

**SENECA COUNTY
BOARD OF SUPERVISORS**

Special Board Meeting
May 24, 2022

Call to Order

Chairman Hayssen called the special meeting to order at 7:32 p.m.

Roll Call of Members by the Clerk

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

Pledge of Allegiance and Moment of Silence

RESOLUTIONS & MOTIONS

**BOARD AUTHORIZES SENECA COUNTY TREASURER TO WAIVE INTEREST AND
PENALTIES ON DELINQUENT PROPERTY TAX**

RESOLUTION NO. 156-22, motion by Sprvr. Reynolds, second by Sprvr. Ferrara and adopted.

WHEREAS, the executor for the Estate of Norman Buisch (the "Estate") has contacted the Seneca County Treasurer seeking a waiver of accrued interest and penalties on unpaid property taxes due on a certain parcel in the Town of Waterloo, to wit: Tax Map No. 21-3-33.2 on the Waterloo-Geneva Road; and

WHEREAS, said property is subject to a potential environmental liability that has warranted deferring the tax foreclosure sale of the property under Article 11 of the Real Property Tax Law; and

WHEREAS, under Real Property Tax Law §1182, the Seneca County Board of Supervisors, as the governing municipality, can authorize the County Treasurer to waive interest and the penalties, if it is otherwise determined to be in the best interests of the tax districts; and

WHEREAS, the opportunity to allow the Estate to sell the property on the open market, to close out the estate, and return the property to active tax payment status warrants consideration of such action, as the foreclosure and sale under Article 11 is unlikely to reach the amount of the accrued taxes alone, and would further eliminate the deficiency payments to the Town and School District for unpaid taxes; and

WHEREAS, the Finance, Assessment & Insurance Standing Committee reviewed and approved this resolution on May 24, 2022; now, therefore be it

RESOLVED, that pursuant to Real Property Tax Law §1182, the County Board of Supervisors hold a public hearing at the Seneca County Office Building, Supervisors Meeting Room, 3rd floor, 1 DiPronio Drive, Waterloo, NY at or about 6:00 P.M., on June 14, 2022; and, be it further

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

RESOLVED, that as determined following public hearing, the Seneca County Board of Supervisor grant the Seneca County Treasurer the authority to waive any or all of the accrued interest and penalties on Tax Parcel 21-3-33,2, located in the Town of Waterloo, in accordance with Real Property

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Tax Law of the State of New York §1182.

**RESOLUTION APPROVING THE HOME RULE REQUEST FOR PASSAGE OF BILL S8910A /
A9986A INTRODUCING NEW YORK STATE LEGISLATION TO AMEND THE REAL PROPERTY
TAX LAW, IN RELATION TO PROVIDING A TAX EXEMPTION ON REAL PROPERTY OWNED
BY MEMBERS OF VOLUNTEER FIRE COMPANIES OR VOLUNTARY AMBULANCE SERVICES
IN A CERTAIN COUNTY**

RESOLUTION NO. 157-22, motion by Sprvr. Reynolds, second by Sprvr. Rhinehart and adopted.

WHEREAS, this Board of Supervisors requested that its New York State legislators enact a special state law to amend the real property tax law, in relation to providing a tax exemption on real property owned by members of volunteer fire companies or voluntary ambulance services in Seneca County; and

WHEREAS, such legislation, sponsored by Senator Helming and Assemblyman Gallahan, was introduced to the New York Senate and Assembly resulting in Bill S.8910A / A.9986A; and

WHEREAS, this Board has been advised that it must adopt a resolution authorizing the execution and filing of formal Home Rule Requests for each bill; now; and

WHEREAS, this resolution was reviewed and approved by the Finance, Assessment & Insurance Standing Committee on May 24, 2022; now, therefore be it

RESOLVED, that the Board of Supervisors of the County of Seneca approves the legislation set forth as Senate Bill S.8910A and Assembly Bill A.9986A, "AN ACT TO AMEND THE REAL PROPERTY TAX LAW, IN RELATION TO PROVIDING A TAX EXEMPTION ON REAL PROPERTY OWNED BY MEMBERS OF VOLUNTEER FIRE COMPANIES OR VOLUNTARY AMBULANCE SERVICES IN A CERTAIN COUNTY"; and be it further

RESOLVED, that this Board approves the Home Rule Request for the passage of Senate Bill S.8910A and the Home Rule Request for the passage of Assembly Bill A.9986A and, be it further

RESOLVED, that the Clerk of this Board of Supervisors be authorized and directed to execute the required Home Rule Requests for transmittal of the appropriate forms to the appropriate Senate and Assembly Home counsels' office; and be it further

RESOLVED, Seneca County Resolution No. 154-22, passed by this Board on May 10, 2022 is hereby declared null and void.

