

# BOARD OF SUPERVISORS SENECA COUNTY

Waterloo, New York 13165

*January 23, 2024 Special Board Meeting Minutes*

Call to Order:

Chairman Enslow called the meeting to order at 7:24 p.m.

Roll Call of Members by the Clerk:

All 14 members answered roll call

Pledge of Allegiance and Moment of Silence:

*~DISCUSSION~*

Before reviewing resolutions, the Chairman of the Board of Supervisors introduced and welcomed the new part time Deputy Clerk, Jessica Mainville.

RESOLUTIONS & MOTIONS



# BOARD OF SUPERVISORS

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**RESOLUTION SEEKING HOME RULE REQUEST FOR THE INTRODUCTION OF NEW YORK STATE SENATE AND ASSEMBLY BILLS TO AMEND THE TAX LAW IN RELATION TO AUTHORIZING A TWO PERCENT INCREASE ON HOTEL AND MOTEL TAXES IN SENECA COUNTY**

RESOLUTION NO. 14-24, moved by Sprvr. J. Trout second by Sprvr. Shipley and adopted.

WHEREAS, The Seneca County Hotel and Motel Occupancy Tax has been in place for over thirty (30) years with a tax rate of 3% for the entire time; and

WHEREAS the revenue generated by the tax has served to not only increase the number of visitors to the county, but also provides support to tourism related infrastructure, lake and waterway protection, information services, as well as additional program funding for a variety of festivals and events throughout the county; and

WHEREAS, to continue to support tourism and its economic impact for the County, the Board of Supervisors requests that its New York State legislators take action pursuant to Municipal Home Rule to increase the rate of tax to the special state law authorizing and empowering Seneca County to impose an additional two percent (2%) in hotel and motel taxes in Seneca County; and

WHEREAS, said amendment will relate to New York Tax Law §1202-o and expand the collection of Hotel-Motel Tax collection from three percent (3%) to five percent (5%); and

WHEREAS, this amended percentage will further strengthen the ability of Seneca County to promote tourism and to invest in tourism related infrastructure; and

WHEREAS, this Resolution has been recommended for approval by the Economic Development, Tourism & Housing Standing Committee at its Meeting on January 23, 2024; now, therefore be it

RESOLVED, that this Board approves the Home Rule Request for the introduction and passage of Senate and Assembly Bills to increase the Hotel-Motel Tax in Seneca County to 5%; and be it further

RESOLVED, that the Clerk of this Board of Supervisors be authorized and directed to execute the required Home Rule Requests and to transmit the appropriate forms to the Senate and Assembly Representatives and Home Rule Counsel.

**SUPERVISORS SELECT MRB GROUP PROVIDE CONSULTING AND SUPPORT SERVICES THE FOR THE WILLARD CAMPUS REDEVELOPMENT PROCESS**  
RESOLUTION NO. 15-24, moved by Sprvr. J. Trout second by Sprvr. Hayes and adopted.

WHEREAS, MRB Group had been previously contracted by the Seneca County Industrial Development Agency SCIDA) to develop the Highest and Best Use Study for the former Willard Drug Treatment Center campus (WDTC); and

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WHEREAS, after review of said report and its recommendations, the Seneca County Board of Supervisors, at the request of the SCIDA, wishes to move forward in the next steps of the Site Disposition Action Plan; and

WHEREAS, MRB Group has the experience and capacity to provide such services to address the Site Disposition Action Plan; and

WHEREAS, the contract for such services will be at the cost \$100,000; and

WHEREAS Seneca County is in receipt of funding from the federal government under the American Rescue Plan Act (ARPA) that would be an appropriate funding source for this project in the amount of \$100,000; and

WHEREAS, this Resolution has been recommended for approval by the ARPA Committee and the Economic Development, Tourism & Housing Committee at their meetings on January 23, 2024; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors hereby selects MRB Group to provide consulting and support services to assist the County in the Site Disposition Action Plan for the Willard Drug Treatment Center campus; and be it further

RESOLVED, that the County Manager is authorized and directed to execute an Agreement with MRB Group for such purpose; and be it further

RESOLVED, that the Director of Finance is authorized and directed to make any necessary financial and budget adjustments consistent with this Resolution.

