

Seneca County Board of Supervisors

Regular Meeting & Public Hearing

September 11, 2012

6:00 p.m.

Call to Order

Chairman Hayssen called the meeting to order at 6:00 p.m.

Roll Call of Members by the Clerk

Thirteen members of the Board of Supervisors answered roll call. Mr. Serven's presence was recognized by the Chairman at 6:10 p.m.

Pledge of Allegiance and Moment of Silence

Public Hearing

Mr. Shipley moved to open the floor to receive public comment on the community and economic development needs of the County and the County's potential submission of an application to the New York State Office of Community Renewal for Community Development Block Grant funding to support an economic development project in the County. No public comment was offered. Mr. Lafler moved the public hearing closed.

Presentations

a. Employee of the 2nd Quarter - Robert Stuck, Senior Building Maintenance Mechanic.

b. Employer Support for the Guard and Reserves was presented to Chairman Hayssen by Retired Command Sergeant Major U. S. Army Chuck Boenke. The ESGR Program's intent is to increase employer support by encouraging employers to act as advocates for employee participation in the military. Supportive employers are critical to maintaining the strength and readiness of the nation's Guard and Reserve units.

c. Seneca Army Depot Tours - Dennis Money, President, Seneca White Deer, announced Seneca White Deer, Inc. (SWD) and Finger Lakes Technologies Group, Inc. (FLTG) will offer public military history tours of the most secure portion of the former Seneca Army Depot during the first three weekends in October.

Petitioners

a. Sally Eller (Seneca County Libraries), Kim Iraci (Finger Lakes Library System) and Youngiee Quennell (Library Patron), petitioned the Board of Supervisors for its continued support of the libraries by including funding in the 2013 Seneca County budget.

b. Connie Richardson, Coordinator and Diane Laws, Data Coordinator from the Seneca County Substance Abuse Coalition United Way of Seneca County updated the Board of Supervisors on the accomplishments made due to funding from the Prevention First NY grant.

c. Ziggy Majewski, owner of property in Interlaken petitioned the Board of Supervisors to delay the demolition process of his property that has been deemed as unsafe in accordance with Seneca County local law

Submission of Claims for Audit

Mr. Prouty moved the following vouchers, having gone through the proper auditing process; be approved for payment.

Supervisors vouchers	# 1850 - 2067	totaling	\$	267,689.48
Workforce Development vouchers	# 198 - 215	totaling	\$	30,687.06
OFA vouchers	# 469 - 533	totaling	\$	77,802.98
Self-Insurance vouchers	# 51 - 61	totaling	\$	9,243.40
County Airport vouchers	# 84 - 92	totaling	\$	28,540.11
Sheriff	# 424 - 478	totaling	\$	108,388.83
Highway Transportation vouchers				
Maintenance & State Snow	# 175 - 196	totaling	\$	428,095.17
Highway Machinery	# 267 - 296	totaling	\$	40,587.86
	Highway Total		\$	468,683.03
Water & Sewer	# 186 - 204	totaling	\$	24,104.08
Airport Capital voucher	# 14 - 15	totaling	\$	19,215.49
Financial Software Capital vouchers	# 4	totaling	\$	759.98
Veteran Cemetery vouchers	# 27	totaling	\$	5,184.76

Reports of Standing Committees:

Planning, Development, Agriculture & Tourism Committee - Mrs. Amidon, Chair. Ron Golumbeck from ITT Gould's was present. Bob Aronson from IDA was present. ITT Gould's is planning an expansion to improve manufacturing internationally. Many customers are located in Texas. But engineering facilities are in Seneca Falls. The project is a \$20 milling investment for 2500 sq. ft. expansion. Over the next 3-4 years, employee count will increase by 50 new hires. If project does not get built here, Mr. Aronson said we would lose jobs. The majority impact of the project will be seen in 2013-2014.

Human Services Committee - Mr. Davison, Chair. (1) The committee voted in favor of refilling the following positions: Aging Services Aide (HEAP) temporarily 9/10/12 – 2/15/13; Aging Services Aide position; and a Social Welfare Examiner (HEAP) temporarily 10/15/12 – 3/29/13; (2) In compliance with the provisions of the WIA of 1998, the final Rule, and the Planning guidelines and instructions developed by the Governor, requires each local Workforce Investment Board (WIB) to develop and

submit a Local Plan for PY 2012-2013. The Local Plan for PY 2012-2013 allows the local WIB and the One Stop Center to be in compliance with the Workforce Investment Act Local Plan for the Program Year 2012-2013, for Workforce Investment Act Title 1-B and Wagner Peyser Programs. The Local Plan is being submitted jointly by the Local Board and the respected Chief Elected Official(s). Plans that are submitted and approved will be retroactive to July 1, 2012. The former plan has been operating under extensions through PY 2011-2012. The Committee voted in favor of a resolution from the Board of Supervisors for authorization to approve the 2012-2013 WIA Local Plan and authorize the Chairman of the Board of Supervisors to sign the 2012-2013 WIA Local Plan; (3) A discussion regarding Seneca County's interest in contracting with New York State to continue certain Medicaid administrative functions as part of the New York State assumption of Medicaid administration. The transfer of responsibility for the administration of the Medicaid program from local social services districts will take place over a period of six years (by March 31, 2018).

