

TENTATIVE AGENDA

**SENECA COUNTY
BOARD OF SUPERVISORS
REGULAR MEETING**

SEPTEMBER 10, 2019 at 6:00 p.m.

- 1. CALL TO ORDER**
- 2. ROLL CALL OF MEMBERS BY THE CLERK**
- 3. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- 4. PRESENTATION:**
 - a. Seneca County IDA Proposed Seneca County Economic Development Strategy
- 5. PETITIONERS**
- 6. OPEN PRIVILEGE OF THE FLOOR**
- 7. APPROVAL OF MEETING MINUTES**
- 8. REPORTS OF STANDING COMMITTEES**
- 9. REPORT OF SPECIAL COMMITTEES**
- 10. CHAIRMAN'S REMARKS**
- 11. COUNTY MANAGER'S REMARKS**
- 12. COUNTY ATTORNEY'S REMARKS**
- 13. COMMUNICATIONS:**
 118. From NYS Office of Real Property Tax Services, copy of Certificate of County Equalization Rates for 2019 Assessment Rolls for Municipalities in the County of Seneca.
 119. From State Assembly Minority Leader Brian M. Kolb, acknowledgement dated August 26, 2019, of receipt of Seneca County Resolution No. 159-19, insisting that NYTS DOT reduce the speed limit to 45 mph maximum for County Road 125/East Lake Road.
 120. From New York State Department of Transportation, notice dated August 7, 2019 that the Second Quarter SFY 2019-20 Statewide Mass Transportation Operating Assistance (STOA) payments for Genesee Regional Transportation Authority as submitted to the Office of the State Comptroller. The second quarter local match for Seneca County is \$6,255.20.
 121. From New York State Homeland Security & Emergency Services, notice dated August 20, 2019 that Seneca County is awarded \$59,983; 25% or \$14,996 directed towards law enforcement terrorism prevention activities, under the FY2019 State Homeland Security Program (SHSP), funding provided by U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) and administered by NYS DHSES for the period September 1, 2019 through August 31, 2022.

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122. From New York State Homeland Security & Emergency Services (DHSES), notice dated August 26, 2019, that Seneca County is awarded \$17,872 under the FY2019 Emergency Management Performance Grant (EMPG), funding provided by U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) and administered by NYS DHSES, performance period October 1, 2018 through September 30, 2021.

123. From National Grid, a copy of its Semi-Annual PCB Inventory Report for January 1, 2019 through June 30, 2019 pursuant to the regulatory requirements contained in 16 NYCRR Part 730, requiring every gas or electric corporation in NYS with equipment containing polychlorinated biphenyls (PCBs) at concentrations equal to or greater than 500 parts per million (ppm) to file a report and submission to the Public Service Commission, showing its transportation route traversing through Seneca County via the NYS Thruway / NYS Route 90.

124. From Oneida County Legislature, a copy of a proposed local law Establishing Snowmobile Season in Oneida County.

125. A copy of the 2018 Annual Report of the Seneca County Sheriff's Office.

126. A copy of the Airport Advisory Committee, Finger Lakes Regional Airport June 12, 2019 meeting minutes; a copy of the Airport Manager's report dated March 1 – May 31, 2019

127. A copy of the Seneca County Advisory Committee on Tourism (SCACOT) July 17, 2109 meeting minutes.

128. A copy of Seneca County IDA August 1, 2019 meeting minutes & August 16, 2019 meeting minutes.

129. A copy of Franklin County Resolution No. 228, "Urging the Governor and the NYS Legislature to Improve the Early Intervention Program to better serve children and families through Reforms that address the Lack of Available Providers in many areas of the State".

130. A copy of Madison County Resolution No. 19-398, "In Support of Federal Legislation to Repeal the Medicaid Inmate Exclusion Policy (MIEP) for Pre-trial Inmates".

131. A copy of Schoharie County Resolution No. 72, "Requesting State Relief from Mandatory Recycling Regulations at a time of Continuing Crisis".

RESOLUTIONS & MOTIONS



**ADOPT COUNTY EQUALIZATION RATES FOR 2020 COUNTY TAX APPORTIONMENT
PRIOR TO NOVEMBER 15 OF 2019**

WHEREAS, Certified Equalization Rates for the Final 2019 Assessment Rolls have been received from the NYS Board of Real Property Tax Services for 2020 County taxation; and

WHEREAS, the Equalization Rates are as follows;

Covert	100.00
Fayette	100.00
Junius	73.00
Lodi	77.00
Ovid	77.00
Romulus	77.00
Seneca Falls	90.00
Tyre	100.00
Varick	80.00
Waterloo	97.00

And

WHEREAS, this resolution was approved by the Ways & Means Standing Committee on August 27, 2019; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby adopt the above County Equalization Rates supplied by the New York State Board of Real Property Tax Services for 2020 County Tax apportionment in accordance with Section 840 of the Real Property Tax.

**AUTHORIZE CREATION AND FILLING OF
A GRANT MANAGEMENT SPECIALIST FINANCE DEPARTMENT**

WHEREAS, pursuant to Res No. _____, Seneca County approved the grant contract with the New York State Office of Indigent Legal Services, which indicated that there is funding available for staffing through the Statewide Expansion of Hurrell-Harring Reform Grant; and

WHEREAS, one of the requirements of this grant funding is that each County staff a data officer that will work with the Office of Indigent Legal Services to implement the new data reporting with the other various mandated providers ; and

WHEREAS, these responsibilities best align with the Grant Management Specialist title and would be eligible for grant funding at a .5 FTE from the 101170-54700-SEHHR account line; and

WHEREAS, the remaining .5 FTE would provide additional grant management support to other County departments to strengthen compliance after grant awards, funded from the 2019 Finance Budget 10-1310-51100 account line; and

