

Seneca County
Board of Supervisors Meeting
&
Public Hearing
Tuesday, January 10, 2017

Call to Order

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

Roll Call of Members by the Clerk

Thirteen members of the Board of Supervisors answered roll call. Supervisor Garlick Lorenzetti was not present.

Pledge of Allegiance and Moment of Silence

Public Hearings:

a. Proposed Local Law A of 2017, "A Local Law to Establish the Salaries of Certain County Officials". Sprvr. Davidson moved the public hearing open to receive public comment. No comments were received. Sprvr. Davidson moved the public hearing closed.

b. Proposed Local Law B of 2017, "Exempting Solar, Wind and Farm Waste Energy Systems in Seneca County from the Tax Exemption Provided for under Section 487 of the Real Property Tax Law". Sprvr. Reynolds moved the public hearing open to receive public comment.

Sprvr. Kronenwetter read written comments by Chris Redder, Seneca Falls resident. Mr. Redder recently installed solar panels for private use. He encouraged the Board to find a "...middle ground that would tax those for profit installations and not discourage homeowners and business owners from replacing their fossil fuel electric source with wind or solar."

Sprvrs. Kaiser, Lazzaro and Churchill expressed opposition against the proposed local law. Sprvr. Kaiser said several counties do not have a local law. Sprvr. Churchill said the NYS exemption is a green initiative and a positive incentive. He did not want a local law blocking the exemption on the county level, said he wanted more time to consider the issue. He urged the Board not to adopt the resolution later in the agenda; he requested that Chairman Shipley consider referring the issue back to committee.

Having no other oral or written comments presented, Sprvr. Trout moved the public hearing close.

Petitioners:

a. Richard Ricci, Seneca County representative, Board of Directors, Western Regional OTB. The OTB location in Seneca Falls is closing on Saturday January 14. They have been losing money for several years. They delayed shutting the OTB down because of the employees. However, the two

remaining employees have now been hired by del Lago. OTB machines will be installed in businesses. Mr. Ricci encouraged the supervisors to seek out interest from business owners to have an OTB machine installed. Batavia Downs is doing well and the hotel is open. Plans for continued upgrades to Batavia Downs remain in place. In 2016, Western Regional OTB generated \$58 million in revenue. They project a 6% reduction when del Lago opens.

b. Dieter Kraemer, President of the Seneca County Federation of Sportsmen's Clubs, came before the Board requesting legislation allowing center fire rifles permanently in Seneca County. Sprvr. Kaiser expressed opposition stating the county is too flat, and he cited two hunting accidents that were in the news.

Sprvr. Wadhams supported issue and questioned if the gun used in the hunting accidents was a center fire rifle, since the projectile used for a center fire rifle will disintegrate. CM Sheppard clarified that the hunting accident in Wayne County involved a muzzle loader and hunting on private property.

Chairman Shipley referred the issue to the Public Safety Standing Committee.

c. Patty Nogle, resident and property owner, Fayette & Romulus. Prior to the sale of depot, Mrs. Nogle and her husband leased property at the depot for farming. The winning bidder, Mr. Martin is not interested in continuing their lease at the same rate. Recently, Mr. Martin appealed to the IDA for a lease agreement for the depot property because of the high tax assessment. Mrs. Nogle complained that the bidding process was for purchase and not for rent. He should not be given any PILOT or other financial assistance because that is not what was outlined in the bid specs.

Mrs. Nogle also provided written comments by Donald Reinshagen, opposing the lease application for the depot property.

