

**SENECA COUNTY  
BOARD OF SUPERVISORS**

Special Board Meeting  
July 28, 2020

**THIS MEETING WAS CONDUCTED DURING THE COVID-19 PANDEMIC UNDER  
NYS GOVERNOR'S EXECUTIVE ORDER 202.1**

**Suspension of law allowing the attendance of meetings telephonically or Other similar service:** Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.

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Call to Order

Chairman Hayssen called the meeting to order at 7:50 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

Approval of Meeting Minutes

Minutes for the special board meeting on June 23, 2020 were approved.

Report of Special Committees

Seneca County IDA - Sprvr. Trout, representative for Board of Supervisors, reported that the Danaran's Payment in Lieu of Tax (PILT) agreement was approved and a public hearing was held yesterday. We had a brief discussion about creating a loan program to help small businesses due to COVID, not all the board members agreed citing not enough funds available to loan to an already struggling or failing business to help them turn around. The government provided a lot more money than the IDA could.

Finally, there are reports of horses on the Cay-Sen Trail and some trail walkers are complaining. They do not want to share a trail with horses and walk next to them; nor do they want to have to watch out for horse manure. Sprvr. Garlick Lorenzetti said to let the horses go. At this point in time we do not have a formal restriction banning horses from the trail.

Chairman's Remarks

None

County Manager's Remarks

Preparations for the 2021 budget are underway. MUNIS is live for three weeks now. August 28 is the deadline for department heads to submit their budget requests.

The food distribution drives have been popular. We had one last week. Some employees experienced difficulty in returning or leaving for their lunch breaks because the parking lot was getting filled up by cars waiting in line – we appreciated the traffic control provided by the Waterloo Police

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Department. It was an inconvenience but there weren't any accidents or any real problems. There are two future food distributions, with two sites offered, the county building and the Ovid Federated Church.

County Attorney's Remarks

When the COVID Response Team receives a complaint about mask and social distancing measures being ignored, the town supervisor is notified. In the vein of positive enforcement, having the town supervisor involved provides an opportunity for better communication and education when meeting with the business.

Communications:

69. From NYS Homeland Security and Emergency Services, notification of grant aware for \$10,000 under the FY2020 Emergency Management performance Grant COVID-19 Supplemental (EMPG-S) program for the performance period of January 27, 2020 through July 31, 2021.

70. From Genesee / Finger Lakes Regional Planning Council, a copy of the Preliminary Budget for the 2021 Calendar Year (January-December) for review by the county; and requesting a resolution to financially support the Council in 2021 at the same rate as last year (\$6,647). Referred to Jill Henry, Director of Planning & Community Development for follow-up.

71. From Christa Kinsley, resident, Waterloo, an email dated June 25, 2020, expressing her opposition to the restrictions imposed by Governor Cuomo (i.e. masks; social distancing; closing businesses), and urging the Board of Supervisors to reopen the county and "...speak out and take a stand for our rights, our wellbeing, and our freedom."

72. From Aaron T. Stevens, a letter dated July 17, 2020, requesting that the Board of Supervisors take the lead in contacting other counties bordering Seneca Lake and in a joint effort request immediate action by New York State to clean up Seneca Lake.

73. A copy of Wayne County Resolution No. 293-20: Authorize Re-Appointment of Lynn Freid and Danielle Maloy, to the Finger Lakes Workforce Investment Board.

74. A copy of Notes from Zoom Meeting 7/8/20 of the Seneca County Agricultural Enhancement Plan.

75. A copy of the Seneca County IDA June 4, 2020 meeting minutes.

76. From The Halpin Firm, a copy of the fully executed Payment in Lieu of Tax Agreement between JAS Land Management, LLC and Seneca County IDA.

77. From The Halpin Firm, notice of public hearing on July 27, 2020 at 2:00 p.m. in connection with the application for financial assistance from Seneca County IDA by Danaren Dental Laboratory, LLC.

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78. From the Town of Ulysses, notice of public hearing regarding proposed local law to amend the Town of Ulysses zoning laws, scheduled for August 11, 2020 at 6:30 p.m., details for accessing the public hearing are published on the town’s website at Ulysses.ny.us.

79. A copy of Wayne County Resolution No. 336-20,” Approve Administrative Agreement between the Chief Elected Officials and the Finger Lakes Workforce Investment Board”.

