

**Seneca County Board of Supervisors**

**Regular Meeting & Public Hearing**

**July 9, 2013**

**6:00 p.m.**

Call to Order

Chairman Hayssen called the meeting to order at 6:07 p.m.

Roll Call of Members by the Clerk

Thirteen members of the Board of Supervisors answered roll call. Mr. Davidson was not present.

Pledge of Allegiance and Moment of Silence

Public Hearing

a. Proposed Local Law A-2013 - "Social Host Law to Prohibit the Consumption of Alcoholic Beverages and/or Illegal Drugs by Minors on Private Premises in Seneca County".

Chairman Hayssen recognized Mr. Nelson Acquilano, Executive Director for the Council on Alcoholism & Addictions of the Finger Lakes. Mr. Acquilano expressed his support for the local law. He stated that of the alcohol is the number one leading factor in accidental and homicidal deaths among young people. Furthermore, accidental death and homicide are the two leading causes of death among young people.

b. Agricultural District #12 - to provide an opportunity for citizens to offer comments on the recertification of Agricultural District # 12. Included in Ag District #12 are the towns of Covert, Lodi, Ovid and all but two parcels in the town of Romulus. No public comment was received.

Presentation

The two recipients of the Brightest Star Recognition Award were honored at this time. :

**YOUTH BUREAU/BOARD'S BRIGHTEST STAR RECOGNITION**

RESOLUTION NO. 116-13 moved by Mr. Lafler, second by Mr. Churchill and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, the Seneca County Youth Bureau and Youth Board initiated, the Brightest Star Award, aimed at honoring two sixth grade students who reside in Seneca County; and

WHEREAS, these students were nominated and chosen for consistently reflecting the 5 Points of Light: Academics, Involvement in School or Community Activities, Responsibility, Respect, and Compassion; now, therefore be it

RESOLVED, the Seneca County Youth Bureau and Youth Board and Seneca County Board of Supervisors recognize and congratulate the following students for being selected for the 2013 Brightest Star Award.

Elizabeth Dickenson

Michael Donaldson

Seneca Falls Central School District

Town of Seneca Falls

Waterloo Central School

Town of Waterloo

Submission of Claims for Audit

Mr. Prouty moved that the following claims be approved for payment.

WHEREAS, the following vouchers, having gone through the proper auditing process; now, therefore be it

RESOLVED, that said vouchers be approved for payment.

Supervisors vouchers	totaling	\$	673,426.69
Workforce Development vouchers	totaling	\$	28,713.13
Self-Insurance vouchers	totaling	\$	4,503.08
County Airport vouchers	totaling	\$	2,807.23
Highway Transportation vouchers			
	Maintenance & State Snow	totaling	\$ 207,808.56
	Highway Machinery	totaling	\$ 30,086.13
	<b>HIGHWAY TOTAL</b>	<b>\$</b>	<b>237,894.69</b>
Sewer 1	totaling	\$	11,833.44
Sewer 2	totaling	\$	23,655.30
Water 1	totaling	\$	6,072.29
Airport Capital vouchers	totaling	\$	14,280.00
County Road 132 Capital vouchers	totaling	\$	202,133.70
Financial Software Capital vouchers	totaling	\$	39,336.25
Willard Wastewater Facility Capital vouchers	Totaling	\$	6,208.50

Approval of Board Meeting Minutes

Mr. Earle moved the approval of the meeting minutes for the Special Board meeting on June 5, 2013 and the Regular board meeting on June 11, 2013.

Reports of Standing Committees

Public Safety Committee - Mr. Reynolds, Chairman. The committee approved the refill, on an interim basis, of a Senior Dispatcher position and Dispatcher position, both vacant due to a promotion.

Indian Affairs Committee - Mr. Shipley, Chairman. The foreclosure case has been scheduled to go before the 2<sup>nd</sup> Circuit Appeals Court in New York City in September. If the ruling is not in the county's favor, we will appeal to the Supreme Court.

Senator Nozzolio introduced legislation, S.5209, which would require New York State to reimburse local counties for unpaid school and property taxes on property that is owned by individual

Indians, that has not been designated 'reservation land' by the federal government. In the Assembly, sponsorship was Assemblyman McGee. However he backed out stating that the bill would not be necessary now that the casino deal was on the table. Assembly Minority Leader Kolb reintroduced the bill. It is currently in committee and will not be taken up again until the new legislative session next year.

Dr. David Dresser met with representatives from Senators Schumer's office and Gillibrand's office in Washington D.C. and with Congressman Reed's office. A meeting was arranged by Congresswoman Slaughter's office with Chief Counsel for the Senate. Dr. Dresser gave each representative a packet that included Governor Cuomo's casino proposal.

Human Services Committee - Mr. Lafler, Vice-Chairman. The committee recommended a resolution of the board endorsing the appointment of Scott Bischooping as a member of the Finger Lakes Workforce Investment Board. The committee also approved the refill of a vacant Case Supervisor Grade B position on a temporary basis due to an extended medical leave; and refill a Caseworker position on a temporary basis.

Planning, Development, Agriculture & Tourism Committee - Mr. Earle, Chairman. Cornell Cooperative Extension gave its annual presentation. There were food tastings with local produce. Moira Tidball, Human Ecology Resource Educator, and Devra Rifkin, Nutrition Program Educator highlighted their program that teaches youth about making healthy food choices and nutrition to help with a healthy diet and fight obesity. Seneca County has one of the highest obesity rates. As part of the education there is a health and fitness course that fifth grade students perform, a parent newsletter and media posters focusing on fat content in foods we eat.

The committee also voted in favor of amending the Hotel / Motel Occupancy Tax Local Law to include nomenclature to specify "vacation rentals" as part of the definition of lodging facility. Mr. Shipley said that none of our three representatives would sponsor our request to increase the occupancy tax by 1%. He understood that the reason our representatives didn't sponsor the request was because the legislature would not consider any bill that increased taxes. Mr. Shipley said that reason contradicts the authorization passed by NYS legislature to increase sales tax in Essex County and Lewis County. The committee voted in favor of a letter being sent to our state representatives asking them why some counties received the increase in tax as requested by the county governing bodies; and why our request to increase the occupancy tax by 1% was not brought forth.

Mr. Hayssen asked the Committee to consider amending the SCACOT bylaws to include two members who will represent vacation rentals. One for the south end of the county and one for the north end of the county. County Attorney Fisher will research the bylaws and report back to committee on amending them to include two members to SCACOT representing vacation rentals.

The committee heard from Mr. Robert Aronson, Executive Director, Seneca County IDA. Mr. Aronson addressed inquiries posed by a constituent at a previous board meeting involving the financial situation from the McDonald's project and the Hampton Inn project. During the construction of both these projects, the subcontractors, some of them local, were never paid because the general contractor declared bankruptcy. Mr. Aronson explained that the IDA is a delivery mechanism for New York State tax incentives. He has met with the IDA Attorney and there is very little that the IDA can do to fix the financial problems.

