

Seneca County Board of Supervisors

Board Meeting

Tuesday, April 14, 2015

6:00 p.m.

Call to Order

Chairman Earle 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

Petitioners

a. Kyle Black, Interim District Manager, Seneca Meadows Landfill - Mr. Black is the interim district manager, until a replacement is named for Don Gentilcore who recently left the company after twelve years. Mr. Black is an alumnus of Mynderse Academy; earned a degree in construction engineering from Canton Technical College; and resides in the Town of Junius. He assured the Board of Supervisors that ownership of Seneca Meadows remains the same. He looks forward to continuing the relationship between Seneca Meadows and the county.

Supervisor Garlick Lorenzetti asked about rumors of layoffs at the landfill. Mr. Black confirmed there had been some layoffs but most of them were seasonal due to a decrease in construction.

b. Bill Breen, resident, Town of Waterloo - Mr. Breen said RTS (formally known as STS) has plans to add seven more busses to its fleet and plans for a garage are underway.

Submission of Claims for Audit

Supervisor Prouty made a motion, seconded by Supervisor Kubasik, to approve the following vouchers for payment in accordance with the county auditing process.

Supervisor Hayssen made a motion to amend the main motion by adding additional language stating "except all those vouchers paid to Mary Anne Kowalski for professional services", Mr. Kaiser seconded the motion supporting the amendment.

Under discussion, Supervisor Hayssen said the billing submitted by Ms. Kowalski was a single line for a flat monthly rate of \$3,000. A professional services contractor's bill should indicate what the services were, the amount of time expended on them, and in the case of the districts, the time should be distributed fairly (not equally) between the three districts.

After the discussion, Chairman Earle called for a vote on the amendment, which resulted in defeat by 498 nays (Garlick Lorenzetti, Serven, Davidson, Earle, Churchill, Lazaro, McGreevy, Westfall, and Kubasik); and 252 ayes (Hayssen, Kaiser, Reynolds, Prouty, Shipley).

Chairman Earle called for a vote on the main motion to approve the following vouchers for payment in accordance with the county auditing process , which resulted in adoption by 656 ayes (Prouty, Kubasik, Reynolds, Garlick Lorenzetti, Serven, Davidson, Earle, Churchill, Lazzaro, McGreevy, Westfall, Shipley); and 94 nays (Hayssen and Kaiser).

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|------------------------------------|---------------|----|--------------|
| Supervisors vouchers | totaling | \$ | 1,346,186.84 |
| Workforce Development vouchers | totaling | \$ | 25,758.68 |
| Self-Insurance vouchers | totaling | \$ | 368,914.23 |
| County Airport vouchers | totaling | \$ | 8,048.86 |
| Highway Transportation vouchers | | | |
| Maintenance & State Snow | totaling | \$ | 141,012.47 |
| Highway Machinery | totaling | \$ | 65,354.95 |
| | Highway Total | \$ | 206,367.42 |
| Water | totaling | \$ | 81,386.71 |
| Sewer 1 | totaling | \$ | 18,621.33 |
| Sewer 2 | totaling | \$ | 20,212.19 |
| Capital Project - Airport vouchers | totaling | \$ | 469,738.66 |
| Capital Project - Courthouse | totaling | \$ | 34,517.13 |
| Capital Project - Radio Project | totaling | \$ | 138,165.50 |
| Capital Project - Sampson Cemetery | totaling | \$ | 824.92 |

Reports of Standing Committees

The following Standing Committees of the Seneca County Board of Supervisors held meetings on March 24, 2015.

Public Health Services Committee - Supervisor McGreevy, Chairman. The committee approved resolutions for consideration by the Board of Supervisors: (1) authorizing the Chairman of the Board of Supervisors to sign a Contract with the New York State Department of Health for the Tobacco Enforcement Program Grant; (2) authorize the Chairman of the Board of supervisors to sign the Finger Lakes Public Health Alliance Inter-Municipal Agreement (FLPHA); (3) authorize the county treasurer to create a revenue and an expense account in the 2015 county budget for Public Health Emergency Preparedness Ebola Preparedness and Response Grant in the amount of \$38,000.

Indian Affairs Committee - Supervisor Shipley, Chairman. The committee approved a draft resolution to be considered by the Board of Supervisors to approve an Interim retainer agreement with Bond, Schoeneck & King Attorneys to represent Seneca County in Indian Affair matters. The draft retainer was received from New York State on March 23.

We were successful in our request to New York State for the inclusion of an off-set payment to Seneca County for unpaid Cayuga Nation property taxes. Supervisor Shipley expressed appreciation for Senator Nozzolio, Assembly Minority Leader Kolb and Assemblyman Palmesano and their effort and persistence in securing \$340,000 for Seneca County

Matt Driscoll has been nominated by Governor Cuomo to replace NYS Department of Transportation Commissioner Joan McDonald. Supervisor Shipley requested that Chairman Earle contact Mr. Driscoll regarding Seneca County's desire to be realigned from Region 3 to Region 4.

Human Services Committee - Supervisor Lazzaro, Chairman. The committee approved the recommendation from the Weatherization Office to award the weatherization bids to All Pro Heating & Air Conditioning for tuning and cleaning of oil fired heating systems; and for combustible appliance emergency repair work; and award the bid to Adecco Employment Services for temporary staffing.

Planning, Development, Agriculture & Tourism - Supervisor Hayssen, Chairman. The committee approved the appointment of Milt vonHahmann to serve on the Airport Advisory Committee for a 3-year term. The appointment is made by the Board of Supervisors. A resolution is on the agenda for review.

