

**SENECA COUNTY  
BOARD OF SUPERVISORS**

Board Meeting & Public Hearings  
June 14, 2022

Call to Order

Chairman Hayssen called the meeting to order at 6:02 p.m.

Roll Call of Members by the Clerk

All fourteen members of the Board of Supervisors were present.

Pledge of Allegiance and Moment of Silence

Public Hearings

a) Proposed Local Law B of 2022, as follows: “Establishment, Authority & Duties of the Seneca County Planning Board and to Repeal and Replace Local Law No. 3 of 2010”. Sprvr. Ferrara moved the floor open to accept oral comments. None were heard. Sprvr. Hayes moved the floor closed.

b) Community Development Block Grant (CDBG) CARES (CV) application for program year 2020 CDBG-CV funding. New York State Homes and Community Renewal (HCR); for up to \$5 Million in 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. Sprvr. Ferrara moved the floor open to receive oral comments. None were heard. Planning Director Jill Henry called attention written comments in support of the project received from three tenants of Verona Village: Adeline Lynch, Carolyn E. Martin, and Fern Henninger. Sprvr. Don Trout moved the floor closed.

c) Proposed Local Law C of 2022, as follows: “Seneca County Hotel or Motel Occupancy Tax 2022”. Sprvr. Barnhart moved the floor open to received oral comments. None were heard. Sprvr. Shipley moved the floor closed.

d) Granting the County Treasurer the authority, in accordance with Real Property Tax Law of the State of New York §1182, to waive any or all of the accrued interest and penalties on a certain parcel in the Town of Waterloo, to wit: Tax Map No. 21-3-33.2, Estate of Norman Buisch, on the Waterloo-Geneva Rd. Sprvr. Shipley moved the floor open to receive oral comments. None were heard. Sprvr. Brownell moved the floor closed.

Presentations

None

Petitioner:

Maria Stagliano, representatives of the official and legitimate Cayuga Nation government, read the following statement, included in the minutes for the record:

Good evening. Thank you for having us back to speak with you on behalf of the Cayuga Nation. I know we discussed several topics last time, and we are working to get information and address your concerns to the extent possible as representatives of the official and legitimate Cayuga Nation government. We are here in the meantime to continue the open dialogue we

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started with you on a government-to-government basis.

I'm going to address a few clarifying points tonight, but won't have every answer readily available. I understand that you primarily want to focus on the tax issue. However, I want to make it very clear: as a sovereign government, the Cayuga Nation is under no obligation to pay taxes to any county. This is not uncommon and it is a vital part of the relationship between other Indian Nations and their local governments. It has been affirmed and reaffirmed by every court that has weighed in on it.

But I'd also like to note that the Nation does pay property tax on the properties within its land-in-trust application, as well as school taxes.

I want to be clear on another point of tension between the Cayuga Nation and this board: When I reference the Cayuga Nation, I'm speaking about the Nation's leadership, government and official Cayuga Nation properties. This does not apply to every Cayuga Nation member, and it is clear there are some properties that you could collect taxes on.

For example, 2133 Lake Road in Seneca Falls is a single-family home in a residential neighborhood. It appears on the County's tax records as owned by "Cayuga Nation Enterprises." This name is not used by the Cayuga Nation in any way. As it currently stands, delinquent taxes total \$65,372 on this property without any attempt at collection. The Nation has requested time and again that the county take action against the cannabis shack illegally operated on this residential property.

There is an important distinction here that must be made: A Native Nation's sovereign immunity extends only to the Nation itself, its officers and employees, and its official economic enterprises. It does not protect individual Nation members and give them free range to do what they want.

Only official Cayuga Nation businesses can claim the sovereign right to sell cannabis. And only properties actually owned by the Cayuga Nation are free from local property taxes.

I also have some clarification on the Cayuga Nation's governance structure. As was noted last time, the Cayuga Nation does not recognize the Haudenosaunee Confederacy as a governing body. Nor does the United States. There is no governing authority within the Haudenosaunee Confederacy that controls its traditional member nations today.

The governance process selected by the Cayuga Nation's people in 2016 is the same process that was used by the Oneida Nation in selecting their Nation's leader. In short: the Haudenosaunee Confederacy is a matter of history and does not bear any legitimate role in the governance or authority over any of the six nations today.

The Cayuga Nation is a part of this community. Despite the challenges, lawsuits and anti-Indian sentiment they've faced, the Cayuga Nation is an economic engine—creating jobs and business opportunities benefitting its neighbors, such as yourselves.

Looking beyond historical tension and disagreement, there are many possible cooperative government-to-government business opportunities for Seneca County and the Cayuga Nation.

At the last meeting, a presentation on tourism discussed ways to attract additional business to the area. Obviously, more foot traffic brings increased sales, exposure and interest to the region—a benefit to both Seneca County and the Cayuga Nation.

With many thriving local businesses, it's clear Seneca County and its neighboring counties have so much to offer out-of-towners, as well as its residents. Similarly, the Cayuga Nation's rich history, cannabis business and soon-to-be two casinos attract tourists as well. There is opportunity here to collaborate on mutually beneficial economic development.

As Supervisor Ferrara said, the Cayuga Nation isn't going anywhere, whether you like it or not. At the moment, we don't know what a positive relationship would look like. And it

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seems, nor do you. But if Seneca County wants to start a new dialogue about a mutually beneficial relationship, it requires a basic foundation of respect and acknowledgment for the Cayuga Nation's sovereign rights from this entire body before moving forward.

This includes resolving several difficult questions, including:

- Does this board recognize that the Cayuga Nation is a federally- recognized sovereign Indian nation?
- Do you recognize the Cayuga Nation's reservation, as has been affirmed and reaffirmed by every federal and state court to take up the question?
- Do you recognize that any interactions with the Cayuga Nation are as co-equal sovereign governments, and not on a Governor-to-Governed relationship?
- Are you willing to accept that the Cayuga Nation has no obligation to pay property taxes to the county on certain lands, as is their sovereign right and has been affirmed by the courts?

These should not be difficult issues to resolve, as each has been litigated to conclusion and decided in the Nation's favor. But the County's recognition of this reality is a precondition to progress between our two governments. As has been definitively determined by the federal and state government, the Cayuga Nation is a sovereign nation. It has a federally recognized reservation and is entitled to its sovereign rights. We hope that Seneca County will acknowledge the same.

The Cayuga Nation will continue to pave its own path as it has done in the past, without any cooperation or beneficial relationship with the county. All we're here to do is gauge if there's potential for mutual respect—along with correcting any misinformation.

Andrew and I will continue coming to these meetings to engage in productive conversations, but again, this requires mutual respect and recognition for the co-equal sovereigns. I look forward to hearing your questions, concerns, and requests. Thank you.

Discussions: Having heard the statement by Maria Stagliano, some discussion followed.