Mr. Aronson further explained that the IDA Board requires a performance bond. If a performance bond isn't issued, then the credit is poor. Mr. Aronson and the surety company, with whom he met, are unaware of sub-contractors applying for a bond. The IDA isn't a loan agency; therefore they don't require sub-contractors to carry a bond. The contractor would file a 485B form for tax exemption in order for the bond to be issued.

Mr. Shipley suggested that separate payment be made to the general contractor and to the sub-contractors. The IDA routinely deals with the owner of the project and not the contractors. Mr. Aronson said he thought two party checks was a good idea.

Mr. Kubasik said that Wayne County requires a certification of payments to prove the contractor made payments before the owner is issued payment. He is concerned that eight to ten percent of the projects have problems. Local contractors and vendors are not being paid for work that has been completed. Mr. Aronson explained that the construction portion of the project isn't a function of the IDA. They are only a channel between loans, tax breaks and the owner. He will consult with the IDA attorney about including language in the contract to that effect.

Environmental Affairs Committee - Mr. Churchill, Chairman. The Committee voted in favor of a board resolution requesting that New York State take the lead on a comprehensive and proactive approach to dealing with aquatic invasive species and to expedite the implementation of the Invasive Species Prevention Act.

Public Health Services Committee - Mrs. Garlick Lorenzetti, Chairwoman. The committee voted in favor of a board resolution (1) authorizing the acceptance of the Water Enhancement Grant (\$92,849); (2) authorizing the acceptance of the Early Intervention Administration Grant (\$22,104); (3) authorizing Chairman Hayssen to sign an amendment to the grant contract for the Public Health Emergency Preparedness Plan. The original award amount was reduced from \$53,500 to \$50,825; (4) proclaiming August 1 - 7, 2013 as World Breastfeeding Week in Seneca County; (5) creating a position for Registered Professional Nurse for the purpose of refilling a vacant Public Health Nurse position should there be difficulty in recruiting a Public Health Nurse; (6) adopting the proposed 2014 Fee Schedule for Building

and Fire Code Enforcement. Mrs. Garlick Lorenzetti recognized Peter Brown and the staff in Code Enforcement for the hard work that was necessary in developing the proposed fee schedule.

Public Works Committee - Mr. Kaiser, Chairman. The Committee recommended several resolutions: (1) authorize a contract with Seneca County Cornell Cooperative Extension for a comprehensive recycling education program to the Seneca County residents. The annual contract amount is \$9,950; (2) approving Mastermind Systems of Ohio, as consultants to conduct a safe passing zone survey study along 156 miles of county roads. Four bids responded to the RFP. Mastermind Systems was the lowest and in the opinion of the county manager, the most technically inclined. The bid is \$17,250; (3) award the bid for highway striping to Seneca Pavement Marking, the lower of the two responses received; (4) authorize the Treasurer to amend the highway budget to reflect a \$168,920.45 funding increase for the Consolidated Highway Improvement Program (CHIP); (5) authorizing the addition of twelve accounts to the contract with Power Management Company for a rate of 36 months at \$.0615/kwh for each; (6) authorizing the purchase of an aeration blower retrofits at Willard Wastewater Treatment Facility from Siewert Equipment Company for \$82,806. A grant from NYSEG will help with the cost with \$37,890 in grant funding. This is the first phase of the Willard Wastewater Treatment Facility upgrade project; (7) abolish the position of Senior Building Maintenance Mechanic and create the position of Head Building Maintenance Mechanic.

Mr. Davidson was recognized by Mr. Kaiser. Mr. Davidson requested that the Public Works Committee seek a solution to the steel wheels used on carriages by the Amish. Mr. Kaiser agreed saying he witnessed "ribbons of asphalt" being pulled up by the steel wheels on the carriages. His town board researched alternatives and found out that some communities in Pennsylvania mandate the use of rubber wheels. It was decided that a meeting would be set -up with the County Highway Superintendent Roy Gates, supervisors, and the Amish bishops.

Government Operations Committee - Mr. Westfall, Chairman. The Committee recommended that the following issues be referred to the Board of Supervisor for a resolution: (1) designating a standard workday for elected and/or appointed officials in accordance with Regulation 315.4 of the NYS and Local Retirement System; (2) waive Local Law No 2 - 1979, which addresses traffic safety during mass gatherings, during Empire Farm Days on August 6, 7, and 8; (3) designate the County Attorney to receive notice of service of Notices of Claim against the County on the Secretary of State; (4) appoint County Manager Mitch Rowe as the voting representative for Seneca County at the NACo Conference.

The Committee also received an update on the status of several bills at the close of the 2013 New York State legislative session. Both the Senate and Assembly passed the following bills: Reauthorize additional 1% sales tax for Seneca County (S4701/A6587); designating certain Seneca County Sheriff's Office as Peace Officers (S4893/A7879); the START-UP NY program (S5903/A8113); establishing a

financial restructuring board for local governments (S5865/A8086); the Upstate Casino Gaming (S5883/A8101). It is noted that our three representatives for New York State voted in the negative on this bill.

A bill to reimburse counties with Indian Nations not paying property taxes (S5864/A8087) was passed in the Senate; however, the Assembly did not vote on this bill and is currently held in committee.

A bill to amend the definition of Qualified Reservation (S4679/A5393) was held in committee and never made it to the floor for a vote from either legislative body.

Seneca County's request to increase the hotel / motel tax to 4% in Seneca County didn't receive a sponsor from either legislative body.

Finance, Assessment & Insurance Committee - Mr. Prouty, Chairman. The committee recommended a board resolution authorizing amendments to the 2013 budget for the following departments: E911 Communications (severance), Department of Human Services Family & Children Services (severance), Finger Lakes Airport (fuel), Facilities (repairs), and Seneca County Community Counseling Mental Health.

#### Chairman's Remarks

Bids were received relating to the Colonel's Row sewer project and there is a resolution that will be considered under Rule 29 later in the evening.

A motion to amend the resolution for Power Management, Inc. will be offered tonight when the resolution is introduced on the floor by changing the term to 36 months.

Chairman Hayssen wants to see the SCACOT board membership include two members representing the vacation rentals in Seneca County. He also wants to amend the Hotel/Motel Occupancy Tax Local Law to include "vacation rentals" as a lodging facility. He said these suggestions would be a boost to the revenue collected by this tax, and he hopes he receives support from the board.

#### County Manager Remarks

Finger Lakes Community College will be providing four new courses in Seneca County: Occupational Spanish, Computer Science and two English courses.

The steering committee, overseeing the Rte. 318 sewer project, has completed a proposal and will be bringing it before the Public Works Committee meeting later in July.

The preparation for the 2014 budget will be done this year using the MUNIS financial system. There will be training on how to input budget data for the staff on July 19.

