

**SENECA COUNTY
BOARD OF SUPERVISORS**

Regular Board Meeting
September 14, 2021

Call to Order

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

Roll Call of Members by the Clerk

All members of the Seneca County Board of Supervisors answered roll call.

Pledge of Allegiance and Moment Of Silence

Presentations

Seneca County Sheriff's Accreditation Recognition: Sergeant David E. Smith works on the Civil Division accreditation. Through the pandemic the Sheriff's Office worked hard and was re-accredited in all four (4) divisions of the Sheriff's Office which included the Law Enforcement Division. Thank You to all the members of the Seneca County Sheriff's Office. Peter R. Kehoe, Executive Director of the New York State Sheriff's Association presented the Division Plaques to to Sergeant Smith.

Tourism Promotion Agency Quarterly Report presented by Jeff Shipley, updated the Board of Supervisors on current trends related to tourism in Seneca County: expanded digital advertising to raise the county profile; the county tourism website saw a record growth, Seneca County won the Tourism Marketing Award. A copy of the TPA report has been filed as Communication No. 101

Petitioners

None

Open Privilege of the Floor

None

Approval of Meeting Minutes

Minutes were approved for the August 10, 2021 regular board meeting; and the August 24, 2021 special board meeting.

Reports of Standing Committees

Public Works Committee, Sprvr. Trout, Chairman. Brain Wilkins, owner of family fun business, Wilkins Recreational Vehicles dealership, home office located in Bath, NY, plans to locate a dealership across from del Lago on Rt. 414. The proposal is for a 50,000-square-foot store for sales and service of RVs; anticipate 200 employees. Tyre Planning Board expected to approve sale by October; Anticipate construction to begin January 2023; Municipal water and sewer to the site is not available yet.

Seneca County Broadband: Seneca and Genesee County were not successful in their grant application to Northern Borders Regional Commission for funding to undertake a Broadband Gap Analysis Project. G/FLRPC has identified a path that would assist the County in completing this necessary work and recommends the following approach be taken related to the three (3) tasks of the

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above project: Asset Inventory – Utilize a portion of the funding from NBRC to contract directly with ECC Technologies to commence the work immediately in Seneca County. The cost of this task would be approximately \$20,000 and the County would have the data in approx. 6 weeks.

Update on Route 318 Capital Project: Closure of capital project for Route 318 Sewer; funding options of Sewer District #3 debt service reported by Finance Director Halle Stevens

Personnel Standing Committee, Sprvr. Ferrara, Chairman. Committee approved reclassifying the current position, full-time Human Resources Assistant to the position of Personnel Technician Trainee. This new position has a salary of \$3,300 more than the Human Resources Assistant.

The retainer agreement with Roemer Wallens Gold & Mineaux LLP to provide legal services for labor contract negotiations and advice regarding labor laws and public relation concerns was approved by the committee. The cost for the new agreement is \$45,600 annually (\$3,800 per month) for years 2022, 2023 and 2024. Seneca County may terminate this agreement earlier than December 31, 2024 upon 30 days written notice.

Several vacant position were refilled, as recommended by the Vacancy Committee: Refill one (1) full-time Social Welfare Examiner; Refill two (2) full-time Employment and Training Counselors; Refill one (1) temporary full-time Social Welfare Examiner for HEAP; Refill one (1) temporary part- time Aging Services Aide for HEAP; Refill one (1) full-time Substance Abuse Counselor

Human Services Standing Committee, Sprvr. McGreevy, Chairman. The committee approved three resolutions on tonight's agenda:

A contract for a Part-time Behavioral Health Specialist provided by Children's Home of Wyoming Conference. The Specialist will work onsite at the health department for 21 hours per week at a cost not to exceed \$50,000.

Approval of the Supervision and Treatment Services Plan for Juveniles for the time frame October 1, 2021 – September 30, 2022. The plan provides for local services to divert youth from placement and replacement in detention or residential care.

The third resolution is to appoint Julie Maslyn from FL Visitors Connection, to fill the vacancy made by the resignation of John Mueller on the Finger Lakes Workforce Investment Board.

Planning, Development, Agriculture & Tourism Standing Committee, Sprvr. Barnhart, Chairman. The committee approved purchasing a new aircraft refueler for Finger Lakes Regional Airport (FLRA) to replace the Aircraft Refueler that was lost on July 9, 2020 due to an engine fire. Eight vendors responded to our RFP. Beta Fueling, of 1209 Freeway Drive, Reidsville, North Carolina provided the best value quote of \$208,620 for a 5,000 gallon refueler meeting all required specifications. Delivery in 8 weeks.

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Later tonight I will offer a motion to Postpone Indefinitely a resolution on tonight's agenda, to transfer certain properties listed for the foreclosure tax auction to the Finger Lakes Regional Land Bank for \$1.00. We will consider the resolution when the information for the tax auction is completed.

Technology Standing Committee, Sprvr. Cleere, Chairman. Authorize purchase of Microsoft Office 365: The Seneca County email system, Exchange 2010, has reached its end of life and is no longer supported by Microsoft. Dell Technologies Microsoft Office 365 can provide the best service and most cost effective for an amount not to exceed \$82,190.40 under New York State Contract PS68202 Group 7600 - Award 23116.

Government Operations Standing Committee, Sprvr. Garlick Lorenzetti, Chair. The committee votes earlier this evening to reinstate the Seneca County Universal Mask policy. I will be introducing a resolution later tonight.

Public Safety Standing Committee, Sprvr. Brownell, Chairman. Under Public Safety we have a resolution authorizing a contract renewal for Case Management System Maintenance and Software Support at the Public Defender's Office for \$1,000 annually.

Finance, Assessment & Insurance Standing Committee, Sprvr. Reynolds, Chairman. County Equalization Rates for 2022 County tax apportionment prior to November 15th of 2021: NYS RPT provided the Certified Equalization Rates for the Final 2021 Assessment Rolls have been for 2022 County taxation as follows; And Amendments to 2021 Seneca County budget:

Mental Health Services Standing Committee, Sprvr. Enslow, Chairman. Under Mental Health Services we will consider amending the contract with Janice Creamer, who provides clinical services for clients who are recipients of Medicare. The amendment will increase her time by 350 hours. The annual contract would increase from \$19,960 to \$33,960. The increased hours would be supported by collection of medical fees.

Environmental Affairs Committee, Sprvr. Kronenwetter, Chairman. Tonight we will introduce Proposed Local Law to Establish a Septic System Inspection Program: Seneca County lacks a septic system inspection program. Other counties in the region and across the state have enacted septic system inspection laws / regulations. Seneca County proposes a local law establishing a septic system inspection program to protect the waterbodies, watersheds, and drinking water sources in the county from residential wastewater containing harmful bacteria, viruses, and excess nutrients. The program would help prevent people from unknowingly purchasing properties with a septic system that is failing or that is likely to fail.

Water & Sewer Treatment Management & Operations Standing Committee, Sprvr. Hayes, Chairman. Hillside sewage flow has ceased – credit to staff and Blue Heron. Need to move forward

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regarding financial implications for decommissioning. Contract for W&S admin and operations with Village of Waterloo has been executed. Jim Bromka listed recommended projects in detail. Peter Baker will come to next cmte mtg cycle to review plant upgrades. There will be a resolution declaring the BOS lead agency for SEQR. DOCS has yet to respond regarding financial contribution. CFA application for Sewer 2 I&I Study has been submitted – worked with Hunt – should hear result in early December. Regarding the RFP for an engineering firm to develop plans for water & sewer authority, we received six proposals. The committee will review the proposals at another meeting. County Manager Rowe informed the committee that Finance Director Halle Stevens, and her deputy Katlyn Mander reviewed the budget for the water and sewer districts, and there is no indication for a rate increase for any of the districts for the upcoming year 2022. Yaws continues to monitor Hillside plant; contract with Yaws will terminate at the end of this year – contract is \$60K annually / \$5k month

Chairman Remarks

A seating map of the board meeting room was distributed to the members of the Board of Supervisors with instructions to consider how they want the meeting room configured so it was pre-Covid and to provide feedback to either the Chairman or the County Manager.

County Manager Remarks

Preparation for the 2022 budget is ongoing. Department Head requests are completed; and meetings with departments that have larger and more complicated budgets will be scheduled. Plan is to file the tentative budget in October, ahead of the state deadline of November 15.

The Facility committee will meet in the next couple of weeks to discuss capital that could impact the budget; and the American Recovery Act (ARA) committee will meet in two weeks regarding funding capital projects

Covid Update Public Health Director Vickie Swinehart

There are 19 positive cases of which 2 are fully vaccinated; 301 actively in quarantine; 5 hospitalized of which 1 is in critical condition; and 1 death.

Testing clinic receives about 3 clients a week.

Vaccination clinics continue to operate, but the demand remains low. On September 15 there is a clinic for 12 – 18 year olds. Adults who come to the clinic will be given Johnson & Johnson vaccine.

Third dose of the vaccine are available at the county public health department.

Regarding the schools, there is a grant that covers much of the cost. School superintendents met with the public health staff and developed plans for the school year; each plan is a bit different; we will be seeking additional staff to assist testing at the schools.

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Mandatory vaccination for healthcare workers will not offer option for testing, staff at the county public health offices are mandated to be vaccinated or lose their job. The courts are currently reviewing a case the addresses religious exemption from the vaccine mandate – resulting in a temporary injunction of which the state has until September 2 to respond.

At the meeting with other county leaders (aka Control Room), discussion occurred about the fallout from the NYS vaccine mandate and how it will impact healthcare, i.e. staff shortage; hospital closures.

Today is the last meeting for Public Health Director Vickie Swinehart who is retiring after 29 years of service to Seneca County. The public health staff held a retirement luncheon for Director Swinehart. The Board of Supervisors applauded her with a standing ovation.

County Attorney Remarks

On the agenda is a resolution introducing a proposed local law to establish a county watershed protection law which will require some discussion and possible amendments when the resolution is on the floor.

Under New Business there is a resolution addressing the matter of Mallinckrodt, PLC., before the U.S. Bankruptcy Court for the District of Delaware, related to multi-district litigation of claims against Mallinckrodt, PLC related to the “Opioid Crisis”, of which Seneca County is a claimant through action of the State of New York, seeking authorization for Counsel and Plaintiff’s Executive Committee to vote “for” the proposed plan of reorganization and settlement in the matter Mallinckrodt, PLC., et. al.

