

Seneca County Board of Supervisors

Regular Meeting

October 09, 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 answered roll call. Mr. Westfall was absent.

Pledge of Allegiance and Moment of Silence

Presentations

a. County Historian, Walter Gable spoke on behalf of the local historians and local historical societies that put together a program series in 2011 to commemorate the 70<sup>th</sup> Anniversary of the establishment of the Seneca Army Depot. On May 29, 2011 a wreath was placed at the Kendaia Cemetery to celebrate and thank the War Department and the Department of Defense for keeping its promise that the cemetery would continue to be a functioning cemetery. On June 12, 2012, the dedication of the historic marker honoring the over 100 families dispossessed to make way for the Depot in 1941 and the Samson Naval Station in 1942. A formal dedication of the marker will take place on October 28, 2012, the date is the 50<sup>th</sup> anniversary of the peaceful conclusion of the Cuban Missile Crisis when the Seneca Army Depot was on alert in case its "special weapons" needed to be utilized.

The information about the Seneca Army Depot, gathered by the local historians and historical societies, has been made into a book titled, *The Seneca Army Depot: Fighting Wars on the New York Home Front*. All royalties and profits from the advance order sales of the book will go to six local historical societies: Interlaken, Lodi, Ovid, Romulus, Seneca Falls, and Ulysses Historical Societies.

Submission of Claims for Audit

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

Supervisors vouchers	# 2068 - 2293	totaling	\$	544,932.59
Workforce Development vouchers	# 216 - 234	totaling	\$	20,596.47
OFA vouchers	# 534 - 587	totaling	\$	51,959.14
Self-Insurance vouchers	# 62 - 69	totaling	\$	12,124.26
County Airport vouchers	# 93 - 104	totaling	\$	27,769.41
Sheriff	# 479 - 539	totaling	\$	128,375.66

Highway Transportation vouchers			
Maintenance & State Snow	# 197 - 217	totaling	\$ 100,238.99
Highway Machinery	# 297 - 330	totaling	\$ 218,736.22
	Highway Total		\$ 318,975.21
Water & Sewer	# 205 - 222	totaling	\$ 123,708.34
Airport Capital voucher	# 16	totaling	\$ 8,861.50
Courthouse Capital Project	#4	totaling	\$ 21,848.46
Financial Software Capital vouchers	# 5 - 6	totaling	\$ 22,061.91
Highway Capital Project	#6 - 8	totaling	\$ 135,364.04
Veteran Cemetery vouchers	# 28 - 31	totaling	\$ 8,335.46

Reports of Standing Committees:

Planning, Development, Agriculture & Tourism - Mrs. Amidon, Chair. The Committee approved the following items for a board resolution: (1) a resolution opposing the EPA's proposed jurisdictional changes to the Clean Water Act Draft Guidance as Proposed by the Environmental Protection Agency; (2) a resolution to support a grant application with a 10% local match for a Safe Passing Zone Survey; (3) a resolution appointing Bill Bordeau as the Director of Planning & Community Development.

Mental Health Services - Mrs. Amidon, Chairwoman. The Committee approved the following items for a board resolution: (1) a resolution to make an exception for the clients at the Drop-In Center for one-year to allow smoking in a designated area so that an effective smoking cessation program can be introduced for them.

Human Services - Mr. Davidson, Chairman. The committee voted in favor of refilling the vacancies for two (2) Social Welfare Examiner positions.

Public Safety - Mr. Reynolds, Chairman. The committee approved the following items for a board resolution: (1) a resolution to execute the grant contract with NYS for \$17,750 wireless connectivity in Sheriff's patrol vehicles. This grant will cover 100% of the costs of wireless services for the Sheriff's fleet for two years. There is no local matching cost requirement; (2) a resolution to surplus the K-9 dog ATO to Deputy Frank Eldridge for \$1.00; (3) a resolution to introduce and provide for a public hearing for a local law banning the sale of Synthetic Phenethylamines and Synthetic Cannabinoids; (4) The committee also approved refilling the position of Chief Deputy Sheriff position on a permanent basis; refill Investigator position vacated by promotion to Chief Deputy; and refill a Deputy Position vacated by promotion to Investigator; and refill a Dispatcher position in E-911.

Indian Affairs Committee - Mr. Shipley, Chairman. An appeal has been filed on the County's behalf with the U.S. Second Circuit Court of Appeals in NYC, on the ruling by Judge Siragusa that the

county can't use foreclosure proceedings against the CIN for delinquent property taxes. If the Circuit Court of Appeals rules in the County's favor, most likely the CIN will seek a stay to consider an appeal to the U.S. Supreme Court.

Public Health Services - Mr. Earle, Chairman. The Committee approved the following items for a board resolution: (1) a resolution amending the contract with B&L by increasing the contract limits to \$15,000 for 2012; (2) a resolution to enter into a contract with Jason McCormick for engineering services at the rate of \$45.00 per hour; (3) a resolution to contract with FL Community Health for the school dental program; (4) a resolution appointing Martha Bond as a member of the Seneca County Health Board; (5) a resolution to create and fill the position of a Public Health Nurse.

Public Works - Mr. Kaiser, Chairman. The committee approved the following items for a board resolution: (1) a resolution to execute the Snow & Ice Agreement for the 2012-2013 Season; (2) a resolution to award the bid for the roof replacement and repair on the Health building to Do-It-Right Home Improvements of Waterloo, New York and the funding source is from savings from the salary lines in the Planning Department budget and County Engineer budget and contingency fund; (3) a resolution authorizing detailed design phase services in an amount not to exceed \$175,264 plus reimbursable expenses in an amount estimated not to exceed \$12,500 on the Courthouse Project; (4) a resolution for the adopting the Capital Improvement Plan for 2013-2017; (5) the Committee also approved refilling several positions in the Highway Department.

Government Operations - Mrs. Amidon, Vice-Chair. The committee approved the following items for board resolution: (1) a resolution proclaiming Oct. 23-31 Red Ribbon Week; (2) a resolution adopting Policy #101.106 Availability of Policy Manual, and Policy 123-09 Worksite Wellness Program; (3) a resolution amending the Vacant Positions policy by deleting reference to the Finance Committee and amending the policy so that state mandated positions for the Sheriff's Office do not have to come before the vacancy committee.

