ORGANIZATIONAL MEETING
Morning Session
Tuesday, January 3, 2012
Legislative Chambers, Bath, New York

Pursuant to Section 151 of the County Law and the *Rules of Procedure* of the County Legislature adopted August 23, 1993, the Legislators from the several districts comprising the towns and cities of Steuben County convened in the Legislative Chambers, Bath, New York, on Tuesday, the 3rd day of January, 2012, at 10:00 a.m. for the purpose of organizing the County Legislature of Steuben County for the years 2012 and 2013 and for the transaction of such other business as would properly and lawfully come before the meeting.

The meeting was called to order by the Clerk of the Legislature, Brenda K. Mori.

The Deputy Clerk called the Roll and all members were present except for Legislators Lattimer and Swackhamer.

Mrs. Ferratella offered the Invocation and the Pledge of Allegiance was led by Mr. Van Etten.

The Honorable Joseph Latham, County and Family Court Justice, administered the Oaths of Office to all newly-elected members of the Legislature.

The Clerk called for nominations for a Temporary Chairman. Mr. Van Etten nominated Mr. Ryan for Temporary Chairman, seconded by Mr. Crossett. There being no further nominations, the nominations were closed and Mr. Ryan was duly elected Temporary Chairman.

Temporary Chairman Ryan called for a Republican and Democratic caucus.

Motion to adjourn into caucuses made by Mr. Weaver, seconded by Mr. Van Etten and duly carried.

Temporary Chairman Ryan reconvened the Organizational Meeting of the Legislature.

Temporary Chairman Ryan called for nominations for Chairman of the Steuben County Legislature for 2012 and 2013. ***Mr. Crossett nominated Joseph Hauryski, seconded by Mr. Van Etten.***

Motion to close nominations for Chairman of the Steuben County Legislature made by Mr. Crossett, seconded by Mr. Schu and duly carried.

RESOLUTION NO. 001-12

Introduced by T. Ryan. Seconded by L. Crossett.

APPOINTING THE CHAIRMAN OF THE STEUBEN COUNTY LEGISLATURE FOR A TWO-YEAR TERM OF 2012 AND 2013.

Pursuant to Sections 151 and 450 of the County Law of the State of New York and Local Law No. Four of the Year 1981 for the County of Steuben.

WHEREAS, this Steuben County Legislature has on this 3rd day of January, 2012, been duly organized and has in accordance with Section 151 of the County Law, duly selected County Legislator **JOSEPH J. HAURYSKI** of Campbell, New York, as Chairman of the Legislature for a two-year term commencing January 1, 2012.

NOW THEREFORE, BE IT

RESOLVED, **JOSEPH J. HAURYSKI** of Campbell, New York, be and the same hereby is appointed Chairman of the Legislature of Steuben County for a two-year term commencing January 1, 2012, and within twenty days (s)he shall cause to be filed in the Office of the Steuben County Clerk an Oath of Office as such Chairman; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Clerk, to the above-named appointee, the County Treasurer, and the Personnel Officer.

Vote: Roll Call – Adopted.

Mr. Ryan asked Legislator Weaver and Legislator Ferratella to escort Chairman Hauryski to his chair.

The Honorable Judge Joseph Latham administered the Oath of Office to Mr. Hauryski for the position of Chairman of the Legislature.

Chairman Hauryski opened the floor for nominations for Vice Chairman. ***Mr. Farrand nominated Patrick McAllister for Vice Chairman, seconded by Mr. Ryan.***

Motion to close nominations for Vice Chair made by Mr. Van Etten, seconded by Mr. Schu and duly carried.

RESOLUTION NO. 002-12

Introduced by J. Hauryski. Seconded by T. Ryan.

APPOINTING THE VICE-CHAIRMAN OF THE STEUBEN COUNTY LEGISLATURE FOR A TWO-YEAR TERM OF 2012 AND 2013.

Pursuant to Section 151, Subdivision 3, of the County Law of the State of New York.

WHEREAS, this Steuben County Legislature has on this 3rd day of January, 2012, been duly organized and has in accordance with Section 151, Subdivision 3 of the County Law, duly selected County Legislator **PATRICK F. McALLISTER** of Wayland, New York, as Vice-Chairman of the Legislature for a two-year term commencing January 1, 2012.

NOW THEREFORE, BE IT

RESOLVED, **PATRICK F. McALLISTER** of Wayland, New York, be and the same hereby is appointed Vice-Chairman of the Legislature of Steuben County for a two-year term commencing January 1, 2012, and within twenty days (s)he shall cause to be filed in the Office of the Steuben County Clerk an Oath of Office as such Vice-Chairman; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Clerk, to the above-named appointee, County Treasurer, and the Personnel Officer.

Vote: Roll Call – Adopted.

The Honorable Judge Joseph Latham administered the Oath of Office to Mr. McAllister for the position of Vice Chairman of the Legislature.

Chairman Hauryski stated I would like to thank my fellow Legislators for their support in electing me to the Chairman's position. I am honored, and pledge to do my best in serving as Chairman of the Legislature. The past year has been a learning experience for me. There were times that I had doubts about whether or not I could do the job. I had my share of bloopers in the beginning and I am sure that I will still have them on occasion. I look forward to working with each and every one of you as we move forward in serving the taxpayers of Steuben County. This coming year will not be an easy one for this

Legislature. We have our work cut out for us as we try to meet the 2 percent tax cap requirements and maintain some semblance of County programs. We will have to make tough decisions regarding our health care agencies. As you know, I am one who likes to think outside the box and am willing to try different things to get to a solution. I challenge each of the department heads to begin to think outside the box and come up with ideas on how we can save taxpayer dollars. In closing, I would like to thank Mark Alger and Jack Wheeler for their continued help and hard work. I also want to thank Brenda Mori, Amanda Chapman, and Yvonne Erway for the work they do for the Legislature. A big thank you to all of the County employees who work hard every day serving the needs of the County. I would be remiss in not saying thank you to my wife, for if it were not for her support and work on the farm, I could not be here. Thank you, and God Bless everyone.

RESOLUTION NO. 003-12

Introduced by J. Hauryski. Seconded by T. Ryan.

RECEIVING AND FILING THE DESIGNATION OF THE MAJORITY LEADER OF THE STEUBEN COUNTY LEGISLATURE.

BE IT RESOLVED, Legislator **GARY D. SWACKHAMER** be and the same hereby is designated Majority Leader of the Steuben County Legislature; and be it further

RESOLVED, the aforesaid designation of **GARY D. SWACKHAMER** of Hornell, New York, be and the same hereby is accepted for filing, said designation to be for a two-year term commencing January 1, 2012; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above designee.

Vote: Roll Call – Adopted.

RESOLUTION NO. 004-12

Introduced by J. Hauryski. Seconded by S. Van Etten.

RECEIVING AND FILING THE DESIGNATION OF THE MINORITY LEADER OF THE STEUBEN COUNTY LEGISLATURE.

BE IT RESOLVED, Legislator **RANDOLPH J. WEAVER** be and the same hereby is designated Minority Leader of the Steuben County Legislature; and be it further

RESOLVED, the aforesaid designation of **RANDOLPH J. WEAVER** of Hornell, New York, be and the same hereby is accepted for filing, said designation to be for a two-year term commencing January 1, 2012; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above designee.

Vote: Roll Call – Adopted.

RESOLUTION NO. 005-12

Introduced by P. McAllister. Seconded by S. Van Etten.

REAPPOINTING THE COUNTY ATTORNEY OF THE COUNTY OF STEUBEN.

Pursuant to Section 500 of the County Law of the State of New York.

WHEREAS, **Alan P. Reed** of Bath, New York, has been recommended by the Administration Committee for reappointment as County Attorney to serve for a four-year term.

NOW THEREFORE, BE IT

RESOLVED, **Alan P. Reed** of Bath, New York, be and the same hereby is reappointed County Attorney for the County of Steuben for a four-year term commencing January 1, 2012, through December 31, 2015; and be it further

RESOLVED, his Oath of Office shall be filed in the Steuben County Clerk's Office, and that the Clerk of this Legislature is directed to file certified copies of this resolution with the above named appointee, the Steuben County Clerk, the Steuben County Treasurer and the Personnel Officer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 006-12

Introduced by P. McAllister. Seconded by G. Roush.

REAPPOINTING THE CLERK OF THE LEGISLATURE OF THE COUNTY OF STEUBEN.

Pursuant to Sections 400 & 475 of the County Law of the State of New York.

WHEREAS, **Brenda K. Mori** of Pulteney, New York, has been recommended by the Administration Committee for reappointment as Clerk of the Legislature to serve for a four-year term.

NOW THEREFORE, BE IT

RESOLVED, **Brenda K. Mori** of Pulteney, New York, be and the same hereby is reappointed Clerk of the Legislature for the County of Steuben for a four-year term commencing January 1, 2012, through December 31, 2015; and be it further

RESOLVED, her Oath of Office shall be filed in the Steuben County Clerk's Office, and that the Clerk of this Legislature is directed to file certified copies of this resolution with the above named appointee, the Steuben County Clerk, the Steuben County Treasurer and the Personnel Officer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 007-12

Introduced by P. McAllister. Seconded by C. Ferratella.

REAPPOINTING THE COUNTY AUDITOR OF THE COUNTY OF STEUBEN.

Pursuant to Section 600 of the County Law of the State of New York.

WHEREAS, **John Bowers** of Wayland, New York, has been recommended by the Administration Committee for reappointment as County Auditor to serve for a four-year term.

NOW THEREFORE, BE IT

RESOLVED, **John Bowers** of Wayland, New York, be and the same hereby is reappointed County Auditor for the County of Steuben for a four-year term commencing January 1, 2012, through December 31, 2015; and be it further

RESOLVED, his Oath of Office shall be filed in the Steuben County Clerk's Office, and that the Clerk of this Legislature is directed to file certified copies of this resolution with the above named appointee, the Steuben County Clerk, the Steuben County Treasurer and the Personnel Officer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 008-12

Introduced by J. Hauryski. Seconded by G. Roush.

RECOGNIZING THE AUTHORITY OF THE CHAIRMAN OF THE LEGISLATURE OF THE COUNTY OF STEUBEN TO APPOINT STANDING AND SPECIAL COMMITTEES FOR THE YEARS 2012 AND 2013.

In accordance with Section 154 of the County Law of the State of New York and the Rules of Procedure of the Steuben County Legislature.

RESOLVED, this Legislature does hereby recognize the authority of the Chairman of the Legislature of Steuben County to appoint such designated members of this Legislature as he shall select to the various standing and special committee positions for the years 2012 and 2013, which have heretofore been established and set up by the Steuben County Legislature and said committees shall each consist of the same number of members as prescribed in the "Rules of Procedure" of the Steuben County Legislature until such committee is abolished or changed by a majority vote of the Legislature membership pursuant to the "Rules of Procedure"; and be it further

RESOLVED, members of a special committee shall serve for the period specified in the resolution or until the committee is discharged and in no event for a longer period than the term for which the members were elected as legislators; and be it further

RESOLVED, the Chairman of this Legislature, within thirty (30) days of his election to the Chairmanship, shall duly submit and file in the Office of the Clerk of this Legislature the committees' roster appointed for the years 2012 and 2013; and the Clerk of the Legislature shall duly and properly furnish to each member of this Legislature a complete list of the said committees' roster.

Vote: Roll Call – Adopted.

RESOLUTION NO. 009-12

Introduced by J. Hauryski. Seconded by T. Ryan.

REGULATING THE PUBLICATION OF CERTAIN OFFICIAL MATTERS.

WHEREAS, *The Leader* of Corning, New York, and *The Evening Tribune* of Hornell, New York, have a circulation covering the entire County, but there are occasions when publications are limited to one newspaper in a given area.

NOW THEREFORE, BE IT

RESOLVED, whenever this Legislature does not designate the particular newspaper or newspapers for the publication of a certain matter in a specific resolution, this resolution shall govern the officer or officers having the publication in charge for the years 2012 and 2013;

1. Where the matter is of county-wide interest as hereinafter enumerated, the same shall be published in *The Leader* of Corning, New York, and *The Evening Tribune* of Hornell, New York, and such other newspaper as may be deemed advisable:

a. Notice of hearing on a proposed local law;
b. Local Law as finally adopted;
c. Notice of submission to bid for purchase of supplies or equipment;
d. Notice of submission to bid for public works and services;
e. Notice of hearing on proposed amendments to civil service rules;
f. Notice of civil service examinations; and
g. Such other notice or statement of countywide interest required by law to be published.

2. Where the matter is of local effect as hereinafter enumerated, the same shall be published in either *The Leader* of Corning, New York, or *The Evening Tribune* of Hornell, New York, and such other newspaper published in the area as may be deemed advisable:

a. Notice of submission to bid on parcels of land offered for sale, as tax title and welfare owned;
b. Notice of closing of any county highway;
c. Proclamation of a term of court with a grand jury;
d. Legalizing act of the Legislature; and
e. Such other notices or statements of similar nature required by law to be published in a limited area.

BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to all county offices and departments and each of the above-named newspapers.

Vote: Roll Call – Adopted.

RESOLUTION NO. 010-12

Introduced by J. Hauryski. Seconded by B. Schu.

DESIGNATION OF THE OFFICIAL NEWSPAPER BY THE REPUBLICAN MEMBERS OF THE LEGISLATURE.

In pursuance of Section 214, Subdivision 1 of the County Law, we, the Republican members of the Steuben County Legislature, hereby designate the following official newspaper for the years 2012 and 2013:

Concurrent resolutions, tax sale notices and tax redemption notices - *The Leader* of Corning, New York.
Election notices - *The Leader* of Corning, New York.
Official election canvas - *The Leader* of Corning, New York.

The above-named designations are filed with the Clerk of this Legislature this 3rd day of January, 2012; and the Clerk is directed to forward certified copies to the Secretary of State at Albany, New York; the Steuben County Clerk; the Steuben County Treasurer; the Steuben County Board of Elections; and the above-named newspaper.

Dated: January 3, 2012

/s/ Lawrence P. Crossett	/s/ Aaron Mullen
/s/ Dan C. Farrand	/s/ William A. Peoples, Jr.
/s/ Carol A. Ferratella	/s/ Gary B. Roush

/s/ K. Michael Hanna	/s/ Thomas J. Ryan
/s/ Joseph J. Hauryski	/s/ Brian C. Schu, Esq.
_____(Absent)_____ Robin K. Lattimer	_____(Absent)_____ Gary D. Swackhamer
/s/ Patrick F. McAllister, Esq.	/s/ Scott J. VanEtten

Vote: Roll Call – Adopted.

RESOLUTION NO. 011-12

Introduced by J. Hauryski. Seconded by R. Weaver.

DESIGNATION OF THE OFFICIAL NEWSPAPER BY THE DEMOCRATIC MEMBERS OF THE LEGISLATURE.

In pursuance of Section 214, Subdivision 1 of the County Law, I, the Democratic members of the Steuben County Legislature, hereby designate the following official newspaper for the years 2012 and 2013:

Concurrent resolutions, tax sale notices and tax redemption notices - *The Evening Tribune* of Hornell, New York.
Election notices - *The Evening Tribune* of Hornell, New York.
Official election canvas - *The Evening Tribune* of Hornell, New York.

The above-named designations are filed with the Clerk of this Legislature this 3rd day of January, 2012; and the Clerk is directed to forward certified copies to the Secretary of State at Albany, New York; the Steuben County Clerk; the Steuben County Treasurer; the Steuben County Board of Elections; and the above-named newspaper.

Dated: January 3, 2012

/s/ Hilda T. Lando

/s/ Randolph Weaver

/s/ George J. Welch, Jr.

Vote: Roll Call – Adopted.

Motion made by Mr. Van Etten to adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 105.1.E. Collective Negotiations Pursuant to Article Fourteen of the Civil Service Law, seconded by Mrs. Ferratella and duly carried.

Motion to adjourn Executive Session and Reconvene in Regular Session made by Mr. McAllister, seconded by Mr. Roush and duly carried.

Motion to adjourn made by Mr. Van Etten, seconded by Mrs. Ferratella and duly carried.

REGULAR MEETING
Morning Session
Monday, January 23, 2012
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 23rd day of January, 2012, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present except Legislator Swackhamer.

Mr. Mullen provided the Invocation and the Pledge of Allegiance was led by Mrs. Lando.

Chairman Hauryski asked Lisa Beach to come forward. Ms. Beach is an employee in the Information Technology Department. He presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

Chairman Hauryski asked Kathy Hamilton to come forward. Ms. Hamilton is an employee in the Buildings & Grounds Department. He presented her with a Certificate of Appreciation and a pin in recognition of her 25 years of service to Steuben County.

Chairman Hauryski opened the floor for comments by members of the public.

Jeff Hull, representing the Steuben County Landowners Coalition, stated that he is here to provide the Legislature with a positive view of gas drilling in the Steuben County. He stated that the Coalition has a membership of 200,000 acres in the County, which represents 1,500 – 2,000 families. These families are all pro-drilling. He attended the AIP Committee and distributed a fact sheet, and brought more for those Legislators not in attendance. Mr. Hull stated he cannot think of anything that would offer relief for this County on the same scale as gas drilling. If Corning Glass would add 500 jobs, it would be chicken feed compared to gas drilling. Title V of the tax code guarantees a huge income for the County, school districts and the Towns. That would, on average, equate to approximately $350,000 per well and he thinks that is being conservative. Nothing will come close to this. In the media and from the environmentalists, you get a totally negative perception. There are 15 – 16 other states that are drilling and reaping the benefits. They do not have the devastation that is implied by the media and environmentalists. Mr. Hull stated that he would like to remind the Legislature that there are a lot of us out there and a lot of our members are farmers and some of them need this to survive. That is the reality. Thank you.

Chairman Hauryski thanked Mr. Hull for his comments. There being no further comments, he declared the opportunity for public comment closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting for the Public Hearing Upon Agricultural Districts No. 6, No. 13, No. 18, and No. 22 Eight Year Review. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

Motion Adopting the Minutes of the Previous Meeting(s) made by Mr. Ryan, seconded by Mr. Van Etten and duly carried.

Mr. Ryan stated that on behalf of the County, he would like to thank the following young men and women serving in the military; David Hunt, Bill Kays, Pete Lehman, Joshua Steinhilber, Kirk McManus, Chuck Coleman, Seth Baker, Angela Neu and Matthew Randazzo.

RESOLUTION NO. 012-12

Introduced by L. Crossett. Seconded by G. Roush.

MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS, PROPERTY TAXES, AND OTHER REAL PROPERTY DISPOSITIONS.

RESOLVED, the Chairman of the Steuben County Legislature, in accordance with the applications filed herewith, is hereby authorized and empowered on behalf of this Legislature to execute the necessary documentation for the disposition of applications for correction of real property taxes levied on the parcels contained in Schedule "A"; and be it further

RESOLVED, the Steuben County Treasurer is hereby authorized to make the proper tax adjustment, and/or refund, with respect to the parcels contained in Schedule "A", as set forth in the approved applications, copies of which shall be forwarded to the taxpayer and collecting authority; and be it further

RESOLVED, as it appears to be in the best interest of the County to sell the properties listed on Schedule "B" for the consideration offered, the Chairman of the Steuben County Legislature is hereby authorized and directed to convey and deliver a Quit Claim Deed to the grantee(s); and be it further

RESOLVED, the said grantee(s) must accept the parcel "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel if need be; and be it further

RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Director of the Steuben County Real Property Tax Service Agency and the Steuben County Treasurer, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors; and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s).

SCHEDULE "A"

Resolution No.	A-1	Resolution No.	A-2
Name	Todd M. Lewis	Name	Steuben County IDA
Parcel No.	098.00-010-007.200	Parcel No.	143.00-01-068.000
Municipality	Avoca Town	Municipality	Bath Town
Disposition	Correction (per Court Order)	Disposition	Correction
Resolution No.	A-3	Resolution No.	A-4
Name	Dean & Darlene Rawleigh	Name	Terry L. & Barbara A. Towner
Parcel No.	159.05-02-002.000	Parcel No.	178.00-01-004.200
Municipality	Bath Village	Municipality	Bradford Town
Disposition	Correction	Disposition	Correction (parcel split)
Resolution No.	A-5	Resolution No.	A-6
Name	Doris J. Horton	Name	Franklin J. Machuga
Parcel No.	193.00-01-013.000	Parcel No.	148.00-01-043.100
Municipality	Bradford Town	Municipality	Bradford Town
Disposition	Correction	Disposition	Correction
Resolution No.	A-7	Resolution No.	A-8
Name	Arlington Storage Company LLC	Name	Titus & Rosanna Miller
Parcel No.	201.00-01-024.000	Parcel No.	273.00-01-022.300
Municipality	Cameron Town	Municipality	Cameron Town
Disposition	Correction	Disposition	Correction

Resolution No.	A-9
Name	Melissa A. Raymond
Parcel No.	426.00-01-029.200
Municipality	Caton Town
Disposition	Correction

Resolution No.	A-10
Name	Jeffrey & Kathy Mullen
Parcel No.	251.00-01-007.100
Municipality	Canisteo Town
Disposition	Adjustment (parcel split)

Resolution No.	A-11
Name	Verizon New York Inc.
Parcel No.	546.00-06-010.000
Municipality	Canisteo Village
Disposition	Adjustment (per Consent Order)

Resolution No.	A-12
Name	Verizon New York Inc.
Parcel No.	546.00-06-006.000
Municipality	Canisteo Village
Disposition	Adjustment (per Consent Order)

Resolution No.	A-13
Name	Michael J. & Bonnie G. Tria
Parcel No.	372.00-01-061.100
Municipality	Caton Town
Disposition	Correction

Resolution No.	A-14
Name	David D. Taylor
Parcel No.	097.00-03-001.111
Municipality	Cohocton Town
Disposition	Adjustment (parcel split)

Resolution No.	A-15
Name	Robert & Lenis White
Parcel No.	109.13-01-031.000
Municipality	Fremont Town
Disposition	Correction

Resolution No.	A-16
Name	Towner Living Trust
Parcel No.	194.00-01-023.111
Municipality	Hartsville Town
Disposition	Adjustment (parcel split)

Resolution No.	A-17
Name	Ricky E. & Sandra K. Drake
Parcel No.	287.00-03-006.200
Municipality	Jasper Town
Disposition	Correction

Resolution No.	A-18
Name	Richard Walrath
Parcel No.	308.00-01-042.000
Municipality	Jasper Town
Disposition	Correction

Resolution No.	A-19
Name	Susie J. Bush
Parcel No.	368.00-01-032.100
Municipality	Tuscarora Town
Disposition	Correction

Resolution No.	A-20
Name	William E. & Diane D. Willey
Parcel No.	054.07-01-017.000
Municipality	Wayland Town
Disposition	Adjustment (per SCAR)

Resolution No.	A-21
Name	Peter Bonadonna
Parcel No.	054.10-01-012.000
Municipality	Wayland Town
Disposition	Adjustment (per SCAR)

Resolution No.	A-22
Name	Randolph Weaver
Parcel No.	064.00-01-033.100
Municipality	Wayne Town
Disposition	Correction

Resolution No.	A-23
Name	John W. & Lois M. Pepper
Parcel No.	346.00-01-033.210
Municipality	Woodhull Town
Disposition	Correction

Resolution No.	A-24
Name	Thomas & Pat Barber, Renee Jackson, John & Linda Schubmehl et al
Parcel No.	041.00-01-030.500
Municipality	Wayland Town
Disposition	Correction

Resolution No.	A-25
Name	Verizon New York Inc.
Parcel Nos.	546.00-06-002.100, 546.00-06-002.200, 546.00-06-002.300
Municipality	Howard Town
Disposition	Adjustment (per Consent Order)

SCHEDULE "B"

Resolution No.	B-1
Former Owner	County of Steuben (reputed)
Parcel No.	312.00-01-039.000
Municipality	Rathbone Town
Grantee(s)	Charles H. Nelson
Grantee(s) Address	2680 Miles Road, Addison, NY 14801
Consideration	$1.00 "as is". Conveyance shall be by Quit Claim
	Deed executed by the Chairman of the Steuben
	County Legislature.

Vote: Roll Call – Adopted. (Yes – 8970; No – 451; Abstained – 451)
(Mr. Swackhamer Absent, Mr. Weaver Abstained)

RESOLUTION NO. 013-12

Introduced by J. Hauryski. Seconded by D. Farrand.

RECEIVING AND ACCEPTING THE JANUARY 23, 2012 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and **referred to the appropriate Standing Committee and/or Department Head for information and/or action,** to wit:

December 9, 2011
New York State Homes & Community Renewal – Re: The Annual Performance Report (APR) for the NYS Community Development Block Grant Project#1115HR108-10 is due no later than January 10, 2012. ***Referred to: Amy Dlugos, Planning Director.***

Thomas F. O'Mara, NYS Senator, 53rd District – Re: A correspondence letter on concerns over emergency regulations being proposed by the Department of Health (DOH) to amend Title 10 NYCRR section 760.5. ***Referred to: Steuben County Legislature.***

December 12, 2011
NYS State Board of Elections – Re: The New York State Election Commissioners Association in association with the New York State Board of Elections will conduct its Annual Winter Training conference for county election commissioners and county board staff on January 17th through January 20th 2012, at the Statler Hotel in Ithaca, New York (Cornell University). ***Referred to: Administration Committee; Veronica Olin, Republican BOE Commissioner; and Joseph Welch, Democratic BOE Commissioner.***

December 14, 2011
NYS Homes & Community Renewal – Re: Notification of grant award in the amount of $198,000 for the New York State Community Development Block Grant (NYS CDBG) Project #1115HR65-11. ***Referred to: Amy Dlugos, Planning Director.***

NYS Office for the Aging – Re: Annual Evaluation of the Steuben County Area Agency on Aging and a notification of a follow up letter is needed by January 27, 2012. ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

December 15, 2011
Steuben County Industrial Development Agency – Re: 2011 Steuben County IDA Annual Report. ***Filed with the Clerk of the Legislature, Brenda Mori.***

December 16, 2011
NYS Division of Homeland Security and Emergency Services – Re: New imagery of Steuben County is expected in spring of 2012 with an opportunity to fund upgrades to meet the County's specific needs. ***Referred to: Public Safety & Corrections Committee; David Hopkins, 911 Director; Mike Sprague, EMO Director; and Amy Dlugos, Planning Director.***

December 19, 2011
Chautauqua County Legislature – Re: Resolution adopted by the Chautauqua County Legislature on December 14, 2011 urging passage of Senate Bill S.5889B and Assembly Bill A8644 that would implement a multi-year State takeover of the local share of Medicaid. ***Referred to: Steuben County Legislature.***

CSEA, AFSCME Local 1000, AFL-CIO – Re: 2011 Annual Report. ***Referred to: Filed with Clerk of the Legislature, Brenda Mori.***

December 20, 2011
NYS Department of Environmental Conservation – Re: Public comment period announced for remedy proposed for Brownfield Site Contaminants located at 213, 219 and 239 East Tioga Avenue in the City of Corning, NY. ***Referred to: Amy Dlugos, Planning Director.***

Cooperative Extension – Re: 2011 Annual Report. ***Referred to: Filed with Clerk of the Legislature, Brenda Mori.***

December 22, 2011
New York State Office of Parks, Recreation & Historic Preservation – Re: Notification of Approval for the 2011-2012 Snowmobile Trail Development and Maintenance Assistance. ***Referred to: Amy Dlugos, Planning Director.***

December 23, 2011
NYS Governor, Andrew M. Cuomo – Re: A thank you letter for the work and commitment provided on the Southern Tier Regional Economic Development Council. ***Referred to: Joseph Hauryski, Legislature Chairman.***

Office of the State Comptroller – Re: Notification of the Indigent Legal Services Fund (ILSF) 2011 Annual Report needs to be completed and filed to the office by March 1, 2012. ***Referred to: Patrick Donnelly, County Treasurer.***

December 27, 2011
NYS Homes & Community Renewal – Re: Grant Agreement for the 2011 New York State Community Development Block Grant (CDBG) Project #1115HR65-11 in the amount of $198,000. ***Referred to: Amy Dlugos, Planning Director.***

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and Corning Property Management Corporation (Corning Museum of Glass Project) is scheduled for Wednesday, January 4, 2012 at 10:00am, in the Council Chambers of the Corning City Hall, 1 Civic Center Plaza, Corning, New York. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

NYS Division of Homeland Security and Emergency Services – Re: Notification of award in the amount of $1,523,264 for funding from the FY2010 Statewide Interoperable Communications Grant (SICG). ***Referred to: Public Safety & Corrections Committee; Mike Sprague, EMO Director; and Dave Hopkins, 911 Director.***

Risk Assessment, Mapping, and Planning Partners (RAMPP) – Re: Notification of field survey for the FEMA Chemung Watershed Study, including Chemung County and portions of Schuyler and Steuben Counties. Survey crews will be in and around the area from October 5, 2011 through April 14, 2012. ***Referred to: A.I.P. Committee; Public Safety & Corrections Committee; and Mike Sprague, EMO Director.***

December 29, 2011
NYS Department of Transportation – Re: Statewide Mass Transportation Operating Assistance (STOA) 4th quarter SFY 2011-2012 payment. ***Referred to: Amy Dlugos, Planning Director.***

December 30, 2011
NYS Secretary to the Governor, Lawrence S. Schwartz – Re: Correspondence letter on mandate relief. ***Referred to: Steuben County Legislature.***

January 6, 2012
Charles and Victoria McClure, Town of Barrington – Re: Letter recommending and urging elected and appointed officials to work together to ban fracking/drilling in the State of New York. ***Referred to: Joseph Hauryski, Legislature Chairman.***

Western Regional Off-Track Betting Corporation – Re: Check in the amount of $4,292 representing the November 2011 retained surcharge revenues for Steuben County**.** ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

January 11, 2012
Chad Smith, Corning resident – Re: Corning Department of Motor Vehicles. ***Referred to: Mark Alger, County Administrator; and Joseph Hauryski, Legislature Chairman.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 014-12

Introduced by C. Ferratella and L. Crossett. Seconded by H. Lando.

ACCEPTING AND APPROPRIATING THE SOLUTIONS TO END HOMELESSNESS PROGRAM (STEHP) FUNDS INTO THE 2012 SOCIAL SERVICES BUDGET.

WHEREAS, the State of New York has received an award of funds from the Federal Housing and Urban Development Agency (hereinafter referred to as "HUD") and the Federal Health and Human Services (hereinafter referred to as "HHS") to be distributed by the State; and

WHEREAS, the State of New York has allocated funds from the Aid to Localities budget; and

WHEREAS, this funding comprises the Solutions to End Homelessness Program (hereinafter referred to as "STEHP"); and

WHEREAS, NYS Office of Temporary and Disability Assistance has awarded Steuben County Department of Social Services an annual amount of $189,808.00; and

WHEREAS, the term of the contract will be for three years, commencing on October 1, 2011, and ending September 30, 2014; and

WHEREAS, the Steuben STEHP project will provide prevention and re-housing services to individuals and families meeting STEHP eligibility standards as homeless or at-risk of homeless with incomes less than 30% of the Steuben County Median Family Income; and

WHEREAS, the work plan as submitted to the New York State Department of Temporary and Disability Assistance has been approved; and

WHEREAS, the work plan includes contractual costs of: one Housing Case Manager through the Institute of Human Services, eviction prevention legal services through Southern Tier Legal Services, HUD habitability inspections provided by Arbor Development, and Domestic Violence Shelter Support to Arbor Development.

NOW THEREFORE, BE IT

RESOLVED, Steuben County accepts and appropriates these funds in the 2012 Steuben County Budget and approves contracts between said agencies as follows:

CONTRACTS:

Arbor Development Habitability Inspections	$ 8,500.00
Arbor Development Security Deposits	$25,000.00
Arbor Development NET Domestic Violence	$29,500.00
Southern Tier Legal Services	$43,000.00
Institute for Human Services, Inc.	$44,000.00

Expenditure	
607000 5445600 Preventive Services	$189,808.00
Revenues:	
607000 44609000 Federal Revenue	$189,808.00

AND BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Social Services and the County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 015-12

Introduced by T. Ryan and L. Crossett. Seconded by D. Farrand.

ACCEPTING A COMMUNITY DEVELOPMENT BLOCK GRANT FROM THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL.

WHEREAS, Steuben County has been awarded $198,000 by the New York State Office of Community Renewal (OCR), as part of the Community Development Block Grant Small Cities Program; and

WHEREAS, the purpose of said grant is to fund activities by Arbor Development, Inc., to provide for housing rehabilitation activities, including the replacement of defective residential wells and septic systems for low and moderate income homeowners of Steuben County.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby accept the CDBG Small Cities grant of $198,000 from the Office of Community Renewal; and be it further

RESOLVED, the Chairman of the Legislature and the Steuben County Planning Director, as appropriate, are hereby authorized to sign all documents necessary to accept and administer said grant; and be it further

RESOLVED, the Steuben County Planning Department is hereby authorized to carry out all activities necessary to administer said grant; and be it further

RESOLVED, the Steuben County Treasurer is hereby authorized to modify the 2012 and 2013 Steuben County Budgets to account for said grant; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Jeffrey Eaton, Executive Director, Arbor Development, Inc., 16 W. William Street, Bath, NY 14810; the Steuben County Planning Director; and the Steuben County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 016-12

Introduced by B. Schu and L. Crossett. Seconded by T. Ryan.

AUTHORIZING THE ACCEPTANCE OF THE FY2010 STATEWIDE INTEROPERABLE COMMUNICATIONS GRANT.

WHEREAS, Steuben County has a County-wide Communications System to support emergency response; and

WHEREAS, Steuben County emergency responders are dependent on the County-wide Communications System; and

WHEREAS, Steuben County has implemented a County-wide 911 System that makes use of this system for notification and operation of the county responders: and

WHEREAS, Steuben County has identified the need for additional capabilities within the system to address FCC licensing requirements and interoperable communications with all response agencies to address operational issues; and

WHEREAS, the Federal Communications Commission is requiring the implementation of narrow-banding of some of the County's communications channels; and

WHEREAS, the New York State Department of Homeland Security and Emergency Services (DHSES) Office of Interoperable & Emergency Communications (OIEC) is responsible for the administration of the FY2010 Statewide Interoperable Communications Grant; and

WHEREAS, the New York State DHSES has awarded Steuben County FY2010 grant funds in the amount of $1,523,264 to facilitate the development, consolidation and/or improved operations of public safety communications to support and enhance statewide interoperable communications for first responders.

NOW THEREFORE, BE IT

RESOLVED, the County Administrator is hereby authorized to execute such documents or agreements with the New York State DHSES to accept funding in the amount of $1,523,264 for implementation of the FY 2010 Statewide Interoperable Communications Grant to support improved operations of public safety communications and interoperability; and be it further

RESOLVED, the Steuben County Treasurer is hereby authorized to increase expenditures of the capital project entitled "Narrowband Communications Project" to the grant award amount of $1,523,264; and be it further

RESOLVED, the Steuben County Treasurer is hereby authorized to make all necessary budget adjustments and transfers to facilitate the acceptance of revenue and appropriations of funds; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the New York State DHSES OIEC, 1220 Washington Avenue, State Office Building 7A, Albany NY 12226; the County Treasurer; and the Director of Emergency Management.

Mr. Van Etten stated that he would like to congratulate Mr. Wheeler and the rest of the staff who worked on obtaining this grant. This is a huge grant and helps us significantly with the narrowbanding project.

Vote: Roll Call – Adopted.

RESOLUTION NO. 017-12

Introduced by B. Schu and L. Crossett. Seconded by G. Roush.

AUTHORIZING THE STEUBEN COUNTY SHERIFF TO ACCEPT A RURAL TRAFFIC ENFORCEMENT INITIATIVE GRANT.

WHEREAS, the New York State Sheriff's Association has awarded a Rural Traffic Safety Enforcement Initiative grant in the amount of $9,500 to Steuben County for dedicated selective traffic enforcement; and

WHEREAS, the $9,500 grant is totally funded with no County cost; and

WHEREAS, it has been established that it is appropriate to use $9,500 of these funds for enforcement toward the goal of reducing the number of crashes, injuries, and deaths on Steuben County roads; and

WHEREAS, this funding will enhance the current program already in place.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept $9,500 as revenue and appropriate funds to 3311000 Traffic Safety Grant Fund in the Steuben County 2012 Budget and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Steuben County Sheriff.

Vote: Roll Call – Adopted.

RESOLUTION NO. 018-12

Introduced by C. Ferratella and L. Crossett. Seconded by R. Weaver.

ACCEPTING AND APPROPRIATING THE DIABETES TODAY TRAINING GRANT.

WHEREAS, the National Association of County and City Health Officials (NACCHO), with support from the Centers for Disease Control and Prevention's Division of Diabetes Translation (CDC/DDT) and the Diabetes Training and Technical Assistance Center (DTTAC) at Emory University is offering a grant for skill-building instruction to local health department diabetes prevention and control staff and their community partners; and

WHEREAS, Diabetes Today is a training program with the primary goal of building health professionals' skills in planning and implementing community-based programs for people with diabetes; and

WHEREAS, NACCHO and DTTAC have awarded $8,250.00 to Steuben County Public Health & Nursing Services for this training and development of an action plan for a community-based program for people with diabetes.

NOW THEREFORE, BE IT

RESOLVED, Steuben County accepts and appropriates these funds in the 2012 Steuben County Budget; and be it further

RESOLVED, the Steuben County Director of Public Health is authorized to enter into an agreement with NACCHO accepting the Diabetes Today Training Grant; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized to appropriate such revenue to the appropriate accounts within the budget of the Steuben County Public Health & Nursing Services for the purpose of fulfilling the aforementioned grant; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Public Health and the County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 019-12

Introduced by P. McAllister and L. Crossett. Seconded by H. Lando.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO TRANSFER $10,000 FROM THE 2011 CONTINGENCY FUND TO THE ERGONOMIC CAPITAL PROJECT.

WHEREAS, the 2012 Ergonomics account lacks sufficient funds for purchasing needed equipment for one or more employees; and

WHEREAS, the County of Steuben is aware of "repetitive motion" injuries; and

WHEREAS, the County of Steuben desires to aid said employees inclusive of the purchase of special office equipment.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to transfer from the 2011 Contingency Fund as follows:

From:	199000 5499000	$10,000	2011 Contingency Fund
To:	1710H1 5250000	$10,000	2012 Ergonomic Capital Fund

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the County Risk Manager.

Mr. Van Etten asked how long will this money last? Mr. Isaman replied it should last for quite a while. The items we would be purchasing are $80 - $100 each.

Vote: Roll Call – Adopted.

RESOLUTION NO. 020-12

Introduced by M. Hanna. Seconded by S. Van Etten.

AUTHORIZING THE DISCONTINUATION OF THE STANDARDIZATION OF COMPUTERIZED AUTOMATIC HYDRAULIC SPREADER CONTROL SYSTEM FOR LARGE TRUCKS WITH VARIOUS SNOW PLOWS.

Pursuant to General Municipal Law §103(5) of the State of New York.

WHEREAS, for reasons of efficiency and economy there is no longer a need for the standardization of the hydraulic spreader control system for county vehicles as a Dickey-John ICS 2000; and

WHEREAS, the recommendation from the Commissioner of Public Works is for the discontinuance of standardization of a Dickey-John ICS 2000 computerized automatic hydraulic spreader control system.

NOW THEREFORE, BE IT

RESOLVED, the Purchasing Director be and the same hereby is authorized and directed to discontinue standardization of the aforesaid piece of equipment known as a Dickey-John ICS 2000 for installation in all future acquisitions of County motor vehicles utilizing said hydraulic spreader; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Director of Purchasing and to the Commissioner of the Public Works Department.

Vote: Roll Call – Adopted.

RESOLUTION NO. 021-12

Introduced by P. McAllister. Seconded by H. Lando.

AUTHORIZING THE SALE OF THE SURPLUS FIXED ASSET OFFICE CHAIR FROM THE DISTRICT ATTORNEY'S OFFICE.

WHEREAS, the District Attorney has declared that the office chair of the outgoing District Attorney is not suitable for public use; and

WHEREAS, the retiring District Attorney, John C. Tunney, having faithfully executed the duties of his office does request the opportunity to purchase said asset from the County for its fair market value, having become somewhat attached to said asset; and

WHEREAS, County Law §215(9) and the Steuben County Administration Committee authorize the private sale for value of such assets; and

WHEREAS, the County Attorney has requested a valuation of the recited asset from the Purchasing Department, and is in receipt of a memorandum setting the value at a range of $200.00 to $250.00.

NOW THEREFORE, BE IT

RESOLVED, the Director of Purchasing is authorized and directed to sell and transfer to the retiring District Attorney, John C. Tunney, the office chair having been previously used by him for the sum of $250.00; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Purchasing, District Attorney, and John C. Tunney.

Vote: Roll Call – Adopted.

RESOLUTION NO. 022-12

Introduced by C. Ferratella. Seconded by R. Lattimer.

AUTHORIZING THE PUBLIC HEALTH DIRECTOR TO SUBMIT AN APPLICATION FOR HOME CARE LICENSURE.

WHEREAS, Resolution No. 190-11 authorized transfer of the Certified Home Health Agency (CHHA) and Long Term Home Health Care Program (LTHHCP) Operating Certificates to Visiting Nursing Association of WNY, Inc.; and

WHEREAS, it is necessary to be either a Certified Home Health Agency or Licensed Home Care Services Agency for the conduction of general public health work.

NOW THEREFORE, BE IT

RESOLVED, that the Public Health Director is hereby authorized to submit an application for Home Care Licensure with the fee of $2,000.00; and be it further

RESOLVED, that a copy of this resolution shall be forwarded to the Public Health Director and the County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 023-12

Introduced by T. Ryan. Seconded by D. Farrand.

MODIFYING, ADOPTING, AND CONSOLIDATING AGRICULTURAL DISTRICTS NO. 6, NO. 13, NO. 18, AND NO. 22 AS A RESULT OF THE EIGHT YEAR REVIEWS OF SAID DISTRICTS.

Pursuant to Article 25-AA of the Agriculture and Markets Law of the State of New York.

WHEREAS, pursuant to the procedures and timetable set forth by the Department of Agriculture and Markets, the County Agricultural and Farmland Protection Board has filed their recommendations, relative to the eight year reviews of these Agricultural Districts with this Legislature; and

WHEREAS, said districts are adjacent to one another and similar in composition; and

WHEREAS, this Legislature did hold Public Hearings on the proposed modifications to said districts recommended by the Agricultural and Farmland Protection Board on January 23, 2011.

NOW THEREFORE, BE IT

RESOLVED, that District No. 6, District No. 13, District 18, and District No. 22 shall be consolidated into one district called District No. 6; and be it further

RESOLVED, that in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York, this Legislature does find as follows:

(1) Within the district as recommended to be modified, the number of participating farms and farm acreage thereof is consistent with and substantially furthers the objective of encouraging and protecting viable farming in the area, for which the district was originally created; and

(2) The district has since its creation been of substantial assistance to a majority of participating farmers in maintaining an active farm economy in the area; and

(3) Continuation of this district is consistent with the County's important agricultural economy and predominantly rural pattern of development; and

(4) The district deters local government adoption of land use regulations unduly restrictive of normal farm activities, supports orderly patterns of community development, and helps to sustain active farming for its important economic and environmental values;

AND BE IT FURTHER RESOLVED, that in accordance with Section 303-a of the Agriculture and Markets

Law of the State of New York, this Legislature has deliberated on said District and modifications, and

does hereby adopt the proposed modifications of Agricultural District No. 6 in the County of Steuben for a period of eight years; and be it further

RESOLVED, that the Clerk of this Legislature is directed to submit said proposal to the Commissioner of Agriculture and Markets with such reports, maps, materials, and documentation as required by law; and be it further

RESOLVED, that the Clerk of this Legislature shall forward certified copies of this resolution to Commissioner of the New York State Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235; Steuben County Planning Director; William Brown, Chairman of the Steuben County Agricultural and Farmland Protection Board, 9230 W. Waneta Lake Rd., Hammondsport NY 14840; Director of the Steuben County Real Property Tax Service Agency; and James Grace, Cornell Cooperative Extension, Steuben County Office Building.

Vote: Roll Call – Adopted.

Motion combining the appointment resolutions as one resolution and waiving the reading of said resolutions made by Mr. Van Etten. Seconded by Mr. Schu and duly carried.

Motion approving the appointment resolutions made by Mrs. Ferratella. Seconded by Mr. Van Etten and duly carried.

RESOLUTION NO. 024-12

Introduced by C. Ferratella. Seconded by Mr. Van Etten.

APPOINTING MEMBERS TO THE SOIL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS.

Pursuant to Section 7 of the Soil Conservation District Law of the State of New York.

WHEREAS, the Chairman of the Steuben County Legislature has recommended that **Ernest Swift** of Howard, New York, be reappointed as the Farm Bureau Representative to the Soil and Water Conservation District Board of Directors, and **David Stull** of Addison, New York, be reappointed as the At-Large Representative to the Soil and Water Conservation District Board of Directors.

NOW THEREFORE, BE IT

RESOLVED, that **Ernest Swift** of Howard, New York, be and the same hereby is reappointed as the Farm Bureau Representative to the Board of Directors of the Steuben County Soil and Water Conservation District for three (3) year term commencing January 1, 2012, and not beyond December 31, 2014; and be it further

RESOLVED, that **David Stull** of Addison, New York, be and the same hereby is reappointed as the At-Large Representative to the Soil and Water Conservation District Board of Directors for a two (2) year term commencing January 1, 2012, and not beyond December 31, 2013; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to each appointee, the County Auditor and the Steuben County Soil and Water Conservation District Office, 415 West Morris Street, Bath, NY 14810.

Vote: Acclamation – Adopted.

RESOLUTION NO. 025-12

Introduced by C. Ferratella. Seconded by S. Van Etten.

APPOINTING MEMBERS TO THE E 911 ADVISORY BOARD.

WHEREAS, the Steuben County Legislature adopted Resolution No. 058-02 on February 25, 2002, appointing the members of the E911 Advisory Board; and

WHEREAS, the Board members were appointed to serve three-year rotating terms; and

WHEREAS, the term of some board members expired December 31, 2011.

NOW THEREFORE, BE IT

RESOLVED, as recommended by the Chair of the Steuben County Legislature, the following individuals are hereby appointed (reappointed) to the E 911 Advisory Board for a three (3) year term as indicated:

E 911 ADVISORY BOARD

MEMBERS	**TERM**
Fire Service Representatives (1 paid city; 3 volunteer)	
Larry Day, Bath VA	01/01/11 – 12/31/13
Joseph F. Dick, North Hornell	01/01/12 – 12/31/14
Brian McCarthy, Painted Post	01/01/12 – 12/31/14
Dan Smith, Hornell City Fire Chief	01/01/10 – 12/31/12
Volunteer Ambulance Representatives	
Rick Andrews (Woodhull)	01/01/10 – 12/31/12
Gregg Learned (Hammondsport)	01/01/11 – 12/31/13
Paid Ambulance Representative	
Alan Lewis, Rural Metro	01/01/11 – 12/31/13
Local Police Representative	
David Rouse, Bath Village Police Chief	01/01/11 – 12/31/13
State Police Representative	
Captain Richard Allen, Bath Zone Commander	01/01/11 – 12/31/13
Sheriff Representative	
Joel R. Ordway, Sheriff	01/01/11 – 12/31/13
City Police Representative	
Salvatore Trentanelli, Corning City Police Chief	01/01/10 – 12/31/12
City At-Large Representatives	
Shawn Hogan, Hornell City Mayor	01/01/10 – 12/31/12
Mark L. Ryckman, Corning City Manager	01/01/10 – 12/31/12
County Government Representative	
Mark R. Alger, County Administrator	01/01/10 – 12/31/12
Alternate: Jack Wheeler Deputy County Administrator	

County Legislature Representatives

Thomas J. Ryan, District 9	01/01/10 – 12/31/12
Brian C. Schu, District 6	01/01/12 – 12/31/14
Carol A. Ferratella, District 13, Chairman's Designee	01/01/11 – 12/31/13

Ex-Officio Members (Non-voting)
David Hopkins, E911 Director
Michael Sprague, EMO Director

AND BE IT FURTHER RESOLVED, the Chair of the Steuben County Legislature hereby appoints Mark R. Alger to serve as the Chair of the Advisory Board and Chief Sal Trentanelli to serve as the Vice Chair of the Advisory Board, and be it further

RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the E911 Advisory Board, and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 026-12

Introduced by C. Ferratella. Seconded by S. Van Etten.

APPOINTING MEMBERS OF THE AFFIRMATIVE ACTION COMMITTEE, AN ADVISORY COUNCIL TO THE COMMITTEE, AN AFFIRMATIVE ACTION OFFICER AND AN EQUAL EMPLOYMENT OPPORTUNITY COUNSELOR.

Pursuant to the Federal Equal Employment Opportunity Act, Civil Rights Act, as amended, the New York State Human Rights Law and the rules, regulations and acts of the Federal and State Governments pertaining thereto.

WHEREAS, the County of Steuben represents that it reaffirms its policy of non-discrimination in provisions of all services provided to members of the public by all departments and agencies of the County; and

WHEREAS, the County of Steuben commits itself to a continuing program to assure that unlawful discrimination does not occur in the services it renders to the public and that those sectors of the public most affected by this policy be kept informed of its contents; and

WHEREAS, the Affirmative Action Plan was adopted by the Steuben County Board of Supervisors by resolution dated September 20, 1976 and that plan provided for the appointment of a nine member Affirmative Action Committee, an Affirmative Action Officer, and an Equal Employment Opportunity Counselor; and

WHEREAS, vacancies now exist and upon the recommendation of the Chairman of the Steuben County Legislature said vacancies must now be filled.

