

**SENECA COUNTY
BOARD OF SUPERVISORS**

Special Board Meeting
&
Public Hearings
March 23, 2021

Call to Order

Chairman Hayssen called the meeting to order at 6:59 p.m.

Roll Call of Members by the Clerk

Thirteen members of the Seneca County Board of Supervisors answered roll call. Sprvr. Cleere attended the meeting telephonically. Sprvr. Ferrara was not present.

Pledge of Allegiance And Moment Of Silence

Public Hearings

a. PROPOSED LOCAL LAW A 2021, "A Local Law Adopting Revised Operating Bylaws for the Criminal Justice Advisory Board and Repealing Local Law No. 5 of 2007". Amendments include verbiage to allow attendance of meetings by member's designee; quorum will be 1/3 majority vote; membership number changed from 23 to 24. Sprvr. Reynolds moved the floor open to received oral comments. No comments were heard. Sprvr. Trout moved the floor closed to receiving comments.

b. PROPOSED LOCAL LAW B 2021, "A Local Law to Amend Local Law 3 of 2019, "Seneca County Sewer Use Law"" by inserting the additional section as follows: Section 3B-07.5 Exceptions: Notwithstanding the above, the System Administrator, for good cause shown, may approve a written application from a property owner or their agent to either A) not connect to a public sewer as set forth above; or B) disconnect from a public sewer if such otherwise required connection can be made to a private wastewater disposal system, as set forth in Article 4 of this law. Any such exception must be reviewed and approved by the Director, Environmental Services, and Seneca County Health Department prior to final decision by the System Administrator. Sprvr. Barnhart moved the floor open to received oral comments. No comments were heard. Sprvr. Reynolds moved the floor closed to receiving comments.

Presentations

None

Petitioners

None

Open Privilege of the Floor

a. Gregory Lazzaro, resident and former town supervisor, Seneca Falls, expressed his concern regarding the implementation of the testing and vaccine clinics for COVID citing his own difficulties when trying to register for the clinics. He said no one returned his calls after leaving messages; and when he did speak to staff at public health, he felt they were rude and not very helpful. He requests a

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meeting with the public health director or county manager to discuss his recommendations on how to improve the process. County Manager Rowe said he would reach out to Mr. Lazzaro.

Mr. Lazzaro also commented on the size of the Criminal Justice Advisory Board having 24 members, stating it was way too many members, which is a deterrent from accomplishing committee goals, which should be considered especially with police reform at the forefront in the future.

b. Kyle Black, SMI District Manager updated the Board of Supervisors on the activity at the landfill including the construction of 5 acres of new landfill liner; installation of 29 acres of updated final cover areas; and addition of 17 acres of synthetic membrane; as well as installation of 22,500 feet of landfill gas collector pipes & 13,000 feet of vacuum line; 25 vertical landfill gas wells and 75 horizontal collectors. SMI continues to work to maximize gas collection efficiency and reduce emission. SMI applied to the DEC to utilize the middle area of the existing landfill (Valley Infill) so they will operate for an additional 15 years at the current tonnage limit. No wetlands will be impacted. The footprint of the landfill will remain the same.

Approval of Meeting Minutes

The meeting minutes for February 23, 2021 Board Meeting were approved as presented.

Reports of Standing Committees

None

Report of Special Committees

Sprvr. Trout, legislative representative, Seneca County IDA, stated that the IDA would like to know if the Board of Supervisors intends to commit any funding to correct the sewer situation at Hillside; after discussion, the Board of Supervisors indicated that they would not consider committing any funds to the project.

Chairman's Remarks

None

COVID Update – Public Health Director Vickie Swinehart, R.N. M.S.

March 18, 2021: A first vaccine clinic was offered in Canoga, with priority given to grocery store workers and restaurant workers, especially now that Governor Cuomo opened restaurants up by 75%. It was a poor turnout, so the clinic was opened to all eligible persons.

March 25, 2021: A first vaccine clinic is scheduled at del Lago. We received 400 vaccine doses and have 100 doses held over from the nursing home, which they agreed would be used by the county. This is the first time the county public health departments have been allowed to administer the vaccine to

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ALL eligible groups (vs. groups specified by NYS); thus allowing the public health department to post a public link to register for the clinic. Eligible individuals would be those in the 1a / 1b priority group, and anyone 60 years old and over.