Mr. Westfall reported on the special meeting of the Government Operations Committee on September 17 regarding improvement to the committee meeting schedule. The committee recommends that: Standing Committee meetings continue to be scheduled for the fourth Tuesday of each month; and beginning with the October 23 committee meetings, the location will be in the Supervisors Meeting Room

Finance, Assessment & Insurance - Mr. Prouty, Chairman. The Committee approved the following items for a board resolution: (1) adopt the equalization rates for the 2013 county tax apportionment at the Oct 9 board meeting; (2) a resolution for the October 9 board meeting authorizing serial bonds, not to exceed \$14,500,000 to finance the issuance of refunding bonds to refund the Public Improvement (Serial) Bonds, 2005; (3) a resolution authorizing a \$4.2 million bond for improvements to the courthouse; (4) a resolution to determine funding levels for the first year (2013) of the CIP as

presented to the committee; (5) a resolution authorizing the County Treasurer to make the several budget amendments; (6) to refill several vacant positions and for a resolution creating and filling a Public Health Nurse Position.

#### Chairman's Remarks

Chairman Hayssen recognized County Manager Rowe for the early filing of the Tentative 2013 Budget for Seneca County. He remarked that he believed it was in "record time", the soonest any tentative budget for Seneca County was filed.

He also commented on the annual auction by Roy Teitsworth, Inc. of Geneseo, NY, took place at the end of Empire Farm Days. It was its largest auction to date. The auction features a huge assortment of all types of agricultural equipment, construction equipment, off-road trucks and on-road trucks.

#### County Manager's Remarks

County Manager Rowe announced that the first budget workshop is scheduled for Saturday, October 20, 2012 at 9 a.m. at the County Office Building.

#### County Attorney's Remarks

County Attorney Fisher reported on a briefing with Congressman Reed regarding the Cayuga Indian Nation. Mr. Fisher stated that although the Congressman is familiar with the issue his current district faces with the Seneca Nation, it is important to keep him abreast on the issues Seneca County faces with the Cayuga Nation. The two situations have different issues.

#### Communications

112. A copy of the Seneca County Planning Board September 13, 2012 meeting minutes.
113. A copy of the Seneca County Board of Health September 19, 2012 meeting minutes.
114. From the Seneca County IDA, a Notice Letter of a public hearing scheduled on October 9, 2012 at 10:00 a.m. at Seneca Falls Town Hall regarding Seneca County IDA and Goulds Pumps, Inc. and ITT Corp. 2012 Project.
115. A copy of Oswego County Legislature Local Law 3 of 2012, "A Local Law Prohibiting the Sale and Possession of Psychoactive Bath Salts, Psychactive Herbal Incense and Synthetic Hallucinogens within the County of Oswego"; and a copy of Local Law 4 of 2012, "A Local Law Prohibiting the Sale, Distribution and Use of Drug and Alcohol Screening Test Adulterants and Synthetic Urine"; and a copy of Local Law 5 of 2012, The "Synthetic Drugs Public Nuisance Abatement Law"; and a copy of Local Law 6 of 2012, "A Local Law Prohibiting the Sale and Possession of Salvia Divinorum Within the County of Oswego".
116. From the NYS Office of Parks, Recreation and Historic Preservation, a letter dated September 5, 2012 informing Seneca County that the submission for the 2011 – 2012 Phase III of the snowmobile trail

development and maintenance state aid has been approved for 21 funded miles and zero high snow miles, which total \$6,585.00.

117. From Robert McKeveny, Superintendent, Seneca Falls Central School District, a copy of a resolution adopted by the Seneca Falls Board of Education at its September 10, 2012 meeting, supporting the Seneca County Board of Supervisors' efforts for legislation amending the definition of a "qualified reservation".

118. A request from the five Seneca County libraries for 2012 funding for a total of \$47,676. Referred to the Finance, Assessment & Insurance Committee.

119. A copy of the Seneca County Tentative Budget for 2013. Referred to the Finance, Assessment & Insurance Committee.

### **Resolutions and Motions**

#### **ADOPT EQUALIZATION RATES**

RESOLUTION NO. 214-12, moved by Mr. Prouty, seconded by Mr. Kubasik and adopted.

RESOLVED, that the Seneca County Board of Supervisors does hereby adopt the following County Equalization Rates supplied by the New York State Board of Real Property Services for 2013 County Tax apportionment in accordance with Section 840 of the Real Property Tax Law:

Covert	97.00
Fayette	85.00
Junius	100.00
Lodi	97.00
Ovid	97.00
Romulus	97.00
Seneca Falls	85.00
Tyre	100.00
Varick	97.00
Waterloo	100.00

#### **BOARD OF SUPERVISORS AUTHORIZE AMENDMENTS**

#### **TO 2012 SENECA COUNTY BUDGET**

**(As Amended)**

RESOLUTION NO. 215-12, moved by Mr. Prouty, seconded by Mr. Reynolds 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 September 25, 2012; now therefore be it

RESOLVED, that the Board of Supervisors authorizes the following amendments to the 2012

Seneca County Budget:

From:	10-101-5-1015-8600 (County Manager Hospitalization)	\$8,000
To:	10-140-5-9060-8600 (HRA Account)	\$8,000
Increase:	30-101-5-5610-4421 (Aviation Fuel)	\$36,000
Increase:	30-101-5-5610-1777 (Fuel Sales)	\$36,000
From:	33-101-5-8110-1100 (Sewer 2 Salaries)	\$10,000
From:	33-101-5-8110-1200 (Sewer 2 Part Time Salaries)	\$2,500
To:	33-101-5-8110-4220 (Repairs & Maintenance)	\$12,500
From:	10-125-5-6055-4700 (Child Care Block Grant)	\$88,000
To:	10-319-3-3655 (Day Care)	\$3,420
	10-320-3-4655 (Day Care – Federal Aid)	\$34,580
	10-320-3-4615 (Flexible Fund for Family)	\$50,000
Increase:	10-125-5-6119-4700 (Child Care – Cont. Expense)	\$310,000
Decrease:	10-125-5-6123-4700 (Juvenile Care – Cont. Expense)	\$106,000
Decrease:	10-125-5-6192-4700 (Handicapped Child)	\$204,000
Increase:	10-125-5-6070-4748 (Respite Care)	\$10,000
Decrease:	10-125-5-6070-4753 (Respite Care Foster Child)	\$5,000
Decrease:	10-125-5-6070-4700 (Purchase of Service)	\$5,000
Increase:	10-125-5-6020-4420 (Gas & Oil)	\$20,000
Decrease:	10-125-5-6020-4560 (Liability & Other Ins)	\$20,000
Increase:	10-125-5-6002-4120 (Building Expenses)	\$16,122
Decrease:	10-115-5-6070-4700 (Purchase of Services)	\$16,122
Increase:	10-125-5-6008-4120 (Building Expenses)	\$13,245
Decrease:	10-115-5-6001-4385 (State Chargebacks)	\$13,245
Increase:	10-115-5-4010-4420 (Gas & Oil)	\$1,700
Decrease:	10-115-5-4010-4510 (Medical Supplies)	\$1,700
To:	20-125-5-6011-4200 (Office Supplies)	\$1,800
	20-125-5-6011-4380 (Other Fees & Services)	\$700
	20-125-5-6011-4500 (Copying & Printing)	\$1,500
	20-125-5-6011-8302 (Social Security)	\$2,000
From:	20-125-5-6011-1201 (Adult Participant – PT)	\$6,000
From:	10-115-5-4310-1100 (Ovid Clinic Salaries)	\$3,736.66