NOW THEREFORE, BE IT

RESOLVED, as recommended by the Chairman of the Steuben County Legislature the following persons are hereby appointed to the

AFFIRMATIVE ACTION COMMITTEE

Term Commencing January 1, 2012 through December 31, 2014
1. Chris Myers, President CSEA
2. Oscar Ardon, Deputy Sheriff, Steuben County Sheriff's Department
3. April Cook, Employee, Department of Social Services
4. Kathryn Muller, Commissioner, Department of Social Services

Term Commencing January 1, 2010 through December 31, 2012
1. Robert McDaniels, President, Steuben County Deputy Sheriffs' Association
2. Victoria Fuerst, Director, Public Health and Nursing Services
3. David McCarroll, Administrator, Health Care Facility
4. Nancy B. Smith, Personnel Officer

Term Commencing January 1, 2011 through December 31, 2013
1. Jeremy Smith, President, Steuben County Correction Officers, Dispatchers and Court Security Officers Unit
2. Scott J. Van Etten, Legislator
3. Brian C. Schu, Legislator

AND BE IT FURTHER RESOLVED, members of the Affirmative Action Committee shall serve staggered three-year terms upon reappointment; and be it further

RESOLVED, as recommended by the Chairman of this Legislature, the following person is hereby appointed to serve at the pleasure of this Legislature:

AFFIRMATIVE ACTION OFFICER /EQUAL EMPLOYMENT OPPORTUNITY COUNSELOR
Nathan Alderman

AND BE IT FURTHER RESOLVED, the above-named appointees shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Affirmative Action Committee; and be it further

RESOLVED, the names, titles and addresses of the above-stated appointees shall be on file in the Office of the Personnel Director; and be it further

RESOLVED, the duties involving the above-named appointees in their capacities set forth herein shall be those described in the Steuben County Affirmative Action Plan; and be it further

RESOLVED, the members of the Affirmative Action Committee as herein above appointed shall elect the Chairman of said Committee and shall also set the length of the term of office of said Chairman; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 027-12

Introduced by C. Ferratella. Seconded by S. Van Etten.

APPOINTING MEMBERS TO THE STEUBEN COUNTY COOPERATIVE EXTENSION BOARD OF DIRECTORS.

Pursuant to Section 224 of the County Law and upon the request of the said Association.

BE IT RESOLVED, the appointments of Hilda T. Lando, Legislator, District 2, and William A. Peoples, Jr., Legislator, District 11, by the Chairman of the Steuben County Legislature as Legislator representatives on the Board of Directors of the Cooperative Extension Association of Steuben County, for terms of two (2) years each beginning January 1, 2012 and ending December 31, 2013, be, and the same hereby are approved; and be it further

RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Cooperative Extension Association Board of Directors; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees, the County Auditor and to the Cooperative Extension Association of Steuben County, 3 East Pulteney Square, Bath, NY 14810.

Vote: Acclamation – Adopted.

RESOLUTION NO. 028-12

Introduced by C. Ferratella. Seconded by S. Van Etten.

APPOINTING REPRESENTATIVES TO THE INTERCOUNTY ASSOCIATION OF WESTERN NEW YORK.

BE IT RESOLVED, from January 1, 2012 through December 31, 2013, this Steuben County Legislature does hereby designate the following as representatives of this Legislature to the InterCounty Association of Western New York:

1. **LAWRENCE P. CROSSETT**, voting representative
2. **CAROL A. FERRATELLA**, voting representative
3. **THOMAS J. RYAN**, voting representative
4. **K. MICHAEL HANNA**, alternate voting representative
5. **BRENDA K. MORI**, alternate voting representative
6. **MARK R. ALGER**, alternate voting representative

AND BE IT FURTHER RESOLVED, the representatives shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the InterCounty Association of Western New York; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named representatives, the County Auditor, and the President of the InterCounty Association of Western New York.

Vote: Acclamation – Adopted.

RESOLUTION NO. 029-12

Introduced by C. Ferratella. Seconded by S. Van Etten.

APPOINTING A REPRESENTATIVE TO THE STEUBEN COUNTY JURY BOARD.

Pursuant to Section 503 of the Judiciary Law of the State of New York.

WHEREAS, Resolution No. 188-88, adopted by the Steuben County Legislature on May 23, 1988, appointed a Legislative Representative to the Steuben County Jury Board; and

WHEREAS, the term of the Legislative Representative to said Jury Board has expired.

NOW THEREFORE, BE IT

RESOLVED, George J. Welch, Jr., Esq., Steuben County Legislator representing District 2, is hereby appointed as the Legislative Representative to the Steuben County Jury Board for a two-year term commencing January 1, 2012 and expiring December 31, 2013; and be it further

RESOLVED, said representative shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of his duties on the Steuben County Jury Board; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointee; the Administrative Justice of the Seventh Judicial District of the State of New York, Supreme Court Chambers, Hall of Justice, 99 Exchange Blvd., Rochester, NY 14614; the Commissioner of Jurors; the County Clerk; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 030-12

Introduced by C. Ferratella. Seconded by S. Van Etten.

APPOINTING REPRESENTATIVES TO THE RESOURCE, CONSERVATION AND DEVELOPMENT PROJECT BOARD.

RESOLVED, that Amy R. Dlugos, Planning Director, be and hereby is appointed as Steuben County's Representative on the Resource, Conservation and Development Project Board for a term of two (2) years, commencing January 1, 2012, and ending December 31, 2013; and be it further

RESOLVED, that Jack K. Wheeler, Deputy County Administrator, be and hereby is appointed as the Alternate Steuben County Representative; and be it further

RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Resource, Conservation and Development Project Board; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees, Richard Winnett, Executive Director, Finger Lakes Resource Conservation & Development Council, Inc., 415 W. Morris Street, Bath, NY, and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 031-12

Introduced by C. Ferratella. Seconded by S. Van Etten.

APPOINTING A MEMBER TO THE SOUTHERN TIER EXTENSION RAILROAD AUTHORITY.

Pursuant to Article 8, Title 28-AA of the Public Authorities Law.

WHEREAS, Article 8, Title 28-AA of the Public Authorities Law creates the Southern Tier Extension Railroad Authority Act to continue and strengthen the system of railroads serving Allegany, Cattaraugus, Chautauqua and Steuben Counties through the creation of a regional, public benefit corporation; and

WHEREAS, Section 2642-C of the Act requires the establishment of the Southern Tier Extension Railroad Authority; and

WHEREAS, the County Legislature is authorized to appoint three voting members to the Authority upon the recommendation of the Legislative Chair; and

WHEREAS, one member's term has expired.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby reappoint the following individual to serve as members of the Southern Tier Extension Railroad Authority for the term as indicated:

James W. Griffin, Executive Director
Hornell Industrial Development Agency
40 Main Street
Hornell, NY 14843
Term: September 1, 2011 through August 31, 2014

AND BE IT FURTHER RESOLVED, said member shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of his duties on the Southern Tier Extension Railroad Authority; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointee; the Southern Tier Extension Railroad Authority, Center for Regional Excellence, 4039 Route 219, Salamanca, NY 14779-1493; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 032-12

Introduced by C. Ferratella. Seconded by S. Van Etten.

APPOINTING MEMBERS TO THE SOUTHERN TIER CENTRAL REGIONAL PLANNING AND DEVELOPMENT BOARD.

Pursuant to the provisions of Article 12-B of the General Municipal Law of the State of New York.

RESOLVED, the recommended appointments made by the Chairman of the Steuben County Legislature for membership on the Southern Tier Central Regional Planning and Development Board and set forth below are hereby approved, ratified and confirmed for two (2) year terms commencing January 1, 2012, ending December 31, 2013.

LEGISLATOR MEMBERS

1. Scott J. VanEtten, 11310 Hendy Hollow Road, Corning, NY
2. George J. Welch, Jr., 19 East Market Street, Suite 201, Corning, NY
3. Joseph J. Hauryski, 6031 County Route 17, Campbell, NY

REPRESENTATIVE OF STEUBEN COUNTY PLANNING BOARD

1. Amy R. Dlugos, Director, Steuben County Planning Department

MUNICIPAL OFFICIALS

1. Mark Ryckman, Corning City Manager
2. Honorable Shawn Hogan, Mayor, City of Hornell

REGIONAL COMMERCE - BUSINESS REPRESENTATIVE

1. James C. Johnson, 7234 Route 54 North, PO Box 393, Bath, NY

REGIONAL AGRICULTURAL REPRESENTATIVE

1. Robert V. Nichols, 743 Thompson Rd., Addison, NY

AT-LARGE REPRESENTATIVE

1. Mark R. Alger, Steuben County Administrator

EX-OFFICIO MEMBERS

1. Steuben County Commissioner of Public Works
2. Steuben County Treasurer
3. Steuben County Agricultural Program Leader
4. Steuben County Attorney

AND BE IT FURTHER RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Southern Tier Central Regional Planning and Development Board; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees; the New York State Division of Community Affairs, 162 Washington Ave., Albany, NY, 12231; the County Auditor and to Marcia Weber, Executive Director, Southern Tier Central Regional Planning and Development Board, 8 Denison Parkway East, Suite 310, Corning, NY.

Vote: Acclamation – Adopted.

RESOLUTION NO. 033-12

Introduced by C. Ferratella. Seconded by S. Van Etten.

APPOINTING MEMBERS TO THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY.

Pursuant to Chapter 1030 of the Laws of 1969 of the State of New York.

WHEREAS, the by-laws of the Steuben County Industrial Development Agency authorize as many as seven (7) members to serve on the Steuben County Industrial Development Agency; and

WHEREAS, the Board members are appointed to serve three (3) year staggered terms, excepting the Legislative appointee who shall serve a term of two (2) years; and

WHEREAS, the term has expired for various Board members.

NOW THEREFORE, BE IT

RESOLVED, the following persons, as recommended by the Chairman of the Legislature, are hereby appointed (reappointed) as members of the Steuben County Industrial Development Agency for the terms as indicated and shall hold office until reappointed or a successor is appointed, and has qualified to wit:

January 1, 2010 through December 31, 2012
Philip J. Roche, Esq., Yorio & Roche Attorneys at Law, 145 W. High Street, Painted Post, NY 14870
John Siranni, 10770 Hidden Meadow Trail, Corning, NY 14830.

January 1, 2012 through December 31, 2013
Joseph J. Hauryski, Chairman, Steuben County Legislature, 6031 County Route 17, Campbell, NY 14821

January 1, 2012 through December 31, 2014
Christine G. Sharkey, Corning Enterprises, One West Market Street – 6th Floor, Corning, NY 14831
Michael J. Doyle, 54 Lake Street, Hammondsport, NY 14840

January 1, 2011 through December 31, 2013
George Connors, Connors Mercantile, 16 East Market Street, Corning, NY 14830.
Michael L. Nisbet, 20 Bennett Street, Canisteo, NY 14823.

AND BE IT FURTHER RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Steuben County Industrial Development Agency; and be it further

RESOLVED, certificates of appointment, as required by law, shall be filed with the Secretary of the State of New York by Attorney John F. Leyden, Counsel to the Steuben County Industrial Development Agency; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to each of the appointees; the Steuben County Planning Director; James C. Johnson, Executive Director, Steuben County Industrial Development Agency, 7234 Route 54N, P.O. Box 393, Bath, NY; Marcia Weber, Executive Director, Southern Tier Central Regional Planning & Development Board, 8 Denison Parkway East, Suite 310, NY 14830; John F. Leyden, Esq., Counsel to said Agency, 110 N. Main Street, Wayland, NY 14572; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 034-12

Introduced by C. Ferratella. Seconded by S. Van Etten.

APPOINTING REPRESENTATIVES TO THE SOUTHERN TIER REGIONAL EMERGENCY MEDICAL SERVICES COUNCIL.

Pursuant to the Federal Emergency Medical Services Act of 1973 and Article 30 of the New York State Public Health Law.

WHEREAS, by resolution of the Steuben County Board of Supervisors of December 16, 1974, it was authorized that the County of Steuben be a participant in the Emergency Medical Services Program in the Southern Tier Ten-County Region of the State of New York.

NOW THEREFORE, BE IT

RESOLVED, upon the recommendation of the Chairman of the Steuben County Legislature, **Michael Sprague**, Director, Office of Emergency Services, and **Tina Goodwin**, Deputy Director, 911 Enhanced Department, be and the same hereby are, duly designated and appointed as Steuben County's representatives on the Southern Tier Regional Emergency Medical Services Council to serve at the pleasure of this Legislature for a term of two years commencing January 1, 2012, through December 31, 2013; and be it further

RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Southern Tier Regional Emergency Medical Services Council; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees, the County Auditor and to EMSTAR, 1058 W. Church Street, Elmira, NY 14905.

Vote: Acclamation – Adopted.

RESOLUTION NO. 035-12

Introduced by C. Ferratella. Seconded by S. Van Etten.

APPOINTING MEMBERS TO THE STEUBEN COUNTY TRAFFIC SAFETY BOARD.

WHEREAS, vacancies exist on the Steuben County Traffic Safety Board, and said vacancies need to be filled.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature appoints the following persons as members of the Steuben County Traffic Safety Board for terms indicated:

JANUARY 1, 2010 TO DECEMBER 31, 2012

Ted Murray	Hornell City Policy Chief, or designee
Kenneth Isaman	Steuben County Risk Manager, or designee
David Rouse	Bath Village Police Chief or designee
Timothy Marshall	Deputy Director of Emergency Management
Brooks Baker	Steuben County District Attorney or designee
Dan Farrand	Steuben County Legislator, 6360 CR21, Addison, NY 14801
Cathy Rouse-Nicholson	Steuben County Magistrate's Association Designee

JANUARY 1, 2012 TO DECEMBER 31, 2014

Vincent Spagnoletti	Commissioner of Public Works or designee
Joel Ordway	Steuben County Sheriff or designee
Amy R. Dlugos	Steuben County Planning Director or designee
Salvatore Trentanelli	Corning City Police Chief
Beverly Butts	Public Health and Nursing Services

EX-OFFICIO MEMBER SERVING JANUARY 1, 2010 TO DECEMBER 31, 2012

New York State Police designee

BE IT FURTHER RESOLVED, the organization of the Steuben County Traffic Safety Board shall be in accordance with Section 1674 of the New York State Vehicle and Traffic Law and the members shall receive no compensation for their services on such Board, but shall be entitled to the reasonable and necessary expenses, upon submission of a County voucher with receipts attached, incurred in the performance of their duties within any appropriation made for such purpose. The functions of the Board shall be in accordance with Section 1675 of the New York State Vehicle and Traffic Law; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees, the County Auditor, and the Governor's Traffic Safety Committee, Swan Street Building, Empire State Plaza, Albany, NY 12228.

Vote: Acclamation – Adopted.

RESOLUTION NO. 036-12

Introduced by C. Ferratella. Seconded by S. Van Etten.

REAPPOINTING THE COUNTY REPRESENTATIVE TO THE WESTERN REGIONAL OFF-TRACK BETTING CORPORATION BOARD OF DIRECTORS.

Pursuant to Chapter 346 of the Session Laws of the State of New York for 1973 and County of Steuben Local Law No. Two of 1973.

WHEREAS, it is necessary for the County of Steuben to have a legal representative by and through a member on the Board of Directors of the Western Regional Off-Track Betting Corporation in order to participate in the operation of said Corporation; and

WHEREAS, the term of the current representative has expired effective December 31, 2011.

NOW THEREFORE, BE IT

RESOLVED, that **John Clifford** of **Cohocton, New York**, be and the same hereby is, reappointed as Steuben County's representative to the Western Regional Off-Track Betting Corporation Board of Directors for a term commencing January 1, 2012 through December 31, 2015; and be it further

RESOLVED, that as a member of said Board of Directors, the appointee is hereby authorized and empowered to make decisions and recommendations, and to participate in those activities which would be normally and legally commensurate with the position of a Director of said corporation; and be it further

RESOLVED, that said appointee shall serve without compensation except for necessary expenses as provided for by the Western Regional Off-Track Betting Corporation Board of Directors; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointee; the New York State Racing and Wagering Board, 1 Watervliet Avenue Extension, Suite #2, Albany, NY 12206; and Martin C. Basinait, President, Western Regional Off-Track Betting Corporation, 700 Ellicott Street, Batavia, NY 14020.

Vote: Acclamation – Adopted.

RESOLUTION NO. 037-12

Introduced by C. Ferratella. Seconded by Mr. Van Etten.

APPOINTING MEMBERS TO THE STEUBEN COUNTY CONFERENCE AND VISITORS' BUREAU BOARD OF DIRECTORS.

WHEREAS, the Steuben County Legislature adopted Resolution No. 156-93 on October 25, 1993, authorizing and directing the creation of the Steuben County Conference and Visitors' Bureau and establishing the appointment of voting members on the Board of Directors as staggered three (3) year terms; and

WHEREAS, the term for some Board members expired December 31, 2011.

NOW THEREFORE, BE IT

RESOLVED, the following persons, as recommended by the Chairman of the Legislature, are hereby appointed as members of the Steuben County Conference and Visitors' Bureau Board of Directors for the terms as indicated and shall hold office until reappointed or a successor is appointed and has qualified to wit:

VOTING MEMBERS

Accommodations	**TERMS**
Jan Ebeling, President and COO, Radisson Hotel Corning	01/01/11 – 12/31/13
Linda Wright, General Manager, Fairfield Inn by Marriott	01/01/12 – 12/31/14
Edward Marden, Owner, Camp Bell Campground	01/01/10 – 12/31/12
Attractions	
Beth Manwaring, Marketing & Communications Specialist, Rockwell Museum	01/01/10 – 12/31/12
Lisa Hallgren, Ravines Wine Cellar	01/01/12 – 12/31/14

Sally Berry, Group Sales/Loyalty Marketing Manager, Corning Museum of Glass 01/01/09 – 12/31/13

Chamber of Commerce Representatives
Jim Griffin, President, Hornell Area Chamber of Commerce 01/01/12 – 12/31/12

Community-at-Large
Mary Shupp, Pinnacle State Park Lodge 01/01/10 – 12/31/12
Kirk House, Travel Writer & Step-on Guide 01/01/12 – 12/31/14
Marc Rotman, Black Sheep Inn B&B 01/01/11 – 12/31/13

County Administrator Designee
Amy Dlugos, Planning Director 01/01/10 – 12/31/12

County Legislators
Hilda Lando, District 2 01/01/12 – 12/31/14
Michael Hanna, District 5 01/01/10 – 12/31/12

BE IT FURTHER RESOLVED, the above-named appointees shall serve without compensation other than necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Steuben County Conference and Visitors' Bureau Board of Directors; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees and Peggy Coleman, Executive Director, Steuben County Conference and Visitors' Bureau, Inc., 1 West Market Street, Baron Steuben Building, Suite 301, Corning, New York 14830.

Vote: Acclamation – Adopted.

RESOLUTION NO. 038-12

Introduced by C. Ferratella. Seconded by S. Van Etten.

APPOINTING MEMBERS TO THE STEUBEN COUNTY YOUTH BOARD.

Pursuant to Article 19-A of the Executive Law of the State of New York.

WHEREAS, by resolution of the Steuben County Board of Supervisors duly adopted on the 21st day of March, 1977, a Steuben County Youth Board was established.

NOW THEREFORE, BE IT

RESOLVED, the following individuals are hereby appointed and designated as members of the Steuben County Youth Board for a term commencing on January 1, 2012 through December 31, 2012.

1. Mark R. Alger, Steuben County Administrator, 3 E. Pulteney Sq., Bath, NY 14810
2. Peter Bradstreet, Family Court Judge, 3 E. Pulteney Sq., Bath, NY 14810
3. Amy L. Christensen, Southern Tier Legal Services, 104 E. Steuben St., Bath, NY 14810
4. Kathryn A. Muller, Steuben County DSS Commissioner, 3 E Pulteney Sq., Bath, NY 14810
5. Kris Pashley, Director, Corning Parks & Recreation, 8 Civic Cent. Plz., Corning, NY 14830
6. Patrick Rogers, Director, Institute for Human Services, 6666 County Rd. 11, Bath, NY 14810
7. Cora Saxton, 310 E. Naples St., Wayland, NY 14572
8. Rhonda Sweet, Five Star Bank, 44 Liberty St., Bath, NY 14810
9. Tom DiMuro, PO Box 44, Kanona, NY 14856 (Youth)
10. Vacant (Youth)

AND BE IT FURTHER RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Youth Board; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above named designees; Christine Garmon-Salaam, NYS Office of Children & Family Services, 545 Ellicott Square, 295 Main Street, Buffalo, NY 14203; the Steuben County Auditor; and the Steuben County Youth Bureau Director.

Vote: Acclamation – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.D. Discussions Regarding Proposed, Pending or Current Litigation made by Mr. Weaver. Seconded by Mrs. Lando and duly carried.

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mr. Roush. Seconded by Mr. Mullen and duly carried.

RESOLUTION NO. 039-12

Introduced by S. Van Etten. Seconded by P. McAllister.

MATTER(S) PERTAINING TO THE SETTLEMENT OF CLAIM(S) BY OR AGAINST THE COUNTY.

Pursuant to Article 5 of the County Law of the State of New York.

WHEREAS, the following civil action has been initiated in the U.S. Equal Employment Opportunity Commission (EEOC):

JENNIFER REED, CHARGE NO. 520-2007-03034

Plaintiff,

v.

THE COUNTY OF STEUBEN, NEW YORK,

Defendant.

; and

WHEREAS, the parties are desirous of settling the claim arising from the recited EEOC charge.

NOW THEREFORE, BE IT

RESOLVED, the County does hereby ratify the Settlement Agreement and General Release to be executed by the respective parties to the above-entitled claim requiring the payment of One Hundred Thousand Dollars ($100,000.00) on the part of the County, and any necessary documents, the Chairman to execute on behalf of the County; and be it further

RESOLVED, the County Attorney or counsel designated by him shall make application to Supreme Court for approval of the recited settlement terminating the litigation of the above-entitled claim; and be it further

RESOLVED, the County does hereby ratify the settlement of the above-entitled claim in the amount of One Hundred Thousand Dollars ($100,000.00); and be it further

RESOLVED, the within resolution shall be reported out promptly following the Supreme Court's approval of the recited settlement; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to Phillips Lytle LLP, Attention: James R. Grasso, Esq., 3400 HSBC Center, Buffalo, NY 14203-2887; and Ken Isaman, Steuben County Risk Manager.

Vote: Roll Call – Adopted.

Motion to Adjourn made by Mr. Van Etten, seconded by Mr. Roush and duly carried.

REGULAR MEETING
Morning Session
Monday, February 27, 2012
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 27th day of February, 2012, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members present except Legislator Weaver.

Mr. Swackhamer provided the Invocation and the Pledge of Allegiance was led by Mr. Crossett.

Chairman Hauryski opened the floor for comments by members of the public. There being none, he declared the opportunity for public comment closed.

Chairman Hauryski stated the County webpage now has a link entitled "Help Enact Mandate Relief". This was provided to us by the New York State Association of Counties and is an excellent tool for the public to help us in our efforts to communicate to Albany the need for mandate relief.

Ms. Mori reminded the Legislature that there will be a group photo at the conclusion of the meeting. Additionally, she requested that the Legislators file their Financial Disclosures as soon as possible.

RESOLUTION NO. 040-12

Introduced by L. Crossett. Seconded by S. Van Etten.

MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS, PROPERTY TAXES, AND OTHER REAL PROPERTY DISPOSITIONS.

RESOLVED, the Chairman of the Steuben County Legislature, in accordance with the applications filed herewith, is hereby authorized and empowered on behalf of this Legislature to execute the necessary documentation for the disposition of applications for correction of real property taxes levied on the parcels contained in Schedule "A"; and be it further

RESOLVED, the Steuben County Treasurer is hereby authorized to make the proper tax adjustment, and/or refund, with respect to the parcels contained in Schedule "A", as set forth in the approved applications, copies of which shall be forwarded to the taxpayer and collecting authority; and be it further

RESOLVED, the Steuben County Treasurer is further authorized and directed to make the necessary cancellations, charges, deductions, and adjustments with respect to the parcels contained in Schedule "B", and be it further

RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Director of the Steuben County Real Property Tax Service Agency and the Steuben County Treasurer, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors); and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, the Clerk of the Board of Education of the appropriate School District, and the taxpayers.

SCHEDULE "A"

Resolution No.	A-1
Name	Jewel Richings Estate c/o Patrick Donnelly, Administrator
Parcel No.	191.13-01-051.000
Municipality	Savona Village
Disposition	Refund

Resolution No.	A-2
Name	Bryon K. & Crystal W. Smith
Parcel No.	258.00-01-030.110
Municipality	Thurston Town
Disposition	Denial

Resolution No.	A-3
Name	Town of West Union
Parcel No.	340.00-01-017.000
Municipality	West Union Town
Disposition	Correction

Resolution No.	A-4
Name	Paul J. & Kathleen E. Haniszewski
Parcel No.	375.00-01-019.100
Municipality	West Union Town
Disposition	Correction (parcel split)

Resolution No.	A-5
Name	John K. & Debbie Beaver
Parcel No.	349.12-01-069.000
Municipality	Addison Village
Disposition	Adjustment (parcel split)

Resolution No.	A-6
Name	Richard & Linda Mullen
Parcel No.	339.00-01-020.110
Municipality	West Union Town
Disposition	Correction

Resolution No.	A-7
Name	Donald & Maureen Cook
Parcel No.	259.00-01-016.000
Municipality	Thurston Town
Disposition	Refund and Correction

Resolution No.	A-8
Name	Michael & Bonnie Tria
Parcel No.	372.00-01-061.100
Municipality	Caton Town
Disposition	Refund

Resolution No.	A-9
Name	Stephens Family Cemetery Corp.
Parcel No.	257.00-03-023.111
Municipality	Thurston Town
Disposition	Correction

Resolution No.	A-10
Name	Carroll & Patricia Haines
Parcel No.	099.20-01-066.000
Municipality	Avoca Village
Disposition	Correction (parcel split)

Resolution No.	A-11
Name	Randolph Weaver
Parcel No.	064.00-01-033.100
Municipality	Wayne Town
Disposition	Correction (parcel split)

Resolution No.	A-12
Name	Steven E. Farrand
Parcel No.	382.00-01-023.000
Municipality	Woodhull Town
Disposition	Correction

Resolution No.	A-13
Name	Randall & Kristi Waldron
Parcel No.	095.00-01-006.100
Municipality	Fremont Town
Disposition	Correction

Resolution No.	A-14
Name	Randall & Kristi Waldron
Parcel No.	095.00-01-006.200
Municipality	Fremont Town
Disposition	Correction

Resolution No.	A-15
Name	Shree Properties LLC
Parcel No.	131.06-01-020.000
Municipality	Urbana Town
Disposition	Correction (parcel split)

Resolution No.	A-16
Name	Ann M. Sinack & Marie E. Smith
Parcel No.	158.07-01-019.000
Municipality	Bath Village
Disposition	Correction

Resolution No.	A-17	Resolution No.	A-18
Name	Lisa Testani	Name	David B. Hemenway
Parcel No.	215.00-01-017.000	Parcel No.	012.00-01-024.223
Municipality	Canisteo Town	Municipality	Pulteney Town
Disposition	Correction (parcel split)	Disposition	Refund

Resolution No.	A-19	Resolution No.	A-20
Name	Edward Rose	Name	Rodney Hoad
Parcel No.	409.00-01-034.000	Parcel No.	148.08-01-012.000
Municipality	Caton Town	Municipality	Bradford Town
Disposition	Refund	Disposition	Correction & Refund

Resolution No.	A-21	Resolution No.	A-22
Name	Glenn Terwilliger	Name	Harold K. Buckley
Parcel No.	407.00-01-004.121	Parcel No.	134.20-01-041.100
Municipality	Bradford Town	Municipality	Bradford Town
Disposition	Correction (parcel split)	Disposition	Correction

Resolution No.	A-23	Resolution No.	A-24
Name	Duncan K. Finlayson	Name	Frank Thompson
Parcel No.	113.08-03-013.000	Parcel No.	134.20-01-041.200
Municipality	Avoca Village	Municipality	Bradford Town
Disposition	Correction (parcel split)	Disposition	Correction

SCHEDULE "B"

Resolution No.	B-1
Name	State of New York c/o Steuben County Treasurer
Parcel No.	316.00-01-064.100
Municipality	Erwin Town
Disposition	Cancellation of tax pursuant to RPTL §558(1)

Vote: Roll Call – Adopted.

RESOLUTION NO. 041-12

Introduced by J. Hauryski Seconded by G. Roush.

RECEIVING AND ACCEPTING THE FEBRUARY 27, 2012 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and **referred to the appropriate Standing Committee and/or Department Head for information and/or action,** to wit:

January 17, 2012
Harris Beach, Attorneys at Law – Re: Steuben Tobacco Asset Securitization Corporation annual meeting and accountability materials. ***Referred to: Alan Reed, County Attorney; Jack Wheeler, Deputy County Administrator; Patrick Donnelly, County Treasurer; and Brenda Mori, Clerk of the Legislature.***

January 19, 2012
New York State Education Department – Re: Notification of Grant Award in the amount of $68,234 for Local Government Records Management covering July 1, 2011 through June 30, 2012. ***Referred to: Jack Wheeler, Deputy County Administrator.***

January 23, 2012
NYS Office for the Aging – Re: Notification of Grant Award (NGA) in the amount of $45,384 for New York Connects covering October 1, 2011 through September 30, 2012. ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

NYS Citizen Review Panels – Re: The New York State Citizen Review Panels for Child Protective Services 2011 Annual Report is now available at www.citizenreviewpanelsny.org. ***Referred to: Human Services/Health & Education Committee; and Kathryn Muller, Commissioner of Social Services.***

January 26, 2012
NYS Department of Transportation – Re: The bridge replacement on Route 248 over Bennetts Creek in the Town of Greenwood was accepted by the State on January 19, 2012. This is now turned over to the County for maintenance and repair. ***Referred to: Public Works Committee; Vince Spagnoletti, Commissioner of Public Works; and Brenda Mori, Clerk of the Legislature.***

January 27, 2012
NYSEG – Re: NYSEG/RG&E is providing free training on Natural Gas Emergency Response and to schedule a training program, contact Charles Rudgers at (607) 324-3524 ext. 345. ***Referred to: Mike Sprague, EMO Director.***

United States of America Federal Energy Regulatory Commission – Re: Notice of intent to prepare an environmental assessment for the proposed Tioga area expansion and Sabinsville to Morrisville projects. (Dominion Transmission, Inc.-Docket No# CP12-19-000 & CP12-20-000). ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

January 30, 2012
NYS Municipal Workers' Compensation Alliance – Re: New York State Municipal Compensation Alliance Workers' Compensation Options. ***Referred to: Administration Committee; and Ken Isaman, Risk Manager.***

January 31, 2012
New York State Homes & Community Renewal – Re: All recipients of the NYS Community Development Block Grant need to submit the Federal Assistance Expenditure Form by February 28, 2012. The form is available in a fill-able format located on the following website: www.nysdhcr.gov/Forms. ***Referred to: Amy Dlugos, Planning Director.***

February 1, 2012
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $4,217 which represents the December 2011 retained surcharge revenue for Steuben County. ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

Emergency Medical Services Training, Administration & Resources – Re: 4th Quarter Report for 2011. ***Referred to: Human Services/Health & Education Committee; Victoria Fuerst, PHN Director; Public Safety & Corrections Committee; and Mike Sprague, EMO Director.***

February 3, 2012
New York State Department of Environmental Conservation – Re: Notification of sufficient evidence to commence an enforcement action against Dickson's Environmental Services, Inc., Philip Dickson, and Jay Dickson for violations of Article 17 of the ECL, 6 NYCRR Parts 360 and 750, and a State Pollutant Discharge Elimination System (SPDES) General permit (GP-0-09-001), which occurred at the concentrated animal feeding operation and/or at land application sites located in the Towns of Bath, Cameron, and/or Thurston, Steuben County, New York State. ***Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Steuben County Environmental Management Council.***

February 6, 2012
Southern Tier Tobacco Awareness Community Partnership – Re: 2011 Community Tobacco Survey of adult residents of Chemung, Schuyler and Steuben Counties. ***Referred to: Mark Alger, County Administrator.***

February 7, 2012
Regional Economic Development & Energy Corporation and REDEC Relending Corporation – Re: 2011 Annual Report. ***Referred to: Filed with Clerk of the Legislature, Brenda Mori.***

February 8, 2012
New York State Office of Emergency Management – Re: Notification of approval for the FFY10 Citizen Corps Grant Program contract. ***Referred to: Public Safety & Corrections Committee; and Mike Sprague, EMO Director.***

February 9, 2012
New York State Department of Health – Re: Correspondence letter on the amendment to 10 NYCRR Section 760.5, Certified Home Health Agency (CHHA) Establishment, and Determination of Public Need. ***Referred to: Health Services Review Committee.***

February 10, 2012
New York State Homes & Community Renewal – Re: Fully executed agreement for the New York State Community Development Block Grant (NYS CDBG) Project #1115HR65-11. ***Referred to: Amy Dlugos, Planning Director.***

February 15, 2012
Town of North Dansville – Re: Notice of a public hearing scheduled for Tuesday, March 6, 2012, at 7pm located at 14 Clara Barton Street in Dansville, New York. The purpose of the hearing is for the Moratorium on Natural Gas Exploration. ***Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and filed with Clerk of the Legislature, Brenda Mori.***

NYS Department of Motor Vehicles – Re: Notification of the Biennial Report for the Handicapped Parking Education Program should be submitted to the Commissioner of the NYS Department of Motor Vehicles (DMV) on or before April 1, 2012. ***Referred to: Sheriff Ordway.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 042-12

Introduced by B. Schu. Seconded by T. Ryan.

PRESENTING LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2012, AMENDING LOCAL LAW NO. SIX FOR THE YEAR 1997, RELATIVE TO ESTABLISHING A FEE FOR THE ADMINISTRATION OF ALCOHOL AND/OR DRUG TESTING OF PERSONS SENTENCED TO A CONDITIONAL SENTENCE FOR THE CONVICTION OF ANY CRIME.

Pursuant to §§10 and 20 of the Municipal Home Rule Law.

WHEREAS, Local Law No. Six for the Year 1997 was enacted to defray the burden of the general public in providing alcohol and/or drug testing for persons sentenced to a probationary term upon the conviction of crimes under Article 31 of the New York State Vehicle and Traffic Law; and

WHEREAS, the cost of providing such testing has significantly increased over the duration of the years since the initial passage of Local Law No. Six for the Year 1997; and

WHEREAS, alcohol and/or drug testing is often a required term of probation and other conditional sentences for crimes in addition to those set forth under Article 31 of the New York State Vehicle and Traffic Law.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. One for the Year 2012, amending Local Law No. Six for the Year 1997, relative to establishing a fee for the administration of alcohol and/or drug testing of persons sentenced to a conditional sentence for the conviction of any crime, as follows:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2012

A LOCAL LAW amending Local Law No. Six for the Year 1997, relative to establishing a fee for the administration of alcohol and/or drug testing of persons sentenced to a conditional sentence for the conviction of any crime.

Be it enacted by the Legislature of the County of Steuben as follows:

SECTION 1: LEGISLATIVE INTENT

It is the intent of the within local law to require individuals currently serving or who shall be sentenced to a period of a conditional sentence as such term as defined under the New York State Penal Law upon his/her conviction of any crime to pay the Steuben County Probation Department an administrative fee of thirty dollars ($30.00) per month where such person is sentenced to a term of probation, as well as one hundred dollars ($100.00) fee for the cost of any alcohol and/or drug testing.

SECTION 2: ESTABLISHMENT OF FEES AND COSTS

All individuals currently serving or who shall be sentenced to a conditional sentence as that term is defined under the New York State Penal Law upon his/her conviction of any crime, and/or who is or shall be subject to a term of interim probation where the recited conditional sentence and/or interim probation requires such person to submit to alcohol and/or drug testing, said person shall pay the sum of one hundred dollars ($100.00) to the Steuben County Probation Department for the cost of said testing. In the event the Steuben County Probation Department is charged with the responsibility of supervising such person, then such person shall pay to the Steuben County Probation Department an administrative fee of thirty dollars ($30.00) per month.

SECTION 3: INDIGENTS

The Steuben County Probation Department shall waive all or part of such fees where, because of the indigence of the offender, the payment of said charge would work an unreasonable hardship on the person convicted, his or her immediate family or any other person who is dependent upon such person for financial support.

SECTION 4: IMPLEMENTATION AND ADMINISTRATION OF THE PROBATION FEES AND COSTS

Implementation and administration of the probation administrative fees and costs of testing shall be in accordance with Section 257-c of the Executive Law.

SECTION 5: SEVERABILITY

In the event any portion hereof shall be declared unenforceable, the balance of the local law remaining shall be in full force and effect.

SECTION 6: EFFECTIVE DATE

This local law shall become effective upon final adoption.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on March 26, 2012 at 10:00 A.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature shall cause a notice of said Public Hearing to be posted at the Courthouses in the municipalities of Bath, Corning and Hornell, have said notice published for one insertion in the two official newspapers of the County, and shall cause such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with proof of posting and publication to be filed in the Office of the Clerk of the Legislature; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Probation Department and the Steuben County Treasurer.

Vote: Acclamation – Adopted.

P O S T P O N E D
(Until March 26, 2012 Meeting)

RESOLUTION NO. 043-12

Introduced by M. Hanna. Seconded by S. Van Etten.

AUTHORIZATION TO INCREASE THE TIPPING FEES EFFECTIVE MARCH 5, 2012.

Pursuant to Article 5 of the County Law of the State of New York.

WHEREAS, the County's current solid waste tipping fees, $40.00/ton at the Bath Landfill, $54.00/ton at the Erwin, Hornell and Wayland transfer stations, and $2.00 for a 30 gallon bag, are less than the $62.00/ton charged in 1994 and have not increased since February 1, 2008; and

WHEREAS, the current auto fluff tipping fee is $8/ton and is used as daily cover; and

WHEREAS, the County wants to continue to keep the landfill system supported by user fees; and

WHEREAS, the Public Works Committee recommends the modification of the landfill tipping fees.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby authorize the Commissioner of Public Works to implement a fee for solid waste of $42.00/ton at the Bath Landfill, $56.00/ton at the Erwin, Hornell and Wayland transfer stations, and a fee of $2.50 for 30 gallon bags; and be it further

RESOLVED, the Commissioner of Public Works is authorized to increase the auto fluff tipping fee to $12/ton; and be it further

RESOLVED, the modifications shall become effective March 5, 2012, and remain in effect until further notice; and be it further

RESOLVED, these modifications shall apply to private individuals, businesses, industry, commercial haulers and local political subdivisions of the State of New York within the County of Steuben; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works.

Mr. Ryan stated that he doesn't feel at this time, with the gas prices being what they are, we should be raising the tipping fees. The haulers will pass those costs down to the homeowners. This is an additional burden at this time that the homeowners don't need. At the Public Works meeting Mr. Spagnoletti had stated that the Landfill cash flow was currently in good shape. He doesn't feel this is the right time.

Mr. McAllister asked if we didn't pass this resolution, does that mean the costs would go to the county taxpayers? Mr. Spagnoletti replied no, not now. We have enough cash and net worth, that we could absorb that. We haven't raised our tipping fees in four years. We are in good financial shape because we watch this and raise the fees when we need to. Our tipping fees are lower than anyone else in the area. We are proposing charging $2.50 per bag and our neighboring counties are charging $3.25 and $3.50 per bag. We are proposing a per ton fee of $42.00 and our neighboring counties are charging between $40.00 - $57.00 per ton. Mr. Spagnoletti stated we are not gouging the public. We have low fees and are increasing them a relatively small amount in order to make the Landfill pay for itself. There is always a question when you raise the fees as to whether the customers will go elsewhere. We increased the rates a minimal amount so we wouldn't lose customers.

Mr. Farrand asked what percent of outside garbage do you collect from other counties? Mr. Spagnoletti replied we collect 105,000 tons and of that, 13,000 tons come from Middletown at a special rate. Any other outside garbage we receive is small and that will not be affected.

Mr. Crossett commented you had enough income projected to support the budget for this year. Did something change? Mr. Spagnoletti replied when I submit my budget for the Landfill, it is based on what I believe will be the revenues and expenses. We had talked about this rate increase last year.

Mr. Van Etten asked was the rate increase included in the revenue projections in the budget? Mr. Spagnoletti replied that he doesn't think it was.

Mr. Ryan stated the homeowners are getting a higher percent increase as all of the increases will be passed down to them. Mr. Spagnoletti commented the haulers will pass the fees to their customers.

Mr. McAllister stated if we don't do the small increases, is that setting us up for larger increases down the road in order to make the Landfill work? Mr. Spagnoletti replied yes. If you don't increase the rates, we will have a deficit of $400,000 in cash flow. If we do these increases, we will break even for this year.

Mr. Ryan commented this should be reviewed further before we pass it. Mr. Van Etten stated he agrees that we need to table this and look at it more. He stated in his opinion, he is more concerned about the outside volume brought in at a special rate while the county residents are paying the full rate. We pay the bill on that.

Motion Postponing Resolution #043-12 until the March 26, 2012, Legislative Meeting made by Mr. Swackhamer. Seconded by Mrs. Ferratella and duly carried.

RESOLUTION NO. 044-12

Introduced by B. Schu and L. Crossett. Seconded by D. Farrand.

AUTHORIZING THE ACCEPTANCE OF THE BYRNE JAG VIDEO RECORDING OF STATEMENTS EQUIPMENT GRANT.

WHEREAS, the Steuben County District Attorney's Office has been awarded the BYRNE JAG Video Recording of Statements Equipment Grant in the amount of $39,489.00; and

WHEREAS, the grant is totally funded with no cost to the County; and

WHEREAS, the grant funds will be used to purchase and install video recording equipment to enhance law enforcement efforts and prosecution outcomes through videotaping of interviews and interrogations from beginning to end; and

WHEREAS, the following eight local law enforcement agencies have been approved to participate in the initiative: Steuben County Sheriff's Office, Addison Village Police Department, Bath Village Police Department, Canisteo Village Police Department, Corning City Police Department, Painted Post Village Police Department, Hornell City Police Department and Wayland Village Police Department.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County District Attorney is hereby authorized to enter into an agreement with New York State accepting the BYRNE JAG Video Recording of Statements Equipment Grant in the amount of $39,489.00; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized to accept such revenue into 116500-44389300 (Byrne Jag Grant) and appropriate it to 116500-5290000 (Major Equipment); and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Steuben County District Attorney and the County Treasurer.

Vote: Roll Call – Acclamation

RESOLUTION NO. 045-12

Introduced by B. Schu and L. Crossett. Seconded by C. Ferratella.

AUTHORIZING THE TRANSFER OF $40,000 FROM THE CONTINGENCY FUND TO THE 2011 BUDGET FOR THE PUBLIC DEFENDER ASSIGNED COUNSEL EXPENDITURES.

WHEREAS, the Steuben County 2011 budget for Public Defender Assigned Counsel contains insufficient funds to cover expenditures; and

WHEREAS, the Public Safety & Corrections and Finance Committees have approved this transfer from the Contingency Fund to cover the 2011 expenditures.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Treasurer is hereby authorized to adjust the following accounts in the 2011 budget:

EXPENSE ACCOUNTS:
Account 199000 5-499-000 Contingency – ($40,000)
Account 117300 5-423-200 Public Defender-Assigned Counsel - $40,000

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the administrative offices of the Assigned Counsel Administrator, the Steuben County Public Defender, and the County Treasurer.

Mr. Alger stated, as you recall, we transferred $100,000 to the Assigned Counsel budget last year. In discussions with the Treasurer and our Assigned Counsel Administrator, they determined a number that would close out last year's caseload and that required an additional $40,000. This was a little bit less than the prior year.

Vote: Roll Call – Adopted.

RESOLUTION NO. 046-12

Introduced by T. Ryan. Seconded by R. Lattimer.

AMENDING THE AGREEMENT WITH THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO ESTABLISH AN ECONOMIC DEVELOPMENT FUND.

WHEREAS, the Steuben County Industrial Development Agency (IDA) proposed an Economic Development fund be established from the proceeds of land sale(s) at the Steuben County IDA owned Industrial Park (former Steuben County Farm property); and

WHEREAS, the current agreement with the IDA calls for the proceeds from the sale of the land for development to be split between the IDA and Steuben County; and

WHEREAS, under the terms of the amendment proposed, the net proceeds would be placed into a separate IDA account to be used for the sole purpose of capital investments into projects which ultimately result in new job creation, retention or investment.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature authorizes and directs the County Administrator to execute the necessary contracts and/or documents to implement the amended agreement to create the Economic Development fund as proposed by the Steuben County IDA; and be it further

RESOLVED, the proceeds from the sale of the land in the County IDA owned Industrial Park (former County Farm) will be set aside in a separate IDA account to be used for the purpose of job creation, retention and investment projects; and be it further

RESOLVED, said projects may include but are not limited to infrastructure investment; land acquisition; low interest financing and/or grant awards; and facility construction; and be it further

RESOLVED, that use of the funds will be determined through use of a cost benefit model at the discretion of the Steuben County IDA Board of Directors; and be it further

RESOLVED, that the Steuben County IDA shall file an annual report outlining the activities of the Economic Development Fund and use of the proceeds; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Chairman of the Steuben County IDA, 7234 Route 54 North, Bath, NY 14810; Jamie Johnson, Steuben County IDA Executive Director, 7234 Route 54 North, Bath, NY 14810; Steuben County Attorney; and County Administrator.

Mr. Mullen asked are these the only criteria that we have for how this land is to be used? Mr. Alger replied this amendment doesn't affect how the property will be used. Our agreement with the Industrial Development Agency has specific uses. Anything outside of those will come back to the County for approval prior to any transactions. These are examples of what is included in the original agreement.

Mr. Swackhamer asked is there anything to protect us if the Industrial Development Agency is ever dissolved? Mr. Johnson replied that he believes since the Industrial Development Agency is an agency of the County, all funds would come back to the county upon dissolution. He stated that he would have his legal counsel check into this.

<u>Vote</u>: Roll Call – Adopted. Yes – 8824, No – 597, Absent – 451 (Mr. Mullen opposed, Mr. Weaver absent)

RESOLUTION NO. 047-12

Introduced by P. McAllister and L. Crossett. Seconded by S. Van Etten.

AMENDING RESOLUTIONS 010-93 & 132-03, ESTABLISHING THE POLICY FOR THE COUNTY OF STEUBEN RELATIVE TO PARTICIPATION IN TAX CERTIORARI PROCEEDINGS.

Pursuant to Article 5 of the County Law of the State of New York.

WHEREAS, it is in the interest of the County to participate in the appraisals for Tax Certiorari Proceedings where the equalized full value is in excess of $2 million for the roll Section one and six parcels as previously set forth in Resolution 010-93 and as amended in Resolution 132-03; and

WHEREAS, a requesting assessing unit should have completed in due course a town/city wide reassessment program and filed a cycle reassessment plan; and

WHEREAS, the Administration and Finance Committees having reviewed the initial policy together with the amended policy and having discussed this matter in detail and have identified the need to revise the original and amended policy.

NOW THEREFORE, BE IT

RESOLVED, the County hereby establishes a revised policy that: the County will participate in Tax Certiorari Proceedings with other assessing units in appraisal costs only, not to include legal fees, involving a parcel or parcels in a single ownership with equalized full values of more than $2 million in roll Section one and six and where the assessing unit has completed a town/city wide reassessment program and is in a documented cycle reassessment plan; the County's share will be on a pro rata basis, based upon the respective tax rates for the current assessment cycle; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Director of the Real Property Tax Service Agency and County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 048-12

Introduced by P. McAllister. Seconded by D. Farrand.

AUTHORIZING AN AGREEMENT WITH THE PUBLIC EMPLOYEE RISK MANAGEMENT ASSOCIATION (PERMA) FOR ADMINISTRATION OF THE COUNTY'S SELF INSURED WORKERS' COMPENSATION FUND.

Pursuant to Section 50 of the Workers' Compensation Law.

WHEREAS, PERMA has presented a proposal to the County which changes focus of the Workers' Compensation Administration from claims management to workplace safety and loss prevention; and

WHEREAS, the long term fiscal viability of the Steuben County Self Insurance Fund is in question if significant safety improvements and loss prevention activities are not aggressively implemented; and

WHEREAS, PERMA has agreed to provide an aggressive workplace safely program through on site safety specialist at a minimum 20 hours per week; and

WHEREAS, the safety specialist will provide training and assistance to every plan participant including Towns, Villages, Fire Departments, Ambulance Corps as well as County staff covered by the Self Insurance Plan; and

WHEREAS, any claim submitted will be aggressively managed by PERMA's patient advocate and case management staff to ensure a quick return to work; and

WHEREAS, the PERMA plan is also focused on wellness in the workplace educating employees on the benefits of healthy living; and

WHEREAS, these efforts will help stabilize the fund while the (5) year proposal also establishes a planned set aside for future liabilities.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben does hereby resolve to secure the County of Steuben's obligation to provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and workers' compensation benefits, as applicable, through participation in a group self-insurance plan as a member of PERMA; and be it further

RESOLVED, that the Steuben County Legislature authorizes and directs the County Administrator to execute the necessary agreement documents for the Steuben County Self Insurance Fund to become a member of PERMA; and be it further

RESOLVED, that said contract will be in accordance with the last PERMA proposal which contained quotes through 2017 subject to an annual renewal by the County; and be it further

RESOLVED, that certified copies be forwarded to Mariella Frush, PERMA Sr. Account Executive, PO Box 12250, Albany, NY 12212; Stephen J. Acquario, NYSAC Executive Director, 540 Broadway, 5th Floor, Albany, NY 12207; Steuben County Risk Manager; Steuben County Treasurer; Steuben County Attorney; and County Administrator.

Vote: Roll Call – Adopted.

RESOLUTION NO. 049-12

Introduced by P. McAllister. Seconded by G. Welch.

AUTHORIZING THE DIRECTOR OF PURCHASING TO ENTER INTO AN AGREEMENT WITH GST BOCES FOR PRINTING SERVICES.

Pursuant to Section 119-o of the General Municipal Law.

WHEREAS, the County of Steuben has a need for printing services; and

WHEREAS, GST BOCES offers printing services at reduced costs; and

WHEREAS, a resolution is required to authorize Steuben County to enter into an agreement with GST BOCES for printing services.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Director of Purchasing is hereby authorized and directed to enter into an agreement for printing services with GST BOCES; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Purchasing, the County Treasurer and County Auditor.

Vote: Roll Call – Adopted. Yes – 8826, Absent – 451, Abstained – 595
(Mr. Weaver Absent, Mr. Peoples Abstained)

Motion combining the appointment resolutions as one resolution and waiving the reading of said resolutions made by Mr. Schu. Seconded by Mrs. Lando and duly carried.