80. A copy of Wayne County Resolution No. 338-20, “Authorize Appointment to the Finger Lakes Workforce Investment Board (Michelle Jungermann)”.

81. From Stephan Foley, an email dated July 28, 2020, offering two suggestions for police reforms, “ban unrelated questioning at routine stops”, and “ban or greatly limit consent searches”.

82. Emails from Dave Labbadia, Fred Bassette, and Jonathan Adler, date July 28, 2020 and emails dated July 27, 2020 from Nancy Bromka, Amy Vonderchek and Beth Huff, expressing opposition to restrictions and the enforcement thereof, of Cuomo’s NYS PAUSE and NY Forward plans and urging the Seneca County Board of Supervisors to reopen Seneca County and not enforce the mask and social distancing restrictions.

RESOLUTIONS & MOTIONS

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SENECA  
EXTENDING THE ADDITIONAL RATE OF TAXES ON SALES AND USES OF TANGIBLE  
PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL  
ROOMS AND ON AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX  
LAW OF THE STATE OF NEW YORK**

RESOLUTION NO. 158-2020, motion offered by Sprvr. Reynolds, second by Sprvr. Trout and adopted.

SECTION 1. Section 4-A of the resolution enacted by the Seneca County Board of Supervisors on January 12, 1982 (and amended by Board resolution on July 13, 1982), imposing sales and compensating use taxes, as amended, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and shall be paid an additional one percent rate of sales and compensating use taxes, for the period beginning December 1, 2002, and ending November 30, 2020. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4, and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating to or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the

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applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph B of subdivision (1) of section 11 of a resolution enacted by the Seneca County Board of Supervisors on January 12, 1982 (and amended by Board resolution on July 13, 1982), imposing sales and compensating use taxes, as amended, is amended to read as follows: (B) With respect to the additional tax of one percent imposed for the period beginning December 1, 2002, and ending November 30, 2023, in respect to the use of property used by the purchaser in this County prior to December 1, 2002.

SECTION 3. This enactment shall take effect December 1, 2020.

**BOARD OF SUPERVISORS APPROVES**

**WORKERS' COMPENSATION BUDGET FOR YEAR 2021**

RESOLUTION NO. 159-2020, motion by Sprvr. Reynolds, second by Sprvr. Trout and adopted.

WHEREAS, the Workers' Compensation Budget must be filed with the Board of Supervisors by August 15 of each year per Article 5, Section 67 of the New York State Worker's Compensation Law; and

WHEREAS, the Interim Risk Manager has evaluated the 2020 budget, all adjustments required throughout the year, new reserve limits and total open claims and has recommended the proposed budget; and

WHEREAS, the Finance, Assessment & Insurance Committee approved this resolution on July 28, 2020; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby adopt the Seneca County Workers' Compensation Budget for the year 2021 as follows:

| <b>1710 ADMINISTRATION</b> |                                |              |
|----------------------------|--------------------------------|--------------|
| .1100                      | Personal Service Administrator | \$ 0         |
| .1110                      | Employee Benefits Assistant    | \$ 28,161.50 |
| .8400                      | WC                             | \$ 563.23    |
| .1200                      | Legal Services Director        | \$ 0         |
| .1400                      | Severance                      | \$ 0         |
| .2200                      | Equipment                      | \$ 500.00    |

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|                             |                           |                      |
|-----------------------------|---------------------------|----------------------|
| .2300                       | Computer Equipment        | \$ 1,000.00          |
| .4200                       | Supplies                  | \$ 500.00            |
| .4230                       | Telephone / Internet      | \$ 0                 |
| .4240                       | Postage                   | \$ 1,000             |
| .4260                       | Books & Periodicals       | \$ 100               |
| .4270                       | Membership & Dues         | \$ 200               |
| .4280                       | State Assessment          | \$ 125,000           |
| .4440                       | Mileage                   | \$ 0                 |
| .4450                       | Hotels & Meals            | \$ 300.00            |
| .4560                       | Excess Insurance          | \$ 177,314.50        |
| .4700                       | Investigations            | \$ 4,500             |
| .4701                       | Training                  | \$ 200               |
| .4702                       | Legal Services            | \$ 35,000            |
| .4703                       | Rehabilitation Services   | \$ 0                 |
| .8100                       | Retirement                | \$ 4,787.46          |
| .8300                       | Social Security           | \$ 1,746.01          |
| .8600                       | Health Insurance          | \$ 5,632.20          |
| .8700                       | Medicare                  | \$ 408.34            |
| .4704                       | Third Party Administrator | \$ 40,788.00         |
| <b>TOTAL ADMINISTRATION</b> |                           | <b>\$ 427,701.24</b> |

