

Seneca County Board of Supervisors

Regular Meeting

November 13, 2012

6:00 p.m.

Call to Order

Chairman Hayssen called the meeting to order at 6:00 p.m. He acknowledged that November 10 was the 237<sup>th</sup> birthday of the U.S. Marine Corps, thanking our men and women serving in the Marine Corps now and in the past.

Roll Call of Members by the Clerk

Thirteen members of the Board of Supervisors answered roll call. Mr. Kubasik was absent.

Pledge of Allegiance and Moment of Silence

Public Hearings

a. Proposed Local Law E of 2012, “The Seneca County Ban on the Sale of Synthetic Phenethylamines and Synthetic Cannabinoids”. Mr. Shipley moved the floor be open to receive comments from the public. No comments were received. Mr. Davidson moved the public hearing closed.

b. Proposed Local Law F of 2012, “A Local Law to Amend Local Law 3 of 2011”. Mr. Lafler moved the floor open to receive comments from the public. No comments were received. Mr. Reynolds moved the public hearing closed.

Presentations

- a. Employee of the 3<sup>rd</sup> Quarter Award - Cindy Swarhout, Division of Human Services.
- b. Seneca White Deer - Dennis Money, President updated the Board of Supervisors on the Seneca White Deer 2012 Tours.
- c. Mercy Flight Central - Neil Snedeker, President, CEO, addressed the Board of Supervisors about the valuable service that Mercy Flight offers to county residents and urged the board to provide funding for Mercy Flight Central in its 2013 adopted budget.

Petitioners

The following people addressed the Board of Supervisors urging them to continue fluoridation treatment to community water for Seneca Water District #1: Tom Curran, DDS; Warren Waldow, DDS, MPH; Richard L. Rubin, DDS, MS, Endodontics, Seventh District Dental Society of NYS; Bruce A. Birchenough, DMD; David Schirmer, DDS, American Dental Association, Council on Access, Prevention, and Interprofessional Relations, The Dental Quality Alliance; Laurie Turner, Dental Hygienist/Outreach for Community Dentistry, Regional Primary Care Network – School Based Program; Paula Fisher, Oral Health Practice Manager, Regional Primary Care Network School Based Program; and Jim Kennedy from Finger Lakes Community Health in Penn Yan.

Submission of Claims for Audit

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

Supervisors vouchers	# 2294 - 2564	totaling	\$ 1,035,554.27
Workforce Development vouchers	# 236 - 260	totaling	\$ 23,789.44
OFA vouchers	# 588 - 641	totaling	\$ 62,458.26
Self - Insurance vouchers	# 70 - 75	totaling	\$ 6,879.68
County Airport vouchers	# 105 - 117	totaling	\$ 18,764.32
Sheriff	# 540 - 597	totaling	\$ 109,062.17
Highway Transportation vouchers			
Maintenance & State Snow	# 218 - 231	totaling	\$ 75,576.02
Highway Machinery	# 331 - 365	totaling	\$ 28,934.65
	Highway Total		\$ 104,510.67
Water & Sewer	# 223 - 241	totaling	\$ 53,088.84
Airport Capital voucher	# 17 - 18	totaling	\$ 11,759.64
Financial Software Capital vouchers	# 7	totaling	\$ 8,846.41
Highway Capital Project	#9	totaling	\$ 175,005.98
Veteran Cemetery vouchers	# 32 - 35	totaling	\$ 10,394.94

Reports of Standing Committees

The Board of Supervisors Standing Committees held meetings on October 23, 2012.

Planning, Development, Agriculture & Tourism Committee - Mrs. Amidon, Chairwoman.

ISSUE: Presentation by Genesee Finger Lakes Regional Planning Council. GFLRPC is meeting with all nine member counties. Handouts were distributed highlighting the GFLRPC's major accomplishments and recent programs, projects and services provided to member counties in 2011 - 2012. The biggest project is the Cleaner Greener Communities Regional Sustainability Plan. Competitive grant funding of \$90 million will be available for projects. The Finger Lakes Regional Sustainability Planning Consortium will serve as the steering committee for the project. March 2013 is the deadline for a plan to be submitted. Rte. 318 sewer plan: David Zorn will do what he can to help secure funding. He works closely with the Seneca County IDA. He will follow-up. Realignment from Region 3 to Region 4: David Zorn will contact the Genesee Transportation Council regarding Seneca County's request to be in Reg 4.

ISSUE: County Owned Property on County House Road - Motion carried to postpone the motion until the next committee meeting. Motion by: Mr. Earle ; Second by: Mr. Kaiser .

Mr. Kubasik suggested that the lease be for 5 years with an option by the County to renew for another 5 years. In five years the County may need the property. Mr. Kaiser suggested the matter be postponed until the suggested terms are negotiated with Mr. Lott.

ISSUE: Contract Amendment for Former Seneca County Second Clerk's Office Repairs - Motion carried to amend the project budget to reflect actual expenditures. Motion by: Mr. Kaiser ; Second by: Mr. Earle.

Mental Health Services Committee - Mrs. Amidon, Chairwoman

ISSUE: Appointment of Candidate to the Seneca County Community Services Board - Motion carried to appoint Mr. Hatch to the SCC Services Board. Motion by: Mr. Lafler; Second by: Mr. Davidson.

Human Services Committee - Mr. Davidson, Chairman

ISSUE: Chairman of the Board of Supervisors authorized to sign the Office for the Aging Annual Implementation Plan (AIP). Motion carried to obtain the Chairman's signature and submit funding application. Motion by: Mrs. Amidon; Second by: Mr. Westfall.

