

Seneca County Board of Supervisors

Regular Meeting

May 14, 2013

6:00 p.m.

Call to Order

Chairman Hayssen called the meeting to order.

Roll Call of Members by the Clerk

All fourteen members of the Board of Supervisors answered roll call.

Pledge of Allegiance and Moment of Silence

Presentation / Petitioners

- a. The IMPACT of our Libraries - Michelle Robbins
- b. Stephanie Engster, Labor Relations Specialist - Speaking on Behalf of the CSEA Seneca County Workforce
- c. Lisa Johnson, property manager for Spring Meadows - comments supporting the Board of Supervisors creating a service shut-off policy for the County Water District
- d. Michael Johnson, President, Spear Point Energy LLC

Submission of Claims for Audit

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

Supervisors vouchers	totaling	\$	538753.46
Workforce Development vouchers	totaling	\$	28,104.74
Self-Insurance vouchers	totaling	\$	11,598.66
County Airport vouchers	totaling	\$	11,729.52
Highway Transportation vouchers			
	Maintenance & State Snow	totaling	\$ 31,710.07
	Highway Machinery	totaling	\$ 257,191.96
	Highway Total	\$	288,902.03
Sewer 1	totaling	\$	10,472.43
Sewer 2	totaling	\$	23,974.91
Water 1	totaling	\$	112,410.29
Airport Capital vouchers	totaling	\$	21,420.00
Financial Software Capital vouchers	totaling	\$	11,632.16

Veterans Cemetery Capital vouchers	totaling \$	1,175.00
Willard Wastewater Treatment Facility Capital vouchers	totaling \$	3,703.41

Approval of Board Meeting Minutes

The minutes for the March 9, 2013 meeting of the Board of Supervisors were approved as written.

Reports of Standing Committees

Human Services Committee - Mr. Davidson, Chairman. The Committee recommended that the Board of Supervisors adopt a resolution endorsing several appointments to the Workforce Investment Board from the public and private sector.

Indian Affairs Committee - Mr. Shipley, Chairman. Mr. Shipley stated that all board members and members of the Citizens Advisory Committee should have received a copy of the brief prepared by Harris Beach for the US 2nd Circuit Court of Appeals regarding the Cayuga Indians Nation and the tax foreclosure legal action. He expects the scheduling for the Court will be announced in the next few days.

Planning, Development, Agriculture & Tourism Committee - Mr. Earle, Chairman. The Committee approved the following for board resolution: (1) the appointment of Mary Kelleher, resident of Seneca Falls, as an alternate member of the County Planning Board; (2) authorize the County Treasurer and the County Manager as the county's Delegated Administrators for the NYS Grants Gateway website and processes. The Grants Gateway will serve as a portal for submitting, managing, reporting, and requesting reimbursement for nearly all New York State Grants. As part of this rollout, Seneca County must designate two Delegated Administrators. Delegated Administrators will be responsible for maintaining all aspects of the County's user information, including adding users, assigning roles, ensuring information is current, and deactivating users in a timely fashion; (3) authorizing the necessary signatures and actions to submit the necessary applications, requests for reimbursements and distribute funds for the 2013-2014 season. The New York State Office of Parks, Recreation and Historic Preservation - Snowmobile Trail Grant-in-Aid Program reimburses the local clubs for safety and maintenance activities for trails that they maintain in Seneca County; (4) authorizing the application and acceptance of the FAA Grant up to \$675,000 and appoint McFarland Johnson as project Engineers for project from FAA to Rehabilitate Taxiway and Drainage Improvements, Phase I Construction at the Finger Lakes Regional Airport; (5) authorizing the application and acceptance of the FAA Grant up to \$315,000 and appoint McFarland Johnson as project Engineers.

Personnel Committee - Mr. Earle, Chairman. The Committee voted to recommend a board resolution authorizing ESI to provide EAP services and for the Chairman of the Board to sign the contract with Employee Services Inc. in Seneca County through December 31, 2016.

The committee also met in executive session between 8:15 p.m. - 9:00 p.m. to discuss progress of current collective bargaining negotiations with counsel. Invited to attend the executive session were the remaining members of the Board of Supervisors; the Personnel Officer, County Manager, County Attorney, and Jim Roemer (attorney for contract negotiations).

Environmental Affairs Committee - Mr. Churchill, Chairman. The Committee discussed several issues. (1) Landfill Summit - a motion was passed recommending a board resolution authorizing the payment of \$1,000 (appropriated from the Contingency Fund) for the purpose of providing financial support for this event. However, since the committee meeting, it has been learned that this payment is not necessary. Seneca County has been invited to participate jointly with New York State and Ontario County to discuss solid waste and landfill issues in the region. County Manager Mitchell Rowe is scheduled to be a panelist on behalf of Seneca County. The County has also been asked to provide financial support for the event in an amount not to exceed \$1,000; (2) Seneca Energy is proposing a new plant, also planned for the Renewable Resource Park that would utilize methane gas generated by the Seneca Meadows Landfill and convert it to a pipeline-grade natural gas through a high-BTU process. An application has been made to the Seneca County Industrial Development Agency for it to acquire a leasehold interest in the land. In addition, the IDA is considering offering exemptions from sales and use taxes on equipment purchases, a mortgage-recording tax exemption and a partial, real-property tax abatement in the form of a payment in lieu of taxes. Seneca Energy II would operate the facility during the term of the lease, after which it will purchase the facility from the IDA or the leasehold interest of the IDA will be terminated. Mr. Churchill questioned the incentive program offered by the IDA for the proposed plant. He said it was hard to believe that Seneca Meadows needs any backing since it is a multi-billion dollar company. Mr. Churchill attended the public hearing hosted by the IDA on the project. He said that he wasn't allowed to ask questions. There was no feedback offered by the IDA to Mr. Churchill's concerns. Mr. Churchill stated that he believes the IDA isn't forthcoming with information. He wants a meeting with the IDA.

