

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

Call to Order

Chairman Hayssen called the meeting to order at 6:00 p.m.

Roll Call of Members by the Clerk

Thirteen members of the Board of Supervisors answered roll call. Sprvr. Hayes was not present. Sprvr. Cleere attended telephonically.

Pledge of Allegiance and Moment of Silence

Public Hearing

Proposed Local Law C of 2021 Updating Operations & Authority of Seneca County Code Enforcement Unit for the Administration & Enforcement of NYS Uniform Fire Prevention & Building Code & NYS Energy Conservation Construction Code for Seneca County & repealing prior Local Laws related thereto; and as amended to include language related to “Order of Remedy” as provided for in 19 NYCRR Part 1203. Sprvr. Trout moved the floor open to receive oral comments; none were heard; Sprvr. Borst moved the floor closed.

Presentations

Tourism Promotion Agency Quarterly report – Jeff Shipley, TPA Project Director. The tourism industry continues to be the most impacted economy due to the COVID pandemic, losing approximately 54% of small businesses that classify as leisure and hospitality. It is estimated that a return to 2019 levels for hoteliers may take 4-5 years. On a positive side, Seneca County TPA was awarded a NYS Tourism Excellence Award for its Discover Seneca visitors guide, the second time in five years. The TPA website, DiscoverSeneca.com, has recorded 13% growth in traffic in the past 2 months; and social referrals have grown 872% YTD. We partnered with StreetSense is, a national marketing firm skilled in helping market destinations. This program will incorporate paid search, social media and lead generation techniques drive traffic to the website. The Digital Ad Campaign generated an increase of 6.2% traffic from 2019 to 2020; Increase in all three Direct Marketing Areas (DMA) that we connect with: New York City, Syracuse, and Philadelphia; resulted in 10,126 clicks to the TPA landing page; and generated 2,164,979 impressions. The Seneca Safe Campaign developed by the Chamber of Commerce and One Seneca partnership supplied over 500 posters to keep Seneca Safe during COVID; weekly emails and social media presence were sent out; the website continues to be up to date on travel news; more than 25 businesses, both members and non-members of the Chamber promoted Seneca Safe. Vacation rentals continue to be strong. The Chamber works with the county treasurer office to obtain information on all the vacation rentals registered in Seneca County. The Chamber has a list with photos on its website

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

to promote the rentals in the county. We also have over 100 properties and events included on the NYS I Love NY website. A copy of the Seneca County Tourism Quarterly Report has been filed under communications.

Tourism Promotion Agency (TPA) Funding – Frank Sinicropi, County Treasurer, proposed that a zero-based budget be created for the TPA, appropriating necessary funding required to operate. This would eliminate the annual discussions regarding funding for the TPA and it would be budgeted just like our county departments. The TPA receives more money than thirteen departments currently funded by county tax dollars. Host Compliance sent out 177 letters earlier this year seeking Certificates of Occupancy, we received 130-140 registered vacation rentals. Host Compliance prefers a year contract; County Treasurer Sinicropi recommends a 6 month contract or contract with another company. The Tax Foreclosure Auction: In June 2020, letters were mailed out for any property that is in arrears for one year or more. We do this annually. People will bring their unpaid taxes up to date. In October 2020 we sent out 460 foreclosure notices in preparation for a tax auction in March of this year. After people came in to pay, we ended up with about 150 properties, which are more than the past years, but the tax auction was extended due to COVID for August 15. We are still doing a tax auction for abandoned and vacant properties in July.

Petitioners

Phyllis Motill, President, Friends of the Three Bears / Tourism Grant Thank you to the Board of Supervisors for their continued support. The Friends have been committed to restoring the Three Bears for 20 years. Our two primary goals have been achieved. Papa Bear building will now be a cultural center of Ovid; and the Mama Bear will be opening at the end of this week as a tourism office. The Mama Bear was overwhelming and the biggest expense to restore in that it had to be stabilized at \$165,000; we continue to maintain and repair the buildings. Mama Bear and Papa Bear are restored to their original design. We are partnered with the Chamber of Commerce to provide tourism services located at the Mama Bear. Several interior projects have been completed by volunteers. We continue to have fund raisers. The bell tower is the current project on which we are focused. Ovid is becoming the central tourist town in

Shannon O'Connor – volunteer grant writer for the tourism grant. Began work with 3 Bears in February. She is currently working on a grant for the bell tower. She is an Ovid business owner and is fully invested in bringing local events to the Three Bears; such as a reading trail and summer event series in the park.

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

Open Privilege of the Floor

Approval of Meeting Minutes

The minutes were approved for the April 13, 2021 regular board meeting; and the April 27, 2021 special board meeting.

Reports of Standing Committees

Human Services Standing Committee - Sprvr. McGreevy, Chairman. The Office for the Aging received an additional \$20,346 in COVID funding to cover the period of December 2020 through September 2022; and May is Foster Care Month in Seneca County. I will be reading the resolution in full.

Planning, Development, Agriculture & Tourism Standing Committee - Sprvr. Barnhart, Chairman. On tonight's agenda the Planning committee recommended lease agreements for the Finger Lakes Airport for various rental units at the airport. The county manager will spearhead the effort to negotiate the lease agreements. We also approved the applications and agreements with NYS Office of Parks and Recreation for the snowmobile trail grant offered annually to maintain trails for the Twin Lakes Snowmobile Association and the Seneca Sledgers. The county is the pass through agency for this funding. We also recommend amending the newly created tourism grant policy to allow electronic submission of completed applications. We agree with the Finance Committee to request home rule from our NYS representatives to amend Seneca County's bed tax to use some of the tax revenue toward infrastructure projects. The committee approved the grant application submitted by The Friends of the Three Bears and awarded them \$1,500 under Promotion/Marketing; and \$4,900 under Arts/Culture of the Tourism Promotion Grant program.

Public Health Standing Committee - Sprvr. Borst, Chairman. The Public Health committee approved the appointment of Dr. Joseph Lorenzetti to the Seneca County Board of Health. There is a grant from NYS Environmental Facilities Corp for Septic Systems which awarded Seneca County \$250,000 to replace cesspools and septic systems in a condition that is impacting the environment negatively. To receive 50% of eligible expenses, up to a maximum of \$10,000, the property owner will reside in Priority Geographic Areas. The public health department is preparing for the annual household hazardous waste collection day and will be soliciting bids for that event.

Personnel Standing Committee – Sprvr. Ferrara, Chairman. The committee approved creating a position for a Full-time Cleaner for the Law Enforcement Center for \$24,375 (includes benefits/fringe); and approved creating a position for a Full-time Assistant Public Defender for not more than \$101,370

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

(includes benefits/fringe). We also gave the authority to refill several vacant positions: Code Enforcement Officer; 2 seasonal laborers (Highway); 1 FT Sign Maintainer I (Highway); 1 FT Automotive Mechanic (Highway); and several positions in Probation due to internal promotions.

Water & Sewer Treatment Management & Operations Committee – Sprvr. Hayes, Chairman. Jason McCormick, P.E. met with the committee and presented engineering plans regarding the proposed new Water & Sewer Connections at Lakeshore Landing Subdivision; The 1st quarter billing for Water and Sewer is completed; We are currently reviewing the use/consumption/EDU rate using 2019 4th Q and 2020 1st, 2nd, and 3rd Q. Mitch will have something definitive to present at the May committee meeting; and NYS DOCCS and Barton and Loguidice working on upgrade at Willard.

Technology Standing Committee - Sprvr. Cleere, Chairman. Seneca County was awarded \$11,757 to strengthen our cypher security capabilities. The grant period is for April 2021 through August 2022. And there is no local match.

Public Safety Standing Committee – Sprvr. Brownell, Chairman. The Sheriff’s Office received \$15,000 in grant funding to upgrade the fingerprinting LiveScan equipment at the LEC and the Sheriff will assign a School Resource Officer for the Romulus School District, of which the school district will contribute \$40,000 towards salary and benefits the position. The Office of Emergency Management received \$110,000 in grant funding to enhance our hazardous material response capabilities. The District Attorney’s office will receive almost \$637,000 as part of the Hurrell-Harring Reform Grant for indigent legal services. The committee referred resolutions for tonight to accept and process the grant monies.

Environmental Affairs Standing Committee - Sprvr. Kronenwetter, Chairman. We are asking the DEC to investigate and regulate the production of cryptocurrency, which makes use of mining servers which generate huge amounts of electricity. We are asking the DEC to regulate these mining operations and mandate that all cryptocurrency mining operations permitted within NYS operate solely on Renewable Energy. Two unused school buses have been added to the pile of debris created by Cayuga Nation at the north/east corner of Rt 89 / Garden Street extension. Seneca Falls supervisor said a code violation has (or will be) issued for unregistered vehicles on property. Predict that CN will ignore it and the matter will go to court.

Public Works Standing Committee - Sprvr. Trout, Chairman. In addition to the resolutions on the agenda for tonight, the Lodi Point Bridge/Culvert Replacement Project is ready to go for bid; there is a cap on amount of funding, if actual cost goes over, county will be responsible; work to start after Labor Day with 60-day completion schedule; and regarding the Route 318 Sewer District, the west end has two

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

new users who want to hook up; question of formation of a 318 district board; potential sale of portion of NYS Rte 318 - guy wants to purchase so he can maintain drainage ditch into Dublin Creek.

Mental Health Services Standing Committee - Sprvr. Enslow, Chairman. The Mental Health Service Committee met with Mental Health Director Margaret Morse and approved an application for a funding opportunity offered by the Department of Human Services Substance Abuse and Mental Health Services with a FY 2021 Community Mental Health Grant. The grant is designed to expand and strengthen our mental health services. The specific services are outlined on the resolution included on the agenda tonight. Annual funding per year if we are awarded the grant will be in the range of \$1.5 million – \$2.5 million. Mental Health Director Margaret Morse is collaborating with Coordinated Care Services, Inc. in completing the application.

Finance, Assessment & Insurance Standing Committee - Sprvr. Reynolds, Chairman. On the agenda for tonight, the Finance committee approved several resolutions on tonight's agenda: (1) Resolution to amend the 2021 county budget to increase funding in Highway Snow Removal and Emergency Disaster; (2) Adopt revised Policy 202.100 Seneca County Investment & Deposit; (3) Resolution seeking home rule from our NYS representatives to amend the Hotel / Motel Taxes in Seneca County so revenue can be used toward county infrastructure; (4) Authorize waiver of interest and fees regarding Evans Chemetics – penalty fees due to administrative error. On May 25 there is a public hearing to amend county local law regarding the RPT waiver for seniors and handicaps so law is effective for 2021.

Report of Special Committees

Seneca County IDA report by Sprvr. Trout: Two projects in the works. (1) Keystone Mills, in the town of Fayette, is constructing a \$19 million expansion over Rte 336; (2) and Schrader Farms seeking \$180K loan from the Revolving Loan Fund. Sprvr. Trout asked for an executive session later in the evening to discuss statements made by the IDA that the Board of Supervisors believes are false.

Chairman's Remarks

Chairman Hayssen noted that it was a pleasure to have the board meetings attended by petitioners and presenter in persons. It is nice that we are getting back to normal.

County Manager's Remarks

County Manager Rowe said the U.S. Treasury released guidelines on the American Rescue Plan Act (ARPA) and the \$6.6 million awarded to Seneca County. We need to create an account with the federal government. We need to adopt a formal plan on how we plan to distribute the \$6.6 million and

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

the US Treasury needs to approve the plan. The finance director will assist towns with how to process the ARPA portion for the towns. Sprvr. Ferrara said that the towns are different from the counties and the ARPA funds will pass through New York State. There is a webinar scheduled next week for town officials.