ISSUE: Bid Opening for Carpet Replacement in the Division of Human Services-Child Support Collections and Children & Family Services Units. Motion carried to award bid to ProCarpet of Spencerport, NY for \$29,365.99. Motion by: Mrs. Amidon; Second by: Mr. Lafler. Two companies requested bid specs. ProCarpet was the single company that responded. Mr. Kaiser suggested rejecting the bid and rebid to get a more responses. Mr. Kubasik would also like to see more responses but now that ProCarpet's bid is public, competitors would be able to underbid their price.

ISSUE: Appointment of a Finger Lakes Workforce Investment Board Member. Motion carried to appoint Ann Scheetz, Associate Executive Director for Ontario ARC to the FL WIB. Motion by: Mrs. Amidon; Second by: Mr. Lafler. Ms. Scheetz replaces Bill Castiglione who retired.

ISSUE: Medicaid Transportation. Motion carried to continue with the County's drivers and vehicles currently used in the County's Medicaid transportation program. Motion by: Mr. Lafler; Second by: Mrs. Amidon. Seneca County can either have NYS DOH administer all portions of transportation OR Seneca County can retain our drivers and vehicles. NYS DOH will hire a Transportation Manager (TM) who will be responsible for scheduling all transports. The client will contact the TM, who will contact the county for our availability of drivers. If NYS DOH assumes the whole program, they will contract with various transportation companies (i.e. taxi cabs; maybe ARC).

Costs to operate, purchase, maintain, and fuel our vehicles are reimbursable with state aid. County transportation staff consists of two part-time employees. One is responsible for scheduling and the other is responsible for vehicle maintenance. There are also six drivers.

Eligibility is for open Medicaid cases. If a client is unable to use public transportation, the county picks them up. STS buses and the like contract to serve within individual counties. If there isn't a contract, the bus won't be able to drive into the county. Mrs. Garlick Lorenzetti thinks eligibility requirements should be stricter. She is concerned that the transportation program may be overused. Mr. Schillaci thinks if NYS takes over, the eligibility requirements may be looser.

Mr. Davidson thinks we should have NYS takeover all aspects of Medicaid. That is what the counties were pushing for and now we are saying only take portions of it. We are sending an inconsistent message. We should go through the process and then we urge our state representatives to deal with the issue.

Mr. Kaiser was recognized. He believes that the NYS isn't really making a huge effort in reducing the cost of Medicaid for the counties when they talk about taking over services like transportation, because the cost for this program won't make a big effect on the county budget as far as a savings.

Mr. Shipley was recognized. He said that the mandated cost of Medicaid accounts for 60% of the county budget. NYS is the only state that requires counties to fund the majority of the cost of the Medicaid services mandated by the state.

Mr. Schillaci recommended that the county maintain our drivers and vehicles. We are familiar with our clients. We can service them more effectively and stay in touch with them. He believes NYS DOH will not be able to run the program cheaper than the County is doing it now.

#### Public Safety Committee - Mr. Reynolds, Chairman

ISSUE: Approval of Criminal Justice Advisory Board By-laws. Motion carried to postpone the motion for the next committee meeting pending additional information. Motion by: Mr. Kaiser; Second by: Mr. Shipley.

Mr. Kubasik questioned if the County Manager was a mandated member. His concern is Mr. Rowe is carrying a large responsibility already with Sewer & Water and Facilities. There is sufficient membership representing county administration. *(In an email dated 10/24/12 from Frank Fisher states, "The County Manager is required to be a member of the Board by both the Local Law (5 - 2007) and the New York State Executive Law".*

#### Public Health Services Committee - Mr. Earle, Chairman

ISSUE: Renew contracts with service providers for the 3-5 (Pre-School) Program. Motion carried to renew contracts with service providers. Motion by: Mr. Kubasik; Second by: Mrs. Garlick Lorenzetti.

ISSUE: Chairman of the Board of Supervisors Authorized and Directed to Sign a Contract with NYSDOH for the Lead Poisoning Prevention Program. Motion carried to contract with NYS DOH for lead poisoning prevention program. Motion by: Mrs. Garlick Lorenzetti; Second by: Mr. Churchill.

Indian Affairs Committee - Mr. Shipley, Chairman

ISSUE: Ongoing Issues regarding Indian Affairs - Mr. Shipley, Chairman, talked about a meeting with Congressman Reed, about the county's issues with the Cayuga Indian Nation. It was a good meeting because the Congressman was made aware of differences in Cayuga Nation issues and Seneca County and Seneca Nation issues in Western New York.

Mrs. Garlick Lorenzetti expressed concern about statements made by Congressman Reed that she read in the Finger Lakes Times, stating he supported settlement with Indian Nations. Mr. Shipley said the article was before the meeting; now Congressman Reed is aware.

Mr. Churchill asked for an update regarding the Census Bureau's designation on its maps labeled as Indian reservation. Mr. Shipley said the Assemblyman Kolb received a reply from the Census Bureau stating the information was obtained from the tribes. They didn't indicate they would correct it. He asked Mr. Fisher to contact Phil Spellane, Harris Beach LLP, to ask if we could take action to have the label removed.

Personnel Committee - Mrs. Garlick Lorenzetti, Chairwoman

ISSUE: Executive session to discuss pending litigation. Motion carried to enter executive session. Motion by: Mr. Churchill; Second by: Mr. Kaiser. Attendees: members of the Board of Supervisors; County Attorney; County Manager; Personnel Officer. The committee reconvened in open session. No action made.

Public Works Committee - Mr. Kaiser, Chairman

ISSUE: Water Fluoridation – Seneca County Water District No. 1. The Seneca County Water District No. 1 Advisory Committee recommends that a request be made to the New York State Health Department to eliminate the fluoridation of water in the District. Any addition or deletion to or modification of a public water system cannot be undertaken until the plans and specifications have been submitted to and approved by the State, pursuant to Section 5-1.22 of the New York State Sanitary Code.

