and drainage improvements of the taxiway at the Finger Lakes Regional Airport; and

WHEREAS, the total project would be for \$200,000 with the FAA portion of the grant at \$180,000, the New York State Department of Transportation share at \$10,000 and the Seneca County Local Share at 5% or \$10,000 which has been budgeted for in the 2012 Airport Budget; and

WHEREAS, the resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on May 22, 2012; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors approves the application to the FAA for the design, rehabilitation and drainage improvements of the taxiway at the Finger Lakes Regional

Airport and that the Chairman of the Board of Supervisors be authorized and directed to sign all necessary documentation to submit this application to the FAA.

**AUTHORIZATION OF FINGER LAKES REGIONAL AIRPORT LEASE WITH RALPH LOTT**

RESOLUTION NO. 125-12, moved by Mrs. Amidon, seconded by Mr. Prouty and adopted.

WHEREAS, Seneca County owns and operates the Finger Lakes Regional Airport; and

WHEREAS, the Airport has acreage that it currently does not use and does not want the property to become overgrown; and

WHEREAS, Ralph Lott & Sons Farms has proposed to lease the property and plant crops which will keep the vegetation growth to a minimum and provide revenue to the County; and

WHEREAS, a lease has been proposed for two (2) years at the rate of \$999.75 per year; and

WHEREAS, the resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on May 22, 2012; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors approve the lease and authorize the Chairman of the Board of Supervisors to sign it.

Unfinished Business

There was no Unfinished Business this evening.

New Business:

Mr. Shipley moved the Suspension of the Rules to introduce the following Resolution:

**SUPPORT BILLS AMENDING NEW YORK STATE LAW TO REAFFIRM THE MEANING OF  
A “QUALIFIED INDIAN RESERVATION”AND “INDIAN RESERVATION”**

RESOLUTION NO. 126-12, moved by Mr. Shipley, seconded by Mr. Earle and adopted.

WHEREAS, bills have been introduced in the New York State Senate and Assembly (S3866-C/A5151-B) to amend the definition of a “qualified (Indian) reservation in New York State law, and to reaffirm that a “qualified reservation” and an “Indian reservation” must be “Lands within the State over which an Indian nation or tribe lawfully exercises tribal sovereignty”; and

WHEREAS, the State of New York, including in briefs submitted in 2010 by Andrew Cuomo as Attorney General of the State of New York, has consistently not recognized a present, sovereign Cayuga reservation free from state and local jurisdiction; and

WHEREAS, in 2005, the Supreme Court of the United States held in City of Sherrill v. Oneida Indian Nation of New York that the Oneida may not exercise sovereignty in whole or in part over parcels they recently purchased on the open market and that these parcels are subject to real property taxes; and

WHEREAS, the holding in Sherrill applies not only to the specific parcels within the City of Sherrill at issue but also to over 17,000 acres recently purchased by the Oneida within their historic reservation (but, nevertheless, the Oneida have refused to pay real property taxes and have argued that

these parcels are exempt from such taxes under Section 6 of the Indian Law and Section 454 of the Real Property Tax Law because, they assert, the historic reservation is not “disestablished”); and

WHEREAS, the principle of Sherrill applies equally to lands purchased by other New York tribes, such as the Cayuga Indian Nation of New York; and

WHEREAS, Section 470 of the Tax Law, Section 6 of the Indian Law, and Section 454 of Real Property Tax Law should be amended so that the definition of a “qualified reservation” and an “Indian reservation” in those laws is consistent; and

WHEREAS, on September 23, 2011, the New York State Association of Counties passed a resolution “To Amend New York State Law to Accurately Define a Qualified Indian Reservation”; and

WHEREAS, New York State law should be amended accordingly in this session of the New York State Legislature; now therefore be it

RESOLVED, the Seneca County Board of Supervisors calls upon the Senate Committee on Investigations and Government Operations and the Ways and Means Committee of the Assembly to pass and forward for floor action in the current session of the Legislature, S3866-C and A5151-B, respectively; and be it

FURTHER RESOLVED, that copies of this resolution be sent by overnight mail to:

Senator Michael Nozzolio, Sponsor

Senator Carl Marcellino, Chair, Investigations and Government Operations Committee

Senator David Valesky

Assembly Minority Leader Brian Kolb, Sponsor

Assemblyman Herman Farrell, Jr., Chair, Ways and Means Committee

Senate Majority Leader Dean Skelos

Assembly Speaker Sheldon Silver

Governor Andrew Cuomo

Chairman Hayssen authorized the County Manager to proceed with repairs to the Air Compressors for the county building. The project was designated an emergency after the compressors shut down during a storm and left the building without air circulation resulting in closing the building before 5:00 p.m.

#### Special Order of the Day

The meeting was adjourned at 7:49 p.m.