

SENECA COUNTY BOARD OF SUPERVISORS MEETING

June 11, 2013 at 6:00 p.m.

County Office Building, 1 DiPronio Dr. - 3rd Floor

Waterloo, New York 13165

Call to Order

Chairman Hayssen called the meeting to order.

Roll Call of Members by the Clerk

Eleven members of the Board of Supervisors answered roll call. Mr. Reynolds and Mr. Kaiser were seated at 6:10 p.m. Mr. Earle was absent.

Pledge of Allegiance and Moment of Silence

Presentations / Petitioners

a. Employee of the 1st Quarter 2013 - Tina Cooley, Head Welfare Examiner, DHS Temporary Assistance

b. Steve Barto - Renovation Project of the Historic Trinity Church . Mr. Barto urged the Board of Supervisors to vote in favor of contributing \$10,000 to be used toward the renovation of the Trinity Church in Seneca Falls as recommended by the Planning, Development, Agriculture & Tourism Committee.

c. Rick Conley, Conley & Son Excavating - McDonald's & IDA. Citing the financial issues involved in the McDonalds expansion project and the Hampton Inn construction project, Mr. Conley urged the Board of Supervisors to monitor the loans distributed by the IDA to assure that the labor force (i.e. sub-contractors) are being paid. Currently, the Hampton Inn and McDonalds's have liens against them for non-payment of services during the building phase of both facilities. Mr. Conley claims that he lost more than \$178,000 which has been owed to him for over a year and a half.

Mr. Conley also inquired about the plot of land that was adjacent to the Bill Cram property and sold to him for \$1.00 for the new location for Rite-Aid. Mr. Fisher explained that the plot of land was abandoned by the New York State. The county does not claim ownership rights. The plot of land has been converted into a parking lot by McDonalds.

d. Tourism Promotion Agency Report First Quarter 2013 - Jeff Shipley, Executive Director, Seneca County Chamber of Commerce. Mr. Shipley said that revenue from tourism increased. He also detailed some of the tourism promotion efforts made and distributed the 2013 county tourism brochure.

Chairman Hayssen remarked that vacation rentals should be included more prominently in the brochure. He also recommended that the membership for SCACOT include two representatives for vacation rentals, one representing properties on the south and north end of the county.

Submission of Claims for Audit

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

Supervisors vouchers	totaling	\$	518,207.73
Workforce Development vouchers	totaling	\$	25,852.95
Self-Insurance vouchers	totaling	\$	9,285.63
County Airport vouchers	totaling	\$	20,036.50
Highway Transportation vouchers			
Maintenance & State Snow	totaling	\$	136,388.97
Highway Machinery	totaling	\$	30,118.98
	HIGHWAY TOTAL	\$	166,507.95
Sewer 1	totaling	\$	8,712.70
Sewer 2	totaling	\$	55,005.70
Water 1	totaling	\$	23,156.78
Airport Capital vouchers	totaling	\$	23,064.40
County Road 132 Capital vouchers	totaling	\$	202,133.70
Financial Software Capital vouchers	totaling	\$	2,175.00
Veterans Cemetery Capital vouchers	totaling	\$	395.00

Approval of Board Meeting Minutes

The minutes for the May 14, 2013 regular board meeting of the Board of Supervisors were approved as written.

Reports of Standing Committees - Meetings on May 28, 2013

Human Services Committee - Mr. Davidson, Chairman. The Committee voted in favor of referring the following issues to the Board of Supervisors for a board resolution: (1) Authorize the Chairman of the Board of Supervisors to sign contracts with Finger Lakes Workforce Investment Board for the Period July 1, 2013 to June 30, 2014 (WIA Youth \$97,443.00; WIA Adult and Dislocated Worker \$88,457.00; WIA Work Keys \$63,340.00); (2) Authorize the Chairman to sign the Workforce Investment Act (WIA) Local Plan for the Program Year (PY) 2013-2014; (3) a resolution endorsing the appointment of Robert C. Trouskie, Sr. and Charlene Harvey as members of the Workforce Investment Board for a term effective July 1, 2013 to June 30, 2016.

Public Safety Committee - Mr. Reynolds, Chairman. The Committee approved and recommended a board resolution (1) introducing a proposed local law known as the Social Host Law and scheduling a public hearing. The passage of this law would make it a criminal offense to knowingly

allow minors to consume alcohol on one's property. Several municipalities have adopted a similar law or in the process of adopting one; (2) authorizing the Chairman of the Board to execute an Inter-municipality Agreement with Monroe County Department of Public Safety for criminal laboratory / forensic services; (3) authorize the Chairman of the Board to execute Inter-Municipality Agreement with Schuyler County for Deputy Sheriff's and Correctional Officers to assist with security during race weekends at Watkins Glen International Race Course. The Schuyler County Legislature has required that each assisting agency sign a Law Enforcement Inter-Municipal Agreement for Special Detail Deputies Performing Mutual Aid Police Duties in Schuyler County; (4) authorizing the County Manager to execute the Aid to Prosecution Grant. The New York State Division of Criminal Justice Services awarded the Seneca County District Attorney a grant in the amount of \$29,200 through its Aid to Prosecution Program for the purpose of enhancing the prosecution of repeat violent and serious felony offenders by maintaining experienced prosecution personnel to prosecute said offenders.

Mr. Reynolds also reported on the May 15 meeting with Hillside staff, state officials and county officials. The purpose of the meeting was to address concerns expressed at two previous public meetings about the frequency of runaways and damage incurred by some of the students. Mr. Reynolds said they instituting some changes, but it isn't perfect. They will meet again in November. It was also learned at that meeting that the Hillside Varick campus may undergo future renovations such as switching from the dormitory facilities to smaller cottage type facilities.

Indian Affairs Committee - Mr. Shipley, Chairman. Harris Beach attorney, Phil Spellane met with the Committee. Discussion involved recent legislation introduced by Seneca County state representatives as a companion bill to make NYS reimburse the county for property taxes lost due to it being owned by the CIN. The bill is currently being reviewed by the legislative finance committee. Mr. Shipley and Mr. Hayssen said they had been informed by Senator Nozzolio about the upcoming legislation before it was in the newspapers.

The committee discussed the casino deal Gov. Cuomo proposed to the Oneida Indian Nation. Gov. Cuomo wants the governing bodies for Oneida and Madison counties to approve the proposed deal. However, if they don't, the Governor is prepared to follow through with the deal without the consent from either county. (*after this meeting, it was learned that Oneida County and Madison County approved the casino deal). Regarding the "qualified legislation" case, Mr. Spellane said it was lined up to be considered. He has no ideas when it will be taken up.