The kick off date for the 2022 budget is June 1; an internal deadline of August 31 to submit requests by departments and outside agencies.

Bid is out for Lodi Point Bridge Culvert. Bid opening is on May 27, 2021. It will be interesting to see what the bids will be with an increase in cost for construction materials.

County Attorney's Remarks

County Attorney Ettman thanked the supervisors for reaching out to him prior to meetings for any preliminary work regarding concerns or issues. It makes it easier to do work and have items ready for you in advance vs. playing catch up after the fact.

COVID UPDATE

Public Health Director Vickie Swinehart said the number of positive cases is leveling off and remain low. Out clinics are ongoing for testing. Walk-ins are welcome. There is a vaccination event in the works for 12 – 15 years olds for the Pfizer vaccine at the Waterloo high school location. NOTE: daily COVID numbers for the town of Romulus include the incarcerated population.

Communications:

38. From The Halpin Firm, copy of the PILOT Agreement between Deer Haven Park LLC and Seneca County IDA dated December 4, 2020.

39. From the Halpin Firm, copy of the PILOT Agreement between NY Fayette LLC and Seneca County IDA.

40. From NYS DOT, letter dated April 20, 2021, notification that DOT is transitioning to the NYS Statewide Financial System (SFS). This transition will alter the reimbursement process for Multi-Modal projects manage through NYSDOT.

41. From the NYS Homeland Security and Emergency Services, letter dated March 26, 2021 announcing that Seneca County was awarded \$11,757 in federal funding under the FY2019 Cyber Security Grant Program for performance period April 1, 2021 through August 31, 2022.

42. From NYS Homeland Security and Emergency Services, letter dated March 26, 2021 announcing that Seneca County was awarded \$110,000 in federal funding under the FY 2019 hazardous Materials Grant Program for the performance period April 1, 2021 through August 31, 2022.

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

43. Copy of Inter-County Association of Western New York March 19, 2021; and April 16, 2021 meeting minutes.

44. Copy of Seneca County IDA March 25, 2021 and April 6, 2021 meeting minutes.

45. Copy of Seneca County Planning Board April 8, 2021 meeting minutes.

46. Copy of Essex County Resolution No. 91, "Opposing Legislative Agenda of Certain Adirondack Environmental Groups Seeking to Decouple Broadband and Cellular Expansion Coverage in Essex County and the State".

47. Copy of Inter-County Legislative Committee of the Adirondacks Resolution 2 of 2021, "Urging Governor and Federal Government to Expand Broadband and rural Cellular Coverage to all New Yorkers".

48. Copy of Ontario County Resolution No. 142-2021, "Endorsement of Appointments to the FL Workforce Investment Board (Randi DiAntonio)"; and Resolution No. 141-2021, endorsement of Robert Coyne to the FLWIB.

49. Email from Steve Gleason, dated May 4, 2021 expressing support for amending Seneca County's bed tax local law.

50. Email from Paul Gorgen, resident, Lodi, dated Aril 20, 2021, expressing concern and requesting that the sale of Keady Rd property include conditions that the new buyer will respect neighboring working farm properties and limit the development of the parcel by imposing conditions to keep the parcel from being subdivided and with buffer zones to maintain the agricultural character of the area.

51. Email from Kelly Paonessa dated May 7, 2021, regarding the Keady Rd. parcel for sale, and alleging that the Lodi town supervisor desires that the property be subdivided and also welcomes an out of state developer who would build cabins on Keady Rd.; and stated that if the highest bid is the only factor to be considered, it may have altered the application they submitted.

52. Email from Lindsay Ruth, resident of Fayette, dated April 20, 2021, expressing concern about the sale of the county parcel on Parmenter Road in Lodi; and supporting proposal submitted with the lowest density and lowest impact and respects and protects its specific environment; and also supporting the addition of a deed restriction that would prevent future development of the area.

53. Email from Rachel Ruth, resident of Lodi, dated April 20, 2021, regarding the RFP for Seneca County owned property on Keady Rd., Lodi, NY, her property is contiguous with said county

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

owned property and she supports the least development of the parcel, with no residence, 1 residence, or 3-4 cabins, but no more.

54. A copy of the Seneca County TPA Quarterly Report

55. A copy of the Seneca County Sheriff's Office Monthly Snapshot for April 2021.

RESOLUTIONS & MOTIONS

BOARD OF SUPERVISORS AUTHORIZES AMENDMENTS TO 2021 COUNTY BUDGET

RESOLUTION NO. 74-21, moved by Sprvr. Reynolds, second by Sprvr. Trout and adopted.

WHEREAS, amendments to the 2021 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 Standing Committee at its meeting on April 27, 2021; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes the following amendments to the 2021 Seneca County Budget:

Line Item	Description	Increase / (Decrease)	Revenue / Expenditure	\$
Note 1: Highway Snow Removal Budget adjustment				
405110 51100	Maintenance Salary	Decrease	Expenditure	\$24,875
405110 51300	Overtime	Decrease	Expenditure	\$12,866
405110 58100	Retirement	Decrease	Expenditure	\$5,750
405110 58300	Social Security	Decrease	Expenditure	\$1,682
405110 58400	Workers Compensation	Decrease	Expenditure	\$568
405110 58600	Hospitalization	Decrease	Expenditure	\$10,461
405110 58700	Medicare	Decrease	Expenditure	\$394
405144 51100	State Snow Salaries	Increase	Expenditure	\$24,875
405144 51300	Overtime	Increase	Expenditure	\$12,866
405144 58100	Retirement	Increase	Expenditure	\$5,750
405144 58300	Social Security	Increase	Expenditure	\$1,682
405144 58400	Workers Compensation	Increase	Expenditure	\$568
405144 58600	Health Insurance	Increase	Expenditure	\$10,461
405144 58700	Medicare	Increase	Expenditure	\$394
Note 2: Emergency Disaster Budget adjustment				
10 3599	General Fund Balance	Decrease	Fund Balance	\$226,736
108760 51100	Emerg Disaster Full-time	Increase	Expenditure	\$148,769
108760 51200	Part Time	Increase	Expenditure	\$7,745
108760 58100	Retirement	Increase	Expenditure	\$22,613

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

108760 58300	Social Security	Increase	Expenditure	\$9,143
108760 58400	Workers Comp	Increase	Expenditure	\$3,131
108760 58600	Health Insurance	Increase	Expenditure	\$33,196
108760 58700	Medicare	Increase	Expenditure	\$2,139

ADOPTION OF AMENDED SENECA COUNTY INVESTMENT & DEPOSIT POLICY

RESOLUTION NO. 75-21, moved by Sprvr. Reynolds, second by Sprvr. Trout and adopted.

WHEREAS, New York State General Municipal Law (Section 39) requires all counties, to adopt by resolution a comprehensive investment policy; and

WHEREAS, pursuant to Res No. 81-11 the Seneca County Investment and Deposit Policy was last adopted April 26, 2011; it is desirable to revise the Seneca County Policy 201.100 - Investment and Deposit; and

WHEREAS, the Finance, Assessment & Insurance Standing Committee approved this Resolution on April 27, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the amendment to the Seneca County Policy 201.100 Investment and Deposit to read as follows:

INTRODUCTION

Pursuant to Section 39 of the General Municipal Law, the County of Seneca hereby adopts the following policy and procedures as it pertains to investment and deposit of County funds.

SCOPE

This investment and deposit policy applies to all County moneys and other financial resources available for investment on its own behalf or on behalf of any other entity when acting as agency for that other entity.

OBJECTIVES

The objectives of the County's Investment and Deposit Policy and Procedures are four fold:

- To conform with all applicable federal, state, and other legal requirements;
- To adequately safeguard the principal amount of funds invested or deposited;
- To provide sufficient liquidity of invested/deposited funds in order to meet all operating requirements;
- To obtain a rate of return commensurate with market conditions.

AUTHORIZATION

The authority to deposit and invest funds is delegated to the County Finance Director. These functions shall be performed in accordance with the applicable sections of the Laws of the State of New York. The County Finance Director shall establish written procedures which shall provide adequate internal controls to ensure a satisfactory level of accountability regarding the management of County funds.

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

ETHICS AND PRUDENCE

All participants in the investment and deposit process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that places County funds at unreasonable risk.

All participants involved in the investment and depository process shall refrain from personal business activity that could conflict with proper execution of the cash management program or which could impair their ability to make impartial investment decisions.

DIVERSIFICATION

It is the policy of the County to diversify its deposits and investments among financial institutions, by investment instrument, and by maturity scheduling.

INTERNAL CONTROLS

It is the policy of Seneca County for all money collected by any officer or employee of the County to deposit or transfer those funds to the Finance Department within five business days of receipt, or within the time period specified in law, whichever is shorter.

The County Finance Director is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and is managed in compliance with applicable laws and regulations.

DEPOSIT POLICY AND PROCEDURES

Designation of Depositories

The following banks and trust companies are authorized for the deposit of County funds up to the maximum amounts in accordance with considerations of financial stability.

<u>Name of Institution</u>	<u>Daily Maximum Amount</u>
Community Bank, N.A.	15 Million
M & T Bank	10 Million
Five Star Bank	20 Million
Chemung Canal Trust Company	15 Million
Generation Bank	10 Million
Savannah Bank	15 Million
Lyon's National Bank	10 Million

COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, Section 10, all deposits of the County including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

- By a pledge of "eligible securities" with an aggregate "market value" equal to the aggregate of deposits from the categories designated in Appendix A to the policy.
- By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with deposits in favor of the County for a term not to exceed ninety (90) days with an aggregate

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

value equal to 140% of the amount of deposits and the agreed upon interest, if any.

- By an eligible surety bond payable to the County for an amount at least equal to 100% of the aggregate amount of the deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest category by at least two nationally recognized statistical rating organizations.

SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and collateral agreements at the discretion of the County.

The security agreement shall provide that eligible securities are being pledged to secure County deposits together with agreed upon interest, if any and any costs or expenses arising out of the collections of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the County to exercise its rights against the pledged securities.

The custodial agreement shall provide that securities held by the bank or trust company or agent of and custodian for, the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other bank liability. The agreement should also describe how the custodian shall confirm the receipt, substitution or release of the collateral and it shall provide for the frequency of revaluation of collateral by the custodial bank or trust company and for the substitution of collateral when a change in rating of a security causes ineligibility. Such agreement shall include all provisions necessary to provide the County a perfected security interest on the eligible securities and to otherwise secure the County's interest in the collateral.

INVESTMENT POLICY AND PROCEDURES

PERMITTED INVESTMENTS

As authorized by General Municipal Law, Section 11, Seneca County Board of Supervisors authorizes the County Finance Director to invest moneys not required for immediate expenditures for terms not to exceed its projected cash flow needs in the following types of investments:

- Obligations of the United States of America;
- Obligations guaranteed by the United States of America where payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- Special time deposit accounts;
- Certificates of Deposits;
- Obligations issued pursuant to Local Finance Law Section 24.00 or 25.00 (with approval of State Comptroller) by any municipality, school district or district corporation other than County of Seneca.
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies whose enabling legislation authorizes such investments.

