

**SENECA COUNTY
BOARD OF SUPERVISORS**

December 13, 2022
Meeting Minutes

Call To Order

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

Roll Call Of Members By The Clerk

All fourteen members of the Board of Supervisors answered roll call.

Pledge Of Allegiance And Moment Of Silence

Public Hearings:

A. Proposed Local Law “E” of the Year 2022, “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”. Sprvr. Borst moved the floor open to receive public comment regarding proposed local law e of 2022. No comment, oral or written, were received. Sprvr. Ferrara moved the floor closed.

B. Proposed Local Law “F” of the Year 2022, “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”. Sprvr. Don Trout moved the floor open to receive public comment regarding proposed local law F of 2022. No comment, oral or written were received. Sprvr. Don trout moved the floor closed.

C. Proposed Seneca County Local Law “H” of the Year 2022, “Setting Salaries for Current Elected Officials, County Public Officers and Previously Designated Senior County Personnel for the Year 2023 and Adopt Seneca County 2023 Management Salary Schedule. Sprvr. Don Trout moved the floor open to receive public comment regarding proposed local law H of 2022. No comments, oral or written were received. Sprvr. Don Trout moved the floor closed.

D. Seneca County Sewer District No. 4 Formation pursuant to Sections 253-A and 254 of New York State County Law, regarding the formation of Seneca County Sewer District No. 4. Sprvr. Don Trout moved the floor open to receive public comment. No comment, oral or written were received. Sprvr. Don Trout moved the floor closed.

Presentations

None

Petitioners

None

Open Privilege Of The Floor

None

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Approval Of Meeting Minutes

The minutes were approved for the November 8, 2022 Regular board meeting and the November 11, 2022 Special Board meeting.

Reports Of Standing Committees

Mental Health Services Standing Committee, Sprvr. Partee, Chair. The committee approved a the following resolutions to be acted tonight by the Board of Supervisors. Amend contract for provider of Sexual Behavior Outreach program due to loss of the full-time psychiatrist by an additional fifty-three (53) contract hours for Pam King are needed for the remainder of the 2022 Budget year; additional thirty-one (31) contract hours are needed for Reintegration Mental Health for the remainder of the 2022 Budget year for a total amendment increase = \$7,715. An amendment to the contract with Ronald Yearwood, MD, for an additional sixty-nine (69) contract hours necessary to support current demand for psychiatric services for the remainder of the 2022 budget year. This would increase the current contract not to exceed amount by \$10,350 from \$150,000 to \$160,350. A contract with a new provider, TRUTH Pharm, Inc, to develop public education campaign regarding opioid abuse.at a cost not to exceed \$50,000. Seneca County is currently in receipt of \$184,995.63 Opioid Settlement Dollars. A public education campaigns based on evidence and public education relating to drug disposal is eligible for use of the funds. Seneca County seeks to develop a comprehensive public education campaign whose goals are to prevent Opioid Use Disorder and to reduce opioid overdose rates in Seneca County; and

Planning, Development, Agriculture & Tourism Standing Committee, Sprvr. Barnhart, Chairman. On tonight's agenda approved by the committee is a resolution to establish 2023 funding Appropriation for the Tourism Promotion Agency (Chamber of Commerce) in the amount of \$585,804; a resolution appropriating from Hotel-Motel Tax funds, \$50,000 for Friends of the Three Bears; AND \$35,000 for Cayuga Lake and Seneca Lake watershed improvements; a resolution adopting two county policies which incorporate federal policy regarding discrimination and disability and federal grant requirements: Section 504, Rehabilitation Act of 1973 and the Americans with Disabilities - Approving the Notice under the Americans with Disabilities Act, and Approving the Grievance Procedure under the Americans with Disabilities Act. The committee also had four presentations: Review of Agricultural District #8. Brownfield Redevelopment Program, and Airport funding.

Public Health Services Standing Committee, Sprvr. Borst, Chairman The committee approved tow resolutions on the agenda for tonight. A resolution for the Extension of the ELC Covid-19 Enhanced Detection Grant for \$263,768, for July 1, 2020 through June 30, 2022. The majority of this funding is to be used to increase staffing capacity to conduct rapid and complete case management and to report data;

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and a resolution for a contract amendment with the New York State Department of Health to receive additional funding for the ELC Schools Testing Grant for \$115,836, which increases the overall grant award to \$1,274,191.

Public Safety Standing Committee, Sprvr. Rhinehart, Chairman. The committee approved several resolutions on tonight's agenda. A resolution for approving a \$1,000 annual stipend for the position of Deputy Coordinators. Seneca County currently has seven Deputy Fire Coordinators and one Deputy EMS Coordinator who volunteer their time to attend trainings, meetings and incidents. Total expense for 8 stipend position is \$8,000 plus applicable fringe benefits. The Statewide Expansion of Hurrell-Harring Reform Grant from NYS Office of Indigent Legal Services awarded Seneca County \$4,777,143.84 over a five-year period. Year 3 and Year 4 in the amounts of \$955,428.77 and \$1,273,905.02 respectively for a total of \$2,229,333.79. This funding will support the staffing, contractual expenses and office renovations related to the improvement of indigent legal defense services. A third resolution will approve the purchase of one 2023 Chrysler 300 Touring Sedan for Sheriff's Office for \$33,700 from Genesee Valley Chrysler, Dodge, Jeep Ram, Avon, through the NYS Marketplace Contract No. PC69261SB Award No. 23166. Funds for the purchase of is available in the 2022 Sheriff's Office Budget line 103113-52600. Earlier we had a public hearing to adopt a Social Host Law to include recreational marijuana. No comments were heard, for or against.

Water & Sewer Treatment Management & Operations Standing Committee, Sprvr. Hayes, Chairman. An RFP for wastewater treatment plant upgrades not published at date of cmte mtg (11/22/22). Still no official commitment from DOCCS regarding 5 Points wastewater plant.

Indian Affairs Standing Committee, Sprvr. Shipley, Chairman, will be seeking an executive session later tonight, with the county attorney, regarding an concern related to Indian Affairs.

Government Operations Standing Committee, Sprvr. Jeffrey Trout, Chairman. A resolution amending the Rules of Order to set the organizational meeting for the Board of Supervisors for Wednesday, January 4, 2023 at 6:00 p.m. at the county office building.

Environmental Affairs Standing Committee, Sprvr. Kronenwetter, Chairman. A plan has been created for weed harvesting Cayuga Lake in 2023: Hire Cayuga County Soil & Water Conservation District to harvest Cayuga Lake early to mid-summer; Seneca County Soil & Water Conservation District attempts to harvest in Cayuga Lake 2 days a week from July to Labor Day, provided Aquamarine H9-800 equipment is functional; Seneca County Soil & Water Conservation District harvests in Canal 3 days a week with Aquamarine H7-370; funding can be provided through a combination of allocation Seneca County Contingency Funds and Hotel-Motel Tax Revenues for 2023; \$18,000 from the Hotel-Motel Tax

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and \$15,000 from County Contingency; \$50,000 in ARPA Funds to support the purchase of new equipment related to weed harvesting.

Public Works Standing Committee, Sprvr. Don Trout, Chairman. The committee approved three resolutions for tonight's meeting. A resolution approving the purchase of a 2023 Ford Edge SW AWD for the Code Enforcement Office AWD in the amount of \$35,640.00; A resolution adopting Local Law updating Codes Enforcement Rules & Regs We had the Public hearing earlier in the meeting without receiving any comment; and a resolution establishing Sewer District #4; we had a Public Hearing earlier in the meeting without receiving any comment and the board will consider action Under Rule 29.

Human Services Standing Committee, Sprvr. Enslow, Chairman. On the agenda for tonight's meeting there are two items approved by the committee. A resolution adopting the Office for the Aging Annual Update to the Four-Year Plan for Services and Funding applications; and a resolution authorizing the purchase of (3) 2023 Ford Edge SE AWD Vehicles from Genesee Valley Ford in Avon NY. Listed on NYS Marketplace Contract No. PC69261SB Award No. 2316; Total cost for all three vehicles is \$106,920; Funding for the three vehicles is available under Acct 106192-54700 (Committee on Special Education) to be transferred to Account Equipment / Vehicles

Finance, Assessment & Insurance Standing Committee, Sprvr. Reynolds, Chairman. Resolutions approved by the committee: A resolution creating a new policy, Policy No. 201.102, entitled County Budget Amendment Policy; A resolution authorizing contracts with outside organizations for their 2023 county funding: Beverly Animal Shelter \$50,000; County Libraries & System \$140,000; Cornell Cooperative Extension \$516,991; Seneca County Soil & Water \$445,000; Seneca County Fair Association \$6,000; Pathway Home \$5,000; Memorial Day Committee \$5,000; A resolution to pay the mortgage tax; and a resolution authorizing budget amendments to the 2022 county budget. This resolution has additional amendments and Sprvr. Reynolds will be seeking an amendment to the main motion.

