

**SENECA COUNTY  
BOARD OF SUPERVISORS**

Ovid Board Meeting  
&  
Public Hearing  
October 12, 2021, 2021

Call to Order

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

Roll Call of Members by the Clerk

Thirteen members of the Board of Supervisor answered roll call. Sprvr. Enslow was not present.

Pledge of Allegiance and Moment of Silence

Moment of Silence in remembrance of Lee Davidson who died Thursday, September 23, 2021; Lee Davidson served on the Board of Supervisors representing the Town of Lodi from 2007 – 2019.

Public Hearing

Proposed Local Law G of 2021, “A Local Law to Establish the Seneca County Watershed Protection Law” to address the need to protect the waterbodies, watersheds, and drinking water sources in the county from residential wastewater containing harmful bacteria, viruses, and excess nutrients; and to help prevent people from unknowingly purchasing properties with a septic system that is failing or likely to fail; and to bring Seneca County in-line with other municipalities in the region and across NYS.

Comment was received from Tom Scoles, resident, Seneca Falls, and retired County Sanitarian employee. Mr. Scoles is opposed to the proposed local law, citing it lacks detail regarding proper administrative support, and will only doom it to selective enforcement. The law will require tracking, permitting, certifications, permit renewals, revocations, report reviews, and coordination with another department to track real estate transactions. He posed several questions regarding data collection and maintenance. The proposed local law lacks information on what constitutes an inspection. He urged the Board of Supervisors to refer the local law back to committee and address the administration and operations to implement the provisions of said local law.

Comment was received from Karen Birch, resident, Seneca County, who expressed opposition to the language of the proposed local law. She said she was speaking for several county residents, who were unable to attend the public hearing due to mobility issues as the Papa Bear building is not handicap accessible; as well as some county employees who are working a double shift and unable to attend. Ms. Birch questioned why the proposed local law was for the whole county; why not focus on lake front property? She said it was government overreach requiring someone living in the country, miles from any water, to adhere to regulations outlined in the proposed law. She questioned the cost to administer the program. Ms. Birch spoke with Public Health Deputy Director Scott King who said Cayuga County had a 45 person staff; and he said at a previous meeting he will probably be back in a year asking for additional staff in Seneca County as the program grows larger. She pointed out that there were not any grants

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available for septic improvement unless you live on Cayuga Lake – saying it sounded discriminatory to her. Ms. Birch also objected to the language included in, “Article I, Section 4. Inspection Generally”, specifically that the owner is required to allow inspectors on their property; and “Section 5. Violations and Penalties, specifically a \$2,000 fine per violation”. Ms. Birch urged the Board of Supervisors to not adopt the proposed local law.

Sprvr. Kronenwetter, said he understood the concerns expressed, and the inconvenience the law may cause for residents and contractors, however, the lakes need to be protected. Harmful algae blooms are rapidly increasing. As the governing board for Seneca County we can only do so much. We have no authority to regulate agriculture and its effect on the lakes; farms are implementing best practices, but we can pass a law to protect the lakes and waterbodies. The lakes provide drinking water to the county. When HABs take over both lakes, and the water becomes undrinkable, the inconvenience will be when we are forced to use bottled water. Sprvr. Kronenwetter read the following support letter from Cayuga Lake Watershed Network:

Dear Seneca County Board of Supervisors:

This is a letter of support, admiration and deep gratitude for your recent adoption of a septic system inspection program for properties that border the major water bodies in Seneca County. Congratulations for approving the big step of requiring inspections for properties within 250 feet of the shorelines of Cayuga and Seneca lakes and the Seneca River.

This big step forward will have a measurably positive effect on the water quality along Cayuga Lake’s 30 miles of Seneca County shoreline. In the Cayuga Lake HABs Harmful Algal Blooms) Action Plan, the NYS Department of Environmental Conservation states that 5% of the excess nutrients entering Cayuga Lake come from faulty septic systems. With this new program, you are well on the way to eliminating a measurable part of the HABs problem from your shorelines.

You join Cayuga County in leading the way in our watershed for improvement and replacement of old and outdated septic systems that degrade our waterways and threaten human recreational enjoyment, drinking water sources, and ecosystem health.

As a Tompkins County resident myself, I am deeply delighted to use your great example to encourage our third major Cayuga Lake shoreline county to enact a similar program, which would complete protection of the entire shoreline of Cayuga Lake and its many creeks from septic system waste, which includes harmful bacteria, viruses, and excess nutrients.

What you have done is a great example to many other communities. Clean water is becoming increasingly important, and we need to do everything we can to protect what we have.

With sincere thanks on behalf of our entire watershed,

Hilary Lambert  
Steward/Executive Director

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Sprvr. Garlick Lorenzetti agreed with Sprvr. Kronenwetter, stressing the absolute necessity to protect and maintain the health of Cayuga and Seneca lakes

Presentations

a) Welcome – Phyllis Motill, President, The Friends of the Three Bears. Mrs. Motill briefly described the origins and historical significance of the Three Bear Building complex. She said initially this was the only court house and jail in Seneca county; hence the reason for two jury boxes (grand jury 24 seats; petite jury 12 seats); in addition to the county board meetings, the room was used by church groups, and community concerts and any event that needed space. Sheriff and family lived in building; and his wife hung laundry in the courtroom. The county complex is registered as an National historic site; as is the Edith B. Ford library and Tillinghast Manor house, all within walking distance in the small town of Ovid which is unusual for town this size. Mrs. Motill recognized Mayor Leon Kelly and Theresa Lahr, STEPS, for the beautification project of Ovid. She acknowledged the generous donation of three rocking chairs located on the front porch, designed in three sizes and painted to represent the story of Goldilocks and the Three Bears. Over the years, there has been one million plus dollars invested in the rehabilitation of the buildings, and that does not include the time and work by volunteers. Special thanks to Leon & Donalie Kelly, and Sally Tillinghast who have been with the Friends for over twenty years.

b) Progress and Financial Needs of the Bears - Lynne Doyle. The Three Bears buildings draw visitors to the area, who then travel all throughout county for the wineries, and lakes and tourist sites, hotels and restaurants. Shannon O'Connor joined The Friends as their grant writer. Funding from grants resulted in nine outdoor concerts; a plant sale; a landscape drawing class, three local history program; an outdoor movie night sponsored by South Seneca School; and an artist reception and another one schedule for the first Friday of November. During COVID shut down, The Friends spent hours scraping and painting. The Friends reopened the building in May 2021 for Thursday – Sunday, 10:00 a.m. – 2:00 p.m., additional hours during the holidays. The period of May 13 – October 1, we accrued 386 hours total in visits which breaks down to 320 hours for the Tourist site; and 66 hours for other programs. There were 300 visitors for tourism; and 1500 individuals attended programs that were offered. We worked hard to create a tourism site and cultural center in the south end of the county.

**Funding request:** The Friends are seeking county funding for \$70,000, for support staff, specifically for a Director of Operations to promote tourism in the southern end of Seneca County directly to the visitors; provide historical tours of complex and serve as a hub for local history; and provide cultural and educational opportunities to people in area and understanding history of Seneca County and

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the historical significance of the Three Bears building. The requested funding would also allow for two docents.