WHEREAS, this position will be at Grade 5 of the management salary schedule with a starting salary of \$52,676; and

WHEREAS, the Vacancy Committee has approved the creation and filling of this position on August 13, 2019; and

WHEREAS, the Ways and Means Committee have approved this resolution on August 27, 2019; now, therefore, be it

RESOLVED, that the Department of Finance is hereby authorized and directed to amend the 2019 budget as follows with unused portions of the grant flowing into future years:

Line Item	Description	Increase/ (Decrease)	\$
Expenditures:			
101170 54700 SEHHR	Contractual	Decrease	\$44,322.66
101310 51100 SEHHR	Salaries	Increase	\$28,000.00
101310 58100 SEHHR	Retirement	Increase	\$4,586.66
101310 58300 SEHHR	Social Security	Increase	\$1,736.00
101310 58600 SEHHR	Hospitalization	Increase	\$10,000.00

And be it further

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the creation and filling of a full-time position of Grant Management Specialist.

AUTHORIZE AMENDMENTS TO THE 2019 SENECA COUNTY BUDGET

WHEREAS, amendments to the 2019 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 Ways & Means Committee at its meeting on August 27, 2019; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes the following amendments to the 2019 Seneca County Budget:

Line Item	Description	Increase/(Decrease)	Revenue/Expenditure	\$\$
Note 1: Information Technology Budget adjustments				
101680 52500	Equip Communication	Increase	Expenditure	\$181,562
101680 49994	IT Reserve	Increase	Revenue	\$181,562
Note 2: Sheriff budget adjustments				
103113 52600	Vehicles	Increase	Expenditure	\$93,000
103114 54390	Film Processing	Decrease	Expenditure	\$45,000
101990 54700	Contingency	Decrease	Expenditure	\$48,000
Note 3: Emergency Management budget adjustment				
103640 58600	Fr Benefits Health Ins	Increase	Expenditure	\$15,200
101990 54700	Contingency	Decrease	Expenditure	\$15,200
Note 4:DHS budget adjustments				
106010 54700 SSWF2	WF DSS TANF	Increase	Expenditure	\$100,000
106010 54700 SSWF4	WF TANF Services	Decrease	Expenditure	\$100,000
106119 54700	Childcare Contractual	Increase	Expenditure	\$1,000,000
106109 54700	Temp Asst Needy	Decrease	Expenditure	\$1,000,000
106070 54700 POS55	Northwoods	Increase	Expenditure	\$200,000
106070 44615 POS55	FFFS Fed Reimb	Increase	Revenue	\$200,000
Note 5: Highway Road & Construction budget adjustment				
405112 43500	CHIPS Capital	Increase	Revenue	\$158,130
405112 52000	County Rd Construct	Increase	Expenditure	\$141,000
405112 58100	Retirement	Increase	Expenditure	\$9,500
405112 58300	Social Security	Increase	Expenditure	\$3,500
405112 58400	Workers Comp	Increase	Expenditure	\$1,000
405112 58600	Hospitalization	Increase	Expenditure	\$15,000
405112 58700	Medicare	Increase	Expenditure	\$1,000
Note 6: Bond budget adjustments				
109710 57000	Debt Interest-LEC	Decrease	Expenditure	\$41,200
109710 56000	Debt Principal-LEC	Increase	Expenditure	\$50,000
109712 57000	Debt Interest-Courthse	Decrease	Expenditure	\$4,800.24
109712 56000	Debt Principal-Courthse	Increase	Expenditure	\$5,000
101990 54700	Contingency	Decrease	Expenditure	\$8,999.76

AMEND CONTRACT WITH GARLAND DBS FOR HIGHWAY ROOF REPLACEMENT

WHEREAS, Resolution No. 319-18 authorized a contract with Garland DBS for the Highway Barn roof replacement in the amount of \$118,129; and

WHEREAS, additional roof work is needed to stop leaking on the east side of the ridgeline that was not part of the original scope of the contract work; and

WHEREAS, Garland DBS has submitted a Change Order of \$30,265 for this additional work; and

WHEREAS, the amended contract amount for the project will be \$148,394; and

WHEREAS, the Public Work Standing Committee met on August 27, 2019 and approved this resolution; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the County Manager to sign the contract with Garland DBS / U.S. Communities to complete the replacement of the Highway Barn roof; and be it further

RESOLVED, that the Finance Department is authorized and directed to increase the purchase order for the replacement of the Highway Barn roof in the amount of the \$30,265 Change Order charged to Account 405112-52000.

**AUTHORIZE RECLASSIFICATION OF CLERK POSITION TO STAFF RESOURCE ASSISTANT POSITION
IN THE HIGHWAY DEPARTMENT OF THE PUBLIC WORKS DIVISION**

WHEREAS, the Clerk for the Highway Department has taken on many additional duties outside of the job description for Clerk that more closely match the job description for Staff Resource Assistant; and

WHEREAS, this reclassification would move this position from a Grade 2 to a Grade 4; and

WHEREAS, there is sufficient funding in the County Road Administration Salary account 405010-51100 to cover the salary increase; and

WHEREAS, the reclassification of this position has been approved by the Seneca County Board of Supervisors Vacancy Committee on August 13, 2019 and the Public Works Committee on August 27, 2019; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes the reclassification of the position of Clerk to the position of Staff Resource Assistant in the Highway Department of the Public Works Division.

