

Seneca County Board Of Supervisors

Regular Meeting

January 14, 2014

Call to Order

Chairman Hayssen called the meeting to order at 6:10 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

Presentation

Seneca County Tourism Promotion Agency 4th Quarter Report - Jeff Shipley, Executive Director, Seneca County Chamber of Commerce. Major accomplishments during the fourth quarter of 2013 included implementation of the “Winter” advertising campaign, numerous public relations “pitches” and related “hits”, extensive SEO optimization updates to the tourism website and the commencement of major creative work for the Official 2014 Seneca County Travel Guide.

Petitioners

a. Cyndi Park, Executive Director, Waterloo Library; Brandi Rozelle, Director, Waterloo Library; and Mark Benjamin, Community Relations Director, SMI, Inc. - A Greener Community . The Waterloo Library is partnering with Seneca Meadows to help improve how to reduce, reuse and recycle. The library will implement a program called “Pushing the Limits” that will include reading a book on an environmental theme, funded by a grant from the National Science Foundation.

b. John Patti, resident, Town of Waterloo - Seneca Meadows Inc. Mr. Patti would like to see SMI, Inc. focusing more on separating recyclables away from the landfill. He said the City of Canandaigua requires trash haulers to separate recyclables from the trash or they would be fined. He distributed samples of a fertilizer called milorganite. Milorganite is made by a process that uses organic material in wastewater. It is manufactured by the Milwaukee Metropolitan Sewerage District, and is one of the world’s largest recycling efforts.

c. Brian Preston - Seneca County IDA. Mr. Preston asked that the Board of Supervisors take the necessary action that would result in dissolving the Seneca County IDA and seek the resignation of the executive director, Robert Aronson. Mr. Preston spoke in opposition to the millions of dollars in tax breaks that were administered through the IDA to companies he claims don’t need a tax break. He said any dollars taken off the tax rolls is paid for by the remaining taxpaying residents of Seneca County.

Mr. Preston asked Chairman Hayssen and Mr. Earle, the Board of Supervisors representative on the IDA board to make a public statement about “the double standard on property taxes.” Hayssen and Earle said they weren’t prepared to comment at that point in time.

Submission of Claims for Audit

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

Supervisors vouchers	totaling	\$	681,390.47
Workforce Development vouchers	totaling	\$	31,277.947
Self-Insurance vouchers	totaling	\$	36,654.46
County Airport vouchers	totaling	\$	4,665.12
Highway Transportation vouchers			
Maintenance & State Snow	totaling	\$	150,865.88
Highway Machinery	totaling	\$	118,979.42
	Highway Total	\$	269,845.30
Water	totaling	\$	226,182.98
Sewer 1	totaling	\$	21,978.69
Sewer 2	totaling	\$	59,952.82
Airport Capital vouchers	totaling	\$	35,101.97
County Road 132 Capital vouchers	totaling	\$	626.10

Reports of Standing Committees

Public Safety Committee - Mr. Reynolds, Chairman. The Committee met on December 17, 2013 and approved several issues including: (1) authorization to solicit bids for a used “communications microwave” for E-911 as the current one located at the Burgess Road tower needs to be either repaired or replaced. The Committee recommended purchasing a used one; (2) authorization for the Chairman of the Board to execute any and all documents to accept the grand funding for the Emergency Management Office and authorize the Director of Emergency Management, using grant funding, to create a REHAB Team and a Technical Rescue Team.

Indian Affairs Committee - Mr. Shipley, Chairman. Mr. Shipley gave an overview of the 2nd Circuit Court of Appeals hearing he and others attended in New York City on January 7 in the matter of whether Seneca County can foreclose on tax delinquent property owned by the Cayuga Nation. A decision by the court won’t be expected for several months. IAC Chairman Shipley noted that it is difficult to tell how the court will decide. He believed the court had a thorough understanding of the case as one of the judge made a comment that the only way to get the case to the Supreme Court was to rule against the Cayuga Nation.

Also attending the hearing with IAC Chairman Shipley were County Attorney Frank Fisher; Waterloo Supervisor Bob Shipley, chairman of the Indian Affairs Committee; Brad Jones and Roswell

Parks, members of the Citizens Advisory Committee to the Indian Affairs Committee; and David Dresser of Ovid, advisor to the Board of Supervisors in Indian matters.

Finance, Assessment & Insurance Committee - Mr. Prouty, Chairman. The committee reviewed and approved several of the resolutions on the evening's agenda that will authorize the County Treasurer to pay the adopted 2014 funding to outside agencies.