RESOLUTION NO. 050-12

Introduced by J. Hauryski. Seconded by D. Farrand.

APPOINTING MEMBERS TO THE STEUBEN COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD.

WHEREAS, the terms of office of certain members of the Agricultural and Farmland Protection Board will expire; and

WHEREAS, Article 25AA of the Agriculture and Markets Law requires staggered four-year terms.

NOW THEREFORE, BE IT

RESOLVED, that the following persons are appointed with terms commencing January 1, 2012 and ending December 31, 2015:

Mike Slayton, 7195 County Route 27, Hornell, NY 14843
Robert V. Nichols, 743 Thompson Road, Addison, NY 14801

AND BE IT FURTHER RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Agricultural and Farmland Protection Board; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees, the Planning Director, County Auditor, and Mr. William Brown, Chairman, Steuben County Agriculture and Farmland Protection Board, 9230 West Waneta Lake Road, Hammondsport, NY 14840.

Vote: Acclamation – Adopted.

RESOLUTION NO. 051-12

Introduced by J. Hauryski. Seconded by D. Farrand.

APPOINTING MEMBERS TO THE COMMUNITY SERVICES BOARD AND SUBCOMMITTEES.

WHEREAS, vacancies exist on the Steuben County Community Services Board and Subcommittees; and

WHEREAS, Article 41.11 of the Mental Hygiene Law requires that said appointments be made by local government; and

WHEREAS, the Community Services Board has recommended the following appointments:

Community Services Board

1. Janis Conklin
   336 Seneca Road (Term 1/1/10 – 12/31/13)
   Hornell, NY 14843

2. Vicki Fuerst
7863 Miller Road (Term 1/1/09 – 12/31/12)
Avoca, NY 14809

3. Robert Cole, M.D.
10101 Grandview Lane (Term 1/1/12 – 12/31/15)
Hammondsport, NY 14840

4. Nancy Bartell
7 Pearl Street (Term 1/1/12 – 12/31/15)
Hornell, NY 14843

5. The Honorable Gary D. Swackhamer
Steuben County Legislator
3 East Pulteney Square (Term 1/1/10 – 12/31/13)
Bath, NY 14810

6. Cora Saxton
310 East Naples Street (Term 1/1/09 – 12/31/12)
Wayland, NY 14572

7. Wendy Dresser Recktenwald
8596 Oak Hill Road (Term 1/1/12 – 12/31/14)
Arkport, NY 14807

8. Mark R. Alger
Steuben County Administrator
3 East Pulteney Square (Term 1/1/10 – 12/31/13)
Bath, NY 14810

9. VACANT (Term 1/1/12 – 12/31/14)

Mental Health Subcommittee

1. Kathryn Muller
3 East Pulteney Square (Term 1/1/10 – 12/31/13)
Bath, NY 14810

2. Gina Reagan
St. James Mercy Hospital
411 Canisteo Street (Term 1/1/12 – 12/31/14)
Hornell, NY 14843

3. Cora Saxton
310 East Naples Street (Term 1/1/09 – 12/31/12)
Wayland, NY 14572

4. Nancy Bartell
7 Pearl Street (Term 1/1/12 – 12/31/15)
Hornell, NY 14843

5. Barbara Eskridge
P.O. Box 1404 (Term 1/1/10 – 12/31/13)
Corning, NY 14830

6. Sylvia Radford
11180 Haradon Road (Term 1/1/09 – 12/31/12)
Corning, NY 14830

7. Marcia Ribble
Arbor Development
16 West William Street (Term 1/1/12 – 12/31/14)
P.O. Box 31
Bath, NY 14810

8. James F. Agan, Jr.
Pathways, Inc.
33 Denison Parkway West (Term 1/1/12 – 12/31/15)
Corning, NY 14830

9. Kelli Mannon (Term 1/1/12 – 12/31/13)

10. VACANT (Term 1/1/12- 12/31/12)

Chemical Dependency

1. Christopher Wilkins
DePaul Addiction Treatment Center
774 West Main Street (Term 1/1/12– 12/31/12)
Rochester, NY 14611

2. Janis Conklin
336 Seneca Road (Term 1/1/10 – 12/31/13)
Hornell, NY 14843

3. Susan Hooker
Hornell Area Concern for Youth
76 East Main Street (Term 1/1/12 – 12/31/14)
Hornell, NY 14843

4. Michele Mayer
Family Service Society
280 Princeton Avenue Ext. (Term 1/1/12 – 12/31/13)
Corning, NY 14830

5. James Bassage
Bath Area Hope for Youth
8 Pulteney Square (Term 1/1/12 – 12/31/15)
Bath, NY 14810

6. Gina Reagan
St. James Mercy Hospital
411 Canisteo Street (Term 1/1/12 – 12/31/15)
Hornell, NY 14843

7. Robert Cole, M.D.
10101 Grandview Lane (Term 1/1/12 – 12/31/15)
Hammondsport, NY 14840

8. Wendy Dresser Recktenwald
8596 Oak Hill Road (Term 1/1/12 – 12/31/12)
Arkport, NY 14807

9. VACANT (Term 1/1/12 – 12/31/14)

Development Disabilities Subcommittee

1. Vicki Fuerst
7863 Miller Road (Term 1/1/09 – 12/31/12)
Avoca, NY 14809

2. Tony Zajchenko
Pathways, Inc.
33 Denison Parkway West (Term 1/1/09 – 12/31/12)
Corning, NY 14830

3. Bernard Burns
Steuben ARC
6838 Industrial Park Road (Term 1/1/10 – 12/31/13)
Bath, NY 14810

4. Mark R. Alger
Steuben County Administrator (Term 1/1/12 – 12/31/14)
3 East Pulteney Square
Bath, NY 14810

5. The Honorable Gary D. Swackhamer
Steuben County Legislator
3 East Pulteney Square (Term 1/1/10 – 12/31/13)
Bath, NY 14810

6. Mary Perham
1976 West Shore Road (Term 1/1/12 – 12/31/15)
Bath, NY 14810

7. Michael Okoniewski
Fawn Hill Drive (Term 1/1/12 – 12/31/14)
Hornell, NY 14843

8. Lynn Goodman (Term 1/1/12 – 12/31/14)
Pathways, Inc.
33 Denison Parkway West
Corning, NY 14830

9. VACANT (Term 1/1/12 – 12/31/15)

NOW, THEREFORE BE IT

RESOLVED, the Chairman of the Steuben County Legislature shall appoint the aforesaid persons to the Community Services Board for the terms indicated; and be it further

RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Community Services Board and subcommittees; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to said appointees; Henry W. Chapman, Psy.D., Director of Community Services, and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 052-12

Introduced by J. Hauryski. Seconded by D. Farrand.

APPOINTING MEMBERS TO THE STEUBEN COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL.

Pursuant to Article 47 of the Environmental Conservation Law of the State of New York and the County of Steuben Local Law No. Two of the Year 1971.

WHEREAS, Local Law No. Two of the Year 1971, created a County Environmental Management Council for the County of Steuben; and

WHEREAS, the Chairman of the Steuben County Legislature recommends appointment of members to the Environmental Management Council.

NOW THEREFORE, BE IT

RESOLVED, that the following appointments are hereby made to said Environmental Management Council:

MEMBERS

Dawn Dowdle, 9696 Grove Springs Road, Hammondsport, NY 14840
Lee Hersh, 5362 Duvall Road, PO Box 449, Painted Post, NY 14870
William B. Mattingly, III, 3450 Conhocton Road, Painted Post, NY 14870
Robert Popejoy, 8839 Oak Hill Road, PO Box 754, Savona, NY 14879
Gene Stolfi, 2930 Gorton Road, Corning, NY 14830-9104
David Tennent, 4748 Clawson Drive, Campbell, NY 14821
Janet Thigpen, 4557 Dyke Road, Corning, NY 14830
Rachel Treichler, 7988 Van Amburg Road, Hammondsport, NY 14840
Al Wahlig, 11896 West Lake Road, Hammondsport, NY 14840

MEMBERS EX-OFFICIO

Members of the Agriculture, Industry, and Planning Committee
Commissioner of Public Works
County Attorney
Soil and Water Conservation District Chairman or designee
Cornell Cooperative Extension Association President, or designee
County Planning Director

BE IT FURTHER RESOLVED, that all said appointees shall serve at the pleasure of the Steuben County Legislature for a term of two (2) years, commencing January 1, 2012 and ending December 31, 2013; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the above appointees; to Linda Vera, NYS Department of Environmental Conservation, 6274 East Avon-Lima Road, Avon, NY 14414; and to the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 053-12

Introduced by J. Hauryski. Seconded by D. Farrand.

APPOINTING MEMBERS TO THE STEUBEN COUNTY FIRE ADVISORY BOARD.

Pursuant to Section 225-a of the County Law of the State of New York.

RESOLVED, the following person are hereby appointed members of the Steuben County Fire Advisory Board for a term of two (2) years, commencing January 1, 2012 and ending December 31, 2013:

LEGISLATIVE MEMBER

1. Aaron I. Mullen, 5192 County Route 8, Avoca, NY 14809

NON-LEGISLATIVE MEMBERS

2. John Ford, 58 Maple Street, Addison, NY 14801
3. Dan Smith, 108 Broadway, Hornell, NY 14843
4. William Todd Hall, 226 Main Street, Painted Post, NY 14870
5. Joseph Dick, 306 First Street, Hornell, NY 14843
6. Michael Sprague, Director of Emergency Management, Bath, NY 14810
7. John Tighe, 1 Civic Center Plaza, Corning, NY 14830
8. William Fries, 7344 Fish Hatchery Road, Bath, NY 14810
9. Douglas Heinemann, 8425 Jacobs Ladder Road, Avoca, NY 14809
10. Brian McCarthy, 3834 West Hill Road, Painted Post, NY 14870
11. Michael Gilman, PO Box 274, Cohocton, NY 14826
12. Evan Brown, 2794 Forrest Hill Drive, Corning, NY 14830
13. J. David Sawyer, 1646 Jasper Street, Woodhull, NY 14898
14. Johnny Yarka, 4508 County Route 10, Cameron, NY 14819
15. Larry Day, County Fire Chief's Association, 9623 CR 87, Hammondsport, NY 14840
16. David Hopkins, E911 Director, Bath, NY 14810/Tina Goodwin – Alternate
17. Daniel Hulbert, 8813 State Route 36, Arkport, NY 14807
18. Tom Jamison, 4 Eleventh Street, Canisteo, NY 14823
19. Joel Ordway, Sheriff, Bath, NY 14810

EX-OFFICIO MEMBERS

20. Donald Fredericy, DFC, 27 East Main Street, Wayland, NY 14572
21. Dean Patterson, DFC, 579 Victory Highway, Painted Post, NY 14870
22. Louis Martin, DFC, 6299 CR 100, Addison, NY 14801
23. Michael Wilson, DFC, 5522 Ordway Lane, Canisteo, NY 14823
24. Spencer Longwell, Chief DFC, 7647 Mitchellsville Road, Bath, NY 14810
25. Joseph Gerych, Fire Service Aide, 4891 Chamberlain Road, Bath, NY 14810

BE IT FURTHER RESOLVED, members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Fire Advisory Board; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointees, the County Auditor and the Steuben County Emergency Management Office.

Vote: Acclamation – Adopted.

RESOLUTION NO. 054-12

Introduced by J. Hauryski. Seconded by D. Farrand.

APPOINTING REPRESENTATIVES TO THE FISH AND WILDLIFE MANAGEMENT ACT BOARD.

Pursuant to Section 11-0501, Paragraph 4(a) of the Environmental Conservation Law of the State of New York.

BE IT RESOLVED, upon the recommendation of the Chairman of the Steuben County Legislature, the following individuals are appointed to serve as representatives of the Fish and Wildlife Management Act Board:

Steuben County Landowner Representative: *January 1, 2011 – December 31, 2012*	Michael Warren 2901 County Road 56 Hornell, NY 14843
Steuben County Sportsman Representative: *January 1, 2012 – December 31, 2013*	David Lannoye 49 Grant Street Avoca, NY 14809
Steuben County Legislative Representative: *January 1, 2012 – December 31, 2013*	Thomas J. Ryan Steuben County Legislator 41 Chestnut Street Canisteo, NY 14823

AND BE IT FURTHER RESOLVED, the representatives shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Fish and Wildlife Management Act Board; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees; the NYS Department of Environmental Conservation, 6274 East Avon-Lima Road, NY 14414; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 055-12

Introduced by J. Hauryski. Seconded by D. Farrand.

APPOINTING MEMBERS TO THE STEUBEN COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC).

Pursuant to Title III of the Superfund Amendments and Reauthorization Act of 1986.

WHEREAS, on October 17, 1986, the Superfund Amendments and Reauthorization Act of 1986 (SARA) was enacted into law; and

WHEREAS, one part of the new SARA provisions is Title III: the Emergency Planning and Community Right-to-Know Act of 1986; and

WHEREAS, Title III establishes requirements for Federal, State and local governments and industry regarding emergency planning and community right-to-know reporting on hazardous and toxic chemicals; and

WHEREAS, this legislation builds upon Environmental Protection Agency's Chemical Emergency Preparedness Program (CEPP) and numerous State and local programs aimed at helping communities to better meet their responsibilities in regard to potential chemical emergencies; and

WHEREAS, Title III required each State to establish an Emergency Response Commission, and required that the State Commission designate local emergency planning districts and appoint local emergency planning committees to develop local emergency response plans.

NOW THEREFORE, BE IT

RESOLVED, the following members are hereby endorsed to the Steuben County Local Emergency Planning Committee by the Chairman of the Steuben County Legislature, to be appointed by the New York State Emergency Response Commissioner (SERC), as follows:

MEMBERS

LOCAL & STATE GOVERNMENT REPRESENTATIVES

Steuben County Legislature Chair
3 East Pulteney Square
Bath, NY 14810

Public Safety & Corrections Committee Chair
Steuben County Legislature
E East Pulteney Square
Bath, NY 14810

NYS Senator/Designee, 53rd District
105 East Steuben Street
Bath, NY 14810

NYS Assemblyman/Designee, 136th District
105 East Steuben Street
Bath, NY 14810

LAW ENFORCEMENT REPRESENTATIVES

Steuben County Sheriff
P.O. Box 271 - Public Safety Building
Bath, New York 14810

Steuben County Undersheriff
P. O. Box 271 - Public Safety Building
Bath, New York 14810

EMERGENCY SERVICES REPRESENTATIVES

Michael A. Sprague, Director
Emergency Management Office
3 East Pulteney Square
Bath, New York 14810

Timothy D. Marshall, Deputy Director
Emergency Management Office/LEPC Chairman
3 East Pulteney Square
Bath, New York 14810

David Hopkins, Director
9-1-1 Enhanced Department
3 East Pulteney Square
Bath, New York 14810

Tina Goodwin, Deputy Director (Alternate)
9-1-1 Enhanced Department
3 East Pulteney Square
Bath, New York 14810

CITIZEN REPRESENTATIVES

Sharon Burke
1657 Dachshund Drive
Corning, NY 14830

David Herrington
328 Victory Drive
Painted Post, NY 14870

Steve Monroe
11540 Ginnan Road
Corning, NY 14830

FIRE SERVICE REPRESENTATIVES

Dan Smith, Chief
Hornell City Fire Department
110 Broadway
Hornell, New York 14843

John Tighe, Chief
Corning City Fire Department
1 Corning Boulevard
Corning, New York 14830

Ed Fletcher
NYS OFPC
600 College Avenue
Montour Falls, NY 14865

HEALTH SERVICE REPRESENTATIVES

Victoria Fuerst, Director
Steuben County Public Health & Nursing Service
3 East Pulteney Square
Bath, NY 14810
(Alternate: Karen Travis)

Tom Klaseus
NYS Department of Health
107 Broadway
Hornell, NY 14843

HOSPITAL REPRESENTATIVES

Theresa Strong
Ira Davenport Hospital
Box 305, NYS Route 54
Bath, New York 14810

Peg Webb
St. James Mercy Health
411 Canisteo Street
Hornell, New York 14843

Lawrence Day, Jr.
Veterans Administration
Medical Center
Bath, New York 14810

Robert Philpott
Corning Hospital
176 East Denison Parkway
Corning, NY 14830
(Alternate: Kathy Ann Wolfer)

INDUSTRIAL REPRESENTATIVES

James Orme
Corning Inc.
SP-TG01-01
Corning, New York 14831

Brian Polmanteer
T & R Towing
7774 Industrial Park Dr.
Hornell, NY 14843

Leon E. Tuttle
Dresser Rand Company
Painted Post, New York 14870

Roger Cole
Philips Lighting Company
State Route 54
Bath, New York 14810

John Istler
Kraft Foods
Main Street
Campbell, New York 14821

ENVIRONMENTAL REPRESENTATIVES

Chad Kehoe
NYS Department of Environmental Conservation
100 North Main Street
Elmira, NY 14901

Paul Lindenfelser
NYS Department of Environmental Conservation
7291 Coon Road
Bath, New York 14810

NEW YORK STATE POLICE LIAISON

Sgt. Jim McCormack
NYS Police, Troop E
1569 Rochester Road
Canandaigua, New York 14424

Sgt. Mark Cleveland
NYS Police, Substation
7237 Route 415
Bath, New York 14810

NON-GOVERNMENT ORGANIZATION REPRESENTATIVES

Brian McConnell
Greater Steuben Chapter American Red Cross
123 West Market Street
Corning, New York 14830

Emergency Services Director (Alternate)
Greater Steuben Chapter American Red Cross
123 West Market Street
Corning, New York 14830

BE IT FURTHER RESOLVED, that said members shall serve at the pleasure of the Steuben County Legislature and shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Steuben County Local Emergency Planning Committee, and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointees and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 056-12

Introduced by P. McAllister. Seconded by G. Roush.

MEMORIALIZING THE NEW YORK STATE ASSEMBLY IN OPPOSITION TO THE 2012 REDISTRICTING PROPOSAL.

WHEREAS, the New York State Assembly has released its redistricting proposal with substantial changes to legislative districts; and

WHEREAS, under this proposal, the 136th Assembly district, currently comprised of Steuben and Yates Counties would be decimated; and

WHEREAS, the proposal calls for towns in Steuben County to be divided amongst three Assembly districts, with northwestern towns and the City of Hornell assigned to a district including portions of Livingston and Monroe Counties, southwestern towns moving to a district including Allegany and Cattaraugus Counties, and the central and eastern portions assigned to a new district that stretches north to Seneca County and east to Tioga County; and

WHEREAS, citizens of Steuben County receive effective and efficient representation under the current district configuration, having one voice in the New York State Assembly; and

WHEREAS, dividing Steuben County would create unnecessary confusion and challenges for citizens and local officials in navigating new political boundaries.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature opposes the New York State Assembly's 2012 redistricting proposal, and urges the Assembly to develop a plan that includes the whole of Steuben County within one legislative district; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Assembly Majority Leader, Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Brian M. Kolb, 933 Legislative Office Building, Albany, NY 12248; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248.

Vote: Acclamation – Adopted.

RESOLUTION NO. 057-12

Introduced by J. Hauryski. Seconded by C. Ferratella.

MEMORIALIZING THE GOVERNOR AND THE STATE LEGISLATURE REGARDING INTERSTATE 86.

WHEREAS, Governors have made commitments to the revitalization and improvement of the economy of "Upstate" New York; and

WHEREAS, Steuben County, along US Route 15 (Corridor U-1 I-99), Chemung County and twelve other counties along the US Route 17 (Corridor T I-86) corridor make up the three Local Development Districts in the thirteen state Appalachian Regional Commission; and

WHEREAS, US Route 15 is the only north/south route in Central Pennsylvania that serves as a vital and direct link between western New York and Canada and the ports of Baltimore and Philadelphia and the mid-Atlantic states; and

WHEREAS, Governor Pataki committed to a ten-to-twelve year construction program to complete the Route 17 conversion to I-86 beginning with the first designation (177 miles Chemung County west to Pennsylvania) on December 3, 1999; and

WHEREAS, completing the I-99 U-1 Corridor fulfills the desires of both the Commonwealth of Pennsylvania and the State of New York to accelerate economic development opportunities in this area of Appalachia as well as respond to the increasing traffic volumes (primarily commercial vehicles) in the Route 15 Corridor since the passage of the North American Free Trade Agreement; and

WHEREAS, the New York State and Commonwealth of Pennsylvania Departments of Transportation are in the final stages of completing the conversion of Route 15 to Interstate standards (I-99) to meet New York State I-86 (July 2014); and

WHEREAS, the designation of New York State Route 17 to I-86 and Route 15 to I-99 provides a highway network with connection to every Interstate Highway located within New York State and Interstate Highways leading into Pennsylvania; and

WHEREAS, the upgrade and designation of Route 17 as I-86 will make the region more competitive and able to attract substantial growth in business, industry, and tourism as well as improve the safety of the traveling public; and

WHEREAS, the New York I-86 Economic Development Benefit Study, issued in January 2000, which was widely accepted and quoted at all levels of government, called for an aggressive eight-year construction period that would result in a 3.2 billion dollar direct economic benefit to communities along the I-86 Highway Corridor once the conversion has been completed; and

WHEREAS, with proper funding and resources for the remaining projects in Broome, Delaware, Sullivan, and Orange Counties, the conversion of Route 17 to I-86 could be completed many years sooner than on the present schedule, and it would provide the vast economic benefits to the region foreseen by the Appalachian Regional Commission in its study entitled "Economic Impact of Completing the Appalachian Development Highway System," which states in pertinent part that "Completion of the Appalachian Development Highway System (ADHS) would yield significant economic benefits for both the Appalachian Region and the nation…By facilitating national freight flows, reducing travel times, improving safety, and enhancing access to markets, completion of the ADHS would create new jobs and greater value-added activity, returning $3 in economic benefits to the nation for every $1 spent to complete the system;" and

WHEREAS, the Three Rivers Development Foundation, utilizing funds from the Appalachian Regional Commission, has developed an Economic Blueprint, which was released in June 2009 for the I-86/I-99 Corridor in Southeast Steuben County utilizing properties that have the potential for providing sustainable future economic development opportunities.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature does hereby request Governor Andrew Cuomo and the New York State Legislature to advance funding and expedite completion of the projects in Broome, Delaware, Sullivan, and Orange Counties on New York State Route 17 (I-86); and be it further

RESOLVED, that the Steuben County Legislature does hereby further request the placement of signage along I-86 recognizing the designation of this highway system as the Daniel Patrick Moynihan Interstate Highway 86 as decreed by the State of New York; and be it further

RESOLVED, that the Steuben County Legislature is hereby authorized and directed to forward a copy of this resolution to Governor Andrew Cuomo, Honorable Sheldon Silver, Honorable Dean Skelos, Honorable Christopher Friend, Honorable Thomas O'Mara, Honorable Charles Fuschillo, Honorable David Gantt, Honorable Catherine Young, Honorable Thomas Libous, Honorable David Carlucci, Honorable John Bonacic, Honorable William Larkin, Honorable Joseph Giglio, Honorable Daniel Burling, Honorable Gary Finch, Honorable Clifford Crouch, Honorable Peter Lopez, Honorable Nancy Calhoun, Honorable Philip Palmesano, Honorable Annie Rabbit, Honorable Donna Lupardo, Honorable Aileen Gunther, Honorable Andy Goodell, Honorable Thomas Santulli, the Inter-County Association of Western New York, the New York State Association of Counties, and the I-86 Corridor Counties (Cattaraugus, Chautauqua, Allegany, Steuben, Tioga, Broome, Delaware, Sullivan, Orange).

Vote: Acclamation – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officer's Law, Article 7§ 105.1.H. The Proposed Acquisition, Sale or Lease of Real Property or the Proposed Acquisition of Securities, or Sale or Exchange of Securities Held by Such Public Body, but only when Publicity would Substantially Affect the Value Thereof, and Article 7§ 105.1.F. The Medical, Financial, Credit or Employment History of a Particular Person or Corporation, or Matters Leading to the Appointment, Employment, Promotion, Demotion, Discipline, Suspension, Dismissal or Removal of a Particular Person or Corporation made by Mr. Van Etten. Seconded by Mr. Roush and Duly Carried.

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mr. Roush. Seconded by Mrs. Ferratella and Duly Carried.

RESOLUTION NO. 058-12

Introduced by M. Hanna and L. Crossett. Seconded by S. Van Etten.

RELATIVE TO THE PURCHASE OF PROPERTY IN THE TOWN OF BATH.

Pursuant to Article 5 of the County Law of the State of New York.

WHEREAS, the Steuben County Department of Public Works, Solid Waste Division, desires to add to its buffer along Turnpike Road and the Bath Landfill; and

WHEREAS, in order to increase the buffer, the County is desirous of purchasing 18.5 (+/-) acres along Turnpike Road near the entrance to the landfill; and

WHEREAS, the landowner has agreed to sell the said 18.5 (+/-) acres; and

WHEREAS, the County has had the parcel appraised and the Public Works Committee agreed to the purchase price of $150,000; and

WHEREAS, the Public Works Department, Solid Waste Division, has the money in the existing HL6201 Bath Landfill Expansion Capital Project; and

WHEREAS, the Public Works Committee and Finance Committee of this Steuben County Legislature have approved the purchase.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is authorized and directed to purchase said parcel of land for $150,000; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Public Works, the County Auditor, the Real Property Tax Director and the Risk Manager.

Vote: Roll Call – Adopted. Yes – 8820, Absent – 451, Abstained – 601
(Mr. Weaver absent, Mr. Hanna abstained)

RESOLUTION NO. 059-12

Introduced by T. Ryan. Seconded by C. Ferratella.

PRESENTATION OF NAMES OF PERSONS SELECTED FOR INDUCTION INTO THE STEUBEN COUNTY HALL OF FAME AND CONFIRMATION BY THE STEUBEN COUNTY LEGISLATURE.

WHEREAS, the Steuben County Legislature sponsors a Steuben County Hall of Fame through its Steuben County Hall of Fame Committee for the purpose of honoring those persons who have enhanced the County of Steuben and presenting an opportunity for the public to learn more about these persons; and

WHEREAS, said Steuben County Hall of Fame Committee has solicited nominations from citizens of Steuben County for the induction of three (3) persons into the Hall of Fame, selected this year; and

WHEREAS, nominations were allowed to be made by anyone; there were no limits on the number of nominations; the nominees could be living or dead; male or female; could have been born elsewhere as long as they enhanced the name of Steuben County; may have helped develop the County; may have been Steuben County natives who gained fame elsewhere, or those who should especially be remembered; and

WHEREAS, the Steuben County Hall of Fame Committee is authorized to be composed of ten (10) persons representative of the people of Steuben County, has reviewed the nominations submitted and has recommended the names of three (3) persons to be inducted into said Hall of Fame this year.

NOW THEREFORE, BE IT

RESOLVED, that this Steuben County Legislature does hereby receive, approve, ratify, and confirm the selection and recommendation of the Steuben County Hall of Fame Committee for honoring and inducting into the Steuben County Hall of Fame the following named persons:

1. Dave Clark – He was born on September 6, 1942, in Corning, New York. At the age of 10 months, he contracted Polio, at which time his parents were told that he might not live. Despite his limitations and use of crutches, he had a very successful baseball career as a pitcher for the Indianapolis Clowns, a semi-pro barnstorming team. He also played professionally for the Rattvik Bets in the Swedish Elite League in Sweden. Due to arm injuries, Mr. Clark's pitching career ended in 1981, but he continued to play first base, manage and own the Indianapolis Clowns. He remains the team's principal owner, even though they played their last game in 1988. In the 1970's and early 1980's, he served as the first intercollegiate baseball coach for Corning Community College. Mr. Clark has been an envoy instructor for Major League Baseball International, worked for USA Baseball in the 1996 Summer Olympics in Atlanta, and served as pitching coach for the Northern League minor league franchise in Elmira, NY when the team captured two Eastern Division Titles.

Mr. Clark's accomplishments have received nationwide coverage and he has also been the recipient of several local, regional and national awards including the "Bo Jackson Courage" Award by the Pitch and Hit Club in Chicago, Illinois in 2011. He currently serves as a major league scout for the Baltimore Orioles.

2. Richard "Dix" McDonald – He was born on May 26, 1921, and grew up in Boville, ID. He was a Captain in the Air Corps. During WWII and retired a Lt. Colonel in the US Air Force Reserve. On June 14, 1945, he married Selma "Belle" Hoech in Lewiston, ID. He was hired as Director of Research and Guidance of the Corning-Painted Post School District. During a leave of absence, Mr. McDonald pursued his Ed.D. at Columbia University in New York City and returned to Corning as an Assistant Superintendent. A year later, in 1963, he was appointed Superintendent of Schools. In 1973 he was appointed Superintendent of the Steuben-Allegheny BOCES and served until his retirement in 1982. Mr. McDonald was active in many NYS educational organizations and in 1982; he was honored with the Distinguished Service Award from the NYS Council of School Superintendents. His many community service endeavors included serving on the Board of Directors for Environmental Emergency Services, Inc. During the Flood of 1972, Mr. McDonald played an integral role in the operations, recovery and rehabilitation of the school system, as well as the revitalization of the community. He felt that it was important that the public constantly be educated about how to prepare for the next flood. Very early in the formation of the Board of Environmental Emergency Services, Inc., he developed a flood education manual expressly for the media. This was a tool that could help the reporters responsible for bringing news to the public, understand the risks in our communities and present credible information.

3. Silas Wheeler – He was born on March 17, 1752, in Concord, MA to Jonas and Persis Brooks Wheeler. He was married in Providence, RI, to Sarah Gardiner. They had twin daughters, Ruth and Sarah, and a son, Grattan Henry. During his service in the Revolutionary War, Mr. Wheeler was promoted to Captain within the Rhode Island Brigade. Many of the Rhode Island troops were permitted to volunteer for service on the sea, and hence he became a privateer. While at sea he was captured by a British Man-of-War. The prisoners were treated as pirates and he was taken to Ireland and confined in prison for more than a year. The great Irish orator and patriot, Henry Grattan, was in deep sympathy with the Americans in their struggle for freedom and Captain Wheeler was assured that if he could escape from prison, shelter and aid would be provided by Lord Grattan. Captain Wheeler planned and made his escape from prison and found his way to Lord Grattan who provided him with money, clothing and secured his passage to France. From there he sailed to America and back to Rhode Island with his family. After the war, he moved to Albany County, NY and then on to Steuben County, NY where he settled in what is now known as the Town of Wheeler.

BE IT FURTHER RESOLVED, the Agriculture, Industry and Planning Committee and the County Historian, for and on behalf of the Steuben County Legislature, shall take all necessary steps and ceremony to appropriately enroll and enshrine the names of the inductees into the Steuben County Hall of Fame; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Historian and to any other persons as may be directed by the County Historian.

Vote: Acclamation – Adopted.

Motion to Adjourn made by Mr. Van Etten. Seconded by Mr. McAllister and duly carried.

REGULAR MEETING
Morning Session
Monday, March 26, 2012
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 26th day of March, 2012, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members present except Legislators Crossett, Hanna, McAllister and Weaver.

Mrs. Lando provided the Invocation and the Pledge of Allegiance was led by Mrs. Ferratella.

Chairman Hauryski asked Nathan Alderman to come forward. Mr. Alderman is an employee in the Personnel Department. He presented him with a Certificate of Appreciation and a pin in recognition of his 10 years of service to Steuben County.

Mr. Gallagher stated that he has assumed the duties of Youth In Government Coordinator from Richard McCandless. This program has been up and running for the past 25 years and to date, 1,000 students have completed the program. This year we have 6 juniors and 10 seniors. He introduced the youth interns to the Legislature.

Mr. Hauryski opened the floor for comments by members of the public.

Martha Weale, Addison, stated that first, with regard to the Health Care Facility, she would ask the Legislators to picture themselves a few years hence. Will you be acknowledged for your actions? She stated that she doesn't know what the Legislature's expectations for the Board of Elections are. Currently, our Board of Elections has nothing to do with the village and school elections and maybe you can do something about that. Last week the Village of Addison held their elections and within two months, the school will be holding their elections. She asked that the Legislature look at having the Board of Elections oversee whatever they deem would be appropriate with regard to the village and school elections.

There being no further comments, Mr. Hauryski declared the opportunity for public comment closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting for the Public Hearing Upon County of Steuben Local Law Tentatively No. One for the Year 2012, Amending Local Law No. Six for the Year 1997, Relative to establishing a fee for the administration of alcohol and/or drug testing of persons sentenced to a conditional sentence for the conviction of any crime. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

Motion approving the minutes from the previous meeting(s) made by Mr. Van Etten, seconded by Mr. Farrand and duly carried.

RESOLUTION NO. 060-12

Introduced by G. Swackhamer. Seconded by D. Farrand.

MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS, PROPERTY TAXES, AND OTHER REAL PROPERTY DISPOSITIONS.

RESOLVED, the Chairman of the Steuben County Legislature, in accordance with the applications filed herewith, is hereby authorized and empowered on behalf of this Legislature to execute the necessary documentation

for the disposition of applications for correction of real property taxes levied on the parcels contained in Schedule "A"; and be it further

RESOLVED, the Steuben County Treasurer is hereby authorized to make the proper tax adjustment, and/or refund, with respect to the parcels contained in Schedule "A", as set forth in the approved applications, copies of which shall be forwarded to the taxpayer and collecting authority; and be it further

RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Director of the Steuben County Real Property Tax Service Agency and the Steuben County Treasurer, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors.

SCHEDULE "A"

Resolution No.	A-1
Name	Linda K. Wise
Parcel No.	304.15-01-014.000
Municipality	Greenwood Town
Disposition	Correction

Resolution No.	A-2
Name	Louis A. Izzo Jr. & Robert W. Zuchlewski
Parcel No.	077.14-01-005.230
Municipality	Pulteney Town
Disposition	Refund

Resolution No.	A-3
Name	Michael, David & Matthew Sick
Parcel No.	041.00-02-007.120
Municipality	Wayland Town
Disposition	Correction (parcel split)

Resolution No.	A-4
Name	Delinda Buchanan
Parcel No.	178.00-01-007.113
Municipality	Bradford Town
Disposition	Correction

Resolution No.	A-5
Name	Harold K. Buckley
Parcel No.	134.20-01-041.100
Municipality	Bradford Town
Disposition	Correction

Vote: Roll Call – Adopted.

RESOLUTION NO. 061-12

Introduced by J. Hauryski. Seconded by G. Roush.

RECEIVING AND ACCEPTING THE MARCH 26, 2012 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and **referred to the appropriate Standing Committee and/or Department Head for information and/or action,** to wit:

February 17, 2012

Chemung County Legislature – Re: copy of a resolution adopted by the Chemung County Legislature on February 13, 2012 regarding the Daniel Patrick Moynihan Interstate Highway 86. ***Referred to: Steuben County Legislature.***

NYS Office of the State Comptroller – Re: Audit results related to the protection of personal, private, and sensitive information (PPSI) stored on electronic media. ***Referred to: Ken Peaslee, IT Director; Patrick Donnelly, County Treasurer; Jack Wheeler, Deputy County Administrator; and filed with Clerk of the Legislature, Brenda Mori.***

February 27, 2012
NYS Homes & Community Renewal – Re: The Grant Agreement 6-month Completion Notice for the NYS CDBG Project #115HR108-10 is August 26, 2012. ***Referred to: Amy Dlugos, Planning Director.***

NYS Homes & Community Renewal – Re: Comprehensive Monitoring Report for the NYS CDBG Project #115HR108-10. ***Referred to: Amy Dlugos, Planning Director.***

February 29, 2012
NYS Homes & Community Renewal – Re: Approval of Request for Release of Funds on the NYS CDBG Project #115HR65-11. ***Referred to: Amy Dlugos, Planning Director.***

Village of Wayland – Re: Request for direction on acquiring a piece of property located in the Village of Wayland. ***Referred to: Finance Committee; Alan Reed, County Attorney; and Patrick Donnelly, County Treasurer.***

New York State Association of Counties – Re: Official resolutions adopted in February by the county delegates of the New York State Association of Counties have been mailed to the Steuben County Clerk of the Legislature. ***Referred to: Joseph Hauryski, Legislature Chairman.***

March 2, 2012
Bishop Sheen Ecumenical Housing Foundation, Inc. – Re: Public Notice for the New York State Housing Trust Fund Home Program for Steuben County. ***Referred to: Amy Dlugos, Planning Director; and filed with Clerk of the Legislature, Brenda Mori.***

March 5, 2012
NYS Department of Transportation – Re: The Public Transportation Bureau recently sent vouchers to the State Comptroller that distribute the SFY 2011-2012 Statewide Mass Transportation Operating Assistance (STOA) "clean-up" payments to the upstate formula bus systems. ***Referred to: Amy Dlugos, Planning Director and filed with the Clerk of the Legislature, Brenda Mori.***

March 7, 2012
New York State Office for the Aging – Re: Notification of approval for the Long Term Care Ombudsman Program Support Agreement. In addition, applications for state aid under the New York State Long Term Care Ombudsman Program (State LTCOP) for the period of April 1, 2012 to March 31, 2012 and the Older Americans Act (OAA) Title VII program for the period of January 1, 2012 to December 31, 2012 have also been approved. ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

March 8, 2012
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $3,869 which represents the January 2012 surcharge revenue for Steuben County. ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

March 12, 2012
NYS Homes & Community Renewal – Re: Authorization to close out the NYS Community Development Block Grant (CDBG) Project #1115HR108-10. ***Referred to: Amy Dlugos, Planning Director.***

March 13, 2012
NYSEG – Semiannual Inventory Report of the PCB Equipment Retired from service July 1, 2011 through December 31, 2011. This is submitted in accordance to Section 66(23) of the Public Service Law. ***Referred to: filed with the Clerk of the Legislature, Brenda Mori.***

March 14, 2012
New York State Department of Labor – Re: Notice of violation and order to comply with the inspection held on 1/24/2012 at the Steuben County Department of Public Works (Woodhull Shop). ***Referred to: Vince Spagnoletti, Commissioner of Public Works; and Ken Isaman, Risk Manager.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 062-12

Introduced by B. Schu. Seconded by C. Ferratella.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2012, AMENDING LOCAL LAW NO. SIX FOR THE YEAR 1997, RELATIVE TO ESTABLISHING A FEE FOR THE ADMINISTRATION OF ALCOHOL AND/OR DRUG TESTING OF PERSONS SENTENCED TO A CONDITIONAL SENTENCE FOR THE CONVICTION OF ANY CRIME.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on February 27, 2012, County of Steuben Local Law Tentatively No. One for the Year 2012, amending Local Law No. Six for the Year 1997, relative to establishing a fee for the administration of alcohol and/or drug testing of persons sentenced to a conditional sentence for the conviction of any crime, and this Legislature by resolution, preliminarily adopted said Local Law on February 27, 2012, making the final adoption of said Local Law subject to a Public Hearing to be held on March 26, 2012; and

WHEREAS, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on March 26, 2012, at 10:00 A.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law Tentatively No. One for the Year 2012, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2012

A LOCAL LAW amending Local Law No. Six for the Year 1997, relative to establishing a fee for the administration of alcohol and/or drug testing of persons sentenced to a conditional sentence for the conviction of any crime.

Be it enacted by the Legislature of the County of Steuben as follows:

SECTION 1: LEGISLATIVE INTENT

It is the intent of the within local law to require individuals currently serving or who shall be sentenced to a period of ~~probation~~ a conditional sentence as such term as defined under the New York State Penal Law upon his/her conviction of any crime ~~under Article thirty-one of the Vehicle and Traffic Law~~ to pay the Steuben County Probation Department an administrative fee of thirty dollars ($30.00) per month where such person is sentenced to a term of probation, as well as ~~a fifty dollar ($50.00)~~ one hundred dollars ($100.00) fee for the cost~~s~~ of any alcohol and/or drug testing.

SECTION 2: ESTABLISHMENT OF FEES AND COSTS

All individuals currently serving or who shall be sentenced to a ~~period of probation~~ conditional sentence as that term is defined under the New York State Penal Law upon his/her conviction of any crime ~~under Article thirty-one of the Vehicle and Traffic Law~~, and/or who is or shall be subject to a term of interim probation where

the recited conditional sentence and/or interim probation requires such person to submit to alcohol and/or drug testing, said person shall pay the sum of one hundred dollars ($100.00) to the Steuben County Probation Department ~~an administrative fee of thirty dollars ($30.00) per month in the event the Steuben County Probation Department is charged with the responsibility of supervising the probationer~~ for the cost of said testing. In the event ~~conditions probation require the probationer to submit to alcohol and/or drug testing, said probationer shall pay the sum of fifty dollars ($50.00) toward the cost of said testing.~~ the Steuben County Probation Department is charged with the responsibility of supervising such person, then such person shall pay to the Steuben County Probation Department an administrative fee of thirty dollars ($30.00) per month.

SECTION 3: INDIGENTS

The Steuben County Probation Department shall waive all or part of such fees where, because of the indigence of the offender, the payment of said charge would work an unreasonable hardship on the person convicted, his or her immediate family or any other person who is dependent upon such person for financial support.

SECTION 4: IMPLEMENTATION AND ADMINISTRATION OF THE PROBATION FEES AND COSTS

Implementation and administration of the probation administrative fees and costs of testing shall be in accordance with Section 257-c of the Executive Law.

SECTION 5: SEVERABILITY

In the event any portion hereof shall be declared unenforceable, the balance of the local law remaining shall be in full force and effect.

SECTION 6: EFFECTIVE DATE

This local law shall become effective upon final adoption.

NOTE GUIDE: Additions are underlined; deletions by ~~strikethrough~~.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on March 26, 2012 at 10:00 A.M. at the Legislative Chambers, Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature has caused a Notice of said Public Hearing to be posted at the Courthouses in the municipalities of Bath, Corning and Hornell, said Notice published for one insertion in the two official newspapers of the County, and has caused such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with the proof of posting and publication filed in the Office of the Clerk of the Legislature; and be it further

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. One for the Year 2012, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the in the Office of the Secretary of State of the State of New York, and said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

RESOLVED, the Clerk of the Legislature, in accordance with Section 214, shall cause a true copy of said Local Law to be published in the two County official newspapers within ten (10) days after such Local Law has become effective; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Probation Department and the Steuben County Treasurer.

Mr. Mullen asked with regard to Section 2: Establishment of Fees and Costs, it states there is an Administrative Fee of $30.00 and also references a fee of $100.00. Is there a secondary fee? Mr. Alger replied there is an administrative fee in reference to those persons that Probation has sentenced, and that is a monthly fee. The $100.00 fee is a one-time fee for the drug testing.

Vote: Roll Call – Adopted.

RESOLUTION NO. 043-12
(Postponed at February 27th Meeting)

Introduced by G. Swackhamer. Seconded by S. Van Etten.

AUTHORIZING AN INCREASE IN THE TIPPING FEES EFFECTIVE APRIL 2, 2012.

Pursuant to Article 5 of the County Law of the State of New York.

WHEREAS, the County's current solid waste tipping fees, $40.00/ton at the Bath Landfill, $54.00/ton at the Erwin, Hornell and Wayland transfer stations, and $2.00 for a 30 gallon bag, are less than the $62.00/ton charged in 1994 and have not increased since February 1, 2008; and

WHEREAS, the current auto fluff tipping fee is $8/ton and is used as daily cover; and

WHEREAS, the County wants to continue to keep the landfill system supported by user fees; and

WHEREAS, the Public Works Committee recommends the modification of the landfill tipping fees.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby authorize the Commissioner of Public Works to implement a fee for solid waste of $42.00/ton at the Bath Landfill, $56.00/ton at the Erwin, Hornell and Wayland transfer stations, and a fee of $2.50 for 30 gallon bags; and be it further

RESOLVED, the Commissioner of Public Works is authorized to increase the auto fluff tipping fee to $12/ton; and be it further

RESOLVED, the modifications shall become effective April 2, 2012, and remain in effect until further notice; and be it further

RESOLVED, these modifications shall apply to private individuals, businesses, industry, commercial haulers and local political subdivisions of the State of New York within the County of Steuben; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works.

Vote: Roll Call – Adopted. (Yes – 6928; No – 593; Absent – 2354)
(Mr. Ryan opposed; Mr. Crossett, Mr. Hanna, Mr. McAllister and Mr. Weaver absent)

RESOLUTION NO. 063-12

Introduced by B. Schu and G. Swackhamer. Seconded by D. Farrand.

AUTHORIZING THE SHERIFF TO ACCEPT A BYRNE NARCOTIC ENFORCEMENT GRANT.

WHEREAS, New York State is awarding Steuben County $12,500 under the Justice Assistance Grant (JAG) Program; and

WHEREAS, the $12,500 grant is totally funded with no County cost; and

WHEREAS, it has been established that these funds would be used for overtime for the Steuben County Drug Enforcement Unit to help fight narcotic-related crimes.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept $12,500 as revenue and appropriate that amount to 311000 BYRNE Grant Fund in the Steuben County 2012 Budget; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Steuben County Sheriff.

Vote: Roll Call – Adopted.

RESOLUTION NO. 064-12

Introduced by C. Ferratella and G. Swackhamer. Seconded by H. Lando.

AUTHORIZING THE BOARD OF ELECTIONS TO EXECUTE AND ACCEPT A FEDERAL HAVA GRANT.

WHEREAS, the Federal government has awarded the Board of Elections a Help America Vote Act (HAVA) grant in the amount of $3,370; and

WHEREAS, the grant money is to be used to improve voting access for individuals with disabilities; and

WHEREAS, the Standing Committees on Administration and Finance recommend the acceptance of this grant; and

WHEREAS, the grant is a non-matching reimbursement grant to be administered by the federal Department of Health and Human Services in the amount of $3,370 in accordance with the Help America Vote Act (HAVA) for the benefit of voting access for those with disabilities at poll sites.

NOW THEREFORE, BE IT

RESOLVED, that the Board of Elections is authorized to execute the necessary documents to receive the Federal HAVA grant in the amount of $3,370 for the purpose of improving voting access for individuals with disabilities (HHS 2011 contract number T003302); and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept $3,370 as revenue and appropriate the same to 1450005412255 (BOE Polling Site Improvements); and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Board of Elections in care of Joseph Welch and Veronica Olin, Commissioners and the Steuben County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 065-12

Introduced by G. Swackhamer. Seconded by S. Van Etten.

APPROVING THE ISSUANCE OF UP TO $20,000,000 OF TAX-EXEMPT REVENUE BONDS (CORNING COMMUNITY COLLEGE DEVELOPMENT FOUNDATION, INC. PROJECT).

WHEREAS, the Steuben County Legislature (the "Legislature"), as the elected legislative body of Steuben County, New York (the "County"), has been advised by the Steuben Area Economic Development Corporation (the "Issuer") that, in order to assist in the financing of a certain Project (as defined below) for the benefit of CORNING COMMUNITY COLLEGE DEVELOPMENT FOUNDATION, INC., a New York not-for-profit corporation (the "Company") and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), the Issuer proposes to issue, contingent upon the adoption of this Resolution, its Tax-Exempt Revenue Bonds (Corning Community College Development Foundation, Inc. Project), Series 2012, in an aggregate principal amount not to exceed $20,000,000 (the "Bonds"); and

WHEREAS, the Project shall consist of: (A)(1) the construction and equipping of an approximately 85,000 square-foot, 320-bed student housing facility and related parking and other improvements on an approximately 2.7-acre site on the campus of the Corning Community College (the "College"), located at 1 Academic Drive, Town of Corning, Steuben County, New York (collectively the "Improvements"); and (2) the acquisition and installation in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment", and together with the Improvements, the "Facility"); (B) the paying of all or a portion of the costs incidental to the issuance of the Bonds, including issuance costs of the Bonds, capitalized interest and any reserve funds as may be necessary to secure the Bonds; and (C) the granting of certain other financial assistance with respect to the foregoing, including potential exemptions from mortgage recording taxes (collectively with the Bonds, the "Financial Assistance"); and

WHEREAS, that the Issuer proposes to assist in the financing of the Project by issuing the Bonds to (i) pay all or a substantial portion of the cost of financing the Project and (ii) pay reserves and costs incidental to the issuance of the Bonds; and

WHEREAS, pursuant to Section 147(f) of the Code, interest on the Bonds will *not* be excluded from gross income for Federal income tax purposes *unless* the issuance of the Bonds is approved by the Legislature after a public hearing to consider both the issuance of the Bonds and the nature and location of the facilities financed therewith has been conducted following reasonable public notice; and

WHEREAS, on March 1, 2012, the Issuer held such a public hearing upon proper notice in compliance with Section 147(f) of the Code; and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has filed in the Clerk of the Legislature's Office prior to this meeting (a) the Company's application to the Issuer for financial assistance; (b) the notice of public hearing published by the Issuer in The *Leader*, along with the affidavit of publication of such newspaper; and (c) the minutes of such public hearing held on March 1, 2012; and

WHEREAS, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of Steuben County, New York, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Bonds, provided the principal, premium, if any, and interest on the Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof, including without limitation the County, and neither the State nor any political subdivision thereof, including without limitation the County, shall be liable thereon.

NOW THEREFORE, BE IT

RESOLVED, for the purpose of satisfying the approval requirement of Section 147(f) of the Code, on the recommendation of the Finance Committee, the Legislature hereby gives its approval of the issuance by the Issuer of the Bonds and related acts to be taken by the Issuer as part of the Project, provided that the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State or any political subdivision thereof, including without limitation the County, and neither the State nor any political subdivision thereof, including without limitation the County, shall be liable thereon. This approval is given pursuant to Section 147(f) of the Code for the sole purpose of qualifying the interest payable on the Bonds for exclusion from gross income for federal income tax purposes pursuant to the provisions of Sections 103 and 141-150 of the Code; and be it further

RESOLVED, this Resolution shall be deemed to be made for the benefit of the holders of the Bonds; and be it further

RESOLVED, this Resolution shall take effect immediately; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to James C. Johnson, Executive Director, Steuben County Industrial Development Agency, 7234 Rte. 54N, PO Box 393, Bath, NY 14810; and Russell E. Gaenzle, Esq., Harris Beach, PLLC, 99 Garnsey Rd., Pittsford, NY 14534.

Mr. Alger commented there is no funding from the County and no obligations on the part of the County.

Vote: Roll Call – Adopted.

RESOLUTION NO. 066-12

Introduced by T. Ryan. Seconded by D. Farrand.