**ACCEPT STATEWIDE EXPANSION OF HURRELL-HARRING REFORM GRANT FROM
OFFICE OF INDIGENT LEGAL SERVICES**

WHEREAS, Seneca County has been awarded \$4,777,143.84 from the State of New York Office of Indigent Legal Services for additional funding to develop new, innovative programs or practices to improve the delivery of indigent legal defense services as reflected in the three written plans(counsel at arraignment, quality improvement and caseload relief) submitted by the Office of Indigent Legal Service on December 1, 2017 pursuant to the 2017 amendment to County Law 722-e and enactment of Executive Law 832(4) "Statewide Expansion of Hurrell-Harring Reform"; and

WHEREAS, this grant funding is over a five (5) year period beginning April 1, 2018 through March 31, 2023 with no local match requirement; and

WHEREAS, this contract contains a budget and work plan for the first year of the five-year contract in the amount of \$318,476.26; and

WHEREAS, pursuant to Resolution Nos. 113-18, 139-18 and 233-18 Seneca County has implemented the Centralized Arraignment Plan which has a year one budget of \$85,518.80 that is eligible for reimbursement from this funding; and

WHEREAS, pursuant to Resolution No 176-18 Seneca County approved changing the First Assistant Public Defender and the Second Assistant Public Defender from Part-time to Full-time positions noting that this change has a year one budget of \$96,334.80 that is eligible for reimbursement from this funding; and

WHEREAS, the remaining grant funding of the year one budget in the amount of \$136,622.66 may be used for staffing or contractual expenses related to the improvement of indigent legal defense services; and

WHEREAS, Statewide Expansion of Hurrell-Harring Reform contracts may be extended for an additional twenty-four (24) months; and

WHEREAS, this resolution has been reviewed and approved by the Public Safety and Criminal Justice Committee at its August 27, 2019 meeting; now therefore be it,

RESOLVED, that the Seneca County Board of Supervisors approves the acceptance of the five year contract of \$4,777,143.84 with a year one budget of \$318,476.26 from the Office of Indigent Legal Services and authorizes and directs the County Manager to sign any and all necessary grant paperwork; and be it further

RESOLVED, that the Department of Finance is hereby authorized and directed to amend the 2019 budget as follows with the unused portions flowing into future years:

Line Item	Description	Increase/ (Decrease)	Revenue /Expenditure	\$
101170 43025 SEHHR	ILSF SEHHR Grant	Increase	Revenue	\$108,922.66
101171 43025 SEHHR	ILSF SEHHR Grant	Increase	Revenue	\$27,700.00

**PUBLIC SAFETY & CRIMINAL JUSTICE #19
SUPERVISOR BROWNELL**

101170 54700 SEHHR	Contractual	Increase	Expenditure	\$83,922.66
101170 54372 SEHHR	Professional Fees	Increase	Expenditure	\$20,000.00
101170 54450 SEHHR	Training	Increase	Expenditure	\$5,000.00
101170 54372 SEHHR	Professional Fees	Decrease	Expenditure	\$25,000.00
101171 54450 SEHHR	Training	Decrease	Expenditure	\$2,700.00

And, be it further

RESOLVED, that the Department of Finance is authorized to make the necessary budgetary and accounting entries to affect the intent of this resolution.

**BOARD OF SUPERVISORS CALLS ON FEDERAL REPRESENTATIVES TO
SUPPORT THE H.R. 1629, '911 SAVES' ACT**

WHEREAS, H.R 1629 and it's Senate companion bill, also known as the '911 SAVES' Act, directs the US Office of Management and Budget to reclassify public safety telecommunicators from "Office and Administrative Support Occupations" to the category of "Protective Service Occupations"; and

WHEREAS, the federal government's Standard Occupational Classification System (SOCS) sorts workers into occupational categories for statistical purposes, according to the nature of the work performed and, in some cases, on the skills, education, or training needed to perform the work; and

WHEREAS, America's 911 telecommunicators are currently incorrectly categorized in the SOCS as an "Office of Administrative Support Occupations," a category which includes secretaries, office clerks, and taxicab dispatchers; and

WHEREAS, classifying 911 telecommunicators as an "Office and Administrative Support Occupation" fails to recognize their central role in public safety, their specialized training and skills, and their unique work environment; and

WHEREAS, classifying public safety telecommunicators as "Protective Service Occupations" – alongside police, firefighters, security guards, lifeguards, and others whose job it is to protect our communities – would better reflect the work they perform, and align the SOCS with related classification systems; and

WHEREAS, the Public Safety and Criminal Justice Standing Committee approved this resolution on August 27, 2019; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors calls upon all members of the State of New York's U.S. House delegation to cosponsor H.R. 1629, the Supporting Accurate Views of Emergency Services Act of 2019 (911 SAVES Act), which would direct the White House Office of Management and Budget (OMB) to reclassify public safety telecommunicators as a "Protective Service Occupation"; and we also call upon our U.S. Senators to support the companion legislation; and be it further

RESOLVED, members of the Seneca County Board of Supervisors will continue to advocate for an accurate statistical classification for 9-1-1 professionals to support critical research into the nature and impacts of 9-1-1 jobs, which differ substantially from those encountered by non-public-safety "Office and Administrative Support Occupations."

DECLARE SHERIFF VEHICLES SURPLUS

WHEREAS, the Seneca County Sheriff's Office possesses the following equipment which is no longer required:

2013 Ford Taurus	VIN # 1FAHP2M89DG169804
2013 Ford Taurus	VIN # 1FAHP2M80DG169805
2013 Ford Taurus	VIN # 1FAHP2M82DG169806
2014 Chevy Tahoe	VIN # 1GNLC2E0XER187184
2014 Ford Explorer	VIN # 1FM5K8AR0EGB27739

And

WHEREAS, the Sheriff requests the BOS to determine the equipment listed above as surplus and direct the timely disposal of same; and

WHEREAS, the Public Safety and Criminal Justice Sanding Committee approved this resolution on August 27, 2019; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes the County Manager to dispose of the equipment listed above, at his discretion, and return any proceeds to the Sheriff's sale of equipment account line 103113-42665.