|                                 |                                   |                      |
|---------------------------------|-----------------------------------|----------------------|
| <b>1720 NON-ADMINISTRATION</b>  |                                   |                      |
| .4100                           | Indemnification/Benefits & Awards | \$ 700,000           |
| .4110                           | Long Term Indemnity Liabilities   | \$ 100,000           |
| .4200                           | Medical                           | \$ 295,000           |
| .4210                           | Long Term Medical Liabilities     | \$ 100,000           |
| .4220                           | Independent Medical Examinations  | \$ 0                 |
| .4440                           | Allocated Loss Adjustment Expense | \$ 50,000            |
| .4700                           | Long Term Expense Liabilities     | \$ 5,000             |
| <b>TOTAL NON-ADMINISTRATION</b> |                                   | <b>\$ 1,250,000</b>  |
| <b>TOTAL ADMINISTRATION</b>     |                                   | <b>\$ 427,701.24</b> |

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|                    |                        |
|--------------------|------------------------|
| <b>GRAND TOTAL</b> | <b>\$ 1,677,701.24</b> |
|--------------------|------------------------|

**A RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW “B” OF 2020 ENTITLED, “A  
LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL  
MUNICIPAL LAW §3-C”**

RESOLUTION NO. 160-2020, motion offered by Sprvr. Reynolds, second by Sprvr. Cleere and adopted.

WHEREAS, Section 3-C of the New York State General Municipal Law permits municipalities to override the State-imposed property tax cap by Local Law; and

WHEREAS, due to the financial impacts of the COVID-19 Pandemic, the Board of Supervisors finds it necessary to increase the County property tax levy beyond that authorized without such a Local Law related to the 2021 Seneca County Budget; and

WHEREAS, this Resolution has been reviewed and approved by the Finance, Assessment and Insurance Committee at its July 28, 2020 Meeting; now, therefore, be it

RESOLVED, that proposed Local Law “B” of 2020 entitled, “A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-C” is hereby introduced before the Board of Supervisors of the County of Seneca to read substantially as follows:

Section 1. Legislative Intent.

It is the intent of this local law to allow the County of Seneca to adopt a budget for the fiscal year commencing January 1, 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-C.

Section 2. Authority.

This local law is adopted pursuant to Subdivision 5 of General Municipal Law §3-C, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override.

The County Board of Seneca, County is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2021 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-C.

Section 4. Severability.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is

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invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local 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 September 8, 2020; 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.

**ACCEPT CONTRACT FUNDS FROM SENECA FALLS SCHOOL DISTRICT (\$31,506) AND  
WATERLOO SCHOOL DISTRICT (\$49,500) TO SUPPORT SCHOOL BASED SUBSTANCE  
ABUSE PREVENTION SERVICES FOR SCHOOL YEAR 2020/2021**

RESOLUTION NO. 161-2020, motion offered by Sprvr. Enslow, second by Sprvr. Trout and adopted.

WHEREAS, the Seneca County Board of Supervisors authorizes and directs the County Manager to sign all documents necessary to accept the following in contract funding in support of School Based Substance Abuse Prevention Services for school year 2020/2021:

|                              |             |
|------------------------------|-------------|
| Seneca Falls School District | \$31,506.00 |
| Waterloo School District     | \$49,500.00 |

WHEREAS, this funding requires no match from Seneca County; and

WHEREAS, under this program, the County will be reimbursed quarterly for salary expenses associated with staffing necessary for delivery of School Based Prevention Service ; and

WHEREAS, it is necessary for the County Manager to sign the contracts to receive the funding; and

WHEREAS, all funding will be included in the 2020 and 2021 Mental Health budgets; and

WHEREAS, the Mental Health Services Committee reviewed and approved this resolution at its July 28, 2020 meeting; now, therefore be it

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RESOLVED, that the County Manager is hereby authorized and directed to sign all necessary documents to accept contract funding from the Seneca Falls School District and the Waterloo School District to support School Based Substance Abuse Prevention Services in school year 2020/2021.