Discussion regarding funding request: Sprvr. Garlick Lorenzetti suggested that the county fund \$10,000 of the request with the tourism money/. Sprvr. Trout reminded everyone of the recent grant policy adopted by the county where we already budget funding for certain projects. The Friends were awarded funding through the policy in the past. Sprvr. Barnhart opined that since the Three Bears is owned by the county, we should consider separate funding for maintenance and operation of the Three Bears.

Petitioners

a) Charles Bowman, resident, Fayette, requested consideration by the Board of Supervisors to hiring a special prosecutor because he believes he is not receiving fair and just treatment by the District Attorney. Mr. Bowman is referring to criminal charges brought against him by the District Attorney from the incident in February 2020 at the property owned by Cayuga Nation at the corner of Rt. 89 and garden Street Extension in the Town of Seneca Falls. Mr. Bowman alleges he was the victim of an assault witnessed by local law enforcement that chose not to intervene. Mr. Bowman filed a complaint against the security personnel the Cayuga Nation hired during the incident, which resulted in charges brought against Mr. Bowman.

Discussion regarding request for a special prosecutor: County Attorney Ettman said we can request the NYS Attorney General to consider investigating the allegations. Sprvr. Garlick Lorenzetti agreed that the security personnel hired by Cayuga Nation was questionable, asking how was Cayuga Nation able to hire security without contracts / agreements? Sprvr. Ferrara advised that the Board of Supervisors is not the judicial branch of government; the District Attorney is an official elected by the people; he disagrees with seeking a special prosecutor.

Open Privilege of the Floor

None

Approval of Meeting Minutes

The minutes were approved for the September 14, 2021 regular board meeting, and the September 28, 2021 special board meeting.

Reports of Standing Committees

Personnel Standing Committee, Sprvr. Ferrara, Chairman. The committee approved refilling the following vacant positions: for the Highway Department:                      Refill two (2) part-time Seasonal

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Dispatchers and Refill two (2) full-time MEO Lights for; for the Mental Health Services Department: Refill one (1) full-time Substance Abuse Counselor; for the Division of Human Services: Refill two (2) full-time Casework Trainees; and Refill one (1) full-time Clerk. For the Public Defender's Office: Refill one (1) part-time Clerk/Typist. The committee also approved resolutions for tonight's meeting reclassifying an Account Clerk position to a Senior Account Clerk effective October 25, 2021, for the Finance Department. The position will cross train with the Department of Human Services Accounting staff to prepare for succession planning in the event of promotions or retirements. Reclassify several positions in order to redesign the Child Support Enforcement Unit due to the division's retirements, and difficulty recruiting staff. Employment & Training Counselor to Caseworker; 3 Support Investigators to three (3) Senior Support Investigators; and one Child Support Coordinator to move from a CSEA position to a Managerial position. We also approved a long overdue grade change for the Director of Emergency Management from Grade 6 to Grade 8. Later in the meeting I will be introducing under New Business, a resolution appointing Scott King as Interim Public Health Director effective October 18, 2021 to refill the vacancy created by the retirement of the Public Health Director Vickie Swinehart.

Human Services Standing Committee, Sprvr. Borst, Chairman. On tonight's agenda, the Human Services Committee referred two resolutions. The Family First Preventive Services Act has set standards and requirements for independent assessment of a child in foster care, including the required qualifications of the person conducting the assessment. The committee recommends that the county approve an agreement with Crossroads Consulting Services as a Qualified Individual, at cost not to exceed \$15,000 annually. The second resolution is approving the County Youth Board Resource Allocation Plan for 2021 funding in the amount of \$51,809.

Planning, Development, Agriculture & Tourism Standing Committee, Sprvr. Barnhart, Chairman. The committee approved a resolution on the agenda tonight to designate Seneca County Chamber of Commerce as the County Tourism Promotion Agency (TPA) and authorize application for matching funds program in 2022. Amount committed: \$150,000.

Government Operations Standing Committee, Sprvr. Garlick Lorenzetti, Chairman. On tonight's agenda the committee approved an extension for one year for the agreement with NTS Data Services, LLC for Board of Elections. Services provided include maintenance and support for services related to voter registration, signature digitization, full document imaging, and interface messaging. The term of this extension is January 1, 2022 to December 31, 2022. Cost is \$28,459 for the new extended agreement.

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Public Safety Standing Committee, Sprvr. Brownell, Chairman. The Public Safety Committee referred a resolution to declare equipment, vehicles, and firearms at the Sheriff's Office as surplus.

Finance, Assessment & Insurance Standing Committee, Sprvr. Reynolds, Chairman. We anticipate that the tentative budget for 2022 will be filed with the Board of Supervisors by October 15. The tax levy is projected below the tax cap. Sales tax revenues are good. Currently we have \$3 million in reserve fund.

Public Health Services Standing Committee, Sprvr. Borst, Chairman. Public Health has two resolutions on the agenda: Resolution to accept \$27,386 for the period October 1, 2020 through September 30, 2021, from the NYS Public Health Lead Poisoning Prevention Program Grant; and a resolution for an agreement with S2AY Rural Health Network for membership. The S2AY Rural Health Network is comprised of the Public Health Departments in 8 counties (Schuyler, Steuben, Seneca, Yates, Ontario, Wayne, Livingston and Chemung). The mission of the network is to be a leader in improving health outcomes for our rural counties; Cost of the membership is \$18,375 annually.

Mental Health Services Standing Committee, Sprvr. McGreevy, Vice-Chairman. Resolutions on tonight's agenda are to approve an amendment to the Lakeview Health Services Contract for a Manager at the Drop In Center \$73,000 which is paid for by state aid ; a resolution to accept \$31,038 from OASAS Workforce Development and Training grant and to provide education, ongoing support, training and career development in addictions treatment to staff; and a resolution to accept \$2,888,545 SAMHSA Community Mental Health Centers grant.

Public Works Standing Committee, Sprvr. Trout, Chairman. The resolution under Public Works include an agreement with John Snyder Architects to develop bid specifications & solicit bid and oversee the completion for the alterations to space occupied by the Department of Human Services in an amount not exceed \$50,000.00. For Route 318 sewer project, the Finance Department is closing out the capital project account. The cash balance and any additional interest earnings remaining in Route 318 Sewer Capital Project will be transferred to the Route 318 Sewer Debt Service Reserve Fund, which will be created by resolution tonight. The Finance Department will establish a separate bank account to be known as the Route 318 Sewer Debt Service Reserve; and all recommendations for expenditures from the Route 318 Sewer Debt Service Reserve Fund shall be brought to the Board of Supervisors for authorization. We also plan to give support for the request from the Town of Covert for a guard rail near 9233 State Route 96.

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Indian Affairs Standing Committee, Sprvr. Lott, Chairman. There is a new store in the town of Seneca Falls at the corner of West Bayard St. and Stephenson St. It is operated a member of the Oklahoma Cayuga Tribe.

Environmental Affairs Standing Committee, Sprvr. Kronenwetter, Chairman. Earlier tonight there was a public hearing for proposed Local Law G – Seneca County Watershed Protection Law.....and later in the agenda there is a resolution to adopt the local law.

Water & Sewer Treatment Management & Operations Standing Committee, Sprvr. Hayes, Chairman. We will consider a resolution, approved by the committee, to hire Hunt Engineers to develop a study for the formation of a water and sewer authority for Seneca County. Cost of the study not to exceed \$75,000.