To:	10-115-5-4310-1400 (Ovid Clinic Severance)	\$3,736.66
From:	10-101-5-1420-1100 (County Attorney Salaries)	\$4,605.37
To:	10-101-5-1420-1400 (County Attorney Severance)	\$4,605.37
From:	10-101-5-1440-1100 (County Engineer Salaries)	\$6,069.06
To:	10-101-5-1440-1400 (County Engineer Severance)	\$6,069.06
From:	10-115-5-4320-1100 (Mental Health Administration Salaries)	\$669.63
To:	10-115-5-4320-1400 (Mental Health Administration Severance)	\$669.63
From:	33-101-5-8110-1100 (Sewer District #2 Salaries)	\$469.59
To:	33-101-5-8110-1400 (Sewer District #2 Severance)	\$469.59

Under the discussion for this resolution, Mr. Kubasik made a motion to amend the main motion by replacing the text \$30,000 with the text \$36,000 on the third budget amendment (Increase 30-101-5-5610-4421 (Aviation Fuel)) for account balancing. Mr. Lafler seconded his motion. The motion carried.

Mr. Prouty introduced the pre-filed resolution, *Board of Supervisors Adopts Financing Plan for 2013 Capital Improvement Plan Projects*. Mr. Kubasik moved the resolution be referred back to the next Finance, Assessment & Insurance Committee on October 28, after the budget workshop and for further consideration.

**SUPERVISORS REVISE POLICY NO. 101.106 "AVAILABILITY OF POLICY MANUAL"  
FOR COUNTY EMPLOYEES EFFECTIVE IMMEDIATELY**

RESOLUTION NO. 217 -12, moved by Mrs. Amidon, seconded by Mr. Earle and adopted.

RESOLVED, the Seneca County Board of Supervisors approves changes to the Seneca County Policy Manual 101.106 to read as follows:

The Seneca County Policy Manual will be available on the Intranet and will be kept current and complete at all times. Employees should be encouraged to access the policy manual when questions arise and have an opportunity to have their questions answered.

The Personnel Officer is responsible for assuring that all new employees are aware of the availability of the Policy Manual and for notifying employees of all changes.

Departments in which employees do not have access to the Intranet will maintain a paper copy of the Policy Manual and will be provided with updates via interoffice mail.

**SUPERVISORS REVISE POLICY NO. 101.201 "REFILLING VACANT POSITIONS"  
FOR COUNTY EMPLOYEES EFFECTIVE IMMEDIATELY**

RESOLUTION NO. 218 -12, moved by Mrs. Amidon, seconded by Mr. Prouty and adopted.

RESOLVED, the Seneca County Board of Supervisors approves changes to the Seneca County Policy Manual, 101.201 to read as follows:

A. For budgeted full-time or part-time authorized positions becoming vacant, the procedure to fill the vacancy shall be as follows:

1. The Department Head for the department or division in which the vacancy occurs shall submit a Request for Personnel Action to the Personnel Department.

2. The County Personnel Officer, or his/her designee, shall, upon receipt of such written justification, log the position vacancy and hold it for the next Vacancy Committee meeting.

3. The Vacancy Committee shall consist of the Chairman of the Personnel Committee, Chairman of the Finance, Assessment & Insurance Committee, and Chairman of the Government Operations Committee (or a member of such committee designated by each Chairman) and shall meet on the designated day of each month in which there is such application or applications to fill a vacancy. The County Manager and County Personnel Officer shall attend in an advisory capacity. Department Heads will be expected to attend this meeting to provide justification for refilling such vacant positions.

4. The Vacancy Committee shall decide if and when a vacancy shall be approved.

5. The Committee's decision shall be noted on a vacancy log and written notice of this decision shall be transmitted to the Department Head for the department or division in which such vacancy shall have occurred.

6. Following approval by the Vacancy Committee of the filling of the vacancy, the Personnel Department will submit agenda items to the Clerk to the Board of Supervisors for inclusion on the Committee of the Board having oversight of the Department or Division in which such vacancy exists.

7. No vacant position shall be refilled without authorization from the Vacancy Committee and approval by the Committee of the Board having oversight of the Department or Division in which such vacancy exists.

B. When there is a need to create a new position, the procedure shall be as follows:

1. The Department Head shall submit a New Position Duties Statement (MSD 222) to the Personnel Officer that clearly describes the duties of the new position.

2. After an analysis of the duties and responsibilities of the position, the Personnel Officer shall assign the appropriate job title and salary.

3. The above guidelines under section A above shall be utilized in filling the new position.

4. In addition, a resolution will be required from the Board of Supervisors to create and fund the new position.

C. When a permanent and material change is made in the duties and responsibilities of any position, the procedure shall be as follows:

1. The Department Head shall submit a Position Classification Questionnaire (MSD 220) to the Personnel Officer that clearly describes in detail the changes which have been made in the duties of the position.

2. After an analysis of the duties and responsibilities of the position, the Personnel Officer shall assign the appropriate job title and salary.

3. The above guidelines under section A above shall be utilized in filling the newly assigned position.

4. In addition, a resolution will be required from the Board of Supervisors to take action to abolish the current position and create and fund the newly assigned position.

D. To reduce overtime costs, and/or to ensure continued service to the public, the following part time positions, when vacant, may be refilled with approval of the County Manager and the Personnel Officer:

1. Part time Deputy Sheriff

2. Part time Correction Officer

3. Part time Dispatcher

4. Part time Food Service Helper (Office for the Aging)

5. Part time Driver (Mental Health and Public Health)

E. Vacant positions at the Seneca County Jail that are included in minimum staffing

requirements may be refilled with approval of the Vacancy Committee, County Manager and Personnel Officer.

F. Status of Vacant Positions

1. Any position left vacant for one (1) year shall be eliminated as of January 1st of the year following the conclusion of one year after the date on which the vacancy occurred unless there is an active and on-going recruitment effort in progress.

2. By the end of September prior to the time a vacant position is to be so eliminated, the effected Department Head shall be notified by the Personnel Department of the title(s) to be eliminated pursuant to this policy. Department Heads wishing to appeal the elimination of any position shall make such appeal to the Personnel Officer no later than the first day of October immediately following the date of such notification. The Personnel Department will submit the appeal as an agenda item to the Clerk to the Board of Supervisors for inclusion on the Committee of the Board having oversight of the Department or Division in which such vacancy exists and the Finance Committee.