#### County Attorney's Remarks

The Cayuga Nation Housing, a housing entity of the Cayuga Nation in Seneca Falls has been awarded a \$367,991 grant from the U.S. Department of Housing and Urban Development (HUD). HUD recently awarded five eligible Indian tribes or their tribally designated housing entities in New York State

nearly \$6 million in grants for a broad range of affordable housing activities through HUD's Indian Housing Block Grant (IHBG) Program.

Communications

91. From New York State Department of Environmental Conservation Division of Environmental Permits, Region 7, dated June 26, 2013, addressed to the Town of Waterloo, a CD of the Final Environmental Impact Statement, DEC 8-4538-00094/00001 MLR 80837; Seneca Meadows, Inc.; Meadow View Surface Mine in the town of Waterloo.

92. From Senator Nozzolio, a letter dated June 2013 confirming the enactment in the State Senate and State Assembly of Senate Bill S.4701 that would authorize Seneca County to extend the additional one percent sales tax until November 30, 2015.

93. From Robert & Barbara Robinson and Marilyn and Marylou Murdock, an email dated June 13, 2013 expressing displeasure with the Board's decision to appropriate \$10,000 towards the restoration of the Trinity Church in Seneca Falls, NY.

94. A copy of the Edith B. Ford Memorial Library Summer 2013 Reading Program.

95. A copy of the Cornell Cooperative Extension Seneca County 2012 Annual Report.

96. A copy of the Seneca County Federation of Sportsmen's Clubs, Inc. May 21, 2013 meeting minutes.

97. A copy of the 2012 Seneca County Division of Human Services Annual Report.

98. From the Chenango County Board of Supervisors, a copy of Resolution #108-13P, "Opposing Proposed Farmworkers Fair Labor Practices Act.

99. From Professor Lynne H. Irwin, Cornell Local Roads Program, information dated June 14, 2014 regarding the discontinuation of the Local Technical Assistance Program, the outreach program of the Cornell Local Roads Program. Professor Irwin is seeking support in reversing the decision. The program will discontinue September 30, 2014. Referred to the Board of Supervisors.

100. From Yates County Legislature, a copy of Resolution No. 213-13, "Supporting the Prevention of Introduction and Movement of Aquatic Invasive Species and Urging the State to Adopt Laws that Support Local Governments in Preventing Introduction and Movement of Aquatic Invasive Species". Referred to the Environmental Affairs Committee.

101. A copy of the June 13, 2013 meeting minutes for Seneca County Planning Board.

**RESOLUTIONS & MOTIONS**

**BOARD OF SUPERVISORS AUTHORIZE AMENDMENTS TO  
2013 SENECA COUNTY BUDGET**

RESOLUTION NO. 117-13 moved by Mr. Prouty, second by Mr. Reynolds and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, amendments to the 2013 Seneca County Budget are necessary and appropriate; and

WHEREAS, funding is available in the object codes identified herein; and

WHEREAS, these amendments have been reviewed and approved by the Finance, Assessment and Insurance Committee at its meeting on June 25, 2013; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes the following amendments to the 2013 Seneca County Budget:

Severance

From: 3020-51100 (E911 Salaries) \$9,001.45

To: 3020-51400 (E911 Severance) \$9,001.45

From: 6002-51100 (DHS Family & Child Services Salaries) \$3,402.84

To: 6002-51400 (DHS Family & Child Services Severance) \$3,402.84

Airport

Increase: 30-101-5-5610-4421 (Fuel Purchases)(Expense) \$50,000

Increase: 30-101-5-5610-1777 (Fuel Sales at Airport)(Revenue) \$50,000

Maintenance

From: 10-101-5-1620-1100 (Salaries) \$1,500

To: 10-101-5-1620-4220 (Repairs) \$1,500

Community Counseling

From: 104320-5110 \$15,000

From: 104220-54220 \$2,000

To: 104339-54120 \$14,000

To: 104220-54350 \$3,000

**WAIVE LOCAL LAW REQUIREMENTS FOR EMPIRE FARM DAYS**

RESOLUTION NO. 118-13 moved by Mr. Westfall, second by Mr. Shipley and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, the sponsors of Empire Farm Days have requested from the Board of Supervisors a waiver of the provisions of Local Law No. 2 of 1979; and

WHEREAS, Local Law No. 2 of 1979 assures traffic safety for mass gatherings; and

WHEREAS, all necessary state permits involving health emergencies, crowd control, and food and health code regulations will be secured before the Empire Farm Days begins; and

WHEREAS, the Government Operations Committee approved this resolution at its meeting on June 25, 2013; now, therefore be it

RESOLVED, that the requirements of Local Law No. 2 of 1979 be and hereby are waived by the Seneca County Board of Supervisors for Empire Farm Days event on August 6, 7 and 8, 2013

**STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS FOR RETIREMENT PURPOSES**

RESOLUTION NO. 119-13 moved by Mr. Westfall, second by Mr. Serven and adopted by 715 ayes and 35 absent (Davidson).

RESOLVED, that the Board of Supervisors of the County of Seneca / Location Code 10045 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the Clerk of the Board:

<b>Position</b>	<b>Name</b>	<b>Standard Work Day</b>	<b>Term Begins/Ends</b>	<b>Participates in Employer's Time Keeping System (Y/N)</b>	<b>Days/Month (Based On Record of Activities)</b>
Board Supervisor	Earle, Donald	6	01-01-12 / 12-31-15	N	5.85
Commissioner of Human Services	Schillaci, Charles	7.5	04-03-13 / 04-02-18	Y	NA
County Clerk	Lotz, Christina	7.5	01-01-13 / 12-31-16	N	NA

\*NA – Not Applicable

**BOARD OF SUPERVISORS DESIGNATES SECRETARY OF STATE TO RECEIVE SERVICE OF PROCESS UNDER §53 GENERAL MUNICIPAL LAW**

RESOLUTION NO. 120-13 moved by Mr. Westfall, second by Mr. McGreevy and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, Section 53 of the General Municipal Law has been amended requiring the County to designate the Secretary of State of the State of New York to receive Notice of Claim on behalf of the County and to designate a person and address to receive notice of service of Notice of Claim; and

WHEREAS, the Government Operations Committee has approved this resolution; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors hereby designates the Secretary of State of the State of New York as its agent pursuant to §53 of the General Municipal Law to receive Notices of Claim against the County on behalf of the County; and it is further

RESOLVED, that the County Attorney is authorized and directed to file with the Secretary of State, a certificate so designating the said Secretary and directing that notice of such Notices of Claim be directed to the County Attorney of the County of Seneca.

**SUPERVISORS APPOINT ROWE AS VOTING MEMBER OF THE  
NATIONAL ASSOCIATION OF COUNTIES FOR 2013**

RESOLUTION NO. 121-13 moved by Mr. Westfall, second by Mr. Shipley and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, the National Association of Counties (NACo) will meet July 19 – 22, 2013; and

WHEREAS, the National Association of Counties (NACo) addresses legislative and policy matters important to Seneca County; and

WHEREAS, Seneca County's interests are best served by its representatives participating in the National Association of Counties (NACo) conferences; and

WHEREAS, this resolution was approved by the Planning, Development, Agriculture & Tourism Committee at a meeting on June 25, 2013; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint County Manager C. Mitchell Rowe to represent Seneca County and serve as a voting member at the National Association of Counties (NACo) Conference in 2013.