Public Health Committee - Mrs. Garlick Lorenzetti, Chairman. The committee voted in favor of a board resolution(s) authorizing the Chairman of the Board to sign an amended contract with Health Research, Inc. (HRI) for the Public Health Emergency Preparedness Grant. The Emergency Preparedness Grant will now be a 5-year grant for the period of time July 1, 2012 through June 30, 2017. The total grant award will be \$267,500 (\$53,500/year); (2) a board resolution authorizing the Chairman of the Board to sign an amended contract for the Lead Poisoning Prevention Grant to include Appendix R-"On-going Vendor Responsibility"; (3) a board resolution authorizing the Chairman of the Board to sign a contract with Cathy Bond, a consultant who has been working with the Health Department on Emergency

Preparedness planning for eight years. New York State amended the Emergency Preparedness Grant to a 5 year grant (July 1, 2012 to June 30, 2017).

Public Works Committee - Mr. Kaiser, Chairman - The committee approved the following for referral to the Board of Supervisors for a resolution: (1) authorizing the board chairman to execute two contracts with Spear Point Energy LLC. A “Solar Services Agreement” and a “Site Lease Agreement”, to build a solar panel facility on the property of the LEC. NYSERDA provides cash incentives for the installation by eligible installers of new grid-connected Solar Electric or Photovoltaic (PV) systems. In November 2012, Spear Point Energy, LLC submitted an application to NYSERDA and received a rebate from the State for close to \$1.0 million to assist in building the system and subsidizing the cost of the energy. The project was awarded in April and a contract will need to be executed by May 15th, 2013 to demonstrate the project is advancing; (2) authorizing the purchase of a 2013 Ford F-450 Regular Cab Pickup with Plow for \$61,723.21 by piggybacking on the Chautauqua County bid contract; (3) authorizing the purchase of a 2013 Ford F-150 Super Cab pickup 4 WD for \$24,912.82 for use by the Highway Superintendent by piggybacking on the Chautauqua County bid contract. This purchase is replacing a 2006 Jeep with \$120K miles. The County Manager plans to use it for other uses locally; (4) authorizing the purchase of a 2013 Terrastar International 4x2 with Tenco Box is \$85,995.00 by piggybacking on the Oneida County bid contract. The price on Oneida County bid was less than on NYS contract pricing. This vehicle will be used for small jobs (i.e. tree and brush pickup); and for winter use; (5) authorizing the Majority Leader to execute contracts on behalf of the County Water and Sewer Districts. The Chairman of the Board is authorized to execute contracts on behalf of the County Water and Sewer Districts. He is also the person responsible for executing the same contracts on behalf of Varick Water and Sewer Districts. In order to avoid any appearance of impropriety or conflict of interest, it is requested that the Board authorize the County Manager or the Majority Leader, Acting Chairman under Rule 3 of the Rules of Order to execute contracts between the County Water and Sewer Districts and the Varick Water and Sewer Districts; (6) resolution authorizing the purchase of one chiller to replace a current chiller. Chiller #1 and #2 are 25 years old. We could take the compressor out and save for parts when Chiller #2 breaks down for good. It will take approximately 8 weeks for installation. There is \$2.5 million in Capital Reserve Fund. It is estimated to cost \$196,000 per chiller installed. Other options would be to replace the defective barrel for \$55k - \$65k or re-tubing the defective barrel for \$41,000. The benefit to replacing parts is the initial cost. There isn't any guarantee that the chillers won't break down again. The parts are becoming obsolete on the existing chillers; (7) authorizing the creation of a water shut-off policy for the County Water Department.

The committee voted in favor of refilling four temporary summer positions in the Highway Department to perform mowing and CHIPS work.

The committee voted to lay on the table until the May meeting the issue of the relocation of the Backup E911 center. Seneca County has been in discussion with Finger Lakes Technology Group and Seneca County Industrial Development Agency regarding the site for the County's E911 Backup Center in a former munitions bunker at the former Seneca Army Depot. A \$300,000 NYS Grant would be utilized for construction costs. Rent is proposed in the amount of \$1,000 per month for the E911 Backup Center and \$300 per month for the Data Backup / Co-Location Facility. A 2% annual increase would commence after the initial five years.

Government Operations Committee - Mr. Westfall, Chairman. The Committee voted to refer the following to the Board of Supervisors for a resolution: (1) reappointing Ruth Same as Democratic Election Commissioner for a four year term effective January 1, 2014 through December 31, 2017; (2) proclaiming June as Donor Month in Seneca County ; (3) to join NYSAC's "Mayday for Mandate Relief" for the month of May.

Finance, Assessment & Insurance Committee - Mr. Prouty, Chairman. The committee voted in favor of a board resolution authorizing amendments to the 2013 budget for Seneca County for line items for Risk Management, Community Counseling Services, Facilities, and Severance.

County Manager Remarks

County Manager Rowe said that on May 27 a Memorial Day Service was scheduled at the Sampson Veterans Cemetery. New York State representatives are expected to attend. There will be a parade, an honors ceremony and an unveiling of a monument dedicated to the cemetery.