**AUTHORIZE THE CREATION AND FILLING OF
ONE (1) FULL-TIME DEPUTY SHERIFF POSITION**

WHEREAS, the South Seneca Central School District has proposed a collaboration with the Seneca County Sheriff's Office to provide a School Resource Officer (SRO) to the district; and

WHEREAS, this proposal is contingent upon execution of a contract with the South Seneca Central School District; and

WHEREAS, South Seneca Central School District has proposed payment of \$40,000.00 to offset salary and benefit costs of this position; and

WHEREAS, in doing this it will ensure a liaison between the South Seneca teachers and students with the Seneca County Sheriff's Office; and

WHEREAS, this position will also assist in educating the teachers and students in areas such as the Heroin and drug problems, bullying and the decision making process; and

WHEREAS, the assignment of the SRO will be made by the County Sheriff from existing roster from the Sheriff's Road Patrol; and

WHEREAS, reassigning a member of the Sheriff's Road Patrol will result in a shortage of coverage therefore resulting in the need for refilling the vacant position caused by the creation of a SRO position; and

WHEREAS, this resolution was approved by the Public Safety & Criminal Justice Standing Committee on August 27, 2019; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors do hereby authorize the creation and filling of one (1) Full-time Deputy Sheriff position at the appropriate hourly rate of pay set forth by the negotiated contract with the Deputies PBA collective bargaining unit; and, be it further

RESOLVED, that the County Manager be, and hereby is, authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes of this resolution, subject to prior review and approval of those documents by the Office of the County Attorney, on behalf of the County of Seneca with the South Seneca Central School District; and be it further

RESOLVED, that the Finance Director is authorized to accept payment of \$40,000.00 as revenue to the Seneca County Sheriff's Office.

**A RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW B OF 2019
"THE SENECA COUNTY HOTEL OR MOTEL OCCUPANCY TAX"
AS AUTHORIZED BY §1202-o OF THE NEW YORK STATE TAX LAW**

(PENDING COMMITTEE APPROVAL)

WHEREAS, the local law imposing Seneca County's Hotel-Motel Tax expires December 8, 2019 pursuant to the provisions of §1202-o of the New York State Tax Law; and

WHEREAS, the Economic Development & Tourism Committee recommends extension of such local law for an additional three year period as provided for under §1202-o of the Tax Law; now, therefore, be it

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

SECTION 1. SHORT TITLE

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

SECTION 2. INTENT

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

SECTION 3. TEXT

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

1. DEFINITIONS

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

- (a) Person. An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.
- (b) Operator. Any person operating a hotel or motel in the County of Seneca, including but not limited to, the owner or proprietor of such premises, lessee, sub lessee, mortgagee in possession, licensee or any other person otherwise operating such hotel or motel.
- (c) Hotel or Motel. any facility providing lodging on an overnight basis as well as for longer periods and shall include those facilities designated and commonly known as “bed and breakfast”, inns, cabins, condominiums, cottages, campgrounds, lodges, tourist homes, convention centers, and vacation rentals. The term condominium shall mean and include those units rented or leased directly by the owner or through a real estate agency or rental management agency. The provisions of this section relating to campgrounds, shall only apply to those leases and rentals in which the campground provides overnight shelter or lodging, and shall not apply to the provision of services by a campground when the customer provides his or her own shelter or lodging.
- (d) Occupancy. The use or possession, or the right to use or possess any room in a hotel or motel.
- (e) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.
- (f) Permanent Resident. Any occupant of any room or rooms in a hotel or motel for at least thirty (30) consecutive days shall be considered a permanent resident with regard to the period of such occupancy.
- (g) Rent. The consideration received for occupancy valued in money, whether received in money or otherwise.
- (h) Room. Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for or let out for any purpose other than a place of assembly.
 - (i) Return. Any return filed or required to be filed as herein provided.
 - (j) Treasurer. The Treasurer of Seneca County

2. IMPOSITION OF TAX

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

3. TRANSITIONAL PROVISIONS

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

4. EXEMPT ORGANIZATIONS

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

- (1) The State of New York or any of its agencies, instrumentalities, public corporations (including a public corporation created pursuant to agreement or compact with another state or Canada) improvement districts or political subdivisions of the State;
 - (2) The United States of America, or any of its agencies and instrumentalities, insofar as it is immune from taxation;
 - (3) Any corporation, association, trust or community chest, fund or foundation, organized and operated exclusively for religious, charitable or educational purposes or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this subdivision shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this subdivision
- (b) Where any organization described in paragraph (3) of subdivision (a) of this Sub-section carries on its activities in furtherance of the purposes for which it was organized, in premises in which, as part of said activities, it operates a hotel or motel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

5. TERRITORIAL LIMITATIONS

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

6. REGISTRATION

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

7. ADMINISTRATION AND COLLECTION

- (a) The tax imposed by this local law shall be administered and collected by the Treasurer or other fiscal officers of the County as he may designate by such means and in such manner as are other taxes which are now collected and administered by such officers or as otherwise are provided by this local law.
- (b) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this local law,

and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights and eviction, dispossession, repossession and enforcement of any innkeepers lien that he may have in the event of non-payment of rent by the occupant; provided, however, that the Treasurer or other fiscal officer or officers, employees or agents duly designated by him shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