The committee approved a resolution that is on the agenda for review by the Board of Supervisors. The resolution has to do with establishing a term limit for members serving on the IDA Board. Since the meeting in March, the county attorney, Mr. Fisher offered advice on the merits of the resolution, which will be discussed when the resolution is presented to the Board of Supervisors later in the night.

Public Safety Committee - Supervisor Kaiser, Chairman. The Seneca County Office of Emergency Services was awarded a FY 2014 State Homeland Security Grant for \$4,000.00 to for funding attendance to the Penn State Grain Bin Rescue Course. A resolution is on the agenda authorizing the Chairman of the board to execute the necessary documents to accept the additional funding.

The committee also approved for board resolution, the Mutualink program offered as an opt-in by New York State. "Mutualink" creates networks of interoperable communications that are, at an instant, capable of sharing voice, text, radio, video, data and telephone communications in a secure environment. There is no cost to individual counties.

Mental Health Services Committee - Supervisor Serven, Chairman. The committee has one resolution to be considered by the Board of Supervisors authorizing the county treasurer to amend the 2015 budget to include \$8,999 funding from New York State Office of Alcoholism and Substance Abuse.

Finance, Assessment & Insurance Committee - Supervisor Prouty, Chairman. The committee approved giving authority to the county attorney to settle the case of Maxim Development v. Seneca County Montezuma Properties; and authority to the county treasurer to distribute the annual funding to the five libraries in Seneca County and with Finger Lakes Library System; and a resolution authorizing the extension of the tax rolls and extract files to school districts and to extend the tax roll to the villages.

Public Works Committee - Supervisor Westfall, Chairman. The Public Works Committee met on March 21, 2015 at the Town of Waterloo Town Offices. Mary Anne Kowalski presented a PowerPoint of the condition of facilities at Seneca County Sewer District No.1. There is a lot of work to be done. We need to discuss bonding and financing for the repairs.

The committee approved the recommendation by Ms. Kowalski to disband the advisory boards created for Sewer 1, Sewer 2 and Water 1. We need to have a public hearing and repeal the local law that created the advisory boards.

The committee approved a contract with Mary Anne effective January 1 - July 31, 2015 to continue as Interim Administrator for the Water and Sewer Department at a flat monthly rate of \$3,000.00 plus mileage.

Chairman's Remarks

Chairman Earle said the search for a county manager has been extended. The search committee recommended the range of salary originally offered be re-reviewed. Any revisions will be advertised. Applications will be due on April 30, 2015

Communications:

31. A copy of a letter from Senator Nozzolio to NYS DOT Commissioner McDonald dated March 23, 2015 requesting again the realignment of Seneca County from NYS DOT Region 3 to Region 4.

32. Letters opposing any local legislation, (proposed Seneca County local law D) that would allow the sale of sparkling devices in Seneca County from the following agencies and organizations: Seneca County Fire Advisory Board; Firemen's Association of the State of New York (FASNY); New York State Association of Fire Chiefs; Seneca County Fire Chief's Association; and Varick Volunteer Fire Company, Inc.

33. A copy of the Seneca County Federation of Sportsmen's Clubs, Inc. February 17, 2015 meeting minutes.

34. A copy of the Seneca County IDA February 12, 2015 meeting minutes.

35. A copy of the Seneca County Board of Health March 25, 2015 meeting minutes.

36. A copy of the Seneca County Planning Board March 12, 2015 meeting minutes.

36a. A letter from Bill Martin, Owner, Montezuma Winery, to Chairman Donald W. Earle, thanking him for the opportunity to address the Board of Supervisors on a matter of which details are not described, "I am writing on behalf of the Marin Family to send you our most sincere thank you. Your attentiveness to this matter has made us very satisfied to know that local government does look out for its citizens and business owners."

RESOLUTIONS & MOTIONS

**BOARD OF SUPERVISORS AUTHORIZES COUNSEL TO SETTLE CIVIL ACTION
ENTITLED MAXIM DEVELOPMENT v. MONTEZUMA PROPERTIES
AND THE COUNTY OF SENECA**

RESOLUTION NO. 61-15 moved by Mr. Prouty, second by Mr. Lazzaro and adopted by 693 ayes, and 57 abstentions (Kubasik).

WHEREAS, the matter of Maxim Development v. Montezuma Properties and Seneca County is pending before the New York State Supreme Court under Index No. 48341; and

WHEREAS, the Board of Supervisors after consultation with counsel and in the interest of bringing the litigation to a conclusion, wishes to authorize its representative to engage in and finalize settlement negotiations with co-defendant in said action Montezuma properties on behalf of the County; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors authorizes the County Attorney to settle the interests of Seneca County in the above entitled action in accordance with a certain Stipulation approved by the Finance Committee in executive session, the specific terms of which Stipulation to remain confidential pending execution in full by all parties to such litigation and filing of the fully executed document with and approval by the Court.

**BOARD OF SUPERVISORS AUTHORIZES CONTRACT FOR SERVICES WITH
THE FINGER LAKES LIBRARY SYSTEM AND EACH OF THE
FIVE LIBRARIES IN SENECA COUNTY**

RESOLUTION NO. 62-15 moved by Mr. Prouty, second by Mr. Kubasik and adopted.

