

Seneca County Board of Supervisors

Board Meeting

and

Public Hearing

Tuesday, April 12, 2016

6:00 p.m.

Call to Order

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

Roll Call of Members by the Clerk

All members of the Board of Supervisors answered roll call.

Pledge of Allegiance and Moment of Silence

Public Hearing:

To receive public comment on proposed Local Law 3 of 2016 entitled, "A Local Law to Amend Local Law 4 of 2005" to read in substantially the following form: The text of Section I, Statement of Purpose shall be amended and read as follows: "The Board of Supervisors of the County of Seneca hereby finds that, when unregulated by the State of New York or a political subdivision thereof, games of chance and gambling have been and are the subject of exploitation by professional gamblers, and promoters. It is hereby declared to be the policy of the County of Seneca that all phases of the supervision, licensing and regulation of games of chance and of the conduct of games of chance and/or gambling, should be closely controlled and that the laws and regulations pertaining thereto should be strictly construed and enforced and that the mandate of the state constitution as amended, should be carried out by strict regulations to prevent participation by criminal and other undesirable elements and prevent the diversion of funds from the purposes authorized. It is further declared the policy of this County that unregulated or unlawful gambling or gaming presents a threat to the protection, order, conduct, safety, health and well-being of persons or property within the County of Seneca." There shall be inserted before Paragraph A of Section III, Prohibited Conduct, the following text: "The following conduct, to the extent not authorized and/or licensed by the State of New York is prohibited"

Allison Stokes, resident of Seneca County stated that the description of the local law on the agenda, which was the title of the law only, was not transparent enough for the public. In addition, a copy of the local law that is being amended was not made available for the public. The county attorney addressed her comment by stating the local law on the agenda was the title only – the complete copy of the local law was published in the official newspapers, the Reville and the Ovid Gazette, as well as a copy of the local law was available at the meeting. The Department of State requires only the text of the new local law be published and only that text submitted for filing. The County Attorney and the Clerk of

the Board will review the process to make it transparent for the public and be within the NYS local law guidelines.

Petitioner:

Diane K. Potter, resident, Monroe County, NYS, pleased with the Board of Supervisors to take steps to guarantee the safety and preservation of the white deer herd located at the former Seneca Army Depot.

Presentation:

Progress on Route 318 Sewer Project: Peter Baker and John Condino, Barton & Loguidice Engineers. The cost of the project is estimated at \$10 million dollars - \$2 million would be funding by NYS grants; and the rest would be through bonding. The outlet mall will be the sole user initially, with additional users hooking into the line. The proposed district would encompass the right-of-ways along NYS Route 318. The new sewer district needs to be approved by both the NYS Comptroller and NYS DEC. October is the target month for work to begin once the district is established.

Submission of Claims for Audit

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

Supervisors vouchers	totaling	\$	1,350,926.68
Workforce Development vouchers	totaling	\$	28,014.35
Self-Insurance vouchers	totaling	\$	409,470.35
County Airport vouchers	totaling	\$	9,955.62
Highway Transportation vouchers			
Maintenance & State Snow	totaling	\$	112,690.07
Highway Machinery	totaling	\$	28,520.06
	Highway Total	\$	141,210.13
Water 1	totaling	\$	23,604.42
Sewer 1	totaling	\$	20,048.36
Sewer 2	totaling	\$	46,653.17
Capital Project – Airport	totaling	\$	17,537.07
Capital Project – Building Courthouse	totaling	\$	217,720.38
Capital Project - Radio Contract	totaling	\$	785,951.54
Capital Project – Water & Sewer Projects	Totaling	\$	25,734.97

Reports of Standing Committees

Reports for Standing Committee meetings of March 22, 2016:

Public Health Services Committee – Sprvr. McGreevy, Chairman. The Health Department will hold one Household Hazardous Waste Collection event in the fall. For this event, the Health Department will be applying for grant funding from the DEC, which if accepted, will reimburse the county for 50% of the cost of this event. No E-waste or tires will be accepted at the Household Hazardous Waste Collection event.

Public Safety Committee – Sprvr. Davidson, Chairman. The committee approved and recommended a board resolution authorizing the purchase three 2016 Ford Interceptor SUV Patrol Vehicles for a total cost of \$121,722.09. This is in line with the replacement vehicle policy for the Sheriff's Office to be able to maintain a reliable, low maintenance and safe fleet. The committee also approved a request from the Sheriff's Office to create and fill a position for a Full-time Deputy to be assigned to the Romulus Central School District as a School Resource Officer. Romulus Central School District will provide funding of \$40,000.00 to offset salary and benefit costs of this position. The Committee also voted in favor of appointing Jeff Case as the Fire Coordinator for Seneca County.

Indian Affairs Committee – Sprvr. Shipley, Chairman. IAC Chairman Shipley said the 2016-17 NYS budget contains a \$340K payment in financial assistance to Seneca County to mitigate real property tax shortfalls resulting from non-payment by Cayuga Nation. Cayuga County also received \$92.5K payment. It is important to note that this does not release Cayuga Nation from their financial property tax obligations to the taxpayers of Seneca County. He said our legal malpractice against Harris Beach has been submitted to the Attorney Grievance Committee, 7th Judicial District.

Human Services Committee – Sprvr. Lazzaro, Chairman. The committee approved and recommended a board resolution to authorize the purchase of two 2016 Dodge Grand Caravans at a total cost of \$43,906. The committee voted in favor to refill the several positions as recommended by the Vacancy Committee: Caseworker position in Preventive /Foster Care; Employment & Training Counselor; and two Summer Youth Counselors – summer youth programs for over 50 kids.

Mental Health Services Committee – Sprvr. Hayssen, Chairman. The committee voted in favor of refilling the position of Typist in the Mental Health Department as recommended by the Vacancy Committee. Scott LaVigne, Director of Mental Health gave an update on the heroin crisis. Since the March 8 update, another death from overdose was reported. Mr. LaVigne talked about evidence based programs that are shown to be strongly effective and will be or have been initiated to serve the Seneca County population. MHC Chairman Hayssen said the abuse of heroin and opiates is at epidemic proportions. He encouraged the Board of Supervisors to assist legislatively in the efforts to combat this crisis.