**SUPERVISORS AUTHORIZE EMERGENCY REPAIRS  
AT HEALTH AND SENIOR SERVICES BUILDING**

RESOLUTION NO. 162-2020, motion offered by Sprvr. Trout, second by Sprvr. Garlick Lorenzetti and adopted.

WHEREAS, Seneca County owns the property at 2465 Bonadent Drive; and

WHEREAS, emergency repairs are required and necessary to undertake electric service upgrades; and

WHEREAS, New York State General Municipal Law provides for emergency repairs to be undertaken without a competitive bidding process; and

WHEREAS, Caratozzolo Electric, LLC has evaluated the conditions and submitted an estimate in the amount of \$150,000.00; and

WHEREAS, funding is available in the Buildings & Grounds Budget Account No. 101620-54220- HEALT to undertake these repairs; and

WHEREAS, the Public Works Standing Committee has reviewed and approved the Resolution at its July 28, 2020 Meeting; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorized Caratozzolo Electric, LLC to undertake emergency repairs at 2465 Bonadent Drive in an amount not to exceed \$150,000.00.

**HIGHWAY ROOF REPLACEMENT**

RESOLUTION NO. 163-2020, motion offered by Sprvr. Trout, second by Sprvr. Barnhart and adopted.

WHEREAS, the Highway Department roof needs replacement and coating; and

WHEREAS, most of the roofs have been replaced with the exception of two sections and coating of a large barn (metal roof); and

WHEREAS, the Facilities Superintendent has secured a quote from Garland, DBS Inc., 3800 East 91st Street Cleveland, OH 44105 for \$219,237.00; and

WHEREAS, this quote was solicited through the U.S. Communities Procurement Process; and

WHEREAS, funding is available in Account 405112-52000 to complete this work; and

WHEREAS, the Public Works Committee reviewed and approved this resolution at its July 28, 2020 meeting; now, therefore be it

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RESOLVED, that the Board of Supervisors authorizes an award to Garland, DBS Inc., 3800 East 91st Street Cleveland, OH 44105, in an amount not to exceed \$219,237.00.

**ACCEPTANCE OF ELECTIONS CYBERSECURITY REMEDIATION (ECR) GRANT  
PROGRAM FOR SENECA COUNTY BOARD OF ELECTIONS**

RESOLUTION NO. 164-2020, motion offered by Sprvr. Garlick Lorenzetti, second by Sprvr. Lott and adopted.

WHEREAS, the New York State Board of Elections authorizes a total of \$9 million, combined from the 2018 federal HAVA funds and 2020 federal HAVA funds, for use by county boards of elections to implement cybersecurity remediation and mitigation services. The State Board of Elections established this program to reimburse county boards of elections for eligible expenses to implement cybersecurity remediation and mitigation services; and

WHEREAS, the Program has no local match requirement; and

WHEREAS, Seneca County Board of Elections is eligible to be reimbursed up to \$69,575.89 for allowable and reasonable expenditures made between December 21<sup>st</sup>, 2019 through December 31<sup>st</sup>, 2021; and

WHEREAS, the State Board of Elections adopted a cybersecurity plan dubbed ‘ARMOR’ (Assess, Remediate, Monitor Operations, and Respond) to protect the State’s critical election infrastructure. The plan required all County Boards of Elections to undergo a comprehensive risk assessment of their election infrastructure. Such allowable and reasonable expenditures under this grant reimbursement program are to assist counties in meeting the goals identified in their cybersecurity risk assessment plan and provide a contract/reimbursement process to guide county boards of elections and State Government partners through a voucher reimbursement process.

WHEREAS, this resolution was reviewed and approved by the Government Operations Standing Committee on July 28<sup>th</sup>, 2020; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby accept the grant and authorizes the Board of Elections Commissioners to sign any and all necessary documentation related to the applications, acceptance, and administration of this grant; and be it further

RESOLVED, that the Department of Finance is hereby authorized and directed to amend the 2020 budget as follows with unused portions flowing into future years per the funding guidelines:

|                  |                    |          |             |             |
|------------------|--------------------|----------|-------------|-------------|
| 101450 43089 ECR | ECR Grant Program  | Increase | Revenue     | \$69,575.89 |
| 101450 52300 ECR | Computer Equipment | Increase | Expenditure | \$30,000.00 |
| 101450 54221 ECR | Computer Licenses  | Increase | Expenditure | \$29,575.89 |
| 101450 54370 ECR | Consultants        | Increase | Expenditure | \$10,000.00 |

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And be it further;

RESOLVED, that the Department of Finance is authorized to make the necessary budgetary and accounting entries to affect the intent of this resolution.