Governance of Cayuga Nation, Ms. Stagliano was unable to identify the governing process adhered to by Halftown, though she said they do not have elections and they do not recognize the Haudenosaunee Council except for its historic significance.

Regarding the February 2020 raid ordered by Halftown when members were evicted from homes and buildings demolished, Ms. Stagliano said the property is owned by Cayuga Nation, and the people who were evicted were squatters. They claim they are members of Cayuga Nation, though they are not recognized by Halftown because they do not support his leadership.

Improving relations between Cayuga Nation and Seneca County, Sprvr. Shipley, Chairman, Indian Affairs Standing Committee, said the first step is for Halftown to pay \$8 million dollars in unpaid property and school taxes on the 73 properties he has purchased.

Open Privilege of the Floor

Dylan John, Turtle Clan, Traditional Cayuga Nation, read the following statement, included in the minutes for the record, in response to comments made by Maria Stagliano.

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True leadership is a representation of the way you work with your nation to achieve goals as a whole for the future generations. A true leader makes an effort to help develop its nation members with their inherited rights and sovereignty with true consensus with our rightful governing body which is our chiefs and clan mothers and the people within the clan system. They lead by example to establish strong and trustworthy relationships amongst the people and not use power and greed to remove their own nation members from their ancestral homelands. A true leader needs to take responsibility for their actions and should lead by example for others. Being accountable includes recognizing your own mistakes. Sharon LeRoy, Clint Halftown's mother, and Halftown, continuously fail to recognize their mistake of not coming to consensus with the rest of the governing body, the chiefs and clan mothers. Instead they chose to misuse their positions as secretary and federal representative which gave them the power to speak government to government and instead of using their position correctly and involving the chiefs and clan mothers they broke away from the governing body and made their own council made of members chosen by Halftown, not the people within the clan system the way it was intended.

Discussion: Following Mr. John's comments, Sprvr. Don Trout and Sprvr. Ferrara said the county board, at this point in time, having fought the 'land claim; all the way to the US Supreme Court, has no further recourse to help the Traditional Cayuga Nation members. They urged them to appeal to the Bureau of Indian Affairs. Mr. John said their group just returned from meeting with BIA officials, , in Washington D.C., which was made possible through the efforts of Senator Schumer.

Approval of Meeting Minutes

The minutes were approved for the May 10, 2022 Regular board meeting; and the May 24, 2022 Special board meeting.

Reports of Standing Committees

Finance, Assessment & Insurance, Sprvr. Reynolds, Chairman. There were no comments heard at the Public Hearing earlier to grant waiver of accrued interest and penalties for property on Waterloo-Geneva Rd. Total amount to be written off is approximately \$65,000. On tonight's agenda we will consider adopting a resolution to extend tax rolls and bill extract files to Phelps/Clifton, Romulus, Seneca Falls, South Seneca, Trumansburg and Waterloo School Districts; and another resolution to pay Mortgage Tax.

Human Services, Sprvr. Enslow, Chairman. There are two resolutions on the agenda tonight. One resolution is to accept \$45,000 from Homeless Management Information Systems (HMIS) funding); and another to approve the annual update; and the other is to approve the annual update for the 2022 Seneca County Child and Family Services Annual Plan

Public Works, Sprvr. Don Trout, Chairman. Three resolution were approved by the Committee. A contract with Barton & Loguidice for the design and engineering services for the Marshall Road Bridge

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Project, not to exceed \$125,000; Award construction contracts - Massa Construction - \$374,000.00 for DHS Phase III renovations; Award Peterman Lumber at a cost not to exceed \$26,750 to repair the pump station in Sewer District No. 3 which damaged in a vehicular accident.

Environmental Affairs, Sprvr. Kronenwetter, Chairman. Public Health Director Scott King updated the committee on the septic inspection program. Inspections for Fayette are underway. Overall, Director King predicts 90% - 95% properties will pass inspection. Septic systems that fail inspection will be dealt with on case by case - may be a fairly robust repair or something that can be repaired quickly; case may be a seasonal property. There is a Variance board process if property owner not happy with Scott's decision. Property transfer inspection is not a routine inspection; totally different rates

Government Operations, Sprvr. Jeffrey Trout, Chairman. Resolution on the agenda to approve a contract renewal with Avenue Enterprise Solutions LLC, with a principle office located in Centreville, VA for scanning and imaging of all land and court documents for the County Clerk's office. The term is for an additional 5 years.

Discussion took place on creating a local law to allow for remote participation. The current "State of Emergency" order ends July 14. After that date, the exemptions to allow for remote or virtual meetings that we have operated under since early 2020 will end. Supervisors will no longer be able to participate in BOS activities, including committee meetings, by phone, video call, or "Zoom" type actions. Additional legislation was passed the gives local municipalities the option to adopt virtual/remote procedures as local laws. However, the options available do not include simple audio/telephone only participation. After discussion it was decided that Seneca County would not continue with remote participation for public meetings.

Indian Affairs, Sprvr. Shipley, Chairman. At the May 10, 2022 BOS meeting, Maria Stagliano from Levick Strategic Communications LLC, a crisis management firm, returned to address the Board. She spoke on behalf of their client, Clint Halftown, as the BIA recognized representative of Cayuga Nation. Although she could not answer numerous questions asked by Sprvr. Barnhart, she said she would provide future answers. She stated that her comments were structured to improve the community relations between Seneca County and Clint Halftown. I pointed out to Maria to advise Mr. Halftown to attend a future Supervisors meeting and to have him bring his checkbook to pay the nearly \$8 million dollars in unpaid property and school taxes on the 73 properties he has purchased. Paying these back taxes would go a "LONG WAY" in improving the strained relationship between Mr. Halftown and Seneca County.

Water & Sewer Treatment Management & Operations, Sprvr. Hayes, Chairman. The committee

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met on May 17, 2022 at Romulus Town Hall. The committee was updated on the needs of the water system within the next 24 months. Priority issues include Lake Pump State / Lakeshore Landing; Million Gallon Reservoir and Hillside Elevated Storage tank. Finance Director Halle Stevens reviewed financials for Sewer 1 and Sewer 2.

Personnel, Sprvr. Ferrara, Chairman. Due to difficulty in filling certain vacant positions, the committee approved increasing the start rate for a Psychiatric Nurse position in the Mental Health Services Department; and for a Planner position in the Planning & Community Development Department; and increasing salaries for all Part-time positions to Full-time starting salary rates. The committee also approved refilling several vacancies: (2) Full-time Caseworkers in Adult Protective Services (APS); (1) Full-time Case Supervisor Grade B in (APS); (1) Full-time Social Welfare Examiner; (1) Full-Time Caseworker in Preventive Services; (1) Full-time MEO Light position in the Highway Department; and (1) Full-time Corrections Officer position.