Reports Of Special Committees

Sprvr. Shipley, Airport Advisory Committee

Sprvr. Jeffrey Trout, Cornell Cooperative Extension

Sprvr. Don Trout - IDA

Chairman's Remarks

None

County Manager's Remarks

he Willard sewer RFP has been distributed. Bid openings will be on December 27, 2022. There

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is a Willard task force meeting scheduled for December 15 at 3 p.m.

County Attorney's Remarks

An additional claim regarding NYS opioid litigation has been settled, which means the county will be receiving a portion. The county had a visit from a 1st Amendment Auditor. The county would benefit to review policy addressing secure areas and public areas.

Communications:

172. From Seneca County Soil and Water Conservation District, a letter dated December 5, 2022, seeking the re-appointment of Michael Reynolds and Jeffrey Trout, as the legislative representatives on the SWCD Board of Directors for the one-year term January 1, 2023 through December 31, 2023.

173. A copy of the Seneca County Soil & Water Conservation District 2022 Newsletter.

174. From Rochelle M. Stein, Chair, Genesee County Legislature, a copy of a letter dated November 9, 2022 to Samuel Casella, Chair, New York Association of Conservation Districts, expressing concern and opposition to the NYS Watershed Healthy Coalition (NYSWHC) whose focus is to amend the Soil Water Conservation District Law and the Agriculture Markets Law, which are unnecessary amendments, including the removal of the Grange and Farm Bureau members from the SWCD Board, who bring knowledge and experience and ultimately bring valuable conservation results to the community.

175. From Seneca County Clerk Christina Lotz, a copy of the record of certification and filing of the Map, Plan and Report for the formation of Seneca County Sewer District No. 4, as prepared by Hunt Engineers; Document Number: 2022-00060983; recorded date / time: November 28, 2022 / 2:32:05P.

176. A copy of a flyer from Seneca County Public Health offering a free Flu Shot Clinic for December 5 – 9, 2022 in recognition of National Influenza Vaccination Week.

177. A copy of the Town of Covert 2023 Adopted Budget.

178. A copy of the Town of Fayette 2023 Adopted Budget.

179. A copy of the Town of Junius 2023 Adopted Budget.

180. A copy of the Town of Lodi 2023 Adopted Budget.

181. A copy of the Town of Ovid 2023 Adopted Budget.

182. A copy of the Town of Romulus 2023 Adopted Budget.

183. A copy of the Town of Seneca Falls 2023 Adopted Budget.

184. A copy of the Town of Tyre 2023 Adopted Budget.

185. A copy of the Town of Varick 2023 Adopted Budget.

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- 186. A copy of the Town of Waterloo 2023 Adopted Budget.
- 187. A copy of the Brownfield Strategy Advisement: Seneca County report, prepared by MRB Group.
- 188. A copy of the Cayuga Lake Watershed Intermunicipal Organization (CWIO) October 26, 2022 meeting minutes.
- 189. A copy of the Seneca County IDA November 3, 2022 meeting minutes.
- 190. A copy of the Seneca County Planning Board October 13, 2022 and November 10, 2022 meeting minutes.
- 191. A copy of the Seneca County Public Health November 16, 2022 meeting minutes.
- 192. A copy of the Seneca County Public Health Annual Report for 2021.
- 193. A copy of the Seneca County Sheriff’s Office Monthly Snapshot Report for October and November 2022.
- 194. A copy of the Seneca County Sheriff’s Office Annual Report for 2021.

RESOLUTIONS & MOTIONS

BOARD OF SUPERVISORS ESTABLISHES COUNTY BUDGET AMENDMENT POLICY

RESOLUTION NO. 306-22, motion by Sprvr. Reynolds, second by Sprvr. Barnhart and adopted.

WHEREAS, the Board of Supervisors Adopts an Annual Budget for each Fiscal Year based on the estimates provided by County Departments and the County Manager, serving as the Budget Officer for the County; and

WHEREAS, despite best estimates, budget amendments are necessary and appropriate throughout each Fiscal Year to address unanticipated expenditures and revenues; and

WHEREAS, it is appropriate to establish an approval protocol that provides necessary controls yet ensures the efficient and timely operation of county government; and

WHEREAS, this Policy has been reviewed and recommended for approval by the Finance, Assessment, and Insurance Standing Committee at its Meeting on November 22, 2022; now, therefore be it

RESOLVED, that the Board of Supervisors established Policy No. 201.102, entitled County Budget Amendment Policy, to read as follows:

POLICY 201.102

PURPOSE:

This Policy, adopted by the Seneca County Board of Supervisors, establishes a standard budget amendment process for the efficient operation of County operations. This policy is created to

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ensure all county departments enforce the policies established by the Seneca County Board of Supervisors with regard to the appropriation and expenditure of public funds.

GUIDELINES:

In the event that Accounts within various Departments or Project Codes within the County Budget have been or are projected to be overridden, notifications/requests for transfer or an increase in appropriations will be in writing (email preferred) and forwarded to the County Manager as follows:

COUNTY DEPARTMENTS:

Department Head can authorize a cumulative transfer request that is \$10,000.00 or less from any budget category line(s) within the same budget category (.1's, .2's, .4's, etc.).

COUNTY MANAGER:

The County Manager can authorize a cumulative transfer request that is \$20,000.00 or less from any budget line(s) to other line(s) within the same or other departmental budget line(s).

BOARD OF SUPERVISORS:

All other transfers will require Board Resolution.-2-

RECORD KEEPING:

Consistent with current practice and operations, all supporting budget amendment documents will be included as documentation in the County's financial software system.

BOARD OF SUPERVISORS AUTHORIZES CONTRACTS WITH AFFILIATE ORGANIZATIONS FOR 2023

RESOLUTION NO. 307-22, motion by Sprvr. Reynolds, second by Sprvr. Partee and adopted.

WHEREAS, Seneca County has several Affiliate Organizations that are supported by the County's General Fund; and

WHEREAS, funding allocations were established through Adoption of the 2023 County Budget on November 8, 2022; and

WHEREAS, funding levels for 2023 are as follows:

Beverly Animal Shelter	\$50,000
County Libraries & System	\$140,000
Cornell Cooperative Extension	\$445,000
Seneca County Soil & Water	\$516,991
Seneca County Fair Association	\$6,000
Pathway Home	\$5,000
Memorial Day Committee	\$5,000

And

WHEREAS, Contracts will be executed to formalize service delivery and payment schedules; and

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WHEREAS, the Finance, Assessment & Insurance Standing Committee has reviewed and approved this resolution on November 22, 2022; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors authorizes and directs the County Manager to execute contracts for Affiliate Organization services in 2023 in accordance with the Adopted 2023 Seneca County Budget.

THE FINANCE DEPARTMENT AUTHORIZED TO PAY MORTGAGE TAX

RESOLUTION NO. 308-22, motion by Sprvr. Reynolds, second by Sprvr. Partee and adopted.

WHEREAS, pursuant to Section 261 of the Tax Law, the mortgage tax report for the period April 1, 2022 through September 30, 2022 has been filed; and

WHEREAS, the Finance, Assessment & Insurance Standing Committee reviewed and approved this resolution at their November 22, 2022 meeting; now, therefore be it

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

TOWN	AMOUNT ALLOCATED	VILLAGE SHARE	TOWN SHARE
COVERT	\$31,747.00	\$1,761.01	\$29,985.99
FAYETTE	\$56,534.77	\$3,298.22	\$53,236.55
JUNIUS	\$10,785.50		\$10,785.50
LODI	\$20,279.31	\$815.57	\$19,463.74
OVID	\$36,746.50	\$2,561.55	\$34,184.95
ROMULUS	\$37,909.50	\$208.62	\$37,700.88
SENECA FALLS	\$119,848.54	\$10.36	\$119,838.18
TYRE	\$20,774.40		\$20,774.40
VARICK	\$16,505.71		\$16,505.71
WATERLOO	\$58,622.42	\$19,238.87	\$39,383.55
TOTALS:	\$409,753.65	\$27,894.20	\$381,859.45

**BOARD OF SUPERVISORS AUTHORIZES AMENDMENTS TO
2022 SENECA COUNTY BUDGET (as amended)**

RESOLUTION NO. 309-22, motion by Sprvr. Reynolds, second by Sprvr. Borst and adopted.