All investment obligations shall be payable or redeemable at the option of Seneca County within such

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

times as the proceeds will be needed to meet expenditures for purposes for which the money was provided

AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The County shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amounts of investments that can be made with each financial institution or dealer. All financial institutions with which Seneca County conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of Seneca County. Security dealers that are not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The County Finance Director is responsible for evaluating the financial position and maintaining a list of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

PURCHASE OF INVESTMENTS

The County Finance Director is authorized to contract for the purchase of investments:

- Directly, or through a repurchase agreement, from an authorized trading partner;
- By participation in a cooperative investment program with other authorized municipal corporations pursuant to Article 5-G of the General Municipal Law and in accordance with Article 3-A of the General Municipal Law or entities where such program meets all the requirements established by the Office of the State Comptroller
- By utilizing a managed investment program with an authorized trading partner pursuant to a contract authorized by the Board of Supervisors.

All purchased obligations, unless registered or inscribed in the name of Seneca County, shall be purchased through, delivered to and held in the custody of a bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to Seneca County by the bank or trust company.

Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law Section 10(3)(a). The agreement shall provide that securities held by the bank or trust company, as agent of, and custodian for, Seneca County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt and release of the securities. The security and custodial agreements shall include all other provisions necessary to provide Seneca County with a perfected interest in the securities.

REPURCHASE AGREEMENTS

Repurchase agreements (REPOs) are authorized subject to the following restrictions:

- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York State or to registered primary dealers.
- Obligations shall be limited to obligations of the United State of America and obligations guaranteed by agencies of the United States of America.
- No substitution of securities will be allowed without the knowledge/agreement of Seneca

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

County.

- Agreements shall generally not exceed 30 days.
- The custodian shall be a party other than the trading partner.
- Each Repo shall be confirmed in writing by the seller, and each security purchased under Repo shall be specifically identified, segregated from the assets of the seller and delivered for safekeeping into an account designated and controlled by the County.
- All REPO documents are to be reviewed by Seneca County legal counsel.
- All REPO's shall meet all the requirements established by the Office of the State Comptroller.

OPERATING PROCEDURES

The County Finance Director is responsible for the investment of County funds. The Finance Department staff authorized by the County Finance Director will make investments based upon projections of the County's cash flow needs, so that investments shall mature at such time when funds are estimated to be needed for the orderly payment of County obligations.

The County Finance Director shall annually receive and review or have reviewed the financial statements of all financial institutions with which the County is depositing funds or entering into investment transactions and shall determine that the institutions have satisfactory financial strength.

Investments will generally be made based upon competitive bids solicited by telephone and email by Finance Department staff authorized by the County Finance Director and shall be awarded to the highest bidder who has and is willing and able to pledge sufficient and acceptable collateral.

The Department of Finance is authorized to transfer County funds using any electronic transfer system(s) that reasonably assures the safety of County funds. Electronic transfer procedures and guidelines will be established between the County and the banking institutions with whom the County intends to use electronic means to transfer funds between or within banks. The County Finance Director will establish internal control procedures that will provide reasonable assurance that the County deposits are safeguarded against loss.

Funds will only be transferred between institutions in the name of the County of Seneca by using the Federal Reserve Wire Transfer (Fed Wire) system, the Automated Clearing House, or by County check and only by staff as authorized in writing by the County Finance Director or his/her designee. Funds may be transferred within the same institution only between County accounts and by authorized County staff. A listing of authorized staff will be maintained by the Department of Finance and will be forwarded to the authorized depositories and investment trading partners.

If changes in staffing or staff responsibilities occur, updated authorization letters will be forwarded to the depositories and investment trading partners. All deposits shall be made in the name of the "County of Seneca".

The Department of Finance will maintain an investment log detailing the specific information relative to each investment. All investment transactions will be promptly reported to the Finance Director for entry into the County's accounting system. Comparisons of the existing investments to those recorded in the

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

accounting system will be performed routinely. A monthly report will be provided to the County Finance Director, who will compare existing investments to those recorded in the County's accounting system.

The Department of Finance will compare the collateralized deposits with the bank deposits monthly to ensure sufficient coverage is in place.

The Department of Finance will prepare and submit a quarterly investment report to the Finance, Assessment and Insurance Committee.

At the time independent auditors conduct the annual audit of the accounts and financial affairs of the County, they shall audit the investments for compliance with the provisions of these investment guidelines and are in conformance with all applicable laws, and regulations.

At least annually, the Board of Supervisors shall review and amend, if necessary, the Investment Policy.

APPENDIX A

**General Municipal Law Section 10
Eligible List of Securities for Collateralization of Deposits**

1. Obligations issued by the United States of America, an agency thereof or a United States government sponsored corporation or obligations fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United State government sponsored corporation.
2. Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the InterAmerican Development Bank, the Asian Development Bank, and the African Development Bank.
3. Obligations partially insured or guaranteed by any agency of the United State of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
4. Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of this state or obligations of any public benefit corporation which under a specific state statute may be accepted as security for deposit of public moneys.
5. Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
6. Obligations of counties, cities and other governmental entities of a state other than the State of New York having power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the highest rating categories by at least one nationally recognized statistical rating organization.
7. Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
8. Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
9. Commercial paper and bankers' acceptance issued by a bank, other than the Bank rated in the highest short term category by at least one nationally recognized statistical rating organization and having

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

- maturities of no longer than 60 days from the date they are pledged
10. Zero coupon obligations of the United States Government marketed as “Treasury STRIPS”
 11. Municipal Line of Credit issued by a Federal Home Loan Bank of New York as an accepted form of collateralization with a value of at least 102% of the aggregate value of deposits.

**RESOLUTION REQUESTING STATE LEGISLATION TO AMEND NEW YORK
TAX LAW §1202-o - “HOTEL OR MOTEL TAXES IN SENECA COUNTY”**

RESOLUTION NO. 76-21, moved by Sprvr. Reynolds, second by Sprvr. Garlick Lorenzetti and adopted.

WHEREAS, §1202-o of the New York State Tax Law, currently authorizes Seneca County to enact a local law imposing an occupancy tax upon persons occupying a “hotel” or “motel” in Seneca County; and

WHEREAS, pursuant to such authority, Seneca County enacted a local law entitled the “Seneca County Room Occupancy Tax Law,” originally in 1993 and has since renewed the local law every three years, with the language of the “home rule” enabling legislation remaining unchanged since its original adoption; and

WHEREAS, New York State Tax Law §1202-o includes provisions for the administration of the local law that have become outdated and inefficient for the administration of the local law for the purposes set forth in said local law and state law; and

WHEREAS, Seneca County desires to modify its local law to address the inefficiencies of the administration of the current law as to both administrative expenses and the scope of tourism projects to be funded from the revenues; and

WHEREAS, such modifications will require that the State amend N.Y. Tax Law §1202-o to authorize the changes; and

WHEREAS, the Planning, Development, Agriculture and Tourism Standing Committee, and the Finance, Assessment and Insurance Standing Committee each recommend that such amendments to N.Y. Tax Law §1202-o be sought in the 2021 session of the State Legislature; and

WHEREAS, this resolution was approved by the Planning, Development, Agriculture and Tourism Standing Committee, and the Finance, Assessment & Insurance Standing Committees on April 27, 2020; now, therefore be it

RESOLVED, that Seneca County requests the New York State Legislature to amend Tax Law §1202-o to authorize the modifications, with amendments to the sections as shown in Exhibit A, annexed hereto, and hereby made a part of this resolution; and, be it further

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

RESOLVED, that the Clerk of this Board transmit a certified copy of this resolution and exhibit to Seneca County's representatives in the New York State Legislature.

EXHIBIT A

**PROPOSED AMENDMENTS TO N.Y. TAX LAW §1202-o,
HOTEL OR MOTEL TAXES IN SENECA COUNTY**

The current Section 9 of Tax Law §1202-o be eliminated and the following substituted therein:

(9) All revenues resulting from the imposition of the tax under the local laws shall be paid into the treasury of Seneca County and shall be credited to and deposited in the general fund of such county, and shall be available thereafter for the promotion of tourism and tourist attractions in Seneca County and other directly related and supporting activities as related to tourism including, but not limited to programs to improve public infrastructures, to develop, operate and maintain public parks and recreational facilities, to maintain and enhance the water resources of Seneca County, including lakes and tributary streams, and for environmental conservation; Such promotion may be carried out by an appropriate organization or organizations as designated by the Seneca County Board of Supervisors. And further, not more than five percent of such revenue shall be used for the cost of administering such tax within the Seneca County Treasurer's Office.

**AUTHORIZING WAIVER OF INTEREST AND FEES FOR PROPERTY TAX MATTER
(EVANS CHEMETICS, L.P.)**

RESOLUTION NO. 77-21, moved by Sprvr. Reynolds, second by Sprvr. Brownell and adopted.

WHEREAS, Evans Chemetics L.P. owns certain properties in the Town of Waterloo, to wit: tax map parcels 11-2-22, 12-2-05, 13-1-29, 13-1-30.1, and 13-1-30.2., such properties at or near the corner of Gorham Street and 228 East Main Street, Waterloo; and

WHEREAS, there was an administrative error on the part of the Town of Waterloo Tax collector that caused the payment of property taxes to be improperly recorded, which resulted in the taxes being shown as delinquent thus re-levied by the county on behalf of the town and school district; and

WHEREAS, in light of the re-levy, the county imposed an administrative fee and additional interest in the amount of \$2,730.38; and

WHEREAS, this amount due is not the fault of the taxpayer and should be adjusted as being in the best interest of the town and county, as the taxpayer is one of the largest employers in the town; and

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

WHEREAS, under Real Property Tax Law §1182, the Seneca County Board of Supervisors, as the governing municipality, can waive the interest and the penalties if it is determined that it is for the best interests of the tax district; and

WHEREAS, this resolution was reviewed and approved by the Finance, Assessment & Insurance Standing Committee on April 27, 2020; now, therefore be it

RESOLVED, that the County Board of Supervisors hold a public hearing on said action at the Seneca County Office Building, Supervisors Meeting Room, 3rd floor, 1 DiPronio Drive, Waterloo, NY at or about 6:00 P.M., on June 8, 2021; and, be it further

RESOLVED, that the Clerk to the Board shall post notice of said public hearing to the Seneca County website and to all local media no less than five (5) days prior to the public meeting thereto; and be it further

RESOLVED, that as determined following public hearing, the Seneca County Board of Supervisor authorizes the County Treasurer to waive the interest and penalties for the above described properties in accordance with Real Property Tax Law of the State of New York §1182, for taxes due January 1, 2021; or as otherwise determined by the Treasurer consistent with this resolution.

**AUTHORIZE APPLICATION FOR THE DEPARTMENT OF HUMAN SERVICES
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAHMSA)
FY 2021 COMMUNITY MENTAL HEALTH GRANT**

RESOLUTION NO. 78-21, moved by Sprvr. Enslow, second by Sprvr. Trout and adopted.

WHEREAS, on April 6, 2021, The Department of Human Services Substance Abuse and Mental Health Services Administration (SAHMSA) made an initial grant announcement for the funding opportunity entitled: FY 2021 Community Mental Health Centers (CMHC) Grant Program; and

WHEREAS, the purpose of the grant program is to:

- Establish, strengthen, and/or sustain the infrastructure necessary to provide audio and audio-visual HIPAA compliant telehealth capabilities.
- Provide outpatient services for individuals with serious emotional disturbance, serious mental illness and co-occurring mental health and substance use disorders.
- Provide trauma informed screening, assessment, diagnosis, and patient-centered treatment planning and treatment delivery.
- Provide clinical and recovery support services.