Public Safety, Sprvr. Rhinehart, Chairman. The committee approved appointments to the Fire Advisory Board made up of members of the several fire departments in Seneca County, each member is for a one year term – January – December 2022. We also approved to extend the agreement with South Seneca Central School District for School Resource Officer position, effective July 1, 2022 and ending June 30, 2025. South Seneca will contribute \$40,000 annually to offset salary and benefits.

The Social Host Local Law amended to address legalized cannabis use remains on the committee agenda. Karen Burchoff, Project Director, Seneca County Substance Abuse Coalition gave statement support the inclusion of cannabis in the current local law. Sprvr. Barnhart pointed out discrepancies with our proposed local law and NYS penal law. Our county attorney is working on it.

Public Health Services, Sprvr. Borst, Chairman. The committee approved several issues on the agenda tonight: Contract with Darcy Herron to provide Occupational Therapy services for the Pre-School Program @ \$85 per half hour session; Accept grant funds (\$30,702) from NYSDOH Bureau of Communicable Disease Control for the Rabies Control Program; Accept grant funds (\$52,099) from New York State Department of Health for the Public Health Emergency Preparedness Grant; Service agreement with Cathy Bond for Emergency Planning Consultation services for the period of July 1, 2022 to June 30, 2023 for an amount not to exceed \$42,000; Accept \$34,750 grant funds under the Creating Healthy Schools and Communities Grant for the second grant year for June 1, 2022 through May 31, 2023; and Contract with Seneca County Cornell Cooperative Extension for Interim Project Director services under the Creating Healthy Schools and Communities Grant for the second grant year for June 1, 2022 through May 31, 2023 for an amount not to exceed \$30,000.

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Planning, Development, Agriculture & Tourism, Sprvr. Barnhart, Chairman. 1st public hearing is for proposed Local Law 2 of 2022, “Establishment, Authority & Duties of the Seneca County Planning Board and to repeal and replace Local Law 3 2010. If the Board approves moving forward, there is a resolution on the agenda to adopt the local law. 2nd public hearing listed is for the Verona Village project. After the public hearing, and if the Board approves moving forward, there is a resolution on the agenda authorizing the county manger to apply for New York State Office of Community Renewal CDBG and/or CDBG CARES funding, in an amount not to exceed \$5 million, to support major renovations of Verona Village Apartments in Ovid, NY. 3rd public hearing is for proposed Local Law 3 of 2022, “Seneca County Hotel or Motel Occupancy Tax, 2022”. If the Board approves moving forward, there is a resolution on the agenda to adopt the local law

Hotel-Motel Tax Collection Compliance discussion: County Treasurer Les Marquart & former county treasurer Frank Sinicropi, who was appointed by Marquart to be the Compliance Officer for short term rentals; Host Compliance aka Granicus is the company that we contracted with to assist in managing short term rentals; Airbnb is only national company we contract with.

2022 NYS Consolidated Funding Application (CFA) Round: New York State has opened the annual CFA funding/application process for 2022. A discussion with the Committee is requested to discuss potential projects and next steps. The application deadline is 4PM on July 29, 2022.

Report of Special Committees

Airport Advisory Committee – Sprvr. Robert Shipley. Reporting on the June 8 quarterly meeting of the Committee. Resolution No. 153-22, calling for a 1,000 foot runway addition to strengthen the airport impact on business development and support for the county and region. Airport Manager David Haimes was contacted in May by NET-JETS regrading clients who had students graduating from Hobart College and wanted to fly into the area but were unable to use FLRA due to the short runway. McFarland Johnson Engineers will review the runway proposal and report to the Board of Supervisors a timeline needed to accomplish the runway extension. They recommend that the county partner with local businesses for support and justification for the extension to the FAA for approval of the master plan.

Chairman’s Remarks

Chairman Hayssen formed the Opiate Settlement Fund Committee. Purpose of the committee is to focus on utilization and allocation of settlement funds and bring recommendations to the Board of Supervisors. Members appointed to the committee: Sprvrs. Hayssen, Partee, and Enslow, Sheriff Luce, Mental Health Director Margaret Morse, Dr. Joseph Lorenzetti, County Attorney Ettman as legal advisor; and County Manager Mitch Rowe.

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These funds are the result of the \$1.5 billion that Attorney General James has secured so far for New York State as a result of settlements with the manufacturers and distributors of opioids. All 62 counties and the five largest cities in the state will receive funds to be used for opioid treatment and prevention efforts. Seneca County is expected to receive \$230,746.26 for the year 2022.

New York State plans to sell the eight prison sites Governor Hochul closed down earlier this year, Willard is included. The property is 862 acres with 2500 ft. of lake frontage.

County Manager's Remarks

Finger lakes Regional Economic Development Corporation will have its first in-person meeting since COVID on June 24 at Geneseo College; CFA portal is open until July 29 at 4:00 p.m.; The 2023 budget process is at the department head level. They have until August 1 to submit requests for 2023.

County Attorney's Remarks

None

Communications:

63. From Alexis Ogra, Chief of Staff, Assemblyman Jeff Gallahan, an email dated June 1, 2022 regarding the volunteer firefighters / ambulance workers bill for Seneca County, (A9986A / S8910A), due to the popularity of this idea and many other counties seeking the same, a bill A10155A/S9131) was introduced to implement an opt in program state wide; this passed both the Assembly and Senate; and is on the Governor's desk to be signed by the end the year.

64. From NYSAC, an email dated May 3, 2022, notifying counties of the passage of a Governor program bill (S.8947/A.10079) providing counties with additional time, the new deadline is now May 16 for a June 1 start date, to pass a local law or resolution to opt-in to suspending the local sales tax on gasoline; and the state will not accept either January 1, 2023 or the end of a sales tax quarter as the repeal date.

65. From NYS Taxation and Finance Real Property Tax Services, date June 8, 2022, a list of Certified State Equalization Rates for the 2022 assessment rolls which have been established to date for the municipalities in Seneca County (*the final State equalization rate has been rescinded, the revised State equalization rate is shown*).

66. From Karen Burchoff, Project Director, Seneca County Substance Abuse Coalition, a copy of her statement read at the Public Safety Standing Committee meeting on May 24, 2022, supporting the inclusion of cannabis in the Seneca County Social Host Law to assists in the ongoing effort to protect the children of Seneca County.

67. From U.S. Census Bureau, an email dated May 31, 2022, announcing the 2020 Post-Census

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Group Quarters Review Program, cases being accepted beginning June 6, 2022 until June 30, 2023,

68. A copy of a letter to Governor Hochul dated June 2, 2022 from the Orleans County Legislature, with multiple resolutions adopted May 25, 2022 regarding welfare funding and Children and Family Services and Temporary Disability Assistance.

69. A copy of Cattaraugus County Act No. 252-2022, “Supporting Assembly Bill A.9990 and Senate Bill S.8999 allowing NYS Produced whole and 2% mil back into schools.