**SUPERVISORS AUTHORIZE SUPPLEMENTAL AGREEMENT FOR  
SENECA COUNTY SEWER DISTRICT #1 & #2 PER**

RESOLUTION NO. 165-2020, motion offered by Sprvr. Hayes, second by Sprvr. Lott and adopted.

WHEREAS, the New York State Department of Environmental Conservation (DEC) requires that a final Professional Engineering Report (PER) for Sewer District Nos. 1 & 2 be completed and accepted by October 1, 2020 for Five Points WWTP, and February 1, 2021 for Willard WWTP; and

WHEREAS, Seneca County sponsored the development of a Professional Engineering Report for Seneca County Sewer District Nos. 1 & 2 and adopted Resolution No. 170-18 approving the Centralized Treatment alternative for the sewer districts; and

WHEREAS, the PER was reviewed by the newly created Standing Committee #13 Water & Sewer Treatment Management & Operations (WSTMO) at a meeting on March 17, 2020; and

WHEREAS, the Board of Supervisors adopted Resolution 75-2020, directing that the final Professional Engineering Report be amended to proceed with the Decentralized Alternative as the accepted treatment method for treatment for Sewer District Nos. 1 & 2; and

WHEREAS, the amended PER and related work will require additional services from Barton & Loguidice in an additional amount not to exceed \$19,100; and

WHEREAS, this Resolution was recommended for approval by the Water and Sewer Treatment Management and Operations Committee at its Meeting of July 21, 2020; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes a Supplemental Agreement with Barton & Loguidice for additional services related to Sewer Districts No. 1 and 2 in an amount not to exceed \$19,100; and be it further

RESOLVED, that the Director of Finance be authorized to make any accounting and budget adjustments necessary to allow for these additional services.

**BOARD OF SUPERVISORS APPROVES SECURITY ESCORT POLICY**

RESOLUTION NO. 166-2020, motion offered by Sprvr. Ferrara, second by Sprvr. McGreevy and adopted.

WHEREAS, the Safety and Security of all employees and citizens are of the utmost importance to the County; and

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WHEREAS, an employee whose employment is being involuntarily terminated, or suspended for any amount of time, may be irritable, upset, resentful, or merely unsettled which could lead to unfavorable results yielding violent actions; and

WHEREAS, the Personnel Officer has evaluated previous practices of employees departing the County and feels that it is necessary to create a policy to ensure trained security escort the departing employee(s) for the safety of all involved; and

WHEREAS, the Personnel Committee met on July 28, 2020, has reviewed the proposed policy and agrees that it is necessary; and

WHEREAS, the Board of Supervisors met and approved the resolution on July 28, 2020; now, therefore be it

RESOLVED, the Security Escort Policy #101.608 shall read as follows:

101.608 Security Escort Policy

Purpose: To establish a safe and effective procedure to escort those employee(s) that are not authorized to work for the County.

Policy: County employees that are placed on a suspension or their employment is involuntarily terminated will be escorted to collect any and all personal belongings prior to being escorted outside of the County facility by Building Security. At no time will it be authorized to allow a former employee to collect his/her belongings without Security and/or the Personnel Officer or his/her designee present. Employees that would like to say their farewells may be authorized to do so by the Security and/or the Personnel Officer or his/her designee but shall not linger or attempt to stall the process of collecting said belongings. Any attempt to derail the escorting of employee(s) will result in progressive disciplinary action.

**BOARD OF SUPERVISORS APPROVES WAIVER OF HIRING FREEZE WAIVER TO  
REFILL A POSITION FOR PC SUPPORT SPECIALIST POSITION**

RESOLUTION NO. 167-2020, motion offered by Sprvr. Ferrara, second by Sprvr. Trout and adopted.

WHEREAS, the Personnel Committee met on July 28, 2020 and approved this resolution; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby approve the request submitted by the IT Director to waive the Hiring Freeze Policy in order to refill one (1) vacant position for PC Support Specialist.

