

**SENECA COUNTY  
BOARD OF SUPERVISORS**

November 8, 2022  
Meeting Minutes

Call to Order

Majority Leader Enslow called the meeting to order at 6:00 p.m. Chairman Hayssen was not present.

Roll call of Members by the Clerk

Twelve members of the Board of Supervisors answered roll call . Sprvrs. Kronenwetter and Hayssen were not present.

Pledge of Allegiance and Moment of Silence

Public Hearing

The Tentative Budget of said County for the fiscal year beginning January 1, 2023. The maximum amount of compensation that may be fixed and payable for said fiscal year to each member of the Board of Supervisors of said County and to the Chairman thereof is as follows: 13 members - \$14,211 each, Chairman - \$18,032. Sprvr. Shipley moved the floor open for the public hearing to receive comments. None were heard or received. Sprvr. Jeffrey Trout moved the floor closed for the public hearing.

Public Hearing

The recertification of Agricultural District No. 6. Three hundred and sixty-four acres primarily along the Route 318 Commercial Corridor are to be removed and 135 acres in the town of Seneca Falls to be added. Sprvr. Ferrara moved the floor open for the public hearing to receive comments. None were heard or received. Sprvr. Ferrara moved the floor closed for the public hearing.

Presentation

Tourism Promotion Agency Report by Jeff Shipley, TPA Coordinator.

Petitioners

None

Open Privilege of the Floor

Comments were heard from several people in support of Seneca County Soil & Water Conservation District and Executive Director Erin Peruzzini, citing the retention pond project in Lodi that was recently completed in partnership with Pure Waters as an example of the good work they do. SWCD monitors the quality of lake water and implementing programs that reduce HABs by working with farmers on best management practices to reduce nutrient runoff: Ralph Lott, former county supervisor / Seneca Falls; Bruce Murray, member, IDA and Chamber of Commerce / Lodi; Tom Casella; Charles Cappellino; Kelsey LaRue, Farm Bureau; and Ron Klinczer.

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Ron Klinczer, Seneca Pure Waters, concern of Pure Waters regarding the Five Points wastewater treatment plant discharge into Reeder Creek, and Pure Waters continues to urge the county to reroute the discharge into Kendig Creek.

Anthony Marro, Waterloo – Concern regarding the length of time that it takes to hire a contractor that is partnered with Seneca County Public Health for septic systems. Sprvr. Don Trout agreed and said he received similar complaints. He said he would reach out to the Public Health Department.

Approval of Meeting Minutes

The minutes were approved as presented for the October 11, 2022 Ovid board meeting and the October 25, 2022 special board meeting.

Reports of Standing Committees

Mental Health Services Standing Committee, Sprvr. Partee, Chair. Tammy Orlopp, Program Director for Addictions and Substance Abuse will be attending the CADCA Annual Conference in National Harbor, Maryland. She serves on the board as a Coalition Vice-Chair and the Prevention Program Director. We approved contracts for 2023 with our various mental health providers totaling \$925,662 and various mental health agencies totaling \$1,403,951.00 of which is funded by state aid monies from New York State Office of Mental Health and New York State Office of Alcoholism and Substance Abuse Services and/or through medical fees. We approved a contract amendment for Terri Haskins, FNP. An additional (119) contract hours are needed to support increasing clinic demand for nurse practitioner services for the remainder of the 2022 budget year. This will increase the current contract from \$70,047 to \$81,560.25, not to exceed \$11,513.25.

Planning, Development, Agriculture & Tourism Standing Committee, Sprvr. Barnhart, Chair. Erin Peruzzini, District Manager of Seneca County Soil and Water Conservation District provided and in-depth presentation on the Conservation District and the many programs and assistance they provide to the area. We approved the reappointment of three members to the Finger Lakes Regional Airport Advisory Committee, David Haines, Earl Martin and Dr. Hunter Mollin with an effective term of November 1, 2022 to October 31, 2025. Regarding the public hearing earlier this evening, having received no written nor oral comment, we will be adopting a resolution requesting New York State Commissioner of Agriculture and Markets to re-certify Agricultural District #6, with inclusion of tax parcel 453289-28-1-35 and removal of twelve parcels identified in the resolution.

Public Health Services Standing Committee, Sprvr. Borst, Chair. The committee approved a resolution to accept \$28,158 from NYS DOH Early Intervention Grant for the period October 2022 through September 2023; approved a resolution to accept the grant award with the New York State Department of Health for the NYS Public Health Corps Fellowship Program for the period September 1,

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2021 through June 30, 2024 in the amount not to exceed \$719,282; and approved an agreement with the Pivotal Public Health Partnership (S2AY Rural Health Network) for the NYS Public Health Fellowship Program for an amount not to exceed \$400,000 for the period November 1, 2021 through June 30, 2024. The intention of the grant is to augment the local health department's capacity to respond to current and emerging public health emergencies and to improve outreach and assistance to vulnerable populations, and to directly assist with the local COVID-19 public health response (testing, vaccination, prevention campaigns, and community education).

Public Safety Standing Committee, Sprvr. Rhinehart, Chair. The county Social Host local law has been drafted to include recreational use of marijuana and will be introduced tonight as revised. A public hearing for December 13 will be scheduled for public comment. The Social Host Law prohibits the consumption of alcoholic beverages, marijuana and/or illegal drugs by minors on private premises in Seneca County. The committee also approved acceptance of the 2021-2022 Public Safety Answering Point Operations Grant for \$159,186 and approves the purchase of a new server and data migration. Cost of a new server will be \$17,421.14 and the cost for migrating data from the old server to the new server including ASAP to PSAP will be \$92,643.03. Remaining funds from this grant, \$49,121.83 will be used toward salaries in the E-911 Center. The committee approved a contract for 2023 with Motorola Solutions for Radio Maintenance and Repair for E-911 Center, E-911 back-up site, and tower sites in the amount of \$248,102.28 for the maintenance and repair of the Seneca County radio system and NICE recorder.

Personnel Standing Committee, Sprvr. Ferrara, Chair. The committee approved an increase to the salary for Program Director of Clinical Services in Mental Health Services, from Grade 7, Step 1 (\$75,251) to Grade 7, Step 5 (\$81,036) on the Management Salary Schedule. The committee approved the specific provision for longevity pay for county employees, which will update the county longevity policy for management employees. The committee also approved an item more appropriately overseen by the Finance, Assessment & Insurance Standing Committee: Approval of the 2023 Amended Municipal Cooperative Agreement for the Greater Tompkins County Municipal Health Insurance Consortium. The committee approved refilling the following vacant positions: one (1) Full-Time Public Safety Systems Administrator, and one (1) Full-Time Dispatcher in Emergency Management; and to refill the position for Confidential Secretary in the Law Department.

Water & Sewer Treatment Management & Operations Standing Committee, Sprvr. Hayes, Chair. At the September 20, 2022 meeting in Willard, the committee approved the necessity of additional engineering services related to upgrades to the Willard Wastewater Treatment Plant, and directed the county manager to solicit proposals.

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Indian Affairs Standing Committee, Sprvr. Shipley, Chair. Sprvr. Ferrara, Seneca Falls, reported that 2133 Lower Lake Rd. will have its water turned off if they do not pay the past due bill. The Cayuga Nation expansion in Seneca Falls did not seek a permit from the Town or the County. BJ Radford and Sprvr. Ferrara are both upset about that.

Technology Standing Committee, Sprvr. Brownell, Chair. The only item on the agenda tonight under Technology is to accept a Cyber Security grant for \$15,706.87 to enhance and sustain our cyber security and to ensure our information systems are secured and protected from cyber incident.

Environmental Affairs Standing Committee, Sprvr. Kronenwetter, Chair. There is a resolution on the agenda tonight to adopt a Strategy and Plan and the allocation of resources, no later than November 30, for a weed harvesting program to commence May 2023. Will be working with Soil and Water Conservation District.

Public Works Standing Committee, Sprvr. Don Trout, Chair. Marshall Rd over Kendig Creek Superstructure Replacement BridgeNY: Funding 100% of the Costs of a Transportation Project which may be eligible for Federal Aid and/or State Aid, or Reimbursement from Bridge NY Funds; sum of \$747,500 has been appropriated Pursuant to Resolutions 34-22 and 124-22 and made available to cover the cost of participation in the above phase(s) of the Project; construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months. Proposed Sewer District No. 4 Map, Plan, and Report: Hunt Engineering prepared the map, plan and report. Need a public hearing. Hoped it would be tonight, but failed to advertise; Agreement with John Snyder\_Architects: develop bid specifications and solicit bids and oversee the completion for the alterations to space occupied by the Department of Human Services, the Public Defender's Office and the Finance Department in an amount not to exceed \$50,000.00; Proposed Local Law E of 2022: to Repeal and Replace Seneca County Local Law No. 6 of 2021, updating operations and authority of the Seneca County Code Enforcement Unit for the administration and enforcement of the New York State uniform fire prevention and building code and the state energy conservation construction code in the County of Seneca, and repealing all prior local laws related thereto; and providing for a public hearing.

Finance, Assessment & Insurance Standing Committee, Sprvr. Reynolds, Chair. The county manager filed the tentative county budget with the Clerk to the Board of Supervisors on October 21, 2022. We did not hold budget workshops. There are no revisions or amendments to the filed 2023 tentative budget. The public hearing for the 2023 budget received no comments, written or oral. The tentative budget for 2023, will be adopted as filed.

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Report of Special Committees

Seneca County IDA, Sprvr. Don Trout, legislative representative reported that the incentive package for Wilkins RV was approved. A payment-in-lieu-of-taxes, or PILOT agreement for 10 years, exemptions from paying sales taxes on purchasing equipment, supplies, and materials, as well as exemption from mortgage recording fees is included. Chairman Hayssen submitted a candidate to fill the vacancy on the IDA board, the identity was not provided in public session.

Soil and Water Conservation District, Sprvr. Jeffrey Trout, legislative representative, reported that the joint meeting with members of the Board of Supervisors and the SWCD Board is scheduled for November 14, 2022 meeting regarding weed harvester plan for 2023.