Planning, Development, Agriculture & Tourism – Sprvr. Churchill, Chairman. The committee approved resolutions affecting the Finger Lakes Regional Airport. Authorizing the application and acceptance of the FAA grant in the amount of \$150,000 to continue with the apron expansion and repairs; and a resolution authorizing the application and acceptance of an FAA grant for repairs to the apron. The total cost for the repairs is \$2,000,000: FAA contributing \$1,800,000; Seneca County local share \$100,000 (currently \$50K is included in the 2016 county budget); and NYS DOT will contribute \$100,000. The committee discussed the condition and habitat of the white deer located at the former army depot. There is increased risk to the herd because of the coyote. Sprvr. Garlick Lorenzetti said, as a member of the IDA board, she will meet with the IDA regarding the issue of coyotes and trapping. The committee also recommended a board resolution appointing Greg Wadhams as the legislative representative on the Agriculture Enhancement Board for a term coterminous with his elected office which expires Dec 31, 2017.

Environmental Affairs Committee – Sprvr. Churchill, Chairman. The Environmental Committee discussed in executive session proposed / pending litigation. In open session the committee voted in favor of a resolution to hire Knauf Shaw LLP to represent the county in its opposition to the proposed NYCDOS/IEIS contract and FLR's rail siding enhancements for its transloading operation. The legal expenses will not exceed \$100K. The other resolution that came out of the Environmental Affairs committee meeting will authorize the Seneca County Manger to send out an RFP for a surface water, comparative analysis of up-flow and down-flow surface water in the proximity of the IESI Seneca Meadows Landfill.

Government Operations Committee – Spvr. Garlick Lorenzetti, Chairwoman. The committee is reviewing the proposal recommended by County Manager Sheppard that the county create a finance department, hire a finance director, and amend the current duties of the treasurer – possibly making the elected position part-time. Discussions began at the March committee meetings. The GOC met again on Saturday, April 9. The next workshop is scheduled for April 23 to hear feedback / concerns / comments from the department heads about the proposed finance department and restructuring.

The GOC approved amending the Rules of Order to clarify Rule 19: Withdrawal of Motions, as its intent was under scrutiny by some members of the board. Another action by the GOC was to have the county adopt an ADA grievance policy; and finally, the committee voted in favor of a proclamation resolution honoring the South Seneca Lady Falcons basketball team for winning the NYS Class C State Championship Title by defeating the Pine Plains Bombers High School Girls Basketball team by a score of 63 to 49. This will take place at the June board meeting.

Public Works Committee – Sprvr. Trout, Chairman. At its meeting in March the committee approved the purchase of the the Petrovend K800 Hybrid Fuel Management System, in the amount of

\$17,481.00 at the Highway Department. The committee also heard an update by B & L on the progress of the 318 sewer project. – del Lago Casino & Resort is progressing; the NYS Thruway overpass project projected for completion in Nov 2016. Barton & Loguidice is prepared to meet with the committee regarding installation, design, planning to date for the 318 sewer project; and a presentation by Enterprise Fleet Management – the county manager is recommending the county have a fleet management system to track and have control of our transportation vehicles. This will not include sheriff vehicles or vehicles with a maximum MVGW of 20,000.

Finance, Assessment & Insurance Committee – Spvr. Prouty, Chairman. The committee approved several items for the evening’s agenda. A resolution opposing Governor Cuomo’s minimum wage bill to increase the wage to \$15 per hour; a resolution adopting the 2017 and 2018 budgetary guidelines prepared by the county manager; a resolution to renew annual agreements with the school districts and towns and villages to extend the tax rolls and bill extract files for their use.

Report of Special Committees

Chairman Westfall said the Special Committee for the depot bid process will be meeting with the IDA the following evening. All the bids are still on the table. They expect to begin interviewing shortly.

Communications:

31. From Seneca County Industrial Development Agency (SCIDA), notice of a public hearing on Wednesday, April 20, 2016, at the Seneca Falls Town Hall regarding the Seneca Energy II, LLC-2016 Project application to the IDA requesting assistance with the project consisting of the acquisition and installation of certain equipment, machinery, and other items of tangible personal property at the renewable gas facility located on Route 414, all for the purpose of doubling the capacity of landfill gas that can be processed into renewable natural gas.

32. From the National Park Service, notice of a 60 day comment period ending May 10, 2016 regarding the nomination of the NYS Barge Canal in New York to be designated as a National Historic Landmark.

33. From NYS Assembly Minority Leader Brian Kolb, a letter dated March 15, 2016, acknowledging receipt of the Seneca County Board of Supervisors request to amend the tax law allowing a 1% increase on the occupancy tax in Seneca County.

34. A copy of a press release from Senator Tom O’Mara and Assemblyman Phil Palmesano, dated March 9, 2106, “State Legislators, Local Leaders Urge Stronger State Commitment to Local Roads and Bridges”, by increasing CHIPS aid and creating a new multi-year fund for local bridges and culverts.

35. A copy of a letter dated March 11, 2016 from the Seneca County Funding Corporation, notifying Michael Farrar, Acting Director, NYS Authorities Budget Office, of the names and titles of the

two representatives of the corporation who will serve as the designated contacts: Robert J. Aronson, Executive Director, SCIDA and Kelly Kline, Office Manager, SCIDA.

36. A copy of the minutes of the Seneca County IDA annual meeting held on February 4, 2016.

37. A copy of Resolution No. 140-16 adopted by the Sullivan County Legislature, calling for an increase in the share of revenue counties retain for providing state DMV services.

38. From the Delaware County adopted by the Delaware County Board of Supervisors, a copy of Resolution No. 48, urging Governor Cuomo to gradually restore the 50/50 State/County Cost Sharing for the Safety Net Program and to increase shelter grant reimbursements to counties department of social services; and a copy of Resolution No. 49, urging the State to provide technical and financial assistance to counties to hold localities harmless from new costs associated with federal child care law changes to ensure local child care slots are not lost due to increased costs of meeting the new federal mandates.

39. From the Tompkins County Legislature, a copy of Resolution No. 2016-43, urging New York State to provide technical and financial assistance to assist counties in complying with federal child care law changes, so that local child care slots are not lost due to increased costs of meeting new federal mandates.

