

Seneca County Board of Supervisors

Board Meeting

&

Public Hearing

Tuesday, August 11, 2015

6:00 p.m.

Call to Order

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

Roll Call of Members by the Clerk

Ten members of the board answered roll call. Supervisors Churchill, Kaiser, Westfall and Kubasik were not present.

Pledge of Allegiance and Moment of Silence

Public Hearing

Supervisor Shipley moved the floor be open to receive comments regarding proposed Local Law E 2015: "A Local Law to Establish Residency Requirements for the Position of Director of E-911 for Seneca County". No comments, oral or written were received. Supervisor Reynolds moved the floor closed for the public hearing.

Petitioners

David Dresser, Consultant for Indian Affairs: Dr. Dresser urged the board to oppose NYS Bill S-1879 the bill (The Interior Improvement Act). The bill would override a 2009 Supreme Court decision in the case of Carcieri vs. Salazar, which said the Interior Department could not take land into trust for the Narragansett Indians in Rhode Island because that tribe was not under federal jurisdiction in 1934 when the Indian Reorganization Act was passed. Dr. Dresser said the Cayuga Indian Nation was also not under federal jurisdiction in 1934.

Larry Colton, resident of the Town of Varick: Mr. Colton urged the Board of Supervisors to take ownership of the road located at the depot, running east and west, and open it for public use. He also urged the Board of Supervisors to return to the previous owners prior to the formation of the depot, the property that was taken over by the Army. He said there are 68 parcels in Varick and 109 parcels in Romulus and he had a petition with 158 signatures in favor of his request.

Submission of Claims for Audit

Supervisor Prouty moved the following vouchers, having gone through the proper auditing process, be approved for payment:

Supervisors vouchers	totaling	\$	562,865.89
Workforce Development vouchers	totaling	\$	47,518.44

Self-Insurance vouchers	totaling	\$	10,577.00
County Airport vouchers	totaling	\$	26,227.22
Highway Transportation vouchers			
	Maintenance & State Snow	totaling	\$ 113,276.81
	Highway Machinery	totaling	\$ 25,391.96
	Highway Total	\$	138,668.77
Water	totaling	\$	10,163.87
Sewer 1	totaling	\$	17,385.73
Sewer 2	totaling	\$	24,761.84
Capital Project - Airport vouchers	totaling	\$	859,090.70
Capital Project - Courthouse	totaling	\$	365,535.74
Capital Project - Radio Contract	totaling	\$	846,439.00

Reports of Standing Committees

Public Health Services Committee – Supervisor McGreevy, Chairman. On July 28, at a meeting of the Committee, a contract with NYS Department of Health for the Early Intervention Administration Grant was approved for a board resolution. The amount of the grant is for \$18,088 for the period of October 1, 2015 – September 30, 2016. The Committee also approved for a board resolution the service agreement with the S2AY Rural Health Network for membership and quality improvement activities. The cost of membership is \$17,000. The goal is to ensure coordinated services across a six county area.

Indian Affairs Committee – Supervisor Shipley, Chairman. At its meeting on July 28, the Committee learned that the site: “nocayugalandintotrust. net” no longer being funded by Harris Beach and the site was transferred to the Seneca County server as of July 7, 2015.

Bond, Schoeneck & King, legal counsel for the county on Indian matters, received confirmation of their letter dated July 9, 2015, requesting a conference with Judge Siragusa, and scheduled for August 5, 2015 to discuss steps necessary to bring the foreclosure case to a final resolution. A Summary Judgment in favor of Cayuga Nation will allow Seneca County to re-start the appeal process again and petition Supreme Court of the United States for their anticipated review and reversal of Tribal Immunity in foreclosure actions.

The Seneca County Treasurer Office is in receipt of \$29,975.45 from Boyle & Anderson, P.C. on behalf of Cayuga Nation representing payment in full for back property taxes at 4 Briarwood Circle, Seneca Falls, NY. It is noted in the letter that the payment is so the occupants can obtain a permit to improve or repair the property and not to be considered as a payment of property taxes.

The Cayuga Nation Mediation Peace Agreement is between the two Cayuga Nation leadership groups. The document does not resolve the leadership dispute and states neither side acknowledges the right of the other, under Cayuga law, to exercise such control. The agreement does specify the Halftown group to terminate their action (CA14-00967 & CA14-01544) currently in the NYS Appellate Division, Fourth Department in accordance with 22 N.Y.C.R.R. 1000.18.

Senate Committee on Indian Affairs Chairman Barrasso will introduce major fee-to-trust reform legislation (expected July 28, 2015) in front of Congress. Details will be provided Senator Schumer's and Congressman Reed's offices prior to any comment from Seneca County. This proposed legislation would replace the many tries for a "Carcieri Fix" legislation which Senator Schumer has always been successful at stopping in committee.

Human Services Committee – Supervisor McGreevy, Vice-Chairman. The Committee met on July 28 and approved refilling the position of Caseworker and to create the position of a Meal on Wheels Coordinator in Office for the Aging. The creation of a new position requires a board resolution which is included on this agenda.

Planning, Development, Agriculture & Tourism Committee – Supervisor Hayssen, Chairman. The Committee met on July 28 and approved a board resolution to accept a Federal Aviation Administration grant up to \$350,000 and appointing McFarland Johnson as Engineers for the project to design apron improvements at Finger Lakes Regional Airport.

Seneca County is in the process of closing out the Cayuga-Seneca Canal Trail development contract. New York State Department of State requires the final contract to show the actual expenditures in its budget at the time the contract is closed out. This was approved by the Committee and referred to the Board of Supervisors for action.

