

Seneca County Board of Supervisors
Board Meeting
January 9, 2018

Call to Order

The meeting was called to order at 6:00 p.m. by Majority Leader Davidson in the absence of the board chairman.

Roll Call of Members by the Clerk

Thirteen members of the Board of Supervisors answered roll call. Chairman Shipley was not present.

Pledge of Allegiance and Moment of Silence

Presentation

Operation Recognition is a New York State program for the purpose of recognizing the devotion and sacrifices of U.S. veterans of World War II, the Korean War, and the Vietnam War, who left school early to honorably serve their county by presenting them with their high school diploma.

Veterans Service Agency Director John O'Connor presented Allen H. Mitchell his high school diploma for East High School, Rochester City School District, Class of 1966. Mr. Mitchell joined the armed services shortly after he turned seventeen and before he completed high school. He served active duty during Vietnam from November 1962 to September 1966 and received an honorable discharge for his service.

Open Privilege of the Floor

Frank Sinicropi, County Treasurer, offered additional comments regarding sole administrator for County Deferred Compensation Plan.

Rick Conley, resident, Fayette, expressed his opposition to the proposed incinerator project. He believes that with the Public Service Commission taking the lead it will be a tough fight. He suggested the county help in the expense of legal counsel for the town of Romulus to fight this proposal.

Sprvr. Kaiser said the Article 10 process is complicated and welcomes assistance. Sprvr. Garlick Lorenzetti would consider a county backed plan to help oppose the proposed incinerator. She requested it be discussed at the January committee meetings.

Robert L. McGill, resident, Waterloo, said it was premature to hire a lawyer and suggested that the DEC is the resource for information for the public.

Reports of Standing Committees

Public Health Services Committee – Sprvr. McGreevy, Chairman. The Public Health committee approved two resolutions on tonight's agenda. One is authorizing a contract with Gorge Falls Therapy to provide occupational and speech therapy for the 3-5 Preschool Program.

The other resolution authorizes a contract with Cathie Bond for emergency planning consultant services not to exceed \$18,000 annually.

Human Services Committee – Sprvr. Lazzaro, Chairman. At the committee meeting last month, the Human Services Committee voted in favor of refilling a position for Employment & Training Counselor. This may be refilled by promotion so any position vacated due to filling it, is also authorized to backfill.

The Committee also approved the recommendation to reorganize the Temporary Assistance Unit because the case load is more on administering assistance programs rather than Medicaid, and this requires more experienced employees. The resolution on the agenda realigns the current positions with the actual duties that are required and this also changes the position titles.

Planning, Development, Agriculture & Tourism Committee – Sprvr. Kaiser, Chairman. The committee voted in favor of a resolution on the agenda. If adopted, it will appoint August Gillon and Jeff Shipley to the Finger Lakes Regional Airport Advisory Committee.

Mental Health Service Committee – Robert Hayssen, Vice-Chairman. On the agenda tonight, under Mental Health Services, there are three resolutions approved by the committee. One is reappointing Theodore Papperman and Peter Same as members to the Community Services Board; one is approving the Community Services Board internal committee appointments; and the third is authorizing out of state travel for and the use of a county vehicle for the conference in Maryland, the Community Anti-Drug Coalitions of America (CADCA).

Finance, Assessment & Insurance Committee – Sprvr. Garlick Lorenzetti, committee member. At the December committee meetings, the Finance committee approved year-end resolutions, which were later adopted at the December 26 Special Board meeting. The resolutions authorized the collection and extension of town and county 2018 taxes; authorized the ratification of the tax rolls, to collect and refund taxes to the county treasurer and to adopt the final numbers for the 2018 taxes.

The issue regarding the property at 84 Auburn Rd in Seneca Falls was referred back to the committee by the Board of Supervisors. Initially we were going to release the lien on the property under certain conditions from the interested buyer, but the committee decided to not take action and we will be asking the Land Bank to review the property for a better solution if possible.

Personnel Committee – Spvr. Garlick Lorenzetti, Vice-Chair. We heard from Mr. Santos at our last board meeting, who works as a Special Patrol Officer for the county. He was requesting an increase in pay rate for the special patrol officers. The Personnel Officer reviewed the civil service requirements and the committee felt we compensate fairly for this position.

Frank Sinicropi also came to our last board meeting. He asked that the county reconsider the decision made by the deferred Compensation Committee to go with a sole administrator for the county

deferred comp plan. We used to use Nationwide in addition to Mass Mutual. The decision to use a sole provider to administer the deferred comp plan is more cost effective for the county as a whole. The decision to move to sole administrator was not made in haste. It took three months to move through committee and finally the Board of Supervisors.