The Commissioner of Human Services, Charles Schillaci recommended that the county continue doing the administrative portion of the Medicaid program until the state takeover. During the transition period, he expected his staff would decrease by attrition vs. lay-offs. Mr. Schillaci said that if we tell NYS to do the admin end of the program now, then he predicts he will lose staff any time before, but not after, March 2018. He also suggested that if we maintain the administrative part which included eligibility checks, it was better for the client, who may not have access to, or knowledge of how to use a computer. NYS plans to have eligibility done electronically. Several supervisors suggested that if the county did this, it would contradict a previous resolution sent to NYS seeking Medicaid relief. Gary Westfall made a motion to have the county continue the administrative portion for one year. Mrs. Amidon seconded his motion. The general consensus of the board members present was NOT having the county do the administrative portion until the State takes over the Medicaid Program. Supervisors Prouty, Kaiser, Westfall and Amidon were in favor of taking over the admin portion until the final transition; (4) The County is required to submit an annual plan for the Supervision and Treatment Services for Juveniles Program and to designate a lead agency. The County Manager designated the Division of Human Services as the lead agency for this program. This plan provides for services to youth who are at risk, alleged or adjudicated Juvenile Delinquents (JD's) youth alleged or adjudicated to be Person in Needs of Supervision (PINS) and youth alleged to be or convicted as Juvenile Offenders (JO's), in order to divert these youth from detention or residential care. The Division of Human Services would like to contract with the Youth Advocate Program once again and other service providers to provide services within the community. Funding for this program is capped at \$40,304 state reimbursement. The Committee voted in favor for a resolution of the Board of Supervisors authorizing the Chairman of the Board to sign the 2012-2013 Supervision and Treatment Services for Juveniles Program plan; (5) The Seneca County Board of

Supervisors 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. The appointment of the public sector Workforce Investment Board Members must be endorsed by the four counties of Ontario, Wayne, Seneca and Yates. The Committee voted in favor of a resolution of the Board of Supervisors approving the appointment of Dr. Marinelli, Seneca Waterways Council, Boys Scouts of America / BOCES, Superintendent and Council Vice President of Membership.

Public Safety Committee - Mr. Reynolds, Chair. The Committee voted in favor of refilling the following positions: Correction Officer, Road Patrol Sergeant temporarily vacant due to medical leave, and Deputy Sheriff temporarily vacant due to above temporary promotion; (2) The Office of Emergency Services was awarded a 2011 FEMA Fire Prevention & Safety Grant for \$62,000.00. This non-matching grant is to provide smoke & carbon monoxide detectors to targeted families in the county. As part of this grant process, sealed bids for smoke detectors & carbon monoxide detectors were opened on Aug. 23. After reviewing the bids, the Director of Emergency Services recommends that SKY Resources, LLC, Columbus, Ohio, for \$29,430 be awarded the bid. Mr. McCann said they will be able to purchase 1,500 - 1,700 smoke detectors. Installation will be done by local volunteer fire departments and county code enforcement. Human Services staff will assist with eligibility requirements. After the installation, a spot check is conducted within 3 years to make sure the detectors are functioning properly. The Committee voted in favor of a Board of Supervisors resolution authorizing the Chairman of the Board to sign all related documents and accept the bid from SKY Resources, LLC for \$29,430 for smoke detectors & carbon monoxide detectors; (3) Border City Fire District requested a 2002 Ford 4 x 4 SUV used by the Seneca County Sheriff's Office and presently out of service be donated to their District to be used as a First Responder Unit. The Committee voted in favor of a Board resolution authorizing the surplus of said vehicle and donating it to the Border City Fire; (4) The Committee voted in favor of declaring three vehicles used by the Sheriff's Office as surplus for auction (2001 Dodge Van – Mileage 184,828; 2004 Dodge Crown Vic – Mileage 149,296; and a 2005 Dodge Crown Vic –Mileage 163,846; (5) The Sheriff's Office³ was approved to purchase (3) Ford Patrol Vehicles, under New York State Contract. The 2013 Ford Interceptor package is an All-Wheel Drive, 3.5L V6 engine that is solely produced for police patrol vehicles. A breakdown of the cost is as follows: Dealer Base Price: \$22, 915, Factory add-on \$895.20 and Dealer add-on \$7279.75 (Emergency equipment) for a total of \$31,090.75. Local add-on including Striping and Radio and Computer Equipment connections \$1688.590 for a total Package of \$32,778.54. Total cost of three vehicles will be \$98,335.62. \$105,000 has been budgeted for this purchase.

Indian Affairs Committee - Mr. Shipley, Chair. Mr. Shipley moved to enter executive session under §§105(1)(d) and 108(d) Public Officers Law to discuss pending litigation related to Cayuga Indian Nation vs. Seneca County and to consult with and obtain legal advice from counsel in regard to such

litigation and that the Committee invite into executive session, the following person: remaining members of the BoS, members of the Indian Affairs Advisory Committee, the County Manager, the County Attorney, Phil Spellane of Harris Beach, Bob McKeveney, Joe McNamara (both SFSD representatives), David Dresser and Harry Pettingill. Executive session time: 5:50 p.m. - 7:08 p.m. When the Committee reconvened in open session, the committee voted in favor of a resolution to be referred to the Board directing Harris Beach to file an appeal on the county's behalf.

Public Health Services Committee - Mr. Churchill, Vice-Chair. (1) The Health Department solicited bids for the Annual Household Hazardous Waste Collection event. Three bids were received:

Set up charge	Cost per household	Total Cost	Sampling of unknowns
Clean Harbors	\$1,300	\$40.00 per h/h	\$9,300 No charge
MXI	\$3,000	\$38.00 per h/h	\$10,600\$500.00
Clean Venture	\$1,750	\$40.00 per h/h	\$9,750 No charge

The Committee voted in favor of a resolution by the Board of authorizing the Chairman of the Board of Supervisors to sign a contract with Clean Harbors Environmental Services for the annual Household Hazardous Waste collection; (2) Regional Computer Recycling and Recovery of Victor, NY has provided services for the electronics recycling for the Annual Household Hazardous waste collection event for four years. There are no anticipated costs this year and RCR&R will reimburse the Health Department at least \$0.03 per lb. for the recovery of all covered electronics (computers, computer peripherals, monitors, terminals, fax machines, printers, scanners, televisions, audio/visual equipment, mice, and other equipment designated under the New York State Electronic Recycling Equipment and Reuse Act). The Committee voted in favor of a resolution of the Board of Supervisors authorizing the Board Chairman to sign a contract with RCR&R.