WHEREAS, the Seneca County Board of Supervisors, in recognition of the contribution made to the cultural and educational welfare of the citizens of Seneca County by our public libraries and the need for continued support of the services provided through the Finger Lakes Library System (FLLS) and the five local libraries serving Seneca County; and

WHEREAS, funding is available in the Adopted 2015 Seneca County Budget to support the public libraries, line item 108792-54700; and

WHEREAS, the Finance, Assessment & Insurance Committee recommends continued support to the Libraries and authorization for the Chairman of the Board of Supervisors to sign contracts for continued financial assistance; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized and directed to execute contracts with the Finger Lakes Library System and the local libraries in the aggregate amount of \$56,541.00 to be distributed as follows:

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| Edith B. Ford Memorial Library, Ovid | \$ 9,028 |
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| Interlaken Public Library | \$ 9,028 |
| Lodi Whittier Library | \$ 9,028 |
| Seneca Falls Library | \$11,752 |
| Waterloo Library and Historical Society | \$11,752 |
| Finger Lakes Library System | \$ 5,953 |

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

RESOLUTION NO. 63-15 moved by Mr. Prouty, second by Mr. Reynolds and unanimously 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 and villages are desirous of continuing this service for 2015; and

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

RESOLVED, that the Chairman of the Seneca County Board of Supervisors, 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 2015.

EXTEND TAX ROLLS AND BILLS FOR VILLAGES

RESOLUTION NO. 64-15 moved by Mr. Prouty, second by Mr. Reynolds and unanimously 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 2015; 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 Chairman of the Seneca County Board of Supervisors, after review and approval by the County Attorney, be and hereby is authorized to sign the 2015 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.

**BOARD OF SUPERVISORS CONTINUES APPOINTMENT OF MARY ANNE KOWALSKI AS
INTERIM ADMINISTRATOR FOR SEWER 1 AND SEWER 2 AND WATER 1**

RESOLUTION NO. 65-15 moved by Mr. Westfall, second by Mr. Churchill and adopted by 555 ayes (Westfall, Churchill, Garlick Lorenzetti, Serven, Davidson, Earle, Lazzaro, McGreevy, Shipley, Kubasik), and 195 nays (Reynolds, Prouty, Kaiser, Hayssen).

WHEREAS, the Board recognizes a continuing need for interim administrative supervision of the County Water and Sewer Districts; and

WHEREAS, Mary Anne Kowalski has expressed a willingness to continue in the position of Interim Administrator; and

WHEREAS, the Public Works Committee has approved this resolution on March 21, 2015; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors does hereby continue the appointment of Mary Anne Kowalski, Romulus, NY, as Interim Administrator of the County Sewer 1 District, the County Sewer 2 District, and the County Water 1 District for a period of January 1, 2015 - July 31, 2015; and be it further

RESOLVED, that the Interim Administrator shall be compensated at the rate of \$3,000.00 per month together with reimbursement for mileage at the current IRS rate of 57.5 cents per mile.

Under discussion of Resolution No. 65-15, Supervisor Hayssen questioned why the pay rate was changed from \$100 a day to a flat rate of \$3,000 a month, effective from January 1, 2015, when Ms. Kowalski was in Florida until mid-March. He also wasn't supportive of a new contract because he wants to know why she is spending time on how the districts were operated in the past. He thought she was hired to move forward with operation of the districts. "

Supervisor Garlick Lorenzetti indicated that Ms. Kowalski is not an employee of Seneca County. Seneca County is contracting with her for her services. While she was in Florida, Ms. Kowalski continued working, keeping up with emails.

Supervisor Kaiser said he was supportive of hiring Mary Anne Kowalski six months ago, but he won't support a new contract with her because he disagrees with her recommendation to disband the advisory boards. The advisory boards were created to administer sewer and water services and to represent the users.

**A RESOLUTION TO INTRODUCE LOCAL LAW “E” OF 2015 ENTITLED
“A LOCAL LAW TO DISBAND ADVISORY BOARDS TO THE SENECA COUNTY WATER
AND SEWER DISTRICTS AND TO AMEND LOCAL LAW 2 OF 1988 AS AMENDED BY
LOCAL LAW 3 OF 2009 TO SO REFLECT”**

RESOLUTION NO. 66-15 moved by Mr. Westfall, second by Mr. Garlick Lorenzetti and adopted by 555 ayes (Westfall, Garlick Lorenzetti, Serven, Davidson, Earle, Churchill, Lazzaro, McGreevy, Shipley, Kubasik), and 195 nays (Reynolds, Prouty, Kaiser, Hayssen).

WHEREAS, there is no role or governing authority assigned to the boards. They simply exist, with no discernable function and that in fact, the resolution establishing them does not specify what they advise about and to whom they dispense the advice; and

WHEREAS, there is already a governing board for the County Districts, that is the Public Works Committee and the Board of Supervisors; and

WHEREAS, this resolution has been reviewed and approved by the Public Works Committee on March 21, 2015; now, therefore, be it

RESOLVED, that proposed Local Law E of 2015 entitled " A Local Law to Disband Advisory Boards to The Seneca County Water and Sewer Districts and to Amend Local Law 2 of 1988 as Amended by Local Law 3 of 2009 to so Reflect " be and the same is hereby introduced before the Board of Supervisors of Seneca County, New York to read in substantially the following form:

Seneca County Local Law 9 of 2007 is hereby amended as follows:

SECTION 1 - Advisory Boards, however constituted, to the Seneca County Water and Sewer Department and to the Seneca County Water and Sewer Districts are hereby disbanded.

SECTION 2 - Local Law 2 of 1988 as amended by Local Law 3 of 2009 is hereby amended to reflect dissolution of said Advisory Boards.

SECTION 3 - This local law shall take effect upon filing with the secretary of State pursuant to the New York State Home Rule Law.

