

Seneca County Board of Supervisors
Board Meeting
Tuesday, September 13, 2016

Call to Order

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

Roll Call of Members by the Clerk

All members of the Board of Supervisors answered roll call.

Pledge of Allegiance and Moment of Silence

Melanie Morabito, who died on September 10, was remembered during the Moment of Silence. Melanie worked at the Seneca County Highway Department for eight years as an Account Clerk.

Presentations

Update on del Lago – Jeff Babinski, General Manager & Executive Vice-President; and James McKenna, Vice-President of Construction, Wilmorite, Site Manager. The project is on schedule. The casino portion is 74% completed with work now being done on the inside (i.e. kitchen equipment, tile work, computer flooring). There are 600 construction crew people are on-site daily.

The casino will staff 1,500 employees and the hotel will staff 300. To date, they have hired ten executive level staff to date. They have registered 188 applicants for dealer training, which will begin in October. A second training will be in November. They goal is to have 240 trainees in each training school. They have received over 2,000 job applications overall, 1200 within a twenty mile radius of del Lago. There have been three job fairs. One is scheduled for September 22 at the Lodi Fire Department.

Employee Retirement – Chairman Westfall presented a certificate of appreciation to Deputy Commissioner of Human Service Margaret (Peg) A. Birmingham, who retired after more than thirty-two years of employment with Seneca County. Ms. Birmingham was hired as an Employment Training Assistant in 1984 and was appointed to her current position in 1999. She served as the Staff Development Coordinator for DHS and was instrumental in providing valuable staff training, professionally and personally. Her insight, direction and knowledge will be greatly missed but Seneca County wishes her nothing but best in retirement.

Petitioners

Allison Stokes, property owner, Seneca Falls – urged the Board of Supervisors to “stand with the citizens of Seneca Falls, who oppose any new host agreement that would provide for a landfill permit beyond October 2017...resolve to stand in solidarity with all of us working to shut down Seneca Meadows, while the town of Seneca Falls still has the power to do so.”

Approval of Meeting Minutes

The minutes were approved for the August 9 special board meeting, August 9 regular board

meeting and the August 23 special board meeting.

Submission of Claims for Audit

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

Supervisors vouchers	totaling	\$	479,772.46
Workforce Development vouchers	totaling	\$	35,046.01
Self-Insurance vouchers	totaling	\$	3,263.80
County Airport vouchers	totaling	\$	36,892.83
Highway Transportation vouchers			
Maintenance & State Snow	totaling	\$	366,881.14
Highway Machinery	totaling	\$	39,272.31
	Highway Total	\$	406,153.45
Water 1	totaling	\$	10,250.73
Sewer 1	totaling	\$	14,416.11
Sewer 2	totaling	\$	17,104.40
Capital Project – Building Courthouse	totaling	\$	72,744.15
Capital Project – County Road	totaling	\$	2,068.68
Capital Project – Water & Sewer Projects	totaling	\$	13,616.71
Capital Project – Sewer 318	Totaling	\$	3,300.00

Reports of Standing Committees

Standing Committee meetings were held on August 23, 2016.

Public Safety Committee – Sprvr. Davidson, PS Chairman. The committee referred several resolutions for tonight’s board meeting. One is to urge the Governor to sign the Public Defense Mandate Relief Act to reimburse counties for expenditures made fulfilling the state's obligation to provide representation for those financially unable to afford counsel and that the various counties and NYC receive an amount equal to the amount paid from the Indigent Legal Services in March 2010.

The Elks Lodge 992 in Seneca Falls donated \$1,000 towards the Purchase of Project Lifesaver Equipment: Project Lifesaver Equipment is a rapid-response program that aids clients who wander as a result of cognitive impairments and other afflictions.

The Sheriff K-9, Izak, died recently, and the Sheriff’s Office is seeking to purchase an Explosive Patrol Police Service Dog for \$13,250 – which includes training.

Earlier tonight there was a special committee meeting to consider authorizing the sale of a vehicle, rarely used by Emergency Management anymore, to the Romulus Fire Department for \$19,000.

We received confirmation from the Seneca County Fire Chiefs Association that no other fire department is interested in the vehicle. The committee is recommending a board resolution to declare the vehicle surplus and sell it to the Romulus Fire Department.

Human Services Committee – Sprvr. Lazzaro, HS Chairman. The committee approved refilling five positions: a full-time position temporary position for the HEAP program and a part-time position for HEAP in Office for the Aging; two caseworker positions in Preventive / Foster Care and one casework position in Child Protective. Additionally, the committee also approved refilling the position for Deputy Commissioner for the Department of Human Services. Peg Birmingham retires effective September 1. The salary offered will be between \$66,000 - \$75,000.

September 2016 is Hunger Action Month. There are currently 1,572 open cases in Seneca County or 3,100 individuals. Seneca County is committed to working with Foodlink, other food banks across the state and local hunger relief agencies to educate people about the role of food banks and hunger relief programs in addressing hunger.

There is a resolution on the agenda tonight authorizing the County Manager to sign the agreement with Bishop Sheen Ecumenical Housing Foundation, Inc. and support their effort in pursuit of funding for health and safety home rehabilitation and accessibility modifications.

Personnel Committee – Sprvr. Lazzaro, PER Chairman. A retirement in the Treasurer's Department created a vacant Account Clerk position, and there is no need for this position in the Treasurer's Office since the creation of the Finance Department. The committee recommended board action to abolish (1) Full-time Account Clerk Position in the Treasurer's Department and create and authorize filling of (1) Accountant position in the Finance Department.

The agreement with Total Care EAP, Employee Services Inc. (ESI) for the continuation of employee assistance services to county employees expires at the end of 2016. Seneca County has contracted their services since 2002. This is a three year contract from Jan 1 2017 – Dec 31 2019. Pricing for this contract is based on the number of Seneca County employees. County municipalities cannot be consolidated in the contract.

Planning, Development, Agriculture & Tourism – Sprvr. Churchill, Chairman. We had a special committee meeting before the board meeting to consider two items. The first was authorizing a G.A.I.N. (Growing the Agriculture Industry Now!) loan to Muranda Cheese. GAIN has been established through the NYS Urban Development Corporation d/b/a New York State Empire Development Corporation (NYS ESD). Genesee/Finger Lakes Regional Planning Council (G/FLRPC) was awarded a \$3 million dollar grant to implement a "GAIN" revolving loan fund. Seneca County's share is \$218,000 as a Subrecipient.

An application from Muranda, LLC., owned by Thomas Murray, was reviewed by the CDBG Loan Review Committee on August 16, 2016, and was found to be satisfactory and in full compliance

with regulations and guidelines applicable to the “GAIN” Agriculture-related Revolving Loan Program.

The application is seeking a \$200,000 loan at 1% for seven (7) years to assist in the expansion of cheese production for the retail business located at 3075 Route 96, Waterloo.

The second issue was a resolution formally and officially supporting the plan presented by Earl Martin and Robert Aronson at the August committee meeting, to retain and enhance the law enforcement and fire training facilities at the former army depot.

Sprvr. Churchill deferred to Sprvr. Lazzaro, Vice-Chair of PDAT Committee, to report on the committee’s August meeting.

At the August meeting the committee set the date for a public hearing on the occupancy tax local law renewal. The current law expires December 8.

A public notice to adopt the Disadvantaged Business Enterprise Plan for Finger Lakes Regional Airport will be published in the official county newspapers the week of September 19.

Mike Enslow, resident of Waterloo, is seeking appointment to the Seneca County Planning Board for a term expiring on June 20, 2020.

David Haimes, Hunter Mollin, and Robert Pfeiff are seeking re-appointment to the Finger Lakes Regional Airport Advisory Committee for a term effective Oct. 31, 2016 – Oct 30, 2017.

Government Operations Committee – Sprvr. Garlick Lorenzetti, Chairperson. The annual board meeting in Ovid will be held on October 11 at 6:00 p.m. at the Papa Bear Building at the Ovid county seat.

Public Works Committee – Sprvr. Trout, Chairman. We received five responses to the RFP for a Facilities Master Plan. The recommendation is that Passero Associates is least amount of cost and most qualifying firm. Funding will be included in the Capital Project 01-16 budget.

There are ten vehicles owned by the county and of no more use to the county and should be declared as surplus. The years of the vehicles ranges from 1991 – 2006. The vehicles have been stored at the former army depot. The approximate scrap value of these vehicles is \$1,650.