40. From Ernie Brownell, Chairman of the Fire Advisory Board and John Morabito, President of the Fire Chief's Association, on behalf of their respective organization, a request that the new Seneca County Fire Coordinator work out of the Emergency Management Office and report to the County Manager, to optimize the effectiveness of communication during an emergency.

41. From Judy Mayne, Waterloo Coordinator for National Day of Prayer Task Force, notice of the 65th Annual National Day of Prayer observed on May 5, 2016 and a local celebration on that date in LaFayette Park, Waterloo, NY.

42. A copy of the March 2016 Monthly Snapshot and the February 2016 Monthly Snapshot from the Seneca County Sheriff's Office.

43. A copy of the Edith B. Ford Memorial Library Winter 2016 News Booklet.

44. A copy of properties available for sale at the Seneca County Tax Sale Auction held on March 2, 2016.

45. From John Eddy, resident, Seneca Falls, a letter dated March 3, 2016, to the Board of Supervisors, describing deteriorating conditions of Lower Lake Road, in the area of his property. The letter was copied to Supervisor Lazzaro, Town of Seneca Falls, Roy Gates, Highway Superintendent for Seneca County, and Senator Michael Nozzolio.

46. From Diane Potter, a communication dated March 21, 2016, requesting from the Seneca County Board of Supervisors, to begin the process of implementing a “Home Rule Ban on Killing Rare White Deer (and Albino Deer) of Seneca County NY”. Referred to the Environmental Affairs Committee.

47. A copy of the minutes of the Seneca County Planning Board meeting held on March 10, 2016.

48. From Craig Reynolds, an email to the Board of Supervisors dated April 11, 2016, asking the Board of Supervisors to consider appointing John Morabito to the position of Seneca County Fire Coordinator.

RESOLUTIONS & MOTIONS

OPPOSING AN INCREASE IN THE NEW YORK STATE

MINIMUM WAGE TO \$15 PER HOUR

RESOLUTION NO. 69-16, moved by Supervisor Prouty, second by Supervisor Shipley and adopted by 562 ayes (Prouty, Shipley, Reynolds, Garlick Lorenzetti, Wadhams, Davidson, Kronenwetter, McGreevy, Hayssen, Westfall, Trout) and 188 nays (Kaiser, Lazzaro, Churchill).

WHEREAS, New York State's minimum wage reached \$9 per hour on December 31, 2015, and the State Labor Commissioner issued an order raising the minimum wage to \$15 per hour for employees of fast-food chain restaurants in all of New York State by 2021; and

WHEREAS, Governor Cuomo has announced a similar plan to raise New York's statewide minimum wage to \$15 an hour for all workers in New York City by 2018, and for the rest of the State by 2021; and

WHEREAS, it is the Governor's view that a minimum wage increase is needed to "lift workers out of poverty, improve the standard of living for workers, encourage fair and more efficient business practices, and ensure that the most vulnerable members of the workforce can contribute to the economy"; and

WHEREAS, a statewide increase in the minimum wage as proposed by the Governor fails to consider the economic disparities between wages and the cost of living in the New York Metropolitan/Long Island region versus upstate counties such as Seneca; and

WHEREAS, the majority of the people making the minimum wage on farms and other small businesses are youth and part-time employees and increasing the minimum wage to such a high level disincentives employers from hiring inexperienced and younger employees, preventing them from getting their foot in the door and receiving training and experience; and

WHEREAS, New York Farm Bureau has continually supported keeping our state minimum wage linked with that of the Federal minimum wage, as we are competing in a global marketplace and raising

the wage separate from the federal level has led to a competitive disadvantage with other agricultural states when selling products throughout the country; and

WHEREAS, in their November 2015 paper entitled "Higher Pay, Fewer Jobs", Douglas Holtz-Eakin and Ben Gitis of the Empire Center and the American Action Forum predict that while a \$15 minimum wage would increase net earnings for low-wage workers, the Labor Market in New York would decrease by an estimated 200,000 to 432,000 jobs, with proportionately larger employment decreases in the upstate regions; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors be and hereby voice its opposition to any increases in the minimum wage to \$15 as proposed, and directs that the Clerk of the Seneca County Board of Supervisors shall forward copies of this resolution to Governor Andrew M. Cuomo, State Senator Michael F. Nozzolio, Assembly Minority Leader Brian M. Kolb, and Assemblyman Philip A. Palmesano other New York counties, and the New York State Association of Counties (NYSAC).

Under discussion of Resolution No. 69-16, Supervisor Kaiser said he was going to vote in favor of this resolution when it was introduced in Committee, however, the final bill that was signed by the Governor on April 4 was amended and the bill would be evaluated later on down the road by the executive office. Supervisor Kaiser said he will now be voting against the resolution.

SUPERVISORS ESTABLISH 2017 & 2018 COUNTY BUDGET GUIDELINES

RESOLUTION NO. 70-16, moved by Supervisor Prouty, second by Supervisor Shipley and adopted.

WHEREAS, Seneca County continues to experience precarious sales tax growth, persistently high retirement contributions, premiums for healthcare far exceeding the growth factor use to determine 'tax cap' compliance and unfunded New York State mandates consuming nearly 90% of the levy; and

WHEREAS, Seneca County desires that the County Departments prepare their annual budgets within those constraints; now, therefore, be it

RESOLVED, that the Finance, Assessment and Insurance Committee recommends the following guidelines for use in the preparation of the 2017 and 2018 County Department budgets:

1. It is the intent of the Board of Supervisors, 2017 and 2018 budgets will not exceed the mandated NYS Tax Cap. It is the intent of the Board of Supervisors, 2017 and 2018 budgets will maintain a flat 2016 tax rate on taxable assessed property.
2. Departments will make every effort to contain costs for 2017 and 2018, including overtime and compensation time. Requested appropriations will support the existing level of services or be justifiably leveraged to enhance efficiencies or cost savings. Departments are expected to provide written justification for each line item and, from that, determine their budget requirements. The written justification will identify the reasoning behind the budgeted amount. Departments will make every effort

to reduce or maintain net county cost at 2016 levels or, if necessary, defend an increase within tax cap compliance.

