

Seneca County Board Of Supervisors

Regular Meeting

September 9, 2014

Call to Order

Chairman Hayssen called the meeting to order at 6:10 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

Submission of Claims for Audit

RESOLVED, that said bills having gone through the proper auditing process are approved for payment:

Supervisors vouchers	totaling	\$	453,120.09
Workforce Development vouchers	totaling	\$	46,788.70
Self-Insurance vouchers	totaling	\$	12,747.88
County Airport vouchers	totaling	\$	19,848.78
Highway Department vouchers			
Maintenance & County Road (Fund 40)	totaling	\$	234,578.42
Road Machinery (Fund 50)	totaling	\$	27,662.46
	Highway Total	\$	262,240.88
Water	totaling	\$	16,345.69
Sewer 1	totaling	\$	12,422.40
Sewer 2	totaling	\$	19,276.23

Reports of Standing Committees

Public Health Committee - Mr. McGreevy, Chairman. The Committee reviewed the following issues and recommended a board resolution: (1) authorizing contracts with outside agencies and providers for professional services to children enrolled in the 3-5 (Pre-School) Program; (2) authorizing the Chairman of the Board of Supervisors to sign the Lead Poisoning Prevention Grant Contract with the NYSDOH. The grant award is \$26,082.

Public Safety Committee - Mr. Reynolds, Chairman. The following issues were reviewed and approved by the committee for consideration of a board resolution: (1) approval of a FEMA grant for \$110,000 for the Hazard Mitigation Plan, and authorizes and directs the Chairman of the Board to sign any and all documents as required by the New York State Division of Homeland Security & Emergency Services and FEMA. This grant will provide for the revision of the Seneca County Multi-Jurisdictional

Hazard Mitigation Plan, required by FEMA. The local match is for \$27,500, and to be in the form of In-Kind Services, over the two-year period of the grant; (2) acceptance of the NYS Division of Criminal Justice grant for \$50,000 and authorizes the Chairman of the Board of Supervisors to sign all grant paperwork. Through the efforts of State Senator Michael F. Nozzolio, a \$50,000 grant through the New York State Division of Criminal Justice Services, with no local match, , has awarded Seneca County, Office of Emergency Services. This grant is to purchase, install, and fix breathing air system at the Fire Training Center; (3) declare surplus a 2002 Jeep Grand Cherokee in the Probation department, with over 150,591 miles and has had over \$6,000 in recent repairs. It recently went out of service and will need more transmission repairs made than what it is worth; (4) to fund unanticipated overtime in Probation by \$15,000 from the Contingency Account. The overage is due to the addition of a new Field Probation Officer who also needed extensive training out of County, an increase use of Electronic Home Monitoring, a change to night court for one Seneca Falls Justice, NYS mandated home checks for Sexual Offenders, and additional assistance to local police agencies the allocated amount has been exhausted; (5) authorizing the continuance of the contract with NYS Unified Court Systems for security services for the period April 2014 through March 31, 2019; (6) authorization to continue the contract with K&A Services for portable radiology services at the correctional facility; (7) authorization to enter an agreement with POMCO Group to administer health claims adjudication services for Seneca County Correctional Facility for \$2,500 per month for a maximum of 94 claims. Any claims over 94 would be \$26.50 per claim; (8) authorization for a two-year extension of an for the period June 2014 through May 31, 2016 for a total cost of \$213,892; (9) approving the request of Seneca County Sheriff to expend monies in this grant as described above with expenditures appropriated from budget line 103113-52805 titled JAG E-GRANT; (10) authorizing an agreement with Global Tel*Link Corporation to provide inmate telephone services; (11) approving C&S Companies at a cost of \$149,500.00 to upgrade the public safety radio communications network to an interoperable communications system. Seneca County was awarded \$6,000,000 in funds from the New York State Department of Homeland Security & Emergency Services (DHSES).

Indian Affairs Committee - Mr. Shipley, Chairman. Mr. Hayssen, Mr. Earle and Mr. Shipley met with Congressman Tom Reed to discuss the tax foreclosure case including the decision of the Second Circuit Court of Appeals decision that cited the US Supreme Court's guidance, that tribal sovereign immunity from suit bars Seneca County from proceeding against the Cayuga Nation and affirmed the order of the district court. Congressman Reed agreed to assume an active leadership role to explore necessary legislation in Congress as well as assistance to secure support for a congressional coalition. The Committee approved and recommended a resolution to proceed with an application to the U.S.

Supreme Court to appeal the decision of the Second Circuit Court. A copy of Mr. Shipley's report is included herewith.

Human Services Committee - Mr. Lazzaro, Chairman. The Committee reviewed the following issues and recommended them for a board resolution: (1) authorizing the creation of a Director of Veterans Service Agency and abolish Social Welfare Examiner position effective January 1, 2015; (2) authorizing the creation of an Employment & Training Counselor position in Workforce and abolish Employment & Training Assistant position. The committee also approved the refill of the part-time position of Aging Services Aide to administer the HEAP program. This is a temporary position.

Public Works Committee - Mr. Kaiser, Chairman. The Committee reviewed the following issues and recommended a board resolution: (1) authorizing Day Automation Engineering to oversee the installation of four ADA compliant doors at an amount not to exceed \$22,910.05; (2) authorizing the creation of a Senior Building Maintenance Mechanic position and abolish the position of Head Building Maintenance Mechanic.