**BOARD OF SUPERVISORS AUTHORIZES CHAIRMAN TO SIGN CONTRACT WITH  
SENECA COUNTY CORNELL COOPERATIVE EXTENSION (SCCCE) TO  
PROVIDE A RECYCLING EDUCATION PROGRAM**

RESOLUTION NO. 122-13 moved by Mr. Kaiser, second by Mr. Churchill and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, Seneca County Cornell Cooperative Extension (SCCCE) submitted a proposal to provide a comprehensive recycling education program to the residents of Seneca County; and

WHEREAS, the proposal presented by (SCCCE) is a very complete plan to provide recycling education which will enhance the County's curbside recycling program by encouraging more residents to participate and to increase the amounts of materials collected; and

WHEREAS, the public works committee approved the proposal on June 25, 2013; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is directed and authorized to sign a contract with (SCCCE) in the amount of \$9,950 to provide a recycling education program to the residents of Seneca County for the year 2013-2014. Said funds are budgeted in the 2013 recycling budget.

**BOARD OF SUPERVISORS AUTHORIZES AND DIRECTS THE CHAIRMAN TO SIGN  
CONSULTANT SERVICES AGREEMENT FOR SAFE PASSING ZONE STUDY ON  
COUNTY ROADS WITHIN THE COUNTY**

RESOLUTION NO. 123-13 moved by Mr. Kaiser, second by Mr. Shipley and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, Seneca County has received funding from the Genesee Transportation Council to undertake a Safe Passing Zone Survey study on the 156 miles of County-owned highways; and

WHEREAS, Requests for Proposals were solicited from interested and qualified firms; and

WHEREAS, the County received four (4) proposals from qualified firms and the Steering Committee carefully considered each proposal; and

WHEREAS, the firm of MasterMind Systems of 199 Seatrain Drive, Delaware OH 43015 demonstrated the ability to best serve the interest of Seneca County at a cost of \$17,250; and

WHEREAS, the grant covers 90% (\$16,425) of the total cost of the project including grant administration, and

WHEREAS, county will provide \$825 from the Seneca County Contingency budget and \$1,000 in kind from the Seneca County Department of Planning and Community Development staff to complete the project; and

WHEREAS, this resolution has been reviewed and approved by the Public Works Committee on June 25, 2013; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Chairman of the Board to sign a contract for services with MasterMind Systems of 199 Seatrain Drive, Delaware OH 43015 as consultants for the countywide Safe Passing Zone Survey Study.

**SUPERVISORS AWARD BID FOR STRIPING OF COUNTY HIGHWAY**

RESOLUTION NO. 124-13 moved by Mr. Kaiser, second by Mr. McGreevy and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, on April 3, 2013 Seneca County solicited bids on a contract for the painting of traffic lines on Seneca County highways; and

WHEREAS, the two bids received were opened on May 9, 2013 and were from Seneca Pavement Marking of Horseheads, New York and Accent Stripe, Inc. of Orchard Park, New York ; and

WHEREAS, the lowest bid was from Seneca Pavement Marking; and

WHEREAS, the Public Works Committee of the Seneca County Board of Supervisors recommended accepting the bid from Seneca Pavement Marking on June 25, 2013; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby award the bid for painting of traffic lines, paint and reflectorized glass beads to Seneca Pavement Marking as follows:

Survey of passing and no passing zones with log sheets included (per mile)	\$300.00
Indexing of passing and no passing zones from existing log sheets (per mile)	\$200.00
Spotting of center line on new pavement (per mile)	\$150.00
Center line application including materials (per mile)	\$309.00
Edge line application including materials (per side)	\$187.00

Yellow traffic line paint (per gallon)	\$9.50
White traffic line paint (per gallon)	\$9.50
Reflectorized glass beads (per pound)	\$0.30
Railroad crossings (per track)	\$450.00
Left/Right hand turning curve	\$75.00

**TREASURER AUTHORIZED TO AMEND 2013 SENECA COUNTY HIGHWAY BUDGET  
FOR INCREASE CHIPS FUNDING**

RESOLUTION NO. 125-13 moved by Mr. Kaiser, second by Mr. Earle and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, Seneca County has received official notification that \$1,025,666.60 in Consolidated Local Street and Highway Improvement Program (CHIPS) funding will be available to the Seneca County Highway Department for Capital Improvements; and

WHEREAS, the amount of \$1,025,666.60 has been appropriated in the 2013 Road and Bridge Construction budget; and

WHEREAS, the Public Works Committee approved these amendments on June 25, 2013; now, therefore be it

RESOLVED, that the Seneca County Treasurer is hereby authorized and directed to amend the 2013 Seneca County Highway Road and Bridge Construction budget as follows:

Increase Revenue Account 3193.3500 CHIPS Capital	\$168,920.45
Increase Account 5112.2000 County Road Construction	\$168,920.45

**SUPERVISORS APPROVE ADDITIONAL ACCOUNTS BE ADDED TO  
ELECTRIC SUPPLY CONTRACT  
(as amended)**

RESOLUTION NO. 126-13 moved by Mr. Kaiser, second by Mr. Serven and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, Seneca County currently purchases electricity from New York State Electric and Gas (NYSEG) and the Power Management Company (PMC); and

WHEREAS, the Board of Supervisors desires to move twelve (12) accounts currently served by NYSEG to PMC; and

WHEREAS, the purchase rate for these twelve (12) accounts will be reduced from \$.0824/kwh to \$.0615/kwh and thereby reduce the County's operating costs over the next thirty-six (36) months and align with the expiration of the current term for existing accounts with PMC; and

WHEREAS, this resolution was reviewed and recommended for approval by the Public Works Committee on June 25, 2013; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes that twelve (12) County accounts be transferred to the Power Management Company at the rate of \$.0615/kwh through June 2016.

Prior to the adoption of Resolution No. 126-13, Mr. Kaiser made a motion, and Mr. Shipley seconded it to amend the Main Motion by replacing the text “\$.0616/kwh” with “\$.0615/kwh” and replacing the text “twenty (20)” with “thirty-six (36)”. The motion to amend the main motion was carried.