Public Works Committee - Mr. Kaiser, Chair. (1) Phillip M. Murphy, PE, of Delta Road Protection Program met with the committee to talk about his company's road protection program. It may be beneficial to learn about Delta's program since there is a mounting concern about the condition of the county roads. An information packet was distributed and slideshow presentation viewed; (2) The Popli Design Group completed the Schematic Design Report for the proposed renovations to the Courthouse Complex. The Committee voted in favor of referring a resolution to the Board of Supervisors to accept the Schematic Design Report; (3) The MRB Group submitted a proposal for services related to sanitary sewer improvements at Colonel's Row in Seneca County Sewer District No. 2. The Committee voted in favor to move forward with MRB for design services and refer to the Board of Super visors for a resolution; (4) The Committee considered the suggestion to hire a leak detection firm for Water District #1. Chairman Kaiser stated that the district has already engaged leak detection services when it was obtained from the Army. Currently the district has about 12% leaking. He suggested to "slow everything

down”, and educate the supervisors, by providing tours of the Districts. He wants a white paper report done that will show the financials and obtain the loss factors of water coming in and water going out; (5) Regarding the demolition of county owned property at 5632 NYS Route 96, County Manager Rowe stated that a provider who was going to check for asbestos was unable to do so because the building was unsafe to enter. He recommends moving forward with a demolition. Mr. Davidson made a motion to tear both buildings down, seconded by Mr. Reynolds. After further discussion, the motion and second were withdrawn. In accordance with the purchasing policy, three written quotes is sufficient vs. going out to bid because the demolition would probably be between \$10,001 and \$34,999. The Committee directed Mr. Rowe to proceed with obtaining written quotes. He will contact a company in Ithaca that does “green demolition” as suggested by Mr. Churchill. Lee Davidson requested that we move forward with the Interlaken building demolition. County Attorney Fisher was directed to send a notice to the owner of the building stating that a resolution to demolish his building will be before the Board of Supervisors at this meeting. The Committee voted in favor of a resolution by the Board of Supervisors to authorize a provider, one that submitted a written quote, to do the demolition of the building, and voted in favor of a resolution to demolish the Interlaken building.

County Manager’s Remarks

The County Manager reported that he sent an email to ALL USERS regarding the start of the elevator project tomorrow. The work will be approximately three (3) weeks. The building security will start at the completion of the elevator project. The 2013 budgets are in with the exception of one department. He and Mr. Prouty will attend the NYSAC Fall Conference in Syracuse later this week.

County Attorney’s Remarks

The County Attorney reported that he would be attending the NYSAC Conference for the IAF Committee, wherein they will be recommending to their full committee to go to our Legislatures and strongly push for the collection of sales tax on cigarettes and gasoline or face fines and penalties.

Communications

107. A copy of the Seneca County Soil & Water Conservation District July 23, 2012 meeting minutes.
108. A copy of the Finger Lakes Regional Airport Advisory Committee June 13, 2012 meeting minutes.
109. A copy of the Seneca County IDA August 2, 2012 meeting minutes.
110. A copy of the Waterloo Sportsmen’s Club June 19, 2012 President and Vice President Dinner Meeting Minutes.
111. A copy of the Seneca County Board of Health August 15, 2012 meeting minutes.

Resolutions and Motions

**BOARD OF SUPERVISORS AUTHORIZE AMENDMENTS
TO 2012 SENECA COUNTY BUDGET**

RESOLUTION NO. 192-12, moved by Mr. Prouty, seconded by Mrs. Amidon and adopted.

WHEREAS, amendments to the 2012 Seneca County Budget are necessary and appropriate; and

WHEREAS, funding is available in the object codes identified herein; and

WHEREAS, these amendments have been reviewed and approved by the Finance, Assessment and Insurance Committee at its meeting on August 28, 2012; now therefore be it

RESOLVED, that the Board of Supervisors authorizes the following amendments to the 2012 Seneca County Budget:

From: 10-115-5-4145-4700 (Early Intervention Services) \$30,000
To: 10-115-5-4010-4510 (Medical Supplies and Expenses) \$30,000

From: 10-115-5-4010-1100 (Public Health Salaries) \$1,406.14
To: 10-115-5-4010-1400 (Public Health Severance) \$1,406.14

From: 10-101-5-1345-4220 (Purchasing) \$6,000
From: 10-101-5-1345-2200 (Purchasing) \$3,000
To: 10-101-5-1190-4380 (Coroners) \$9,000

From: 10-101-5-1910-4700 (Contingency) \$8,981.46
To: 10-101-5-1430-4330 (Legal Fees) \$8,981.46

From: 10-101-5-1910-4700 (Contingency) \$178,912
To: 10-115-5-4320-4351 (Mental health fees) \$178,912

From: 10-135-5-8090-4200 (Office Supplies) \$1,000
From: 10-135-5-8090-4260 (Books & Periodicals) \$600
From: 10-135-5-8090-4270 (Membership & Dues) \$500
From: 10-135-5-8090-4440 (Mileage) \$100
From: 10-135-5-8090-4450 (Training) \$500
To: 10-135-5-8090-4420 (Gas & Oil) \$2,700

From: 10-101-5-1165-1200 (Part-time Salaries) \$2,999.24
To: 10-101-5-1165-1400 (Severance) \$2,999.24

From: 10-101-5-1910-4700 (Contingency) \$15,000
To: 10-101-5-1622-4220 (Repairs & Maintenance) \$15,000

From: 10-101-5-1910-4700 (Contingency)
To: 10-110-5-3152-4120 (Building Expenses) \$15,437

From: 10-110-5-3150-1100 (Correctional Officers Salaries) \$2,191.17
To: 10-110-5-3150-1400 (Correctional Officers Severance) \$2,191.17

Increase: 10-135-5-8020-4700 (Canal Trail Development) \$145,000

Increase: 10-319-3-3501 (Canal Trail Aid) \$145,000

**BOARD OF SUPERVISORS AUTHORIZES COUNSEL TO SETTLE
CIVIL ACTION ENTITLED SENECA COUNTY V. TYDINGS**

RESOLUTION NO. 193-12, moved by Mr. Prouty, seconded by Mr. Reynolds and adopted.