Mental Health Services Committee - Mr. Serven, Chairman. The Committee reviewed the following issues and recommended a board resolution: (1) authorizing the Chairman of the Board to sign a three-year contract through the NYS Crime Victims Services grant program, to provide services to victims of crime. Seneca County was awarded \$176,910 or \$58,197 for 2014-2015; \$528,850 for 2015-2016; and \$59,891 for 2016-2017; (2) authorizing the Chairman of the Board to sign a contract through the NYS Office of Children & Family Services Domestic Violence Victims Services grant program, to provide services to victims of domestic violence; (3) authorizing budget amendments within the Mental Health Services 2014 budget to be used solely for the purchase of a new vehicle through NYS OGS; (4) authorizing the use of \$80,320 in contingency funds to cover the cost of inpatient hospitalization for an individual declared "unfit to proceed with trial by reason of mental disease or defect" and hospitalized for treatment so the individual may be "restored" to continue to proceed with their criminal court case.

Finance, Assessment & Insurance Committee - Mr. Prouty, Chairman. The Committee approved and recommended a board resolution authorizing the county treasurer to process several amendments to the 2014 within the following department: Coroners, Office for the Aging, E911, Water and Sewer Districts, Environmental Health and Airport.

Communications:

96. A copy of the Finger Lakes Regional Airport Advisory Committee June 11, 2014 meeting minutes.

97. From the Town of Waterloo, copies of the Town of Waterloo Town Board SEQRA Finding and Facts approved during the town board meeting held on July 28, 2014 and the Town of Waterloo Planning Board SEQRA Findings and Facts approved by that body on August 6, 2014.

98. A copy of Delaware County Resolution No. 152, "Opposition to Proposed US/EPA and Army Corps of Engineering (ACOE) Rulemaking to Change the Definition of Navigable Waters of the United States to Expand their jurisdiction over waters of the United States".

99. A copy of the Seneca County Industrial Development Agency August 7, 2014 meeting minutes.

100. A copy of the Seneca County Board of Health August 20, 2014 meeting minutes.

101. A copy of the Seneca County Planning Board August 14, 2014 meeting minutes.

102. A copy of the Seneca County Community Services Board July 15, 2014 meeting minutes.

103. From NYS Division of Homeland Security and Emergency Services, notification of a grant award from the new 2014-2015 Public Safety Answering Points Operations Grant Program for \$147,698. Referred to the Public Safety Committee.

104. A copy of Notice of Public Hearing Re: Seneca County IDA and Sceptor New York, Inc. - 2014 Project Facility on September 22, 2014 at 10:00 a.m. at the Seneca Falls Town Hall.

105. From Noemi Ghazala, Superintendent, United States Department of the Interior National Park Service, a letter dated June 30, 2014, declining participation in a summit proposed to focus on the future of the white deer at the former Seneca Army depot located in Romulus, NY, as effects to National Park Service lands or structure are unlikely to result from efforts to maintain the deer herd.

RESOLUTIONS & MOTIONS

**BOARD OF SUPERVISORS AUTHORIZE AMENDMENTS TO
2014 SENECA COUNTY BUDGET**

RESOLUTION NO. 191-14 moved by Mr. Prouty, second by Mr. Kubasik and adopted.

WHEREAS, amendments to the 2014 Seneca County Budget are necessary and appropriate; and

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

WHEREAS, these amendments have been reviewed and approved by the Finance, Assessment and Insurance Committee at its meeting on August 26, 2014; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes the following amendments to the 2014 Seneca County Budget:

CORONERS:

Decrease: 101345-52200 (Office Equipment) \$9,000.00

Increase: 101190-54380 (Misc Expense) \$9,000.00

OFA:

Decrease: 106572-51100 (OFA Salaries) \$2,418.49

Increase: 106572-51400 (OFA Severance) \$2,418.49

E-911:

Decrease:	103020-51100 (E911 Salaries)	\$3,598.45
Increase:	103020-51400 (E911 Severance)	\$3,598.45

WATER DISTRICT #1:

Decrease:	318310-51100 (Water District Salaries)	\$2,333.62
Increase:	318310-51400 (Water District Severance)	\$2,333.62
Decrease:	Appropriated Fund Balance	\$15,000.00
Increase:	318310-54700 (Contractual)	\$15,000.00

SEWER DISTRICT #1:

Decrease:	328110-51100 (Sewer District 1 Salaries)	\$1,166.81
Increase:	328110-51400 (Sewer District 1 Severance)	\$1,166.81
Decrease:	328110-51100 (Sewer District 1-Salaries)	\$15,000.00
Increase:	328110-54220 (Repairs and Maintenance)	\$15,000.00
Decrease:	328110-51200 (Part-time)	\$4,000.00
Increase:	328110-54220 (Repairs and Maintenance)	\$4,000.00

SEWER DISTRICT #2

Decrease:	338110-51100 (Sewer District 2 Salaries)	\$1,166.81
Increase:	338810-51400 (Sewer District 2 Severance)	\$1,166.81
Decrease:	338110-51100 (Sewer District 2 Salaries)	\$8,000.00
Increase:	338110-54330 (Professional Fees)	\$8,000.00

ENVIRONMENTAL HEALTH ADMIN:

Decrease:	104011-52300 (Computer Equipment)	\$1,500.00
Increase:	104011-54450 (Hotels)	\$1,500.00
Decrease:	104011-54700 (Contractual)	\$2500.00
Increase:	104011-54390 (Lab)	\$2500.00

AIRPORT:

Decrease:	30505610.54220 (Repairs)	\$2,000.00
Increase:	30505610.54140 (Utilities)	\$2,000.00
Decrease:	30505610.54420 (Gas & Oil)	\$1,000.00
Increase:	30505610.54230 (Telephone)	\$1,000.00

**SUPERVISORS AMEND RULES OF THE BOARD TO HOLD
OCTOBER BOARD MEETING IN OVID**

RESOLUTION NO. 192-14 moved by Mr. Westfall, second by Mr. Davidson and adopted.