Open Privilege of the Floor:

a. Sprvr. Hayssen read a statement regarding the proposed PILOT for Mr. Martin and the depot. Sprvr. Hayssen has the utmost trust in his assessor. The assessment, or REVAL will be finalized by May 1, 2017 as required by law. If Mr. Martin or the IDA is not happy with the assessment, they have the opportunity to sit down with the assessor and attempt to reach a settlement on a different value during the grievance process, like everyone else; or Mr. Martin can seek relief through the courts. Sprvr. Hayssen said all the bidders understood prior to submitting their bid, that they would be paying taxes on the assessed value.

b. Sprvr. Kaiser said he supports Mr. Martin and his plans for the depot. The IDA explained that they winning bid was not necessarily based on the highest bid. The criteria included finding an owner that was in a position to develop the property and the IDA determined that his bid was the best option for the future of the depot.

c. Robert Magill, resident, Waterloo, said he appreciates this new portion of the BoS meeting, but warns the BoS that they will be inundated with speakers regarding the landfill odor. He also said the BoS should be concerned that the press reports only one side of the landfill issue – the reporting is negative and unfair reporting.

d. Brian Driscoll, SCSEA President introduced himself to the Board of Supervisors and expressed his eagerness to work with the BoS on a fair contract for the Sheriff’s Employee Association.

Approval of Meeting Minutes

The minutes for the December 13, 2016 regular board meeting and the December 27, 2016 special board meeting were approved.

Submission of Claims for Audit

Sprvr. Westfall moved that the following vouchers, having gone through the proper auditing process; be approved for payment.

Supervisors vouchers	totaling	\$	25,516.67
Workforce Development vouchers	totaling	\$	588,503.82
Self-Insurance vouchers	totaling	\$	24,356.26
County Airport vouchers	totaling	\$	11,789.79
Highway Transportation vouchers			
Maintenance & State Snow	totaling	\$	37,348.07
Highway Machinery	totaling	\$	52,619.30
	Highway Total	\$	89,967.37
Water 1	totaling	\$	77,441.00
Sewer 1	totaling	\$	4,329.77
Sewer 2	totaling	\$	26,698.40
Capital Project – County Roads	totaling	\$	1,927.92
Capital Project – Sewer 318	totaling	\$	96,019.90
Capital Project – Water & Sewer Projects	totaling	\$	7,010.72

Reports of Standing Committees

Public Safety Committee – Sprvr. Davidson, Chairman. At the December committee meeting, we approved refilling several positions that the Vacancy Committee recommended by refilled: Three (3) Deputy Sheriff Recruits; one (1) Sergeant and backfill Deputy; one (1) Data Entry Machine Operator for the STOP-DWI program; and one (1) Confidential Secretary to the District Attorney and backfill Staff Resources Assistant.

Personnel Committee – Sprvr. Lazzaro, Chairman. It was brought to our attention that NY Life Insurance has been meeting with employees on county property to solicit life insurance. This is an extension to the annual benefits fair in that, it allows for more in-depth discussion of policies offered by NY Life. The current agreement has been in effect since 2001 – but it was originally signed by a department head. The committee directed the county manager to renew the letter of understanding with NY Life so they could continue to serve the county employees as they have been.

Human Services Committee – Sprvr. Lazzaro, Chairman. The Finger Lakes Bridge Association donated \$250.00 for the use of the Offices for the Aging to hold its annual bridge tournament.

Mental Health Services Committee – Sprvr. Hayssen, Chairman. The committee for Mental Health Services approved refilling several positions as recommended by the Vacancy Committee: one (1) Addictions Counselor, one (1) Psychiatric Social Worker (Mental Health), one (1) Substance Abuse Counselor, and two (2) Typists (Mental Health).

Several resolutions were referred to the Board of Supervisors for consideration, and they were adopted by the BoS at its special meeting on December 27, 2016: A resolution was adopted authorizing the creation of one position for a full-time psychiatric social worker; a resolution was adopted authorizing the creation of one position for a full-time substance abuse counselor, a resolution endorsing the appointments made by the Community Services Board for its chairmanship, vice-chairmanship, and committees; and finally, a resolution was adopted authorizing the county manager to sign contracts with the various service providers for mental health for the year 2017.

Environmental Affairs – Sprvr. Churchill, Chairman. John Dendis, resident of Seneca County, complained to the Board of Supervisors about the ongoing odor produced by the landfill as well as the litter and debris along Route 414. A letter was sent to the NYS DOT regarding the litter and debris. We await a response.

A copy of a drafted local law that would ban noxious and offensive odors in Seneca County was distributed to the members of the committee as well as all the board members. There remains work to be done to tighten up the local law (i.e. define noxious, define offensive, how to enforce the local law). The issue will continue to be addressed at future meetings.