70. A copy of Cayuga Lakes Watershed Intermunicipal Organization (CWIO) April 27, 2022 meeting minutes.

71. A copy of Airport Advisory Committee March 9, 2022 meeting minutes.

72. A copy of Inter-County Association of Western New York May 13, 2022 meeting minutes.

73. A copy of Seneca County Board of Health minutes for the April 20 and May 18 2022 meetings.

74. A copy of Seneca County Planning Board May 12, 2022 meeting minutes.

75. A copy of Seneca County Sheriff’s Office Monthly Snapshot for April and May 2022.

76. A copy of a letter supporting the CDBG Verona Village Restoration project from tenants currently residing at the location: Adeline Lynch, Carolyn E. Martin, and Fern Henninger.

77. A copy of the statement read by Maria Stagliano, representative, Cayuga Nation Halftown faction.

78. A copy of the statement read by Dylan John, member of Cayuga Nation traditional faction.

RESOLUTIONS & MOTIONS

**BOARD OF SUPERVISORS AUTHORIZE FINANCE DEPARTMENT TO  
PAY MORTGAGE TAX**

RESOLUTION NO. 165-22, motion by Sprvr. Reynolds, second by Sprvr. Don Trout and adopted.

WHEREAS, pursuant to Section 261 of the Tax Law, the mortgage tax report for the period October 1, 2021 through March 31, 2022 has been filed; and

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

RESOLVED, that the Finance Department is hereby authorized and directed to pay to the municipalities of Seneca County the amount apportioned as follows:

<u>TOWN</u>	<u>AMOUNT ALLOCATED</u>	<u>VILLAGE SHARE</u>	<u>TOWN SHARE</u>
<b>COVERT</b>	\$28,734.22	\$1,610.45	\$27,123.77
<b>FAYETTE</b>	\$41,668.03	\$2,462.54	\$39,205.49

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<b>JUNIUS</b>	\$6,596.00	0	\$6,596.00
<b>LODI</b>	\$30,723.00	\$1,248.99	\$29,474.01
<b>OVID</b>	\$22,384.00	\$1,580.53	\$20,803.47
<b>ROMULUS</b>	\$48,356.85	\$263.94	\$48,092.91
<b>SENECA FALLS</b>	\$75,451.49	\$6.60	\$75,444.89
<b>TYRE</b>	\$10,019.00	0	\$10019.00
<b>VARICK</b>	\$46,689.45	0	\$46,689.45
<b>WATERLOO</b>	\$103,985.96	\$34,352.10	\$69,633.86
<b>TOTALS:</b>	<b>\$414,608.00</b>	<b>\$41,525.15</b>	<b>\$373,082.85</b>

**EXTEND TAX ROLLS AND BILL EXTRACT FILES TO PHELPS/CLIFTON, ROMULUS,  
SENECA FALLS, SOUTH SENECA, TRUMANSBURG AND WATERLOO  
SCHOOL DISTRICTS**

RESOLUTION NO. 167-22, motion by Sprvr. Enslow, second by Sprvr. Hayes and adopted.

WHEREAS, Seneca County has for the past several years extended tax extract files to the school districts of Phelps/Clifton, Romulus, Seneca Falls, South Seneca, Trumansburg and Waterloo; to enable them to administer their own school tax bills; and

WHEREAS, the school districts and villages are desirous of continuing this service for 2022; and

WHEREAS, it would be in the best interest of the County and School Districts to continue the service; and

WHEREAS, the Finance, Assessment and Insurance Standing Committee has reviewed and approved this resolution at its May 24, 2022 meeting; now, therefore be it

RESOLVED, that the Seneca County Manager, after review and approval by the County Attorney, is authorized to sign the annual agreements with the Phelps/Clifton, Romulus, Seneca Falls, South Seneca, Trumansburg and Waterloo School Districts to provide extract files to enable the schools to administer tax bills for 2022.

**AUTHORIZING ENGINEERING CONSULTANT FIRM BARTON & LOGUIDICE TO  
MANAGE MARSHALL ROAD BRIDGE CAPITAL PROJECT**

RESOLUTION NO. 168-22, motion by Sprvr. Don Trout, second by Sprvr. Brownell and adopted.

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WHEREAS, Resolution No. 34-22 authorized the acceptance of BridgeNY funds, the establishment of a capital project and solicitation of an engineering firm to provide the design and engineering for the Marshall Road Bridge Project BIN 3209500, P.I.N. 375694; and

WHEREAS, Resolution Nos. 34-22 and 124-22 authorized a total capital project cost in the amount of \$747,500; and

WHEREAS, the Highway Superintendent solicited proposals from Region 3 Local Design Service Agreement (LDSA) list; and

WHEREAS, Barton & Loguidice of 443 Electronics Pkwy, Liverpool, NY 13088 submitted a proposal for engineering and design services for a contract amount not to exceed \$125,000; and

WHEREAS, the Public Works Standing Committee approved this resolution at its May 24, 2022 meeting; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorized a contract with Barton & Loguidice for the design and engineering services for the Marshall Road Bridge Project, not to exceed \$125,000; and, be it further

RESOLVED, that the County Manager is hereby authorized and directed to sign any and all documents with Barton & Loguidice regarding engineering for the Marshall Road Bridge Project, BIN 3209500, P.I.N. 375694; and, be it further

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

Account	Description		Existing Budget	Change	New Budget
805112 43505 MRB	State Aid-BridgeNY	Revenue	\$710,000		\$710,000
805112 45031 MRB	Local Share Interfund Tfr	Revenue	\$37,500		\$37,500
805112 52001 MRB	Bridge Project	Expenditure	\$747,500	(\$125,000)	\$622,500
805112 54341 MRB	Engineer Fees	Expenditure		\$125,000	\$125,000

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.

**BOARD OF SUPERVISORS APPROVE CONTRACT RENEWAL BETWEEN  
SENECA COUNTY CLERKS OFFICE AND AVENUE ENTERPRISE SOLUTIONS LLC**

RESOLUTION NO. 169-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout and adopted.

WHEREAS, the five (5) year contract between the Seneca County Clerk's Office and Avenue Enterprise Solutions LLC with a principle offices located at 5860 Trinity Parkway, Suite 120, Centreville, VA 20120 for scanning and imaging of all land and court documents will expire in June 2022; and

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WHEREAS, the County Clerk's Office would like to renew their contract with Avenue Enterprise Solutions LLC for an additional five (5) years, starting in June 2021 until June 2027; and

WHEREAS, the Government Operations Standing Committee reviewed and approved this resolution at their meeting on May 24, 2022; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes and directs the County Manager to execute a contract renewal with Avenue Enterprise Solutions LLC with a principle office located at 5860 Trinity Parkway, Suite 120, Centreville, VA 20120, for the Seneca County Clerk's Office for scanning and imaging of all land and court documents for an additional five year term with funding available in the 2022 Seneca County Clerk's budget account 10-1410-54380; subject to the approval of the Seneca County Attorney.