**AWARDING BID FOR PURCHASE OF AERATION BLOWER FOR  
WILLARD WASTEWATER TREATMENT FACILITY**

RESOLUTION NO. 127-13 moved by Mr. Kaiser, second by Mr. Lafler and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, Larsen Engineers solicited bids on behalf of Seneca County Sewer District No. 1 for replacement of blowers at the Willard Wastewater Treatment Facility; and

WHEREAS, two bids were received; and

WHEREAS, funding for this phase of the project will be made available from the current Fund Balance of the District; and

WHEREAS, Siewert Equipment Co. was the lowest responsible bidder to provide the blowers in the amount of \$82,806; and

WHEREAS, quotes for installation of the blowers will be solicited subsequent to the award of the blower purchase; and

WHEREAS, the District is eligible for a grant from New York State Electric and Gas for the project in the amount of \$37,890; and

WHEREAS, this resolution has been recommended for approval by the Public Works Committee at its meeting of June 25, 2013; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby award the purchase of an Aerzen Turbo Blower to the Siewert Company in the amount of \$82,806; and be it further

RESOLVED, that the Seneca County Board of Supervisors authorizes the appropriation of \$100,000 from the Fund Balance of Seneca County Sewer District No. 1 for the purchase and installation of new blowers at the Willard Wastewater Treatment Facility.

**BOARD AUTHORIZES THE CREATION AND FILLING OF ONE (1) FULL TIME HEAD  
BUILDING MAINTENANCE MECHANIC POSITION AND THE ABOLISHMENT OF  
ONE (1) FULL TIME SENIOR BUILDING MAINTENANCE MECHANIC POSITION  
EFFECTIVE JULY 15, 2013**

RESOLUTION NO. 128-13 moved by Mr. Kaiser, second by Mr. Westfall and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, the Public Works Committee has approved the creation/filling of (1) full-time Head Building Maintenance Mechanic position at their committee meeting on June 25, 2013; and

WHEREAS, the Public Works Committee has approved abolishing (1) full-time Senior Building Maintenance Mechanic position at their committee meeting on June 25, 2013; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors does hereby create and authorize filling of (1) full-time Head Building Maintenance Mechanic position effective immediately; and be it further

RESOLVED, the Seneca County Board of Supervisors does hereby abolish (1) full-time Senior Building Maintenance Mechanic position July 15, 2013.

**CHAIRMAN OF THE BOARD AUTHORIZED AND DIRECTED TO SIGN A CONTRACT  
AMENDMENT WITH HEALTH RESEARCH INC. FOR THE PUBLIC HEALTH  
EMERGENCY PREPAREDNESS GRANT**

RESOLUTION NO. 129-13 moved by Mrs. Garlick Lorenzetti, second by Mr. Churchill and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, the New York State Department of Health has announced there will be a reduction in the grant award for the 2013-2014 Emergency Preparedness Grant; and

WHEREAS, the grant award for the time period July 1, 2013 through June 30, 2014 will be in the amount of \$50,825 instead of the previously indicated amount of \$53,500; and

WHEREAS, it is necessary for the Chairman of the Board of Supervisors to sign the contract amendment to receive the funding; and

WHEREAS, the Public Health Committee has approved this resolution at its June 25, 2013 meeting; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign a contract with HRI, Inc. for the Public Health Emergency Preparedness Grant.

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

RESOLUTION NO. 130-13 moved by Mrs. Garlick Lorenzetti, second by Mr. Churchill and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, the New York State Department of Health has awarded the Seneca County Health Department \$92,849 for the period of April 1, 2013 through March 31, 2014 for the Water Enhancement Grant; and

WHEREAS, it is necessary for the Chairman to sign the contract to receive these funds; and

WHEREAS, the Public Health Committee has approved this resolution at its June 25, 2013 meeting; now, therefore be it

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

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED AND DIRECTED TO SIGN  
A CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF HEALTH FOR THE  
EARLY INTERVENTION ADMINISTRATION GRANT**

RESOLUTION NO. 131-13 moved by Mrs. Garlick Lorenzetti, second by Mr. Churchill and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, the New York State Department of Health has awarded the Seneca County Health Department \$22,104 for the period October 1, 2012 through September 30, 2013 for the administration of the Early Intervention Program; and

WHEREAS, it is necessary for the Chairman of the Board to sign the contract to receive the funding; and

WHEREAS, the Public Health Committee has approved this resolution at its June 25, 2013 meeting; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign a contract with the New York State Department of Health for the Early Intervention Administration Grant.

**SENECA COUNTY BOARD OF SUPERVISORS DECLARES  
AUGUST 1-7, 2013 NATIONAL BREASTFEEDING WEEK**

RESOLUTION NO. 132-13 moved by Mrs. Garlick Lorenzetti, second by Mr. Churchill and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, World Breastfeeding Week 2013, Breastfeeding Support: Close to Mothers draws attention to disease prevention and the vital role that breastfeeding plays in communities worldwide; and

WHEREAS, suboptimal breastfeeding rates currently results in higher health care costs; and

WHEREAS, breastfeeding for 12 months could decrease rates of hypertension, heart attacks, and breast cancer; and

WHEREAS, breastfeeding for at least a six month duration has the ability to impact the incidence of colic, ear infections, diarrhea, allergies, asthma, and childhood obesity as well as reducing mortality rates related to Sudden Infant Death; and

WHEREAS, breastfeeding contributes to society by maintaining healthier babies which results in reducing missed work or school days of family member due to a sick baby; and

WHEREAS, action is needed to facilitate breastfeeding education, support breastfeeding policies in the community, healthcare system, workplace, daycares, to promote breastfeeding as a means of improving the health of mothers and babies in our community; and

WHEREAS, the Finger Lakes Breastfeeding Partnership is actively pursuing breastfeeding friendly policy change in the community, healthcare system, workplace, and daycares; and

WHEREAS, the Public Health Committee has historically recognized the significance of optimal community health and nutrition; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors supports the World Breastfeeding Week 2013, Breastfeeding Support: Close to Mothers and the Finger Lakes Breastfeeding Partnership in their efforts, and commands all who participate in such a worthy cause, and proclaims the first week in the month of August, as World Breastfeeding Week 2013, Breastfeeding Support: Close to Mothers

**SUPERVISORS AUTHORIZE THE CREATION OF ONE (1) FULL-TIME REGISTERED PROFESSIONAL NURSE POSITION AND THE FILLING OF ONE (1) VACANT NURSE POSITION EFFECTIVE IMMEDIATELY**

RESOLUTION NO. 133-13 moved by Mrs. Garlick Lorenzetti, second by Mr. Prouty and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, a vacancy exists for a Public Health Nurse in the Public Health Department due to a resignation; and

WHEREAS, due to recruitment difficulties, the Public Health Director may be unable to hire a Public Health Nurse; and

WHEREAS, it may be necessary to hire a Registered Professional Nurse rather than a Public Health Nurse; and

WHEREAS, the Public Health Services Committee has approved filling (1) vacant Nurse position at their last committee meeting on June 25, 2013; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors does hereby create one (1) full-time Registered Professional position effective immediately; and be it further

RESOLVED, the Board of Supervisors does hereby authorize the filling of one Nurse Position; either a Public Health Nurse, or a Registered Professional Nurse in the event of recruitment difficulty.