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

- Develop and provide resources to address the mental health needs of community mental health center staff; and

WHEREAS, additionally, Seneca County Mental Health Department proposes utilization of the grant funding to:

- Expand the capacity of Seneca County to address mental health crisis and emergency response.
- Expand support for increased capacity for and availability of crisis beds.
- Expand mobile crisis mental health services.
- Enhance current outreach strategies.
- Expand diversion services to promote alternatives to hospitalization and incarceration.
- Provide support for prison/jail reentry services and partnerships between mental health and local law enforcement

WHEREAS, Seneca County Mental Health Department will collaborate with Coordinated Care Services, Inc. (CCSI) on the writing of and performance evaluation component of this grant project at no cost to the County; and

WHEREAS, annual funding per year in the range of \$1,500,000 - 2,500,000 is available to support proposed activities; and

WHEREAS, there is no required County match; and

WHEREAS, the FY 2021 SAHMSA CMHC Grant application is due May 21, 2021; and

WHEREAS, this Resolution was approved by the Mental Health Services Standing Committee on April 27, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors approves applying for the FY 2021 SAHMSA CMHC Grant Program and directs the County Manager to sign all paperwork related to the same.

**SUPERVISORS AUTHORIZE AND DIRECT COUNTY MANAGER AND COUNTY
ATTORNEY TO UNDERTAKE PROCUREMENT CHANGES RELATED TO COUNTY FLEET
REPAIRS AND MAINTENANCE**

RESOLUTION NO. 79-21, moved by Sprvr. Trout, second by Sprvr. Lott and adopted.

WHEREAS, Seneca County entered into a Contractual Relationship with Enterprise Fleet Management Services in 2016 pursuant to Resolution No. 174-16; and

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

WHEREAS, the approved Resolution understood that joining with Enterprise Fleet Management would improve service, reduce the average age of the fleet and provide a cost savings exceeding \$400,000 over 10 years; and

WHEREAS, an analysis of financial records related to the County Fleet does not support the projected cost savings; and

WHEREAS, Supervisor Enslow, a member of the Special Committee on Fleet, is recommending that the County move towards procuring repairs through its own process and solicitation as a means to provide greater cost consistency and savings; and

WHEREAS, the County moving in this direction will have contractual terms to work through with Enterprise Fleet Management; and

WHEREAS, this resolution has been reviewed and recommended for approval by the Public Works Standing Committee at its meeting on April 27, 2021, now therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the County Manager and County Attorney to undertake procurement changes related to County fleet repairs and maintenance.

BOARD OF SUPERVISORS DECLARES OFFICE ITEMS AND EQUIPMENT AS SURPLUS

RESOLUTION NO. 80-21, moved by Sprvr. Trout, second by Sprvr. Barnhart and adopted.

WHEREAS, Seneca County Facilities Department has accumulated various office equipment and asset items that have no further use for Seneca County; and

WHEREAS, the following items are declared surplus by the Board of Supervisors

- Multiple work stations
- Old desks
- 200 hundred assorted chairs and cabinets
- Partition desk walls
- Die-Bold safe
- Coat racks
- Old cannon carriage components
- Soft cloth furniture
- J.D. lawn tractor

And

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

WHEREAS, the Board of Supervisor authorizes the Superintendent of Facilities to dispose of said surplus items; and

WHEREAS, upon recording sales revenue a budget transfer will be made to the Contingency Fund 101990.54700 for the Facility items; and

WHEREAS, the Public Works Standing Committee approved this Resolution at their April 27, 2021 meeting; now, therefore be it

RESOLVED, that the Board of Supervisors declares office items and equipment as surplus and authorizes disposal of these items with all proceeds to be transferred to the correct budget lines; and be it further

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

**SUPERVISORS SUPPORT SUBMISSION OF GRANT APPLICATION TO NORTHERN
BORDER REGIONAL COMMISSION TO UNDERTAKE BROADBAND AVAILABILITY AND
ACCESS STUDY**

RESOLUTION NO. 81-21, moved by Sprvr. Trout, second by Sprvr. Barnhart and adopted.

WHEREAS, Seneca County agrees to be part of a grant funding application in partnership with Genesee County and the Genesee Finger Lakes Regional Planning Council, to the Northern Borders Regional Commission's State Economic & Infrastructure Development Investment Program; and

WHEREAS, Seneca County, if successful, would utilize the grant to subsidize a county-wide broadband inventory/availability study and develop a Business Plan; and

WHEREAS, Seneca County's portion of the project would be at a cost of \$95,000 with \$76,000 being supported by the grant and a local match of \$19,000; and

WHEREAS, the County match will likely be an eligible expense under the forthcoming American Rescue Plan financial support from the Federal Government; and

WHEREAS, this Resolution was approval by the Public Works Standing Committee on April 27, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby approve the submission of a grant request to Northern Borders Regional Commission to undertake a broadband availability and access study; and be it further

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

RESOLVED, that the County Manager is hereby directed and authorized to execute any and all documents related to the Norther Borders Regional Commission grant application in conjunction with the Finger Lakes Regional Planning Council and Genesee County.

**A RESOLUTION TO ADOPT LOCAL LAW 3 – 2021, UPDATING OPERATIONS AND
AUTHORITY OF THE SENECA COUNTY CODE ENFORCEMENT UNIT FOR THE
ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE
PREVENTION AND BUILDING CODE AND THE STATE ENERGY CONSERVATION
CONSTRUCTION CODE IN THE COUNTY OF SENECA, AND REPEALING ALL PRIOR
LOCAL LAWS RELATED THERETO**

RESOLUTION NO. 82-21, moved by Sprvr. Trout, second by Sprvr. Garlick Lorenzetti 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 May 11, 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, “Updating Operations and Authority of the Seneca County Code Enforcement Unit for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code in the County of Seneca, and Repealing all Prior Local Laws related thereto”; 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 May 11, 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. 3 of the year 2021, as follows:

SENECA COUNTY LOCAL LAW 3 of 2021

**A LOCAL LAW UPDATING OPERATIONS AND AUTHORITY OF THE SENECA COUNTY
CODE ENFORCEMENT UNIT FOR THE ADMINISTRATION AND ENFORCEMENT OF THE
NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE AND THE
STATE ENERGY CONSERVATION CONSTRUCTION CODE IN THE COUNTY OF SENECA,
AND REPEALING ALL PRIOR LOCAL LAWS RELATED THERETO.**

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

SECTION 1. PURPOSE AND INTENT

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this County. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

SECTION 2. DEFINITIONS

In this local law:

- a) "Building Permit" shall mean a permit issued pursuant to section 4 of this local law. The term "Building Permit" shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this local law.
- b) "Certificate of Compliance" shall mean evidence of satisfactory compliance with rules or regulations related to work performed not directly related to occupancy of a building or structure.
- c) "Certificate of Occupancy" shall mean evidence of satisfactory compliance with rules and a regulation related to the actual use or occupancy of a building or structure, and generally includes capacity or limits of use.
- d) "Contractor" shall mean any person, firm or corporation who owns, operates, maintains, controls, transacts or conducts a business or who undertakes or advertises a service or offers to undertake or agrees to perform any services which would otherwise require a permit as in section 4 of this local law, whether for fee, remuneration, "favor", or as part of a barter agreement. This definition may, under certain circumstances include an individual employee, agent or subcontractor of a contractor.
- e) "County" shall mean the County of Seneca, State of New York.
- f) "County Attorney" shall mean the attorney serving the County pursuant to Article 11 of the County Law of the State of New York, any assistant county attorney, or any attorney or attorneys which the county attorney may employ to assist in any civil action or proceeding brought by or against the county or any county officer in his official capacity.
- g) "Code Enforcement Officer" shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law and shall, for the purposes of enforcement of this local law, include those persons appointed as "Building Inspectors" by the County.
- h) "Code Enforcement Personnel" shall include the Code Enforcement Officer and all Building Inspectors.
 - i) "Compliance Order" shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 16 of this local law.
- j) "Energy Code" shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.
- k) "Flood Plain Management" shall enforce the state flood plain regulations to ensure that the communities are complying with the minimum NFIP standards.
- l) "Inspector" shall mean an inspector appointed pursuant to subdivision (e) of section 3 of this local law.
- m) "Operating Permit" shall mean a permit issued pursuant to section 10 of this local law. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

- or extended pursuant to any provision of this local law.
- n) "Permit Holder" shall mean the Person to whom a Building Permit has been issued.
 - o) "Person" shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.
 - p) "Stop Work Order" shall mean an order issued pursuant to section 6 of this local law.
 - q) "Temporary Certificate" shall mean a certificate issued in relation to a permit or other matter to allow for limited use or pursuant to subdivision (e) of section 7 of this local law.
 - r) "Uniform Code" shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS

- a) The office of Code Enforcement is hereby created. The Code Enforcement Officers shall administer and enforce, under the direction of the County Manager, all the provisions of the Uniform Code, to include Flood Plain Management, the Energy Code and this local law. The Code Enforcement Officer shall have the following powers and duties:
 - (1) to receive, review, and approve or disapprove applications for Building Permits, Certificate of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;
 - (2) upon approval of such applications, to issue Building Permits, Certificate of Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificate of Compliance, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
 - (3) to conduct construction inspections, inspections to be made prior to the issuance of Certificate of Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;
 - (4) to issue Stop Work Orders;
 - (5) to review and investigate complaints;
 - (6) to issue orders pursuant to subdivision (a) of section 15 (Violations) of this local law;
 - (7) to maintain records;
 - (8) to collect fees as set by the Board of Supervisors of this County;
 - (9) to pursue administrative enforcement actions and proceedings;
 - (10) in consultation with the County Attorney, to pursue such legal actions and proceedings may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and
 - (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.
- b) They shall be appointed by the County Manager, as set forth in 3(a) above, a "Head Code Enforcement Officer" who shall act as the Department Head and be responsible for all administrative and management duties for the Department.
- c) Each Code Enforcement Officer shall be appointed by the County Manager, as set forth in 3(a) above, within the limits of the appropriation set by the Board of Supervisors. Each Code Enforcement Officer shall possess background experience related to building construction or fire prevention and

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

- d) In the event that a Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the County Manager, as set forth in 3(a) above within the limits of the appropriation set by the Board of Supervisors to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.
- e) (i) The County of Seneca hereby continues within the Office of Code Enforcement positions for Building Inspectors and other necessary support staff to act under the supervision and direction of the Head Code Enforcement officer, and to exercise any portions of the powers and duties of the Code Enforcement Officer as so directed, to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Building Inspector shall, within the time prescribed by law, obtain such basic training, inservice training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
(ii) In the absence of the Head Code Enforcement Officer, or in the case of his or her inability to act for any reason, the County Manager, as set forth in 3(a) above shall have the power to designate a person to act on behalf of the Code Enforcement officer, within the limits of appropriation by the Board of Supervisors, and to exercise all the powers conferred upon him or her by this local law.
- f) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Board of Supervisors of this County.

SECTION 4. BUILDING PERMITS

- (a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.
2) It shall be presumed that any person performing any work otherwise requiring a building permit shall have knowledge that a permit was issued prior to commencing any such work. Any person in any capacity engaging in work as set forth herein without a duly issued Building Permit from the Code Enforcement Officer shall be considered in violation of this local law and subject to possible penalties as set forth hereinafter.
- (b) Exemptions. No Building Permit shall be required for work in any of the following categories:
 - (1) Construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet;
 - (2) installation of swings and other playground equipment associated with alone- or two family dwelling or multiple single-family dwellings (townhouses);
 - (3) Installation of swimming pools associated with a one- or two-family dwelling or multiple

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

- single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
- (4) Installation of fences which are not part of an enclosure surrounding a swimming pool;
 - (5) Construction of retaining walls unless such walls support a surcharge or Class I, II or IIIA liquids;
 - (6) Construction of temporary motion picture, television and theater stage sets and scenery;
 - (7) installation of window awnings supported by an exterior wall of a one- or two- family dwelling or multiple single-family dwellings (townhouses);
 - (8) Installation of partitions or movable cases less than 5'-9" in height;
 - (9) Painting, wallpapering, tiling, carpeting, or other similar finish work;
 - (10) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
 - (11) Replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or Repairs, provided that such repairs do not involve (i) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.
- (c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.
- (d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:
- (1) A description of the proposed work;
 - (2) The tax map number and the street address of the premises where the work is to be performed;
 - (3) The occupancy classification of any affected building or structure;
 - (4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
 - (5) At least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot.