Communication

91. From County Attorney Ettman, a copy of a letter dated August 18, 2021 from Michael L. Davis, Business Manager, IBEW Local 840, declining an invitation from the Board of Supervisors, to attend a board meeting, as it isn’t the ideal environment to discuss how IBEW believes crypto currency mining is beneficial for the environment in the Finger Lakes region; and offered to meet with Chairman Hayssen, by appointment Monday – Friday, 8 am to 4:30 pm

92. From Beth Huff, an email dated August 31, 2021 expressing her appreciation that the Board of Supervisors did not vote in favor of mandating masks in Seneca County.

93. From NYSAC, notification dated July 20, 2021, of an increase in membership dues for 2022 and will be \$6,305 an increase of 3% over 2021.

94. From Chelsea Hastings, Director, Interlaken Public Library, dated August 12, 2021, request for 2022 county funding for the five libraries in Seneca County at \$23,500 for each library, and \$12,500 for Finger Lakes Library System, for a total amount of \$130,000.

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95. From Kim Hall, Director of Membership, NACo, an email dated July 29, 2021 stating 2022 membership dues for NACo are \$705, same as the previous year.

96. From NYS DOT, notification dated August 9, 2021, the quarterly payment under the Statewide Mass Transportation Operating Assistance (STOA) program has been processed for \$6,255.20 for the time period April 2021 through June 2021.

97. From the Halpin Firm, dated August 19, 2021, notice of Public Hearing: Application of NY Lodi I, LLC to Seneca County IDA for financial Assistance in connection with the acquisition of a leasehold interest in property located at 1877 Halsey Lane, Town of Lodi, Seneca County to construct a solar farm for the generation of approximately five MWac of electricity to interconnect with the existing NYSEG electric grid.

98. From The Halpin Firm, dated August 19, 2021, notice of Public Hearing; Application of Trelina Solar Energy Center, LLC to Seneca County IDA, for Financial Assistance in connection with approximately 1,067 acres, including approximately nineteen separate tax parcels, located on or in the vicinity of Packwood road, Serven Road and Pre-Emption Road in the Town of Waterloo to construct a solar farm for the generation of approximately 79.5 to 80 MWac of electricity for interconnection with the existing NYSEG electric grid.

99. A copy of Greene County Resolution No. 194-21, "Urging NYS to Complete and Settle Prior Year's Enhance Federal Medicaid Assistance Program (EFMAP) Reconciliation, and Compensate Green County according to Federal Requirements."

100. A copy of Seneca County IDA June 3, 2021 meeting minutes.

101. Seneca County Tourism Promotion Agency (TPA) Quarterly Report.

RESOLUTIONS & MOTIONS

**SENECA COUNTY BOARD OF SUPERVISORS TO ADOPT COUNTY EQUALIZATION
RATES FOR 2022 COUNTY TAX APPORTIONMENT PRIOR TO NOVEMBER 15 OF 2021**

RESOLUTION NO. 183-21, moved by Sprvr. Reynolds, second by Sprvr. Enslow and adopted.

WHEREAS, Certified Equalization Rates for the Final 2021 Assessment Rolls have been received from the NYS Board of Real Property Tax Services for 2022 County taxation; and

WHEREAS, the Equalization Rates are as follows:

Covert	95.00	Romulus	64.00
Fayette	100.00	Seneca Falls	85.00
Junius	100.00	Tyre	100.00
Lodi	64.00	Varick	69.00
Ovid	64.00	Waterloo	88.00

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And

WHEREAS, the Finance, Assessment & Insurance Standing Committee reviewed and approved this resolution at the August 24, 2021 meeting; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby adopt the above County Equalization Rates supplied by the New York State Board of Real Property Tax Services for 2022 County Tax apportionment in accordance with Section 840 of the Real Property Tax Law.

**BOARD OF SUPERVISORS AUTHORIZES AMENDMENTS TO 2021 SENECA COUNTY
BUDGET**

RESOLUTION NO. 184-21, moved by Sprvr. Reynolds, second by Sprvr. Garlick Lorenzetti 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 August 24, 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 Road Construction Budget adjustment				
405110 51100	Maintenance Salary	Decrease	Expenditure	\$9,900
405110 51300	Overtime	Decrease	Expenditure	\$600
405110 58100	Retirement	Decrease	Expenditure	\$1,900
405110 58300	Social Security	Decrease	Expenditure	\$800
405110 58400	Workers Compensation	Decrease	Expenditure	\$250
405110 58600	Hospitalization	Decrease	Expenditure	\$4,500
405110 58700	Medicare	Decrease	Expenditure	\$200
405112 51100	Road Construction Salaries	Increase	Expenditure	\$9,900
405112 51300	Overtime	Increase	Expenditure	\$600
405144 58100	Retirement	Increase	Expenditure	\$1,900
405144 58300	Social Security	Increase	Expenditure	\$800
405144 58400	Workers Compensation	Increase	Expenditure	\$250
405144 58600	Health Insurance	Increase	Expenditure	\$4,500
405144 58700	Medicare	Increase	Expenditure	\$200
Note 2: Emergency Disaster Budget adjustment				
10 3599	General Fund Balance	Decrease	Fund Balance	\$130,932
108760 51100	Emerg Disaster Full Time	Increase	Expenditure	\$85,000

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108760 51200	Part Time	Increase	Expenditure	\$2,500
108760 54700	Contractual	Increase	Expenditure	\$5,132
108760 58100	Retirement	Increase	Expenditure	\$13,000
108760 58300	Social Security	Increase	Expenditure	\$5,100
108760 58400	Workers Comp	Increase	Expenditure	\$1,700
108760 58600	Health Insurance	Increase	Expenditure	\$17,300
108760 58700	Medicare	Increase	Expenditure	\$1,200
Note 3: LEC Overtime Budget adjustment				
103150 51100	Salaries Full Time	Decrease	Expenditure	\$200,000
103151 54350	Medical Expenses	Decrease	Expenditure	\$50,000
Note 4: Mental Health Budget adjustment				
103150 51300	Overtime	Increase	Expenditure	\$250,000
104320 51100	Salaries Full Time	Decrease	Expenditure	\$14,000
104320 54350	Medical Fees	Increase	Expenditure	\$14,000
Note 5: Extension Service Budget adjustment				
102490 54700	Community College	Decrease	Expenditure	\$20,000
108790 54700	Cooperative Extension	Increase	Expenditure	\$20,000
Note 6: Worker's Compensation Budget adjustment				
601720 54700	Contractual Reserve	Decrease	Expenditure	\$33,200
601720 54200	Medical	Increase	Expenditure	\$10,000
601720 54440	Mileage	Increase	Expenditure	\$6,400
601710 54560	Excess Insurance	Increase	Expenditure	\$16,800
Note 7: Water & Sewer Capital Project Budget adjustment				
33 3599	Sewer 2 Fund Balance	Decrease	Fund Balance	\$7,837.33
338310 59950	Interfund Trfr to CP	Increase	Expenditure	\$7,837.33
808110 52000 SWR2	Sewer 2 Capital Project	Increase	Expenditure	\$7,837.33
808110 45034 SWR2	Interfund Trfr Revenue	Increase	Revenue	\$7,837.33

SUPERVISORS APPROVE JANICE CREAMER CONTRACT AMENDMENT

RESOLUTION NO. 185-21, moved by Sprvr. Enslow, second by Sprvr. Borst and adopted.

WHEREAS, the Department of Mental Health entered into a 2021 service contract with Janice Creamer, LCSW for provision of clinical services to Medicare recipients; and

WHEREAS, an additional three hundred and fifty (350) contract hours are needed to support clinic demand for services to Medicare recipients for the remainder of the 2021 budget year; and

Mental Health 104320.54350	Total Contract Amount (\$)	Rate (\$)	Hours
Janice Creamer	33,960	40	849

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WHEREAS, this would increase the current contract by \$14,000 from \$19,960 to \$33,960; and
WHEREAS, the increased hours would be supported by collection of medical fees; and
WHEREAS, these contracts were approved by the Mental Health Standing Committee reviewed and approved this resolution on August 24, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the County Manager to sign the contract amendment for Janice Creamer; and, be it further

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Finance Department to pay Janice Creamer, as contracted, when duly appropriated.

CONTRACT WITH UNIFIED COURT SYSTEM FOR CLEANING AND MINOR REPAIRS

RESOLUTION NO. 186-21, moved by Sprvr. Trout, second by Sprvr. Brownell and adopted.

WHEREAS, Seneca County has a five year agreement with the Unified Court System(UCS) for Court cleaning and minor repairs of the Courthouse located at 48 West Williams Street, Waterloo, New York; and

WHEREAS, the agreement requires an annual renewal to establish the maximum amount to receive reimbursements from UCS and the renewal period will be retroactive to April 1, 2021 through March 31, 2022; and

WHEREAS, the third year of the agreement will allow for a maximum reimbursement of \$161,596 from UCS for the State fiscal year 2021-2022; and

WHEREAS, the current 2021 budget is below this maximum amount not anticipating the approval of the dome maintenance; and

WHEREAS, the Public Works Standing Committee approved this resolution at its meeting on August 24th, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the County Manager to sign the renewal agreement between the Unified Court System and the County of Seneca for Court Cleaning and Minor Repairs at the Seneca County Courthouse located at 48 West Williams Street, Waterloo, NY 13165; and be it further

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

SUPERVISORS AUTHORIZE SENECA COUNTY COURTHOUSE DOME COATING

RESOLUTION NO. 187-21, moved by Sprvr. Trout, second by Sprvr. Garlick Lorenzetti and adopted.

WHEREAS, the dome at the Seneca County Courthouse, located at 48 W. Williams St., Waterloo, New York is in need of re-coating; and

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WHEREAS, Garland/DBS, Inc., located at 3800 East 91st Street, Cleveland, Ohio, 44105 has secured bids through the U.S. Communities/OMNIA Purchasing Agreement; and

WHEREAS, the lowest and most responsible bid in the amount of \$145,053 was received from C.J. Marly Construction, Inc. 4701 N. Street Road, Marcellus, N.Y. 13108; and

WHEREAS, New York State Unified Court System will reimburse Seneca County \$33,507.00; and

WHEREAS, a budget transfer will be necessary to fund the remainder of the cost with a portion funded from Contingency; and

WHEREAS, the Public Works Standing Committee reviewed and approved this resolution at its August 24, 2021 committee meeting; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes the Seneca County Manager, Mitch Rowe, to sign the contract agreement with Garland/DBS giving permission to have C.J. Marly Construction to proceed with the coating of the Seneca County Courthouse dome; and be it further

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

101620 54120 THRBR	Building Expense	Decrease	Expenditure	\$65,000
101620 43021 CHSE	State Aid Court Facilities	Increase	Revenue	\$33,507
101990 54700	Contingency	Decrease	Expenditure	\$46,546
101620 52002 CHSE	Building Renovations	Increase	Expenditure	\$145,053

And be it further

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

**REQUEST PROPOSALS FOR PROFESSIONAL ENGINEERING SERVICES
FOR SENECA COUNTY SOLID WASTE MANAGEMENT PLAN**

RESOLUTION NO. 188-21, moved by Sprvr. Trout, second by Sprvr. Kronenwetter and adopted.