**BOARD OF SUPERVISORS ADOPTS FEE SCHEDULE FOR SERVICES PROVIDED BY SENECA COUNTY DEPARTMENT OF BUILDING AND FIRE CODE ENFORCEMENT**

RESOLUTION NO. 134-13 moved by Mrs. Garlick Lorenzetti, second by Mr. McGreevy and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, Seneca County provides New York State Uniform Building Code and Energy Code enforcement services to all towns and villages within the County; and

WHEREAS, fees are charged for various permits required by New York State or by Seneca County Local Law; and



NOTE: *NON-PROFIT ORGANIZATION AND MUNICIPAL BUILDINGS must still get a building permit, but there is NO Fee unless a Stop Work Order is issued for work conducted without a permit.*

**FIRE SAFETY & PROPERTY MAINTENANCE INSPECTIONS**

Per Sleeping/dwelling unit, suite, office, single tenant space, etc.	\$ 25.00
Re-inspection after Corrective Action Report Comply Date passed	\$ 75.00

NOTE: *MUNICIPAL BUILDINGS: Fire Safety Inspections are REQUIRED, but there is NO Fee unless a re-inspection is needed after a Corrective Action Report's Comply Date has passed.*

**OPERATING PERMITS**

Hazardous Materials "H" Occupancy	\$ 100.00
Public Assembly "A" Occupancy	\$ 75.00
All others:	\$ 50.00
<i>Includes Pyrotechnic, Commercial/Business/Mercantile, Industrial/Factory, Multiple Dwelling Residential (Hotels, Motels, Institutional, etc.), Outdoor Public Assembly, Tent/canopy (fairs, carnivals, exhibits, etc.)</i>	
Operating without an Operating Permit	ALL FEES DOUBLED

NOTE: *MUNICIPAL BUILDINGS: Operating Permits are REQUIRED, but there is NO Fee unless a re-inspection is needed after a Corrective Action Report's Comply Date has passed.*

NOTE: *Occupancies in use without an Operating Permit will be posted uninhabitable, and may be subject to further legal action.*

**COMPLAINTS**

Initial and Follow-up Inspection	No charge
Follow-up/Re-inspection after Corrective Action Report Comply Date has passed	\$ 100.00

**OTHER FEES AND PENALTIES**

Lift a Stop Work Order	\$ 200.00
Renew an Expired Permit	½ Permit fee (\$ 25.00 Min. Fee)
Minor Amendment to a Permit (no area increase)	\$ 25.00
Other Amendments to a Permit	Appropriate rate/ sq. ft.
Replacement Copy of a Lost Certificate of Occupancy, or Certificate of Compliance	\$ 10.00
For each additional re-Inspection following the issuance of a Corrective Action Request	\$ 75.00

WHEREAS, this resolution has been reviewed and approved by the Public Health Services Committee on June 25, 2013; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby adopts the revised Fee Schedule for permits issued by the Seneca County Department of Building and Fire Code Enforcement effective January 1, 2014, subject to approval of the Seneca County Attorney.

Following the adoption of Resolution No. 134-13, Mrs. Garlick Lorenzetti recognized and thanked Peter Brown, Deputy Director of Planning & Community Development and Bill Bourdeau, Director of Planning & Community Development for the work they did in preparing the new fee schedule. The Code Enforcement Department is under the supervision of the Planning & Community Development Department.

**BOARD OF SUPERVISORS SUPPORTS MEASURES FOR PREVENTION OF  
INTRODUCTION AND MOVEMENT OF AQUATIC INVASIVE SPECIES AND URGING THE  
STATE TO ADOPT LAWS THAT SUPPORT LOCAL GOVERNMENT IN PREVENTING  
SUCH INTRODUCTION AND MOVEMENT**

RESOLUTION NO. 135-13 moved by Mr. Churchill, second by Mr. Kubasik and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, aquatic invasive species are currently causing negative environmental, human health and economic impacts in the Finger Lakes region and connected navigable waterways; and

WHEREAS, the Seneca County Board of Supervisors finds the ecology of navigable water bodies, wholly or partially located and/or accessed in Seneca County at risk of further negative environmental, human health and economic impacts; and

WHEREAS, tourism is a critical economic factor in Seneca County; and

WHEREAS, a significant portion of Seneca County drinking water is supplied from the waters of Cayuga and Seneca Lakes; and

WHEREAS, the New York State Invasive Species Advisory Committee in 2010 identified recreational boating as being implicated in the spread of aquatic invasive species and represents an important source of introduction; and

WHEREAS, preventing the introduction and spread of aquatic invasive species will assist in the protection of the environment, health and economy of the County and the Finger Lakes region; now, therefore, be it

RESOLVED, that Seneca County strongly encourages the Governor and the State legislature to acknowledge the real costs associated with the introduction of aquatic invasive species to the navigable waters of Seneca County and the Finger Lakes; and be it further

RESOLVED, that the County further requests that the State of New York take a comprehensive and proactive approach to dealing with aquatic invasive species; and be it further

RESOLVED, that Seneca County calls upon the legislature to expedite implementation of the Invasive Species Prevention Act, preventing introduction and movement of aquatic invasive species in the State; and be it further

RESOLVED, that the Clerk of the Board of Supervisors shall forward copies of this Resolution to Governor Andrew Cuomo, Lt. Governor Robert Duffy, Joseph Marten, Commissioner, DEC, Sen. Michael Nozzolio, Assembly Minority leader Brian Kolb, Assemblyman Philip Palmesano and to the legislatures or Boards of Supervisors of Yates, Ontario, Cayuga, Schuyler and Tompkins Counties

**A RESOLUTION TO INTRODUCE LOCAL LAW “B” OF 2013 ENTITLED  
“A LOCAL LAW TO AMEND LOCAL LAW 5 OF 2010”  
(as amended)**

RESOLUTION NO. 136-13 moved by Mr. Reynolds, second by Mr. Lafler and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, the Board has determined that it would be advisable to include facilities commonly known as and referred to as vacation rentals in the County’s hotel and motel tax law; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Committee at a meeting on June 25, 2013; now, therefore, be it

RESOLVED, that Local Law B of 2013 entitled "A Local Law to Amend Local Law 5 of 2010" 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 5 of 2010 is hereby amended as follows:

The text of sub section 3(1)(c) of said local law shall be replaced with the following:

(c) Hotel or Motel. any facility providing lodging on an overnight basis as well as for longer periods and shall include those facilities designated and commonly known as “bed and breakfast”, inns, cabins, condominiums, cottages, campgrounds, lodges, tourist homes, convention centers, and vacation rentals. The term condominium shall mean and include those units rented or leased directly by the owner or through a real estate agency or rental management agency. The provisions of this section relating to campgrounds, shall only apply to those leases and rentals in which the campground provides overnight shelter or lodging, and shall not apply to the provision of services by a campground when the customer provides his or her own shelter or lodging.