3. Changes in the number of full time equivalent positions due to program changes will be considered only if the County Manager has approved the request to move forward. Net increases in full time equivalent positions to support existing operations will not be considered.

4. Continue to critically analyze vacancies for both function and efficiencies with the intent of overall FTE reduction.

5. Total funding for County affiliated agencies will remain at 2016 levels or be reduced based on prior agreement.

6. Departments which pass State and Federal aid through to contract agencies will continue to maintain a net zero County cost by passing along any reductions in aid to those contract agencies.

7. Capital Improvement Project expenses for Departments are excluded from these budget guidelines and will be considered through a separate process.

8. Acceptance of grant money will only be approved for existing projects, programs or equipment, or for new programs with zero (0) county match.

9. The General Fund, contingency budget will be held to .5% of total budgeted appropriations. The use of undesignated fund balance is not available for unanticipated expenses.

And, be it further

RESOLVED, that a certified copy of the resolution be sent by the Clerk of this Board to each member of the Board of Supervisors and each Department Head.

**EXTEND TAX ROLLS AND BILL EXTRACT FILES TO SCHOOL DISTRICTS FOR
PHELPS/CLIFTON, ROMULUS, SENECA FALLS, SOUTH SENECA,
TRUMANSBURG AND WATERLOO**

RESOLUTION NO. 71-16, moved by Supervisor Prouty, second by Supervisor Kaiser and adopted.

WHEREAS, Seneca County has for the past several years extended tax extract files to the school districts of Phelps/Clifton, Romulus, Seneca Falls, South Seneca, Trumansburg and Waterloo; to enable them to extend their own school tax bills for the past; and

WHEREAS, the school districts are desirous of continuing this service for 2016; and

WHEREAS, it would be in the best interest of the County and School Districts to continue the service; now, therefore, be it

RESOLVED, that the Seneca County Manager, after review and approval by the County Attorney, be and hereby is authorized to sign the annual agreements with the Phelps/Clifton, Romulus, Seneca Falls, South Seneca, Trumansburg and Waterloo School Districts to provide extract files to enable the schools to extend tax bills for 2016.

EXTEND TAX ROLLS AND BILLS FOR VILLAGES

RESOLUTION NO. 72-16, moved by Supervisor Prouty, second by Supervisor Reynolds and adopted.

WHEREAS, Seneca County has for the past several years extended rolls and tax bills for the villages within the County; and

WHEREAS, the villages are desirous of continuing this service for 2016; and

WHEREAS, it would be in the best interest of the County and Villages to continue the service; now, therefore be it

RESOLVED, that the Seneca County Manager, after review and approval by the County Attorney, be and hereby is authorized to sign the 2016 annual agreements pertaining to the extension of tax rolls and bills for villages located in towns that utilize the County’s computer system in the following villages: Interlaken, Lodi, Ovid, and Waterloo.

Referred Back to Committee

Supervisor Prouty offered a motion to accept the bids (below) received from the 2016 tax auction of twenty-three properties. A second was made by Supervisor Davidson.

SALE OF REAL PROPERTY ACQUIRED THROUGH ENFORCEMENT OF DELINQUENT TAXES

TOWN	TAX MAP #	AMOUNT BID	NEW OWNER
Covert	02-1-71	\$1,900.00	William Bailey
Covert	11-2-61.11	\$41,000.00	Joseph Seamon
Ovid	02-1-44	\$1,400.00	Enos Swarey
Ovid	11-1-19.1	\$11,000.00	Enos Swarey
Seneca Falls	13-3-46	\$700.00	Robert E. Apgar
Seneca Falls	14-2-68	\$7,500.00	Otis Montgomery
Seneca Falls	14-3-14	\$22,000.00	Thomas Laurenza
Seneca Falls	14-3-15	\$30,000.00	Thomas Laurenza
Seneca Falls	16-1-35.1	\$1,200.00	Lawrence Skinner
Seneca Falls	19-2-48	\$22,000.00	Wanda John
Seneca Falls	32-2-23.2	\$100.00	Ernie Pischel
Seneca Falls	38-1-49.111	\$ 60,000.00	Montezuma Properties
Waterloo	21-2-71	\$ 55,500.00	Donald F. & Gene M. Cathy Trust

Under discussion, Supervisor Reynolds said that the sale to Joseph Seamon was reversed due to the discovery that liens were on the property when it was sold at auction. Mr. Seamon understood that the property was clear of liens. Mr. Seamon was refunded his purchase price, but he incurred legal fees, for which the County is not responsible. Supervisor Davidson offered a motion to amend the main motion by

removing the information associated with Joseph Seamon; Supervisor Reynolds offered a second to amend the motion.

Supervisor Garlick Lorenzetti asked why the Board of Supervisors was considering the resolution, given that authorization from the county board is not required and the county treasurer is within the scope of his duties to accept the bids.

Supervisor Davidson requested permission to withdraw his motion. As there was no objection, permission was granted by Chairman Westfall.

Supervisor Davidson offered a motion to refer the resolution back to committee. Supervisor Reynolds offered a second. The motion to refer the resolution back to committee carried without objection.

**SUPERVISORS APPROVE PURCHASE OF PETROVEND K800 HYBRID FUEL
MANAGEMENT SYSTEM FOR THE HIGHWAY DEPARTMENT**

RESOLUTION NO. 73-16, moved by Supervisor Trout, second by Supervisor Davidson and adopted.

WHEREAS, the Seneca County Highway Department is requesting to purchase Petrovend K800 Hybrid Fuel Management System to replace the existing AFC Fuel Management System; and

WHEREAS, the AFC Fuel Management System was installed in Spring of 2005; and

WHEREAS, funds for the purchase of Petrovend K800 Hybrid Fuel Management System in the amount of \$17,481.00 have been appropriated from the 2016 Seneca County Highway Road Machinery Gas/Diesel Account 505130.54420; and

WHEREAS, the purchase was approved by the Public Works Committee of the Seneca County Board of Supervisors on March 22, 2016; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Highway Superintendent to purchase Petrovend K800 Hybrid Fuel Management System in the amount of \$17,481.00 with funds appropriated from the 2016 Highway Road Machinery Gas/Diesel Account 505130.54420.