Chairman's Remarks

None

County Manager's Remarks

None

County Attorney's Remarks

None

Communications:

155. Copy of the Seneca County Tentative Budget for Fiscal Year 2023.
156. From Amanda Vavra, a letter of resignation from her position as Deputy Clerk to the Board effective October 28, 2022.
157. From Margaret E. Li, notification of vacancy in the office of the Clerk to the Board of Supervisors due to her retirement effective December 31, 2022.
158. From Seneca County Federation of Sportsmen's Clubs, Inc., a letter dated October 4, 2022, seeking support from the Board of Supervisors, in its recommendation that New York State DEC or Parks would acquire the former BSA Camp Babcock Hovey; 282 mostly forested acres, and a half a mile of shoreline on Seneca Lake, which holds a high conservation value.
159. An email regarding the abundant weed growth and lack of weed harvesting on Cayuga Lake during the current year from Shannon Vaga, Brian Simpson, and Sheldon and Ellen Rabin.
160. From NYS Homes & Community Renewal OCR, the Comprehensive Monitoring Report conducted by OCR for OCR Project 1056ED9640-19, Seneca Dairy - Earl Martin.
161. From The Halpin Firm, a copy of the agreement between Bestmade Products, Inc. and Seneca County IDA; Payment in Lieu of Tax Agreement.
162. A copy of Chemung County Resolution No. 22-516, In Opposition to NYS Actions Restricting 2<sup>nd</sup> Amendment Rights.

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163. A copy of Chenango County Resolution No. 237-22, Opposing the recently Passed Concealed Carry Improvement Act (CCIA); Resolution No. 236-22P, Calling for an Increase in Low Income Home Energy Assistance Program (LIHEAP) Funding; Resolution No. 235-22P, calling on the NYS Office of Alcoholism and Substance Abuse Services and the Governor to Provide State Funding to Support Treatment and Transition Services to Individuals with Substance Abuse Disorder (SUD) who are Incarcerated in county jails.

164. A copy of Fulton County Resolution No. 382, Objection to NYS Officials Recent Legislation that Restricts Citizens Second Amendment Rights.

165. A copy of Jefferson County Resolution No. 270, Affirming Support for the Second Amendment to the United States Constitution and Opposing the Recently Enacted “Concealed Carry Improvement Act” of 2022.

166. A copy of Yates County Resolution No. 296-22, Opposing the NYS Legislation Restricting 2<sup>nd</sup> Amendment Rights, Regulating Legally Authorize Concealed Carry Gun Permits, and Banning Concealed Carry in Public Places as being and Unconstitutional Attack upon the rights of Law-Abiding Citizens.

167. A copy of InterCounty Association of Western NY Resolution No. 2022-19-IC, Urging Governor Kathy Hochul to Amend Paragraph C of General Municipal Law 209-B, Subdivision 4, to Allow ALS Intercept Agencies to Bill Directly.

168. A copy of Seneca County IDA October 24, 2022 meeting minutes.

169. A copy of Seneca County Board of Health October 19, 2022 meeting minutes.

170. From Ronald Klinczar, a written copy of his comments supporting Soil and Water Conservation District and its executive director Erin Peruzzini.

171. From Charles Cappellino, a written copy of his comments supporting Soil and Water Conservation District and its executive director Erin Peruzzini.

**RESOLUTIONS & MOTIONS**

**Consent Agenda**

Sprvr. Jeffrey Trout offered a motion to adopt items #15 through #38 on the agenda by consent agenda. Sprvr. Don Trout seconded the motion. The motion to adopt Items #15 through #38 (except Items #18 and #27) was carried with Sprvrs. Barnhart and Reynolds voting nay.

Sprvr. Barnhart objected to a consent agenda citing meeting business to adopt the \$70 million dollar county budget for 2023 and a consent agenda does not seem appropriate.

Sprvr. Reynolds would be voting against a consent agenda citing Item #21 (*Res. No. 283-22*) - adopting the county’s commitment to a weed harvesting plan by May 2023. He stated that the deadline

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was not realistic, and there is no need to harvest weeds in May. Sprvrs. Ferrara and Jeffrey Trout said the May 2023 deadline that is committed in the resolution could be amended. They will know more after the meeting with Soil and Water Conservation District on November 14. This meeting is when they will discuss and create the weed harvesting plan.

**Social Host Law:**

Sprvr. Rhinehart moved to remove from the consent agenda Item #27 (*Res. No. 289-22*) - Introduce revised Social Host Law, and to amend the resolution by correcting the text in Section 6 (C) to read, "...person's third and subsequent offense"; and inserting the date and time for the public hearing to be December 13 at 6 p.m.

**Refer Back to Committee:**

Sprvr. Don Trout moved to remove from the consent agenda, and Refer Back to Committee, Item #18 - Accept the Map, Plan and report for the creation of Sewer District #4, to be filed with the county clerk as a public hearing is required prior to creating the district, which one has yet to be scheduled.

**BOARD OF SUPERVISORS ADOPTS 2023 COUNTY BUDGET**

RESOLUTION NO. 278-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

WHEREAS, the heads of Seneca County Departments have made their estimates of revenues and expenditures for Fiscal Year 2023; and

WHEREAS, the Proposed 2023 Seneca County Budget has been duly filed and presented to the Board of Supervisors by the Budget Officer and a duly advertised Public Hearing has been held on November 8, 2021; and

WHEREAS, this Resolution has been reviewed and recommended for approval by the Finance, Assessment, and Insurance Standing Committee at its meeting on October 25, 2022; now, therefore be it

RESOLVED, that Pursuant to Section 360 of New York State County Law, said Proposed Budget be and hereby is Adopted as the Budget for Seneca County for the year 2023; and be it further

RESOLVED, that the several amounts specified in the 2023 County Budget be and hereby are appropriated for the objects and purposes enumerated therein.

**BOARD OF SUPERVISORS AUTHORIZES AMENDMENTS TO**

**2022 SENECA COUNTY BUDGET**

RESOLUTION NO. 279-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

WHEREAS, amendments to the 2022 Seneca County Budget are necessary and appropriate; and

WHEREAS, funding is available in the object codes identified herein; and

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WHEREAS, these amendments have been reviewed and approved by the Finance, Assessment and Insurance Standing Committee at its meeting on October 25, 2022; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes the following amendments to the 2022 Seneca County Budget:

Line Item	Description	Increase/ (Decrease)	Revenue/ Expenditure	\$\$\$\$\$
<b>Note 1: Road Machinery Budget adjustment</b>				
505130-42665	Sale of Equipment	Increase	Revenue	\$25,900
505130-42801	Interfund Revenues	Increase	Revenue	\$124,100
505130-54420	Gas & Oil	Increase	Expenditure	\$150,000
<b>Note 2: DSS Budget adjustment</b>				
106070-54700-POS27	MST - Cayuga Centers	Decrease	Expenditure	\$35,000
106070-54700-POS54	Youth Empowerment Group	Increase	Expenditure	\$35,000
<b>Note 3: Community College Budget adjustment</b>				
1099998-41051	Gain of Tax Sale	Increase	Revenue	\$100,000
102490-54700	Community College	Increase	Expenditure	\$100,000
<b>Note 4: Healthcare Worker Bonus Budget adjustment</b>				
104010-44489-HWB	Healthcare Worker Bonus	Increase	Revenue	\$9,688.50
104220-44489-HWB	Healthcare Worker Bonus	Increase	Revenue	\$18,300.50
104320-44489-HWB	Healthcare Worker Bonus	Increase	Revenue	\$32,295.00
104010-51100-HWB	Salaries	Increase	Expenditure	\$9,000.00
104010-58300-HWB	Social Security	Increase	Expenditure	\$558.00
104010-58700-HWB	Medicare	Increase	Expenditure	\$130.50
104220-51100-HWB	Salaries	Increase	Expenditure	\$15,000.00
104220-58300-HWB	Social Security	Increase	Expenditure	\$930.00
104220-58700-HWB	Medicare	Increase	Expenditure	\$217.50
104220-54350-HWB	Medical Fees	Increase	Expenditure	\$2153.00
104320-51100-HWB	Salaries	Increase	Expenditure	\$28,500.00
104320-58300-HWB	Social Security	Increase	Expenditure	\$1,767.00
104320-58700-HWB	Medicare	Increase	Expenditure	\$413.25
104320-54350-HWB	Medical Fees	Increase	Expenditure	\$1,614.75

**MARSHALL ROAD BRIDGE NY RESOLUTION AUTHORIZING THE IMPLEMENTATION  
AND FUNDING OF THE COST OF 100% OF THE COSTS OF A TRANSPORTATION  
PROJECT WHICH MAY BE ELIGIBLE FOR FEDERAL AID AND/OR STATE AID, OR  
REIMBURSEMENT FROM BRIDGE NY FUNDS**

RESOLUTION NO. 280-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.