**SUPERVISORS CREATE POLICY NO. 509.101 "WORKSITE WELLNESS PROGRAM"  
FOR COUNTY EMPLOYEES EFFECTIVE IMMEDIATELY**

RESOLUTION NO. 219 -12, moved by Mr. Kaiser, seconded by Mrs. Amidon and adopted.

RESOLVED, the Seneca County Board of Supervisors approves the creation of Seneca County Policy Manual, 509.101 to read as follows:

Purpose: Seneca County recognizes that a healthy workforce is a productive workforce. Research has shown that promoting health and wellness at work can improve employee morale, decrease stress, help reduce absenteeism, lower healthcare costs, reduce employee turnover and enhance employee recruitment. Seneca County has made a commitment to our employees' wellness by supporting the development of an Employee Wellness Committee and through the ongoing support of a worksite wellness points program.

Policy: The Seneca County Employee Wellness Committee's incentive program rewards employees for modifying health indicators that put them at risk for various forms of chronic diseases. Employees will earn points for making positive lifestyle changes such as participating in regular physical activity, quitting smoking, and participating in healthy eating/weight management activities. Additional points may be earned by partaking in wellness-related seminars or presentations.

Participating in a Biometric Screening, as well as completion of a Health Assessment will be a requirement for participation. Employees will be challenged to accumulate a maximum number of points. Employees that accrue the designated number of points will be eligible to receive a Wellness Day (an additional day of earned leave). Each year the Incentive Program will be re-evaluated and may be revised based on recommendations of the Wellness Committee. Information about the specific

requirements to achieve a wellness day, as well as required reporting forms, will be available on the intranet.

**BOARD OF SUPERVISORS PROCLAIM OCTOBER 23 - 31, 2012 AS RED RIBBON WEEK**

RESOLUTION NO. 220 -12, moved by Mrs. Amidon, seconded by Mr. Davidson and adopted.

WHEREAS, alcohol and other drug abuse in this nation has reached epidemic stages; and

WHEREAS, it is imperative that visible, unified prevention education efforts by community members be launched to eliminate the demand for drugs; and

WHEREAS, National Family Partnership (NFP) is sponsoring the National Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles (no use of illegal drugs, no illegal use of legal drugs); and

WHEREAS, the National Red Ribbon Campaign will be celebrated in every community in America during "Red Ribbon Week" October 23 - 31; and

WHEREAS, business, government, parents, law enforcement, media, medical, religious institutions, schools, senior citizens, service organizations and youth will demonstrate their commitment to health, drug-free lifestyles by wearing and displaying Red Ribbons during the week long campaign; and

WHEREAS, we intend to further commit our resources to ensure the success of the Red Ribbon Campaign; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby proclaim October 23 - 31, 2012 as RED RIBBON WEEK and encourages its citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug-free county.

**CHAIRMAN OF THE BOARD AUTHORIZED TO SIGN SNOW AND ICE AGREEMENT**

RESOLUTION NO. 221 -12, moved by Mr. Kaiser, seconded by Mrs. Amidon and adopted.

WHEREAS, the New York State Commissioner of Transportation and Seneca County have entered into an Agreement No. D089860 entitled "Snow and Ice Agreement between the New York State Department of Transportation and Seneca County"; and

WHEREAS, the term of said Agreement is for a period of three years commencing March 11, 1975 and the said Agreement provides that the parties may, at the end of each year of the term of the Agreement, extend such term for an additional year; and

WHEREAS, this agreement has been regularly extended since the original term; and

WHEREAS, the present term of the Agreement, as extended, expires June 30, 2012; and

WHEREAS, Section 7 of the said agreement provides that the Commissioner of Transportation shall furnish the County with a map for each term of the Agreement or for any extended term thereof, modified to show the changes, if any, to the State Highways affected by this Agreement; and

WHEREAS, Section 10 of the said Agreement provides for an annual update of the estimated expenditure to be determined by the Commissioner subject to the provisions of Section 10 at the time for extension of the Agreement; and

WHEREAS, the Public Works Committee approved extending this agreement on September 25, 2012; now, therefore be it

RESOLVED, that the aforementioned "Snow and Ice Agreement Between New York State Department of Transportation and the County of Seneca" is hereby extended for a period of one year, now to expire June 30, 2013, unless further extended; and be it

FURTHER RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign an agreement on behalf of the County of Seneca with the New York State Department of Transportation to extend the Municipal Snow and Ice Agreement for the 2012/2013 season.

**BOARD OF SUPERVISORS AUTHORIZES ADDITIONAL DESIGN SERVICES  
FOR THE WATERLOO COURTHOUSE PROJECT**

RESOLUTION NO. 222 -12, moved by Mr. Kaiser, seconded by Mr. Davidson and adopted.

WHEREAS, the County has embarked on the Waterloo Courthouse Project; and

WHEREAS, a Space Needs Analysis and Schematic Design report have been completed for the project by the Popli Design Group; and

WHEREAS, additional design services are necessary and desired to complete detailed design and prepare contract documents; and

WHEREAS, funding will be provided through the issuance of serial bonds in the amount of \$4.2 million; and

WHEREAS, this resolution was reviewed and approved by the Public Works Committee on September 25, 2012; now therefore be it

RESOLVED, that additional design services by the Popli Design Group be authorized in an amount not to exceed \$175,264 plus reimbursable expenses estimated not to exceed \$12,500.

**BOARD OF SUPERVISORS AUTHORIZES BID AWARD FOR ROOF REPLACEMENT AT  
THE COUNTY HEALTH SERVICES BUILDING AND AMENDS 2012 COUNTY BUDGET**

RESOLUTION NO. 223 -12, moved by Mr. Kaiser, seconded by Mrs. Amidon and adopted.

WHEREAS, significant sections of the County Health Services Building are in need of replacement; and

WHEREAS, deferment of the roof replacement will result in further deterioration of the building; and

WHEREAS, funding has been identified in budget object codes with available balances; and

WHEREAS, sealed bids were solicited and opened on September 7, 2012, with the low bidder being Joseph Lee Peterson of Waterloo, New York in the amount of \$52,500.00; and

WHEREAS, the Public Works Committee recommends the award of the project to the lowest responsible bidder; now therefore be it

RESOLVED, that the County Health Services Building Roof replacement Bid be awarded to Joseph Lee Peterson in the amount of \$52,500, provided that all necessary insurance requirements are met; and be it further

RESOLVED, that the 2012 Seneca County Budget be amended by transferring \$40,000 from Account No. 10-101-5-144-1100 and \$12,500 Account No. 10-135-5-8020-1100 to Account No. 10-115-5-4320-4220.