Chairman's Remarks

Chairman Hayssen and Supervisor Davidson updated the Board of Supervisors on the courthouse renovation project and a meeting with John Snyder Architects. At the Public Works Committee Meeting scheduled for January 25, Mr. Snyder will be presenting more detail about the changes to the initial design including the location of the E911 backup center and some issues encountered with the boiler onsite.

County Attorney's Remarks

Mr. Fisher commented on the 2nd Circuit Court of Appeals hearing in New York City in the matter of whether Seneca County can foreclose on tax delinquent property owned by the Cayuga Nation. Mr. Fisher thought that the case was being taken very seriously by the court referring to the fact that the chief justice put himself on the panel.

Communications

1. From the Town Board of Geneva, NY, Notice of Public Hearing for Local Law and Public Hearing for proposed local law 1 of 2014, "A local law to override the tax levy limit established in General Municipal Law Section 3-c" scheduled for February 11, 2014 at 7:00 p.m. at the Geneva Town Hall.
2. From the office of the New York State Assembly Minority Leader Brian M. Kolb, a letter acknowledging receipt of Seneca County Resolution No. 214-13, urging NYS representatives to enact producer responsibility legislation for mercury thermostats sold in New York State; and Seneca County Resolution No. 212-13 urging the New York State Legislature to enact Producer Responsibility (EPR) legislation.
3. From the Allegany County Legislative Board, a copy of Resolution No. 202-13 and from Schuyler County Legislature a copy of Resolution No. 15, "Denying the Use of the County Seal or any other Allegany County Identification with Regard to the New York SAFE Act".
4. A copy of the Genesee/Finger Lakes Regional Planning Council September 12, 2013 meeting minutes.
5. A copy of the Seneca County Community Services Board December 17, 2013 meeting minutes.
6. A copy of the Seneca County Public Health Board December 18, 2013 meeting minutes.

7. A copy of the TACFL (Tobacco Action Coalition of the Finger Lakes) newsletter Volume 3, Issue 4, December 2013.

8. From Genesee/Finger Lakes Regional Planning Council notifying Seneca County of the need to adopt a resolution approving the official undertaking of Public Employees Fidelity (blanket) Bond for Genesee/Finger Lakes Regional Planning Council. Referred to the Planning, Development, Agriculture & Tourism Committee.

RESOLUTIONS & MOTIONS

**SUPERVISORS DIRECT TREASURER TO PAY 2014 FUNDING TO
THE BEVERLY ANIMAL SHELTER**

RESOLUTION NO. 02-14, moved by Mr. Prouty, second by Mr. Churchill and adopted.

WHEREAS, the Seneca County Board of Supervisors finds that there is a need to provide animal shelter services in Seneca County for the welfare of the public; and

WHEREAS, the Beverly Animal Shelter is a not-for-profit corporation whose main purpose is to provide animal sheltering and other ancillary services; and

WHEREAS, funding is provided for this purpose in the adopted 2014 Seneca County Budget account line 108794-54700; and

WHEREAS, the Finance, Assessment & Insurance Committee approved this resolution at its December 17, 2013 meeting; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Chairman of the Board of Supervisors to sign a contract with the Beverly Animal Shelter for services provided; and be it further

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the County Treasurer to pay to the Beverly Animal Shelter the sum of \$30,000.00 as appropriated in the 2014 Seneca County Budget account 108794-54700 (Animal Shelter) in twelve monthly payments of \$2,500.00.

**SUPERVISORS DIRECT TREASURER TO PAY 2014 FUNDING TO THE
SENECA COUNTY AGRICULTURAL SOCIETY, INC. FOR THE 2014 COUNTY FAIR**

RESOLUTION NO. 03-14, moved by Mr. Prouty, second by Mr. Westfall and adopted.

WHEREAS, the Board of Supervisors wishes to maintain the tradition of the Seneca County Fair; and

WHEREAS, the Seneca County Agricultural Society has organized and operated the Seneca County Fair annually for many years; and

WHEREAS, funding for the County Fair is provided in the adopted 2014 Seneca County Budget account line 108793-54700 (Fair Association-County Fair); and

WHEREAS, this resolution has been reviewed and recommended for approval by the Finance, Assessment & Insurance Committee on December 17, 2013; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the County Treasurer to pay to the Seneca County Agricultural Society the sum of \$5,400.00 as appropriated in the 2014 Seneca County Budget account 108793-54700 (Fair Association-County Fair); and be it further

RESOLVED, that the Seneca County Agricultural Society shall provide a report and accounting of the expenditure of said funds to the County Treasurer within ninety days following the conclusion of the 2014 Seneca County Fair.