**BOARD OF SUPERVISORS AUTHORIZES ENGINEERING SERVICES FOR
CARBON MONOXIDE DETECTION SYSTEM**

RESOLUTION NO. 74-16, moved by Supervisor Trout, second by Supervisor Shipley and adopted.

WHEREAS, New York State Building Standards and Codes, Article 1228.4, requires all commercial buildings to install Carbon Monoxide Detection Systems in all buildings no later than June 27, 2016; and

WHEREAS, the Seneca County Board of Supervisors authorized the Superintendent of Facilities to send out RFP's with the intent to secure engineering services to design and provide a cost assessment

for the purchase and installation of Carbon Monoxide Systems required in all County owned buildings;
and

WHEREAS, Hunt Architectural & Engineering responded with the lowest and most responsible bid totaling \$6,150.00. Sufficient funds exist to cover the design and provide a cost assessment of the project from Buildings and Grounds account 101620-54220, Repairs & Maintenance; and

WHEREAS, a subsequent selection of a vender for installation and an appropriation for equipment and material will be required; and

WHEREAS, the Public Works Committee approved this resolution on April 6, 2016; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the Superintendent of Facilities to secure the services of Hunt Architectural & Engineering to design, implement and provide a cost analysis for the installation of Carbon Monoxide Detection Systems in all required County buildings.

BOARD AUTHORIZES FURNITURE, FIXTURES AND EQUIPMENT (FF&E)

PAID OUT OF CAPITAL PROJECT CONTINGENCY FUND

RESOLUTION NO. 75-16, moved by Supervisor Trout, second by Supervisor Shipley and adopted.

WHEREAS, the Seneca County Courthouse-Renovation/Addition Project located at 44 W. Williams St., Waterloo, NY, to include construction of new offices for the District Attorney, is in need of FF&E which were not calculated into the final cost of the Capital Project; and

WHEREAS, John Snyder Architects has provided the County with state bid pricing for the FF&E; and

WHEREAS, the Capital Project has a contingency fund allowing funding for the FF&E at a cost of \$22,873.34; and

WHEREAS, the Public Works Committee approved the state bid pricing of \$22,873.34 on April, 6, 2016; and be it further

RESOLVED, that the Seneca County Board of Supervisors authorizes the cost of the FF&E to be paid for out of the Capital Project Contingency Fund 801620-52000.

SENECA COUNTY BOARD OF SUPERVISORS INTENT TO BE LEAD AGENCY

ROUTE 318 SENECA COUNTY SANITARY SEWER SYSTEM EXPANSION PROJECT

RESOLUTION NO. 76-16, moved by Supervisor Trout, second by Supervisor Lazzaro and adopted.

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

WHEREAS, the Project is a "Type I action" as defined by the State Environmental Quality Review Act (SEQRA); and

WHEREAS, Part I of the Full Environmental Assessment Form (FEAF) and project map must be completed and circulated to all Involved Agencies for establishing the County Board as "Lead Agency" in accordance with 6NYCRR Part 617.6 for the purpose of conducting a SEQRA/SERP review of the Project; and

WHEREAS, it is the intent of the Seneca County Board of Supervisors to assume the role of "Lead Agency" for purposes of Project environmental review; and

WHEREAS, at the direction of the Seneca County Board of Supervisors, Barton & Loguidice, D.P.C. (B&L) has been authorized to proceed with engineering services including assistance in compliance with the State Environmental Quality Review Act (SEQRA); and

WHEREAS, B&L has completed Part I of the Full Environmental Assessment Form; and

WHEREAS, this resolution was approved by the Public Works Committee on April 6, 2016; now, therefore be it

RESOLVED, that the Chairman of the Seneca County Board of Supervisors be and hereby is authorized to sign Part I of the Full Environmental Assessment Form; and be it further

RESOLVED, that the Chairman of the Seneca County Board of Supervisors and County Board will circulate said Part 1 of the FEAF form to the attached list of "Interested and Involved Agencies" under cover of the attached "Notice of Intent to Establish Lead Agency" letter for purposes of establishing Lead Agency status under SEQRA/SERP; and be it further

RESOLVED, that the Chairman of the Seneca County Board of Supervisors and County Board, together with the Seneca County Attorney and B&L, are hereby authorized to take all actions, serve all notices, and complete all documents in order to give full force and effect to this determination.

Laid on the Table

Supervisor Garlick Lorenzetti moved the following drafted resolution to the floor. Supervisor Kaiser offered a motion to lay the drafted resolution on the table, second by Supervisors Trout. Discussion ensued whether to lay it on the table, refer it back to committee, or defeat it on the floor. Chairman Westfall called for a vote on the motion to lay the drafted resolution on the table, the motion carried with Supervisors Reynolds and Hayssen voting nay.

**SUPERVISORS SUPPORT CREATION OF DEPUTY COUNTY MANAGER POSITION IN
PURSUIT OF ORIGINATING A SENECA COUNTY DEPARTMENT OF FINANCE**

WHEREAS, the Seneca County Board of Supervisors (BOS) acknowledges a likely County Treasurer vacancy in the Fall of 2016; and

WHEREAS, 3 of 4 employees of the Treasurer's office are retirement eligible and 2 have identified 2016 retirement dates; and

WHEREAS, the County Manager recommends originating a Seneca County Department of Finance led by a BOS appointed Department Head in pursuit of enhanced continuity, efficiencies, internal auditing and cost savings; now, therefore be it

RESOLVED, that the BOS directs the creation of the position of Deputy County Manager whose function and job duties will be at the discretion of the County Manager but with the expectation of becoming the Department Head of the Seneca County Finance Department once organized; and be it further

RESOLVED, that the County Manager will seek and obtain a Deputy County Manager appointment from the BOS inclusive of term and compensation; and be it further

RESOLVED, that the position of Deputy County Manager be abolished once the Department of Finance is organized per the intent above.