Public Works Committee - Sprvr. Trout, Chairman. The committee approved a resolution awarding Leo J. Roth Corporation the project to replace the domestic tank-less hot water heaters at the Law Enforcement Center. The cost of the project is \$76,145.

County Manager Remarks

This past weekend the Public Health Department was relocated to the Health & Human Services building. Seneca Moves were contracted for the move. Office of the Aging is scheduled to move to the HSS building tomorrow.

Samuel Priem, the recently hired Commissioner of Public Works started last week. He began the first of six weeks of certification training in New York City.

The internal audit for the mental health clinic regarding Medicaid is in its completion phase. There will be a briefing next week when Bonadio completes the audit.

The last installment of the nearly six million dollar airport renovation has been received, and the project is expected to complete in 2018-2019. The expansion of the runway will begin in 2020.

County Attorney Remarks

The U.S. Supreme Court has agreed to review a case involving Washington State and the Upper Skagit Indian Tribe. In 2014, the Tribe purchased land adjoining non-Indian owned land. There was a dispute regarding the boundary line between the properties and who owned the land. When the Tribe said it was tribal land, the non-tribal owner sued the Upper Skagit Tribe. The Tribe argued the land was theirs based on sovereign immunity. The court disagreed stating that sovereign immunity did not protect the Tribe from a suit brought in rem. The Supreme Court has ruled twice, that states may impose property taxes on previously allotted lands that tribes have re-acquired in the modern era and hold in fee simple. The Court has never addressed, however, whether states and municipal governments may bring suit to foreclose tribal title to such lands if the tribe fails to pay the tax.

Communications

1. A copy of a letter dated December 31, 2017, from James E. Vangalio, Ovid Town Clerk, to the Romulus Town Board, stating that the Ovid Town Board voted unanimously in opposition of the construction of the proposed trash incinerator facility within the town of Romulus at the former Seneca Army Depot; many concerns have been expressed by taxpayers and residents regarding water, air and sight pollution as well as the potential for other health issues.

2. From Greene County, a copy of Resolution No. 398-17, “Supporting Senate Bill S.2770 Regarding Classifying Emergency Medical Services EMS as Essential Services for the Purpose of State Aid”; and Resolution No. 399-17, “Supporting an Increase in Medicaid and Medicare Reimbursements for the Treatment and Transport by Emergency Medical Services”.

3. From Orange County, a copy of Resolution No. 284 of 2017, “Urging the Governor and Legislature of New York State to exempt County tuition Chargeback Obligations for the Fashion Institute of Technology.

4. A copy of the Seneca County Health Department 2016 Annual Report.

5. A copy of the Seneca County IDA December 7, 2017 meeting minutes.

6. A copy of the InterCounty Association of Western New York meeting minutes for October 20, 2017 and November 17, 2017.

7. A copy of the Seneca County Community Services Board November 21, 2017 meeting minutes.

8. A copy of a letter dated December 11, 2017 from NYS OFA to Angela Reardon, OFA Director, Seneca County, of the revised Notification of Grant Award (NGA) and Annual Implementation Plan budget pages for the HIICAP program for the period April 1, 2017 through March 31, 2018.

9. A copy of the Seneca County Planning Board December 14, 2017 meeting minutes.

RESOLUTIONS & MOTIONS

SUPERVISORS REAPPOINT COMMUNITY SERVICES BOARD MEMBERS

RESOLUTION NO. 02-18, moved by Sprvr. Hayssen, second by Sprvr. Lazzaro and adopted.

WHEREAS, two Community Services Board terms expire on February 11, 2018 currently held by Dr. Theodore Papperman and Mr. Peter Same; and

WHEREAS, the Mental Health Services Committee recommends the Board of Supervisors reappointment both Dr. Theodore Papperman and Mr. Peter Same; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors reappoints both Dr. Theodore Papperman and Mr. Peter Same to serve on the Community Services Board for a term expiring February 11, 2022.

SUPERVISORS ACKNOWLEDGE SENECA COUNTY

COMMUNITY SERVICES BOARD’S 2018 APPOINTMENTS

RESOLUTION NO. 03-18, moved by Sprvr. Hayssen, second by Sprvr. Garlick Lorenzetti and adopted.