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WHEREAS, a Project for the Marshall Rd over Kendig Creek Superstructure Replacement, BIN 3209500, Bridge NY 2021, P.I.N. 375694 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 95% Federal funds and 5% non-federal funds; and

WHEREAS, the County of Seneca will design, let and construct the Project: and

WHEREAS, the County of Seneca desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof.; and

WHEREAS, this Resolution has been reviewed and approved by the Public Works Standing Committee at its Meeting on October 25, 2022; now therefore be it

RESOLVED, that the Seneca County Board hereby approves the above-subject Project; and be it further

RESOLVED, that the Seneca County Board hereby authorizes the County Manager of Seneca County to pay 100% of the cost of Design, ROW and Construction work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds; and it is further

RESOLVED, that the sum of \$747,500 has been appropriated Pursuant to Resolutions 34-22 and 124-22 and made available to cover the cost of participation in the above phase(s) of the Project; and it is further

RESOLVED, that the Seneca County Board of Supervisors hereby agrees that the County of Seneca shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to the County of Seneca; and it is further

RESOLVED, that in the event the Project costs not covered by federal-aid, state-aid, or NY Bridge funding exceed the amount appropriated above, the Board of Seneca County shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the County Manager; and it is further

RESOLVED, that Seneca County hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the County Manager of the County of Seneca be and is hereby authorized to execute on behalf of the County of Seneca all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County of Seneca's funding of Project costs and permanent funding of the local share of

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federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that a Certified Copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

**AUTHORIZE AGREEMENT WITH JOHN SNYDER ARCHITECTS TO DEVELOP BID  
SPECIFICATIONS & SOLICIT BIDS FOR SENECA COUNTY DEPARTMENT OF HUMAN  
SERVICES PHASE IV, PUBLIC DEFENDER'S OFFICE AND FINANCE DEPARTMENT  
RENOVATIONS**

RESOLUTION NO. 281-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

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

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

WHEREAS, ILSF funding is available and appropriate for establishing office space for the Public Defender's Office and the Finance Department; and

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

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

WHEREAS, the cost of said alterations related to Public Defenders and Finance are eligible for reimbursement up to \$500,000; and

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

WHEREAS, the Public Works Standing Committee reviewed and approved this resolution on October 25, 2022; now, therefore it be

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

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

**PROPOSED LOCAL LAW E OF 2022 TO REPEAL AND REPLACE SENECA COUNTY  
LOCAL LAW NO. 6 OF 2021, UPDATING OPERATIONS AND AUTHORITY OF THE  
SENECA COUNTY CODE ENFORCEMENT UNIT FOR THE ADMINISTRATION AND  
ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND  
BUILDING CODE AND THE STATE ENERGY CONSERVATION CONSTRUCTION CODE IN  
THE COUNTY OF SENECA, AND REPEALING ALL PRIOR LOCAL LAWS RELATED  
THERE TO; AND PROVIDING FOR A PUBLIC HEARING**

RESOLUTION NO. 282-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

WHEREAS, Amendments have been made at the State level pertaining to the standards and enforcement of the NEW YORK STATE UNIFORM FIRE PREVENTION, BUILDING CODE, AND THE STATE ENERGY CONSERVATION CONSTRUCTION CODE, said changes otherwise binding on Seneca County for the enforcement thereof; and

WHEREAS, this resolution and the proposed Local Law has been reviewed and approved by the Public Works Standing Committee at its regular meeting on October 25, 2022; now, therefore be it

RESOLVED, that proposed Local Law E of 2022 titled, "SENECA COUNTY CODE ENFORCEMENT – ADMINISTRATION, APPLICATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE (THE UNIFORM CODE) AND THE STATE ENERGY CONSERVATION CONSTRUCTION CODE (THE ENERGY CODE) IN SENECA COUNTY " its short title, "SENECA COUNTY CODE ENFORCEMENT LAW 2022", is hereby introduced before the Board of Supervisors of the County of Seneca to read substantially as set forth herein; and, be it further

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

RESOLVED, that the County Board of Supervisors hold a public hearing on said proposed Local Law E at the Seneca County Office Building, Supervisors Meeting Room, 3rd floor, 1 DiPronio Drive, Waterloo, NY at or about 5:30 P.M., on December 13, 2022; and, be it further

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

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**PROPOSED LOCAL LAW E OF 2022**

Be it enacted by the Board of Supervisors of Seneca County, as follows:

**SECTION 1. PURPOSE AND INTENT**

- a) This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in Seneca County. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.
- b) This law shall be known as the “SENECA COUNTY CODE ENFORCEMENT OFFICE OPERATIONS AND AUTHORITY FOR ADMINISTRATION & ENFORCEMENT OF THE NYS UNIFORM FIRE PREVENTION & BUILDING CODE & THE STATE ENERGY CONSERVATION CONSTRUCTION CODE IN THE COUNTY OF SENECA” or by its short title. “SENECA COUNTY CODE ENFORCEMENT LAW 2022”

**SECTION 2. DEFINITIONS**

“Assembly Area” shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

“Building Permit” shall mean a permit issued pursuant to section 4 of this local law. The term “Building Permit” shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this local law.

“Board of Supervisors” shall mean the duly elected and sitting Seneca County Board of Supervisors.

“Certificate of Occupancy” / “Certificate of Compliance”] shall mean a certificate issued pursuant to subdivision (b) of section 7 of this local law.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.\

“Code Enforcement Personnel” shall include the Code Enforcement Officer and all Inspectors. “County” shall mean the County of Seneca, State of New York.

“County Attorney” shall mean the attorney serving the County pursuant to Article 11 of the County Law of the State of New York, any assistant county attorney, or any attorney or attorneys which the county attorney may employ to assist in any civil action or proceeding brought by or against the county or any county officer in their official capacity.

“County Manager” shall mean the senior administrative officer for County operations, as appointed, or otherwise designated by the Board of Supervisors. References in this local law made to the duties or authority of the County Manager, may, when the position of County Manager is vacant or not in effect, be made by the Chairman of the Board.

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“Energy Code” shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

“FCNYS” shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

“Fire Safety and Property Maintenance Inspection” shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

“Hazardous Production Materials” shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of section 3 of this local law.

“Mobile Food Preparation Vehicles” shall mean vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

“Operating Permit” shall mean a permit issued pursuant to section 10 of this local law. The term Operating Permit shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this local law.

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 16 of this local law.

“Permit Holder” shall mean the Person to whom a Building Permit has been issued.

“Person” shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“PMCNYS” shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

“RCNYS” shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

“Repair” shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

“Stop Work Order” shall mean an order issued pursuant to section 6 of this local law.

“Sugarhouse” shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

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“Temporary Certificate” shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

**SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS**

- (a) The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this local law. The Code Enforcement Officer shall have the following powers and duties:
- (1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy / Certificates of Compliance], Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;
  - (2) upon approval of such applications, to issue Building Permits, [Certificates of Occupancy / Certificates of Compliance], Temporary Certificates and Operating Permits, and to include in Building Permits, [Certificates of Occupancy / Certificates of Compliance], Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
  - (3) to conduct construction inspections, inspections to be made prior to the issuance of [Certificates of Occupancy / Certificates of Compliance], Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;
  - (4) to issue Stop Work Orders;
  - (5) to review and investigate complaints;
  - (6) to issue orders pursuant to subdivision (a) of section 16 (Violations) of this local law;
  - (7) to maintain records;
  - (8) to collect fees as set by the Board of Supervisors of this County;
  - (9) to pursue administrative enforcement actions and proceedings;
  - (10) in consultation with the Seneca County attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law; and
  - (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.
- (b) The Code Enforcement Officer shall be appointed by the County Manager and confirmed by the Board of Supervisors. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
- (c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the County Manager to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.
- (d) One or more Inspectors may be appointed by the County Manager to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise

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

- (e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Board of Supervisors of this County.

**SECTION 4. BUILDING PERMITS.**

- (a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.
- (b) Exemptions. No Building Permit shall be required for work in any of the following categories:
  - (1) construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);
  - (2) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
  - (3) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
  - (4) installation of fences which are not part of an enclosure surrounding a swimming pool;
  - (5) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
  - (6) construction of temporary motion picture, television and theater stage sets and scenery;
  - (7) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
  - (8) installation of partitions or movable cases less than 5'-9" in height;
  - (9) painting, wallpapering, tiling, carpeting, or other similar finish work;
  - (10) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
  - (11) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
  - (12) repairs, provided that such repairs do not involve (i) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.
- (c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.
- (d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a

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form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

- (1) a description of the proposed work;
  - (2) the tax map number and the street address of the premises where the work is to be performed;
  - (3) the occupancy classification of any affected building or structure;
  - (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
  - (5) at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.
- (e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.
- (f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if (a) the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code
- (g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- (h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.
- (i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within (six) 6 months following the date of issuance. Building Permits shall expire twelve (12) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
- (j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or



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that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

- (k) Fee. The fee specified in or determined in accordance with the provisions set forth herein (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

**SECTION 5. CONSTRUCTION INSPECTIONS.**

- (a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.
- (b) Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:
- (1) work site prior to the issuance of a Building Permit;
  - (2) footing and foundation;
  - (3) preparation for concrete slab;
  - (4) framing;
  - (5) building systems, including underground and rough-in;
  - (6) fire-resistant construction;
  - (7) fire-resistant penetrations;
  - (8) solid fuel burning heating appliances, chimneys, flues, or gas vents;
  - (9) Inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls; and
  - (10) installation, connection, and assembly of off-site manufactured buildings and manufactured homes; and
  - (11) a final inspection after all work authorized by the Building Permit has been completed.
- (c) *Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.*
- (d) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or the Energy Code. Work not in compliance with any applicable provision of the Uniform Code or the Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.
- (e) Fee. The fee or fees specified in or determined in accordance with the provisions set forth in this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

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**SECTION 6. STOP WORK ORDERS.**

- (a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:
- (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or the Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
  - (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
  - (3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.
- (b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.
- (c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order. Further, the building site shall be placarded or posted with the Stop Work Order.
- (d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Office to correct the reason for issuing the Stop Work Order.
- (e) Continuing work in violation of a Stop Work Order constitutes a separate violation of this local law.
- (f) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under the section of this local law pertaining to Violations of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order. In addition, additional fees are imposed for the application of a building permit following a Stop Work Order, as well as a fee for the lifting of the Stop Work Order. (Fees, herein)

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

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

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Certificate of Occupancy/Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and the Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or sub-classification to another complies with all applicable provisions of the Uniform Code and the Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure, or work prior to the issuance of a Certificate of Occupancy/Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Occupancy/Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy/Compliance.

- (1) a written statement of structural observations and/or a final report of special inspections, and
- (2) flood hazard certifications.

(c) Contents of Certificate of Occupancy/Compliance. A Certificate of Occupancy/Compliance shall contain the following information:

- (1) the Building Permit number if any
- (2) the date of issuance of the Building Permit if any
- (3) the name, address, and tax map number of the property;
- (4) if the Certificate of Occupancy/Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy/Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the assembly occupant load of the structure, if any;
- (8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (9) any special conditions imposed in connection with the issuance of the Building Permit; and
- (10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy/Compliance and the date of issuance.