WHEREAS, Seneca County realizes the importance and requirement to have a Solid Waste Management Plan; and

WHEREAS, this resolution has been reviewed and approved by the Public Works Standing Committee on August 24, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors hereby directs the County Manager to prepare and issue a Request for Proposal (RFP) from qualified entities to develop a Solid Waste Management Plan for Seneca County.

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**REQUEST PROPOSALS FOR PROFESSIONAL ENGINEERING SERVICES
FOR SENECA COUNTY**

RESOLUTION NO. 189-21, moved by Sprvr. Trout, second by Sprvr. Hayes and adopted.

WHEREAS, Seneca County realizes the importance and necessity to have engineering services available as infrastructure and facility needs dictate; and

WHEREAS, this resolution has been reviewed and approved by the Public Works Committee on August 24, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors hereby directs the County Manager to prepare and issue a Request for Proposal (RFP) from qualified engineering firms to provide said services to Seneca County.

**A RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW G OF 2021, “A LOCAL LAW
TO ESTABLISH THE SENECA COUNTY WATERSHED PROTECTION LAW”; AND
ADVERTISE FOR PUBLIC HEARING**

RESOLUTION NO. 190-21, moved by Sprvr. Kronenwetter, second by Sprvr. Trout and adopted by 569 ayes (Kronenwetter, Trout, Reynolds, Garlick Lorenzetti, Barnhart, Borst, Hayes, Lott, Hayssen, Cleere); and 181 nays (Brownell, Ferrara, McGreevy, Enslow).

WHEREAS, there is a need to protect the waterbodies, watersheds, and drinking water sources in the county from residential wastewater containing harmful bacteria, viruses, and excess nutrients; and

WHEREAS, there is a need to help prevent people from unknowingly purchasing properties with a septic system that is failing or that is likely to fail; and

WHEREAS, there is a desire to bring Seneca County in-line with other municipalities in the region and across NYS that have enacted septic system inspection laws or regulations in recent years; and

WHEREAS, there is a need to standardize a set of minimum requirements for septic inspections within the county so that buyers and sellers alike know what to expect; and

WHEREAS, this Resolution was approved by the Environmental Affairs Standing Committee on August 24, 2021; now, therefore be it

RESOLVED, that proposed Local Law G of 2021 titled, “Local Law to Establish the Seneca County Watershed Protection Law” is hereby introduced before the Board of Supervisors of the County of Seneca to read substantially as set forth herein; and be it further

RESOLVED, that the County Board hold a public hearing on said proposed Local Law at the Papa Bear Building, Three Bears Complex, Main Street, Ovid, NY at or about 6:00 P.M., on October 12, 2021; and, be it further

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

LOCAL LAW ESTABLISHING THE SENECA COUNTY WATERSHED PROTECTION LAW

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ARTICLE I

DEFINITIONS AND GENERAL PROVISIONS

SECTION 1. TITLE

The rules and regulations contained herein together with duly enacted amendments or additions thereto shall be known as the “Seneca County Local Law No. 7 of the year 2021”, to be known as the Seneca County Watershed Protection Law”.

SECTION 2. REPARABILITY CLAUSE

In the event that any section, paragraph, sentence, clause or phrase of this Local Law shall be declared unconstitutional or invalid for any reason, the remainder of said Local Law shall not be affected thereby and shall remain in full force and effect.

SECTION 3. APPLICABILITY

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1. The design, construction, operation and maintenance of wastewater treatment systems located wholly or partially within Seneca County, with the exception of municipal owned wastewater treatment plants permitted by New York State Department of Environmental Conservation, shall be subject to the requirements of this article. The requirements of this article are in addition to, and not in lieu of, the requirements for wastewater treatment systems set forth in 10 NYCRR Appendix 75-a of Part 75.
2. Systems located outside Seneca County shall not be subject to the requirements of this article.
3. This article does not apply to those properties using public sewer systems.
4. Whenever a conflict exists between this local law or State Sanitary Code rules and regulations, the more restrictive provisions shall apply.
5. Private surface and subsurface drainage pipes on a parcel of property bordering the mean high-water mark of Cayuga Lake and Seneca Lake, as well as the local canal system, that have the potential to carry wastewater/septic tank effluent or contribute to high coliform counts in both lakes and the canals are subject to this article.

SECTION 4. INSPECTION GENERALLY

1. All premises covered by the regulations of this Local Law shall be subject to inspection by the Director or any official representative thereof and if any violation of the Local Law exists on said premises, any permit granted therefore by the Director may be suspended forthwith.
2. No person shall refuse to allow the Director or any official representative thereof to inspect fully and freely any and all premises, and no person shall molest or resist the Director or any official representative thereof in the discharge of his or her duties.

SECTION 5. VIOLATIONS AND PENALTIES

1. For any violation of this local law, fines or penalty by the Board of Health shall be pursuant to the provisions of the New York State Public Health Law.
2. The Public Health Law guarantees you the right to a hearing before any further action is taken. You are entitled to have an attorney represent you at the hearing. If you do not appear at the hearing, the hearing will be conducted in your absence and any decision will be based on the evidence presented at the hearing.
3. Fines shall not exceed \$2,000, per violation. Further conditions or terms may be ordered.
4. A decision of the Board of Health may be appealed by filing of an Article 78 in Seneca County Supreme Court.

SECTION 6. POWERS OF AUTHORITY AND REGULATORY OFFICERS

JURISDICTION:

1. The provisions of the Local Law shall be in force throughout Seneca County and shall be supplemental to the regulations, rules, and orders of the State Local Law, Public Health Law, and other New York State Laws relating to public health and shall, as to matters to which it refers, and in the territory prescribed therefore by law, be deemed to supersede all local ordinances heretofore or hereafter enacted inconsistent therewith.
2. Nothing herein contained shall be construed to restrict or abrogate the authority of any city, village or town in Seneca County to adopt and enforce additional ordinances or to enforce existing ordinances not less restrictive than nor inconsistent with provisions of this local law.

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SECTION 7. FEES

The Seneca County Health Department, with the approval of the Board of Supervisors, shall establish standard fees provided for under this local law as a part of the Environmental Services Fee Schedule. Said Schedule may be reviewed and amended by resolution of the Board of Supervisors as determined in the future. Said fees include the following, which will be in effect as of April 1, 2022:

1. Construction permit needed to comply with Article II.
2. Initial inspector's course fee to comply with Article III.
3. Triennial inspector re-certification fee to comply with Article III.
4. Annual Business Permit fee for all persons installing and constructing wastewater treatment systems to comply with Article II, Section 2.
5. Copies will be pursuant to rates allowed set by Freedom of Information Law (FOIL) and regulation.
6. Discharge Permit to comply with Article II.

SECTION 8. EFFECTIVE DATES

Except as may otherwise be specified herein every rule, regulation and provision of this Local Law shall take effect on the first day of April 2022.

SECTION 9. DEFINITIONS

Whenever used in this code, unless otherwise expressly stated:

1. "Health Department" means the Seneca County Health Department.
2. "Board of Health" means the Board of Health of the Seneca County Health Department.
3. "Director" means the Director of Health of the Seneca County Health Department.
4. "Local Law" means the "Seneca County Local Law No. X of the Year 2021" which comprises the rules, regulations, orders and directions now or hereafter formulated, promulgated and adopted by the Board of Health of the Seneca County Health District pursuant to the Public Health Law of the State of New York.
5. "Person" means an individual, group of individuals, firm, corporation, association, company, partnership, institution or public body including but not limited to municipality, town, village or school district.
6. "Permit" means any written approval issued by the Director of Environmental Services or by the Director of the Seneca County Health Department.
7. "Official Representative" means an employee of the Seneca County Health Department acting for or on behalf of the Director and includes the plural as well as the singular.
8. "Absorption device" means any structure that is designed to distribute wastewater or effluent into the soil by means of a network of pipes.
9. "Absorption field" means an area to which wastewater or effluent is distributed for infiltration to the soil.
10. "Absorption trench" means a long narrow area which includes a pipe for the distribution of septic tank/wastewater treatment effluent.
11. "Aggregate" means washed gravel or crushed stone, ¾" to 1 ½ "diameter.
12. "Base Flow" means any visible, sustained, or fair weather run-off.
13. "Cleanout" means an opening providing access to wastewater treatment systems or components thereof which allows for the cleaning or purging of materials and

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obstructions.

14. “Coliform Bacteria” – A group of bacteria predominantly inhabiting the intestines of man or animal, but also occasionally found elsewhere. It includes all aerobic and facultative anaerobic, gram-negative, non-spore-forming bacilli that ferment lactose with production of gas. Also included are all bacteria that produce a dark, purplish-green colony with metallic sheen by the membrane- filter technique used for coliform identification. The two groups are not always identical, but they are generally of equal sanitary significance.
15. “Design Flow (DF)” – means the highest expected volume of wastewater, expressed in gallons, which will pass through a wastewater treatment system in a twenty-four hour period normally occurring during periods of greatest use.
16. “Discharge” means the addition of wastewater or effluent onto the ground or into a watercourse of Seneca County and includes the accidental or intentional spilling, release, leaking, pumping, pouring, emitting, emptying or dumping of wastewater or effluent onto the ground or into a watercourse of Seneca County.
17. “Distribution device” means a structure used to distribute wastewater to distribution lines.
18. “Effluent” – Treated wastewater that flows from a septic system or any other treatment process.
19. “Emergency repairs” means repairs designed to prevent or abate an imminent threat to ground or surface water quality, or the public health, safety or welfare, caused or about to be caused by wastewater.
20. “Existing standards” means those standards established for existing wastewater treatment systems.
21. “Existing system” means a system placed in operation or approved by the Seneca County Health Department pursuant to a local sanitary code.
22. “Failure” or “system failure” means a wastewater treatment system:
 - i. That discharges wastewater onto the surface of the ground or into a watercourse of Seneca County; or
 - ii. Those has sustained a cracked or broken tank, distribution box, leach line or pipe, or has a malfunctioning pump or other component of such system, which causes or is likely to cause discharge to the ground surface, or pollution of the waters of Seneca County.
23. “Fecal Coliform” – the presence of fecal coliform organisms in a water sample indicates recent and possibly dangerous pollution. Fecal coliforms frequently have been proposed as a more specific and reliable indicator of fecal pollution than the broader coliform group.
24. “Final Grade” – means the elevation that ground will have at the conclusion of cutting, filling, or other site work.
25. “Fill system” or “cut and fill system” means any wastewater treatment system where earth is removed or cut and replaced or filled with a suitable soil.
26. “Greywater” means household wastewater without toilet wastes.
27. “Groundwater” means soil moisture occupying a zone of saturated soil.
28. “Licensed Design Professional”: means a Professional Engineer, Registered Architect, or a Licensed Land Surveyor with an exemption for minor engineering.
29. “Mean High Water for Cayuga Lake” shall be defined as USGS elevation 383.05 ft.
30. “Mean High Water for Seneca Lake” shall be defined as USGS elevation 448 ft.
31. “Percolation test” means a standard Health Department procedure for testing soil permeability to determine the proper wastewater application.