The text of Section 12 of said local law shall be amended to read as follows:

12. DISPOSITION OF REVENUES.

All revenues resulting from the imposition of the tax under this local law shall be paid into the Treasury of Seneca County and shall be credited to and deposited in the general fund of the County, thereafter to be allocated only for tourism, promotion and development in Seneca County. The revenues derived from said tax shall be allocated only to enhance the general economy of the County of Seneca, its towns and villages through promotion of tourist activities, conventions, trade shows, special events, and other directly related and supported activities. Pursuant to New York State Tax Law §1202-o(9), the Seneca County Advisory Committee on Tourism shall be empowered to advise, recommend and administer the activities funded by the revenues generated by this tax. Said Committee shall include two members who

shall not be members of the Chamber of Commerce when appointed, to be appointed by the Board of Supervisors and to serve at the pleasure of the Board, one of whom shall be the owner of vacation rental property located in Seneca County in the vicinity of Seneca Lake and the other, the owner of vacation rental property located in Seneca County in the vicinity of Cayuga Lake. The determination of the vicinity with which such vacation rental properties resides and the determination of whether such property constitutes vacation rental property shall be entirely within the discretion of the Board of Supervisors; 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 August 13, 2013; 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.

Prior to the adoption of Resolution No. 136-13, Mr. Hayssen made a motion, second by Mr. Lafler and carried, to amend the Main Motion by inserting the text under Section 12 as follows: "Said Committee shall include two members who shall not be members of the Chamber of Commerce when appointed, to be appointed by the Board of Supervisors and to serve at the pleasure of the Board, one of whom shall be the owner of vacation rental property located in Seneca County in the vicinity of Seneca Lake and the other, the owner of vacation rental property located in Seneca County in the vicinity of Cayuga Lake. The determination of the vicinity within which such vacation rental properties resides and the determination of whether such property constitutes vacation rental property shall be entirely within the discretion of the Board of Supervisors". A discussion on the amendment brought forth that Chairman Hayssen had been in contact with neighboring counties and discovered that each county is slightly different in regards to vacation rentals. Fifty percent of Yates County's occupancy tax is attributed to vacation rentals. Chairman Hayssen believes that collecting tax on vacation rentals will result in a boost to the economy. The occupancy tax is a tax not on Seneca County constituents.

Prior to the adoption of the motion to amend the main motion, Mr. Kubasik moved to amend the amendment by replacing the text "the local laws" with "this local law" so that it is clear that the tax imposed is specific to the Hotel/Motel Occupancy Tax Local Law. The motion to amend the amendment to the main motion was carried.

**A RESOLUTION ADOPTING LOCAL LAW 1 of 2013 ENTITLED “SOCIAL HOST LAW TO PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR ILLEGAL DRUGS BY MINORS ON PRIVATE PREMISES IN SENECA COUNTY”**

RESOLUTION NO. 137-13 moved by Mr. Reynolds, second by Mr. Prouty and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, a resolution was duly adopted by the Board of Supervisors of the County of Seneca for a Public Hearing to be held by said County on July 9, 2013 at 6:00 p.m. at the Seneca County Office Building, Waterloo, NY, to hear all interested parties on a proposed Local Law entitled “Social Host Law to Prohibit the Consumption of Alcoholic Beverages and/or Illegal Drugs by Minors on Private Premises in Seneca County”; 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 July 9, 2013 at 6:00 p.m. at the Seneca County Office Building, Waterloo, NY, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

RESOLVED, that the Board of Supervisors of the County of Seneca hereby adopts Local Law A of the year 2013, as follows:

Section 1: Title

This law shall be known at the “Social Host Law to Prohibit the Consumption of Alcoholic Beverages and/or illegal Drugs by Minors on Private Premises in Seneca County”.

Section 2: Declaration of intent.

The New York State Legislature has acted to proscribe the unlawful giving, selling and possession of alcoholic beverages and/or illegal drugs in relation to minors. (Penal Law Sections 30.00(1)). However, the Legislature has not regulated the situation where a person age sixteen (16) or over knowingly permits the consumption of alcohol by a minor in his or her home, or on premises under his or her control. The purpose of the law is to protect the public interest, welfare, health and safety of our citizens by prohibiting the consumption of alcoholic beverages or illegal drugs by persons under the age of twenty-one (21) at or on private premises located in Seneca County, and to give law enforcement a viable recourse against anyone who permits such conduct. The underage consumption of alcoholic beverages often leads to behaviors requiring the intervention of local law enforcement, and threatening the well-being of

the citizenry. This Local Law will serve to limit the availability of alcoholic beverages to minors by holding those persons who permit underage drinking on their property responsible.

### Section 3: Definitions

As used in this law, the following terms shall have the meanings indicated:

- A) "Minor" shall mean any person under the age of twenty-one (21)
- B) "Private premises" shall mean any home, apartment, condominium, cooperative unit or other dwelling unit of any kind, including yards, open areas adjacent thereto, vacant land or farmland, and accessory structures.
- C) "Knowingly" shall mean aware of, or having reason to be aware of.
- D) "Alcoholic beverage" shall mean liquor, wine, beer, sprits, cider or other liquid, or solid composed of, or containing alcohol or sprits, whether or not brewed, fermented or distilled, and capable of being consumed by a person, except that confectionary containing alcohol as provided by subdivision twelve of section two hundred (200) of the Agriculture and Markets Law shall not be regarded as an alcoholic beverage within the meaning of this section.
- E) "Illegal drugs" shall mean and includes any substance listed in section 3306 of the Public Health Law and not prescribed by a physician.
- F) "Social gathering" means a party or gathering at a residence or other private premises of two or more persons, at least one of whom is not related by blood to the others in attendance and is a minor.
- G) "Control" means the actual or apparent authority and ability to regulate, direct or dominate private premises, including, but not limited to the control exercised by tenants, lessees, owners and/or landlords who have notice of underage drinking on the premises.

### Section 4: Prohibition.

It shall be unlawful for any person age sixteen (16) or over who owns, rents, or otherwise controls private premises, to knowingly host, permit or allow a gathering at which he allows the consumption of alcoholic beverages or illegal drugs by any minor on such premises or fails to take reasonable corrective action upon learning of the possession or consumption of alcoholic beverages or illegal drugs by any minor on such premises. Reasonable corrective action shall include, but not be limited to:

- A) Verifying the age of the persons attending the social gathering by inspecting drivers licenses or other government-issued identification card;
- B) Making a prompt demand that such minor either forfeit the alcoholic beverages or illegal drugs and refrain from the consumption of such or depart from the premises;

C) If such minor does not comply with such request, either promptly reporting such underage consumption of alcohol 1) to the local law enforcement agency or 2) to any other person having a greater degree of authority over the conduct of such minor.

#### Section 5: Exceptions:

The provisions of this section shall not apply to:

A) The possession or consumption of an alcoholic beverage by persons lawfully permitted to do so pursuant to sections 65-c of the Alcohol Beverage Control Law, or any applicable law: or

B) The possession or consumption of a drug for which the individual has a current, valid prescription or as otherwise permitted by any other applicable law, or

C) The possession or consumption of alcohol or alcoholic beverage by a minor for legitimate religious purposes.