**SENECA COUNTY DIVISION OF HUMAN SERVICES TO ACCEPT HOMELESS
MANAGEMENT INFORMATION SYSTEMS (HMIS) FUNDING**

RESOLUTION NO. 158-22, motion by Sprvr. Enslow, second by Sprvr. Don Trout and adopted.

WHEREAS, the Seneca County Division of Human Services would like authorization of accepting and allocating funds for the Homeless Management Information Systems (HMIS) grant; and

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WHEREAS, social service districts were notified of an allocation in the amount of \$45,000 per district to support connectivity to their local Homeless Management Information System and other administrative actions related to Homeless Services Plans regulation promulgated 18-LCM-21; and

WHEREAS, the services to be provided are the following, eligible costs include expenses directly related to developing the Homeless Services Plans and/or furthering reporting capabilities with HMIS, such as purchase of HMIS licenses for in house access to the local HMIS system, contracting with Continuums of Care to provide data analysis and reporting, tracking of Homeless Services Plan outcomes, and district costs, including staff costs, related to the compilation of and reporting on Homeless Services Plans; and

WHEREAS, this contract shall not exceed \$45,000 annual cost; and

WHEREAS, this contract has been reviewed and approved by the Human Services Standing Committee; on May 24, 2022, now, therefore be it

RESOLVED, that the Board of Supervisors authorized the Department of Human Services accepts the Homeless Management Information Systems (HMIS) funding for an amount not to exceed \$45,000; and, be it further

RESOLVED, that the Director of Finance is authorized to amend the 2022 budget as follows:

106070 43670	State Revenue	Increase	Revenue	\$45,000
106070 54700 POS17	HMIS Contractual	Increase	Expenditures	\$45,000

And be it further

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

**SENECA COUNTY BOARD OF SUPERVISORS AWARD CONSTRUCTION CONTRACTS
AND AUTHORIZE BUDGET TRANSFERS FOR DIVISION OF HUMAN SERVICES PHASE III
CONSTRUCTION PROJECT**

RESOLUTION NO. 159-22, motion by Sprvr. Don Trout, second by Sprvr. Kronenwetter and adopted.

WHEREAS, by Resolution No. 115-22 – Rule 29, the Seneca County Board of Supervisors authorized and directed the solicitation of bids to support the Seneca County Division of Human Services (DHS) Phase III renovations; and

WHEREAS, bids were advertised for and sealed bids were received, opened and read aloud on May 20, 2022 at 2:00 p.m. at the County Office Building; and

WHEREAS, Seneca County has received two bids for the space renovations for DHS; and

WHEREAS, Massa Construction was the low bidder at \$374,000.00; and

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WHEREAS, funding for this capital renovation is available in the 2022 DHS Budget Account Numbers 106010-44615 and 106102-54700; and

WHEREAS, the Public Works Standing Committee reviewed and approved this Resolution on May 24, 2022; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors awards the contract for Phase III of the Division of Human Services Department Renovations to Massa Construction in an amount not to exceed \$374,000.00; and, be it further

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

**SUPERVISORS AUTHORIZE REPAIRS IN SEWER DISTRICT NUMBER THREE (3)
AND AUTHORIZE BUDGET AMENDMENT**

RESOLUTION NO. 160-22, motion by Sprvr. Don Trout, second by Sprvr. Barnhart and adopted.

WHEREAS, a Pump Station in Sewer District No. 3 was damaged in a vehicular accident and is in need of repair; and

WHEREAS, the District has secured a lowest responsible quote in the amount of \$26,750.00 from Peterman Lumber, 3161 Route 414, Seneca Falls to undertake the needed repairs; and

WHEREAS, the cost of these repairs and other related costs will be reimbursed to the District by the insurance provider involved with the accident; and

WHEREAS, a budget amendment in the amount of \$27,650.00 is necessary; and

WHEREAS, this resolution has been reviewed and recommended for approval by the Public Works Standing Committee on May 24, 2022; now therefore be it

RESOLVED, that the Board of Supervisors authorizes the Pump Station repairs by Peterman Lumber in the amount of \$26,750.00; and be it further

RESOLVED, that the Board of Supervisors authorize a budget amendment as follows:

Increase: Account No. 348110-42680 \$27,650.00

Increase: Account No. 348110-54380 \$27,650.00

**SUPERVISORS AUTHORIZE PURCHASE OF PUMP FOR SEWER DISTRICT
NUMBER TWO AND AUTHORIZE BUDGET TRANSFER**

RESOLUTION NO. 161-22, motion by Sprvr. Borst, second by Sprvr. Reynolds and adopted.