Public Works Committee – Sprvr. Trout, Chairman. At its meeting in December, the committee authorized refilling two positions as recommended by the Vacancy Committee: one (1) Part-time Cleaner sub-position in the Facilities Department, and one (1) MEO-light position in the Highway Department.

In addition to these refills, we authorized a resolution, which was adopted at the December 27 special board meeting, to reclassify two MEO light positions as two MEO heavy position in the Highway Department.

The committee referred a resolution that would renew our contract for three more years with Emerson Network Power, Liebert Services, Inc. for the two Liebert UPS battery backup systems that maintain constant electric connectivity in the 911 server rooms. The renewal contract will begin January 1, 2017 through December 31, 2019 with no cost increase to the county.

Three resolutions recommended by the Public Works Committee were adopted by the BoS at its special meeting on December 27, 2016. We awarded the bid for electrical construction for the Pump Control Replacement to J & E Electric Inc. in the amount of \$51,200.00; and we awarded the general construction bid for pump station improvements at Five Points Wastewater Treatment Plant to Heron Construction Co., LLC in the amount of \$140,970.00; and we adopted a resolution accepting the recommendation by the Sewer District 1 Administrator to increase the rates with a slight modification. The original increase was from \$30 per unit per quarter to \$50 per unit per quarter; however, it was changed to \$45 per unit per quarter on a motion to amend the main motion at the board meeting.

Report of Special Committees

Sprvr. Westfall reminded everyone of the scheduled meeting on Sales Tax Sharing for tomorrow night, Wednesday, January 11, 2017 at 5:30 p.m. at the County Office Building, in the Supervisors Board Room.

Chairman's Remarks

Our efforts moving forward WILL BE confronted by many challenges and obstacles – some more significant than others. Just this week, as you may have seen, the State Comptroller issued a press release that warned “local governments are coping with slow or no revenue growth.” It also noted that many counties across our state are experiencing declining sales tax revenues – while further pointing out that “state aid remains essentially flat.” The point of this story is that we should not look to the state to solve issues that confront us.

In the coming months, we must:

- Be proactive in addressing the burden of Medicaid on our county – this state imposed mega-mandate exceeds 60% of our total tax levy... \$111,958.00 per week
- Encourage a sound and targeted plan for economic development – one that properly aligns our resources, involves both public and private stakeholders and anticipates future trends and opportunities
- Address our county workforce needs – in light of anticipated retirements, organizational changes and competitive disadvantages
- Finalize and complete a Capital Improvement Plan – to consolidate resources, synchronize budgets and prevent inefficiencies

- Effectively manage our county’s current major infrastructure projects – such as the 318 sewer, airport improvements and our new Health Department facility
- Search for new opportunities for Economic Development specifically targeting southern Seneca County
- Examine user base growth potentials to our county water/sewer systems to lower operating and user costs
- Continue to aggressively fight CIN Land-into-Trust attempts.

I am committed to create a “Business Advisory Group” to help identify and leverage business friendly opportunities to stimulate and grow our local economy. Further details will follow in the coming months. I believe there is much to gain from a cross section of our homegrown industry leaders.

County Manager’s Remarks

The governor vetoed the bill for to provide funding for indigent legal services, despite the bill passing in both the Senate and the Assembly. If passed, the legislation would have provided some relief to the counties, helping them stay under the property tax cap.

The largest expense for counties continues to be state mandates – specifically for health and human services, general government projects, employee salaries and benefits, and public safety. State law requires counties to administer and fund a large array of state and federal programs. A study by NYSAC shows the cost to administer just 9 state mandates, of the over forty identified state mandates, adds up to 99% of the county tax levy.

County Attorney’s Remarks

Mr. Fisher addressed the question if Open Privilege of the Floor is restricted to only county residents. He explained that this is not the case with the passage of the resolution. If that is the desire of the BoS, to restrict Open Privilege to only county residents – the resolution can be amended or rescinded.