WHEREAS, traditionally the Seneca County Board of Supervisors meets annually for a board meeting in the former County Seat of Ovid, NY; 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 14, 2014 at 6:00 p.m. at the former county courthouse, known as Papa Bear, in Ovid, New York.

SUPERVISORS CREATE/FILL (1) SENIOR BUILDING MAINTENANCE MECHANIC POSITION AND ABOLISH (1) HEAD BUILDING MAINTENANCE MECHANIC POSITION AND FILL BUILDING MAINTENANCE MECHANIC POSITION DUE TO PROMOTION

RESOLUTION NO. 193-14 moved by Mr. Kaiser, second by Mr. Davidson and adopted.

WHEREAS, the Public Works Committee has approved the creation/filling of (1) Senior Building Maintenance Mechanic position at their last committee meeting on August 26, 2014; and

WHEREAS, the Public Works Committee has approved abolishing (1) Head Building Maintenance Mechanic position at their last committee meeting on August 26, 2014; and

WHEREAS, the Public Works Committee has approved to backfill the Building Maintenance Mechanic position due to a promotion; and

WHEREAS, funding for these positions are included in the 2014 budget; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors does hereby create and authorize filling of (1) Senior Building Maintenance Mechanic position effective immediately at an hourly rate as set forth in the CSEA Contract; and be it further

RESOLVED, the Seneca County Board of Supervisors does hereby authorize backfilling a Building Maintenance Mechanic position due to a promotion; and be it further

RESOLVED, the Seneca County Board of Supervisors does hereby abolish (1) Head Building Maintenance Mechanic position effective immediately.

SUPERVISORS AUTHORIZE INSTALLATION OF ADA DOORS AT SOUTH ENTRANCE OF SENECA COUNTY OFFICE BUILDING AND AUTHORIZE THE COUNTY TREASURER TO TRANSFER FUNDS FROM THE CONTINGENCY ACCOUNT

RESOLUTION NO. 194-14 moved by Mr. Kaiser, second by Mr. Shipley and adopted.

WHEREAS, the (2) exterior doors and (2) interior doors located at the south entrance of the Seneca County Office Building are not compliant to meet ADA standards; and

WHEREAS, Day Automation, via New York State contract, will provide installation, software, project management, start-up and warranty at a cost of \$9,228.80; and

WHEREAS, not covered under the State contract is the installation of (2) ADA Power Operators and (2) Pole/Bollards; and

WHEREAS, quotes were obtained from three vendors for the installation of the ADA Power Operators and Pole/Bollards with Rochester Colonial as the lowest responsible quote at \$13,681.25; and

WHEREAS, the total cost of the project at \$22,910.05 will be funded from the Contingency account; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the installation of (2) interior and (2) exterior ADA compliant doors, (2) ADA Power Operators and (2) Pole/Bollards at a total cost of \$22,910.05; and be it further

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the County Treasurer to transfer \$22,910.05 from Contingency Account 101990-54700 to 101622-54220, Building and Grounds New Building Repairs and Maintenance.

BOARD OF SUPERVISORS SEEKS REVIEW OF DECISION IN CIN v. SENECA COUNTY

RESOLUTION NO. 195-14 moved by Mr. Shipley, second by Mr. Kubasik and adopted.

WHEREAS, the decision of the Second Circuit Federal Court of Appeals in Cayuga Indian Nation v. Seneca County imposes the unjust and incongruous result that the Federal Courts recognize the obligation of Indian tribes to pay real property taxes on off-reservation land holdings yet denies municipalities any means of collecting those justly due taxes; and

WHEREAS, the Seneca County Board of Supervisors has steadfastly defended the sovereignty of the State of New York and the right of State and County taxpayers to a fair and equitable distribution of the burden of providing services and infrastructure to the people of the County and the State; and

WHEREAS, the Seneca County Board of Supervisors in the interest of the tax-paying citizens of the County and the State finds it necessary to seek review of this decision; and

WHEREAS, this resolution has been approved by the Indian Affairs Committee of the Board of Supervisors; now, therefore, be it

RESOLVED, that the Board of Supervisors directs the firm of Harris Beach to take all steps necessary to seek a writ of certiorari to the United States Supreme Court, appealing the decision of the second Circuit Court of Appeals in the matter of Cayuga Indian Nation v. Seneca County; and it is further

RESOLVED, that the Board of Supervisors directs the firm also to seek the support of the Governor of the State of New York under §10 of the State Law of the State of New York to provide counsel to the County in its defense of New York State sovereignty in this action.

**BOARD OF SUPERVISORS AUTHORIZE THE PROBATION DEPARTMENT
TO DECLARE VEHICLE SURPLUS**

RESOLUTION NO. 196-14 moved by Mr. Reynolds, second by Mr. Prouty and adopted.