ISSUE: Authorization to Solicit Proposals for the Preparation of Maps and Plans for a Potential New Seneca County Sewer District. Motion carried to discontinue the use of fluoride in Water District No. 1. Motion by: Mr. Prouty; Second by: Mr. Davidson. Information was distributed by Mary Ann Kowalski, member of the SCWD #1 Advisory Board supporting the elimination of fluoride in the water system. Vickie Swinehart, Director of Public Health distributed information supporting the use of fluoride in the water system.

The town boards for Fayette, Varick and Romulus voted to eliminate the fluoride at Water District No. 1. This is the only water system in Seneca County that has fluoride in the water.

ISSUE: 2013 – 2017 Capital Improvement Plan. Motion carried to postpone the issue until further discussion and future meetings. Motion by: Mr. Shipley; Second by: Mr. Prouty.

Mr. Kubasik was recognized. He urged the committee to postpone the issue so that a more thorough plan could be developed by the County Manager using the guidelines set forth by the NYS Comptroller's office. He suggested a committee be created to assist the County Manager. He said that the guideline include specifics that will protect the county in the long term. A CIP should state the county's needs and priorities and fiscal projections for future years.

Government Operations Committee - Mr. Westfall, Chairman

ISSUE: Policy Manual Revisions. Motion carried to adopt the policies below by board. Motion by: Mr. Reynolds; Second by: Mr. Prouty.

#101.405 – Swipe Card Identification Badge System: The policy, which was adopted in 2006, focused on the introduction of a new badge system. Many aspects of the system have changed since the system's inception, and certain responsibilities have been reassigned from the Facilities Department to the Personnel Department. The revised policy more accurately reflects the processes currently in use.

#101.716 – Retirement System – The current policy is outdated in many aspects, including the omission of Tiers 5 and 6. The revised policy, aside from eligibility information, addresses the New York State Retirement System in more general terms and refers employees to the Retirement website for specific information.

ISSUE: Set Meeting Dates for December Committee meetings & Organizational meeting for 2013 and a date for a second board meeting in December. Motion carried to set the following meeting dates:

Motion by: Mrs. Amidon; Second by: Mr. Reynolds:

December 27, 2012 at 5:30 pm - Committee meetings

December 27, 2012 at 6:00 pm - second Board meeting for December

Motion by: Mr. Reynolds; Second by: Mr. Lafler

January 8, 2013 at 5:30 pm - Organizational board meeting for 2013

January 8, 2013 at 6:00 pm - Regular board meeting

Finance, Assessment & Insurance Committee - Mr. Prouty, Chairman

ISSUE: 2012 Budget Amendments. Motion carried to amend the 2012 budget for dollar amounts over \$1,000 in accordance with County Policy. Motion by: Mr. Kubasik; Second by: Mr. Davidson.

ISSUE: Financing of Year One of 2013-2017 Capital Improvement Plan. No motion was received. Issue dies in committee

ISSUE: Public hearing on adoption of 2013 annual budget. Motion carried to have a public hearing on the 2013 tentative budget on Nov 28 at 6:00 p.m.

Mr. Prouty scheduled a Budget Workshop for Saturday, Nov 10 at 9:00 a.m.

#### New Business

Mr. Hayssen brought up whether a local law should be introduced for the purpose of funding E-911 Communications Center on a per unit basis, similar to the local law the set recycling fees. There was some brief discussion. Mr. Hayssen said he wanted it looked at for 2013 because he didn't believe we could institute it with only two months left of this year. The item will be readdressed in the next year.

ISSUE: Executive session to discuss pending litigation. Motion carried to enter executive session. Motion by: Mr. Shipley; Second by: Mr. Kubasik. Attendees: members of the Board of Supervisors; County Attorney; County Manager; County Treasurer

The committee reconvened in open session.

Motion carried to authorize the County Attorney to settle the matter of Americas Service Company vs. Seneca County and Mueller under the terms specified in executive session. Motion by: Mr. Shipley ; Second by: Mr. Kubasik.

#### Reports from Representatives of the Board of Supervisors sitting on outside agencies:

Mr. Churchill reported that Ave Bauder was appointed to another 4-year term at Cornell Cooperative Extension.

Mr. Reynolds reported that Jim Malyj was appointed to the position of District Manager for Soil and Water Conservation District.

#### Chairman's Remarks

The Chairman attended the Land Mark Society Award Presentation in Rochester for the award for the preservation of the Mama Bear.

#### County Manager's Remarks

Reported further on the Land Mark Society Award for the Mama Bear. They have been following the Mama Bear restoration for several years. Also reported that that S & P gave Seneca County a stable outlook.

#### Communications

120. A copy of the 2013 Budget for the Town of Covert.
121. A copy of the Seneca County Planning Board October 11, 2012 meeting minutes.
122. A copy of the Seneca County Federation of Sportsmen's Clubs, Inc. September 18, 2012 meeting minutes.
123. A copy of the Seneca County IDA September 16, 2012 meeting minutes.