The contract with Romulus Central School and Seneca County Highway for transportation services and use of county outdoor storage and parking area is contains a clause that allows for both parties to extend the contract for an additional one year, thus the contract extension is for the period July 1, 2016 through June 30, 2017. The amount charged by the County for labor will be \$38/hour for the additional year. This is a \$3 increase from the previous rate. Romulus Central School agrees to pay \$200/month in rent for outdoor storage and parking area.

Amended Contract with Barton & Loguidice – Engineering Services Route 318 Sewer Project: Barton & Loguidice prepared and submitted the Facilities Plan and Map, Plan and Report for the Route 318 Corridor Sewer Improvements to the Seneca County Board of Supervisors, which identified the

proposed County Sewer District boundary, public sewer infrastructure, and planned method of financing with maximum amount to be expended by the proposed Route 318 County Sewer District. Barton & Loguidice has submitted an amended contract agreement for Professional Services relating to the Preliminary/Final Design, Permitting, Bidding Services, Construction Administration and Observations of the Project for an amount not to exceed \$1,120,000.00 – funding source will be from the Route 318 Sewer Capital Project Account 808310-52000.

Memorandum of Understanding (MOU) with the Town of Junius Regarding Route 318 Sewer: Waterloo Premium Outlets will be serviced by the Route 318 sewer district when completed. Currently it is being served by the Town of Junius sewer system. A MOU regarding the transfer of said property to the county 318 sewer district is necessary.

Finance, Assessment & Insurance Committee – Sprvr. Prouty, FAI Chairman. The new Finance Director will begin employment this year. The initial, annual compensation for the Finance Director is not to exceed \$75,000. Funding for the position can be found in budgets under Mental Health. There is a resolution authorizing the treasurer to make the amendments to the budget for the salary of the new Finance Director.

Also, the certified equalization rates for the Final 2016 Assessment Rolls have been received from the NYS Board of Real Property Tax Services for 2017 County taxation.

Indian Affairs Committee – Sprvr. Shipley, Chairman questioned how Mayor Warren openly advocates for another casino when this board passed several resolutions regarding del Lago; and we support an exclusion zone of a minimum of 90 miles – the distance between us and the Oneida facility. He asked if the county attorney would contact Rob Williams, head of the Gaming Commission, to inquire if Seneca Nation has authority to open a casino in the Rochester area. Seneca Nation has three gaming licenses from NYS and all are being used.

Chairman's Remarks

Chairman Westfall commented on the county retaining experienced staff – and on those positions that are currently vacant; they need to be filled by individuals with the same knowledge and experience as their predecessor. Perhaps the salary grades need to be reviewed. We are in a position where we have a lot of key people age of retirement. We have people in the trenches stepping forward.

Regarding the update on the construction of del Lago, Chairman Westfall said the casino and resort is creating jobs. He thanked the board for their effort, remarking that it wasn't "all peaches and cream", but everyone pulled together to make this project a reality.

County Manager's Remarks

County Manager Sheppard said the acquisition of the former BonaDent building is progressing. The sales purchase agreement is signed. The occupancy agreement is signed. The teeth behind both of

those is a \$500,000 earnest money deposit. The occupancy agreement allows del Lago to sponsor their initial training school at the facility using 8,000 square feet; and there is also interest to lease out the remaining area at the west end of the building. January 1, 2017 is the deadline to submit construction level documents to Bruce Bonafiglia (current owner of BonaDent property) to make the plan work. As for the del Lago daycare, they are in the final stages of determining who the third party provider will be, with a target beginning date of April 1.

There is a resolution on the agenda declaring ten vehicles surplus. Some vehicles have been transferred to other departments, such as Facilities. The plan is to turn over high mileage vehicles to Enterprise Fleet Management before the end of the year.

CFA round 6 is already scored by the committee of the FLREDC. As the delegated member, he will review them to see if there is a need to request an appeal. There are 250 CFA project applications.

Sales tax is looking good. Mid-year adjustments brought down the sales tax revenue by \$500,000. Currently we are \$20,000 behind in sales tax receipts, compared to last year. There is still plenty of time to make it up, and we are in better standing than most counties.

County Attorney's Remarks

Regarding an invitation from the Seneca County Sheriff's Employees Association (SCSEA), to the members of the Board of Supervisors, to attend a reception to share information and answer questions from board members regarding negotiations with the SCSEA, County Attorney Fisher advised the Board of Supervisors that any gathering resulting in a quorum of the Board of Supervisors, for the purpose of discussing county business, is a public meeting and subject to the NYS Open Meetings Law.

Communications:

124. From James E. Hinman, secretary, Seneca County Fire Chiefs Association, a record of action taken at a meeting of the Fire Chiefs Association held on August 25, 2016. The question was put what fire departments are interested in obtaining an Emergency Management vehicle, to be declared surplus by the county. All twelve fire departments within Seneca County were represented. Only Romulus Fire Department expressed interest in the surplus vehicle.

125. From the NYS Department of Taxation and Finance, Office of Real Property Tax Service, the final State equalization rates for the 2016 assessment rolls which have been established to date for the municipalities in Seneca County.

126. From NYS Office of Children and Family Services, a letter dated August 23, 2016, notifying the county that the Supervision and Treatment Services for Juveniles Program (STSJP) 2016 Transition Period application is approved and will serve as an official amendment to Seneca County 2015-16 STSJP approved plan.

127. From NYS Homes and Community Renewal, notification that the Single Audit

Management Decision - Fiscal Year Period Ending December 31, 2014 is complete and not further action is required at this time.

128. From Gary F. Williams, Ride Director/SAG Coordinator, AIDS Red Ribbon Ride, notification dated August 5, 2016 that roads within Seneca County will be used for the Seventh Annual AIDS Red Ribbon Ride, beginning the afternoon of Wednesday, August 17 – arriving at Cayuga Lake State Park - and continuing towards Cayuga County on the following morning, August 18.

129. From Bill Gautreaux, Chief Marketing Office, President – Supply & Logistics and Brad Bacon, Vice-President, Crestwood – US Salt, LLC., a letter dated August 15, 2016, in response to resolutions adopted by the Seneca County Board of Supervisors; and Sprvr. Churchill’s concerns voiced at a meeting of the Schuyler County Legislature, opposing the storage of LPG in Seneca Lake. The letter states that Crestwood implemented several changes to its longstanding proposal to reopen US Salt’s propane storage business and received support from the Schuyler County Legislature; and that Crestwood welcomes the opportunity to answer any questions or discuss any concerns of the Seneca County Board of Supervisors regarding propane gas storage in Seneca Lake.

130. A copy of a resolution adopted by the Town Board of Tyre, NY, supporting Seneca County’s Resolution 181-16 calling on state and county officials, residents and business owners, to adopt the “Think Differently” Initiative to assist individuals with special needs and their families.

131. A copy of minutes of the Seneca County Planning Board August 11, 2016 meeting.

132. A copy of minutes of the Seneca County IDA Board July 7, 2016 meeting.

133. From Sarah Glogowski, executive Director, Finger Lakes Library System, a request for \$7,150 in funding to be included in the 2017 Seneca County budget. Referred to the Budget Officer.

134. From Julia Tedesco, Executive Director, Foodlink, a request for Seneca County Board of Supervisors to proclaim the month of September 2016 as Hunger Action Month. Referred to the Human Services Committee.

135. From Jeff Bartkoski, President CEO, Mercy Flight Central, a request for \$5,000 in funding to be included in the 2017 Seneca County budget. Referred to the Budget Officer.

136. From Richard Richardson, Deputy Mayor, Village of Interlaken, a letter dated August 23, 2016, urging the Seneca County Board of Supervisors to adopt a resolution to share sales tax revenues with county municipalities based on Shepstone Management Company Cost Benefit Ratio for all of Seneca County for the del Lago Resort and Casino.

137. From Robert Jensen, President, SCSEA, an email dated August 25, 2016 inviting the members of the Board of Supervisors to attend an Informational Reception Hour on Thursday, September 29 at 6:00 p.m. at Parker’s Grill and Tap House, Seneca Falls, to share information and answer questions from board members regarding negotiations with the SCSEA.

138. From Allison Stokes, property owner, Seneca Falls, a copy of her statement dated September 13, 2016, presented at this meeting, urging the Board of Supervisors to stand with citizens of Seneca Falls who oppose any new host agreement that would provide for a landfill permit beyond October 2017.

RESOLUTIONS and MOTIONS

SUPERVISORS AUTHORIZE TREASURER TO TRANSFER FUNDS

TO FILL FINANCE DEPARTMENT POSITION

RESOLUTION NO. 184-16, moved by Sprvr. Prouty, seconded by Sprvr. Davidson and adopted by 682 ayes and 68 nays (Lazzaro).