March 26, 2021: A first vaccine clinic at South Seneca for anyone eligible. There are 213 registered.

March 29 – 30 – 31 – 30, 2021: Second dose vaccine clinics: The 2nd dose clinic on Tuesday, March 30 is for those who received the Pfizer vaccine the first time. The others are for Moderna. You have to have the same vaccine both times.

Currently, data shows 25.2% of Seneca County population have been vaccinated; 8,634 have received the first dose; 4,069 have received the 2nd dose. The Seneca County Public Health Department administered 3,354 first dose vaccines and 1,571 2nd dose vaccines.

Sprvr. Lott said he and his wife received their first dose at the public health clinic held at the Quality Inn. He said it was a very positive and great experience. The staff was friendly and helpful.

County Manager's Remarks

Veterans Cemetery: The deadline to submit the application for Sampson Veterans Memorial Cemetery to be designated as a State cemetery was extended to April 1. We are finishing up the application, and are at the final review stage. The application will be submitted on time.

Federal Stimulus Package: The federal stimulus package is \$1.9 trillion dollars. NYSAC reports that Seneca County is slated for \$6.6 million dollars. The funding will be distributed in two phases with the total award amount split in half for each phase. The \$6.6 million is to offset lost revenue due to the pandemic.

County Attorney's Remarks

None

Communications

14. From Christina Ehlers, Community Services Director, Community Action Programs (CAP), a note of appreciation for the generous donation made by the Board of Supervisors to their partners during the COVID pandemic.

15. From Helen VanArsdale, Director, Tyre Food Pantry, a letter of appreciation for the generous donation made by the Board of Supervisors during the COVID pandemic.

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16. From Peter Jennings, resident, Romulus, an email dated February 25, 2021, to the Board of Supervisors, urging them to appoint someone from the south end, and supporting the recommendation of Sue Cirencione by Sprvrs. Borst and Hayes to fill the vacancy on the IDA board.

17. From Susan Ottenweller, Chair, Seneca County Democratic Committee, the Election Commissioner Certification, filed with this office on March 8, 2021, confirming the election of Carl J. Same, residing in Seneca County, by the Committee on February 18, 2021, to serve as the Commissioner of Elections for a four -year term effective January 1, 2022 through December 31, 2025.

18. Copy of litigation documents regarding Earl Martin Article 78 and Sewer District 2.

19. Notification for NYS DOT that the quarterly payment under the Statewide Mass Transportation Operating Assistance program (STOA) has recently been processed, with the quarterly payment reflecting both the restoration of funds temporarily deferred during the COVID-19 pandemic as well as the current quarterly amount, resulting in a change of the quarterly payment amount.

20. A copy of Hamilton County Resolution No. 63-21 urging the Governor and Federal Government to expand broadband and rural cellular coverage to all New Yorkers.

21. A copy of the Finger Lakes Regional Airport 1st Quarterly Meeting minutes for March 10, 2021; and the Airport Manager's Report for December 1, 2020 – February 28, 2021.

22. A copy of the Finger Lakes Regional Airport Advisory Committee December 9, 2020 meeting minutes.

23. A copy of the Seneca County Planning Board February 11, 2021 remote meeting minutes.

24. A copy of the Seneca County Chamber of Commerce 1st Quarterly Report January – March 2021.

25. A copy of the Seneca County IDA Board February 2, 2021 meeting minutes.

26. From Paul Doyle, an email dated March 22, 2021, to the Board of Supervisors thanking them for appointing Bruce Murray and Sue Cirencione as members of the IDA Board; also, suggesting caution when filling the other vacant slot on the IDA since there are familial relations to the head of a local labor union; also, concerning the drawn out time line for closing on the Seneca Army Depot sale to Earl Martin.

27. A copy the Seneca Meadows, Inc. newsletter, Spring / Summer 2021, "Neighbor Notes".

RESOLUTIONS & MOTIONS

APPOINTMENT TO THE OFFICE OF SENECA COUNTY COMMISSIONER OF ELECTIONS

RESOLUTION NO. 54-21, moved by Sprvr. Garlick Lorenzetti, second by Sprvr. Hayes and adopted.