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32. "Raised system" means any wastewater treatment system involving earth fill above natural existing ground level.
33. "Repair" means to fix, mend or replace in kind a component or components of a wastewater treatment system without altering its original design or operation.
34. "SCHD" means Seneca County Health Department.
35. "Seepage pit" means a covered underground pit with a permeable lining that permits infiltration of effluent to the surrounding soil.
36. "Sewage" shall have the same meaning as wastewater.
37. "Sewer" means a closed conduit or pipe designed to transport wastewater or effluent.
38. "SPDES permit" shall mean a valid State Pollutant Discharge Elimination System permit issued by the New York State Department of Environmental Conservation.
39. "Surface water" – see watercourse.
40. "System" shall have the same meaning as wastewater treatment system.
41. "Tributary" means a flowing natural stream which empties into a designated lake or canal, either directly or by flowing into another water course that empties into a designated lake or canal.
42. "Wastewater" means human or household wastes, or combination thereof, with water which is discharged to the home plumbing system or to the plumbing of a business, the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, the water-carried waste from any other fixture or equipment or machine, with or without the admixture of industrial waste.
43. "Wastewater treatment system" means the complete system of piping, tanks or other facilities for the collection, treatment, and disposal of wastewater.
44. "Watercourse" means any surface water path, river, stream, creek, spring, pond, lake, wetland, or natural or man-made depression that is sustained primarily through base flow, or any water body of any kind designated by the New York State Department of Environmental Conservation.
45. "Water Front Property" shall mean any parcel of land to which any portion is within 250 feet of the Mean High Water Mark of either Seneca Lake, Cayuga Lake, or within 250 feet of the approximate edge of the flowing water course of the Seneca Cayuga Canal, Erie Canal or Clyde River bordering Seneca County.
46. Watercourse shall not include drainage areas which contain water only during and immediately after a rainstorm.
47. "Watershed" shall mean the entire drainage area contributing to a body of water.
48. "Watershed Protection Agency" shall mean the agency established by the Seneca County Board of Supervisors to administer & enforce the Watershed Protection Law.

ARTICLE II

SEWAGE DISPOSAL – WASTEWATER TREATMENT SYSTEMS

SECTION 1. PROHIBITIONS

1. No person shall discharge wastewater within Seneca County except in accordance with permits issued pursuant to the provisions of this local law, and in conjunction with § 3B-07, Seneca County Sewer Use Law, Local Law 3 of 2019, amended by Local Law 2 of 2021, which requires connection to a public sewer treatment system if the property boundary is within 100 feet of an existing public sewer line.

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2. No person shall build, erect, construct, expand, repair, modify, enlarge or convert to another use any structure or system that will or may increase the amount of wastewater that is generated, that is subject to the provisions of this article and involves the discharge of waste-water within Seneca County without obtaining the requisite approval and permits from the Seneca County Health Department.
3. No person shall operate a wastewater treatment system or occupy a building which is serviced by a wastewater treatment system within Seneca County when such system discharges wastewater or sewage to the surface of the ground.
4. Notwithstanding any other provision of this article or any permit issued pursuant thereto, no person shall discharge, cause, or allow to be discharged, sewage or wastewater onto the surface of the ground, or into a watercourse without a permit from the New York State Department of Environmental Conservation.
5. No wastewater treatment system shall be installed, extended or altered on property accessible to a municipal sewage disposal system (sanitary sewer) unless it is done in express written compliance with Local Law Number 3 of the year 2019, as amended (Seneca County Sewer Use Law).
6. Any violation of these prohibitions herein is subject to the enforcement provisions set forth in the Local Law.

SECTION 2. REGISTRATION OF INSTALLERS

1. As of April 1, 2022 all persons or corporations engaged in the business of constructing or installing septic tank/wastewater treatment systems shall obtain a business permit from the Seneca County Health Department before constructing, or installing wastewater treatment systems. The business or person shall file an application with the Health Department on a form furnished and prescribed by the Department and pay a business permit fee set forth the by the SCHD. The applicant shall certify in the application that they are familiar with these provisions and that their permit may be revoked by the Seneca County Health Department or Seneca County Board of Health after a hearing if the applicant is found to have violated the law.
2. Any person who fails or refuses to register prior to performing any installation or maintenance to any element of a wastewater treatment system shall be subject to the penalties set forth in this law.
3. Registration information will be reviewed and updated annually.
4. All persons required to re-register must re-register annually. All persons having properly registered will be shown on a list to be provided to home or business owners upon request.
5. The list will not reflect any person's competency in the performance of their work nor will it reflect any coverage of the NY State Workers Compensation Law and Disability Benefits Law from those persons required to meet those requirements.
6. All systems must be installed by a registered installer. Property owners wishing to install their own systems must still obtain and comply with the installation permit process and request an exception to this requirement. The property owner must have written approval of the SCHD before commencing work.

SECTION 3. PERMITS GENERALLY

1. **Application for Wastewater Treatment System Installation Permit:**

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- i. As of the effective date of this local law, prior to the installation of a new or replacement wastewater treatment system, an application for a permit shall be made on a form prescribed by the Seneca County Health Department and available from the Director and shall be signed by the applicant who shall be the person, or authorized agent thereof, responsible for conformance to the laws and codes and the conditions of the permit applied for, as well as payment of all required fees.
- ii. Such application shall contain such data and information and be accompanied by such plans as may be required by the Director.

2. Issuance:

- i. A permit shall be issued by the Director to the person, or authorized agent thereof, responsible for conformance to the conditions of the permit upon a finding that the application conforms to the applicable laws, rules and regulations. Only persons who comply with the requirements of the Local Law, the rules, regulations and standards adopted by the Board of Health, the Public Health Law and State Local Law shall be entitled to receive such permit.
- ii. A permit issued to a particular person or for a designated place, purpose or vehicle shall not be valid for use by any other person or for any other place, purpose or vehicle than that designated therein. A permit shall not be transferable or assignable.
- iii. A permit may contain general and specific conditions and every person who obtains a permit as herein required shall conform to the conditions prescribed in said permit and to the provisions of the Local Law. Every such permit shall expire as stated on the permit, if an expiration date is so indicated, and may be renewed by the Director.
- iv. All permits issued hereunder shall remain the property of the Health Department and shall, on demand, be surrendered to the Director or to an official representative of the Director whenever such permit expires, is suspended or revoked.
- v. Permits issued for Water Front Property as defined in this local law shall be for a period not to exceed five (5) years.
- vi. Permits issued under other provisions of this local law shall be valid for an initial indefinite period, subject to the provisions of Section 4(C) "Property Transfer/Change of Ownership".

3. Suspension or Revocation of Permit:

A permit may be suspended for cause by the Director or suspended as provided for in (Article I, Section 4) of the Local Law, or revoked by the Director after giving the person due notice and an opportunity to be heard.

**SECTION 4. REQUIRED DISCHARGE PERMIT AND INSPECTION REPORT
– WATER FRONT PROPERTY AND PROPERTY OWNERSHIP CHANGES**

1. DISCHARGE PERMIT:

The Discharge Permit and Inspection Report process contemplated by this local law shall apply to any parcel of property, not otherwise connected to a municipal sewer collection system, and

- i. "Waterfront Property" shall mean any parcel of land to which any portion is within 250 feet of the Mean High Water Level of either Seneca Lake, Cayuga Lake, or within 250 feet of the approximate edge of the flowing water course of the Seneca Cayuga Canal, Erie Canal or Clyde River bordering Seneca County.

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- ii. Any transfer or change of ownership, as recorded in the Office of the Seneca County Clerk by way of deed, patent, will, or other lawful indicial of change of ownership or title to said parcel of real property.

2. WATERFRONT PROPERTY:

All existing wastewater treatment systems under the criteria of Section 4(A) 1 above must have a completed inspection report and a permit to discharge pursuant to the schedule set forth below. The inspection results shall be submitted to the Health Department on a form supplied by or approved by the Seneca County Health Department. Inspections are hereby required by November 1 each year in accordance with the following schedule:

2022 and every 5 years thereafter	Properties within the Towns of: Fayette and Ovid
2023 and every 5 years thereafter	Properties within the Towns of: Lodi and Seneca Falls
2024 and every 5 years thereafter	Properties within Towns of: Covert and Waterloo
2025 and every 5 years thereafter	Properties within Towns of: Varick and Romulus
2026 and every 5 years thereafter	Properties within the Towns of: Junius and Tyre

3. PROPERTY TRANSFER/CHANGE OF OWNERSHIP:

As of the effective date of this local law, any parcel of real property located in Seneca County, must, prior to recording any change in ownership or title as set forth in Section 4(A) 2 above must provide proof to the SCHD on a form provided by the SCHD that the following actions and inspections have occurred and that the system meets the requirements of the SCHD as follows:

- i. Prior to or at the time of any property transfer, all wastewater treatment system(s) shall be inspected by a Seneca County certified inspector, and such required report shall be filed with the Seneca County Health Department.
- ii. Following the initial inspection, the septic or holding tanks must be pumped out by a New York State Department of Environmental Conservation licensed waste hauler; unless documentation can be furnished that the system has been otherwise pumped out by a licensed hauler within the last twelve months prior to the date of transfer.
- iii. Upon satisfactory inspection and pump out, a report certifying the above actions shall be filed with the Seneca County Health Department;
- iv. If a lending institution requires a property owner to obtain a wastewater treatment system

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inspection, and pumping of septic or holding tank for refinancing, such reports, completed by a Seneca County certified inspector shall be filed with the Seneca County Health Dept.