WHEREAS, Resolution 104-16 directs the creation of the position Finance Department Director; and

WHEREAS, a recruitment process was conducted and has resulted in the determination of a qualified candidate appropriate for provisional appointment to the Finance Department Director position; and

WHEREAS, the initial, annual compensation for the Finance Director is not to exceed \$75,000; now, therefore be it

RESOLVED, the County Treasurer is authorized to transfer the following funds:

DECREASE:	104310-51100 (CCS-Reinvestment Salaries)	\$	19,884.00
DECREASE:	104320-51100 (MH-Waterloo Salaries)	\$	14,870.00
INCREASE:	101310-51100 (Finance Department Salaries)	\$	25,000.00
INCREASE:	101310-58300 (Finance Department Social Security)	\$	1,550.00
INCREASE:	101310-58100 (Finance Department Retirement)	\$	2,325.00
INCREASE:	103640-58400 (Finance Department Workers Comp)	\$	500.00
INCREASE:	101310-58600 (Finance Department Health Insurance)	\$	5,016.00
INCREASE:	103640-58700 (Finance Department Medicare)	\$	363.00

SENECA COUNTY BOARD OF SUPERVISORS TO ADOPT COUNTY EQUALIZATION RATES FOR 2017 COUNTY TAX APPORTIONMENT PRIOR TO NOVEMBER 15 OF 2016

RESOLUTION NO. 185-16, moved by Sprvr. Prouty, seconded by Sprvr. Davidson and adopted.

WHEREAS, Certified Equalization Rates for the Final 2016 Assessment Rolls have been received from the NYS Board of Real Property Tax Services for 2017 County taxation; and

WHEREAS, the Equalization Rates are as follows:

Covert	100.00	Romulus	78.00
Fayette	76.00	Seneca Falls	100.00
Junius	83.00	Tyre	79.00

Lodi	78.00	Varick	82.00
Ovid	78.00	Waterloo	90.00

Now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby adopt the above County Equalization Rates supplied by the New York State Board of Real Property Tax Services for 2017 County Tax apportionment in accordance with Section 840 of the Real Property Tax Law.

**BOARD OF SUPERVISORS ADOPT PASSERO ASSOCIATES’
PROPOSAL FOR A FACILITIES MASTER PLAN**

RESOLUTION NO. 186-16, moved by Sprvr. Trout, seconded by Sprvr. Wadhams and adopted.

WHEREAS, Board of Supervisors’ (BOS) resolutions, 42-08, 100-10 and 120-16 identify inadequacies of the Health Building and an opportunity to purchase replacement space at both a fiscal advantage and an enhancement of municipal services; and

WHEREAS, BOS Resolution No. 169-16 authorizes the purchase of the former BonaDent building and the distribution of a Facilities Master Plan (FMP), Request for Proposal (RFP); and

WHEREAS, the County Manager and County Purchasing Agent dutifully authored and typically distributed the FMP RFP; and

WHEREAS, the Chairman of the Public Works Committee, the County Planning Director and the County Manager reviewed five RFP responses and recommend Seneca County adopts the Passero Associates’ RFP as the least cost, qualifying RFP; now therefore be it

RESOLVED, that the BOS adopts the Passero Associates’ proposal; and be it further

RESOLVED, the BOS directs the County Manager to incorporate the RFP expense into the CP01-16 budget at a price not to exceed \$77,200.00; and be it further

RESOLVED, the BOS authorizes the County Manager, in close corroboration with the County Attorney, to sign documents fulfilling the aforementioned, BOS intent.

BOARD OF SUPERVISORS AUTHORIZES DISPOSAL OF SURPLUS VEHICLES

RESOLUTION NO. 187-16, moved by Sprvr. Trout, seconded by Sprvr. Wadhams and adopted.

WHEREAS, Seneca County has the following vehicles in storage:

2006	Ford Taurus	1FAFP53U86A224000
2005	Dodge Caravan	1D4GP25R95B150510
2004	Ford Taurus	1FAFP52U04A201812
2003	Chevy Van	1GNDU23E73D236898
2002	Jeep Cherokee	1J8GW58NX2C215535
1999	Ford Taurus	1FAFP53U8XA223849
1997	Ford Utility Truck	1FDLF47F7VEB46883

1998	Dodge Van	2B4GP25R7WR604282
2004	Dodge Van	2B7KB31YXVK551132
1991	Chevy Van 1 Ton	1GCKP32NXM3302124

And

WHEREAS, these vehicles have not been in service for years, have been vandalized and are likely only worth the value of scrap; and

WHEREAS, the approximate scrap value of these vehicles is (\$1,650.00) one thousand six hundred and fifty dollars; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes the County Manager to dispose of these vehicles by seeking a competitive price and to return any proceeds to the Seneca County General Fund.

**BOARD OF SUPERVISORS AUTHORIZES COUNTY MANAGER TO
AMEND AND SIGN SERVICE CONTRACT BETWEEN
ROMULUS CENTRAL SCHOOL AND SENECA COUNTY HIGHWAY**

RESOLUTION NO. 188-16, moved by Sprvr. Trout, seconded by Sprvr. Davidson and adopted.

WHEREAS, Romulus Central School and Seneca County Highway have entered into a Contract entitled "Seneca County Transportation Service Agreement to amend and adopt a new agreement; and

WHEREAS, the term of said Agreement is for a period of one year commencing July 1, 2016 (effective date) and the said Agreement provides that the parties may, at the end of each year of the term of the Agreement, extend such term for an additional year; and

WHEREAS, the present term of the Agreement, as extended, expires June 30, 2017; and

WHEREAS, the County shall charge for all such labor at a rate of \$38.00/hour from \$35.00/hour; and

WHEREAS, Romulus Central School will start paying \$200/month as of July 1, 2016 for rent of the outdoor storage and parking area; and

WHEREAS, the Public Works Committee approved this resolution on August 23, 2016; now, therefore be it

RESOLVED, that the County Manager is hereby authorized and directed to sign an agreement with the Romulus Central School for the increase in the labor rate of \$38.00/hour from \$35.00/hour and the rent of \$200.00/month starting as of July 1, 2016.

**RESOLUTION AUTHORIZING APPROVAL OF AMENDED CONTRACT WITH BARTON &
LOGUIDICE FOR ENGINEERING SERVICES FOR THE SENECA COUNTY ROUTE 318
SEWER SYSTEM EXPANSION AND IMPROVEMENT PROJECT**

RESOLUTION NO. 189-16, moved by Sprvr. Trout, seconded by Sprvr. Shipley and adopted.

WHEREAS, Seneca County (County) is progressing the Route 318 Seneca County Sanitary Sewer System Expansion and Improvement Project (Project); and

WHEREAS, Resolution No. 143-15 approved contracting with Barton & Loguidice, DPC, Consulting Engineers, for Planning and Initial Design of the Project; and

WHEREAS, Barton & Loguidice prepared and submitted the Facilities Plan and Map, Plan and Report for the Route 318 Corridor Sewer Improvements to the Seneca County Board of Supervisors, which identified the proposed County Sewer District boundary, public sewer infrastructure, and planned method of financing with maximum amount to be expended by the proposed Route 318 County Sewer District; and

WHEREAS, Resolution No. 100-16 authorized the Chairman of the Seneca County Board of Supervisors to accept the Facilities Plan and Map, Plan and Report for the Route 318 Corridor Sewer Improvements; and

WHEREAS, Resolution No. 131-16 established the Seneca County Route 318 Sewer Improvement District within the Towns of Tyre and Junius, and the authorized construction of the sewer collection facilities; and

WHEREAS, Barton & Loguidice has submitted an amended contract agreement for Professional Services relating to the Preliminary/Final Design, Permitting, Bidding Services, Construction Administration and Observations of the Project for an amount not to exceed \$1,120,000.00; and

WHEREAS, this resolution has been reviewed and approved by the Public Works Committee on August 23, 2016; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors approves the amended contract agreement with Barton & Loguidice for engineering services in the amount not to exceed \$1,120,000.00; and be it further

RESOLVED, that the Seneca County Manager is directed and authorized to sign all necessary documents for the contract, subject to approval of the Seneca County Attorney; and be it further

RESOLVED, that the Seneca County Treasurer is directed and authorized to transfer \$1,120,000.00 to the Route 318 Sewer Capital Project Account 808310-52000.