Mr. Fisher also brought to the Board’s attention of a new resolution on the meeting agenda, requiring the passage of Rule 29 for consideration. The resolution provides for the approval of the amendment to the 318 sewer Map Plan and to advertise for a public hearing.

Communications:

1. From Eagle Auto Center, Inc., Seneca Falls, NY, a proposal for vehicle fleet maintenance services to Seneca County, and notification that they participate in the Enterprise Fleet Services program.
2. A copy of a letter filed with the Seneca County Clerk, from Deborah L. Kelley, Seneca County Coroner, stating her resignation effective January 1, 2017.
3. From William & Esther Elliotto, residents, Waterloo, NY, a thank you note to the Board of Supervisors and to Facilities Superintendent Robert Stuck, for the Health Building Recognition Plaque.

4. From Devin R. Lander, NYS Historian, The State Education Department, a letter dated December 16, 2017 to Walter Gable, Seneca County Historian, recognizing the 2016 Annual Seneca County Historian's Report, stating he was impressed by the breadth and depth of the work done by Mr. Gable, especially the public outreach portion of his duties with research and publications.

5. From Nancy Hooser, resident, Romulus, NY, an email dated December 17, 2016, opposing the rate increase for Sewer District 1.

6. From the NYS Office for the Aging, dated December 20, 2016, Notification of Grant Award (NGA) in the amount of \$7,089.26 for the 2017 federal fiscal year Nutrition Services Incentive Program.

7. A copy of the Seneca County Board of Health December 21, 2106 meeting minutes.

8. A copy of the Seneca County IDA December 1, 2016 meeting minutes.

9. A copy of the Seneca County Planning Board December 8, 2016 meeting minutes.

10. From Patti Nogle, property owner, Fayette and Romulus, a copy of her comments opposing any "lease" type arrangement for Earl Martin for the depot property awarded in the bid process since the bid specs were for the purchase of the depot property.

11. From Robert Hayssen, Supervisor, Town of Varick, a copy of his comments opposing a PILOT agreement for Mr. Martin as he can appeal the tax assessment through the grievance process available for all property owners.

12. From Donald Reinshagen, property owner, Varick and Romulus, a complaint alleging the deal negotiated between Mr. Martin and the IDA regarding the depot is not in the best interest of the taxpayers of Seneca County, and any financial assistance or lease should be denied.

13. From Chris Redder, resident, Seneca Falls, an email dated January 10, 2017 to Supervisor Kronenwetter, opposing the proposed local law that would allow Seneca County to opt out of the NYS Real Property exemption for solar, wind and farm waste energy.

14. From Richard Ricci, a copy of an article, Pipe Dream, by Naomi Schaeffer Riley, in which she states it is time for Native Americans to defend their rights as U.S. Citizens rather than as tribal rights.

RESOLUTIONS & MOTIONS

RESOLUTION AUTHORIZING ADOPTION BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SENECA OF LOCAL LAW NO. 1 YEAR 2017

RESOLUTION NO. 02-17, moved by Sprvr. Lazzaro, second by Sprvr. Trout and adopted by 600 ayes, 68 nays (Churchill) and 82 not present (Garlick Lorenzetti).

WHEREAS, a resolution was duly adopted by the Board of Supervisors of the County of Seneca for a public hearing to be held by said County on January 10, 2017 at 6:00 p.m. at the Seneca County

Office Building, Waterloo, NY, to hear all interested parties on a proposed local law entitled “A Local Law to Establish the Salaries of Certain County Officials”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper(s) of the County of Seneca; and

WHEREAS, said public hearing was duly held on January 10, 2017 at 6:00 p.m. at the Seneca County Office Building, Waterloo, NY, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

RESOLVED, that the Board of Supervisors of the County of Seneca hereby adopts said Local Law No. 2 of the year 2017, as follows:

The salaries of the following County Officers as of January 1, 2017 shall be as indicated opposite their respective titles:

- County Sheriff – \$68,642.00
- County Treasurer – \$85,561.00
- Board of Supervisors Member – \$12,750.00
- Chairman of the Board of Supervisors – \$16,460.00
- Clerk of the Board – \$52,049.00
- County Manager – \$102,000.00
- Commissioner of Human Services – \$98,843.00
- County Highway Superintendent – \$76,573.00
- County Attorney – \$101,862.00
- Election Commissioner/Democrat – \$55,813.00
- Election Commissioner/Republican – \$55,813.00
- Director of Real Property Tax Services – \$51,503.00
- Public Health Director – \$88,468.00
- County Historian – \$15,328.00
- Public Defender – \$77,569.00

Resolution referred back to Finance, Assessment & Insurance Committee: Adopt a Local Law Opting Out of the NYS exemption for Solar, Wind and Farm Waste Energy Systems in Seneca County.