124. A copy of the Genesee / Finger Lakes Regional Planning Council September 17, 2012 meeting minutes.
125. A copy of the minutes of the meeting with New York State Department of Transportation and Town and County Highway Superintendents held on August 15, 2012.
126. From Bob Romick, resident of Lodi, NY, a letter supporting financial funding for the five county libraries.
127. From Brian M. Kolb, State Assembly Minority Leader, a letter of acknowledgment of receipt of Seneca County Resolution No. 231-12, which is opposing the Clean Water Act draft guidance proposed by the Environmental Protection Agency Department of Public Works.
128. From New York State Division of Homeland Security and Emergency Services, an application for County eligibility to receive reimbursement for certain costs associated with the provision of the Wireless 911 services for the period April 1, 2012 through March 31, 2015 in the amount of \$17,181.
129. From Harris Beach, PLLC, a copy of a letter dated October 3, 2012 to the Town of Seneca Falls Assessor, notifying the Town that the property known as 118 Fall Street has been removed from the terms of the PILOT Agreement, dated October 1, 2008, and should be placed on the taxable real property roll.
130. From Couch White, Attorneys at Law, a copy of a letter dated October 2, 2012 to New York State Public Service Commission, a copy of a Notice of Intent Filed by Scepter New York, Inc. to construct a fuel gas transmission line, containing approximately 15,880 feet of 6-inch high density polyethylene (HDPE) pipeline, located in the Town of Tyre and Seneca Falls.
131. From the West Firm, legal representatives for Chesapeake Appalachia, LLC, a copy of a letter dated October 16, 2012 to New York State Public Service Commission, a copy of the Verified Supplement Petition of Chesapeake Appalachia, LLC and Minard Run Oil Company for Approval of Transfer of Certificates of Environmental Compatibility and Public Need and Proof of Service.

Resolutions and Motions

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

RESOLUTION NO. 236-12, moved by Mr. Prouty, seconded by Mr. Westfall 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 October 23, 2012; now, therefore, be it

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

From:	10-101-5-1910-4700 (Contingency)	\$6,000
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To:	10-101-5-1195-4320 (Grand Jury Court Fees-DA)	\$6,000
From:	40-120-5-5010-1200 (Part Time-Hwy)	\$10,869.67
To:	40-120-5-5010-1100 (Salaries-Hwy)	\$10,869.67
From:	40-120-5-5010-8600 (Hospitalization-Hwy)	\$2,500
To:	40-120-5-5010-1100 (Salaries)	\$2,500
From:	40-120-5-5110-4548 (Salt-Hwy)	\$17,900
To:	40-120-5-5010-4220 (Repair/Maint-Hwy)	\$900
To:	40-120-5-5010-4450 (Training-Hwy)	\$5,000
To:	40-120-5-5110-4380 (Fees & Services-Hwy)	\$7,000
To:	40-120-5-5110-4547 (Sign Faces-Hwy)	\$5,000
From:	50-120-5-5130-4410 (Vehicle Repair-Hwy)	\$5,000
To:	50-120-5-5130-4540 (Highway Supply)	\$5,000
Increase:	10-312-3-1589 (Other Dept. Income – Public Safety)	\$6,538.41
Increase:	10-110-5-3640-2100 (Office Equip-Emerg Mtg)	\$2,000.00
Increase:	10-110-5-3640-4280 (Hazmat Supplies – Emerg Mtg)	\$4,538.41

**BOARD OF SUPERVISORS AUTHORIZES COUNSEL TO SETTLE CIVIL ACTION  
ENTITLED AMERICA’S SERVICING COMPANY V. SENECA COUNTY, ET AL**

RESOLUTION NO. 237-12, moved by Mr. Prouty, seconded by Mr. Lafler and adopted.

WHEREAS, the matter of America’s Servicing Company v. Seneca County and Steven Mueller is pending before the New York State Supreme Court under Index No. 45402/11; and

WHEREAS, the Board of Supervisors, after consultation with counsel and in the interest of bringing the litigation to a conclusion, wishes to authorize its representative to engage in and finalize settlement negotiations in said action on behalf of the County; 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 above entitled action in accordance with a certain Stipulation proposed by Counsel and approved by the Finance Committee in executive session, 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 and approval by the Court.

**SUPERVISORS REVISE POLICY NO. 101.405 “SWIPE CARD IDENTIFICATION BADGE  
SYSTEM” FOR COUNTY EMPLOYEES EFFECTIVE IMMEDIATELY**

RESOLUTION NO. 238-12, moved by Mr. Westfall, seconded by Mr. Prouty and adopted.

RESOLVED, the Seneca County Board of Supervisors approves changes to the Seneca County Policy Manual, 101.405 to read as follows:

PURPOSE:

Seneca County is committed to providing a safe and healthy workplace for all employees. An Identification Badge Policy serves the dual purpose of readily identifying County Employees and other authorized personnel, while providing measured protection against unauthorized personnel and intruders from entering designated secure work areas.

For the purpose of this Policy, a “secure work area” is an area within a department in which access is controlled and the general public or clients are normally not permitted to enter freely. Many designated secure areas are protected by locked doors or other physical barriers that limit public access. The overriding factor in designating areas as secure is to ensure the safety and security of staff within those areas. The designation of secure areas is within the discretion and prerogative of department heads.

The system is effective only if there is active cooperation and compliance by all employees at all times. Any laxity in compliance and enforcement subjects the entire system to failure.

#### POLICY:

In the best interests of the County and to make identification as easy as possible, one standard badge, with the exception of the Sheriff’s Department, will be maintained Countywide. This swipe card identification “badge” will provide access to designated County buildings through keyless entry.

#### I. DESCRIPTION

The employee badge consists of a hard plastic card, which, on the face, reflects a replica of the county seal, the county name, the employee’s name, job title, department name, and an accurate photograph of the employee.

Employee badges will be printed on proximity cards. Each card will have a unique code and will provide access through particular doors and other controlled areas, on an as needed basis. Employees’ badges will be programmed to allow access through particular doors when approved by a department head. Note that not all doors will have electronic access. Selected internal doors will continue to have regular locks that require keys.

Because the badge holds permission to gain access to particular doors, the badge must be protected from non-authorized persons. If a card is lost, the proximity card system provides significant advantages over a lost key, as the system can maintain its integrity by the removal of the access rights from the database.