**BOARD OF SUPERVISORS AUTHORIZES SENECA COUNTY MANAGER TO SIGN
MEMORANDUM OF UNDERSTANDING (MOU) WITH THE TOWN OF JUNIUS
REGARDING ROUTE 318 SEWER**

RESOLUTION NO. 190-16, moved by Sprvr. Trout, seconded by Sprvr. Davidson and adopted by 717 ayes and 33 abstentions (Wadhams).

WHEREAS, Seneca County is in the process of creating a county sewer district which will service Route 318 in the Towns of Junius and Tyre; and

WHEREAS, the Waterloo Premium Outlets is currently serviced by the Town of Junius Sewer District; and

WHEREAS, the Waterloo Premium Outlets will become part of the Seneca County Route 318 Sewer District; and

WHEREAS, it is necessary and appropriate to have an agreement between the County of Seneca and the Town of Junius regarding the transfer of property known as Waterloo Premium Outlets to the Seneca County Route 318 Sewer District; and

WHEREAS, this resolution has been reviewed and approved by the Public Works Committee on August 23, 2016; now, therefore be it

RESOLVED, that the Seneca County Manager is directed and authorized to sign a Memorandum of Understanding (MOU) between the County of Seneca and the Town of Junius, and any additional documents necessary to effectuate the purpose of the agreement.

During the discussion regarding Resolution No. 190-16, Sprvr. Wadhams said the Junius Planning Board met with Barton & Loguidice and they are digesting the information. If the Junius Town Board approves the MOU, we will be ahead of the game by adopting this resolution now rather than wait another month.

SUPERVISORS AMEND RULES OF THE BOARD TO HOLD BOARD MEETING IN OVID
RESOLUTION NO. 191-16, moved by Sprvr. Garlick Lorenzetti, seconded by Sprvr. Davidson and adopted.

WHEREAS, traditionally the Seneca County Board of Supervisors meets annually for a Board meeting in the Town of Ovid, New York; and

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

RESOLVED, that the Seneca County Board of Supervisors does hereby amend its Rules of Order to hold its board meeting on October 11 , 2016 at 6:00 p.m. at the former courthouse in Ovid, New York, also known as, The “Papa Bear” Building.

A RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW E, ENTITLED

“THE SENECA COUNTY HOTEL OR MOTEL OCCUPANCY TAX”

AS AUTHORIZED BY §1202-o OF THE NEW YORK STATE TAX LAW

RESOLUTION NO. 192-16, moved by Sprvr. Churchill, seconded by Sprvr. Shipley and adopted by 656 ayes and 94 nays (Kaiser, Hayssen).

WHEREAS, the local law imposing Seneca County’s Hotel-Motel Tax expires December 8, 2016 pursuant to the provisions of §1202-o of the New York State Tax Law; and

WHEREAS, the Planning and Development Committee recommends extension of such local law

for an additional three year period as provided for under §1202-o of the Tax Law; now, therefore, be it

RESOLVED, that proposed Local Law E of 2016 entitled "The Seneca County Hotel or Motel Occupancy Tax" be and the same is hereby introduced before the Board of Supervisors of Seneca County, New York to read in substantially the following form:

SECTION 1. SHORT TITLE

This local law shall be known as the Seneca County Hotel or Motel Room Occupancy Tax.

SECTION 2. INTENT

The intent of this local law shall be to promote Seneca County in order to increase convention, trade show and tourist business in the County.

SECTION 3. TEXT

1. Definitions
2. Imposition of Tax
3. Transitional Provisions
4. Exempt Organizations
5. Territorial Limitations
6. Registration
7. Administration and Collection
8. Records to be Kept
9. Returns
10. Payment of Tax
11. Determination of Tax
12. Disposition of Revenues
13. Refunds
14. Reserves
15. Remedies Exclusive
16. Proceedings to Recover Tax
17. General Powers of the Treasurer
18. Administration of Oaths
19. Reference to Tax
20. Penalties and Interest
21. Returns to be Secret
22. Notices and Limitations of Time
23. Separability.

1. DEFINITIONS.

When used in this local law, the following terms shall mean:

(a) Person. An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

(b) Operator. Any person operating a hotel or motel in the County of Seneca, including but not limited to, the owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such hotel or motel.

(c) Hotel or Motel. any facility providing lodging on an overnight basis as well as for longer periods and shall include those facilities designated and commonly known as “bed and breakfast”, inns, cabins, condominiums, cottages, campgrounds, lodges, tourist homes, convention centers, and vacation rentals. The term condominium shall mean and include those units rented or leased directly by the owner or through a real estate agency or rental management agency. The provisions of this section relating to campgrounds, shall only apply to those leases and rentals in which the campground provides overnight shelter or lodging, and shall not apply to the provision of services by a campground when the customer provides his or her own shelter or lodging.

(d) Occupancy. The use or possession, or the right to use or possess any room in a hotel or motel.

(e) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(f) Permanent Resident. Any occupant of any room or rooms in a hotel or motel for at least thirty (30) consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

(g) Rent. The consideration received for occupancy valued in money, whether received in money or otherwise.

(h) Room. Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for or let out for any purpose other than a place of assembly.

(i) Return. Any return filed or required to be filed as herein provided.

(j) Treasurer. The Treasurer of Seneca County.

2. IMPOSITION OF TAX.

On and after December 8, 2016, there is hereby imposed and there shall be paid a tax of three percent (3%) upon the rent for every occupancy of any room or rooms in a hotel, motel, or bed and breakfast in the County except that the tax shall not be imposed upon (1) permanent resident, or (2) exempt organizations as hereinafter set forth.

3. TRANSITIONAL PROVISIONS.

The tax imposed by this local law shall be paid upon any occupancy on and after December 8, 2016, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly, monthly, or other term basis, the rent shall be subject to the tax imposed by this local law to the extent that it covers any period on and after December 8, 2016.

4 EXEMPT ORGANIZATIONS.

(a) Except as otherwise provided in this sub-section, any use or occupancy by any of the following shall not be subject to the tax imposed by this local law.

(1) The State of New York or any of its agencies, instrumentalities, public corporations (including a public corporation created pursuant to agreement or compact with another state or Canada) improvement districts or political subdivisions of the State;

(2) The United States of America, or any of its agencies and instrumentalities, insofar as it is immune from taxation;

(3) Any corporation, association, trust or community chest, fund or foundation, organized and operated exclusively for religious, charitable or educational purposes or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this subdivision shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this subdivision

(b). Where any organization described in paragraph (3) of subdivision (a) of this Sub-section carries on its activities in furtherance of the purposes for which it was organized, in premises in which, as part of said activities, it operates a hotel or motel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

5. TERRITORIAL LIMITATIONS.

The tax imposed by this local law shall apply only within the territorial limits of the County of Seneca.

6. REGISTRATION.

Within ten (10) days after the effective date of this local law, or in the case of operators commencing business after such effective date, within three (3) days after such commencement or opening, every operator shall file with the Treasurer a certificate of registration in a form prescribed by the Treasurer. The Treasurer shall within five (5) days after such registration issue without charge to each operator a certificate of authority empowering such operator to collect the tax from the occupant and duplicate thereof for each additional hotel or motel of such operator. Each certificate or duplicate shall state the hotel or motel to which it is applicable. Such certificates of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons

seeking occupancy. Such certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the Treasurer upon the cessation of business at the hotel or motel named or upon its sale or transfer.

7. ADMINISTRATION AND COLLECTION.

(a) The tax imposed by this local law shall be administered and collected by the Treasurer or other fiscal officers of the County as he may designate by such means and in such manner as are other taxes which are now collected and administered by such officers or as otherwise are provided by this local law.

(b) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this local law, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights and eviction, dispossession, repossession and enforcement of any innkeepers lien that he may have in the event of non-payment of rent by the occupant; provided, however, that the Treasurer or other fiscal officer or officers, employees or agents duly designated by him shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

(c) Where the occupant has failed to pay and the operator has failed to collect a tax as imposed by this local law, then in addition to all other rights, obligations and remedies provided, such tax shall be payable by the occupant directly to the Treasurer, and it shall be the duty of the occupant to file a return thereof with the Treasurer and to pay the tax imposed thereon to the County Treasurer within fifteen (15) days after such tax was due.

(d) The Treasurer may, whenever he deems it necessary for the proper enforcement of this local law, provide by regulation that the occupant shall file returns and pay directly to the Treasurer the tax herein imposed, at such times as returns are required to be filed and payment made over by the operator.

(e) The tax imposed by this local law shall be paid upon any occupancy on and after December 8, 2016, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed, or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after December 8, 2016. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Treasurer may by regulation

provide for credit and/or refund of the amount of such tax upon application therefore as provided in sub-section thirteen of this local law.