WHEREAS, Sewer District No. 2 is in need of a back-up pump for compliance purposes; and

WHEREAS, Yaws Environmental has secured a quote in the amount of \$22,921.33 from G.A. Fleet and Associates; and

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WHEREAS, G.A. Fleet is a sole source provider for this product; and

WHEREAS, a budget transfer from Account No. 338110-54225 to Account No. 338110-54220 in the amount of \$20,000.00 is necessary; and

WHEREAS, this resolution has been reviewed and recommended for approval by the Water and Sewer Treatment, Management and Operations Standing Committee on May 24, 2022; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes the sole source purchase of one back-up pump from G.A. Fleet in the amount of \$22,921.33; and be it further

RESOLVED, that the Board of Supervisors authorize above reference budget transfer in the amount of \$20,000.00.

**BOARD OF SUPERVISORS DIRECTS PUBLIC HEARING ON
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION IN SUPPORT
OF VERONA VILLAGE RENOVATION PROJECT**

RESOLUTION NO. 162-22, motion by Sprvr. Barnhart, second by Sprvr. Borst and adopted.

WHEREAS, the Seneca County Board of Supervisors wishes to assess the advisability of submitting a Community Development Block Grant (“CDBG”) application to the New York State Office of Community Renewal (the “OCR”) to finance a portion of the cost of the major renovation project at Verona Village Apartments located at 2276 County Road 139, Ovid, NY, which comprises 46 affordable housing units that are restricted to occupancy by seniors and the disabled (the “Property”); and

WHEREAS, the scope of the renovation will include interior and exterior renovation of the residential units and the community building as well as site improvements (the “Project”); and

WHEREAS, the Property is owned by Ithaca Neighborhood Housing Services, Inc. (INHS), a not-for-profit entity dedicated to helping people of modest incomes find—and stay in—high-quality housing throughout central New York; and

WHEREAS, NYS OCR can allocate grant funding to Seneca County for the express purpose of funding the Project through a sub-recipient agreement with INHS; and

WHEREAS, the County is required to hold a public hearing as required under Federal rules to provide information to the public and to consider citizen comments regarding the CDBG program and the Project prior to submitting an application for CDBG funding; and

WHEREAS, the Planning, Development, Agriculture, and Tourism Standing Committee has reviewed and approved this resolution on May 24, 2022; now, therefore be it

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RESOLVED, that the Seneca County Board of Supervisors hereby directs that a Public Hearing be conducted at which all interested parties shall be heard; and, be it further

RESOLVED, that the Public Hearing shall be held before the Board of Supervisors at the County Office Building, One DiPronio Drive, Waterloo, NY 13165 at 6:00 P.M. on June 14, 2022; and, be it further

RESOLVED, that the Clerk of the Board is hereby directed to post in the County office building and on the County's official web site and have published at least once in a newspaper of general circulation in the County at least nine days before the date scheduled for the Public Hearing. The notice of such Public Hearing Notice is as follows: LEGAL NOTICE – NOTICE OF PUBLIC HEARING - SENECA COUNTY. Seneca County will hold a public hearing on June 14, 2022 at 6:00 PM at the County Office Building in the Board of Supervisors Room, 3rd floor, 1 DiPronio Drive, Waterloo, NY 13165 for the purpose of hearing public comments on Seneca County's community development needs, and to discuss the possible submission of a Community Development Block Grant (CDBG) CARES (CV) application for program year 2020 CDBG-CV funding. New York State Homes and Community Renewal (HCR) is administering over \$127 Million in CDBG-CV funding and will make funds available to eligible local governments for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons. Seneca County is applying for up to \$5 Million in CDBG-CV funds to support site improvements and interior and exterior renovation of the residential units and the community building at Verona Village Apartments located at 2276 County Road 139, Ovid, NY. The hearing will provide further information about the CDBG-CV program and will allow for citizen participation in the development of any proposed grant applications and/or to provide technical assistance to develop alternate proposals. Comments on the CDBG-CV program or proposed projects(s) will be received at this time. The hearing is being conducted pursuant to Section 570.486, Subpart I of the CFR and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended.