- (c) Where the occupant has failed to pay and the operator has failed to collect a tax as imposed by this local law, then in addition to all other rights, obligations and remedies provided, such tax shall be payable by the occupant directly to the Treasurer, and it shall be the duty of the occupant to file a return thereof with the Treasurer and to pay the tax imposed thereon to the County Treasurer within fifteen (15) days after such tax was due.
- (d) The Treasurer may, whenever he deems it necessary for the proper enforcement of this local law, provide by regulation that the occupant shall file returns and pay directly to the Treasurer the tax herein imposed, at such times as returns are required to be filed and payment made over by the operator.
- (e) The tax imposed by this local law shall be paid upon any occupancy on and after December 8, 2016, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed, or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after December 8, 2016. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Treasurer may by regulation provide for credit and/or refund of the amount of such tax upon application therefore as provided in sub-section thirteen of this local law.
- (f) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of providing that a rent for occupancy is not taxable hereunder shall be upon the operator, except that, where by regulation pursuant to subdivision seven (d) of this sub-section, an occupant is required to file returns and pay directly to the Treasurer the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant. Where an occupant claims exemption from the tax under the provisions of subdivision four of this sub-section, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that his occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association. Where deemed necessary by the operator, he may further require that any occupant claiming exemption from the tax furnish a copy of a certificate issued by the Treasurer certifying that the corporation or association therein named is exempt from the tax under subdivision four of this sub-section.

8. RECORDS TO BE KEPT

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Treasurer by regulation requires. Such records shall be available for inspection and examination at any time upon demand by the Treasurer or his

duly authorized agent or employee and shall be preserved for a period of three (3) years, except that the Treasurer may consent to their destruction within that period or may require that they be kept longer.

9. RETURNS

- (a) Every operator shall file with the Treasurer a return of occupancy and of rents, and of the taxes payable thereon for the period ending the last day of February, May, August and November of each year, on and after December 8, 2016. Such returns shall be filed within twenty (20) days from the expiration of the period covered thereby. The Treasurer may permit or require returns to be made by other periods and upon such dates as he may specify. If the Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law, he may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this sub-section and upon such dates as he may specify.
- (b) The forms of returns shall be prescribed by the Treasurer and shall contain such information as he may deem necessary for the proper administration of this local law. The Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.
- (c) If a return required by this local law is not filed, or a return when filed is incorrect or insufficient on its face, the Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

10. PAYMENT OF TAX

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

11. DETERMINATION OF TAX

If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty (30) days after giving of notice of such determination, shall apply to the Treasurer for a hearing, or unless the Treasurer of his own motion shall re-determine the same. After such hearing, the Treasurer shall give notice of his determination to the person against whom the tax is assessed. The determination of the Treasurer shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by proceeding under article seventy-eight of the Civil Practice Law and Rules if application therefore is made to the Supreme Court within thirty (30) days after the giving of the notice of such determination. A proceeding under article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless (a) the amount of any tax sought to be reviewed, with penalties and interest thereof, if any, shall be first deposited with the Treasurer and there shall be filed with the Treasurer an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding, or (b) at the option of the applicant such undertaking filed with the Treasurer may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the applicant.

12. DISPOSITION OF REVENUES

- (a) All revenues resulting from the imposition of the tax under the local laws shall be paid into the Treasury of Seneca County and shall be credited to and deposited in the general fund of the County, thereafter to be allocated only for tourism, promotion and development in Seneca County. The revenues derived from said tax shall be allocated only to enhance the general economy of the County of Seneca, its towns and villages through promotion of tourist activities, conventions, trade shows, special events, and other directly related and supported activities.
- (b) Pursuant to New York State Tax Law §1202-o(9), the Board of Supervisors shall create a committee of at least seven and no more than 11 persons and the committee shall be empowered to advise, recommend and administer the activities funded by the revenues generated by this tax, in accordance with the Policy and Procedures as may from time to time be enacted by the Board of Supervisors. This committee shall include as a minimum cross-section of the community:
 - (1) Two (2) representatives of the Seneca county tourism industry, not serving as a board members of the Seneca County Chamber of Commerce or Seneca County Advisory Committee on Tourism;
 - (2) A board member of the Seneca County Chamber of Commerce, as recommended by the Chairperson of the Chamber of Commerce Board of Directors;
 - (3) The county administrator or his or her designee
 - (4) A board member of the Seneca County Industrial Development Agency, as recommended by the Chairperson of the Seneca County IDA;

- (5) A member of the Seneca County Board of Supervisors, appointed by the vote of the Board of Supervisors, but that no more than two members of the Board of Supervisors may serve on the committee at any time, regardless of their source of appointment
- (6) A member of the Seneca County Advisory Committee on Tourism (SCACOT)
- (c) The recommendations of this committee shall be taken into consideration by the Board of Supervisors in any final decision to disburse funds from the tourism, promotion and development account.
- (d) Members to this committee shall be appointed by the Board of Supervisors under the criteria stated above. The terms of office shall initially be for two (2) years, concurrent with the two year cycle of the Board of Supervisors. However, the Board of Supervisors may direct the removal of a member of the committee in the sole discretion of the Board of Supervisors at any time during the term.

13. REFUNDS

- (a) In the manner provided in this sub-section, the Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Treasurer for such refund shall be made within one (1) year from the payment thereof. Whenever a refund is made by the Treasurer, he shall state his reason therefore in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the Treasurer provided the application is made within one (1) year of the payment by the occupant to the operator, but no actual refund of monies shall be made to such operator until he shall first establish to the satisfaction of the Treasurer, under such regulations as the Treasurer may prescribe, that he has repaid to the occupant the amount for which the application for refund is made. The Treasurer may in lieu of any refund required to be made, allow credit therefore on payments due from the applicant.
- (b) An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of and the Treasurer may receive evidence with respect thereto. After making this determination, the Treasurer shall give notice thereof to the applicant who shall be entitled to review of such determination by a proceeding pursuant to article seventy-eight of the Civil Practice Law and Rules, provided such proceeding is instituted within thirty (30) days after the giving of notice of such determination, and provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the Treasurer in such amount and with such sureties as a justice of the Supreme Court shall approve to the effect that if such proceedings be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.
- (c) A person shall not be entitled to a revision, refund or credit under this sub-section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of sub-section thirteen of this local law where he has had a hearing or an opportunity for a hearing, as provided in said sub-section or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the Treasurer made pursuant to sub-section eleven of this local law unless it be found that such determination by the Treasurer was erroneous, illegal or unconstitutional or otherwise improper after a hearing or of his own motion or in a proceeding under article seventy-eight of the Civil Practice Law and Rules, pursuant to the provisions of said sub-section, in which event refund or credit without interest shall be made of the tax, credit or penalty found to have been overpaid.