WHEREAS, the matter of Seneca County v. Tydings is pending before the New York State Supreme Court under Index No. 46472; and

WHEREAS, the Board of Supervisors after consultation with counsel and in the interest of bringing the litigation to a conclusion, wishes to authorize the County Attorney to engage in and finalize settlement negotiations in said action on behalf of the County; and

WHEREAS, this resolution and proposed settlement offer have been approved by the Finance Committee of the Board; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes the County Attorney to settle the interests of Seneca County in the matter of Seneca County v. Tydings, an action pending before the New York State Supreme Court in accordance with terms proposed by Counsel and approved by the Finance Committee in executive session on August 14, 2012, the specific terms of which Stipulation to remain confidential pending execution in full by all parties to such litigation and filing of the fully executed document with the Court.

**SUPERVISORS REVISE POLICY NO. 101.703 "EMPLOYEE ASSISTANCE PROGRAM"
EFFECTIVE IMMEDIATELY**

RESOLUTION NO. 194-12, moved by Mr. Westfall, seconded by Mrs. Amidon and adopted.

RESOLVED, the Seneca County Board of Supervisors approves changes to the Seneca County Policy Manual, 101.703 to read as follows:

EMPLOYEE ASSISTANCE PROGRAM

Purpose

Seneca County recognizes that our success depends largely on the capability, productivity and dependability of our employees. We further recognize the realities that exist in our society and the related impact on the work environment as follows:

- Employees, as a normal part of life, experience personal difficulties, setbacks and other psychological issues that do not end when the employee reports to work
- Personal and psychological difficulties affect job performance and other related fringe benefits resulting in increased costs
- Employees seldom seek professional assistance on their own without a formal assistance program.

The Employee Assistance Program has been implemented to encourage covered employees who

are experiencing personal difficulties to seek professional counseling services and to help remove the social barriers that often prevent employees from seeking counseling assistance.

We recognize that the on-going existence of personal and work related problems creates additional and often unnecessary expenses to the County in the form of reduced morale, productivity, efficiency, increased absenteeism, turnover, accidents, and benefit costs. The early identification of personal and work related concerns and a reasonable effort to assist in the resolution of such difficulties benefits the organization by countering and reversing the effects of such difficulties. The Employee Assistance Program is provided to assist in the prevention, as well as the intervention of personal difficulties resulting in an improved quality of life for employees and increased productivity for the County.

Policy

Seneca County, by way of this policy, will establish and maintain an Employee Assistance Program covering all employees and immediate family members who reside in the same household. Seneca County will contract with a professional Employee Assistance Program practitioner to implement, administer, and maintain the Program. The Program is intended to complement, not replace, any and all existing personnel policies and procedures.

Procedure

The program is available to employees and your immediate family members residing in the same household twenty-four hours a day, seven days a week through a toll-free number. Your confidentiality is always assured except as prescribed by State and Federal Laws involving child abuse, elder abuse, and threats of harm to self, or unless the employee signs a release of information authorizing specific information to be released. The EAP services are provided at no cost to the employee including the initial personal counseling sessions. The program is intended to promote early identification and intervention to guide and assist employees in the resolution of personal difficulties that affect job performance. The program is not intended to replace behavioral health insurance and does not provide treatment services.

Voluntary Referral

Any covered employee who wants help is encouraged to contact the program on a direct voluntary basis. Any appointment made must be scheduled on the employee's time off, unless alternative arrangements can be made.

Administrative Referral

Situations may occur which require a supervisor to seek assistance in addressing unacceptable job performance, and to help employees to recognize personal difficulties that may be clouded by denial. Managers and supervisors may administratively refer employees to the EAP program when job performance has reached the level of disciplinary action. The employee must be given a choice of

disciplinary action or to accept a referral to the program in lieu of disciplinary action. An employee cannot be forced to accept a referral to EAP, or cannot be disciplined for not accepting the referral. Disciplinary action can only be taken for unacceptable job performance.

Responsibility

Seneca County will designate an individual to act as the Employee Assistance Program Coordinator. The coordinator is responsible for organizing and facilitating all program activities with the EAP contractor, including training activities, distribution of materials and the evaluation of program performance.

SUPERVISORS REVISE POLICY NO. 101.401 "TELEPHONE USAGE"

EFFECTIVE IMMEDIATELY

RESOLUTION NO. 195-12, moved by Mr. Westfall, seconded by Mr. Davidson and adopted.

RESOLVED, the Seneca County Board of Supervisors approves changes to the Seneca County Policy Manual, 101.401 to read as follows:

Purpose: It is the intent of the County to outline the use of telephones and personal electronic devices while at work:

Policy:

A. County Telephones

1. Answer Promptly
2. Identify your office and yourself
3. Speak directly into the telephone
4. Keep calls as brief as possible
5. Hang up the receiver gently
6. Always be courteous
7. Personal toll calls are not to be made from Seneca County telephones

B. Personal Electronic Devices

While at work employees are expected to exercise the same discretion in using personal cell/smart phones as is expected for the use of county phone and computer systems. Personal communications during the workday, regardless of the method used, can interfere with productivity and can be distracting to others.

1. Employees should restrict their personal communications during work time and only use their personal electronic devices during scheduled breaks and lunch periods in non-working areas.
2. In limited situations when an employee must make personal communications on work time, flexibility will be provided in those circumstances demanding immediate attention, such as a family emergency or other such event.
3. Employees are to make friends and family members aware of the County's policy as it relates

to the use of County telephones and/or personal electronic devices, so as to avoid any unnecessary incoming personal calls.