(d) Renewable Certificate of Occupancy (MDU). Pursuant to Multiple Dwelling Units Law, any multiple dwelling containing three (3) or more housing units is required to maintain compliance with a Fire Safety Inspection, every three (3) years. A Renewable Certificate of Occupancy (MDU) will be issued upon completion of a satisfactory inspection.

(e) Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke- detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(f) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect,

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inaccurate, or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

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

**SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.**

The chief of any fire department providing firefighting services for a property within Seneca County shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

**SECTION 9. UNSAFE BUILDINGS AND STRUCTURES.**

Unsafe structures and equipment in this County shall be identified and addressed in accordance with the procedures established by Local Law Number 4 of 2003, as now in effect or as hereafter amended from time to time.

**SECTION 10. OPERATING PERMITS.**

- (a) Operation Permits required. Operating Permits shall be required for conducting any activity listed in paragraphs (1), (2), or (3) below or operating any type of building or structure listed in paragraphs (4), (5), or (6) below:

- (1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;
- (2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:
  - (i) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;
  - (ii) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;
  - (iii) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;
  - (iv) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;
  - (v) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
  - (vi) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
  - (vii) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;
  - (viii) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
  - (ix) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative

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- activity at a sugarhouse;
- (x) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
  - (xi) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;
  - (xii) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and
  - (xiii) Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle in accordance with NYSFC.
- (3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.
  - (4) buildings containing one or more assembly areas;
  - (5) outdoor events where the planned attendance exceeds 1,000 persons;
  - (6) facilities that store, handle, or use hazardous production materials;
  - (7) parking garages as defined in subdivision (a) of section 13 of this local law;
  - (8) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the County Board of Supervisors; and
  - (9) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Seneca County Board of Supervisors.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

- (b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.
- (c) EXEMPTIONS - This subdivision is intentionally omitted.
- (d) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the County sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the way the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.
- (e) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate

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Operating Permit for each such activity, or the Code Enforcement Officer may, in their discretion, issue a single Operating Permit to apply to all such activities.

- (f) Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:
- (1) [specify interval not to exceed 180 days] days for tents, special event structures, and other membrane structures;
  - (2) [specify interval not to exceed 60 days] days for alternative activities at a sugarhouse;
  - (3) [specify interval not to exceed three (3) years] years for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this section, and
  - (4) [specify interval not to exceed one (1) year] year for all other activities, structures, and operations identified in subdivision (a) of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

- (g) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.
- (h) Fee. The fee specified in or determined in accordance with the provisions set forth herein (Fees) must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

**SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS.**

- (a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer, or an Inspector designated by the Code Enforcement Officer at the following intervals:
- (1) at least once every twelve (12) months months for buildings which contain an assembly area;
  - (2) at least once every twelve (12) months months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
  - (3) at least once every thirty-six (36) months months for multiple dwellings and all nonresidential occupancies.
- (b) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.
- (c) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:
- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
  - (2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

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- (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or the Energy Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.
- (d) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b.
  - (1) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
  - (2) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
  - (3) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section.
- (e) Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:
  - (1) the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);
  - (2) the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
  - (3) such inspections are performed no less frequently than once a year;
  - (4) a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and
  - (5) upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by section 17 (Violations) of this local law.]
- (f) Fee. The fee specified in or determined in accordance with the provisions set forth herein (Fees) of must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

**SECTION 12. COMPLAINTS.**

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- (a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

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- (b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described herein(Violations);
- (c) if appropriate, issuing a Stop Work Order;
- (d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

**SECTION 13. CONDITION ASSESSMENTS OF PARKING GARAGES.**

- (a) Definitions. For the purposes of this section:
  - (1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;
  - (2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
  - (3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
    - (i) buildings in which the only level used for parking or storage of motor vehicles is on grade;
    - (ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
    - (iii) a townhouse unit with attached parking exclusively for such unit;
  - (4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three (3) years of experience performing structural evaluations;
  - (5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.
  - (6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the 2015 edition of the International Property Maintenance Code (a publication currently incorporated by reference in 19 NYCRR Part 1226); and
  - (7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- (b) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided the County Code



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Enforcement Office, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

- (c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:
- (1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.
  - (2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:
    - (i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;
    - (ii) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and
    - (iii) if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.
  - (3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to specify date not more than six (6) months after the effective date of this local law].
- (d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years].
- (e) Additional Condition Assessments.
- (1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, Seneca County shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.
  - (2) If the County becomes aware of any new or increased deterioration which, in the judgment of Seneca County, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the County shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the County to be appropriate.
- (f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the County within 3 months. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:
- (1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
  - (2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;

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- (3) an evaluation and description of the unsafe conditions;
  - (4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
  - (5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
  - (6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
  - (7) the responsible professional engineer's recommendation regarding preventative maintenance;
  - (8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that they reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
  - (9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.
- (g) Review Condition Assessment Reports. Seneca County shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the County shall, by Order to Remedy or such other means of enforcement as the County may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the County to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report
- (h) Seneca County shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the County with a written statement attesting to the fact that they have been so engaged, the County shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The County shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.
- (i) This section shall not limit or impair the right or the obligation of the County:
- (1) to perform such construction inspections as are required by section 5 of this local law;
  - (2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 of this local law; and/or
  - (3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the County by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

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**SECTION 14. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.**

- (a) The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within the County as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:
- (1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;
  - (2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:
    - (i) the accompanying Flood Insurance Rate Map (FIRM);
    - (ii) Flood Boundary and Floodway Map (FBFM); and
    - (iii) related supporting data along with any revisions thereto.
- (b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

**SECTION 15. RECORD KEEPING.**

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

**SECTION 16. PROGRAM REVIEW AND REPORTING.**

The Code Enforcement Officer shall annually submit to Board of Supervisors of this County a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described herein (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

- (a) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of Seneca County, on a form prescribed by the Secretary of State, a report of the activities of the County relative

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to administration and enforcement of the Uniform Code.

- (b) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials Seneca County is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of Seneca County in connection with administration and enforcement of the Uniform Code.

**SECTION 17. VIOLATIONS.**

- (a) Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by \_\_\_\_\_ [specify date], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

- (b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.
- (c) Penalties. In addition to such other penalties as may be prescribed by State law,
  - (1) any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be punishable by a fine of not more than \$1,000.00 per day of violation, or imprisonment not exceeding ninety (90) days, or both; The civil penalties are provided by this paragraph, not more than \$200.00 per day of violation, shall be recoverable in an action instituted in the name of this County; and
  - (2) any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of

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- Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than \$1,000.00 for each day or part thereof during which such violation continues. The civil penalties are provided by this paragraph, not more than \$200.00 per day of violation, shall be recoverable in an action instituted in the name of this County; and
- (d) Injunctive Relief. An action or proceeding may be instituted in the name of Seneca County, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of Seneca County, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the [specify executive officer or body] of Seneca County.
- (e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

**SECTION 18. FEES.**

A fee schedule shall be established by resolution of the Board of Supervisors of this County. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, [Certificates of occupancy / Certificates of Compliance], Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

**SECTION 19. INTERMUNICIPAL AGREEMENTS.**

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

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**SECTION 20: NO DEFENSE.**

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

**SECTION 21. PARTIAL INVALIDITY.**

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

**SECTION 22: INCONSISTENT OR PRIOR LAWS REPEALED.**

Upon the effective date of this Local Law, any inconsistent provision of any local are modified in accordance with this Local Law, and specifically Local Laws 6 of 2021, 3 of 2021, 2-2006, 1-2008, 1-2010, and 4-2017 are repealed.

**SECTION 23. EFFECTIVE DATE.**

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

**SUPERVISORS COMMIT TO 2023 CAYUGA LAKE  
WEED HARVESTING STRATEGY AND PLAN**

RESOLUTION NO. 283-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

WHEREAS, weed harvesting was not successfully undertaken in the north end of Cayuga Lake in 2022; and

WHEREAS, water quality and weed control are integral to the use and enjoyment of Cayuga Lake for both residents and visitors; and

WHEREAS, it is imperative that a Strategy and Plan be developed and implemented for appropriate and successful weed harvesting to commence no later than May 1, 2023; and

WHEREAS, a Plan and allocation of resources needs to be in place no later than November 30, 2022; and

WHEREAS, this Resolution has been reviewed and approved by the Environmental Affairs Standing Committee at its Meeting on October 25, 2022; now, therefore be it

RESOLVED, that a Strategy and Plan, along with necessary resource allocation be adopted and implemented no later than, November 30, 2022; and be it further

RESOLVED, that said plan be ready to commence no later than May 1, 2023.

**BOARD OF SUPERVISORS ACCEPTS FY2020 CYBER SECURITY GRANT**

RESOLUTION NO. 284-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

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WHEREAS, the New York State Division of Homeland Security & Emergency Services has awarded the Seneca County Information Technology Department a FY 2020 Cyber Security Grant for \$15,706.87; and

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

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

WHEREAS, the performance period of this grant award is October 1, 2022, through August 31, 2023 and there is no local match; and

WHEREAS, this resolution was approved by the Technology Standing Committee on October 25, 2022; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the County Manager to sign any and all documents as required by the New York State Division of Homeland Security & Emergency Services for Seneca County to receive funding from the FY 2020 Cyber Security Grant Program; and be it further

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

**SUPERVISORS AUTHORIZE AND DIRECT SOLICITATION OF PROPOSALS FOR ENGINEERING SERVICES FOR WASTEWATER TREATMENT PLANT UPGRADES**  
RESOLUTION NO. 285-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

WHEREAS, Seneca County Sewer Districts have necessary plant upgrades to undertake at the Five Points and Willard facilities; and

WHEREAS, Preliminary Engineering Reports have been completed for each facility; and

WHEREAS the closing of the Willard Drug Treatment facility necessitates additional review and consideration of plant and service needs; and

WHEREAS, the Water and Sewer Treatment Management and Operations desires to solicit proposals from engineering firms to undertake additional engineering review of the Willard Plant; and

WHEREAS, this Resolution was directed the Water and Sewer Treatment Management and Operations at its Meeting on September 20, 2022; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the County Manager to solicit proposals for additional engineering services related to upgrades to the Willard Wastewater Treatment Plant.