**SUPERVISORS DIRECT TREASURER TO PAY 2014 FUNDING TO THE
SENECA COUNTY CORNELL COOPERATIVE EXTENSION SERVICE**

RESOLUTION NO. 04-14, moved by Mr. Prouty, second by Mr. Shipley and adopted.

WHEREAS, a total budget of \$323,740.00 has been submitted by the Seneca County Cornell Cooperative Extension Association; and

WHEREAS, this budget has been approved by the Seneca County Board of Supervisors; now, therefore be it

RESOLVED, that the appropriation of \$323,740.00 be allocated to the Cooperative Extension Association for the year beginning January 1, 2013; and be it further

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the County Treasurer to pay to the duly elected and properly bonded Treasurer of the Seneca County Cornell Cooperative Extension Association pay the sum of \$323,740.00 as appropriated in the Seneca County 2014 Budget account line 108790-54700 (Cooperative Extension Service) in four payments of \$80,935.00 issued in advance of the first day of each quarter beginning January 1, 2014; and be it further

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Chairman of the Seneca County Board of Supervisors to execute such Memorandum of Agreement as may be approved by Cornell University as the agent for the State of New York, purposes set forth therein and requiring an annual report of the end of the year containing therein a true and accurate account of all receipts and expenditures of said Association.

**SUPERVISORS DIRECT COUNTY TREASURER TO PAY 2014 FUNDING TO FINGER
LAKES LIBRARY SYSTEM AND EACH OF THE FIVE LIBRARIES IN SENECA COUNTY**

RESOLUTION NO. 05-14, moved by Mr. Prouty, second by Mr. Davidson and adopted.

WHEREAS, the Seneca County Board of Supervisors recognizes the contribution made to the cultural and educational welfare of the citizens of Seneca County through services offered by our public libraries and the Finger Lakes Library System (FLLS); and

WHEREAS, funding is provided for the five libraries in Seneca County and FLLS in the adopted 2014 Seneca County Budget account line 108792-54700; and

WHEREAS, the Finance, Assessment & Insurance Committee approved this resolution at its December 17, 2013 meeting; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Chairman of the Board of Supervisors to sign contracts with the five libraries and FLLS for financial support for 2014; and be it further

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the County Treasurer to pay to the five libraries and to Finger Lakes Library System the sum of \$53,800.00 as appropriated in the 2014 Seneca County Budget account 108792-54700 (Libraries-Libraries) as indicated:

Edith B. Ford Memorial Library (Ovid)	\$8,590
Interlaken Public Library	\$8,590
Lodi Whittier Library	\$8,590
Seneca Falls Library	\$11,183
Waterloo Library and Historical Society	\$11,183
Finger Lakes Library System	\$5,664

**SUPERVISORS DIRECT TREASURER TO PAY 2014 FUNDING TO THE
SENECA COUNTY SOIL & WATER CONSERVATION DISTRICT**

RESOLUTION NO. 06-14, moved by Mr. Prouty, second by Mr. McGreevy and adopted.

WHEREAS, Chapter 727 of the Laws of the State of New York, 1940, as amended, provides that the Board of Supervisors may appropriate to the Seneca County Soil and Water Conservation District for the year 2014 moneys to be expended in accordance with the budget submitted to the Board of Supervisors; now; therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the County Treasurer to pay to the duly elected and properly bonded Treasurer of the Seneca County Soil and Water Conservation District the sum of \$293,789.00 as appropriated in the 2014 Seneca County Budget account 108730-54700 (Soil & Water Conservation) in four quarterly payments of \$73,447.25 in advance of each quarter beginning January 1, 2014.

**SUPERVISORS AUTHORIZE SOLICITATION OF BIDS FOR REPLACEMENT OF A
USED COMMUNICATIONS MICROWAVE FOR E-911**

RESOLUTION NO. 07-14, moved by Mr. Reynolds, second by Mr. Davidson and adopted.

WHEREAS, the current microwave located at the Burgess Road tower is in need of replacement; and

WHEREAS, the repairs are anticipated to be of an amount that will require competitive bidding;
and

WHEREAS, the funds are available in the E-911 reserve fund; and

WHEREAS, competitive bid results will be presented to the Board of Supervisors; and

WHEREAS, it was agreed by the Public Safety Committee that purchasing a used microwave is more cost effective than the repairs; and

WHEREAS, this resolution has been reviewed and approved by the Public Safety Committee on December 17, 2013; now therefore be it

RESOLVED, that the Board of Supervisors authorizes and directs that competitive bids be solicited for a used communications microwave for the E-911 center for the Burgess Road tower.