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WHEREAS, on March 8, 2021, the Election Commissioner Certification, signed by the Chairman of the Democratic Committee, was filed with this Board of Supervisors, pursuant to NYS Election Law Article 3, Section 3-204, recommending the appointment of Carl J. Same to the office of Commissioner of Elections for a four year term effective January 2022; and

WHEREAS, the Government Operations Standing Committee reviewed and approved this resolution on March 23, 2021; now, therefore be it

RESOLVED, that Carl J. Same is hereby appointed Commissioner of Elections in and for the County of Seneca with term of office to commence January 1, 2022, for a four-year term, to expire December 31, 2025.

**BOARD OF SUPERVISORS ADOPTS SENECA COUNTY
PUBLIC EMPLOYER PANDEMIC PLAN**

RESOLUTION NO. 55-21, moved by Sprvr. Brownell, second by Sprvr. Barnhart and adopted.

WHEREAS, New York State Labor Law has been amended to require public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease; and

WHEREAS, the Seneca County Public Employer Pandemic Plan was drafted through an intensive process that included the opportunity for participation and review from county departments and to all applicable duly recognized representatives of the employer's employees, who were granted an opportunity to review the plan and make recommendation; and

WHEREAS, the Seneca County Public Employer Pandemic Plan will be an annex to the Seneca County Comprehensive Emergency Management Plan and will be reviewed annually; and

WHEREAS, this resolution was reviewed and approved by the Public Safety and Criminal Justice Standing Committee at its meeting on March 23, 2021; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors hereby adopts the Seneca County Public Employer Pandemic Plan.

**A RESOLUTION ADOPTING LOCAL LAW 1 OF 2021, "A LOCAL LAW ADOPTING
REVISED OPERATING BYLAWS FOR THE CRIMINAL JUSTICE ADVISORY BOARD AND
REPEALING LOCAL LAW NO. 5 OF 2007"**

RESOLUTION NO. 56-21, moved by Sprvr. Brownell, second by Sprvr. Barnhart and adopted.

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 March 23, 2021 at 6:00 p.m. at the Seneca County

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Office Building, One DiPronio Drive, Waterloo, NY 13165 to hear all interested parties on a proposed Local Law entitled “A Local Law Adopting Revised Operating Bylaws for the Criminal Justice Advisory Board and Repealing Local Law No. 5 Of 2007”; and

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

WHEREAS, said public hearing was duly held on March 23, 2021 at 6:00 p.m. at the Seneca County Office Building, One DiPronio Drive, Waterloo, NY 13165 and all parties in 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 said Local Law No. 1 of the year 2021, as follows:

SECTION 1: NAME

The organization shall be known as the “Seneca County Criminal Justice Advisory Board.”

SECTION 2: DEFINITIONS

When used in this local law, the following words and phrases shall have the following meanings unless the specific context clearly indicates otherwise:

- A: CHAIR: The Chairperson of the Seneca County Criminal Justice Advisory Board
- B: BOARD: The Seneca County Criminal Justice Advisory Board
- C: LAW ENFORCEMENT AND CRIMINAL JUSTICE: All activities pertaining to crime prevention or the enforcement and administration of the criminal law, including but not limited to activities involving police, prosecution or defense of criminal cases, courts, probation and correction, juvenile delinquency prevention, and juvenile justice.

SECTION 3: CREATION

The “Seneca County Criminal Justice Advisory Board” is hereby created and/or continued pursuant to Article 13-A of the Executive Law of the State of New York.

SECTION 4: MEMBERSHIP

- A. The board shall consist of at least twenty-four (24) voting members who shall be selected as follows:
 - 1. County court judge or their designee;
 - 2. Police court, district court, town court or village court judge, to be nominated by the Seneca County Magistrates Association and confirmed by the Board of Supervisors;
 - 3. The District Attorney or their designee;
 - 4. The Public Defender or their designee;
 - 5. Member of the county board of supervisors who chairs the public safety committee, or the committee best designed to deal with this subject, should no public safety committee exist;
 - 6. County Director of Probation;
 - 7. Chief administrative officer, a/k/a jail administrator;