Mr. Kaiser introduced the pre-filed resolution, *Board of Supervisors Adopts 2013 - 2017 Capital Improvement Plan*. Mr. Kubasik moved to refer the resolution back to the Finance, Assessment & Insurance Committee on October 28, after the budget workshop and for further consideration.

**BOARD OF SUPERVISORS APPOINTS MARTHA BOND TO  
THE SENECA COUNTY BOARD OF HEALTH**

RESOLUTION NO. 224 -12, moved by Mr. Earle, seconded by Mr. Churchill and adopted.

WHEREAS, the Health Department currently has an open seat on the Board of Health; and  
WHEREAS, the Board of Health is required to have seven members on the Board; and  
WHEREAS, Martha Bond is a Seneca County resident who has expressed an interest in becoming a member of our local Board of Health; and

WHEREAS, Ms. Bond has an extensive background in health planning, health care organization and delivery; and

WHEREAS, the Board of Health and the Public Health Committee have both recommended that Ms. Bond be appointed to this position; now, therefore be it

RESOLVED, that the board of supervisors hereby appoints Martha Bond to a six-year term on the Seneca County Board of Health.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO  
SIGN A CONTRACT AMENDMENT WITH BARTON AND LOGUIDICE, P.C.  
FOR ENGINEERING SERVICES**

RESOLUTION NO. 225 -12, moved by Mr. Earle, seconded by Mr. Shipley and adopted.

WHEREAS, the Public Health Department is required to have the availability of a professional engineer for the review and approval of plans for mobile home parks, reality subdivisions, new campgrounds, temporary residences, water systems and septic systems; and

WHEREAS, the County currently has a contract in place with Barton and Loguidice, P.C. for these services; and

WHEREAS, due to the departure of the county engineer it is necessary to increase the contractual limit of the existing contract; and

WHEREAS, the limits of this contract should be increased to an amount not to exceed \$15,000 per year; and

WHEREAS, the funds for these expenses are in the Public Health budget 10-115-5-4011-4280; and

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

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign a contract amendment with Barton and Loguidice, P.C. for engineering services for the Health Department.

**BOARD OF SUPERVISORS APPROVES THE CREATION AND FILLING  
OF A PUBLIC HEALTH NURSE POSITION**

RESOLUTION NO. 226 -12, moved by Mr. Earle, seconded by Mrs. Amidon and adopted.

WHEREAS, the Health Department is in need of filling a nursing position; and

WHEREAS, the candidate for this position meets the requirements of a Public Health Nurse; and

WHEREAS, the position of Public Health Nurse must be created; and

WHEREAS, the funds for the position is in the Public Health budget; and

WHEREAS, the Finance, Assessment & Insurance Committee and the Public Health Committee have both approved the creation and filling of this position; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby create and authorize filling one full-time Public Health Nurse Position at the hourly rate of \$24.350 / hour, Grade 11, Step 2, as set forth in the CSEA contract.

Mr. Earle made the motion, second by Mr. Churchill, for a resolution titled, *Chairman of the Board of Supervisors Authorized and Directed to Sign a Contract with Jason McCormick for Engineering Services*. Mr. Kaiser made a motion, second by Mr. Kubasik, to refer the resolution back to the Public Health Committee. The motion to refer the resolution back to the Public Health Committee was carried by 625 ayes (Kaiser, Kubasik, Reynolds, Garlick Lorenzetti, Serven, Davidson, Prouty, Earle, Lafler, Amidon, Hayssen, Shipley), 68 nays (Churchill), and 57 absent (Westfall).

**BOARD OF SUPERVISORS AUTHORIZES TRANSFER OF OWNERSHIP OF K9 "ATO"  
FROM THE SENECA COUNTY SHERIFF'S OFFICE TO FRANK ELDREDGE**

RESOLUTION NO. 227 -12, moved by Mr. Reynolds, seconded by Mr. Churchill and adopted.

WHEREAS, Seneca County sheriff's Office K9 "ATO" has served for many years as the SCSO's K9 "Drug Dog" with his handler Deputy Frank Eldredge, with the highest level of competence; and

WHEREAS, "ATO" has been retired as an active "Working K9"; and

WHEREAS, Deputy Frank Eldredge has requested that "ATO" becomes his personal property for a sum of \$1.00 to Seneca County; and

WHEREAS, all responsibility for the costs, including Veterinary costs, associated with the ownership and care of "ATO" and that Deputy Eldredge will sign a "Release and Waiver" acknowledging these responsibilities; and

WHEREAS, this resolution was approved by the Public Safety Committee on September 25, 2012; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize that ownership of K9 "ATO" be transferred from the Seneca County Sheriff's Office to Frank Eldredge.

**SENECA COUNTY ACCEPTS \$17,750 GRANT FROM 2012 STATE**

**LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM GRANT**

RESOLUTION NO. 228 -12, moved by Mr. Reynolds, seconded by Mr. Kubasik and adopted.

WHEREAS, the New York State Division of Homeland Security and Emergency Services (DHSES) has awarded the Seneca County Sheriff's Office \$17,750 from the 2012 State Law Enforcement Terrorism Prevention Program for the purpose of providing mobile wireless connectivity; and

WHEREAS, the grant provides 100% of the funding for project equipment and associated costs with no local cash match requirement; and

WHEREAS, this resolution was reviewed and approved by the Public Safety Committee on September 25th, 2012; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign any and all documents necessary to accept the 2012 State Law Enforcement Terrorism Prevention Program Grant from the New York State Division of Homeland Security and Emergency Services, subject to approval of the Seneca County Attorney.

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

**"THE SENECA COUNTY BAN ON THE SALE OF SYNTHETIC  
PHENETHYLAMINES AND SYNTHETIC CANNABINOIDS"**

RESOLUTION NO. 229 -12, moved by Mr. Reynolds, seconded by Mr. Shipley and adopted.

WHEREAS, the Board of Supervisors is aware of the risk to public health caused by the increasing manufacture and sale of Synthetic Phenethylamines and Cannabinoids; and

WHEREAS, the Board is concerned with the failure of the State Board of Supervisors to act to meet this threat to public health and safety; and

WHEREAS, there is a clear need for local government to act on an interim basis and in the public interest to ban the sale of these substances until such time as the State takes appropriate action; and

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

RESOLVED, that proposed Local Law E of 2012 entitled “The Seneca County Ban on the Sale of Synthetic Phenethylamines and Synthetic Cannabinoids” be and the same is hereby introduced before the Seneca County Board of Supervisors to read in substantially the following form:

**Section 1. Name of Local Law.**

This law shall be known as “The Seneca County Ban on the Sale of the Synthetic Phenethylamines and Synthetic Cannabinoids.”