ACCEPT THE FY 2013 LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT

RESOLUTION NO. 08-14, moved by Mr. Reynolds, second by Mr. Lazzaro and adopted.

WHEREAS, the New York State Division of Homeland Security & Emergency Services awarded the Seneca County Office of Emergency Services a FY 2013 Local Emergency Management Performance Grant for \$17,634.00; and

WHEREAS, this is the annual grant which the County has participated in for more than twenty years, is to offset expenses related to the Office of Emergency Services; and

WHEREAS, the Public Safety Committee approved the acceptance of said grant at its meeting on December 17, 2013; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Chairman of the Board to sign any and all documents required by the New York State Division of Homeland Security & Emergency Services for Seneca County to receive funding from the Local Emergency Management Performance Grant for FY 2013.

**SUPERVISORS ACCEPT FY 2013 TECHNICAL RESCUE GRANT AND DIRECT THE
TREASURER TO AMEND THE 2014 COUNTY BUDGET**

RESOLUTION NO. 09-14, moved by Mr. Reynolds, second by Mr. Churchill and adopted.

WHEREAS, the New York State Division of Homeland Security & Emergency Services awarded the Seneca County Office of Emergency Services a FY 2013 Technical Rescue Grant for \$96,165.00 with no local match; and

WHEREAS, the Public Safety Committee approved the acceptance of said grant at its meeting on December 17, 2013; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Chairman of the Board to sign any and all documents required by the New York State Division of Homeland

Security & Emergency Services for Seneca County to receive funding from the FY 2013 Technical Rescue Grant; and be it further

RESOLVED, that the Board of Supervisors authorizes the County Treasurer to amend the 2014 Seneca County Budget as follows:

Create budget account line 103642-54720 (SHSP-Technical Rescue Grant)

Increase the newly created account line 103642 54720 by \$96,165.00

Increase SHSP-SHSP Grant 103645-43005 by \$96,165.00

**OFFICE OF EMERGENCY SERVICES AUTHORIZED TO CREATE
REHAB TEAM AND A TECHNICAL RESCUE TEAM**

RESOLUTION NO. 10-14, moved by Mr. Reynolds, second by Mr. Earle and adopted.

WHEREAS, New York State General Municipal Law 209bb authorizes a County to create specialized teams; and

WHEREAS, in accordance with National Fire Protection Association Standard 1584 a REHAB Team of individuals from various county fire departments will be formed to create a REHAB (Rehabilitation) Sector for incidents and training; and

WHEREAS, firefighters from county fire departments, and who are also members of their fire department's Water Rescue Team, will form a Technical Rescue Team, which will be available to do Swift and Flood Water Rescue Operations; and

WHEREAS, all costs associated with the development of a REHAB Team and a Technical Rescue Team, including equipment and training, are covered by a New York State Homeland Security Grant; and

WHEREAS, at its meeting on December 17, 2013, the Public Safety Committee approved the creation of said teams by a board resolution; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes the Director of Emergency Services to create a REHAB Team and a Technical Rescue Team and all costs associated with the development and training of these teams will be funded by a grant from the New York State Homeland Security Program.

Unfinished Business

In accordance with Board of Supervisors Rule of Order 29, a motion to introduce the following resolution to the floor, without having been reviewed by the appropriate Standing Committee, was moved by Mr. Davidson and a second by Mr. Churchill.

**SUPERVISORS AUTHORIZE ENVIRONMENTAL EVALUATION OF
EXISTING BOILERS, HEAT PUMP PIPING AND MISCELLANEOUS MATERIALS**

RESOLUTION NO. 11-14, moved by Mr. Davidson, second by Mr. Churchill and adopted.

WHEREAS, an environmental evaluation of the existing boilers and heat pump piping is recommended by John Snyder Architects to prepare remediation documents as necessary; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors does hereby authorize John Snyder Architects to retain Paradigm Environmental Services, Rochester, NY to evaluate the existing boilers, heat pump piping, and miscellaneous materials at a cost not to exceed \$5,000.00 to be appropriated from the Capital Project Account line 801620-52000.

In accordance with Board of Supervisors Rule of Order 29, a motion to introduce the following resolutions to the floor, without having been reviewed by the appropriate Standing Committee, was moved by Mr. Kaiser and a second by Mr. Davidson.

**RESOLUTION OF THE BOARD OF SUPERVISORS OF SENECA COUNTY
SEQR CLASSIFICATION OF WASTEWATER TREATMENT PLANT UPGRADE
PROJECT AT WILLARD WASTEWATER TREATMENT FACILITY IN SENECA
COUNTY SEWER DISTRICT NO. 1**

RESOLUTION NO. 12-14, moved by Mr. Kaiser, second by Mr. Kubasik and adopted.