WHEREAS, the Seneca County Probation Department has a 2002 Jeep Grand Cherokee; and

WHEREAS, said vehicle has over 150,000 miles on it and has had over \$6,000 in recent repairs;
and

WHEREAS, recently it went out of service with transmission issues costing more than it is worth;
and

WHEREAS, the vehicle is recommended to be taken out of service and disposed of; and

WHEREAS, this resolution was approved by the Public Safety Committee at a meeting on
August 26, 2014; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the Seneca
County Probation Department to declare the 2002 Jeep Grand Cherokee surplus and dispose of it per
County policy.

**BOARD OF SUPERVISORS AUTHORIZES THE COUNTY TREASURER TO
TRANSFER \$15,000 FROM THE CONTINGENCY ACCOUNT TO THE
PROBATION DEPARTMENT OVERTIME ACCOUNT**

RESOLUTION NO. 197-14 moved by Mr. Reynolds, second by Mr. Kubasik and adopted.

WHEREAS, the current budget for the Seneca County Probation Department includes \$17,500
allocated to its Overtime Account; and

WHEREAS, this account has been exhausted due to the addition of a new field Probation Officer
and necessary extensive training outside the County, an increase in the use of the Electronic Home
Monitoring Program, a change to night court for one Seneca Falls justice, NYS mandated home checks
for registered sexual offenders, and additional assistance to local police; and

WHEREAS, in order to maintain these critical services to the people of Seneca County a request
for an additional \$15,000 for to cover the remainder of overtime in 2014; and

WHEREAS, this resolution was approved by the Public Safety Committee at a meeting on
August 26, 2014; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the County
Treasurer to transfer \$15,000 from the Seneca County Contingency Account 101990-54700 to the Seneca
County Probation Department Overtime Account 103140-51300.

**SENECA COUNTY SHERIFF AUTHORIZED TO SIGN RENEWAL AGREEMENT WITH
NEW YORK STATE UNIFIED COURT SYSTEM FOR PROVIDING SECURITY SERVICES**

RESOLUTION NO. 198-14 moved by Mr. Reynolds, second by Mr. Lazzaro and adopted.

WHEREAS, the Seneca County Sheriff's Office is contracted by the New York State Unified
Court System for security services provided for the Seneca County Courts for the period of April 1, 2014
through March 31, 2019; and

WHEREAS, the term of the agreement shall consist of 5 one-year periods each of which will
have its own maximum amount of monetary reimbursement by the Unified Court System; and

WHEREAS, the initial period of this Agreement shall commence April 1, 2014 and terminate March 31, 2019; and

WHEREAS, the maximum compensation for the 2014-2015 period shall be \$176,249.00; and,

WHEREAS the Public Safety Committee recommended that the Board of Supervisors by resolution authorize the Seneca County Sheriff to sign the said Renewal Agreement at its meeting on August 26, 2014; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Sheriff to sign the Renewal Agreement between the New York State Unified Court System and the Seneca County Sheriff's Office for the provision of security services for the Seneca County Courts for the period commencing April 1, 2014 and terminating March 31, 2019.

RESOLUTION TO RENEW MEDICAL CONTRACT WITH K & A SERVICES

RESOLUTION NO. 199-14 moved by Mr. Reynolds, second by Mr. Earle and adopted.

WHEREAS, the Seneca County Sheriff's Office has had a contract for two years with K & A Services, 6400 Collamer Road, East Syracuse, New York, to provide portable radiology services at the Seneca County Correctional Facility; and

WHEREAS, the service allows necessary X-Rays, EKG services and Portable Ultrasound services to be performed at the facility thereby eliminating the need to transport non-emergency situations to the emergency room; and

WHEREAS, costs of services have not changed although there is an addition of a couple of new services being offered; now, therefore be it

RESOLVED, that the Board of Supervisors does hereby authorize the Seneca County Sheriff to enter into the agreement between K & A Services and the Seneca County Sheriff's Office to provide medical services to our Correction Facility inmates as needed and appropriate.

**APPROVAL TO ENTER INTO AGREEMENT WITH
POMCO DEALING WITH MEDICAL BILLING**

RESOLUTION NO. 200-14 moved by Mr. Reynolds, second by Mr. Kubasik and adopted.

WHEREAS, Seneca County Sheriff is requesting approval to enter into an agreement with POMCO Group, 2425 James Street, Syracuse, NY, to administer health claims adjudication services for services provided to Seneca County Correctional Facility inmates; and

WHEREAS, health care costs have increased in recent years to a point that it is difficult to project an estimated cost for both healthcare and pharmaceutical costs for inmates; and

WHEREAS, POMCO Group will receive all medical care and pharmaceutical billings involving inmates and will review claims for eligibility; adjudicate claims within benefit guidelines; provide check registers and will calculate, report and issue checks for the payment of appropriate HCRA Surcharge

Taxes due; POMCO will pay claims on the Medicaid fee schedule; should there not be a fee available for a particular service, then POMCO will then pay the provider in accordance with their contracted provider agreement; and

WHEREAS, the fee schedule for this service is set at \$2,500 per month for processing claims totaling less than 94 claims and any claims over that amount will be billed at a rate of \$26.50 per claim; now, therefore be it

RESOLVED, that the Board of Supervisors grant approval for the Chairman to sign a contract between the POMCO Group and Seneca County for the adjudication of all medical and pharmaceutical billings involving inmates at the Seneca County Correctional Facility at a cost to Seneca County of \$2,500 per month with additional charges of \$26.50 for any claims over 94 per month funds appropriated from budget line 103151-54350.

**CONTRACT WITH LEXISNEXIS TO PROVIDE SERVICES FOR
SENECA COUNTY CORRECTIONAL FACILITY LAW LIBRARY**

RESOLUTION NO. 201-14 moved by Mr. Reynolds, second by Mr. Shipley and adopted.