AUTHORIZING A PUBLIC HEARING ON LAND SUBMITTED FOR INCLUSION IN CERTIFIED AGRICULTURAL DISTRICTS DURING THE 2012 ANNUAL THIRTY-DAY PERIOD.

Pursuant to Article 25-AA, Section 303-b, of the Agriculture and Markets Law of the State of New York.

WHEREAS, the Steuben County Legislature established a required annual period from January 15 to February 15 for landowners to submit requests to add agricultural land to certified Agricultural Districts; and

WHEREAS, landowners submitted requests to add land and said requests were forwarded to the Steuben County Agriculture and Farmland Protection Board for their review; and

WHEREAS, the Steuben County Agriculture and Farmland Protection Board has reviewed the matter and submitted a report to this Legislature.

NOW THEREFORE, BE IT

RESOLVED, that in accordance with Section 303-b of the Agriculture and Markets Law of the State of New York, a Public Hearing on this matter shall be held by this County Legislature on the 23rd day of April, 2012, at 10:00 a.m.; and be it further

RESOLVED, that the Clerk of this Legislature shall cause a Notice of said Public Hearing to be published and mailed in accordance with Section 303-b of the Agriculture and Markets Law; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Chairman of the County Agricultural and Farmland Protection Board, William Brown, 9230 W Waneta Lake Rd, Hammondsport, NY 14840; the Director of the Steuben County Planning Department; and James Grace, Cornell Cooperative Extension - Steuben County.

Vote: Roll Call – Adopted.

RESOLUTION NO. 067-12

Introduced by T. Ryan. Seconded by B. Schu.

AUTHORIZING THE CHAIRMAN TO SIGN AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION RELATIVE TO FEDERAL FINANCIAL ASSISTANCE FOR THE PUBLIC TRANSPORTATION SYSTEM.

WHEREAS, Section 5311 of Title 49, United States Code, provides federal financial assistance for public transportation in rural and small urban areas by way of a formula grant program to be administered by the States; and

WHEREAS, Steuben County may make application annually to the New York State Department of Transportation for such federal aid for operating assistance for a Project to provide public mass transportation service on a continuing basis in Steuben County; and

WHEREAS, Steuben County desires to enter into a continuing agreement with the State of New York for the undertaking of the Project.

NOW THEREFORE, BE IT

RESOLVED that the Chairman of the Legislature is authorized to sign a continuing agreement between Steuben County and the State of New York providing for the undertaking of the Project and authorizing annual grant applications for such Section 5311 funds; and be it further

RESOLVED that the Chairman of the Legislature is authorized to sign any and all agreements between Steuben County and any third party subcontractors necessary to complete the Project; and be it further

RESOLVED that five (5) certified copies of this resolution shall be forwarded to the Steuben County Planning Director.

Vote: Roll Call – Adopted.

RESOLUTION NO. 068-12

Introduced by G. Swackhamer. Seconded by D. Farrand.

ESTABLISHING THE DATES FOR THE REAL PROPERTY DELINQUENT TAX AUCTION AND THE LAST DATE FOR REPURCHASE.

WHEREAS, the County of Steuben has commenced the annual Delinquent Real Property Tax In-Rem procedure pursuant to Article 11 of the New York State Real Property Law; and

WHEREAS, it is desirable to establish the date of the County Delinquent Real Property Tax Auction and the final repurchase date for parcels in said auction.

NOW THEREFORE, BE IT

RESOLVED, the 2012 Delinquent Real Property Tax Auction shall be conducted on Friday, July 27, 2012, commencing at 10:00 A.M. at the Haverling High School, Bath, New York; and be it further

RESOLVED, the final date to repurchase parcels listed for auction prior thereto is Friday, July 20, 2012, with a 25% repurchase fee on all taxes due, together with all other costs and fees associated therewith; and be it further

RESOLVED, that the County by action of the Finance Committee reserves the right to retain title on any parcel by denying the option to repurchase; and be it further

RESOLVED, that the Steuben County Treasurer is hereby authorized and directed to establish and publish the terms and conditions of the recited sale in advance of said sale; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer; Director of Real Property Tax Service Agency; and the County Attorney.

Vote: Roll Call – Adopted.

RESOLUTION NO. 069-12

Introduced by J. Hauryski. Seconded by G. Swackhamer.

REAPPOINTING DONALD B. CREATH TO THE CORNING COMMUNITY COLLEGE REGIONAL BOARD OF TRUSTEES.

Pursuant to Chapter 552 of the Laws of the State of New York of 1984.

WHEREAS, by resolution duly adopted the 18th day of December, 2006, Donald B. Creath of Corning, New York, was appointed to the Regional Board of Trustees for Corning Community College to fill the unexpired term of Althea O. Roll for a term to expire January 27, 2012; and

WHEREAS, by resolution duly adopted the 24th day of May, 2010, the term of Donald B. Creath was extended to June 30, 2012, to comply with §6306 of the Education Law of the State of New York, which stipulates that the terms of office of all members of the boards of trustees of community colleges shall terminate on the thirtieth day of June of the calendar year within which such terms expire; and

WHEREAS, the Chairman of the Legislature has recommended Donald B. Creath for reappointment to the Regional Board of Trustees for a term commencing July 1, 2012, and expiring June 30, 2021.

NOW THEREFORE, BE IT

RESOLVED, Donald B. Creath, be and the same hereby is reappointed as Trustee of the Corning Community College Board of Trustees for the above term; and be it further

RESOLVED, said member shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of his duties on the Corning Community College Regional Board of Trustees; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Dr. Katherine Douglas, President of Corning Community College, 1 Academic Drive, Corning, New York 14830, and to the above named appointee at 86 Cintra Lane East, Corning, New York 14830; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 070-12

Introduced by J. Hauryski. Seconded by C. Ferratella.

MEMORIALIZING THE UNITED STATES SENATE AND HOUSE OF REPRESENTATIVES TO RESTORE LOCAL BRIDGE AND TRANSPORTATION FUNDING TO THE FEDERAL SURFACE TRANSPORTATION BILL.

WHEREAS, the Senate and House are considering the reauthorization of the Federal Surface Transportation bill; and

WHEREAS, since 1978 the Federal Surface Transportation bills have included a requirement that 15% of the Highway Bridge Program funding be set aside for bridges not on the Federal-Aid system; and

WHEREAS, this bridge funding has ranged from $700-$800 million annually nationwide in recent years, for 285,000 off system bridges, 80,000 of which are deficient, and belonging mostly to County governments; and

WHEREAS, this funding has contributed on average approximately $1,000,000 annually to Steuben County Department of Public Works bridge construction since 2001; and

WHEREAS, while the proposed legislation allows State DOTs to fund off system bridges, this proposed bill removes the requirement to do so; and therefore we have a concern that the State will not allow the DOT Regional Office to continue this funding; and

WHEREAS, the Senate bill further reduces local transportation funding from 62% to 50% in the Surface Transportation Program section, and renamed it the Transportation Mobility Plan; and

WHEREAS, both the removal of the 15% local bridge funding requirement and the reduction of the local share of the Surface Mobility Plan from 62% to 50% would jeopardize local systems.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature opposes the reductions in local funding requirements by the United States Senate and House of Representatives and urges the United States Senate and House of Representatives to develop a plan that restores the funding requirements to local governments; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Senator Charles E. Schumer, 15 Henry St., Room M103, Binghamton, NY 13901; Senator Kirsten Gillibrand, Kenneth B Keating Federal Building, 100 State St., Room 4195, Rochester, NY 14614; and Congressman Tom Reed, 89 W. Market Street, Corning, NY 14830.

Vote: Acclamation – Adopted.

RESOLUTION NO. 071-12

Introduced by J. Hauryski. Seconded by All Legislators Present.

RESOLUTION CALLING ON THE GOVERNOR AND STATE LEGISLATURE TO IMPLEMENT A FULL TAKEOVER OF ALL LOCAL COSTS OF THE MEDICAID PROGRAM IN ORDER TO REDUCE NEW YORK'S HIGHEST IN THE NATION LOCAL TAX BURDEN.

WHEREAS, Medicaid is a Federal and State designed health care program, whose costs and administration represents the largest component of the State and local fiscal relationship in New York, exceeding $53 billion annually; and

WHEREAS, Medicaid is the single largest mandate the State has placed on county government and local property taxpayers, costing local taxpayers more than $7.3 billion annually and consuming nearly half of all county property taxes (outside of New York City); and

WHEREAS, even with local budget austerity measures, the program's cost has forced increases in property taxes for decades, along with a decline in the number and comprehensiveness of local quality of life services provided by counties that local taxpayers have come to expect; and

WHEREAS, Governor Cuomo has consistently maintained that the current Medicaid program in New York is unsustainable and unaffordable and therefore implemented a Medicaid Redesign Team to propose fundamental changes; and

WHEREAS, more than 80 statutory and regulatory Medicaid Redesign Team proposals are currently being implemented, intended to save State and Federal Governments tens of billions of dollars over the next decade; and

WHEREAS, the Medicaid Redesign Team and the Citizens' Budget Commission have both made recommendations to the Governor and Legislature that counties and New York City be removed from financing the State's Medicaid program because the reliance on property taxes is unfair for taxpayers and also undermines continued Medicaid reform and program efficiency efforts; and

WHEREAS, Congress has enacted comprehensive health care reform that greatly expands Medicaid coverage at enhanced federal matching rates and provides federal tax subsidies for all Americans required to purchase health insurance up to 400 percent of the federal poverty level; and

WHEREAS, when implemented, these federal reforms provide billions of dollars in new Medicaid spending to New York State, therefore providing an opportunity for the State to garner billions of dollars annually in fiscal relief; and

WHEREAS, in 2010, the State Legislature enacted a law that provides for the assumption of local governments' costs and related functions of administering the State Medicaid program, with assurances that this action would generate savings for county property taxpayers; and

WHEREAS, broadly supported bipartisan legislation has been introduced in New York, S.5889-B/A.8644, which calls for a multi-year transition that would require the State to take full financial responsibility for its Medicaid program, therefore providing property tax relief to local taxpayers; and

WHEREAS, New York's Medicaid program and all public health spending must be reevaluated in the context of the numerous Federal and State program reforms with a focus on a modern, patient-driven system that ensures public integrity, improves patient outcomes, and places it on a fiscally sustainable path; and

WHEREAS, the implementation of the local Medicaid Cap in 2005 represented a significant reform in the way New York financed its Medicaid program and provided counties with a level of stability and predictability that benefited local taxpayers by setting annual county increases for funding the State and Federal Medicaid program at no more than three percent per year; and

WHEREAS, the enactment of a two percent property tax cap in New York under which the allowed growth in county property taxes are almost entirely consumed by the State required three percent growth in county Medicaid costs alone, largely reverses the positive fiscal trend the prior local Medicaid growth cap provided.

NOW THEREFORE, BE IT

RESOLVED, Steuben County Legislature calls on the Governor and New York State Legislature to use the recently enacted (and future) State Medicaid Redesign Team reforms, federal health reform flexibilities and enhanced payments, the statutory requirement for the State to take full control over all Medicaid administrative functions, reform the State bureaucracy, and the recovery in state revenues as the means for leveraging a gradual state takeover of all local government Medicaid costs; an action that will lead to significant property tax and budget relief for all counties and New York City and lower tax burdens for property taxpayers across the State, vastly improving the State's economic competitiveness; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Minority Leader John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader Brian M. Kolb, 933 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany,

NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207; and Glenn Larison, President, InterCounty Association of Western New York, c/o Schuyler County Legislature, 105 Ninth Street, Unit 6, Watkins Glen, NY 14891.

Vote: Acclamation – Adopted.

RESOLUTION NO. 072-12

Introduced by J. Hauryski. Seconded by T. Ryan.

CALLING ON THE GOVERNOR AND STATE LEGISLATURE TO MAINTAIN THE CURRENT SUCCESS OF THE NEW YORK STATE CHILD SUPPORT ENFORCEMENT UNIT BY MAINTAINING A COMMITMENT TO A STRONG STATE/LOCAL PARTNERSHIP.

WHEREAS, the New York State child support program provides custodial parents with assistance in obtaining financial support and medical insurance coverage for their children by locating parents, establishing paternity, establishing support orders, and collecting and distributing child support payments; and

WHEREAS, the State of New York in partnership with Counties and New York City have developed a nationally recognized child support program which in 2010 collected $1.7 Billion for children across the State of New York through a strong commitment to financial and medical enforcement of child support orders; and

WHEREAS, child support plays an important role in protecting the economic security of hundreds of thousands of children across the State of New York through a strong commitment to financial and medical enforcement of child support orders; and

WHEREAS, in light of the Executive Budget proposal to discontinue State reimbursement for the administration of child support enforcement activities, the State of New York is effectively abandoning an essential economic support for children and families within New York State and New York City; and

WHEREAS, the State of New York has systematically shifted its Federal and State Constitutional responsibility to care for the poor to the County real property taxpayers, at the same time it has established a property tax cap which limits County governments' ability to pay the State's Bills; and

WHEREAS, the New York State 2011-2012 Executive Budget allows Counties and New York City to collect and retain the State portion of recoveries collected through child support enforcement activities in lieu of the state's proportionate share of administrative costs; and

WHEREAS, the New York State 2011-2012 Executive Budget abandons the successful partnership between the State, Counties and New York City by once again discontinuing State reimbursement of the fifty percent of the non-federal share for administrative expenses thereby shifting the state's share of administrative expense to local tax payers for a mandated service.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature calls on the Governor and State Legislature to continue the current partnership between the State of New York, Counties and New York City in offering child support enforcement services to families in need; and be it further

RESOLVED, that the current success of the New York State Child Support Program is a direct result of the equal partnership currently shared between the State of New York, Counties and New York City and the success of providing this essential economic lifeline to children is predicated on equal partnership; and be it further

RESOLVED, that the State of New York should continue to honor the success of the child support enforcement program by maintaining the current financial commitment to the child support enforcement activities

at fifty percent of the non-federal share for child support administration rather than shifting the State's bills and responsibilities to the property tax payers; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207; Glenn Larison, President, InterCounty Association of WNY, c/o Schuyler County Legislature; and Kathryn A. Muller, Commissioner, Steuben County Department of Social Services.

Vote: Acclamation – Adopted.

Motion to adjourn Regular Session and reconvene in Executive Session pursuant to Public Officers' Law, Article 7§ 105.1.E. Collective Negotiations Pursuant to Article Fourteen of the Civil Services Law and Public Officers' Law, Article 7§ 105.1.F. Relative to the Appointment of the Public Defender made by Mrs. Lando, seconded by Mr. Van Etten and duly carried.

Motion to adjourn Executive Session and reconvene in Regular session made by Mr. Roush, seconded by Mrs. Ferratella and duly carried.

RESOLUTION NO. 073-12

Introduced by B. Schu. Seconded by G. Swackhamer.

APPOINTING THE STEUBEN COUNTY PUBLIC DEFENDER AND SETTING THE SALARY.

WHEREAS, there exists a vacancy for the position of Steuben County Public Defender; and

WHEREAS, it is necessary to fill such vacancy; and

WHEREAS, the Public Safety and Corrections Committee of the Steuben County Legislature, in accordance with its responsibility, has diligently conducted a search for eligible candidates; and

WHEREAS, the Public Safety and Corrections Committee has recommended that **PHILIP J. ROCHE** of Painted Post, New York, be appointed as the Steuben County Public Defender; and

WHEREAS, it is the recommendation of the Public Safety and Corrections Committee to set the salary of the Steuben County Public Defender at $86,431.00 per annum (Management Grade I).

NOW THEREFORE, BE IT

RESOLVED, that **PHILIP J. ROCHE** of Painted Post, New York, is hereby appointed as Steuben County Public Defender, effective April 30, 2012 at a salary of $86,431.00 per annum; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointee, the County Administrator, the County Treasurer and the Personnel Officer.

Vote: Roll Call – Adopted. (Yes – 7008; Absent – 2351; Abstained – 513) (Mrs. Ferratella abstained)

Motion to adjourn made by Mr. Farrand, seconded by Mr. Van Etten and duly carried.

REGULAR MEETING
Morning Session
Monday, April 23, 2012
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 23rd day of April, 2012, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present except Legislator Lando and Legislator Ryan.

Mr. Swackhamer provided in the Invocation and the Pledge of Allegiance was led by Mr. Welch.

Chairman Hauryski asked Cathy Manning to come forward. Ms. Manning is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation in recognition of her 10 years of service to Steuben County.

Chairman Hauryski asked Sheri Yarka to come forward. Ms. Yarka is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation in recognition of her 10 years of service to Steuben County.

Chairman Hauryski asked Donna Evingham to come forward. Mrs. Evingham is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation in recognition of her 10 years of service to Steuben County.

Chairman Hauryski asked Lahneen McCormick to come forward. Ms. McCormick is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation in recognition of her 15 years of service to Steuben County.

Chairman Hauryski asked Deb Yastremski to come forward. Ms. Yastremski is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation in recognition of her 25 years of service to Steuben County.

Chairman Hauryski opened the floor for comments by members of the public. There being none, he declared the opportunity for public comment closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting for the Public Hearing Relative to Parcels for Inclusion in Certified Agricultural Districts 1, 2, 3, 6 and 10 During the Annual Thirty-Day Review Period. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being none, he declared the Public Hearing closed.

Motion approving the minutes from the previous meeting(s) made by Mr. Van Etten. Seconded by Mr. Schu and duly carried.

Ms. Flaitz informed the Legislature that their office has filed their Annual Report with the Clerk of the Legislature and copies are available in their office. Additionally, they will be holding assessment review training on Wednesday, April 25, 2012, from 6:00 p.m. – 9:00 p.m. If you would like to attend, please contact her.

Mr. Farrand stated that he would like to thank Mr. Spagnoletti and Mr. Hanna for coming to District 10 and explaining the upcoming road projects. This was beneficial to everyone involved and he would recommend other Legislators do the same.

RESOLUTION NO. 074-12

Introduced by L. Crossett. Seconded by Mr. Van Etten.

MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS, PROPERTY TAXES, AND OTHER REAL PROPERTY DISPOSITIONS.

RESOLVED, the Chairman of the Steuben County Legislature, in accordance with the applications filed herewith, is hereby authorized and empowered on behalf of this Legislature to execute the necessary documentation for the disposition of applications for correction of real property taxes levied on the parcels contained in Schedule "A"; and be it further

RESOLVED, the Steuben County Treasurer is hereby authorized to make the proper tax adjustment, and/or refund, with respect to the parcels contained in Schedule "A", as set forth in the approved applications, copies of which shall be forwarded to the taxpayer and collecting authority; and be it further

RESOLVED, as it appears to be in the best interest of the County to sell the properties listed on Schedule "B" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof; and be it further

RESOLVED, the said grantee(s) must accept the parcel "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel if need be; and be it further

RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Director of the Steuben County Real Property Tax Service Agency and the Steuben County Treasurer, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors; and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s).

SCHEDULE "A"

Resolution No.	A-1
Name	Carole Hidek
Parcel No.	178.00-01-024.100
Municipality	Bradford Town
Disposition	Refund

Resolution No.	A-2
Name	Arthur & Julie Sable
Parcel No.	050.16-01-017.100
Municipality	Pulteney Town
Disposition	Correction

Resolution No.	A-3
Name	Jennifer L. Frisbee
Parcel No.	373.00-01-035.100
Municipality	Caton Town
Disposition	Refund

Resolution No.	A-4
Name	James Hink, Sr.
Parcel No.	304.00-01-045.100
Municipality	Greenwood Town
Disposition	Refund

Resolution No.	A-5
Name	Ross Stepka
Parcel No.	372.00-02-014.200
Municipality	Caton Town
Disposition	Refund

Resolution No.	A-6
Name	Brian K. & Lois A.Bockus
Parcel No.	407.00-03-011.200
Municipality	Caton Town
Disposition	Refund

SCHEDULE "B"

Resolution No.	B-1
Former Owner	Gerald F. Edell & Velma M. Edell
In Rem Index No.	104021, 2009 sale
Parcel No.	136.18-01-017.000
Municipality	North Hornell Town
Grantee(s)	Gerald F. Edell & Velma M. Edell
Grantee(s) Address	2785 Creekside Drive, Canisteo, NY 14823
Consideration	$8,582.68, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Vote: Roll Call – Adopted.

RESOLUTION NO. 075-12

Introduced by J. Hauryski. Seconded by G. Roush.

RECEIVING AND ACCEPTING THE APRIL 23, 2012 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and **referred to the appropriate Standing Committee and/or Department Head for information and/or action,** to wit:

March 19, 2012

City of Corning – Re: Request for Reimbursement from the County for Bridge Funding. ***Referred to: Public Works Committee; and Vince Spagnoletti, Commissioner of Public Works.***

NYS Department of Taxation and Finance, Office of Real Property Tax Services – Re: Certificate of the final 2012 oil and gas unit production values. ***Referred to: Wendy Flaitz, Real Property Director; and Patrick Donnelly, Treasurer.***

Delaware County Board of Supervisors – Re: Resolution adopted by the Delaware County Board of Supervisors on March 14, 2012 requesting the State to fulfill its commitment to upstate economic revitalization and the completion of interstate highway I-86. ***Referred to: filed with the Clerk of Legislature, Brenda Mori.***

NYS Office for the Aging – Re: Notification of Grant Award (NGA) for the Nutrition Services Incentive program (NSIP) for the 2012 fiscal year. ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

NYS Department of Health – Re: Reference materials for the recruitment and appointment process of County Public Health Directors/Commissioners. ***Referred to: Human Services/Health & Education Committee; Administration Committee; and Nancy Smith, Personnel Director.***

March 23, 2012

United States Senate – Re: Notification of the National Endowment for the Humanities (NEH) is currently accepting applications for funding under the Bridging Cultures at Community Colleges Grant Program. All applications must be submitted via Grants.gov and are due by Tuesday, August 14, 2012. ***Referred to: Twila O'Dell, Historian.***

April 2, 2012

U.S. Immigration and Customs Enforcement – Re: Final closeout for contract #HSCEOP-07-P-00863. ***Referred to: Sheriff Ordway.***

April 5, 2012
New York State Office of Children & Family Services - Re: OCFS Fatality Report #92-11-006. ***Referred to: Mark Alger, County Administrator.***

April 6, 2012
City of Hornell – Re: Request to combine resources due to property located at 37/39 Washington Street, Hornell is uninhabitable, condemned and not suitable for resale. ***Referred to: Administration Committee; Finance Committee; Patrick Donnelly, County Treasurer; and Alan Reed, County Attorney.***

April 11, 2012
NY State Assembly – Re: Request for input on State reporting requirements. ***Referred to: All Department Heads.***

April 12, 2012
NYS Division of Homeland Security and Emergency Services – Re: Announcement of FEMA grant award under the FY 2012 State Homeland Security Program (SHSP) in the amount of $88,000. Applications need to be submitted to DHSES no later than **April 25, 2012**. ***Referred to: Public Safety & Corrections Committee; Mike Sprague, EMO Director; and Sheriff Ordway.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 076-12

Introduced by M. Hanna. Seconded by C. Ferratella.

AUTHORIZING AN INTER-MUNICIPAL AGREEMENT WITH SCHUYLER AND YATES COUNTIES FOR A PAINT STRIPING TRUCK.

WHEREAS, Steuben County Resolution No. 166-06 supported participation in a Shared Municipal Grant Application and Inter-municipal Agreement with Schuyler and Yates Counties for the purpose of purchasing a Paint Striping Truck; and

WHEREAS, the original Inter-municipal Agreement has expired and a new five (5) year agreement through 2016 is requested; and

WHEREAS, the new agreement calls for each County to pay for the fuel used on its own roads and each County will pay a proportionate share of the truck's maintenance costs based on the number of miles of road in each County.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works of the County of Steuben is hereby authorized to enter into an Inter-municipal Agreement with Schuyler and Yates Counties for the ownership, operation, and maintenance of a Paint Striping Truck; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Administrator, Mark R. Alger; Deputy Steuben County Attorney, Shawn M. Corey; Steuben County Commissioner of Public Works, Vincent Spagnoletti; Schuyler County Administrator, Timothy M. O'Hearn, 105 Ninth Street, Unit 37, Watkins Glen, NY 14891; Schuyler County Attorney, Geoffrey B. Rossi, 105 Ninth Street, Unit 5, Watkins Glen, NY 14891; Schuyler County Highway Superintendent, Gregory Matthews, 810 South Decatur Street, Watkins Glen, NY 14891; Yates County Administrator, Sarah Purdy, County Building, 417 Liberty Street, Penn Yan, NY 14527; Yates County Attorney, Scott P. Falvey, 415 Liberty Street, Suite 204, Penn Yan, NY 14527; and Yates County Highway Superintendent, David Hartman, 939 Route 14A, Penn Yan, NY 14527.

Vote: Roll Call – Adopted.

RESOLUTION NO. 077-12

Introduced by M. Hanna. Seconded by R. Weaver.

AUTHORIZING SNOW AND ICE CONTROL AGREEMENTS WITH THE TOWNS AND VILLAGES.

WHEREAS, the Towns and Villages of Steuben County have previously contracted the snow and ice removal on 152.36 miles of County roads; and

WHEREAS, the existing agreements expired after the 2011/12 winter season; and

WHEREAS, the County desires to enter into new agreements covering future winter seasons; and

WHEREAS, the Public Works Committee has approved these agreements.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works is hereby authorized to enter into Snow and Ice Control Agreements with any Town and Village within Steuben County on such terms and conditions as may be approved by the Public Works Committee; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Public Works**.**

Vote: Roll Call – Adopted (Yes: 8112; No: 625; Absent: 1135)
(Mr. Farrand opposed; Mrs. Lando and Mr. Ryan absent)

RESOLUTION NO. 078-12

Introduced by M. Hanna and L. Crossett. Seconded by D. Farrand.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ACCEPT A GRANT FROM THE UPPER SUSQUEHANNA COALITION TO BUILD A FENCE AT THE LANDFILL.

Pursuant to Article 5 of the Steuben County Law of the State of New York.

WHEREAS, the Solid Waste Division is desirous of utilizing small ruminants such as sheep and goats to graze the Old Bath Landfill cap; and

WHEREAS, an area of approximately 32 acres has been identified as suitable for sustaining grazing operations; and

WHEREAS, the Solid Waste Division has received authorization from the New York State Department of Environmental Conversation to proceed with the grazing project; and

WHEREAS, the grazing operation will reduce the need to mechanically mow the Landfill cap, thus reducing carbon emissions from the consumption of fossil fuels and saving the Solid Waste Division approximately $5,000 per year; and

WHEREAS, the equipment and workers can be used on other needed projects; and

WHEREAS, the County has received a $15,000, 100% full reimbursement Grazing Initiative Grant from the Upper Susquehanna Coalition for the construction of fence around the designated grazing area**;** and

WHEREAS, the Steuben County Soil & Water Conservation District will administer the grant on behalf of the Upper Susquehanna Coalition**.**

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works is authorized to execute any and all agreements necessary to accept the Upper Susquehanna Coalition Grazing Initiative Grant; and be it further

RESOLVED, that the Steuben County Treasurer is authorized and directed to anticipate the $15,000 in revenue and appropriate same to the appropriate accounts within the Solid Waste Division budget; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works, Steuben County Treasurer, and the Steuben County Soil & Water Conservation District.

Vote: Roll Call – Adopted.

RESOLUTION NO. 079-12

Introduced by R. Weaver. Seconded by G. Welch.

APPROVING THE ADDITION OF AGRICULTURAL LANDS TO CERTIFIED AGRICULTURAL DISTRICTS.

Pursuant to Article 25-AA, Section 303-b, of the Agriculture and Markets Law of the State of New York.

WHEREAS, the Steuben County Legislature established a required annual period from January 15 to February 15 for landowners to submit requests to add agricultural land to Certified Agricultural Districts; and

WHEREAS, landowners submitted requests to add land and said requests were forwarded to the Steuben County Agriculture and Farmland Protection Board for their review; and

WHEREAS, the Steuben County Agriculture and Farmland Protection Board has reviewed the matter, found the land to be viable for agricultural production, and submitted a report to this Legislature; and

WHEREAS, inclusion of these viable agricultural lands in Certified Agricultural Districts will serve the public interest by helping to maintain the agricultural industry of Steuben County; and

WHEREAS, the Steuben County Legislature gave legal notice of and held the required public hearing of this matter on the 23rd day of April, 2012 at 10:00 a.m.

NOW THEREFORE, BE IT

RESOLVED, that the following tax parcel shall be added to Agricultural District No. 1:

462800 237.00-01-003.000 463289 218.00-01-012.000

AND BE IT FURTHER RESOLVED, that the following tax parcel shall be added to Agricultural District No. 2:

462489 177.00-03-024.100

AND BE IT FURTHER RESOLVED, that the following tax parcels shall be added to Agricultural District No. 3:

466200 049.00-01-024.410
466200 049.00-01-034.000
466200 050.00-01-012.110
466200 050.00-01-015.200
466200 050.00-02-012.115

AND BE IT FURTHER RESOLVED, that the following tax parcels shall be added to Agricultural District No. 6:

466400 274.00-03-005.110
466400 276.00-01-002.111
466400 292.00-03-017.000
466400 294.00-01-013.200
466400 294.00-01-028.100
466400 310.00-03-002.000
466400 310.00-03-003.200
466400 311.00-01-010.200
466400 311.00-01-036.000
466400 311.04-01-001.000
466400 312.00-01-001.000
466400 312.00-01-028.000
466400 312.00-01-041.200
466400 328.00-03-001.100
466400 328.00-03-005.000
466400 328.00-03-026.000
466400 329.00-01-025.122
466400 348.00-01-001.100
466400 348.00-01-002.111
466400 348.00-01-013.200
466400 348.00-01-015.110
468200 382.00-01-031.110

AND BE IT FURTHER RESOLVED, that the following tax parcels shall be added to Agricultural District No. 10:

464600 303.00-01-009.110
464600 303.00-01-010.000

AND BE IT FURTHER RESOLVED, that certified copies of this resolution shall be forwarded to the Chairman of the County Agricultural and Farmland Protection Board, William Brown, 9230 W Waneta Lake Road, Hammondsport, NY 14840; the Director of the Steuben County Planning Department; James Grace, Cornell Cooperative Extension - Steuben County; Darrel J. Aubertine, Commissioner, New York State Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235.

Vote: Roll Call – Adopted.

RESOLUTION NO. 080-12

Introduced by R. Weaver. Seconded by C. Ferratella.

APPROVING THE STEUBEN COUNTY 2012 COORDINATED PUBLIC TRANSIT – HUMAN SERVICES TRANSPORTATION PLAN.

WHEREAS, the Steuben County Coordinated Public Transit – Human Services Transportation Plan (Plan) has been prepared to comply with the regulations of the Federal Transportation Safe, Accountable, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) mandate; and

WHEREAS, three Federal Transportation Administration (FTA) Programs (Section 5310 – Elderly Individuals and Persons with Disabilities; Section 5316 – Job Access and Reverse Commute (JARC); and Section 5317 – New Freedom) require projects to be derived from such a locally developed and coordinated Plan; and

WHEREAS, the Plan guides the funding of specific projects funded by the FTA under said programs; and

WHEREAS, the goal of the Plan is to improve transportation services for persons with disabilities, elderly people, and those with low incomes; and

WHEREAS, it is in the County's best interest to serve the targeted populations efficiently, cost effectively, and with minimal duplication of services.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby approves the Steuben County Coordinated Public Transit – Human Services Transportation Plan 2012 Update; and be it further

RESOLVED, transportation agencies operating in Steuben County may seek funding from FTA Programs for local coordinated transit projects that carry out the intent of the Plan; and be it further

RESOLVED, a certified copy of this resolution shall be sent to Jane Davis, Steuben County Mobility Manager, at the Institute for Human Services, Inc., 6666 CR 11, Bath NY 14810-7722.

Vote: Roll Call – Adopted.

RESOLUTION NO. 081-12

Introduced by C. Ferratella and L. Crossett. Seconded by M. Hanna.

ACCEPTING AND APPROPRIATING CHILD CARE FRAUD AND PREVENTION FUNDS INTO THE 2012 SOCIAL SERVICES BUDGET.

WHEREAS, the State of New York Office of Children and Family Services has awarded a Child Care Fraud Prevention and Detection Incentive Grant to Steuben County to help prevent and reduce fraud in the Child Care Subsidy Program; and

WHEREAS, NYS Office of Children and Family Services has awarded the Steuben County Department of Social Services an amount of $40,000.00; and

WHEREAS, the term of the grant will be for one year, commencing on April 1, 2012 and ending March 31, 2013; and

WHEREAS, the approved plan includes contractual costs of: 0.55 FTE staffing of a Legally Exempt Specialist through the Steuben Child Care Project of Pro Action of Steuben and Yates, Inc., for forty (40) hours per month and travel as needed through the Steuben County Sheriff's Office to perform background checks.

NOW THEREFORE, BE IT

RESOLVED, Steuben County accepts and appropriates the recited funds in the 2012 Steuben County Budget and approves contracts between said agencies as follows:

CONTRACTS:

Steuben Child Care Project of Pro Action of Steuben and Yates, Inc.	$28,773.00
Steuben County Sheriff's Office	$11,227.00

Expenditure

6055 5445100 Child Care Services	$40,000.00

Revenues:

6055 44655000 Federal Revenue	$40,000.00

AND BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Social Services and the County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 082-12

Introduced by P. McAllister. Seconded by S. Van Etten.

ADOPTING A POLICY FOR MITIGATING MUNICIPAL DEMOLITION COSTS IN CERTAIN SITUATIONS.

WHEREAS, from time to time the various municipalities of Steuben County seek to demolish certain dangerous and unsightly structures within their respective jurisdictions; and

WHEREAS, a lien for the costs of such demolition is authorized to be placed upon the real property impacted by the municipality; and

WHEREAS, the lien for costs of demolition constitutes a "special assessment" under Real Property Tax Law (RPTL) §102(15), but does not constitute a "tax" under RPTL §102(20); and

WHEREAS, the County recognizes the public benefit of such demolitions of unsafe and unsightly structures; and

WHEREAS, the County is authorized to secure title to real property for the non-payment of delinquent taxes pursuant to Article 11 of the RPTL and that its title under RPTL§1136 is fee simple absolute where such local assessments are also foreclosed; and

WHEREAS, the County is authorized to enter into agreements with other taxing districts under RPTL §1150 without the limitations imposed under RPTL §1136; and

WHEREAS, subject parcels are on occasion sold for sums in excess of the taxes owing together with the costs of the County's RPTL action.

NOW THEREFORE, BE IT

RESOLVED, a policy is established by the County of Steuben covering real property parcels where the County has secured title pursuant to a judgment under Article 11 of the RPTL and in the event such parcel(s) is sold as authorized under RPTL §1166 in an amount exceeding the actual taxes thereon owing together with the costs related to the action under RPTL Article 11 as calculated by the Steuben County Treasurer; then and in such event, the County shall mitigate the costs of a municipality for demolition of unsafe and unsightly structure(s) upon the respective parcel; and be it further

RESOLVED, in the event that a municipality seeks the benefit of the recited policy, the municipality must demonstrate its costs incurred for demolition of structure(s) upon such parcel to the Steuben County Treasurer during the recited pendency of the Article 11 proceeding and as such costs are agreed upon by the Steuben County Treasurer as permitted pursuant to RPTL §1150; and be it further

RESOLVED, this policy neither creates nor establishes an interest in the recited real property to any other taxing district, but is intended to provide mitigation of costs to a municipality where proceeds are available as set forth above. This policy is further not intended to prevent any and other agreement(s) between the County and respective municipalities where, in the discretion of these parties, such other agreement(s) is prudent in the public interest and as otherwise authorized by statute; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Director of the Steuben County Real Property Tax Service Agency, the Steuben County Treasurer, and the respective Assessors within the County.

Mrs. Ferratella stated that since the towns and villages will need to amend their maintenance costs, she would like to make sure we are communicating with the municipalities to make sure they have time to amend their ordinances. She asked will this take effect immediately? Mr. Alger replied that relative to the maintenance, he doesn't think that is changing, but we will communicate that to the towns and villages. Once this is adopted, we will forward a letter to the municipalities. Mr. Reed commented that he will supply a copy of the letter to the Clerk of the Legislature so that it may be distributed with the resolution. Mr. Alger stated we will also forward a copy of the letter to the Legislature.

Vote: Roll Call – Adopted.

RESOLUTION NO. 083-12

Introduced by R. Weaver. Seconded by R. Lattimer.

APPOINTING MEMBERS TO THE MARSH DITCH WATERSHED PROTECTION DISTRICT ADMINISTRATIVE BOARD.

WHEREAS, vacancies have occurred on the Marsh Ditch Watershed Protection District Administrative Board; and

WHEREAS, the following appointees have been recommended for appointment by the District's Board of Directors, the Soil and Water Conservation District, and the Agriculture, Industry & Planning Committee of the Steuben County Legislature for the term as indicated:

Gary Mahany 01/01/12 – 12/31/15
8790 Oak Hill Road, Arkport, NY 14870

John Merry 01/01/12 – 12/31/15
8545 Canaseraga Road, Arkport, NY 14870

Jeramie Hurlbut 01/01/12 – 12/31/15
59 Mill Street, Canaseraga, NY 14822

NOW THEREFORE, BE IT

RESOLVED, that these appointees are hereby appointed to the Marsh Ditch Watershed Protection District Administrative Board for terms as indicated; and be it further

RESOLVED, members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Marsh Ditch Watershed Protection District Administrative Board; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to the above-named appointees; the Steuben County Auditor; and the Steuben County Soil & Water Conservation District.

Vote: Acclamation – Adopted.

RESOLUTION NO. 084-12

Introduced by J. Hauryski. Seconded by G. Swackhamer.

APPOINTING MEMBERS TO THE HEALTH SERVICES ADVISORY BOARD OF THE STEUBEN COUNTY DEPARTMENT OF PUBLIC HEALTH AND NURSING SERVICES.

Pursuant to Section 357 of the Public Health Law of the State of New York.

WHEREAS, the Steuben County Health Services Advisory Board acts in an advisory capacity to the Steuben County Legislature which in turn acts as the County Board of Health; and

WHEREAS, a vacancy exists on the Steuben County Health Services Advisory Board; and

WHEREAS, the Health Services Advisory Board has recommended the following appointments:

HEALTH SERVICES ADVISORY BOARD

Steuben County Consumer	Nancy B. Smith Corning, NY 14830	01/01/12 – 12/31/15 (Four year term)
Steuben County Legislator	Honorable Carol A. Ferratella 8 Fenderson Street Painted Post, NY 14870	01/01/10 – 12/31/12 (Three year term)
Steuben County Provider	Dawn Brucie, Deputy Director ProAction of Steuben & Yates, Inc. 117 East Steuben Street Bath, NY 14810	01/01/10 – 12/31/13 (Four year term)

NOW THEREFORE, BE IT

RESOLVED, the Chairman of the Steuben County Legislature hereby appoints the aforementioned individuals to the Health Services Advisory Board of the Steuben County Department of Public Health and Nursing Services for the terms above-indicated; and be it further

RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Health Services Advisory Board; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees; Salvatore W. Page, Regional Health Director of the New York State Department of Health, Buffalo Region, 584 Delaware Avenue, Buffalo, New York, 14202; County Auditor; and the Director of Public Health and Nursing Services.

Vote: Acclamation – Adopted.

RESOLUTION NO. 085-12

Introduced by R. Weaver. Seconded by G. Swackhamer.

URGING THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO COMPLETE THE DISCOVERY PORTION OF THE CHEMUNG WATERSHED RISK MAP PROJECT PRIOR TO CONTINUING THE FLOOD HAZARD ANALYSIS AND MAPPING WORK.

WHEREAS, the Federal Emergency Management Agency (FEMA) is undertaking the process of updating Flood Insurance Rate Maps (FIRMs) for the Chemung Watershed Risk Mapping, Assessment, and Planning (Risk MAP) project (which includes the Cohocton River watershed, but not the Tioga and Canisteo River watersheds); and

WHEREAS, FEMA has developed a Coordinated Needs Management Strategy (CNMS) for assessing flood hazard mapping needs every 5 years, which forms the basis for allocating funds for needed restudies; and

WHEREAS, FEMA has not conducted a CNMS validation analysis for more than 60 percent of the stream miles in the Chemung Watershed (classified as "to be determined"), including many streams that have not been studied or assessed since the 1970s and 1980s; and

WHEREAS, FEMA conducted a "Discovery" process, including four meetings in May 2011, in which local participants provided input concerning flood hazards, data, and mapping needs; and

WHEREAS, FEMA's Guidelines and Standards specify that FEMA must coordinate with watershed stakeholders about the scope of the flood risk project, the expected impacts of potential study results, and development of a project charter prior to initiating a flood risk project (Guidelines and Specifications for Flood Hazard Mapping Partners, Appendix I: Discovery); and

WHEREAS, FEMA distributed a Discovery Report and Discovery Maps in December 2011, that include a Proposed Scope of Study about which local reviewers have expressed significant concerns, including the failure to include study requests made by watershed stakeholders during the Discovery process; and

WHEREAS, in the absence of post-Discovery meeting coordination by FEMA, local comments regarding the Proposed Scope of Study and errors in the Discovery information were assembled and provided to FEMA by Southern Tier Central Regional Planning and Development Board; and

WHEREAS, FEMA began field surveys on October 5, 2011, and is undertaking analysis for the Chemung Watershed Risk MAP project, but did not conduct the required coordination with local stakeholders about the scope of work, products to be provided, or the expected impacts.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature requests that the Federal Emergency Management Agency discontinue all field surveying, flood hazard analysis, and mapping work for the Chemung Watershed Risk MAP project until such time as the Discovery portion of the project is successfully completed, including: validation analysis of all streams in the study area (including stream reaches that were not previously studied), documentation of flood hazard study requests received from watershed stakeholders, correction of errors in the Discovery Report and Maps, coordination with impacted municipalities to discuss expected impacts of potential study results, coordination with local stakeholders to develop a mutually acceptable project scope, and participation in a meeting about certification levees that was requested in July 2011; and be it further

RESOLVED, that copies of this resolution are forwarded to Lynn Gillmore Canton, Regional Director, Federal Emergency Management Agency, 26 Federal Plaza, New York, NY 10278; Doug Bellomo, Director, Risk Analysis Division, Federal Emergency Management Agency, 500 C Street SW, Washington DC 20472; Robert J. Schaefer, P.E., Mitigation Division, Risk Analysis Branch, Federal Emergency Management Agency, 26 Federal Plaza, New York, NY 10278; William Nechamen, CFM, Chief, Floodplain Management Section, NYS Department of Environmental Conservation, 625 Broadway, 4th Flood, Albany NY 12233-3504; and forwarded by fax to Senator Charles E. Schumer, Senator Kirsten E. Gillibrand, and Congressman Tom Reed.

Vote: Acclamation – Adopted.

RESOLUTION NO. 086-12

Introduced by L. Crossett. Seconded by S. Van Etten.

AUTHORIZING THE REPLACEMENT OF THE UPS (UNINTERRUPTIBLE POWER SUPPLY) SYSTEM AT THE COUNTY JAIL FOLLOWING A LIGHTNING STRIKE.

WHEREAS, the UPS at the County Jail was struck by lightning on April 17, 2012; and

WHEREAS, the system is essential to protect the Sheriff's telephone system and the County IT Department's back-up servers;

NOW THEREFORE BE IT

RESOLVED, that the sum of $35,000.00 is transferred from the Judgments and Claims line item to the County Jail UPS Replacement Project; and be it further

RESOLVED, the Steuben County Treasurer is authorized and directed to make the necessary budget transfers and adjustments to facilitate this replacement; and be it further

RESOLVED, copies of this resolution shall be forwarded to the Risk Manager, IT Director, County Sheriff and County Treasurer.

Vote: Roll Call – Adopted.

Motion to adjourn regular session and reconvene in executive session pursuant to public officers' law, article 7§ 105.1.D. Discussions regarding proposed, pending or current litigation and article 7§ 105.1.E. Collective negotiations pursuant to article fourteen of the civil service law made by Mr. Van Etten. Seconded by Mr. Schu and duly carried.

Motion to adjourn executive session and reconvene in regular session made by Mr. Van Etten. Seconded by Mr. McAllister and duly carried.

RESOLUTION NO. 087-12

Introduced by B. Schu and L. Crossett. Seconded by G. Swackhamer.

AUTHORIZING THE PURCHASE OF TWENTY-THREE (23) PROTECTIVE VESTS FOR USE BY THE STEUBEN COUNTY PROBATION DEPARTMENT AT AN AGGREGATE COST OF $18,400.00.

WHEREAS, the work of a Probation Officer has become more dangerous; and

WHEREAS, it is in the best interest of Steuben County to keep its employees protected; and

WHEREAS, it has become practice for Probation Departments throughout the state to issue protective vests to its officers; and

WHEREAS, this request has been reviewed and approved by the Public Safety and Corrections Committee and the Finance Committee; and

WHEREAS, the initial request for 10 protective vests was increased to 23 by the Finance Committee; and

WHEREAS, the Probation Department, in conjunction and cooperation with the Sheriff's Department, anticipates 50% funding for the first 10 vests; and

WHEREAS, the additional 13 vests will cost $10,400.00, with said sum coming from the contingency fund.

NOW THEREFORE, BE IT

RESOLVED, that the Director of Probation is authorized to purchase 23 protective vests at a cost of $800.00 each, as set forth under the applicable State contract, to be funded as follows: $4,000.00 from the Probation budget, $4,000.00 from a grant obtained by the Sheriff's Department and the balance of $10,400.00 from the contingency fund; and be it further

RESOLVED, the County Treasurer is authorized and directed to make the necessary appropriations and transfers and anticipate the State/Federal reimbursements, as recited herein to secure the recited purchase(s); and be it further

RESOLVED, the County Administrator is authorized to approve the amendments to the Probation and/or Sheriff's equipment lists and appropriations to facilitate the purchase of the protective vests; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Director of Probation, Steuben County Treasurer, Steuben County Sheriff, and the County Administrator.

Vote: Roll Call – Adopted.

Motion to adjourn made by Mr. McAllister. Seconded by Mr. Mullen and duly carried.

REGULAR MEETING
Morning Session
Monday, May 21, 2012
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 21st day of May, 2012, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present.

Mrs. Ferratella provided the Invocation and the Pledge of Allegiance was led by Mr. Schu.

Chairman Hauryski opened the floor for comments by members of the public.

Dawn Patton stated that she has worked for the County for 32 years, of which 27 have been at the Health Care Facility. On behalf of the employees at the Health Care Facility, the residents and taxpayers, she has 2,227 signatures on petitions which read as follows: "Every day around the clock, Steuben County residents receive quality care at the Steuben County Health Care Facility. Life is better in Steuben County because the public nursing home is there to provide a valuable safety net of vitally needed, long-term services to all residents of the county, regardless of ability to pay. It's an integral part of the community and an asset for all county residents and taxpayers. Now, our elected county legislators and appointed county management are looking to wash their hands of this asset by outsourcing services to a profit-driven company and by selling the Nursing Facility. We, the undersigned, send a resounding vote of NO to county legislators. **NO, our home is NOT for sale. NO, outsourcing essential services in the home is NOT a good idea**. We all deserve the outstanding quality, dependability and continuity of care our public Steuben County Nursing Facility provides." Ms. Patton stated that on a personal note, this is not just a job for us. These people are not just residents; they are our friends and our family. We all work together. She stated that she considers her co-workers as family. Think of your families as well. We all want the best quality care in our last days.

James Curtis stated that he has been living at the Health Care Facility for the past ten months. He stated that he knows about the plan for outsourcing certain things and that there is the possibility of selling the Health Care Facility. Whether this will happen or not, he does not know. The people in the facility are dependent on having individuals that are there all the time. If you outsource or sell, then you will be bringing in people that the residents are not used to. There will be chaos and the residents may die or rebel. The employees are the familiar faces that wake them up and give them loving hugs. They do not rush the residents and are always encouraging. The facility is a family and we need this.

Kathleen Strack stated that she is 46 years old and is a resident at the Health Care Facility due to a disability as a result of a major stroke at the age of 21. She stated that she has lived at the Health Care Facility for the last five years. Coming to the facility was a choice she made when independent living was impossible. She stated that she does not regret living here, but considers herself blessed. The staff is faithful and hardworking and they have all become my family. Now the facility is experiencing financially troubling times. Cuts need to be made and that is the hard truth. In outsourcing some of the departments, we fear that bringing in new people will lead to the loss of quality care and services as the new employees will not have a vested interest. She asked that the Legislators make their decisions wisely and thoughtfully, bearing in mind that her family will be impacted.

Rebecca Kilsdonk stated that she has worked for the Health Care Facility for 27 years. This is more than a job; it is her home, her family and her friends. She stated that both her grandmother and uncle were residents at the facility. She stated that she works with very professional people who are caring and understanding. This is more than a nursing home, this is our residents' home. They deserve the best care. Please give this thought before you outsource. Don't take away the residents' family, friends and home.

Ira Hale, Hornell, stated that he is an employee in the Buildings & Grounds Department and is a taxpayer and voter. He stated that he has had family members who have lived at the facility. He asked that the Legislators have administration look at where the fat can be cut. Look elsewhere for those cuts. The facility has a $2 million deficit, but someday his mother will be there, and he may also someday be there. There is no better health care than what is at the Health Care Facility. These people here today are in support of not just their jobs, but of the facility. Make administration do their job. Outsourcing does not do anything. Go out to the facility and watch the workers as they patiently help the residents. The best resource the County has is our employees.

Chris Myers, Unit President, CSEA Unit 8700, stated the workers at the Health Care Facility are dedicated. Some have been there for 25 – 30 years and you are talking about outsourcing their jobs. He stated that he is a taxpayer and he knows that most of the residents out there would not mind paying extra tax dollars knowing that good people are waiting at the Health Care Facility for when they need care. The employees are dedicated and have shown up to meetings to figure out ways to assist the County in cost cutting. He encouraged the Legislature to look at other departments and look to where we can save the money so that we can keep the Health Care Facility publicly owned. That is the job that we have elected you to do. Right now, we are in contract negotiations and both sides are looking at ways to save money. The residents want a safe and happy environment to live in. Look at every alternative. Outsourcing is not the way to go.