14. RESERVES

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

15. REMEDIES EXCLUSIVE.

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

16. PROCEEDINGS TO RECOVER TAX.

- (a) Whenever any operator or any officer of a corporate operator or any occupant or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this local law as therein provided, the County Attorney shall, upon the request of the Treasurer bring or cause to be brought an action to enforce the payment of the same on behalf of the County of Seneca in any court of the State of New York or of any other state or of the United States. If, however, the Treasurer in his discretion believes that any such operator, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.
- (b) As an additional or alternate remedy, the Treasurer may issue a warrant, directed to the Sheriff commanding him to levy upon and sell the real and personal property of the operator or officer of a corporate operator or other person liable for the tax, which may be found within the County for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the Treasurer and to pay to him the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The Sheriff shall within five (5) days after the receipt of the warrant file with the County Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided for in respect to executions issued against property judgments of a court of record and for services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the Treasurer and in the execution thereof such officer or employee shall have all the powers conferred upon the Sheriff, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not

satisfied in full, the Treasurer may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefore and execution thereon has been returned unsatisfied.

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

17. GENERAL POWERS OF THE TREASURER

- (a) In addition to the powers granted to the Treasurer in this local law, he is hereby authorized and empowered:
- (1) To make, adopt and amend rules and regulations appropriate to the carrying out of this local law and the purposes thereof;
 - (2) To extend for cause shown, the time of filing any return for a period not exceeding thirty (30) days; and for cause shown, to remit penalties but not interest computed at the rate of six percent (6%) per annum; and to compromise disputed claims in connection with the taxes hereby imposed;
 - (3) To request information from the Tax Commissioner of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this local law to the contrary notwithstanding;
 - (4) To delegate his functions hereunder to a deputy Treasurer or any employee or employees of the Department of the Treasurer;
 - (5) To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;

- (6) To require any operator within the County to keep detailed records of the nature and type of hotel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the Treasurer;
- (7) To assess, determine, revise and readjust the taxes imposed under this local law.

18. ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY

- (a) The Treasurer or his employees or agents duly designated and authorized by him shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this local law. The Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this local law and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him or excused from attendance.
- (b) A justice of the Supreme Court either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this local law.
- (c) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one (1) year, or both such fine and imprisonment.
- (d) The officers who serve the summons or subpoena of the Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County Sheriff and his duly appointed deputies or any officers or employees of the Department of the Treasurer, designated to serve such process.

19. REFERENCE TO TAX

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

20. PENALTIES AND INTEREST

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

or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this local law, which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to sub-section eleven of this local law, or failing to file a registration certificate and such date in connection therewith as the Treasurer may by regulation or otherwise require or to display or surrender the certificate of authority as required by this local law or assigning or transferring such certificate of authority and any operator and any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed, or willfully failing to state such tax or any evidence or occupancy and on any bill or statement or receipt or rent issued or employed by the operator, or willfully failing or refusing to collect such tax from the occupant, and any operator and any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this local law, and any operator failing to keep the records required by subdivision eight of sub-section two of this local law, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1000), or imprisonment for not more than one (1) year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this local law, and subject to the penalties herein above imposed.

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

21. RETURNS TO BE SECRET

- (a) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the Treasurer or any officer or employee of the Department of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required under this local law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Treasurer in an action or proceeding under the provisions of this local law, or on behalf of any party to any action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return filed in connection with his tax not to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three (3) years and thereafter until the Treasurer permits them to be destroyed.
- (b) Any violation of subdivision (a) of this sub-section shall be punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment not exceeding one (1) year or both, in the discretion of the court, and if the offender be an officer or employee of the County he shall be dismissed from office and be incapable of holding any public office for a period of five (5) years thereafter.

22. NOTICES AND LIMITATIONS OF TIME

- (a) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a post-paid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this local law, or in any application made by him, or if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to who addressed. Any period of time which is determined according to the provisions of this local law by the giving of notice shall commence to run from the date of mailing of such notice.
- (b) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this local law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three (3) years from the date of the filing of a return; provided, however, that where no return has been filed as provided by this local law, such tax may be assessed at any time.
- (c) Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

23. SEPARABILITY

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

SECTION 4. EXPIRATION DATE

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

SECTION 5. EFFECTIVE DATE

This local law shall take effect December 8, 2019, upon filing in the office of the Secretary of State as provided by the Municipal Home Rule Law.

And be it further

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

RESOLVED, That the County Board hold a public hearing on said proposed Local Law at the County Office Building, 1 DiPronio Drive, Waterloo New York at or about 6:00 P.M., on October 10, 2019; and, be it further

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

SENECA COUNTY POLICY FOR GRANT ADMINISTRATION POLICY NO. 201.101

WHEREAS, the existing grant administration policy was last created in 2002 per Resolution No. 108-02; and

WHEREAS, per current grant agency reviews have determined the need for the said policy to be updated; and

WHEREAS, the Human Resources and Government Operations Standing Committee met on July 23, 2019 and approved this resolution; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors hereby adopt the Seneca County Policy for Grant Administration

Purpose:

The following policy is designed to outline the necessary process for applying for, receiving and administering grant funding award to the County in order to ensure compliance with Federal, State and local requirements. This policy also addresses the process for the closure and continuation of grants.