Mr. Rowe also said the resolution to replace a chiller was not included on the agenda as recommended by the Public Works Committee at its last meeting because there may be a price reduction on what was originally proposed.

Communications

55. From Genesee County Legislature, a copy of its comments opposing regulations proposed in Draft Perm 33c of the New York State Department of Transportation.

56. From Nixon Peabody LLP, a copy of a letter dated April 22, 2013 addressed to the NYS Public Services Commission Secretary Jeffrey C. Cohen, notifying the Commission that construction will start on May 13, 2013 for Case 12-T-0574: Petition of Minard Run Oil Company to Amend its Certificate of Environmental Compatibility and Public Need to Relocate 2,800 feet of Pipeline; and copies of additional information forwarded to the NYS Public Service Commission regarding the same project..

57. A copy of the Genesee / Finger Lakes Regional Planning Council March 14, 2013 meeting minutes.

58. A copy of the Seneca County Board of Health April 18, 2013 meeting minutes.

59. A copy of the Inter-County of Western New York April 19, 2013 meeting minutes.

60. A copy of the Seneca County Federation of Sportsmen's Clubs, Inc. March 19, 2013 meeting minutes.

61. From Seneca White Deer, Inc., a copy of the newsletter, Tails & Tales of the Seneca Army Depot.

62. From the Ontario County Board of Supervisors, a copy of Resolution No. 216-2013, "Endorsement of Appointment to the Finger Lakes Workforce Investment Board".

63. From NYS Assembly Minority Leader Brian M. Kolb, a letter dated April 15, 2013 acknowledging receipt of Seneca County Resolution No. 68-13, which is opposing the passage of legislation to allow early voting or to allow counties to opt-in to early voting opportunities, and for the state to fully fund any increased costs associated with early voting; and a letter dated April 1, 2013 acknowledging receipt of Seneca County Resolution No. 46-13 opposing the proposed State Budget cuts to funding for the Office for People with Development Disability.

64. From Senator Michael F. Nozzolio, a letter dated April 2013 acknowledging receipt of Seneca County Resolution No. 34-13 requesting that the New York State Department of Environmental Conservation withhold approval of any plan for mass storage of LP Gas adjacent to or under Seneca Lake and Seneca County Resolution No. 46-13 opposing the proposed State Budget cuts to funding for the Office for People with Development Disability.

65. From Stephen J. Acquario, Executive Director, NYSAC, a letter dated April 5, 2013 acknowledging receipt of Seneca County Resolution No. 17-13 opposing the New York State SAFE Act.

66. From Glen Silver, President, Concerned Citizens of Seneca County, Inc., a copy of an email dated April 14, 2013, to Robert Aronson, Executive Director, Seneca County IDA. Subject: Public Meetings and the Seneca County IDA's incentive offerings for IES' \$17m methane gas plant.

67. From NYS Homes & Community Renewal, a letter dated April 19, 2013, approving Seneca County's Request for Release of Funds re: NYS CDBG Project #1056ED782-13 to assist Gould's Pumps (a copy has been provided to the IDA).

68. From the Town of Geneva, Notice of Public Hearing, May 14, 2013 on proposed local law "Amending Chapter 165 (Zoning) of the Code of the Town of Geneva)" by amending the allowable uses to include as a permitted use a "Church or other place of worship".

69. From the Town of Ovid, NY, Notice of Public Hearing, May 8, 2013 on proposed local law repealing the "Unnecessary Noise" ordinance of the Town of Ovid; and Notice of Public Hearing, May 8, 2013 on proposed local law repealing the "Mobile Home Code" and the "Mobile Home Ordinance for the Placement of Individual Mobile Homes with the Town of Ovid.

70. From the Seneca County IDA, Notice of Public Hearing, April 23, 2013 on the Seneca Energy II, LLC 2013 Project.

71. A copy of a letter to the Seneca Lake Pure Waters Association from the United States EPA, dated March 19, 2013 recognizing the SLPW as the recipient of the 2013 U.S. EPA Environmental Quality Award, the highest recognition presented to the public by EPA.

72. From the Yates County Legislature, a copy of Resolution No. 152-13, "Resolution Declaring "MAYDAY for MANDATE RELIEF" and Urging the State to Adopt Laws that Do Not Impose Further Fiscal Stress on Local Governments and Taxpayers and Build Upon Recent Efforts to Reform Costly Unfunded Mandates".

73. From the NYS Department of Health, a letter dated May 3, 2013 re: Cessation of Water Fluoridation SCWD #1 and the steps needed to be taken by Seneca County to terminate the addition of fluoride in Water District #1. Referred to the Public Works Committee.

74. From the Seneca County Democratic Committee, certification signed by the Chairman Theodore H. Young, that the Committee nominated Ruth V. Same as a suitable and qualified person for appointment to the office of Seneca County Commissioner of Elections, for the four (4) year term commencing January 1, 2014. Referred to the Government Operations Committee.

RESOLUTIONS & MOTIONS

**BOARD OF SUPERVISORS AUTHORIZE AMENDMENTS TO
2013 SENECA COUNTY BUDGET**

RESOLUTION NO. 69-13 moved by Mr. Prouty, second by Mr. Kubasik and adopted.