The Board of Supervisors Room, 3rd floor of 1 DiPronio Drive, Waterloo, NY 13165 is accessible to persons with disabilities. If special accommodations are needed for persons with disabilities, those with hearing impairments, or those in need of translation from English, those individuals should contact Jill Henry at 315-539-1637 or jhenry@co.seneca.ny.us, at least one week in advance of the hearing date to allow for necessary arrangements. Written comments may also be submitted to Seneca County Board of Supervisors Office, One DiPronio Drive, Waterloo, NY 13165 until June 17, 2022.

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New Business

The following resolutions were reviewed by the appropriate standing committee and approved.

**A RESOLUTION INTRODUCING PROPOSED LOCAL LAW C OF 2022, THE SENECA
COUNTY HOTEL OR MOTEL OCCUPANCY TAX, 2022", AND ADVERTISE FOR A PUBLIC
HEARING**

RESOLUTION NO. 163-22, motion by Sprvr. Barnhart, second by Sprvr. Don Trout and adopted.

WHEREAS, the current local law enacting the Seneca County Hotel or Motel Occupancy Tax was enacted on October 10, 2019; and

WHEREAS, in November 2021, amendments were enacted to the enabling statute for said local, to wit; §1202-o of the New York State Tax Law, which reduced the administrative burden of the local occupancy tax, expanded permitted uses for the revenue raised therein, and authorized expenses to the County Treasurer for administration of the tax; and

WHEREAS, the Planning, Development, Agriculture & Tourism Standing Committee recommends repeal and replacement of the current local law, to take effect after passage and upon filing with the Office of the New York Secretary of State; now, therefore, be it

RESOLVED, that proposed Local Law C of 2022 entitled "The Seneca County Hotel or Motel Occupancy Tax, 2022" be and the same hereby introduced before the Board of Supervisors of Seneca County, New York to read in substantially the following form:

SECTION 1. SHORT TITLE

This local law shall be known as the "Seneca County Hotel or Motel Room Occupancy Tax, 2022".

SECTION 2. INTENT

The intent of this local law shall be to promote Seneca County in order to increase convention, trade show and tourist business in the County.

SECTION 3. TEXT

1. Definitions
2. Imposition of Tax
3. Transitional Provisions
4. Exempt Organizations
5. Territorial Limitations
6. Registration
7. Administration and Collection
8. Records to be Kept
9. Returns
10. Payment of Tax
11. Determination of Tax
12. Disposition of Revenues
13. Refunds
14. Reserves

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- 15. Remedies Exclusive
- 16. Proceedings to Recover Tax
- 17. General Powers of the Treasurer
- 18. Administration of Oaths
- 19. Reference to Tax
- 20. Penalties and Interest
- 21. Returns to be Secret
- 22. Notices and Limitations of Time
- 23. Separability

1. DEFINITIONS.

When used in this local law, the following terms shall mean:

- (a) Person. An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.
- (b) Operator. Any person operating a hotel or motel in the County of Seneca, including but not limited to, the owner or proprietor of such premises, lessee, sub lessee, mortgagee in possession, licensee or any other person otherwise operating such hotel or motel.
- (c) Hotel or Motel. Any facility providing lodging on an overnight basis as well as for longer periods and shall include those facilities designated and commonly known as “bed and breakfast”, inns, cabins, condominiums, cottages, campgrounds, lodges, tourist homes, convention centers, and vacation rentals. The term condominium shall mean and include those units rented or leased directly by the owner or through a real estate agency or rental management agency. The provisions of this section relating to campgrounds, shall only apply to those leases and rentals in which the campground provides overnight shelter or lodging, and shall not apply to the provision of services by a campground when the customer provides their own shelter or lodging.
- (d) Occupancy. The use or possession, or the right to use or possess any room in a hotel or motel.
- (e) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.
- (f) Permanent Resident. Any occupant of any room or rooms in a hotel or motel for at least thirty (30) consecutive days shall be considered a permanent resident with regard to the period of such occupancy.
- (g) Rent. The consideration received for occupancy valued in money, whether received in money or otherwise.
- (h) Room. Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for or let out for any purpose other than a place of assembly.
- (i) Return. Any return filed or required to be filed as herein provided.
- (j) Treasurer. The Treasurer of Seneca County.

2. IMPOSITION OF TAX.

On and after December 8, 2016, there is hereby imposed and there shall be paid a tax of three percent (3%) upon the rent for every occupancy of any room or rooms in a hotel, motel, or bed and breakfast in the County except that the tax shall not be imposed upon (1) permanent resident, or (2) exempt organizations as hereinafter set forth.