Guidelines:

Administration Approval:

Any Department desiring to apply for grant funds must first discuss the grant with the County Manager to review all potential uses of grant funding in relation to the County wide initiatives and goals. The County Manager will be looking for information regarding the need, quality, cost and integration with other department grant requests.

Board of Supervisor Approval:

Prior to applying for grant funds, the Department must first get authorization from the appropriate standing committee and approval from the Board of Supervisors by adopted resolution. If necessary due to time sensitivity the Board at its discretion may also approve acceptance of the grant at the same time. A plan for the anticipated use of grant funds must be discussed at the time of board review

Post-Award Procedures:

Once the County has been notified that it will receive a grant award, the Board of Supervisors must resolve to accept the grant award (if the board has not previously done so) and to execute a contract or agreement with the grantor. It is the Project Manager's responsibility to file the resolution for Board of Supervisor approval. A plan for the use of grant funds must be in the resolution with the proposed budget amendment.

Once the grant contract execution has been authorized, the Project Manager must schedule a Grant Project Kickoff meeting within two weeks, and include at minimum a representative from the Finance Department, Purchasing Department and the related Department Head. The purpose of the Kickoff Meeting is to delineate and coordinate responsibilities to meet grant contract obligations, including purchasing and receiving goods, quarterly programmatic and fiscal reporting, retention of program and fiscal documentation, and completion of asset inventory records. **In the event that there is a conflict between local policies and grant contract language the more stringent requirements will prevail.** In most cases the Project Manager will be the Department Head, member of the County's Planning

Department or designated project lead. The attached grant workflow checklist must be utilized as the basis for an agenda to ensure that all areas of concern are discussed.

Procurement-Quote Requirements:

Once all application materials are in place and accounted for the process for procurement can begin. All procurements will be done in accordance to the Seneca County Purchasing Policy. The Purchasing Policy has been revised to reflect the requirements included herein.

Documentation will be needed to support a quote for any pricing procured by an agency outside the County. Vendors supplying quotes via State/Federal/National Contracts will be required to provide the following documentation with their quotes;

- Pricing pages
- Cover page showing effective date and expiration date of contract
- Appropriate Contractors/Resellers page showing their company is authorized to sell and/or perform the work within the contract

When obtaining quotes it is necessary to check the pricing provided against the contracts referenced. It is also imperative to verify that the vendor providing the quote is authorized to provide the good and/or service under the contract referenced.

Procurement-Contract Requirements:

The project manager must utilize guidance provided by the Purchasing Department and County Attorney's Office to determine the appropriate contract forms to use for procurement. It is the project manager's responsibility to complete the appropriate contract forms and obtain signatures and necessary approvals. Further guidance may be obtained through the Purchasing Department and County Attorney's Office.

If labor is involved with a grant funded contract, a certification to training and rate will be required by the vendor acknowledging that employees have proper training and are appropriately certified to perform the tasks for which they're being hired and the rate at which they're being billed. The certification also requires the contractor to maintain employee records (licenses, certification, etc) and provide those records to the County when requested to do so.

Receipt of Goods and Equipment:

All items will be ordered and shipped to the address provided on the purchase order or the address defined in the purchase contract with Seneca County. When said items have arrived or have been installed, a member of the Department that authorized the purchase will verify that the items have been delivered in compliance with the contract and associated packing slip. Verification of receipt must be made by signing and date stamping the associated packing slip/bill of lading. The packing slip must be maintained for record of delivery/installation.

All equipment will be assigned an asset number in accordance with the County's Purchasing Policy and Procedure. At a minimum all assets will be tagged with "Property of Seneca County" stickers. All assets will be tagged in compliance with Seneca County purchasing policy and/or funding source requirements.

Grant Program Renewal:

The Department shall discuss with the County Manager the plan for continuation of the program either through additional grant funding or requesting County cost, ninety (90) days prior to the expiration of the grant. The Department Head operating the program will be responsible for the presentation

AMEND RULES OF THE BOARD TO HOLD BOARD MEETING IN OVID

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

WHEREAS, this resolution was approved by the Human Resources & Government Operations Standing Committee on August 27, 2019; 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 8, 2019 at 6:00 p.m. at the former courthouse in Ovid, New York, also known as, The "Papa Bear" Building.

**AUTHORIZE COUNTY HEALTH DEPARTMENT TO APPLY FOR NYS DOH
HEALTHY NEIGHBORHOODS PREVENTIVE HEALTH CORNERSTONES GRANT**

WHEREAS, the NYSDOH has released an RFA for a Healthy Neighborhoods Grant with the submission deadline of September 13, 2019; and

WHEREAS, as a full-service local health department we are eligible to apply for this 5 year grant opportunity; and

WHEREAS, the purpose of the grant is to “provide preventive environmental health services to targeted geographic areas which are home to high risk populations who may be living in homes and neighborhoods with a disproportionate number of residential hazards”: and

WHEREAS, the Healthy Neighborhoods model involves a door-to-door approach to perform an environmental assessment to identify potential health hazards; and

WHEREAS, if health hazards are identified, intervention products and educational materials are provided and referrals are made to other agencies or community groups; and

WHEREAS, the competitive grant opportunity is a 5 year grant with a maximum reimbursement of \$275,000 per year; and

WHEREAS, this resolution was approved by the Health and Human Services Standing Committee on August 27, 2019; now, therefore be it

RESOLVED, that the Health Department is hereby authorized to pursue a grant application for a Healthy Neighborhoods Preventive Health Cornerstones Grant through the New York State Department of Health.