WHEREAS, amendments to the 2013 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 April 23, 2013; now therefore be it

RESOLVED, that the Board of Supervisors authorizes the following amendments to the 2013 Seneca County Budget:

Risk Management

From: 65-101-5-1910-4380 (other fees, services) \$10,000

To: 65-101-5-1910-4560 (insurance) \$10,000

CCS

From: 104310-54350 \$50,000

From: 104320-54350 \$6,318

To: 10-115-5-4310-1100 \$45,000

To: 10-115-5-4310-8100 \$7,020

To: 10-115-5-4310-8300 \$2,790

To: 10-115-5-4310-8400 \$855

To: 10-115-5-4310-8700	\$653
Facilities – County Office Building	
From: 10-101-5-1622-4140	\$15,000
To: 10-101-5-1622-4220	\$15,000
Severance:	
From: 1450-51100 (Board of Elections Salaries)	\$2,464.41
To: 1450-51400(Board of Elections Severance)	\$2,464.41
From: 3140-51100 (Probation Salaries)	\$1,105.94
To: 3140-51400 (Probation Severance)	\$1,105.94
From: 3150-51100 (Sheriff Correctional Facility Salaries)	\$1,815.52
To: 3150-51400 (Sheriff Correctional Facility Severance)	\$1,815.52
From: 6002-51100 (DHS Family & Child Services Salaries)	\$4,174.98
To: 6002-51400 (DHS Family & Child Services Severance)	\$4,174.98

APPOINTMENT TO THE OFFICE OF SENECA COUNTY COMMISSIONER OF ELECTIONS
RESOLUTION NO. 70-13 moved by Mr. Westfall, second by Mr. Churchill and adopted by 682 ayes and 68 abstentions (Earle).

WHEREAS, the Chairman of the Democratic Committee has filed with this Board of Supervisors, pursuant to Section 31 of the Election Law, a certificate recommending the appointment of Ruth V Same to the office of Commissioner of Elections; now, therefore be it

RESOLVED, that Ruth V. Same is hereby appointed Commissioner of Elections in and for the County of Seneca with term of office to commence January 1, 2014 for a four-year term to expire December 31, 2017.

BOARD OF SUPERVISORS DECLARES MAY 21, 2013 TO BE “MAYDAY FOR MANDATE RELIEF” AND URGES THE MANDATE RELIEF COUNCIL TO TAKE SWIFT ACTION IN SUBMITTING A PACKAGE OF MANDATE RELIEF PROPOSALS TO GOVERNOR CUOMO AND THE STATE LEGISLATURE TO BE VOTED ON THIS SESSION

RESOLUTION NO. 71-13 moved by Mr. Westfall, second by Mr. Kubasik and adopted.

WHEREAS, the State of New York mandates (requires) the delivery of State programs using local resources, causing many counties to dedicate more than 80 percent of their entire budget toward the funding of State mandated programs and fixed costs; and

WHEREAS, the New York State Association of Counties has identified just 9 state mandates that equal 90 percent of all county property taxes levied in 2011 (outside of New York City), consuming \$4 billion of \$4.4 billion in county property taxes levied. These mandates include: Medicaid, TANF/Public

Assistance Safety Net, Child Welfare Protective and Preventive Care, Special Education Pre-School, Early Intervention, Probation, Indigent Defense, Youth Detention, and Pensions; and

WHEREAS, these State mandates are the root cause of high county property and sales taxes in New York and have led to a decline in the delivery of important local services; and

WHEREAS, these State imposed mandates continue to contribute to New York's highest in the nation local tax burden for residents and businesses, severely damaging New York's ability to attract, create and maintain good paying jobs, as well as contributing to population losses to other states; and

WHEREAS, when the State enacted a property tax cap in 2011, a Mandate Relief Council was established to review specific mandates and advance legislative proposals to reduce the statutory and regulatory burden on municipalities;

NOW, THEREFORE, BE IT RESOLVED, that Seneca County hereby declares May 21, 2013 to be "Mayday for Mandate Relief" to demonstrate that the decisions made in Albany have a direct impact on the property tax levy and local community services here in Seneca County; and

BE IT FURTHER RESOLVED, that Seneca County hereby calls on the Mandate Relief Council take swift action in submitting a package of Mandate Relief proposals to Governor Cuomo and the State Legislature to be voted on by our State Representatives during the 2013 State Legislative Session; and

BE IT FURTHER RESOLVED that the Clerk of the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, members of the New York State Legislature and all those deemed necessary and proper.

During discussion of Resolution No. 71-13, Mr. Kubasik stated he would be voting in favor of the resolution, but he was doubtful it would be effective with Governor Cuomo citing the that within four months of the year, the Governor supported the NY SAFE Act and early voting legislation - both of which impose unfunded mandates on the county level.

SUPERVISORS DECLARE JUNE 2013 AS DONATE LIFE MONTH IN SENECA COUNTY

RESOLUTION NO. 72-13 moved by Mr. Westfall, second by Mr. McGreevy and adopted.

WHEREAS, only 18 percent of New Yorkers age 18 and over have enrolled in the NYS Donate Life Registry, compared to the national average of 42 percent; and

WHEREAS, counties are pitching in to raise awareness and increase organ donor registration rates across New York; and

WHEREAS, in New York State, it is easy to register as an organ donor, and registration can be done online or by visiting a local DMV location; now therefore be it

RESOLVED, that June 2013 shall be Donate Life Month in Seneca County; and be it further

RESOLVED, that the Seneca County Board of Supervisors fully supports the state-wide effort to improve participation in this worthy and lifesaving program.

SUPERVISORS APPROVE PURCHASE OF A 2013 FORD F-450 REGULAR CAB 4X4 PICKUP WITH PLOW FOR THE HIGHWAY DEPARTMENT

RESOLUTION NO. 73-13 moved by Mr. Kaiser, second by Mr. McGreevy and adopted.