Sprvr. Prouty offered a motion, second by Sprvr. Hayssen, to adopt a resolution that would create a local law exempting Seneca County from the Real Property Tax exemption offered by New York State for solar, wind, or farm waste energy systems.

Under discussion, Sprvr. Kaiser reiterated his comments he made during the public hearing portion of the meeting. Sprvr. Churchill urged the BoS to oppose the local law because the NYS exemption is a green initiative and the county should encourage solar, wind and farm waste energy systems.

County Attorney Fisher clarified that the NYS exemption does not separate between commercial and residential. If the county chooses to opt out of the state exemption, it must apply to both types of property.

Real Property Tax Director Keshel said currently the assessors are not calculating solar panels into their assessments.

Sprvr. Kaiser offered a motion, second by Sprvr. Churchill, to the resolution back to the Finance, Assessment & Insurance Committee. The motion carried unanimously.

Resolution referred back to Personnel Committee: Letter of Understanding with New York Life

Sprvr. Lazzaro offered a motion, with a second by Sprvr. Wadhams, to adopt a resolution that would authorize the county manager to reinitialize a current Letter of Understanding with New York Life Insurance Company with the expectation of making county assets and employees available to life insurance solicitations.

Sprvr. Churchill offered a motion to refer the resolution back to committee for further discussion. Sprvr. Trout offered a second. The motion to refer the resolution back to the Personnel Committee for further discussion was carried, receiving 33 nay votes by Sprvr. Wadhams.

Unfinished Business

Richard Ricci, distributed an article titled, Pipe dream by Naomi Schaefer Riley who is of the opinion that it is time for Native Americans to defend their rights as U.S. citizens rather than a tribal right. Supervisor Kaiser requested our land claim attorney review the validity of a statement included in the article alleging tribes aren't sovereign nations – and cited two Supreme Court cases that determined that treaties signed with Indians could be modified or terminated without Indians consent, and no decision has altered the precedent since.

New Business

Rule 29 – Public Works Committee

Sprvr. Trout moved the introduction of the following resolution which was not reviewed by any standing committee of the BoS. The motion carried by a 2/3 majority of the Board of Supervisors members present.

**BOARD OF SUPERVISORS DIRECTS PUBLIC HEARING ON AMENDMENT TO
MAP PLAN FOR ROUTE 318 CORRIDOR SEWER IMPROVEMENT DISTRICT**

RESOLUTION NO. 03-17, moved by Sprvr. Trout, second by Sprvr. Churchill and adopted.

WHEREAS, the Board of Supervisors, by Resolution number 250-16, directed preparation of an amendment to the Map Plan and Report for the Route 318 Corridor Sewer Improvement District in order to account for excess capacity within the District facilities; and

WHEREAS, the firm of Barton and Loguidice has prepared the necessary documents to so amend the Plan; and

WHEREAS, a public hearing on such amendment prior to filing pursuant to §253-b of the New York State County Law is required; and

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

RESOLVED, that the Board of Supervisors directs that a public hearing on approval of the amendment to the Map Plan and Report for the Route 318 Corridor Sewer Improvement District be held at the Board of Supervisors meeting room, third floor, County Office Building, 1 DiPronio Drive, Waterloo, New York on February 14, 2017 at 6:00 P.M.; and be it further

RESOLVED, that the Clerk of the Board of Supervisors shall cause due notice of said public hearing as provided in §§253-a and 254 of the County Law.

Special Order of the Day

The meeting adjourned at 7:17 p.m.