4. INSPECTION REPORT REQUIREMENTS:

- ii. Due to inadequate design, maintenance or operation, all wastewater treatment systems have the potential to contribute pollution and harmful nutrients to tributaries and thereby to the waters of Seneca County. These wastewater treatment systems shall be inspected by a person certified by the Seneca County Health Department.
- iii. The inspection report shall be on a format provided by the Seneca County Health Department and shall cover the following items:
 - a. The location of the wastewater treatment system, including the street address and tax map, block, and lot numbers of the parcel of property.
 - b. A general description of the wastewater treatment system, including sizes, dimensions and sketch of the system, when data or information is available.
 - c. The date(s) of system construction and subsequent repairs, modifications or alterations.
 - d. A listing of the wastewater generating fixtures which discharge to the system, including their location by street address, tax map, block and lot numbers.
 - i. A description of the occupancy and annual use of the system, including periods of maximum use. A listing of the distances separating the applicant's seepage pits, disposal fields, and leaching facilities from adjacent wells, watercourses and property lines, if known.
 - ii. For a system with a valid State Pollution Discharge Elimination System (SPDES) permit, a copy of the current permit.
 - iii. Other information as may be necessary to evaluate the application by the Seneca County Health Department.
 - iv. The filed inspection report shall include a general description of the wastewater treatment system, including sizes and dimensions when available, without subsurface exploration or special technical assistance. Engineering plans, reports or specifications shall not be required to be prepared for inspection reports, but if existing, their submission may be required.

5. RIGHT OF ACCESS:

- i. The Health Department or its duly authorized representative bearing proper credentials and identification shall be permitted to enter upon any parcel of property covered by the regulations of the local law for the purpose of inspecting wastewater treatment systems and soil conditions and may collect data, take samples and conduct other investigations reasonably related to gathering information on the wastewater management and related systems in accordance with provisions of this local law.
- ii. Whenever entry is refused the regulatory officer shall submit to the proper authorities such evidence as is necessary to justify entry upon said properties or premises such as to obtain a court order to perform the discharge of the Watershed Protection Agency's duties.
- iii. No person shall molest, assault, or resist any regulatory officer of the Watershed Protection Agency or their assistants in the lawful discharge of their duties.

SECTION 5. ISSUANCE OF A PERMIT TO DISCHARGE FROM AN EXISTING WASTEWATER TREATMENT SYSTEM

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- 1) After an inspection report has been duly filed and the Health Department has accepted the inspection report as complete, the Health Department shall issue a permit to discharge, unless the Health Department determines that the system has failed. The Health Department shall issue a permit to discharge from a wastewater treatment system for a term of up to five years when and if the following conditions have been satisfied:
 - i. A complete inspection report has been filed, and
 - ii. There is no evidence of system failure during testing and operation of the system, and
 - iii. There are no known or identifiable system overflow points, and
 - iv. All mechanical and electrical components are maintained in good working order, and
 - v. Any expansion in size or increase in use of the buildings or wastewater generating fixtures connected to the subject wastewater treatment system shall require approval of plans by the Health Department and will require a permit for construction of a new or modified wastewater treatment system in accordance with this law.
- 2) **TIME FOR COMPLIANCE/VARIANCE:**
 - i. Where it is determined by the Health Department that the minimum standards for issuance of a permit to discharge cannot initially be met, the Health Department may direct the owner of the system to undertake specific repairs, alterations or modifications to the system and to comply with a time schedule established by the Health Department to plan, select and construct a new wastewater treatment system based on health or water quality considerations to replace the existingsystem.
 - ii. The Health Department may issue an order requiring repair, alteration or modification of a wastewater treatment system to prevent the continued flow of wastewater onto the ground or into the waters of Seneca County. When such repairs are not undertaken within the time specified, the Health Department shall issue a notice of violation and may summon the property owner or responsible party to a Board of Health administrative hearing for enforcement. Repairs, alterations and modifications to all existing systems shall be in accordance with a plan reviewed and accepted by the Health Department except for such repairs, alterations and modifications ordered on an emergency basis.
- 3) **HARDSHIP/VARIANCE:**

As provided for in Section 7 below, when it would create undue hardship or under other special circumstances, the Health Department may:

 - i. Grant a variance in accordance with this article;
 - ii. Grant a special waiver of requirements for a period of time determined by the Health Department or within a geographic area determined by the Health Department; or
 - iii. Extend a prior permit to discharge with specific conditions which may include repair, modification or alteration of the wastewater treatment system.

SECTION 6. CONSTRUCTION OR MODIFICATION OF WASTEWATER TREATMENT SYSTEMS: REQUIREMENTS:

1. Construction of a new system or modification of an existing system located within Seneca County all require a review of plans and acceptance by the Seneca County Health Department, prior to construction.
2. The fee for a review of plans and acceptance by the Seneca County Health Department shall be as designated in the Seneca County Environmental Services fee schedule that is reviewed and duly adopted by the Seneca County Board of Supervisors, and shall be paid to the Seneca County Health Department upon the submission of plans.
3. An application for a review of plans and acceptance by the Seneca County Health

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Department shall be on Department approved forms and shall contain such information as shall be determined necessary for proper review by the Health Department.

4. New wastewater treatment systems must meet requirements of 10 NYCRR Appendix 75-A of Part 75 or obtain a variance.
5. All proposed systems for new residence home (domiciles) construction shall be designed to at least the minimum standards for a two bedroom residence as defined by 10 NYCRR Appendix 75-A of part 75.
6. Owners of existing wastewater treatment systems in need of repairs or modification shall be encouraged to meet 10 NYCRR Appendix 75-A of Part 75. Plans not meeting these sections of the code may be accepted based upon information and data submitted with the owner's authorization.
7. All site evaluations and preparation of plans for repair or replacement of wastewater treatment systems located in Seneca County shall be conducted and submitted with seal and signature of a licensed design professional (Professional Engineer, Registered Architect or Licensed Land Surveyor with an exemption).
8. Septic tank /wastewater treatment system replacement only shall require written notification of replacement including date, size, and conditions to the Health Department but not require a formally prepared plan. Any such proposed tank replacement shall be submitted on department approved forms.
9. Any pre-existing septic tank, holding tank, non-waterborne system or seepage pit must be pumped and filled with clean, inert material (such as clean soil or aggregate) within 10 days of the installation of a replacement system.

SECTION 7. VARIANCES

1. **STANDARDS** – An owner who experiences practical difficulty or unnecessary hardship because of the literal interpretation of the provisions of the Seneca County Local Law No. 7-2021 may request a hearing by the Variance Committee. The Variance Committee shall consist of three (3) persons appointed by the Board of Health, none of whom shall be an employee of the Seneca County Health Department.

The Variance Committee may recommend a variance from the requirements of this Article if the Variance Committee finds that the essential purpose of these regulations, namely the protection of public health and water quality, will be accomplished even if the variance is created. The Variance

Committee shall consider the following factors and make applicable findings regarding:

- i. Whether the use or activity to be authorized by the waiver or variance is in harmony with the purpose and intent of this Local Law.
- ii. Whether a substantial change will be produced in the general condition of the water quality or a substantial risk to groundwater quality or quantity will be created because of the variance.
- iii. Whether the hardship or difficulty can be alleviated by some other method that is feasible for the applicant to pursue.
- iv. Whether the variance requested is the minimum variance necessary to afford relief. To this end, the Variance Committee may recommend a lesser variance than that applied for.
- v. Whether the hardship or difficulty has been created by the applicant.

2. DETERMINATION BY VARIANCE COMMITTEE

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- i. The Variance Committee shall act on all requests within a reasonable time of receipt of a properly prepared variance application. If the request is not acted upon in a timely fashion, the old permit would continue to apply.
- ii. Every decision of the Variance Committee to approve, approve with conditions or deny a variance request shall be made in writing and served on the applicant and shall include findings made regarding the aforementioned applicable factors. All conditions shall be expressly set forth and the reasons for such conditions specified. Violations of the conditions of a variance shall be a violation of this Local Law.
- iii. The issuance of a variance shall not authorize the establishment or extension of any use nor the construction of any structure but shall merely authorize the filing of an application for any permit or approval that may be required.

VARIANCE APPLICATION PROCEDURE

Variance Application Procedure – Application for a variance shall be submitted to the Variance Committee at the office of the Seneca County Health Department by certified mail or personal delivery to the Health Department and shall contain at least the following information:

- i. The applicant’s name, address and his/her interest in the subject property; or the owner’s name and address, if different from the applicant, and the owner’s signed consent to file the application.
- ii. A narrative description of the proposed use or action together with any other pertinent information that may be necessary to adequately review the application.
- iii. A sketch plan illustrating all proposed site alterations, all structures exist on site, the existing uses and zoning of adjacent parcels, site contours and drainage patterns.
- iv. A statement articulating the hardship or difficulty imposed by the enforcement and administration of this Local Law with specific reference to the factors listed in this Article.
- v. A statement assessing the potential impact on water quality or the use or activity to be authorized by the waiver or variance.

**ARTICLE III
WASTEWATER INSPECTOR QUALIFICATIONS**

SECTION 1. QUALIFICATIONS

The minimum qualifications for an inspector shall be in addition to completing the required course and passing the test to insure knowledge of wastewater regulations and inspection procedures:

1. Professional Engineer, Registered Architects or Licensed Land Surveyor with certificate for minor engineering all of whom are licensed by New York State to design septic tank/wastewater treatment systems. (Note: Individuals in this group are not required to attend the SCHD initial wastewater system inspection course, but must comply with all other aspects of the local law, insurance, payment of the inspector’s re- certification fee, and conducting inspections using the protocol developed by the SCHD, at a minimum).
2. Seneca County water supply operators or sewage treatment plant operators
3. A person who has been in the business and supervising the installation of septic tank/wastewater treatment systems on a regular basis in Seneca County or adjoining county for five years.

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4. A person with special specific experience may submit their work experience to the Seneca County Health Department for review to determine if they meet a combination of the above qualifications or equivalent training and experience.
5. Satisfactorily completing a wastewater system inspection course approved by the Seneca County Health Department and be certified by the Seneca County Health Department.
6. Any person who is on the active listing of certified inspectors under the authority of the Cayuga County Sanitary Code shall be granted reciprocity and shall be eligible to become an inspector under this local law. These individuals are not required to attend the Seneca County Health Department initial wastewater system inspection course, but must comply with all other aspects of the local law, insurance, payment of the inspector's re-certification fee, and conducting inspections using the protocol developed by the Seneca County Health Department, at a minimum.