WHEREAS, the Seneca County Highway Department is requesting to buy a 2013 Ford F-450 Regular Cab 4x4 Pickup with plow, and

WHEREAS, funds for the purchase of one (1) 2013 Ford F-450 Regular Cab 4x4 Pickup with plow from Chautauqua Bid in the amount of \$61,723.21 have been appropriated from the 2013 Seneca County Highway Road Machinery Vehicle Account 50-120-5-5130.2600; and

WHEREAS, the purchase was approved by the Public Works Committee of the Seneca County Board of Supervisors on April 23, 2013; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Highway Superintendent to purchase one (1) 2013 Ford F-450 Regular Cab 4x4 Pickup with plow in the amount of \$61,723.21 with funds appropriated from the 2013 Highway Road Machinery Vehicle Account 50-120-5-5130.2600.

SUPERVISORS APPROVE PURCHASE OF A 2013 TERRASTAR INTERNATIONAL 6 WHEELER DUMP TRUCK 4X2 WITH TENCO BOX FOR THE HIGHWAY DEPARTMENT

RESOLUTION NO. 75-13 moved by Mr. Kaiser, second by Mr. Lafler and adopted.

WHEREAS, the Seneca County Highway Department is requesting to buy a 2013 Terrastar International 6 Wheeler Dump Truck with Tenco Box; and

WHEREAS, funds for the purchase of one (1) 2013 Terrastar International 6 Wheeler Dump Truck 4x2 with Tenco Box from Chautauqua Bid in the amount of \$85,995.00 have been appropriated from the 2013 Seneca County Highway Road Machinery Vehicle Account 50-120-5-5130.2600; and

WHEREAS, the purchase was approved by the Public Works Committee of the Seneca County Board of Supervisors on April 23, 2013; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Highway Superintendent to purchase one (1) 2013 Terrastar International 6 Wheeler Dump Truck 4x2 with Tenco Box in the amount of \$85,995.00 with funds appropriated from the 2013 Highway Road Machinery Vehicle Account 50-120-5-5130.2600.

BOARD OF SUPERVISORS AUTHORIZES ACTING CHAIRMAN TO EXECUTE WATER AND SEWER DISTRICT CONTRACTS

RESOLUTION NO. 76-13 moved by Mr. Kaiser, second by Mr. Westfall and adopted.

WHEREAS, the County Water and Sewer Districts are required to enter into contracts with surrounding municipal Districts; and

WHEREAS, certain such contracts would require the signature of the Chairman as representative of both the County District and the local municipal District; and

WHEREAS, it is the desire of the Board of Supervisors to avoid even the appearance of impropriety in the execution of County and County utility district contracts; and

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

RESOLVED, that the Acting Chairman of the Board of Supervisors as defined under Rule 3 of the Board of Supervisors Rules of Order is authorized and directed to execute on behalf of the Board of Supervisors, all contracts authorized previously or hereafter by the Board with the following municipalities and municipal utility districts: The Town of Varick, Varick Sewer Districts numbers one and two and Varick Water Districts numbers one and three; and be it further

RESOLVED, that the Seneca County Board of Supervisors hereby ratifies and affirms all acts of the Acting Chairman executed in compliance with and in reliance upon this resolution.

BOARD OF SUPERVISORS ESTABLISHES SHUT-OFF POLICY FOR

SENECA COUNTY WATER DISTRICT NO. 1

RESOLUTION NO. 77-13 moved by Mr. Kaiser, second by Mr. Shipley and adopted.

WHEREAS, it has come to the attention of the Board of Supervisors that there remain a number of delinquent accounts payable to Seneca County Water District No. 1; and

WHEREAS, the District is dependent upon collection of these accounts for the purchase of water and for the costs of operation and maintenance; and

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

RESOLVED, that Commencing as soon as practicable following passage of this resolution, all billing statements issuing from Seneca County Water District No. 1 shall contain the following inscription in prominent, bold face type: "ALL ACCOUNTS MORE THAN 60 DAYS PAST DUE ARE SUBJECT TO TERMINATION OF SERVICE (SHUT-OFF)"; and be it further

RESOLVED, that commencing after the first billing cycle for which such Notice is included on such billing statements, where any user becomes 60 days delinquent from the postmark date of the billing statement, a letter shall be sent both by certified mail, return receipt requested and by first class mail, addressed both to the address to which service is provided and to any billing address provided by the user and to which billing statements have been sent, allowing ten days from the postmarked receipt by the United States Postal Department to pay said bill in full, or service shall be terminated; and be it further

RESOLVED, that any said delinquent user shall pay a \$20.00 fee for the service to be terminated should it become necessary; and be it further

RESOLVED, that no current user who is delinquent in payment of water charges shall be permitted to open a new account or obtain a new hook-up to any premises until such account is brought to current status; and be it further

RESOLVED, this policy shall be imposed in addition to and notwithstanding the District's right to re-levy water charges pursuant to Article 5-A of New York State County Law.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
A CONTRACT AMENDMENT WITH HEALTH RESEARCH, INC. FOR THE
PUBLIC HEALTH EMERGENCY PREPAREDNESS GRANT**

RESOLUTION NO. 78-13 moved by Mrs. Garlick Lorenzetti, second by Mr. Churchill and adopted.

WHEREAS, the New York State Department of Health has amended the current contract for the Emergency Preparedness Grant; and

WHEREAS, the Grant will now be a five year grant for the period of time July 1, 2012 through June 30, 2017; and

WHEREAS, the total grant award will be \$267,500 (\$53,500/year); and

WHEREAS, it will be necessary for the Chairman of the Board to sign the contract amendment with Health Research Inc. to receive these funds; and

WHEREAS, the Public Health Committee has approved this 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 Health Research Inc. for the Emergency Preparedness Grant.