WHEREAS, pursuant to NYS Law the County is mandated to provide copies of New York State Laws and certain other Federal and States rules and regulations for the use of the inmates; and

WHEREAS, the Sheriff and Jail Administrator have reviewed various options for providing this service to the inmates and recommend that we continue with the present method of single computers available to inmates with hard drives containing all the information needed to provide the required law library services for the inmates; and

WHEREAS, the present number of correctional staff is governed by the New York State Department of Corrections agreement with Seneca County at a minimal staffing level and with this system no constant monitoring is required while an inmate is researching the law library; and

WHEREAS, this matter was approved by the Public Safety Committee on August 26, 2014; now, therefore be it

RESOLVED, that the Board of Supervisors does hereby authorize and approve the contract with LexisNexis to provide the necessary information to the Seneca County Correctional Facility Law Library as follows: For the period of June 1, 2014 through May 31, 2016 for a total of \$23,893, with said monies included in the 2014 budget under line 103150-54260.

BOARD ACCEPTS GRANT MONIES EXPENDITURES

RESOLUTION NO. 202-14 moved by Mr. Reynolds, second by Mr. Kaiser and adopted.

WHEREAS, the Seneca County Sheriff's Office has received a grant from the Department of Criminal Justice, Albany, New York, in the amount of \$35,000 to be used for the purchase of equipment; and

WHEREAS, the purchase of LIVE-SCAN equipment, a program with associated equipment that is used to secure fingerprints, personal data, photographs and other required booking information when a person is ordered into the custody of the Sheriff or being processed; and then forwarded electronically to the New York State Department of Criminal Justice and further to the F.B.I.; and

WHEREAS, the securing of this equipment will also allow us to assist the Interlaken Police Department with these functions as they do not have the ability to process fingerprints and photographs at this time; and

WHEREAS, the cost of securing the necessary LIVE-SCAN equipment is \$25,916.87, which is a State bid quotation, ID# PT65343; and

WHEREAS, the remainder of the grant monies will be spent for the purchase of patrol rifles (4 w/attachments totaling \$4,760), and night vision equipment (2 items totaling \$4,049) all totaling \$8,809 with a State Bid #PC66331; and

WHEREAS, the Public Safety Committee approved this item at the August 26, 2014 meeting; now, therefore be it

RESOLVED, that the Board of Supervisors approved the request of Seneca County Sheriff to expend monies in this grant as described above with expenditures appropriated from budget line 103113-52805 titled JAG E-GRANT.

INMATE TELEPHONE SERVICE AGREEMENT

RESOLUTION NO. 203-14 moved by Mr. Reynolds, second by Mr. Shipley and adopted.

WHEREAS, the Seneca County Sheriff's Office wishes to continue an agreement with Global Tel*Link Corporation to provide inmate telephone services at the Seneca County Correctional facility; and

WHEREAS, this service allows inmates to make telephone non-attorney collect telephone calls from the correctional facility with a portion of said charges becoming a commission being paid to Seneca County through the Seneca County Sheriff's Office; and

WHEREAS, this service comes at no cost to Seneca County; and

WHEREAS, this item was approved at the August 26, 2014 Public Safety Committee meeting; now, therefore be it

RESOLVED, that the Board of Supervisors does hereby approve the continuation of this agreement between Seneca County and Global Tel-Link corporation.

AUTHORIZE ACCEPTANCE FEMA HAZARD MITIGATION PLANNING GRANT FOR OFFICE OF EMERGENCY SERVICES

RESOLUTION NO. 204-14 moved by Mr. Reynolds, second by Mr. Earle and adopted.

WHEREAS, the Office of Emergency Services has received notification from the New York State Division of Homeland Security and Emergency Services, that the application for a Hazard Mitigation Planning Grant has been approved by FEMA; and

WHEREAS, this grant will provide for the revision of the Seneca County Multi-Jurisdictional Hazard Mitigation Plan required by FEMA; and

WHEREAS, FEMA requires municipalities to have an updated and approved Multi-Jurisdictional Hazard Mitigation Plan to be eligible for FEMA Hazard Mitigation grants; and

WHEREAS, the Seneca County Multi-Jurisdictional Hazard Mitigation Plan expired April 2013; and

WHEREAS, FEMA is authorizing \$110,000 in total costs for the Project, with a Federal share of \$82,500 and a local matching share of \$27,500, to be in the form of In-Kind Services, over the two year period of the grant; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby approve the grant, and authorizes the Chairman of the Board to sign any and all documents as required by the New York State Division of Homeland Security & Emergency Services and FEMA.

AUTHORIZE ACCEPTANCE DCJS GRANT FOR OFFICE OF EMERGENCY SERVICES

RESOLUTION NO. 205-14 moved by Mr. Reynolds, second by Mr. Kaiser and adopted.

WHEREAS, through the efforts of State Senator Michael F. Nozzolio, New York State Division of Criminal Justice Services has awarded Seneca County, Office of Emergency Services a grant for \$50,000 with no local match; and

WHEREAS, this grant will be used to purchase and install, and fix breathing air system at the Fire Training Center; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors approves the acceptance of this grant and authorizes the Chairman of the Board of Supervisors to sign all grant paperwork.

**BOARD OF SUPERVISORS SELECTS PROJECT MANAGEMENT, GOVERNANCE,
AND SOP CONSULTANT FOR COUNTY INTEROPERABLE
COMMUNICATIONS RADIO UPGRADE PROJECT**

RESOLUTION NO. 206-14 moved by Mr. Reynolds, second by Mr. Davidson and adopted.