3. TRANSITIONAL PROVISIONS.

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The tax imposed by this local law shall be paid upon any occupancy on and after December 8, 2016, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly, monthly, or other term basis, the rent shall be subject to the tax imposed by this local law to the extent that it covers any period on and after December 8, 2016.

4. EXEMPT ORGANIZATIONS.

(a) Except as otherwise provided in this sub-section, any use or occupancy by any of the following shall not be subject to the tax imposed by this local law.

(1) The State of New York or any of its agencies, instrumentalities, public corporations (including a public corporation created pursuant to agreement or compact with another state or Canada) improvement districts or political subdivisions of the State;

(2) The United States of America, or any of its agencies and instrumentalities, insofar as it is immune from taxation;

(3) Any corporation, association, trust or community chest, fund or foundation, organized and operated exclusively for religious, charitable or educational purposes or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this subdivision shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this subdivision

(b). Where any organization described in paragraph (3) of subdivision (a) of this Sub-section carries on its activities in furtherance of the purposes for which it was organized, in premises in which, as part of said activities, it operates a hotel or motel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

5. TERRITORIAL LIMITATIONS.

The tax imposed by this local law shall apply only within the territorial limits of the County of Seneca.

6. REGISTRATION.

Within ten (10) days after the effective date of this local law, or in the case of operators commencing business after such effective date, within three (3) days after such commencement or opening, every operator shall file with the Treasurer a certificate of registration in a form prescribed by the Treasurer. The Treasurer shall within five (5) days after such registration issue without charge to each operator a certificate of authority empowering such operator to collect the tax from the occupant and duplicate thereof for each additional hotel or motel of such operator. Each certificate or duplicate shall state the hotel or motel to which it is applicable. Such certificates of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the Treasurer upon the cessation of business at the hotel or motel named or upon its sale or transfer.

7. ADMINISTRATION AND COLLECTION.

(a) The tax imposed by this local law shall be administered and collected by the Treasurer or other fiscal officers of the County as they may designate by such means and in such manner as are other taxes which are now collected and administered by such officers or as otherwise are provided by this local law.

(b) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for

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and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this local law, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights and eviction, dispossession, repossession and enforcement of any innkeepers lien that they may have in the event of non-payment of rent by the occupant; provided, however, that the Treasurer or other fiscal officer or officers, employees or agents duly designated by them shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

(c) Where the occupant has failed to pay and the operator has failed to collect a tax as imposed by this local law, then in addition to all other rights, obligations and remedies provided, such tax shall be payable by the occupant directly to the Treasurer, and it shall be the duty of the occupant to file a return thereof with the Treasurer and to pay the tax imposed thereon to the County Treasurer within fifteen (15) days after such tax was due.

(d) The Treasurer may, whenever they deem it necessary for the proper enforcement of this local law, provide by regulation that the occupant shall file returns and pay directly to the Treasurer the tax herein imposed, at such times as returns are required to be filed and payment made over by the operator.

(e) The tax imposed by this local law shall be paid upon any occupancy on and after December 8, 2016, although such occupancy is pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed, or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after December 8, 2016. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Treasurer may by regulation provide for credit and/or refund of the amount of such tax upon application therefore as provided in sub-section thirteen of this local law.

(f) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of providing that a rent for occupancy is not taxable hereunder shall be upon the operator, except that, where by regulation pursuant to subdivision seven (d) of this sub-section, an occupant is required to file returns and pay directly to the Treasurer the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant. Where an occupant claims exemption from the tax under the provisions of subdivision four of this sub-section, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that his occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association. Where deemed necessary by the operator, they may further require that any occupant claiming exemption from the tax furnish a copy of a certificate issued by the Treasurer certifying that the corporation or association therein named is exempt from the tax under subdivision four of this sub-section.

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8. RECORDS TO BE KEPT

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Treasurer by regulation requires. Such records shall be available for inspection and examination at any time upon demand by the Treasurer or their duly authorized agent or employee and shall be preserved for a period of three (3) years, except that the Treasurer may consent to their destruction within that period or may require that they be kept longer.

9. RETURNS.

(a) Every operator shall file with the Treasurer a return of occupancy and of rents, and of the taxes payable thereon for the period ending the last day of February, May, August and November of each year, on and after December 8, 2016. Such returns shall be filed within twenty (20) days from the expiration of the period covered thereby. The Treasurer may permit or require returns to be made by other periods and upon such dates as they may specify. If the Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law, they may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this sub-section and upon such dates as they may specify.