4. Use of cellular phone cameras and/or any other kind of recording device as equipped on a personal electronic device is prohibited, unless such use is for County business. If such use is for County business, the person or persons subject to the recording or photo must be made aware that they are being photographed or recorded.

**BOARD OF SUPERVISORS EXPRESS OPPOSITION TO THE
POSTAL REFORM ACT OF 2011**

RESOLUTION NO. 196-12, moved by Mr. Westfall, seconded by Mrs. Amidon and adopted by 474 ayes (Westfall, Amidon, Reynolds, Garlick Lorenzetti, Serven, Davidson, Kaiser, Lafler, Churchill), and 276 nays (Prouty, Earle, Hayssen, Shipley, Kubasik).

WHEREAS, the Postal Reform Act of 2011, H. R. 2309, is pending before Congress; and

WHEREAS, the Postal Reform Act of 2011 has the potential to reduce the number of post offices serving rural communities; and

WHEREAS, the Postal Reform Act of 2011 has the potential to eliminate Saturday delivery service; and

WHEREAS, reduction of service and elimination of post offices will have a negative impact on Seneca County residents; now, therefore, be it

RESOLVED, the Seneca County Board of Supervisors opposes the Postal Reform Act of 2011 and urges Congress to re-evaluate options for restoring financial solvency to the United States Postal Service.

Under discussion for this resolution, Mr. Kubasik stated that he would vote against it because this proposed action was a way for the Federal government to fix its budget without an increase to the taxpayers.

Mr. Churchill stated that he would be voting in favor of the resolution because the post office is not funded by tax-payers dollars. It is "pay as you go" and is "a profit center".

**BOARD OF SUPERVISORS SUPPORTS FULL CASINO GAMING AT
THE NINE EXISTING RACINOS IN NEW YORK STATE**

RESOLUTION NO. 197-12, moved by Mr. Westfall, seconded by Mr. Shipley and adopted.

WHEREAS, in September 1973, eleven western New York counties and 2 cities established the Western Regional Off-Track Betting Corporation, they being Cattaraugus, Chautauqua, Erie (and the City of Buffalo), Genesee, Livingston, Monroe (and the City of Rochester), Niagara, Orleans, Seneca, Steuben, and Wayne, as enabled by state law; and

WHEREAS, these municipal "stockholders" chose to exercise that local option to form such a

corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

WHEREAS, the start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state sharing of this purely local venture; and

WHEREAS, since those eleven counties voted to form Western Regional Off-Track Betting Corporation, an additional four Western New York counties, Oswego, Schuyler, Wyoming, and Cayuga have joined them in the local control of such gaming activities that has since 1973 generated over \$209 million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

WHEREAS, now, the Governor and State Legislature are considering a Constitutional Amendment to allow casino gaming in the State of New York; and

WHEREAS, the participating municipalities of Western New York OTB as its shareholders have a pro-rata financial interest in the \$39 million of net equity re-invested in its 30-plus corporately-owned branch facilities and the track and casino at Batavia Downs; and

WHEREAS, Batavia Downs Casino (WROTB) has proven to be a successful Public Benefit Corporation to Seneca County returning over \$2.7 million dollars to Seneca County since its inception, with enhanced casino gaming allowed at Batavia Downs Casino it will provide over \$86 million dollars in capital construction spending resulting in 552 direct construction jobs, increases in impact of the first full year of operation will result in over 449 jobs at an output of over \$20.5 million dollars; and

WHEREAS, the nine New York State Racinos have proven to be a successful business partner with New York State and have provided for gaming in a socially responsible and economically sensible manner; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors supports Batavia Downs Casino and the other eight Racino facilities presently licensed for video gaming to be authorized for full casino gaming; and be it further

RESOLVED, that each member of the New York State Legislature and Governor be urged to join this Legislature in support for full casino gaming at Batavia Downs and further support the other New York State Video Gaming Licensees.

Under discussion of this resolution Mr. Kaiser stated that he opposes all forms of gambling, however, he would be voting in favor of the resolution because the Indian nations are allowed to have gambling it is only fair to allow non-Indian operated entities to have gambling.

**SUPERVISORS AUTHORIZE AND DIRECT THAT QUOTES FOR THE DEMOLITION OF
THE PROPERTY AT 5632 NEW YORK STATE ROUTE 96 BE SOLICITED**

RESOLUTION NO. 198-12, moved by Mr. Kaiser seconded by Mr. Reynolds and adopted.

WHEREAS, the property at 5632 NYS Route 96 in the Town of Romulus is County-owned and beyond rehabilitation; and

WHEREAS, the Public Works Committee recommends that quotes be solicited for the demolition and removal of the structure; now therefore be it

RESOLVED, that the County Manager is authorized and directed to solicit quotes for the demolition of 5632 NYS Route 96 in the Town of Romulus.

**BOARD OF SUPERVISORS DIRECTS THAT UNSAFE BUILDING PROCEEDINGS RESUME
AGAINST THE PROPERTY AT 8392 MAIN STREET IN THE VILLAGE OF INTERLAKEN
(DEFEATED)**

RESOLUTION NO. 199-12, moved by Mr. Kaiser seconded by Mr. Reynolds and defeated by 403 nays (Garlick Lorenzetti, Serven, Churchill, Hayssen, Westfall, Shipley, Kubasik) and 347 ayes (Kaiser, Reynolds, Davidson, Prouty, Earle, Lafler, Amidon).