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

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

WHEREAS, this resolution has been reviewed and approved by the Finance, Assessment and Insurance Standing Committee at their meeting on November 22, 2022; now, therefore be it

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

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Line Item	Description	Increase/ (Decrease)	Revenue/ Expenditure	\$
Note 1: Airport Budget adjustment				
305610-41777	Fuel Sales	Increase	Revenue	\$9,124
305610-51200	Part Time	Decrease	Expenditure	\$8,000
305610-54220	Repairs & Maintenance	Decrease	Expenditure	\$5,000
305610-54330	Professional Fees	Decrease	Expenditure	\$3,250
305610-54421	Aviation Fuel	Increase	Expenditure	\$25,374
Note 2: Sheriff Budget adjustment				
103113-42680	Insurance Recoveries	Increase	Revenue	\$24,396
103113-41589- DLAGO	Other Dept Income	Increase	Revenue	\$4,576
103113-54410	Auto Supplies & Repairs	Increase	Expenditure	\$29,272
Note 3: Community College Budget adjustment				
109998-41051	Gain Sale of Tax Acq Prop	Increase	Revenue	\$100,000
102490-54700	Community College	Increase	Expenditure	\$100,000
Note 4: DSS Budget adjustment				
106010-54700-SSWF2	Workforce MOU-DSS TANF	Decrease	Expenditure	\$35,000
106010-54700-SSWF4	Workforce MOU-TANF Serv	Increase	Expenditure	\$35,000
Note 5: Highway Budget adjustment				
405110-51100	Maintenance Salary	Decrease	Expenditure	\$38,929
405110-58100	Retirement	Decrease	Expenditure	\$4,554
405110-58300	Social Security	Decrease	Expenditure	\$2,107
405110-58400	Workers Compensation	Decrease	Expenditure	\$714
405110-58600	Health Insurance	Decrease	Expenditure	\$5,310
405110-58700	Medicare	Decrease	Expenditure	\$493
405112-51100	Road Construction Salary	Increase	Expenditure	\$38,929
405112-58100	Retirement	Decrease	Expenditure	\$4,554
405112-58300	Social Security	Decrease	Expenditure	\$2,107
405112-58400	Workers Compensation	Decrease	Expenditure	\$714
405112-58600	Health Insurance	Decrease	Expenditure	\$5,310
405112-58700	Medicare	Decrease	Expenditure	\$493

**AMEND RULES OF THE BOARD TO SCHEDULE YEAR END SPECIAL BOARD MEETING
TO AUTHORIZE THE EXTENSION OF 2023 TAXES**

RESOLUTION NO. 310-22, motion by Sprvr. Reynolds, second by Sprvr. Don Trout and adopted.

WHEREAS, the County's Real Property Tax Office requires an end of year Board meeting to finalize a number of resolutions prior to 31 December, 2022 to authorize the extension of taxes per New York State Real Property Tax Law 900; and

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WHEREAS, it is not feasible to have all numbers and resolutions completed prior to the December 13, 2022 Regular Board meeting; and

WHEREAS, the Finance, Assessment & Insurance Standing Committee approved this resolution on November 22, 2022; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby amend the Rules of the Board as follows: A special meeting of the Board of Supervisors shall be held on Tuesday, December 27, 2022 at 5:30 p.m. at the County Office Building in the Supervisors Meeting Room.

CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED TO SIGN THE OFFICE FOR THE AGING ANNUAL UPDATE TO THE FOUR-YEAR PLAN FOR SERVICES AND FUNDING APPLICATIONS

RESOLUTION NO. 311-22, motion by Sprvr. Enslow, second by Sprvr. Barnhart and adopted.

WHEREAS, the Seneca County Office for the Aging is required to submit an annual update to the Four-Year Plan for Aging Services for the period April 1, 2023 – March 31, 2024 for Seneca County; and

WHEREAS, a public hearing was held on November 16, 2022 at 11:30 am at 2465 Bonadent Drive, Suite 4, Waterloo, NY on said plan; and

WHEREAS the Human Services Standing Committee approved this resolution at the November 22, 2022 Human Services committee meeting; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the Office for the Aging’s Annual Update and funding applications for the period April 1, 2023- March 31, 2024; and, be it further

RESOLVED, that the Director of the Office for the Aging is hereby authorized and directed to submit such funding applications and enter into agreements and contracts as described in said plan.

SENECA COUNTY DIVISION OF HUMAN SERVICES TO PURCHASE THREE (3) 2023 FORD EDGE SE AWD

RESOLUTION NO. 312-22, motion by Sprvr. Enslow, second by Sprvr. Borst and adopted.

WHEREAS, the Seneca County Division of Human Services is requesting to buy three (3) 2023 FORD Edge SE AWD; and

WHEREAS, the Division of Human Services will be purchasing the three vehicles from Genesee Valley Ford 1675 Interstate Drive Avon New York 14414 off the NYS Marketplace Contract No. PC69261SB award no. 23166; and

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WHEREAS, funds for the purchase of three (3) 2023 FORD Edge SE AWD for the amount of \$35,640.00 per vehicle is available in the 2022 DHS budget; and

WHEREAS, the Human Services Standing Committee reviewed and approved this resolution at their November 22, 2022 meeting; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Human Services Commissioner to purchase 2023 FORD Edge SE AWD x 3 in the amount of \$106,920.00 with funds appropriated from the 2022 budget; and be it further

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

106192-54700	Contractual	Decrease	Expenditure	\$106,920
106010-52600 -SS01	Equipment - vehicle	Increase	Expenditure	\$106,920

**SUPERVISORS APPROVE PURCHASE OF ONE (1) 2023 FORD EDGE SW AWD
FOR THE CODE ENFORCEMENT OFFICE**

RESOLUTION NO. 313-22, motion by Sprvr Don Trout, second by Sprvr. Borst and adopted.

WHEREAS, the Seneca County Code Enforcement Office is requesting to buy one (1) 2023 Ford Edge SE AWD; and

WHEREAS, the Division of Human Services will be purchasing the three vehicles from Genesee Valley Ford, 1675 Interstate Drive, Avon, New York, 14414 off the NYS Marketplace Contract No. PC69261SB Award No. 23166; and

WHEREAS, funds for the purchase of one (1) 2023 Ford Edge SE AWD for the amount of \$35,640.00 is available in the 2023 Code Enforcement Budget 108090-52600; and

WHEREAS, the Public Works Standing Committee reviewed and approved this resolution at their November 22, 2022 meeting; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Code Enforcement Office to purchase one (1) 2023 Ford Edge SE AWD in the amount of \$35,640.00 with funds available in the 2023 budget.

**RESOLUTION TO ADOPT LOCAL LAW 5 – 2022, “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**

RESOLUTION NO. 314-22, motion by Sprvr. Don Trout, second by Sprvr. Kronenwetter was adopted.

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WHEREAS, a resolution was duly adopted by the Board of Supervisors of the County of Seneca for a Public Hearing to be held by said County on December 13, 2022 at 6:00 p.m. at the Seneca County Office Building, One DiPronio Drive, Waterloo, NY 13165 to hear all interested parties on a proposed Local Law entitled, “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

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

WHEREAS, said public hearing was duly held on December 13, 2022 at 6:00 p.m. at the Seneca County Office Building, One DiPronio Drive, Waterloo, NY 13165; and all parties were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local law, or any part thereof; and

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

RESOLVED, that the Board of Supervisors of the County of Seneca hereby adopts said Local Law No. 5 of the year 2022, as follows:

LOCAL LAW 5 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

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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.

“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

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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.

“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;

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- (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 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

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- 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 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

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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 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;

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- (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.

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

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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 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

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- 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, 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

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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 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

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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 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

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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
 - (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

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- (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;
- (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

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- 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 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

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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 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;
 - (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

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- 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.

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

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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 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

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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 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

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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.

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.

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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 SUPPORT 2023 CAYUGA LAKE WEED HARVESTING APPROACH

RESOLUTION NO. 315-22, motion by Sprvr. Kronenwetter, second by Sprvr. Borst and adopted.

WHEREAS, the northern end of Cayuga Lake along Seneca County parcels experienced weed growth that resulted in concerns by residents, tourists, and community leaders in 2022; and

WHEREAS, the Seneca County Board of Supervisors committed to developing a Plan for the Year 2023 by Resolution 283-22; and

WHEREAS, a Working Group comprised of representatives from Seneca County and the Seneca County Soil and Water Conservation District was established to consider options and make a recommendation; and

WHEREAS, the Working Group met on November 14, 2022, and has made the following recommendation for 2023:

- Hire Cayuga County Soil & Water Conservation District to harvest Cayuga Lake early to mid-summer.
- Seneca County Soil & Water Conservation District attempts to harvest in Cayuga Lake 2 days a week from July to Labor Day, provided Aquamarine H9-800 equipment is functional.
- Seneca County Soil & Water Conservation District harvests in Canal 3 days a week with Aquamarine H7-370.

And

WHEREAS, the recommended approach will require an additional \$33,000 in funding beyond the Adopted Budgets of Seneca County and the Seneca County Soil and Water Conservation District for 2023; and

WHEREAS, funding can be provided through a combination of allocation Seneca County Contingency Funds and Hotel-Motel Tax Revenues for 2023; and

WHEREAS, an appropriate formula for the additional costs in 2023 would be \$18,000 from the Hotel-Motel Tax and \$15,000 from County Contingency; and

WHEREAS, there will also be a need for a Request for ARPA Funds in an amount not to exceed \$50,000 to support the purchase of a trailer for transporting harvesting equipment; and

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WHEREAS, this Resolution has been reviewed and recommended for approval by the Environmental Affairs Standing Committee at its Meeting on November 22, 2022; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors approves the 2023 Plan for Weed Harvesting in Cayuga Lake; and, be it further

RESOLVED, that the County Manager is authorized and directed to undertake budget and -2- accounting entries to support undertaking this initiative; and be it further

RESOLVED, that the Board of Supervisors supports the allocation of up to \$50,000 in ARPA Funds to support the purchase of new equipment related to weed harvesting.