Committee Chairman Hayssen, introduced a drafted resolution that supporting the Town of Tyre and its project for a casino, and calling on New York State legislature to support the issuance of a gaming license to Lago; calling for support that a fourth gaming license be issued in Tioga or Broome county to maximize revenues for all tax jurisdictions in Region 5, and for the state to establish an exclusivity zones in the ninety mile region around Lago Resort & Casino.

Public Safety Committee – Supervisor Davidson, Vice-Chairman. The Committee approved a lease agreement between Seneca County E911 and Crown Castle for radio tower service in King Ferry for \$1,675 per month and Burgess Road tower for \$4,200 per month for a period of ten years; approved a pay increase for Stephen Ricci, Assistant Public Defender, for a salary of \$62,132 effective July 1, 2015; and approved the creation of a position of Senior Dispatcher temporarily until December 31, 2015.

Public Works Committee – Supervisor Shipley, Member. Several items were reviewed and approved for a board resolution at its meeting on July 28: (1) a service contract between Romulus Central

School and Seneca County Highway Department for a one year period effective July 1, 2015 – June 30, 2016. The labor rate is \$38 per hour and rent is \$200 per month; (2) approved the purchase of a 2015 Case 580SN backhoe with buckets in the amount of \$106,093 from the National Joint Powers Alliance; (3) approved awarding Economy Paving from Cortland, NY, the bid for rehabilitation of the County Road 131 Bridge project. The cost is funded one hundred percent from CHIPS; approved the Snow and Ice Agreement with NYS Department of Transportation for 2015/2016 season and 2016/2017 season; approved the contract with Unified Court System for cleaning and maintenance and minor repair for a maximum reimbursement of \$72,549 for fiscal year 2015-2016.

The Public Works Committee also approved a resolution for the Board of Supervisors that authorizes fees for additional services provided by the Seneca County Water and Sewer Department, effective immediately.

Chairman's Remarks

Chairman Earle attended a meeting in Buffalo with other officials from seven upstate regions around New York in preparation for \$1.5 billion in economic development created by Gov. Andrew Cuomo. Three \$500 million economic development projects will be awarded to the regions that submit the best ideas for how the money could improve the local economy.

Communications

57. From New York State Department of Taxation and Finance, a copy of the final State equalization rates for the 2015 assessment rolls which have been established to date for the municipality in Seneca County.

58. From Paul Doyle, resident, Town of Romulus, an email dated August 06, 2015, to the Board of Supervisors; Subject: Leadership and Change, regarding the Seneca County Water and Sewer Department.

59. A copy of the Seneca County Board of Health July 15, 2015 meeting minutes.

60. From the Lewis County Board of Legislators, a copy of Resolution No. 248-2015, "Opposing the US Environmental Protection Agency's and US Army Corps of Engineers Expanded "Definition of *Waters of the U.S. (WOTUS)* under the *Clean Water Act*" and supporting the United States House of Representative Bill No. H.R. 1732.

61. From Letitia K. Gilbert, a communication with copies of an article dated July 12, 2015, "*The fight for the Finger Lakes: Why upstate New York is the battleground for America's energy future: Clean and green has become the ethos of the region*", asking the Board of Supervisors to consider the development of a solar farm at the former army depot.

62. From State Assembly Minority Leader Brian M. Kolb, a letter of acknowledgment of receipt of Seneca County Resolution No. 157-15, which is reaffirming support for the development of the Lago Resort & Casino in the Town of Tyre.

63. A copy of the Seneca County Board of Health July 9, 2015 meeting minutes.

64. From Beverly Animal Shelter, a copy of the Annual report for 2015 and request for 2016 funding. Referred to the Finance, Assessment & Insurance Committee.

RESOLUTIONS & MOTIONS

SUPERVISORS ADOPT 2016 WORKERS' COMPENSATION BUDGET

RESOLUTION NO. 158-15 moved by Mr. Prouty, second by Mr. Lazzaro and adopted.

WHEREAS, the Finance, Assessment & Insurance Committee approved the 2016 Workers' Compensation Budget on July 28, 2015; and

WHEREAS, the Workers' Compensation Budget must be filed with the Board of Supervisors by August 15 of each year per Article 5, Section 67 of the New York State Worker's Compensation Law; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby adopt the Seneca County Workers' Compensation Budget for the year 2016 as follows:

1710 ADMINISTRATION

.1100 Personal Service Administrator	28,000
.1110 Employee Benefits Assistant	24,000
Longevity	0
.1200 Legal Services Director	0
.1400 Severance	0
.2200 Equipment	500
.2300 Computer Equipment	1,000
.4200 Supplies	800
.4230 Telephone/Internet	0
.4240 Postage	1,600
.4260 Books and Periodicals	100
.4270 Membership and Dues	200
.4280 State Assessment	105,000
.4440 Mileage	200

.4450	Hotels and Meals	600
.4560	Excess Insurance	98,000
.4700	Investigation	3,000
.4701	Training	200
.4702	Legal Services	17,000
.4703	Rehabilitation Services	5,000
.8100	Retirement	8,760
.8300	Social Security	3,000
.8600	Hospitalization	15,600
.8700	Medicare	700

TOTAL ADMINISTRATION 313,260

1720 NON-ADMINISTRATION

.4100	Indemnification/Benefits & Awards	400,000
.4110	Long Term Indemnity Liabilities	65,000
.4200	Medical	275,000
.4210	Long Term Medical Liabilities	50,000
.4220	Independent Medical Examinations	6,000
.4440	Mileage/Claimants	5,000
.4700	Reserve	0

TOTAL NON-ADMINISTRATION 801,000

GRAND TOTAL \$1,114,26

SUPERVISORS AUTHORIZE AMENDMENTS TO 2015 SENECA COUNTY BUDGET

RESOLUTION NO. 159-15 moved by Mr. Prouty, second by Mrs. Garlick Lorenzetti and adopted.