Planning, Development, Agriculture & Tourism Committee - Mr. Earle, Chairman. The committee voted in favor of recommending a board resolution for the following issues: (1) authorizing a one-time payment of \$10,000 to be used for the restoration of the Trinity Church located on Fall St, Seneca Falls. The funds will be appropriated from the Contingency Fund; (2) authorizing Clerk of the

Board to advertise for a Public Hearing to be held on Tuesday, July 9, 2013 for the recertification of Southern Agricultural District #12; (3) appointing Linda Ochs as an alternate member of the Seneca County Planning Board.

Environmental Affairs Committee - Mr. Churchill, Chairman. The Committee discussed three issues. The first issue addressed the Comprehensive Plan for Seneca County and the inclusion of a section on a county solid waste plan. The Genesee Regional Finger Lakes Planning Council has an Environmental Sustainability Plan that the county could use as a template for an environmental portion to be included in the comprehensive plan.

The second issue was about organics recycling in Seneca County. A resident of Seneca Falls and employee of the Seneca Falls School District, Barbara Reese is forming an in-school program for organic recycling - compostable. The Director of the Seneca County Cornell Cooperative Extension, Mr. Bauder connected Mrs. Reese with the Cornell Waste Management Institute to discuss the logistics of starting a compost facility at the schools. The county cooperative extension is designated as the entity to educate the county about recycling. A suggestion was made to look into being able to fund the program through SCCCE.

The third issue was about the future of the Seneca Army Depot's Conservation Area and the white deer population. Chairman Churchill said he wanted to focus on the depot and the white deer. He thinks the deer is a valuable resource. He would like to focus on the county's role in utilization / preservation of the white deer resource. He believes there is a lot of foundation money that may be obtained to help fund development. He suggested that the county take back control of the "conservation area" and explore options on developing the area with the white deer. Chairman Churchill said he plans to set up a meeting with the Exec Director of IDA, Robert Aronson and the county attorney, Frank Fisher. He will be bringing this issue to the committee in the future.

Public Health Services Committee - Mrs. Garlick Lorenzetti, Chairwoman. The Committee gave its approval for a board resolution authorizing the Chairman of the Board to execute a contract with New York State Department of Health for the Rabies Grant, a contract for the Immunization Action Plan, and two contracts for the Cancer Services Partnership program.

Public Works Committee - Mr. Kaiser, Chairman. The Committee voted in favor of a board resolution supporting the designation by New York State of the Sampson Veterans Memorial Cemetery as a New York State Veterans Cemetery. The management of the cemetery has kept it up to standards to be eligible for the program. The program would provide financial and perpetual care.

Country Manager Rowe distributed a handout of a summary of the requests to the Dormitory Authority of the State of New York (DASNY) for reimbursements for Sampson Veterans Memorial Cemetery. As of the end of May 2013, Seneca County spent \$3,166,251 on the reimbursable elements of

the project and received \$3,060,303 in reimbursements from DASNY. Another \$105,947 will be submitted for reimbursement. After that there is \$3,748 remaining on the \$250,000 grant available for future reimbursement consideration.

Other issues that were approved by the Public Works Committee for a board resolution are (1) authorization to renew the lease agreement with Waterloo Memorial Post #6433 through 2014. The lease provides parking for staff and public use at the County Courthouse. In lieu of rent, the County maintains and keeps the leased area in good order and repair satisfactory to the Post, including, but not limited to, striping and snow removal; (2) a board resolution declaring an excavator purchased for use by the Water District #1 and Sewer District #2 as surplus to be sold by auction with a minimum reserve price. The excavator isn't being used and it may be more cost effective to sell it and rent one on an as needed basis; (3) a resolution recommending the designation of the Acting Chairman as defined in the Rules of Order No. 3; and (4) a resolution authorizing the purchase of one McQuay 200 tons chiller for \$136,690 to replace one of the two building chillers.

Updates were given to the committee regarding the (1) solar energy proposal received from Spear Point Energy. Spear Point Energy compiled data from the NYSEG invoices sent to them. The original starting rate offered is \$0.775 to \$0.75 with an escalator of 2.5%. The new rate being offered is \$0.0725 in the first year and an escalator figure of 1.75% for the next 24 years. Mr. Earle said he contacted NYSEG, and understood that the data used by Spear Point Energy would be heavily weighted due to New York City. Mr. Kubasik said that the new rate would still not give us back our original investment even after 25 years of savings. Mr. Westfall suggested engineers with expertise in energy should be consulted. No action was taken; (2) County Water District No. 1 – Water Fluoridation Status. A letter from the NYS DOH outlined the process that needs to be following for the county to discontinue fluoridation in Water District No. 1. To terminate water fluoridation a proposal needs to be submitting to NYS DOH for approval, including documentation prepared and stamped by a professional engineer; (3) Colonel's Row Improvements_- Mr. Fisher, County Attorney, stated that the final easements necessary have been completed. We need three quotes to move forward with improvements. Sewer 1 has funds in its budget. Phase I should be done after this; (4) 911 Back-Up Proposal - Mr. Churchill said the Steering Committee thinks the LEC is the best location for the 911 back up center. Sheriff said the specific room intended for 911 is not large enough. Currently it is used for evidence. The LEC location is not on the same grid as the county office building - the backup center should be on a different grid. Chairman Hayssen suggested sharing 911 backup with another county - Wayne County. Mr. Rowe asked if the ammunitions bunker was still an option for the 911 backup center. The grant funding referred to was through FLTG. Mr. Shipley moved and Mr. Reynolds seconded that the IDA and FLTG move on with other plans for the bunker;

(5) 318 Sewer Feasibility - Seneca Falls wastewater treatment plant can handle the output for the outlet mall, but not for Route 414. It was suggested that a new treatment facility could be built between the outlet mall and Rte. 414 to handle the output. This will cost extra. The County Manager will come back to the committee with the amount of additional cost. B&L Engineers will charge additional fees to write grants; (6) Waterloo Courthouse Project - The courthouse project can move forward with renovations. The 911 backup center can stay at the courthouse location until a decision is made for a new location. Further discussion on what to do about the renovations and the E911 backup center location will need to be addressed.

Mental Health Services Committee - Mr. Serven, Chairman. The committee voted in favor of a board resolution authorizing the purchase of Accumedic as the software vendor to provide the Seneca County Community Counseling Center's Integrated Billing/Scheduling/Electronic Medical Record software application. The software will maintain the mental health and substance abuse records so we stay in compliance with the Affordable Care Act. January 2014 is the anticipated completion date to have the records electronically available.