AMEND THE RULES OF THE BOARD TO SCHEDULE 2023 ORGANIZATIONAL MEETING

RESOLUTION NO. 316-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Barnhart and adopted.

WHEREAS, County Law §151 states that the members of the Board of Supervisors shall organize the board and select a Chairman on or before the eighth day of January in each year; and

WHEREAS, the Board shall annually, by Resolution duly Adopted, during the Month of December, fix the date, time and place of the meeting to organize the Board; and

WHEREAS, this Resolution was brought before the Government Operations Standing Committee at its Meeting on November 22, 2022; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby amend the Rules of the Board as follows: Organizational Meeting for the Year 2023 of the Seneca County Board of Supervisors to be held on January 4, 2023 in the Board of Supervisors meeting room at 6:00 p.m.

A RESOLUTION TO ADOPT LOCAL LAW 7 OF THE YEAR 2022 “SETTING SALARIES FOR CURRENT ELECTED OFFICIALS, COUNTY PUBLIC OFFICERS, AND PREVIOUSLY DESIGNATED SENIOR COUNTY PERSONNEL FOR THE YEAR 2023 AND ADOPT SENECA COUNTY 2023 MANAGEMENT SALARY SCHEDULE”

RESOLUTION NO. 317-22, motion by Sprvr. Ferrara, second by Sprvr. Jeffrey Trout and adopted.

WHEREAS, a resolution was duly adopted by the Board of Supervisors of the County of Seneca for a Public Hearing to be held by said County on December 13, 2022 p.m. at 6:00 p.m. at the County Office Building, 1 DiPronio Dr, Waterloo, NY, to hear all interested parties on proposed Local Law H entitled “Setting Salaries for Current Elected Officials, County Public Officers, and Previously Designated Senior County Personnel for the Year 2023 and Adopt Seneca County 2023 Management Salary Schedule”; and

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

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WHEREAS, said public hearing was duly held on December 13, 2022 at 6:00 p.m. at the County Office Building, 1 DiPronio Dr, Waterloo, NY, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

RESOLVED, that the Board of Supervisors of the County of Seneca hereby adopts Local Law No. 7 of the year 2022, "Setting Salaries for Current Elected Officials, County Public Officers, and Previously Designated Senior County Personnel for the Year 2023 and Adopt Seneca County 2023 Management Salary Schedule"; to read in substantially the following form:

SENECA COUNTY LOCAL LAW "7" OF THE YEAR 2022, SETTING SALARIES FOR CURRENT ELECTED OFFICIALS, COUNTY PUBLIC OFFICERS AND PREVIOUSLY DESIGNATED SENIOR COUNTY PERSONNEL FOR THE YEAR 2023 AND ADOPT SENECA COUNTY 2023 MANAGEMENT SALARY SCHEDULE.

1. Effective 45 days following adoption and applicable to the first payroll period after January 1, 2023, and thereafter, the salaries for the Elected Officials, County Officers and Designated Senior County Personnel shall be increased as shown below.
2. The following Elected Officials, County Public Officers, and Designated Senior County Personnel are subject to the provisions hereof and at the salary set forth:

POSITION: NEW SALARY OR COMPENSATION

(Elected Officials)

Chair, County Board of Supervisors	\$18,573
Member, County Board of Supervisors	\$14,637
County Sheriff	\$108,665
County Clerk	\$81,079
County Treasurer	\$42,270
County Coroner	\$400 Per Case

(County Officers)

Clerk to the Board	\$70,370
County Attorney	\$126,294
County Historian	\$18,633

(Designated Senior County Personnel)

County Manager	\$129,247
Public Defender	\$93,374
Commissioner of Human Services	\$104,643
Director, Emergency Management	\$93,464
Director, Finance	\$103,902
Director, Public Health	\$98,460
Director, Real Property Tax Service	\$76,020
Personnel Officer	\$98,460
Election Commissioner/Democrat	\$76,645
Election Commissioner/Republican	\$76,645

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3. Upon its effective date, and otherwise applicable to the 1st payroll period after January 1, 2023, the Seneca County 2023 Management Salary Schedule, as attached hereto, shall apply to all positions identified therein and shall continue in effect unless or until the same is amended modified or otherwise repealed and replaced.
4. Upon the effective date of this Local Law, and any provisions of Local Law 4 of 2022, inconsistent with those set forth above, shall be null and void.
5. Local Law “7” of 2022 shall not be effective until 45 days after its adoption, but applicable to the 1st pay period after January 1, 2023, in accordance with County Law Section 201 and Municipal Home Rule Law Section 24 (Permissive Referendum) and upon its filing in the Office of the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

**BOARD OF SUPERVISORS AUTHORIZE A FIVE YEAR (5) CONTRACT FOR A
DEFERRED COMPENSATION PROVIDER EFFECTIVE IMMEDIATELY**

RESOLUTION NO. 318-22, motion by Sprvr. Ferrara, second by Sprvr. Jeffrey Trout and adopted.

WHEREAS, Seneca County is a local public employer, which has adopted a deferred compensation plan pursuant to Section 5 of the New York State Finance Law; and

WHEREAS, the purpose of such plan is to provide employees with a convenient and tax-favored method of saving on a regular and long-term basis, and thereby provide for their retirement; and

WHEREAS, the Rules and Regulations of the New York State Deferred Compensation Board require that all contracts and agreements in respect of a deferred compensation plan shall be awarded only after receiving competitive proposals; and

WHEREAS, Board Resolution 131-22 directed the Personnel Officer to prepare and issue a Request for Proposals (RFP) from deferred compensation plan administrators as specified by the Rules and Regulations; and

WHEREAS, this process resulted in the receipt of 6 proposals; and

WHEREAS, this resolution was reviewed and approved by the Personnel Standing Committee at their November 22, 2022 meeting; and

WHEREAS, the proposals were reviewed by the Deferred Compensation Committee members appointed by the Board of Supervisors in Board Resolution 132-22; and

WHEREAS, it is the recommendation of the Deferred Compensation Committee contract for a 5-year period with the New York State Deferred Compensation Plan, as sole provider, in conjunction with Nationwide Retirement Solutions as Trustee; and

WHEREAS, the Personnel Committee met on November 22, 2022 and concurred with the recommendation of the Deferred Compensation Committee to enter into a contract for a 5-year period with the New York State Deferred Compensation Plan, as sole provider, in conjunction with Nationwide Retirement Solutions as Trustee; now, therefore be it

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RESOLVED, that the County Manager is hereby authorized and directed to sign a contract for a 5-year period with The New York State Deferred Compensation Plan, as sole provider, in conjunction with Nationwide Retirement Solutions as Trustee.

**SUPERVISORS APPROVE AMENDMENTS TO SENECA COUNTY
COVID 19 PAID LEAVE POLICY 510.603 FOR EMPLOYEES**

RESOLUTION NO. 319-22, motion by Sprvr. Ferrara, second by Sprvr. Borst and adopted.

WHEREAS, the Covid 19 Paid Leave Policy No. 510.603 passed by resolution #60-22 needs to be updated due to changes from New York State Public Health; and

WHEREAS, these changes include no more mandatory quarantine for individuals who have been exposed to the Covid 19 virus; and

WHEREAS, Seneca County needs to update their policy to reflect this change by removing all references to quarantine/quarantining; and

WHEREAS, this resolution has been reviewed and recommended for approval by the Personnel Standing Committee at its Meeting on November 22, 2022; now, therefore be it

RESOLVED, that the Board of Supervisors approves the following changes to Policy No. 510.603, entitled Seneca County Covid-19 Paid Leave for County Employees Policy, to read as follows:

All Seneca County employees are to follow the guidelines listed below pertaining to mandatory isolation and orders:

Policy No. 510.603 County Covid-19 Paid Leave for County Employees Policy

1. Each employee who is subject to a mandatory order of isolation issued by the State of New York, the Department of Health, local Board of Health, or any governmental entity duly authorized to issue such order due to Covid-19 (licensed medical provider), shall be provided with at least fourteen (14) days of paid Covid-19 supplemental sick leave not otherwise chargeable as standard sick leave during any mandatory or precautionary order of quarantine or isolation. This is for the 1st occurrence.
2. In no event shall an employee qualify for COVID-19 supplemental sick leave under NYS's Covid-19 Sick leave law for more than three (3) orders of quarantine or isolation. The 2nd and 3rd orders MUST be based on a positive Covid-19 test. This would be the 2nd and 3rd (final) occurrence. Proof of positive test must be shown by a written notice provided by the Department of Health, or any governmental entity or licensed health care provider duly authorized to conduct such Covid-19 testing.
3. Flowchart explaining Covid-19 Paid Leave (attached) is made a part of this policy.