SECTION 2. REQUIREMENTS

1. In performing an inspection of a wastewater system, Seneca County Certified Inspectors shall follow the inspection protocol developed by the Seneca County Health Department.
2. The Seneca County Certified inspectors shall submit all completed inspections to the Seneca County Health Department within 30 business days of performing the inspection. All completed inspections indicating a failing wastewater system must be submitted within 3 days of performing the inspection.
3. Any violations of these requirements herein are subject to the enforcement provisions set forth within Local Law No. 7 of 2021 and may be grounds for revocation of the inspectors certification.

SECTION 3. CERTIFICATION AS WASTEWATER INSPECTOR

1. Any person seeking certification shall submit a written application on a form prescribed by the Seneca County Health Department and available from the Director.
2. Every person under Section 1 seeking certification shall complete a Wastewater System Inspection Course, approved by the Seneca County Health Department.
3. Each inspector shall be required to re-certify every three years from the date of their initial or last certification.
4. Each application for certification or triennial re-certification shall be accompanied by payment of such fee as established by the Seneca Health Department.

ARTICLE IV

HOME RULE AND SEPTIC/WASTEWATER TREATMENT DISPOSAL

SECTION 1. INTERFERENCE WITH NOTICES

No person shall remove, mutilate, deface or conceal any notice, sign or placard of the Health Department posted in or on any premises or public place. Such notice, sign or placard may be removed only by an official representative of the Director.

SECTION 2. SEPTAGE

Any septage or material pumped out from a septic tank or holding tank and discharged in Seneca County must be discharged to a New York State Department of Environmental Conservation permitted sewage treatment plant system.

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SECTION 3. HOME RULE

Whenever a town, village or city enacts a local law or regulation and such law or regulation meets the minimum requirements of this Local Law, the municipality may do the inspections as outlined in this Local law, and submit the results to the Health Department for compliance with this Local Law.

Motion To Amend Main Motion Carried (set dated and time of public hearing):

Sprvr. Kronenwetter offered a motion, second by Sprvr. Ferrara, and carried by 422 ayes (Kronenwetter, Ferrara, Garlick Lorenzetti, Barnhart, Hayes, Lott, Hayssen), 328 nays (Reynolds, Brownell, Borst, McGreevy, Trout, Cleere, Enslow) to amend the main motion by replacing the current title of the proposed local law to read, “A Local Law to Establish the Seneca County Watershed Protection Law” and to set the date and location for the public hearing for October 12, 2021.

Sprvr. Trout said he would support the proposed local law if it limited the inspection to the lakes. Deputy Directory of Public Health Scott King explained that the inspections will be done on rolling schedule. They are routine inspections. He recommended to expand from the lake front to whole county because of water supply wells is one reason; and a huge amount of streams, more than 50% of the properties in south end of county have streams. Sprvr. Cleere suggested 250 ft and/or lake front properties and all properties transferred later. He and Sprvr. Borst expressed concern that the health department staff would be overwhelmed.

Motion To Amend Main Motion As Amended Carried (septic inspection 250 ft and/or lake front property only; other properties along Cayuga Lake transferred over later):

Sprvr. Cleere offered a motion, second by Sprvr. Trout and carried by 569 ayes (Cleere, Trout, Reynolds, Garlick Lorenzetti, Barnhart, Borst, Hayes, Kronenwetter, Lott, and Hayssen), 181 nays (Brownell, Ferrara, McGreevy and Enslow) to amend the main motion as amended by restricting inspections to property 250 ft. and/or lake front property only, and to add properties along Cayuga Lake eventually.

Discussion Resolution No. 190-21 as amended;

Sprvr. McGreevy pointed out that Amish don't have septic systems; they use outhouses. Then there are compost toilets. They continue to contaminate water. This is just another tax on our residents; pick and choose who has to get inspected and who doesn't.

Sprvr. Brownell suggested sending the proposed local law back to committee as there are too many unanswered questions, i.e. what is the cost for inspections and is there enough staff or will we be hiring more.

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The cost for a routine inspection is estimated around \$80.50. There is a \$250K grant available for Cayuga Lake property owners (not available for Seneca Lake). The only other grant available for septic is Bishop Sheen which covers large projects, and septic would be eligible; 60% grant funded / 40% property owner funded

AMEND RULES OF THE BOARD TO HOLD BOARD MEETING IN OVID

RESOLUTION NO. 191-21, moved by Sprvr. Garlick Lorenzetti, second by Sprvr. Borst and adopted.

WHEREAS, traditionally the Seneca County Board of Supervisors meets annually for a Board meeting in the Town of Ovid, New York; and

WHEREAS, this resolution was approved by the Government Operations Standing Committee on August 24, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby amend its Rules of Order to hold its board meeting on October 12, 2021 at 6:00 p.m. at the former courthouse in Ovid, New York, also known as, The "Papa Bear" Building.

**CONTRACT TO ACCEPT TECHNOLOGY INNOVATION & ELECTION RESOURCE (TIER)
GRANT FOR SENECA COUNTY BOARD OF ELECTIONS**

RESOLUTION NO. 192-21, moved by Sprvr. Garlick Lorenzetti, second by Sprvr. Barnhart and adopted.

WHEREAS, the New York State Capital Projects Budget authorized \$25,000,000, in the SFY 2021/22 budget; and

WHEREAS, of that, twenty million dollars is to establish a program to reimburse county Boards of Elections for actual expenses related to upgrades of software, technology updates and equipment, including but not limited to, the replacement of voting systems and equipment, absentee ballot scanners, mail processing equipment and infrastructure to protect the connectivity and security of county elections software, including assistance for areas unserved and underserved by broadband service; and

WHEREAS, Seneca County Board of Elections is eligible to receive \$31,369 for allowable and reasonable expenditures made between April 7, 2021 through January 27, 2023; and

WHEREAS, the Program has no local match requirement; and

WHEREAS, this resolution was approved by the Government Operations Standing Committee on August 24th, 2021; now, therefore be it

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

RESOLVED, that the Department of Finance is hereby authorized and directed to amend the

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2021 budget as follows with unused portions flowing into future years per the funding guidelines:

101450 43089 TIER	TIER Grant Program	Increase	Revenue	\$31,369
101450 54580 TIER	Election Supplies	Increase	Expenditure	\$31,369

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

**CONTRACT TO ACCEPT EARLY VOTING EXPANSION GRANT PROGRAM
FOR SENECA COUNTY BOARD OF ELECTIONS**

RESOLUTION NO. 193-21, moved by Sprvr. Garlick Lorenzetti, second by Sprvr. Barnhart and adopted.

WHEREAS, the New York State Aid to Localities Budget authorizes \$2 million for use by county boards of elections for early voting expansion; and

WHEREAS, an early voting expansion grant program is now established to assist County Boards of elections to expand early voting opportunities.

WHEREAS, Seneca County Board of Elections is eligible to receive \$16,678 for allowable and reasonable expenditures made between April 7th, 2021 through January 28th, 2022; and

WHEREAS, the Program has no local match requirement; and

WHEREAS, this resolution was approved by the Government Operations Standing Committee on August 24th, 2021; now, therefore be it

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

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

101450 43089 EVE	EVE Grant Program	Increase	Revenue	\$16,678
101450 54580 EVE	Election Supplies	Increase	Expenditure	\$16,678

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

**BOARD OF SUPERVISORS RESUME SENECA COUNTY UNIVERSAL MASK POLICY
EFFECTIVE IMMEDIATELY**

RESOLUTION NO. 194-21, moved by Sprvr. Garlick Lorenzetti, second by Sprvr. Barnhart and adopted by 419 ayes (Garlick Lorenzetti, Barnhart, Reynolds, Ferrara, Kronenwetter, Lott, Hayssen); and 331 nays (Brownell, Borst, Hayes, McGreevy, Trout, Cleere, Enslow).

WHEREAS, it is imperative during the renewed COVID-19 Pandemic to maintain proper social

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distancing measures in order to reduce potential spread of the virus; and

WHEREAS, the Government Operations Standing Committee met on September 14, 2021 and agreed that the Universal Mask Policy should be placed back in to effect; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby order the resumption of Policy #510.601- Seneca County Universal Mask Policy, effective immediately

**CONTRACT EXTENSION FOR PUBLIC DEFENSE CASE MANAGEMENT SYSTEM
MAINTENANCE AND SOFTWARE SUPPORT WITH NYS DEFENDERS ASSOCIATION, INC**

RESOLUTION NO. 195-21, moved by Sprvr. Brownell, second by Sprvr. Reynolds and adopted.

WHEREAS, the Seneca County Public Defender's Office has had a contract with New York State Defenders Association for case management system maintenance and software support since 2005; and

WHEREAS, this contract will expire October 3, 2021 unless a one year extension is approved; and

WHEREAS, the cost of the contract renewal is \$1,000.00; and

WHEREAS, funding is available for this contract renewal in budget line 101170-54221; and

WHEREAS, this resolution has been reviewed and approved by the Public Safety Standing Committee at its August 24th, 2021 meeting; now, therefore be it

RESOLVED, that the Chairman of the Seneca County Board of Supervisors is hereby authorized and directed to sign any and all documents necessary to extend the contract for Public Defense Case Management System Maintenance and Software Agreement between Seneca County Public Defender's Office and the New York State Defenders Association, subject to approval of the Seneca County Attorney.

SUPERVISORS AUTHORIZE THE PURCHASE OF MICROSOFT OFFICE 365

RESOLUTION NO. 196-21, moved by Sprvr. Cleere, second by Sprvr. Borst and adopted.

WHEREAS, the Seneca County email system, Exchange 2010, has reached its end of life and is no longer supported by Microsoft; and

WHEREAS, the Information Technology Department reviewed various options and after careful consideration it was determined that Dell Technologies offering of Microsoft Office 365 can provide the best service and most cost effective solution, for an amount not to exceed \$82,190.40 under New York State Contract PS68202 Group 7600 - Award 23116; and

WHEREAS, funding for this project is available in the 2021 Information Technology budget (Computer Licenses Account 101680-54221); and

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WHEREAS, this resolution has been reviewed and approved by the Technology Standing Committee on August 24, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors approves payment to Dell Technologies, Corp to provide and support a new email system to replace the aging System County wide; and be it further

RESOLVED, the Seneca County Board of Supervisors authorizes and directs the County Manager to sign any and all documents to enter into an agreement with Dell Technologies, Corp. for a new county email system.