Finance, Assessment & Insurance Committee - Mr. Prouty, Chairman. The Committee voted in favor of a board resolution authorizing (1) the distribution of the Mortgage Tax Collections to the towns and villages; (2) the Treasurer to transfer of funds within the 2013 budget; (3) authorize the Clerk to the Board to execute the Home Rule Forms for the County's request to continue to extend its sales tax and compensating use tax by 1%; (4) authorizing the acceptance of the bid for \$500 from William Crane for Property 06-1-07.1 in Junius that did not sell at Seneca County Tax Auction that was held on March 1, 2013. Article 13 of the terms and conditions of the auction states: "Any properties not sold at the annual auction may be sold by the Board of Supervisors to any interested parties by sealed bid; (5) authorizing the acceptance of Daryl Hurst's proposal to purchase the closed gas station located at 170 Ovid St., Seneca Falls. The County Treasurer recommended the purchase offer be accepted. He advised that the county should not be in the chain of title which is why we haven't foreclosed on the property for the annual tax sale. The property has taxes due from ten years back. The purchase offer will only go through if the county will accept the \$20,000 offered and waive the back taxes due.

County Attorney's Remarks

Referring to the proposed casino agreement that is supported by Governor Cuomo, Mr. Fisher said any lawsuits filed on behalf of Oneida County and Madison County would be withdrawn and no new lawsuit would be by made by the counties. However, private citizens groups, are not bound by the proposed casino deal, and may continue to pursue the matter with the courts.

Communications

75. From Assembly Minority Leader Brian M. Kolb, a copy of a letter dated May 31, 2013 to Vincent Esposito, Regional Director, FL Regional Office of Empire State Development, for “whole-hearted support to the funding application recently submitted by the Seneca County Board of Supervisors for infrastructure improvement to the 318 Corridor from Black Brook Road to Grange Hall Road.

76. From Assembly Minority Leader Brian M. Kolb, a letter dated May 15, 2013 acknowledging receipt of a certified copy of Seneca County Resolution No. 71-13 declaring May 21, 2013 to be “Mayday for Mandate Relief”.

77. From Toni Smith, E-911 Coordinator, email notification of her retirement effective June 15, 2013.

78. From Ontario County Board of Supervisors a copy of Resolution No. 306-2013 titled, “Ontario County Concerns over Proposed LPG Storage Project in the Seneca Lake Watershed”.

79. From Ontario County Board of Supervisors, a copy of Resolution No. 282-2013 titled, “Comments on the Proposed Implementation of New Environmental Assessment Forms”.

80. From Ontario County Board of Supervisors, a copy of Resolution No. 269-2013 titled, “Endorsement of Reappointments to the Finger Lakes Workforce Investment Board”; a copy of Resolution No. 270-2013 titled, “Endorsement of Appointment to the Finger Lakes Workforce Investment Board - Trouskie”; a copy of Resolution No. 271-2013 titled, “Endorsement of Appointment to the Finger Lakes Workforce Investment Board - Harvey”; a copy of Resolution No. 315-2013 titled, “Approval of the Workforce Investment Act Local Plan Modification for Program Year 2013-2014”; and a copy of Resolution No. 316-2013 titled, “Approval of Administrative Agreement”.

81. From Fulton County Board of Supervisors, a copy of Resolution No. 161 titled, “Resolution Opposing Unfunded Mandates to Require Early Voting in New York State”; and a copy of Resolution No. 165 titled, “Resolution Declaring “May Day for Mandate Relief” and Urging the State to Adopt Laws that Prohibit Unfunded Mandates on Local Governments”.

82. From Delaware County Board of Supervisors, a copy of Resolution No. 81 titled, “Resolution Declaring “May Day for Mandate Relief” and Urging the State to Adopt Laws that Do Not Impose further Fiscal Stress on Local Governments and Taxpayers and Build Upon Recent Efforts to Reform Costly Unfunded Mandates”; and a copy of Resolution No. 85 titled, “Resolution Calling for the Governor and State Legislature to Permit Counties to Re-Establish the Office of Coroner after having Abolished the Office”.

83. From Niagara County Legislature, a copy of Resolution No. IL-023-13 titled, “Resolution Calling on the New York State Legislature to Pass and Enact S.3948 /A.6094 Legislation Repealing the NY-SAFE Act”.

- 84. A copy of the Seneca County Board of Health May 15, 2013 meeting minutes.
- 85. A copy of the Finger Lakes Regional Airport Advisory Committee March 13, 2013 meeting minutes.
- 86.. A copy of the Seneca County Community Services Board May 21, 2013 meeting minutes.
- 87. A copy of the Seneca County Planning Board May 9, 2013 meeting minutes.
- 88. A copy of the Seneca County Federation of Sportsmen’s Clubs, Inc. April 16, 2013 meeting minutes.
- 89. From NYS Public Service Commission, notification dated May 10, 2013 that it has resumed a proceeding (Case 07-C-1486), initially begun in December 2007, to determine how best to create an additional area code in the 315 area code region, serving all or part of 18 northern and central New York counties” and the deadline to submit comments is June 29. Copy sent to Board of Supervisors and County Manager.
- 90. From NYSAC, notification dated May 23, 2013, about a class action law suit, Nassau v. Expedia, Inc. et.al, which is against online companies who engage in circumventing local hotel / motel taxes, which “grants all counties injured by the named defendants to join as a plaintiff in this matter and share in any recoupment if this matter is successfully litigated”. Copy sent to Board of Supervisors, County Attorney and County Manager.

RESOLUTIONS & MOTIONS

TREASURER AUTHORIZED TO PAY MORTGAGE TAX

RESOLUTION NO. 91-13 moved by Mr. Prouty, second by Mr. Shipley and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, the mortgage tax report for the period October 1, 2012 through March 31, 2013 has been filed; now, therefore be it

RESOLVED, that the County Treasurer is hereby authorized and directed to pay to the municipalities of Seneca County the amount apportioned as follows:

TOWN	AMOUNT ALLOCATED	VILLAGE SHARE	TOWN SHARE
Covert	28,650.42	1,576.55	27,073.87
Fayette	25,246.00	1,463.04	23,782.96
Junius	4,427.71	0	4,427.71
Lodi	24,172.84	947.25	23,225.59
Ovid	5,193.50	\$321.97	4,871.53
Romulus	16,528.50	\$80.92	16,447.58
Seneca Falls	48,781.50	0	48,781.50

Tyre	10,920.29	0	10,920.29
Varick	20,368.00	0	20,368.00
Waterloo	30,794.50	\$6,645.54	24,148.96
Totals:	215,083.26	\$11,035.27	204,047.99

**BOARD OF SUPERVISORS ACCEPTS BID TO SELL COUNTY OWNED TAX SALE
PROPERTY LOCATED IN THE TOWN OF JUNIUS**

RESOLUTION NO. 92-13 moved by Mr. Prouty, second by Mr. Serven and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, certain premises located in the Town of Junius, Seneca County and identified by tax map number 06-1-07.1, have been duly subject to public auction under New York State Real Property Tax Law Article Eleven; and

WHEREAS, no sale resulted from public auction; and

WHEREAS, said parcel was thereafter offered for sale by sealed bid pursuant to §507 New York State General Municipal Law; and