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

RESOLUTION NO. 79-13 moved by Mrs. Garlick Lorenzetti, second by Mr. Earle and adopted.

WHEREAS, the New York State Department of Health has requested an amendment to the current contract for the Lead Poisoning Prevention Grant; and

WHEREAS, the amendment will include an Appendix R- Ongoing Vendor Responsibility; and

WHEREAS, there is no change in the amount of the grant funds; and

WHEREAS, it is necessary for the Chairman of the Board to sign this contract amendment; and

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

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

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO
SIGN A CONTRACT AMENDMENT WITH CATHY BOND, CONSULTANT FOR
EMERGENCY PREPAREDNESS PLANNING**

RESOLUTION NO. 80-13 moved by Mrs. Garlick Lorenzetti, second by Mr. Churchill and adopted.

WHEREAS, Cathy Bond is a consultant who has been working with the Health Department on Emergency Planning for eight years; and

WHEREAS, New York State has amended the Emergency Preparedness Grant to a 5 year cycle; and

WHEREAS, the funding source for services of Cathy Bond comes from the Emergency Preparedness grant; and

WHEREAS, under the preparedness grant (July 1, 2012 to June 30, 2017) her duties will include the assessment of current plans, re-write and updating of local plans, the development of new plans as per NYSDOH deliverable contract requirements, the facilitation of drills and exercises and the completion of After Action Reports, quarterly staff training and weekly surveillance; and

WHEREAS, she is paid \$60 per hour, not to exceed \$37,500 per grant year; and

WHEREAS, the funds for these expenses are in the Public Health Budget 10-115-5-4014-4370

WHEREAS, the Public Health Committee has approved this 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 Cathy Bond, consultant for Emergency Preparedness Planning.

**BOARD OF SUPERVISORS AUTHORIZES CONTRACT WITH ESI EMPLOYEE
ASSISTANCE GROUP AS THE PROVIDER OF THE EMPLOYEE ASSISTANCE PROGRAM
(EAP) FOR SENECA COUNTY AND AUTHORIZES THE CHAIRMAN OF THE
BOARD TO SIGN THE CONTRACT**

RESOLUTION NO. 81-13 moved by Mr. Earle, second by Mrs. Garlick Lorenzetti and adopted.

WHEREAS, employee assistance programs (EAP) are proven to help employees overcome personal difficulties that may impact their work life; and

WHEREAS, EAPs are a success for the organization as good and valued employees are retained in their jobs; and

WHEREAS, the EAP provides confidential counseling and other services on a wide variety of topics that address many issues and has proven successful in Seneca County Department of Human Services and all county departments; and

WHEREAS, funds are available in the 2013 Seneca County Budget in accounts 10-101-5-1430-4380 and 10-125-5-6006-4701, Personnel and DHS Training; and

WHEREAS, this resolution was approved by the Personnel Committee at its meeting on April 23, 2013; now, therefore be it

RESOLVED, the Board of Supervisors approves the agreement between Seneca County and ESI Employee Assistance Group for EAP services; and be it

FURTHER RESOLVED, the Chairman of the Board of Supervisors is authorized and directed to sign the agreement between Seneca County and ESI Employee Assistance Group.

**RESOLUTION APPOINTING ALTERNATE MEMBER TO THE
SENECA COUNTY PLANNING BOARD**

RESOLUTION NO. 82-13 moved by Mr. Earle, second by Mr. McGreevy and adopted.

WHEREAS, there currently exists two vacancies for alternate positions on the Seneca County Planning Board; and

WHEREAS, Mary Kelleher of Lake Road, Seneca Falls, New York, has expressed an interest in serving as an alternate on the Seneca County Planning Board; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on April 23, 2013; and, now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Mary Kelleher of the Town of Seneca Falls to a term effective immediately on the Seneca County Planning Board which shall extend until June 30, 2014.

**BOARD OF SUPERVISORS DESIGNATE MITCH ROWE AND NICK SCIOTTI AS
NEW YORK STATE GRANTS GATEWAY DELEGATED ADMINISTRATORS**

RESOLUTION NO. 83-13 moved by Mr. Earle, second by Mrs. Garlick Lorenzetti and adopted.

WHEREAS, New York State is establishing the New York State Grants Gateway website to serve as a central portal for submitting, managing, reporting, and requesting reimbursement for nearly all New York State Grants; and

WHEREAS, Seneca County must register to use the system and designate two Delegated Administrators to be responsible for maintaining all aspects of the County's user information, including adding users, assigning roles, ensuring information is current, and deactivating users in a timely fashion; and

WHEREAS, this resolution was reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on April 23, 2013; 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 register Seneca County with the New York State Grants Gateway System, assigning Mitch Rowe and Nick Sciotti as Delegated Administrators.

**APPLICATION AND ACCEPTANCE OF FEDERAL AVIATION ADMINISTRATION (FAA)
GRANT UP TO \$315,000 AND APPOINTING MCFARLAND JOHNSON AS ENGINEERS FOR
THE PROJECT TO BEGIN THE DESIGN OF THE APRON REHABILITATION AND
EXPANSION AT THE FINGER LAKES REGIONAL AIRPORT**

RESOLUTION NO. 84-13 moved by Mr. Earle, second by Mr. Prouty and adopted.