WHEREAS, unsafe Building proceedings have previously been commenced against the property at 8392 Main Street in the Village of Interlaken; and

WHEREAS, the property owner has not made the building safe, as required by actions of the Board of Supervisors; and

WHEREAS, the Public Works Committee recommends that bids for demolition of the building be re-solicited; and

WHEREAS, the County Attorney is directed to advise the property owner that demolition bids will be solicited; and

WHEREAS, demolition bids will be solicited and considered by the Board of Supervisors; now therefore be it

RESOLVED, that bids for the demolition of 8392 Main Street in the Village of Interlaken will be solicited and that unsafe building proceedings against the subject property are hereby resumed.

Under discussion of this resolution, Mr. Churchill would not support the resolution because in the Fall of 2011 the Public Works Committee decided that before any buildings were demolished in accordance with Local Law 3-Year 2003, the whole process would be reviewed and this has yet to be done. It was confirmed by the County Attorney that the only building that has been declared unsafe since last year is the county owned property at 5632 NYS Route 96 in the Town of Romulus.

Mr. Kubasik moved the previous question. Mr. Lafler seconded. The vote was two-thirds in the affirmative and the previous question was ordered.

**BOARD OF SUPERVISORS ACCEPTS SCHEMATIC DESIGN REPORT
FOR COUNTY COURTHOUSE PROJECT**

RESOLUTION NO. 200-12, moved by Mr. Kaiser seconded by Mr. Davidson and adopted.

WHEREAS, Seneca County has embarked on a project to redevelop the County Courthouse Complex in the Village of Waterloo; and

WHEREAS, the Popli Design Group has been retained to provide design services; and

WHEREAS, a steering committee has worked closely with the Popli Design Group to consider design options; and

WHEREAS, the Steering Committee has recommended a schematic design that includes demolition of the former jail and sheriff's house, a new addition and improvements to the existing courthouse; and

WHEREAS, this design option has a total cost estimate of \$4.2 million; and

WHEREAS, the Public Works Committee unanimously recommends acceptance of the schematic design report; now, therefore, be it

RESOLVED, the Board of Supervisors accepts the schematic design report for the County Courthouse Project.

**BOARD OF SUPERVISORS AUTHORIZES DESIGN SERVICES FOR
SENECA COUNTY SEWER DISTRICT NO. 2**

RESOLUTION NO. 201-12, moved by Mr. Kaiser seconded by Mr. Reynolds and adopted by 536 ayes (Kaiser, Reynolds, Serven, Davidson, Prouty, Earle, Lafler, Amidon, Hayssen, Westfall, Shipley) and 214 nays (Garlick Lorenzetti, Churchill, Kubasik).

WHEREAS, Seneca County Sewer District No. 2 requires design services for necessary improvements in the Lakeshore Landing Subdivision; and

WHEREAS, the MRB Group has submitted a proposal for design sources to address these improvements; and

WHEREAS, the Public Works Committee recommends authorization of these services in an amount not to exceed \$22,100.00; now, therefore, be it

RESOLVED, that the Board of Supervisors authorizes design services to be provided by the MRB Group to Seneca County Sewer District No. 2 in an amount not to exceed \$22,100.00.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO
SIGN A CONTRACT WITH CLEAN HARBORS ENVIRONMENTAL SERVICES**

RESOLUTION NO. 202-12, moved by Mr. Earle, seconded by Mr. Churchill and adopted.

WHEREAS, the Health Department solicited bids for the Annual Household Hazardous Waste Collection Event; and

WHEREAS, three sealed bids for this event were received; and

WHEREAS, Clean Harbors Environmental Services, 142 Longwater Drive, Norwell, MA 02061-1612 submitted the lowest bid for the services; and

WHEREAS, the prices included: Set up Fee: \$1,300; Charge per household: \$40.00; and

WHEREAS, the money for this contract is in the Public Health Department budget 10-115-5-4011-4700; and

WHEREAS, the Public Health Committee has recommended approval of a contract with Clean Harbors Environmental Services; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the contract with Clean Harbors Environmental Services for the Annual Household Hazardous Waste Collection Event.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED TO SIGN AN
AGREEMENT FOR ELECTRONICS RECYCLING**

RESOLUTION NO. 203-12, moved by Mr. Earle, seconded by Mrs. Amidon and adopted.

WHEREAS, Regional Computer Recycling and Recovery, 7318 Victor-Mendon Road, Victor had provided electronics recycling services for the Annual Household Hazardous Waste collection Day for the last three years; and

WHEREAS, there are no anticipated expenditures for this as RCR&R will reimburse the Health Department at \$0.03 per lb. for the recovery of all covered electronics (computers, computer peripherals, monitors, terminals, fax machines, printers, scanners, televisions, audio/visual equipment, mice and other equipment designated under the New York State Electronic Recycling Equipment and Reuse Act), for this year; and

WHEREAS, the Public Health Committee has recommended approval of this contract; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign an agreement with Regional Computer Recycling and Recovery for the electronics recycling.

**BOARD OF SUPERVISORS AUTHORIZES APPEAL
IN MATTER OF CIN vs. SENECA COUNTY**

RESOLUTION NO. 204-12, moved by Mr. Shipley, seconded by Mr. Earle and adopted.

WHEREAS, Seneca County has commenced routine tax foreclosure proceedings in New York State Supreme Court against property owners who have failed or refused to pay lawfully due real property tax on Seneca County properties; and

WHEREAS, the Cayuga Indian Nation has refused to pay lawfully due real property taxes due on CIN owned property in Seneca County; and

WHEREAS, in 2011, the CIN commenced an action in the United States District Court for the western District of New York to prevent collection of such lawfully due taxes and in so doing, moved for an injunction stopping Seneca County's tax foreclosure proceedings; and

WHEREAS, in a decision issued August 20, 2012, the District Court Judge, ruling in accordance with a previous decision by the United States Second Circuit Court, quoted the concurring opinion in that decision declaring that:

“The holding in this case comes down to this: an Indian tribe can purchase land (including land that was never part of a reservation); refuse to pay lawfully-owed taxes; and suffer no consequences because the taxing authority cannot sue to collect the taxes owed. This rule of decision defies common sense. But absent action by our highest Court, or by Congress, it is the law”; and

WHEREAS, the decision of the District Court leaves the Seneca County Board of Supervisors no choice other than to continue its fight for the tax-paying citizens of Seneca County and the State of New York; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs that the firm of Harris Beach, notify the Court and litigants in the matter of CIN vs. Seneca County, of the County’s intent to appeal the decision of the District Court and that the firm proceed to perfect the County’s appeal within the time limits provided therefor.