#### II. ISSUANCE

A. All new employees will be issued Swipe Card Identification Badges within the first two weeks of their employment.

B. Badges will be issued by the Personnel Department and assigned access rights similar to those used for external and internal key assignments.

C. Badges that become damaged or are otherwise unserviceable must be returned to the Personnel Department for replacement at no cost to the employee.

D. Each employee shall not have more than one badge in his or her possession at any one time, except that those employees who require separate badges to access separate county-owned buildings shall be allowed to carry those additional badges necessary to provide such access.

E. Re-issuance will occur when the badge becomes damaged, when an employee's legal name or job title changes, or if the appearance of the employee changes to the degree that the photo is not a recognizable semblance of the employee.

F. Each employee is responsible for safeguarding his or her own badge, and any lost badge is to be reported immediately to his or her supervisor, who shall inform the Personnel Department. A lost badge may be replaced without charge on a one-time basis. All subsequent replacements of lost badges will be issued at a charge of \$8.00 to the employee. If a lost badge is found after the issuance of a new badge, the old badge must be returned to the Personnel Department.

G. Temporary Visitor Badges must be signed out and returned to the Personnel Department or the issuing department.

### III. REQUIREMENTS AND ENFORCEMENT

Because the policy and procedures described herein are intended to provide for the safety and security of the County staff, any employee who violates such policy may be subject to disciplinary action.

A. Swipe Card Identification Badges are to be worn at all times. The badge should be prominently displayed on the front of the person between the neck and above the hips and is to be worn clipped to a piece of out clothing, or worn around the neck on a chain or necklace.

B. Badges are to be worn so that the photo is clearly visible to others. For safety, employees performing certain jobs, such as maintaining or operating equipment, etc. should either clip the ID badge to their clothing or put the badge in their pocket.

C. Badges will not be loaned to other employees/visitors or vendors for the purpose of accessing secure areas or exterior doors.

D. Under no circumstances will the cleaning staff allow anyone to enter a secured area on the pretext the said employee has lost or misplaced or left home their badge.

E. Employees are required to safeguard badges to the best of their ability. Badges shall not be left on dash of vehicles or other locations where exposed to extreme temperatures or used to prop or hold doors open. Also badges shall not be defaced or altered with stickers, decals, etc., and should not be folded, bent, pried open or mutilated.

F. An employee who is on extended leave (30 days or more – for example maternity or extended medical leave) will be required to turn in his or her badge to the supervisor, who will return the badge to the Personnel Department, pending return to work. Upon return to work, the supervisor shall make arrangements with the Personnel Department to reactivate and reissue the badge.

G. Badges are the property of the County and are to be returned upon separation or retirement from the County. On a terminating or retiring employee's last workday, the employee's supervisor shall require the employee to surrender the badge, and the supervisor shall return the badge to the Personnel Department. The Personnel Department will document that the badge was returned and destroy the badge, deleting the badge and all pertinent information and rights.

H. Department heads shall ensure that the requirements of this policy are enforced for their department.

#### IV. NON EMPLOYEE IDENTIFICATION BADGES

A. All contractors and consultants in secure areas of County buildings shall wear Swipe Card Identification Badges that identify them as such. Contractors / Consultants include individuals contracted by the County from temporary employment agencies and individuals working for agencies that have contracted business with the County.

B. Non-employees, other than contractors / consultants who are authorized to enter secure work areas shall wear "Temporary Visitor" Swipe Card Identification Badges. This would include vendors providing a service to the County. No pictures will be taken for these types of badges.

C. The department employee primarily responsible for a visitor, shall arrange for issuance / retrieval of "Temporary Visitor" Identification Badge, and shall assure that the individual wears it at all times while in the County workplace.

D. An employee who observes any individual without a badge in a secure work area should follow these steps:

1. Question the person and attempt to determine his or her identify and the reason he or she is in the particular area. The nearest available supervisor should be summoned for assistance as the situation dictates. However, if it appears to the employee that the individual

may pose a threat, the employee should not confront the individual, but immediately notify the appropriate law enforcement or security agency, then notify their supervisor.

2. If the identity of the individual is established, the department employee primarily responsible for the individual should be contacted, and arrangements should be made to obtain the appropriate badge.

3. If the identity of the individual cannot be established, the Supervisor should escort the individual from the work area immediately. The Department Head or law enforcement should be called for assistance if needed or indicated.

**SUPERVISORS REVISE POLICY NO. 101.716 “RETIREMENT” FOR COUNTY  
EMPLOYEES EFFECTIVE IMMEDIATELY**

RESOLUTION NO. 239-12, 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, 101.716 to read as follows:

Seneca County employees are eligible for membership in the New York State Employee Retirement System which provides for service retirement and also for benefits in the event of death or disability.

Membership in the Retirement System is mandatory for all full-time permanent employees. Membership for part-time, temporary or provisional employees is optional. Those employees electing not to join the Retirement System may choose to join at any time while membership is optional by completing the appropriate paperwork in the Personnel Office.

Although the Personnel Office attempts to ensure that all employees are given the opportunity to join the Retirement System when they become eligible, each employee is responsible for his or her status under the retirement system.

Because retirement law is so extensive and complex, it is impossible to provide detailed information relative to membership and benefits in this manual. The New York State and Local Retirement System website: <http://www.osc.state.ny.us/retire/> has comprehensive information about the plan, including a benefit calculator. Members are encouraged to visit the website and sign up for “Retirement On-Line” to gain access to information about individual memberships.