#### Section 6: Penalties

Each offense shall be punishable as follows:

A) First Offense: Any person who violates Section 4 of this local law shall be punished by a fine of two hundred fifty dollars (\$250), or imprisonment for a period not exceeding fifteen (15) days or a combination of both, where such violation constitutes the person's first offense in violation of this provision. In addition, for each offense, successful completion of a court-approved alcohol and drug awareness program is required. A first offense shall constitute a Violation.

B) Second Offense: Any person who violates Section 4 of this local law shall be punished by a fine of five hundred dollars (\$500) or imprisonment of sixty (60) days minimum or a combination of such fine and imprisonment as shall be ordered by the court, where such violation constitutes the person's second offense in violation of the provision. In addition, for each offense, successful completion of a court-approved alcohol and drug awareness program is required. A second offense shall constitute and Unclassified Misdemeanor.

C) Third and Subsequent Offense: Any person who violated Section 4 of this local law shall be punished by either a fine of one thousand dollars (\$1,000), a term of imprisonment not to exceed one (1) year, or both a fine of one thousand dollars (\$1,000) and a term of imprisonment not to exceed one (1) year, where such violation constitutes the person's third offense in violation of this provision. In addition, for each offense, successful completion of a court approved alcohol and drug awareness program is required. A third or subsequent offense shall constitute and Unclassified Misdemeanor.

#### Section 7: Effect on Other Laws

The provisions of Section 4 of this local law shall not in any way affect the application of any other law, where appropriate, including, but not limited to, Penal Law Sections 260.10 (endangering the welfare of a minor), and Sections 260.20(2) (unlawfully dealing with a child).

Sections 8: Severability

If any section, subsection, sentence, clause, phrase or other portion of this local law is for any reason declared unconstitutional, or invalid or in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law which remaining portions shall remain in full force and effect.

Section 9: Effective date

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

**BOARD OF SUPERVISORS TO APPROVE THE APPOINTMENT OF  
FINGER LAKES WORKFORCE INVESTMENT BOARD MEMBER**

RESOLUTION NO. 138-13 moved by Mr. Lafler, second by Mr. Westfall and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, the Seneca County Board of Supervisors has authorized the creation of the Finger Lakes Workforce Investment Board for the counties of Ontario, Wayne, Seneca and Yates in compliance with the Workforce Investment Act (WIA) of 1998 and the appointment of the public sector Workforce Investment Board Members must be endorsed by the four counties of Ontario, Wayne, Seneca and Yates; and

WHEREAS, the Seneca County Board of Supervisors shall endorse the following public sector representative to the Finger Lakes Workforce Investment Board effective July 1, 2013 to June 30, 2016:

Public Sector

Mr. Scott Bischooping                      07/01/2013 – 06/30/2016

District Superintendent

Wayne-Finger Lakes BOCES

131 Drumlin Court

Newark, New York 14513; and

WHEREAS, this appointment has been reviewed and approved by the Human Services Committee at its meeting on June 25, 2013; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint the individual listed above to the Finger Lakes Workforce Investment Board; and be it

FURTHER RESOLVED, that the Clerk to the Board of Supervisors send a certified copy of this resolution to the Finger Lakes Workforce Investment Board and to the Clerks of the Boards of Ontario, Wayne and Yates Counties.

New Business

In accordance with Rule of Order No. 29, Mr. Kaiser made a motion, second by Mrs. Garlick Lorenzetti, to introduce the following resolution to be considered by the Board of Supervisors without being reviewed by the Public Works Committee. The motion to consider the resolution was passed by two-thirds majority of the supervisors present. New York State Department of Transportation is expected to send out an RFP for the next five-year LTAP agreement by the end of July, this resolution was presented to the Board of Supervisors under Rule 29.

**SUPPORT TO CONTINUE THE CORNELL LOCAL ROADS PROGRAM**

RESOLUTION NO. 139-13 moved by Mr. Kaiser, second by Mr. Westfall and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, since 1951 the Cornell Local Roads Program, provided by the Local Technical Assistance Program, has been providing technical assistance and training for local highway officials through Cooperative Extension; and

WHEREAS, the roots of the program go back into the 1930s when Cornell began collaborating with the Association of Towns, organizing and hosting the Annual School for Highway Superintendents; and

WHEREAS, in 1984 joint funding from the New York State Department of Transportation and the Federal Highway Administration allowed the program to provide fifty to sixty one-day workshops on a variety of topics; direct technical assistance with on-site visits; a summer intern program to create a roadway asset management plan for individual municipalities; the annual Highway School; research on problems faced by local roads; and a work zone safety training program; and

WHEREAS, there is an ongoing need for training due to every two years about one-third of the leading highway officials are new to their office, as well as keeping established highway personnel up to date on the issues; and

WHEREAS, the income generated by the program is sufficient to pay for all of the costs of the program; and

WHEREAS, the location of the program, Ithaca, NY, is central to New York State and a convenient distance for attendees to travel especially for our local highway departments; and

WHEREAS, the focus of the College of Agriculture and Life Sciences has shifted from Agricultural Engineering to Biological Engineering and thus excluding and discontinuing the Cornell Local Roads Program as a priority in the college's strategic plan; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby urge the Dean of the College of Agriculture and Life Sciences to reverse her decision and continue holding the Local Technical Assistance Program / Cornell Local Roads Program at Cornell University.

Highway Superintendent Roy Gates said that five members of the Highway staff attend the training school each year. The town highway departments also send staff every year.

**SUPERVISORS AUTHORIZE WORK AT COLONEL'S DRIVE IN  
SENECA COUNTY SEWER DISTRICT NO. 2**

RESOLUTION NO. 140-13 moved by Mr. Kaiser, second by Mr. Lafler and adopted by 715 ayes and 35 absent (Davidson).

WHEREAS, improvements have been designed and initiated in the Colonel's Drive section of Seneca County Sewer District No. 2; and

WHEREAS, the District desires to engage the services of a private contractor to assist in completing the Phase One improvements in this area; and

WHEREAS, quotes were solicited from three qualified firms for assistance with said work; and]

WHEREAS, Tri-County Excavating, with offices at 1776 Townline Road, Geneva, NY, submitted the lowest quote in the amount of \$15,300; and

WHEREAS, Seneca County Sewer District No. 2 fund balances are sufficient to finance said work: and

WHEREAS, Seneca County Sewer District No. 2 desires to award said work to Tri-County Excavating; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes work to be completed at the Colonel's Drive section of Seneca County Sewer District No. 2 by Tri-County Excavating in an amount not to exceed \$15,300; and be it further

RESOLVED, that \$15,300 from the Fund Balance of Seneca County Sewer District No. 2 is appropriated for completion of said work.

Prior to the adoption of Resolution No. 140-13, Mr. Kaiser moved its introduction without committee review in accordance with Rule 29, receiving a two-thirds majority of supervisors present.

Special Order of the Day

The meeting adjourned at 7:00 p.m.