NOTES TO POLICY:

Isolation: a person who tests positive for Covid

This policy is based off of guidance and interpretations as of November 4, 2022 and may be subject to change at any time as determined by the Board based on new guidelines or interpretations. Please note that Seneca County does not currently participate in NYS Disability Leave.

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FMLA is NOT paid time. It runs concurrent with your leaves. For more information on the County's FMLA Policy #101.713, please visit the Seneca County Policy Manual located on the County intranet.

BOARD OF SUPERVISORS APPROVES CREATION AND FILLING OF ONE (1) PART-TIME CONFIDENTIAL SECRETARY TO PUBLIC DEFENDER FOR 2023 BUDGET

RESOLUTION NO. 320-22, motion by Sprvr. Ferrara, second by Sprvr. Hayes and adopted.

WHEREAS, pursuant to Resolutions #178-19 and #90-21, the Public Defender's Department has been awarded funds in the amount of \$4,777,143.84 through the NYS Office of Indigent Legal Services as part of the expansion of the Hurrell-Harring settlement; and

WHEREAS, the expense for the creation and filling of a part-time Confidential Secretary to the Public Defender position is at no cost to the county; and

WHEREAS, the purpose of this funding is to support the Public Defender's office with the increasing caseload and other duties within the department; and

WHEREAS, the part-time Confidential Secretary to the Public Defender position would work approximately 21 hours per week and would receive an annual salary of not more than \$23,415; and

WHEREAS, funding is provided for in the 2023 Public Defenders Budget Account 101170-51200-SEHHR; and

WHEREAS, these positions have been reviewed and approved by the Vacancy Committee and the Personnel Standing Committee on November 22, 2022; now, therefore be it

RESOLVED, that the Board of Supervisors approve the creation and filling of one (1) part-time Confidential Secretary to the Public Defender position at Grade 2, Hire rate \$23,415 (Full-time annual salary pro-rated) as per the Management Salary Schedule; and, be it further

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

BOARD OF SUPERVISORS APPROVES CREATION AND FILLING OF TWO FULL-TIME SENIOR SOCIAL WELFARE EXAMINERS FOR TEMPORARY ASSISTANCE DIVISION

RESOLUTION NO. 321-22, motion by Sprvr. Ferrara, second by Sprvr. Hayes and adopted.

WHEREAS, Temporary Assistance division of SNAP and TA, and the Commissioner of the Division of Human Services, have identified the need to create and fill two Full-Time Senior Social Welfare Examiners; and

WHEREAS, these positions are critical to the delivery of essential County services, and compliance with federal, state, and local laws; and

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WHEREAS, these positions are promotional positions for current Social Welfare Examiners that have met the three-year anniversary date and recommendation in evaluation that they meet the qualifications for senior status as an examiner. The position has a current Certification of Eligible List for the position, the promotion will be based off of that list; and

WHEREAS, the job responsibilities are being filled by individuals who are experienced and able to take on more work and more complex cases, but without the increase to senior status; and

WHEREAS, the monies budgeted in 2023 budget account code 106010-51100-SS01 and have been reviewed by the County Manager; and

WHEREAS, these positions have been approved and reviewed by the Vacancy Committee and the Personnel Standing Committee on November 22, 2022; now, therefore be it

RESOLVED, that the Board of Supervisors approves the creation and filling of two (2) Full-Time Senior Social Welfare Examiners; and, be it further

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

BOARD OF SUPERVISORS APPROVES STIPEND FOR DEPUTY COORDINATORS

RESOLUTION NO. 322-22, motion by Sprvr. Rhinehart, second by Sprvr. Ferrara and adopted.

WHEREAS, Seneca County has Seven (7) Deputy Fire Coordinators and One (1) Deputy EMS Coordinator; and

WHEREAS, these Deputy Coordinators volunteer their time to attend trainings, meetings and incidents; and

WHEREAS, a \$1,000.00 Annual Stipend will be paid quarterly to each Deputy Coordinator to help offset expenses incurred such as gas, equipment, or clothing; and

WHEREAS, the cost of these stipends will be \$8,000 plus applicable fringe benefits; and

WHEREAS, the appropriate Budget Adjustments will be made to the 2023 County Budget by the County Manager; and

WHEREAS, this Resolution was reviewed and approved by the Public Safety Committee on November 22, 2022; now, therefore be it

RESOLVED, that the Board of Supervisor's authorizes and directs the County Manager to make the necessary Budget Amendments to the 2023 Seneca County Budget and to sign any and all documents necessary to authorize payment of this stipend.

**AUTHORIZE YEAR 3 & 4 BUDGET OF STATEWIDE EXPANSION OF HURRELL-HARRING
REFORM GRANT FROM NYS OFFICE OF INDIGENT LEGAL SERVICES**

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RESOLUTION NO. 323-22, motion by Sprvr. Rhinehart, second by Sprvr. Brownell and adopted.

WHEREAS, pursuant to Res No. 178-19, Seneca County accepted the \$4,777,143.84 grant contract with the New York State Office of Indigent Legal Services, through the Statewide Expansion of Hurrell-Harring Reform Grant over a five-year period; and

WHEREAS, this contract contains a budget and work plan for Year 3 and Year 4 of the five year contract in the amounts of \$955,428.77 and \$1,273,905.02 respectively for a total of \$2,229,333.79; and

WHEREAS, this funding is to support the staffing, contractual expenses and office renovations related to the improvement of indigent legal defense services; and

WHEREAS, this contract may be extended for an additional twenty-four (24) months; and

WHEREAS, the Public Safety Standing Committee have approved this resolution on November 22, 2022; now, therefore, be it

RESOLVED, that the Seneca County Board of Supervisors approves the Year 3 and 4 budget of \$2,229,333.79 from the NYS Office of Indigent Legal Services and authorizes and directs the County Manager to sign all necessary grant paperwork; and be it further

RESOLVED, that the Department of Finance is hereby authorized and directed to amend the 2022 budget as per the contract budget workplan with unused portions of the grant flowing into future years; 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 APPROVE PURCHASE OF

ONE (1) 2023 CHRYSLER 300 TOURING SEDAN FOR THE SHERIFFS OFFICE

RESOLUTION NO. 324-22, motion by Sprvr. Rhinehart, second by Sprvr. Hayes and adopted.

WHEREAS, the Seneca County Sheriff's Office is requesting to buy one (1) 2023 Chrysler 300 Touring Sedan; and

WHEREAS, the Seneca County Sheriff's Office will be purchasing one (1) Chrysler 300 Touring Sedan from Genesee Valley Chrysler, Dodge, Jeep Ram 1695 Interstate Drive, Avon, New York 14414 off the NYS Marketplace Contract No. PC69261SB Award No. 23166; and

WHEREAS, funds for the purchase of one (1) 2023 for the amount of \$33,700.00 is available in the 2022 Sheriff's Office Budget line 103113-52600; and

WHEREAS, the Public Safety Standing Committee reviewed and approved this resolution at their November 22, 2022 meeting; now, therefore be it

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RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Sheriff’s Office to purchase one (1) 2023 Chrysler 300 Touring Sedan in the amount of \$33,700.00 with funds available in the 2022 budget.

A RESOLUTION TO ADOPT LOCAL LAW 6 OF THE YEAR 2022, “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 (DEFEATED)

RESOLUTION NO. 325-22, motion by Sprvr. Rhinehart, second by Sprvr. Brownell was defeated having received 270 ayes (Rhinehart, Brownell, Reynolds, Borst, and Ferrara), and 480 nays (Jeffrey Trout, Barnhart, Hayes, Kronenwetter, Partee, Hayssen, Don Trout, Enslow, and Shipley).

WHEREAS, a resolution was duly adopted by the Board of Supervisors of the County of Seneca for a Public Hearing to be held by said County on December 13, 2022 at 6:00 p.m. at the Seneca County Office Building, One DiPronio Drive, Waterloo, NY 13165 to hear all interested parties on a proposed Local Law entitled, “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”; and

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

WHEREAS, said public hearing was duly held on December 13, 2022 at 6:00 p.m. at the Seneca County Office Building, One DiPronio Drive, Waterloo, NY 13165; and all parties were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local law, or any part thereof; and

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

RESOLVED, that the Board of Supervisors of the County of Seneca hereby adopts said Local Law No. 6 of the year 2022, as follows:

“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:

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- 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.
- 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. 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 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

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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
- 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 or 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 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

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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.

**COUNTY MANAGER AUTHORIZED AND DIRECTED TO SIGN A CONTRACT FOR THE
EXTENSION OF THE ELC COVID-19 ENHANCED DETECTION GRANT**

RESOLUTION NO. 326-22, motion by Sprvr. Borst, second by Sprvr. Enslow and adopted.