FEMA FIRE PREVENTION & SAFETY GRANT

RESOLUTION NO. 205-12, moved by Mr. Reynolds, seconded by Mr. Davidson and adopted.

WHEREAS, the Office of Emergency Services has been awarded a 2011 FEMA Fire Prevention & Safety Grant for \$62,000; and

WHEREAS, this is a non-matching grant that will provide smoke & carbon monoxide detectors to targeted families in the county; and

WHEREAS, sealed bids for smoke detectors & carbon monoxide detectors were opened on Aug. 23. After reviewing the bids, the Director of Emergency Services recommends that SKY Resources, LLC, from Columbus, Ohio be awarded the bid for \$59,400.00; and

WHEREAS, the Public Safety Committee approved this action at its meeting on August 28, 2012; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors accepts this grant and that the Chairman of the Board is authorized to sign all grant documents; and be it further

RESOLVED, that the Director of Emergency Services purchase Smoke Detectors & Carbon Monoxide Detectors from SKY Resources, LLC, from Columbus, Ohio for \$59,400; and be it further

RESOLVED, that the County Treasurer is authorized and directed to amend the 2012 Emergency management SHSP Grant Budget 10-110-5-3642 as follows:

Increase: 3642.4705 FP&S Smoke & CO Detectors \$62,000

Increase Revenue: 1031933307 Federal Aids FEMA \$62,000

**DECLARE 2002 FORD 4 x 4 SUV SURPLUS AND DONATE
TO BORDER CITY FIRE DISTRICT**

RESOLUTION NO. 206-12, moved by Mr. Reynolds, seconded by Mr. Shipley and adopted.

WHEREAS, the Border City Fire district, through the Seneca County Sheriff's Office, requested that a vehicle presently out of service at the SCSO be donated to their District to be used as a First Responder Unit; and

WHEREAS, Sheriff Jack Stenberg requests that a 2002 Ford 4 x 4 SUV, mileage: 143,561, Vin#1FMZU73W82UB54905, presently out of service, be designated surplus; and

WHEREAS, this resolution was approved by the Public Safety Committee on August 28, 2012; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize that the above vehicle be reclassified as surplus and donated to the Border City Fire District.

DECLARE THREE SHERIFF'S VEHICLES SURPLUS FOR AUCTION

RESOLUTION NO. 207-12, moved by Mr. Reynolds, seconded by Mrs. Amidon and adopted.

WHEREAS, the Seneca County Sheriff has requested that three (3) vehicles in their retired fleet be declared surplus to enable the Sheriff to put them up for auction; and

WHEREAS, the vehicles are described as such:

- (a) 2001 Dodge Van, VIN# 2B5WB25Y81K548156, Mileage 184,828;
- (b) 2004 Ford Crown Vic, VIN# 2FFAHP71W34X138865, Mileage 149,296;
- (c) 2005 Ford Crown Vic, VIN# 2FAFP71W85X108771; and

WHEREAS, this resolution was approved by the Public Safety Committee on August 28, 2012; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the reclassification of the three (3) above described vehicles as surplus and authorizes the Sheriff to sell the vehicles at auction.

AUTHORIZE SHERIFF TO PURCHASE (3) VEHICLES FROM NYS CONTRACT

RESOLUTION NO. 208-12, moved by Mr. Reynolds, seconded by Mr. Davidson and adopted.

WHEREAS, the Seneca County Sheriff's Office requests the purchase of three vehicles under the NYS OGS Contract PC-65855 described as follows: three (3) 2013 Ford Taurus Police Interceptor Patrol Vehicles with dealer installed options, radio and computer equipment swaps, purchasing and installation of Rhino Bars and striping under Sheriff's Road Patrol Vehicles (10-110-5-3113-2600); and

WHEREAS, the Sheriff began a replacement program several years ago that ensures a safe and properly maintained patrol vehicle fleet that has been very effective and is requesting to continue said program; and

WHEREAS, this resolution was approved by the Public Safety Committee August 28, 2012; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the Sheriff's Office to purchase three (3) 2013 Ford Taurus Police Interceptor Patrol Vehicles with installation of radio and emergency equipment under NYS OGS Contract PC-65855 for a total cost of \$98,335.62 to be handled thru Seneca County Sheriff's Office Budget line 10-110-5-3113-2600.

**BOARD OF SUPERVISORS TO APPROVE THE WORKFORCE INVESTMENT
ACT (WIA) LOCAL PLAN FOR THE PROGRAM YEAR (PY) 2012-2013**

RESOLUTION NO. 209-12, moved by Mr. Davidson, seconded by Mr. Kubasik and adopted.

WHEREAS, in compliance with the provisions of the WIA of 1998, the final Rule, and the Planning guidelines and instructions developed by the Governor, requires each local Workforce Investment Board (WIB) to develop and submit a Local Plan for PY 2012-2013; and

WHEREAS, the Local Plan for PY 2012-2013 allows the local WIB and the One Stop Center to be in compliance with the Workforce Investment Act Local Plan for the Program Year 2012-2013, for Workforce Investment Act Title 1-B and Wagner Peyser Programs; and

WHEREAS, the Local Plan is being submitted jointly by the Local Board and the respected Chief Elected Official(s); and

WHEREAS, plans that are submitted and approved will be retroactive to July 1, 2012; and

WHEREAS, the former plan has been operating under extensions through PY 2011-2012; and

WHEREAS, the Human Services Committee approved said plan on August 28, 2012; now, therefore be it

RESOLVED, the Board of Supervisors approves the 2012-2013 WIA Local Plan and the Chairman of the Board of Supervisors is authorized and directed to sign said plan on behalf of the County.