**AUTHORIZE CREATION AND FILLING OF A POSITION FOR
DIRECTOR OF ENVIRONMENTAL HEALTH**

WHEREAS, the Principal Public Health Sanitarian will be retiring in March 2020 after 30 years of service; and

WHEREAS, due to increasing mandates and programmatic changes, the department is requesting to create and fill a position for a Full-time Director of Environmental Health; and

WHEREAS, the candidate should have administrative / supervisory skills or experience as a supervising engineer or sanitarian; and

WHEREAS, this position will be at Grade 6 of the Seneca County Management Salary Schedule with a salary range of \$58,676 to \$77,039 depending on the qualification of the successful candidate; and

WHEREAS, the funding for this position is in the Public Health Budget 10-4010-54708; and

WHEREAS, the Vacancy Committee has approved the creation and filling of this position on August 13, 2019; and

WHEREAS, the Health and Human Services Standing Committee has approved this resolution on August 27, 2019; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the creation and filling of a full-time position of Director of Environmental Health; and be it further

RESOLVED, that the Department of Finance be authorized to make the necessary budgetary and accounting entries to effect the intent of this resolution to amend the 2019 budget.

**APPROVE 2019-2020 SUPERVISION AND TREATMENT SERVICES FOR
JUVENILES PROGRAM (STSJP) PLAN**

WHEREAS, the County is required to submit an annual plan for the supervision and Treatment Services for Juveniles Program; and

WHEREAS, an anticipated date of September 13, 2019 is planned for submission of the plan; and

WHEREAS, the Chairman of the Board must designate a lead agency; and

WHEREAS, this plan provides services to divert youth from detention or residential care, who are at risk of becoming, alleged to be or adjudicated as juvenile delinquents (JD), both non-Raise the Age and Raise the Age youth; Person in Needs of Supervision (PINS); or who are Juvenile Offenders (JO's), Adolescent Offenders (AOs) or Youthful Offenders; and

WHEREAS, anticipated funding for this program is capped at \$40,025 state reimbursement; and authorizes the County Manager to amend the capped amount based on state reimbursement; and

WHEREAS, this funding is budgeted in line item 106070 54700 POS47; and

WHEREAS, the plan must be approved and signed by the Chairman of the Board of Supervisors; and

WHEREAS, this resolution was approved by the Health & Human Services Standing Committee on August 27, 2019 now, therefore be it

RESOLVED, the Seneca County Board of Supervisors approves the 2019-2020 Supervision and Treatment Services for Juveniles Program Plan and authorizes and directs the Chairman of the Board of Supervisors to sign the plan based on County Attorney review and approval.

**APPROVE APPOINTMENT OF FINGER LAKES WORKFORCE INVESTMENT BOARD MEMBER
(BLAIR MORGAN)**

WHEREAS, The Seneca County Board of Supervisors has authorized the creation of the Finger Lakes Workforce Investment Board for the counties of Ontario, Wayne, Seneca and Yates in compliance with the Workforce Innovation and Opportunity Act (WIOA) of 2014; and

WHEREAS, the appointment of the Partner/Public Sector Workforce Investment Board Members must be endorsed by the four counties of Ontario, Wayne, Seneca and Yates; and

WHEREAS, per the NYS WIOA requirements, the Seneca County Board of Supervisors must endorse the following Partner/Public Sector representative:

- Blair Morgan from del Lago Casino be appointed by the Board of Supervisors to serve a three term beginning 7/1/19 through 6/30/22

WHEREAS, this appointment has been reviewed and approved by the Health and Human Services Standing Committee August 27, 2019; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint the individual listed above to the Finger Lakes Workforce Investment Board; and be it further

RESOLVED, that the Clerk to the Board of Supervisors send a certified copy of this resolution to the Finger Lakes Workforce Investment Board and to the Clerks of the Boards of Ontario, Wayne and Yates Counties.

**AUTHORIZE CREATION OF ONE (1) FULL-TIME CASEWORKER TRAINEE AND
ELIMINATION OF ONE (1) FULL-TIME FAMILY AIDE POSITION**

WHEREAS, The Vacancy Committee met on August 13, 2019 and made the following recommendation:

- Creation of a FT Caseworker Trainee
- Elimination of a FT Family Aide

WHEREAS, funding is currently available in the 2019 Budget Account No. 106010 51100 SS02 and reimbursable up to 62 percent state share; and

WHEREAS, the Health and Human Services Standing Committee approved this resolution on August 27, 2019; now, therefore be it

RESOLVED, the Board of Supervisors authorizes creating and filling one (1) FT Caseworker Trainee Position and eliminating one (1) FT Family Aide Position.

31. UNFINISHED BUSINESS

32. NEW BUSINESS

a. RULE 29 – SUPERVISOR BROWNELL

APPLY FOR AND ACCEPT THE FY 2019 EMERGENCY MANAGEMENT PERFORMANCE GRANT

WHEREAS, the New York State Division of Homeland Security & Emergency Services has awarded the Seneca County Office of Emergency Management a FY 2019 Emergency Management Performance Grant for \$17,872.00; and

WHEREAS, this grant is used to offset expenses related to the operation of the Office of Emergency Management; and

WHEREAS, Seneca County has participated in this grant program for over 20 years; and

WHEREAS, this grant revenue is accounted for in Revenue line 103640-43305 and has a thirty-six (36) month performance period; and

WHEREAS, the FY 2019 EMPG grant application is due on September 27th; and

WHEREAS, this Resolution was brought from the floor by a two-thirds majority vote of the Board under Rule 29 of the Board of Supervisors Rules of Order; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the County Manager to sign any and all documents as required by the New York State Division of Homeland Security & Emergency Services for Seneca County to receive funding from the FY 2019 Emergency Management Performance Grant; and be it further

RESOLVED, that any unused portion of this revenue will flow into future years; and be it further

RESOLVED, that the Department of Finance is authorized to make the necessary budgetary and accounting entries to effect the intent of this resolution.

33. SPECIAL ORDER OF THE DAY