WHEREAS, the New York State Department of Health has awarded the Seneca County Health Department funding to assist with the COVID-19 response efforts; and

WHEREAS, the Epidemiology and Laboratory Capacity (ELC) COVID- 19 Enhanced Detection Grant is to be used to enhance detection, surveillance and prevention of COVID-19; and

WHEREAS, the majority of this funding is to be used to increase staffing capacity to conduct rapid and complete case management and to report data; and

WHEREAS, this grant was originally accepted on Resolution No. 188-2020 in the amount of \$151,788 for the first year with a grant period of July 1, 2020 through June 30, 2022; and

WHEREAS, an initial extension of the grant period through March 31, 2023 with additional funding of \$263,768 was accepted on Resolution No. 151-21; and

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

WHEREAS, the grant period has now been extended through December 31, 2023; now, therefore be it

RESOLVED, that the County Manager is hereby authorized and directed to sign any and all documents as may be necessary to continue receiving these funds through December 31, 2023; 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.

**COUNTY MANAGER AUTHORIZED AND DIRECTED TO SIGN A CONTRACT AMENDMENT
WITH THE NEW YORK STATE DEPARTMENT OF HEALTH TO RECEIVE ADDITIONAL
FUNDING FOR THE ELC SCHOOLS TESTING GRANT**

RESOLUTION NO. 327-22, motion by Sprvr. Borst, second by Sprvr. Hayes and adopted, with Sprvr. Borst abstaining.

WHEREAS, the New York State Department of Health (NYSDOH) originally awarded the Seneca County Health Department \$1,158,355 for the period June 1, 2021 through July 31, 2022 for ELC Funding for School Testing Grant; and

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

WHEREAS, this grant was originally accepted on Resolution No. 150-21 in the amount of \$1,158,355 for the period June 1, 2021 through July 31, 2022; and

WHEREAS, an extension of the grant period through July 31, 2023 was accepted by Resolution No. 200-22; and

WHEREAS, the NYSDOH has now made an additional \$115,836 available to the Seneca County Health Department for the ELC Funding for Schools Testing Grant, which increases the overall grant award to \$1,274,191; and

WHEREAS, the Public Health Services Standing Committee has reviewed and approved this resolution at their November 22, 2022; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes and directs the County Manager to sign any and all documents as may be necessary to receive these additional funds; 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.

**BOARD OF SUPERVISORS ESTABLISHES 2023 FUNDING APPROPRIATION FOR THE
TOURISM PROMOTION AGENCY - SENECA COUNTY CHAMBER OF COMMERCE**

RESOLUTION NO. 328-22, motion by Sprvr. Barnhart, second by Sprvr. Ferrara and adopted.

WHEREAS, Seneca County Board of Supervisors by Resolution No. 243-22 has designated the Seneca County Chamber of Commerce (SCCC) as the Tourism Promotion Agency (TPA) for the Year 2023; and

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WHEREAS, it is in the interest of Seneca County to maintain a viable TPA for the promotion of tourism and the pursuit of sustained economic benefit from the second largest industry in the county; and

WHEREAS, it is in the interest of the TPA to have a predictable funding stream for annual operations; and

WHEREAS, the Seneca County Board of Supervisors TPA Funding Policy supports the TPA with an annual appropriation for funding TPA operations that is derived from the past four calendar quarters of known revenue and equal to 85% of that revenue subsequent to the application of the County 5% administrative allocation; and

WHEREAS, the actual revenue for these four quarters, a period from October 1, 2021 to September 30, 2022, is known to be \$725,454.22; and

WHEREAS, 85% of said revenues following the application of the 5% administrative allocation amounts to \$585,804.28; and

WHEREAS, this Resolution was reviewed and approved by the Planning, Development, Agriculture and Tourism Standing Committee at its meeting on November 22, 2022; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors authorizes and directs the County Manager sign a contract with the Chamber of Commerce and to implement a funding appropriation in the amount of \$585,804.28 of Hotel Motel Occupancy Tax revenues for tourism promotion and to distribute said funds in four quarterly payments in Fiscal Year 2023.

**BOARD OF SUPERVISORS AUTHORIZES 2023 FUNDING APPROPRIATIONS
FROM HOTEL-MOTEL TAX FUNDS *(as amended)***

RESOLUTION NO. 329-22, motion by Sprvr. Barnhart, second by Sprvr. Partee and adopted.

WHEREAS, Seneca County collects a Hotel-Motel Tax that supports tourism promotion and tourism related assets; and

WHEREAS, the Seneca County Board of Supervisors has Adopted the 2023 Seneca County Budget; and

WHEREAS, the Seneca County Board of Supervisors continues to value and respect the quality and integrity of Cayuga and Seneca Lakes as invaluable assets; and

WHEREAS, the Seneca County Board of Supervisors continues to value and respect the activities of the Friends of the Three Bears as a tourism and cultural partner; and

WHEREAS, the Seneca County Board of Supervisors supports an amount not to exceed \$45,000, which includes the villages (Interlaken, Lodi, Ovid, Waterloo) share, for Cayuga Lake and Seneca Lake Watershed Improvements with allocations from the Hotel-Motel Tax; and

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WHEREAS, the Seneca County Board of Supervisors supports an amount not to exceed \$50,000 for an Agreement the Friends of the Three Bears with allocations from the Hotel-Motel Tax; and

WHEREAS, this Resolution has been reviewed and approved by the Planning, Development, Agriculture and Tourism Standing Committee at its meeting on November 22, 2022; now, therefore be it

RESOLVED, the Seneca County Board of Supervisors authorizes and directs the County Manager sign a contract with the Friends of the Three Bears in amount not to exceed \$50,000 and provide financial support to Cayuga Lake and Seneca Lake Watershed organizations to support water quality and monitoring activities.

RESOLUTION ADOPTING SECTION 504, REHABILITATION ACT OF 1973

RESOLUTION NO. 330-22, motion by Sprvr. Barnhart, second by Sprvr. Partee and adopted.

WHEREAS, Section 504 of the Rehabilitation Act of 1973 is a federal law, codified at 29 U.S.C. §794, that prohibits discrimination on the basis of disability in federally-assisted programs or activities that receives financial assistance from any federal agency; and

WHEREAS, recipients of Federal funds under the Community Development Block Grant (CDBG) Program have an obligation to comply with Section 504 of the Rehabilitation Act of 1973; and

WHEREAS, this resolution was reviewed and forwarded for action by the Planning, Development, Agriculture & Tourism Committee at its meeting on November 22, 2022; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby adopt **Seneca County Policy §508.300 “Support and Adoption of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794” Nondiscrimination under Federal grants and programs; promulgation of rules and regulations**

(a) Promulgation of rules and regulations

No otherwise qualified individual with a disability in the United States, as defined in section 705 (20) of this title, shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service. The head of each such agency shall promulgate such regulations as may be necessary to carry out the amendments to this section made by the Rehabilitation, Comprehensive Services, and Development Disabilities Act of 1978. Copies of any proposed regulations shall be submitted to appropriate authorizing committees of the Congress, and such regulation may take effect no earlier than the thirtieth day after the date of which such regulation is so submitted to such committees. See also 29 CFR Part 32 and 29 CFR Part 37.

(b) "Program or activity" defined

For the purposes of this section, the term "program or activity" means all of the operations of

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- (1) (A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or (B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;
- (2) (A) a college, university, or other postsecondary institution, or a public system of higher education; or (B) a local educational agency (as defined in section 8801 of Title 20), system of vocational education, or other school system;
- (3) (A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship (i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or (ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or (B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or
- (4) any other entity which is established by two or more of the entities described in paragraph (1), (2) or (3); any part of which is extended Federal financial assistance.

(c) Significant structural alterations by small providers

Small providers are not required by subsection (a) to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services is available. The terms used in this subsection shall be construed with reference to the regulations existing on March 22, 1988.

(d) Standards used in determining violation of section

The standards used to determine whether this section has been violated in a complaint alleging employment discrimination under this section shall be the standards applied under title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and the provisions of sections 501 through 504, and 510, of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201-12204 and 12210), as such sections related to employment.

Section 794a. Remedies and attorney fees

(a)(1) The remedies, procedures, and rights set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16), including the application of sections 706(f) through 706 (k) [42 U.S.C. 2000e-5(f) through k)] shall be available, with respect to any complaint under section 791 of this title, to any employee or applicant for employment aggrieved by the final disposition of such complaint, or by the failure to take final action on such complaint. In fashioning an equitable or affirmative action remedy under such section, a court may take into account the reasonableness of the cost of any necessary workplace accommodation, and the availability of alternative therefor or other appropriate relief in order to achieve an equitable and appropriate remedy.

(2) The remedies, procedures, and rights set forth in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq) shall be available to any person aggrieved by any act or failure to act by any recipient of Federal assistance or Federal provider of such assistance under section 794 of this title.