Deborah Shader stated she is a resident at the Health Care Facility. Imagine that you learned you had to leave your home and live in a nursing home. You would want someone to treat you with respect and love. You don't want to have to worry. She stated that she became a resident two years ago due to surgery. She was devastated to have to leave her home. Through the kindness of the staff, they helped her to adjust. The residents are pleased with the care they receive and the personal touches. These things are so important. They are concerned with outsourcing and wonder if they will get the same amount of caring that they receive now. There is an old saying that you get what you pay for.

Chairman Hauryski thanked everyone for their comments. There being no further comment, he declared the opportunity for public comment closed.

James Johnson, Executive Director, Steuben County Industrial Development Agency, stated that he is here today to provide a brief update on their activities. We have been very busy and we continue to develop ways to provide economic development services to the County. We are involved with numerous agencies, including REDEC, Southern Tier Central Regional Planning & Development Board and Empire State Development. Mr. Johnson stated that he is pleased to announce that they have signed their first tenant to the industrial park in Bath. Guthrie Healthcare will be building a medical art facility that will be approximately 10,000 square feet and will house 4 doctors and create 20 additional jobs. This project sets the tone for the park. Guthrie Healthcare is not seeking any public incentives. They will be investing in public infrastructure that needs to go into the park; a public access road and a pump station for the sewer system. These will be accessible to all future occupants at the park. The cost for these infrastructure projects will be approximately $300,000. This is a win-win for the Industrial Development Agency and for the community. Thank you for your support.

John Clifford, Steuben County's Representative on the Board of Directors of the Western Regional Off-Tracking Betting Corporation at Batavia Downs, stated that the WROTB was formed in 1974 and at that time Steuben County invested $22,800.00. Since then, the return on that initial investment is $5,893,940.00. Today, he is pleased to present to the Legislature, a check in the amount of $19,036.00 which represents your share of the first quarter distributions. Mr. Clifford explained the OTB mainly operates horse racing betting parlors. We purchased Batavia Downs and Casino and every year revenues continue to grow. Allowing full casino gaming will allow us to play on a level field with the Indian casinos. The revenue that the casino provides will be significant. Mr. Nolan, Senior Vice President, stated there are currently 9 racinos in the New York. We are asking you to adopt a resolution to send a message that the casino you own should be authorized for full casino gaming. If we get that approved, we

expect our revenue to increase 60 percent. This year we are planning a $27 million expansion. If Batavia Downs is allowed full casino gaming, we project an $88 million expansion. We feel we have a bright future.

Kathy Muller, Commissioner of Social Services, stated it is my pleasure to be here this morning representing the Steuben County Task Force for the Prevention of Child Abuse. The Task Force sponsors multiple activities throughout the County providing information and education, and promoting the awareness of child abuse and neglect. In Steuben County, we receive over 1,800 reports per year with approximately 25 percent of these reports ending with a finding of maltreatment. These numbers continue to rise.

April is and was recognized as Child Abuse Prevention Month. I would like to take this opportunity to thank Chairman Hauryski, members of this Legislature, and Mr. Alger for proclaiming April as Child Abuse Prevention Month, and for your continued support of the programs and services we offer, especially in these difficult budget times. I would like to recognize Bill Caudill, our new County Youth Program Administrator. Bill chairs the Task Force and although new to the position, Bill has been an integral part of the service delivery system in Steuben County for over 10 years. Bill, I applaud you for crossing over from the non-profit sector to the "A" team. I would like to recognize and thank my staff, Teresa Deninger, Deputy Commissioner; Jack Roche, Assistant Direct; and Edna Kayes, also Assistant Director and another "newbee" to our County's services division. Although new to us, Edna comes from Allegany County with over 20 years of experience in child protective services, also serving on the Task Force. Finally, thank you to the members of the Task Force. As without your extra efforts, this and many other events would not occur.

The Task Force is now into its 19th year. Having been founded in partnership by the County Department of Social Services and Youth Bureau, the Task Force sponsors prevention activities year round. In addition to today's event, the Task Force sponsored the annual t-shirt contest conducted in schools across the County for grades 4 -6. The kids created a t-shirt using a theme of "It's Your Turn to Make a Difference". This year's winning t-shirt was designed by Campbell 6th grader, Renee Stickler. This young lady describes her t-shirt as follows: "What my picture means to me is parents need to watch us children, in the world. That goes with protect our children. Then provide education, help us kids go to school, graduate, and most of all be smart about our future. (And) last but not least, (in order to) preserve our future is you adults need to be wise on what you do so us children can have an awesome future, like what we want." Our new Youth Bureau Administrator's reaction to this…"the kid's really get this…why can't the adults??" Thank you Bill.

This brings us to today's event which is one of recognition. The Task Force sponsors the Child Abuse Prevention Award. The award is presented to an individual, a team, a program, or in some cases, an organization. The recipient is recognized for outstanding willingness to go above and beyond normal expectations promoting prevention activities, as well as assisting youth in our communities to improve their lives. There were several nominations and, of course, one stood out from the rest. This nomination was submitted by a former client of Pro Action's Early Head Start Program. Her nomination included the impact the program has had in her role as a parent and now as a professional. Her nomination reads: "Early Head Start is a home visiting program that supports parents in being their child's primary teacher, support, and role model…when my children were first born, I felt stressed, yelled often, and would let myself get worked up. The Head Start Program taught me new skills and showed me how to stay calm and discipline with love and guidance, not frustration. I am a better mom today (because of the Early Head Start Program)."

I am happy to report that this story successfully continues, as this same nominator and former client is now an employee of the program, which, and again in her words, enables her to "teach other families the skills I learned". Again, we know that prevention can be less costly than intervention, but more importantly in the case of child abuse and neglect, prevention means that a child does not have to grow up with the horrors and fears that no child should experience.

In honor of their positive impact on children, families and our communities, the Steuben County Task Force for the Prevention of Child Abuse would like to recognize Pro Action's Early Head Start Program as the recipient of the 2012 Child Abuse Prevention Award. Ms. Muller asked David Hill, Executive Director of Pro Action, Dawn Brucie, Deputy Director of Pro Action, Marcia Patrick, Director of Head Start and Tawna Hughes, Nominator and Family Educator with the Head Start Program to come forward to accept the award. *CONGRATULATIONS!*

Mr. Hill stated it is a real honor to have the Head Start Program be recognized. We appreciate all that are involved. This is a very important program. Thank you.

Motion approving the minutes from the previous meeting(s) made by Mr. Ryan, seconded by Mr. Schu and duly carried.

Motion to adjourn into Republic Caucus made by Mr. Swackhamer, seconded by Mr. Ryan and duly carried.

Chairman Hauryski reconvened the Legislative Meeting. He stated that following today's meeting they were holding an EMS Recognition Event. However, due to the fact that the EMS volunteers are now being called into service, he asked if the Legislature would indulge in a 15 minute recess to allow for the presentation of the proclamation.

Motion to adjourn for a 15-minute recess made by Mr. Weaver, seconded by Ms. Lattimer and duly carried.

Chairman Hauryski reconvened the Legislative Meeting.

RESOLUTION NO. 088-12

Introduced by L. Crossett. Seconded by S. Van Etten.

MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS, PROPERTY TAXES, AND OTHER REAL PROPERTY DISPOSITIONS.

RESOLVED, the Chairman of the Steuben County Legislature, in accordance with the applications filed herewith, is hereby authorized and empowered on behalf of this Legislature to execute the necessary documentation for the disposition of applications for correction of real property taxes levied on the parcels contained in Schedule "A"; and be it further

RESOLVED, the Steuben County Treasurer is hereby authorized to make the proper tax adjustment, and/or refund, with respect to the parcels contained in Schedule "A", as set forth in the approved applications, copies of which shall be forwarded to the taxpayer and collecting authority; and be it further

RESOLVED, as it appears to be in the best interest of the County to sell the properties listed on Schedule "B" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof; and be it further

RESOLVED, the said grantee(s) must accept the parcel "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel if need be; and be it further

RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Director of the Steuben County Real Property Tax Service Agency and the Steuben County Treasurer, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors; and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s).

SCHEDULE "A"

Resolution No.	A-1
Name	Jeremy Teed
Parcel No.	017.08-01-012.000
Municipality	Cohocton Town
Disposition	Refund

Resolution No.	A-2
Name	Neale & Annette Osborn
Parcel No.	275.00-01-020.120
Municipality	Rathbone Town
Disposition	Refund

Resolution No.	A-3
Name	New York State of
	c/o Steuben County Treasurer
Parcel No.	333.00-24-002.000
Municipality	Bath Town
Disposition	Correction

SCHEDULE "B"

Resolution No.	B-1
Former Owner	William Shepard & Elaine Shepard (Shep's Hardware)
In Rem Index No.	93123, 2005 sale
Parcel No.	003.17-01-013.000
Municipality	Wayland Village
Grantee(s)	William Shepard & Elaine Shepard (Shep's Hardware)
Grantee(s) Address	9 Main St. Apt. 1, Wayland, NY 14572
Consideration	$2,374.08, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-2
Former Owner	Brenda M. Heins St. Mary
In Rem Index No.	104021, 2009 sale
Parcel No.	019.00-02-034.100
Municipality	Prattsburgh Town
Grantee(s)	Brenda M. Heins St. Mary
Grantee(s) Address	11483 County Route 9, PO Box 12, Prattsburgh, NY 14873
Consideration	$7,505.48, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-3
Former Owner	Steuben County
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	385.00-01-054.000
Municipality	Tuscarora Town
Grantee(s)	Town of Tuscarora
Grantee(s) Address	1094 Gill Rd., Addison, NY 14801
Consideration	$462.86 together with $310.00 recording fees

Vote: Roll Call – Adopted.

RESOLUTION NO. 089-12

Introduced by J. Hauryski. Seconded by D. Farrand.

RECEIVING AND ACCEPTING THE MAY 21, 2012 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and **referred to the appropriate Standing Committee and/or Department Head for information and/or action,** to wit:

April 16, 2012
NYS Homes & Community Renewal – Re: Monitoring Report for Steuben County NYS CDBG Project #1115HR4-09. ***Referred to: Amy Dlugos, Planning Director.***

April 20, 2012
Richard Argentieri – Re: Request to present to the County Legislature on uniform labeling of milk to indicate whether or not cows were treated with rBGH (recombinant bovine growth hormone). ***Referred to: Joseph Hauryski, Legislature Chairman.***

April 25, 2012
NYS Division of Homeland Security and Emergency Services of Office of Interoperable and Emergency Communications – Re: Fully executed Statewide Interoperable Communications Grant (C198311, Round 1) ***Referred to: Mike Sprague, EMO Director.***

April 26, 2012
NYS Office for the Aging – Re: Revised Notification of Grant Award (NGA) and Annual Implementation Plan budget for the CSI program for the period of April 1, 2011 through March 31, 2012. ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

April 30, 2012
Emergency Medical Services Training, Administration & Resources – Re: First Quarter Report for 2012. ***Referred to: Human Services/Health & Education Committee; Victoria Fuerst, PHN Director; Public Safety & Corrections Committee; and Mike Sprague, EMO Director.***

Finger Lakes SPCA – Re: 2009 - 2011 Finger Lakes SPCA's Animal Cruelty Investigation Program Reports. ***Referred to: Steuben County Legislature.***

NYS Department of Environmental Conservation (DEC) – Re: Notification of the final plan of the Keuka Lowland Unit Management Plan is now available online at: www.dec.ny.gov/lands/46699.html. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

May 1, 2012
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $19,036 which represents the first quarter ($14,320) combined with the March 2012 surcharge revenue ($4,716) for Steuben County. ***Referred to: Finance Committee; Patrick Donnelly, County Treasurer; and Mark Alger, County Administrator.***

May 2, 2012
John and Anne Quashnoc, Keuka Park, NY – Re: Letter concerning hydrofracking in New York State. ***Referred to: Joseph Hauryski, Legislature Chairman.***

May 7, 2012
Steuben County Rural Ministry, Canisteo, NY – Re: Thank you letter for the support received through the Food Bank of the Southern Tier. ***Referred to: Steuben County Legislature.***

May 8, 2012
Steuben County Industrial Development Agency – Re: Notification of Steuben County Industrial Development Agency (IDA) has recently entered into a purchase agreement with Guthrie Clinic, a subsidiary of Guthrie Healthcare Systems, to purchase and develop approximately 4.7 acres of the Steuben County IDA Industrial Park as a medical clinic facility. ***Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Alan Reed, County Attorney.***

May 9, 2012
NYS Homes & Community Renewal – Re: Confirmation of receipt and acceptance of the Response to Monitoring NYS CDBG Project #1115HR4-09. The project is now complete and cleared for close out. The close-out documents need to be submitted within the next 15 business days. ***Referred to: Amy Dlugos, Planning Director.***

May 10, 2012
NYS Office for the Aging – Re: Revised notification of grant award and approved budget for the Medicare Improvements for Patients and Providers Act – Aging and Disability Resource Center (MIPPA/ADRC) for the period of September 30, 2011 through September 29. 2012. ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 090-12

Introduced by P. McAllister. Seconded by R. Weaver.

REQUESTING THE ADOPTION OF SENATE BILL NO. S.7424 AND ASSEMBLY BILL NO. A.10107, AMENDING CHAPTER 545 OF THE LAWS OF 2011 AND THE REAL PROPERTY TAX LAW RELATING TO ESTABLISHING A RESIDENTIAL-COMMERCIAL EXEMPTION PROGRAM IN STEUBEN COUNTY.

Pursuant to the Real Property Tax Law of the State of New York.

WHEREAS, the County of Steuben wishes to have legislation enacted that will benefit the County of Steuben and all Cities, Towns, Villages and School Districts within the county, by allowing them to grant real property tax abatement in defined redevelopment areas; and

WHEREAS, Real Property Tax Law Section 485-n allows any municipality within such county to opt in, through adoption of a local law, to a real property tax abatement program; and

WHEREAS, this abatement program is currently offered in Livingston County; and

WHEREAS, Senate Bill No. S.7424 and Assembly Bill No. A.10107 request to amend Chapter 545 of the Laws of 2011 and to amend the real property tax law relating to establishing a residential-commercial exemption program in Steuben County, in relation to the effectiveness thereof.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby requests the Governor and the New York State Legislature to adopt special Home Rule legislation as presented in Senate Bill No. S.7424 and Assembly Bill No. A.10107, amending Chapter 545 of the Laws of 2011 and the Real Property Tax Law relating to establishing a residential-commercial exemption program in Steuben County; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Minority Leader John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader Brian M. Kolb, 933

Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; the County Treasurer and the Real Property Tax Director.

Vote: Roll Call – Adopted.

RESOLUTION NO. 091-12

Introduced by M. Hanna. Seconded by D. Farrand.

AUTHORIZING ROADSIDE MOWING AGREEMENTS WITH THE TOWNS AND VILLAGES.

WHEREAS, the Towns and Villages of Steuben County have previously contracted the roadside mowing on various miles of County roads; and

WHEREAS, the existing agreements expired after the 2010 summer season; and

WHEREAS, the County desires to enter into new agreements covering future summer seasons; and

WHEREAS, the Public Works Committee has approved these agreements.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works is hereby authorized to enter into roadside mowing agreements with any Town or Village within Steuben County on such terms and conditions as may be approved by the Public Works Committee; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Public Works**.**

Vote: Roll Call – Adopted.

RESOLUTION NO. 092-12

Introduced by M. Hanna and L. Crossett. Seconded by G. Swackhamer.

AUTHORIZING THE PURCHASE AND PAYMENT FOR A ROAD RECLAIMER/GRINDER.

WHEREAS, the Department of Public Works is in need of a road reclaimer/grinder to assist in the maintenance and improvement of the County road system; and

WHEREAS, the Public Works Committee has authorized purchase of said equipment.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby authorize the purchase of a road reclaimer/grinder from Monroe Tractor for $710,000, and be it further

RESOLVED, the Steuben County Treasurer is authorized and directed to issue a Bond not to exceed $350,000; and be it further

RESOLVED, this Legislature does hereby find and determine the object or purpose for the issuance is the acquisition of machinery and apparatus for construction and maintenance of County highways, having a period of probable usefulness of fifteen (15) years; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Public Works, the County Treasurer, and the Risk Manager.

Mr. Mullen commented that he does not think it is a good idea to accept a bid that is $100,000 higher than the previous bid submitted. He understands that the increase in price is due to extra equipment, but we could have rejected and rebid. He will not vote in favor of this.

Mr. Ryan stated that he would agree with Mr. Mullen. In a buyer's market we could have turned it back to the vendor. If we were a private business, we could have made a better deal.

Mr. Alger stated we don't have the flexibility under municipal law to do that and we don't have the option to negotiate. We either have to accept or reject the bid.

Vote: Roll Call – Adopted. (Yes: 7,147; No: 2725)
(Opposed: Mrs. Lando, Mr. Mullen, Mr. Ryan, Mr. Weaver and Mr. Welch)

RESOLUTION NO. 093-12

Introduced by P. McAllister and L. Crossett. Seconded by G. Welch.

AUTHORIZING THE BOARD OF ELECTIONS TO EXECUTE AND ACCEPT A FEDERAL HAVA GRANT WITH THE NYS BOARD OF ELECTIONS, COMMONLY KNOWN AS THE "SHOEBOX" GRANT.

WHEREAS, the Federal government awarded the NYS Board of Elections a grant in the amount of $94,289.43 to comply with and implement the 2002 Help America Vote Act (HAVA); and

WHEREAS, the State Board of Elections allocated the above grant funds to the Steuben County Board of Elections for the furtherance of elections for Federal office and according to specific purposes set forth by the New York State Legislature; and

WHEREAS, this is a reimbursement grant that contains no further obligation for Steuben County to match any contributions to projects, goods, or services funded by this grant.

NOW THEREFORE, BE IT

RESOLVED, that the Board of Elections is authorized to execute the necessary documents with the NYS Board of Elections to receive the Federal HAVA grant in the amount of $94,289.43 for the furtherance of elections for Federal office and according to specific purposes set forth by the New York State Legislature**.** (NYS BOE SHOEBOX contract number C003245); and be it further

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to accept $94,289.43 as revenue in account 145000-44089000 and appropriate the same to expenditure line 145000-5416320; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Board of Elections c/o Joseph Welch and Veronica Olin, Commissioners of Elections; and to the Steuben County Treasurer.

Mr. Ryan asked what does the term "Shoebox" mean? Mrs. Olin Stated this was a federal grant that they originally dispersed in all counties to put the new voting machines in place. Items under State contract were paid for and done through the Office of General Services. Anything else purchased that was not under the grant, but that the State considered necessary, we held onto receipts and put them in a "shoebox". She commented that she assumes that is how the grant got its name. This grant money is money that the County can use for items not originally under State contract.

Vote: Roll Call – Adopted.

RESOLUTION NO. 094-12

Introduced by B. Schu and L. Crossett. Seconded by G. Roush.

AUTHORIZING THE ACCEPTANCE OF $99,300 FOR THE FISCAL YEAR 2011 STATE HOMELAND SECURITY PROGRAM.

WHEREAS, Steuben County has identified the risks associated with the effects of terrorism; and

WHEREAS, Steuben County has identified the potential vulnerability throughout the County to this type of incident: and

WHEREAS, Steuben County has identified the need for additional resources, education and training; and

WHEREAS, the New York State Office of Homeland Security is responsible for the assignment of administration of grant allocation provided by the Federal Government; and

WHEREAS, the New York State Office of Homeland Security has awarded Steuben County with Federal Fiscal Year 2011 grant funds in the amount of $99,300 under the State Homeland Security Program (SHSP) to support response, education, prevention and planning for terrorist incidents.

NOW THEREFORE, BE IT

RESOLVED, that the County Administrator be authorized to enter into agreement with the New York State Office of Homeland Security to accept funding in the amount of $99,300 for implementation of the State Homeland Security Program (SHSP) to support response, education, prevention and planning for terrorist incidents; and be it further

RESOLVED, that the County Administrator, and the Director of Emergency Management are authorized and directed to execute the requisite documentation to effectuate this grant and agreement; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized to establish a revenue account for the purpose of accepting the grant funding from the Federal Government and the New York State Office of Homeland Security; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized to appropriate such revenue to the appropriate accounts within the budget of the Steuben Country Office of Emergency Management for the purpose of fulfilling the aforementioned grant; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the New York State Office of Homeland Security, 1220 Washington Avenue, State Office Building 7A, Albany NY 12226; the County Treasurer; and the Director of Emergency Management.

Vote: Roll Call – Adopted.

RESOLUTION NO. 095-12

Introduced by B. Schu, P. McAllister and L. Crossett. Seconded by G. Roush.

AUTHORIZING THE TRANSFER AND RECLASSIFICATION OF A CHIEF DEPUTY SHERIFF POSITION IN THE SHERIFF'S DEPARTMENT TO AN INVESTIGATOR IN THE OFFICE OF THE DISTRICT ATTORNEY.

WHEREAS, the Sheriff's office has a Chief Deputy Sheriff position; and

WHEREAS, the District Attorney's office is in need of an Investigator position to assist and enhance law enforcement activities; and

WHEREAS, the Steuben County Personnel Officer, County Administrator, Public Safety and Corrections, Administration and Finance Committees have reviewed said position within the Steuben County Sheriff's Office, and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Steuben County Sheriff's Office is hereby transferred and reclassified:

Chief Deputy Sheriff (Management Grade E) position in the Sheriff's Department to
Investigator In The Office of the District Attorney (Management Grade E)

AND BE IT FURTHER RESOLVED, the County Treasurer is authorized and directed to execute the following transfers to account for the position change: $34,165.32 from SHERIFF - 311000 - 5 110 0000 Salary and Wages to DISTRICT ATTORNEY – 116500 - 5 110 0000 Salary and Wages; and $19,551.84 from SHERIFF – 311000 – Total Employee Benefits to DISTRICT ATTORNEY – 116500 – Total Employee Benefits; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Personnel Officer, County Treasurer, County Sheriff and County District Attorney.

Motion to Table for further study made by Mr. Swackhamer. Seconded by Mr. Crossett. Motion Fails. (Yes: 4710, No: 5162) (Opposed: Mr. Farrand, Mrs. Ferratella, Mrs. Lando, Mr. Roush, Mr. Ryan, Mr. Schu, Mr. Van Etten, Mr. Weaver and Mr. Welch)

Mr. Swackhamer stated that he is concerned with doing away with the position in the Sheriff's Department that is and was needed. When this position is passed to another department, he assumes the position will be done away with.

Sheriff Ordway replied the Chief Deputy position was created in 1997. At that time we had abolished a Senior Investigator position. He stated that he served as Chief Deputy for 11 years. During the previous Sheriff's tenure, they recruited a Senior Investigator position and we now have a redundancy in services. We can do without the Chief Deputy position at this time. The District Attorney has a legitimate need for an investigator at the scene; and has been very proactive about the drug culture and enforcement.

Mr. Baker commented that we had an investigator position in the District Attorney's Office for many years. There is a great need for someone in Law Enforcement to be there to conduct interviews and coordinate the investigations. He stated that he likes to have people on scene at major incidents. If he were to wander in during the execution of a search warrant, he could potentially become a witness.

Mr. McAllister stated the District Attorney made a compelling case for the need for an investigator at the Administration Committee meeting and it passed at that time. Since that meeting, he is concerned with eliminating the Chief Deputy position in the Sheriff's Department. His understanding is that position manages the Road Patrol, works on the schedule and manages the evidence room. This position is the third in the chain of command. Mr. McAllister stated that he is worried about eliminating the position as a whole.

Sheriff Ordway stated the Chief Deputy is the third in charge. We have redundancy. He stated that he is not going to randomly give away positions, but we do work hand in hand with the District Attorney's Office.

Ms. Lattimer commented her feeling is that the District Attorney should follow the proper procedure with the 16B process in the budget. She stated that she has no problems with putting a Senior Investigator position in the District Attorney's Office, but she does have a problem with stripping the Chief Deputy position from the Sheriff's Department. If there was a redundancy, why are you changing it now and not two years ago?

Mr. Mullen asked are there any legal issues with doing this? Mr. Reed replied this is lawful to do if the Legislature chooses.

Mr. Swackhamer asked who will the Senior Investigator represent? Mr. Reed replied the position is being transferred to the District Attorney and therefore will be under the authority of the District Attorney. Under criminal procedure law, an investigator with the District Attorney's Office is considered a police officer with a badge.

Mr. Van Etten stated we are actually in a good position because a need has been identified and someone else is offering the position and salary to cover that. If we don't take advantage of this, then at budget time, we will be eliminating more.

Mr. Weaver asked if we vote in favor of this, then next year or the year after, that Sheriff will not be asking to refill this position? Mr. Van Etten replied everyone runs their departments a different way.

Mr. Roush commented we have a department head offering up a position that will save money; we should do that.

Vote: Roll Call – Adopted. (Yes: 7972; No: 1900)
(Opposed: Mr. Hanna, Ms. Lattimer, and Mr. McAllister)

RESOLUTION NO. 096-12

Introduced by B. Schu, P. McAllister and L. Crossett. Seconded by S. Van Etten.

AUTHORIZING THE RECLASSIFICATION OF ONE PERMANENT, PART-TIME RN POSITION TO ONE FULL-TIME RN POSITION IN THE SHERIFF'S DEPARTMENT.

WHEREAS, this full-time position will provide medical coverage in the Jail seven days a week; and

WHEREAS, no additional funding is required for this position; and

WHEREAS, the Steuben County Personnel Officer, County Administrator, Public Safety and Corrections, Administration and Finance Committees have reviewed said position within the Steuben County Sheriff's Office, and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Steuben County Sheriff's office is hereby reclassified:

One Permanent, Part-Time RN position to one Full-Time RN position

AND BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to the Personnel Officer, County Treasurer and Steuben County Sheriff.

Vote: Roll Call – Adopted. (Yes: 9330; No: 542)
(Opposed: Mr. Welch)

RESOLUTION NO. 097-12

Introduced by P. McAllister and L. Crossett. Seconded by R. Weaver.

AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS.

Pursuant to Section 261 (2) of the Tax Law of the State of New York.

RESOLVED, that the apportionment of tax on mortgages in the County of Steuben collected by the County Clerk from the 1st day of October, 2011 to the 31st day of March, 2012, pursuant to provisions of Section 261 (2) of the Tax Law, as made by the Clerk of this Legislature be and the same hereby is ratified and confirmed, and the statement of such apportionment in compliance with the provisions of said Law, filed with the County Treasurer of this County, is hereby and in all things ratified and confirmed and such statement shall be to the County Treasurer a sufficient Warrant for the payment by him of the various sums as apportioned for the various purposes as designed by Law, and be it further

RESOLVED, that the Clerk of this Legislature shall forward certified copies of this resolution to the Steuben County Treasurer, the Steuben County Real Property Tax Service Agency, and the Steuben County Clerk:

MORTGAGE TAX APPORTIONMENT

The amount of money in your hands on March 31, 2012, which was received by you from the County Clerk as taxes paid to her upon the real property mortgages filed in her office since October 1, 2011, the date of the last apportionment, and which must be distributed to the various tax districts of the County of Steuben, pursuant to Section 261 of the Tax Law, is the sum of $550,679.21.

You are therefore commanded to pay the various towns and cities the amount placed opposite the name of said towns and cities and pay over to the various village officers the amount hereinafter stated to be the distributive amounts due said districts for village purposes, as follows:

MORTGAGE TAX DISTRIBUTION - May 2012

TOWN & CITIES	TOWN/CITY AMT DUE		VILLAGES	VILLAGES AMT DUE	TOTAL AMT DUE
ADDISON	3,528.30	82651	ADDISON	1,452.42	**4,980.72**
AVOCA	7,591.73	71307	AVOCA	981.32	**8,573.05**
		25445	BATH (1)	10,044.98	**0.00**
BATH	36,233.46	102326	SAVONA (2)	973.93	**47,252.37**
BRADFORD	1,551.13				**1,551.13**
CAMERON	4,093.69				**4,093.69**
CAMPBELL	27,827.69				**27,827.69**
CANISTEO	9,507.99	72117	CANISTEO	3,053.76	**12,561.75**
CATON	16,963.81				**16,963.81**
COHOCTON	8,125.22	138398	COHOCTON	1,079.94	**9,205.16**
CORNING CITY	63,558.06				**63,558.06**
		157341	RIVERSIDE (1)	1,898.33	**0.00**
CORNING TOWN	47,575.09	61441	S CORNING (2)	3,280.56	**52,753.98**
DANSVILLE	6,249.74				**6,249.74**
ERWIN	90,917.44	31089	PAINTED POST	7,278.42	**98,195.86**
FREMONT	2,669.77				**2,669.77**
GREENWOOD	1,721.85				**1,721.85**
HARTSVILLE	1,466.47				**1,466.47**
HORNBY	6,162.64				**6,162.64**
HORNELL CITY	20,326.64				**20,326.64**
		157368	ALMOND (1)	34.44	**0.00**

		102547	ARKPORT (2)	1,415.92	**0.00**
HORNELLSVILLE	16,164.96	140848	V N HORNELL (3)	1,650.59	**19,265.91**
HOWARD	6,947.14				**6,947.14**
JASPER	3,689.21				**3,689.21**
LINDLEY	7,183.05				**7,183.05**
PRATTSBURGH	9,623.52				**9,623.52**
PULTENEY	23,089.10				**23,089.10**
RATHBONE	2,415.11				**2,415.11**
THURSTON	5,845.65				**5,845.65**
TROUPSBURG	5,582.27				**5,582.27**
TUSCARORA	6,064.35				**6,064.35**
URBANA	24,206.44	148261	HAMMONDSPORT	2,144.62	**26,351.06**
WAYLAND	17,152.72	102555	WAYLAND	3,207.10	**20,359.82**
WAYNE	19,334.51				**19,334.51**
WEST UNION	2,867.56				**2,867.56**
WHEELER	2,265.35				**2,265.35**
WOODHULL	3,681.22				**3,681.22**
TOTAL	**512,182.88**			**38,496.33**	**550,679.21**

Vote: Roll Call – Adopted.

RESOLUTION NO. 098-12

Introduced by J. Hauryski. Seconded by S. Van Etten.

FILLING VACANCIES ON THE STEUBEN COUNTY CONFERENCE & VISITORS' BUREAU BOARD OF DIRECTORS.

WHEREAS, the Steuben County Legislature adopted Resolution No. 156-93 on October 25, 1993, authorizing and directing the creation of the Steuben County Conference and Visitors' Bureau and establishing the appointment of voting members on the Board of Directors as staggered three (3) year terms; and

WHEREAS, two members have tendered their resignation.

NOW THEREFORE, BE IT

RESOLVED, the following individuals, as recommended by the Chairman of the Legislature, are hereby appointed as members of the Steuben County Conference and Visitors' Bureau Board of Directors for the terms as indicated and shall hold office until reappointed or a successor is appointed and has qualified to wit:

VOTING MEMBERS

Attractions	**TERMS**
Kerry Miller, Tourism Sales Specialist, Corning Museum of Glass ***Filling unexpired term of Sally Berry***	03/08/12 – 12/31/13
Kara Smith, Event Coordinator, Heron Hill Winery ***Filling unexpired term of Lisa Hallgren***	03/08/12 – 12/31/14

BE IT FURTHER RESOLVED, the above-named appointees shall serve without compensation other than necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Steuben County Conference and Visitors' Bureau Board of Directors; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees and Peggy Coleman, Executive Director, Steuben County Conference and Visitors' Bureau, Inc., 1 West Market Street, Baron Steuben Building, Suite 301, Corning, New York 14830.

Vote: Acclamation – Adopted.

RESOLUTION NO. 099-12

Introduced by P. McAllister. Seconded by H. Lando.

MEMORIALIZING THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO SUPPORT FULL CASINO GAMING AT THE NINE EXISTING RACINOS IN NEW YORK STATE.

WHEREAS, in September 1973, eleven western New York counties and two cities established the Western Regional Off-Track Betting Corporation, they being Cattaraugus, Chautauqua, Erie (and the City of Buffalo), Genesee, Livingston, Monroe (and the City of Rochester), Niagara, Orleans, Seneca, Steuben, and Wayne, as enabled by state law; and

WHEREAS, these municipal "stockholders" chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

WHEREAS, the start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state sharing of this purely local venture; and

WHEREAS, since those eleven counties voted to form Western Regional Off-Track Betting Corporation, an additional four western New York counties have joined them in the local control of such gaming activities that has since 1973 generated over $209 Million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

WHEREAS, the Governor and New York State Legislature are considering a Constitutional Amendment to allow casino gaming in the State of New York; and

WHEREAS, the participating municipalities of Western OTB as its shareholders have a pro-rata financial interest in the $39 million of net equity re-invested in its 30-plus corporately-owned branch facilities and the track and casino at Batavia Downs; and

WHEREAS, Batavia Downs Casino (WROTB) has proven to be a successful Public Benefit Corporation to Steuben County returning over $5.8 million dollars to Steuben since its inception, with enhanced casino gaming allowed at Batavia Downs Casino it will provide over $86 million dollars in capital construction spending resulting in 552 direct construction jobs, increases in impact of the first full year of operation will result in over 449 jobs at an output of over $20.5 million dollars; and

WHEREAS; the nine New York State Racinos have proven to be successful business partners with New York State and has provided gaming in a socially responsible and economically sensible manner.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature supports Batavia Downs Casino and the eight racino facilities presently licensed for video gaming to be authorized for full Casino gaming; and be it further

RESOLVED, the Steuben County Legislature urges the Governor and New York State Legislature to support full casino gaming at Batavia Downs and the other New York State Video Gaming Licensees; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207; Glenn Larison, President, InterCounty Association of WNY, c/o Schuyler County Legislature; and John Clifford, WROTB Director, Batavia Downs Casino, 8315 Park Rd., Batavia, NY 14020.

Mr. Mullen stated that before we urge our State to amend its Constitution to allow casino gambling, we should consider the following: First, Professor Jack Van Der Slik has stated that gambling "produces no product, no new wealth and so it makes no genuine contribution to economic development." Mr. Mullen stated that he would like to comment on the conclusory remarks that casino gambling will bring in more money because the racinos have. A study of all 50 states between 1985 and 2000 by Douglas Walker and John Jackson revealed that lotteries and horse racing appear to have a positive impact on total state government receipts, however, casinos and greyhound racing appear to have a negative effect on state revenues. Specifically, they found that for every dollar spent on horse racing, $1.46 was added to net revenues. Conversely, in the average state, for every dollar spent at a casino, the state lost $1.44 in other revenue. Mr. Mullen stated that research conducted by John Warren Kindt showed that casino gambling strains the criminal justice system, the welfare system as well as small businesses and the economy. For every $1.00 legalized gambling brings in tax revenue, $3.00 are spent by taxpayers in additional costs including infrastructure costs, regulatory costs, criminal justice expenses and large social welfare costs. With regard to social welfare, many people have referred to legalized gambling as a regressive tax on the poor because they tend to gamble proportionately greater amounts of their overall income. Mr. Mullen stated that an article he read in the *Queens Tribune* cited two different studies that show first, that a slot machine on average removes about $100,000 a year out of consumer spending, and second that Connecticut, which has two large casinos, has been the worst job-creating state since 1987.

Vote: Acclamation – Adopted.
(Opposed: Mr. Mullen and Mr. Swackhamer)

RESOLUTION NO. 100-12

Introduced by P. McAllister. Seconded by H. Lando.

DECLARING THE MONTH OF MAY 2012 TO BE "MAYDAY FOR MANDATE RELIEF" AND URGING THE MANDATE RELIEF COUNCIL TO TAKE SWIFT ACTION IN SUBMITTING A PACKAGE OF MANDATE RELIEF PROPOSALS TO GOVERNOR CUOMO AND THE STATE LEGISLATURE TO BE VOTED ON THIS SESSION.

WHEREAS, New York State mandates require the delivery of state programs using local resources, causing most counties to dedicate more than 90 percent of their property tax levy toward the funding of state mandated programs; and

WHEREAS, the New York State Association of Counties has identified 9 state mandates that equal 90 percent of all County property taxes levied each year. These mandates include: Medicaid, TANF/Public Assistance Safety Net, Child Welfare Protective and Preventive Care, Special Education Pre-School, Early Intervention, Probation, Indigent Defense, Youth Detention, and Pensions; and

WHEREAS, the growing list of state mandates force counties to continue to subsidize state operations; essentially paying the state's bills; and

WHEREAS, these state mandates are the root cause of high county property taxes in New York and have led to a decline in the delivery of important local services; and

WHEREAS, these state-imposed mandates continue to contribute to New York's highest in the nation local tax burden for residents and businesses, severely damaging New York's ability to attract, retain, and create jobs, as well as contributing to New York State population losses; and

WHEREAS, when the state enacted a property tax cap in 2011, a Mandate Relief Council was established to review specific mandates and advance legislative proposals to reduce the statutory and regulatory burden on municipalities.

NOW THEREFORE, BE IT

RESOLVED, that Steuben County hereby declares the month of May 2012 to be "Mayday for Mandate Relief" to demonstrate that the decisions made in Albany have a direct impact on the property tax levy and local services; and be it further

RESOLVED, that Steuben County hereby calls on the Mandate Relief Council take swift action in submitting a meaningful package of Mandate Relief proposals targeting the most egregious mandates to Governor Cuomo and the State Legislature to be voted on by our State Representatives during the 2012 State Legislative Session; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Minority Leader John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader Brian M. Kolb, 933 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207; and Glenn Larison, President, InterCounty Association of Western New York, c/o Schuyler County Legislature, 105 Ninth Street, Unit 6, Watkins Glen, NY 14891.

Vote: Acclamation – Adopted.

Motion to Adjourn made by Mr. Crossett, seconded by Mr. Roush and duly carried.

REGULAR MEETING
Morning Session
Monday, June 25, 2012
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 25th day of June, 2012, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present.

Mr. Mullen provided the Invocation and the Pledge of Allegiance was led by Mr. Swackhamer.

Chairman Hauryski asked Amie Bills to come forward. Ms. Bills is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation in recognition of her 10 years of service to Steuben County.

Chairman Hauryski asked Kathryn Muller to come forward. He stated that he would like to recognize Commissioner Kathy Muller, who received the "Excellence in Leadership" award from the Early Care & Learning Council at their annual meeting in Albany on June 6th. The award recognizes individuals or organizations that have made a significant contribution to New York State's children and families, and have shown exemplary leadership in advancing high quality early care and education in New York State. Commissioner Muller was nominated for the award by Carla Hibbard, Director of ProAction's Steuben Child Care Project, who stated "During Ms. Muller's eleven years as DSS Commissioner, she has developed a strong partnership with ProAction's Steuben Child Care Project, the County's Child Care Resource and Referral Agency. The collaboration has created a shared vision for county-wide systems of early care that are accessible to parents and focuses on quality. With her belief that public dollars must produce real benefits for communities, she has been a promoter of health, safety and high quality child care programs. Two years ago, she supported a proposal for American Recovery and Reinvestment Act funds for a child care quality project that resulted in technology and quality improvement grants, professional development and early literacy support for child care programs throughout the county. She is a true champion for children and families and understands that it's not just access to child care that matters; it is the quality of care that makes a real difference". *Congratulations Kathy!*

Ms. Muller thanked the Chairman, the Legislature, the County Attorney and Mr. Alger for their support of our programs. Thank you for this recognition.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Authorizing and Directing the County Treasurer to Transfer $15,000.00 from the "Building Repair and Renovations Reserve" to a Capital Project Entitled "Exterior Painting of Courthouse – Hornell". Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

Chairman Hauryski opened the floor for comments by members of the public.

Milton VonHagn, Bath, stated that he has been a resident of the County all of his life. The Health Care Facility is in an ominous position right now and we need the community to be involved. On June 21st, two Legislators attended a public meeting to hear what the voters had to say. No one wants to pay higher taxes. You need to listen to all of the taxpayers. If you allow a private company to take over the operations of the Health Care Facility, nothing good will follow. He stated that he would love to sit down with the Legislators to figure out how to keep the Health Care Facility. Someone could find a way to raise money for the elderly and handicap residents. Take the time to listen to all of us. Working together locally will only help our community.

Dawn Patton, Arkport, stated that she is a 32-year employee with the County; having worked the last 28 years at the Health Care Facility. She stated that she would like to thank Hilda Lando and George Welch for attending our meeting last week. The question is what do we do with the Health Care Facility? You have a tough job ahead and a tough decision to make. Why is this so difficult? If these 105 beds were filled with infants and children, would we be having this conversation? This is all about money. We must make the best decision for the taxpayers. Bringing in non-vested, non-agency trained staff is not the solution. We currently use an agency to fill in for staff and they frequently call off. Imagine what would happen if all of the staff were agency staff. These are brutal facts. Ask about overtime, long hours and increases in injuries and Worker's Compensation claims. You need to look at the process, not the people. Our personnel costs are no higher than any other county department. You are putting money over people and putting a price on the elderly. Listen to the owners of the Health Care Facility; the taxpayers. The petitions that were presented last month said no to outsourcing and no to selling. Find the savings elsewhere. Let us take care of the elderly with the dignity they deserve. Commit to caring like we are.

There being no further comments, Chairman Hauryski declared the opportunity for public comment closed.

Motion approving the minutes from the previous meeting(s) made by Mr. Ryan, seconded by Mr. McAllister and duly carried.

RESOLUTION NO. 101-12

Introduced by L. Crossett. Seconded by G. Swackhamer.

MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS, PROPERTY TAXES, AND OTHER REAL PROPERTY DISPOSITIONS.

RESOLVED, the Chairman of the Steuben County Legislature, in accordance with the applications filed herewith, is hereby authorized and empowered on behalf of this Legislature to execute the necessary documentation for the disposition of applications for correction of real property taxes levied on the parcels contained in Schedule "A"; and be it further

RESOLVED, the Steuben County Treasurer is hereby authorized to make the proper tax adjustment, and/or refund, with respect to the parcels contained in Schedule "A", as set forth in the approved applications, copies of which shall be forwarded to the taxpayer and collecting authority; and be it further

RESOLVED, as it appears to be in the best interest of the County to sell the properties listed on Schedule "B" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof; and be it further

RESOLVED, the said grantee(s) must accept the parcel "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel if need be; and be it further

RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Director of the Steuben County Real Property Tax Service Agency and the Steuben County Treasurer, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors; and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s).

SCHEDULE "A"

Resolution No.	A-1		Resolution No.	A-2
Name	Baptist Parsonage		Name	Jay L. Lippincott
Parcel No.	047.08-01-030.000		Parcel No.	151.00-02-036.200
Municipality	Prattsburgh Town		Municipality	Hornellsville Town
Disposition	Correction		Disposition	Correction & Refund

SCHEDULE "B"

Resolution No.	B-1
Former Owner	Wayne G. Swartz & Martha J. Swartz
In Rem Index No.	104021, 2009 sale
Parcel No.	337.00-02-029.240
Municipality	Corning Town
Grantee(s)	Wayne G. Swartz & Martha J. Swartz
Grantee(s) Address	2492 Brown Hollow Rd., Corning, NY 14830
Consideration	$599.19, together with $305.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-2
Former Owner	Martha J. Swartz & Wayne G. Swartz
In Rem Index No.	104021, 2009 sale
Parcel No.	337.00-02-029.220
Municipality	Corning Town
Grantee(s)	Martha J. Swartz & Wayne G. Swartz
Grantee(s) Address	2492 Brown Hollow Rd., Corning, NY 14830
Consideration	$599.19, together with $305.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-3
Former Owner	Scott C. Hall
In Rem Index No.	104021, 2009 sale
Parcel No.	156.00-03-001.110
Municipality	Howard Town
Grantee(s)	Scott C. Hall
Grantee(s) Address	6848 County Route 69, Bath, NY 14810-7565
Consideration	$663.40, together with $305.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-4
Former Owner	Scott C. Hall
In Rem Index No.	104021, 2009 sale
Parcel No.	156.00-03-001.122
Municipality	Howard Town
Grantee(s)	Scott C. Hall
Grantee(s) Address	6848 County Route 69, Bath, NY 14810-7565
Consideration	$1,530.20, together with $305.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-5
Former Owner	Mision De Dios Inc.
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	034.00-01-017.113
Municipality	Prattsburgh Town
Grantee(s)	Mision De Dios Inc.
Grantee(s) Address	64 Tarwood Dr., Rochester, NY 14606
Consideration	$695.99, together with $305.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-6
Former Owner	Curtis A. Rumsey & Eutoka Rumsey
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	159.05-02-073.000
Municipality	Bath Village
Grantee(s)	Curtis A. Rumsey & Eutoka Rumsey
Grantee(s) Address	c/o Atty. Peter Baker, 9 Main St., PO Box 7, Dundee, NY 14837
Consideration	$3,762.79, together with $180.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-7
Former Owner	Sandra Neth & Arthur Kromer
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	093.00-01-071.000
Municipality	Dansville Town
Grantee(s)	Sandra Neth & Arthur Kromer
Grantee(s) Address	8778 Burns Rd., Arkport, NY 14807
Consideration	$1,661.55, together with $180.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Vote: Roll Call – Adopted.

RESOLUTION NO. 102-12

Introduced by J. Hauryski. Seconded by G. Roush.

RECEIVING AND ACCEPTING THE JUNE 25, 2012 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and **referred to the appropriate Standing Committee and/or Department Head for information and/or action,** to wit:

May 14, 2012
NYS Office for the Aging – Re: Notification of Grant Award (NGA) for the federal fiscal year 2012 (FFY 2012) Nutrition Services Incentive Program (NSIP). ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

May 18, 2012
United States Senate – Re: the National Endowment for the Arts (NEA) is currently accepting applications for funding under the Challenge America Fast-Track Program. The online application (http://www.arts.gov/grants/apply/GAP13/Challenge.html) needs to be completed by Thursday, May 24, 2012.***Referred to: Bill Caudill, Youth Program Coordinator.***

May 21, 2012
Bishop Sheen Ecumenical Housing Foundation – Re: Notification of funds available for home repairs to assist low-income homeowners in need of critical home repairs. ***Referred to: Amy Dlugos, Planning Director.***

May 29, 2012
NYS Department of Transportation – Re: Notification of recently sent vouchers to the State Comptroller that distributes the first quarter SFY 2012-2013 Statewide Mass Transportation Operating Assistance (STOA) payments. ***Referred to: Amy Dlugos, Planning Director.***

May 30, 2012
Mercy Flight Central – Re: Request for support in 2013 for up to $5,000 to help provide life saving services to Steuben County residents. ***Referred to: Mark Alger, County Administrator.***

June 4, 2012
Assemblyman Philip Palmesano – Re: Correspondence letter for Assembly Bill A.6575-A/S.5629-B. ***Referred to: Joseph Hauryski, Legislature Chairman; and Mark Alger, County Administrator.***

Western Regional Off-Track Betting Corporation – Re: Check in the amount of $4,252, which represents the April 2012 surcharge revenue for Steuben County. ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

June 5, 2012
NYS Department of Public Service – Re: Request to join in the statewide effort to encourage everyone to be energy efficient this summer and throughout the year. ***Referred to: Mark Alger, County Administrator.***

June 8, 2012
Coca-Cola – Re: Letter of concern on the proposal that limits consumer choices in purchasing sugar-sweetened beverages including soda, tea, coffee, sports drinks, and enhanced waters in packages larger than 16 ounces. ***Referred to: Human Services/Health & Education Committee; and Vicki Fuerst, Public Health Nursing Director.***

June 11, 2012
NYS Department of Public Service – Re: Changes to the Lifeline Telephone Program that may affect low-income consumers across the state. ***Referred to: Human Services/Health & Education Committee; Kathryn Muller, Commissioner of DSS; Michael Keane, OFA Director; and Dan McRae, Veterans Services Director.***

Assemblyman Philip Palmesano – Re: Correspondence letter for Assembly Bill A.10434/Senate Bill S.7466, which increases the number of registrants an election district may contain with the approval of the County Board of Elections. ***Referred to: Administration Committee; Veronica Olin, Republican Commissioner; Joseph Welch, Democratic Commissioner; and Mark Alger, County Administrator.***

Steuben County Fire Advisory Board – Re: Request to fill positions in the Office of Emergency Services. ***Referred to: Administration Committee; Public Safety & Corrections Committee; Joseph Hauryski, Legislature Chairman; and Mark Alger, County Administrator.***

June 12, 2012
Hornell Area Fire Chiefs – Re: Request to fill positions in the Office of Emergency Services. ***Referred to: Administration Committee; Public Safety & Corrections Committee; Joseph Hauryski, Legislature Chairman; and Mark Alger, County Administrator.***

David Emo, Resident of Dansville, NY – Re: Letter of concern on outsourcing some of the services at the Steuben County Health Care Facility. ***Referred to: Human Services/Health & Education Committee; Health Services Review Committee; and Dave McCarroll, HCF Administrator.***

June 13, 2012
County of Fulton – Re: Request to enact a local law establishing "Truth in Taxation". ***Referred to: Joseph Hauryski, Legislature Chairman.***

June 14, 2012
Finger Lakes SPCA – Re: Updated Animal Cruelty Investigation Program Reports. ***Referred to: A.I.P. Committee.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 103-12

Introduced by C. Ferratella. Seconded by S. Van Etten.

AUTHORIZING A CONTRACT WITH MORRISON SENIOR LIVING FOR HOUSEKEEPING, DIETARY, AND MAINTENANCE SERVICES AT THE STEUBEN COUNTY HEALTH CARE FACILITY (HCF).

WHEREAS, with lower reimbursement rates and rising operating expenses, the Steuben County Health Care Facility (HCF) has been experiencing deficits of approximately $3 million annually; and

WHEREAS, recent financial audits of the HCF have indicated that employee costs of salary, pension, and health insurance represent approximately 105% of revenue; and

WHEREAS, Steuben County issued Requests for Proposals for housekeeping, dietary, and maintenance services at the HCF to explore cost-saving measures; and

WHEREAS, from time to time, the HCF has utilized outside vendors and contractors to provide said services; and

WHEREAS, it is the recommendation of the Health Services Review and the Human Services, Health, and Education Committees to enter into an agreement with Morrison Senior Living for housekeeping, dietary, and maintenance services at the Steuben County Health Care Facility; and

WHEREAS, Morrison Senior Living provided the most competitive comprehensive cost and service proposal to meet the needs of residents, while reducing operating costs of the facility.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Administrator is hereby authorized to execute a contract with Morrison Senior Living for housekeeping, dietary, and maintenance services at the Steuben County Health Care Facility; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Health Care Facility Administrator; the County Attorney; and Mr. Greg Reeves, Regional Vice President, Morrison Senior Living, 421 West Columbia Street, Cohoes, NY 12047.