**AUTHORIZE RECLASSIFICATION OF ONE FULL-TIME HUMAN RESOURCES
ASSISTANT TO PERSONNEL TECHNICIAN TRAINEE**

RESOLUTION NO. 197-21, moved by Sprvr. Ferrara, second by Sprvr. Barnhart and adopted.

WHEREAS, the Personnel Department, and the Personnel Officer, have identified the need to reclassify one full-time Personnel Technician Trainee; and

WHEREAS, the position will allow for the assistance of evaluation positions in the allocation of salary groups, salary surveys, reviewing applications for examination and/or appointment to positions, preparation and maintenance of organization charges, establishing and canvassing eligible lists, updating roster records and administering FMLA; and

WHEREAS, the position and new salary has been reviewed by the Director of Finance; and

WHEREAS, the position has been approved and reviewed by the Vacancy Committee and the Personnel Standing Committee on August 24, 2021; now therefore be it

RESOLVED, that the Board of Supervisors approve the creation and filling of one (1) Full-time Personnel Technician Trainee; 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.

CONTRACT WITH ROEMER WALLENS GOLD & MINEAUX LLP

RESOLUTION NO. 198-21, moved by Sprvr. Ferrara, second by Sprvr. Garlick Lorenzetti and adopted.

WHEREAS, Seneca County is party to a retainer agreement with the law firm of Roemer Wallens Gold & Mineaux LLP for labor contract negotiations and advice regarding labor laws and public relation concerns; and

WHEREAS, the current retainer agreement, at a cost of \$3,800 per month, expires on December 31, 2021; and

WHEREAS, the labor firm has proposed a subsequent retainer agreement at the cost of \$3,800

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per month for years 2022, 2023 and 2024; and

WHEREAS, Seneca County may terminate this agreement earlier than December 31, 2024 upon 30 days written notice; and

WHEREAS, the Personnel Standing Committee has reviewed and approved this resolution at its August 24, 2021 meeting; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors does hereby approve a retainer agreement with the law firm of Roemer Wallens Gold & Mineaux LLP from beginning on January 1, 2022 through December 31, 2024; and be it further

RESOLVED, the Seneca County Board of Supervisors does hereby authorize and direct the County Manager to execute all necessary contract documents upon the review and approval by the Seneca County Attorney.

**CONTRACT TO ACCEPT NYS DEPARTMENT OF HEALTH
TOBACCO ENFORCEMENT GRANT**

RESOLUTION NO. 199-21, moved by Sprvr. Borst, second by Sprvr. Hayes and adopted.

WHEREAS, the New York State Department of Health has awarded a grant to Seneca County for the Tobacco Enforcement Program; and

WHEREAS, the amount of this grant is \$27,294; and

WHEREAS, the award is for the period of April 1, 2021 through March 31, 2022; and

WHEREAS, this grant allows for county reimbursement for enforcement activities, education and prevention activities; and

WHEREAS, these grant funds are budgeted in the 2021 Environmental Health revenue in account 104011-43451 and these funds are used to support the budgeted Environmental Health salaries, fringe benefits and contractual account 104011-54708; and

WHEREAS, the Public Health Standing Committee has approved this grant award at its meeting on August 24th, 2021; now, therefore be it

RESOLVED, that the County Manager is hereby authorized and directed the contract with the New York State Department of Health for the Tobacco Enforcement Program Grant; and be it further

RESOLVED, that the Department of Finance is hereby authorized to amend the 2021 budget with unused portions flowing to future years per the funding guidelines; and be it further

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

CONTRACT TO ACCEPT NEW YORK STATE DEPARTMENT OF HEALTH

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WATER ENHANCEMENT GRANT

RESOLUTION NO. 200-21, moved by Sprvr. Borst, second by Sprvr. Barnhart and adopted.

WHEREAS, the New York State Department of Health has awarded the Seneca County Health Department \$92,849 for the period of April 1, 2021 through March 31, 2022 for the Water Enhancement Grant; and

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

WHEREAS, these funds are used to support the budgeted Environmental Health salaries, fringe benefits and contractual account line 10-4011-54709; and

WHEREAS, the Public Health Standing Committee has reviewed and approved this resolution at its meeting on August 24, 2021; now, therefore be it

RESOLVED, that the County Manager is hereby authorized and directed to sign a contract with the New York State Department of Health for the Water Enhancement Grant for the period of time April 1, 2021 through March 31, 2022 in the amount of \$92,849.; and be it further

RESOLVED, that the Department of Finance is hereby authorized to amend the 2021 budget with any unused portions flow into future years per the funding guidelines; and be it further

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

**CONTRACT WITH KAREN MILLER TO PROVIDE
SERVICES FOR THE PRE-SCHOOL PROGRAM**

RESOLUTION NO. 201-21, moved by Sprvr. Borst, second by Sprvr. Barnhart and adopted.

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

WHEREAS, there is a need for a Physical Therapist to meet the needs of children enrolled in this program; and

WHEREAS, Karen Miller of 5160 East Lake Road, Romulus, New York is available to provide these services; and

WHEREAS, the money is in the Public Health Budget 10-4149-54700; and

WHEREAS, the contract will expire on December 31, 2022 and Karen Miller will be compensated at the rate to not exceed \$55 per half hour session; and

WHEREAS, the Public Health Standing Committee has reviewed and approved this resolution on August 24, 2021; now, therefore be it

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RESOLVED, that the County Manager is hereby authorized and directed to sign a contract with Karen Miller to provide Physical Therapy services for the Pre-School Program.

**CONTRACT TO ACCEPT NEW YORK STATE DEPARTMENT OF HEALTH
IMMUNIZATION ACTION GRANT**

RESOLUTION NO. 202-21, moved by Sprvr. Borst, second by Sprvr. Ferrara and adopted.

WHEREAS, the New York State Department of Health has awarded the Seneca County Health Department \$31,050 for the period April 1, 2021 to March 31, 2022 for the administration of the Immunization Action Program Grant; and

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

WHEREAS, these grant funds are budgeted in the 2021 Health Department revenue under account 104010-43444 and these funds are used to support the budgeted Health Department salaries, fringe benefits and contractual account line 104010-54704; and

WHEREAS, the Public Health Standing Committee has reviewed and approved this resolution at its meeting on August 24, 2021; now, therefore be it

RESOLVED, that the County Manager is hereby authorized and directed to sign a contract with the New York State Department of Health for the Immunization Action Program Grant for the period April 1, 2021 to March 31, 2022 in the amount of \$31,050; 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; and be it further

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

**CONTRACT TO ACCEPT NEW YORK STATE DEPARTMENT OF HEALTH
COVID VACCINE RESPONSE GRANT**

RESOLUTION NO. 203-21, moved by Sprvr. Borst, second by Sprvr. Ferrara and adopted.

WHEREAS, the New York State Department of Health has awarded the Seneca County Health Department funding in the amount of \$68,134.51 to assist with the COVID-19 vaccine response efforts; and

WHEREAS, these funds are available immediately and can be utilized for expenses incurred from January 1, 2021 through June 30, 2024; and

WHEREAS, the Public Health Standing Committee has reviewed and approved this resolution at its

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meeting on August 24, 2021; now, therefore be it

RESOLVED, that the County Manager is hereby authorized and directed to sign any and all documents as may be necessary to receive these grant funds; and be it further;

RESOLVED, that the Department of Finance is hereby authorized to amend the 2021 budget with unused portions flowing into future years per the funding guidelines; and be it further

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

AUTHORIZE PURCHASE OF HANDHELD XRF LEAD PAINT ANALYZER DEVICE

RESOLUTION NO. 204-21, moved by Sprvr. Borst, second by Sprvr. Cleere and adopted.

WHEREAS, the Health Department must investigate instances of childhood lead-poisoning; and

WHEREAS, the number of childhood lead-poisoning cases and corresponding home investigations has increased substantially since NYS lowered the threshold for lead-poisoning in early 2020; and

WHEREAS the Health Department has received three quotes for the purchase of an XRF that is used to detect the presence of lead-based paint; and

WHEREAS the Health Department recommends the purchase of a Pb200i Lead Paint Analyzer manufactured by Viken Detection for the cost of \$16,480.00; and

WHEREAS, the money for the purchase of this XRF device is in the Health Department 2021 budget Lead Grant (\$8,000), and Performance Improvement Grant (8,480.00); and

WHEREAS, the Public Health Committee has approved this purchase at its meeting on August 24, 2021; now, therefore be it

RESOLVED, that the Health Department is authorized to purchase a Pb200i Lead Paint Analyzer manufactured by Viken Detection for the cost of \$16,480.00; and be it further

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

104010 51100	Full Time Salary	Decrease	Expenditure	\$2,521.60
104010 54703	Lead Grant Contractual	Increase	Expenditure	\$2,521.60

And be it further

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

**CONTRACT WITH SENECA CAYUGA YATES CHAPTERS NYSARC DBA MOZAIC
TO PROVIDE EVALUATIONS AND SERVICES FOR THE 3-5 PRE-SCHOOL PROGRAM**

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RESOLUTION NO. 205-21, moved by Sprvr. Borst, second by Sprvr. Cleere 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, Seneca Cayuga Yates Chapters NYSARC (dba) Mozaic, 240 North Avenue, Penn Yan 14527, is able to provide these services in other counties and would like to provide services for the children in the Seneca County 3-5 Program also; and

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

WHEREAS, the funds are reflected in account 10-4149-54700; and

WHEREAS, the Public Health Standing Committee has reviewed and approved this resolution on August 24, 2021; now, therefore be it

RESOLVED, that the County Manager is hereby authorized and directed to sign a contract with Seneca Cayuga Yates Chapters NYSARC DBA Mozaic for the time period of September 15,, 2021 through December 31, 2022 to provide services for the 3-5 Pre-School Program at a rate set by the New York State Education Department.

**AUTHORIZE PURCHASE OF NEW AIRCRAFT REFUELER FOR
FINGER LAKES REGIONAL AIRPORT (FLRA)**

RESOLUTION NO. 206-21, moved by Sprvr. Barnhart, second by Sprvr. Hayes and adopted.