(b) In any action or proceeding to enforce or charge a violation of a provision of this subchapter, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

And be it further

RESOLVED, that the sum and substance of this statement and resolution shall be made part of the Seneca County Policy Manual under §508.200, SECTION 504, REHABILITATION ACT OF 1973, a copy of which is attached hereto and made a part of this Resolution.

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SENECA COUNTY POLICY MANUAL 508.200 Section 504: Rehabilitation Act of 1973. Nondiscrimination under Federal Grants and Programs on the basis of Disability.

In conjunction with **Seneca County Policy 508.100, *Affirmative Action Plan for the County of Seneca***, Seneca County further affirms and adopts a policy of non-discrimination on the basis of disability, as set forth below:

Statement of Purpose

No otherwise qualified individual with a disability in the United States, shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service

Applicability

Seneca County acknowledges that it is an instrumentality of local government and is otherwise subject to Section 504, the Rehabilitation Act of 1973.

Determination of Violation

The standards used to determine whether this section has been violated in a complaint alleging employment discrimination under this section shall be the standards applied under title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and the provisions of sections 501 through 504, and 510, of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201-12204 and 12210), as such sections related to employment.

Statutory Remedies

1. The remedies, procedures, and rights set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16), including the application of sections 706(f) through 706 (k) [42 U.S.C. 2000e-5(f) through k)] shall be available, with respect to any complaint under section 791 of this title, to any employee or applicant for employment aggrieved by the final disposition of such complaint, or by the failure to take final action on such complaint. In fashioning an equitable or affirmative action remedy under such section, a court may take into account the reasonableness of the cost of any necessary workplace accommodation, and the availability of alternative therefor or other appropriate relief in order to achieve an equitable and appropriate remedy.
2. The remedies, procedures, and rights set forth in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq) shall be available to any person aggrieved by any act or failure to act by any recipient of Federal assistance or Federal provider of such assistant under section 794 of this title.

RESOLUTION CONFIRMING AND ADOPTING THE AMERICANS WITH DISABILITIES

COORDINATOR FOR SENECA COUNTY, APPROVING THE NOTICE UNDER THE

AMERICANS WITH DISABILITIES ACT AND APPROVING THE GRIEVANCE

PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

RESOLUTION NO. 331-22, motion by Sprvr. Reynolds, second by Sprvr. Shipley and adopted.

WHEREAS, the Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, by President George H.W. Bush. The ADA is one of America's most comprehensive pieces of civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life -- to enjoy employment

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opportunities, to purchase goods and services, and to participate in State and local government programs and services. Modeled after the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, sex, or national origin – and Section 504 of the Rehabilitation Act of 1973 -- the ADA is an "equal opportunity" law for people with disabilities; and

WHEREAS, Seneca County fully endorses the principals and goals of the ADA; and

WHEREAS, to continue to receive Federal funds related to the Community Development Block Grant (CDBG) Program have an obligation to comply with said law and to provide for a coordinator for Seneca County to assist in the implementation and enforcement of said law; and

WHEREAS, that due to the importance of rights protected by the ADA, notice of this process should be made a part of the Seneca County Policy Manual; and

WHEREAS, this resolution was approved by the Planning, Development, Agriculture & Tourism Standing Committee on November 22, 2022; now, therefore be it

RESOLVED, that the Board of Supervisors of Seneca County confirms that the Seneca County Personnel Office will act as the Americans with Disabilities Act Coordinator for Seneca County; and be it further

RESOLVED, that this Board approves the following Notice under the Americans with Disabilities Act:

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), Seneca County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: Seneca County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: Seneca County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Seneca County programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: Seneca County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the Seneca County offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Seneca County, should contact the office of the ADA Coordinator, Seneca County Personnel Officer, at Office

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of Human Resources, 1 DiPronio Drive, Waterloo, NY 13165, phone at (315) 539-1712 or e-mail at PersonnelDepartment@co.seneca.ny.us as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require Seneca County to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of Seneca County is not accessible to persons with disabilities should be directed to ADA Coordinator, Seneca County Personnel Officer, at Office of Human Resources, 1 DiPronio Drive, Waterloo, NY 13165, phone at (315) 539-1712 or e-mail at PersonnelDepartment@co.seneca.ny.us.

Seneca County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

And be it

FURTHER RESOLVED, that this Board of Supervisors approves the following Grievance Procedure under the Americans with Disabilities Act:

GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by Seneca County. Employment related complaints of disability discrimination are covered elsewhere, in policies available from the human resources office of Seneca County.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. No particular format of the complaint is required. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted in writing by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

ADA Coordinator/Seneca County Personnel Officer
Office of Human Resources
1 DiPronio Drive
Waterloo, NY 13165
(315) 539-1712 or e-mail at PersonnelDepartment@co.seneca.ny.us

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape.

The response will explain the position of Seneca County and offer options for substantive resolution of the complaint.

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If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the agency head or his/her designee.

Within 15 calendar days after receipt of the appeal, the agency head or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the agency’s final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further response is indicated, the complainant will be contacted within 15 calendar days.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the agency head or his/her designee, and responses from these two offices will be retained by Seneca County for at least three (3) years.

And be it further

RESOLVED that the sum and substance of this statement and resolution shall made a part of the Seneca County Policy Manual under § 508.200, AMERICANS WITH DISABILITIES ACT, Grievance Procedure.

**BOARD OF SUPERVISORS APPROVE REINTEGRATION MENTAL HEALTH AND
PAM KING CONTRACT AMENDMENTS**

RESOLUTION NO. 332-22, motion by Sprvr. Partee, second by Sprvr. Borst and adopted.

WHEREAS, the Department of Mental Health entered into a 2022 service contract with Reintegration Mental Health and Pam King per Resolution 292-21; and

WHEREAS, the full-time county psychiatrist resigned on May 20, 2022 and as a result, additional contract prescriber hours are required to provide adequate prescriber coverage; and

WHEREAS, sex offender treatment needs have increased requiring additional provider hours to meet demand through the end of the year; and

WHEREAS, in order to provide coverage due to the loss of the full-time psychiatrist, an additional fifty-three (53) contract hours for Pam King are needed for the remainder of the 2022 Budget year; and

WHEREAS, an additional thirty-one (31) contract hours are needed for Reintegration Mental Health for the remainder of the 2022 Budget year; and

WHEREAS, the following array indicates the amended not-to-exceed contract amount and total hours to be contracted in 2022; and

Mental Health 104220.54350	Total Contract Amount	Rate/Hr	Hours
Pam King	47,970	90	533
Reintegration Mental Health - (Sexual Behaviors Outreach)	28,120	95	296

WHEREAS, this would increase Pam King’s current contracts by \$4,770 from \$43,200 to \$47,970 and Reintegration Mental Health’s contract by \$2,945 from \$25,175 to \$28,120 and there is \$7,715 available in

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Federal Salary Sharing: 104320.44340 and/or Medical Fee Reimbursements: 104320.41620; and

WHEREAS, the contract amendments were approved by the Mental Health Services Committee on November 22, 2022 and the Seneca County Board of Supervisors on December 13, 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 amendments for Pam King and Reintegration Mental Health; and, be it further

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Finance Department to pay Pam King and Reintegration Mental Health, as contracted, when duly appropriated.

AUTHORIZE AMENDMENT TO CONTRACT WITH RONALD YEARWOOD, M.D.

RESOLUTION NO. 333-22, motion by Sprvr. Partee, second by Sprvr. Jeffrey Trout and adopted.

WHEREAS, the Department of Mental Health entered into a 2022 contract with Ronald Yearwood, MD for provision of psychiatry services; and

WHEREAS, an additional sixty-nine (69) contract hours are needed to support current demand for psychiatric services for the remainder of the 2022 budget year; and

WHEREAS, this would increase the current contract not to exceed amount by \$10,350 from \$150,000 to \$160,350; and

Mental Health 104220.5430	Total Contract Amount (\$)	Rate (\$)	Hours
Ronald Yearwood, MD	\$160,350	\$150.00	1069

WHEREAS, the increased hours will be supported by available Federal Salary Sharing dollars: 104320.44340 and/or Medical Fee Reimbursements: 104320.41620; and

WHEREAS, the contract amendment was approved by the Mental Health Services Standing Committee on November 22, 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 Ronald Yearwood, MD; and, be it further

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

**BOARD OF SUPERVISORS AUTHORIZES CONTRACT WITH TRUTH PHARM, INC.
TO IMPLEMENT A COMPREHENSIVE PUBLIC EDUCATION CAMPAIGN AIMED
AT PREVENTION OF OPIOID USE DISORDER**

RESOLUTION NO. 334-22, motion by Sprvr. Partee, second by Sprvr. Shipley and adopted.