Motion to postpone for 30 days or until the date of the next regularly scheduled Legislative Meeting made by Mr. Weaver. Seconded by Mrs. Lando.

Mr. Mullen commented that he sees no need to postpone. We have the information we need and should move forward.

Mr. Van Etten stated he agrees with Mr. Mullen. We have a proposal that is acceptable. We need to move forward.

Mr. McAllister asked are there any repercussions to postponing? Mr. Reed replied the proposal is valid for 45 days. You do have a time limit.

Mr. Swackhamer asked is there wording in the proposal if we decide to cancel the contract? Mr. Alger replied there is a 10-day notice by either party.

Mr. Roush called for a point of order. We need to vote on the original resolution. Mr. Alger stated you need to vote on the motion to postpone as that takes precedent.

Motion to postpone fails. (Yes – 3328; No – 6544)
(Opposed: Mr. Farrand, Mrs. Ferratella, Mr. Hanna, Mr. Hauryski, Ms. Lattimer, Mr. McAllister, Mr. Mullen, Mr. Roush, Mr. Schu, Mr. Swackhamer and Mr. Van Etten)

Mr. Welch commented if we lose control over the department that will diminish our asset that needs to be sold in the future.

Mr. Ryan stated this has been tried at the Jail with regard to their dietary, and it failed. The contract agency did not take care of the equipment and there was some chaos. What did we learn? Last month, we voted to bring dietary back in-house. A precedent has been set. It may not happen in all cases, but it did at the Jail.

Mr. Mullen stated with regard to outsourcing services, there have been arguments in favor as this would save $50,000 per month and that it would make the dietary, housekeeping and maintenance operations more efficient. Arguments against include the fact that people will lose their jobs and that the $500,000 in savings is insignificant. There was also a report from The Center for Governmental Research advising Genesee County not to sell their facility. He stated people losing their jobs are a sad side effect. It is not the government's duty to provide people with jobs. This will be offset by jobs being created by the contract agency and interviews being offered. Our Health Care Facility Administrator will still provide oversight of this contract. The argument that we will save $200,000 - $300,000 in the first year doesn't hold light if we sell the entire facility. We can pay those costs now, or later. Mr. Mullen stated that he would disagree with the argument that the savings of $500,000 is insignificant. We have people telling us they have suggestions, but he hasn't heard them. In 2010 The Center for Governmental Research did a study on the Genesee County Health Care Facility to determine whether they should sell it. It was suggested in that report that the County should immediately implement cost savings measures and one of those was the outsourcing of housekeeping and laundry. As to whether the residents will have any place to go; they will. They will remain at the facility as we will still be operating it.

Mrs. Lando stated that she doesn't think any jobs will be created. If more Legislators had come to that meeting last week, you would have heard the suggestions. She stated that discussion raised a lot of questions in her mind as to whether this is the right thing to do. You either piece meal or sell the entire thing.

Mr. Reed commented there are two legislative issues in reference to the town hall meeting held last Thursday. First, any meeting of the Legislature is done pursuant to statute. A meeting of the Legislature can be formal or informal. Meetings are covered by Open Meetings Law. The problem is when there is an informal meeting of the Legislature, or a quorum, to discuss public business where there was no notice sent, is a violation of Open Meetings Law. That puts in jeopardy, any action taken thereafter. Certainly, this was a matter of public business. Mr. Reed stated the second issue is relative to particular subject matter of discussions with the Legislature pertaining to contract negotiations and labor relations. The County Administrator and the Personnel Officer are designated to represent the county in negotiations. If there is more than one member of the Legislature present, it can reasonably be argued that those discussions bind the County. Mr. Reed stated that he doesn't believe any Union member contacted the Law Department with regard to this.

Mrs. Lando commented this was not our meeting; we were invited to this meeting. We were listening, not discussing. It behooves us to be informed on all sides. That is why she went. This meeting was publicized and there were well over 100 people in attendance. She stated that she thinks they did the right thing by going and listening.

Mr. Reed stated as a matter of protecting the Legislature, it is important that meetings of the Legislature be called by the Legislature.

Mr. Welch stated it is his understanding that the numbers were revised based on the projected savings if outsourcing were approved. What would those new numbers be? Mr. Alger replied $140,000 assuming the worst case scenario of 100 percent of employees getting 40 weeks of unemployment. The early estimate was a cost of $334,000 for the first year, versus $473,000. In the worst case scenario, you will see $100,000 of savings in the first year.

Mr. Swackhamer asked if Mr. Alger would explain what the auditor said regarding continuing costs over the next 5 – 6 years? Mr. Alger explained, basically the audit suggested that currently your payroll costs are 105 percent of revenue. The expectation is that the State will be implementing over the next year or two, a revised reimbursement system that will be regionally based. This will erode your revenue. Going forward, the revenue base will continue to decline and costs will continue to rise. The numbers in the audit are representative of what we experienced in 2011. Going forward, we can expect that to continue.

Mr. Swackhamer stated our expenses continue to go up, not down. If we approve this contract, we will save $500,000 this year and the next two years. The government is looking at nursing homes in our area and our costs will increase. We will lose $19.00 in additional revenue per patient, per day times 365 days times 104 beds. That adds up to more money than what we are talking about now. The State wants us to get out of the business. The State doesn't want to fund the public nursing homes any more. They put a tax cap on us. Within five to six years, who knows where we will be. That total will be a lot higher. What do we do?

Mr. Van Etten stated from the audited financial statements, revenues were $9.2 million and salary/wages/benefits were $9.8 million. Before any other expenses, we are losing $600,000. This is a labor-based business. That is what we do. Over the five-year period from 2007, even with the IGT, we have lost $5.5 million at the facility. The Union is spending thousands of dollars on a campaign of misinformation. He stated that he agrees with Mr. Mullen that the Union's arguments lack credibility. It is time we start bringing the facility under control. The taxpayers of the county deserve and expect nothing less.

Mr. Hauryski asked Mr. McAllister to assume the position of Chairman.

Mr. Hauryski stated we will be making a difficult decision, one that none of us would like to make. The Health Services Review Committee did not make this decision hastily. After months of looking, there is no other option. This is no guarantee that we will be able to find someone else to run the facility through a sale or a lease. It could take two years or more for that to happen. With this contract, we can realize a savings of $500,000 per year. Mr. Hauryski stated each Legislator received a copy of the audit report. The report tells it how it is. As Legislators, we are responsible for the financial well-being of the County. If we don't act responsibly, it will not be long before we are in the hole. This County is struggling and unemployment has increased to 10 percent. We have 200 dairy farms and milk prices are depressed while feed costs are high. Farmers spend a lot of money and raising taxes is not what they look forward to. He urged all of the Legislators to think hard on this vote.

Mr. Hauryski reassumed the position of Chairman.

<u>Vote</u>: Roll Call – Adopted. (Yes – 7590; No – 2282) (Opposed: Mr. Crossett, Mrs. Lando, Mr. Ryan, Mr. Welch)

RESOLUTION NO. 104-12

Introduced by M. Hanna and L. Crossett. Seconded by S. Van Etten.

AUTHORIZING THE CREATION OF A LEACHATE TREATMENT PLANT TANK REPAIR CAPITAL ACCOUNT AND THE TRANSFER OF FUNDS TO FUND THE ACCOUNT.

WHEREAS, two leachate storage tanks at the leachate treatment plant site are rusting and are deteriorating to the point of leaking; and

WHEREAS, the cost of building two new tanks is estimated at $400,000; and

WHEREAS, there is a surplus of $404,015 remaining in the Bath Landfill Cell 2 Construction Account, and the Cell 2 construction is complete; and

WHEREAS, the Public Works and Finance Committees of the Steuben County Legislature have approved:

1) The transfer of $404,015 from the Bath Landfill Cell 2 Construction Account to the Cell 2 Debt Principal Payment Account;

2) The creation of the Leachate Treatment Plant Tank Repair Capital Project, Account HL/EL 7303-5-250-000;

3) The transfer of $404,015 surplus, from the Cell 2 Debt Principal Payment Account to the Leachate Treatment Plant Tank Repair Capital Project Account.

NOW THEREFORE, BE IT

RESOLVED, that the County Treasurer is authorized and directed to create a Capital Project entitled Leachate Treatment Plant Tank Repair, Account HL/EL 7303-5-250-000; and be it further

RESOLVED, that the County Legislature approves the transfer of $404,015 from the Bath Landfill Cell 2 Construction Account to the Cell 2 Debt Principal Payment Account, and the transfer of $404,015 surplus from the Cell 2 Debt Principal Payment Account to the Leachate Treatment Plant Tank Repair Capital Project Account; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Treasurer and the Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 105-12

Introduced by M. Hanna and L. Crossett. Seconded by B. Schu.

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE, OF 100% OF THE FEDERAL-AID AND STATE MARCHISELLI PROGRAM-AID ELIGIBLE DESIGN PHASE PROJECT COSTS AND RIGHT OF WAY INCIDENTALS AND ACQUISITON PHASE PROJECTS COSTS OF A TRANSPORTATION FEDERAL-AID BRIDGE REPLACEMENT PROJECT (BIN 2016360) ON SENECA STREET OVER THE CANISTEO RIVER IN THE VILLAGE OF NORTH HORNELL AND THE CITY OF HORNELL IN THE COUNTY OF STEUBEN, P.I.N. 6754.55, AND APPROPRIATING FUNDS THEREFORE.

WHEREAS, the Project for the Bridge Replacement (BIN 2016360) on Seneca Street over the Canisteo River in the Village of North Hornell and the City of Hornell in the County of Steuben, P.I.N. 6754.55 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Steuben desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Project; and

WHEREAS, the County of Steuben has previously entered into an Agreement with the New York State Department of Transportation ("NYSDOT") and appropriated the sum of $395,000 for the Design Phase of the Project and the sum of $5,000 for the Right of Way Incidentals Phase of the Project; and

WHEREAS, the NYSDOT has deleted the $5,000 Right of Way Incidentals Phase from the aforementioned Agreement and added it to a new separate Agreement for the Right of Way Incidentals and Acquisition Phase of the Project; and

WHEREAS, the County of Steuben has previously appropriated the sum of $86,000 for the Right of Way Phase of the Project and has submitted check #112527 in the amount of $17,200 to the NYSDOT for the down payment of the non-federal share for this Phase of the Project.

NOW THEREFORE, BE IT the Steuben County Legislature, duly convened does hereby

RESOLVE, that the Steuben County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Steuben County Legislature hereby authorizes the County of Steuben to pay in the first instance 100% of the federal and non-federal share of the cost of the Design Phase work for the Project or portions thereof; and be it further

RESOLVED, that the sum of $395,000 has been previously appropriated and made available to cover the cost of participation in the Design Phase of the Project and the sum of $121,000 is hereby appropriated and made available to cover the cost of participation in the Right of Way Phase of the Project; and be it further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the County of Steuben shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT; and be it further

RESOLVED, that the Chairperson of the Steuben County Legislature of the County of Steuben be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Steuben with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the Steuben County Legislature hereby approves the transfer of $1,750 from the Future Bridge Capital Projects Account to the Seneca Street Bridge Capital Project, representing the 5% County share of the additional cost of the Right of Way Acquisition Phase of the Project, and hereby approves the appropriation of $28,000 of Federal Bridge Aid (80% of the additional cost) and $5,250 of State Bridge Aid (15% of the additional cost) to the Seneca Street Bridge Capital Project; and be it further

RESOLVED, that three (3) certified copies of this resolution be filed with the New York State Commissioner of Transportation by attaching them to any necessary Agreement in connection with the Project; and be it further

RESOLVED, this Resolution shall take effect immediately; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 106-12

Introduced by M. Hanna. Seconded by G. Roush.

AUTHORIZATION TO ADD MUNICIPAL SEWAGE TREATMENT PLANT SLUDGE TO THE SOLID WASTE LEGAL NOTICE AND TO ESTABLISH THE TIPPING FEE.

WHEREAS, Steuben County desires to fully utilize its landfill as a service to the public to lower fees, obtain maximum economies in its operation, and keep fees competitive with neighboring solid waste facilities; and

WHEREAS, sludge is now charged as "Garbage, Bulk Loads" at $42 per ton; and

WHEREAS, we receive approximately 1,800 tons per year of municipal sewage treatment plant sludge from the Village of Painted Post, the Town of Erwin and the City of Corning; and

WHEREAS, New England Organics, a Casella Waste Systems company, disposes of Suffolk County's sewage treatment plant sludge at the Ontario County municipal landfill; and

WHEREAS, New England Organics has need for additional landfill space for the disposal of 4,000 to 18,000 tons annually of Suffolk County sludge at a tipping fee of $30 per ton; and

WHEREAS, a ton of sludge takes up significantly less space than a ton of garbage; and

WHEREAS, establishing a new tipping fee item at $30 per ton for municipal sewage treatment plant sludge, to include the municipal sewage treatment facilities in Steuben County, will bring added revenue to the County and added methane to the gas to energy plant.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby authorize the Commissioner of Public Works to implement the fee for the acceptance of municipal sewage treatment plant sludge at $30/ton; and be it further

RESOLVED, upon adoption of this resolution, this fee shall become effective the date of the first load of sludge received from the Suffolk County facility, and remain in effect until further notice; and be it further

RESOLVED, this fee shall apply to municipal sewage treatment plants located in the State of New York; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 107-12

Introduced by B. Schu and L. Crossett. Seconded by D. Farrand.

AUTHORIZING THE STEUBEN COUNTY SHERIFF TO ACCEPT A GRANT IN THE AMOUNT OF $50,700 FROM THE 2011 STATE HOMELAND SECURITY PROGRAM (SHSP/SLETPP).

WHEREAS, currently the County is undergoing a transition to narrow banding radios as required by Federal statute; and

WHEREAS, the radios used by law enforcement departments are in need of upgrading in order to meet Federal standards; and

WHEREAS, narrow banding and interagency communications are a priority in law enforcement; and

WHEREAS, the New York State Office of Homeland Security is awarding Steuben County $50,700 under the Law Enforcement Terrorism Prevention Program; and

WHEREAS, it has been established that this SHSP/SLETPP funding will be used to upgrade radios as authorized by the New York State Office of Homeland Security; and

WHEREAS, the $50,700 grant is totally funded with no County cost.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept $50,700 as revenue and appropriate the same to the Sheriff's Office Budget SHSP/SLETPP Grant Fund; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Steuben County Sheriff.

Vote: Roll Call – Adopted.

RESOLUTION NO. 108-12

Introduced by T. Ryan and L. Crossett. Seconded by S. Van Etten.

AUTHORIZING THE TRANSFER OF $15,000 FROM THE "REPAIRS AND RENOVATIONS RESERVE" TO THE HORNELL COURTHOUSE EXTERIOR PAINTING CAPITAL PROJECT.

WHEREAS, it is necessary to appropriate funds to increase the budget amount of $15,000 adopted on November 28th, 2011 to $30,000 for the Hornell Courthouse Exterior Painting Capital Project; and

WHEREAS, funds are available within the Buildings and Grounds Department's "Repairs and Renovations Reserve".

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be, and the same hereby is, authorized and directed to appropriate the sum of $15,000 from the "Repairs and Renovations Reserve" to the Hornell Courthouse Exterior Painting Capital Project; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Treasurer, and the Superintendent of Buildings and Grounds.

Vote: Roll Call – Adopted.

RESOLUTION NO. 109-12

Introduced by P. McAllister. Seconded by R. Weaver.

APPROVING THE STANDARD WORK DAY AND RETIREMENT REPORTING FOR ELECTED AND APPOINTED OFFICIALS.

WHEREAS, the New York State and Local Employees' Retirement System established §315.4, a new regulation on retirement reporting for elected and appointed officials which became effective August 12, 2009; and

WHEREAS, the new regulation adds additional requirements for both employers and elected and appointed officials, including an expanded record of work activities, a more detailed resolution and specific time frames within which requirements must be completed.

NOW THEREFORE, BE IT

RESOLVED, that the County of Steuben hereby establishes the following as standard work days for certain elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of the Legislature:

TITLE	NAME	STANDARD WORKDAY (HRS/DAY)	TERM BEGINS/ENDS	PARTICIPATES IN COUNTY'S TIME KEEPING SYSTEM (Y/N)	DAYS/MO (BASED ON ROA)
Appointed Officials – Full Time					
Clerk of the Legislature	Brenda K. Mori	7.5	01/01/2012 – 12/31/2015	Y	N/A
Deputy Clerk of the Legislature	Amanda L. Chapman	7.5	01/01/2012 – 12/31/2015	Y	N/A
County Auditor	John C. Bowers	7.5	01/01/2012 – 12/31/2015	Y	N/A
County Attorney	Alan P. Reed	7.5	01/01/2012 – 12/31/2015	Y	N/A
Deputy County Attorney/Municipal Affairs	Shawn M. Corey	7.5	01/01/2012 – 12/31/2015	Y	N/A
Deputy County Attorney/DSS	Jessica M. Drake	7.5	01/01/2012 – 12/31/2015	Y	N/A
Confidential Secretary to County Attorney	Anne M. Collson	7.5	01/01/2012 – 12/31/2015	Y	N/A
Senior Assistant County Attorney	James B. Doyle III	7.5	01/01/2012 – 12/31/2015	Y	N/A
Assistant County Attorney	Matthew M. McGrath	7.5	01/01/2012 – 12/31/2015	Y	N/A
Assistant County Attorney	Ruth A. Chaffee	7.5	01/01/2012 – 12/31/2015	Y	N/A
Assistant County Attorney	Michelle A. Cooke	7.5	01/01/2012 – 12/31/2015	Y	N/A
Assistant County Attorney	Craig A. Patrick	7.5	01/01/2012 – 12/31/2015	Y	N/A
Confidential Secretary to District Attorney	Pamela Aini	7.5	01/01/2012 – 12/31/2015	Y	N/A
Assistant District Attorney	Michael D. McCartney	7.5	01/01/2012 – 12/31/2015	Y	N/A
Assistant District Attorney	James P. Miller	7.5	02/02/2012 – 12/31/2015	Y	N/A
Assistant District Attorney	Amanda M. Chafee	7.5	01/01/2012 – 12/31/2015	Y	N/A
Assistant District Attorney	David Coddington	7.5	01/01/2012 – 12/31/2015	Y	N/A
Assistant District Attorney	Christopher M. Tunney	7.5	01/01/2012 – 12/31/2015	Y	N/A
Deputy County Clerk	Jennifer L. Bailey	7.5	01/01/2012 – 12/31/2015	Y	N/A
Director, Office of Community Services	Henry W. Chapman	7.5	11/21/2011 – 12/31/2015	Y	N/A
Physician, Office of Community Services	Mary Nobilski	7.5	11/21/2011 – 12/31/2015	Y	N/A
Appointed Officials – Part Time					
Assistant District Attorney	Mathew K. McCarthy	6.0	01/01/2012 – 12/31/2015	N	15.597
Assistant District Attorney	Ronald A. Yorio	6.0	01/01/2012 – 12/31/2015	N	7.444
Assistant District Attorney	Thomas M. Bowes	6.0	01/01/2012 – 12/31/2015	N	7.361
Elected Officials – Full Time					
District Attorney	Brooks T. Baker	7.5	01/01/2012 – 12/31/2015	N	28.977
County Clerk	Judith M. Hunter	7.5	01/01/2012 – 12/31/2015	N	23.266
Elected Officials – Part Time					
County Legislator, District 1	Randolph J. Weaver	6	01/01/2012 – 12/31/2015	N	9.722
County Legislator, District 2	George J. Welch, Jr.	6	01/01/2012 – 12/31/2015	N	6.053
County Legislator, District 2	Hilda T. Lando	6	01/01/2012 – 12/31/2013	N	6.138
County Legislator, District 3	Robin K. Lattimer	6	01/01/2012 – 12/31/2013	N	6.778
County Legislator, District 4	Patrick F. McAllister	6	01/01/2012 – 12/31/2015	N	11.327
County Legislator, District 6	Brian C. Schu	6	01/01/2012 – 12/31/2015	N	3.833
County Legislator, District 7	Aaron I. Mullen	6	01/01/2012 – 12/31/2015	N	4.181
Chairman/County Legislator, District 8	Joseph J. Hauryski	6	01/01/2012 – 12/31/2015	N	16.167
County Legislator, District 11	William A. Peoples, Jr.	6	01/01/2012 – 12/31/2015	N	5.792
County Legislator, District 13	Scott J. Van Etten	6	01/01/2012 – 12/31/2015	N	7.444

AND BE IT FURTHER RESOLVED, the above list reflects only those elected and appointed officials commencing new terms of office, as stipulated in the new regulation; and be it further

RESOLVED, elected and appointed officials who are not members of the State Retirement System are not subject to the provisions of this law; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer, the Personnel Officer and the New York State Comptroller.

Mr. Mullen asked why is the standard workday for Legislators and the Assistant District Attorneys set at 6 hours per work day? Mr. Alger replied that is what was established. Six hours is the least amount that can be worked and eight hours is the maximum amount. Mr. Mullen stated that he thinks the hours for everyone should be set at 8.

Mr. McAllister asked would that be appropriate for the Administration Committee to review?

Ms. Mori stated this resolution needs to be adopted today. We can amend the hours for future resolutions. Mr. Alger stated his suggestion would be to ask the Administration Committee to review and determine if the standard workday should be set at 6, 7 ½ or 8 hours.

Vote: Roll Call – Adopted. (Yes – 9275; No – 597) (Opposed: Mr. Mullen)

RESOLUTION NO. 110-12

Introduced by P. McAllister. Seconded by G. Swackhamer.

AMENDING RESOLUTION NO. 265-78 RELATIVE TO THE FREEDOM OF INFORMATION LAW AND, IN PARTICULAR, THE SUBJECT MATTER LIST.

WHEREAS, Public Officers Law Section 87 (3) (c) requires the County to maintain a detailed list by subject matter of all records in the possession of the County; and

WHEREAS, by Resolution duly adopted No. 265-78, rules and regulations were established concerning procedures governing the Freedom of Information Law for the County of Steuben; and

WHEREAS, Section 9 of the rules and regulations requires the Clerk of the Legislature to maintain a sufficiently detailed current list by subject matter of all records, whether or not records are available pursuant to Public Officers Law, Article 6 (Freedom of Information Law) and further requires that the subject matter list be updated not less than twice per year; and

WHEREAS, it has been suggested by the New York State Committee on Open Government that the records retention and disposal schedule (CO-2) developed by the State Archives and Records Administration at the State Education Department could be used as a substitute for the subject matter list.

NOW THEREFORE, BE IT

RESOLVED, that Resolution No. 265-78, Section 9 be and the same hereby is amended as follows:

9) **SUBJECT MATTER LIST.**

~~a) The Clerk of the Board of Supervisors with the assistance of the department heads shall maintain a reasonably detailed current list by subject matter of all records, whether or not records are available pursuant to Section 87, subdivision 2 of the Public Officers Law.~~

~~b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.~~

~~c) The subject matter list shall be updated not less than twice per year. The most recent update shall appear on the first page of the subject matter list.~~

The Records Retention and Disposition Schedule CO-2, as prepared by the New York State Education Department, shall be the official Subject Matter List of the County of Steuben and all departments and agencies thereof.

Note: New material is underlined.

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Clerk of the Legislature, the Commissioner of Social Services, the Sheriff and the Community Services Director.

Vote: Roll Call – Adopted.

RESOLUTION NO. 111-12

Introduced by P. McAllister. Seconded by S. Van Etten.

AMENDING AND RESTATING THE MODEL PLAN DOCUMENT FOR THE DEFERRED COMPENSATION PLAN.

WHEREAS, the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of Steuben County (the "*Model Plan*") and offers the Model Plan for adoption by local employers; and

WHEREAS, Steuben County, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of Steuben County; and

WHEREAS, effective August 26, 2011 the Board amended the Model Plan to adopt the following provisions:

- Reorganizing and updating sections to improve the overall readability and eliminate unnecessary numerical references (annual limits) from the Model Plan document.

- Including employer elections within the plan document including: suspension of deferrals following an unforeseeable emergency withdrawal, automatic distributions from small and inactive accounts, loan design parameters and Roth deferrals and in-plan conversions are permissive. The Model Plan document includes a Schedule A where the employer may indicate the election of one or more of these provisions.

- Clarifying the first date a participant may make deferrals in compliance with Code Section 457(b) and timing requirements for any subsequent changes to deferral rates or allocations between pre-tax and after-tax deferrals.

- Clarifying compensation available for deferral for purposes of calculating contributions and recognizes that employers use various methods in determining the order of deductions taken before a deferral percentage is applied.

- Including provisions related to HEART Act of 2008 regarding treatment of differential pay and qualifying distributions for active military service in compliance with the HEART Act, including suspension of deferrals for six months following distribution.

- Making technical recognition of the waiver of RMDs for 2009.

- Clarifying that a beneficiary form must be received in good order to be considered valid.

- Clarifying that the Model Plan will only accept rollovers from Eligible Retirement Plans comprised of pre-tax amounts and amounts may be rolled in by participants, beneficiaries (other than inherited accounts) and alternate payees. Model Plans may roll account balances out to Eligible Retirement Plans that include post-tax amounts if the receiving plan separately accounts for them.

- Clarifying that a beneficiary of a deceased participant may roll a distribution directly to a Roth IRA, in addition to plan participants.

- Including language allowing for future delivery of participant communications through electronic means, where appropriate.

- Codifying that periodic and lump sum payments must be a minimum of $100 per payment, unless the Committee selects a different minimum, and sets a maximum annual number of partial distributions.

- Clarifying that the $50,000 loan limit includes the highest loan value in the last twelve months from the Model Plan and other employer plans. Regarding participants who have defaulted on a Plan loan, subsequent loans would not be allowed until defaulted loan is repaid. Removes requirement that a participant must wait until the term of the original loan expires before applying for a new loan, assuming the defaulted loan is repaid.

- Providing guidance on the handling of the receipt of special proceeds such as SEC settlements payable to former participants.

- Allowing a surviving spouse beneficiary to name a beneficiary on their account.

- Including the 5 year option for non-spousal beneficiaries to receive distributions and makes distribution rules consistent for pre- and post-age 70½ deaths.

- Allowing earlier distributions due to severance of employment as long as a balance of $500 remains in the account for 45 days after a severance from employment.

- Providing that outstanding loans from another New York State 457(b) plan may be allowed to be transferred or rolled in with a full account transfer.

- Removing the Power of Attorney Language since the acceptance of a power of attorney is governed by State law and not required in the Model Plan document.

- Clarifying the requirement that Committee actions must be taken at a public meeting in accordance with Article 7 of the Public Officers Law.

- Limiting indemnification to Committee Members only; and

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, Steuben County has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of Steuben County by adopting the amended Model Plan.

NOW THEREFORE, BE IT

RESOLVED, that Steuben County hereby amends the Deferred Compensation Plan for employees of Steuben County by adopting the amended Model Plan Document effective August 26, 2011, together with any optional provisions as set forth in the schedules attached to and a part thereof, as approved by the New York State Deferred Compensation

Board on December 1, 2010, and by the Internal Revenue Service by Letter Ruling dated September 15, 2011; and be it further

RESOLVED, the Steuben County Deferred Compensation Committee (SCDCC) is hereby authorized and directed to execute the necessary resolution, application and/or filings to effectuate this resolution in compliance with Section 5 of the New York State Finance Law together with any rules and regulations promulgated thereunder; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Treasurer and members of the Steuben County Deferred Compensation Committee.

Mr. Ryan asked for an explanation. Mr. Alger stated due to changes in the Federal requirements, we need to amend our plan. Essentially, we are following the model plan document. Mr. Donnelly stated this plan has been approved by the Internal Revenue Service.

Vote: Roll Call – Adopted.

RESOLUTION NO. 112-12

Introduced by P. McAllister and L. Crossett. Seconded by H. Lando.

AUTHORIZING AN INDEFEASIBLE RIGHT OF USE AGREEMENT WITH SOUTHERN TIER NETWORK, INC. AND APPROPRIATING FUNDS TO CONSTRUCT PUBLIC SAFETY LATERALS.

WHEREAS, Steuben County has partnered with Southern Tier Network, Inc. to develop an open access fiber optic backbone for public safety communications and economic development purposes; and

WHEREAS, Steuben County has previously authorized an appropriation of $1,227,786 as Steuben's contribution to this effort; and

WHEREAS, for this investment, Steuben County will receive 12 strands of dark fiber on the Southern Tier Network for a period of 25 years; and

WHEREAS, the terms and conditions will be governed by an Indefeasible Right of Use Agreement with Southern Tier Network; and

WHEREAS, to enhance emergency communications by connecting six critical public safety towers to the fiber network, Steuben County will contract with Southern Tier Network for the lateral fiber construction to these tower sites.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Administrator is hereby authorized to sign an Indefeasible Right of Use Agreement with Southern Tier Network for 12 strands of dark fiber for a period of 25 years; and be it further

RESOLVED, the County Treasurer is hereby authorized and directed to transfer $700,000 from the "Former Health Care Facility Renovations Capital Project" to the "Southern Tier Fiber Project" for construction of public safety laterals; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer; Steve Manning, CEO, Southern Tier Network, Inc, 8 Denison Parkway East Suite 310 Corning, NY 14830; Marcia Weber, Executive Director, Southern Tier Central Regional Planning and Development Board, 8 Denison Parkway East Suite 310 Corning, NY 14830; and Joe Starks, President, ECC Technologies, 2136 Five Mile Line Rd, Penfield, NY 14526.

Mrs. Lando asked where are we getting the fiber from? Mr. Alger replied Corning, Inc.

Vote: Roll Call – Adopted.

RESOLUTION NO. 113-12

Introduced by T. Ryan. Seconded by D. Farrand.

AUTHORIZING THE STEUBEN COUNTY PLANNING DEPARTMENT TO SUBMIT AN APPLICATION TO THE DEPARTMENT OF HOUSING AND COMMUNITY RENEWAL FOR A COMMUNITY DEVELOPMENT BLOCK GRANT.

WHEREAS, Steuben County is an eligible applicant for the Community Development Block Grant (CDBG) Small Cities Program; and

WHEREAS, Arbor Development, Inc. is desirous of continuing its program of housing rehabilitation for low and moderate income households; and

WHEREAS, said housing rehabilitation activities are an eligible expenditure of CDBG funds; and

WHEREAS, under the CDBG Program, Steuben County is permitted to contract with Arbor Development, Inc. to provide said rehabilitation.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Planning Department is hereby authorized to submit an application to the Department of Housing and Community Renewal for a Community Development Block Grant to provide funding for housing rehabilitation; and be it further

RESOLVED, the Chairman of the Steuben County Legislature is hereby authorized to sign the application as the Chief Elected Official of Steuben County; and be it further

RESOLVED, that should said grant be awarded to Steuben County, the Steuben County Treasurer is hereby authorized to deposit said grant in the appropriate line item in the Steuben County Budget; and be it further

RESOLVED, that the Steuben County Planning Director is hereby authorized to sign all appropriate and necessary documents to implement said grant; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Steuben County Planning Director, and to the Executive Director, Arbor Development, Inc., 16 William Street, Bath, New York 14810.

Mr. Mullen asked is this likely to subsidize companies for improving assets they already were going to improve? Mr. Alger explained this resolution is only authorizing the Planning Department to apply for a grant targeted for residential well and sewer replacements.

Vote: Roll Call – Adopted.

RESOLUTION NO. 114-12

Introduced by T. Ryan. Seconded by R. Lattimer.

DESIGNATING THE STEUBEN COUNTY CONFERENCE & VISITORS' BUREAU AS THE OFFICIAL TOURISM PROMOTION AGENCY FOR THE COUNTY OF STEUBEN.

Pursuant to Article 5 of the County Law of the State of New York.

WHEREAS, the New York State Grants Program is designed to encourage tourism promotion throughout the regions of New York State; and

WHEREAS, the Steuben County Conference and Visitors' Bureau, a non-profit organization established by the Steuben County Legislature through adoption of Resolution No. 156-93 on October 25, 1993, has requested to be designated in 2012-2013 as the official tourism promotion agency for Steuben County for the purpose of the New York State Grants Program.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Conference and Visitors' Bureau be and the same hereby is designated by the Steuben County Legislature to make application for and receive grants on behalf of the County of Steuben pursuant to the New York State Tourism Promotion Act; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Peggy Coleman, Executive Director, Steuben County Conference and Visitors' Bureau, Inc., 1 West Market Street, Suite 301, Corning, NY 14830.

Mrs. Lando asked is this only a formality? Mr. Alger replied yes.

Vote: Roll Call – Adopted.

RESOLUTION NO. 114-12

Introduced by B. Schu. Seconded by D. Farrand.

MODIFICATION AND BROADENING OF THE SCOPE FOR THE ALTERNATIVES TO INCARCERATION ADVISORY BOARD.

WHEREAS, the Alternatives to Incarceration Program has been in effect since 1985 together with an Alternatives to Incarceration Advisory Board; and

WHEREAS, changes in the Criminal Justice System and Juvenile Justice System have occurred and continue to evolve with impacts beyond the courts and law enforcement agencies; and

WHEREAS, a comprehensive need exists for the communication among and between all of the active and impacted agencies as it relates to the administration of the Alternatives to Incarceration Program; and

WHEREAS, coordinated efforts resulting from such communication will best effectuate the purposes of the Alternatives to Incarceration Program.

NOW THEREFORE, BE IT

RESOLVED, the scope of the review of information before the Alternatives to Incarceration Advisory Board may be broadened to include any and all subject items that will impact the present or future service applications of the Alternatives to Incarceration Program including but not limited to, identification and availability of resources, and pertinent departmental data; and be it further

RESOLVED, the recited subject items shall only be construed to mean those relevant items for which disclosure is permitted; and be it further

RESOLVED, the Alternatives to Incarceration Advisory Board is authorized to discuss and recommend particular coordinated responses amongst the Alternatives to Incarceration Advisory Board members, agencies and departments; and be it further

RESOLVED, the Steuben County Legislature appoints the following persons as members of the Steuben County Alternatives to Incarceration Advisory Board for a term to expire June 24, 2013:

Honorable Joseph Latham
Steuben County Court Judge

Honorable Marianne Furfure
Steuben County Surrogate Court Judge

Brooks T. Baker, Esq.
Steuben County District Attorney

Brian C. Schu, Esq., Chair or Designee
Public Safety & Corrections Committee

Mark R. Alger
Steuben County Administrator

Eugene A. Greeley
Steuben County Director of Probation

Cheryl Crocker
ATI Representative

Craig Pomplas
Crime Victim

Henry W. Chapman, Psy. D.,
Director Steuben County Community Services/
NYS Certified Alcohol and/or Substance
Abuse Treatment Provider

Honorable Peter C. Bradstreet
Steuben County Court Judge

Honorable Cathy P. Rouse-Nicholson
Local Court Judge

Philip J. Roche, Esq.
Steuben County Public Defender

Alan P. Reed, Esq.
Steuben County Attorney

Joel C. Ordway
Steuben County Sheriff

James Stewart
ATI Representative

Joseph Baroody
ATI Representative

to be appointed by Chairman of
the Steuben County Legislature
Ex-Offender

AND BE IT FURTHER RESOLVED, the above-named Advisory Board members shall serve without compensation and shall be entitled to receive reimbursement for necessary expenses, including mileage, long distance telephone calls and meals, with proper receipts, and be it further

RESOLVED, certified copies of the resolution shall be forwarded to the above-named appointees, County Auditor, County Treasurer and Robert Maccarone, Director, NYS Department of Probation and Correctional Alternatives, 4 Tower Place, Albany, NY 12203.

Mr. Schu commented that Mr. Mullen had volunteered to serve on this committee. Mr. Alger stated you have the discretion to appoint someone in your place.

Vote: Roll Call – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.D Discussions Regarding Proposed, Pending or Current Litigation; and Article 7§ 105.1.E Collective Negotiations Pursuant to Article Fourteen of the Civil Service Law made by Mr. Swackhamer. Seconded by Mr. Van Etten and duly carried.

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mr. McAllister. Seconded by Mr. Ryan and duly carried.

Motion to Adjourn made by Mr. Van Etten. Seconded by Mr. Farrand and duly carried.

REGULAR MEETING
Morning Session
Monday, July 23, 2012
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath NY on Monday, the 23rd day of July, 2012, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present except Legislator McAllister.

Mr. Swackhamer provided the Invocation and the Pledge of Allegiance was led by Mr. Roush.

IN MEMORIAM

ALTHEA O. ROLL
1916 – 2012

The death of our former colleague, Althea O. Roll, who passed away on June 26, 2012, is acknowledged by this Legislature with deep sadness.

Althea was born on June 24, 1916, to Charles and Mildred Holden. In 1936, she married Harry M. Roll. Althea pursued many endeavors throughout her life and was well-respected in the community through her 70 plus years working as a real estate broker, real estate developer, tax assessor and antique and estate appraiser.

Althea served as Steuben County Legislator representing the residents of Caton, Corning and Hornby in District 13 from January 1984 through December 1987, and from January 1990 through December 1995. During Althea's tenure on the Legislature she held leadership positions as Chair of the Agriculture, Industry & Planning Committee, Vice Chair of the Health & Education Committee and Vice Chair of the Public Works Committee. She also served as a member of the Human Services Committee and the Finance Committee.

Althea proudly served as Steuben County's representative on the Board of Trustees of Corning Community College from 1994 through 2006.

Althea will be remembered by the Legislature as always being a spunky straight-shooter who quite often took a stand on issues based solely upon principle. She was well known for her quick humorous quips and her honest, no-nonsense attitude. She will be greatly missed by all who were blessed enough to know her.

The members of this Steuben County Legislature respectfully move that the above "Memoriam" be spread upon the minutes of this meeting and that the Clerk of the Legislature forward a copy of this Memoriam to Althea's family as an expression of the sympathy felt by this Legislature on the passing of their loved one.

Adopted by rising silent affirmation.

Chairman Hauryski opened the floor for comments by members of the public.

Ristiina Wigg stated that she is the Director of the Southern Tier Library System. She stated that funding for the libraries provides many services to constituents through the 17 locations throughout the County. Your funding helps connect the libraries to provide shared services. Thank you.

Josephine Ciancaglini, Hornell Public Library, thanked the Legislature for their past support and urged them to continue that support. With your funding we were able to purchase computers. We are asking for your help by continuing to support the Hornell Library, as well as the other libraries in the system.

Diana Horvorka, Hornell Public Library Board of Trustees, thanked the Legislature for their support of the libraries. We hope you will continue your generous support. Technology has become more and more important to the libraries. The public libraries are the center for the communities to obtain information. We need your continued support. Thank you.

Alice Taychert, Director, Hornell Public Library, stated without your support, all of the wonderful things happening at our libraries would not be taking place. Thank you for your support.

Amie Acton, Director, Wimodaughsian Library, stated we are very grateful to continue to receive support from you. Thank you.

There being no further comments, Chairman Hauryski declared the opportunity for public comment closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication for the Public Hearing Authorizing and Directing the Steuben County Treasurer to Transfer $26,400 from the "Building Repair and Renovations Reserve" to a Capital Project Entitled "Corning Courthouse Boiler". Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

Motion approving the minutes of the previous meeting(s) made by Mr. Mullen, seconded by Mr. Schu and duly carried.

Mr. Farrand announced the Northeast Soil & Water Conservation District Conference will be held in Corning August 19th – August 21st. We are expecting 200 – 300 people to attending. Topics to be discussed will include Total Daily Maximum Load (TDML) and hydrofracking.

Ms. Mori reminded the Legislators that a demonstration of the new CAD system at 911 will be held at 11:30 a.m. this morning.

RESOLUTION NO. 116-12

Introduced by L. Crossett. Seconded by G. Swackhamer.

MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS, PROPERTY TAXES, AND OTHER REAL PROPERTY DISPOSITIONS.

RESOLVED, the Chairman of the Steuben County Legislature, in accordance with the applications filed herewith, is hereby authorized and empowered on behalf of this Legislature to execute the necessary documentation for the disposition of applications for correction of real property taxes levied on the parcels contained in Schedule "A"; and be it further

RESOLVED, the Steuben County Treasurer is hereby authorized to make the proper tax adjustment, and/or refund, with respect to the parcels contained in Schedule "A", as set forth in the approved applications, copies of which shall be forwarded to the taxpayer and collecting authority; and be it further

RESOLVED, as it appears to be in the best interest of the County to sell the properties listed on Schedule "B" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof; and be it further

RESOLVED, the said grantee(s) must accept the parcel "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel if need be; and be it further

RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Director of the Steuben County Real Property Tax Service Agency and the Steuben County Treasurer, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors; and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s).

SCHEDULE "A"

Resolution No.	A-1	Resolution No.	A-2
Name	Dittmar Forestry Inc.	Name	Jeffrey Donohue
Parcel No.	204.00-01-021.000	Parcel No.	038.00-01-041.200
Municipality	Thurston Town	Municipality	Dansville Town
Disposition	Correction (parcel split)	Disposition	Refund & Cancellation

SCHEDULE "B"

Resolution No.	B-1
Former Owner	Wayne G. Swartz & Martha J. Swartz
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	337.00-02-029.240
Municipality	Corning Town
Grantee(s)	Wayne G. Swartz & Martha J. Swartz
Grantee(s) Address	2492 Brown Hollow Rd., Corning, NY 14830
Consideration	$599.19, together with $305.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-2
Former Owner	Martha J. Swartz & Wayne G. Swartz
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	337.00-02-029.220
Municipality	Corning Town
Grantee(s)	Martha J. Swartz & Wayne G. Swartz
Grantee(s) Address	2492 Brown Hollow Rd., Corning, NY 14830
Consideration	$599.19, together with $305.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-3
Former Owner	Darrell J. Hoad
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	042.00-01-056.000
Municipality	Cohocton Town
Grantee(s)	Darrell J. Hoad
Grantee(s) Address	5568 Wolf Run Rd., Campbell, NY 14821
Consideration	$266.88, together with $305.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-4
Former Owner	Darrell J. Hoad II
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	116.07-01-032.000
Municipality	Wheeler Town
Grantee(s)	Darrell J. Hoad II
Grantee(s) Address	5568 Wolf Run Rd., Campbell, NY 14821
Consideration	$7,466.64, together with $180.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-5
Former Owner	Michael L. Phelan
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	020.00-01-020.170
Municipality	Prattsburgh Town
Grantee(s)	Michael L. Phelan
Grantee(s) Address	212 Alpine Rd., Rochester, NY 14612
Consideration	$5,547.45, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-6
Former Owner	Scott Morey
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	140.00-01-027.200
Municipality	Howard Town
Grantee(s)	Scott Morey
Grantee(s) Address	7007 Craig Rd., Bath, NY 14810
Consideration	$12,291.83, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-7
Former Owner	Freeman Baptist Church
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	385.00-01-053.000
Municipality	Tuscarora Town
Grantee(s)	Freeman Baptist Church c/o Robert Peoples
Grantee(s) Address	693 Brennan Rd., Addison, NY 14801
Consideration	$3,471.95, together with $310.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-8
Former Owner	Richard Myers
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	333.20-01-053.000
Municipality	Erwin Town
Grantee(s)	Richard Myers
Grantee(s) Address	10 Crescent Dr., Painted Post, NY 14870
Consideration	$9,024.49, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-9
Former Owner	Robert A. Rapp & Sharon L. Rapp
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	064.08-01-061.000
Municipality	Wayne Town
Grantee(s)	Robert A. Rapp & Sharon L. Rapp
Grantee(s) Address	306 East Avenue, Newark, NY 14513
Consideration	$41,444.14, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-10
Former Owner	Robert E. Thomas & Barbara M. Thomas
In Rem Index No.	98375, 2007 sale
Parcel No.	390.11-01-052.000
Municipality	Caton Town
Grantee(s)	Town of Caton
Grantee(s) Address	11161 Hendy Rd., Corning, NY 14830
Consideration	$5.00, together with $305.00 recording fees

Vote: Roll Call – Adopted.

RESOLUTION NO. 117-12

Introduced by J. Hauryski. Seconded by G. Roush.

RECEIVING AND ACCEPTING THE JULY 23, 2012 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and **referred to the appropriate Standing Committee and/or Department Head for information and/or action,** to wit:

June 21, 2012

United States Board on Geographic Names – Re: Request for input on an unnamed stream in Steuben County. ***Referred to: Mark Alger, County Administrator; Village of Bath; Town of Canisteo; and Town of Howard.***

Ryan Hopkins, Avoca resident – Re: Letter of concern on an ongoing case (#000315882). ***Referred to: Kathryn Muller, Commissioner of Social Services.***

June 27, 2012
NYS Homes & Community Renewal – Re: The Project Status Report for the NYS CDBG Project#1115HR65-11 is due by June 30, 2012. This report is available on the following website: www.nysdhcr.gov|Forms|NYS-CDBG ***Referred to: Amy Dlugos, Planning Director.***

June 28, 2012
Mr. & Mrs. Andrew Kacyon, Painted Post residents – Re: Letter of concern on the proposed redistricting. ***Referred to: Steuben County Legislature.***

July 5, 2012
Steuben County Deputies Association – Re: Employee Grievance. ***Referred to: Mark Alger, County Administrator; and Nancy Smith, Personnel Director.***

July 9, 2012
New York State Department of Labor – Re: Notice of violation and order to comply with the inspection held on 6/12/2012 at the Steuben County Department of Public Works (Woodhull Shop). ***Referred to: Vince Spagnoletti, Commissioner of Public Works; and Ken Isaman, Risk Manager.***

NYS Office for the Aging – Re: Notification of approval for State Aid under the New York State Long Term Care Ombudsman Program (LTCOP) Support Agreement for the program year beginning 04/01/2012- 03/31/2013. ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

Kathryn Muller, DSS Commissioner – Re: Disclosure of landlord-tenant relationship. ***Referred to: Alan Reed, County Attorney.***

Western Regional Off-Track Betting Corporation – Re: Check in the amount of $6,472.00, which represents the May 2012 surcharge revenue for Steuben County. ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

New York State Department of Environmental Conservation – Re: Notification of Public Informational Session on the Six Nations Draft Unit Management Plan is scheduled for August 7, 2012 at the Tyrone Fire Hall, located on Route 226 in Tyrone, NY (Open House 2pm-4pm and Presentation at 6pm). The public is invited to submit comments on the proposed plan until September 7, 2012. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

Finger Lakes Health Systems Agency – Re: 2013 Budget request in the amount of $24,682.00. ***Referred to: Human Services/Health & Education Committee; and Victoria Fuerst, PHN Director.***
July 11, 2012
New York State Department of Health – Re: Status on the recruitment of a full-time Director of Public Health for Steuben County. ***Referred to: Human Services/Health & Education Committee; Victoria Fuerst, PHN Director; and Mark Alger, County Administrator.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 118-12

Introduced by B. Schu. Seconded by R. Weaver.

PRESENTING LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2012, AUTHORIZING THE PROJECT LIFESAVER PROGRAM AND ESTABLISHING USER FEES THEREFORE.

Pursuant to the Municipal Home Rule Law.

WHEREAS, the Steuben County Sheriff's Office has proposed Steuben County's participation in the Project Lifesaver Program which uses electronic signaling devices as an aid in searching for lost persons; and

WHEREAS, the Project Lifesaver Program is a national public safety program designed to protect and locate missing persons who suffer in one form or another from diminished capacity or other disability; and

WHEREAS, the program requires that electronic devices be purchased for eligible individuals; and

WHEREAS, in order to establish said program, the Steuben County Sheriff's Office must be authorized to collect an initial fee for equipment start-up/entry into the program and monthly check/battery fee from individuals enrolling in program.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature, Local Law Tentatively No. Two for the Year 2012, relative to authorizing the Project Lifesaver Program and establishing user fees to be collected as follows:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2012

A LOCAL LAW, relative to authorizing the Project Lifesaver Program and establishing fees to be collected by the Steuben County Sheriff's Office.

Be it enacted by the Legislature of the County of Steuben as follows:

SECTION 1:

The Steuben County Sheriff is hereby empowered to collect fees for various services under the Project Lifesaver Program.

SECTION 2:

The fees to be charged are as follows:

Initial Start-up/Entry into Program	$300.00
Battery Fee	$ 10.00/month

SECTION 3:

The procedures for the collection of such fees shall be as prescribed by the appropriate laws of the State of New York and any amendments thereto, or as determined by the Steuben County Sheriff where the state has not enacted procedures. Said procedures are to be filed with the Clerk of the Steuben County Legislature.

SECTION 4:

Any prior resolution or local law pertaining to the collection of fees by the Steuben County Sheriff is hereby amended to the extent necessary to comply with the intent of this local law.

SECTION 5:

The Steuben County Sheriff is directed to collect and analyze the costs associated with said program annually and report findings to the Public Safety & Corrections Committee.

SECTION 6:

The Public Safety & Corrections Committee is authorized and directed to annually adjust the fees based upon the costs identified in the Sheriff's annual fee report.

SECTION 7:

In the event any portion hereof shall be declared unenforceable, the balance of the local law remaining shall be in full force and effect.

SECTION 8:

This local law shall become effective upon filing with the Secretary of State.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on August 27, 2012 at 10:00 A.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature shall cause a notice of said Public Hearing to be posted at the Courthouses in the municipalities of Bath, Corning and Hornell, have said notice published for one insertion in the two official newspapers of the County, and shall cause such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with proof of posting and publication to be filed in the Office of the Clerk of the Legislature; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Sheriff and the Steuben County Treasurer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 119-12

Introduced by C. Ferratella. Seconded by R. Lattimer.

AUTHORIZING AN AGREEMENT FOR PROFESSIONAL SERVICES FOR THE STEUBEN COUNTY HEALTH CARE FACILITY

WHEREAS, the Steuben County Health Services Advisory Committee has requested proposals for professional assistance in the disposition of the Steuben County Health Care Facility; and

WHEREAS, proposals were received Thursday, July 12, 2012; and

WHEREAS, upon review of proposals, the Health Services Advisory Committee and Human Services, Health & Education Committee have recommended Marcus & Millichap be retained for those services.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Administrator be authorized and directed to sign the necessary agreement(s) subject to approval of the agreements by the Steuben County Attorney; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named firm; the Steuben County Administrator and the Health Care Facility Administrator.