And be it further

RESOLVED, that copies of the aforesaid proposed local law be laid upon the desks of each member of the County Board; and, be it further

RESOLVED, that the County Board hold a public hearing on said proposed Local Law at the County Office Building, 1 DiPronio Drive, Waterloo New York at or about 6:00 P.M., on May 12, 2015; and, be it further

RESOLVED, that the Clerk to the Board publish or cause to be published a notice of said public hearing in the official newspapers of the County at least five (5) days prior thereto.

Under discussion of Resolution No. 68-15, Supervisor Hayssen expressed his opposition citing the lack of cooperation and transparency by the interim administrator, Ms. Kowalski. He said she never discussed her wish to disband the boards with any of its members. The advisory boards are important and represent the users of the districts. He stated that Sewer 1 can be independent with Yaws Environmental overseeing operations.

Supervisor Garlick Lorenzetti supported the dissolution of the advisory boards, stating the way the membership is set-up on the boards makes them dysfunctional. She agrees that advisory boards are useful and maybe in the future, they can be created again but with different parameters.

Supervisor Kaiser agreed with Supervisor Hayssen in opposing the disbandment of the advisory boards stating the boards represent the residents and users of the sewer and water services. How can the Board of Supervisors Public Works Committee make decisions for residents they don't represent? None of the members of the Public Works Committee represent the south end, of which Supervisor Garlick Lorenzetti objected, saying she represents a town in the south end. He indicated that Ms. Kowalski's recommendation was focused on the problems the districts had and ignored a 10-year plan created by the advisory boards for each of the three districts.

Supervisor Garlick Lorenzetti offered a motion to call the question and carried. The discussion came to an end. Chairman Earle called for a vote on the resolution.

**COUNTY TREASURER AUTHORIZED AMEND 2015 MENTAL HEALTH
DEPARTMENT BUDGET FOR ADDITIONAL STATE AID FROM
NYS OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES**

RESOLUTION NO. 67-15, motion by Mr. Serven, second by Mr. Prouty and unanimously adopted.

WHEREAS, the Mental Health Department's Substance Abuse Prevention Program is in need of additional Evidence-Based Alcohol/Drug abuse Prevention Programs and materials; and

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services (OASAS) has allocated \$8,999 in new State Aid to the Seneca County Mental Health Department, with no county match, for the purpose of purchasing evidence-based alcohol/drug abuse prevention programs and materials; and

WHEREAS, this new state aid from OASAS is not part of the current 2015 Mental Health Department budget; and

WHEREAS, the Mental Health Services Committee approved this resolution at its meeting on March 24, 2015; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the County Treasurer to amend the 2015 Mental Health Department budget to accept this increased OASAS state aid

for EBP Alcohol/Drug Prevention Programs/materials, resulting in the following changes to the current 2015 budget:

Increase Revenue Account 104210.43000 State Aid by \$8,999

Increase Expense Account 104210.54280 Program Supplies by \$8,999

A RESOLUTION TO ADOPT LOCAL LAW 3 OF 2015 ESTABLISHING THE E-911 DEPARTMENT AND THE POSITION OF DIRECTOR OF E-9-1-1 FOR SENECA COUNTY AND AMENDING LOCAL LAW 1 OF 2007

RESOLUTION NO. 68-15, moved by Mr. Kaiser, second by Mr. Davidson and unanimously 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 February 10, 2015 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 Establishing the E-911 Department and the Position of Director of E-911 for Seneca County and Amending Local Law 1 of 2007”; and

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

WHEREAS, said public hearing was duly held on February 10, 2015 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 the Board of Supervisors of the County of Seneca hereby adopts Local Law 3 of the year 2015, as follows:

SECTION 1: LEGISLATIVE INTENT

The purpose of this Local Law is to denominate the “E-9-1-1 Department” of the County of Seneca as a separate and distinct department, to establish the position of “Director of E 9-1-1” and to abolish the position of “E 9-1-1 Coordinator”, and to authorize said “Director of E 9-1-1” to have the authority to hire and fire any subordinate positions in the Department.

SECTION 2: DIRECTOR OF E-911

The title and the position formerly known as “E 9-1-1 Coordinator” provided for under Local Law 1 of 2007 be and the same hereby is abolished, and the title and the position of “Director of E 9-1-1” be and the same hereby is created and established.

The “Director of E 9-1-1” shall be the head of the Department known as “E 9-1-1” shall perform the duties and exercise the powers enumerated under §3(B) of Local Law 1 of 2007, and shall have the authority to hire and fire any subordinate positions in said Department.

SECTION 3: LAWS REPEALED

Sub sections A, C and D of §3 of Local Law 1 of 2007 are repealed. The Director of 911 shall be appointed by, and under the supervision of, the Board of Supervisors.

Where in any Local Law of Seneca County, the term “E-9-1-1 Coordinator” or “Coordinator of E-9-1-1” is found, it shall be read to mean the “Director of E-9-1-1”.

SECTION 4: QUALIFICATIONS

The “Director of E 9-1-1” shall have a minimum of two (2) years administrative experience in emergency services (i.e.: Fire, Police, EMS, E-91-1, the U.S. Military or Emergency Preparedness), one (1) of which shall have been supervisory.

SECTION 5: EFFECTIVE DATE

The within Local Law shall be effective immediately upon filing with the Secretary of State in accordance with the Municipal Home Rule Law.

And be it further

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

AMEND FY 2014 HOMELAND SECURITY GRANT

RESOLUTION NO. 69-15 moved by Mr. Kaiser, second by Mr. Davidson and unanimously adopted.