The Personnel Office is available to provide assistance with matters related to retirement. However, the New York State Retirement System views certain matters concerning an individual’s retirement status as a personal matter between the employee and the Retirement System and will not release information to anyone other than the employee or one legally authorized to act for him or her. Therefore, it may be necessary for employees to address certain questions in writing to the New York State Retirement System, Albany, New York 12244.

General information can be obtained by calling the New York State Retirement System at 518-474-7736. In addition, a State Field Representative is available at various locations throughout the State. Information about consultation site schedules, and making an appointment to meet with a Representative is available on the website.

**CLERK OF THE BOARD AUTHORIZED AND DIRECTED TO ADVERTISE FOR  
PUBLIC HEARING RE: 2013 SENECA COUNTY BUDGET**

RESOLUTION NO. 240-12, moved by Mr. Westfall, seconded by Mrs. Amidon and adopted.

RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized and directed to advertise for a public hearing for all interested residents of Seneca County to offer oral and written comments regarding the Tentative 2013 Seneca County Budget; and said public hearing to be held on November 28, 2012 at or about 6:00 p.m. at the County Office Building in the Board of Supervisors meeting room.

**BOARD OF SUPERVISORS RESCHEDULES DECEMBER COMMITTEE MEETINGS AND  
SCHEDULES A SECOND BOARD MEETING IN DECEMBER**

RESOLUTION NO. 241-12, moved by Mr. Westfall, seconded by Mr. Davidson and adopted.

WHEREAS, the Board of Supervisors' December 2012 Committee meetings are currently scheduled to occur on December 25, a holiday; and

WHEREAS, the Government Operations Committee has approved a resolution rescheduling the Board's December 2012 Committee meetings and to schedule a second Board Meeting in December; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors' Committee meetings currently scheduled for the fourth Tuesday in December 2012 shall be held instead on Thursday, December 27, 2012 beginning at 5:30 p.m. at the County Office Building in the Board of Supervisors' Room; and be it further

RESOLVED, that the Seneca County Board of Supervisors will convene for a second board meeting in December on Thursday, December 27, 2012 at 6:00 p.m. at the County Office Building in the Board of Supervisors' Room; and be it further

RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized and directed to provide notice of such meetings as required by law.

**SUPERVISORS AUTHORIZE AND DIRECT THAT PROPOSALS BE SOLICITED TO ASSIST  
THE COUNTY IN THE DEVELOPMENT OF A MAP AND PLAN FOR A POTENTIAL  
COUNTY SEWER DISTRICT ALONG THE NYS ROUTE 318 CORRIDOR**

RESOLUTION NO. 242-12, moved by Mr. Kaiser, seconded by Mrs. Garlick Lorenzetti and adopted.

WHEREAS, the NYS Route 318 Corridor has significant economic development potential; and  
WHEREAS, an impediment to this development potential is the need to develop a wastewater disposal system; and

WHEREAS, Seneca County desires to explore the development of a new County Sewer District in this corridor; and

WHEREAS, the County requires and desires the assistance of engineering professionals to develop a map and plan for potential adoption; and

WHEREAS, this resolution has been reviewed and approved by the Public Works Committee on October 23, 2012; now, therefore, be it

RESOLVED, that the Board of Supervisors authorizes and directs the County Manager to solicit proposals from qualified firms to assist the County in the development of a map and plan for a potential County Sewer District along the NYS Route 318 Corridor.

**BOARD OF SUPERVISORS DIRECTS PREPARATION OF PLAN FOR DISCONTINUANCE  
OF FLUORIDATION OF WATER IN WATER DISTRICT NO. 1**

RESOLUTION NO. 243-12, moved by Mr. Kaiser, seconded by Mrs. Garlick Lorenzetti and adopted by 545 ayes (Kaiser, Garlick Lorenzetti, Reynolds, Serven, Davidson, Prouty, Earle, Churchill, Hayssen, Westfall), 148 nays (Lafler, Amidon, Shipley), and 57 absent (Kubasik).

WHEREAS, the Advisory Committee for Seneca County Water District No. 1 recommends that a plan be submitted to the New York State Health Department to discontinue fluoridation of water in the District; and

WHEREAS, any additions or deletions to or modification of a public water system cannot be undertaken until the plans and specifications have been submitted to and approved by the State Health Department, pursuant to Section 5-1.22 of the New York State Health Code; and

WHEREAS, the Public Health Committee recommends preparation of such a plan as a prerequisite to a local law pursuant to Section 1100-a New York State Public Health Law directing discontinuance of fluoridation of water in Seneca County Water District No. 1; now, therefore, be it

RESOLVED, that the County Manager issue requests for proposals for preparation of a plan to be submitted to the New York State Department of Health to discontinue fluoridation of water in Seneca County Water District No. 1.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN  
CONTRACTS WITH SERVICE PROVIDERS FOR THE 3-5 PRE-SCHOOL PROGRAM**

RESOLUTION NO. 244-12, moved by Mr. Earle, seconded by Mr. Churchill and adopted.

WHEREAS, the Health Department must secure contracts with agencies and individuals to provide professional services to children enrolled in the 3-5 (Pre-School) Program; and

WHEREAS, these services include center based services and/or home/community based services to include: Speech Therapy, Occupational Therapy, Physical Therapy, Social Work, and Group Therapy; and

WHEREAS, the contracts for the following individuals or agencies must be renewed to continue services:

Related Services are provided by the following Agencies:

1. Franziska Racker Center
2. Finger Lakes United Cerebral Palsy (Happiness House)
3. Roosevelt Children's Center (Wayne ARC)
4. Seneca Cayuga ARC

Individual Related Services are provided by the following individuals:

1. Lisa Glasner: Speech Language Pathology
2. Christine Toner: Speech Language Pathology
3. Janet Bruno: Speech Language Pathology
4. Joanne Corey: Speech Language Pathology
5. Virginia DeJohn: Speech Language Pathology
6. Amanda King: Speech Language Pathology
7. Susan Lipinoga: Physical Therapy
8. Nancy Fuhr-Bonn: Social Work
9. Jennifer Balliette: Speech Language Pathology; and

WHEREAS, the funds for these contracts are in the Public Health Budget 2960.470; and

WHEREAS, the Public Health Committee approved these contract renewals at its October 23 meeting; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the contracts with the service providers for the 3-5 Program.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN  
A CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF HEALTH FOR THE  
CHILDHOOD LEAD POISONING PREVENTION PROGRAM**

RESOLUTION NO. 245-12, moved by Mr. Earle, seconded by Mrs. Amidon and adopted.