## **BOARD OF SUPERVISORS REQUESTS HOME RULE LEGISLATION TO AUTHORIZE OUT OF COUNTY RESIDENCY FOR THE SENECA COUNTY ATTORNEY**

RESOLUTION NO. 16-24, moved by Sprvr. Borst second by Sprvr. Rhinehart and adopted.

WHEREAS, The County Attorney for the County of Seneca has advised the Board of Supervisors of his intended retirement later this year; and

WHEREAS, County Law § 500 provides that the Board of Supervisors shall appoint a “resident attorney-at-law as county attorney..”. It goes on to state that the board may employ an attorney-at-law residing in another county if having no resident attorney-at-law available, and

WHEREAS, Public Officers Law § 3 states that a local public officer, which would include the County Attorney, must be a resident of the municipality to which the officer serves; and

WHEREAS, a review of available attorneys that reside in Seneca County, like many small counties in the state, lack suitable resident attorneys to adequately fill the position of county attorney; and

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WHEREAS, to avoid any extended vacancy of the County Attorney, the board wishes to increase the pool of available attorneys to those residing in counties adjacent to Seneca County, which would include the cities of Auburn, Geneva, and Ithaca, as well as attorneys in the remainder of Ontario, Wayne, Cayuga, Thompson, Schuyler, and Yates counties; and

WHEREAS, a waiver or expansion of the of the county residency requirement to include counties contiguous to Seneca County for this position would allow the county to obtain a qualified successor to the present County Attorney and allow for a smooth and untroubled transition for the principal legal advisor to the Board; and

WHEREAS, under Home Rule legislation, an amendment or addition of appropriate language to the Public Officers Law § 3, subsection 3, applicable to Seneca County, to wit:

*In the county of Seneca, the provisions of this section requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen or within which his or her official functions are required to be exercised, shall not prevent a person regularly admitted to practice as an attorney or counselor in the courts of record of this state from holding the office of Seneca County Attorney, provided that such person resides in the county of Seneca, or an adjoining county within the state of New York; would provide the Board of Supervisors the opportunity to select the best qualified legal counsel for the County; and*

WHEREAS, this resolution has been approved by the Government Operations Committee on January 23, 2024; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors hereby requests our State legislators, Senator Thomas O'Mara, Assemblyman Phillip Palmesano and State Assemblyman Jeff Gallahan, to prepare and introduce a Home Rule legislation amending Section 3, subsection 3, of the Public Officers Law, giving Seneca County that authority to appoint a County Attorney with residency in Seneca County, or any county contiguous thereto, within the State of New York; as set forth herein.

**BOARD OF SUPERVISORS APPROVES THE CREATION AND FILLING OF  
ONE FULL- TIME DIRECTOR OF WATER & SEWER SERVICES**  
RESOLUTION NO. 17-24, moved by Sprvr. Borst, seconded by Sprvr. Hayes and adopted.  
Sprvr. Hayssen & Sprvr. D. Trout opposed.

WHEREAS, the County Manager, as interim Water and Sewer System Administrator, and the Water & Sewer Treatment management & Operations committee have identified the need to create and fill one full-time Director of Water & Sewer Operations; and

WHEREAS, it is necessary to have a dedicated supervisor for operational and administrative management of the county's Water and Sewer Districts and function as point of contact for contractors and others performing services for all aspects of the systems, community relations, as well as liaison and coordination with the Finance Department; and

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WHEREAS, creating and filling this position is vital to ensuring that all operational, administrative, and regulatory duties and responsibilities are completed properly and efficiently; and

WHEREAS, upon the establishment of the proposed Seneca County Water and Sewer Authority, this position will transfer to said authority for future activities; and

WHEREAS, this position is a critical aspect of infrastructure support, and as such is an appropriate expenditure of ARPA funding that will fund the position for one year; and

WHEREAS, said provision for funding was approved by the ARPA committee at its meeting January 23, 2024; and

WHEREAS, this position was reviewed and recommended by the Water & Sewer Treatment Management & Operations Committee at its January 16, 2024 meeting to the Vacancy Committee, which has been approved and reviewed the same, and approved by the Human Resources and Governmental Operations Standing Committee on January 23, 2024; now, therefore be it

RESOLVED, that the Board of Supervisors approve the creation and filling of one (1) full-time Director of Water & Sewer Operations at Grade 9 (Annual salary \$94,871 on the 2024 Management Salary Schedule) for total cost of up to \$130,000 including benefits; 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 THE CREATION AND FILLING OF ONE (1) PART-TIME CLERK POSITION IN THE EMERGENCY MANAGEMENT DEPARTMENT**

RESOLUTION NO. 18-24, moved by Sprvr. Borst second by Sprvr. Brownell and adopted.