Mr. Alger stated the Human Services, Health & Education Committee and Health Services Review Committee have recommended awarding the RFP to Marcus & Millichap of Chicago, Illinois.

Vote: Roll Call – Adopted.

RESOLUTION NO. 120-12

Introduced by L. Crossett. Seconded by D. Farrand.

FILING THE REPORT OF THE ADMINISTRATOR OF THE STEUBEN COUNTY WORKERS' COMPENSATION SELF-INSURANCE PLAN AND THE COMMITTEE THEREON IN RELATION TO ESTIMATED COST FOR THE FISCAL YEAR 2013.

Pursuant to Article 5 of the Workers' Compensation Law of the State of New York.

WHEREAS, an estimate of the cost of the Workers' Compensation Self-Insurance Plan is to be filed with this County Legislature on or before July 23, 2012 for the Budget Year 2013.

NOW THEREFORE, BE IT

RESOLVED, that the estimated cost (Budget for 2013), a copy of which is attached hereto, as presented by the Administrator of the Steuben County Self-Insurance Workers' Compensation Plan to the Administration Committee is received, adopted and ordered to be incorporated into the 2013 Steuben County Budget; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Treasurer and the Administrator of the Steuben County Self-Insurance Workers' Compensation Plan.

STEUBEN COUNTY SELF-INSURANCE PLAN
ANNUAL ESTIMATE OF EXPENSES
FISCAL YEAR BEGINNING JANUARY 1, 2013

Your Committee on Workers' Compensation Insurance respectfully submits the annual estimate of expenses for the Steuben County Self-Insurance Plan for the fiscal year beginning January 1, 2013 and ending December 31, 2013, pursuant to Section 67, Paragraph 1 of the Workers' Compensation Law.

APPROPRIATED BUDGET FOR 2013

Account	Account Title	2013 Budget
	Estimated Expenditures	
51100000	SALARIES & WAGES	54,362
5402990	TELEPHONE-CHARGEBACKS	350
5403800	COPYING	110
5404100	MEMBERSHIPS & DUES	100
5405100	POSTAGE	600
5406000	OFFICE SUPPLIES	1,000
5407200	TRAINING & CONFERENCES	1,400
5407310	SAFETY TRAINING	1,600
5410100	INSURANCE	100
5410320	EXCESS W/C INSURANCE	0
	PERMA Costs	1,041,046
	WC MEDICAL & IMDEMNITY BENEFITS	1,558,000
	WCB TOTAL ASSESSMENTS	552,300
5410400	AWARDS & BENEFITS(IBNR)	0
5412970	MAINTENANCE IN LIEU/RENT	2,000

5420000	MEDICAL SERVICES	18,000
5423310	PROFESSIONAL WITNESS	1,000
5423330	COURT APPEARANCES	55,000
5424210	INVESTIGATION EXPENSE	9,500
5430190	REHAB FEES	35,000
5444400	THIRD PARTY ADMINISTRATOR	40,000
5450999	MOTOR POOL CHARGEBACKS\	100
5498000	DEPRECIATION EXPENSE	1,000
5499000	OTHER EXPENSES	850
5810000	NYS EMPLOYEES RETIREMENT	8,260
5830000	SOCIAL SECURITY	4,077
5840000	WORKERS' COMPENSATION	2,665
5860000	GROUP MEDICAL INSURANCE	11,580
		3,400,000
	Estimated Revenue	
42222000	Participant Fees	3,150,000
42401000	Interest	3,500
42701000	Refund Prior Year Expenses	246,500
		3,400,000

Vote: Roll Call – Adopted.

RESOLUTION NO. 121-12

Introduced by L. Crossett. Seconded by T. Ryan.

FILING THE TABLE OF APPORTIONMENT RELATIVE TO THE SHARES OF THE PARTICIPATING MEMBERS OF THE STEUBEN COUNTY SELF-INSURANCE WORKERS' COMPENSATION PLAN FOR 2013.

Pursuant to Article 5 of the Workers' Compensation Law of the State of New York.

WHEREAS, on July 23, 2012, this Steuben County Legislature had filed and approved the estimated cost for Fiscal Year 2013 of the Steuben County Self-Insurance Workers' Compensation Plan; and

WHEREAS, the Administrator of the Steuben County Self-Insurance Workers' Compensation Plan, based on the number of members and the estimated cost for the year 2013, has caused a Table of Apportionment to be developed.

NOW THEREFORE, BE IT

RESOLVED, that the Table of Apportionment for the participating members of the Steuben County Self-Insurance Plan for Workers' Compensation for the year 2013 is hereby received and adopted and filed herewith; and be it further

RESOLVED, this resolution together with said Table of Apportionment shall serve as due and proper notice to the participating members of their liability to the plan for the year 2013; and be it further

RESOLVED, that the Administrator of the Self-Insurance Plan shall notify all participating members of their share; and be it further

RESOLVED, that any participating member shall pay its share directly to the Steuben County Treasurer not later than June 1, 2013; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Steuben County Treasurer, Director of the Steuben County Real Property Tax Service Agency, and 32 certified copies to the Administrator of the Steuben County Self-Insurance Workers' Compensation Plan for distribution to the Town/Village Clerks of the participating members.

2013
TABLE OF APPORTIONMENT

MUNICIPALITY	CLASS	AMOUNT
STEUBEN COUNTY	I	**$ 2,451,266**
ADDISON	I	$ 9,715
AVOCA	I	$ 32,318
BRADFORD	I	$ 11,220
CAMERON	I	$ 25,259
CAMPBELL	I	$ 47,542
CANISTEO	I	$ 18,784
DANSVILLE	I	$ 19,118
FREMONT	I	$ 11,841
GREENWOOD	I	$ 12,235
HARTSVILLE	I	$ 7,568
HORNBY	I	$ 16,790
HORNELLSVILLE	I	$ 26,475
HOWARD	I	$ 23,819
JASPER	I	$ 17,759
LINDLEY	I	$ 14,338
PRATTSBURGH	I	$ 27,306
PULTENEY	I	$ 40,518
THURSTON	I	$ 20,806
TROUPSBURG	I	$ 15,789
TUSCARORA	I	$ 30,131
WEST UNION	I	$ 10,400
WHEELER	I	$ 31,462
WOODHULL	I	$ 22,835
TOWNS TOTAL		**$ 494,028**
ADDISON	I	$ 41,784
ARKPORT	I	$ 8,612
AVOCA	I	$ 8,349
CANISTEO	I	$ 51,815
COHOCTON	I	$ 17,190
NORTH HORNELL	I	$ 9,481
PAINTED POST	I	$ 45,595
WAYLAND	I	$ 21,881
VILLAGES TOTAL		**$ 204,706**
GRAND TOTAL		**$ 3,150,000**

Vote: Roll Call – Adopted.

RESOLUTION NO. 122-12

Introduced by T. Ryan and L. Crossett. Seconded by C. Ferratella.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO APPROPRIATE $26,400 FROM THE REPAIR & RENOVATIONS RESERVE TO SET UP THE CAPITAL PROJECT ACCOUNT FOR THE CORNING COURTHOUSE BOILER REPLACEMENT PROJECT.

WHEREAS, the Agriculture, Industry and Planning Committee and the Finance Committee have approved the recommendations from the County Administrator and the County Superintendent of Buildings and Grounds for the Boiler Replacement at the Corning Courthouse; and

WHEREAS, it is necessary to appropriate funds to complete the project; and

WHEREAS, funds are available within the Buildings & Grounds Department's "Repair & Renovations Reserve".

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be, and the same hereby is, authorized and directed to appropriate the sum of $26,400 from the Repair & Renovations Reserve Account to set up the Corning Courthouse Boiler Replacement Capital Project; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Treasurer and the Superintendent of Buildings and Grounds.

Vote: Roll Call – Adopted.

RESOLUTION NO. 123-12

Introduced by B. Schu and L. Crossett. Seconded by G. Roush.

AUTHORIZING THE ACCEPTANCE OF $88,000 FOR THE FISCAL YEAR 2012 STATE HOMELAND SECURITY PROGRAM.

WHEREAS, Steuben County has identified the risks associated with the effects of terrorism; and

WHEREAS, Steuben County has identified the potential vulnerability throughout the County to this type of incident; and

WHEREAS, Steuben County has identified the need for additional resources, education and training; and

WHEREAS, the New York State Office of Homeland Security is responsible for the assignment of administration of grant allocation provided by the Federal Government; and

WHEREAS, the New York State Office of Homeland Security has awarded Steuben County with Federal Fiscal Year 2012 grant funds in the amount of $88,000 under the State Homeland Security Program (SHSP); and

WHEREAS, seventy-five percent of the funding ($66,000) will go to Emergency Management to support response, education, prevention and planning for terrorist incidents and twenty-five percent of the total funding ($22,000) must be directed towards law enforcement terrorism prevention activities in the Sheriff's Office.

NOW THEREFORE, BE IT

RESOLVED, that the County Administrator is hereby authorized to enter into an agreement with the New York State Office of Homeland Security to accept funding in the amount of $88,000 for implementation of the State Homeland Security Program (SHSP) to support response, education, prevention and planning for terrorist incidents; and be it further

RESOLVED, the County Administrator and the Director of Emergency Management are authorized and directed to execute the requisite documentation to effectuate this grant and agreement; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized to establish a revenue account for the purpose of accepting the grant funding from the Federal Government and the New York State Office of Homeland Security; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized to appropriate such revenue to the appropriate accounts within the budget of the Steuben Country Office of Emergency Management and the Steuben County Sheriff's Office for the purpose of fulfilling the aforementioned grant; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the New York State Office of Homeland Security, 1220 Washington Avenue, State Office Building 7A, Albany NY 12226; the County Treasurer; the Steuben County Sheriff; and the Director of Emergency Management.

Vote: Roll Call – Adopted.

RESOLUTION NO. 124-12

Introduced by L. Crossett. Seconded by H. Lando.

RESOLUTION OF THE STEUBEN COUNTY LEGISLATURE AUTHORIZING THE STEUBEN AREA ECONOMIC DEVELOPMENT CORPORATION TO PERFORM ESSENTIAL GOVERNMENTAL FUNCTIONS INCLUDING ACTIVITIES ASSOCIATED WITH THE PROMOTION OF COMMUNITY AND ECONOMIC DEVELOPMENT AND JOB CREATION AND THE ISSUANCE OF BONDS ON ITS BEHALF

WHEREAS, it is the policy of the State of New York to promote the economic welfare and prosperity of its inhabitants and to actively promote, attract, encourage and develop economically sound commerce and industry; and

WHEREAS, Steuben County (the "County") has supported the provision of taxable and tax-exempt financing by the Steuben County Industrial Development Agency (the "Agency") and of certain other financial incentives to for-profit entities and not-for-profit corporations to promote the creation and preservation of employment opportunities for residents of the County and development of economically sound commerce consistent with the County's burdens and responsibilities as expressed above; and

WHEREAS, the Steuben Area Economic Development Corporation (the "Corporation") was established as a not-for-profit local development corporation pursuant to Sections 402 and 1411 of the New York Not-For-Profit Corporation Law ("N-PCL") for the exclusive public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities and lessening the burdens of government and acting in the public interest and has the powers, among other things, to construct, acquire, rehabilitate and improve for use by others, facilities within the County, to assist financially in such construction, acquisition, rehabilitation and improvement, to acquire real or personal property and to issue bonds, notes and other obligations thereof; and

WHEREAS, to accomplish its job creation and other economic development responsibilities and relieve the burdens related to the same, and to facilitate the ability of not-for-profit corporations to access capital for projects that enhance, create and preserve employment opportunities for residents of the County, the County desires to authorize the Corporation to issue bonds as an "on behalf of issuer" (within the meaning of Internal Revenue Service Revenue Ruling 57-187) of the County and as set forth herein for such purposes and to work cooperatively with the Agency to achieve such public purposes; now therefore be it

RESOLVED, the Steuben County Legislature (the "County Legislature") hereby authorizes the Corporation to issue bonds with authority to exercise on the County's behalf all lawful powers as may be deemed necessary to accomplish its public purposes including to enhance, create and preserve employment opportunities for residents of the County, which such powers shall include those powers described in N-PCL Section 1411 and the Corporation's Certificate of Incorporation, as amended, with the power to issue tax-exempt and taxable bonds, notes, or other obligations in furtherance of its purposes, provided however that any obligations issued by the Corporation shall never be a debt of the State of New York, the County or any political subdivision thereof (other than the Corporation) and neither the State of New York, the County or any political subdivision thereof (other than the Corporation) shall be liable thereon; and, be it further

RESOLVED, that the County Legislature authorizes an amendment to the Certificate of Incorporation may be filed, in such form as approved by the County Attorney and by counsel to the Corporation, to document the Corporation's purposes, as set forth in this resolution; and be it further

RESOLVED, that this resolution shall take effect immediately.

Vote: Roll Call – Adopted.

RESOLUTION NO. 125-12

Introduced by C. Ferratella. Seconded by H. Lando.

AUTHORIZING THE OFFICE OF COMMUNITY SERVICES TO ENTER INTO A CONTRACT WITH THE BATH VILLAGE POLICE DEPARTMENT TO PROVIDE MENTAL HEALTH TRANSPORTS.

WHEREAS, on occasion the Office of Community Services needs individuals transported to the St. James Mercy Hospital Psychiatric Care Unit; and

WHEREAS, the Bath Village Police Department is willing to provide this service when necessary to individuals residing within the Village of Bath.

NOW THEREFORE, BE IT

RESOLVED, the Director of Community Services is hereby authorized to enter into an agreement with the Bath Village Police Department to provide mental health transports on an as needed basis at a rate of $65.00 per hour for a full-time officer and $30.00 per hour for a part-time officer, plus mileage; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Chief David Rouse, Bath Police Department, 110 Liberty Street, Bath, NY and Henry W. Chapman, Psy.D., Director of Community Services.

Vote: Roll Call – Adopted.

RESOLUTION NO. 126-12

Introduced by C. Ferratella. Seconded by R. Lattimer.

SUPPORTING PRO ACTION'S HEAD START AND EARLY HEAD START PROGRAMS IN STEUBEN COUNTY.

WHEREAS, Pro Action of Steuben and Yates, Inc. (heretofore referred to as Pro Action) has provided quality early childhood education programming as the Head Start Grantee for 45 years; and

WHEREAS, Pro Action Head Start and Early Head Start Programs currently serve 514 Steuben County children ranging in age from birth to 5 years in 35 different group settings located throughout Steuben County; and

WHEREAS, Pro Action Head Start and Early Head Start outcome analysis reveals 93% of Pro Action Head Start's preschool teachers hold a BA or higher degree compared to just 56% of Head Start preschool teachers nationwide; and 96% of enrolled four year olds demonstrate they meet or exceed widely held developmental expectations for their age range by the end of the program year, up from 41% in Fall 2011 assessments; and 91% of enrolled children have received all medical screenings; and

WHEREAS, Pro Action Head Start and Early Head Start Programs provided family supportive services either directly or through referral to other community resources to 93% of enrolled families compared to 79% nationwide; and

WHEREAS, 157 families reported and demonstrated improved family functioning skills as a result of engagement with Pro Action's Head Start and Early Head Start family workers; and

WHEREAS, Pro Action partners with 9 local school districts to ensure a cost effective preschool program which provides Head Start eligible children and Universal Pre-kindergarten eligible children an equal opportunity for a successful transition into kindergarten; and

WHEREAS, the Steuben County Legislature presented to Pro Action's Early Head Start Program the 2012 Steuben County Child Abuse Prevention Award; and

WHEREAS, the most recent, (October 2010), Federal triennial review of the Head Start and Early Head Start Programs resulted in no findings of non-compliance; and

WHEREAS, Pro Action has received clean, unqualified audit opinions for the past two years, and in fact, has not received a Qualified, Disclaimer, or Adverse audit opinion for at least the past fifteen years; further, independent auditors did not identify any material weaknesses or significant deficiencies with respect to the Financial Statements or Federal Awards and consider the organization to be a low-risk auditee; and

WHEREAS, Steuben County maintains multiple contracts with Pro Action and attests to the organizations high degree of ethical integrity, financial responsibility and outcome accountability.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature supports Pro Action as the most competent and qualified organization to administer the Head Start and Early Head Start Programs in Steuben County; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to David Hill, Executive Director, Pro Action of Steuben and Yates, Inc., 117 East Steuben Street, Bath, NY 14810.

Vote: Acclamation – Adopted.

RESOLUTION NO. 127-12

Introduced by J. Hauryski. Seconded by G. Swackhamer.

OPPOSING THE UNIFORM NOTICE OF CLAIM ACT.

WHEREAS, the New York State Assembly and Senate have passed the "Uniform Notice of Claim Act," (S07641B, A10657-A); and

WHEREAS, this act amends state law to permit the filing of notices of claim against local governments in New York with the Secretary of State, as opposed to the local governments themselves; and

WHEREAS, this filing will inevitably cause delays in receipt of notices of claim simply because of the volume the Secretary of State will have to process which could result in further litigation; and

WHEREAS, this act also excuses non-compliance with the time limits for filing, provided they resulted from "good faith" mistakes and the public entity can't prove substantial prejudice as a result; and

WHEREAS, this act, therefore, makes it easier to commence litigation against local governments, many of who have more than enough already.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby urges the Governor to disapprove the Uniform Notice of Claim Act (S07641B, A10657-A); and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Minority Leader John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader Brian M. Kolb, 933 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207; and Glenn Larison, President, InterCounty Association of Western New York, c/o Schuyler County Legislature, 105 Ninth Street, Unit 6, Watkins Glen, NY 14891.

Mr. Alger explained the New York State Assembly and Senate have both passed their bills and now this is before the Governor for his signature. This would allow individuals, rather than providing service to the municipality in question, to provide service to the Secretary of State. The problem with this is that it may be some time before you are made aware that there is a claim against you. We can't get Local Laws filed with the Secretary of State efficiently, so he doesn't know how they will be able to inform municipalities that there is a claim against them. This bill would make it easier for a claim to be filed. Mr. Weaver commented the State would be a clearinghouse for all claims. Mr. Alger stated a claim could be filed without knowing until you are notified by the Secretary of State. There is no timeframe included in the bill. Discussion followed.

Vote: Acclamation – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.H. The Medical, Financial, Credit, or Employment History of a Particular Person or Corporation, or Matters Leading to the Appointment, Employment, Promotion, Demotion, Discipline, Suspension, Dismissal or Removal of a Particular Person or Corporation made by Mr. Roush, seconded by Mr. Van Etten and duly carried.

Motion to Adjourn Executive Session and Reconvene in Regular session made by Mr. Ryan, seconded by Ms. Lattimer and duly carried.

Motion to Adjourn made by Mr. Farrand, seconded by Mr. Swackhamer and duly carried.

REGULAR MEETING
Morning Session
Monday, August 27, 2012
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 27th day of August, 2012, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present except Legislators Farrand and Roush.

Mrs. Ferratella provided the Invocation and the Pledge of Allegiance was led by Ms. Lattimer.

Chairman Hauryski asked Kimberly Mason-Coxe to come forward. Ms. Mason-Coxe is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 25 years of service to Steuben County.

Chairman Hauryski opened the floor for comments by members of the public.

Wayne Wells, Cameron stated that he is here to voice his concerns regarding the operations at Dickson's. There is no accountability. If anyone tries to tell you that the DEC (Department of Environmental Conservation) is a responsible advocate, you are fooling yourselves. He stated that he has been fighting the Dickson operation since 1987 with no help from the Town or County. There is a cost and now we are faced with fracking. The County says that the DEC will protect us. If they can't handle the Dickson operation, how are they going to handle fracking? There is a cost and we all pay for that.

Tim Hargrave, Cameron Mills, stated that he is a member of the Cameron Committee to Save the Environment. The Dickson operation is the largest private sludge facility in the State. They are now requesting a permit modification to include five new waste sources. There are already ten residents that have to haul water in because their wells have been contaminated. Also, the property values are declining. The County cannot afford the degradation of the tax base. The proposal to accept drill cuttings is concerning. The DEC will tell you that everything is good. He stated that he emailed the Legislators information and he asked that they please review it.

Jack Ossont, Himrod, stated that he is a resident of Yates County and he is concerned about the effect of the Dickson operation, as well as the proposal to accept drilling cuttings, on the Keuka Lake Watershed. He hopes that the Board's legacy for the future will not include these proposals. He handed out a sheet explaining the picocurie measurements. He encouraged the Legislature to look at these issues in terms of the legacy they will be leaving to future generations.

Neil Vitale, Woodhull, stated that he is an organic dairy farmer and has been farming for 45 years. He stated that is a member of the Steuben County Joint Landowners Coalition as well as the New York Joint Landowners Coalition. We need drilling now, especially the dairy industry. This is the only lifeline we have left. We are losing more small dairy farmers than any other State. The gas industry can help us. With regard to the radioactive issue, the DEC has looked at this so many times. The drill cuttings have already been going to the landfill in Painted Post for over four years now, with no problems. This is just another issue to stop the industry from coming to New York State. The State needs the revenue. Since they started drilling in Pennsylvania, they have created over 300,000 jobs and the average salary is $74,000 per year. New York is missing out on this. It is time to let them come in.

Jeff Heller, Bradford, stated that he is here representing the Steuben County Landowners Coalition. There are two areas of concern around gas drilling; water pollution and radioactivity. These are easy scare elements. The main issue being discussed today is radioactivity. In evaluating radioactivity levels, the DEC has found that the levels are not significant because they are smaller than what is already

naturally occurring in our surroundings. There are no historic or scientific reasons for not taking the drill cuttings. The County needs any revenue it can get and it makes absolute sense to take the cuttings. With the cuttings, the County can gain some economic advantage from the common sense of Pennsylvania and other states that are hydrofracking.

Gudren Scott, Andover, stated that she had sent an email to the Legislators. She would like to comment on the fact that at the most recent Public Works Committee meeting, they were told that there would be no public comment, although they had always had it in the past. She stated that she would like to know how you decided not to have public comment. With regard to the issue of drill cuttings, are you separating the cuttings from the rest of the landfill. One mile under our feet in the rock, NORM (Naturally Occurring Radioactive Material) is safe. You are processing NORM when you are drilling it into a powder. She stated that she has learned that the EPA (Environmental Protection Agency) only tests for radium in water every nine years, if radium was not previously found. She would like to see more frequent testing of drinking water.

Mary Finneran, Painted Post, distributed a handout. She also read through an email correspondence that her sister had with a friend, Bonnie, who lives in Pennsylvania. She writes in 2010, that nothing is the same and that the farms are gone. If people had known what was going to happen, they wouldn't have done this. Ms. Finneran stated that she has recently seen signs on West Hill Road in Caton, asking individuals to call the gas companies directly if there are any accidents.

Michael Holler, Wayland, stated that the Department of Energy has testified that there is no level of radiation so low that it is not without health risks. The problem is that radiation is cumulative. Every day we are exposed to radiation via cell phones, x-rays, etc. The health risks are too great. Now you are considering adding radioactive material to the landfill. He asked that the Legislature take the time to wait for studies to come out regarding the health effects of this material.

Rachel Treichler, Hammondsport, stated that with regard to the protocols on the drill cuttings that Mr. Spagnoletti discussed at last month's Public Works Committee, she doesn't think the Legislators did their homework. Had people seen this protocol in advance of the meeting? A few questions were asked, but they didn't show that people understood the issues that we are facing here. What is happening is that the gas industry is trying to get the flow back into the landfill, which is very radioactive and there is a problem with the disposal of that. In Texas, they have put the flow back into deep disposal wells. We don't have that here because our geology doesn't allow us to do that. What does the industry do with the flow back? Our waste treatment plant is not equipped to deal with that. There is only one waste treatment plant in the State that is equipped to deal with that, and that is in Niagara County. In order for us to be able to handle this material, we would need $80 million in upgrades. We are talking about a real risk.

Bill Weber, Pulteney, stated that he has reviewed the protocol that Mr. Spagnoletti provided and he finds it to be more than adequate. You have to believe in the science. With the landfill, one of the issues has been the safety of the workers. In his opinion, there is no possible way that a worker would be in danger. Where the danger occurs is if you ingest, breath in, drink or put the material on your skin. The question that you have to ask is where is the material ending up and what is the mean effective dosing rate. If you believe in the science, there is not a safety issue. He would recommend that the County proceed with the proposal to accept drill cuttings.

Donna Joseph, Urbana, stated that she agrees with much of what she has heard this morning. This is a largely financial issue and in the current environment, money is hard to come by. There is also a moral issue. We do not own the land, water or mineral rights; it has been loaned to us and it is our responsibility to preserve it, especially the water. We cannot survive without water. Please reconsider the decision that has been made about accepting the drill cuttings.

Chairman Hauryski thanked everyone for their comments. There being no further comment, he declared the opportunity for public comment closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitting for filing Proofs of Publication and Proofs of Posting for the Public Hearing Upon County of Steuben Local Law Tentatively No. Two for the Year 2012, Relative to Authorizing the Project Livesaver Program and Establishing Fees to be Collected by the Steuben County Sheriff's Office. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

Motion approving the minutes from the previous meeting(s) made by Mr. Weaver, seconded by Mr. Hanna and duly carried.

RESOLUTION NO. 128-12

Introduced by L. Crossett. Seconded by G. Swackhamer.

MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS, PROPERTY TAXES, AND OTHER REAL PROPERTY DISPOSITIONS.

RESOLVED, as it appears to be in the best interest of the County to sell the properties listed on Schedule "A" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof; and be it further

RESOLVED, the said grantee(s) must accept the parcel "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel if need be; and be it further

RESOLVED, the Steuben County Treasurer is further authorized and directed to convey those parcels sold at the Delinquent Tax Auction held on July 27, 2012, contained in Schedule "B", and he is further authorized and directed, in the event of a default by the highest bidder by failure to make full payment within thirty (30) days, to convey those parcels to the second highest bidder, and said transfers made pursuant hereto be and the same hereby are ratified; and be it further

RESOLVED, as it appears to be in the best interest of the County to sell the properties listed in Schedule "C" for the consideration offered, the Chairman of the Steuben County Legislature is hereby authorized and directed to convey and deliver a Quit Claim Deed to the grantee(s); and be it further

RESOLVED, the said grantee(s) must accept the parcel "as is" together with the obligation of removing any persons, if any, claiming interest in the parcel if need be; and be it further

RESOLVED, as it appears to be in the best interest of the County to reject all bids for parcels listed in Schedule "D", any and all bids for said parcels are hereby rejected pursuant to the Notice to Bidders and Terms of Sale - 2012; and be it further

RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s); and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, the Clerk of the Board of Education of the appropriate School District, and the taxpayers; and certified copies of this resolution contained in Schedule "C" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s); and certified copies of this resolution contained in Schedule "D" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, the Clerk of the Board of Education of the appropriate School District, and the taxpayers.

SCHEDULE "A"

Resolution No.	A-1
Former Owner	Beverly Button & Clarence Button
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	177.00-01-016.000
Municipality	Bradford Town
Grantee(s)	Beverly Button & Clarence Button
Grantee(s) Address	PO Box 1235, Savona, NY 14879
Consideration	$10,356.48, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-2
Former Owner	Scott C Hall
In Rem Index No.	104021, 2009 sale
Parcel No.	156.00-03-024.000
Municipality	Howard Town
Grantee(s)	Scott C Hall
Grantee(s) Address	6848 County Route 69, Bath, NY 14810-7565
Consideration	$1,741.45, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-3
Former Owner	Michael J Crosby
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	254.00-03-015.100
Municipality	Cameron Town
Grantee(s)	Michael J Crosby
Grantee(s) Address	4113 Upper Swale Rd., Cameron, NY 14819
Consideration	$3,518.36, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-4
Former Owner	Cindy Cobb
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	246.00-01-060.200
Municipality	Hornby Town
Grantee(s)	Cindy Cobb
Grantee(s) Address	4630 Roloson Rd., Corning, NY 14830
Consideration	$896.76, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-5
Former Owner	Stephen Wightman & Misty Wightman
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	260.00-01-023.210
Municipality	Campbell Town
Grantee(s)	Stephen Wightman & Misty Wightman
Grantee(s) Address	8703 Curtis Hollow Rd., Campbell, NY 14821
Consideration	$7,585.65, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-6
Former Owner	Simonson Properties LLC
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	159.05-03-022.000
Municipality	Bath Village
Grantee(s)	Simonson Properties LLC
Grantee(s) Address	1 Ellas Ave., Bath, NY 14810
Consideration	$10,734.25, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-7
Former Owner	Barbara Hackett & Donald Hillyard
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	053.00-03-002.200
Municipality	Wayland Town
Grantee(s)	Barbara Hackett & Donald Hillyard
Grantee(s) Address	2308 Wearkley Rd., Wayland, NY 14572
Consideration	$2,073.01, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-8
Former Owner	John Davis & Barbara Markins
In Rem Index No.	104021, 2009 sale
Parcel No.	182.00-01-047.000
Municipality	Canisteo Town
Grantee(s)	John Davis & Barbara Markins
Grantee(s) Address	5866 County Route 29, Canisteo, NY 14823
Consideration	$3,146.74

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-9
Former Owner	Raymond Putman
In Rem Index No.	104021, 2009 sale
Parcel No.	147.00-02-020.000
Municipality	Urbana Town
Grantee(s)	Raymond Putman
Grantee(s) Address	7358 Chrisler Rd., Savona, NY 14879
Consideration	$8,800.28, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-10
Former Owner	Kathleen M Cutler
In Rem Index No.	104021, 2009 sale
Parcel No.	299.14-03-042.000
Municipality	Corning Riverside Village
Grantee(s)	Kathleen M Cutler
Grantee(s) Address	206 Carpenter Rd., Elmira, NY 14903
Consideration	$24,962.26, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-11
Former Owner	Michael A Kane
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	416.00-01-010.660
Municipality	Troupsburg Town
Grantee(s)	Michael A Kane
Grantee(s) Address	PO Box 905, Levittown, PA 19058-0905
Consideration	$1,531.34, together with $310.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-12
Former Owner	Stonecrest Income & Opportunity Fund I, LLC
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	043.17-01-090.000
Municipality	Cohocton Village
Grantee(s)	Stonecrest Income & Opportunity Fund I, LLC
Grantee(s) Address	4300 Stevens Creek Blvd, Suite 275, San Jose, CA 95129
Consideration	$6,136.53, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-13
Former Owner	Gary R Tucker
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	128.00-01-001.213
Municipality	Avoca Town
Grantee(s)	Gary R Tucker
Grantee(s) Address	8486 Bates Rd., Bath, NY 14810
Consideration	$2,133.36, together with $310.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-14
Former Owner	Michael Bush
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	166.06-03-058.000
Municipality	Hornell City
Grantee(s)	Michael Bush
Grantee(s) Address	241 Merrill Ave., Hornell, NY 14843
Consideration	$6,735.99, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-15
Former Owner	Linda Williams
In Rem Index No.	104021, 2009 sale
Parcel No.	197.15-01-030.000
Municipality	Canisteo Village
Grantee(s)	Linda Williams
Grantee(s) Address	134 Virginia St., Winnfield, LA 71483-6283
Consideration	$4,508.86, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-16
Former Owner	David Simpson
In Rem Index No.	101381, 2008 sale
Parcel No.	133.00-03-018.000
Municipality	Bradford Town
Grantee(s)	David Simpson
Grantee(s) Address	7774 N. Urbana Rd., Savona, NY 14879
Consideration	$2,175.15, together with $310.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-17
Former Owner	David Simpson
In Rem Index No.	101381, 2008 sale
Parcel No.	133.00-01-016.130
Municipality	Urbana Town
Grantee(s)	David Simpson
Grantee(s) Address	7774 N. Urbana Rd., Savona, NY 14879
Consideration	$8,650.80, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-18
Former Owner	David D Garrett & Lisa J Garrett
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	159.09-01-063.000
Municipality	Bath Village
Grantee(s)	David D Garrett & Lisa J Garrett
Grantee(s) Address	7628 County Route 20, Bradford, NY 14815
Consideration	$7,192.43, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-19
Former Owner	Bankruptcy Exchange Inc.
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	299.19-03-020.000
Municipality	Corning City
Grantee(s)	Bankruptcy Exchange Inc.
Grantee(s) Address	2952 Seneca St., W. Seneca, NY 14224
Consideration	$18,375.38, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-20
Former Owner	Jeffrey Townley
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	078.00-01-045.100
Municipality	Wayne Town
Grantee(s)	Jeffrey Townley
Grantee(s) Address	2079 Ellis Rd., Dundee, NY 14837
Consideration	$2,833.09, together with $310.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-21
Former Owner	Jayne L Davis & Leonard Davis
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	299.14-04-038.000
Municipality	Corning Town
Grantee(s)	Jayne L Davis & Leonard Davis
Grantee(s) Address	10283 Rand St., Painted Post, NY 14870
Consideration	$2,304.98, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-22
Former Owner	Louis J Maio & Nellie G Maio, et al
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	353.00-03-019.000
Municipality	Corning Town
Grantee(s)	Louis J Maio & Nellie G Maio, et al
Grantee(s) Address	44 Clark St., Painted Post, NY 14870
Consideration	$5,769.45, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-23
Former Owner	Freeman Baptist Church
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	385.00-01-053.000
Municipality	Tuscarora Town
Grantee(s)	Freeman Baptist Church Attn: Robert Peoples
Grantee(s) Address	693 Brennan Rd., Addison, NY 14801
Consideration	$3,161.95, together with $310.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	A-24
Former Owner	Barbara Stuckey
In Rem Index No.	101381, 2008 sale
Parcel No.	151.71-02-001.000
Municipality	Hornell City
Grantee(s)	City of Hornell
Grantee(s) Address	PO Box 627, Hornell, NY 14843
Consideration	$1,476.00, together with $185.00 recording fees

Resolution No.	A-25
Former Owner	Ishaq Mehr
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	151.56-01-042.000
Municipality	Hornell City
Grantee(s)	City of Hornell
Grantee(s) Address	PO Box 627, Hornell, NY 14843
Consideration	$3,648.00, together with $185.00 recording fees

Resolution No.	A-26
Former Owner	Sonja R Kellogg
In Rem Index No.	104021, 2009 sale
Parcel No.	151.71-03-044.000
Municipality	Hornell City
Grantee(s)	City of Hornell
Grantee(s) Address	PO Box 627, Hornell, NY 14843
Consideration	$12,696.00, together with $310.00 recording fees

Resolution No.	A-27
Former Owner	Sonja R Sweeney
In Rem Index No.	98375, 2007 sale
Parcel No.	151.80-01-045.000
Municipality	Hornell City
Grantee(s)	City of Hornell
Grantee(s) Address	PO Box 627, Hornell, NY 14843
Consideration	$12,363.00, together with $185.00 recording fees

Resolution No.	A-28
Former Owner	Nusz LLC
In Rem Index No.	2010-1966CV, 2010 sale
Parcel No.	166.06-03-019.000
Municipality	Hornell City
Grantee(s)	City of Hornell
Grantee(s) Address	PO Box 627, Hornell, NY 14843
Consideration	$6,762.00, together with $185.00 recording fees

SCHEDULE "B"

Resolution #B-1
Former Owner: Jennifer M Willis &Philip A Willis
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 085.13-01-045.000
Municipality: Avoca Town
Highest Bidder: Daniel J Ferguson
Highest Bidder's Address: PO Box 188, Avoca, NY 14809
Consideration: $1,000.00, together with buyers premium & recording fees
Second Highest Bidder: Shyam M Tambi
Second Highest Bidder's Address: 7 Chatfield Pl W, Painted Post, NY 14870

Resolution #B-2
Former Owner: William Albright
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 127.00-01-011.300
Municipality: Avoca Town
Highest Bidder: James G Wall & Mary Carol Wall
Highest Bidder's Address: 4398 Turnpike Rd, Bath NY 14810
Consideration: $2,300.00, together with buyers premium & recording fees
Second Highest Bidder: Shyam M Tambi
Second Highest Bidder's Address: 7 Chatfield Pl W, Painted Post, NY 14870

Resolution #_____B-3_____
Former Owner: _____James Stephen Donovan__
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____129.00-01-053.212_____
Municipality:_____Bath Town_____
Highest Bidder: _Sarah L Smith_____
Highest Bidder's Address: 7744 Hickory Hill Rd, Bath NY 14810
Consideration: $1,800.00, together with buyers premium & recording fees
Second Highest Bidder: Billie E Ray_____
Second Highest Bidder's Address: 2683 Narrows BR Rd, Hardy KY 41531

Resolution #_____B-4_____
Former Owner: _____Rosa Stinson Estate_____
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____162.00-03-013.000_____
Municipality:_____Bath Town_____
Highest Bidder: _Jeffery P Horton & Patricia L Horton
Highest Bidder's Address: 8272 Cty Rte 333, Campbell NY 14821
Consideration: $26,000.00, together with buyers premium & recording fees
Second Highest Bidder: Joy Goodsell_____
Second Highest Bidder's Address: 38 Main St, Savona NY 14879

Resolution #_____B-5_____
Former Owner: _____Mary Alice Stewart_____
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____175.00-01-059.000_____
Municipality:_____Bath Town_____
Highest Bidder: _Sandra L Rapp_____
Highest Bidder's Address: 5958 Cty Rd 29, Canisteo NY 14823
Consideration: $5,000.00, together with buyers premium & recording fees
Second Highest Bidder: Steven Pilgrim_____
Second Highest Bidder's Address: PO Box 393, Savona, NY 14879

Resolution #_____B-6_____
Former Owner: _____Frelle David Stewart Estate
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____159.14-01-081.000_____
Municipality:_____Bath Village_____
Highest Bidder: _Scott M. Wilkins_____
Highest Bidder's Address: 5811 Unionville Rd, Bath NY 14810
Consideration: $16,500.00, together with buyers premium & recording fees
Second Highest Bidder: Bryan S Ryan_____
Second Highest Bidder's Address: 3655 Wagner Rd, Bradford NY 14815

Resolution #_____B-7_____
Former Owner: _____Clayton J King &Yvonne M King
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____190.20-01-037.000_____
Municipality:_____Savona Town_____
Highest Bidder: _Christopher A Taft_____
Highest Bidder's Address: 12 Laurel St., Corning NY 14830
Consideration: $25.00, together with buyers premium & recording fees
Second Highest Bidder: None_____
Second Highest Bidder's Address: _____

Resolution #_____B-8_____
Former Owner: _____Michael DePue_____
In Rem Index No.2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____206.06-01-003.100_____
Municipality:_____Savona Town_____
Highest Bidder: Bryan S Ryan_____
Highest Bidder's Address: 3632 Wagner Rd, Bradford, NY 14815
Consideration: $15,000.00, together with buyers premium & recording fees
Second Highest Bidder: Steven Nichols_____
Second Highest Bidder's Address: 5568 Wolf Run Rd, Campbell, NY 14821

Resolution #_____B-9_____
Former Owner: _____Michael Brown_____
In Rem Index No. 104021, 2009 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____206.06-01-039.222_____
Municipality:_____Savona Town_____
Highest Bidder: Kyle Owen Lowery_____
Highest Bidder's Address: 9 Acrorn Ln, Savona NY 14879
Consideration: $2,200.00, together with buyers premium & recording fees
Second Highest Bidder: Steven Pilgrim_____
Second Highest Bidder's Address: PO Box 393, Savona NY 14879

Resolution #_____B-10_____
Former Owner: _____CitiFinancial_____
In Rem Index No. 104021, 2009 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____256.13-01-040.000_____
Municipality:_____Cameron Town_____
Highest Bidder: Scott M Wilkins_____
Highest Bidder's Address: 5811 Unionville Rd, Bath NY 14810
Consideration: $5,000.00, together with buyers premium & recording fees
Second Highest Bidder: Steven Nichols_____
Second Highest Bidder's Address: 5568 Wolf Run Rd, Campbell, NY 14821

Resolution #_____B-11_____
Former Owner: _____Dewaine H Aldrich_____
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____207.00-03-015.000_____
Municipality:_____Campbell Town_____
Highest Bidder: Steven D Nichols_____
Highest Bidder's Address: 5568 Wolf Run Rd, Campbell NY 14821
Consideration: $50.00, together with buyers premium & recording fees
Second Highest Bidder: None_____
Second Highest Bidder's Address: _____

Resolution #_____B-12_____
Former Owner: _____Everett A Brazie_____
In Rem Index No. 98375, 2009 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____225.00-01-081.000_____
Municipality:_____Campbell Town_____
Highest Bidder: Steven D Nichols_____
Highest Bidder's Address: 5568 Wolf Run Rd, Campbell NY 14821
Consideration: $100.00, together with buyers premium & recording fees
Second Highest Bidder: None_____
Second Highest Bidder's Address: _____

Resolution #_____B-13_____
Former Owner: _____Jessica Demyan_____
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____242.00-01-058.111_____
Municipality:_____Campbell Town_____
Highest Bidder: Jeffery P Horton & Patricia L Horton
Highest Bidder's Address: 8272 Cty Rte 333, Campbell NY 14821
Consideration: $30,000.00, together with buyers premium & recording fees
Second Highest Bidder: James Gurnsey_____
Second Highest Bidder's Address: 8324 Rte 333, Campbell NY 14821

Resolution #_____B-14_____
Former Owner: _____Jody Cole_____
In Rem Index No. 104021, 2009 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____197.11-03-042.000_____
Municipality:_____Canisteo Village_____
Highest Bidder: A and A Land Holding, Inc._____
Highest Bidder's Address: 3089 County Rte 119, Canisteo NY 14823
Consideration: $8,000.00, together with buyers premium & recording fees
Second Highest Bidder: Michael Palmer_____
Second Highest Bidder's Address: 9 North St, Canisteo NY 14823

Resolution #_____B-15_____
Former Owner: _____Virginia L Hilyard_____
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____197.11-05-030.000_____
Municipality:_____Canisteo Village_____
Highest Bidder: Scott M Wilkins_____
Highest Bidder's Address: 5811 Unionville Rd, Bath NY 14810
Consideration: $9,500.00, together with buyers premium & recording fees
Second Highest Bidder: Michael Palmer_____
Second Highest Bidder's Address: 9 North St, Canisteo NY 14823

Resolution #_____B-16_____
Former Owner: _____Jennifer M Willis & Philip A Willis
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____197.11-06-064.110 & 197.11-06-064.120
Municipality:_____Canisteo Village_____
Highest Bidder: David L Towner & Joy L Towner
Highest Bidder's Address: 19 Autumn Dr, Gettysburg PA 17325
Consideration: $1,300.00, together with buyers premium & recording fees
Second Highest Bidder: Steven Nichols_____
Second Highest Bidder's Address: 5568 Wolf Run Rd, Campbell NY 14821

Resolution #_____B-17_____
Former Owner: _____Linda Williams_____
In Rem Index No. 104021, 2009 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____197.15-01-031.000_____
Municipality:_____Canisteo Village_____
Highest Bidder: Steven F Muller_____
Highest Bidder's Address: PO Box 402, Bath NY 14810
Consideration: $500.00, together with buyers premium & recording fees
Second Highest Bidder: None_____
Second Highest Bidder's Address: _____

Resolution #_____B-18_____
Former Owner: _____Ronald Freeland & Linda Pierce
In Rem Index No. 101381, 2008 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____197.15-01-052.000_____
Municipality:_____Canisteo Village_____
Highest Bidder: _David L Freeland & Christine P Freeland
Highest Bidder's Address: 20 Berota Ct, Conklin, NY 13748
Consideration: $15,500.00, together with buyers premium & recording fees
Second Highest Bidder: Thomas F Matacle_____
Second Highest Bidder's Address: 268 Main St, Hornell NY 14843

Resolution #_____B-19_____
Former Owner: _____Leslie K Tanner_____
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____372.00-01-049.400_____
Municipality:_____Caton Town_____
Highest Bidder: _Michael D Card_____
Highest Bidder's Address: 10715 Card Ln, Corning NY 14830
Consideration: $9,500.00, together with buyers premium & recording fees
Second Highest Bidder: Richard Gilmore_____
Second Highest Bidder's Address: 500 Melwood Dr, Rochester NY 14626

Resolution #_____B-20_____
Former Owner: _____Brenda L Wagner_____
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____017.14-01-005.500_____
Municipality:_____Cohocton Town_____
Highest Bidder: _Scott M Wilkins_____
Highest Bidder's Address: 5811 Unionville Rd, Bath NY 14810
Consideration: $4,500.00, together with buyers premium & recording fees
Second Highest Bidder: Caleb D Mitchell_____
Second Highest Bidder's Address: 7801 Ricks Rd, Hornell NY 14843

Resolution #_____B-21_____
Former Owner: _____George C Buss & Evelyn Buss
In Rem Index No. 104021, 2009 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____042.16-01-028.000_____
Municipality:_____Cohocton Village_____
Highest Bidder: _Edward P Schumacher & Danielle M Blair
Highest Bidder's Address: 62914 State Rte 415, Cohocton NY 14826
Consideration: $15,000.00, together with buyers premium & recording fees
Second Highest Bidder: Henry M Deleo_____
Second Highest Bidder's Address: 34 N Dansville St, Cohocton NY 14826

Resolution #_____B-22_____
Former Owner: _____Joseph M Corby_____
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____299.20-01-074.000_____
Municipality:_____Corning City_____
Highest Bidder: _Craig N Herberger & Nicole L Herberger
Highest Bidder's Address: 3347 Gorton Rd, Corning NY 14830
Consideration: $37,000.00, together with buyers premium & recording fees
Second Highest Bidder: David Stephen_____

Second Highest Bidder's Address: 88 W Fifth St, Corning NY 14830

Resolution # B-23
Former Owner: Andre R Green
In Rem Index No. 90918, 2004 sale
Date of Tax Sale: July 27, 2012
Parcel #: 299.75-01-004.000
Municipality: Corning City
Highest Bidder: Kevin M Grover & Caryn L Grover
Highest Bidder's Address: 3388 Selewach Rd, Bradford NY 14815
Consideration: $16,000.00, together with buyers premium & recording fees
Second Highest Bidder: Mark S Haley
Second Highest Bidder's Address: PO Box 1084, Corning NY 14830

Resolution # B-24
Former Owner: Daniel T Kniffen & Mary Ann Kniffen
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 317.60-01-026.000
Municipality: Corning City
Highest Bidder: David S Sharpe & Joan M Voight
Highest Bidder's Address: PO Box 1731, Healdsburg, CA 95448
Consideration: $13,000.00, together with buyers premium & recording fees
Second Highest Bidder: Catava L Reese
Second Highest Bidder's Address: 981 Clendenning Rd, Lindley NY 14858

Resolution # B-25
Former Owner: Tower !ntercontinental LLC
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 317.60-01-043.000
Municipality: Corning City
Highest Bidder: Christopher L Thomas & Amy S Thomas
Highest Bidder's Address: 10605 Skyline Dr, Corning NY 14830
Consideration: $31,000.00, together with buyers premium & recording fees
Second Highest Bidder: Craig P Early
Second Highest Bidder's Address: 226 Watauga Ave, Corning, NY 14830

Resolution # B-26
Former Owner: Wayne G Swartz & Martha J Swartz
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 318.14-02-065.000
Municipality: Corning City
Highest Bidder: William G Roszel, Jr. and Nathaniel Roszel
Highest Bidder's Address: 1784 Conroy Rd, Montrose, PA 18801
Consideration: $22,000.00, together with buyers premium & recording fees
Second Highest Bidder: Mark Shaley
Second Highest Bidder's Address: PO Box 1084, Corning NY 14830

Resolution # B-27
Former Owner: Darlene Willsey
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 318.14-03-042.000
Municipality: Corning City
Highest Bidder: Michael J Reese & Catava L Reese
Highest Bidder's Address: 981 Clendenning Rd, Lindley NY 14858
Consideration: $15,000.00, together with buyers premium & recording fees

Second Highest Bidder: Thomas C Congdon
Second Highest Bidder's Address: 7743 Forty Dollar Rd, Campbell NY 14821

Resolution # B-28
Former Owner: Lonnie M Kershner
In Rem Index No. 104021, 2009 sale
Date of Tax Sale: July 27, 2012
Parcel #: 318.14-03-062.000
Municipality: Corning City
Highest Bidder: Christopher A Taft
Highest Bidder's Address: 12 Laurel St, Corning NY 14830
Consideration: $200.00, together with buyers premium & recording fees
Second Highest Bidder: Steven Nichols
Second Highest Bidder's Address: 5568 Wolf Run Rd, Campbell NY 14821

Resolution # B-29
Former Owner: Cynthia Kohler Sheldon & John C Smith
In Rem Index No. 101381, 2008 sale
Date of Tax Sale: July 27, 2012
Parcel #: 282.00-02-047.000
Municipality: Corning Town
Highest Bidder: Yannick Basabakwinshi
Highest Bidder's Address: 228 E Third St, Corning NY 14830
Consideration: $1,750.00, together with buyers premium & recording fees
Second Highest Bidder: Steven Nichols
Second Highest Bidder's Address: 5568 Wolf Run Rd, Campbell NY 14821
This transfer is subject to the approval of the Bankruptcy Court and/or Bankruptcy Trustee as consistent with the rules of the Bankruptcy Court.