WHEREAS, the County has received a single bid for the purchase of said parcel; and

WHEREAS, this resolution was approved by the Finance, Assessment & Insurance Committee at its May 25, 2013 meeting; now, therefore be it

RESOLVED, that the bid for the foregoing property received from William Crane, 2633 Edwards Rd., Waterloo, NY, 13165, is accepted and the Seneca County Treasurer is authorized and directed to accept the bid and convey by deed to the parties named below in the manner provided by law all the right, title and interest of the County of Seneca in the described Tax Sale parcel held by the County of Seneca upon payment of the amount of \$500.00, which includes past due taxes in the amount of \$242.05, current taxes are included:

Purchaser/Address: William Crane, 2633 Edwards Rd. Waterloo, N.Y. 13165

Formerly Owned by: Jessie Bates

Town of Junius

Tax Map No. 06-1-07.1 Containing 4.30 Acres; and be it further

RESOLVED, this resolution shall be effective for 30 days.

**SUPERVISORS ACCEPT PROPOSED PAYMENT OF \$20,000 FOR SETTLEMENT OF
ALL TAXES DUE ON 170 OVID ST TAX MAP # 24-1-02.2**

RESOLUTION NO. 93-13 moved by Mr. Prouty, second by Mr. Westfall and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, the property at 170 Ovid Street is a closed gas station with 11 years of taxes due and the county will not foreclose due to concerns over environmental issues; and

WHEREAS, Daryl Hurst, owner of Dairy Services Inc., has offered payment of \$20,000 in settlement of all the taxes due as part of a purchase offer on the property; and

WHEREAS, Mr. Hurst will initially utilize the gas station for his current operations which includes a fleet of trucks to be stored and fueled at the location; and

WHEREAS, by accepting this offer, the property will no longer be a vacant gas station accumulating unpaid tax bills and will have the potential to create employment; now, therefore be it

RESOLVED, that Seneca County Board of Supervisors does hereby approve the proposed payment as settlement of all taxes due at this time.

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

RESOLUTION NO. 94-13 moved by Mr. Prouty, second by Mr. Davidson and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, amendments to the 2013 Seneca County Budget are necessary and appropriate; and

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

WHEREAS, these amendments have been reviewed and approved by the Finance, Assessment and Insurance Committee at its meeting on May 28, 2013; now therefore be it

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

Severance

From: 3150-51100 (Sheriff Road Patrol Salaries)	\$5,110.83
To: 3150-51400 (Sheriff Road Patrol Severance)	\$5,110.83
From: 6002-51100 (DHS Family & Child Services Salaries)	\$2,305.65
To: 6002-51400 (DHS Family & Child Services Severance)	\$2,305.65

LEC (for License Plate Reader)

Increase Revenue 10-312-3-1510	\$2,943.00
Increase Expense 10-110-5-3113-2400	\$2,943.00

DHS

From: 6192-54700 (Handicapped Children-Contractual)	\$100,000.00
To: 6123-54700 (Juvenile Care – Contractual)	\$100,000.00
From: 6001-51100 SS01 (Temporary Assistance-Salaries)	\$2,000.00
To: 6001-51300 SS01 (Temporary Assistance – Overtime)	\$2,000.00

BOARD OF SUPERVISORS AUTHORIZES COUNSEL TO SETTLE CIVIL ACTION

RESOLUTION NO. 95-13 moved by Mr. Prouty, second by Mr. Lafler and adopted by 536 ayes (Prouty, Lafler, Reynolds, Serven, Davidson, Kaiser, Churchill, McGreevy, Hayssen, Westfall, Kubasik), 146 nays (Garlick Lorenzetti, Shipley), and 68 absent (Earle).

WHEREAS, the matter of certain litigation that remains pending before the New York State Supreme Court under Docket since 2010; and

WHEREAS, the firm of Harris Beach has been retained to represent the interests of Seneca County in the preparation for trial thereof; and

WHEREAS, the Board of Supervisors after consultation with counsel and in the interest of bringing the litigation to a conclusion, wishes to authorize its representative to engage in and finalize settlement negotiations in said action on behalf of the County, Now, Therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes the firm of Harris beach. to settle the interests of Seneca County in the matter pending before New York State Supreme Court in accordance within the parameters proposed by Counsel and approved by the Finance Committee in executive session, the specific terms of which to remain confidential pending execution in full by all parties to such litigation and filing of a fully executed stipulation with and approval by the Court.

BOARD OF SUPERVISORS AUTHORIZES

**SENECA COUNTY MENTAL HEALTH DEPARTMENT TO PURCHASE
EMR/SCHEDULING/BILLING SOFTWARE AND RELATED HARDWARE**

RESOLUTION NO. 96-13 moved by Mr. Serven, second by Mr. Churchill and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, the Department of Mental Health completed an over ten-month selection process including extensive defining of requirements and a formal Request for Proposals (RFP) process; and

WHEREAS, the Mental Health Department reviewed nine (9) proposals submitted in response to the RFP; and

WHEREAS, the Mental Health Department selected Accumedic as the vendor to provide the Mental Health Department with their EMR/Scheduling/Billing software; and

WHEREAS, the total cost for the Accumedic Product and hardware needed for the application will not exceed \$200,000 with no local mandated share; and

WHEREAS, the county has \$450,000 accumulated in the deferred revenue Federal Salary Sharing Account to be utilized for expenditures of this type (the purchase of the Accumedic Software and related hardware); and

WHEREAS, the Board of Supervisors' Mental Health Committee approved the Mental Health Department's purchase of the Accumedic software and related hardware to move forward to the full Board of Supervisors for review and approval; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes a budget amendment to:

Increase Revenue Account 10432044340 in the amount of \$200,000; and

Increase Expenditure Account 10432052300 in the amount \$200,000;

With Funds appropriated from Account 103695 - Deferred Revenue Federal Salary Sharing; and be it further

RESOLVED, that the Mental Health Department is authorized to purchase the Accumedic EMR/Billing/Scheduling Software and related hardware in a total amount not to exceed \$200,000 with no county match.