Report of Special Committees

Sprvr. Lott reported that the Seneca County Cornell Cooperative Extension is seeking new offices as they will be vacating the Main Street Shoppe location in Waterloo, NY.

Chairman's Remarks

None

County Manager's Remarks

None

County Attorney's Remarks

None

Communications:

102. From Cayuga Lake Watershed Network, a letter of support dated October 5, 2021, for the adoption of proposed Local Law G – 2021, establishing the Seneca County Watershed Protection Act.

103. From Jessica Foulkrod, resident, Junius, concern regarding roads in the county being damaged by metal buggy wheels and horseshoes; concern about demolition derby vehicles piled up on property, especially the corner to Rt. 318/Whiskey Hill and Nine Foot Rd/Dublin Rd; and concerns about the Amish and Mennonite community refusing to get a Covid vaccination.

104. From the Town of Covert, request for support for the installation of a guard rail near 9233 State Route 96 in the Town of Covert, at the intersection of Rt 96 / County rd. 144A (aka Schier Rd).

105. From RGRTA, notice of Lead Agency dated September 22, 2021 for the RTS Seneca Bus Facility Project in the Village of Waterloo for a new facility on Thurber Drive. Objections regrading

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RGRTA being lead agency due by October 21, 2021.

106. From NYS Agriculture and Markets, notification that July 28, 2022 will mark the anniversary of Seneca County Agricultural District No. 6, and consistent with the requirements of the Ag & Markets Law 25AA §303-a, the Board of Supervisors must conduct a review of the District, and the notification serves to alert the county that the review process should be initiated.

107. From NYS Homeland Security and Emergency Services, notification dated September 28, 2021, that Seneca County is awarded \$390,201 under the NYS 2020 Statewide Interoperable Communications Grant Program (2020 SICG-Formula).

108. From Greater Tompkins County Municipal Health Insurance Consortium, notification dated September 24, 2021, to increase all Consortium insurance plans premiums by 5% starting January 1, 2022.

109. From NYS Real Property Tax Services, notification that the Commissioner established the county equalization rates to be used in the apportionment of the 2022 county tax levy pursuant to Title 2 of Article 8 of the Real Property Tax Law.

110. A copy of the Finger Lakes Regional Airport Advisory Committee June 9, 2021 meeting minutes.

111. A copy of the Seneca County IDA September 2, 2021 meeting minutes.

112. A copy of the Seneca County Sheriff's Office Monthly Snapshot for August 2021 and September 2021.

113. From NYSAC, copies of resolutions adopted by county delegates at the NYSAC 2021 fall Seminar in Onondaga County.

114. A copy of the Seneca County Planning Board September 9, 2021 meeting minutes.

115. A copy of oral comments presented by Tom Scoles of Seneca Falls in opposition of proposed local law 7 of 2021, establishing Seneca County Watershed Protection Plan.

**RESOLUTIONS & MOTIONS**

**SUPERVISORS APPROVE LAKEVIEW HEALTH SERVICES CONTRACT AMENDMENT**

RESOLUTION NO. 214-21, moved by Sprvr. McGreevy, second by Sprvr. Ferrara and adopted.

WHEREAS, the Mental Health Department enters into a service contract each year with Lakeview Health Services for provision of Supported Housing, Care Management, Care Coordination, Outreach, Transitional Housing and Forensic Case Management Services in the amount of \$432,343, supported 100% by state aid funding through the New York State Office of Mental Health; and

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WHEREAS, the Seneca Connections Drop In Center is in need of a Manager due to the termination of a longstanding MOU with Elmira Psychiatric Center (EPC) for provision of a Manager for the Drop In Center; and

WHEREAS, Lakeview Health Services has experience managing drop in centers in other counties; and

WHEREAS, the New York State Office of Mental Health has made available an additional \$73,000 in state aid to support an increase to the existing contract with Lakeview Health Services to include the provision of a Drop In Center Manager; and

WHEREAS, the Mental Health Services Committee approved this resolution at its meeting on September 28, 2021; now, therefore be it

RESOLVED, that the County Manager is authorized and directed to sign the contract amendment for Lakeview Health Services in the amount of \$73,000 to support the provision of a full-time manager for the Seneca Connections Drop In Center; and be it further

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Finance Director to make any necessary budget and finance entries required implementing the intent of this Resolution.

**ACCEPT NEW YORK STATE OFFICE OF ADDICTIONS AND SUPPORTS  
WORKFORCE DEVELOPMENT AND TRAINING GRANT**

RESOLUTION NO. 215-21, moved by Sprvr. McGreevy, second by Sprvr. Cleere and adopted.

WHEREAS, New York State Office of Addiction and Supports awarded Seneca County \$31,038.00 under the Workforce Development and Training Grant to provide education, ongoing support, training and career development in addictions treatment to existing staff in addition to support for recruitment and hiring efforts to fill vacancies; and

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

WHEREAS, the Mental Health Services Committee reviewed and approved this resolution at its September 28, 2021 meeting; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors hereby authorize and direct the County Manager to sign all necessary documents to accept the OASAS Workforce Development and Training Award in the amount of \$31,038; and be it further

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Finance Department to make the necessary budgetary and accounting entries to effect the intent of this resolution.

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**ACCEPT DEPARTMENT OF HUMAN SERVICES SUBSTANCE ABUSE AND MENTAL  
HEALTH SERVICES ADMINISTRATION (SAMHSA) FY2021 COMMUNITY MENTAL  
HEALTH CENTERS GRANT**

RESOLUTION NO. 216-21, moved by Sprvr. McGreevy, second by Sprvr. Barnhart and adopted.

WHEREAS, the Department of Human Services Substance Abuse and Mental Health Services Administration (SAMHSA) awarded \$2,888,545.00 in Community Mental Health Centers grant funding to Seneca County; and

WHEREAS, the purpose of the grant program is to:

- Develop a comprehensive mental health crisis services program to provide 24/7 crisis intervention for individuals and their families.
- Support continued provision of telemental health services for persons with mental health disorders, substance use disorders and co-occurring disorders and their families by strengthening, and/or sustaining the infrastructure necessary to continue provision of audio and audio-visual HIPAA compliant telehealth capabilities to reduce barriers to treatment access.
- Provide peer advocacy/support and recovery support for individuals with mental health disorders, substance use disorders and co-occurring disorders and their families.
- Develop services to support Mental Health Department staff in maintaining their mental wellness and meeting mental health challenges resulting from the pandemic.
- Provide financial support to local law enforcement agencies and emergency management/911 for provision of specialized mental health and crisis response training.

And

WHEREAS, the Mental Health Services Committee reviewed and approved this resolution at its September 28, 2021 meeting; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors hereby authorizes and directs the County Manager to sign all necessary documents to accept and administer the \$2,888,545 SAMHSA Community Mental Health Centers Grant, now therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Finance Department to make the necessary budgetary and accounting entries to effect the intent of this resolution.

**AUTHORIZE AGREEMENT WITH JOHN SNYDER ARCHITECTS TO DEVELOP BID  
SPECIFICATIONS & SOLICIT BID FOR SENECA COUNTY DEPARTMENT OF HUMAN  
SERVICES RENOVATIONS**

RESOLUTION NO. 217-21, moved by Sprvr. Trout, second by Sprvr. Hayes and adopted.