WHEREAS, amendments to the 2015 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 on July 28, 2015; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes the following amendments to the 2015 Seneca County Budget:

District Attorney

Decrease:	101165-51100 (District Attorney Salaries)	\$	1,624.00
Increase:	101165-51400 (District Attorney Severance)	\$	1,624.00

Public Health

Decrease:	104010-51100 (Public Health Admin Salaries)	\$	3,119.00
Increase:	104010-51400 (Public Health Admin Severance)	\$	3,119.00

Sewer District 1

Decrease:	328110.54200 (Office Supplies)	\$	250.00
Increase:	328110.54230 (Telephone)	\$	250.00

Sewer District 2

Decrease:	338110.54230 (Telephone)	\$	250.00
Decrease:	Sewer 2 Appropriated Fund Balance	\$	45,000.00
Increase:	338110.52600 (Equipment Vehicles)	\$	5,000.00
Increase:	338110.54200 (Office Supplies)	\$	250.00
Increase:	338110.54220 (Repairs & Maintenance)	\$	40,000.00

Supervisor Prouty offered a motion, with a second from Supervisor Shipley, for a resolution extending the additional rate of taxes on sale and uses of tangible personal property and of certain services, and on occupancy of hotel rooms and on amusement charges, pursuant to Article 29 of the tax law of New York State. Under discussion, County Attorney Fisher requested that the Board of Supervisors consider laying the motion on the table because the intent of the resolution is reliant on the governor of New York signing the bill. Supervisor Hayssen moved, with a second from Supervisor Davidson, to lay the motion on the table until the following board meeting in September.

CHAIRMAN OF THE BOARD AUTHORIZED TO AMEND AND SIGN SERVICE CONTRACT BETWEEN ROMULUS CENTRAL SCHOOL AND SENECA COUNTY HIGHWAY

RESOLUTION NO. 160-15 moved by Mr. Shipley, second by Mr. Serven and adopted.

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

WHEREAS, the term of said Agreement is for a period of one year commencing July 1, 2015 (the 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, 2016; and

WHEREAS, the County shall be 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 July 1, 2015 (the effective date) for rent of the outdoor storage and parking area; and

WHEREAS, the Public Works Committee approved this agreement on July 28, 2015; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign an agreement on behalf of the County of Seneca with the Romulus Central School to sign the service agreement for the increase in the such labor rate of \$38.00/hour from \$35.00/hour and the rent of \$200.00/month starting as of July 1, 2015.

**SUPERVISORS APPROVE PURCHASE OF A 2015 CASE 580 SN BACKHOE WITH BUCKETS
FOR HIGHWAY DEPARTMENT**

RESOLUTION NO. 161-15 moved by Mr. Shipley, second by Mr. Davidson and adopted.

WHEREAS, the Seneca County Highway Department is requesting to purchase a 2015 Case 580 SN Backhoe with Buckets; and

WHEREAS, funds for the purchase of one (1) 2015 Case 580 SN Backhoe with Buckets from National Joint Powers Alliance (NJPA) member number 95870 in the amount of \$106,093.00 have been appropriated from the 2015 Seneca County Highway Road Machinery Vehicle Account 50-120-5-5130.2600; and

WHEREAS, the purchase was approved by the Public Works Committee of the Seneca County Board of Supervisors on July 28, 2015; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Highway Superintendent to purchase one (1) 2015 Case 580 SN Backhoe with buckets in the amount of \$106,093.00 with funds appropriated from the 2015 Highway Road Machinery Vehicle Account 50-120-5-5130.2600.

**SUPERVISORS AWARD BID FOR
REHABILITATION OF BRIDGE PROJECT ON COUNTY ROAD 131**

RESOLUTION NO. 162-15 moved by Mr. Shipley, second by Mr. McGreevy and adopted.

WHEREAS, three bids for the rehabilitation of the bridge project on County Road 131 were opened at 2:00 p.m. on June 16, 2015; and

WHEREAS, Economy Paving from Cortland, New York presented the lowest bid of \$28,338.00; and

WHEREAS, on July 28, 2015 the Public Works Committee of the Seneca County Board of Supervisors recommended accepting the bid from Economy Paving from Cortland, New York.; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby award the bid for rehabilitation project on County Road 131 to Economy Paving from Cortland, New York at a cost not to exceed \$28,338.00 on the condition that the County Road 131 project is satisfactorily completed; and be it further

RESOLVED, that the chairman of the Board of Supervisors is authorized and directed to execute a contract with Economy Paving from Cortland, New York consistent with such bid for the rehabilitation project for County Road 131 bridge. The funding is from Consolidate Highway Improvement Project (CHIPS) which is 100% reimbursed.

CHAIRMAN OF THE BOARD AUTHORIZED TO SIGN

SNOW AND ICE AGREEMENT FOR TWO YEARS

RESOLUTION NO. 163-15 moved by Mr. Shipley, second by Mr. Serven and adopted.

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

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

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

WHEREAS, the present term of the Agreement, as extended, expires June 30, 2015; and

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

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

WHEREAS, the Public Works Committee approved extending this agreement on July 28, 2015; now, therefore be it

RESOLVED, that the aforementioned “Snow and Ice Agreement Between New York State Department of Transportation and the County of Seneca” is hereby extended for a period of two years, now to expire June 30, 2017, unless further extended; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign an agreement on behalf of the County of Seneca with the New York State Department of Transportation to extend the Municipal Snow and Ice Agreement for the 2015/2016 season and 2016/2017 season. The interim payment of the 2015/2016 season will be \$399,217.16 which is 67% of the last three (3) year average.