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

- (6) Proof that the real property is not subject to any lien for any "delinquent tax", as such term is defined in Section 1102, Article 11 of the Real Property Tax Law of the State of New York, including, but not limited to, any unpaid tax, special ad valorem levy, special assessment or other charge imposed upon real property by or on behalf of a municipal corporation or special district, plus all applicable charges, relating to any parcel which is included in the return of unpaid delinquent taxes prepared pursuant to section nine hundred thirty-six of this chapter or such other general, special, or local law as may be applicable, however, in no event, however, shall "delinquent tax" include any unpaid tax or other charge against lands owned by the state.
- (e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.
- (f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if (a) the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code; (b) the real property is not subject to any lien for any "delinquent tax", as such term is defined herein.
- (g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- (h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.
- (i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within six (6) months following the date of issuance. Building Permits shall expire twelve (12) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision, if work has commenced, the permit can be renewed for no more than three times at half the original fee and approval of the application by the Code Enforcement Officer. No person shall continue to work, or allow work to be performed, upon an expired or invalid building permit.
- (j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

Energy Code.

- (k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.
- (l) Town and Village Zoning permits. A Seneca County Building Permit WILL NOT BE ISSUED without proof of a valid zoning or land use permit issued by the appropriate Town and/or Village authority.

SECTION 5. CONSTRUCTION INSPECTIONS

- (a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.
- (b) Elements of work to be inspected. The following elements of the construction process shall be inspected made, where applicable:
 - (1) Work site prior to the issuance of a Building Permit;
 - (2) Footing and foundation
 - (3) Preparation for concrete slab;
 - (4) Framing;
 - (5) Building systems, including underground and rough-in;
 - (6) Fire resistant construction;
 - (7) Fire resistant penetrations;
 - (8) Solid fuel burning heating appliances, chimneys, flues or gas vents;
 - (9) Energy Code compliance; and
 - (10) A final inspection after all work authorized by the Building Permit has been completed
- (c) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, re-inspected, and found satisfactory as completed.
- (d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6. STOP WORK ORDERS

- (a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:
 - (1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - (2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

- Permit has or has not been issued for such work,
- (3) Any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked,
 - (b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.
 - (c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by registered or certified mail, together with a true copy of same sent enclosed in a postpaid properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Post Office Department to the address listed in the application for the building permit. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by registered or certified mail, together with a true copy of same sent enclosed in a postpaid properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Post Office Department to the address listed in the application for the building permit; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order. In addition, the Stop Work Order may be posted or attached at the job site.
 - (d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.
 - (e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 15 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

**SECTION 7. CERTIFICATE OF OCCUPANCY/CERTIFICATES OF COMPLIANCE
/RENEWABLE CERTIFICATE OF OCCUPANCY (Multiple Dwelling Units (MDU))**

- (a) Certificate of Occupancy/Compliance required. A Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or sub-classification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Compliance.
- (b) Issuance of Certificate of Occupancy/Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy/Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or sub-classification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy/Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Occupancy/Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy/Compliance.

- (1) A written statement of structural observations and/or a final report of special inspections, and
 - (2) Flood hazard certifications.
- (c) Contents of Certificate of Occupancy/Compliance. A Certificate of Occupancy/Compliance shall contain the following information:
- (1) The Building Permit number, if any
 - (2) The date of issuance of the Building Permit, if any
 - (3) The name, address and tax map number of the property;
 - (4) If the Certificate of Occupancy/Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy/Compliance is issued;
 - (5) The use and occupancy classification of the structure
 - (6) The type of construction of the structure;
 - (7) The assembly occupant load of the structure, if any;
 - (8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
 - (9) Any special conditions imposed in connection with the issuance of the Building Permit; and
 - (10) The signature of the Code Enforcement Officer issuing the Certificate of Occupancy/Compliance and the date of issuance.
- (d) RENEWABLE CERTIFICATE OF OCCUPANCY (MDU)
Pursuant to Multiple Dwelling Units Law, any multiple dwelling containing three (3) or more housing units is required to maintain compliance with a Fire Safety Inspection, every three (3) years. A Renewable Certificate of Occupancy (MDU) will be issued upon completion of a satisfactory inspection.
- (e) Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.
- (f) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

- (g) Fee. The fee specified in or determined in accordance with the provisions set forth in Section 16 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Compliance or for Temporary Certificate.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION

The chief of any fire department providing firefighting services for a property within this County shall promptly notify the Code Enforcement Officer of any fire or explosion involving any

- a) structural damage;
- b) fuel burning appliance, chimney or gas vent;

SECTION 9. UNSAFE BUILDING AND STRUCTURES

Unsafe structures and equipment in this County shall be identified and addressed in accordance with the procedures established by Local Law No. 3 of 2003, as now in effect or as hereafter amended from time to time.

SECTION 10. OPERATING PERMITS

- (a) Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:
- (1) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 5003.1.1(1), 5003.1.1(2), 5003.1.1(3), 5003.1.1(4) of the 2020 edition of the Fire Code of New York State (a publication currently incorporated by reference in 19 NYCRR Part 1225);
 - (2) Hazardous processes and activities as defined by the Fire Code of the State of New York, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
 - (3) Use of pyrotechnic devices, provided, however that such devices shall only be used outside and shall in no event be allowed to be used or operated indoors;
 - (4) Buildings containing one or more areas of public assembly with an occupant load of fifty (50) persons or more;
 - (5) Parking garages as defined in subdivision (a) of section 13 of this local law; and
 - (6) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Seneca County Board of Supervisors
 - (7) Carnivals, fairs and other special events, excluding one and two family occasions.

Any person who proposes to undertake any activity or to operate any type of building listed in this Subdivision

- (a) Shall be required to obtain an Operating Permit prior to commencing such activity or operation.
- (b) Applications for Operating Permits. An Application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

of the Uniform Code, and the property in question is free of liens for any "delinquent tax", as such term is defined in Section 1102, Article 11 of the Real Property Tax Law of the State of New York, including, but not limited to, any unpaid tax, special ad valorem levy, special assessment or other charge imposed upon real property by or on behalf of a municipal corporation or special district, plus all applicable charges, relating to any parcel which is included in the return of unpaid delinquent taxes prepared pursuant to section nine hundred thirty-six of this chapter or such other general, special, or local law as may be applicable, however, in no event, however, shall "delinquent tax" include any unpaid tax or other charge against lands owned by the state. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

- (c) Inspections. The Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Thereafter, subsequent inspections may be conducted at the time of the "Fire Safety and Property Maintenance Inspections" required under Section 11, below.
- (d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.
- (e) Duration of Operating Permits.
 - (i) Operating permits shall be issued for such period of time, not to exceed one year (twelve months) in the case of any Operating Permit issued for (a) an area of public assembly, (b) buildings or structures being occupied as dormitories;
 - (ii) Operating permits shall be issued for such period of time, not to exceed the dates of the event in question, in the case of any Operating Permit issued for use pyrotechnic devices carnivals, fairs and other special events excluding one and two family occasions; \
 - (iii) Operating permits shall be issued for such period of time, not to exceed three years (thirty six months) in the case of all multiple dwellings not included in paragraphs (i) or (ii) of this subdivision, and all non- residential buildings, structures, uses and occupancies not included in paragraphs (i) or (ii) of this subdivision;
 - (iv) The effective period of each Operating Permit shall be specified in the Operating Permit.
 - (v) An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.
- (f) Revocation or suspension of Operating Permits. Notwithstanding the foregoing, if the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.
- (g) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

- (a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals.

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

- (1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.
 - (2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.
 - (3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every thirty-six (36) months.
- (b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:
- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
 - (2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
 - (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.
- (c) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OF PC") and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b. Notwithstanding any other provision of this section to the contrary:
- (1) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
 - (2) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
 - (3) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section; and
 - (4) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a non-residential building, structure, use or occupancy not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

performs fire safety and property maintenance inspections of such non-residential building, structure, use or occupancy at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section.

- (d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

SECTION 12. COMPLAINTS

- a. The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law or ordinance or regulation adopted for administration and enforcement of the Uniform Code, Flood Plain Management, or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:
- 1) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
 - 2) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 15 (Violations) of this local law; appropriate, issuing a Stop Work Order;
 - 3) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 13. CONDITION ASSESSMENTS OF PARKING GARAGES

- (a) Definitions. For the purposes of this section:
- (1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;
 - (2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
 - (3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
 - (i) Buildings in which the only level used for parking or storage of motor vehicles is on grade;
 - (ii) An attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
 - (iii) A townhouse unit with attached parking exclusively for such unit;
 - (4) The term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

- in the State of New York and who has at least three years of experience performing structural evaluations;
- (5) The term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.
 - (6) The term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the 2015 edition of the International Property Maintenance Code (a publication currently incorporated by reference in 19 NYCRR Part 1226); and
 - (7) The term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- (b) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Seneca County, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.
- (c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:
- (1) New parking garages shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure,
 - (2) Existing parking garages shall undergo an initial condition assessment as follows:
 - (i) If originally constructed prior to January 1, 1984, then prior to October 1, 2019;
 - (ii) If originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and
 - (iii) If originally constructed between January 1, 2003 and the effective date of the rule adding this subdivision to 19 NYCRR section 1203.3, then prior to October 1, 2021.
- (d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed [specify interval not to exceed three (3) years].
- (e) Additional Condition Assessments.
- (1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, Seneca County shall require the owner or operator of such parking garage to cause such

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

- parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.
- 2) If Seneca County becomes aware of any new or increased deterioration which, in the judgment of Seneca County, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, Seneca County shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by Seneca County to be appropriate.
- (f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to Seneca County within 3 months. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:
- (1) An evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
 - (2) An evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
 - (3) An evaluation and description of the unsafe conditions;
 - (4) An evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (5) An evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (6) An evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (7) The responsible professional engineer's recommendation regarding preventative maintenance;
 - (8) Except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
 - (9) The responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in his or her professional judgment.
- (g) Review Condition Assessment Reports. Seneca County shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, Seneca County shall, by Order to Remedy or such other means of enforcement as Seneca County may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of Seneca County to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

- (h) Seneca County shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides Seneca County with a written statement attesting to the fact that he or she has been so engaged, Seneca County shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. Seneca County shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.
- (1) This section shall not limit or impair the right or the obligation of Seneca County;
 - (2) To perform such construction inspections as are required by section 5 of this local law;
 - (3) To perform such periodic fire safety and property maintenance inspections as are required by section 11 of this local law; and/or
 - (4) To take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of Seneca County by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

SECTION 14. RECORD KEEPING

- (a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:
- (1) All applications received, reviewed and approved or denied;
 - (2) All plans, specifications and construction documents approved;
 - (3) All Building Permits, Certificate of Occupancy/Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
 - (4) All inspections and tests performed;
 - (5) All statements and reports issued;
 - (6) All complaints received;
 - (7) All investigations conducted;
 - (8) All condition assessment reports received;
 - (9) All other features and activities specified in or contemplated by sections 4 through 13, inclusive, of this local law, including; and
- (b) Subject to the provisions of the PUBLIC OFFICERS LAW, ARTICLE 6 SECTIONS 84-90, of the State of New York (commonly known as the "FREEDOM OF INFORMATION LAW"), all such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto shall be retained for at least the minimum time period so required by State law and regulation.