(f) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of providing that a rent for occupancy is not taxable hereunder shall be upon the operator, except that, where by regulation pursuant to subdivision seven (d) of this sub-section, an occupant is required to file returns and pay directly to the Treasurer the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant. Where an occupant claims exemption from the tax under the provisions of subdivision four of this sub-section, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that his occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association. Where deemed necessary by the operator, he may further require that any occupant claiming exemption from the tax furnish a copy of a certificate issued by the Treasurer certifying that the corporation or association therein named is exempt from the tax under subdivision four of this sub-section.

8. RECORDS TO BE KEPT.

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Treasurer by regulation requires. Such records shall be available for inspection and examination at any time upon demand by the Treasurer or his duly authorized agent or employee and shall be preserved for a period of three (3) years, except that the Treasurer may consent to their destruction within that period or may require that they be kept longer.

9. RETURNS.

(a) Every operator shall file with the Treasurer a return of occupancy and of rents, and of the taxes payable thereon for the period ending the last day of February, May, August and November of each year, on and after December 8, 2016. Such returns shall be filed within twenty (20) days from the expiration of the period covered thereby. The Treasurer may permit or require returns to be made by other periods and upon such dates as he may specify. If the Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law, he may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this sub-section and upon such dates as he may specify.

(b) The forms of returns shall be prescribed by the Treasurer and shall contain such information as he may deem necessary for the proper administration of this local law. The Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the

notice.

(c) If a return required by this local law is not filed, or a return when filed is incorrect or insufficient on its face, the Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

10. PAYMENT OF TAX.

At the time of filing a return of occupancy and of rents each operator shall pay to the Treasurer the taxes imposed by this local law upon the rents required to be included in such return, as well as all other monies collected by the operator acting or purporting to act under the provisions of this local law even though it be judicially determined that the tax collected is invalidly required to be billed shall be due from the operator and payable to the Treasurer on the date limited for the filing of the return for such period, without regard for whether a return is filed or whether the return which is filed correctly shows the amount of rents and the taxes due thereon. Where the Treasurer in his discretion deems it necessary to protect revenues to be obtained under this local law he may require any operator required to collect the tax imposed by this local law to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the Treasurer determines that an operator is to file such bond he shall give notice to such operator to that effect specifying the amount of the bond required. The operator shall file such bond within five (5) days after the giving of such notice, unless within such five (5) days the operator shall request in writing a hearing before the Treasurer at which the necessity, propriety and amount of the bond shall be determined by the Treasurer. Such determination shall be final and shall be complied with within fifteen (15) days after the giving of such notice thereof. In lieu of such bond, securities approved by the Treasurer or cash in such amount as he may prescribe, may be deposited which shall be kept in the custody of the Treasurer who may at any time without notice to the depositor apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him at public or private sale without notice to the depositor thereof.

11. DETERMINATION OF TAX.

If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty (30) days after giving of notice of such determination, shall apply to the

Treasurer for a hearing, or unless the Treasurer of his own motion shall re-determine the same. After such hearing, the Treasurer shall give notice of his determination to the person against whom the tax is assessed. The determination of the Treasurer shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by proceeding under article seventy-eight of the Civil Practice Law and Rules if application therefore is made to the Supreme Court within thirty (30) days after the giving of the notice of such determination. A proceeding under article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless (a) the amount of any tax sought to be reviewed, with penalties and interest thereof, if any, shall be first deposited with the Treasurer and there shall be filed with the Treasurer an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding, or (b) at the option of the applicant such undertaking filed with the Treasurer may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the applicant.

12. DISPOSITION OF REVENUES.

All revenues resulting from the imposition of the tax under the local laws shall be paid into the Treasury of Seneca County and shall be credited to and deposited in the general fund of the County, thereafter to be allocated only for tourism, promotion and development in Seneca County. The revenues derived from said tax shall be allocated only to enhance the general economy of the County of Seneca, its towns and villages through promotion of tourist activities, conventions, trade shows, special events, and other directly related and supported activities. Pursuant to New York State Tax Law §1202-o(9), the Seneca County Advisory Committee on Tourism shall be empowered to advise, recommend and administer the activities funded by the revenues generated by this tax. Said Committee shall include two members who shall not be members of the Chamber of Commerce when appointed, to be appointed by the Board of Supervisors and to serve at the pleasure of the Board, one of whom shall be the owner of vacation rental property located in Seneca County in the vicinity of Seneca Lake and the other, the owner of vacation rental property located in Seneca County in the vicinity of Cayuga Lake. The determination of the vicinity within which such vacation rental properties resides and the determination of whether such property constitutes vacation rental property shall be entirely within the discretion of the Board of Supervisors.

13. REFUNDS.

(a) In the manner provided in this sub-section, the Treasurer shall refund or credit, without interest,

any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Treasurer for such refund shall be made within one (1) year from the payment thereof. Whenever a refund is made by the Treasurer, he shall state his reason therefore in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the Treasurer provided the application is made within one (1) year of the payment by the occupant to the operator, but no actual refund of monies shall be made to such operator until he shall first establish to the satisfaction of the Treasurer, under such regulations as the Treasurer may prescribe, that he has repaid to the occupant the amount for which the application for refund is made. The Treasurer may in lieu of any refund required to be made, allow credit therefore on payments due from the applicant.

(b) An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of and the Treasurer may receive evidence with respect thereto. After making this determination, the Treasurer shall give notice thereof to the applicant who shall be entitled to review of such determination by a proceeding pursuant to article seventy-eight of the Civil Practice Law and Rules, provided such proceeding is instituted within thirty (30) days after the giving of notice of such determination, and provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the Treasurer in such amount and with such sureties as a justice of the Supreme Court shall approve to the effect that if such proceedings be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(c) A person shall not be entitled to a revision, refund or credit under this sub-section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of sub-section thirteen of this local law where he has had a hearing or an opportunity for a hearing, as provided in said sub-section or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the Treasurer made pursuant to sub-section eleven of this local law unless it be found that such determination by the Treasurer was erroneous, illegal or unconstitutional or otherwise improper after a hearing or of his own motion or in a proceeding under article seventy-eight of the Civil Practice Law and Rules, pursuant to the provisions of said sub-section, in which event refund or credit without interest shall be made of the tax, credit or penalty found to have been overpaid.

14. RESERVES.

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under article seventy-eight of the Civil Practice Law and Rules to review a determination adverse to him on his application for refund, the Treasurer shall set up appropriate reserves to meet any decision adverse to the

County.

15. REMEDIES EXCLUSIVE.

The remedies provided by sub-sections eleven and thirteen of this local law shall be exclusive remedies available to any person for the review of tax liability imposed by this local law; and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in the nature of a certiorari proceeding under article seventy-eight of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he institutes suit within thirty (30) days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Treasurer prior to the institution of such suit and posts a bond for costs as provided in sub-section eleven of this local law.

16. PROCEEDINGS TO RECOVER TAX.

(a) Whenever any operator or any officer of a corporate operator or any occupant or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this local law as therein provided, the County Attorney shall, upon the request of the Treasurer bring or cause to be brought an action to enforce the payment of the same on behalf of the County of Seneca in any court of the State of New York or of any other state or of the United States. If, however, the Treasurer in his discretion believes that any such operator, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

(b) As an additional or alternate remedy, the Treasurer may issue a warrant, directed to the Sheriff commanding him to levy upon and sell the real and personal property of the operator or officer of a corporate operator or other person liable for the tax, which may be found within the County for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the Treasurer and to pay to him the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The Sheriff shall within five (5) days after the receipt of the warrant file with the County Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided for in respect to executions issued against property judgments of a court of record and for services in executing the warrant he shall be entitled to the same fees, which he

may collect in the same manner. In the discretion of the Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the Treasurer and in the execution thereof such officer or employee shall have all the powers conferred upon the Sheriff, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Treasurer may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefore and execution thereon has been returned unsatisfied.

(c) Whenever an operator shall make a sale, transfer, or assignment in bulk of any part or the whole of his hotel or motel or his lease, license or other agreement or right to possess or operate such hotel or motel or of the equipment, furnishings, fixtures, supplies or stock of merchandise, or the said premises or lease, license or other agreement or right to possess or operate such hotel or motel and the equipment, furnishings, fixtures, supplies and stock of merchandise pertaining to the conduct or operation of said hotel or motel, otherwise than in the ordinary and regular prosecution of business, the purchaser, transferee or assignee shall at least ten (10) days before taking possession of the subject of the sale, transfer or assignment, or paying therefore, notify the Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing. Whenever the purchaser, transferee or assignee shall fail to give notice to the Treasurer as required by the preceding paragraph or whenever the Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or causes in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or causes in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this subdivision, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of article six of the Uniform Commercial Code, shall be personally liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law.