**SUPERVISORS AUTHORIZE REPLACEMENT OF
COUNTY OFFICE BUILDING CHILLER UNIT**

RESOLUTION NO. 97-13 moved by Mr. Kaiser, second by Mr. Shipley and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, a chiller unit that serves the Seneca County Office Building is in need of replacement; and

WHEREAS, the chiller replacement is time sensitive given the impending warm weather months and the need to provide appropriate cooling and ventilation for county employees and the public; and

WHEREAS, a proposal has been received by T. Bell Construction Corporation to provide a 200 ton McQuay Scroll compressor chiller and necessary electrical upgrades in the amount of \$136,690.00; and

WHEREAS, funding is available in the Building Maintenance Reserve Fund and the 2013 Contingency Fund to support the chiller replacement; and

WHEREAS, this resolution was reviewed and recommended by the Public Works Committee on May 28, 2013; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Chairman to sign a contract with T. Bell Construction for a chiller replacement and electrical upgrades at the Seneca County Office Building; and be it further

RESOLVED, that \$100,000 from the Building Maintenance Reserve Fund be appropriated for the chiller replacement; and be it further

RESOLVED, that \$36,690 from the 2013 Contingency Fund be utilized to support the chiller replacement and electrical upgrades; and be it further

RESOLVED, that this contract authorization and expenditure is undertaken pursuant to Section 103(4) of the New York State General Municipal Law.

**SUPERVISORS AUTHORIZE LEASE AGREEMENT RENEWAL BETWEEN
SENECA COUNTY AND VFW MEMORIAL POST, #6433**

RESOLUTION NO. 98-13 moved by Mr. Kaiser, second by Mr. McGreevy and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, a lease agreement between Seneca County and the VFW Memorial Post, #6433, with its principal offices at the corner of Chestnut Street and West Elisha Street, Village of Waterloo, New York has been in existence for several years and is in need of renewal; and

WHEREAS, the new lease contains the same language and content as the expired lease with the exception of the removal of the parking guidelines that were followed by the Seneca County Sheriff's Department, necessary to accommodate the VFW Memorial Post, #6433 during specified activity nights; and

WHEREAS, it is agreed upon in the lease that the parking area used during the daytime hours between 8 a.m. to 5 p.m. on the days the Seneca County Courthouse is open for its employees and used by the general public will be kept in good order and repair including but not limited to, striping and snow removal; and

WHEREAS, the Public Works Committee approved this resolution at its meeting on May 28, 2013; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the renewal of the lease agreement between Seneca County and the VFW Memorial Post, #6433, with a beginning date of January 1, 2013 and will expire on December 31, 2014; and be it

FURTHER RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the lease renewal agreement along with the Commander of the VFW Post, #6433.

BOARD OF SUPERVISORS DECLARES PROPERTY AS SURPLUS

RESOLUTION NO. 99-13 moved by Mr. Kaiser, second by Mr. Lafler and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, Seneca County Water District No. 1 and Sewer District No. 2 are the owner of certain property that has been purchased for district operations; and

WHEREAS, the Board of Supervisors has the general care and control of the corporate real and personal property of the districts; and

WHEREAS, the Board of Supervisors concurs that certain property within the Seneca County Water District No. 1 (SCWD #1) and Seneca County Sewer District No. 2 (SCSD #2) is no longer necessary for these operations; and

WHEREAS, this property will be sold at public auction; and

WHEREAS, the districts will receive the proceeds from these sales and deposit said funds in the fund accounts of each district in equal amounts; and

WHEREAS, this resolution was recommended for approval by the Public Works Committee on May 28, 2013; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors declares the below listed property as surplus to be sold at public auction with a reserve amount sufficient to ensure fair market value:

Department	Description	Quantity
SCWD #1/SCSD #2	2007 Linkbelt 160 x 2, 850 hours, 3 buckets (1 ditching/2 digging) Excavator	1

BOARD OF SUPERVISORS SUPPORTS ESTABLISHMENT OF SAMPSON VETERANS MEMORIAL CEMETERY AS A DESIGNATED NEW YORK STATE VETERANS CEMETERY
RESOLUTION NO. 100-13 moved by Mr. Kaiser, second by Mr. Shipley and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, Seneca County is the owner of the Sampson Veterans Memorial Cemetery in the Town of Romulus; and

WHEREAS, the Sampson Veterans Memorial Cemetery was officially dedicated on July 30, 2011; and

WHEREAS, the Sampson Veterans Memorial Cemetery has been designed and constructed in accordance with the United States Secretary of Veterans Affairs Standards; and

WHEREAS, New York State has recently established a State Veterans Cemetery Program; and

WHEREAS, the Sampson Veterans Memorial Cemetery is a worthy and appropriate candidate for inclusion in the new state program; and

WHEREAS, this resolution was recommended for approval by the Public Works Committee on May 28, 2013; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors supports the establishment of the Sampson Veterans Memorial Cemetery as a designated New York State Veterans Cemetery.

BOARD OF SUPERVISORS AMENDS RESOLUTION 256-09
RESOLUTION NO. 101-13 moved by Mr. Kaiser, second by Mr. Kubasik and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, the Board of Supervisors established the Seneca County Water and Sewer Department by resolution No. 256-09 in 2009; and

WHEREAS, said resolution designated the County Engineer as the Administrative Head of such Department and of the County Water and Sewer Districts pursuant to §261 of the County Law; and

WHEREAS, the County having abolished the position of County Engineer, must appoint an Administrative head of such Districts and of the said Department; and

WHEREAS, it is the desire of the Board to establish the County Manager as said Administrative Head; and

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

RESOLVED, that the Board of Supervisors hereby amends the text of its Resolution no. 256-09 by replacing the words "County Engineer" wherever they may appear in that resolution with the words "County Manager"; and it is further

RESOLVED, that the Board pursuant to §261 County Law, hereby appoints the County Manager, Administrative Head of the County Water and Sewer Districts and Head of the County Water and Sewer Department.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED TO SIGN
TWO CONTRACTS WITH ONTARIO COUNTY PUBLIC HEALTH
FOR THE CANCER SERVICES PARTNERSHIP**

RESOLUTION NO. 102-13 moved by Mrs. Garlick Lorenzetti, second by Mr. Shipley and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, Ontario County Public Health currently holds the contract with the New York State Department of Health for the Cancer Services Partnership of Ontario, Seneca and Yates County; and

WHEREAS, Ontario County Public Health contracts with Seneca County Health Department for services performed under this grant; and

WHEREAS, the New York State Department of Health has issued two separate contract extensions; and

WHEREAS, the grant period is April 1, 2013 through June 30, 2013 in the amount of \$7,815; and the grant period is July 1, 2013 through October 31, 2013 in the amount of \$5,506; and

WHEREAS, it is necessary for the Chairman of the Board to sign these contracts to receive these funds; and

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

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign two contract extensions with Ontario County Public Health for the Cancer Services Partnership of Ontario, Seneca and Yates County.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
A CONTRACT FOR THE IMMUNIZATION ACTION PLAN GRANT**

RESOLUTION NO. 103-13 moved by Mrs. Garlick Lorenzetti, second by Mr. McGreevy and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, the Health Department has been awarded a grant from the New York State Department of Health for the Immunization program; and

WHEREAS, the grant period is October 1, 2012 through September 30, 2013 in the amount of \$22,104; and

WHEREAS, the money is in the Public Health budget; and

WHEREAS, it is necessary for the Chairman to sign the contract with the New York State Department of Health Immunization Program in order to receive the funds; 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 Immunization Program Grant.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED TO
SIGN A CONTRACT FOR THE RABIES GRANT**

RESOLUTION NO. 104-13 moved by Mrs. Garlick Lorenzetti, second by Mr. McGreevy and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, Seneca County has been awarded a grant from the New York State Department of Health for the Rabies control program; and

WHEREAS, the award is \$10,000 for each year of the grant period from April 1, 2012 through March 31, 2017; and

WHEREAS, the money is in the Public Health budget; and

WHEREAS, it is necessary for the Chairman to sign the contract to receive these funds; and

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

RESOLVED, that the Chairman of the Board is hereby authorized and directed to sign a contract with the New York State Department of Health for the Rabies Grant.