WHEREAS, the Department of Human Services has undertaken a departmental restructuring; and

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WHEREAS, the Department of Human Services desires to proceed with Phase II of alterations and improvements to its space to provide for greater productivity and improved service to the public; and

WHEREAS, the Superintendent of Facilities has been working with John Snyder Architects, 700 Cascadilla Street , Ithaca, NY 14850 on progressing the Facilities Master Plan (FMP) and has developed a design concept to achieve the immediate needs of the Department of Human Services; and

WHEREAS, the cost of said alterations is eligible for anticipated federal and state reimbursement at approximately 62%; and

WHEREAS, these alterations will represent continuation of the initial phase in resuming completion of the County's FMP; and

WHEREAS, funding is available in the 2021 Department of Human Services Budget for the Phase II renovations; and

WHEREAS, the Public Works Standing Committee reviewed and approved this resolution on September 28, 2021; now, therefore it be

RESOLVED, that the Seneca County Board of Supervisors authorizes the County Manager to sign a Professional Services Agreement with John Snyder Architects to develop bid specifications and solicit bids and oversee the completion for the alterations to space occupied by the Department of Human Services in an amount not exceed \$50,000.00; and be it further

RESOLVED, that the Director of Finance is authorized to make any necessary budget and accounting adjustments to effect the intent of this resolution.

**CLOSING OF ROUTE 318 SEWER CAPITAL PROJECT**

RESOLUTION NO. 218-21, moved by Sprvr. Trout, second by Sprvr. Borst and adopted.

WHEREAS, the Route 318 Capital Project and Sewer District was established by the Board of Supervisors pursuant to Resolution Nos. 131-16 and. 63-17; and

WHEREAS, Route 318 Sewer Capital Project, a State aided and bonded project, was budgeted and funded to an authorized amount of \$10,028,000 and final project costs were \$8,417,428.52; and

WHEREAS, all expenditures attributable to Route 318 Sewer Capital Project have now been made, leaving a cash balance of \$2,575,503.27; and

WHEREAS, the remaining cash balance includes the \$1,392,594 received from the New York State Thruway Authority contract pursuant to Resolution No. 57-18; and

WHEREAS, all the State Aid has been received on expenditures eligible for reimbursement for said project; and

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WHEREAS, the Public Works Standing Committee has reviewed this resolution and recommend closing the Route 318 Sewer Capital Project at its meeting on September 28, 2021; now, therefore be it

RESOLVED, that the Route 318 Sewer Capital Project is hereby closed; and, be it further

RESOLVED, that the cash balance and any additional interest earnings remaining in Route 318 Sewer Capital Project be transferred by the Finance Department to the Route 318 Sewer Debt Service Reserve Fund; and, be it further

RESOLVED, that the Finance Department is authorized to make all necessary accounting entries to effect the transfer of funds and the closing of Route 318 Sewer Capital Project.

**CREATION OF ROUTE 318 SEWER DEBT SERVICE RESERVE**

RESOLUTION NO. 219-21, moved by Sprvr. Trout, second by Sprvr. Barnhart and adopted.

WHEREAS, the Route 318 Sewer Capital Project has an unexpended cash balance of \$2,575,503.17; and

WHEREAS, Pursuant to General Municipal Law Section 6-h, surplus moneys are eligible for transfer to a debt service reserve where expenditures may be made only for the payment of the principal and interest on bonds issued for the Route 318 Sewer District; and

WHEREAS, no referendum is required to establish or expend moneys from the bonded indebtedness reserve fund; and

WHEREAS, the Public Works Standing Committee approved this resolution at its meeting on September 28, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and establish the Route 318 Sewer Debt Service Reserve effective immediately upon adoption; and, be it further

RESOLVED, that the Director of Finance is authorized to establish a separate bank account to be known as the Route 318 Sewer Debt Service Reserve; and, be it further

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

RESOLVED, that all recommendations for expenditures from the Route 318 Sewer Debt Service Reserve Fund shall be brought to the Board of Supervisors for authorization.

**SUPPORT TOWN OF COVERT REQUEST FOR A GUIDE RAIL NEAR 9233 STATE ROUTE**

**96**

RESOLUTION NO. 220-21, moved by Sprvr. Trout, second by Sprvr. Borst and adopted.

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WHEREAS, the property located at 9233 State Route 96 in the Town of Covert sits at the intersection of State Route 96 and Seneca County Road 144A, known as Schier Rd.; and

WHEREAS, the residents of 9233 State Route 96 have previously made a request to the NYS DOT for a guide rail at that location; and

WHEREAS, these requests have been denied after an investigation in 2017 and 2020 and without further investigation; and

WHEREAS, due to the unique configuration of the intersection and the high rate of speed that vehicles typically travel in that area, the Seneca County Board of Supervisors believes that the health, safety and welfare of the community would benefit from the installation of a guide rail at that intersection; and

WHEREAS, this resolution has been reviewed and approved by the Public Works Standing Committee at its meeting on September 28, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors supports the request for a guide rail at 9233 State Route 96 and authorizes the Chairman to execute any necessary documents on behalf of the County to further this request.

**A RESOLUTION ADOPTING LOCAL LAW 7 OF 2021, “A LOCAL LAW TO  
ESTABLISH THE SENECA COUNTY WATERSHED PROTECTION LAW”**

RESOLUTION NO. 221-21, moved by Sprvr. Kronenwetter, second by Sprvr. Barnhart and adopted by 536 ayes (Kronenwetter, Barnhart, Garlick Lorenzetti, Borst, Ferrara, Lott, Hayssen, Trout, and Cleere), 157 nays (Reynolds, Brownell, Hayes, and McGreevy) and 57 not present (Enslow).

WHEREAS, a resolution was duly adopted by the Board of Supervisors of the County of Seneca for a public hearing to be held by said County on October 12, 2021 at 6:00 p.m. at the Papa Bear Building, Three Bears Complex, Main Street, Ovid, NY, to hear all interested parties on proposed Local Law G entitled “A Local Law to Establish the Seneca County Watershed Protection Law”; and

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

WHEREAS, said public hearing was duly held on October 12, 2021 at 6:00 p.m. at the Papa Bear Building, Three Bears Complex, Main Street, Ovid, NY; and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

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

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RESOLVED, that the Board of Supervisors of the County of Seneca hereby adopts Local Law No. 7 of the year 2021, entitled, “A Local Law to establish the Seneca County Watershed Protection Law: to read as follows:

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- Section 1. INTERFERENCE WITH NOTICES
- Section 2. SEPTAGE
- Section 3. HOME RULE

**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. G 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 bylaw, 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.

**SECTION 7. FEES**

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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 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

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- 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.
  32. “Raised system” means any wastewater treatment system involving earthfill 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.

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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.
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

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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 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:**

- 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

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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.

OR

- i. 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
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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 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:**

- i. 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.
- ii. 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. A listing of the wastewater generating fixtures which discharge to the system, including their location by street address, tax map, block and lot numbers.
  - d. 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

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fields, and leaching facilities from adjacent wells, watercourses and property lines, if known.

- e. For a system with a valid State Pollution Discharge Elimination System (SPDES) permit, a copy of the current permit.
- f. Other information as may be necessary to evaluate the application by the Seneca County Health Department.
- g. 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**

- 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 existing system.

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- 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 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.