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**BOARD OF SUPERVISORS AUTHORIZES INCREASE OF SALARY FOR PROGRAM  
DIRECTOR OF CLINICAL SERVICES IN THE MENTAL HEALTH DEPARTMENT DUE TO  
SALARY COMPRESSION EFFECTIVE IMMEDIATELY**

RESOLUTION NO. 286-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

WHEREAS, the CSEA Unit recently ratified their Contract in favor of significant raises for the Unit members; and

WHEREAS, the salaries for Management/Confidential and non-bargaining agreement members were approved for an 8% increase to their current salaries at the October 11, 2022 Board of Supervisors Meeting; and

WHEREAS, the recent salary changes have shown that the Program Director for Clinical Services in The Mental Health Department is currently earning less money than those of whom she supervises; and

WHEREAS, the Director of Community Services seeks to rectify the salary relationship by increasing the Program Director of Clinical Services from a Management Grade 7, Step 1 to Management Grade 7, Step 5 to better align with the hierarchy within the Mental Health Department; and

WHEREAS, the Finance Director has reviewed the position and there is money available in the 2022 budget to offset the cost; and

WHEREAS, this Resolution has been reviewed and approved by the Vacancy Committee and Personnel Standing Committee on October 25, 2022; now, therefore be it

RESOLVED, that the Board of Supervisors approves increasing the salary for the Program Director of Clinical Services from Grade 7, Step 1 (\$75,251) to Grade 7, Step 5 (\$81,036) on the Management Salary Schedule; now 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 AMEND THE SENECA COUNTY POLICY MANUAL TO  
INCLUDE SPECIFIC PROVISION FOR LONGEVITY PAY FOR COUNTY EMPLOYEES**

RESOLUTION NO. 287-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

WHEREAS Seneca County has entered into new contracts with all county employee bargaining units, with said contracts including provision for Longevity Pay awards; and

WHEREAS the Seneca County Board of Supervisors believes that a similar program of Longevity Pay awards should be made applicable to full-time non-bargaining unit employees; and



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WHEREAS the Seneca County Board of Supervisors believes that the Longevity Pay Policy adopted for the Civil Service Employees Association (CSEA) collective bargaining unit agreement is an appropriate policy to apply to the full-time non-bargaining unit employees; and

WHEREAS the policy manual should state as follows:

**101.216 LONGEVITY PAY**

1. Seneca County Board of Supervisors recognizes the value of experience and knowledge of employees with long-term service to the county. Accordingly, longevity pay shall be afforded to employees of the county with substantial continuous, uninterrupted full-time service with Seneca County.
2. For all bargaining unit employees, the benefits are paid in accordance with their respective collective bargaining agreements.
3. All full-time managerial/confidential employees and all other full-time non-bargaining unit employees shall be paid longevity in the same manner as set forth in the Civil Service Employees Association (CSEA) collective bargaining unit agreement in effect at that time.
4. For the purposes of this policy and applicable to all full-time managerial/confidential employees, continuous service shall mean employment with Seneca County on a continuous basis without any breaks in service where the employee was not on the county payroll. Employees who resign, retire, or are terminated prior to their anniversary date, which serves as the basis for eligibility for payment, are not eligible for payment.
5. Employees shall be eligible for longevity increments on their anniversary date of hire with the County of Seneca.

And

WHEREAS, the Personnel Standing Committee reviewed and approved this resolution at their October 25, 2022 meeting; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Personnel Officer include the aforesaid provision for Longevity Pay in the Seneca County Policy Manual, to be effective immediately.

**APPROVAL OF THE 2023 AMENDED MUNICIPAL COOPERATIVE AGREEMENT FOR THE GREATER TOMPKINS COUNTY MUNICIPAL HEALTH INSURANCE CONSORTIUM**  
RESOLUTION NO. 288-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

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

WHEREAS, the municipal participants in the Consortium, have approved and executed a certain Municipal Cooperation Agreement (the "Agreement"; effective date of October 1, 2010) and the 2023 Amendment that provides for the operation and governance of the Consortium; and

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WHEREAS, the Consortium's Board of Directors has recommended approval of the 2023 amended Agreement; and

WHEREAS, the Municipal Cooperative Agreement requires that amendments to the agreement be presented to each participant for review and adopted by each municipal board; and

WHEREAS, the Personnel Standing Committee reviewed and approved this resolution at their October 25, 2022 meeting; now, therefore be it

RESOLVED, that the County of Seneca approves and authorizes the County Manager to sign the 2023 Amendment to the Municipal Cooperative Agreement of the Greater Tompkins County Municipal Health Insurance Consortium; and be it further

RESOLVED, that the County of Seneca will execute this Resolution to indicate its approval, transmit a copy thereof to the Board of Directors of the Greater Tompkins County Municipal Health Insurance Consortium, and take any other such actions as may be required by law.

**A RESOLUTION TO INTRODUCE LOCAL LAW F OF THE YEAR 2022  
AND PROVIDE FOR PUBLIC HEARING. A LOCAL LAW, PROHIBITING THE  
CONSUMPTION OF ALCOHOLIC BEVERAGES, MARIJUANA AND/OR ILLEGAL DRUGS  
BY MINORS ON PRIVATE PREMISES IN SENECA COUNTY, SHORT TITLE, THE  
“SENECA COUNTY SOCIAL HOST LAW” (as amended)**

RESOLUTION NO. 289-22, motion by Sprvr. Rhinehart, second by Sprvr. Ferrara and adopted.

WHEREAS, according to nationwide statistics, nearly 50% of teenagers have attended parties where the consumption of alcohol occurred and where parents were present; and

WHEREAS, the American Medical Association has reported that one out of three teenagers said it was easy to obtain alcohol from their own consenting parents, and on average they obtained alcohol three times in any given six-month period; and

WHEREAS, the Surgeon General has stated that young people who start drinking before the age of 15 are five times more likely to develop alcohol-related problems later in life; and

WHEREAS, the American Academy of Child and Adolescent Psychiatry has reported (“Marijuana and Teens,” No. 106; Updated October 2019) that: Teenage marijuana use is at its highest level in thirty (30) years; today's teens are more likely to use marijuana than tobacco; recreational marijuana use by children and teenagers is not legal anywhere in the United States, including New York State; today's marijuana plants are grown differently than in the past and can contain two to three times more tetrahydrocannabinol (THC), the ingredient that makes people high; the ingredient of the marijuana plant thought to have most medical benefits, cannabidiol (CBD), has not increased and remains at about 1%; and

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WHEREAS, that the underage consumption of alcohol, marijuana and/or illegal drugs, whether at a large party or small gathering, poses a risk to the residents of Seneca County, as minors who consume alcohol, marijuana or illegal drugs are more likely to engage in impaired, irresponsible, disruptive, loud, or even dangerous behavior; and

WHEREAS, the de-criminalization of cannabis in New York State makes cannabis and its related products more accessible to the community in general and to youth in particular; and

WHEREAS, the Seneca County District Attorney, the Seneca Sheriff and Undersheriff, the Seneca County Attorney, the Seneca County Probation Director, and the Project Director of the Seneca County Substance Abuse Coalition have endorsed this proposed local law in an effort to deter the consumption of alcohol, marijuana and/or illegal drugs by minors by holding those over the age of 18 responsible when they permit the consumption of alcohol, marijuana and/or illegal drugs by minors at their residences; and

WHEREAS, this resolution was approved by and forwarded from the Public Safety Standing Committee at its meeting on October 25, 2022; now, therefore, be it

RESOLVED, that Local Law “F” of the year 2022 be, and hereby is, introduced in the form hereto annexed pursuant to the Municipal Home Rule Law, to wit: “SOCIAL HOST LAW TO PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES, ILLEGAL DRUGS, AND TO ADDRESS DE-CRIMINALIZED MARIJUANA, AS APPLICABLE TO MINORS AND ADULTS IN PRIVATE PREMISES IN SENECA COUNTY”

Be it enacted by the County Board of Supervisors of the County of Seneca as follows:

**SECTION 1 – TITLE AND SHORT TITLE:** This law shall be known as the “SOCIAL HOST LAW TO PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES, ILLEGAL DRUGS, AND TO ADDRESS DE-CRIMINALIZED MARIJUANA, AS APPLICABLE TO MINORS AND ADULTS IN PRIVATE PREMISES IN SENECA COUNTY” This law shall be further known as, and may be cited as a Short Title, as the “Seneca County Social Host Law.”

**SECTION 2 – DECLARATION OF INTENT:**

- A. This Legislature hereby finds and determines that, according to nationwide statistics, nearly 50% of teenagers have attended parties where the consumption of alcohol and/or illegal drugs where parents were present.
- B. This Legislature also finds and determines that the American Medical Association has reported that one out of three teenagers said it was easy to obtain alcohol from their own consenting parents, and on average they obtained alcohol three times in any given six-month period.

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- C. This Legislature further finds and determines that the Surgeon General has stated that young people who start drinking before the age of fifteen (15) are five (5) times more likely to develop alcohol-related problems later in life.
- D. This Legislature further finds and notes that the American Academy of Child and Adolescent Psychiatry has reported (“Marijuana and Teens,” No. 106; Updated October 2019) that: Teenage marijuana use is at its highest level in thirty (30) years; today's teens are more likely to use marijuana than tobacco; recreational marijuana use by children and teenagers is not legal anywhere in the United States, including New York State; today's marijuana plants are grown differently than in the past and can contain two (2) to three (3) times more tetrahydrocannabinol (THC), the ingredient that makes people high; the ingredient of the marijuana plant thought to have most medical benefits, cannabidiol (CBD), has not increased and remains at about 1%.
- E. This Legislature finds that the underage consumption of alcohol, marijuana/cannabis and/or illegal drugs, particularly now that New York State has de-criminalized certain aspects of cannabis by adults, whether at a large party or small gathering, poses a risk to the residents of Seneca County, as minors who consume alcohol, marijuana/cannabis or illegal drugs are more likely to engage in impaired, irresponsible, disruptive, loud, or even dangerous behavior.
- F. Therefore, the purpose of this article is to deter the consumption of alcohol, marijuana/cannabis and/or illegal drugs by minors by holding those over the age of eighteen (18) responsible when they permit the consumption of alcohol, marijuana/cannabis and/or illegal drugs by minors at their residences.