BOARD OF SUPERVISORS AUTHORIZES CONTRACT WITH

UNIFIED COURT SYSTEM FOR COURT CLEANING AND MINOR REPAIRS

RESOLUTION NO. 164-15 moved by Mr. Shipley, second by Mr. McGreevy and adopted.

WHEREAS, Seneca County has an annual agreement with the Unified Court System (UCS) for Court Cleaning and Minor Repairs of the County Courthouse located at 48 West William Street, Waterloo, New York; and

WHEREAS, said agreement is required to receive reimbursements from the Unified Court System; and

WHEREAS, said agreement will allow for a maximum reimbursement of \$72,549 from the Unified Court System for the State fiscal Year 2015-2016; and

WHEREAS, the Public Works Committee approved this resolution at a meeting on July 28th, 2015; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the renewal agreement with the Unified Court System (UCS) and the County of Seneca for Court Cleaning and Minor Repairs for the Seneca County Courthouse located at 48 West William Street, Waterloo, NY.

**RESOLUTION TO ADOPT SERVICE FEES FOR IN DISTRICT USERS SENECA COUNTY
WATER DISTRICT #1 AND SENECA COUNTY SEWER DISTRICTS #1 AND #2**

RESOLUTION NO. 165-15 moved by Mr. Shipley, second by Mrs. Garlick Lorenzetti and adopted.

WHEREAS, Seneca County operates Water District #1 and Sewer Districts #1 and #2; and

WHEREAS, the rates for services provided by the districts do not cover the costs of providing services, as examples:

- It costs a minimum of \$1500 to tap and connect new service to a water or sewer line; the County Districts charge \$750;
- When a meter is damaged by freezing, the County District replaces it for free. It should be replaced at the expense of the property owner;
- The County District turns on and turns off meters for free for seasonal customers. There should be a cost for this service; and

WHEREAS, such water rate change is subject to approval by the Board of Supervisors under §266 County Law; and

WHEREAS, this resolution was reviewed and approved by the Public Works Committee on July 28, 2015, now, therefore, be it

RESOLVED, that fees for additional services provided by the Seneca County Water District and Sewer Districts #1 and 2 are as follows, effective immediately for residential and small business customers:

Tapping and connecting to the water or sewer system, including water meter, for new service:	\$1,500.00
Replacement of damaged meters:	\$75.00 plus the cost of the meter
Meter tests:	\$75.00
Discontinuation of the water service to premises temporarily vacant and restoration of service:	\$75.00
Special meter readings made when ownership or tenant occupancy of a property is changing hands	\$35.00
Any other special reading requested by a property	\$35.00

owner	
Returned check fee	\$25.00
Bulk water sales, if available	Twice the rate for out of district customers
Other services requested by customers, including commercial, government and institutional customers at the actual cost for labor, mileage and materials.	

And be it further

RESOLVED, that these fees shall become effective immediately.

APPROVE LEASE AGREEMENT BETWEEN SENECA COUNTY AND CROWN CASTLE

RESOLUTION NO. 166-15 moved by Mr. Davidson, second by Mr. Serven and adopted.

WHEREAS, Seneca County was awarded a grant from the New York State Division of Homeland Security, to improve interoperability within the Emergency Services Radio Communications system; and

WHEREAS, these improvements are accomplished by increasing the number of towers the county's system is operating on; and

WHEREAS, It has been determined that the use of a tower in King Ferry for \$1,675.00 per month and continuing the use of the tower on Burgess Road for \$4,200.00 per month, currently owned by Crown Castle, 2000 Corporate Drive, Canonsburg, Pa, 15317 will accomplish this; and

WHEREAS, Crown Castle has provided a Lease Agreement to the county, and this Lease agreement has been reviewed by the County Attorney; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes the Chairman of the Board to sign a Lease Agreement with Crown Castle; and be it further

RESOLVED, that the E-911 Director is authorized to pay the Lease Agreements from the Seneca County 2015 Budget Line 103020.54700 E-911 - Contractual.

SUPERVISORS AUTHORIZE SALARY INCREASE FOR

PART-TIME ASSISTANT PUBLIC DEFENDER STEPHEN RICCI

RESOLUTION NO. 167-15 moved by Mr. Davidson, second by Mr. Shipley and adopted.

WHEREAS, the New York State Office of Indigent Legal Services has stated that excessive caseloads impair the quality of legal representation that indigent legal service lawyers can provide; and

WHEREAS, the State of New York entered into a historically precedential agreement in which the State acknowledged its responsibility to implement and to fund constitutionally compliant representation in five counties (Ontario, Onondaga, Washington, Schuyler and Suffolk) named in a complaint brought by the NY Civil Liberties Union on behalf of indigent criminal defendants (Hurrell-Harring et al v. State of New York). Pursuant to the settlement, the State has agreed to ensure that caseload standards will be developed; and

WHEREAS, recognizing that many upstate indigent legal service providers face excessive caseloads, the Indigent Legal Services Board has authorized funding to support local initiatives aimed at alleviating excessive caseloads; and

WHEREAS, Seneca County has applied for several such grants and has recently been awarded \$299,526.00 with other grant applications for caseload reduction still pending and expected to be approved by the Office of Indigent Legal Services; and

WHEREAS, to meet expectations of the Office of Indigent Legal Services and lower the caseload of the indigent legal service lawyers here in Seneca County, the Public Defender has re-assigned cases resulting in increased responsibilities for part-time Assistant Public Defender Stephen Ricci, and Mr. Ricci has agreed to take on a caseload equal to that of the other Assistant Public Defenders; and

WHEREAS, an increase in salary would be justified to the same level of pay received by the other assistant public defenders and is provided for in the 2015 budget under budget line 101170-51200; and

WHEREAS, the Public Safety Committee has reviewed this issue and recommends increasing Assistant Public Defender Stephen Ricci's caseload and salary; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby recognize the additional responsibility assigned to part-time Assistant Public Defender Stephen Ricci and does hereby authorize increasing the salary for Assistant Public Defender Stephen Ricci to \$62,132.00 retroactive to July 1, 2015.