(b) The forms of returns shall be prescribed by the Treasurer and shall contain such information as they may deem necessary for the proper administration of this local law. The Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

(c) If a return required by this local law is not filed, or a return when filed is incorrect or insufficient on its face, the Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

10. PAYMENT OF TAX.

At the time of filing a return of occupancy and of rents each operator shall pay to the Treasurer the taxes imposed by this local law upon the rents required to be included in such return, as well as all other monies collected by the operator acting or purporting to act under the provisions of this local law even though it be judicially determined that the tax collected is invalidly required to be billed shall be due from the operator and payable to the Treasurer on the date limited for the filing of the return for such period, without regard for whether a return is filed or whether the return which is filed correctly shows the amount of rents and the taxes due thereon. Where the Treasurer in their discretion deems it necessary to protect revenues to be obtained under this local law they may require any operator required to collect the tax imposed by this local law to file with them a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the Treasurer determines that an operator is to file such bond they shall give notice to such operator to that effect specifying the amount of the bond required. The operator shall file such bond within five (5) days after the giving of such notice, unless within such five (5) days the operator shall request in writing a hearing before the Treasurer at which the necessity, propriety and amount of the bond shall be determined by the Treasurer. Such determination shall be final and shall be complied with within fifteen (15) days after the giving of such notice thereof. In lieu of such bond, securities approved by the Treasurer or cash in such amount as they may prescribe, may be deposited which shall be kept in the custody of the Treasurer who may at any time without notice to the depositor apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by them at public or private sale without notice to the depositor thereof.

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11. DETERMINATION OF TAX

If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty (30) days after giving of notice of such determination, shall apply to the Treasurer for a hearing, or unless the Treasurer of their own motion shall re-determine the same. After such hearing, the Treasurer shall give notice of their determination to the person against whom the tax is assessed. The determination of the Treasurer shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by proceeding under article seventy-eight of the Civil Practice Law and Rules if application therefore is made to the Supreme Court within thirty (30) days after the giving of the notice of such determination. A proceeding under article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless (a) the amount of any tax sought to be reviewed, with penalties and interest thereof, if any, shall be first deposited with the Treasurer and there shall be filed with the Treasurer an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding, or (b) at the option of the applicant such undertaking filed with the Treasurer may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the applicant.

12. DISPOSITION OF REVENUES.

(a) All revenues resulting from the imposition of the tax under the local laws shall be paid into the treasury of Seneca County and shall be credited to and deposited in the general fund of such county, and shall be available thereafter for the promotion of tourism and tourist attractions in Seneca County and other directly related and supporting activities as related to tourism including, but not limited to, programs to improve public infrastructures, to develop, operate and maintain public parks and recreational facilities, to maintain and enhance the water resources of Seneca County, including lakes and tributary streams, and for environmental conservation; and further not more than five (5) percent of such revenue shall be used for the cost of administering such tax. Such promotion may be carried out by an appropriate organization or organizations as designated by the Seneca County Board of Supervisors.

13. REFUNDS.

(a) In the manner provided in this sub-section, the Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Treasurer for such refund shall be made within one (1) year from the payment thereof. Whenever a refund is made by the Treasurer, they shall state their reason therefore in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the Treasurer provided the application is made within one (1) year of the payment by the occupant to the operator, but no actual refund of monies shall be

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made to such operator until they shall first establish to the satisfaction of the Treasurer, under such regulations as the Treasurer may prescribe, that they have repaid to the occupant the amount for which the application for refund is made. The Treasurer may in lieu of any refund required to be made, allow credit therefore on payments due from the applicant.

(b) An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of and the Treasurer may receive evidence with respect thereto. After making this determination, the Treasurer shall give notice thereof to the applicant who shall be entitled to review of such determination by a proceeding pursuant to article seventy-eight of the Civil Practice Law and Rules, provided such proceeding is instituted within thirty (30) days after the giving of notice of such determination, and provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the Treasurer in such amount and with such sureties as a justice of the Supreme Court shall approve to the effect that if such proceedings be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(c) A person shall not be entitled to a revision, refund or credit under this sub-section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of sub-section thirteen of this local law where they have had a hearing or an opportunity for a hearing, as provided in said sub-section or has failed to avail themselves of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the Treasurer made pursuant to sub-section eleven of this local law unless it be found that such determination by the Treasurer was erroneous, illegal or unconstitutional or otherwise improper after a hearing or of their own motion or in a proceeding under article seventy-eight of the Civil Practice Law and Rules, pursuant to the provisions of said sub-section, in which event refund or credit without interest shall be made of the tax, credit or penalty found to have been overpaid.