WHEREAS, the Willard Wastewater Facility is in need of repairs and improvements; and

WHEREAS, the Seneca County Board of Supervisors has authorized applying for loan funding in an amount not to exceed \$400,000.00 from the NY Environmental Facilities Corporation's Clean Water State Revolving Fund Loan Program; and

WHEREAS, the project's scope will include removal and replacement of the existing roof, replacement of existing blowers with high efficiency turbo blowers, removal and replacement of the existing sludge drying beds, as well as other miscellaneous repairs and improvements; and

WHEREAS, the Project per Resolution No. 8-13, dated March 6, 2013, had been identified as a Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA) and the Seneca County Board of Supervisors had expressed its desire to act as lead agency for SEQRA review purposes; and

WHEREAS, upon further review of the project the Seneca County Board of Supervisors and the Engineer have determined that the project is not an Unlisted Action under SEQRA and therefore wish to rescind the previously adopted resolution declaring the project a SEQRA Unlisted Action; and

WHEREAS, the project is hereby reclassified as Type II because the actions are limited to the following, as defined by 6NYCRR 617.5(c):

1) 617.5(c) (1): maintenance or repair involving no substantial changes in an existing structure or facility.

2) 617.5 (c)(2): replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site

3) 617.5 (c)(7): construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls; and

WHEREAS, it has been determined that no other agencies would be involved; now, therefore, be it RESOLVED, by the Seneca County Board of Supervisors of the Seneca County, New York revises its Resolution 08-13 as follows:

1. Seneca County Board of Supervisors declares that it is acting as lead agency for the purpose of the Project and all actions related thereto.

2. Based upon its review and consideration of the necessary criteria, the Seneca County Board of Supervisors hereby finds that (a) the proposed capital project does constitute a "Type II Action" pursuant to 6NYCRR 617.5(c)(1), 617.5(c)(2) and 617.5(c)(7) of the SEQRA Regulations, and that (b) the object of the above-referenced action and the approval of any financing therefore will result in no major adverse impacts and is, therefore exempt from review pursuant to the provisions of SEQRA.

3. The County Clerk is hereby directed to maintain for public inspection a file containing a copy of this Resolution

4. This resolution shall take effect immediately.

Under discussion of above Resolution No. 12-14, Mr. Kubasik called attention to the Resolved clauses of the resolution saying that none of them stated whether this resolution amended or rescinded or did not affect the previously adopted Resolution No. 08-13.

Mr. Kaiser made the motion, seconded by Mr. Kubasik, and carried to include a Resolved Clause stating that this resolution rescinded Resolution No. 08-13 and that the SEQR for this project is Type II Action.

New Business

Mr. McGreevy made a motion, second by Mr. Davidson, for the Board of Supervisors to enter into executive session for the following reasons: (1) To discuss settlement of a minor civil action under Section 105(1)(d) Public Officers Law; (2) To discuss matters related to the appointment of a particular person under Section 105(1)(f) POL; (3) To discuss a transaction involving rights to real property where public disclosure might affect the value thereof under Section 105(1)(h) POL; and 108 (3) to obtain legal advice from counsel. Invited into Executive Session were: Frank Fisher, County Attorney; Kathy Corona, the Personnel Director; Bill Bordeau, Director of Planning & Community Development; and Nick Mazza, Consultant, Bonadio & Co., Syracuse, NY.

Mrs. Garlick Lorenzetti objected to the motion to enter executive session and asked why the three reasons for entering executive session could not be discussed in open session. It was pointed out that the executive session was necessary because the Board of Supervisors were going to obtain legal advice from the county attorney.

Mrs. Garlick Lorenzetti and Mr. Churchill questioned why Nick Mazza would be included in any of the discussions to take place in executive session and requested a roll call on the vote to enter executive session.

The roll call vote to enter executive session for the above cited reasons; and with the above cited individuals present, carried by 435 ayes (Reynolds, Davidson, Prouty, Kaiser Earle, McGreevy, Hayssen, Westfall, Shipley) and 315 nays (Garlick Lorenzetti, Serven, Churchill, Lazzaro, Kubasik).

The Board of Supervisors met in Executive Session from 7:16 p.m. - 9:45 p.m.

The Board of Supervisors reconvened in open session. No further action was taken by the Board of Supervisors.

Special Order of the Day

The meeting adjourned at 9:45 p.m.