WHEREAS, Seneca County and the FLRA can offer a safer, more efficient fueling experience to base and transient aircraft by offering the use of an Aircraft Refueler; and

WHEREAS, Seneca County's intent is to replace the Aircraft Refueler that was lost on July 9, 2020 due to an engine fire; and

WHEREAS, by Resolution 152-21, the Seneca County Board of Supervisors authorized use of GSA Advantage to solicit quotes for a new Aircraft Refueler; and

WHEREAS, through GSA Advantage the County solicited quotes from eight (8) vendors from the Multiple Award Schedule, Category 336211; and

WHEREAS, quotes were reviewed and evaluated by the County Manager, Airport Manager, County Attorney, Risk Manager, Highway Superintendent and Director of Planning; and

WHEREAS, Beta Fueling, of 1209 Freeway Drive, Reidsville, North Carolina provided the best value quote of \$208,620 for a 5,000 gallon Refueler meeting all required specifications; and

WHEREAS, funding for this acquisition has been identified with in the Airport Fund; and

WHEREAS, this resolution was reviewed and approved by the Planning, Development, Agriculture, and Tourism Standing Committee on August 24, 2021; now, therefore be it

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RESOLVED, that the Seneca County Board of Supervisors authorizes the acquisition of a 5,000 gallon Refueler from Beta Fueling, of 1209 Freeway Drive, Reidsville, North Carolina for \$208,620 a cost that includes commissioning, training and delivery; and be it further

RESOLVED, that that the Board of Supervisors authorizes the County Manager to sign any and all documents necessary to effectuate the intent of this resolution; and be it further

RESOLVED, that the Director of Finance is authorized to amend the 2021 Airport budget follows:

30-3599	Airport Fund Balance	Decrease	Fund Bal	\$137,912.33
305610-54280	Maintenance Projects	Decrease	Expenditure	\$30,000.00
305610-54330	Professional Fees	Decrease	Expenditure	\$13,000.00
305610-54421	Aviation Fuel	Decrease	Expenditure	\$27,707.67
305610-52600	Vehicles	Increase	Expenditure	\$208,620.00

And be it further

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

Laid on the Table / Postponed to a time certain

Sprvr. Barnhart offered a motion, second by Sprvr. Trout, and carried unanimously to postpone the following draft resolution until the tax foreclosure auction is completed.

AUTHORIZE TRANSFER OF PROPERTIES TO FINGER LAKES REGIONAL LAND BANK CORPORATION

WHEREAS, Seneca County supports the mission of the Finger Lakes Regional Land Bank Corporation (FLRLBC) and recognizes the progress made in the previous years in acquiring tax delinquent, blighted, and abandoned properties and returning them to beneficial use; and

WHEREAS, properties have been identified from the 2021 Tax Foreclosure list that meet the FLRLBC mission; and

WHEREAS, the Seneca County Board of Supervisors at a regular meeting held on December 11, 2018 passed resolution 284-18 authorizing the transfer of tax-foreclosed vacant and abandoned properties to the Finger Lakes Regional Land Bank Corporation at a nominal cost; and

WHEREAS, this resolution was reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on August 24, 2021; now, therefore be it

RESOLVED, that the Board of Supervisors hereby authorizes and directs the Seneca County Treasurer to remove the following properties from the 2021 Tax Foreclosure List:

Town of Covert, 8388 Knight St (01-1-11) Town of Lodi, 2261 East Seneca St (04-1-05.2)

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Town of Lodi, 2271 East Seneca St (04-1-07) Town of Ovid, 2125 West Seneca St (01-2-54)
Town of Romulus, 1372 Prospect St (18-2-03) Town of Seneca Falls, 108 Mynderse St (06-2-07)

And be it further

RESOLVED, that the Board of Supervisors directs the Seneca County Treasurer to transfer said properties to the Finger Lakes Regional Land Bank Corporation for the nominal cost of \$1.00; and be it further

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

**CONTRACTUAL AGREEMENT WITH CHILDREN’S HOME OF WYOMING CONFERENCE
FOR A PART-TIME BEHAVIORAL HEALTH SPECIALIST**

RESOLUTION NO. 207-21, moved by Sprvr. McGreevy, second by Sprvr. Cleere and adopted.

WHEREAS, the Seneca County Division of Human Services (DHS) submitted a request for CAPTA/CARA grant funding under 18-OCFS-LCM-19 and plan to utilize the funds to contract for a part-time behavioral health consultant with Children’s Home of Wyoming Conference; and

WHEREAS, Children’s Home of Wyoming Conference has agreed to provide a Behavioral Health Specialist (BHS) – Licensed Masters level clinician trained in trauma-informed care and practices to be co-located on site at Seneca County Department of Human Services for 21 hours per week; and

WHEREAS, the co-location of a Behavioral Health Specialist will work to improve the counties response to families and infants affected by substance use disorders (both alcohol and drugs); and

WHEREAS, the Behavioral Health Specialist will work alongside CPS and preventive services caseworkers to identify and support the behavioral health needs of both the adults and children where substance abuse is an issue; and

WHEREAS, Children’s Home of Wyoming Conference will work collaboratively with Seneca County Department of Human Services:

- To strengthen and preserve the family unit
- To avoid placement of children or shorten the length of placement away from the home
- To build on the strengths of individuals and assist them in becoming more self-sufficient
- To provide early identification, referral, and implementation of services to mothers who are pregnant or who have used alcohol and/or drugs during her pregnancy to reduce or eliminate the various social, emotional and physical health related issues of these children

WHEREAS, this contract shall not exceed \$50,000 annual cost; and

WHEREAS, this contract has been reviewed and approved by the Human Services Committee on

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August 24, 2021; now, therefore be it

RESOLVED, the Board of Supervisors authorizes the County Manager to sign the approval of the contract with Children’s Home of Wyoming Conference for a part time behavioral health specialist; and be it further

RESOLVED that the Department of Finance is hereby authorized to amend the 2021 budget as follows

106070 44615 POS58	Flexible Fund for Family	Increase	Revenue	\$50,000
106070 54700 POS58	CAPTA/CARA Grant	Increase	Expenditures	\$50,000

And be it further

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

**APPROVE 2021-2022 SUPERVISION & TREATMENT SERVICES FOR
JUVENILES PROGRAM (STSJP) PLAN**

RESOLUTION NO. 208-21, moved by Sprvr. McGreevy, second by Sprvr. Lott and adopted.

WHEREAS, the County is required to submit an annual plan covering the period October 1, 2021 – September 30, 2022 for the Supervision and Treatment Services for Juveniles Program; and

WHEREAS, the plan will be submitted by September 17, 2021; and

WHEREAS, the Chairman of the Board must designate a lead agency; and

WHEREAS, in previous years’ the County Manager has designated the Division of Human Services as the lead agency for this program; and

WHEREAS, this plan provides for local services to divert youth from placement and replacement in detention or residential care, who are at risk of becoming, alleged to be or adjudicated as Juvenile Delinquents (JD’s) both non-Raise the Age (RTA) and Raise the Age youth; Person in Needs of Supervision (PINS) or who are Juvenile Offenders (JO’s), Adolescent Offenders (AOs) or Youthful Offenders; and

WHEREAS, these services are also intended to maintain youth safely in the community pending a family court disposition or conviction in criminal court; and

WHEREAS, funding for this program is capped at \$40,025 state reimbursement; and authorizes the County Manager to amend the capped amount based on state reimbursement; and

WHEREAS, this funding is budgeted in line item 106070 54700 POS47; and

WHEREAS, this request has been approved by the Human Services Standing Committee on

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August 24, 2021; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors approves the 2021-2022 Supervision and Treatment Services for Juveniles Program Plan and directs and authorizes the Chairman of the Board of Supervisors to approve the submission of the plan based on County Attorney review and approval.

**APPOINTMENT OF FINGER LAKES WORKFORCE INVESTMENT BOARD MEMBER
(JULIE MASLYN)**

RESOLUTION NO. 209-21, moved by Sprvr. McGreevy, second by Sprvr. Lott and adopted.

WHEREAS, The Seneca County Board of Supervisors has authorized the creation of the Finger Lakes Workforce Investment Board for the counties of Ontario, Wayne, Seneca and Yates in compliance with the Workforce Innovation and Opportunity Act (WIOA) of 2014; and

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

WHEREAS, per the NYS WIOA requirements, the Seneca County Board of Supervisors must endorse the following Partner/Public Sector representative:

- Julie Maslyn from Finger Lakes Visitors Connection to be appointed to fill an open vacancy for a three-year term beginning September 1, 2021 through June 30, 2024

And

WHEREAS, this appointment has been reviewed and approved by the Human Services Standing Committee on August 24, 201; now, therefore be it

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

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

Unfinished Business

None

New Business

Rule 29: Sprvr. Enslow offered a motion, second by Sprvr. Barnhart to introduce Resolution No. 210-21 as it had not been approved by the appropriate standing committee. The motion carried unanimously, needing a 2/3 vote of members present (500 ayes).

RESOLUTION AUTHORIZING COUNSEL TO VOTE FOR THE PROPOSED BANKRUPTCY SETTLEMENT PLAN PERTAINING TO MALLINCKRODT PLC, ET AL., CHAPTER 11 CASE

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**NO. 20-12522 (JTD), UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF
DELAWARE**

RESOLUTION NO. 210-21, moved by Sprvr. Enslow, second by Sprvr. Barnhart and adopted.

WHEREAS, there is pending the matter of Mallinckrodt, PLC., before the U.S. Bankruptcy Court for the District of Delaware, related to multi-district litigation of claims against Mallinckrodt, PLC related to the “Opioid Crisis”, of which Seneca County is a claimant through action of the State of New York; and

WHEREAS, a plan of settlement within the Bankruptcy Court action is subject to vote by the various claimant / creditors; and

WHEREAS, counsel for Seneca County has recommended that Seneca County authorize them to vote “for” the proposed plan of settlement as it provides the most comprehensive benefits to Seneca County; and

WHEREAS, it is in the best interest of the County of Seneca to resolve this matter with respect to Mallinckrodt, PLC. without further litigation if possible; and to authorize the vote “for” the proposed plan; and

WHEREAS, this Resolution has been considered pursuant to Rule 29 of the Rules of Order of the Board of Supervisors; now, therefore be it

RESOLVED, that Counsel and Plaintiff’s Executive Committee, In re: National Prescription Opiate Litigation, MDL 2804 is hereby authorized to vote “for” the proposed plan of reorganization and settlement in the matter Mallinckrodt, PLC., et. al., Chapter 11, Case No. 20-12522 (JTD), United States Bankruptcy Court for the District of Delaware.

Special Order Of The Day

The meeting adjourned at 7:54 p.m.