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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. X 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**

- 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.

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- 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.
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

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within Local Law No. G 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.

**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.

Discussion Resolution No. 22 -21:

Sprvr. Brownell offered a motion to return the issue to committee, second by Sprvr. Hayes, citing comments objecting to the local law under the public hearing; and the lengthy discussion the issue generated at the September committee meeting. There remain a lot of unanswered questions.

Sprvr. Barnhart said comments made by Mr. Scoles under the public hearing were great points, and that this policy has been discussed at length. There is fecal matter entering the lakes; Lodi town board supports this local law unanimously. He urged to move forward with the local law and then it can always be refined later.

**MAINTENANCE AND SUPPORT AGREEMENT BY AND BETWEEN  
NTS DATA SERVICES, LLC AND SENECA COUNTY NY BOARD OF ELECTIONS**

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RESOLUTION NO. 222-21, moved by Sprvr. Garlick Lorenzetti, second by Sprvr. Ferrara and adopted.

WHEREAS, Seneca County desires to continue support and maintenance services related to voter registration, signature digitization, full document imaging and interface messaging; and

WHEREAS, Seneca County in evaluating prospective suppliers of systems and services has selected NTS Data Services, LLC, 2079 Sawyer Dr. Niagara Falls, NY 14304 as best suited to their requirements; and

WHEREAS, the term of this Agreement is January 1, 2022 to December 31, 2022; and

WHEREAS, this 1-year contract extension for maintenance and support is in the amount of \$28,459 which is budgeted in line item 101450-54700; and

WHEREAS, the Government Operations Standing Committee approved this resolution on September 28, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the Board of Elections to enter into contract for maintenance and support with NTS Data Services, LLC at a rate of \$28,459 for a 1-year term January 1, 2022 to December 31, 2022; and, be it further

RESOLVED, that the Seneca County Board of Supervisors authorizes the Chairman of the Board of Supervisors to execute a 1 year extension with NTS Data Services, LLC for maintenance and support.

**SHERIFF VEHICLES, FIREARMS & EQUIPMENT DECLARED SURPLUS**

RESOLUTION NO. 223-21, moved by Sprvr. Brownell, second by Sprvr. Hayes and adopted.

WHEREAS, the Seneca County Sheriff's Office is no longer needs the following listed firearms (Category I), vehicles (Category II) and equipment (Category III):

CATEGORY I – FIREARMS

- Mossberg 500 (12ga); SN: J148083
- Remington Long Rifle (.22cal); SN: 2405046
- Ruger Mini – 14 (.223cal); SN: 182-35325
- Ruger Model 77/22 (.22cal); SN: 720-38223
- Springfield Model 53-B (.22 cal); SN: 1627472
- Winchester Model 1300 (12ga); SN: L2921537
- Winchester Model 1200 (12ga); SN: 392114
- Winchester model 70 with Redfield 4x12 scope .270 sniper rifle SN: G1090319
- Unknown maker Long Rifle (.222cal); weaver scope SN: 3240102

CATEGORY II – VEHICLES

- |                         |                   |      |       |               |
|-------------------------|-------------------|------|-------|---------------|
| • 2012 Chevrolet Impala | 2G1WF5E33C1191200 | 4DSD | BLACK | 87,243 miles  |
| • 2012 Chevrolet Impala | 2G1WF5E39D1179652 | 4DSD | GRAY  | 89,600 miles  |
| • 2014 Chevrolet Impala | 2G1WA5E37E1159142 | 4DSD | BLACK | Unknown miles |

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• 2014 Ford Explorer	1FM5K8AR0GB27742	4D	BLACK	137,765 miles
• 2014 Ford Explorer	1FM5K8AR2EGC60468	4D	BLACK	121,466 miles
• 2004 Ford Crown Vic	2FAHP71W94X138868	4DSD	BLACK/WHITE	132,749 miles
• 2009 Ford Crown Vic	2FAHP71V59X139904	4DSD	BLACK	121,572 miles
• 2008 Kia (for DA's Office)	KANGE124485190483	4DSD	BLUE	130,000 miles

**CATEGORY III – MISCELLANEOUS**

10 – Strobe power supply Model # CSP690	3 – Strobe power supply Model # GR075
1 – Strobe power supply Model # GR076	40 – Pistol holsters – assorted
6 – Motorola Radio Model HT1000	6 – Motorola radio power supply HT100 charger
6 – Motorola Radio – Model HT600	1 – Motorola radio charger Model HT600
2 – Leather HT600 Holster	1 – 4 slot HT600 charging bank
7 – Light control	17 – Toughbook computer mounts
3 – Motorola Maratrac	1 – Siren control box Model GS200
2 – Siren control box Model ST240	19 – Various light/siren control box
3 – Motorola speakers Model HSN4021A	3 – Center console arm rests
5 – Police vehicle thermal printer mount	2 – Clear vector bar light covers
6 – Red vector bar light covers	6 – GPS pucks “antennae plus”
2 – Riot helmets with face shield	5 – Hard plastic rifle case
1 – Hard green case with foam inserts	1 – Red head shot gun soft case
4 – Police sirens various brands	4 – Scissor car jacks
5 – 2 “Ball car receiver	14 – Various led light bars
3 – Boxes of various mounting brackets	4 – Boxes of various wire harnesses
1 – Box various radio antennas	2 – Sets K9 cages unknown on vehicle type
1 – Led light bar	2 – Top mount halogen light bar

WHEREAS, CATEGORY I - Firearms, will be auctioned through a licensed Federal Firearms Dealer per New York State Law and Federal Law; and

WHEREAS, CATEGORY II - Vehicles, and CATEGORY III - Miscellaneous, shall be auctioned and sold through Auctions International, 11167 Big Tree Rd, East Aurora, NY 14052; and

WHEREAS, the Board of Supervisors authorizes the Sheriff's Department to dispose of said surplus items; and

WHEREAS, the Public Safety Standing Committee approved this resolution at their September 28, 2021 meeting; now, therefore be it

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

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RESOLVED, that upon recording sales revenues a budget transfer will be made to the Sheriff's vehicle fund, DA's Reserve Fund and to the Contingency Fund for the Sheriff's Department surplus items; and, be it further

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

**RETURN TO COMMITTEE - Resolution selecting Hunt Engineers for water & sewer authority:**

Sprvr. Hayes offered a motion, second by Sprvr. Trout to return to the Water & Sewer Treatment, Maintenance & Operations Standing Committee the resolution selecting Hunt Engineers, Architects and Surveyors to develop a study on the formation of a water and sewer authority in Seneca County and carried by 569 ayes (Hayes, Trout, Reynolds, Brownell, Borst, Ferrara, Kronenwetter, Lott, McGreevy, Hayssen, and Cleere), 124 nays (Garlick Lorenzetti, Barnhart), and 57 not present (Enslow).

Discussion: Sprvr. Garlick Lorenzetti said she would like to see the firms interviewed by the WSTMO Standing Committee to also be interviewed by the Board of Supervisor; the committee voted in favor of Hunt Engineers 3-2. Chairman Hayssen, who is a voting member of the WSTMO Standing Committee, said he liked Hunt Engineers because they discussed other alternatives; and they are more affordable. Sprvr. Garlick Lorenzetti said Hunt Engineers are rookies; the MRB engineering firm, another candidate interviewed, has experience. She didn't believe the issue had to be returned to committee, and reiterated her desire for the engineering firms to be re-interviewed by the Board of Supervisors. Sprvr. Barnhart said he trusts the current process which includes interviews by the standing committee, for a recommendation to the Board of Supervisors. He would not support referring it back to committee.