WHEREAS, Seneca County has been awarded \$6,000,000 in funds from the New York State Department of Homeland Security & Emergency Services (DHSES) to upgrade our public safety radio communications network to an interoperable communications system. Three percent (3%) of this grant award must be used to develop and deliver governance; and

WHEREAS, three percent (3%) of this grant award must be used to develop and deliver governance and standard operating procedures to all parties in the new system, as well as provide user training and to serve as Seneca County's Project Manager for this project; and

WHEREAS, pursuant to a Board of Supervisors resolution, Requests for Proposal were solicited for public safety consultant services to assist the County in undertaking this project; and

WHEREAS, a Project Steering Committee was formed and reviewed the four (4) proposals received on July 3, 2014, and selected C&S Companies of Syracuse, N.Y. for \$149,500; and

WHEREAS, the Public Safety Committee approved the purchase at its meeting on August 26, 2014; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors accepts the recommendation of the Steering Committee and selects C&S Companies of Syracuse, N.Y. for \$149,500.00; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is directed to sign contract documents upon the approval of the County Attorney.

**BOARD OF SUPERVISORS AMENDS 2014 FEE SCHEDULE TO ESTABLISH FEE FOR
SIMPLE COMMERCIAL RE-ROOFING PROJECTS**

(amended)

RESOLUTION NO. 207-14 moved by Mr. McGreevy, second by Mr. Shipley and adopted by 377 ayes (Shipley, Serven, Kaiser, Churchill, Lazzaro, Hayssen, Westfall) and 373 nays (McGreevy, Reynolds, Garlick Lorenzetti, Davidson, Prouty, Earle, Kubasik).

WHEREAS, Seneca County provides New York State Uniform Building Code and Energy Code enforcement services to all towns and villages within the County; and

WHEREAS, periodic revisions to the fee schedule are necessary to reflect new requirements and changing needs; and

WHEREAS, the fee for Commercial Roofing projects included in the current Commercial Alterations, Repairs, and Renovations is \$0.15 per square foot with a \$300 minimum fee for projects up to 11,500 sq. ft., and \$ 0.22 per square foot for projects beyond 11,500 sq. ft.; and

WHEREAS, the square footage fee calculation has been determined onerous given the amount of effort required for inspections for certain types of simple commercial roofing projects; and

WHEREAS, this amendment makes the following changes:

COMMERCIAL ALTERATIONS, REPAIRS, AND RENOVATIONS

Add line:

Simple commercial re-roofing projects (no structural work) \$1.00 flat fee; and

WHEREAS, there are no other changes to the adopted 2014 Fee Schedule for permits issued by the Seneca County Department of Building and Fire Code Enforcement at this time; and

WHEREAS, this resolution has been reviewed and approved by the Public Health Services Committee on August 26, 2014; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby amends the 2014 Fee Schedule for permits issued by the Seneca County Department of Building and Fire Code Enforcement as described above.

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

RESOLUTION NO. 208-14 moved by Mr. McGreevy, second by Mr. Earle and adopted.

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

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

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

The following agencies that provide related services:

1. Franziska Racker Center
2. Finger Lakes United Cerebral Palsy (Happiness House)
3. Roosevelt Children's Center (Wayne ARC)
4. Breaking Boundaries OT and PT Services, PLLC

The following individuals who provide related services:

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

WHEREAS, the funds for these contracts are in the Public Health Budget 104149; and

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

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

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

RESOLUTION NO. 209-14 moved by Mr. McGreevy, second by Mr. Davidson and adopted.

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

WHEREAS, the period covered by this grant is October 1, 2014 to September 30, 2015; and

WHEREAS, the amount of the grant is \$26,082; and

WHEREAS, the money is included in the Public Health Department budget 104010; and

WHEREAS, the Public Health Committee has recommended approval of this grant; and

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

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

Unfinished Business

Property Encroachment: Mr. Stuck, Facilities Superintendent is concerned about residents whose property borders the county building property. Some of the residents are using county property as an extension of their own property. The Board of Supervisors directed Mr. Stuck and Mr. Fisher, the county attorney, to inform the residents of the encroachment by a friendly notice. If the problem persists, further action would be considered.

Attorney for SCOTA Appeal: Following a meeting of the Indian Affairs Committee, the consensus of its members was the advantage of having highly experienced legal representation to argue our appeal before the U.S. Supreme Court. Paul Clement, an attorney from Washington D.C. was recommended by CERA and by the Citizens Advisory Committee. Mr. Clement's experience includes arguing over seventy cases before the Supreme Court. County Attorney Fisher was asked to research whether New York State would agree to pay for another attorney, as the state is currently paying for Harris Beach.

New Business

Rule 29: Mr. Reynolds made a motion, seconded by Mr. Shipley, and carried by 2/3 majority of supervisors present, to consider the following resolution without having it reviewed by the appropriate standing committee.

**SUPERVISORS APPROVE APPLYING FOR THE 2014-15 PUBLIC SAFETY
ANSWERING POINT OPERATIONS GRANT**

RESOLUTION NO. 210-14 moved by Mr. Reynolds, second by Mr. Shipley and adopted.