17. GENERAL POWERS OF THE TREASURER.

(a) In addition to the powers granted to the Treasurer in this local law, he is hereby authorized and

empowered:

1. To make, adopt and amend rules and regulations appropriate to the carrying out of this local law and the purposes thereof;
2. To extend for cause shown, the time of filing any return for a period not exceeding thirty (30) days; and for cause shown, to remit penalties but not interest computed at the rate of six percent (6%) per annum; and to compromise disputed claims in connection with the taxes hereby imposed;
3. To request information from the Tax Commissioner of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this local law to the contrary notwithstanding;
4. To delegate his functions hereunder to a deputy Treasurer or any employee or employees of the Department of the Treasurer;
5. To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;
6. To require any operator within the County to keep detailed records of the nature and type of hotel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the Treasurer;
7. To assess, determine, revise and readjust the taxes imposed under this local law.

18. ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY.

- (a) The Treasurer or his employees or agents duly designated and authorized by him shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this local law. The Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this local law and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him or excused from attendance.
- (b) A justice of the Supreme Court either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this local law.
- (c) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000) or imprisonment for

not more than one (1) year, or both such fine and imprisonment.

(d) The officers who serve the summons or subpoena of the Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County Sheriff and his duly appointed deputies or any officers or employees of the Department of the Treasurer, designated to serve such process.

19. REFERENCE TO TAX.

Wherever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms", except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the words "occupancy tax" will suffice.

20. PENALTIES AND INTEREST.

(a) Any person failing to file a return or to pay over any tax to the Treasurer within the time required by this local law shall be subject to a penalty of ten percent (10%) of the amount of tax due; plus interest at the rate of one percent (1%) of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due; but the Treasurer if satisfied that the delay was excusable, may remit all or any part of such penalty, but not interest, at the rate of six percent (6%) per year. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this local law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law.

(b) Any operator or occupant and any officer of a corporate operator or occupant failing to file a return required by this local law, or filing or causing to be filed, or making or causing to be made or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this local law, which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to sub-section eleven of this local law, or failing to file a registration certificate and such date in connection therewith as the Treasurer may by regulation or otherwise require or to display or surrender the certificate of authority as required by this local law or assigning or transferring such certificate of authority and any operator and any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed, or willfully failing to state such tax or any evidence or occupancy and on any bill or statement or receipt or rent issued or employed by the operator, or willfully failing or refusing to collect such tax from the occupant, and any operator and any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this local law, and any operator failing to keep the records required by subdivision eight of sub-section two of this local law, shall, in addition to the

penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1000), or imprisonment for not more than one (1) year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this local law, and subject to the penalties herein above imposed.

(c) The certificate of the Treasurer to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this local law, shall be presumptive evidence thereof.

21. RETURNS TO BE SECRET.

(a) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the Treasurer or any officer or employee of the Department of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required under this local law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Treasurer in an action or proceeding under the provisions of this local law, or on behalf of any party to any action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return filed in connection with his tax not to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three (3) years and thereafter until the Treasurer permits them to be destroyed.

(b) Any violation of subdivision (a) of this sub-section shall be punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment not exceeding one (1) year or both, in the discretion of the court, and if the offender be an officer or employee of the County he shall be dismissed from office and be incapable of holding any public office for a period of five (5) years thereafter.

22. NOTICES AND LIMITATIONS OF TIME.

(a) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a post-paid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this local law, or in any

application made by him, or if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this local law by the giving of notice shall commence to run from the date of mailing of such notice.

(b) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this local law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three (3) years from the date of the filing of a return; provided, however, that where no return has been filed as provided by this local law, such tax may be assessed at any time.

(c) Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

23. SEPARABILITY.

If any provision of this local law, or application thereof to any person or circumstances, is held invalid, the remainder of this local law, and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 4. EXPIRATION DATE

Pursuant to Subdivision 10 of Section 1202-o of the New York State Tax Law, this local law shall expire three (3) years from the date of its inception.

SECTION 5. EFFECTIVE DATE

This local law shall take effect December 8, 2016, upon filing in the office of the Secretary of State as provided by the Municipal Home Rule Law.

And be it further

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

RESOLVED, That the County Board hold a public hearing on said proposed Local Law at the County Office Building, 1 DiPronio Drive, Waterloo New York at or about 6:00 P.M., on October 11, 2016; and, be it further

RESOLVED, That the Clerk to the Board publish or cause to be published a notice of said public hearing in the official newspapers of the County at least ten (10) days prior thereto.

Discussion prior to adoption of Resolution No. 192-16: Sprvr. Shipley said SCACOT wanted an

additional 1% added to the already 3% occupancy tax. Although the Assembly acted on our request, he was disappointed the Senate did not consider our request earlier this year. We can only hope the newly elected senator for the 54th district will push it through in 2017.

Sprvr. Hayssen said he would be voting nay on the resolution because he thinks there will be enough revenue from the casino. We aren't enforcing vacation rental to pay the occupancy tax – 3% occupancy tax is enough benefit moving forward with del Lago.

**ADOPT DISADVANTAGED BUSINESS ENTERPRISE PLAN
FOR FINGER LAKES REGIONAL AIRPORT**

RESOLUTION NO. 193-16, moved by Sprvr. Churchill, seconded by Sprvr. Garlick Lorenzetti and adopted.

WHEREAS, to receive Federal Aviation Administration (FAA) Funds for the Finger Lakes Regional Airport, Seneca County must have a Disadvantaged Business Enterprise (DBE) Program that meets U.S. Department of Transportation (DOT) requirements; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on August 23, 2016; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby adopt the Disadvantaged Business Enterprise Program and set a 6.7% goal for funding from October 1, 2016 through September 30, 2019; and be it further

RESOLVED, that the County Manager is hereby authorized to sign necessary documents regarding the adoption of this program; and be it further

RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized and directed to place the notice of proposed overall goal in the official County newspapers during the week of September 19, 2016.

RESOLUTION APPOINTING MEMBER TO THE SENECA COUNTY PLANNING BOARD

RESOLUTION NO. 194-16, moved by Sprvr. Churchill, seconded by Sprvr. Garlick Lorenzetti and adopted.

WHEREAS, the Planning, Development, Agriculture & Tourism Committee met on August 23, 2016 and reviewed the name of a person eligible to be appointed to the Seneca County Planning Board; now; therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby, effective immediately, appoint Mike Enslow of Edwards Road, Waterloo, New York, to the Seneca County Planning Board for a term to expire on June 30, 2020.

RESOLUTION APPOINTING MEMBERS

TO THE FINGER LAKES REGIONAL AIRPORT ADVISORY COMMITTEE

RESOLUTION NO. 195-16, moved by Sprvr. Churchill, seconded by Sprvr. Garlick Lorenzetti and adopted.

WHEREAS, the Finger Lakes Regional Airport Advisory Committee has recommended that Messrs. David Haimes, Hunter Mollin and Robert Pfeiff be appointed to the Finger Lakes Regional Airport Advisory Committee; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on August 23, 2016; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Messrs. David Haimes, Hunter Mollin and Robert Pfeiff to the Finger Lakes Regional Airport Advisory Committee effective October 31, 2016 to October 31, 2019.

BOARD OF SUPERVISORS AUTHORIZES

SENECA COUNTY “GAIN” LOAN TO MURANDA LLC

RESOLUTION NO. 196-16, moved by Sprvr. Churchill, seconded by Sprvr. Garlick Lorenzetti and adopted.

WHEREAS, a Loan Program, “GAIN” (Growing the Agriculture Industry Now!), has been established through the New York State Urban Development Corporation d/b/a New York State Empire Development Corporation (NYS ESD); and

WHEREAS, a Consolidated Funding application was submitted in 2014 by the Genesee/Finger Lakes Regional Planning Council (G/FLRPC) to implement a “GAIN” revolving loan fund grant of

\$3,000,000 and was awarded in 2016 to the G/FLRPC with Seneca County’s share of \$218,000 as a Subrecipient; and

WHEREAS, Seneca County has received its first “GAIN” Revolving Loan Fund application from Muranda LLC owned by Thomas Murray, and the application has been reviewed by the CDBG Loan Review Committee on August 16, 2016, and was found to be satisfactory and in full compliance with regulations and guidelines applicable to the “GAIN” Agriculture-related Revolving Loan Program; and

WHEREAS, this \$200,000 loan at 1% for seven (7) years will assist in the expansion of the cheese production for the retail business located at 3075 Route 96, Waterloo, New York; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on September 13, 2016; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors approves the proposed loan for Muranda LLC for the sum of Two Hundred Thousand Dollars (\$200,000.00) under the NYS ESD “GAIN” Loan Program under the terms and conditions provided for such loans established by the NYS

ESD and administered through the Genesee/Finger Lakes Regional Planning Council, and authorizes the County Manager to sign all closing documents.