14. RESERVES.

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under article seventy-eight of the Civil Practice Law and Rules to review a determination adverse to them on their application for refund, the Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

15. REMEDIES EXCLUSIVE.

The remedies provided by sub-sections eleven and thirteen of this local law shall be exclusive remedies available to any person for the review of tax liability imposed by this local law; and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or

reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in the nature of a certiorari proceeding under article seventy-eight of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if they institute suit within thirty (30) days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Treasurer prior to the institution of such suit and posts a bond for costs as provided in sub-section eleven of this local law.

16. PROCEEDINGS TO RECOVER TAX.

(a) Whenever any operator or any officer of a corporate operator or any occupant or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this local law as therein provided, the County Attorney shall, upon the request of the Treasurer bring or cause to be brought an action to enforce the payment of the same on

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behalf of the County of Seneca in any court of the State of New York or of any other state or of the United States. If, however, the Treasurer in their discretion believes that any such operator, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, they may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

(b) As an additional or alternate remedy, the Treasurer may issue a warrant, directed to the Sheriff commanding them to levy upon and sell the real and personal property of the operator or officer of a corporate operator or other person liable for the tax, which may be found within the County for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the Treasurer and to pay to them the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The Sheriff shall within five (5) days after the receipt of the warrant file with the County Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided for in respect to executions issued against property judgments of a court of record and for services in executing the warrant they shall be entitled to the same fees, which they may collect in the same manner. In the discretion of the Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the Treasurer and in the execution thereof such officer or employee shall have all the powers conferred upon the Sheriff, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Treasurer may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefore and execution thereon has been returned unsatisfied.

(c) Whenever an operator shall make a sale, transfer, or assignment in bulk of any part or the whole of their hotel or motel or their lease, license or other agreement or right to possess or operate such hotel or motel or of the equipment, furnishings, fixtures, supplies or stock of merchandise, or the said premises or lease, license or other agreement or right to possess or operate such hotel or motel and the equipment, furnishings, fixtures, supplies and stock of merchandise pertaining to the conduct or operation of said hotel or motel, otherwise than in the ordinary and regular prosecution of business, the purchaser, transferee or assignee shall at least ten (10) days before taking possession of the subject of the sale, transfer or assignment, or paying therefor, notify the Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing. Whenever the purchaser, transferee or assignee shall fail to give notice to the Treasurer as required by the preceding paragraph or whenever the Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or causes in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor

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or assignor any such sums of money, property or causes in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this subdivision, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of article six of the Uniform Commercial Code, shall be personally liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law.

17. GENERAL POWERS OF THE TREASURER.

(a) In addition to the powers granted to the Treasurer in this local law, they are hereby authorized and empowered:

1. To make, adopt and amend rules and regulations appropriate to the carrying out of this local law and the purposes thereof;
2. To extend for cause shown, the time of filing any return for a period not exceeding thirty (30) days; and for cause shown, to remit penalties but not interest computed at the rate of six percent (6%) per annum; and to compromise disputed claims in connection with the taxes hereby imposed;
3. To request information from the Tax Commissioner of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this local law to the contrary notwithstanding;
4. To delegate their functions hereunder to a deputy Treasurer or any employee or employees of the Department of the Treasurer;
5. To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;
6. To require any operator within the County to keep detailed records of the nature and type of hotel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the Treasurer;
7. To assess, determine, revise and readjust the taxes imposed under this local law.

18. ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY.

(a) The Treasurer or their employees or agents duly designated and authorized by them shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this local law. The Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of their duties hereunder and of the enforcement of this local law and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before them or excused from attendance.

(b) A justice of the Supreme Court either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this local law.

(c) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one (1) year, or both such fine and imprisonment.

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(d) The officers who serve the summons or subpoena of the Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County Sheriff and their duly appointed deputies or any officers or employees of the Department of the Treasurer, designated to serve such process.

19. REFERENCE TO TAX.

Wherever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms", except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the words "occupancy tax" will suffice.

20. PENALTIES AND INTEREST.

(a) Any person failing to file a return or to pay over any tax to the Treasurer within the time required by this local law shall be subject to a penalty of ten percent (10%) of the amount of tax due; plus interest at the rate of one percent (1%) of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due; but the Treasurer if satisfied that the delay was excusable, may remit all or any part of such penalty, but not interest, at the rate of six percent (6%) per year. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this local law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law.