WHEREAS, the New York State Division of Homeland Security & Emergency Services announced the 2014 – 2015 PSAP Operations Grant on August 28, 2014; and

WHEREAS, the Grant allows for State support to counties for eligible public safety call-taking and dispatching expense; and

WHEREAS, the State support is in the form of reimbursement for operating expenses to the PSAP, including personal services; and

WHEREAS, the enacted state budget for 2014 – 2015 appropriates \$10 million for all those eligible (62 counties); and

WHEREAS, the Public Safety Answering Points Operations Grant is non-competitive and will allocate money by a formula which equitably distributes funding among counties based on quantifiable elements and relevant metrics, with no local match; and

WHEREAS, the application deadline for the Grant is September 26, 2014, now, therefore be it

RESOLVED, the Board of Supervisors approves applying for the 2014 - 2015 Public Safety Answering Point Operations Grant and authorizes the Chairman of the Board of Supervisors to sign all paper work related to the same.

Suspension of the Rules: Mr. Shipley made a motion, seconded by Mr. Reynolds, and carried to suspend the rules of order to consider the following resolutions.

**CHAIRMAN OF THE BOARD AUTHORIZED TO SIGN CONTRACT WITH
NEW YORK STATE FOR CRIME VICTIMS SERVICES**

RESOLUTION NO. 211-14 moved by Mr. Serven, second by Mr. Kubasik and adopted.

WHEREAS, the Seneca County Mental Health Department has been awarded a grant from the NYS Office of Victims' Services for a three year contract to provide services to crime victims; and

WHEREAS, this grant provides \$176,910.50 for the period October 1, 2014 through September 30, 2017 under the Victim and Witness Assistance Grant Program with annual award amounts of:

2014-2015 - \$58,197.80

2015-2016 - \$58,820.85

2016-2017 - \$59,891.85; and

WHEREAS, and with 20% county match of \$11,640 per year, which cumulatively provides the bulk of the Mental Health Department's funding for our Crime Victims' Services in Seneca County; and

WHEREAS, this grant requires the yearly approval and signing of a contract between Seneca County and the NYS Office of Crime Victims' Services; and

WHEREAS, on September 9, 2014 the Board of Supervisors Mental Health Committee approved the acceptance of these funds and the signing of the appropriate contract by the Chairman of the Seneca County Board of Supervisors; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby approve the acceptance of these grant funds and authorized the Chairman of the Board of Supervisors to sign a contract between the Seneca County Mental Health Department and the NYS Office of Crime Victim's Services to accept these funds.

**CHAIRMAN OF THE BOARD AUTHORIZED TO SIGN CONTRACT WITH NEW YORK
STATE OCFS FOR DOMESTIC VIOLENCE VICTIMS SERVICES**

RESOLUTION NO. 212-14 moved by Mr. Serven, second by Mr. McGreevy and adopted.

WHEREAS, the Seneca County Mental Health Department anticipates being awarded a grant from the NYS Office of Children and Family Services (OCFS) to provide services to domestic violence victims in Seneca County; and

WHEREAS, this grant provides funding for most of the salary of Seneca County's Domestic Violence program staff, with the remainder (approximately 20%) being covered by a Seneca County-match; and

WHEREAS, the Mental Health Department has requested additional funding to increase our Domestic Violence Victims' Services program's reach into the southern portion of the county, and amongst the Amish population of Seneca County as well; and

WHEREAS, this grant requires the yearly approval and signing of a contract between Seneca County and the NYS Office of Crime Victims' Services; and

WHEREAS, the short time-frames between award-notification and the due-dates for the completion of contracting documents and our board meeting schedule would preclude the Mental Health Department from waiting until after the official award notice is made to gain Board approval; and

WHEREAS, the Board of Supervisors Mental Health Committee has approved the acceptance of these funds and the signing of the appropriate contract by the Chairman of the Seneca County Board of Supervisors; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby approve the acceptance of these grant funds and authorizes the Chairman of the Board to sign a contract between the Seneca County Mental Health Department and the NYS Office of Children and Family Services to accept these funds, should this grant be awarded to Seneca County.

**SUPERVISORS AUTHORIZE REPLACEMENT OF
MENTAL HEALTH DEPARTMENT VEHICLE**

RESOLUTION NO. 213-14 moved by Mr. Serven, second by Mr. Churchill and adopted.

WHEREAS, the Mental Health Department had a vehicles, a 2008 Gray Impala with 86,234 miles on it, declared a "total loss" as a result of a car accident; and

WHEREAS, the estimated cost to replace this car with a new vehicle would be approximately \$20,000; and

WHEREAS, insurance paid \$10,495.00, and the Mental Health Department has Federal Salary Sharing dollars, which can cover the difference between that amount and the anticipated \$20,000 cost; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors approves the following budget amendments for the expressed purpose of the Seneca County Mental Health Department purchasing a new car to replace a car lost due to an accident:

Transfer \$9,505 from FSS account into the mental health revenue account 4320.44340

Transfer \$10,495 from Insurance Department into MH revenue account #4320.41620

Increase by \$20,000 expense account #4320.52600

**SUPERVISORS AUTHORIZE USE OF CONTINGENCY FUNDS
FOR HOSPITALIZATION COSTS**

RESOLUTION NO. 214-14 moved by Mr. Serven, second by Mr. Churchill and adopted by 682 ayes and 68 nays (Lazzaro).