**BOARD OF SUPERVISORS SUPPORTS THE SENECA COUNTY INDUSTRIAL
DEVELOPMENT AGENCY'S PLAN TO RETAIN AND ENHANCE LAW ENFORCEMENT
AND FIRE TRAINING ASSETS AT THE FORMER ARMY DEPOT**

RESOLUTION NO. 197-16, moved by Sprvr. Churchill, seconded by Sprvr. Shipley and adopted.

WHEREAS, the County Sheriff's department, NYS Police and multiple firefighting organizations depend on the training assets currently located at the former Army Depot Airfield; and

WHEREAS, the Seneca County Industrial Development Agency (IDA) proposed a plan for Seneca County to obtain ownership of existing training assets and access to facilities which will enhance typical training activities after the sale of the former Army Depot to a private entity; and

WHEREAS, the plan includes:

1. County ownership of a contiguous plot of land inclusive of the existing 'Burn Tower' and Law Enforcement/Fire Training building
2. The construction of an equally capable fire training and cold storage building abandoned in this transaction
3. Access to the decommissioned firing range
4. Access to the aircraft ramp and runway until no longer operationally feasible
5. Access to the existing 'farm house' until no longer usable
6. County acceptance of naming and maintaining the access road to the site

WHEREAS, it is advantageous for Seneca County to own and maintain access to existing and enhanced training facilities of the former Army Depot; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors supports the IDA's plan for county ownership and access to training facilities as reference above.

SUPERVISORS PROCLAIM SEPTEMBER 2016 HUNGER ACTION MONTH

RESOLUTION NO. 198-16, moved by Sprvr. Lazzaro, seconded by Sprvr. McGreevy and adopted.

WHEREAS, hunger is a grave concern for the State of New York and Seneca County; and

WHEREAS, according to Feeding America, there are more than 4,000 Seneca County residents (or one in nine people) who are considered food insecure, meaning they do not have enough food to live a healthy life; and

WHEREAS, for the youngest residents of our county, food insecurity is more ubiquitous, affecting one in five children; and

WHEREAS, Seneca County is committed to working with Foodlink, other food banks across the state and local hunger relief agencies to educate people about the role of food banks and hunger relief

programs in addressing hunger; and

WHEREAS, many of our impoverished communities are classified as food deserts and have limited access to fresh fruits and vegetables; they lack supermarkets and grocery stores, and are instead served by fast food restaurants and convenience stores that offer very few healthy, affordable food options. Residents of these neighborhoods have high health disparities, with increased levels of obesity and other diet related diseases, such as diabetes and heart disease; and

WHEREAS, Foodlink and its network of hunger-relief organizations provided over 19 million pounds of food to vulnerable children, seniors, and adults in its 10-county service area throughout the Finger Lakes region of New York; and

WHEREAS, food banks across the country, including Foodlink, will host events and activities throughout the month of September to bring awareness and attention to the issue of hunger and encourage the involvement of our community to help solve this pressing issue; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby proclaim the month of September 2016 *HUNGER ACTION MONTH* in Seneca County.

SUPERVISORS AUTHORIZE AND APPROVE THE COUNTY MANAGER TO SIGN A SERVICES AGREEMENT WITH BISHOP SHEEN ECUMENICAL HOUSING FOUNDATION, INC. AND SUPPORT THEIR EFFORT IN PURSUIT OF FUNDING FOR HEALTH AND SAFETY HOME REHABILITATION AND ACCESSIBILITY MODIFICATIONS

RESOLUTION NO. 199-16, moved by Sprvr. Lazzaro, seconded by Sprvr. Wadhams and adopted.

WHEREAS, the Bishop Sheen Ecumenical Housing Foundation's mission is to improve access to information, referrals and services to enable lower income residents to live with the greatest possible independence, dignity and quality of life; and

WHEREAS, this foundation helps low income, veterans, and elderly in Seneca County and surrounding counties, through referrals, with housing assistance when other resources are not available to them; and

WHEREAS, the Bishop Sheen Ecumenical Housing Foundation, Inc. is requesting funding from the New York State Home and Community Renewal's RESTORE and Access to Home (including Access to Home for Medicaid and Veterans) Programs, as well as the HOME Program; and

WHEREAS, Seneca County supports their efforts to pursue this funding; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors authorizes and directs the County Manager to sign a services agreement at no cost to Seneca County with Bishop Sheen Ecumenical Housing Foundation, Inc.; and be it further

RESOLVED, that the Seneca County Board of Supervisors directs the County Manager to support the efforts of the Bishop Sheen Ecumenical Housing Foundation's pursuit of funding for health

and safety home rehabilitation and accessibility modifications.

SUPERVISORS ABOLISH (1) FULL-TIME ACCOUNT CLERK POSITION IN THE TREASURER'S DEPARTMENT AND CREATE AND AUTHORIZE FILLING OF (1) ACCOUNTANT POSITION IN THE FINANCE DEPARTMENT EFFECTIVE IMMEDIATELY
RESOLUTION NO. 200-16, moved by Sprvr. Trout, seconded by Sprvr. Kronenwetter and adopted by 572 ayes and 178 nays (Lazzaro, Churchill, and Hayssen).

WHEREAS, there is a need for accounting expertise in the Finance Department; and

WHEREAS, a retirement in the Treasurer's Department created a vacant Account Clerk position;
and

WHEREAS, there is no longer a need for the Account Clerk position in the Treasurer's Department due to those job duties moving to the Finance Department; and

WHEREAS, this is an important step in the transition to a Finance Department; and

WHEREAS, the Vacancy Committee approved abolition of the Account Clerk position in the Treasurer's Department and creation of the Accountant position in the Finance Department on August 11, 2016; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors hereby abolishes one (1) Full-time Account Clerk position in the Treasurer's Department and creates and authorizes filling one (1) Full-time Accountant position in the Finance Department effective immediately.

**BOARD OF SUPERVISORS JOINS WITH THE ESI GROUP, TOTAL CARE EAP,
TO CONTINUE PROVIDING EMPLOYEE ASSISTANCE SERVICES
TO SENECA COUNTY EMPLOYEES**

RESOLUTION NO. 201-16, moved by Sprvr. Lazzaro, seconded by Sprvr. Garlick Lorenzetti and adopted.

WHEREAS, EAP programs provide essential information and training opportunities to County employees at value which makes these opportunities possible relative to alternatives; and

WHEREAS, Seneca County's current EAP program is widely used to enhance 'life skills', job skills, job advancement, job retention and succession planning with a superior utilization rate exceeding 41%; and

WHEREAS, Seneca County policy, 101.703 Employee Assistance Program, states; "Seneca County, by way of this policy, will establish and maintain an Employee Assistance Program covering all employees..."; and

WHEREAS, Total Care EAP, Employee Services Inc. (ESI) One Mount Hope Avenue, Rochester, New York 14620 has provided excellent services since 2002 to Seneca County and has submitted pricing quotes for a 3 year contract beginning January 1, 2017 through December 31, 2019; and

WHEREAS, pricing for this contract is based on the number of Seneca County employees at a rate as follows:

- for the year 2017, \$27.82 per employee, for a cost not to exceed \$ 13,715.26
- for the year 2018, \$28.52 per employee, for a cost not to exceed \$ 14,060.36
- for the year 2019, \$28.52 per employee, for a cost not to exceed \$ 14,060.36; and

WHEREAS, federal and state funds are leveraged through DHS to pay for the employees of the Division of Human Services; and

WHEREAS, funds will be appropriated in the 2017 Seneca County Budget in accounts 10-101-5-1430-4380 and 10-125-5-6006-4700, Personnel and DHS Training; and

WHEREAS, this agreement has been reviewed and approved by the Personnel Committee on August 23, 2016; now, therefore be it

RESOLVED, the County Manager is authorized and directed to join Seneca County with ESI to provide Employee Assistance Services for a term of three years.