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8. Youth Bureau Director;
 9. Representative of a private organization operating within a county who has experience and involvement in alternatives to incarceration programs or pretrial service programs, to be confirmed by the Board of Supervisors;
 10. Ex-offender designated by the county manager;
 11. Crime victim designated by the county manager;
 12. County Manager;
 13. The director of community services as defined in section 41.03 of the mental hygiene law;
 14. An individual within a county who provides state certified alcohol and/or substance abuse treatment program and services.
 15. Drug Court representative;
 16. A representative from Raise the Age program;
 17. County Attorney or Deputy County Attorney;
 18. Commissioner of Human Services or Deputy Commissioner;
 19. Seneca County Correctional Facility Mental Health Professional; and
 20. Representatives of the following agencies to be nominated by such agency and confirmed by the Board of Supervisors on an annual basis.
 - a. Sheriff's Department
 - b. Seneca Falls Police Department
 - c. Waterloo Police Department
 - d. New York State Police
 - e. Interlaken Police Department
- B. In addition, the Alternatives to Incarceration Coordinator, in his or her role as a liaison to the board, shall serve as an ex-officio, non-voting, member of the board and may also serve as the Secretary of the said Board in such ex officio capacity.
- C. Members of the board shall receive no compensation for their services. Notwithstanding any inconsistent provisions of the law, no officer or employee of the county or any political subdivision of the county shall forfeit such office or employment by reason of acceptance or appointment as a member of the board. For purposes of section thirteen of Article thirteen of the state constitution, membership on the board by a sheriff or deputy sheriff shall not constitute public office.
- D. The provisions of New York Public Officers Law 3 requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen or within which his or her official functions are required to be exercised, shall not prevent a person from serving on the board.

SECTION 5: MEETINGS

- A. Regular meetings of the Board shall be held every other month on a day and time agreed to by a majority vote of the Board taken at the first meeting each year and thereafter as necessary, but no less than quarterly.
- B. The Board Chairperson shall have the power to alter the date of a regular meeting should it seem reasonable and beneficial for the change such as a holiday or any other such emergency upon 48 hour notification of all members.
- C. Meeting place shall be at a location determined by the Board
- D. Special meetings may be called by the Chairperson or at the request of any three Members of the Board. Written notice any special meeting shall be given no less than three business days in advance of such meeting. Notice shall be deemed given on the day mailed.
- E. One-third (eight [8]) of the voting membership (twenty-four [24]) shall constitute a quorum of the board and not less than one-third of the whole number may perform and exercise the powers,

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authorities or duties hereunder. For the purpose of this provision the words “whole number” shall be construed to mean the total number which the board would have were there no vacancies and were none of the persons or officers disqualified from acting.

- F. The annual organizational meeting shall be the first meeting of the calendar year. At this meeting, the board will be required to elect officers as described herein.
- G. The board, or committee or subcommittee or other similar body of same, shall be a “public body”, and shall be governed by the provisions of New York State Public Officers Law, Article 7, Open Meetings Law, as might be hereinafter amended.

SECTION 6: OFFICERS

- A. Chairperson: Board members shall elect a Chairperson of the Board at the annual organizational meeting. The Chairperson shall conduct the business meeting, represent the Board’s position, and appoint all committees.
- B. Vice Chairperson: A Vice-Chairperson shall be elected by membership of the Board and shall assume the duties of the Chairperson in the Chair’s absence or incapacity.
- C. Secretary: A secretary shall be elected by the membership of the Board. The secretary shall record and maintain all minutes of the meetings of the Board and perform such other normal duties of the office as are required or assigned by the Board.
- D. Treasurer: A treasurer shall have charge of the funds of the Board; shall pay all bills which must first be approved by the Chairperson. The Chairperson of the Board shall audit the financial records of the Advisory Board on a yearly basis.
- E. Vacancies of Officers: A vacancy in any of the offices described herein for any reason shall be filled at the next meeting by nomination and vote provided notice of the vacancy and planned voting is noted on the meeting notice which is given no less than three business days in advance of such meeting.