**CLERK AUTHORIZED TO PUBLISH NOTICE OF PUBLIC HEARING FOR
AGRICULTURAL DISTRICT #12**

RESOLUTION NO. 105-13 moved by Mr. Churchill, second by Mr. Davidson and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, Seneca County Agricultural District #12 is due for its Periodic Review and Recertification; and

WHEREAS, the Seneca County Agriculture Enhancement Board and the Seneca County Planning Board have recommended recertification of Agricultural District #12 without modifications; and

WHEREAS, before the request for recertification of Agricultural District #12 is sent to the New York State Commissioner of Agriculture and Markets, the Seneca County Board of Supervisors must hold a Public Hearing; now, therefore be it

RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized and directed to advertise for a public hearing to provide an opportunity for citizens to offer comments on the recertification of Agricultural District # 12. Said Public Hearing to be held on Tuesday, July 9, 2013 at or about 6:00 P.M. in the Board of Supervisors' Chambers of the Seneca County Office Building.

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

RESOLUTION NO. 106-13 moved by Mr. Churchill, second by Mr. Shipley and adopted by 682 ayes and 68 absent (Earle).

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

WHEREAS, Linda Ochs of Homestead Drive, Waterloo, New York, has expressed an interest in serving as an alternate on the Seneca County Planning Board; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on May 28, 2013; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Linda Ochs of the Town of Waterloo as a member of the Seneca County Planning Board for a term effective immediately and which shall extend until June 30, 2014.

**BOARD OF SUPERVISORS AUTHORIZES EXPENDITURE FOR HISTORIC
PRESERVATION**

RESOLUTION NO. 107-13 moved by Mr. Churchill, second by Mr. Lafler and adopted by 535 ayes (Churchill, Garlick Lorenzetti, Reynolds, Davidson, Prouty, Kaiser, McGreevy, Hayssen, Westfall), 147 nays (Serven, Shipley, Kubasik), and 68 absent (Earle).

WHEREAS, the Board of Supervisors is aware of the many, important historic structures located in Seneca County; and

WHEREAS, the Board's attention has been particularly drawn to Trinity Episcopal Church of Seneca Falls and its importance both as an historic landmark and as an attractive tourism site within the County; and

WHEREAS, the Board has also become aware of the current campaign by the church membership to restore the roof of the structure and the critical nature of this project to maintaining this historic building; and

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

RESOLVED, that the Board of Supervisors recognizes Trinity Episcopal Church of Seneca Falls as an historic landmark; and be it further

RESOLVED, that the Board, pursuant to its authority under §119-dd of the General Municipal Law, authorizes and directs the Treasurer to expend from County's contingency fund, the sum of Ten Thousand Dollars (\$10,000.00) to Trinity Episcopal Church of Seneca Falls, New York for the purpose of restoration of the building through the conduct of roof repair.

Under discussion of Resolution No. 107-13, Mr. Shipley said he was not able to support the resolution because he takes issue using taxpayers' money to fund a private entity. He hoped the fundraising efforts are successful and he would be glad to make a personal donation for the Trinity Church renovations.

Mr. Serven said he struggled on this issue. He understood that payment could be made under the law cited by the county attorney, but if we do it for one historic building, a precedent would be set, and we would need to fund all requests that may be made in the future. He decided he was voting against the funding.

Mr. Churchill said the Trinity Church in Seneca Falls was designated a historical building by New York State. It is a tourist attraction. Voting in favor of the resolution is a good thing. Assisting in the funding of the renovations is an opportunity to make a difference.

Mrs. Garlick Lorenzetti said she would vote in favor of the donation because New York State is matching the funds. The building itself is a historical landmark and not exclusively a church.

Mr. Lafler and Mr. Westfall recognized the Trinity Church as a historical building. Mr. Lafler stated that New York State supported the renovations through a grant, which is money from the constituency. The town of Seneca Falls donated \$10,000. The County should also donate funding.

Mr. Kaiser said it is a difficult decision. He understands both sides of the argument. On one side it is a church and there is separation of church and state. On the other side it is a historic structure; as well as a popular tourist attraction. He agrees that the passage of this resolution would set a precedent for other landmark structures to request funding from the county in the future.

**BOARD OF SUPERVISORS ACCEPT AID TO PROSECUTION GRANT FROM
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES**

RESOLUTION NO. 108-13 moved by Mr. Churchill, second by Mr. Shipley and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, the New York State Division of Criminal Justice Services has awarded a \$29,200 grant through the 2013-2014 Aid to Prosecution Program for the purpose of enhancing the prosecution of repeat violent and serious felony offenders by maintaining experienced prosecution personnel to prosecute said offenders; and

WHEREAS, the total cost of the grant provides one hundred percent of the cost of these services with no County match required; and

WHEREAS, the District Attorney's request was reviewed and approved by the Public Safety Committee of the Board of Supervisors on May 28, 2013; now, therefore be it

RESOLVED, that the County Manager is hereby authorized and directed to sign all necessary paperwork to accept the Aid to Prosecution Grant.

**INTERMUNICIPAL AGREEMENT FOR FORENSIC SERVICES BETWEEN
THE COUNTY OF MONROE AND THE COUNTY OF SENECA FOR
THE PERIOD OF JANUARY 1, 2013 - DECEMBER 31, 2013**

RESOLUTION NO. 109-13 moved by Mr. Reynolds, second by Mr. Lafler and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, the County of Monroe Public Safety Laboratory operates a regional laboratory that provides forensic services to counties within the Genesee/Finger Lakes Region; and

WHEREAS, the County of Seneca is desirous of receiving continued services from said laboratory; and

WHEREAS, the County of Monroe has notified the Sheriff of Seneca County that the contract fee for 2013 will be \$14,561.00; and

WHEREAS, the Seneca County Sheriff's Office 2013 Budget reflects this amount on line 10-110-5-3114-4390; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to execute the contract documents consistent with the terms hereof.