WHEREAS, the FAA has indicated that a grant will be made available for the design of the apron rehabilitation and expansion at the Finger Lakes Regional Airport; and

WHEREAS, the total grant would be for \$315,000 with the Seneca County local share at \$17,500 which has been budgeted for in the 2013 Airport Budget and New York State Department of Transportation (NYSDOT) will contribute \$17,500; and

WHEREAS, McFarland Johnson was approved by the Seneca County Board of Supervisors to be the engineering firm for the Finger Lakes Regional Airport; and

WHEREAS, the resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on April 23, 2013; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors approves the application and acceptance of the FAA grant for design of the apron rehabilitation and expansion at the Finger Lakes Regional Airport and that the Chairman of the Board of Supervisors be authorized and directed to sign all necessary documentation to submit and accept this application to the FAA; and be it further

RESOLVED, that McFarland Johnson is approved as the engineering firm for the grant.

**APPLICATION AND ACCEPTANCE OF FEDERAL AVIATION ADMINISTRATION (FAA)
GRANT UP TO \$675,000 AND APPOINTING MCFARLAND JOHNSON AS ENGINEERS
FOR THE PROJECT TO REHABILITATE TAXIWAY AND DRAINAGE IMPROVEMENTS,
PHASE I AT THE FINGER LAKES REGIONAL AIRPORT**

RESOLUTION NO. 85-13 moved by Mr. Earle, second by Mr. Lafler and adopted.

WHEREAS, the FAA has indicated that a grant will be made available for the wetland taxiway and drainage improvements at the Finger Lakes Regional Airport; and

WHEREAS, the total grant would be for \$675,000 with the Seneca County local share at \$37,500 which has been budgeted for in the 2013 Airport Budget and New York State Department of Transportation (NYSDOT) will contribute \$37,500; and

WHEREAS, McFarland Johnson was approved by the Seneca County Board of Supervisors as the engineering firm for the Finger Lakes Regional Airport; and

WHEREAS, the resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on April 23, 2013; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors approves the application and acceptance of the FAA grant for taxiway and drainage improvements at the Airport and that the Chairman of the Board of Supervisors be authorized and directed to sign all necessary documentation to submit and accept this application to the FAA; and be it further

RESOLVED, that McFarland Johnson is approved as the engineering firm for the grant.

**AUTHORIZE SNOWMOBILE TRAIL GRANT APPLICATIONS WITH TWIN LAKES
SNOWMOBILE ASSOCIATION AND SENECA SLEDDERS SNOWMOBILE ASSOCIATION
FOR 2013-2014 SEASON**

RESOLUTION NO. 86-13 moved by Mr. Earle, second by Mr. Churchill and adopted.

WHEREAS, Seneca County has previously indicated that it would serve as Sponsor for the Twin Lakes Snowmobile Association and the Seneca Sledders Snowmobile Association for them to receive the pass-through funding for the Grant-in-Aid Program funding from the New York State Office of Parks, Recreation and Historic Preservation for sections of trail on the New York State Snowmobile System in Seneca County; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on April 23, 2013; now, therefore be it

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

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

FURTHER RESOLVED, that the Chairman of the Board and the County Treasurer are authorized and directed to sign necessary reports and vouchers to receive funding for the New York State Snowmobile Grant Program for the 2013-2014 Season; and be it

FURTHER RESOLVED, upon receipt of funds from the New York State Snowmobile Grant-in-Aid Program, the County Treasurer will confer with the Seneca County Department of Planning and Community Development as the appropriate division of the funds between the Twin Lakes Snowmobile Association and the Seneca Sledders Snowmobile Association based on the mileage and type of State approved trails and prepare checks to the Twin Lakes Snowmobile Association and the Seneca Sledders Snowmobile Association.

**BOARD TO APPROVE APPOINTMENT OF
FINGER LAKES WORKFORCE INVESTMENT BOARD MEMBERS**

RESOLUTION NO. 87-13 moved by Mr. Davidson, second by Mr. Prouty 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 and private sector representatives to the Finger Lakes Workforce Investment Board effective July 1, 2013 to June 30, 2016:

Public Sector

Mr. Michael L. Davis	07/01/2013 – 06/30/2016	Mr. Theodore Jordan Jr.	07/01/2013 – 06/30/2016
Business Manager-IBEW Local Union 840		PathStone Corporation	
Finger Lakes Building Trades		Regional Administrator	
Ontario County		Monroe County	
P.O. Box 851		400 East Avenue	
Geneva, NY 14456		Rochester, NY 14607	
Ms. Carol Kramer	07/01/2013 – 06/30/2016	Ms. Martha Costello	07/01/2013 – 06/30/2016
ACCES-VR		DOL Manager	
Director of Counseling		Finger Lakes Works Geneva & Lyons	
109 S. Union Street		70 Elizabeth Blackwell Street	
Rochester, NY 14607		Geneva, New York 14456	
Margaret (Peg) Churchill	07/01/2013 – 6/30/2016	Michael Manikowski	07/01/2013 – 6/30/2016
Director		Director	
Wayne County IDA		Ontario County Economic Development	
16 William Street		20 Ontario Street	
Lyons, NY 14489		Canandaigua, NY 14424	
Dr. Barbara G. Risser	07/01/2013 – 6/30/2016	Kevin O’Hagan	07/01/2013 – 6/30/2016
President, Finger Lakes Community College		Program Specialist	
312 Wey Bridge Terrace		Veteran’s Administration	
Camillus, New York 13031		400 Fort Hill Avenue	
		Canandaigua, New York 14424	

Private Sector

Ms. Mary Lee Burnell	07/01/2013 - 6/30/2016	Mr. Kenneth Riemer	07/01/2013 - 6/30/2016
Administrator		Owner	
Seneca Nursing and Rehabilitation Center		Buttonwood Grove Winery	
222 Douglas Drive		5986 State Route 89	
Waterloo, New York 13165		Romulus, New York 14541	
Mr. Steven R. Brusso	07/01/2013 – 06/30/2016		
Evans Chemetics LP			
Site Manager			
228 East Main Street			
Waterloo, NY 13165; and			

WHEREAS, these appointments have been reviewed and approved by the Human Services Committee; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint the individuals listed above 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.