AMEND RULE 19 OF THE BOARD OF SUPERVISORS' RULES OF ORDER

RESOLUTION NO. 77-16, moved by Supervisor Garlick Lorenzetti, second by Supervisor Shipley and adopted by 504 ayes (Garlick Lorenzetti, Shipley, Reynolds, Wadhams, Davidson, Prouty, Kaiser, McGreevy, Westfall, Trout) and 246 nays (Lazzaro, Churchill, Kronenwetter, Hayssen).

WHEREAS, concerns have arisen over the perception that there are ambiguities in the Board of Supervisors' Rules of Order; and

WHEREAS, Rule 19 of the Rules of Order appears to suggest that a proposed resolution may be returned to a Committee at any time before the Board of Supervisors meeting agenda is physically prepared or printed by the Clerk of the Board; and

WHEREAS, it is the intent of the Board of Supervisors that once a resolution has been passed by the appropriate Committee, the resolution must appear as so passed on the Board agenda for action by the Board; and

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

RESOLVED, that Rule 19 of the Board of Supervisors' Rules of Order is amended to read as follows:

RULE 19. WITHDRAWAL OF MOTIONS

Upon proper passage and reference from the proper committee, all motions shall be deemed to be in the possession of the Board and shall not be withdrawn, returned to committee or tabled, except by formal motion or resolution of the Board, in accordance with the Rules of the Board then existing.

Under discussion for Resolution No. 77-16, Supervisor Churchill objected to the amendment because it prevents the standing committee to re-address the issue because once it is voted on, then the resolution belongs to the Board of Supervisors. This blocks the standing committees to carry out its responsibilities.

Supervisor Kaiser said that it doesn't take away responsibility from the standing committees. If clarification is needed or further discussion, it can be done at the board meeting with all members of the Board.

Supervisors Lazzaro stated that the amendment to Rule 19 would contradict Robert's Rules.

SUPERVISOR ADOPTION OF

AMERICANS WITH DISABILITIES ACT (ADA) GRIEVANCE POLICY

RESOLUTION NO. 78-16, moved by Supervisor Garlick Lorenzetti, second by Supervisor Davidson and adopted

WHEREAS, Seneca County does not currently have an Americans with Disabilities Act (ADA) policy; and

WHEREAS, the Government Operations Standing Committee approved this resolution at its meeting on March 22, 2016; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors adopts the accompanying ADA Grievance Policy and it is in force immediately.

(Attachment)

GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by Seneca County.

Employment related complaints of disability discrimination are covered elsewhere, in policies available from the human resources office of Seneca County.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. No particular format of the complaint is required. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted in writing by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Deputy Commissioner of Human Services

1 DiPronio Drive
Waterloo, NY 13165
(315) 539-1727

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of Seneca County and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Seneca County Manager.

Within 15 calendar days after receipt of the appeal, the Seneca County Manager or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the County's final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further response is indicated, the complainant will be contacted within 15 calendar days.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the Seneca County Manager or his/her designee, and responses from these two offices will be retained by Seneca County for at least three (3) years.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), Seneca County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, program, or activities.

Employment: Seneca County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: Seneca County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Seneca County programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: Seneca County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of

its programs, services, and activities. For example, individuals with service animals are welcomed in Seneca County offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Seneca County, should contact the office of Deputy Commissioner of Human Services, 1 DiPronio Drive, Waterloo, NY 13165, (315) 539-1727 as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require Seneca County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of Seneca County is not accessible to persons with disabilities should be directed to the office of Deputy Commissioner of Human Services, 1 DiPronio Drive, Waterloo, NY 13165, (315) 539-1727.

Seneca County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

A RESOLUTION TO ADOPT LOCAL LAW 3 OF 2016

“A LOCAL LAW TO AMEND LOCAL LAW 4 OF 2005

RESOLUTION NO. 79-16, moved by Supervisor Garlick Lorenzetti, second by Supervisor Hayssen and adopted.

WHEREAS, a resolution was duly adopted by the Board of Supervisors of the County of Seneca directing a Public Hearing to be held by said County on April 12, 2016 at 6:00 p.m. at the Seneca County Office Building, Waterloo, New York, to hear all interested parties on a proposed Local Law entitled “A Local Law to Amend Local Law 4 of 2005”; and

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

WHEREAS, said public hearing has been duly held on April 12, 2016 at 6:00 p.m. at the Seneca County Office Building, Waterloo, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

RESOLVED, that Local Law 3 of 2016 titled "A Local Law to Amend Local Law 4 of 2005" be and the same is hereby enacted by the Board of Supervisors of Seneca County, New York to read as follows:

Local Law 4 of 2005 is amended as follows:

The text of Section I, Statement of Purpose shall be amended and read as follows:

“The Board of Supervisors of the County of Seneca hereby finds that, when unregulated by the State of New York or a political subdivision thereof, games of chance and gambling have been and are the subject of exploitation by professional gamblers, and promoters. It is hereby declared to be the policy of the County of Seneca that all phases of the supervision, licensing and regulation of games of chance and of the conduct of games of chance and/or gambling, should be closely controlled and that the laws and regulations pertaining thereto should be strictly construed and enforced and that the mandate of the state constitution as amended, should be carried out by strict regulations to prevent participation by criminal and other undesirable elements and prevent the diversion of funds from the purposes authorized. It is further declared the policy of this County that unregulated or unlawful gambling or gaming presents a threat to the protection, order, conduct, safety, health and well-being of persons or property within the County of Seneca.”

There shall be inserted before Paragraph A of Section III, Prohibited Conduct, the following text:

“The following conduct, to the extent not authorized and/or licensed by the State of New York is prohibited:”

And be it further

RESOLVED, that this local law shall take effect upon filing with the Secretary of State pursuant to the New York State Municipal Home Rule Law.

Under discussion, Supervisor Shipley said that by amending the local law it brings the county in compliance with New York State laws.

RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE TO FEDERAL AVIATION ADMINISTRATION (FAA) FOR ENGINEERING OF APRON EXPANSION DESIGN AT THE FINGER LAKES REGIONAL AIRPORT

RESOLUTION NO. 80-16, moved by Supervisor Churchill, second by Supervisor Shipley and adopted.