**INTERMUNICIPAL AGREEMENT BETWEEN
SENECA AND SCHUYLER COUNTY SHERIFF'S OFFICES**

RESOLUTION NO. 110-13 moved by Mr. Reynolds, second by Mr. McGreevy and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, the Schuyler County Sheriff has requested assistance through an Inter-municipality Agreement with other Sheriff's offices to assist with the security at such large gatherings such as concerts and race weekends; and

WHEREAS, the Seneca County Sheriff's Office co-operates with our neighbor Schuyler County by providing law enforcement and correctional personnel to assist with security during race weekends or large concerts at the Watkins Glen International Race Course; and

WHEREAS, the Schuyler County Legislature has required that each assisting agency sign a Law Enforcement Inter-Municipal Agreement for Special Detail Deputies Performing Mutual Aid Police Duties in Schuyler County; and

WHEREAS, the Agreement provides that Schuyler County provides liability coverage for personnel and vehicles; provides wages for personnel and pays a set amount to Seneca County for each vehicle that is used on the detail; and

WHEREAS, this resolution was approved by the Public Safety Committee at its meeting on May 28, 2013; now, therefore be it

RESOLVED, that the Board of Supervisors approve this Agreement and directs the Chairman to sign said Agreement to be returned to Schuyler County Sheriff and the Schuyler County Legislature.

**A RESOLUTION TO INTRODUCE LOCAL LAW "A" OF 2013 ENTITLED
"SOCIAL HOST LAW TO PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES
AND/OR ILLEGAL DRUGS BY MINORS ON PRIVATE PREMISES IN SENECA COUNTY"
(amended)**

RESOLUTION NO. 111-13 moved by Mr. Reynolds, second by Mr. Shipley and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, The Board has determined that it would be advisable to consider a local law to combat the effects of under-age drinking in Seneca County; and

WHEREAS, The Board wishes to provide a strong disincentive to those who knowingly permit under-age drinking on their premises in Seneca County; and

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

RESOLVED, that Local Law A of 2013 entitled "Social Host Law to Prohibit the Consumption of Alcoholic Beverages and/or illegal Drugs by Minors on Private Premises in Seneca County" 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: Title

This law shall be known at the “Social Host Law to Prohibit the Consumption of Alcoholic Beverages and/or illegal Drugs by Minors on Private Premises in Seneca County”.

Section 2: Declaration of intent.

The New York State Legislature has acted to proscribe the unlawful giving, selling and possession of alcoholic beverages and/or illegal drugs in relation to minors. (Penal Law Sections 30.00(1)). However, the Legislature has not regulated the situation where a person age sixteen (16) or over knowingly permits the consumption of alcohol by a minor in his or her home, or on premises under his or her control. The purpose of the law is to protect the public interest, welfare, health and safety of our citizens by prohibiting the consumption of alcoholic beverages or illegal drugs by persons under the age of twenty-one (21) at or on private premises located in Seneca County, and to give law enforcement a viable recourse against anyone who permits such conduct. The underage consumption of alcoholic beverages often leads to behaviors requiring the intervention of local law enforcement, and threatening the well-being of the citizenry. This

Local Law will serve to limit the availability of alcoholic beverages to minors by holding those persons who permit underage drinking on their property responsible.

Section 3: Definitions

As used in this law, the following terms shall have the meanings indicated:

- A) “Minor” shall mean any person under the age of twenty-one (21)
- B) “Private premises” shall mean any home, apartment, condominium, cooperative unit or other dwelling unit of any kind, including yards, open areas adjacent thereto, vacant land or farmland, and accessory structures.
- C) “Knowingly” shall mean aware of, or having reason to be aware of.
- D) “Alcoholic beverage” shall mean liquor, wine, beer, sprits, cider or other liquid, or solid composed of, or containing alcohol or sprits, whether or not brewed, fermented or distilled, and capable of being consumed by a person, except that confectionary containing alcohol as provided by subdivision twelve of section two hundred (200) of the Agriculture and Markets Law shall not be regarded as an alcoholic beverage within the meaning of this section.
- E) “Illegal drugs” shall mean and includes any substance listed in section 3306 of the Public Health Law and not prescribed by a physician.
- F) “Social gathering” means a party or gathering at a residence or other private premises of two or more persons, at least one of whom is not related by blood to the others in attendance and is a minor.

G) "Control" means the actual or apparent authority and ability to regulate, direct or dominate private premises, including, but not limited to the control exercised by tenants, lessees, owners and/or landlords who have notice of underage drinking on the premises.

Section 4: Prohibition.

It shall be unlawful for any person age sixteen (16) or over who owns, rents, or otherwise controls private premises, to knowingly host, permit or allow a gathering at which he allows the consumption of alcoholic beverages or illegal drugs by any minor on such premises or fails to take reasonable corrective action upon learning of the possession or consumption of alcoholic beverages or illegal drugs by any minor on such premises. Reasonable corrective action shall include, but not be limited to:

- A) Verifying the age of the persons attending the social gathering by inspecting drivers licenses or other government-issued identification card;
- B) Making a prompt demand that such minor either forfeit the alcoholic beverages or illegal drugs and refrain from the consumption of such or depart from the premises;
- C) If such minor does not comply with such request, either promptly reporting such underage consumption of alcohol 1) to the local law enforcement agency or 2) to any other person having a greater degree of authority over the conduct of such minor.

Section 5: Exceptions:

The provisions of this section shall not apply to:

- A) The possession or consumption of an alcoholic beverage by persons lawfully permitted to do so pursuant to sections 65-c of the Alcohol Beverage Control Law, or any applicable law: or
- B) The possession or consumption of a drug for which the individual has a current, valid prescription or as otherwise permitted by any other applicable law, or
- C) The possession or consumption of alcohol or alcoholic beverage by a minor for legitimate religious purposes.

Section 6: Penalties

Each offense shall be punishable as follows:

- A) First Offense: Any person who violates Section 4 of this local law shall be punished by a fine of two hundred fifty dollars (\$250), or imprisonment for a period not exceeding fifteen (15) days or a combination of both, where such violation constitutes the person's first offense in violation of this provision. In addition, for each offense, successful completion of a court-approved alcohol and drug awareness program is required. A first offense shall constitute a Violation.

B) Second Offense: Any person who violates Section 4 of this local law shall be punished by a fine of five hundred dollars (\$500) or imprisonment of sixty (60) days minimum or a combination of such fine and imprisonment as shall be ordered by the court, where such violation constitutes the person's second offense in violation of the provision. In addition, for each offense, successful completion of a court- approved alcohol and drug awareness program is required. A second offense shall constitute and Unclassified Misdemeanor.