WHEREAS, the Director of Emergency Management has identified the need to create and fill one part-time Clerk position within the department to provide support for unfunded duties related to discovery/bail reform laws in NYS; and

WHEREAS, the Director of Finance has reviewed the 2024 budget and there is sufficient funding in the 103020-51100 Full-Time line that can be transferred to the 103020-51200 Part Time account code; and

WHEREAS, this position has been reviewed and approved by the Vacancy Committee and the Human Resources & Government Operations Committee on January 23, 2024; now, therefore be it

RESOLVED, that the Board of Supervisors approve the creation and filling of one (1) part-time Clerk position at Grade 2, Hire Rate (\$18.417) of the CSEA Bargaining Agreement; 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.

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**SUPERVISORS SELECT MRB GROUP PROVIDE CONSULTING AND SUPPORT SERVICES FOR THE ESTABLISHMENT OF THE SENECA COUNTY WATER & SEWER AUTHORITY**  
RESOLUTION NO. 19-24, moved by Sprvr. Borst second by Sprvr. Brownell and adopted.

WHEREAS, MRB Group had been previously contracted by the county to study the potential formation of a Water & Sewer Authority in Seneca County and made such a presentation of their findings and recommendations to the Board in June of 2023; and

WHEREAS, after review of said report and its recommendations, the Seneca County Board of Supervisors has taken the initial steps in the creation of said Water & Sewer Authority; and

WHEREAS, additional professional support of the creation of the Water & Sewer Authority is required by the county during this formation process, and MRB Group has the expertise and experience in this area; and

WHEREAS, the Water & Sewer Treatment and Operations Committee has approved and recommended at its meeting on January 23, 2024 that MRB Group be contacted to provides such support to the County in and amount not to exceed \$10,000.00; and

WHEREAS Seneca County is in receipt of funding from the federal government under the American Rescue Plan Act (ARPA) that would be an appropriate funding source for this project in the amount of \$10,000; and

WHEREAS, this Resolution has been recommended for approval by the ARPA Committee and the Water & Sewer Treatment Management & Operations Committee at their meetings on January 23, 2024; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors hereby selects MRB Group to provide consulting and support services to assist the County in the creation of the Seneca County Water & Sewer Authority; and be it further

RESOLVED, that the County Manager is authorized and directed to execute an Agreement with MRB Group for such purpose; and be it further

RESOLVED, that the Director of Finance is authorized and directed to make any necessary financial and budget adjustments consistent with this Resolution.

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### **BOARD OF SUPERVISORS REQUESTS HOME RULE LEGISLATION TO AUTHORIZE AND CREATE THE SENECA COUNTY WATER AND SEWER AUTHORITY**

RESOLUTION NO. 20-24, moved by Sprvr. Borst second by Sprvr. Brownell and adopted.

WHEREAS, County of Seneca currently has municipal water and sewer services provided by multiple town and village districts, as well as county water and sewer districts; and

WHEREAS, in 2021, by Resolution 311-21, the Seneca County Board of Supervisors authorized a study to be conducted by the MRB Group for water and sewer services options to include the formation of a Water and Sewer Authority for the County; and

WHEREAS, the MRB report was received and presented to the Board of Supervisors at their meeting on June 13, 2023; and

WHEREAS, the Board of Supervisors believes that the creation of a Water and Sewer Authority to serve Seneca County offers the most comprehensive and cost-effective means to address administration and operation of water and sewer treatment services for Seneca County; and

WHEREAS, the creation of a Water and Sewer Authority for Seneca County requires enabling legislation by the State of New York under Article 5 of the Public Authorities Law; and