Unfinished Business

Chairman Hayssen recognized Mrs. Garlick Lorenzetti who inquired why the third meeting on May 15 with Hillside was not an open meeting. The Hillside meetings address the concerns of the community that neighbor Hillside property and the frequency of runaways from the campus. She said her constituents, among them the owners of the Kountry Kitchen, should be included in the Hillside meetings. They have been involved since the beginning and the Kountry Kitchen suffered the most loss.

Mr. LaVigne, Director of Mental Health Services, who is facilitating the meetings, explained that the opinion of the county attorney is that the meeting does not fall under the New York State Open Meetings Law. The meeting is intended as a working meeting with the different agencies involved to decide the best way to handle the runaway situations. Mr. Reynolds, Chairman of the Public Safety Committee said the meeting doesn't need to have public attendance. The prior two meetings allowed for the public to attend and to make comment. He said they will follow up with a report of the meeting. Mrs. Garlick Lorenzetti disagreed and stated for the record, "This is crap".

New Business

Mr. Earle made a motion, seconded by Mr. Churchill to introduce Resolution No. 88-13 under Rule 29 which allows the board to consider a resolution for adoption without being reviewed by the appropriate oversight committee. The motion carried by two-thirds majority of the board members present.

APPLICATION TO NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT)

AIRPORT CAPITAL PROJECT FOR THE FINGER LAKES REGIONAL AIRPORT

RESOLUTION NO. 88-13 moved by Mr. Earle, second by Mr. Churchill and adopted.

WHEREAS, the NYSDOT has indicated that a grant will be made available for the updating of the Finger Lakes Regional Airport fuel facility and the purchase of a fuel truck; and

WHEREAS, the fuel facility is in need of repairs and expansion; and

WHEREAS, the total grant would be up to \$450,000 with the Seneca County Local Share of \$45,000 which has been budgeted for in the 2013 Airport Budget; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors approves the application to the NYSDOT for the upgrade of the fuel system at the Finger Lakes Regional Airport and that the Chairman of the Board of Supervisors be authorized and directed to sign all necessary documentation to submit this application to the Federal Aviation Administration (FAA) subject to the approval of the Seneca County Attorney.

Under discussion of Resolution No. 88-13, Mr. Bordeau, Director, Planning & Community Development, explained that this resolution was introduced under Rule 29 because this type of grant doesn't happen every year. The last time it was offered was in 1999.

**SOLAR SERVICES AGREEMENT WITH SPEAR POINT ENERGY, LLC FOR
THE LAW ENFORCEMENT CENTER**

(as amended)

RESOLUTION NO. 89-13 moved by Mr. Kaiser, second by Mr. Reynolds and adopted.

WHEREAS, Seneca County Sheriff Jack Stenberg requests that the Chairman of the Seneca County Board of Supervisors signs "Solar Services Agreement" and a "Site Lease Agreement" with Spear Point Energy, LLC, of 1505 Bridgeway, Suite 207, Sausalito, California, for the purpose of having Solar Point Energy construct a Solar Project that would be located at the Law Enforcement Center; and

WHEREAS, the New York State Research and Development Authority (NYSERDA) provides cash incentives for the installation by Eligible Installers of new Grid-Connected Solar Electric or Photovoltaic (PV) systems. was receiving applications for solar energy projects in New York State and Spear Solar Energy had submitted a Solar Energy Project to be constructed at the LEC in Romulus; and

WHEREAS, in November 2012, Spear Point Energy, LLC, submitted an application to NYSERDA and after a through competitive program of selection has received a rebate from the State for close to \$1.0 million to assist in building the system and subsidizing the cost of electric energy; and

WHEREAS, the project was awarded in April of 2013 and a contract needs to be executed by May 15th, 2013 to demonstrate the project is advancing; and

WHEREAS, this resolution was approved by Committee April 23rd, 2013; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the signing of contracts with Spear Point Energy, LLC, to further advance this project; and be it further

RESOLVED, that Seneca County Board of Supervisors has the right to opt-out of the contract at the June 11, 2013 board meeting should the data provided not be to their liking.

Under discussion of Resolution No. 89-13, there were several concerns including how much energy will be provided by the solar panel, is the county locked into the annual escalated rate in the proposal, what happens if Spear Point goes out of business; how did Spear Point arrive at the average rate increase for NYSEG; etc.

Based on the discussion and several concerns and questions, Mr. Kaiser made a motion, seconded by Mr. Earle to amend the resolution by adding another Resolved with the text “has the right to opt-out of the contract at the June 11, 2013 board meeting should the data provided not be to their liking”. The amendment carried unanimously.

Chairman Hayssen said that all questions should be directed to the County Manager within seven days who in turn will forward them to Spear Point for answers and discussion can continue at the committee meetings later in May.

Special Order of the Day

The meeting was adjourned at 8:20 p.m.