WHEREAS, Seneca County Office of Emergency Services was awarded a FY 2014 State Homeland Security Grant; and

WHEREAS, New York State Division Homeland Security & Emergency Services has approved the funding of the Penn State Grain Bin Rescue Course for \$4,000.00 and has created an amendment to the grant; and

WHEREAS, the signature of the Chairman of the Board of Supervisors is necessary for acceptance of this amendment; and

WHEREAS, the Public Safety Committee approved this resolution at its meeting on March 24, 2015; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Chairman of the Board to sign the amended contract documents.

ACCEPT “MUTUALINK” FROM NEW YORK STATE DIVISION OF HOMELAND SECURITY & EMERGENCY SERVICES AND AUTHORIZE THE CHAIRMAN OF THE BOARD TO SIGN MEMORANDUM OF AGREEMENT

RESOLUTION NO. 70-15 moved by Mr. Kaiser, second by Mr. Kubasik and unanimously adopted.

WHEREAS, in the time of a disaster or a large event, having secure interoperable communications is essential; and

WHEREAS, "Mutualink" creates networks of interoperable communications that are, at an instant, capable of sharing voice, text, radio, video, data and telephone communications in a secure environment; and

WHEREAS, the New York State Division Homeland Security & Emergency Services will be deploying "Mutualink", at no cost to each county, State Fire and State Office of Emergency Management; and

WHEREAS, the New York State Division Homeland Security & Emergency Services requires a Memorandum of Agreement to be signed and returned within 30 days; and

WHEREAS, the Public Safety Committee approved this at its meeting on March 24, 2015; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors designates the Director of Emergency Services as the Point of Contact and to accept and use the equipment, software and Mutualink Edge interoperable communications resources; and, be it further

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Chairman of the Board to sign the Memorandum of Agreement.

A RESOLUTION TO INTRODUCE LOCAL LAW "D" OF 2015 ENTITLED "A LOCAL LAW OF THE COUNTY OF SENECA, NEW YORK, ALLOWING FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE PENAL LAW §405 (b)"

(DEFEATED)

RESOLUTION NO. 71-15 moved by Mr. Kaiser, second by Mr. Churchill and defeated.

WHEREAS, the State has passed legislation permitting Counties to exclude "sparkling devices" from the list of prohibited fireworks; and

WHEREAS, a local law is required in order to take advantage of the benefits of this change, and

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

RESOLVED, that Local Law D of 2015 entitled " A Local Law of the County of Seneca, New York, Allowing for Common, Safe Items to be Excluded From the Dangerous Fireworks Definition as Permitted by New York State Penal Law §405 (b) " be and the same is hereby introduced before the Board of Supervisors of Seneca County, New York to read in substantially the following form:

A LOCAL LAW OF THE COUNTY OF SENECA, NEW YORK, ALLOWING FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE PENAL LAW §405 (b)

Section 1. Legislative Intent

- A. Whereas on November 21, 2014 Governor Cuomo signed into law Chapter 477 of the Laws of 2014 (S.7888/ A10141).
- B. Whereas this state law amended the State Penal Law, the Executive Law and the General Business Law placing further restrictions on dangerous fireworks while at the same time recognizing that certain fireworks should not be labeled dangerous when they pose little to no danger to the public and by labeling them dangerous only restricts business and personal enjoyment.
- C. Whereas the Governor signed this version of the bill into law in part due to its strong home rule authority, only allowing for certain fireworks to be sold and used in municipalities that affirmatively enact a local law authorizing such action.
- D. In keeping with Chapter 477 of the Laws of 2014, and Penal Code §405 this Board further finds and determines that "sparkler devices" may be sold and enjoyed, only in the manner described below, within Seneca County.
- E. This Board finds that allowing our residents the use of safe "sparkler devices" will benefit them and our local businesses.

Section 2. Definitions:

"Sparkling Devices" are defined as follows:

"Sparkling Devices" which are ground-based or hand-held devices that produce a shower of white, gold, or colored sparks as their primary pyrotechnic effect. Additional effects may include a colored flame, an audible crackling effect, an audible whistle effect, and smoke. These devices do not rise into the air, do not fire inserts or projectiles into the air, and do not explode or produce a report (an audible crackling-type effect is not considered to be a report). Ground-based or hand-held devices that produce a cloud of smoke as their sole pyrotechnic effect are also included in this category. Types of devices in this category include:

(1) cylindrical fountain: cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that may be contained in a different shaped exterior such as a square, rectangle, cylinder or other shape but the interior tubes are cylindrical in shape. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle to be hand held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may

not exceed two hundred grams, and when tubes are securely attached to a base and the tubes are separated from each other on the base by a distance of at least half an inch (12.7 millimeters), a maximum total weight of five hundred grams of pyrotechnic composition shall be allowed.

(2) cone fountain: cardboard or heavy paper cone containing not more than fifty grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, as is outlined in this subparagraph.

(3) wooden sparkler/dipped stick: these devices consist of a wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to one hundred grams of pyrotechnic composition per item.

(4) novelties which do not require approval from the United States department of transportation and are not regulated as explosives, provided that they are manufactured and packaged as described below:

(5) party popper: small devices with paper or plastic exteriors that are actuated by means of friction (a string or trigger is typically pulled to actuate the device). They frequently resemble champagne bottles or toy pistols in shape. Upon activation, the device expels flame-resistant paper streamers, confetti, or other novelties and produces a small report. Devices may contain not more than sixteen milligrams (0.25 grains) of Explosive composition, which is limited to potassium chlorate and red phosphorus. These devices must be packaged in an inner packaging which contains a maximum of seventy-two devices.