**Section 2. Legislative Intent.**

This Board of Supervisors hereby finds and determines that synthetic phenethylamines have recently become widely available in the United States and are being marketed online, in convenience stores, gas station and smoke shops as “bath salts,” plant food and other ordinary household goods.

This Board of Supervisors finds and determines that these compounds stimulate the body’s central nervous system, and cause effects similar to those caused by cocaine and amphetamines, including but not limited to increased heart rate and blood pressure, hallucinations, paranoia, suicidal thoughts, violent behavior, nausea and vomiting.

This Board of Supervisors finds that From January 2011 to April 2012, poison control centers throughout the United States have received over 7,000 call regarding instances of poisoning from products containing synthetic phenethylamines, including instances resulting in accidental death and suicide.

This Board of Supervisors finds that between January 1, 2011 and August 2, 2012, there were approximately 230 emergency department visits in New York (outside of New York City) in which effects from consuming a product with synthetic phenethylamines were the patient’s chief complaint. 120 of these visits occurred in June and July Of 2012, indicating that usage of these substances is increased at a remarkable rate.

This Board of Supervisors finds that these products are readily available throughout storefront retailers, online retailers, and indirectly through other individuals,

This Board of Supervisors also determines that the State of Louisiana and Florida, as well as many counties, towns and local municipalities across the United States have banned the sale of these chemicals. Several other states are considering similar action.

This Board of Supervisors finds that products containing synthetic cannabinoids are produced, distributed, marketed and sold as a “legal alternative” to marijuana.

This Board of Supervisors finds that products containing synthetic cannabinoids have become

prevalent drugs of abused, especially among teens and young adults.

This Board of Supervisors finds that poison control centers nationwide have received over 10,000 calls relating to exposure to these substances from January 2011 to June 2012.

This Board of Supervisors also finds that a Federal bath salts ban was signed into law in July of 2012.

This Board of Supervisors finds that on May 20, 2011, pursuant to Public Health Law Section 16, the Commissioner issued an Order for Summary Action that prohibited the sale or distribution of bath salts. On March 28, 2012, the Commissioner issued an Order for Summary Action that prohibited the sale or distribution of synthetic cannabinoids.

This Board of Supervisors finds that on August 7, 2012 the Public Health and Health Planning Council and the Commissioner of Health amended Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York to prohibit synthetic phenethylamines and synthetic cannabinoids. This amended the State Sanitary Code and established a minimum standard regarding the possession, manufacture, distribution, sale or offer for sale of synthetic phenethylamines and synthetic cannabinoids.

This Board of Supervisors finds that local governments have the power and duty to enforce the provisions of the State Sanitary code. Under the same authority, local governments are empowered to establish a local sanitary code that is more restrictive than the State Sanitary Code.

This Board of Supervisors determines that to protect the public from the ongoing threat posed by synthetic phenethylamines and synthetic cannabinoids, Seneca County must take action so that local law enforcement has the necessary authority to regulate synthetic phenethylamines and synthetic cannabinoids. The passage of this local law will provide local law enforcement with such authority.

This Board of Supervisors further determines that Seneca County should ban the possession, sale, manufacture, or distribution of these chemical and any products containing these chemicals to protect the health, safety and welfare of County Residents.

### **Section 3. Definitions.**

As used in this law, the following terms shall have the meanings indicated:

“Person” shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association or other entity or business organization of any kind.

“Synthetic phenethylamine” shall mean any of the following chemical compounds that are not listed as controlled substances in Schedules I through V of Section 3306 of the Public Health Law, and are not approved by the federal Food and Drug Administration (“FDA”):

3 ,4-Methylenedioxymethcathinone (Methylone);

4-Methoxymethcathinone;

3-Fluoromethcathinone;

4-Fluoromethcathinone;

Ethypropion (Ethcathinone);

2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E)

2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)

2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)

2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)

2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)

2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)

2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)

2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N)

2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P); and any compound that has a chemical structure that is substantially similar to these compounds.

“Synthetic cannabinoid” shall mean any chemical compound that is a cannabinoid receptor agonist and includes, but is not limited to any material, compound, mixture, or preparation that is not listed as a controlled substance in Schedules I through V of § 3306 of the Public Health Law, and not approved by the federal Food and Drug Administration (FDA), and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues (analogs), and salts of isomers and homologues (analogs), unless specifically exempted, whenever the existence of these salts, isomers, homologues (analogs), and salts of isomers and homologues (analogs) is possible within the specific chemical designation:

i) Naphthoylindoles. Any compound containing a 3-(1-Naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. (Other names in this structural class include but are not limited to: JWH 015, JWH 018, JWH 019, JWH 073, JWH 081, JWH 122, JWH 200, JWH 210, JWH 398, AM 2201, and WIN 55 212).

ii) Naphthylmethylinindoles. Any compound containing a 1-H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. (Other names in this structural class include but are not limited to: JWH-175, and JWH-184).

iii) Naphthoylpyrroles. Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at

the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. (Other names in this structural class include but are not limited: JWH 307).

iv) Naphthylmethylenes. Any compound containing a naphthylmethylene indene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent. (Other names in this structural class include but are not limited: JWH-176).

v) Phenylacetylindoles. Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. (Other names in this structural class include but are not limited to: RCS-8 (SR-18), JWH 250, JWH-203, JWH-251, and JWH-302).

vi) Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent. (Other names in this structural class include but are not limited to: CP 47,497 (and homologues (analogs)), cannabicyclohexanol, and CP 55,940).

vii) Benzoylindoles. Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. (Other names in this structural class include but are not limited to: AM 694, Pravadoline (WIN 48,098), RCS 4, and AM-679).

viii) [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone. (Other names in this structural class include but are not limited to: WIN 55,212-2).

ix) (6aR, 10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, (Other names in this structural class include but are not limited to: HU-210).

x) (6aS, 10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Dezanabinol or HU-211).

xi) Adamantoylindoles. Any compound containing a 3-(1-adamantoyl)indole structure with substitution at

the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the adamantyl ring system to any extent. (Other names in this structural class include but are not limited to: AM-1248).

xii) Any other synthetic chemical compound that is a cannabinoid receptor agonist that is not listed in Schedules I through V of § 3306 of the Public Health Law, or is not an FDA approved drug.

“Possession” shall mean to have physical possession or otherwise to exercise dominion or control over synthetic phenethylamine or synthetic cannabinoid, or a product containing the same. For purposes of this definition, among other circumstances not limited to these examples, the same:

(1) any individual or entity that has an ownership interest in a retail, distribution Or manufacturing establishment that possesses, distributes, sells or offers for sale a synthetic phenethylamine or synthetic cannabinoid, or a product containing the same; and

(2) any clerk, cashier or other employee or staff of a retail establishment, which establishment possesses, distributes, sells or offers for sale a synthetic phenethylamine or synthetic cannabinoid, or a product containing the same, who interacts with customers or other members of the public.