**SUPERVISORS CREATE/FILL SENIOR DISPATCHER POSITION TEMPORARILY IN THE
E911 DEPARTMENT THROUGH DECEMBER 31, 2015**

RESOLUTION NO. 168-15 moved by Mr. Davidson, second by Mr. Lazzaro and adopted.

WHEREAS, the Public Safety Committee has approved the creation/filling of (1) Senior Dispatcher position in E911 Department at their last committee meeting on July 28, 2015; and

WHEREAS, said Senior Dispatcher position is to be established on a temporary basis through December 31, 2015 in the E911 Department; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors does hereby create and authorize filling of (1) Senior Dispatcher position in the E911 Department effective immediately through December 31, 2015 at an hourly rate as set forth in the SCSEA Contract; and be it further

RESOLVED, that the Board of Supervisors authorizes the following amendments to the 2015 Seneca County Budget:

DECREASE:	101990-54700 (Contingency Fund)	\$ 20,470
INCREASE:	103020-51100 (Communications Salaries)	\$ 15,936
INCREASE:	103020-58300 (Communications Retirement)	\$ 2,996

INCREASE:	103020-58400 (Communications Soc Security)	\$	988
INCREASE:	103020-58400 (Communications Workers Comp)	\$	319
INCREASE:	103020-58700 (Communications Medicare)	\$	231

**SUPERVISORS CREATE/FILL (1) PART TIME CLERK POSITION AND
ABOLISH (1) PART TIME SENIOR CLERK POSITION IN
THE SHERIFF'S CIVIL OFFICE EFFECTIVE IMMEDIATELY**

RESOLUTION NO. 169-15 moved by Mr. Davidson, second by Mr. McGreevy and adopted.

WHEREAS, the Public Safety Committee has approved the creation/filling of (1) part-time Clerk position in the Sheriff's Civil Office at their last committee meeting on July 28, 2015; and

WHEREAS, the Public Safety Committee has approved abolishing (1) part-time Senior Clerk position in the Sheriff's Civil Office at their last committee meeting on July 28, 2015; and

WHEREAS, funding for this position is included in the 2015 budget; now therefore be it

RESOLVED, the Seneca County Board of Supervisors does hereby create and authorize filling of (1) part-time Clerk position in the Sheriff's Civil Office effective immediately at an hourly rate as set forth in the SCSEA Contract; be it further

RESOLVED, the Seneca County Board of Supervisors does hereby abolish (1) part-time Senior Clerk position in the Sheriff's Civil Office effective immediately.

**A RESOLUTION TO ADOPT LOCAL LAW 5 OF 2015 ESTABLISHING RESIDENCY
REQUIREMENTS FOR THE POSITION OF DIRECTOR OF E-911 FOR SENECA COUNTY**

RESOLUTION NO. 170-15 moved by Mr. Davidson, second by Mr. Reynolds and adopted.

WHEREAS, a resolution was duly adopted by the Board of Supervisors of the County of Seneca directing a Public Hearing to be held by said County on August 11, 2015 at 6:00 p.m. at the Seneca County Office Building, Waterloo, New York, to hear all interested parties on a proposed Local Law entitled "A Local Law Establishing Residency requirements for the Position of Director of E-911 for Seneca County"; and

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

WHEREAS, said public hearing was duly held on August 11, 2015 at 6:00 p.m. at the Seneca County Office Building, Waterloo, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

RESOLVED, that the Board of Supervisors of the County of Seneca hereby adopts Local Law 5 of the year 2015, as follows:

SECTION 1 The provisions of §3 New York State Public Officers Law requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen or within which his or her official functions are required to be exercised, shall not prevent a person from holding the office of Director of E-911 for the County of Seneca, provided that such person resides in Seneca County or in an adjoining county within the state of New York;

SECTION 2 This local law shall take effect immediately upon filing with the Secretary of State in accordance with §27 of the Municipal Home Rule Law.

**RESOLUTION AUTHORIZING ACCEPTANCE OF FEDERAL AVIATION
ADMINISTRATION (FAA) GRANT UP TO \$350,000 AND APPOINTING MCFARLAND
JOHNSON AS ENGINEERS FOR THE PROJECT TO DESIGN APRON IMPROVEMENTS AT
THE FINGER LAKES REGIONAL AIRPORT (FLRA)**

RESOLUTION NO. 171-15 moved by Mr. Hayssen, second by Mr. Shipley and adopted.

WHEREAS, the FAA has indicated that the grant has been approved for the design of the apron improvements at the FLRA; and

WHEREAS, the total grant would be for \$350,000 with the Seneca County Local Share at \$17,500 which has been budgeted for in the 2015 Airport Budget and New York State Department of Transportation (NYSDOT) will contribute \$17,500; and

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

WHEREAS, the resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on July 28, 2015; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors approves the acceptance of the FAA grant up to \$350,000 for design of apron improvements at the FLRA and that the Chairman of the Board of Supervisors be authorized and directed to sign all necessary documentation to accept this application to the FAA, pending approval of the Seneca County Attorney; and be it further

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

**SENECA COUNTY AMENDS GRANT CONTRACT FOR C007074 CAYUGA-SENECA
CANAL TRAIL SECTION 3 DEVELOPMENT**

RESOLUTION NO. 172-15 moved by Mr. Hayssen, second by Mr. Shipley and adopted.