(6) snapper: small, paper-wrapped devices containing not more than one milligram of silver fulminate coated on small bits of sand or gravel. When dropped, the device explodes, producing a small report. Snappers must be in inner packages not to exceed fifty devices each, and the inner packages must contain sawdust or a similar, impact-absorbing material.

Section 3. Sale and use of Sparkling Devices

Sale and use of "Sparkling Devices" is permitted within the County of Seneca, New York with the following restrictions:

- 1) Sales will only be permitted on or between June 1st through July 5th and December 26th and January 2nd of each calendar year.
- 2) All distributors manufacturers and retailers must be licensed through the New York

Department of State.

3) Only those over the age of 18 may purchase said products.

Section 4. Separability

If any part of or provisions of this law, or the application thereof to any person or circumstance, shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of or provision of, or application of this law directly involved in the controversy in which case the remainder of this law, or the application thereof to other persons or circumstances shall not be effected.

Section 5. Effective Date.

This law shall take effect immediately upon filing with the Secretary of State.

And be it Further

RESOLVED, that copies of the aforesaid proposed local law be laid upon the desks of each member of the County Board of Supervisors; and, be it further

RESOLVED, that the Board hold a public hearing on said proposed Local Law at the County Office Building, 1 DiPronio Drive, Waterloo New York at or about 6:00 P.M., on May 12, 2015; and, be it further

RESOLVED, that the Clerk to the Board publish or cause to be published a notice of said public hearing in the official newspapers of the County at least ten (10) days prior thereto.

Under discussion of defeated Resolution No. 71-15, Supervisor Lazzaro stated that he would vote against the proposed local law. The board received letters of opposition to the sparkler allowance from the county Fire Advisory Board, the Fireman's Association of New York State, the New York State Association of Fire Chiefs, the county Fire Chiefs Association and the Varick Volunteer Fire Department.

CHAIRMAN OF THE SENECA COUNTY BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN CONTRACT WITH TOSHIBA FOR LEASING AND MAINTAINING MULTI-FUNCTION COPIERS AND PRINTERS

RESOLUTION NO. 72-15 moved by Mr. Churchill, second by Mr. Lazzaro and unanimously adopted.

WHEREAS, Seneca County currently contracts with Usherwood to maintain multi-function copiers located at various locations throughout the county; and

WHEREAS, the current copiers are aging which increases the cost of maintenance and finding replacement parts is becoming more difficult; and

WHEREAS, the Information Technology Department reviewed various options in order to provide a more cost effective solution; and

WHEREAS, request for proposals were issued November 6, 2014 and proposals were received from vendors including Konica Minolta, Usherwood and Toshiba; and

WHEREAS, after careful consideration of all options and after careful review with the Information Technology Committee, it was determined that Toshiba can provide the best service and most cost effective solution; and

WHEREAS, this resolution was approved by the Technology Committee on March 24, 2015; now, therefore be it

RESOLVED, the Chairman of the Board of Supervisors is authorized and directed to enter into a 5 year lease with optional renewal after 5 years between the county and Toshiba for maintaining Seneca County's multi-function copiers and printers to be paid from funds available from (Repairs and Maintenance account 1680-4220).

APPOINTMENT OF JAMES LEONARD AS INTERIM DIRECTOR OF E-911

RESOLUTION NO. 73-15 moved by Mr. Hayssen, second by Mr. Lazzaro and adopted by 693 ayes and 57 nays (Shipley).

WHEREAS, Local Law C of the year 2015 denominates E-911 as a stand-alone department, and designates the Director of E-911 as its Department Head; and

WHEREAS, Mr. James Leonard is currently serving as Interim E-911 Coordinator, and the Public Safety Committee wishes to continue Mr. Leonard's appointment as interim Director of E-911 during the recruitment period for a permanent Director of E-911; and

WHEREAS, this resolution was approved by the Personnel Committee on March 24, 2015; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint James Leonard as the Interim Director of E-911 effective upon the effective date of the above referenced Local Law.

BOARD OF SUPERVISORS APPOINT MILT VONHAHMANN AS A MEMBER OF THE FINGER LAKES REGIONAL AIRPORT ADVISORY COMMITTEE

RESOLUTION NO. 74-15 moved by Mr. Hayssen, second by Mr. Shipley and adopted by 708 ayes and 42 nays (Hayssen).

WHEREAS, Milt vonHahmann has recently retired as Manager of the Finger Lakes Regional Airport and has an interest in serving on the Finger Lakes Regional Airport Advisory Committee for a three-year term; and

WHEREAS, members of the Finger Lakes Regional Airport Advisory Committee held its meeting on March 11, 2015 and unanimously voted to recommend Milt vonHahmann's three -year appointment; and

WHEREAS, the Planning, Development, Agriculture & Tourism Committee approved this resolution at a meeting on March 24, 2015; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Milt vonHahmann to the Finger Lakes Regional Airport Advisory Committee for a term of three years effective June 1, 2015 and to expire on October 31, 2018.

Motion Referred Back to Committee

Supervisor Hayssen made a motion, seconded by Supervisor Garlick Lorenzetti, to adopt a resolution titled, "BOARD OF SUPERVISORS ESTABLISHES TERMS OF Office for IDA BOARD". The resolution would create a six-year term for IDA members, to be appointed by the Board of Supervisors. County Attorney Fisher advised that setting a term limit contradicts New York State law that created the IDA boards, which states the members will serve at the pleasure of the Board of Supervisors.

Supervisor Garlick Lorenzetti moved the resolution be referred back to committee. Supervisor Hayssen voted nay.