WHEREAS Seneca County is currently in receipt of \$184,995.63 Opioid Settlement Dollars; and

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WHEREAS, New York State specifies in Schedule C – Approved Uses: Corrective advertising or affirmative public education campaigns based on evidence and public education relating to drug disposal; and

WHEREAS this is an authorized use of restrictive use funds; and

WHEREAS, Seneca County seeks to develop a comprehensive public education campaign whose goals are to prevent Opioid Use Disorder and to reduce opioid overdose rates in Seneca County; and

WHEREAS, a Request for Proposals was issued for these services and three proposals were received; and

WHEREAS, it is recommended that the county utilize \$50,000 in Settlement Funds to Contract with TRUTH Pharm, Inc. to develop and implement a Comprehensive Public Education Campaign in Seneca County to meet the above stated goals; and

WHEREAS, this Resolution has been reviewed and recommended by the Mental Health Committee at its Meeting on November 22, 2022; and

RESOLVED, the Board of Supervisors authorizes and directs the County Manager to sign all necessary paperwork related to the same; and, be it further

RESOLVED, the Board of Supervisors authorized and directs the Finance Department to make the necessary budgetary modifications to fulfill the intent of the resolution.

Unfinished Business

A. The following draft resolution as Laid on the Table at the September 13, 2022 board meeting:

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

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

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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

RULE 29: The following two resolutions were brought before the Board of Supervisors pursuant to the passage of Rule 29 by a 2/3 majority vote of board members present.

**BOARD OF SUPERVISORS APPROVES PURCHASE OF CLEAR BALLOT CLEARAUDIT
ABSENTEE BALLOT SCANSTATION BUNDLE AND CLEARAUDIT SERVER BUNDLE AND
AMENDS 2022 SENECA COUNTY BUDGET**

RESOLUTION NO. 335-22, motion by Sprvr. Jeffrey Trout, second by Sprvr. Barnhart and adopted.

WHEREAS, Pursuant to Election Law 9-209, the casting and canvassing of absentee, military and special ballots must be performed on a central-count ballot scanner; and

WHEREAS, Clear Ballot Group, Inc., 2 Oliver Street Suite 607, Boston, MA, provides a ClearAudit ScanStation Bundle with the necessary software and services for \$58,174.00 which is available on NYS Bid Contract; and

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WHEREAS, Seneca County Board of Elections is eligible to receive \$31,369 for allowable and reasonable expenditures made between April 7, 2021 through January 27, 2023 through the Technology Innovation and Election Resource (TIER) Grant Program; and

WHEREAS, on August 21, 2021 the Board of Supervisors accepted TIER Grant Program funds for the Seneca County Board of Elections; and

WHEREAS, the Clear Ballot Clearaudit Absentee Ballot Scanstation with the necessary software and services is an allowable expense that is partially reimbursed through the TIER Grant Program; and

WHEREAS, funding for the remainder of this absentee ballot scanner is available in Board of Elections 2022 Accounts; and

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

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Board of Elections to purchase one (1) Clear Ballot Absentee Ballot Scanner with the necessary software and services in the amount of \$58,174.00; and be it further

RESOLVED, that the following amendments to the 2022 Seneca Budget Amendment are authorized and approved:

INCREASE:	101450-43089-TIER	\$31,369.00
INCREASE:	101450-54700	\$31,369.00
FROM:	101450-54580	\$7,100.00
TO:	101450-54700	\$7,100.00

And be it further

RESOLVED, that the Board of Elections is authorized to voucher \$31,369.00 of this purchase for reimbursement from the Technology Innovation and Election Resource (TIER) Grant Program

SUPERVISORS AUTHORIZE ESTABLISHMENT OF

SENECA COUNTY SEWER DISTRICT NO. 4 (ROUTE 414 SEWER LINE)

RESOLUTION NO. 336-22, motion by Sprvr. Don Trout, second by Sprvr. Rhinehart and adopted.

WHEREAS, the creation of Seneca County Sewer District No. 4, pursuant to County Law Article 5- 1, will consolidate and improve the development of the Route 318 and Route 414 corridor of north Seneca County, is in the best interests of all of the people of Seneca County, and the properties included in said district; and

WHEREAS, this sewer district will assume full control of the existing Route 414 sewer line and its connection to the Route 318 Sewer Line, Seneca County Sewer District No. 3, located in the Towns of Tyre and Junius; and

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WHEREAS, this sewer district will be known as “Seneca County Sewer District No. 4, (Route 414 Sewer Line)”; and

WHEREAS, creation of this district incurs no new or special funding to begin or continue operation and therefore does not require approval of the New York State Comptroller; and

WHEREAS, creation of this district and its Map, Plan and Report, as prepared by Hunt Engineers, was the subject of the Public Hearing held December 13, 2022, conducted by the Chairman of the Seneca Board of Supervisors in conjunction with a regular meeting thereof, and all persons desiring to be heard were duly heard, and further that no changes or alternations were deemed necessary to said Map, Plan and Report; and

WHEREAS, the creation of this district will constitute a Type II action under the NY State Environmental Quality Review Act (SEQRA), having been subject to SEQRA review under a full Environmental Assessment by the Seneca County Industrial Development Agency at the time of the construction of the sewer line with a finding of “no significant effect on the environment”, and that no further action is required under SEQRA at this time; and

WHEREAS, this Resolution was brought to the floor under Board of Supervisors Rule 29 by a two-thirds majority vote of the Board; and

WHEREAS, it is now desired to adopt an order pursuant to Section 258 of the New York County Law establishing Sewer District No. 4; and

WHEREAS, the Seneca County Board of Elections has Certified that there are no resident electors within the boundaries of the proposed county district; now, therefor be it

RESOLVED, that based on the foregoing findings and determinations by the Seneca County Board of Supervisors does hereby establish Seneca County Sewer District No., 4, more particularly described in Schedule “A” attached hereto; and it is further

RESOLVED, that as there are no resident electors in the district as proposed, and therefore no permissive referendum, is necessary; and if is further

RESOLVED that the Clerk to the Board of Supervisors shall within ten days cause a certified copy of this Resolution establishing Seneca County Sewer District No. 4, to be recorded in the office of the Seneca County Clerk, and when so recorded such filing shall be presumptive evidence of the regularity of the proceedings for the establishment of the district and of all other action taken by the Board of Supervisors in relation thereto. Further, a certified copy of such order shall also be filed in the office of the state department of audit and control at Albany, New York

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SENECA COUNTY SEWER DISTRICT NO. 4 FORMATION

All that tract or parcel of land situated within Seneca County, NY and more particularly described as follows: Beginning at the existing Wastewater District boundary at a point, said point being the intersection of the northeastern most corner of Tax Map Parcel No. 27-1-32 and western boundary line of State Route 414; thence in an easterly direction crossing State Route 414 a distance of 86 +/- feet to a point, said point being the southwestern corner of Tax Map Parcel No. 27-1-05.2; thence in a northerly direction following the eastern boundary line of State Route 414 a distance of 8029 +/- feet to a point, said point being the intersection of the northwestern corner of Tax Map Parcel No. 12-1-21.2 and the eastern boundary line of State Route 414; thence in an easterly direction following the northern boundary line of Tax Map Parcel No. 12-1-27-12 a distance of 228 +/- feet to a point, said point being the northeastern corner of the Tax Map Parcel No. 12-1-27.12; thence in a southerly direction following the eastern boundary line of Tax Map Parcel No. 12-1-27-12 a distance of 216 +/- feet to a point, said point being the southeastern corner of Tax Map Parcel No. 12-1-49; thence in an easterly direction following the southern boundary line of Tax Map Parcel No. 12-1-49 a distance of 1111 +/- feet to a point, said point being the southeastern corner of Tax Map Parcel No. 12-1-49; thence in a northerly direction following the eastern boundary line of Tax Map Parcel No. 12-1-49 a distance of 1607 +/- feet to a point, said point being the northeastern corner of Tax Map Parcel No. 12-1-49; thence in a westerly direction following the northern boundary line of Tax Map Parcel No. 12-1-49 a distance of 1394 +/- feet to a point, said point being the northwestern corner of Tax Map Parcel No. 12-1-49; thence in a westerly direction crossing State Route 414 a distance of 96 +/- feet to a point, said point being the intersection of the perceived extension of the northern boundary line of corner of Tax Map Parcel No. 12-1-49 and the eastern boundary line of Tax Map Parcel No. 12-1-35; thence in a southerly direction following the western boundary line of State Route 414 a distance of 9513 +/- feet to a point being the northeastern corner of Tax Map Parcel No. 27-1-32 and the starting point to the Seneca County Wastewater District Extension. Connection and User Fees are to be the same as currently exist for all Users.

Executive Session: Spvr. Ferrara offered a motion, second by Spvr. Jeffrey Trout, to enter executive session under OML §105(1)(f) with a variety of guests: the personnel officer, the county manager, the confidential secretary to the county manager, and the county attorney. Time of executive session: 6:42 p.m. – 8:20 p.m.

Special Order Of The Day

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