**BOARD OF SUPERVISORS TO APPROVE THE 2012-2013 SUPERVISION AND
TREATMENT SERVICES FOR JUVENILES PROGRAM PLAN**

RESOLUTION NO. 210-12, moved by Mr. Davidson, seconded by Mr. Shipley and adopted.

WHEREAS, the County is required to submit an annual plan for the Supervision and Treatment Services for Juveniles Program and to designate a lead agency; and

WHEREAS, the County Manager designated the Division of Human Services as the lead agency for this program; and

WHEREAS, this plan provides for services to youth who are at risk, alleged or adjudicated Juvenile Delinquents (JD's) youth alleged or adjudicated to be Person in Needs of Supervision (PINS)

and youth alleged to be or convicted as Juvenile Offenders (JO's), in order to divert these youth from detention or residential care; and

WHEREAS, the Division of Human Services would like to contract with the Youth Advocate Program once again and other service providers to provide services within the community; and

WHEREAS, Funding for this program is capped at \$ 40,304 state reimbursement; and

WHEREAS, the plan must be approved and signed by the Chief Executive Officer of the municipality; and

WHEREAS, the Human Services Committee approved said plan on August 28, 2012; now, therefore be it

RESOLVED, the Board of Supervisors approves the 2012-2013 Supervision and Treatment Services for Juveniles Program Plan and the Chairman of the Board of Supervisors is authorized and directed to sign said plan on behalf of the County.

APPOINTMENT OF A FINGER LAKES WORKFORCE INVESTMENT BOARD MEMBER

RESOLUTION NO. 211-12, moved by Mr. Davidson, 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 April 24, 2012 to June 30, 2013:

Public Sector

Dr. Joseph Marinelli

9/11/12 – 6/30/13

Seneca Waterways Council, Boys Scouts of America

BOCES, Superintendent and Council Vice President of Membership

131 Drumlin Court

Newark, NY 14513; 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 Dr. Joseph Marinelli to the Finger Lakes Workforce Investment Board; and be it further

RESOLVED, that the Clerk to the Board of Supervisors send a certified copy of this resolution to the Finger Lakes Workforce Investment Board and to the Clerks of the Boards of Ontario, Wayne and Yates Counties.

**AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK
STATE OFFICE OF COMMUNITY RENEWAL FOR COMMUNITY
DEVELOPMENT BLOCK GRANT FUNDING**

RESOLUTION NO. 212-12, moved by Mrs. Amidon, seconded by Mr. Shipley and adopted.

WHEREAS, Gould's Pumps, Inc. ("GPI") plans to expand its operations in the Town of Seneca Falls to include the construction of a new 75,000 square foot manufacturing facility; and

WHEREAS, GPI has requested that the County apply for funding on its behalf from the New York State Office of Community Renewal (the "OCR") to finance a portion of the cost of equipment required to establish operations; and

WHEREAS, GPI is evaluating alternative sites for the project in the State of Texas and overseas; and

WHEREAS, the Empire State Development Corporation is coordinating financial incentive offers to GPI, including OCR funding, to induce the company to locate its project in the Town of Seneca Falls; and

WHEREAS, the Seneca County Economic Development Corporation (the "SCEDC") is assisting in the facilitation of the project and has requested that the County provide the OCR funding to the SCEDC as a grant for the purpose of making a term loan and deferred loan to GPI; and

WHEREAS, the GPI project will result in substantial benefit to the Town of Seneca Falls and Seneca County in the form of an estimated 50 new employment positions in the first two years of operations and increased property tax revenues; and

WHEREAS, the County has held a public hearing to obtain citizens' views regarding the CDBG program as administered by OCR and the GPI project; and

WHEREAS, this resolution has been recommended for approval by the Planning, Development, Agriculture and Tourism Committee; now, therefore, be it

RESOLVED, that the Chairman is hereby authorized to submit a grant application in an amount not to exceed \$750,000 to the OCR to support the establishment of the GPI manufacturing facility in the Town of Seneca Falls, and be it further

RESOLVED, that the Chairman is hereby authorized to execute the grant agreement and all related documents associated with the OCR grant, subject to review by the County Attorney.

Unfinished Business

The repair of the building elevator was previously declared an emergency by the Public Works Committee. It was estimated that the cost would be \$55,000. Chairman Hayssen reiterated the repair was an emergency. County Manager Rowe would move forward with the elevator repair.

New Business:

Mr. Westfall moved the suspension of the rules to introduce the following resolution previously approved the Mental Health Committee at its August 28 meeting.

SUPERVISORS SUPPORT AMENDMENT TO MENTAL HYGIENE LAW

RESOLUTION NO. 213-12, moved by Mr. Westfall, seconded by Mr. Shipley and adopted.

WHEREAS, the goal of the Willard Cemetery Memorial Project is to memorialize those individuals who are buried in the cemetery of the former state hospital; and

WHEREAS, Bill S60508 / A10636 is seeking an amendment to the Mental Hygiene Law to release the names, date of birth and death of the interred persons so that they can be identified and honored appropriately; and

WHEREAS, the Government Operations Committee of the Board of Supervisors fully supported passage of this amendment at its committee meeting on August 28, 2012; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby urge the New York State Legislature to adopt the amendment proposed by Bill S60508 / A10636 of the Mental Hygiene Law.

Mr. Westfall, Chairman of the Government Operations Committee scheduled a special meeting of the committee on September 17, 2012 at 5:00 p.m. to discuss improvements to the current committee schedule

Special Order of the Day

The meeting was adjourned at 7:44 p.m.