**BOARD OF SUPERVISORS APPROVES WAIVER TO HIRING FREEZE POLICY  
TO REFILL SENIOR TYPIST POSITION IN THE PROBATION DEPARTMENT**

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RESOLUTION NO. 168-2020, motion offered by Sprvr. Ferrara, second by Sprvr. Garlick Lorenzetti and adopted.

WHEREAS, there is a need to refill the Senior Typist position in the Probation Department; and

WHEREAS, the Director of Probation is seeking a waiver to the Hiring Freeze Policy in order to hire and fill the Senior Typist vacancy, and

WHEREAS, the Personnel Standing Committee met on July 28, 2020 and reviewed and approved this resolution; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby approve the request submitted by the Probation Director to waive the Hiring Freeze Policy in order to refill one (1) vacant position for Senior Typist.

**BOARD OF SUPERVISORS APPROVES APPOINTMENT OF  
FINGER LAKES WORKFORCE INVESTMENT BOARD MEMBER**

RESOLUTION NO. 169-2020, motion offered by Sprvr. Borst, second by Sprvr. Barnhart and adopted.

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 Innovation and Opportunity Act (WIOA) of 2014; and

WHEREAS, the appointment of the Partner/Public Sector Workforce Investment Board Members must be endorsed by the four counties of Ontario, Wayne, Seneca and Yates; and

WHEREAS, per the NYS WIOA requirements, the Seneca County Board of Supervisors must endorse the following Public Sector representative to serve a three year term beginning July 1, 2020 through June 30, 2023

Public Sector  
Michelle Jungermann  
Ontario ARC, Director, Meaningful Activities  
3071 County Complex Drive  
Canandaigua, NY 14424

And

WHEREAS, this appointment has been reviewed and approved by the Human Services Standing Committee on July 28, 2020; 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

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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.

**AUTHORIZE SNOWMOBILE TRAIL GRANT APPLICATIONS AND SIGNING  
AGREEMENTS WITH TWIN LAKES SNOWMOBILE ASSOCIATION AND SENECA  
SLEDDERS SNOWMOBILE ASSOCIATION**

RESOLUTION NO. 170-2020, motion offered by Sprvr. Barnhart, second by Sprvr. Ferrara and adopted.

WHEREAS, Seneca County has previously indicated that it would serve as Sponsor for the Twin Lakes Snowmobile Association and the Seneca Sledders Snowmobile Association for them to receive the pass-through funding for the Grant-in-Aid Program funding from the New York State Office of Parks, Recreation and Historic Preservation for sections of trail on the New York State Snowmobile System in Seneca County; and

WHEREAS, to distribute the funds for Snowmobile Trail maintenance received from the New York State Office of Parks, Recreation and Historic Preservation, agreements should be in place between the County of Seneca and Lakes Snowmobile Association and the Seneca Sledders Snowmobile Association; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Committee on July 28, 2020; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Department of Planning and Community Development to prepare Phase II, and III Applications for the New York State Snowmobile Trails Grant-in-Aid Program; and be it further

RESOLVED, that the Seneca County Manager is authorized and directed to sign the Agreements between Seneca County and the Twin Lakes Snowmobile Association and between Seneca County and the Seneca Sledders Snowmobile Association for the period of August 1, 2020 to August 31, 2022; and be it further

RESOLVED, that the Seneca County Manager is authorized to sign the Snowmobile Grant Applications for the 2020-2021 season; and be it further

RESOLVED, that the Seneca County Manager and the County Treasurer are authorized and directed to sign necessary reports and vouchers to receive funding for the New York State Snowmobile Grant Program for the 2020-2021 Season; and be it further

RESOLVED, upon receipt of funds from the New York State Snowmobile Grant-in-Aid

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Program, the County Director of Finance will confer with the Seneca County Department of Planning and Community Development as the appropriate division of the funds between the Twin Lakes Snowmobile Association and the Seneca Sledders Snowmobile Association based on the mileage and type of State approved trails, and prepare and distribute checks to the Twin Lakes Snowmobile Association and the Seneca Sledders Snowmobile Association.

**NATIONAL BREASTFEEDING AWARENESS WEEK**

**AUGUST 1-7, 2020**

RESOLUTION NO. 171-2020, motion offered by Sprvr. McGreevy, second by Sprvr. Reynolds and adopted.