WHEREAS, each year the Seneca County Mental Health Department must project (within its budget) possible county-costs (50% of the total hospitalization costs) for individuals in the following year who become involved in our court systems who are declared "unfit to proceed by reason of mental disease or defect" (in a court-case by a Seneca County Court) who are subsequently placed in hospitals in order to be "restored," such that they may then proceed with their criminal court cases; and

WHEREAS, we have had one individual (whose alleged crime was committed in Seneca county) hospitalized at the Sunmount Developmental Center since late 2013 (long after the 2014 budget was completed) who will unlikely be declared "fit to proceed" before the end of 2014; AND

WHEREAS, the projected hospitalization costs for this individual to year end would be \$80,320.00 (county cost of \$509.94 per day multiplied by remainder of days uncovered due to lack of funds in current budget); and

WHEREAS, the Seneca County Mental Health Committee has approved the use of contingency funds to cover this expense for this individual until year 12-31-14; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors approves the Mental Health Department request to have \$80,320.00 in Seneca County contingency funds be applied to Account # 4320.54351, such that the Mental Health Department may pay for Seneca County's mandated share of this individual's hospitalization for 2014.

Prior to the vote for Resolution No. 214-14, Mr. Lazzaro said he was voting against the resolution because the decision is made at the state level on whether the individual is competent for trial and / or if treatment is necessary; but it is the counties that have to pay the costs.

**SUPERVISORS CREATE AND FILL FULL-TIME VETERANS DIRECTOR
IN SENECA COUNTY VETERANS DEPARTMENT**

RESOLUTION NO. 215-14 moved by Mr. Lazzaro, second by Mr. Davidson and adopted.

WHEREAS, the laws of the State of New York require that there be a Veterans Director in each County Veterans Agency who is an accredited as a Veterans Service Organization (VSO) representative; and

WHEREAS, Seneca County Veterans Department has until January 1, 2015 to assign a fully accredited Veteran to this position; and

WHEREAS, the Seneca County Veterans Department has an accredited VSO representative who is eligible for the Veterans Director position; and

WHEREAS, the Human Services Committee has approved the creation/filling of a full-time Veterans Director and abolishing (1) full-time Social Welfare Examiner position in the Seneca County Veterans Agency as of January 1, 2015 at their committee meeting on August 26, 2014; and

WHEREAS, funding for the Veterans Director has been assigned to this position in the 2015 budget planning process; now therefore be it

RESOLVED, that the Board of Supervisors does hereby create and authorize filling a Veterans Director in the Seneca County Veterans Department effective January 1, 2015; and be it further

RESOLVED, that the Seneca County Board of Supervisors does hereby abolish (1) full-time Social Welfare Examiner position in concurrence with the filling of the Veteran's Director effective January 1, 2015; and be it further

RESOLVED, that the filling of this position is based on approval and funding provided in the 2015 Seneca County budget.

**SUPERVISORS CREATE/FILL (1) EMPLOYMENT & TRAINING COUNSELOR POSITION
AND ABOLISH (1) EMPLOYMENT & TRAINING ASSISTANT POSITION AND BACKFILL
POSITION(S) DUE TO PROMOTION INTO COUNSELOR POSITION**

RESOLUTION NO. 216-14 moved by Mr. Lazzaro, second by Mr. Reynolds and adopted.

WHEREAS, the Human Services Committee has approved the creation/filling of (1) Employment & Training Counselor position at their last committee meeting on August 26, 2014; and

WHEREAS, the Human Services Committee has approved abolishing (1) Employment & Training Assistant position at their last committee meeting on August 26, 2014; and

WHEREAS, the Human Services Committee has approved to backfill position(s) due to a promotion into the Counselor position; and

WHEREAS, funding for these positions are included in the 2014 budget; now therefore be it

RESOLVED, the Seneca County Board of Supervisors does hereby create and authorize filling of (1) Employment & Training Counselor position effective immediately at an hourly rate as set forth in the CSEA Contract; and be it further

RESOLVED, the Seneca County Board of Supervisors does hereby authorize backfilling position(s) due to a promotion into the Counselor position; and be it further

RESOLVED, the Seneca County Board of Supervisors does hereby abolish (1) Employment & Training Assistant position effective immediately.

Special Order of the Day

The meeting adjourned at 7:11 p.m.

SENECA COUNTY

Indian Affairs Committee Report

Robert Shipley
Committee Chairman

Donald Earle
Committee Vice Chairman



County Office Building
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September 09, 2014

Report by Robert Shipley:

As decided at the last meeting of the Indian Affairs committee, tonight I report to the Board of Supervisors that Chairman Hayssen, Vice Chair Earle and myself along with the County Manager and legal advisors had a productive meeting last week with Congressman Tom Reed.

We discussed the merits of the Seneca County Tax Foreclosure case including the implicit text of the 07-31-14 Second Circuit Court of Appeals decision that cited US Supreme Court guidance, that tribal sovereign immunity from suit bars Seneca County from proceeding against the CIN and affirmed the order of the district court.

Our primary discussion focused on the courts' declaring "the doctrine of tribal sovereign immunity from suit and the propriety of drawing distinctions that might constrain the broad sweep of that immunity.... **in the absence of express action by Congress**". We discussed in length what measures would be appropriate to move forward on passage of congressional authorization or waiver of Indian sovereign immunity.

Congressman Reed has agreed to assume an active leadership role to explore necessary legislation in Congress as well as assistance to secure support for a Congressional coalition.

The last discussion point was the logical conclusion and BOS desire of final legal action to petition US Supreme Court intervention of the Second Circuit Appeals Court decision, similarly to the SCOTUS review of Madison Co. Vs OIN a few years ago regarding precisely the same subject. Congressman Reed pledged the cooperation of his office regarding help with details of this action.

Thank you for your attention.