#### **Section 4. Prohibitions.**

It shall be unlawful for any individual or entity to possess, manufacture, distribute, sell or offer to sell any synthetic phenethylamine or synthetic cannabinoid or product containing the same, except as expressly exempted in this local law.

#### **Section 5. Penalties.**

Any person who knowingly violates the provisions of this article shall be guilty of an unclassified misdemeanor punishable by a fine of up to \$1,000 and/or up to one year’s imprisonment.

#### **Section 6. Exemptions.**

The provisions of this local law prohibiting the possession of any synthetic phenethylamine or synthetic cannabinoid, or product containing the same shall not apply to:

- (a) public officers or their employees in the lawful performance of their official duties requiring possession of synthetic phenethylamines or synthetic cannabinoids, or products containing the same;
- (b) temporary or incidental possession by employees or agents of persons lawfully entitled to possession, or persons whose possession is for the purpose of aiding public officers in performing their official duties;
- (c) a person in the employ of the United State government or of any state, territory, district, county, municipal or insular government, obtaining or possessing synthetic phenethylamine or synthetic cannabinoids, or products containing the same, by reason of his or her official duties;
- (d) common carriers or warehousemen, while engaged in lawfully transporting or storing synthetic phenethylamines or synthetic cannabinoids, or products containing the same, ,or to any employee of the

same within the scope of his or her employment;

(e) laboratories with a federal Drug Enforcement Administration (“DEA”) license to purchase and use schedule 1 controlled substance for research and/or analytical testing; and

(1) manufacturers that are registered with the DEA to synthesize and distribute controlled substances.

**Section 7. Applicability.**

This law shall apply to all action occurring on or after the effective date of this law.

**Section 8. Reverse Preemption.**

This law shall be null and void on the date that statewide or federal legislation goes into effect incorporating either the same or substantially similar provision as are contained in this article, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Seneca,. The County Board of Supervisors/Board of Supervisors may determine via mere resolution whether or not identical or substantially similar statewide or federal legislation has been enacted for the purposes of triggering the provisions of this section.

**Section 8. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 9. Effective Date.**

This law shall take effect immediately upon filing in the Office of the Secretary of State.

And be it further

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

RESOLVED, that the County Board hold a public hearing on said proposed Local Law at the County Office Building, 1 DiPronio Drive, Waterloo New York at or about 8:00 P.M., on November 13, 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.

**A RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW F OF 2012 ENTITLED  
“A LOCAL LAW TO AMEND LOCAL LAW 3 OF 2011”**

RESOLUTION NO. 230 -12, moved by Mrs. Amidon, seconded by Mr. Davidson and adopted by 399 ayes (Davidson, Reynolds, Serven, Prouty, Kaiser, Earle, Churchill, Hayssen), 294 nays (Garlick Lorenzetti, Lafler, Amidon, Shipley, Kubasik) and 57 absent (Westfall)

WHEREAS, the Board of Supervisors duly adopted Local Law 3 of 2011 prohibiting smoking on County owned and lease premises; and

WHEREAS, the Board has determined that this local law has had an adverse effect on the usage and effectiveness of the County Mental Health Department's "Drop In Center" located on Cayuga Street in Seneca Falls, New York; and

WHEREAS, the Board wishes to eliminate or minimize such adverse effects by providing a temporary exception to the prohibition provided for in Local Law 3 of 2011; and

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

RESOLVED, that proposed Local Law F of 2012 entitled "A Local Law to Amend Local Law 3 of 2011" be and the same is hereby introduced before the Board of Supervisors of Seneca County, New York to read in substantially the following form:

Seneca County Local Law 3 of 2011 is hereby amended as follows

Section 3-A shall be added to said Local Law to read:

Section 3-A: Exceptions

- A) There shall be excepted from the provisions of this Local Law, that premises owned by the County of Seneca and located at 27 Cayuga Street, Seneca Falls, New York, commonly known as and constituting the Seneca County Mental Health Department Drop-In Center.
- B) Such exemption shall continue however only for a period of one year following the adoption of the Local Law providing for such exemption, following which said premises, if owned or leased by the County of Seneca, shall be subject to all of the provisions and restrictions otherwise provided for hereunder.
- C) The Seneca County Mental Health Director shall promulgate and have the power to enforce rules governing the location of and restrictions on smoking on said premises designed to minimize the effects of smoking and of second hand smoke on patrons and staff of the Drop-In Center, to encourage patrons and staff to decrease or cease the use of tobacco products and to facilitate the transition to a smoke free environment following the exemption period provided for under this Section.

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

And be it Further

RESOLVED, that 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, 1 DiPronio Drive, Waterloo New York at or about 8:00 P.M., on November 13, 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.

Under discussion of this resolution, Mr. Davidson stated he would vote in favor of the resolution because the reason to allow smoking for the clients at the Drop-In Center was an exception to the rule. Mr. Churchill agreed and said that allowing smoking was a temporary measure and until a smoking cessation program that fits the client needs could be implemented.

Mrs. Garlick Lorenzetti expressed her opposition to amending the current local law because it was sending an unfavorable message to county employees. As the proposed amendment does not distinguish between client and staff, thus the staff would be allowed to also smoke on the property.

The Mental Health Director, Scott LaVigne assured the board that he would instruct the staff that the amendment would not permit them to smoke and they would continue to adhere to the no smoking on county property local law.

**BOARD OF SUPERVISORS OPPOSES CLEAN WATER ACT DRAFT GUIDANCE AS  
PROPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY**

RESOLUTION NO. 231 -12, moved by Mrs. Amidon, seconded by Mr. Shipley and adopted by 568 ayes

(Amidon, Shipley, Reynolds, Garlick Lorenzetti, Serven, Davidson, Prouty, Kaiser, Earle, Lafler, Hayssen, Shipley), 57 nays (Kubasik), and 57 absent (Westfall).