WHEREAS, the promotion of health and well-being of Seneca County residents are of the utmost importance to achieve optimal health and health outcomes; and

WHEREAS, the United States Breastfeeding Committee declared August National Breastfeeding Month, and the World Alliance for Breastfeeding Action has declared August 1-7, 2020, as World Breastfeeding Week to promote breastfeeding as a key to sustainable development; and

WHEREAS, exclusive breastfeeding of infants for the first six months after birth with continued breastfeeding for at least twelve months ensures both mothers and infants receive the maximum health benefits; and

WHEREAS, breast milk is physiologically tailored to meet the needs of infants' maturing digestive systems, which ensures proper growth and development, helps prevent a variety of acute and chronic diseases, reduces childhood obesity, and improves a child's neurodevelopment; and

WHEREAS, breastfeeding provides women with health benefits such as a reduced risk of ovarian, uterine, and breast cancer, osteoporosis, and high blood pressure; and

WHEREAS, breastfeeding enriches the bond between a mother and her baby; and

WHEREAS, comprehensive lactation support programs increase employee retention rates, decrease absenteeism, decrease health care costs, improve employee productivity, and support family-friendly communities; and

WHEREAS, all Seneca County employers are encouraged to accommodate the breastfeeding needs of mothers and their children; and

WHEREAS, as of March 23, 2010 Section 7 of the Fair Labor Standards Act (FLSA) (P.L.111-148); states Employers are required to provide "reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk". In addition the act states that providing "a place, other than a bathroom, shielded from view

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and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk”; and

WHEREAS, keeping breastfeeding high on the public health agenda is critical in improving the health and well-being of mothers and babies; and

WHEREAS, this resolution was approved by the Public Health Services Committee on July 28, 2020; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors and the Seneca County Health Department supports National Breastfeeding Week 2020 and the Finger Lakes Breastfeeding Partnership in their efforts, and commends all who participate in such a worthy cause, shall proclaim the first week in the month of August to be recognized in Seneca County as National Breastfeeding Awareness Week 2020.

Unfinished Business

A discussion ensued about local enforcement of Governor Cuomo’s executive orders regarding social distancing and mask wearing and any other restriction / regulation created to curb the spread of the COVID virus. Yesterday, a Seneca County press release was issued about local enforcement which included the statement: “Business operators and building owners, and those authorized on their behalf shall deny admittance to any person who fails to comply with this section [requiring face- coverings] and shall require or compel such persons’ removal. This regulation shall be applied in a manner consistent with the Federal American with Disabilities Act, New York State Human Rights Law, and any other applicable provision of law. Also, any individual violating any provision of this rule is subject to civil penalty up to \$1,000.00 per violation, while businesses are subject to civil penalties up to \$2,000.00 per day of violation.”

Sprvr. Hayes commented that it is always about ‘those with’ telling ‘those without’ what is best. It is easy for people at the top with money, to tell those that are struggling what to do. No one is asking for their input and what they need to help them comply. Why not ask the business how can we help them conform? How can we help them meet these new standards? The Amish and Mennonite community should be asked for their input. He believes a mask or social distancing is a choice and should not be subject to enforcement. It should be up to the business to ‘choose’ to enforce mask wearing by customers because it is a privately owned business. Sprvr. Hayes, as a customer, has the ‘choice’ to either wear a mask or don’t go inside the business. Sprvr. Hayes also expressed concern that there is so much conflicting information. Even the professionals disagree on what should be done; so, people will believe what they choose to believe. The only consistent advice has been to maintain 6 feet apart. We should

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have people in the public health department to work with our businesses – we don't ask – we tell them what to do. Sprvr. Hayes strongly objected to a statement made by Public Health Director Vickie Swinehart when she said that the regulations for mask wearing and social distancing is about protecting the health of the public; if one chooses not to follow the rules then they stay home. Sprvr. Hayes said that they don't have to stay home, that it is an incorrect statement and it is what he has been saying about difference of opinions by professionals. If someone doesn't want to wear a mask, they don't have to stay home, they can choose to go out and not wear a mask and stay 6 feet away from everyone.

Sprvr. Ferrara commented that the approach from top to bottom is how the state decided to go. At the local level we can reach out, perhaps set up a committee, and include the Mennonite and Amish business owners. He would be willing to serve on a committee to help businesses. As town supervisors, we can reach out to businesses, or the town business associations, letting them know that if they are interested in something like this. He would be more than willing to participate. Ninety percent of the complaints are in Seneca Falls – it's a full time job at the moment but he is willing to participate on a committee.