WHEREAS, on December 19, 2017, the Seneca County Community Services Board (CSB) appointed CSB member Mr. Todd Horton as their Chair with a term expiration date of January 9, 2019; and

WHEREAS, on December 19, 2017 the CSB appointed CSB member Ms. Lisa Heitmann as their Vice Chair with a term expiration date of January 9, 2019; and

WHEREAS, on December 19, 2017, the CSB appointed the following CSB members for its committee leadership: Dr. Theodore Papperman, Chair – Alcohol & Substance Abuse; Mr. Thomas Premo, Chair – Mental Health; Mr. Stanley Hatch, Chair – Developmental Disabilities with each, a term expiration date of January 9, 2019; and

WHEREAS, the Mental Health Committee acknowledges and supports the CSB's CY2018 appointments and recommends the Board of Supervisors (BOS) do as well; now therefore be it

RESOLVED, that the Board of Supervisors hereby acknowledges and supports CSB appointments for CY2018.

AUTHORIZATION FOR TWO (2) SENECA COUNTY STAFF TO UTILIZE A MENTAL HEALTH VEHICLE TO ATTEND CADCA FEBRUARY 5 - 9, 2018 IN MARYLAND

RESOLUTION NO. 04-18, moved by Sprvr. Hayssen, second by Sprvr. Trout and adopted.

WHEREAS, the Community Anti-Drug Coalitions of America (CADCA) 28th Annual Leadership Forum will be held in National Harbor, M.D.; and

WHEREAS, Debra Rickerson, serves as a Coalition Chair and Tammy Orlopp, serves as a Coalition Vice-Chair; and

WHEREAS, registration and hotel have been paid by the Seneca County Substance Abuse Coalition for the aforementioned individuals; and

WHEREAS, two United Way Representatives have requested to be passengers in the Mental Health vehicle to attend this forum; and

WHEREAS, the Mental Health Services Committee has reviewed and approved this resolution at its December 26, 2017 meeting; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes use of a Mental Health vehicle as a mode of travel for Debra Rickerson and Tammy Orlopp to attend the CADCA 28th Annual Leadership Forum February 5 – 9, 2018 in National Harbor, M.D. and authorizes expenses associated with said travel and payable under the Seneca County Travel Policy; and be it further

RESOLVED, that the Seneca County Board of Supervisors authorizes two United Way Representatives to be passengers in the Mental Health vehicle as a mode of travel to attend the CADCA 28th Annual Leadership Forum February 5 – 9, 2018.

**ACCEPT BID TO REPLACE DOMESTIC HOT WATER HEATERS
FOR THE LAW ENFORCEMENT CENTER**

RESOLUTION NO. 05-18, moved by Sprvr. Trout, second by Sprvr. Lazzaro and adopted.

WHEREAS, Board Resolution No. 310-17 transferred \$75,000.00 from the 2017, Law Enforcement Center (LEC) Building Expense account to originate a LEC domestic hot water Capital Project; and

WHEREAS, Leo J Roth Corporation was the single response to a Request for Proposal to replace the LEC domestic hot water heaters for \$76,145.00; and

WHEREAS, the Public Works Committee has reviewed and approved this resolution at its December 26, 2017 meeting; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors accepts Leo J Roth Corporation bid for \$76,145.00; and be it further

RESOLVED, the Board of Supervisors authorizes the Director of Finance to make the following 2017 budget transfer:

INCREASE	LEC domestic hot water Capital Project	\$1,145.00
DECREASE	101620-54120 LEC (Building Expense)	\$1,145.00

After Chairman Shipley declared the adoption of Resolution No. 05-18, Sprvr. Kronenwetter said he suspects we will be replacing this type of water heater every five to six years.

**APPOINT MEMBERS TO THE FINGER LAKES REGIONAL
AIRPORT ADVISORY COMMITTEE**

RESOLUTION NO. 06-18, moved by Sprvr. Kaiser, second by Sprvr. Trout and adopted.

WHEREAS, the Finger Lakes Regional Airport Advisory Committee has recommended that August Gillon and Jeff Shipley be appointed to the Finger Lakes Regional Airport Advisory Committee; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on December 26, 2017; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint August Gillon and Jeff Shipley to the Finger Lakes Regional Airport Advisory Committee effective December 1, 2017 to November 30, 2020.

**AUTHORIZE THE REORGANIZATION OF THE TEMPORARY ASSISTANCE UNIT
EFFECTIVE IMMEDIATELY**

RESOLUTION NO. 07-18, moved by Sprvr. Lazzaro, second by Sprvr. Trout and adopted.