**SECTION 3 - DEFINITIONS:** As used in this law, the following terms shall have the meanings indicated:

- A. “Minor” shall mean any person under the age of twenty-one (21).
- B. “Private premises” shall mean any home, apartment, condominium, cooperative unit, or other dwelling unit of any kind, including yards, open areas adjacent thereto, vacant land or farmland, and accessory structures.
- C. “Knowingly” shall mean be aware of or having reason to be aware of.
- D. “Alcoholic beverage” shall mean liquor, wine, beer, spirits, cider, or other liquid, or solid composed of, or containing alcohol or spirits, whether or not brewed, fermented, or distilled, and capable of being consumed by a person, except that confectionary containing alcohol as provided by Subdivision 12 of Section 200 of the New York State Agriculture and Markets Law shall not be regarded as an alcoholic beverage within the meaning of this Section.
- E. “Illegal drugs” shall mean and includes any substance listed in Section 3306 of the New York

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State Public Health Law and not prescribed by a physician.

- F. “Marijuana” shall mean “cannabis,” as defined in New York State Penal Law Section 222.00 (Added L.2021, c. 92, Section 16, eff. March 31, 2021).
- G. “Social gathering” shall mean a party or gathering at a residence or other private premises of four (4) or more persons, at least one (1) of whom is not related by blood or law to the others in attendance and is a minor.
- H. “Control” shall mean the actual or apparent authority and ability to regulate, direct or dominate private premises including, but not limited to, the control exercised by tenants, lessees, owners and/or those landlords who have notice of underage drinking on their premises.

**SECTION 4 - PROHIBITIONS:** It shall be unlawful for any person age eighteen (18) or over who owns, rents, or otherwise controls private premises, to knowingly host, permit or allow a social gathering at which they allow the consumption of alcoholic beverages, marijuana/cannabis and/or illegal drugs by any minor on such premises or fails to take reasonable corrective action upon learning of the possession or consumption of alcoholic beverages, marijuana/cannabis and/or illegal drugs by any minor on such premises. Reasonable corrective action shall include, but not be limited to:

- A. Verifying the age of the persons attending the social gathering by inspecting drivers’ licenses or other government-issued identification cards;
- B. Making a prompt demand that such minor either forfeit the alcoholic beverages, marijuana/cannabis and/or illegal drugs and refrain from the consumption of such or depart from the premises;
- C. If such minor does not comply with such demand, either promptly reporting such underage consumption of alcohol, marijuana/cannabis and/or illegal drugs (1) to the local law enforcement agency or (2) to any other person having a greater degree of authority over the conduct of such minor.

**SECTION 5 - EXCEPTIONS:** The provisions of this Section shall not apply to:

- A. The possession or consumption of an alcoholic beverage by persons lawfully permitted to do so pursuant to Section 65-c of the New York State Alcohol Beverage Control Law, or any applicable law; or
- B. The possession or consumption of a drug, including marijuana/cannabis, for which the individual has a current, valid prescription or as otherwise permitted by any other applicable law and is being used as directed by their healthcare provider; or
- C. The possession or consumption of alcohol or alcoholic beverages by a minor for legitimate religious purposes; or

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- D. The parent or guardian of such a person; or to a person who gives or causes to be given any such alcoholic beverage to a person under the age of twenty-one (21) years, who is a student in a curriculum licensed or registered by the state education department, where the tasting or imbibing of alcoholic beverages is required in courses that are part of the required curriculum, provided such alcoholic beverages are given only for instructional purposes during classes conducted pursuant to such curriculum; each pursuant to the exceptions contained in New York State Penal Law Section 260.20(2).
- E. Designated caregivers, practitioners, employees of a registered organization or employees of a designated caregiver facility acting in compliance with Article 3 of the Cannabis Law of the State of New York.

**SECTION 6 - PENALTIES:** Each offense shall be punishable as follows:

- A. First Offense: Any person who violates Section 4 of this local law shall be punished by a fine of two hundred fifty dollars (\$250.00), where such violation constitutes the person's first offense in violation of this provision. In addition, for each offense, successful completion of a court-approved alcohol and drug awareness program is required. A first offense shall constitute a Violation.
- B. Second Offense: Any person who violates Section 4 of this local law shall be punished by a fine of five hundred dollars (\$500.00), where such violation constitutes the person's second offense in violation of this provision. In addition, for each offense, successful completion of a court-approved alcohol and drug awareness program is required. A second offense shall constitute an Unclassified Misdemeanor.
- C. Third and Subsequent Offenses: Any person who violates Section 4 of this local law shall be punished by a fine of one thousand dollars (\$1,000.00), where such violation constitutes the person's third and subsequent offense in violation of this provision. In addition, for each offense, successful completion of a court-approved alcohol and drug awareness program is required. A third or subsequent offense shall constitute an Unclassified Misdemeanor.

**SECTION 7 – EFFECT ON OTHER LAWS:**

- A. The provisions of Section 4 of this local law shall not in any way affect the application of any other law, where appropriate, including, but not limited to, New York State Penal Law Section 260.10 (Endangering the Welfare of a Child), Section 260.20(2) (Unlawfully Dealing with a Child), Section 222.45 (Unlawful Sale of Cannabis), Section 222.50 (Criminal Sale of Cannabis in the Third Degree), Section 222.55 (Criminal Sale of Cannabis in the Second Degree), Section 222.60 (Criminal Sale of Cannabis in the First Degree) or Section 222.65 (Aggravated Criminal

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Sale of Cannabis).

- B. Upon the effective date of this local law, Local Law 3 of 2013 shall be replaced in full by this local law.

**SECTION 8 – SEVERABILITY:** If any section, subsection, sentence, clause, phrase, or other portion of this local law is for any reason declared unconstitutional, or invalid or in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law which remaining portions shall remain in full force and effect.

**SECTION 9 – APPLICABILITY AND EFFECTIVE DATE:** This local law shall apply to all actions occurring on or after the effective date of this local law. This local law shall take effect thirty (30) days after filing in the Office of the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

And,

BE IT FURTHER RESOLVED, that a public hearing shall be held upon said proposed Local Law on the 13 day of December, 2022, at 6:00 pm or as soon as possible thereafter, at the Seneca County Board of Supervisors Meeting Room, 3rd Floor, Seneca County Office Building, Waterloo, NY and the Clerk of the Board of Supervisors is hereby directed to give due legal notice of said public hearing no less than ten (10) days prior to said hearing as provided by law.

Discussion Resolution No. 289-22

Prior to the adoption of Resolution No. 289-22. Sprvr. Rhinehart moved to remove it from the consent agenda and amend the resolution by correcting the text in Section 6 (C) to read, "...person's third and subsequent offense"; and inserting the date and time for the public hearing on December 13 at 6 p.m.

**SENECA COUNTY BOARD OF SUPERVISORS APPROVES ACCEPTING THE  
2021-2022 PUBLIC SAFETY ANSWERING POINTS OPERATIONS GRANT AND PURCHASE  
OF NEW SPILLMAN SERVER INCLUDING DATA MIGRATION**

RESOLUTION NO. 290-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

WHEREAS, the New York State Division of Homeland Security & Emergency Services announced the 2021-2022 Public Safety Answering Points Operations Grant on December 20th, 2021; and

WHEREAS, the Board of Supervisors approved applying for this grant on February 15, 2022 and Seneca County was awarded \$159,186 for the 2021-2022 PSAP grant on September 3rd; and

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WHEREAS, the grant allows for state support for counties to facilitate Public Safety Answering Point consolidation, regional initiatives related to 911 operations, implementation of NG911, and improvements in the operations of public safety communications; and to develop multijurisdictional Public Safety Answering Point compatibility throughout the state and support statewide interoperable communications for first responders, thereby improving public safety; and

WHEREAS, the state support is in the form of reimbursement for operating expenses to the Public Safety Answering Point; and

WHEREAS, the current E-911 Spillman Server has reached its end of life and needs to be replaced; and

WHEREAS, the cost of a new server will be \$17,421.14 and the cost for migrating data from the old server to the new server including ASAP to PSAP will be \$92,643.03; and

WHEREAS, to replace the new server and migrate data we will use the PSAP grant funds 2021-2022; and

WHEREAS, the remaining funds from this grant, \$49,121.83 will be used toward salaries in the E-911 Center; and

WHEREAS, this resolution was reviewed and approved by the Public Safety Standing Committee on October 25, 2022; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors approves acceptance of the 2021-2022 Public Safety Answering Point Operations Grant and approves the purchase of a new server and data migration and authorizes and directs the County Manager to sign all paperwork related to the same; and, be it further

RESOLVED, that the Board of Supervisors authorize the Director of Finance to make the necessary budgetary and accounting entries to affect the intent of this resolution.