**BOARD OF SUPERVISORS AUTHORIZE HIRING ABOVE START RATE FOR PLANNER  
POSITION IN THE PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT  
EFFECTIVE IMMEDIATELY**

RESOLUTION NO. 170-22, motion by Sprvr. Ferrara, second by Sprvr. Rhinehart and adopted.

WHEREAS, there is a vacant Planner position in the Planning and Community Development Department; and

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

WHEREAS, due to recruiting difficulties, the Personnel Officer recommends that the Planner position be filled at a salary above the start rate, in order to attract and retain a skilled Planner; and

WHEREAS, the Director of Finance has reviewed this position and there is money available in the 2022 budget to offset the cost with in the Full Time Salary account line 108020-51100; and

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

RESOLVED, that the Board of Supervisors approves hiring a Planner in the Planning & Community Development Department at Grade 9, Step 5 (\$26.986 per hour); 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.

**BOARD OF SUPERVISORS AUTHORIZE INCREASING SALARIES FOR ALL PART-TIME  
POSITIONS TO FULL-TIME STARTING SALARY RATES EFFECTIVE IMMEDIATELY**

RESOLUTION NO. 171-22, motion by Sprvr. Ferrara, second by Sprvr. Jeffrey Trout and adopted.

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WHEREAS, on several occasions County Departments have expressed difficulty in recruiting for part-time positions due to the low wages being offered; and

WHEREAS, the Seneca County Personnel Officer has reviewed the salaries of all part-time positions within the County and recommends that in order to attract and retain employees, salaries need to be commensurate with the demands of the position; and

WHEREAS, increasing the starting salaries for part-time positions to be equal with the starting salaries for full-time positions would increase interest in applying for vacant positions; and

WHEREAS, the Director of Finance has reviewed the part-time positions in the County that currently are not filled due to low wages being offered and has determined that funds are available in the 2022 budget to increase the starting salaries to that of the full-time positions; and

WHEREAS, the starting salary schedule for part-time positions has been reviewed and approved by the Vacancy Committee and the Personnel Standing Committee as needing to be increased to full-time equivalent starting salaries on May 24, 2022; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes increasing the salaries for all part-time positions to full-time starting salary rates as per current collective bargaining agreements; and, be it further

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

RESOLVED, this resolution will remain in effect until and unless the Board desires to make changes accordingly.

**APPOINTMENTS TO THE FIRE ADVISORY BOARD**

RESOLUTION NO. 172-22, motion by Sprvr. Rhinehart, second by Sprvr. Shipley and adopted.

WHEREAS, pursuant to NYS County Law Chapter 11, Article 5, Section 225-A, Fire Training and Mutual Aid Programs, a county fire advisory board shall consist of not less than five nor more than twenty-one members, each of whom shall be appointed by the board of supervisors for a term of not to exceed one year, two years or three years; such terms of office need not be the same for all members; and

WHEREAS, this resolution was approved by the Public Safety Standing Committee on May 24, 2022; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors does hereby appoint the following persons to the Seneca County Fire Advisory Board for a one-year term to expire December 31, 2022.

Border City Fire Department: Nick Madia; (Kodi DiCicco, alternate)

Canoga Fire Department: Nathan Peckham; (Dervin Zeiset, alternate)

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Clyde Fire Department: Joe Tavano, Jr.; (James Lee, alternate)

Fayette Fire Department: Robert Halladay

Interlaken Fire Department: James Borden, (Christopher Nelson, alternate)

Junius Fire Department: John Meckley; (Kevin DeWaele, alternate)

Lodi Fire Department: Dan Sabol; (Wayne Snyder, alternate)

Romulus Fire Department: Stacey Bennett; (Robert Steele, alternate)

Seneca Falls Fire Department: Allen Larsen; (Steven Farnsworth, alternate)

Trumansburg Fire Department: John M. Keefe

Varick Fire Department: Miles Persing

Waterloo Fire Department: Assistant Chief Henninger; (Chief Shaw, alternate)

North Seneca Ambulance: Ben Pierson

South Seneca Ambulance: Zach Gibeau

**CONTRACT EXTENSION FOR SOUTH SENECA CENTRAL SCHOOL DISTRICT  
SCHOOL RESOURCE OFFICER POSITION**

RESOLUTION NO. 173-22, motion by Sprvr. Rhinehart, second by Sprvr. Brownell and adopted.

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

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

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

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

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

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

RESOLVED, that the Seneca County Board of Supervisors do hereby authorize the extension of the agreement between the Seneca County Sheriff's Office and the South Seneca Central School District for an School Resource Officer beginning July 1, 2022 and ending June 30, 2025; and, be it further

RESOLVED, that the County Manager be, and hereby is, authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes of this resolution, subject to

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prior review and approval of those documents by the Office of the County Attorney, on behalf of the County of Seneca with the South Seneca Central School District; and, be it further

RESOLVED, that the Seneca County Finance Department is authorized to invoice annually and accept payment of \$40,000.00 per year as revenue to the Seneca County Sheriff's Office.

**HEALTH DEPARTMENT AUTHORIZED TO REQUEST BIDS FOR  
THE ANNUAL HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT**

RESOLUTION NO. 174-22, motion by Sprvr. Borst, second by Sprvr. Rhinehart and adopted.

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

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

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

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

WHEREAS, the Public Health Services Standing Committee has reviewed and approved this resolution on May 24, 2022; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes the Health Department to solicit bids for the provision of the 2022 Annual Household Hazardous Waste Collection event and to also apply for DEC reimbursement.

**COUNTY MANAGER AUTHORIZED AND DIRECTED TO SIGN A CONTRACT WITH  
DARCY HERRON TO PROVIDE SERVICES FOR THE PRE-SCHOOL PROGRAM**

RESOLUTION NO. 175-22, motion by Sprvr. Borst, second by Sprvr. Hayes and adopted.

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

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

WHEREAS, Darcy Herron, 150 W. Bayard Street, Seneca Falls, New York is available to provide these services; and

WHEREAS, the money is in the Public Health Budget line 104149-54700; and

WHEREAS, the contract will expire on July 31, 2025 and Ms. Herron will be compensated at the rate not to exceed \$85 per half hour session; and

WHEREAS, the Public Health Services Standing Committee has authorized this contract at their meeting on May 24, 2022; now, therefore be it

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

**BOARD OF SUPERVISORS APPROVES CONTRACT WITH THE NYS DEPARTMENT OF  
HEALTH BUREAU OF COMMUNICABLE DISEASE CONTROL FOR THE RABIES  
CONTROL PROGRAM**

RESOLUTION NO. 176-22, motion by Sprvr. Borst, second by Sprvr. Jeffrey Trout and adopted.