WHEREAS, Seneca County is in the process of closing out the Cayuga-Seneca Canal Trail development contract with the New York State Department of State; and

WHEREAS, the New York State Department of State requires the final contract to show the actual expenditures in its budget at the time the contract is closed out;

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee at its July 28th, 2015 meeting; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign any and all documents necessary to amend Grant Contract C007074 Cayuga-Seneca Canal Trail Section 3 Development, New York State Department of State Division of Coastal Resources, subject to approval of the Seneca County Attorney.

BOARD OF SUPERVISORS RENAMES FINGER LAKES REGIONAL AIRPORT DRIVE

RESOLUTION NO. 173-15 moved by Mr. Hayssen, second by Mr. Shipley and adopted.

WHEREAS, the Finger Lakes Regional Airport has served as a vital link between the Finger Lakes region and Northeastern transportation hubs; and

WHEREAS, for many years, the up-keep and daily functioning of the airport has been facilitated by certain dedicated individuals whose hard work and management expertise has benefited not only users of the airport, but the entire region; and

WHEREAS, the Planning Committee has recommended naming the Finger Lakes Airport Drive after one of the airport's most dedicated and tireless advocates; now, therefore, be it

RESOLVED, that the paved drive way extending from Martin Road in the Town of Seneca Falls to the Finger Lakes Regional Airport terminal building shall be renamed and shall hereafter be known and designated as vonHahmann Drive.

Under discussion for Resolution No. 173-15, Supervisor Hayssen moved an amendment to the main motion: In the RESOLVED clause, replace the text, "by such name", with the text, "vonHahmann Drive".

**SUPERVISORS SUPPORT GAMING LICENSE FOR LAGO CASINO AND RESORT;
SUPPORT A FOURTH GAMING LICENSE FOR A PROPOSED DEVELOPMENT IN TIOGA
COUNTY; SUPPORT 90 MILE EXCLUSIVITY ZONE ESTABLISHED BY NEW YORK STATE**

RESOLUTION NO. 174-15 moved by Mr. Hayssen, seconded and adopted by unanimously.

WHEREAS, the New York State Legislature passed the Upstate New York Gaming Act in the Fall of 2013 ("2013 Gaming Act") and by statewide voter referendum on November 5, 2013, the electorate approved a constitutional amendment to permit "class 3", or what is considered full casino gaming operations; and

WHEREAS, the 2013 Gaming Act called for establishing "four destination resort casinos in upstate New York" through a competitive process whereby up to four (4) gaming licenses will be awarded in what was identified as Region 1 (Catskill Region – Colombia, Delaware, Dutchess, Greene, Orange, Sullivan and Ulster Counties), Region 2 (Capital Region – Albany, Fulton, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie and Washington Counties), and Region 5 (Upstate Region

– Broome, Seneca, Tioga, Tompkins Counties and portions of Chemung, Schuyler and Wayne east of State Route 14); and

WHEREAS, the Tyre Town Board on June 12, 2014 and the Seneca County Board of Supervisors on March 11, 2014 unanimously approved the Lago Resort & Casino project and the Gaming Facility Location Board on December 17, 2014 unanimously recommended Lago Resort & Casino for a gaming license in Region 5; and

WHEREAS, Lago Resort & Casino, LLC (“Lago”) has commenced construction activities and there could be employment of 1800 construction workers during the summer 2015 if the Gaming Commission acts soon; and

WHEREAS, under the 2013 Gaming Act, Eighty percent (80%) of the tax on the new gaming operations will be distributed state-wide to the school districts such that commencement of operations by Lago will lead to more funding for Seneca County schools; and

WHEREAS, based on the attached summary of projected payments to be received by those counties in Region 5 (See Exhibit A), every month delay in the license announcement delays receipts by all Region 5 Counties and all Region 5 school of funding as contemplated under the 2013 Gaming Act; and

WHEREAS, the Board of Supervisors desires to show support for the Lago Casino & Resort Project by calling for the Gaming Commission to issue the license to Lago as soon as possible and to express a spirit of cooperation by supporting award of a 4th Gaming License for Tioga Downs in Tioga County such that distributions to all Region 5 tax jurisdictions are maximized; and

WHEREAS, at its meeting on July 28, 2015, the Planning, Development, Agriculture & Tourism Committee approved this resolution, with certified copies to be sent to Jeff Gural, Owner of Tioga Downs, and the New York State Gaming Commission; the New York State Legislature, and the Town of Tyre Town Board; now, therefore be it

RESOLVED, the Board of Supervisors of the County of Seneca, New York hereby resolves, as follows:

RESOLVED, that the Seneca County Board of Supervisors supports the proposed development of the Lago Resort & Casino project in the Town of Tyre, Seneca County; and be it further

RESOLVED, that each member of the New York State Legislature, the Governor of New York, all tax jurisdictions in Region 5 and the Seneca County federal delegation are called upon and urged to join this Board of Supervisors in UNITED SUPPORT FOR:

- (i) The issuance of the Lago gaming license by the Gaming Commission as soon as possible;

(ii) The Gaming Facility Location Board recommending and the Gaming Commission issuing the 4th gaming license for a proposed development in Tioga County to maximize revenues for all tax jurisdictions in Region 5 (see Exhibit B);

(iii) The State of New York establish exclusivity zones in the ninety (90) mile region around the Lago Resort & Casino and around the 4th gaming license site in Tioga County, such that their respective consent is required to site a Class III Gaming Facility within the respective zones, so as to provide protections to the respective casino business plans in a form similar to the protections afforded non-taxpaying Indian Gaming Facilities, as the contemplated gaming taxes payable to the tax jurisdictions of Region 5 need to be protected for fiscal certainty.