**AUTHORIZE CONTRACT FOR 2023 MOTOROLA SOLUTIONS FOR RADIO MAINTENANCE & REPAIR FOR E-911 CENTER, E-911 BACK-UP SITE, AND TOWER SITES**  
RESOLUTION NO. 291-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

WHEREAS, the Seneca County E-911 Center has received a proposal for a radio system maintenance and repair contract with Motorola Solutions for professional services consisting of inspection, maintenance, and repair of radio equipment, including all police, fire and EMS systems and the NICE recorder at the 911 Center, back-up site at 44 W. Williams Street Waterloo, and six radio tower sites; and



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WHEREAS, this contract covers the maintenance and repair of the radio system and NICE recorder from January 1, 2023 until December 31, 2023; and

WHEREAS, the cost of this contract is \$248,102.28, a 3% increase from the 2022 contract; and

WHEREAS, funding for this contract is budgeted in the 2023 Tentative Budget E-911 Account 103020 - 54700; and

WHEREAS, Motorola Solutions is a sole source maintenance provider of this Motorola proprietary equipment; and

WHEREAS, this resolution was approved by the Public Safety Standing Committee on October 25, 2022; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes and directs the County Manager to sign a contract with Motorola Solutions in the amount of \$248,102.28 for the maintenance and repair of the Seneca County radio system and NICE recorder.

**COUNTY MANAGER AUTHORIZED AND DIRECTED TO SIGN A CONTRACT WITH THE  
NEW YORK STATE DEPARTMENT OF HEALTH FOR THE EARLY INTERVENTION  
ADMINISTRATION GRANT**

RESOLUTION NO. 292-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

WHEREAS, the New York State Department of Health has awarded the Seneca County Health Department \$28,158 for the period October 1, 2022 through September 30, 2023 for the administration of the Early Intervention Program; and

WHEREAS, this grant funding will aid the Health Department in providing services and supports to young children with developmental delays and disabilities, and to their families; and

WHEREAS, it is necessary for the contract to be signed to receive the funding; and

WHEREAS, the funds are allocated in the Health Department budget account nos. 104010-43448.EI22 (NYS portion of funding) and 104010-44451.EI22 (Federal portion of funding); and

WHEREAS, the Public Health Standing Committee has reviewed and approved this resolution on October 25, 2022; now, therefore be it

RESOLVED, that the County Manager is hereby authorized and directed to sign a contract with the New York State Department of Health for the Early Intervention Administration Grant and be it further

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; and be it further

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RESOLVED, that the Department of Finance is authorized to make the necessary budgetary and accounting entries to affect the intent of this resolution including creation of the requisite budget expense lines.

**COUNTY MANAGER AUTHORIZED AND DIRECTED TO SIGN A CONTRACT WITH  
THE NEW YORK STATE DEPARTMENT OF HEALTH FOR THE EXTENSION OF THE  
NYS PUBLIC HEALTH CORPS (PHC) FELLOWSHIP PROGRAM**

RESOLUTION NO. 293-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

WHEREAS, the New York State Department of Health originally awarded the Seneca County Health Department \$719,282 for the period Sept. 1, 2021 through July 31, 2023 for the Public Health Corps Fellowship Program; and

WHEREAS, this grant supplies funding to be used by the Health Department to recruit, train, deploy and manage New York State Public Health Corps Fellows; and

WHEREAS, the intention of the grant is to augment the local health department's capacity to respond to current and emerging public health emergencies and to improve outreach and assistance to vulnerable populations, and to directly assist with the local COVID-19 public health response (testing, vaccination, prevention campaigns, and community education); and

WHEREAS, the Fellowship program will match and place fellows in Seneca County to assist in this work; and

WHEREAS, this grant was originally accepted on Resolution No. 268-21 in the amount of \$719,282 for the period September 1, 2021 through July 31, 2023; and

WHEREAS, the funds are allocated in the Health Department budget under project code FELLO; and

WHEREAS, the grant period has been extended by the NYSDOH through June 30, 2024; and

WHEREAS, the Public Health Standing Committee has reviewed and approved this resolution during its' October 25, 2022 meeting; 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 NYS Public Health Corps Fellowship Program for the period September 1, 2021 through June 30, 2024 in the amount not to exceed \$719,282.; and, be it further

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

RESOLVED, that any unused funds from the grant program will flow to future years.

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**AGREEMENT WITH THE S2AY RURAL HEALTH NETWORK FOR  
NYS PUBLIC HEALTH CORPS FELLOWSHIP PROGRAM**

RESOLUTION NO. 294-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

WHEREAS, the Health Department has received funding in the amount of \$719,282 for the NYS Public Health Corps Fellowship Program for the period Sept. 1, 2021 through July 31, 2023; and

WHEREAS, the grant period to expend this funding has been extended by the NYSDOH through June 30, 2024; and

WHEREAS, this funding provides for up to four Fellows to augment the local health department's capacity; and

WHEREAS, as many as three of these fellows will be hired by the Pivotal Public Health Partnership (S2AY Rural Health Network); and

WHEREAS, entering into a contract with the Pivotal Public Health Partnership for the NYS Public Health Corps Fellowship Program was originally accepted on Resolution No. 269-21 for the period September 1, 2021 through July 31, 2023; and

WHEREAS, there is a need to extend the existing contract with Pivotal Public Health Partnership to the end of extended grant period; and

WHEREAS, this sub-contract will be totally grant funded through June 30, 2024 with funds having been allocated in the Health Department budget under project code FELLO; and

WHEREAS, this resolution has been reviewed and approved by the Public Health Services standing committee on October 25, 2022; now, therefore be it

RESOLVED, that the County Manager is hereby authorized and directed to sign an agreement with the Pivotal Public Health Partnership (S2AY Rural Health Network) for the NYS Public Health Fellowship Program for an amount not to exceed \$400,000 for the period November 1, 2021 through June 30, 2024; and, be it further

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

RESOLVED, that any unused funds from the grant program will flow to future years.

**APPOINT MEMBERS TO FINGER LAKES REGIONAL AIRPORT ADVISORY COMMITTEE  
(HAIMES-MARTIN-MOLLIN)**

RESOLUTION NO. 295-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

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WHEREAS, the Finger Lakes Regional Airport is a Seneca County owned facility servicing the general aviation needs of business and recreational users in Seneca County and the region; and

WHEREAS, the Finger Lakes Regional Airport Advisory Committee was established by the Seneca County Board of Supervisors to advise and make recommendations in all matters relating to the operation of the Airport; and

WHEREAS, the Finger Lakes Regional Airport Advisory Committee has recommended that David Haimes, Earl Martin, and Dr. Hunter Mollin be reappointed to the Finger Lakes Regional Airport Advisory Committee as their terms will expire October 31, 2022; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Standing Committee on October 25, 2022; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint David Haimes, Earl Martin and Dr. Hunter Mollin to the Finger Lakes Regional Airport Advisory Committee effective November 1, 2022 to October 31, 2025.

**SUPERVISORS REQUEST NYS COMMISSIONER OF AGRICULTURE AND MARKETS TO  
RE-CERTIFY AGRICULTURAL DISTRICT #6**

RESOLUTION NO. 296-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

WHEREAS, Seneca County Agricultural District #6, located in the towns of Seneca Falls, Junius, Tyre, and Waterloo was originally created in 1973, and was subsequently re-certified with modification; and

WHEREAS, The Seneca County Agriculture Enhancement Board met on October 5, 2022, and recommended to the Seneca County Board of Supervisors re-certification of Agriculture District #6 with modifications as reflected below, and

WHEREAS, The Seneca County Board of Supervisors held a Public Hearing on November 8, 2022; and

WHEREAS, this resolution has been reviewed and approved by the Planning, Development, Agriculture, and Tourism Committee on October 25, 2022; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors finds that there is no significant adverse environmental impact to the re-certification of Agricultural District #6; and be it further

RESOLVED, that the Seneca County Board of Supervisors request the New York State Commissioner of Agriculture and Markets re-certify Agricultural District #6, with inclusion of tax parcel 453289-28-1-35 and removal of tax parcels:

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453289-28-1-60	453400-12-1-27.12	453400-15-1-20.111
452400-13-1-03.1	453400-12-1-27.111	453400-12-1-34.1
452400-14-1-14.12	453400-12-1-27.112	453400-12-1-34.2
452400-14-1-21	453400-12-1-28	453400-12-1-36
452400-14-1-22	453400-12-1-29	453400-12-1-49
452400-14-1-27.1	453400-12-1-30	453400-15-1-02
452400-15-2-03.12	453400-12-1-31	453400-15-1-04.2
452400-15-2-03.21	453400-12-1-32.1	453400-15-1-05.2
452400-15-2-03.22	453400-12-1-32.2	453400-15-1-07.2
452400-15-2-03.111	453400-12-1-33.11	453400-15-1-07.111
452400-15-2-03.112	453400-12-1-33.12	453400-15-1-37.1
453400-12-1-27.2	453400-12-1-33.2	453400-15-1-37.2

**MENTAL HEALTH AND SUBSTANCE ABUSE  
2023 AGREEMENTS FOR CONTRACT SERVICES**

RESOLUTION NO. 297-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

WHEREAS, the Department of Mental Health enters into services contracts each year with many service providers through agreements for contractor services; and

WHEREAS, the funds used for these contracts are included in the 2023 budget and supported through state aid monies from New York State Office of Mental Health and New York State Office of Alcoholism and Substance Abuse Services and/or through medical fees; and

WHEREAS, the following array indicates the not-to-exceed totals and hourly rates of providers

<b>Mental Health 104320.54350</b>	<b>Total Contract Amount (\$)</b>	<b>Rate (\$)</b>	<b>Hours</b>
Ann Knoll (Trauma Specialist)	\$82,355	65	1267
Steve Kane (Utilization Review Specialist)	\$10,010	35	286
David Kaufman (Child Psychiatrist)	\$140,250	165	850
Kang Yu (Medical Director)	\$139,995	135	1037
Pamela King (Prescriber)	\$43,200	90	480
Sandra Clayton (Case Manager)	\$20,000	20	1000
Mark Reynolds (730 CPL Examiner)	\$10,000	125	80
Rick Hoyt (730 CPL Examiner)	\$10,000	150	66.66
Christine Tompkins (Medicare Provider)	\$4,050	45	90
Janice Creamer (Medicare Provider)	\$10,000	45	222
Sara Caceres (Interpreter)	\$9,180	60	153
AOT Coordinator	\$3,500	35	100

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Vacant (LPN)	\$20,000	20	1000
Deena Schwartz (Prescriber)	\$60,000	120	500
Sexual Behaviors Outreach	\$25,175	95	265
Brianna En (Prescriber)	\$77,400	96.75	800
Janice Creamer (Clinical Supervisor)	\$11,700	45	260
Janine Quinlan (Psychiatric Nurse Practitioner)	\$89,700	115	780
<b>Subtotal</b>	<b>\$766,515</b>		
<b>Additions 104220.54350</b>			
Dorothy Lennon (Medical Director)	\$50,100	150	334
Sandra Clayton (Vocational Case Manager)	\$15,000	25	600
Terri Haskins (Suboxone Prescriber)	\$70,047	96.75	724
Robert Shields (Peer Advocate)	\$24,000	13.25	1811
<b>Subtotal</b>	<b>\$159,147</b>		
<b>TOTAL:</b>	<b>\$925, 662</b>		

WHEREAS, these contracts were approved by the Mental Health Services Committee of the Seneca County Board of Supervisors on October 25, 2023; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the County Manager to sign the 2023 Mental Health and Substance Abuse Services Providers agreements for contract services; and, now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Finance Department to pay the 2023 service providers, as contracted, when duly appropriated.