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

WHEREAS, the amount of this grant is \$30,702; and

WHEREAS, the award is for the period of April 1, 2022 through March 31, 2025; and

WHEREAS, this grant allows for county reimbursement for rabies expenses for the provision of human rabies post-exposure treatment, specimen collection, pet vaccination clinics, and education and prevention activities; and

WHEREAS, these funds are included in the 2022 departmental budget 104011-54710; and

WHEREAS, the Health and Human Services Standing Committee has reviewed and approved this resolution at their meeting on May 24, 2022; now, therefore be it

RESOLVED, that the County Manager is hereby authorized and directed to sign all necessary documents to accept and administer the \$30,702 grant with NYSDOH Bureau of Communicable Disease Control for the Rabies Control Program.

**COUNTY MANAGER AUTHORIZED AND DIRECTED TO SIGN A CONTRACT  
WITH THE NEW YORK STATE DEPARTMENT OF HEALTH FOR THE PUBLIC HEALTH  
EMERGENCY PREPAREDNESS GRANT**

RESOLUTION NO. 177-22, motion by Sprvr. Borst, second by Sprvr. Partee and adopted.

WHEREAS, the New York State Department of Health has awarded the Seneca County Health Department \$52,099 for the period July 1, 2022 through June 30, 2023 for the Public Health Emergency Preparedness Grant; and

WHEREAS, the Public Health Standing Committee has reviewed and approved this resolution during their meeting on May 24, 2022; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes and directs the County Manager to sign the contract with the New York State Department of Health for the Public Health Emergency Preparedness Grant for the period July 1, 2022 through June 30, 2023 in the amount of \$52,099; and be it further

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RESOLVED, that the Department of Finance is hereby authorized to amend the 2022 budget and to allow any unused portions to flow into future years per the funding guidelines:

104010-44401-BT22	PH BT Fed Aid	Increase	Revenue	\$52,099
104010-54702-BT22	BT Grant	Increase	Expenditure	\$52,099

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 MANAGER AUTHORIZED AND DIRECTED TO SIGN A SERVICE  
AGREEMENT WITH CATHY BOND, EMERGENCY PLANNING CONSULTANT**

RESOLUTION NO. 178-22, motion by Sprvr. Borst, second by Sprvr. Partee and adopted.

WHEREAS, Cathy Bond is a consultant who has worked with the Health Department for several years for the Emergency Preparedness Program; and

WHEREAS, as an Emergency Preparedness Consultant she will provide the following services:

1. Revise and update the Public Health Emergency Preparedness and Response Plans (Including all Attachments and Annexes)
2. Revise and update all Command Center and Operational Binders and forms
3. Facilitate required drills and exercises
4. Write all after action reports for drills and exercises
5. Complete required deliverables/surveys including quarterly reports in consultation with PH staff and submit these reports to NYSDOH
6. Assist with volunteer management and participate in ServNY webinars
7. Conduct weekly surveillance with Childcare Centers, LTC facilities, Schools, MD offices and Veterinarians;

And

WHEREAS, she will provide a monthly report of all activities; and

WHEREAS the cost for these services will be no more than \$42,000; and

WHEREAS these funds will be paid for from the Emergency Preparedness Grant funds which are included in the 2022 Public Health Department budget 104010-54702-BT22; and

WHEREAS, the Public Health Services Standing Committee reviewed and approved this resolution on May 24, 2022; now, therefore be it

RESOLVED, that the County Manager is hereby authorized and directed to sign a service agreement with Cathy Bond for Emergency Planning Consultation services for the period of July 1, 2022 to June 30, 2023 for an amount not to exceed \$42,000.

**CONTRACT WITH SENECA COUNTY CORNELL COOPERATIVE EXTENSION TO  
PROVIDE STAFF TO SUPPORT THE CREATING HEALTHY SCHOOLS AND  
COMMUNITIES GRANT**

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RESOLUTION NO. 179-22, motion by Sprvr. Borst, second by Sprvr. Jeffrey Trout and adopted.

WHEREAS, the New York State Department of Health has awarded the Seneca County Health Department \$1,525,000 for the period June 1, 2021 through May 31, 2026 for the Creating Healthy Schools and Communities Grant; and

WHEREAS, the Board of Supervisors has approved this grant (Resolution No. 146-21); and

WHEREAS, Seneca County Cornell Cooperative Extension is responsible for grant deliverables including at least the following:

1. Providing a staff member to support increased physical activity and policy development addressing procurement in participating communities,
2. Providing technical assistance and support for food service goals in worksites and communities, including assessment of food service environment and procurement practices,
3. Providing nutrition support and technical assistance to the schools regarding physical activity and nutrition strategies

And

WHEREAS, Seneca County Cornell Cooperative Extension has agreed to provide these services for a period June 1, 2021 through May 31, 2026 at a cost of \$34,750 annually; and

WHEREAS, these costs are allowable expenses in the grant budget; and

WHEREAS, the Public Health Services Standing Committee has reviewed and approved this resolution on May 24, 2022; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes and directs the County Manager to sign the contract with Seneca County Cornell Cooperative Extension under the Creating Healthy Schools and Communities Grant for the second grant year for June 1, 2022 through May 31, 2023 in the amount of \$34,750; and, be it further

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

**CONTRACT WITH SENECA COUNTY CORNELL COOPERATIVE EXTENSION TO  
PROVIDE STAFF TO SERVE AS THE INTERIM PROJECT DIRECTOR FOR THE  
CREATING HEALTHY SCHOOLS AND COMMUNITIES GRANT**

RESOLUTION NO. 180-22, motion by Sprvr. Borst, second by Sprvr. Ferrara and adopted.

WHEREAS, the New York State Department of Health has awarded the Seneca County Health Department \$1,525,000 for the period June 1, 2021 through May 31, 2026 for the Creating Healthy Schools and Communities (CHSC) Grant; and

WHEREAS, the Board of Supervisors has approved this grant (Resolution No. 146-21); and

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WHEREAS, Seneca County Cornell Cooperative Extension (SCCE) has agreed to continue provide a staff member to perform the duties of the CHSC Program Project Director until that position is filled by a suitable candidate. Duties to be performed by this person include at least the following:

1. Setting up subcontracts in accordance with the overall CHSC work plan and budget;
2. Coordinating meetings with community and school partners, and working to ensure CHSC goals and plan of work are being met by community and school partners;
3. Committed participation and engagement by SCCE staff to provide support, coordination and guidance related to the implementation of CHSC, along with regular phone calls and emails with Seneca County Health Department staff and other grant partners;
4. Upon request by NYSDOH or Seneca County Health Department, SCCCE will provide additional information regarding the subcontracted CHSC work. In addition, SCCCE shall submit to NYSDOH required program reports in the NYSDOH Catalyst electronic reporting system and assist with other requisite grant reporting;

And

WHEREAS, Seneca County Cornell Cooperative Extension has agreed to provide these services for a period June 1, 2022 through May 31, 2023 at a cost not to exceed \$30,000 annually; and

WHEREAS, these costs are allowable expenses in the grant budget; and

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

RESOLVED, that the Board of Supervisors authorizes and directs the County Manager to sign the contract with Seneca County Cornell Cooperative Extension for Interim Project Director services under the Creating Healthy Schools and Communities Grant for the second grant year for June 1, 2022 through May 31, 2023 for an amount not to exceed \$30,000; 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.