BOARD OF SUPERVISORS NOTICE OF IDA BOARD VACANCIES

RESOLUTION NO. 75-15 moved by Mr. Hayssen, second by Mr. Churchill and unanimously adopted.

WHEREAS, there are three vacant positions to be filled on the Seneca County IDA Board; and

WHEREAS, it is the desire of the Board of Supervisors to seek maximum circulation of notice of these vacancies in order to provide the widest field of candidates for review by the Board; and

WHEREAS, this Resolution has been approved by the Board of Supervisors Planning, Development, Agriculture and Tourism Committee; now, therefore, be it

RESOLVED, that the Clerk of the Board of Supervisors advertise the vacant positions on the IDA Board in the official newspapers of the County, on the County web site and through issuance of a press release, indicating that interested candidates may submit their resumes or qualifications to the Clerk of the Board no later than May 1, 2015.

SUPERVISORS AWARD BID FOR TUNE AND CLEAN OF OIL FIRED HEATING SYSTEMS FOR WEATHERIZATION PROGRAM

RESOLUTION NO. 76-15 moved by Mr. Lazzaro, second by Mr. Prouty and unanimously adopted.

WHEREAS, the County, as part of the New York State Division of Housing and Community Renewal Weatherization Assistance Program, solicited bids for the completion of tuning and cleaning of oil fired heating systems, including performance of steady state efficiency tests; and

WHEREAS, one bid has been received; and

WHEREAS, funds have been approved in the 2015 Seneca County Weatherization Program budget (100% state & federal aid); and

WHEREAS, All Pro Heating & Air conditioning, Romulus, NY was the only responsible bidder; and

WHEREAS, the Seneca County Board of Supervisors Human Services Committee approved this resolution; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby award the 2015- 16 Weatherization Program bid for the completion of tuning and cleaning of oil fired heating systems, including performance of steady state efficiency tests for the period April 1, 2015 – March 31, 2016 to All Pro Heating & Air Conditioning, having principle offices at 5666 State Route 414, as follows: \$179.00 per unit; and be it further

RESOLVED, that the Chairman of the Seneca County Board of Supervisors is authorized and directed to execute a contract with All Pro Heating & Air Conditioning consistent with the bid specifications.

**SUPERVISORS AWARD BID FOR
COMBUSTION APPLIANCE EMERGENCY REPAIR WORK**

RESOLUTION NO. 77-15 moved by Mr. Lazzaro, second by Mr. Kubasik and unanimously adopted.

WHEREAS, the County, as part of the New York State Division of Housing and Community Renewal Weatherization Assistance Program, solicited bids for the purchase of Combustion Appliance emergency repair work; and

WHEREAS, one bid has been received; and

WHEREAS, funds have been approved in the 2015 Seneca County Weatherization Program budget (100% state \$ federal aid); and

WHEREAS, The Seneca County Board of Supervisors Human Services Committee approved this request; and

WHEREAS, All Pro Heating & Air Conditioning, having principle offices at 5666 State Route 414, Romulus, NY, was the only responsible bidder; now, therefore, be

RESOLVED, that the Seneca County Board of Supervisors does hereby award the 2015 -2016 Weatherization Program bid for the purchase of Combustion Appliance emergency work for the period April 1, 2015 – March 31, 2016 to All Pro Heating & Air Conditioning, having principle offices at 5666 State Route 414, Romulus, NY as follows: \$150.00 for the first hour and \$75.00 per hour after the first hour; and be it further

RESOLVED, that the Chairman is authorized and directed to execute a contract with All Pro Heating and Air Conditioning consistent with the bid specifications.

**SUPERVISORS AWARD BID FOR
TEMPORARY LABOR FOR WEATHERIZATION PROGRAM**

RESOLUTION NO. 78-15 moved by Mr. Lazzaro, second by Mr. Kubasik and unanimously adopted.

WHEREAS, the County, as part of the New York State Division of Housing and Community Renewal Weatherization Assistance Program, solicited bids for providing Temporary Labor for the Weatherization Assistance Program; and

WHEREAS, funds have been approved in the 2015 Seneca County Weatherization Program budget (100% federal & State aid); and

WHEREAS, the Human Services Committee of the Seneca County Board of Supervisors has reviewed and approved this request; and

WHEREAS, one bid has been received from Adecco Employment Services, having principle offices at 75 Genesee Street, Auburn, NY; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby award the Weatherization Assistance Program bid for use of Temporary Labor for the period April 1, 2015 – March 31, 2016 to Adecco Employment Services, having principle offices at 75 Genesee Street, Auburn, NY, as follows: 59.9% over pay rate for field work (Crew) and 49.7% over pay rate for office work; and be it further

RESOLVED, that the Chairman is authorized and directed to execute a contract with Adecco Employment Services consistent with the bid specifications.

**BOARD OF SUPERVISORS APPROVES RETAINER WITH BOND, SHOENECK AND KING
TO REPRESENT COUNTY IN INDIAN RELATED MATTERS**

RESOLUTION NO. 79-15 moved by Mr. Shipley, second by Mr. Kubasik and unanimously adopted.