Sprvr. Borst explained that he would prefer if he and the other supervisors were given the facts on what the county is doing about enforcing the public health regulations for COVID, prior to having to hear about it on the news or from constituents calling and complaining. He felt like a punching bag and he did not have any other information than what was in the new article. He felt like he was left in the dark. He agrees with putting together a committee to assist and work with businesses; explain misconceptions. One business owner in Ovid thought she would have to hire 'mask police' to enforce regulations. She alleges that when she asked for guidance from the public health director and county attorney she was given two different answers.

Chairman Hayssen asked if there were any supervisors interested in forming a compliance committee which was followed by comments on when the meetings would occur and where.

Sprvr. Trout asked if the full board should vote on this to see if the rest of the supervisors want to enforce the \$1,000 and \$2,000 fines. If this had been brought to the full board for discussion and a vote we would have avoided these problems and it would have been easier for supervisor when trying to explain it to the public.

County Attorney Ettman said he drafted the press release and it was phrased in a certain ways, maybe it could have been rephrased as some people have said, but the question is, does the board of supervisors tell the Sheriff not to enforce the traffic laws? Public Health Law 12-B specifically states that the law is enforceable by public health and a violation number.

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Sprvr. Ferrara said he appreciates the analogy, but this is not like running a red light. It's a different scenario. This issue is very sensitive. It's been politicized. Not having a national program adds to the problem. States are dealing with the COVID virus differently and everything gets convoluted. Public health laws have to be enforced, but it's our tone and the way we communicate with people. If a committee was created, this is something we can work on. This is not going to end soon. Not until a vaccine is developed. The committee should include representation from rural businesses also. Sprvr. Ferrara then pointed out that Tom Murray, member of the public and owner of Muranda Cheese raised his hand to volunteer on such a committee.

Public Health Director Vickie Swinehart reiterated that as director of public health she is responsible for enforcing public health regulations citing NYS Public Health law. She said it isn't about individual health. This is about protecting public health. She used the examples of No Shirt, No Shoes, No Service; and mandated use of seat belts, saying it was difficult for the public to get accept the regulations but now they follow the law.

Tom Murray, proprietor, Muranda Cheese, asked that he be considered for the compliance committee and suggested reaching out to the Chamber of Commerce and Amish and Mennonite leadership to also participate. One focus of the committee is to continue open dialog and create consistent processes for businesses to reopen.

Sprvr. Brownell objected to creating a compliance committee stating there are too many committees, a lot of meetings, and nothing happens.

Sprvr. Trout commented on people protesting at the south side of the county office building against wearing masks and social distancing. There were approximately 50 – 60 protestors. They told him it isn't about getting sick, they would rather die than lose their freedom.

Sprvr. Enslow said Seneca County is not New York City. Our numbers remain low. We live in a rural area and are spread out. The same rules for NYC should not apply for Seneca County.

Sprvr. Barnhart said he spoke with a protestor who told him it was a scam-demic and fake. He believes they are more resistant to following orders vs. saving lives.

COVID Response Team

Regarding the enforcement committee, the question was asked who appointed the members which are Public Health Director Vicki Swinehart, Deputy PH Director Kerry VanAuken, County Attorney David Ettman, Senior Code Enforcement Officer Mark Shaw, Sheriff Tim Luce, and Director of Environmental Services Scott King. Several board members believed it was created by public health.

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As part of the NY Forward Plan, each county was asked to create a COVID Response Team with contact information provided to the Finger Lakes Regional Control Room. County Manager Rowe confirmed that our COVID Response Team was appointed and contact information submitted.

New Business

Executive Session

Sprvr. Ferrara offered a motion, second by Sprvr. Trout for the Board of Supervisors to convene under executive session pursuant to Section 105(1)(f) of the Open Meetings Law, "Conduct of executive sessions. 1. Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, a public body may conduct an executive session for the below enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public moneys: (f). the medical, financial, credit or employment history of a particular person or corporation. The Personnel Officer was invited into the executive session. The Board convened in open session. No action was taken. Time of the executive session: 8:50 – 9:31.

Special Order of the Day

The meeting adjourned at 9:32 p.m.