**RECLASSIFICATION OF ONE SENIOR ACCOUNT CLERK**

RESOLUTION NO. 224-21, moved by Sprvr. Ferrara, second by Sprvr. Borst and adopted.

WHEREAS, the current position of Account Clerk has justification for reclassification to Senior Account Clerk; and

WHEREAS, the position would become effective October 25, 2021, as the Finance Department is scheduled to take on additional Department of Human Services Accounting Duties; and

WHEREAS, the position will cross train with the Department of Human Services Accounting staff to prepare for succession planning in the event of promotions or retirements; and

WHEREAS, the position is now eligible for State Aide reimbursement; and

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WHEREAS, the position has monies budgeted in the Full Time Salaries 101310-51100 account code and reviewed by the Director of Finance; and

WHEREAS, the Personnel Standing Committee reviewed and approved this resolution on September 28, 2021; now, therefore be it

RESOLVED, that the Board of Supervisors approve the reclassification of one full-time Senior Account Clerk; 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.

**RECLASSIFICATION OF ONE CASEWORKER, ONE CHILD SUPPORT COORDINATOR, &  
THREE SENIOR SUPPORT INVESTIGATORS IN DIVISION OF HUMAN SERVICES**

RESOLUTION NO. 225-21, moved by Sprvr. Ferrara, second by Sprvr. Barnhart and adopted.

WHEREAS; the current position of Employment & Training Counselor has justification for reclassification to Caseworker; and

WHEREAS; three (3) Support Investigators have justification for reclassification to three (3) Senior Support Investigators; and

WHEREAS; one (1) Child Support Coordinator has justification to move from a CSEA position to a Managerial position; and

WHEREAS; the Department of Human Services is requesting to redesign the Child Support Enforcement Unit due to the divisions retirements, and difficulty recruiting staff; and

WHEREAS; due to the current trends and the high caseload the reorganization is prudent to ensuring County funds are spent efficiently, and the Department of Human Services runs efficiently; and

WHEREAS; the position has monies budgeted in the Full-time Salary 106010-51100-SS08 account line and reviewed by the Director of Finance with 65% of Child Support funding reimbursable through Federal and State monies; and

WHEREAS; the positions have been reviewed by the Vacancy Committee and the Personnel Standing Committee on September 28, 2021; now therefore be it

RESOLVED, that the Board of Supervisors approves the reclassification of one (1) full-time Employment & Training Counselor to one (1) full-time Caseworker, one (1) full-time CSEA Child Support Coordinator to one (1) full-time Managerial Child Support Coordinator, and three (3) full-time Support Investigators to three (3) full-time Senior Support Investigators; and

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

**GRADE CHANGE FOR DIRECTOR OF EMERGENCY MANAGEMENT**

RESOLUTION NO. 226-21, moved by Sprvr. Ferrara, second by Sprvr. Garlick Lorenzetti and adopted.

WHEREAS, the Board of Supervisors intends to promote the Director of Emergency Management, whom is accountable to direct the Emergency Management Office, E-911 Center and Fire & EMS Coordinator in coordination with Law, Fire and EMS in a collaborative effort to provide 24/7 public safety to Seneca County; and

WHEREAS, the Seneca County Job Evaluation conducted by Public Sector HR and reviewed by the Personnel Officer recommended the position to be at Grade 8; and

WHEREAS, the Vacancy Committee met on September 28, 2021 and approved the placement of the Emergency Management Director at Grade 8, step 3 of the Management Salary Schedule; and

WHEREAS, the position is currently in the 2021 budget at Grade 6, step 13 of the Management Salary Schedule; at an increase of \$391 in base salary plus fringe benefits; and

WHEREAS, the Personnel Standing Committee approved this resolution on September 28, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors hereby approves the position of Director of Emergency Management to be placed at Grade 8 of the Management Salary Schedule; and be it further

RESOLVED, that the current Director of Emergency Management be placed at Grade 8 Step 3 of the Management Salary Schedule effective immediately.

**ABOLISHMENT OF LONG-STANDING VACANT POSITIONS**

RESOLUTION NO. 227-21, moved by Sprvr. Ferrara, second by Sprvr. Trout and adopted.

WHEREAS; the Personnel Department performed an audit of Roster Records for long standing vacant positions, and found multiple positions to be vacant for greater than or equal to one (1) year; and

WHEREAS; per Seneca County's Refilling Vacant Policy #101.201, the positions vacant greater to or equal to one (1) year are recommended for abolishment; and

WHEREAS; opportunity was given to appeal the decision based on Seneca County's Refilling Vacant Positions Policy #101.201 §F (2); and

WHEREAS, the Personnel Standing Committee reviewed and approved this resolution at their meeting on September 28, 2021; now, therefore be it

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RESOLVED, the Board of Supervisors approves the abolishment of the long-standing vacant positions identified as:

- (1) Full-time Mental Health Community Educator
- (2) Office of the Aging Food Service Helper Full-time
- (1) Full-time Airport Maintenance Worker I
- (1) Full-time Assistant County Attorney
- (1) Full-time 911 Data Collector
- (1) Full-time Probation Supervisor
- (3) Part-time Department of Human Services Driver
- (1) Part-time Department of Human Services Social Services Investigator
- (1) Full-time Information Technology Assistant Network Administrator
- (4) Full-time Mental Health Peer Program Support Worker
- (3) Office of the Aging Food Service Helper Part-time
- (3) Part-time Airport Laborer
- (1) Full-time County Attorney Senior Clerk
- (1) Part-time 911 Dispatcher
- (1) Full-time Principal Public Health Sanitarian
- (1) Full-time Department of Human Services Typist

And be it further

RESOLVED, that the Personnel Department is authorized to make the necessary changes to affect the intent of this resolution.

**CONTRACT TO ACCEPT NEW YORK STATE DEPARTMENT OF HEALTH  
LEAD POISONING PREVENTION PROGRAM GRANT**

RESOLUTION NO. 228-21, 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 \$27,386 for the period October 1, 2020 through September 30, 2021 for the administration of the Lead Poisoning Prevention Program; and

WHEREAS, these grant funds are in the Public Health Department budget line 104010-54703; and

WHEREAS, the Public Health Standing Committee has reviewed and approved this resolution at their September 28, 2021 meeting; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the County Manager is hereby authorized and directed to sign a contract with the New York State Department of Health for the Lead Poisoning Prevention Program Grant for the period October 1, 2020 through September 30, 2021 in the amount of \$27,386.

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**SERVICE AGREEMENT WITH THE S2AY RURAL HEALTH NETWORK FOR  
NETWORK MEMBERSHIP AND QUALITY IMPROVEMENT ACTIVITIES**

RESOLUTION NO. 229-21, moved by Sprvr. Borst, second by Sprvr. Barnhart and adopted.