This resolution shall take effect immediately.

EXHIBIT A

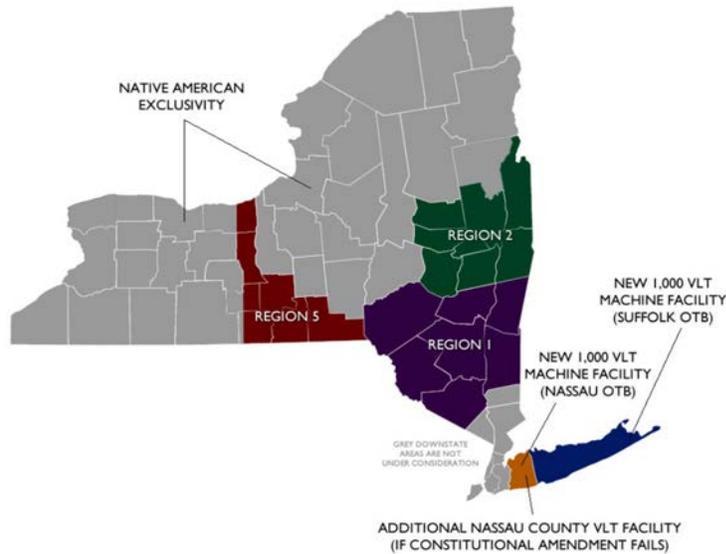


EXHIBIT B

REGION 5 COUNTY GAMING TAX COMPARISON REGION 5 WINS WITH LAGO AND WINS AGAIN WITH A 4TH LICENSE							
			4th license in	4th license in	IF THE 4TH LICENSE IS ISSUED IN TIOGA OR BROOME		
	Population	ALREADY BEATING STATE ESTIMATES Lago Resort & Casino	Tioga	Broome	LAGO AND TIOGA	LAGO AND BROOME	NYS estimates when Gaming Act was passed
Seneca County	35,250	\$7,800,000	\$294,448	\$407,729	\$8,094,448	\$8,207,729	\$418,770
Wayne County	93,772	\$1,357,703	\$783,290	\$1,084,641	\$2,140,993	\$2,442,344	\$1,114,012
Schuyler Count	18,343	\$265,584	\$153,222	\$212,170	\$418,806	\$477,754	\$217,915
Tompkins Cour	101,725	\$1,472,852	\$849,722	\$1,176,631	\$2,322,574	\$2,649,483	\$1,208,494
Chemung Coun	88,830	\$1,286,149	\$742,009	\$1,027,478	\$2,028,158	\$2,313,627	\$1,055,301
Tioga County	51,125	\$719,038	\$4,500,000	\$591,352	\$5,219,038	\$1,310,390	\$6,400,000
Broome Count	200,800	\$2,907,336	\$1,677,309	\$4,500,000	\$4,584,645	\$7,407,336	\$2,385,506
	389,045						
		\$15,808,662			\$24,808,662	\$24,808,662	\$12,799,998
		Lago alone exceeds state estimates for Region 5			United Region 5 wins with twice the estimated revenues		

All Schools in New York State Receive Proportionately More Aid as the amount of gaming activity increases

**SUPERVISORS CREATE/FILL (1) MEALS ON WHEELS COORDINATOR POSITION
EFFECTIVE JANUARY 1, 2016**

RESOLUTION NO. 175-15 moved by Mr. McGreevy, second by Mr. Davidson and adopted.

WHEREAS, the Human Services Committee has approved the creation and filling of a Meals on Wheels Coordinator position in the 2016 budget at their last committee meeting on July 28, 2015; and

WHEREAS, the funding for this position is included in the 2016 budget; now, therefore be it

RESOLVED, that the Board of Supervisors does hereby create and authorize the filling of one Meals on Wheels Coordinator positon at the appropriate CSEA salary rate in the 2016 budget.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
A CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF HEALTH FOR THE
EARLY INTERVENTION ADMINISTRATION GRANT**

RESOLUTION NO. 176-15 moved by Mr. McGreevy, second by Mr. Lazzaro and adopted.

WHEREAS, the New York State Department of Health has awarded the Seneca County Health Department \$18,088 for the period October 1, 2015 through September 30, 2016 for the administration of the Early Intervention Program; and

WHEREAS, it is necessary for the Chairman of the Board to sign the contract to receive the funding; and

WHEREAS, these grant funds are in the Health Department budget; and

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

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign a contract with the New York State Department of Health for the Early Intervention Administration Grant for the period October 1, 2015 through September 30, 2016 in the amount of \$18,088.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
A SERVICE AGREEMENT WITH THE S2AY RURAL HEALTH NETWORK FOR NETWORK
MEMBERSHIP AND QUALITY IMPROVEMENT ACTIVITIES**

RESOLUTION NO. 177-15 moved by Mr. McGreevy, second by Mr. Garlick Lorenzetti and adopted.

WHEREAS, the S2AY Rural Health Network is comprised of the Public Health Department s in 8 counties (Schuyler, Steuben, Seneca, Yates, Ontario, Wayne, Livingston and Chemung); and

WHEREAS, the Network has been in existence since 1997 with Seneca County joining in 2003; and

WHEREAS, the Network's mission is to "integrate, promote, and expand appropriate components of the public health service delivery system to improve health outcomes for all residents of the network region. The goal is to ensure coordinated services across a six county area and to streamline administrative processes, planning and funding activities; and

WHEREAS, the cost of the membership is \$17,000; and

WHEREAS, the funds are in the 2015 departmental budget; and

WHEREAS, the Public Health Committee has approved this service agreement on July 28, 2015; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign a service agreement with the S2AY Rural Health Network for network membership and Quality Improvement activities for 2015 at a cost of \$17,000.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED TO SIGN AN
AGREEMENT FOR ELECTRONICS RECYCLING**

RESOLUTION NO. 178-15 moved by Mr. McGreevy, second by Mr. Lazzaro and adopted.