**BOARD OF SUPERVISORS URGING GOVERNOR CUOMO TO SIGN INTO LAW
PUBLIC DEFENSE MANDATE RELIEF ACT (S.8114/ A.10706)**

RESOLUTION NO. 202-16, moved by Sprvr. Davidson, seconded by Sprvr. Wadhams and adopted.

WHEREAS, it is a fundamental right of all persons in the United States to be represented by counsel in all criminal prosecutions; and in the case of *Gideon vs. Wainwright*, 372 U.S. 335, the United States Supreme Court ruled that persons who were unable to afford counsel had a constitutional right to be defended by an appointed attorney paid by the State; and

WHEREAS, the New York State Senate and Assembly have passed historic legislation entitled Public Defense Mandate Relief Act (S.8114/A.10706) which will require New York State to reimburse counties for expenditures made fulfilling the state's obligation to provide representation for those financially unable to afford counsel commencing in 2017 and incrementally reaching 100% in 2023 and thereafter; and

WHEREAS, the Public Defense Mandate Relief Act (S.8114/A.10706) will give the Indigent Legal Service Office the authority "to adopt, promulgate, amend or rescind rules and regulations to carry out the provisions of [Executive Law 832]; and

WHEREAS, the Public Defense Mandate Relief Act (S.8114/A.10706) also requires that the various counties and New York City receive an amount equal to the amount paid from the Indigent Legal Services Fund to the counties and NYC in March 2010; and

WHEREAS, New York State has previously entered into an agreement to settle the *Hurrell-Harring vs. State of New York* class action lawsuit and has begun to expend substantial amounts of State funds to create a more equitable and Constitutional system of representation in only the five settlement

counties and creating an unequal system of justice in the remaining counties of the State; and

WHEREAS, by entering into such agreement and funding additional services in only the five settlement counties, the State acknowledges that it is constitutionally required to fund public defense services for mandated representation; and

WHEREAS, requiring counties subject to a State-imposed tax cap to finance the State's obligation to provide public defense services imposes a significant, uncontrollable financial burden on counties dependent on real property taxes to fund needed services; both problems would be remedied under the Public Defense Mandate Relief Act (S.8114/A.10706) as passed by the New York State Senate and Assembly; now, therefore be it

RESOLVED, that the Board of Supervisors hereby strongly urges Governor Cuomo to sign the Public Defense Mandate Relief Act (S.8114/A.10706) when it is delivered, fulfilling the State's obligation under *Gideon vs. Wainwright*, 372 U.S. 335, relieving the taxpayers of Seneca County and the other counties of the State and New York City to fund this State mandate; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor Andrew Cuomo, Senate Majority Leader Flanagan, Senator Michael Nozzolio, Assembly Minority Leader Brian Kolb, Assemblyman Phil Palmesano, Assembly Speaker Heastie, the New York State Office of Indigent Legal Services, and the New York State Association of Counties (NYSAC).

SUPERVISORS APPROVE AND ACCEPT THE DONATION OF \$1,000.00 FROM THE SENECA FALLS ELKS LODGE 992 FOR THE PURCHASE OF PROJECT LIFESAVER EQUIPMENT FOR THE SENECA COUNTY SHERIFF'S DEPARTMENT

RESOLUTION NO. 203-16, moved by Sprvr. Davidson, seconded by Sprvr. Lazzaro and adopted.

WHEREAS, Project Lifesaver Equipment is a rapid-response program that aids clients (and their families) who wander as a result of cognitive impairments and other afflictions; and

WHEREAS, Seneca County Sheriff's Department currently uses this equipment with clients in Seneca County; and

WHEREAS, this donation will be used to purchase another receiver and replacement batteries for the bracelets worn by the clients; and

WHEREAS, this program has already saved one resident of Seneca Falls who was reported missing and found within fifteen (15) minutes of being reported missing; now; and

WHEREAS, this resolution has been approved by the Public Safety Committee on August 23, 2016; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors approves and accepts the donation of \$1,000.00 from the Seneca Falls Elks Lodge 992 for the purchase of Project Lifesaver Equipment; and be it further

RESOLVED, that the Board of Supervisors approves the following transfer of funds:

Increase Revenue	103110-41514	\$1,000.00
Increase Expense	103113-52400	\$1,000.00

**BOARD OF SUPERVISORS APPROVE THE PURCHASE
ONE (1) EXPLOSIVE PATROL POLICE SERVICE DOG**

RESOLUTION NO. 204-16, moved by Sprvr. Davidson, seconded by Sprvr. Davidson and adopted.

WHEREAS, on August 3, 2016 the Seneca County Sheriff K-9 Izak passed away after eight years of dedicated service; and

WHEREAS, the Seneca County Sheriff’s Office requests the Board of Supervisors approve the purchase of a new Explosive Patrol Police Service Dog in light of the many uses and the recent growth in business in the County making the continued availability of an explosives patrol dog a great asset to the County of Seneca; and

WHEREAS, the monies involved would be for an Explosive Patrol Police Dog and is not a budgeted item. The amount of said purchase would be \$13,250.00 from Shallow Creek Kennels, Inc., thus the monies would be a new appropriation; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes the purchase of one Explosive Patrol Police Dog from Shallow Creek Kennels Inc. in the amount of \$13,250.00; and be it further

RESOLVED, that the Board of Supervisors authorizes the Treasurer to transfer \$13,250.00 from 101990-54700 (contingency funds) to 1031113-52400 (equipment) to cover purchase.

**BOARD OF SUPERVISORS APPROVES THE CREATION AND FILLING OF
ONE (1) FULL TIME DEPUTY SHERIFF’S POSITION**

RESOLUTION NO. 205-16, moved by Sprvr. Davidson, seconded by Sprvr. Wadhams and adopted.

WHEREAS, Resolution No. 136-16 authorizes the creation and filling of one (1) full time Deputy Sheriff’s position; and

WHEREAS, Resolution No. 143-16 authorizes the Sheriff and County Manager to pursue a CHP funding grant in support of an additional Deputy Sheriff position; and

WHEREAS, Seneca County realizes the need for the creation and filling of this position now, rather than waiting for the decision of the CHP funding grant, in order to provide a professional, stable and safer course of conduct in the narcotics unit by providing a stable back up who would be more aware and specially trained for the duties in the narcotics unit; now, therefore, be it

RESOLVED, that the Board of Supervisors authorizes and directs the County Manager to end the pursuit of the CHP funding grant; and be it further

RESOLVED, that the Board of Supervisors authorizes the creation and filling of one (1) full time Deputy Sheriff position; and be it further

RESOLVED, that the Board of Supervisors authorizes the Treasurer to transfer funds from 101990-54700 (contingency funds) to 103113-51100 (salaries) to align with the current rate of pay as per the Deputy Sheriff's PBA Contract.

**BOARD OF SUPERVISORS DECLARES EMERGENCY MANAGEMENT VEHICLE
SURPLUS AND SELLS TO ROMULUS FIRE PROTECTION DISTRICT**

RESOLUTION NO. 206-16, moved by Sprvr. Davidson, seconded by Sprvr. Garlick Lorenzetti and adopted.

WHEREAS, the County Emergency Management Department (EMD) is in possession of a F350, VIN 1FT8W3B68BEB20171, which the department no longer requires; and

WHEREAS, the Romulus Fire Protection District has offered \$19,000.00 to purchase the vehicle; and

WHEREAS, the approximate market value for the vehicle is \$22,000.00 however it is in need of brakes, tires and the front grill needs to be replaced; and

WHEREAS, the Seneca County Board of Supervisors (BOS) has the discretion to transfer surplus property to another municipal entity without the necessity of competitive bidding; now, therefore be it

RESOLVED, the County Manager is authorized and directed to sell the aforementioned vehicle to the Romulus Fire Protection District, as is, for \$19,000.00; and be it further

RESOLVED, the proceeds of the sale will transfer to the County EMD budget for the persistency of EMD operations.

Unfinished Business

Sprvr. Wadhams stated that since the last board meeting, the Director of Emergency Management has been in contact regarding the poor performance of the new E-911 radio system in Junius. EM Director Taylor said they aren't able to pinpoint why there is interference, the system is being adjusted, but it still does not work at one hundred percent. They will continue to work with the vendor and Junius until the problem is resolved.

Sprvr. Davidson extended words of appreciation to our OTB representative, Richard Ricci, who also served as a county supervisor; for the event held at Batavia Downs on August 28. It was a good opportunity to meet other board directors, as well as folks from other counties.

Special Order of the Day

The meeting adjourned at 7:06 p.m.