WHEREAS, the S2AY Rural Health Network is comprised of the Public Health Department s in 8 counties (Schuyler, Steuben, Seneca, Yates, Ontario, Wayne, Livingston and Chemung); and

WHEREAS, the Network has been in existence since 1997 with Seneca County joining in 2003;  
and

WHEREAS, the mission of the network it to be a leader in improving health outcomes for our rural counties; and

WHEREAS, the cost of the membership is \$18,375; and

WHEREAS, the funds are in the 2022 departmental budget 104010-54270; and

WHEREAS, the Public Health Standing Committee has reviewed and approved this resolution at their September 28, 2021 meeting; now, therefore be it

RESOLVED, that the County Manager is hereby authorized and directed to sign a service agreement with the S2AY Rural Health Network for network membership and Quality Improvement activities for 2022 at a cost of \$18,375.

**DESIGNATE SENECA COUNTY CHAMBER OF COMMERCE AS COUNTY TOURISM  
PROMOTION AGENCY AND AUTHORIZE APPLICATION FOR MATCHING FUNDS  
PROGRAM IN 2022**

RESOLUTION NO. 230-21, moved by Sprvr. Barnhart, second by Sprvr. Trout and adopted.

WHEREAS, the Seneca County Board of Supervisors desires to enhance the general economy of Seneca County through the promotion and marketing of tourism attractions, conventions, trade shows, special events and other activities directly related to and in support of tourism assets; and

WHEREAS, the Seneca County Board of Supervisors supports the designation of the Seneca County Chamber of Commerce as the County's Tourism Promotion Agency (TPA); and

WHEREAS, Seneca County commits up to \$150,000 in support of the Matching Funds Program;  
and

WHEREAS, this resolution was reviewed and approved by the Planning, Development, Agriculture & Tourism Standing Committee on September 28, 2021; now, therefore be it

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RESOLVED, that the New York State Department of Economic Development be requested to designate the Seneca County Chamber of Commerce as Seneca County's Tourism Promotion Agency for 2022; and, be it further

RESOLVED, that Seneca County will commit up to \$150,000 from the County's Room Tax to provide the County's share of the 2022 Matching Fund Program.

**CONTRACTUAL AGREEMENT WITH CROSSROADS CONSULTING SERVICES FOR  
INDEPENDENT ASSESSMENT SERVICES PURSUANT TO THE FAMILY FIRST  
PREVENTIVE SERVICES ACT**

RESOLUTION NO. 231-21, moved by Sprvr. McGreevy, second by Sprvr. Borst and adopted.

WHEREAS, pursuant to the Family First Preventive Services Act (FFPSA) [P.L. 115-123], an independent assessment of a child in foster care placed in a Qualified Residential Treatment Program (QRTP) is required to make determinations, including, but not limited to, whether the placement in the QRTP is appropriate; and

WHEREAS, the standards for the time, process, content of the assessment and the qualifications for who may conduct the assessment are set forth in federal and New York State statute, regulations, and policy; and

WHEREAS, each assessment must utilize a federally approved functional assessment tool that is age-appropriate and evidence-based, such as the Child and Adolescent Needs and Strengths (CANS) or the Child and Adolescent Services Intensity Instrument (CASII); and

WHEREAS, Crossroads Consulting Services, Maria Gigliotti Alessio, LCSW, is an approved Qualified Individual (QI) through New York State Office of Children and Family Services and will work collaboratively with Seneca County Department of Human Services to carry out this mandated services under FFPSA; and

WHEREAS, this contract shall not exceed \$15,000 annual cost; and

WHEREAS, this funding is already budgeted for under project account #106070 54700 POS 58;  
and

WHEREAS, this resolution has been reviewed and approved by the Human Services Standing Committee at their meeting on September 28, 2021; now, therefore be it

RESOLVED, the Board of Supervisors authorizes the County Manager to sign the approval of the contract with Crossroads Consulting Services, Maria Gigliotti Alessio, LCSW for QI Services.

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**BOARD OF SUPERVISORS APPROVES 2021 RESOURCE ALLOCATION PLAN  
FOR STATE AID FUNDING FOR YOUTH PROGRAMS**

RESOLUTION NO. 232-21, moved by Sprvr. McGreevy, second by Sprvr. Cleere and adopted.

WHEREAS, the Resource Allocation Plan is an annual plan that is submitted to the New York State Office of Children and Family Services to receive state aid funding for youth programs; and

WHEREAS, the Seneca County Youth Bureau received their 2021 allocation of \$51,809; and

WHEREAS, the Seneca County Youth Board approved the 2021 Resource Allocation Plan for State Aid at their September 2021 board meeting; and

WHEREAS, this resolution has been reviewed and approved by the Human Services Standing Committee on September 28, 2021; now, therefore be it

RESOLVED, the Board of Supervisors authorizes the approval of the 2021 Resource Allocation Plan for State Aid Funding for Youth Programs; and, be it further

RESOLVED, that the Seneca County Manager is authorized and directed to sign the Resource Allocation Plan documents for 2021.

Unfinished Business

- a) Authorize Transfer of Properties to Finger Lakes Regional Land Bank Corporation (PDAT)

New Business

**RULE 29:** Sprvr. Trout offered a motion, second by Sprvr. Garlick Lorenzetti, and carried by two-thirds majority of supervisors present, to consider new business presented before the board, including resolutions that were not reviewed by the appropriate standing committee.

**ACCEPT FISCAL AND PROGRAM STABILIZATION FUNDING FROM NEW YORK STATE  
OFFICE OF ADDICTIONS SERVICES AND SUPPORTS (OASAS)**

RESOLUTION NO. 233-21, moved by Sprvr. McGreevy, second by Sprvr. Garlick Lorenzetti and adopted.

WHEREAS, the Seneca County Board of Supervisors authorizes and directs the County Manager to sign all documents necessary to accept \$37,318 in OASAS Fiscal and Program Stabilization Funds; and

WHEREAS, New York State Office of Addictions Services and Supports awarded Seneca County \$37,318 in Fiscal and Program Stabilization Funds; and

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WHEREAS, these funds will assist with operating costs, debt relief, equipment purchases, minor renovations, personnel costs, and other costs related to operations and infrastructure modifications made as a direct result of the impact of the COVID 19 pandemic; and

WHEREAS, this award requires no match from Seneca County; 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 the Seneca County Board of Supervisors authorizes and directs the County Manager to sign all necessary documents to accept the OASAS Fiscal and Program Stabilization funds in the amount of \$37,318; and be it further

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Finance Department to make the necessary budgetary and accounting entries to effect the intent of this resolution.

**CONTRACT WITH TRUSTED NURSE STAFFING, LLC FOR COVID-19 ANTIGEN AND PCR  
TESTING SERVICES AND RELATED DUTIES IN THE SCHOOLS**

RESOLUTION NO. 234-21, 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 \$1,158,355 for the period June 1, 2021 through July 31, 2022 for ELC funding for School testing Grant; and

WHEREAS, the purpose of this grant is to enable schools/districts to establish COVID-19 screening testing programs to support and maintain in-person learning (including public, private, and BOCES); and

WHEREAS, the schools have indicated a need for additional staff to augment their existing nursing staff in order to meet their COVID-19 screening testing obligations; and

WHEREAS, the Health Department has found a suitable subcontractor, Trusted Nurse Staffing, LLC, 500 Seneca Street Ste. 501, Buffalo, NY 14204 that is able to provide this additional staffing for the schools; and

WHEREAS the funds are in the Public Health budget 104010-54700-STG; 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 the Board of Supervisors authorizes and directs the County Manager to sign the contract with Trusted Nurse Staffing, LLC, for the period October 25, 2021 through July 31, 2022 for an amount not to exceed \$432,000; and be it further

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

**APPROVE AMENDMENT TO THE 2022 MUNICIPAL COOPERATIVE AGREEMENT FOR THE GREATER TOMPKINS COUNTY MUNICIPAL HEALTH INSURANCE CONSORTIUM**

RESOLUTION NO. 235-21, moved by Sprvr. Reynolds, second by Sprvr. Cleere and adopted.