WHEREAS, the Health Department is receiving a grant from the NYSDOH for the Childhood Lead Poisoning Prevention Program; and

WHEREAS, the period covered by this grant is October 1, 2012 to September 30, 2013; and

WHEREAS, the amount of the grant is \$26,676; and

WHEREAS, the money is included in the Public Health Department budget 10-115-5-4013; and

WHEREAS, at its October 23 meeting, the Public Health Committee recommended approval of this grant; and

WHEREAS, it is necessary for the Chairman of the Board of Supervisors to sign this contract to receive the funds; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the Childhood Lead Poisoning Prevention Program Grant with the New York State Department of Health.

**LOCAL ENHANCED WIRELESS 911 REIMBURSEMENT PROGRAM**

RESOLUTION NO. 246-12, moved by Mr. Reynolds, seconded by Mr. Shipley and adopted.

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

WHEREAS, the Office of Interoperable and Emergency Communications, New York State Division of Homeland Security and Emergency Services has appropriated reimbursement funds in the amount of \$17,181.00 for the County of Seneca from the 2012-2013 Wireless 911 Program for costs incurred by the E-911 Center from April 1, 2012 through March 31, 2015; now, therefore, be it

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

**A RESOLUTION TO ADOPT LOCAL LAW NO. 4 OF 2012 ENTITLED  
“THE SENECA COUNTY BAN ON THE SALE OF SYNTHETIC PHENETHYLAMINES  
AND SYNTHETIC CANNABINOIDS”**

RESOLUTION NO. 247-12, moved by Mr. Reynolds, seconded by Mr. Davidson and adopted.

WHEREAS, a resolution was duly adopted by the Board of Supervisors of the County of Seneca setting a Public Hearing to be held by said County on November 12, 2012 at 8:00 p.m. at the Seneca County Office Building, Waterloo, NY, to hear all interested parties on a proposed Local Law entitled “The Seneca County Ban on the Sale of Synthetic Phenethylamines and Synthetic Cannabinoids”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspapers of the County of Seneca; and

WHEREAS, said public hearing was duly held on November 12, 2012 at 8:00 p.m. at the Seneca County Office Building, Waterloo, NY, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Board of Supervisors of the County of Seneca, after due deliberation, finds it in the best interests of the County of Seneca to adopt said Local Law; now, therefore, be it

RESOLVED, that the Board of Supervisors of the County of Seneca hereby adopts Local Law No. 4 of the year 2012, as follows:

### 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 stations 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 calls 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 chemicals 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; Ethylpropion (Ethecathinone); 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)-2,4-dimethoxyphenyl]ethanamine (2C-T-4); 2-(2,5-Dimethoxyphenyl) ethanamine (2C-H); 2-(2,5-Dimethoxy-4-nitro-phenyl) 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-piperidiny)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 the 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) Naphthylmethyloindoles. 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-piperidiny)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-1 84).

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-piperidiny)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) Naphthylmethyloindenes. Any compound containing a naphthylmethyloindene indene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)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-piperidiny)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-piperidiny)methyl, or 2-(4-morphohli nyl) 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 (analog)), 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-piperidiny)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-(hydrxymethyl)-6, 6-demethyl-3-(2-methyloctan-2-yl) 6a, 7, 10, 10a-tetrahydrobenzo{c}chromen-1-0l (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-piperidiny)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the adamantly 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 States government or of any state, territory, district, county, municipal or insular government, obtaining or possessing synthetic phenethylamines 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 I controlled substance for research and/or analytical testing; and

(f) 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 state or federal legislation has been enacted for the purposes of triggering the provisions of this section.

Section 9. 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 10. Effective Date

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

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

RESOLUTION NO. 248-12, moved by Mr. Davidson, seconded by Mr. Reynolds and adopted.

WHEREAS, the Seneca County Office for the Aging is required to submit the Annual Implementation Plan for Aging Services for the period April 1, 2013 – March 31, 2014 for Seneca County, which includes funding applications; and

WHEREAS, two public hearings have been held on September 25, 2012 at 2276 County Road 139, Ovid, NY and September 27, 2012 at One DiPronio Drive, Waterloo, NY on said plan; now, therefore, be it

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

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

**AWARD BID FOR CARPET REPLACEMENT IN THE DIVISION OF HUMAN SERVICES-  
CHILD SUPPORT COLLECTIONS AND CHILDREN & FAMILY SERVICES UNITS**

RESOLUTION NO. 249-12, moved by Mr. Davidson, seconded by Mr. Reynolds and adopted.

WHEREAS, one bid for carpet replacement in the Division of Human Services-Child Support Collections and Children & Family Services Units was received and opened on Thursday, September 20, 2012; and

WHEREAS, that bid was received from ProCarpet of Spencerport, New York; bid amount: \$29,365.99; and

WHEREAS, the Commissioner of Human Services recommends that the bid be awarded to ProCarpet for \$29,365.99; and

WHEREAS, the Human Services Committee approved said purchases on October 23, 2012; now, therefore, be it

RESOLVED, that the Board of Supervisors approves the Division of Human Services to contract with ProCarpet for carpet replacement.