SECTION 7: POWERS AND DUTIES OF THE BOARD

The board is hereby authorized to, upon a vote of a majority of its membership to perform the duties of an advisory board established pursuant to Section 261 of the Executive Law of the State of New York or a criminal justice coordinating council, as such terms are defined in Article 13-A of the Executive Law of the State of New York, as well as the following:

- A. Formulate the county plan designed to identify and provide eligible programs established pursuant to Art. 13-A of the Executive Law of the State of New York.
- B. Study and identify needs and recommend to the Board of Supervisors effective methods for meeting the needs of the County’s criminal justice system.
- C. Create such standing and ad hoc committees as necessary to enable the board to properly carry out its functions, powers, and duties.
- D. Assist all branches of county government with any law enforcement or criminal justice problems and, in an effort to identify these problems:
 - 1. Shall have the power to hold public hearings at which any citizen or public official may be heard;
 - 2. Shall have the power to request any agency within Seneca County to supply such statistics, data, program reports and other material as it deems necessary to cooperate with the Board and to furnish the Board with such materials.
 - 3. Maintain such accounts in the name of the county as might be authorized by the treasurer and/or board of supervisor.
 - 4. Shall establish a closer liaison and cooperation between law enforcement and criminal justice agencies.

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- E. Adopt bylaws and determine the rules of its own proceedings, not inconsistent with federal, state or local law, and to compel the attendance of members at regular and special meetings of the board and at committee meetings.

SECTION 8: AMENDMENTS

Any and all bylaws and amendments to the bylaws of this Board heretofore adopted by the membership of the Board are hereby repealed.

The bylaws of this Board may be amended at the annual meeting by two thirds vote of those present, provided that a copy of the proposed changes shall be sent along with a notice of the meeting at which such changes are to be proposed.

It shall be further provided that any counter proposals to the proposed changes may be brought to the floor during the discussion of the amendments.

SECTION 9: REPEALER

Seneca County Local Law 5 of 2007 is hereby repealed and replaced.

SECTION 10: EFFECTIVE DATE

These bylaws shall take effect immediately upon adoption by Seneca County Board of Supervisors and filing with the Secretary of State.

**LOCAL LAW 3 OF 2019, “SENECA COUNTY SEWER USE LAW” TO PROVIDE FOR
EXCEPTIONS TO MANDATORY CONNECTIONS”**

RESOLUTION NO. 57-21, moved by Sprvr. Hayes, second by Sprvr. Borst and adopted.

A RESOLUTION TO ADOPT LOCAL LAW 2 OF 2021, “A LOCAL LAW TO AMEND

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 March 23, 2021 at 6:00 p.m. at the Seneca County Office Building, One DiPronio Drive, Waterloo, NY 13165 to hear all interested parties on a proposed Local Law entitled “Local Law to Amend Local Law 3 of 2019, “Seneca County Sewer Use Law” to provide for Exceptions to Mandatory Connections”; 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 March 23, 2021 at 6:00 p.m. at the Seneca County Office Building, One DiPronio Drive, Waterloo, NY 13165 and all parties in 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

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RESOLVED, that the Board of Supervisors of the County of Seneca hereby adopts said Local Law No. 2 of the year 2021, as follows:

Seneca County Local Law 3 of 2019 is amended by inserting the additional section as follows:

Section 3B-07.5 – Exceptions

Notwithstanding the above, the System Administrator, for good cause shown, may approve a written application from a property owner or their agent to either A) not connect to a public sewer as set forth above; or B) disconnect from a public sewer if such otherwise required connection can be made to a private wastewater disposal system, as set forth in Article 4 of this law. Any such exception must be reviewed and approved by the Director, Environmental Services, and Seneca County Health Department prior to final decision by the System Administrator.

Unfinished Business

None

New Business

a. Occupancy Tax Local Law: Sprvr. Garlick Lorenzetti said she read an article about Ontario County seeking to amend its occupancy tax law so that monies collected can be used outside of tourism projects and committed towards infrastructure,. County Attorney Ettman will research and report his findings at the April committee meeting cycle.

b. Executive Session: Sprvr. Borst moved to enter into executive session pursuant to Sections 105 (1) (f) and (h) of the New York State Open Meetings Law. Invited to join the Board of Supervisors were the county manager and the personnel officer. Time of exec session: 7:34 p.m. – 9:15 p.m.
The Board of Supervisors reconvened in open session. No action was taken.

Special Order of the Day

The meeting adjourned at 9:16 p.m.