WHEREAS, a total budget will be \$166,666 with FAA contributing \$150,000; Seneca County Local Share of \$8,333 and New York State Department of Transportation (NYSDOT) contribution of \$8,333; and

WHEREAS, Seneca County’s match of \$8,333 is in the 2016 budget; and

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

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on March 22, 2016; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors approves the application and receipt of the FAA grant for the engineering of apron expansion design at the Finger Lakes Regional Airport, and that the Manager for Seneca County be authorized and directed to sign all necessary documentation; and be it further

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

**RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE TO FEDERAL
AVIATION ADMINISTRATION (FAA) FOR APRON REPAIRS AT THE
FINGER LAKES REGIONAL AIRPORT**

RESOLUTION NO. 81-16, moved by Supervisor Churchill, second by Supervisor Wadhams and adopted.

WHEREAS, the FAA has indicated that a grant will be made available to Seneca County for apron repairs at the Finger Lakes Regional Airport; and

WHEREAS, the total budget will be \$2,000,000 with the FAA contributing \$1,800,000; Seneca County Local Share of \$100,000; and New York State Department of Transportation (NYSDOT) contribution of \$100,000; and

WHEREAS, \$50,000 has been budgeted for Seneca County match in the 2016 budget; and

WHEREAS, this project will significantly affect fuel sales at the airport for 2016; and

WHEREAS, \$50,000 will be transferred from Aviation Fuel acct. #305610.54421 to the match acct. #305610.54430; and

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

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on March 22, 2016; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors approves the application and receipt of the FAA Grant for repairs of the apron at the Finger Lakes Regional Airport, and that the Manager for Seneca County be authorized and directed to sign all necessary documentation; and be it further

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

APPOINTMENT TO SENECA COUNTY AGRICULTURE ENHANCEMENT BOARD

RESOLUTION NO. 82-16, moved by Supervisor Churchill, second by Supervisor Lazzaro and adopted.

WHEREAS, the Agriculture Enhancement Board includes a member of the county legislative body for a term coterminous with the member's term of office; and

WHEREAS, the term of the past appointee expired on December 31, 2015; and

WHEREAS, these appointments were reviewed and approved by the Planning, Development, Agriculture & Tourism Committee on March 22, 2016; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Gregory Wadhams, Supervisor from the Town of Junius, to serve on the Agriculture Enhancement Board, as a member of the county legislative body.

**AUTHORIZE DIVISION OF HUMAN SERVICES TO
PURCHASE TWO (2) 2016 DODGE GRAND CARAVANS**

RESOLUTION NO. 83-16, moved by Supervisor Lazzaro, second by Supervisor Kaiser and adopted.

WHEREAS, the Division of Human Services requires the purchase of two 2016 Dodge Grand Caravans from the New York State Contract-Westchester County Piggyback at a total cost of \$43,906.00; \$21,953.00 for each Dodge Grand Caravan, including delivery; and

WHEREAS, funding is available in the 2016 budget; and

WHEREAS, the vans are 100% reimbursed through Medicaid; and

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

RESOLVED, the Board of Supervisors approves the Division of Human Services to purchase of two Dodge Grand Caravans.

**SUPERVISORS APPROVE PURCHASE OF THREE 2016 FORD INTERCEPTOR SUV
PATROL VEHICLES FOR THE SHERIFF'S OFFICE**

RESOLUTION NO. 84-16, moved by Supervisor Davidson, second by Supervisor Trout and adopted.

WHEREAS, the Seneca County Sheriff's Office is requesting to purchase three Ford Interceptor SUV Patrol Vehicles; and

WHEREAS, this is a continuation of replacing three patrol vehicles each year to be able to maintain an up to date, reliable, low maintenance and safe vehicles for our patrol officers and the Ford SUV has proven to be reliable, safe and somewhat maintenance free vehicle for use during the winter road conditions presented here in Seneca County; and

WHEREAS, the purchase will be made for three 2016 Ford Interceptor SUV Patrol Vehicles from VanBortel Ford, 71 Marsh Road, East Rochester, NY on a State Bid purchase agreement through Onondaga County; and

WHEREAS, funds for the purchase of one (1) Ford Interceptor SUV in the amount of \$29,574.03 plus and additional \$11,000.00 for up fitting costs including striping, installation of radio, emergency lighting and heavy duty front grill protector, for a total cost of \$40,574.03 per vehicle or \$121,722.09 for the three (3) requested vehicles have been appropriated from the 2016 Seneca County Sheriff's budget account line 103113-52600; and

WHEREAS, the Public Safety Standing Committee of the Seneca County Board of Supervisors approved this resolution on March 22, 2016; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Sheriff's Office to purchase three (3) 2016 Ford Interceptor SUV Patrol Vehicles for a total cost of \$121,722.09 from budget line 103113-52600 (EQ VEH).

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

RESOLUTION NO. 85-16, moved by Supervisor Davidson, second by Supervisor Kaiser and adopted.

WHEREAS, the Romulus 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 Romulus Central School District; and

WHEREAS, Romulus 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 Romulus 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 problem, bullying and the decision making process; and

WHEREAS, the assignment of the SRO will be made by the County Sheriff from the 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 creation and filling of one (1) Full Time Deputy Sheriff Position; 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 negotiated hourly rate as per union contract effective August 1, 2016; 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 Romulus Central School District; and be it further

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

SUPERVISORS APPOINT JEFFREY C. CASE COUNTY FIRE COORDINATOR

RESOLUTION NO. 86-16, moved by Supervisor Davidson, second by Supervisor Garlick Lorenzetti and adopted by 523 ayes (Davidson, Garlick Lorenzetti, Reynolds, Prouty, Kaiser, Lazzaro, Churchill, Kronenwetter, Hayssen) and 227 nays (Wadhams, McGreevy, Westfall, Shipley, Trout).

WHEREAS, the Board of Supervisors created and authorized filling of the position of County Fire Coordinator at the annual salary of \$12,000 at a meeting of the Board of Supervisors on December 8, 2015; and

WHEREAS, the 2016 budget includes funds for the position of County Fire Coordinator; and

WHEREAS, the duties of the County Fire Coordinator include coordination of fire service and training in Seneca County; and

WHEREAS, the Director of Emergency Management has frequent direct involvement with fire service and training in Seneca County; and

WHEREAS, the Public Safety Committee recommending the appointment of Jeffrey C. Case at their committee meeting on March 22, 2016; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors hereby appoints Jeffrey C. Case to the position of County Fire Coordinator at the annual salary of \$12,000 effective immediately; and be it further

RESOLVED, the Fire Coordinator will report directly to the Director of Emergency Management with final authorizations from the Seneca County Manager.