WHEREAS, the Board of Supervisors has requested that the Governor enter into an agreement under §10 of the State Law of the State of New York with the firm of Bond, Schoeneck and King to represent Seneca County in regard to all disputes with the Cayuga Indian Nation; and

WHEREAS, during the process of finalizing such an agreement, the County's issues and concerns regarding the ongoing attack by the CIN upon the sovereignty of the State continue; and

WHEREAS, the County desires to execute an interim retainer agreement with Bond Schoeneck and King to provide counsel in regard to those issues to which the County is entitled to representation under §10 of the State Law; and

WHEREAS, this resolution has been approved by the Indian Affairs Committee of the Board of Supervisors; now, therefore, be it

RESOLVED, that the Chairman is authorized and directed to enter into a retainer agreement with the law firm of Bond, Schoeneck and King to represent the County of Seneca in all matters related to its disputes with the Cayuga Indian Nation.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
A CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF HEALTH FOR
THE TOBACCO ENFORCEMENT PROGRAM GRANT**

RESOLUTION NO. 80-15 moved by Mr. McGreevy, second by Mr. Davidson and unanimously adopted.

WHEREAS, the Health Department has been awarded a grant in the amount of \$26,855 for the Tobacco Enforcement Program Grant; and

WHEREAS, the contract period will be from April 1, 2015 through March 31, 2016; and

WHEREAS, it is necessary for the Chairman of the Board of Supervisors to sign this contract extension to receive these funds; and

WHEREAS, the funds are in the Public Health Budget 104011-54708; and

WHEREAS, the Public Health Committee approved this resolution at a meeting on March 24, 2015; now, therefore be it

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

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
THE FINGER LAKES PUBLIC HEALTH ALLIANCE INTER-MUNICIPAL AGREEMENT
FOR PUBLIC HEALTH**

RESOLUTION NO. 81-15 moved by Mr. McGreevy, second by Mr. Churchill and unanimously adopted.

WHEREAS, all county health departments have responsibilities for public health emergency planning and response; and

WHEREAS, some public health problems may require public health services that exceed the capacity of the individual county public health department's resources; and

WHEREAS, in 2006 the Finger Lakes Public Health Alliance (FLPHA) counties (Seneca, Schuyler, Steuben, Ontario, Wayne, Yates, Chemung, Livingston, and Monroe) developed an Inter-Municipal Agreement to provide mutual aid to each other during a public health emergency; and

WHEREAS, this agreement is for the period of July 1, 2015 through June 30, 2020; and

WHEREAS, the Public Health Committee has this resolution at a meeting on March 24, 2015; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the Inter-Municipal Agreement between the counties of Seneca, Schuyler, Steuben, Ontario, Wayne, Yates, Chemung, Livingston and Monroe.

**TREASURER DIRECTED TO CREATE A REVENUE AND EXPENSE ACCOUNT
FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS
EBOLA PREPAREDNESS AND RESPONSE GRANT**

RESOLUTION NO. 82-15 moved by Mr. McGreevy, second by Mrs. Garlick Lorenzetti and unanimously adopted.

WHEREAS, the Health Department has been awarded a grant for Public Health Emergency Preparedness (PHEP) E-bola Preparedness and Response Activities; and

WHEREAS, the amount of the award is \$38,000 and is for the time period April 1, 2015 through September 30, 2016; and

WHEREAS, this award was not included in the 2015 departmental county budget; and

WHEREAS, there is a need to have a revenue and expense account to utilize this funding; and

WHEREAS, the Public Health Committee approved this resolution at a meeting on March 24, 2015; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the County Treasurer to create a revenue and an expense account for the PHEP Ebola Preparedness and Response Activities Grant in the amount of \$38,000.

New Business

Supervisor McGreevy moved the suspension of the rules for two resolutions reviewed by the Public Health Services Committee prior to the evening's board meeting.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
A CONTRACT WITH MARY CARIOLA CHILDRENS CENTER
FOR THE PRE-SCHOOL PROGRAM**

RESOLUTION NO. 83-15 moved by Mr. McGreevy, second by Mr. Churchill and unanimously adopted.

WHEREAS, the Health Department is required to contract with professionals/agencies to provide services for the children enrolled in the Pre-School Program; and

WHEREAS, there is a need for a child to receive specialized services unavailable at other contracted sites; and

WHEREAS, Mary Cariola Children's Center, 1000 Elmwood Avenue, Rochester is willing and able to meet the child's needs; and

WHEREAS, the money is in the Public Health Budget 10-4149; and

WHEREAS, the cost of these services is not to exceed \$25,000; and

WHEREAS, the Public Health Committee has authorized this contract; now, therefore be it
RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to
sign a contract with Mary Cariola Children's Center to provide services for the Pre-School Program.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN
A CONTRACT FOR TRANSPORTATION SERVICES TO MARY CARIOLA CHILDRENS
CENTER THE PRE-SCHOOL PROGRAM**

RESOLUTION NO. 84-15 moved by Mr. McGreevy, second by Mrs. Garlick Lorenzetti and
unanimously adopted.

WHEREAS, the Health Department is required to provide transportation for children receiving
services through the Early Intervention and Pre-School Programs; and

WHEREAS, there is a need for a child to be transported to Mary Cariola Children's Center, 1000
Elmwood Avenue, Rochester to receive specialized services unavailable at other contracted sites; and

WHEREAS, the current transportation provider is unable to meet this need at this time; and

WHEREAS, the money is in the Public Health Budget 10-4149; and

WHEREAS, the cost of these services is not to exceed \$35,000; and

WHEREAS, the Public Health Committee has authorized this contract; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to
sign a contract with an agency or school district who is able to meet this need.

Supervisor Hayssen requested that the public hearing for proposed local law to disband the
advisory boards for the sewer districts and the water district, be held in the south end of the county. The
districts serve the residents located in the south end.

Supervisors Kaiser and Lazzaro agreed that it would be better to hold the public hearing in the
south end to make the public hearing more accessible to the users.

Special Order of the Day

The meeting adjourned at 7:20 p.m.