**SUPERVISORS DISSOLVE SENECA COUNTY COVID RESPONSE**

**JOINT PROTOCOL FOR COVID-19 SAFETY REGULATION ENFORCEMENT POLICY**

RESOLUTION NO. 181-22, motion by Sprvr. Borst, second by Sprvr. Enslow and adopted.

WHEREAS, the Public Health Standing Committee approved this resolution at a meeting on May 24, 2022; now, therefore be it

RESOLVED, that Seneca County Board of Supervisors does hereby dissolve the Seneca County COVID Response Joint Protocol for COVID-19 Safety Regulations Enforcement Policy; and be it further

RESOLVED that Board of Supervisors Resolution Nos. 176-2020, 275-2020, 291-2020, and 44-21 are hereby no longer in effect.

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**AUTHORIZE GRANT APPLICATION TO NEW YORK STATE OFFICE OF COMMUNITY  
RENEWAL FOR COMMUNITY DEVELOPMENT BLOCK GRANT IN SUPPORT OF  
VERONA VILLAGE RENOVATION PROJECT**

RESOLUTION NO. 182-22, motion by Sprvr. Barnhart, second by Sprvr. Borst and adopted.

WHEREAS, it is the policy of Seneca County to promote and encourage involvement in State, Federal, and local programs aimed at improving housing quality for all Seneca County residents; promote and encourage safe, decent, and affordable housing options for all Seneca County residents; and promote and encourage a wide variety of housing options and quality living experiences for all Seneca County residents; and

WHEREAS, the New York State (NYS) Office of Community Renewal (OCR) provides funding to local governments and not-for-profits to create and preserve affordable housing through the Community Development Block Grant (CDBG) and CDBG Coronavirus Aid, Relief, and Economic Security Act (CARES) Programs; and

WHEREAS, Ithaca Neighborhood Housing Services, Inc. (INHS) owns the property known as 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, INHS plans to comprehensively renovate the Property for the benefit of the existing residents without displacing those residents; and

WHEREAS, the Property's use and occupancy cannot be changed or altered from housing for seniors and the disabled as a condition of accepting these CDBG and/or CDBG CARES funds; 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") with an estimated total cost of \$9,512,795; and

WHEREAS, NYS OCR can allocate up to \$5 million to Seneca County for the express purpose of funding the Project, with the County passing those funds through to INHS as a sub-recipient; and

WHEREAS, the Project cannot be completed without this allocation of funding from New York State through Seneca County; and

WHEREAS, the County has held a public hearing to provide information to the public and to consider citizen comments regarding the CDBG and CDBG CARES programs and Project prior to submitting an application for 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 authorizes and directs the County Manager to sign all necessary documents to apply for New York State Office of Community Renewal CDBG and/or CDBG CARES funding, in an amount not to exceed \$5 million, to support major renovations of Verona Village Apartments located at 2276 County Road 139, Ovid, NY; and, be it further

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

**RESOLUTION TO ADOPT SENECA COUNTY LOCAL LAW 2 OF THE YEAR 2022  
“ESTABLISHMENT, AUTHORITY & DUTIES OF THE SENECA COUNTY PLANNING  
BOARD AND TO REPEAL AND REPLACE LOCAL LAW NO. 3 OF 2010”**

RESOLUTION NO. 183-22, motion by Sprvr. Ferrara, second by Sprvr. Rhinehart and adopted.

WHEREAS, a resolution was duly adopted by the Board of Supervisors of the County of Seneca for a Public Hearing to be held by said County on June 14, 2022 p.m. at 6:00 p.m. at the Seneca County Office Building, Waterloo, NY, to hear all interested parties on a proposed Local Law B entitled “Establishment, Authority & Duties of the Seneca County Planning Board and to Repeal and Replace Local Law No. 3 of 2010”; and

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

WHEREAS, said public hearing was duly held on June 14, 2022 at 6:00 p.m. at the Seneca County Office Building, Waterloo, 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

RESOLVED, that the Board of Supervisors of the County of Seneca hereby adopts Local Law No. 2 of the year 2022, “Establishment, Authority & Duties of the Seneca County Planning Board and to Repeal and Replace Local Law No. 3 of 2010” to read in substantially the following form:

**SECTION I – Purpose**

The Seneca County Planning Board (herein referred to as the “Board”) was established by resolution in 1967 to study the needs and formulate programs for development and growth of the County as a whole. The purpose of this local law is to establish the composition of the Board and the procedure by which appointments are made so as to assure diversity in geographic representation, clarify terms of service, to allow for the appointment of alternate members, and to establish the duties of the Board.

**SECTION II – Membership**

Board members shall be appointed by resolution of the Seneca County Board of Supervisors. The Board shall consist of fourteen (14) voting members. All members shall be appointed at

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large from the County and their appointments shall be used to balance the diverse demographics, occupations, and interests of the County.

**SECTION III – Membership Eligibility**

Members of the Board shall meet the following requirements:

- (A) Board members shall be at least 21 years of age.
- (B) Board members shall be residents of Seneca County.
- (C) Persons who serve on their local town or village legislative boards, planning boards, or zoning boards of appeals shall be eligible to serve on the Board; however, they shall be disqualified from voting on any matter that will be acted on by the local board on which they serve.

**SECTION IV – Alternate Members**

The Board of Supervisors shall have the right to appoint five (5) alternate members (first through fifth) to the Board. Such alternate members shall have all the requirements for eligibility of regular Board members including the right to participate in all discussions provided, however, that an alternate member shall be entitled to vote only when a regular Board member is not present or is disqualified from voting. When, for whatever reason, a Board member is absent, unable, or disqualified from voting on an issue before the Board, the Board Chairperson shall assign such regular member's voting authority to the first alternate and in their absence to the second alternate member. Any further reference herein to Board members shall include any alternate unless otherwise indicated.

**SECTION V – Non-Voting Ex-Officio Members**

Non-Voting Ex-Officio members shall have the right to participate in all discussions.

The following persons shall be non-voting ex-officio members of the Board:

- (A) The Seneca County Director of the Department of Planning and Community Development,
- (B) Staff from the Department of Planning and Community Development who prepare the reports to the Board on referrals under New York State General Municipal Law Section 239, Subsections l, m & n
- (C) The Seneca County Superintendent of Highways, and
- (D) The Seneca County Engineer.

**SECTION VI – Terms of Members**

- (A) The terms of regular membership shall be for four (4) years and so fixed that ½ of the Board shall expire every two (2) years. Terms of office shall run from July 1 to June 30 of the year of expiration.
- (B) All current members and terms will continue as appointed.
- (C) Alternate members shall be appointed for terms of two (2) years.
- (D) Terms of membership for Non-Voting Ex-officio Members shall be the term of their position.