WHEREAS, Seneca County affirms its commitment to environmental stewardship and the protection of our natural resources, and recognizes the need to harmonize municipal programs and services with the legislative intent and objectives of the Clean Water Act (CWA); and

WHEREAS, the CWA was not intended to protect ditches and other channels through which water flows intermittently nor was it intended to capture seeps, wet areas, isolated man-made ponds and other structures not currently subject to the CWA; and

WHEREAS, the Environmental Protection and Agency (EPA) and the United States Corps of Engineers (Corps) has developed draft guidance on Identifying Waters Protected by the Clean Water Act (draft guidance) to clarify the EPA and Corps' understanding and definition of the CWA that will inform all of EPA's regulatory programs and policy actions; and

WHEREAS, this draft guidance creates uncertainty, confusion and would now capture a significant number of public works activities and transportation infrastructure that will now be subject to the CWA and its costly and time-consuming permitting and regulatory protocols; and

WHEREAS, the draft guidance greatly expands the number of projects subject to jurisdictional determination or CWA permitting which do not currently require such oversight at great expense to the taxpayers of Seneca County with little, if any, environmental benefit while diverting scarce resources from other programs that do provide environmental protection and conservation benefits; and

WHEREAS, the financial impact of the draft guidance to Seneca County will be significant with roadside ditch projects and ongoing maintenance due to the need for jurisdictional determinations by the Corps or CWA permitting; and

WHEREAS, Seneca County believes that it is improper to so significantly change the scope of the Clean Water Act without legislative authorization by the U.S. Congress or through the formal rulemaking process to allow public and stakeholder comments on this critically important and complex issue; now therefore be it

RESOLVED, that Seneca County urges the EPA and the Army Corps to withdraw the draft CWA guidance immediately work collaboratively with states and local governments to enforce the current scope of the CWA while respecting the authority of state and local governments in ensuring the protection of our water resources; and be it further

RESOLVED, that Seneca County supports any federal legislation consistent with the above recommendations and urges its Congressional and State representatives to intercede with EPA and request that EPA report to them on their response and adaptations regarding the aforementioned concerns; and be it further

RESOLVED, that a copy of this Resolution should be transmitted to U.S. Senators Charles Schumer and Kirsten Gillibrand, U.S. House Representatives Richard Hanna and Thomas Reed , EPA Administrator Lisa Jackson, New York Governor Andrew Cuomo, New York State Senator Michael F. Nozzolio, New York Assembly Representative Brian Kolb, and EPA Region 2 Administrator Judith Enck.

Before the discussion for this resolution, Mr. Kubasik made a motion, second by Mr. Churchill to refer it back to the Planning, Development, Agriculture & Tourism Committee or to the Environmental Affairs Committee for additional information on what the proposed legislation actually states. The motion was defeated by 568 nays (Churchill, Reynolds, Garlick Lorenzetti, Serven, Davidson, Prouty, Kaiser, Earle, Lafler, Amidon, Hayssen, Shipley), 68 ayes (Churchill), 57 abstentions (Kubasik), and 57 absent (Westfall)

**BOARD OF SUPERVISORS AUTHORIZES APPLICATION TO GENESEE  
TRANSPORTATION COUNCIL FOR UNIFIED PLANNING WORK PROGRAM (UPWP)  
FUNDING FOR SAFE PASSING ZONE SURVEY**

RESOLUTION NO. 232 -12, moved by Mrs. Amidon, seconded by Mr. Shipley and adopted.

WHEREAS, the Genesee Transportation Council has issued a call for projects for transportation planning grants; and

WHEREAS, Seneca County could benefit from a Safe Passing Zone Survey; and

WHEREAS, the survey is anticipated to cost \$40,000, with a local match of 10% (\$4,000); and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development & Agriculture Committee on September 25, 2012; now therefore be it

RESOLVED, that the Board of Supervisors authorizes a UPWP grant application be submitted for a Safe Passing Zone Survey.

Unfinished Business

None

New Business

Mrs. Amidon moved the suspension of the rules to introduce resolutions not on the agenda.

The following resolution was approved by the Planning, Development, Agriculture & Tourism Committee at its September 25 meeting.

**BORDEAU APPOINTED TO POSITION OF  
DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT**

RESOLUTION NO. 233 -12, moved by Mrs. Amidon, seconded by Mr. Kaiser and adopted.

WHEREAS, Bill Bordeau was appointed as Interim Director of Planning & Community Development effective February 28, 2012; and

WHEREAS, the Finance, Assessment & Insurance Committee and the Planning, Development, Agriculture & Tourism Committee approved the filling of the position of Director of Planning & Community Development on a permanent basis; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Bill Bordeau to the position of Director of Planning & Community Development effective immediately as an annual salary of \$65,347.00

The following resolution was approved by the Public Works Committee at its September 25 meeting.

**APPROVAL OF CONTRACT WITH CARVALHO CONSTRUCTION, INC.  
TO BE THE CONTRACTOR TO REPLACE ROOF ON THE  
FORMER COUNTY COURTHOUSE IN OVID**

RESOLUTION NO. 234 -12, moved by Mr. Kaiser, seconded by Mr. Davidson and adopted.

WHEREAS, Seneca County solicited a proposal from qualified firms to provide for the removal of the old roof and installation of a new shingled roof and water removal system; and

WHEREAS, Carvalho Construction, Inc. of 2177 East Seneca Street, Lodi, was the low bidder in the amount of \$47,197.87; and

WHEREAS, New York State Senator Michael F. Nozzolio has secured a grant in the amount of \$60,000, which is sufficient to cover all of the costs; and

WHEREAS, this grant and contract has not been executed and signed; and

WHEREAS, the resolution has been reviewed and approved by the Public Works Committee on October 9, 2012; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors approves the bid of Carvalho Construction, Inc., and that the Chairman of the Board of Supervisors be authorized and directed to sign all necessary documentation to proceed with the roof replacement; and be it further

RESOLVED, that funding will be appropriated from the County's Capital Reserve Fund at this time and will be replenished upon receipt of the grant documents and funding.

The following resolution was approved by the Public Health Committee at its September 25 meeting.

**CONTRACT WITH THE FINGER LAKES COMMUNITY HEALTH**

RESOLUTION NO. 235 -12, moved by Mr. Earle, seconded by Mr. Churchill and adopted.

WHEREAS, the Health Department has been contracting with Rochester Primary Care Center to provide preventive dental health services in Seneca County Schools; and

WHEREAS, Seneca County is now in the service area of Finger Lakes Community Health; and

WHEREAS, preventive dental health services will be offered in Seneca Falls, Romulus, South Seneca and Waterloo schools; and

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

WHEREAS, the cost for these services will be billed to the patient's insurance, if available; and if no insurance is available, the Health Department will pay Finger Lakes Community Health \$30 per child; and

WHEREAS, the costs for these services and supplies are approximately \$5,000 per year and are included in the Public Health Department budget 10-115-5-4010-4350; and

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

RESOLVED, that the Chairman of the Seneca County Board of Supervisors, is hereby authorized and directed to sign a contract with Finger Lakes Community Health for the provision of preventive dental health services in the Seneca County schools.

Executive Session

Mr. Reynolds moved to enter executive session regarding information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed. Invited into executive session were Sheriff Stenberg, and Undersheriff Gary Sullivan, the County Attorney, and the County Manager.

Special Order of the Day

The Board of Supervisors reconvened in open session. The meeting was adjourned at 9:00 p.m.