**SUPERVISORS APPROVE 2023 MENTAL HEALTH SERVICES**

**PROVIDER-AGENCY CONTRACTS**

RESOLUTION NO. 298-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

WHEREAS, the Department of Mental Health enters into services contracts each year with various service providers for provision of mental health and substance use disorder treatment and prevention services to the residents of Seneca County. In 2023 the Department of Mental Health will enter into services contracts with the following entities: Lakeview Mental Health Services, Inc.; Aspire Hope NY; Glove House; Unity House of Cayuga County; the Franziska Racker Centers; the Council on Alcoholism and Addictions of the Finger Lakes, Inc.; the United Way of Seneca County; Family Counseling Service of the Finger Lakes Inc. and The Seneca County Sheriff's Department; and

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WHEREAS, the funds used for these contracts are passed through state aid monies from New York State office of Mental Health and New York State office of Alcoholism and Substance Abuse Services; and the del Lago gambling contract and

WHEREAS, the total investment dollars for these contracts is \$1,302,701 (revenue account (104300-43000 and expense account 104300-54700) and \$101,250 (revenue account 104350.41625 and expense account 104350.54380) with no local mandated share, and included in the 2023 Budget; and

WHEREAS, the Mental Health Services Standing Committee approved this resolution on October 25, 2022 now, therefore be it

RESOLVED, that the County Manager is authorized and directed to sign the 2023 services providers' contracts for Lakeview Health Services, Inc.; Aspire Hope NY; Glove House; Unity House of Cayuga County; the Franziska Racker Centers; Council on Alcoholism and Addictions of the Finger Lakes, Inc and United Way of Seneca County; Family Counseling Service of the Finger Lakes, Inc. and The Seneca County Sheriff's Department; and be it further

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Finance Department to pay the 2023 service providers, as contracted, when duly appropriated.

**AUTHORIZATION FOR SENECA COUNTY STAFF TAMMY ORLOPP OF THE  
SENECA COUNTY MENTAL HEALTH DEPARTMENT TO ATTEND (CADCA)-THE  
ANNUAL LEADERSHIP FORUM FROM JANUARY 30-FEBRUARY 2, 2023 IN NATIONAL  
HARBOR, M.D.**

RESOLUTION NO. 299-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

WHEREAS, the CADCA Annual Leadership Forum will be held in National Harbor, M.D. and

WHEREAS, Tammy Orlopp, serves as a Coalition Vice-Chair and the Prevention Program Director; and

WHEREAS, Mental Health funds are budgeted to cover hotel/transportation/parking/fees; and

WHEREAS, the conference registration fee and food are paid by Seneca County Substance Abuse Coalition to support attendance for the aforementioned individual, and

WHEREAS, the Mental Health Standing Committee reviewed and approved this resolution on October 25, 2022; now, therefore be it

RESOLVED that the Seneca County Board of Supervisors authorizes Tammy Orlopp to attend the CADCA Annual Leadership Forum January 30–February 2, 2023 in National Harbor, M.D. and authorizes expenses associated with said travel and payable under the Seneca County Travel Policy.

**SUPERVISORS APPROVE TERRI HASKINS, FNP CONTRACT AMENDMENT**

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RESOLUTION NO. 300-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Don Trout was adopted by consent agenda with Sprvrs. Reynolds and Barnhart voting nay.

WHEREAS, the Department of Mental Health entered into a 2022 contract with Terri Haskins, FNP for provision of addictions medication treatment services; and

WHEREAS, an additional one hundred and nineteen (119) contract hours are needed to support increasing clinic demand for nurse practitioner services for the remainder of the 2022 budget year; and

WHEREAS, this would increase the current contract not to exceed amount by \$11,513.25 from \$70,047 to \$81,560.25; and

Additions 104220.5430	Total Contract Amount (\$)	Rate (\$)	Hours
Terri Haskins, FNP	\$81,560.25	\$96.75	843

WHEREAS, the increased hours will be supported by unused contract workers funds; and

WHEREAS, the contract amendment was approved by the Mental Health Services Standing Committee on October 25, 2022; now, therefore be it

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

RESOLVED, that the Seneca County Finance Department is hereby authorized and directed to amend the 2022 budget as follows:

104320.54350	Mental Health	Decrease	Expenditure	\$11,513.25
104220.54350	Additions	Increase	Expenditure	\$11,513.25

Unfinished Business

The following draft resolution was Laid on the Table at the September 13, 2022 board meeting and remains Laid on the table.

**SUPERVISORS SUPPORT BONUS FOR COUNTY EMPLOYEES NOT  
OTHERWISE ENTITLED BY STATE LEGISLATIVE AND/OR EXECUTIVE ACTION**

WHEREAS, the present competitive employment climate, along with rising economic strains, has made it exceedingly difficult to recruit new employees and retain current employees in the County workforce; and

WHEREAS, despite the anticipated positive changes in both bargaining unit and non-bargaining unit employee's compensation, there is a need to address the immediate stress and needs of our county employees as noted above; and

WHEREAS, such a stipend paid to full-time and part-time county employees would help to alleviate some of the current economic strain employees are facing, improve employee morale, and help the County to retain its existing workforce; and



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WHEREAS, New York State Department of Health has recognized and provided bonuses and/or stipends to only select employee functions or units which will be implemented by the County; and

WHEREAS, the Seneca County Board of Supervisors recognizes and appreciates the significant efforts and dedication of our employees and believes all County employees are worthy of compensation regardless of New York State definitions and actions; and

WHEREAS, all County employees not otherwise entitled to a bonus or stipend should receive a bonus/stipend in the amount of \$1,000 for Full-time employment and \$500 for Part-time employment provided they were on the County payroll as of April 15, 2020 and remain on the County payroll as of the date of the adoption of this Resolution; and

WHEREAS, a Memorandum of Agreement (MOA) will be entered into with each bargaining unit of the County to address the terms and conditions of the proposed stipend for their members, and the County Board of Supervisors authorizes the County Manager to draft and propose said Agreement; and

WHEREAS, this Resolution has been reviewed and approved by the Finance, Assessment and Insurance Standing Committee at their August 23, 2022 meeting; now, therefore be it

RESOLVED, that all County employee not otherwise entitled to a bonus or stipend pursuant to New York State Legislative or Executive action who was on the payroll as of April 15, 2020 and remained on the payroll as of the date of Adoption of this Resolution shall be entitled to a bonus/stipend in the amount of \$1,000 for full-time and \$500 for part-time employment; and be it further

RESOLVED, that such payment shall be made at the next available payroll date following adoption of the Memorandum of Agreement with the bargaining units of the County; and be it further

RESOLVED, that the source of funding shall be the American Rescue Plan Act revenue received by Seneca County; and be it further

RESOLVED, that bonus/stipends shall be undertaken in accordance with and subject to all applicable legal requirements.

New Business

**A RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW G OF 2022, ENTITLED “A LOCAL LAW TO ESTABLISH THE VOTING POWER OF EACH MEMBER OF THE BOARD OF SUPERVISORS OF SENECA COUNTY” AND PROVIDING FOR PUBLIC HEARING**  
RESOLUTION NO. 301-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Barnhart and adopted.

WHEREAS, the voting power of each of the members of the Seneca County Board of Supervisors is determined by the proportionate population of each of the Towns comprising Seneca County; and

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WHEREAS, an adjustment to the weighted vote calculation is required and necessary subsequent to the 2020 Census; and

WHEREAS, this Resolution has been reviewed and approved by the Government Operations Standing Committee at its Meeting on November 8, 2022; now, therefore, be it

RESOLVED, that Local Law G of 2022 entitled "A Local Law to Establish the Voting Power of Each Member of the Board of Supervisors of Seneca County" be and the same is hereby introduced before the Board of Supervisors of Seneca County, New York to read in substantially the following form:

Section 1. In all voting by the Seneca County Board of Supervisors the following weights shall apply to the vote of the members representing the following Towns:

Covert 50	Seneca Falls 70	
Fayette 85	Seneca Falls 70	
Junius 32	Tyre 24	
Lodi 35	Varick 39	
Ovid 54	Waterloo 57	
Romulus 50	Waterloo 57	
Seneca Falls 70	Waterloo 57	Total: 750

Section 2. Local Law No. 2 of 2012 is hereby repealed.

Section 3. Effective date: This local law shall become effective in accordance with the New York State General Municipal and Home Rule Laws; and be it further

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

RESOLVED, that the County Board hold a Public Hearing on said proposed Local Law at the County Office Building, 1 DiPronio Drive, Waterloo New York at or about 5:30 P.M., on November 22, 2022; and, be it further

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

Executive Session

Sprvr. Ferrara moved to enter executive session pursuant to OML Section 105(1)(F) with the county manager. The board reconvened in open session. No action was taken. Time of executive session: 7:36 p.m.- 8:13 p.m.

Special Order of the Day

The meeting adjourned at 8:14 p.m.