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

SECTION 15. PROGRAM REVIEW AND REPORTING

- (a) The Code Enforcement Officer shall annually submit to Board of Supervisors of this County a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 13 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.
- (b) The Code Enforcement Officer shall annually submit to the Department of Building Standards, of the Office of the Secretary of State, on behalf of this County, on a form prescribed by the Secretary of State, a report of the activities of this County relative to administration and enforcement of the Uniform Code Upon receipt by the Code Enforcement Officer of the status of the other municipalities in the County, a copy of each municipal report and the county report will be provided to the County Manager, or to the Clerk of the Board of Supervisors, as directed by the Board of Supervisors.
- (c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this County is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this County in connection with administration and enforcement of the Uniform Code.

SECTION 16: VIOLATIONS

The Code Enforcement Officer is the primary investigative and compliance officer for this local law. To provide tools for enforcement and compliance, either or both of these actions may be taken, understanding that their use does not prohibit other methods of enforcement or obtaining sanctions.

- a) Compliance Orders/Violation Notice: The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, Flood Plain Management, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Violation Notice. The Notice shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violated the Uniform Code, Flood Plain Management, the Energy Code, or this local law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Notice, or a copy thereof, to be served on the owner of the affected property personally or by registered or certified mail, together with a true copy of same sent enclosed in a postpaid properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Post Office Department to the address listed in the application for the building permit. The Code Enforcement Officer shall be permitted, but not required, to cause the Notice, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered or certified mail, together with a true copy of same sent enclosed in a postpaid properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Post Office Department to the address listed in the application for the building permit; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

- b) Orders to Remedy: The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:
- (i) “The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by ____ [specify date], which is thirty (30) days after the date of this Order to Remedy.”
 - (ii) The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied.
 - (iii) The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy.
 - (iv) The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.
- c) Appearance Tickets: Notwithstanding the above provision, the Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code. When deemed necessary, the Code Enforcement Officer shall issue an Appearance Ticket, as set forth below; direct the alleged violator to appear before the Town or Village Justice Court in the Town or Village where the violation is alleged to have occurred. Said Violation Notice and Appearance Ticket, or a copy thereof, is to be served upon the alleged violator personally, or by registered or certified mail, together with a true copy of same sent enclosed in a postpaid properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Post Office Department to the last address known to the Code Enforcement Officer.
- d) Penalties for Violations:
- (i) In addition to those penalties proscribed by the State Law, any Person who violates any provision of the Uniform Code, Flood Plain Management, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be guilty of an offense, as defined by New York State Penal Law § 10.00 and subject to a penalty of up to one

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

- thousand dollars (\$1000.00) fine, a sentence of up to fifteen (15) days in jail, or both, for each day that a violation continues. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions as provided in this law, nor appropriate civil action to remedy or restrain the violation of any provision of this law, nor any civil action to collect any fine imposed.
- (ii) In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this County.
 - (iii) Injunctive Relief: An action or proceeding may be instituted in the name of this County, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this County, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Board of Supervisors of this County.
- e) Remedies Not Exclusive: No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 381 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 381 of the Executive Law. In addition, the Code Enforcement Officer, in conjunction with the County Attorney, may compromise and settle any violation by way of a civil settlement or consent order.

SECTION 17. LEGAL SUPPORT

The County Attorney, upon the request of a Code Enforcement Officer, is empowered to assist the Code Enforcement Officer in the conduct of any investigation into any subject matter within the jurisdiction of this local law. In furtherance of such investigation, the County Attorney is empowered to issue subpoenas

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

requiring any person to attend before him or her and be examined in reference to any matter within the scope of the investigation, and in a proper case to produce all books, records, papers and documents material or relevant to the investigation. A subpoena issued under this section shall be regulated by the civil practice law and rules. The County Attorney may administer the oath to any witness and adjournments may be taken from time to time.

SECTION 18 FEES

- (a) Subject to amendment by the Board of Supervisors in the manner set forth in section (b) below, the permit fee schedule for services provided for building code enforcement, remains in effect at the time of the adoption of this local law, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, or as otherwise provided for in this local law and schedule of fees;
- (b) At any time hereafter, an amended fee schedule may be established by resolution of the Board of Supervisors of this County. Such fee schedule may thereafter be further amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificate of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 19. INTERMUNICIPAL AGREEMENTS

The Board of Supervisors of this County may, by resolution, authorize the Chair of the Board of Supervisors to enter into an agreement, in the name of this County, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 20. NO DEFENSE

Any activity, use of premises, land, or a building or structure or part thereof for the purposes of unlawful conduct existing at the time this local law, or any amendments thereto, becomes effective, may not be continued, and such use shall not serve to create a lawful nonconforming use, or serve as a valid defense to enforcement of this local law.

SECTION 21. INCONSISTENT LOCAL LAWS REPEALED

Upon the effective date of this local law, any other inconsistent provision of any local law, is hereby repealed in its entirety, to specifically include Local Laws 2-2006; 1-2008; 1-2010; and 4-2017;

SECTION 22. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 23. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

**RESOLUTION CALLING ON THE NEW YORK STATE DEPARTMENT OF CONSERVATION
TO STUDY AND DEVELOP REGULATIONS FOR CRYPTOCURRENCY MINING**

RESOLUTION NO. 83-21, moved by Sprvr. Kronenwetter, second by Sprvr. Barnhart and adopted.

WHEREAS, “Cryptocurrency” is a digital currency in which encryption techniques are used to regulate the generation of units of currency and verify the transfer of funds, operating independently of a central bank; and

WHEREAS, commercial cryptocurrency mining is the commercial process by which cryptocurrency transactions are verified and added to the public ledger, known as the block chain, and also the means through which new units of cryptocurrencies are released through the use of server farms employing data processing equipment; and

WHEREAS, the primary cost of cryptocurrency mining comes in the form of electricity that needs to be expended to run the mining machines. The increased number of machines used in the mining operation also leads to more electric usage to run and cool the equipment; and

WHEREAS, cryptocurrency mining servers are different than standard data processing servers – they are highly energy consumptive and have only one primary task: to mine cryptocurrencies; and

WHEREAS, mining operations gravitate toward areas with abundant electricity sources at the lowest possible price; and

WHEREAS, this type of power generation does not in all cases, get regulated under the Climate Leadership and Community Protection Act of 2019 (S6599/A8429), which aims to reduce statewide greenhouse gas emissions by 40% of 1990 levels in 2030 and by 85% of 1990 levels in 2050; and

WHEREAS, New York State does not currently have regulations on cryptocurrency mining; and

WHEREAS, this resolution was approved by the Environmental Affairs Standing Committee on April 27, 2020; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors asks the New York State Department of Environmental Conservation to study and develop regulations for Cryptocurrency Mining operations having peak power demand of more than 50 kilowatt hours (kWh) per day; and be it further

RESOLVED, that the Seneca County Board of Supervisors calls upon the New York State Department of Environmental Conservation and the New York State Legislature to mandate that all Cryptocurrency mining operations permitted within the boundaries of New York State operate solely on Renewable Energy – i.e. wind, solar, geothermal or hydropower.

BOARD OF SUPERVISORS AUTHORIZES ACCEPTANCE OF \$15,000 GRANT

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

**FROM DEPARTMENT OF CRIMINAL JUSTICE SERVICES TO
PURCHASE LIVESCAN EQUIPMENT**

RESOLUTION NO. 84-21, moved by Sprvr. Brownell, second by Sprvr. Trout and adopted.

WHEREAS, the Seneca County Sheriff's Office has been granted \$15,000 in grant funding from the Division of Criminal Justice Services for the replacement of Livescan Equipment at the Seneca County Sheriff's Office; and

WHEREAS, the total cost of the Livescan Equipment is \$18,017, the grant funding of \$15,000 will be placed in line 103150-52400; and

WHEREAS, the remaining funds of \$3,017 will come from line 103150-52400, these funds will cover the remaining cost of the new Livescan Equipment; and

WHEREAS, the Public Safety Standing Committee reviewed and approved this resolution on April 27, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Finance Department to amend the 2021 budget as follows:

103150 44389	Federal Aid Other	Increase	Revenue	\$15,000
103150 52400	Technical Equipment	Increase	Expenditure	\$15,000

And be it further

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

RESOLVED, that the Seneca County Board of Supervisors hereby authorize and directs the County Manager to sign all necessary documents to accept and administer the \$15,000.00 grant with the Division of Criminal Justice Services.

BOARD OF SUPERVISORS ACCEPTS FY19 REGIONAL HAZARDOUS MATERIALS GRANT

RESOLUTION NO. 85-21, moved by Sprvr. Brownell, second by Sprvr. Garlick Lorenzetti and adopted.

WHEREAS, the NYS Division of Homeland Security and Emergency Services authorized a \$110,000 Regional Hazardous Materials (HAZMAT) FY19 grant to Seneca County; and

WHEREAS, pursuant to Resolution 258-2020, the Seneca County Board of Supervisors authorized applying for this grant funding; and

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

WHEREAS, Seneca County is joined with Ontario, Wayne, and Yates Counties in a collaborative effort to provide a hazardous materials response and emergency rescue capability of Seneca County and the three adjoining counties; and

WHEREAS, this grant requires no local match and the performance period ends on August 31, 2022; and

WHEREAS, 5% of the grant proceeds can be used for grant administration; and

WHEREAS, this resolution was reviewed and approved by the Public Safety Standing Committee on April 27, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the County Manager to sign any required documentation to accept the HAZMAT FY19 grant proceeds for the enhancement of hazardous material response capabilities; and be it further

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

**AUTHORIZE CONTRACT EXTENSION WITH ROMULUS CENTRAL SCHOOL DISTRICT
FOR SCHOOL RESOURCE OFFICER POSITION**

RESOLUTION NO. 86-21, moved by Sprvr. Brownell, second by Sprvr. Trout and adopted.

WHEREAS, the Romulus Central School District has agreed to continue a collaboration with the Seneca County Sheriff's Office to provide a School Resource Officer (SRO) to the District; and

WHEREAS, this proposal is contingent upon execution of a contract with the Romulus Central School District; and

WHEREAS, Romulus Central School District has proposed payment of \$40,000.00 to offset salary and benefit costs of this position; and

WHEREAS, in doing this it will ensure a liaison between the Romulus teachers and students with the Seneca County Sheriff's Office; and

WHEREAS, the SRO will assist in educating the teachers and students in the areas such as the Heroin and drug problem, bullying and the decision making process; and

WHEREAS, the Public Safety Standing Committee reviewed and approved this resolution on April 27, 2021; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the extension of the agreement between the Seneca County Sheriff's Office and the Romulus Central School District for a School Resource Officer beginning April 14, 2021 and ending June 30, 2024; and be it further

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

RESOLVED, that the County Manager be, and hereby is, authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes of this resolution, subject to prior review and approval of those documents by the Office of the County Attorney, on behalf of the County of Seneca with the Romulus Central School District; and be it further

RESOLVED, that the Seneca County Finance Director is authorized and directed to accept payment of \$40,000.00 as revenue to the Seneca County Sheriff's Office.

**AUTHORIZE YEAR 2 BUDGET OF STATEWIDE EXPANSION OF HURRELL-HARRING
REFORM GRANT FROM NYS OFFICE OF INDIGENT LEGAL SERVICES**

RESOLUTION NO. 87-21, moved by Sprvr. Brownell, second by Sprvr. Trout and adopted.