C) Third and Subsequent Offense: Any person who violated Section 4 of this local law shall be punished by either a fine of one thousand dollars (\$1,000), a term of imprisonment not to exceed one (1) year, or both a fine of one thousand dollars (\$1,000) and a term of imprisonment not to exceed one (1) year, where such violation constitutes the person's third offense in violation of this provision. In addition, for each offense, successful completion of a court approved alcohol and drug awareness program is required. A third or subsequent offense shall constitute and Unclassified Misdemeanor.

Section 7: Effect on Other Laws

The provisions of Section 4 of this local law shall not in any way affect the application of any other law, where appropriate, including, but not limited to, Penal Law Sections 260.10 (endangering the welfare of a minor), and Sections 260.20(2) (unlawfully dealing with a child).

Sections 8: Severability

If any section, subsection, sentence, clause, phrase or other portion of this local law is for any reason declared unconstitutional, or invalid or in whole or in party by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law which remaining portions shall remain in full force and effect.

Section 9: Effective date

This local law shall take effect immediately upon its filing in the Office of the Secretary of State pursuant to section 27 of 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 July 9, 2013; 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.

Mr. Reynolds introduced and made a motion to adopt Resolution No. 111-13. Mr. Shipley seconded the motion.

Following the main motion on the floor, Mr. Lafler made a motion, and Mr. Reynolds seconded the motion to amend the main motion by deleting the text "...thirty days after..." ...and inserting the text "immediately upon its..." in Section 9 of the local law. The motion to amend the main motion carried by 682 ayes and 68 absent (Earle).

**THE SENECA COUNTY BOARD OF SUPERVISORS APPROVES VIA CONTRACTS
WITH FINGER LAKES WORKFORCE INVESTMENT BOARD FOR THE
PERIOD JULY 1, 2013 TO JUNE 30, 2014**

RESOLUTION NO. 112-13 moved by Mr. Davidson, second by Mr. Churchill and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, the Seneca County Department of Workforce Development will provide a variety of services and programs utilizing funds available under the Workforce Investment Act; and

WHEREAS, it is necessary for the County to enter into a variety of financial contracts with the Finger Lakes Workforce Investment Board, acting as grant recipient for the Finger Lakes Workforce Investment Area; and

WHEREAS, the Seneca County Board of Supervisors does hereby approve the following contracts with the Finger Lakes Workforce Investment Board:

WIA Youth	July 1, 2013 – June 30, 2014	\$97,443.00
206011 44002		
WIA Adult & Dislocated Worker	July 1, 2013 – June 30, 2014	\$88,457.00
206011 44000		
206011 44001		
WIA Work Keys	July 1, 2013 – June 30, 2014	\$63,340.00
206011 4400; and		

WHEREAS, this plan has been reviewed and approved by the Human Services Committee; now, therefore be it

RESOLVED, the Chairman of the Board of Supervisors is authorized and directed to sign said contracts and Administrative Agreement on behalf of the County, and certified copies of this subsequent resolution to be sent to the Finger Lakes Workforce Investment Board.

**THE WORKFORCE INVESTMENT ACT (WIA) LOCAL PLAN FOR
THE PROGRAM YEAR (PY) 2013-2014**

RESOLUTION NO. 113-13 moved by Mr. Davidson, second by Mr. Churchill and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, in compliance with the provisions of the WIA of 1998, the final Rule and the Planning guidelines and instructions developed by the Governor requires each local Workforce Investment Board (WIB) to develop and submit a Local Plan for PY 2013-2014; and

WHEREAS, the Local Plan for PY 2013-2014 allows the local WIB and the One Stop Center to be in compliance with the Workforce Investment Act Local Plan for the Program Year 2013-2014, for Workforce Investment Act Title 1-B and Wagner Peyser Programs; and

WHEREAS, the Local Plan is being submitted jointly by the Local Board and the respected Chief Elected Official(s); and

WHEREAS, plans that are submitted and approved will be active July 1, 2013 to June 30, 2014; and

WHEREAS, this plan has been reviewed and approved by the Human Services Committee; now, therefore be it

RESOLVED, the Board of Supervisors authorizes the approval of the 2013-2014 WIA Local Plan and the Chairman of the Board of Supervisors is authorized and directed to sign the 2013-2014 WIA Local Plan.

**BOARD OF SUPERVISORS AUTHORIZES THE APPOINTMENT OF
FINGER LAKES WORKFORCE INVESTMENT BOARD MEMBERS**

RESOLUTION NO. 114-13 moved by Mr. Davidson, second by Mr. Reynolds and adopted by 682 ayes and 68 absent (Earle).

WHEREAS, the Seneca County Board of Supervisors authorized the creation of the Finger Lakes Workforce Investment Board for the counties of Ontario, Wayne, Seneca and Yates in compliance with the Workforce Investment Act (WIA) of 1998; and

WHEREAS, the appointment of the public sector Workforce Investment Board Members must be endorsed by the four counties of Ontario, Wayne, Seneca and Yates; and

WHEREAS, the Seneca County Board of Supervisors shall endorse the following public sector representatives to the Finger Lakes Workforce Investment Board effective July 1, 2013 to June 30, 2016:

Robert C. Trouskie, Sr., Director of Field Services	Charlene Harvey, Superintendent
Workforce Development Institute	Manchester-Shortsville Central School District
30 North Union Street, Suite 204	1506 Route 21
Rochester, New York 14607	Shortsville, New York 14548; and

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

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Robert C. Trouskie, Jr. and Charlene Harvey to the Finger Lakes Workforce Investment Board; and be it

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

Unfinished Business

Mrs. Garlick Lorenzetti moved the adoption of the following resolution:

SPEAR POINT ENERGY CONTRACT RATIFIED

RESOLUTION NO. 115-13 moved by Mrs. Garlick Lorenzetti, second by Mr. Davidson and adopted by 682 ayes and 68 absent (Earle).

RESOLVED, that the Board of Supervisors exercises its right under §10(b)(iii) of our contract with Spear Point energy and confirm and ratify that contract subject however to the Contractor consenting to changes in the contract consisting of a starting rate of \$0.0725 per kilowatt hour and an escalator of 1.75% per annum, that a new “Schedule 1” reflecting those changes be substituted for the current Schedule 1 of the contract and that in the event that the Contractor declines these changes, that the contract be deemed terminated pursuant to §10(b)(iii).

Under discussion prior to the adoption of Resolution No. 115-13 several supervisors expressed hesitation regarding the terms of the contract. The primary concerns are the length of the twenty-five year contract; whether the rate offered is based on the appropriate data provided; how long it will take before the county sees a savings, provided there will be a savings; and being locked into a fixed price regardless if the energy rate fluctuates. Mrs. Garlick Lorenzetti stated that Mike Johnson, President of Spear Point Energy is a native to the area. He isn't a “fly by night” vendor. The Johnson family is known for promoting a lot of business in the county. Mr. Kubasik moved the previous question which passed by two-thirds vote.

Special Order of the Day

The meeting adjourned at 7:55 p.m.