WHEREAS, the County of Seneca (municipality) is a Participant in the Greater Tompkins County Municipal Health Insurance Consortium (the "Consortium"), a municipal cooperative organized under Article 47 of the New York Insurance Law; and

WHEREAS, the municipal participants in the Consortium, including this body, have approved and executed a certain Municipal Cooperation Agreement (the "Agreement"; effective date of October 1, 2010); and

WHEREAS, Article 47 of the New York Insurance Law (the "Insurance Law") and the rules and regulations of the New York State Department of Financial Services set forth certain requirements for governance of municipal cooperatives that offer self-insured municipal cooperative health insurance plans; and

WHEREAS, the Agreement sets forth in Section Q2 that continuation of the Consortium under the terms and conditions of the Agreement, or any amendments or restatements thereto, shall be subject to Board review and upon acceptance of any new Participant hereafter; and

WHEREAS, the only amendment for 2022 is the addition of four municipalities (Towns of Erwin and Throop and Villages of Minoa and Fayetteville); and

WHEREAS, by motion 001-2021 the Consortium's Board of Directors recommends approval of the 2022 Amended Agreement; and

WHEREAS, the County of Seneca (municipality) is in receipt of the proposed amended Agreement and has determined that it is in the best interest of its constituents who are served by the Consortium to approve the amended Agreement; 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 the County of Seneca (municipality) approves and authorizes the County Manager or Chairman of the Board to sign the 2022 Amendment to the Municipal Cooperative Agreement of the Greater Tompkins County Municipal Health Insurance Consortium; and be it further

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RESOLVED, further, that the Clerk of the Board of Supervisors of Seneca County (municipality) is hereby authorized to execute this Resolution to indicate its approval, transmit a copy thereof to the Board of Directors of the Greater Tompkins County Municipal Health Insurance Consortium, and take any other such actions as may be required by law.

**BOARD OF SUPERVISORS APPOINT SCOTT KING AS  
INTERIM PUBLIC HEALTH DIRECTOR FOR SENECA COUNTY**

RESOLUTION NO. 236-21, moved by Sprvr. Ferrara, second by Sprvr. Borst and adopted.

WHEREAS, the Seneca County Board of Health has conducted interviews and nominated Scott King as the successor to Vickie Swinehart as Public Health Director; and

WHEREAS, the New York State Commissioner of Health has approved the appointment of Mr. King to the position of Seneca County Public Health Director; and

WHEREAS, the approval has a two (2) year conditional appointment with the option to renew the two (2) additional, one (1) year approvals whilst Mr. King completes his Masters in Public Health degree; and

WHEREAS, the Seneca County Board of Supervisors has offered employment as Interim Public Health Director for Seneca County to Scott King; and

WHEREAS, the Seneca County Board of Supervisors has been advised of the residency requirement for Public Officers and has every intention of passing a Local Law to ensure the residency requirement wouldn't hinder this appointment; 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 the Seneca County Board of Supervisors does hereby appoint Scott King as Interim Public Health Director effective October 18, 2021 at an annual salary of \$85,933 in Grade 8 of the Management Salary Schedule, for the remainder of the current six (6) year term, with an expiration date of July 6, 2027; and be it

RESOLVED, the Seneca County Board of Supervisors will hold a Public Hearing for a proposed Local Law to waive the residency requirement for the Public Health Director position.

**SUPERVISORS REAFFIRM COUNTY'S POSITION THAT SENECA LAKE  
LAKEBED ADJACENT TO THE CITY OF GENEVA IS LOCATED IN SENECA COUNTY  
AND THAT SENECA COUNTY HAS JURISDICTION FOR REGULATORY AND TAXATION**

**PURPOSES**

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RESOLUTION NO. 237-21, moved by Chairman Hayssen, second by Sprvr. Borst and adopted.

WHEREAS, the City of Geneva is asking the state Department of Environmental Conservation permission to dredge part of the north end of Seneca Lake; a move aimed at expanding the marina there; and

WHEREAS, written public comments on the City's application for permits to dredge are due to the New York State Department of Environmental Conservation by October 21, 2021; and

WHEREAS, as part of a proposed project to improve and expand the City's Seneca Lake Marina in Lakefront Park to approximately 71 dedicated boat slips, plus space for up to four shallow draft boats along the interior edge of the west dock, the City proposes to dredge an estimated 410 cubic yards of sediment from an 11,500-square-foot area of lake bottom; and

WHEREAS, Seneca County maintains that the subject lake bed is wholly located within the boundaries of Seneca County; and

WHEREAS, this Resolution has been considered in accordance with Rule 29 of the Rules of Order of the Seneca County Board of Supervisors; now therefore be it

RESOLVED, that Seneca County asserts that it has primary governmental and regulatory jurisdiction of the proposed dredging and marina development, and that Seneca County must grant consent for any such activity to be undertaken; and be it further

RESOLVED, that Seneca County maintains that any taxable activities, Property, Sales and Hotel / Motel be remitted to Seneca County.

**BOARD OF SUPERVISORS REQUEST INVESTIGATION BY  
NEW YORK STATE ATTORNEY GENERALS OFFICE**

RESOLUTION NO. 238-21, moved by Sprvr. Garlick Lorenzetti, second by Sprvr. Lott and adopted by 517 ayes (Garlick Lorenzetti, Lott, Reynolds, Barnhart, Borst, Kronenwetter, Hayssen, Trout, and Cleere); 176 nays (Brownell, Hayes, Ferrara, and McGreevy); and 57 not present (Enslow).

WHEREAS, the Board of Supervisors has been petitioned by a county constituent to address apparent questions of conflict of interests involving the Seneca County District Attorney and charges brought against Charles Bowman involving conduct on land controlled by the Cayuga Indian Nation; and

WHEREAS, there is continuing conflict of opinion as to the legal status of the Cayuga Indian Nation in the community; now, therefore be it

**SENECA COUNTY  
BOARD OF SUPERVISORS**

Ovid Board Meeting  
&  
Public Hearing  
October 12, 2021, 2021

RESOLVED, that the Seneca County Board of Supervisors directs the Seneca County Attorney to write to the New York State Attorney General seeking their investigation of the situation and circumstances of Mr. Bowman and the Cayuga Indian Nation Police, and other matters pertinent thereto.

Executive Session

Sprvr. Reynolds offered a motion, second by Sprvr. Garlick Lorenzetti, to convene in Executive Session pursuant to Sections 105(1)(d) d. discussions regarding proposed, pending or current litigation; and (f) the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. The executive session included the county manager, the county attorney, and the personnel officer. Time: 7:57 p.m. – 8:20 p.m.

Special Oder of the Day

The Board of Supervisors reconvened in public session. No action was taken. Meeting adjourned at 8:21 p.m.