WHEREAS, pursuant to Res No. 178-19, Seneca County accepted the \$4,777,143.84 grant contract with the New York State Office of Indigent Legal Services, through the Statewide Expansion of Hurrell-Harring Reform Grant over a five year period; and

WHEREAS, this contract contains a budget and work plan for Year 2 of the five year contract in the amount of \$636,952.51; and

WHEREAS, this is an increase of \$318,476.25 over the Year 1 budget and work plan, of which \$103,520 has been requested to create a position in the Seneca County Public Defender's Office; and

WHEREAS, the remaining balance of the Year 2 work plan in the amount of \$175,631.51 may be used for contractual expenses related to the improvement of indigent legal defense services; and

WHEREAS, the Seneca County Public Defender's Office is seeking to implement a Resource Attorney Program and an Assigned Counsel Program Administrator; and

WHEREAS, the Public Safety Standing Committee has reviewed and approved this resolution on April 27, 2021; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors approves the Year 2 budget of \$636,952.51 from the NYS Office of Indigent Legal Services and authorizes and directs the County Manager to sign any and all necessary grant paperwork; and be it further

RESOLVED, that the Department of Finance is hereby authorized and directed to amend the 2021 budget as follows with unused portions of the grant flowing into future years:

101170 43050 SEHHR	ILSF Revenue	Increase	Revenue	\$50,000.00
101171 43050 SEHHR	ILSF Revenue	Increase	Revenue	\$116,314.51
101170 54330 SEHHR	Professional Fees	Increase	Expenditure	\$50,000.00

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

101171 54330 SEHHR	Professional Fees	Increase	Expenditure	\$20,000.00
101171 54380 SEHHR	Other Fees & Services	Increase	Expenditure	\$96,314.51

And be it further

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

BOARD OF SUPERVISORS ACCEPTS FY2019 CYBER SECURITY GRANT

RESOLUTION NO. 88-21, moved by Sprvr. Cleere, second by Sprvr. Borst and adopted.

WHEREAS, the New York State Division of Homeland Security & Emergency Services has awarded the Seneca County Information Technology Department a FY 2019 Cyber Security Grant for \$11,757.00; and

WHEREAS, this grant funding is provided to enhance and sustain our cyber security posture as well as to ensure our information systems are secured and protected from cyber incidents through equipment, training, exercise, and planning projects; and

WHEREAS, this grant funding will be used for Cyber Security software; and

WHEREAS, the performance period of this grant award is April 1, 2021 through August 31, 2022 and there is no local match; and

WHEREAS, this resolution was approved by the Technology Standing Committee on April 27, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the County Manager to sign any and all documents as required by the New York State Division of Homeland Security & Emergency Services for Seneca County to receive funding from the FY 2019 Cyber Security Grant Program; and be it further

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

**BOARD OF SUPERVISORS APPROVES THE CREATION AND FILLING OF ONE POSITION
FOR FULL-TIME CLEANER FOR THE LAW ENFORCEMENT CENTER**

RESOLUTION NO. 89-21, moved by Sprvr. Ferrara, second by Sprvr. Lott and adopted.

WHEREAS, the Facilities Department and the Superintendent of Facilities, have identified the need to create and fill one position for a Full-time Cleaner for the Law Enforcement Center (LEC); and

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

WHEREAS, the position is critical to the health and safety of Seneca County residents, and delivery of essential services to the County; and

WHEREAS, creating one full-time position will replace two part-time Cleaning positions; and

WHEREAS, the difficult nature of obtaining and retaining part-time help due to the environment and the responsibilities of the position will be mediated by creating the new full time position requiring lengthy back ground checks, proximity to inmates and police officers, and extra training (such as Jail Support Staff Training), are all unique challenges that make this a difficult position to fill; and

WHEREAS, the Law Enforcement Center is a congregate setting vulnerable to the COVID-19 pandemic, making this position crucial to the disinfecting necessary to keep the 24-7 facility safe for the employees, and the public; and

WHEREAS, the Facilities Department has monies budgeted for 2021 that need reallocation due to the abolishment of two (2) Part-time positions; and

WHEREAS, the position has been approved on April 13, 2021 by the Vacancy Committee; and the Personnel Standing Committee approved this Resolution on April 27, 2021; now, therefore be it

RESOLVED, that the Board of Supervisors approves the creation and filling of one (1) position for Full-time Cleaner for the Law Enforcement Center, and abolishment of two (2) positions for Cleaner (PT); and be it further

RESOLVED, that the Department of Finance is hereby authorized and directed to amend the 2021 budget as follows:

101620 51200	Part-time Salaries	Decrease	Expenditure	\$20,000
101620 51300	Overtime	Decrease	Expenditure	\$4,375
101620 51100	Full-time Salaries	Increase	Expenditure	\$24,375

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

BOARD OF SUPERVISORS APPROVES CREATION & FILLING POSITION FOR FULL-TIME ASSISTANT PUBLIC DEFENDER IN THE SENECA COUNTY PUBLIC DEFENDER'S OFFICE

RESOLUTION NO. 90-21, moved by Sprvr. Ferrara, second by Sprvr. Borst and adopted.

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

WHEREAS, the Seneca County Public Defender’s Office is seeking to create a new position for a Full-time Assistant Public Defender to assist the Public Defender’s Office with their caseload and other duties; and

WHEREAS, the Full-time Assistant Public Defender position would be for approximately 37.5 hours per week; and would receive an annual salary of not more than \$80,000, and not more than \$21,370 in fringe benefits; and

WHEREAS, pursuant to Res No. 178-19, as part of the year 2 budget, the expense for this position is at no cost to the county due to the statewide expansion of the Hurrell-Harring Settlement, which awarded Seneca County \$4,777,143.84 by the New York State Office of Indigent Legal Services over a five year period; and

WHEREAS, in accordance with County Policy 101.200(A)(7) this position was approved by the Vacancy Committee on April 27, 2021; and this resolution was approved by the Personnel Standing Committee on April 27, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the creation and filling of a position in the Public Defender’s Office for a Full-time Assistant Public Defender, for approximately 37.5 hours a week; for an annual salary not more than \$80,000, and not more than \$21,370 in fringe benefits; and be it further

RESOLVED, that the Department of Finance is hereby authorized and directed to amend the 2021 budget as follows with the unused portions flowing into future years:

101170 43050 SEHHR	ILSF Revenue	Increase	Revenue	\$103,520
101170 51100 SEHHR	Salaries	Increase	Expenditure	\$82,150
101170 58100 SEHHR	Retirement	Increase	Expenditure	\$7,000
101170 58300 SEHHR	Social Security	Increase	Expenditure	\$5,000
101170 58400 SEHHR	Workers Comp	Increase	Expenditure	\$1,370
101170 58600 SEHHR	Hospitalization	Increase	Expenditure	\$7,000
101170 58700 SEHHR	Medicare	Increase	Expenditure	\$1,000

**BOARD OF SUPERVISORS APPOINTS DR. JOSEPH LORENZETTI TO
THE SENECA COUNTY BOARD OF HEALTH**

RESOLUTION NO. 91-21, moved by Sprvr. Borst, second by Sprvr. Lott and adopted.

WHEREAS, the Seneca County Health Department of Health currently has a vacancy for a Physician member; and

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

WHEREAS, Dr. Joseph Lorenzetti is a Seneca County resident; and
WHEREAS, Dr. Lorenzetti has expressed an interest in joining the Board of Health; and
WHEREAS, Dr. Lorenzetti's appointment will become effective immediately for a six year term which will expire on December 31, 2027; and

WHEREAS, the Public Health Standing Committee has reviewed and approved this resolution on April 27, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors hereby appoints Dr. Joseph Lorenzetti to the Seneca County Board of Health.

**AUTHORIZE SOLICITATION OF BIDS FOR THE
ANNUAL HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT**

RESOLUTION NO. 92-21, moved by Sprvr. Borst, second by Sprvr. Kronenwetter and adopted.

WHEREAS, the Health Department has offered an Annual Household Hazardous Waste Collection event for many years; and

WHEREAS, it is necessary to obtain bids for the provision of this service; and

WHEREAS, it will be necessary to request bids for the provision of these services; and

WHEREAS, the Health Department will also be applying for Department of Environmental Conservation (DEC) reimbursement for 50% of the eligible costs for holding this event; and

WHEREAS, the Public Health Standing Committee approved this resolution on April 27, 2021; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes the Health Department to solicit bids for the provision of the Annual Household Hazardous Waste Collection event and to also apply for DEC reimbursement.

**AUTHORIZE THE SOLICITATION OF BIDS FOR THE PROVISION OF
TRANSPORTATION FOR THE CHILDREN ENROLLED IN THE
EARLY INTERVENTION AND PRE-SCHOOL PROGRAMS**

RESOLUTION NO. 93-21, moved by Sprvr. Borst, second by Sprvr. Barnhart and adopted.

WHEREAS, Durham School Services has notified the health department that they will no longer provide transportation services for children enrolled in the Early Intervention and Pre-School Program; and

WHEREAS, the current contract expires June 30, 2021; and

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

WHEREAS, the County is required to provide transportation services to children enrolled in the Early Intervention and Pre-School Programs; and

WHEREAS, it will be necessary to request bids for the provision of these services; and

WHEREAS, the Public Health Standing Committee has reviewed and approved this resolution on April 27, 2021; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes the health department to solicit bids for the provision of transportation services for children enrolled in the Early Intervention and Pre-School Programs.

**AUTHORIZE CONTRACT WITH CLYDE-SAVANNAH CENTRAL SCHOOL DISTRICT TO
PROVIDE EVALUATION SERVICES FOR THE 3-5 PRE-SCHOOL PROGRAM**

RESOLUTION NO. 94-21, moved by Sprvr. Borst, second by Sprvr. Barnhart and adopted.

WHEREAS, the Health Department must secure contracts with agencies or individuals to provide professional services to children enrolled in the 3-5 Pre-School Program; and

WHEREAS, school districts are now allowed to perform evaluations; and

WHEREAS, Clyde Savannah Central School District would like to provide evaluations for the children in the 3-5 Pre-School Program and may also provide services including Center Based Services and/or home/community based services to include; Speech Therapy, Occupational Therapy, Physical Therapy, Social Work, Group Therapy and SEIT; and

WHEREAS, the reimbursement rate is set by the New York State Education Department; and

WHEREAS, the funds are reflected in account 104149.54700 in the Public Health budget; and

WHEREAS, the Public Health Standing Committee approved this resolution on April 27, 2021; now, therefore be it

RESOLVED, that the County Manager is hereby authorized and directed to sign a contract with Clyde Savannah Central School District to provide evaluation services and center based or home community based services for children enrolled in the 3-5 Pre-School Program at a rate set by the New York State Education Department.

**AUTHORIZE CONTRACT WITH NEW YORK STATE ENVIRONMENTAL FACILITIES
CORPORATION FOR THE STATE SEPTIC SYSTEM REPLACEMENT PROGRAM**

RESOLUTION NO. 95-21, moved by Sprvr. Borst, second by Sprvr. Garlick Lorenzetti and adopted.