**SECTION VII – Vacancies**

- (A) Should any vacancy occur among the members of this Board by reason of death, written resignation, disability, or as provided under §VIII hereof, notice thereof shall be given to the Clerk of the Board of Supervisors.
- (B) Such position shall be filled by resolution of the Board of Supervisors as soon as practicable following such notice.
- (C) Should such vacancy occur among the officers of the Board, the office vacancy shall be filled by election at the next regular meeting of the Board and the officer so elected shall serve the unexpired term of the office in which such vacancy occurs.

**SECTION VIII – Removal of Members**

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Once appointed, Board members may only be removed for cause. The Board of Supervisors shall have the power to remove after a public hearing for cause. Cause for removal shall include, but not be limited to:

- (A) Non-compliance with the minimum requirements relating to the training and education as established by resolution of the Board of Supervisors.
- (B) Failure to disclose conflicts of interest.
- (C) Physical or mental impairment which affects the Board member's ability to perform their duties as a member.
- (D) Absence from three (3) consecutive meetings without notice.

**SECTION IX – Duties**

The Seneca County Planning Board shall have the powers and duties as enumerated in New York State General Municipal Law section 239-C3 including but not limited to:

- (A) Review of planning, zoning, and subdivision actions by a town or village pursuant to Sections 239-l, m and n of the New York State General Municipal Law.
- (B) Assist in the preparation of a County Comprehensive Plan and amendments thereto pursuant to Section 239-d of the State General Municipal Law, as requested by the County Board of Supervisors.
- (C) Undertake studies relevant to the future growth, development, and protection of the County and municipalities therein, including studies in support of a County Comprehensive Plan.
- (D) Collection and distribution of information. The County Planning Board may collect and distribute information relative to County or municipal planning and zoning in such County.
- (E) Examine plans and offer suggestions before final approval of any plan involving the construction or reconstruction of any State or County highway.

**SECTION X – Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State in accordance with §27 of the Municipal Home Rule Law and with that effective date, Seneca County Local Law 3 of 2010 shall be repealed and replaced herein.

**A RESOLUTION ADOPTING LOCAL LA 3 OF 2022**

**“THE SENECA COUNTY HOTEL OR MOTEL OCCUPANCY TAX 2022”**

RESOLUTION NO. 184-22, motion by Sprvr. Barnhart, second by Sprvr. Borst and adopted.

WHEREAS, a resolution was duly adopted by the Board of Supervisors of the County of Seneca directing a public hearing to be held by said County to hear all interested parties on a proposed Local Law entitled “Seneca County Hotel or Motel Room Occupancy Tax”; and

WHEREAS, said public hearing was duly held on June 14, 2022 at 6:00 p.m. at 1 DiPronio Dr., Waterloo, 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 Local Law 3 of 2022 entitled, "Seneca County Hotel or Motel Room Occupancy Tax", be and the same is hereby enacted by the Board of Supervisors of Seneca County, New York to read as follows:

**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
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

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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.**

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

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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 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.

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(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.\

**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.

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(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.

**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

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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 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

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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 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

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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 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;

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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.

(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.

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(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 of 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 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

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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**

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.

Unfinished Business

None

New Business

RULE 29: Sprvr. Barnhart offered a motion, second by Sprvr. Shipley, and carried by 2/3 majority vote of members present, to introduce the following resolution pursuant to Rules of Order #29.

**SENECA COUNTY BOARD OF SUPERVISORS IMPLORE GOVERNOR HOCHUL  
TO DENY PERMITS & ISSUE MORATORIUM FOR  
GREENIDGE GENERATION CRYPTOCURRENCY OPERATIONS**

RESOLUTION NO. 185-22, motion by Sprvr. Borst, second by Sprvr. Enslow and adopted.

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WHEREAS, Seneca County has taken additional steps to protect our lakes and watersheds and have passed strict septic inspection laws to improve water quality for Seneca and Cayuga Lakes; and

WHEREAS, we have increased funding for the inter-municipal watershed organizations that advocate for our lakes so that they can have the greatest possible impact; and

WHEREAS, the Seneca County Board of Supervisors is concerned with the lack of action and delayed deadlines for denying the renewal of air permits for Greenidge Generation's power plant in Dresden, New York; and

WHEREAS, this resolution was introduced to the Board of Supervisor pursuant to Rules of Order #29; now therefore be it

RESOLVED, that a letter be sent to Governor Hochul to uphold the constitutional amendment that guarantees New Yorkers the right to clean air, clean water, and a healthful environment by denying Greenidge Generation's air permit applications and signing the bill that issues a moratorium on these kinds of cryptocurrency operations.

Sprvr. Barnhart thanked the Board of Supervisors for their bipartisan support in seeking the denial of Greenidge Generation's air permit applications and signing a bill that issues a moratorium on these kinds of cryptocurrency operations.

Executive Session: Sprvr. Ferrara moved to enter executive session pursuant to Section 105(1)(e) collective negotiations pursuant to Article 14 of the Civil Service laws (the Taylor Law). Joining the Board of Supervisors: County Attorney, County Manager, Personnel Officer, Sheriff, and Finance Director. Time of Executive Session: 7:18 p.m. – 7:43 p.m. The Board reconvened in Open Session.

RULE 29: Sprvr. Ferrara offered a motion, second by Sprvr. Kronenwetter, and carried by 2/3 majority vote of Board members present, to introduce the following resolution pursuant to Rules of Order #29.

**BOARD OF SUPERVISORS SUPPORT TENTATIVE AGREEMENT WITH PBA**

RESOLUTION NO. 186-22, motion by Sprvr. Ferrara, second by Sprvr. Rhinehart and adopted.

WHEREAS; Seneca County (the County) and The Deputy Sheriff's PBA (PBA) are parties to a Collective Bargaining Agreement for a term which expired on December 31, 2021; and

WHEREAS, the County and the PBA have been engaged in collective bargaining which has led to a mutual understanding between the County and the PBA for the terms and conditions of employment for a Successor Agreement; and

WHEREAS, the PBA membership has voted on and passed the Tentative Agreement; and

**SENECA COUNTY  
BOARD OF SUPERVISORS**

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WHEREAS, this Resolution was brought from the floor by a two-thirds majority vote under Rule 29 of the Board of Supervisors Rules of Order; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors supports the tentative agreement reached between the County and the PBA to be effective January 1, 2022 – December 31, 2024; and be it further

RESOLVED, the Chairman of the Board of Supervisors is authorized and directed to sign such Agreement on behalf of the County; and be it further

RESOLVED, the Director of Finance is authorized to make any necessary transfers from accounts within the 2022 Seneca County Budget and into the respective 2022 Sheriff's Office Budget Lines regarding monetary changes in the Agreement.

Special Order of the Day

The meeting adjourned at 7:45 p.m.