Supervisor Shipley stated that he received many letters from members of the fire departments and the fire chiefs who were concerned that the newly appointed fire coordinator would be someone who will communicate with the individual fire departments and the chiefs; and the new fire coordinator should note their concerns.

Unfinished Business

Supervisor Kaiser clarified his comment regarding the recently signed New York State minimum wage bill. He said the bill was amended, prior to the Governor signing, to address the minimum wage for small business owners and farmers. Excluding New York City and some suburbs, the minimum wage will rise to \$12.50 by 2020 for the rest of the state. Supervisor Kaiser said he thought it was a fair enough compromise.

New Business

Supervisor Garlick Lorenzetti said she thinks it would be beneficial to track communications sent at the Board's request. She said a paper trail is better than verbal confirmation that the communication was actually sent and actually received. She suggested initiating a county policy that required staff to have proof that they actually sent out the communication and to follow-up with the recipient that it was received.

SUPERVISORS OPPOSE NEW YORK CITY MUNICIPAL SOLID WASTE CONTRACT AND AN ENHANCED RAIL SIDING FOR TRANSLOADING WASTE CONTAINERS AND AUTHORIZE THE TREASURER TO APPROPRIATE FUNDING FROM UNAPPROPRIATED FUND BALANCE ACCOUNT FOR LEGAL SERVICES

RESOLUTION NO. 87-16, moved by Supervisor Churchill, second by Supervisor Garlick Lorenzetti and adopted.

WHEREAS, the Seneca County Board of Supervisors (BOS) resolution 160-13 opposes Seneca Meadows, Inc.'s plans to develop railroad operations at the Seneca Meadows landfill; and

WHEREAS, BOS resolution 270-15 opposes an IESI Seneca Meadows (IESI) – New York City trash by rail proposal and an increase in greenhouse gasses & stench; and

WHEREAS, BOS resolution 02-16 authorizes retaining Knauf Shaw LLP to oppose increased waste transport into the county; and

WHEREAS, Knauf Shaw LLP has analyzed legal methods to oppose a proposed contract between the New York City Department of Sanitation (NYCDOS) and IESI, as well as a Finger Lakes Railway (FLR) enhanced rail capability to transload Municipal Solid Waste (MSW) containers; and

WHEREAS, this resolution has been approved by the Environmental Affairs Committee of the Board of Supervisors on April 9, 2016; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Treasurer to appropriate \$100,000 from Unappropriated Fund Balance (103909) and amend the 2016 Seneca County Budget as follows:

Increase:

101420-54332 Outside Counsel – Landfill \$100,000

And be it further

RESOLVED, that the Seneca County Manager is authorized to join Seneca County in contract or agreement with Knauf Shaw LLP in opposition of both the proposed NYCDOS/IEIS contract and FLR's rail siding enhancements which facilitate transloading MSW containers.

SUPERVISORS AUTHORIZE A REQUEST FOR PROPOSALS FOR SURFACE WATER TESTING RELATIVE TO IESI SENECA MEADOWS OPERATIONS

RESOLUTION NO. 88-16, moved by Supervisor Churchill, second by Supervisor Shipley and adopted.

WHEREAS, the Seneca County Board of Supervisors would like an analysis completed on up-flow and down-flow surface water in the proximity of the IESI Seneca Meadows Landfill; and

WHEREAS, the Official Compilation of Codes, Rules and Regulations of the State of New York, Title 6, Department of Environmental Conservation, Chapter IV Quality Services, Subchapter B Solid

Wastes, Part 360 Solid Waste Management Facilities, Subpart 360-2 Landfills, Water Quality Analysis Tables provide a standard expectation of water quality; and

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the Seneca County Manger to send out an RFP for a surface water, comparative analysis of up-flow and down-flow surface water in the proximity of the IESI Seneca Meadows Landfill.

Rule 29

Supervisor Shipley moved Resolution 89-16 to the floor in accordance with Rule 29 of the Supervisors Rules of Order.

ACCEPT THE FY 2016 EMERGENCY MANAGEMENT PERFORMANCE GRANT
RESOLUTION NO. 89-16, moved by Supervisor Churchill, second by Supervisor Reynolds and adopted.

WHEREAS, the New York State Division of Homeland Security & Emergency Services has awarded the Seneca County Office of Emergency Management an FY 2016 Emergency Management Performance Grant, for \$18,205.00; 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; 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 2016 Emergency Management Performance Grant.

Rule 29

Supervisor Shipley moved Resolution 90-16 to the floor in accordance with Rule 29 of the Supervisors Rules of Order.

BOARD OF SUPERVISORS RETAINS SANFORD F. YOUNG, P.C.

TO BRING ACTION AGAINST HARRIS BEACH

RESOLUTION NO. 90-16, moved by Supervisor Shipley, second by Supervisor Garlick Lorenzetti and adopted.

WHEREAS, the Board of Supervisors desires to retain the services of counsel for the purpose of commencing an action against the firm of Harris Beach, predicated upon that firm's prior representation of the interests of Seneca County in the matter of Cayuga Indian Nation v. Seneca County; and

WHEREAS, this resolution has been brought from the floor by a two-thirds majority of the members present under Rule 29 of the Board of Supervisors Rules of Order; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes and directs the County Attorney to retain the services of Sanford F. Young, P.C. to bring an action against the firm of Harris Beach on behalf of the County at a fee not to exceed \$85,000.00; and be it further

RESOLVED, that the Treasurer is authorized and directed to pay from the County's contingency funds the sums necessary for such retainer.

Under discussion of Resolution 90-16, Supervisor Shipley offered an amendment to the main motion by including the text, "at a fee not to exceed \$85,000.00", in the first resolved clause. Supervisor Lazzaro offered a second. The amendment to the main motion carried.

Special Order of the Day

The meeting adjourned at 7:50 p.m.