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

WHEREAS, the New York State Environmental Facilities Corporation has awarded Seneca County a grant in the amount of up to \$250,000; and

WHEREAS, the purpose of this funding is to replace existing cesspools and septic systems that are having significant and quantifiable environmental and / or public health impacts to groundwater used for drinking water, or a threatened or impaired waterbody; and

WHEREAS, the grant is to be used to provide funds to property owners in Priority Geographic Areas to reimburse them up to 50% of eligible costs; up to a maximum of \$10,000 for septic system projects; and

WHEREAS, these funds can be used for the period April 1, 2021 through December 31, 2026; and

WHEREAS, the eligible geographic areas include specific areas around Seneca Lake and Cayuga Lake; and

WHEREAS, the Public Health Standing Committee approved this Resolution on April 27, 2021; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes and directs the County Manager to sign the contract with the New York State Environmental Facilities Corporation for the Septic Replacement Program for the maximum amount of \$250,000; and be it further

RESOLVED, that the Department of Finance is hereby authorized and directed to amend the 2021 budget as follows with unused portions flowing into future years per the funding guidelines:

104011 42770 Septc	NYS EFC Revenue	Increase	Revenue	\$250,000
104011 54000 Septc	Contractual	Increase	Expenditure	\$250,000

And be it further

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

**BOARD OF SUPERVISORS AUTHORIZES LEASE AGREEMENTS
AT FINGER LAKES REGIONAL AIRPORT**

RESOLUTION NO. 96-21, moved by Sprvr. Barnhart, second by Sprvr. Brownell and adopted.

WHEREAS, Seneca County owns and operates the Finger Lakes Regional Airport (FLRA); and

WHEREAS, providing a variety of aviation related services supports economic development and tourism efforts in Seneca County while also generating revenue from fees and fuel sales; and

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

WHEREAS, through rental lease agreements, FLRA can offer aircraft owners and aviation related businesses various aircraft storage options; and

WHEREAS, aircraft storage lease agreements are reviewed by the County Attorney and Risk Manager; and

WHEREAS, this resolutions has been approved by the Planning, Development, Agriculture & Tourism Standing Committee on April 27, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the County Manager to negotiate and execute aircraft storage lease agreements at Finger Lakes Regional Airport.

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

RESOLUTION NO. 97-21, moved by Sprvr. Barnhart, second by Sprvr. Lott 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 Twin Lakes Snowmobile Association and the Seneca Sledders Snowmobile Association; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture & Tourism Standing Committee on April 27, 2021; 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 I, 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 to sign the Snowmobile Grant Applications for the 2021-2022 season; and be it further

RESOLVED, that the Seneca County Manager and the Finance Director are authorized and directed to sign necessary reports and vouchers to receive funding for the New York State Snowmobile Grant Program for the 2021-2022 Season; and be it further

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

RESOLVED, that the Department of Finance is authorized and directed to make the necessary budgetary and accounting entries to affect the intent of this resolution; and be it further

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

**BOARD OF SUPERVISORS AMENDS SENECA COUNTY POLICY NO. 405.100 KNOWN AS
THE TOURISM AND ECONOMIC DEVELOPMENT COMMUNITY GRANT PROGRAM
POLICY TO ALLOW ELECTRONIC SUBMISSION**

RESOLUTION NO. 98-21, moved by Sprvr. Barnhart, second by Sprvr. Borst and adopted.

WHEREAS, the Seneca County Board of Supervisors by Resolution No. 50-21 adopted Seneca County Policy no. 405.100; and

WHEREAS, the policy states that only hard copy applications will be accepted, and at this time applications will not be accepted in electronic format; and

WHEREAS, the Seneca County Board of Supervisors should consider changing the format in which applications are accepted; and

WHEREAS, not accepting electronic applications is considered an outdated method; and

WHEREAS, allowing electronic applications to be accepted will make it easier for local businesses and tourism groups to apply for the grant; and

WHEREAS, this resolution was approved by the Planning, Development, Agriculture & Tourism Standing Committee on April 27, 2021; now, therefore be it

RESOLVED, that Seneca County Policy No. 405.100 is hereby amended by striking the following text identified under the "Section: REVIEW AND DETERMINATION PROCESS, 2) Applications must be submitted in writing. At this time, electronic, digital, email or fax applications are not accepted."

**SENECA COUNTY TOURISM PROMOTION & DEVELOPMENT GRANT FUNDS
APPROVED FOR THE FRIENDS OF THE THREE BEARS**

RESOLUTION NO. 99-21, moved by Sprvr. Barnhart, second by Sprvr. Trout and adopted.

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

WHEREAS, The Friends of the Three Bears is an organization formed in 2002 to preserve and restore the historic Seneca County Courthouse Complex in Ovid, known as the Three Bear Building which is listed on the National Registry of Historic Places; and

WHEREAS, The Friends of the Three Bears submitted two applications under the Tourism Promotion & Development Grant policy, seeking funding in the amount of \$1,500 for Promotion/Marketing and seeking funding in the amount of \$2,450 for Arts & Culture; and

WHEREAS, the Planning, Development, Agriculture & Tourism Standing Committee reviewed and approved the aforementioned grant applications and approved this Resolution on April 27, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby approve the release of county funding to The Friends of the Three Bears, in accordance with Seneca County Policy 405.100, Tourism Promotion & Development Grant, in the amount of \$1,500 for Promotion/Marketing, and the release of county funding in the amount of \$2,450 for Arts & Culture; and be it further

RESOLVED that by this Resolution, The Friends of the Three Bears are reminded of their obligations to file proper reports to the Board as provided by the aforesaid county policy; and be it further

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

**SENECA COUNTY BOARD OF SUPERVISORS PROCLAIMS
MAY 2021 FOSTER CARE MONTH IN SENECA COUNTY**

RESOLUTION NO. 100-21, moved by Sprvr. McGreevy, second by Sprvr. Enslow and adopted.

WHEREAS, May is National Foster Care Awareness Month, a month set aside to acknowledge foster parents, family members, child welfare professionals, and other members of the community who help children in foster care find permanent homes, healthy connections, and the resources to lead a successful and rewarding life; and

WHEREAS, established more than 20 years ago, National Foster Care Awareness Month is a time to bring foster care issues to the forefront, recognize the struggles of children in foster care, and renew our commitment to ensuring a bright future to the children and youth in foster care throughout the nation and the youth locally that need our help in finding a path to success; and

WHEREAS, serving youth in foster care supports our vision of equity, inclusion, and access to services to ensure the County's foster youth achieve success in areas of education, health, housing, employment, and independent living skills; and

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

WHEREAS, the Human Services Standing Committee reviewed and approved this resolution on April 27, 2021; now therefore be it

RESOLVED, that the Board of Supervisors proclaims May 2021 as Foster Care Month in Seneca County.

**INCREASE OFFICE FOR THE AGING 2021 BUDGET TO REFLECT
ADDITIONAL FUNDING FOR COVID-19 CRISIS**

RESOLUTION NO. 101-21, moved by Sprvr. McGreevy, second by Sprvr. Trout and adopted.

WHEREAS, the Seneca County Office for the Aging has received federal stimulus funds through the Consolidated Appropriations Act to provide Older American Act related services in response to the COVID-19 Crisis , and

WHEREAS, these funds can be used for the period of December 27, 2020 – September 3, 2022, and

WHEREAS, there is no county match requested for these funds, and

WHEREAS, an additional \$20,346 will be added to the 2021 Office for the Aging County budget; and

WHEREAS, the Human Services Standing Committee has reviewed and approved this resolution on April 27, 2021; now, therefore be it

RESOLVED, that the Director of the Office for the Aging be authorized and directed to accept these additional funds; and be it further

RESOLVED, that the Department of Finance is hereby authorized and directed to amend the 2021 budget as follows with unused portions flowing into future years per the funding guidelines:

106572 44803 HDC5	Consolidated Appr Act	Increase	Revenue	\$20,346
106572 54380 HDC5	Other Fees & Services	Increase	Expenditure	\$20,346

And be it further

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

Unfinished Business

Sprvr. Borst offered a motion; second by Sprvr. Garlick Lorenzetti and carried, to withdraw a motion moved by the Public Health Committee at its meeting of April 27, 2021 related to the use of Covid test kits provided by the State of New York and specifically assigned to a certain demographic. The

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

reason we no longer think it is necessary is because two weeks ago we had 200 test kits from the state and they were only to be used for the specific reason. We wanted more test kits and how to use them would be determined at the local level. In the meantime, Seneca County did receive 500 new test kits from the state.

New Business

Rule 29: Sprvr. Kronenwetter moved Rule 29 to introduce Resolution No. 102-21 that was not reviewed by the appropriate standing committee.

**SUPERVISORS AUTHORIZE AND DIRECT COMMENTS TO
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
REGARDING CAYUGA LAKE WATER QUALITY**

RESOLUTION NO. 102-21, moved by Sprvr. Kronenwetter, second by Sprvr. Barnhart and adopted.

WHEREAS, the Seneca County Board of Supervisors view the quality of the waters of Cayuga Lake to be a critical component in the life and economy of our county and the people whose lives and health revolve around the lake. We further support the actions of the Department Environmental Conservation to responsibly manage this resource not only now, but into the future; and

WHEREAS, Cayuga Lake, as one of the Finger Lakes, flows from south to north, as the lake drains into the Erie Canal/Clyde River watershed and party of the Montezuma Wildlife Refuge, a 10,000 acre federally managed marshland/wetland preserve; and

WHEREAS, the waters of Cayuga Lake serve both as drinking water resources for much of Seneca County, as well as other communities on both shores in Seneca, Cayuga, and Tompkins counties; and

WHEREAS, the reduction of phosphorus runoff into the lake, from whatever the source, is a critical component in the long-term health of the lake, and the communities that rely on its water quality; and

WHEREAS, Seneca County supports a well-rounded and scientifically supported plan that will, by reducing the phosphorus load to Cayuga Lake from all sources, contribute to the long-term environmental health and high quality of the waters of Cayuga Lake for generations to come; and

WHEREAS, this Resolution was considered and Adopted Pursuant to Rule 29 of the Rules of Order of the Seneca County Board of Supervisors, now, therefore be it

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
&
Public Hearing
May 11, 2021

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to send written comments to the New York State Department of Environmental Conservation regarding the quality of the waters of Cayuga Lake.

TPA Funding Policy: Sprvr. Garlick Lorenzetti thanked the County Treasurer for his comments regarding changing the funding process for the TPA to a zero based budget. She asked the County Attorney to research the issue.

Executive Session: Sprvr. Garlick Lorenzetti moved to convene under executive session pursuant to sections 105(1)(d), (e), and (f) of the New York State Open Meetings Law and invite the County Manager, the county attorney, and the personal officer to attend. Time of exec session: 7:40 p.m. – 8:45 p.m. The Board of Supervisors reconvened under open session

Rule 29: Sprvr. Ferrara moved Rule 29 to introduce the following resolution which was not reviewed by the appropriate standing committee. Sprvrs. Reynolds and Brownell voted nay for Rule 29.

**BOARD OF SUPERVISORS APPOINT MARY ANNE KOWALSKI TO THE
SENECA COUNTY IDA BOARD**

RESOLUTION NO. 103-21, moved by Sprvr. Ferrara, second by Sprvr. Garlick Lorenzetti and adopted by 616 ayes (Ferrara, Garlick Lorenzetti, Barnhart, Borst, Kronenwetter, Lott, McGreevy, Hayssen, Trout, Cleere, Enslow); 82 nays (Reynolds, Brownell); and 52 not present (Hayes).

WHEREAS, a vacancy on the Seneca County IDA board has been advertised; and

WHEREAS, the Seneca County Board of Supervisors is the appointing authority for IDA board members; and

WHEREAS, Mary Anne Kowalski, resident of Romulus, NY has applied for the position and is a well-qualified individual residing in the south end of the county; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Mary Anne Kowalski, as a member of the Seneca County Industrial Development Agency Board of Directors for a term of 5 years effective May 13, 2021 through May 12, 2022.

Special Order of the Day

The meeting adjourned at 8:50 p.m.