**APPOINTMENT OF FINGER LAKES WORKFORCE INVESTMENT BOARD MEMBER**

RESOLUTION NO. 250-12, moved by Mr. Davidson, seconded by Mr. Reynolds 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 July 1, 2012 through June 30, 2015:

<u>Public Sector</u>	
Ann Scheetz	07/01/2012 – 06/30/2015
Ontario ARC	
Associate Executive Director, Community Services	
3071 County Complex Drive	
Canandaigua, New York 11424; 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 Ann Scheetz 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.

**BOARD OF SUPERVISORS AGREES TO UTILIZE SENECA COUNTY  
DRIVERS AND VEHICLES AS PART OF THE MEDICAID**

**TRANSPORTATION MANAGEMENT INITIATIVE**

RESOLUTION NO. 151-12, moved by Mr. Davidson, seconded by Mr. Reynolds and adopted.

WHEREAS, the New York State Department of Health has notified Seneca County regarding the upcoming Medicaid Transportation Management Initiative and how it will impact the non-emergency Medicaid transportation program in Seneca County; and

WHEREAS, it is expected that the procurement process will be completed soon and implementation will begin April 2013 with the first phase completed by September 2013; and

WHEREAS, at its meeting on October 23, 2012 the Human Services Committee approved this resolution; now, therefore, be it

RESOLVED, the Board of Supervisors agrees to allow the state to utilize our drivers and vehicles to meet its needs as part of the upcoming Medicaid Transportation Management Initiative.

**THE BOARD OF SUPERVISORS APPOINTS STANLEY HATCH TO  
THE SENECA COUNTY COMMUNITY SERVICES BOARD**

RESOLUTION NO. 252-12, moved by Mrs. Amidon, seconded by Mr. Davidson and adopted.

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

WHEREAS, the Community Services Board has moved to recommend the appointment of Stanley Hatch to the Community Services Board; and

WHEREAS, the Board of Supervisors Mental Health Services Committee supports and approves the Community Services Board recommendation; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Stanley Hatch, Seneca Falls, NY, to a four-year term on the Community Services Board, to expire November 13, 2016.

**A RESOLUTION ADOPTING LOCAL LAW NO. 5 OF 2012 ENTITLED  
“A LOCAL LAW TO AMEND LOCAL LAW NUMBER 3 OF 2011”**

RESOLUTION NO. 253-12, moved by Mrs. Amidon, seconded by Mr. Reynolds and adopted by 456 ayes (Reynolds, Serven, Davidson, Prouty, Kaiser, Earle, Churchill, Hayssen, Westfall), 237 nays (Amidon, Garlick Lorenzetti, Lafler, Shipley), and 57 absent (Kubasik).

WHEREAS, a resolution was duly adopted by the Board of Supervisors of the County of Seneca setting a Public Hearing to be held by said County on November 12, 2012 at 8:00 p.m. at the Seneca County Office Building, Waterloo, NY, to hear all interested parties on a proposed Local Law entitled “A Local Law to Amend Local Law Number 3 of 2011”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspapers of the County of Seneca; and

WHEREAS, said public hearing was duly held on November 12, 2012 at 8:00 p.m. at the Seneca County Office Building, Waterloo, NY, and all parties in attendance were permitted an opportunity to speak on behalf of, or in opposition to, said proposed Local Law, or any part thereof; and

WHEREAS, the Board of Supervisors of the County of Seneca, after due deliberation, finds it in the best interests of the County of Seneca to adopt said Local Law; now, therefore, be it

RESOLVED, that the Board of Supervisors of the County of Seneca hereby adopts Local Law No. 5 of the year 2012, as follows:

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

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

Seneca 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.

**BOARD OF SUPERVISORS AUTHORIZE AMENDMENT TO CONTRACT C540422  
BETWEEN SENECA COUNTY AND THE NEW YORK STATE OFFICE OF PARKS,  
RECREATION, AND HISTORIC PRESERVATION**

RESOLUTION NO. 254-12, moved by Mrs. Amidon, seconded by Mr. Earle and adopted.

WHEREAS, this contract between Seneca County and the New York State Office of Parks, Recreation, and Historic Preservation (NYS OPRHP) provided Seneca County with \$60,000 toward the stabilization of the historic second County Clerk's Office building ("Mama Bear") at the former Seneca

County Courthouse Complex in Ovid, New York to be matched with a Seneca County contribution of \$60,000; and

WHEREAS, project is complete and New York State Office of Parks, Recreation, and Historic Preservation requires the contract documents to show the actual expenditures on the project of \$60,000 from NYS OPRHP and \$73,944 from Seneca County, and therefore they must be amended to show the same; and

WHEREAS, this resolution was reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on October 23, 2012; now, therefore, be it

RESOLVED, that the Chairman of the Seneca County Board of Supervisors is hereby authorized and directed to sign the Appendix X Modification Agreement Form associated with Contract C540422 between the County of Seneca and the New York State Office of Parks, Recreation and Historic Preservation.

New Business:

Mr. Shipley moved to enter executive session for the purpose of discussions regarding proposed, pending or current litigation. Invited into executives session: Phil Spellane, lawyer from Harris Beach, LLP.; Mitch Rowe, County Manager; Frank Fisher, County Attorney; Jack Stenberg, County Sheriff Motion was made by Mr. Shipley, seconded by Mr. Lafler and carried to enter Executive Session at 7:58 p.m. The Board of Supervisors reconvened in open session at 8:40 p.m.

Special Order of the Day

The meeting adjourned at 8:40 p.m.