WHEREAS, the Health Department sought quotes from vendors for the recycling of electronics for the Annual Household Hazardous Waste Collection Day; and

WHEREAS, two quotes were received; and

WHEREAS, Regional Computer Recycling and Recovery (RCR&R), 7318 Victor-Mendon Road, Victor, with a cost of \$.35 per pound charge for covered electronics; and

WHEREAS, it is anticipated that the collection will net approximately 10,000-15,000 pounds of covered electronics for an anticipated cost of \$3,500 to \$5,250; and

WHEREAS, RCR&R is under state contract; and

WHEREAS, the Public Health Committee has approved the agreement on August 11, 2015; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign a service agreement with Regional Computer Recycling and Recovery for the electronics recycling for the 2015 Annual Household Hazardous Waste collection event.

Unfinished Business

New Business

Supervisor Shipley moved the suspension of the rules to introduce two resolutions not on the meeting agenda.

The following resolution was brought from the floor by a two-thirds majority vote of the Board of Supervisors present pursuant to Rule 29 of the Board's Rules of Order.

BOARD OF SUPERVISORS OPPOSES SENATE BILL S-1879

RESOLUTION NO. 179-15 moved by Mr. Shipley, second by Mr. Lazzaro and adopted.

WHEREAS, United States Senate Bill S-1879 was introduced on July 29, 2015 as the "Interior Improvement Act"; and

WHEREAS, this Bill amends the 1934 Indian Reorganization Act and purports to "fix" the perceived inequities of the United States Supreme Court decision in *Carcieri v. Salazar*; and

WHEREAS, in fact, the Supreme Court in *Carcieri* fairly and correctly applied the spirit and intent of the 1934 Act by limiting its effects to tribes whose lands were previously subject to alienation under prior Congressional Acts, permitting restoration of lands to control by those tribes; and

WHEREAS, in eliminating the term "any recognized tribe now under Federal Jurisdiction" from the 1934 Act and replacing it with "any federally recognized tribe", the Bill permits the Secretary of the Interior to grant trust acquisitions anywhere and for the benefit of any Indian or Indian tribe by the Federal Administration controlling the Department of the Interior at the time of the application, all without Congressional oversight at the Secretary's discretion; and

WHEREAS, the Bill fails to provide meaningful local input to the land to trust process, permitting the Secretary to disregard local municipal comment and ignore an Indian tribe's failure to obtain cooperative agreements with local municipal governments that might minimize the disruptive impact of trust acquisition or even worse, to determine that a local municipality's failure to agree to tribal demands in connection with such application constitutes a failure to bargain in good faith; and

WHEREAS, empowering the Secretary with such discretion would in effect, create a virtual administrative veto over local objections to tribal trust acquisitions and would permit the Secretary, based upon political or other considerations to authorize Federal, Indian controlled enclaves into heavily populated areas resulting inevitably in administrative disruption and local economic instability; and

WHEREAS, this Resolution has been taken from the floor of the Seneca County Board of Supervisors by a two thirds vote of the members present and passed unanimously, Now, Therefore, be it

RESOLVED, that the Seneca County Board of Supervisors opposes and finds disturbing the provisions of Senate Bill S-1879 which rescind critical portions of the 1934 Indian Reorganization Act without adequate provision for meaningful local in-put; and be it further

RESOLVED, that the Board of Supervisors respectfully urges the strongest opposition to this Bill from our Congressional delegation and from the United States Senate as a whole; and be it further

RESOLVED, that the Board further requests that our State legislators affirm and convey to our Congressional delegation, their opposition to this Bill; and be it further

RESOLVED, that the Clerk of the Board of Supervisors cause a copy of this Resolution to be transmitted to each member of our Congressional delegation and to each and every member of the United States Senate and to our representatives in the New York State Assembly and Senate.

The following resolution was brought from the floor by a two-thirds majority vote of the Board of Supervisors present at a duly called meeting of the Board of Supervisors pursuant to Rule 29 of the Board's Rules of Order.

BOARD OF SUPERVISORS SEEKS ANSWERS FROM ONEIDA INDIAN NATION FINGER LAKES GAMING AND RACING REGARDING OPPOSITION TO LAGO CASINO PROJECT

RESOLUTION NO. 180-15 moved by Mr. Hayssen, second by Mr. Lazzaro and adopted.

WHEREAS, the Lago Casino project undeniably represents an unprecedented economic opportunity for Seneca County and the surrounding area; and

WHEREAS, the Lago Casino project has encountered repeated and unwarranted opposition, apparently funded through sources outside the area, with no stake in the economic welfare of the County or its surrounding municipalities; and

WHEREAS, the Board of Supervisors recognizes that the tax-payers of Seneca County and the entire region are entitled to an honest response to the question of who is providing the financial backing for these activities and for what reason; and

WHEREAS, this resolution has been taken from the floor by a two-thirds majority of the members present; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized and directed to inquire of the Oneida Indian Nation and Finger Lakes Gaming and Racing, together with their parent company, Delaware North, as to their position regarding the Lago project, whether they are providing financial backing for efforts to stop the project and, if so, how such activities are consistent with the exclusivity zones established by the State Gaming Commission and the existing agreements based upon those zones.

Special Order of the Day

The meeting was adjourned at 7:00 p.m.