(b) Any operator or occupant and any officer of a corporate operator or occupant failing to file a return required by this local law, or filing or causing to be filed, or making or causing to be made or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this local law, which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to sub-section eleven of this local law, or failing to file a registration certificate and such date in connection therewith as the Treasurer may by regulation or otherwise require or to display or surrender the certificate of authority as required by this local law or assigning or transferring such certificate of authority and any operator and any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed, or willfully failing to state such tax or any evidence or occupancy and on any bill or statement or receipt or rent issued or employed by the operator, or willfully failing or refusing to collect such tax from the occupant, and any operator and any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this local law, and any operator failing to keep the records required by subdivision eight of sub-section two of this local law, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1000), or imprisonment for not more than one (1) year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this local law, and subject to the penalties herein above imposed.

(c) The certificate of the Treasurer to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this local law, shall be presumptive evidence thereof.

21. RETURNS TO BE SECRET.

(a) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the Treasurer or any officer or employee of the Department of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of

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a taxpayer contained in any return required under this local law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Treasurer in an action or proceeding under the provisions of this local law, or on behalf of any party to any action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or their duly authorized representative of a certified copy of any return filed in connection with their tax not to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three (3) years and thereafter until the Treasurer permits them to be destroyed.

(b) Any violation of subdivision (a) of this sub-section shall be punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment not exceeding one (1) year or both, in the discretion of the court, and if the offender be an officer or employee of the County they shall be dismissed from office and be incapable of holding any public office for a period of five (5) years thereafter.

22. NOTICES AND LIMITATIONS OF TIME.

(a) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a post-paid envelope addressed to such person at the address given in the last return filed by them pursuant to the provisions of this local law, or in any application made by them, or if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this local law by the giving of notice shall commence to run from the date of mailing of such notice.

(b) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this local law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three (3) years from the date of the filing of a return; provided, however, that where no return has been filed as provided by this local law, such tax may be assessed at any time.

(c) Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

23. SEPARABILITY.

If any provision of this local law or application thereof to any person or circumstances, is held invalid, the remainder of this local law, and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 4. EXPIRATION DATE

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Pursuant to Subdivision 10 of Section 1202-o of the New York State Tax Law, this local law shall expire three (3) years from its effective date.

SECTION 5. EFFECTIVE DATE

This local law shall take effect upon its filing in the office of the Secretary of State as provided by the Municipal Home Rule Law; and be it further

RESOLVED, that copies of the aforesaid proposed local law be laid upon the desks of each member of the County Board; and, be it further

RESOLVED, that the County Board hold a public hearing on said proposed Local Law at the County Office Building, 1 DiPronio Drive, Waterloo New York at or about 6:00 P.M., June 14, 2022; and, be it further

RESOLVED, that the Clerk to the Board publish or cause to be published a notice of said public hearing in the official newspapers of the County at least ten (10) days prior thereto.

**BOARD OF SUPERVISORS AUTHORIZES MOVING START RATE FOR PSYCHIATRIC
NURSE POSITION IN THE MENTAL HEALTH SERVICES DEPARTMENT TO STEP 8 ON
THE CSEA SALARY SCALE AND MOVING CURRENT PSYCHIATRIC NURSE TO
APPROPRIATE STEP EFFECTIVE IMMEDIATELY**

RESOLUTION NO. 164-22, motion by Sprvr. Ferrara, second by Sprvr. Enslow and adopted.

WHEREAS, there is a vacant Psychiatric Nurse position in the Mental Health Department and a current nurse has submitted their resignation due to low wages; and

WHEREAS, recruitment efforts have been unsuccessful due to the non-competitive pay rate for this position; and

WHEREAS, due to recruiting difficulties the Personnel Officer recommends that starting salary for the Psychiatric Nurse position be moved from Grade 12, Step 3, to Grade 12, Step 8 (\$34,009) on the CSEA Salary Scale and the currently filled position be moved to the higher rate accordingly; and

WHEREAS, funding is available in the 2022 SAMHSA Community Mental Health Grant Budget; and

WHEREAS, the position is sustainable through collection of medication fees for billable nursing services; and

WHEREAS, this resolution has been reviewed and approved by the Personnel Standing Committee on May 24, 2022; now, therefore be it

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RESOLVED, that the Board of Supervisors approves moving the starting salary for Psychiatric Nurse position from a Grade 12, Step 8 on the CSEA Salary Scale in the Mental Health Services Department; and be it further

RESOLVED, that the Board of Supervisors approves moving the current Psychiatric Nurse from Grade 12, Step 3 to Grade 12, Step 8 on the CSEA Salary Scale in order to retain the current Nurse; now therefore be it

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

Special Order of the Day

The meeting adjourned at 7:40 p.m.