WHEREAS, the current case load of the Temporary Assistance Unit continues to decrease in the Medicaid Unit and increase in the Supplemental Nutrition Assistance Program, Home Energy Assistant Program and Public Assistance Units, requiring the administration of processing cases through more experienced employees; and

WHEREAS, it is the recommendation of the Commissioner of Human Services (CHS) to create and fill (2) full-time Principal Social Welfare Examiner positions and (1) Senior Welfare Examiner Position; and

WHEREAS, it is the recommendation of the Commissioner of Human Services to abolish (3) full-time Social Welfare Examiner positions; and

WHEREAS, the County Manager supports the CHS's recommendation; and

WHEREAS, funding for this reorganization exists in the recently adopted, FY2018 budget; and

WHEREAS, the Vacancy Committee approved this reorganization at its December 14, 2017 meeting; and

WHEREAS, the Human Services Committee has reviewed and approved this resolution at its December 26, 2017 meeting; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors does hereby create and authorize filling of full-time Principal Social Welfare Examiner positions and (1) Senior Welfare Examiner Position effective immediately; and be it further

RESOLVED, the Seneca County Board of Supervisors does hereby abolish (3) full-time Social Welfare Examiner positions effective immediately.

AUTHORIZE CONTRACT WITH GORGE FALLS THERAPY SLP, OT, PLLC

RESOLUTION NO. 08-18, moved by Sprvr. McGreevy, second by Sprvr. Hayssen and adopted.

WHEREAS, the Health Department must secure contracts with agencies or individuals to provide professional services to children enrolled in the 3-5 Preschool Program; and

WHEREAS, these services include home/community based services to include: Speech Therapy and Occupational Therapy; and

WHEREAS, Gorge Falls Therapy SLP, OT, PLLC, 430 W. State Street, Suite 205, Ithaca, NY 14850 wishes to enter into a contract to provide these services to Seneca County children enrolled in the 3-5 Preschool Program; and

WHEREAS the funds are appropriated in the 2018 Public Health Department budget 104149-54700; and

WHEREAS, the Public Health Committee has reviewed and approved this resolution at its December 26, 2017 meeting; now, therefore be it

RESOLVED, that the County Manager is hereby authorized and directed to sign a contract with Gorge Falls Therapy SLP, OT, PLLC for the period January 10, 2018 to December 31, 2019 for the provision of services to children enrolled in the 3-5 Preschool Program.

AUTHORIZE SERVICE AGREEMENT WITH CATHY BOND

EMERGENCY PLANNING CONSULTANT

RESOLUTION NO. 09-18, moved by Sprvr. McGreevy, second by Sprvr. Trout and adopted.

WHEREAS, Cathy Bond is a consultant who has worked with the Health Department for several years for the Emergency Preparedness Program; and

WHEREAS, the Health Department is required to update all of our emergency plans periodically;
and

WHEREAS, Cathy Bond has the skills and is available to provide this service; and

WHEREAS the cost for this service will not exceed \$18,000; and

WHEREAS these funds will be paid for from the Emergency Preparedness Grant funds which are included in the 2018 Public Health Department budget 104010-54702; and

WHEREAS, the Public Health Committee has reviewed and approved this resolution at its December 26, 2017 meeting; now, therefore be it

RESOLVED, that the County Manager is hereby authorized and directed to sign a service agreement with Cathy Bond for Emergency Planning Consultation services not to exceed \$18,000.

Unfinished Business

a. Resolution to Appropriate \$5,000 for the Creation of a Website to monitor offensive odors.

Sprvr. Garlick Lorenzetti offered a motion, seconded by Sprvr. Hochadel to bring the issue under Unfinished Business to the floor. The motion carried by 519 ayes (Garlick Lorenzetti, Hochadel, Brownell, Davidson, Prouty, Kaiser, Kronenwetter, Lott, McGreevy, Hayssen), 174 nays (Reynolds, Lazzaro, Trout) and 57 not present (Shipley).

Under discussion, Sprvr. Lazzaro was asked his opinion regarding an odor tracking website. He responded that he was not prepared to discuss the issue and asked that it be referred back to committee or laid on the table again if that was the desire of the Board of Supervisors. The discussion turned to the creation of a telephone hotline and whether information from a phone hotline would be viable in court. The discussion began to focus on the proposed incinerator discussed earlier in the meeting. Sprvr. Lazzaro called Point of Order, which was accepted by Majority Leader Davidson, acting as chairman of the board.