WHEREAS, this resolution comes to the Board after action by the Water and Sewer Treatment Management and Operations Committee at its meeting on January 16, 2024; now, therefore be it

RESOLVED that the Seneca County Board of Supervisors support the formation of a Water and Sewer Authority to serve all of Seneca County; and be it further

RESOLVED, that the Seneca County Board of Supervisors hereby requests our State legislators, Senator Thomas O'Mara, Assemblyman Phillip Palmesano and State Assemblyman Jeff Gallahan, to prepare and introduce a Home Rule legislation authorizing the creation of the Seneca County Water and Sewer Authority, as provided for in the attached proposed legislation.

### **SUPERVISORS AUTHORIZE TIME SENSITIVE PURCHASE AND INSTALLATION OF EMERGENCY POWER BACKUP GENERATOR FOR WILLARD SEWER TREATMENT PLANT (SEWER DISTRICT NO. 1)**

RESOLUTION NO. 21-24, moved by Sprvr. Hayes second by Sprvr. D. Trout and adopted.

WHEREAS, due to equipment breakdown and inability to economically repair the existing emergency power backup generator at the Willard Sewer Treatment Plant, Seneca District No. 1, the purchase and installation of a replacement unit presents a critical and time sensitive situation for the Sewer District; and

WHEREAS the lack of an operational backup generator would result in the inability of the plant to properly treat the sewage from Sewer District No. 1, and could lead to economic, personal, and environmental damage; and

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WHEREAS, in consultation with the county's retained sewer engineering firm, a Kohler diesel fueled 300Kw generator with included fuel tank has been identified as the most appropriate and available generator at a cost of \$ from Kinsley Power Systems: and

WHEREAS, installation of the same can be provided by Caratozzolo Electric, LLC at a cost of \$75,000; and

WHEREAS this equipment is not otherwise available to State Contract or other governmental contracts or listings, and can only be met by a general procurement action; and

WHEREAS, New York State General Municipal Law Section 103 (4) provides a framework for unforeseen occurrences or conditions whereby circumstances affecting public buildings, public property or the life, health, safety, or property of the inhabitants of a political subdivision or district therein, that require immediate action which cannot await competitive bidding or competitive offering; and

WHEREAS, the estimated costs of purchase and installation should not exceed \$184,000.00; and

WHEREAS, funding is available in Account Line No. 808110-52000-SWR1 Capital Projects; and

WHEREAS, this Resolution was brought to the Board following action by the Water & Sewer Treatment & Operations Committee at its meeting on January 23, 2024; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors finds that the replacement of the inoperable emergency power generator for the Willard Sewer Treatment Plant is an unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety, or property of the inhabitants of a significant portion of Seneca County therein, that requires immediate action which cannot await competitive bidding or competitive offering; and

RESOLVED that upon the recommendation of the county consulting sewer engineering firm, the Seneca County Board of Supervisors authorizes the purchase of a Kohler self-contained 3.0 Kw emergency power generator from Kinsley Power Systems, and installation of the same by Caratozzolo Electric LLC for Sewer District No. 1, Willard Sewer Treatment Plant in a total amount to exceed \$184,000.00; in accordance with Section 103(4) of New York State General Municipal Law; and be it further

RESOLVED, that the County Manager be authorized to sign all necessary contract documents; and that the Finance Director is authorized to make all necessary budget transfers and payments.



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Unfinished Business:

None

New Business:

Sprvr. Rhinehart asked for clarification from the Town Supervisors about the recommendations for the county being a single entity or having two towns as well as the county for the ambulances. The option of keeping it the same is also offered and nothing will need to change. Supervisor Hayes suggested that two towns banding together would be cheaper with the County as the payee. Sprvr. Hayssen suggested they charge by the unit. The Board agreed to have both town ambulances combined and having the County be the payee is the best option. Sprvr. Borst posed the question on what if certain towns opt out, how will this affect the other towns and their payments. The discussion will continue in the upcoming months.

Special Order of the Day:

Sprvr. D. Trout made a motion to adjourn the meeting, Sprvr. J. Trout seconded the motion. The meeting adjourned at 7:36PM.