A motion was offered by Sprvr. Hayssen, to return the matter back to committee, seconded by Sprvr. Garlick Lorenzetti, and carried by 568 ayes and 2 nays (Lazaro, Trout), and 57 not present (Shipley).

New Business

Rule 29: A motion was carried by two thirds majority of the supervisors present, to bring the following resolution to the floor without having been reviewed by the proper standing committee.

SUPERVISORS SUPPORT BEVERLY ANIMAL SHELTER'S PURSUIT OF GRANT FUNDING

RESOLUTION NO. 10-18, moved by Sprvr. Trout, second by Sprvr. Garlick Lorenzetti and adopted.

WHEREAS, Beverly Animal Shelter provides contracted animal shelter services in Seneca County for the welfare of the public as per Resolution 284-17; and

WHEREAS, the Beverly Animal Shelter is pursuing a grant to fund the building of a kennel to provide secure containment, health and adequate care of sheltered dogs and cats; and

WHEREAS, the Seneca County Board of Supervisors supports this effort; and

WHEREAS, the grant application is due no later than January 10, 2018; and

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

RESOLVED, that the Seneca County Board of Supervisors is in support of Beverly Animal Shelter's pursuit of grant funding to fund the building of a kennel to provide secure containment, health and adequate care of sheltered dogs and cats.

Rule 29: A motion was offered by Sprvr. Davidson, second by Sprvr. Trout to bring a resolution to the floor without having been reviewed by the proper standing committee that will proclaim January 21-27 as School Choice Week in Seneca County.

Under discussion Sprvr. Lazzaro expressed his opposition to the proclamation resolution stating that he fully supports the right of the parents to choose a school for their children. However, he is reminded of the court decision back in the in Plessy v Ferguson when "separate but equal" was upheld by the Supreme Court and then overturned by Brown v Board. School Choice does not promote diversity (racial; religious; educational). Programs like charter schools and voucher systems take money away from public school - which depend on tax dollars for its annual budget. When funding is diverted to a voucher system for a charter-type school, that has a negative effect on the public school infrastructure, salaries, maintenance, etc. The charter-type school system doesn't offer a choice. Public schools are run by a public school board and public board meetings. Parents have the choice to have their voices heard on all matters regarding the school their children attend. Charter-type schools are privately operated and parents do not have the same opportunity to weigh in on school policies etc.

After the discussion, Sprvr. Trout withdrew his support of the motion; Sprvr. Davidson withdrew his motion for the resolution. No action was taken. The issue died for a proclamation resolution designating January 21-27 School Choice Week in Seneca County.

Annual Chamber of Commerce Seneca County Dinner

Sprvr. Hochadel asked why the Seneca County Chamber of Commerce held its annual dinner at an Ontario County business. The Clerk to the Board provided information she obtained from Chamber CEO Jeff Shipley. The establishment where the dinner was held is a member of the Seneca County Chamber of Commerce. Chamber memberships are not limited to the region that Chamber represents. All Chamber members were given an opportunity to submit a bid for the annual dinner. Club 86, where the event was held, offered the most affordable quote.

Suspension of the Rules

A motion was offered by Sprvr. Trout, second by Sprvr. Kronenwetter, to suspend the rules of order to introduce Tom Bouchard, Chair and Bill Karlsen, Vice-Chair, of the Town of Romulus Planning Board. The motion was carried by two-thirds majority vote.

Mr. Bouchard said he receive a letter from Alan Knauf, the lawyer for Circular EnerG saying the company was withdrawing its application for a special use permit from the town and plans to submit an application to the NYS Public Service Commission under Article 10 electricity generating siting proceedings.

Mr. Bouchard said two letters from town code enforcement were sent saying that under town zoning, a waste-to-energy facility is allowed as a renewable resource facility. However, the letters were not written by Adam Schrader, the town code officer – they were authored by the attorney for the developer – Mr. Schrader did sign the letters. These were the letters that would be included on the application for the special use permit.

The Planning Board has rejected the letters and the determination that the project is a renewable resource, as that determination is not within the authority of town code enforcement. The Planning Board passed resolutions disagreeing with Circular EnerG's description of renewable energy and its application to this project.

Sprvr. Garlick Lorenzetti, who expressed opposition to the proposed incinerator project, urged her fellow board members to adopt a resolution opposing the project – as well as similar resolutions at the town level.

Special Order of the Day

The meeting adjourned at 7:26 p.m.