Resolution # B-30
Former Owner: Jesse T Glosser
In Rem Index No. 101381, 2008 sale
Date of Tax Sale: July 27, 2012
Parcel #: 299.12-01-052.000
Municipality: Corning Town
Highest Bidder: Yannick Basabakwinshi
Highest Bidder's Address: 228 E Third St, Corning NY 14830
Consideration: $1,000.00, together with buyers premium & recording fees
Second Highest Bidder: Michael House
Second Highest Bidder's Address: 16 Geneva St, Bath NY 14810

Resolution # B-31
Former Owner: Delores M Wilson & Richard T Wilson
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 299.14-04-042.000
Municipality: Corning Town
Highest Bidder: JLC Enterprises, Inc.
Highest Bidder's Address: 4448 State Rte 4, Fort Ann NY 12827
Consideration: $11,000.00, together with buyers premium & recording fees
Second Highest Bidder: Clinton L Landis
Second Highest Bidder's Address: 21 Woodland Way, Horseheads NY 14845

Resolution #_____B-32_____
Former Owner: _____Richard R Scott_____
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____299.14-05-007.000_____
Municipality:_____Corning Town_____
Highest Bidder: _Rodney R King_____
Highest Bidder's Address: PO Box 1293, Corning, NY 14830
Consideration: $17,500.00, together with buyers premium & recording fees
Second Highest Bidder: Dale J Coumbe_____
Second Highest Bidder's Address: 5040 Formby Rd, Beaver Dams NY 14812

Resolution #_____B-33_____
Former Owner: _____Richard L Farrell_____
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____318.11-01-007.000_____
Municipality:_____Corning Town_____
Highest Bidder: _Judith K Eddy_____
Highest Bidder's Address: 36 Tuxill Ave, Corning NY 14830
Consideration: $4,500.00, together with buyers premium & recording fees
Second Highest Bidder: Clinton L Landis_____
Second Highest Bidder's Address: 21 Woodland Way, Horseheads NY 14845

Resolution #_____B-34_____
Former Owner: _____Emmerich Bares Jr_____
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____318.11-01-016.000_____
Municipality:_____Corning Town_____
Highest Bidder: _Dorman Hooey_____
Highest Bidder's Address: 3136 College Ave, Corning NY 14830
Consideration: $2,500.00, together with buyers premium & recording fees
Second Highest Bidder: Tracey G Bernd_____
Second Highest Bidder's Address: 4960 Cty Rte 125, Campbell NY 14821

Resolution #_____B-35_____
Former Owner: _____Scott E Woodard_____
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____318.15-01-065.000_____
Municipality:_____Corning Town_____
Highest Bidder: _Michael G House_____
Highest Bidder's Address: 16 Geneva St, Bath NY 14810
Consideration: $800.00, together with buyers premium & recording fees
Second Highest Bidder: Yannick Basabarwinshi____
Second Highest Bidder's Address: 228 E Third St, Corning NY 14830

Resolution #_____B-36_____
Former Owner: _____Michael McCartney & Kelly McCartney
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____336.00-02-035.000_____
Municipality:_____Corning Town_____
Highest Bidder: _Michael D Card_____

Highest Bidder's Address: 10715 Card Ln, Corning NY 14830
Consideration: $24,000.00, together with buyers premium & recording fees
Second Highest Bidder: Stephen J Gabaly
Second Highest Bidder's Address: 128 McFall Rd, Apalachin NY 13732

Resolution # B-37
Former Owner: Robbie Kemp
In Rem Index No. 104021, 2009 sale
Date of Tax Sale: July 27, 2012
Parcel #: 318.18-02-024.000
Municipality: South Corning Village
Highest Bidder: JLC Enterprises, Inc.
Highest Bidder's Address: 4448 State Rte 4, Fort Ann NY 12827
Consideration: $11,000.00, together with buyers premium & recording fees
Second Highest Bidder: Shawn Mosko
Second Highest Bidder's Address: 213 Main St, Painted Post NY 14870

Resolution # B-38
Former Owner: Denise Vandurme
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 067.00-01-026.300
Municipality: Dansville Town
Highest Bidder: John T Senka & Sandra L Senka
Highest Bidder's Address: 2282 County Rd 50, Wayland NY 14572
Consideration: $3,100.00, together with buyers premium & recording fees
Second Highest Bidder: Michael House
Second Highest Bidder's Address: 16 Geneva St, Bath NY 14810

Resolution # B-39
Former Owner: Leonard L Rynes & Laureen A Rynes
In Rem Index No. 104021, 2009 sale
Date of Tax Sale: July 27, 2012
Parcel #: 316.06-01-077.000
Municipality: Erwin Town
Highest Bidder: Raymond E Leonard & Sally M Leonard
Highest Bidder's Address: 305 Beartown Rd, Painted Post NY 14870
Consideration: $21,000.00, together with buyers premium & recording fees
Second Highest Bidder: Gerald Swift
Second Highest Bidder's Address: 8 Badger Ln, Painted Post NY 14870

Resolution # B-40
Former Owner: Martha A Heidrich
In Rem Index No. 101381, 2008 sale
Date of Tax Sale: July 27, 2012
Parcel #: 316.08-01-021.000
Municipality: Erwin Town
Highest Bidder: K B Properties
Highest Bidder's Address: c/o James R Koratsis, 319 S Hamilton St, Painted Post NY 14870
Consideration: $71,000.00, together with buyers premium & recording fees
Second Highest Bidder: Kenneth Knowles
Second Highest Bidder's Address: 5570 Cty Rte 129, Woodhull NY 14898

Resolution # B-41
Former Owner: Thelma E Buchanan & Barbara A Deats
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 316.10-01-035.000
Municipality: Erwin Town

Highest Bidder: Keith Winters
Highest Bidder's Address: 8265 Orr Hill Rd, Addison NY 14801
Consideration: $44,000.00, together with buyers premium & recording fees
Second Highest Bidder: James A Creeley
Second Highest Bidder's Address: 3860 Pine Hill Rd, Corning NY 14830

Resolution # B-42
Former Owner: Gloria Putman
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 316.11-01-016.000
Municipality: Erwin Town
Highest Bidder: Raymond E Leonard & Sally M Leonard
Highest Bidder's Address: 305 Beartown Rd, Painted Post NY 14870
Consideration: $30,000.00, together with buyers premium & recording fees
Second Highest Bidder: JLC Enterprises Inc
Second Highest Bidder's Address: 4448 State Rte 4, Fort Ann NY 12827

Resolution # B-43
Former Owner: Danny R Calkins & Sheila Calkins
In Rem Index No. 104021, 2009 sale
Date of Tax Sale: July 27, 2012
Parcel #: 304.00-01-044.000
Municipality: Greenwood Town
Highest Bidder: Betty A Buckley & Coleen Austin
Highest Bidder's Address: 41 Backer Rd, Beaver Dams NY 14812
Consideration: $6,500.00, together with buyers premium & recording fees
Second Highest Bidder: Anthony Clark
Second Highest Bidder's Address: 1910 W Shore Rd, Bath NY 14810

Resolution # B-44
Former Owner: Trina D Freberg & Adam E Freberg
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 304.19-01-007.000
Municipality: Greenwood Town
Highest Bidder: Tracey G Bernd
Highest Bidder's Address: 4960 Cty Rte 125, Campbell NY 14821
Consideration: $5,000.00, together with buyers premium & recording fees
Second Highest Bidder: Steven Nichols
Second Highest Bidder's Address: 5568 Wolf Run Rd, Campbell NY 14821

Resolution # C-45
Former Owner: Orman Young
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 322.00-01-015.100
Municipality: Greenwood Town
Highest Bidder: Steven D Nichols
Highest Bidder's Address: 5568 Wolf Run Rd, Campbell NY 14821
Consideration: $2,500.00, together with buyers premium & recording fees
Second Highest Bidder: Nathan A Clark
Second Highest Bidder's Address: 8861 Akins Rd, Cohocton NY 14826

Resolution # B-46
Former Owner: Dale Swain
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 151.09-01-045.100

Municipality: Hornell City
Highest Bidder: Scott E Morse & Mona H Morse
Highest Bidder's Address: 172 Madison Ave, Hornell NY 14843
Consideration: $9,000.00, together with buyers premium & recording fees
Second Highest Bidder: Caleb D Mitchell
Second Highest Bidder's Address: 7801 Ricks Rd, Hornell NY 14843

Resolution # B-47
Former Owner: US Accumulations LLC
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 151.13-01-058.000
Municipality: Hornell City
Highest Bidder: Steven D Nichols
Highest Bidder's Address: 5568 Wolf Run Rd, Campbell NY 14821
Consideration: $200.00, together with buyers premium & recording fees
Second Highest Bidder: None
Second Highest Bidder's Address:

Resolution # B-48
Former Owner: Ronald J Dickey
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 151.13-03-043.000
Municipality: Hornell City
Highest Bidder: Daniel J Spitulnik & Vanessa L Spitulnik
Highest Bidder's Address: 75 Maple St, Hornell NY 14843
Consideration: $14,000.00, together with buyers premium & recording fees
Second Highest Bidder: Andrea Deebs
Second Highest Bidder's Address: 1435 Yankee Ln, Hornell NY 14843

Resolution # B-49
Former Owner: Makadi New York State LLC
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 151.15-02-069.000
Municipality: Hornell City
Highest Bidder: Patrick M Mosko
Highest Bidder's Address: 9350 Strobel Rd, Arkport NY 14807
Consideration: $22,000.00, together with buyers premium & recording fees
Second Highest Bidder: Michael Palmer
Second Highest Bidder's Address: 9 North St, Canisteo NY 14823

Resolution # B-50
Former Owner: John L Hoad
In Rem Index No. 101381, 2008 sale
Date of Tax Sale: July 27, 2012
Parcel #: 151.55-02-041.000
Municipality: Hornell City
Highest Bidder: David Hunt &Tricia Acton
Highest Bidder's Address: 35 Washington St, Hornell NY 14843
Consideration: $2,400.00, together with buyers premium & recording fees
Second Highest Bidder: Donald Olds
Second Highest Bidder's Address: 25 Albion St, Hornell NY 14843

Resolution # B-51
Former Owner: Lilieth Harvey
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012

Parcel #: 151.64-01-006.000
Municipality: Hornell City
Highest Bidder: JLC Enterprises Inc.
Highest Bidder's Address: 4448 State Rte 4, Fort Ann NY 12827
Consideration: $15,000.00, together with buyers premium & recording fees
Second Highest Bidder: Michael Palmer
Second Highest Bidder's Address: 9 North St, Canisteo NY 14823

Resolution # B-52
Former Owner: Ishaq Mehr
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 151.72-01-005.000
Municipality: Hornell City
Highest Bidder: Sumaiya Iqbal
Highest Bidder's Address: 105 Main St, Dansville NY 14437
Consideration: $19,000.00, together with buyers premium & recording fees
Second Highest Bidder: JLC Enterprises Inc.
Second Highest Bidder's Address: 4448 State Rte 4, Fort Ann NY 12827

Resolution # B-53
Former Owner: John Hoad
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 166.10-01-064.000
Municipality: Hornell City
Highest Bidder: Caleb D Mitchell
Highest Bidder's Address: 7801 Ricks Rd, Hornell NY 14843
Consideration: $3,000.00, together with buyers premium & recording fees
Second Highest Bidder: Shawn Mosko
Second Highest Bidder's Address: 213 Main St, Painted Post NY 14870

Resolution # B-54
Former Owner: John Hoad
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 166.10-01-065.000
Municipality: Hornell City
Highest Bidder: Michael D Palmer & Michele L Palmer
Highest Bidder's Address: 9 North St, Canisteo NY 14823
Consideration: $2,500.00, together with buyers premium & recording fees
Second Highest Bidder: Daniel Ferguson
Second Highest Bidder's Address: PO Box 188, Avoca NY 14809

Resolution # B-55
Former Owner: Rubel Jenkins & Phyllis Jenkins
In Rem Index No. 104021, 2009 sale
Date of Tax Sale: July 27, 2012
Parcel #: 166.10-03-017.000
Municipality: Hornell City
Highest Bidder: Jeffery D Wagner
Highest Bidder's Address: 49 Wilcox St, Rochester NY 14607
Consideration: $6,500.00, together with buyers premium & recording fees
Second Highest Bidder: Jonathan W O'Dell
Second Highest Bidder's Address: 24 Orchard St, Savona NY 14879

Resolution # B-56
Former Owner: Patrick Donnelly
In Rem Index No. 2010-1966CV, 2010 sale

Date of Tax Sale: July 27, 2012
Parcel #: 166.25-01-021.000
Municipality: Hornell City
Highest Bidder: Michelle Stevens & Michelle Messervey
Highest Bidder's Address: 959 McHenry Valley Rd, Almond NY 14804
Consideration: $9,500.00, together with buyers premium & recording fees
Second Highest Bidder: Michael Palmer
Second Highest Bidder's Address: 9 North St, Canisteo NY 14823

Resolution # B-57
Former Owner: John N Beck II & Joyce K Beck
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 166.34-02-010.000
Municipality: Hornell City
Highest Bidder: Steven D Nichols
Highest Bidder's Address: 5568 Wolf Run Rd, Campbell NY 14821
Consideration: $200.00, together with buyers premium & recording fees
Second Highest Bidder: None
Second Highest Bidder's Address: _____

Resolution # B-58
Former Owner: John N Beck II & Joyce K Beck
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 166.34-02-016.000
Municipality: Hornell City
Highest Bidder: Steven D Nichols
Highest Bidder's Address: 5568 Wolf Run Rd, Campbell NY 14821
Consideration: $500.00, together with buyers premium & recording fees
Second Highest Bidder: None
Second Highest Bidder's Address: _____

Resolution # B-59
Former Owner: John N Beck II & Joyce K Beck
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 166.34-02-021.000
Municipality: Hornell City
Highest Bidder: Steven D Nichols
Highest Bidder's Address: 5568 Wolf Run Rd, Campbell NY 14821
Consideration: $100.00, together with buyers premium & recording fees
Second Highest Bidder: None
Second Highest Bidder's Address: _____

Resolution # B-60
Former Owner: Harold Beecher & Marilyn Beecher
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 166.34-02-022.000
Municipality: Hornell City
Highest Bidder: Steven D Nichols
Highest Bidder's Address: 5568 Wolf Run Rd, Campbell NY 14821
Consideration: $100.00, together with buyers premium & recording fees
Second Highest Bidder: None
Second Highest Bidder's Address: _____

Resolution # B-61
Former Owner: David Gadsden

In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 151.00-02-012.120
Municipality: Hornellsville Town
Highest Bidder: Homer J Hurlburt & Deborah L Hurlburt
Highest Bidder's Address: 6733 Lower Glen Ave, Hornell NY 14843
Consideration: $1,100.00, together with buyers premium & recording fees
Second Highest Bidder: Joseph Mallery
Second Highest Bidder's Address: 235 Grand St, Hornell NY 14843

Resolution # B-62
Former Owner: Harold E Gadsden
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 151.00-02-023.000
Municipality: Hornellsville Town
Highest Bidder: Jay L Lippincott
Highest Bidder's Address: 6773 Tobes Hill Rd, Hornell NY 14843
Consideration: $700.00, together with buyers premium & recording fees
Second Highest Bidder: Steven D Nichols
Second Highest Bidder's Address: 5568 Wolf Run Rd, Campbell NY 14823

Resolution # C-63
Former Owner: John N Beck II & Joyce K Beck
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 136.18-03-021.000 & 136.18-03-032.000
Municipality: North Hornell Village
Highest Bidder: Afton Shoemaker
Highest Bidder's Address: 8320 Clark Hill Rd, Bath NY 14810
Consideration: $2,100.00, together with buyers premium & recording fees
Second Highest Bidder: Jordan Pelton
Second Highest Bidder's Address: 32 Hart St, Hornell NY 14843

Resolution # B-64
Former Owner: Bankruptcy Exchange Inc
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 097.00-01-002.000
Municipality: Howard Town
Highest Bidder: Colleen L VanGelder & Steven H VanGelder,Sr.
Highest Bidder's Address: 8321 Hemlock Rd, Bath NY 14810
Consideration: $2,600.00, together with buyers premium & recording fees
Second Highest Bidder: Billie E Ray
Second Highest Bidder's Address: 2683 Narrows BR Rd, Hardy KY 41531

Resolution # B-65
Former Owner: Wayne C Woodworth Estate
In Rem Index No. 104021, 2009 sale
Date of Tax Sale: July 27, 2012
Parcel #: 125.00-01-011.230
Municipality: Howard Town
Highest Bidder: Jerry R Miller II & Anna M Miller
Highest Bidder's Address: 7949 Cty Rte 55, Hornell NY 14843
Consideration: $500.00, together with buyers premium & recording fees
Second Highest Bidder: Steven D Nichols
Second Highest Bidder's Address: 5568 Wolf Run Rd, Campbell NY 14823

Resolution # B-66

Former Owner: Gerald K Newburey-Gordon & Dawn E Newburey-Gordon
In Rem Index No. 98375, 2007 sale
Date of Tax Sale: July 27, 2012
Parcel #: 139.08-01-037.000
Municipality: Howard Town
Highest Bidder: Dgien Trucking Inc.
Highest Bidder's Address: 7455 Cty Rte 27, Hornell NY 14843
Consideration: $32,000.00, together with buyers premium & recording fees
Second Highest Bidder: Anthony Clark
Second Highest Bidder's Address: 1910 W Shore Rd, Bath NY 14810

Resolution # B-67
Former Owner: Carol Presler & Randall L Presler Estate
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 185.00-01-015.122
Municipality: Howard Town
Highest Bidder: Karen E Weed & George R Weed, Jr.
Highest Bidder's Address: 17 East Garden Dr, Rochester NY 14606
Consideration: $2,900.00, together with buyers premium & recording fees
Second Highest Bidder: Patrick M Kester
Second Highest Bidder's Address: 8889 Cty Rte 16, Savona NY 14879

Resolution # B-68
Former Owner: Darlene Benjamin
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 404.00-03-001.120
Municipality: Lindley Town
Highest Bidder: Barsco LLC
Highest Bidder's Address: 5811 Unionville Rd, Bath NY 14810
Consideration: $44,000.00, together with buyers premium & recording fees
Second Highest Bidder: Michael John Irish
Second Highest Bidder's Address: 10 Evergreen Dr, Tunkhannock PA 18657

Resolution # B-69
Former Owner: Heidi Menteer & Al L Menteer
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 27, 2012
Parcel #: 045.00-02-012.000
Municipality: Prattsburgh Town
Highest Bidder: 3549 Union Street, Inc.
Highest Bidder's Address: 3900 Buffalo St, Rochester, NY 14624
Consideration: $36,000.00, together with buyers premium & recording fees
Second Highest Bidder: Raymond P Troyer
Second Highest Bidder's Address: PO Box 70, Ulysses PA 16948

Resolution # B-70
Former Owner: Heidi Menteer & Al L Menteer
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 27, 2012
Parcel #: 045.00-02-033.000
Municipality: Prattsburgh Town
Highest Bidder: Robert J Pritting & Gail M Pritting
Highest Bidder's Address: 9173 Wallace Rd, Avoca NY 14809
Consideration: $16,000.00, together with buyers premium & recording fees
Second Highest Bidder: Richard Gilmore
Second Highest Bidder's Address: 500 Melwood Dr, Rochester NY 14626

Resolution #_____B-71_____
Former Owner: _____Joseph M Clayton_____
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____047.00-01-080.200_____
Municipality:_____Prattsburgh Town_____
Highest Bidder: Ronald E Hutchings & Sue A Hutchings & Michael J Hutchings
Highest Bidder's Address: 131 Sierra Dr, Rochester NY 14616
Consideration: $9,500.00, together with buyers premium & recording fees
Second Highest Bidder: Robert L Catlin_____
Second Highest Bidder's Address: 4435 Champlin Rd, Penn Yan NY 14527

Resolution #_____B-72_____
Former Owner: _____Addison Earley Estate_____
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____060.00-01-068.100_____
Municipality:_____Prattsburgh Town_____
Highest Bidder: Sean W Allison & Brent J Allison
Highest Bidder's Address: 7 Liberty St, Bath NY 14810
Consideration: $31,000.00, together with buyers premium & recording fees
Second Highest Bidder: Joy Goodsell_____
Second Highest Bidder's Address: 38 Main St, Savona NY 14879

Resolution #_____B-73_____
Former Owner: _____David L Shaffer & Otto H Shaffer
In Rem Index No. 104021, 2009 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____275.00-01-021.000_____
Municipality:_____Rathbone Town_____
Highest Bidder: Terry L Towner, Barbara A Towner, Towner Living Trust
Highest Bidder's Address: 3855 So. Goodhue Lake Rd, PO Box 10, Addison NY 14801
Consideration: $13,000.00, together with buyers premium & recording fees
Second Highest Bidder: Joy Goodsell_____
Second Highest Bidder's Address: 38 Main St, Savona NY 14879

Resolution #_____B-74_____
Former Owner: _____Digital One Communications
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____347.00-02-030.000_____
Municipality:_____Rathbone Town_____
Highest Bidder: Donald M Lawson & Raymond N Lawson
Highest Bidder's Address: 2378 Loper Rd, Addison NY 14801
Consideration: $2,400.00, together with buyers premium & recording fees
Second Highest Bidder: Andrea J Haradon_____
Second Highest Bidder's Address: PO Box 97, Corning NY 14830

Resolution #_____B-75_____
Former Owner: _____Maxine Hendershot_____
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____348.00-01-018.600_____
Municipality:_____Rathbone Town_____
Highest Bidder: Randy L Baker_____
Highest Bidder's Address: 16 Ames St, Addison NY 14801
Consideration: $29,000.00, together with buyers premium & recording fees
Second Highest Bidder: Uni-Mart_____
Second Highest Bidder's Address: 6847 Hardscrabble Rd, Addison NY 14801

Resolution #_____B-76_____
Former Owner: _____Paul L Ruger_____
In Rem Index No. 104021, 2009 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____240.00-01-036.200_____
Municipality:_____Thurston Town_____
Highest Bidder: _Michael G House_____
Highest Bidder's Address: 16 Geneva St, Bath NY 14810
Consideration: $1,600.00, together with buyers premium & recording fees
Second Highest Bidder: Billie E Ray_____
Second Highest Bidder's Address: 2683 Narrows BR Rd, Hardy KY 41531

Resolution #_____B-77_____
Former Owner: _____Harold Decker_____
In Rem Index No. 104021, 2009 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____367.05-01-011.000_____
Municipality:_____Tuscarora Town_____
Highest Bidder: _Michael G House_____
Highest Bidder's Address: 16 Geneva St, Bath NY 14810
Consideration: $800.00, together with buyers premium & recording fees
Second Highest Bidder: Beverly Sutton_____
Second Highest Bidder's Address: 6600 Cty Rte 11, Unit 1, Bath NY 14810

Resolution #_____B-78_____
Former Owner: _____Syrus Aghazadeh_____
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____027.01-01-054.000_____
Municipality:_____Wayland Town_____
Highest Bidder: _N April Simms_____
Highest Bidder's Address: 4792 Cty Rte 70A, Bath NY 14810
Consideration: $5,500.00, together with buyers premium & recording fees
Second Highest Bidder: Daniel Culbertson_____
Second Highest Bidder's Address: 8687 Cty Rte 4, Campbell NY 14821

Resolution #_____B-79_____
Former Owner: _____Derek Davis_____
In Rem Index No. 104021, 2009 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____041.00-02-007.110_____
Municipality:_____Wayland Town_____
Highest Bidder: _Sandra L Riley_____
Highest Bidder's Address: 3333 Henkle Hollow Rd, Cohocton NY 14826
Consideration: $5,000.00, together with buyers premium & recording fees
Second Highest Bidder: Joy Goodsell_____
Second Highest Bidder's Address: 38 Main St, Savona NY 14879

Resolution #_____B-80_____
Former Owner: _____Robert G Acker & Addline Acker
In Rem Index No. 2010-1966CV, 2010 sale_____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____041.00-02-016.212_____
Municipality:_____Wayland Town_____
Highest Bidder: _Stephanie Howes_____
Highest Bidder's Address: 63207 Rte 415, Cohocton NY 14826
Consideration: $19,500.00, together with buyers premium & recording fees
Second Highest Bidder: David Riley_____

Second Highest Bidder's Address: 3333 Hinkle Hollow Rd, Cohocton NY 14826

Resolution # B-81
Former Owner: Barbara D Boardman
In Rem Index No. 104021, 2009 sale
Date of Tax Sale: July 27, 2012
Parcel #: 003.17-01-021.000
Municipality: Wayland Village
Highest Bidder: James M Ciulla
Highest Bidder's Address: 22 E Williams St, Apt 202, Bath NY 14810
Consideration: $28,000.00, together with buyers premium & recording fees
Second Highest Bidder: Daniel Grinols
Second Highest Bidder's Address: 1161 Airport Rd, Hornell, NY 14843

Resolution # B-82
Former Owner: Vaughn Michaud & Joyce Michaud
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 015.05-01-015.000
Municipality: Wayland Village
Highest Bidder: Dennis R Burke
Highest Bidder's Address: 11400 St Rte 21, Apt 104, Wayland NY 14572
Consideration: $7,500.00, together with buyers premium & recording fees
Second Highest Bidder: David K Kuhn
Second Highest Bidder's Address: 10070 Main St, Dansville NY 14437

Resolution # B-83
Former Owner: Steuben County
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 392.00-01-007.140
Municipality: West Union Town
Highest Bidder: Daryl E Heisey
Highest Bidder's Address: 719 McAllister Rd, Rexville NY 14877
Consideration: $1,500.00, together with buyers premium & recording fees
Second Highest Bidder: Billie E Ray
Second Highest Bidder's Address: 2683 Narrows BR Rd, Hardy KY 41531

Resolution # B-84
Former Owner: William L Russell
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 27, 2012
Parcel #: 411.00-01-014.100
Municipality: West Union Town
Highest Bidder: Lee C Wenger, Beverly J Wenger, Carl R Grubb, Bella L Grubb
Highest Bidder's Address: 1625 Thompson Ave, Anneville, PA 17003
Consideration: $2,900.00, together with buyers premium & recording fees
Second Highest Bidder: Bruce Larrison
Second Highest Bidder's Address: 1024 Davis Rd, Corning NY 14830

Resolution # B-85
Former Owner: Chris Wise & Kim Flannery
In Rem Index No. 104021, 2009 sale
Date of Tax Sale: July 27, 2012
Parcel #: 074.00-01-024.121
Municipality: Wheeler Town
Highest Bidder: Jay Tee Green. Inc.
Highest Bidder's Address: 1421 Blueberry Rd, Falls PA 18615
Consideration: $21,000.00, together with buyers premium & recording fees

Second Highest Bidder: Jacquelyn R Filkins
Second Highest Bidder's Address: 9493 Mutton Hollow Rd, Prattsburgh NY 14873

SCHEDULE "C"

Resolution No.	C-1
Former Owner	County of Steuben
Parcel No.	N/A
Municipality	Lindley Town
Grantee(s)	James G. Townsend
Grantee(s) Address	228 County Route 115, Lindley, NY 14858
Consideration	$1.00 "as is". Conveyance shall be by Quit Claim Deed executed by the Chairman of the Steuben County Legislature reserving a Permanent Easement for neighboring landowners.

SCHEDULE "D"

Resolution # D-1
Former Owner: Sonja R Sweeney
In Rem Index No. 98375, 2007 sale
Date of Tax Sale: July 27, 2012
Parcel #: 166.06-03-080.000
Municipality: Hornell City
Highest Bidder: 1776 N Clinton Assoc. LLC
Highest Bidder's Address: 3445 Winton Pl, Suite 228, Rochester, NY 14623
Consideration: $27,000.00, together with buyers premium & recording fees
Second Highest Bidder: Kevin Wilkins
Second Highest Bidder's Address: 461 Webb Rd., Hornell, NY 14843

Resolution # D-2
Former Owner: Samuel J Burruano
In Rem Index No. 90918, 2004 sale
Date of Tax Sale: July 27, 2012
Parcel #: 166.06-03-081.000
Municipality: Hornell City
Highest Bidder: 1776 N Clinton Assoc. LLC
Highest Bidder's Address: 3445 Winton Pl, Suite 228, Rochester, NY 14623
Consideration: $3,000.00, together with buyers premium & recording fees
Second Highest Bidder: Kevin Wilkins
Second Highest Bidder's Address: 461 Webb Rd., Hornell, NY 14843

Vote: Roll Call – Adopted. (Yes – 7,927; No – 0; Absent – 1,348; Abstained – 597)
(Mr. Mullen abstained as one of the individuals named in the resolution is a client)

RESOLUTION NO. 129-12

Introduced by J. Hauryski. Seconded by T. Ryan.

RECEIVING AND ACCEPTING THE AUGUST 27, 2012 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and **referred to the appropriate Standing Committee and/or Department Head for information and/or action,** to wit:

July 13, 2012
New York State Department of Labor – Re: Notice of violation and order to comply with the inspection held on 5/30/2012 at the Steuben County Sheriff's Office located at 7007 Rumsey Street Ext., Bath, NY. ***Referred to*: *Public Safety & Corrections Committee; Sheriff Ordway; and Ken Isaman, Risk Manager.***

July 16, 2012
Town of Erwin – Re: Resolution recently passed in opposition of the Steuben County Legislature Redistricting Plan. ***Referred to: Steuben County Legislature; and Jack Wheeler, Deputy County Administrator.***

July 17, 2012
Town of Campbell – Re: Resolution recently passed at their board meeting held on July 9, 2012 to set aside $40,000 per year for the next 3 years to pay for the 100% real estate re-evaluation for the Town of Campbell. ***Referred to: Administration Committee; Finance Committee; Wendy Flaitz, Real Property Director; and Patrick Donnelly, County Treasurer.***

July 20, 2012
Village of Painted Post – Re: Resolution recently passed in opposition of the Steuben County Legislature Redistricting Plan. ***Referred to: Steuben County Legislature; and Jack Wheeler, Deputy County Administrator.***

Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Corning Property Management Corporation (Corning Museum of Glass Project 2012), distribution of RP-412a and PILOT agreement. ***Referred to: Finance Committee; Administration Committee; Alan Reed, County Attorney; Wendy Flaitz, RPTSA Director; and Patrick Donnelly, County Treasurer.***

July 26, 2012
New York State Office for the Aging – Re: Notification of approval of the 2012-2016 Four Year Plan (FYP) and 2012-2013 Annual Implementations Plan (AIP). In addition, notification of application approvals under Title III-B, Title III-C-1, Title III-C-2, Title III-D, Title III-E, HIICAP and Wrap funds under the Older Americans Act (OAA). The Expanded In-home Services for the Elderly Program (EISEP), the Community Service for the Elderly (CSE) program, the Supplemental Nutrition Assistance Program (SNAP), the Congregate Services Initiative (CSI), State Transportation program and the Caregiver Resource Center Renewal Application for the period of April 1, 2012-March 31, 2013 have all been approved. **R*eferred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

July 27, 2012
Daniel McRae – Re: Letter expressing his appreciation to the staff of the Physical Therapy Department at the Steuben County Health Care Facility. ***Referred to: Human Services/Health & Education Committee; and David McCarroll, HCF Administrator.***

July 30. 2012
Regional Economic Development & Energy Corporation and REDEC Relending – Re: Budget request in the amount of $20,000 for their 2013, 2014, and 2015 budgets. ***Referred to: Finance Committee; and Mark Alger, County Administrator.***

North Hornell Fire Co., Inc. – Re: Request to fill positions in the Office of Emergency Services. ***Referred to: Administration Committee; Public Safety & Corrections Committee; Joseph Hauryski, Legislature Chairman; and Mark Alger, County Administrator.***

August 2, 2012
Village of Hammondsport – Re: Request for assistance in the application process for the NYS Consolidated Funding Application #16849 (Community Development Block Grant- Public Infrastructure).
Referred to: Amy Dlugos, Planning Director.

Emergency Medical Services Training, Administration & Resources – Re: 2nd Quarter Report for 2012. ***Referred to: Human Services/Health & Education Committee; Victoria Fuerst, PHN Director; Public Safety & Corrections Committee; and Tim Marshall, Acting EMO Director.***

Southern Tier Central Regional Planning & Development Board – Re: Request in the amount of $10,000 for STC's work related to FEMA's Chemung Basin Risk Map project. ***Referred to: A.I.P. Committee; Finance Committee; and Amy Dlugos, Planning Director.***
August 6, 2012
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $18,436 representing the June 2012 retained surcharge revenues and the municipality's share of the 2nd quarter 2012 net revenues. ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

NYS Office of Children & Family Services – Re: Notification of the County's Supervision and Treatment Services for Juveniles Plan (STSJP) is due to the Office of Children & Family Services (OCFS) by September 1, 2012. ***Referred to: Public Safety & Correction Committee; Human Services/Health & Education Committee; Eugene Greeley, Probation Director; and Kathryn Muller, Commissioner of Social Services.***

Cheryl Harkness, Goochs Café – Re: Letter of intent to sell equipment of Goochs Café to Gloria Moran and Michele Cavanaugh. ***Referred to: Mark Alger, County Administrator; and Amy Dlugos, Planning Director.***

August 9, 2012
Assemblyman Philip Palmesano – Re: Correspondence letter requesting to veto legislation on A.10657- Uniform Notice of Claim Act. ***Referred to: Steuben County Legislature.***

August 17, 2012
Town of Corning – Re: Resolution requesting to change the current distribution of the Town of Corning Sales Tax Revenue and the additional 1% Sales Tax Revenue from a credit against the county tax levy to quarterly distributions. ***Referred to: Steuben County Legislature; Wendy Flaitz, Real Property Director; and Patrick Donnelly, County Treasurer.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 130-12

Introduced by B. Schu. Seconded by R. Weaver.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2012, AUTHORIZING THE PROJECT LIFESAVER PROGRAM AND ESTABLISHING USER FEES THEREFORE.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on July 23, 2012, County of Steuben Local Law Tentatively No. Two for the Year 2012, authorizing the Project Lifesaver Program and establishing user fees therefore, preliminarily adopted said Local Law on July 23, 2012, making the final adoption of said Local Law subject to a Public Hearing to be held on August 27, 2012; and

WHEREAS, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on August 27, 2012, at 10:00 A.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law Tentatively No. Two for the Year 2012, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2012

A LOCAL LAW, relative to authorizing the Project Lifesaver Program and establishing fees to be collected by the Steuben County Sheriff's Office.

Be it enacted by the Legislature of the County of Steuben as follows:

SECTION 1:

The Steuben County Sheriff is hereby empowered to collect fees for various services under the Project Lifesaver Program.

SECTION 2:

The fees to be charged are as follows:

Initial Start-up/Entry into Program	$300.00
Battery Fee	$ 10.00/month

SECTION 3:

The procedures for the collection of such fees shall be as prescribed by the appropriate laws of the State of New York and any amendments thereto, or as determined by the Steuben County Sheriff where the state has not enacted procedures. Said procedures are to be filed with the Clerk of the Steuben County Legislature.

SECTION 4:

Any prior resolution or local law pertaining to the collection of fees by the Steuben County Sheriff is hereby amended to the extent necessary to comply with the intent of this local law.

SECTION 5:

The Steuben County Sheriff is directed to collect and analyze the costs associated with said program annually and report findings to the Public Safety & Corrections Committee.

SECTION 6:

The Public Safety & Corrections Committee is authorized and directed to annually adjust the fees based upon the costs identified in the Sheriff's annual fee report.

SECTION 7:

In the event any portion hereof shall be declared unenforceable, the balance of the local law remaining shall be in full force and effect.

SECTION 8:

This local law shall become effective upon filing with the Secretary of State.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on August 27, 2012 at 10:00 A.M. at the Legislative Chambers, Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature has caused a Notice of said Public Hearing to be posted at the Courthouses in the municipalities of Bath, Corning and Hornell, said Notice published for one insertion in the two official newspapers of the County, and has caused such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with the proof of posting and publication filed in the Office of the Clerk of the Legislature; and be it further

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. One for the Year 2012, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the in the Office of the Secretary of State of the State of New York, and said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

RESOLVED, the Clerk of the Legislature, in accordance with Section 214, shall cause a true copy of said Local Law to be published in the two County official newspapers within ten (10) days after such Local Law has become effective; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Sheriff and the Steuben County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 131-12

Introduced by P. McAllister. Seconded by T. Ryan.

PRESENTING LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2012, AUTHORIZING THE ALTERNATIVE VETERANS' EXEMPTION FOR GOLD STAR PARENTS.

Pursuant to Section 458-a of the New York State Real Property Tax Law.

WHEREAS, the Alternative Veterans' Exemption was originally adopted by Local Law No. Thirteen of the Year 1996, and amended by Local Law No. Five of the Year 2007; and

WHEREAS, a municipality may elect to grant a real property tax veterans' exemption to qualifying residential real property owners who are Gold Star Parents.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Three for the Year 2012, authorizing the Alternative Veterans' Exemption for Gold Star Parents, as follows:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2012

A LOCAL LAW Authorizing the Alternative Veterans' Exemption for Gold Star Parents.

Be it enacted by the Legislature of the County of Steuben as follows:

Section 1. **Purpose.** This Local Law provides for Gold Star Parents to be eligible for the Alternative Veterans' Exemption under Real Property Tax Law 458-a and shall apply to County real property taxes levied by the County of Steuben.

Section 2. **Definitions**. A Gold Star Parent, as defined in Real Property Tax Law 458-a(7)(a), shall mean the parent or parents of a child who died in the line of duty while serving in the United States armed forces during a period of war. Gold Star Parents shall be included in the definition of "qualified owner", as provided in Real Property Tax Law 458-a(1)(c) and the property owned by a Gold Star Parent shall be included within the definition of a "qualifying residential real property" as set forth in the Real Property Tax Law 458-a(1)(d), provided that such real property shall be the primary residence of the Gold Star Parent.

Section 3. **Application.** For County real property taxes levied by the County of Steuben, a Gold Star Parent, as herein defined, shall be eligible to receive the maximum veteran's exemption allowable pursuant to Real Property Tax Law 458-a(2)(a), Real Property Tax Law 458-a(2)(b) and Steuben County Local Law No. 2 of 2007.

Section 4. **Severability**. If any part of this Local Law shall be found invalid, such invalidity shall apply only to such part, and the remainder of this Local Law shall remain valid and effective.

Section 5. **Effective Date.** This Local Law shall take effect immediately upon filing with the Secretary of State.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on September 24, 2012 at 10:00 A.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature shall cause a notice of said Public Hearing to be posted at the Courthouses in the municipalities of Bath, Corning and Hornell, have said notice published for one insertion in the two official newspapers of the County, and shall cause such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with proof of posting and publication to be filed in the Office of the Clerk of the Legislature; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer; the Director of Real Property Tax Services Agency; and the Director of Veterans Service Agency.

Mr. Mullen stated that he has concerns regarding the property exemption in general. In those unfortunate circumstances with the Gold Star Parents, he believes it would be better if we decided to appropriate money to them in the form of a check that we would pay to them every year. It would make it easier to budget for. When people are given exemptions, it discourages them from having a stake in the local political process. Under U.S. Code, it says that Gold Star Parents may be a mother, father, step-mother, step-father, adopted parents or foster parents. This exemption could, in certain circumstances, be a problem. Mr. Mullen stated that he didn't see any other requirements, other than to be a parent of an individual killed in the line of duty during war. He doesn't think the answer is to shift the tax burden. The answer is to assist and lend a helping hand.

Mr. McAllister commented this is a very small measure that we can do for parents who have lost a child in service to their country. He stated that his understanding is that there are four families in the County who would qualify for this exemption at this time.

Mr. Van Etten stated these exemptions are really a proven vehicle that we have to provide breaks to people under any situation. To try to not use that process and budget for and hand out money; then you are adding an additional layer of complexity to the County budget.

Vote: Acclamation – Adopted. (No – 597 – Mullen)

RESOLUTION NO. 132-12

Introduced by M. Hanna and L. Crossett. Seconded by S. Van Etten.

AUTHORIZING AND DIRECTING THE COUNTY TREASURER TO TRANSFER $85,000 FROM THE LINDLEY LANDFILL FENCE CAPITAL PROJECT TO THE BATH LANDFILL LEACHATE TANK CAPITAL PROJECT.

WHEREAS, the twin leachate tanks at the leachate treatment plant are rusting and cannot be filled to capacity; and

WHEREAS, the bid for two new tanks was $470,500; and

WHEREAS, there is $397,618 in the existing Leachate Tank account; and

WHEREAS, the Leachate Tank Capital Project requires an additional $85,000; and
WHEREAS, the tanks need to be at full capacity in extreme rain events for Steuben County leachate; and

WHEREAS, Steuben County recently agreed to take leachate from the Hyland Landfill for a revenue of approximately $300,000 per year; and

WHERAS, Steuben County needs assurance of full capacity for the Hyland Landfill leachate; and

WHEREAS, the Public Works Committee and the Finance Committee of the Steuben County Legislature have authorized the transfer of funds from the Lindley Landfill Fence Capital Project to the Bath Landfill Leachate Tank Capital Project.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Treasurer is hereby authorized and directed to make the following transfers:

- Decrease HL/EL6401.5250000 Lindley Fence Landfill Capital account by $85,000
- Increase HL/EL7303.5250000 Landfill Leachate Tank Capital account by $85,000

AND BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Commissioner of Public Works and the County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 133-12

Introduced by P. McAllister. Seconded by G. Swackhamer.

AUTHORIZING AND DIRECTING THE COUNTY REAL PROPERTY TAX OFFICE TO INVOICE $41,500 TOTAL FOR THE REAL PROPERTY SYSTEM VERSION 4 (RPS V4) LICENSE AND SUPPORT FEES TO EACH CITY AND TOWN.

Pursuant to County Law, Section 233a.

WHEREAS, the Administration Committee has approved the report of RPS V4 charges by Assessing unit which includes an annual charge for the New York State Office of Real Property Services License Fee and a fee for County support of this system; and

WHEREAS, the Administration Committee has approved the invoicing of the fees to the Cities and Towns; and

WHEREAS, the Real Property Tax Service Agency has paid the assessing units' annual license fee charge to the State for this fiscal year.

NOW THEREFORE, BE IT

RESOLVED, the Real Property Tax Office will invoice each City and Town for their share of the Real Property System Version 4 (RPS V4) License and Support Charge; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer, the Director of the Real Property Tax Service Agency and to each Town and City.

Vote: Roll Call – Adopted.

RESOLUTION NO. 134-12

Introduced by P. McAllister. Seconded by H. Lando.

AUTHORIZING A CONTRACT WITH DISABILITY MANAGEMENT ASSOCIATES TO PROVIDE CASE MANAGEMENT FOR EMPLOYEES INJURED ON THE JOB.

WHEREAS, Steuben County employees may become injured on the job and qualify for Worker's Compensation or General Municipal Law Section 207-c benefits; and

WHEREAS, Steuben County desires that employees injured on the job will receive prompt medical care; and

WHEREAS, it is Steuben County's goal for employees injured on the job to return to their position as soon as healing allows; and

WHEREAS, it is the recommendation of the Administration Committee to enter into an agreement with Disability Management Associates to provide case management to facilitate medical treatment and appropriate therapy for employees injured on the job, so they may return to work in a timely fashion.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Personnel Officer and the Risk Manager are hereby authorized to execute a contract with Disability Management Associates to provide case management to facilitate medical treatment and appropriate therapy for employees injured on the job on an as needed basis at a rate of $90.00 per hour for Nurse Case Management and also, when needed, a Consultant at the rate of $120.00 per hour, plus mileage; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Personnel Officer; the Risk Manager, the County Attorney; and Mr. Steve Pearl, President, Disability Management Associates, Inc, 92 Chateau Terrace, Snyder, NY 14226.

Mr. Weaver asked why aren't we using PERMA for this? Mr. Alger replied these are 207-c cases which generally involve firemen and law enforcement. We are interested in using this contract for a couple of old cases that PERMA doesn't currently administer. The attention and effort they would provide is needed to

ensure those individuals get back to work as soon as possible. Mr. Weaver asked how long back do these cases go? Mr. Alger replied some are several years old. When someone goes out under 207-c, they are paid their entire salary for the entire time they are off.

Vote: Roll Call – Adopted.

RESOLUTION NO. 135-12

Introduced by P. McAllister and L. Crossett. Seconded by S. Van Etten.

AUTHORIZING THE COUNTY TO PARTICIPATE IN A TAX CERTIORARI PROCEEDING IN THE TOWN OF CAMPBELL.

Pursuant to Article 5 of the County Law of the State of New York.

WHEREAS, it is the interest of the County to participate in the appraisals for Tax Certiorari Proceedings where the equalized full value is in excess of $2 million for the roll Section one and six parcels as previously set forth in Resolution 010-93, as amended in Resolution 132-03, and as amended in Resolution 047-12; and

WHEREAS, a requesting assessing unit should have completed in due course a town/city wide reassessment program and filed a cyclical reassessment plan; and

WHEREAS, the Town of Campbell has resolved to complete a cyclical reassessment plan and has further requested the County to participate in a Tax Certiorari Proceeding pursuant to the County's participation policy; and

WHEREAS, the recited request complies with the policy of the County to so participate; and

WHEREAS, the counsel for the Town of Campbell has submitted an initial appraisal estimate of $29,000; and

WHEREAS, the Real Property Tax Service Agency has computed the County's share of participation as set forth under the County's policy to participate at $19,430.

NOW THEREFORE, BE IT

RESOLVED, the County Treasurer is authorized and directed to disburse to the properly credentialed and retained appraiser a sum not to exceed $19,430; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of the Real Property Tax Service Agency, County Treasurer, and the Town of Campbell.

Mr. Mullen asked what is the purpose of doing this? Mr. Reed explained a tax certiorari proceeding gives the County authority to assist the Town with mitigating some of the costs to have an appraisal done on a property where the assessment has been significantly reduced. The appraisal is done to confirm or modify the assessment. We get a professional opinion so that the County's interest is preserved. In these proceedings, the school district participates and handles the legal fees. The threshold is $2 million.

Vote: Roll Call – Adopted.

RESOLUTION NO. 136-12

Introduced by B. Schu and L. Crossett. Seconded by H. Lando.

AUTHORIZING THE ACCEPTANCE OF AN INDIGENT LEGAL SERVICES (ILS) GRANT AND APPROVING RELATED PURCHASES.

WHEREAS, the New York State Office of Indigent Legal Services has awarded the Steuben County Public Defender's Office a grant in the amount of $70,299 per year for three consecutive years (Total: $210,897) commencing with the State Fiscal Year of July 1, 2012, through June 30, 2013; and

WHEREAS, such grant funds may only be used for programs and expenses that "improve the quality of indigent legal services and programs"; and

WHEREAS such grant funds will greatly enhance the ability of the Steuben County Public Defender's Office to deliver quality indigent legal services and programs; and

WHEREAS, the Steuben County Public Defender has determined that a Case Management software program will improve the quality of indigent legal services by permitting the Public Defender to better track cases, case loads, and statistical information and efficiently produce all State mandated reports and data; and

WHEREAS the Case Management System software offered by the New York State Defender's Association, Inc. will meet the current and anticipated needs of the Steuben County Public Defender's Office and is currently in use in 39 New York County Public Defender's Offices; and

WHEREAS the purchase of a computer server, license and related equipment will permit the Assistant Public Defenders remote, real-time access to critical case records and will promote the efficiency of the Case Management System software and the Office of the Public Defender.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Administrator and/or Public Defender is hereby authorized to enter into an agreement with the State of New York State Office of Indigent Legal Services to accept funding in the amount of $70,299 per year for three consecutive years (Total: $210,897) commencing with the State Fiscal Year of July 1, 2012, through June 30, 2013, for programs and expenses that "improve the quality of indigent legal services and programs"; and be it further

RESOLVED, the Steuben County Administrator and/or Public Defender is hereby authorized to enter into a contract with the New York State Defender's Association, Inc. to install and implement the Public Defense Case Management System software at a cost not to exceed $15,000; and be it further

RESOLVED, the Office of the Public Defender is hereby authorized to purchase a computer server, licenses and related equipment, to be owned, housed and maintained by the Steuben County IT Department, at a cost not to exceed $10,000; and be it further

RESOLVED the Steuben County Administrator and/or Public Defender is hereby authorized to execute the requisite documents to effectuate this grant and contract; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized to appropriate such revenue to the appropriate accounts within the budget of the Steuben County Public Defender's Office for the purpose of fulfilling the aforementioned grant; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the office of the Steuben County Public Defender and Steuben County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 137-12

Introduced by C. Ferratella and L. Crossett. Seconded by R. Lattimer.

ACCEPTING AND APPROPRIATING ENHANCED CHILD PROTECTIVE SERVICE FUNDS INTO THE 2012 SOCIAL SERVICES BUDGET.

WHEREAS, Chapter 53 of the Laws of 2012 appropriates additional state aid to reimburse 100 percent of Social Services district expenditures related to the improvement of staff-to-client ratios in local districts' Child Protective Service workforces; and

WHEREAS, the Office of Children and Family Services of the State of New York has awarded Steuben County $30,000 to support the improvement of staff-to-client ratios in the local district's Child Protective Service workforces; and

WHEREAS, the work plan as submitted to the New York State Office of Children and Family Services has been approved; and

WHEREAS, the work plan includes costs to purchase 12 Digital Dictaphones ($600.00) to assist caseworkers in meeting their case note requirements and support Overtime ($10,000.00) within the CPS unit to complete safety assessments, interviews and record completion; and

WHEREAS, the work plan includes the realignment of staffing from within the Services Unit allowing an additional $7,760.00 in revenue to be realized.

NOW THEREFORE, BE IT

RESOLVED, Steuben County accepts and appropriates these funds in the 2012 Steuben County Budget and approves the purchase of said equipment/supplies and overtime as follows:

Expenditure:		
601000 51900652	CPS Overtime	$10,000.00
601000 5298000	Equipment- Minor	$ 600.00
Revenues:		
601000 43610000	State Revenue	$18,360.00

AND BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Social Services and the County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 138-12

Introduced by C. Ferratella. Seconded by H. Lando.

AUTHORIZING THE DEPARTMENT OF SOCIAL SERVICES TO ENTER INTO A CONTRACT WITH THE VILLAGE OF BATH POLICE DEPARTMENT FOR PERFORMANCE OF A FRAUD ABUSE PREVENTION PROGRAM.

WHEREAS, Social Services Law Section 134 provides that social service officials responsible for investigating any application shall maintain close contact with persons granted assistance, who shall be visited as frequently as is provided by the regulations of the Department or required by the circumstances of the case, in order that assistance or care may be given only in such amount and as long as necessary; and

WHEREAS, this authorizes Social Services Districts to incorporate home visits as part of an initial investigation or reinvestigation of the circumstances relevant to a person's eligibility for public assistance or care; and

WHEREAS, the Steuben County Department of Social Services has sought to procure weekend/evening home visits to the motel/hotels located in Bath, New York, to confirm housing compliance by recipients of emergency housing; and

WHEREAS, the Steuben County Department of Social Services and the Village of Bath Police Department are desirous of entering into an agreement for said purpose; and

WHEREAS, the Village of Bath Police Department has the knowledge, skills, and experience necessary to perform these services; and

WHEREAS, agreed consideration shall not exceed $100.00 per hotel visit, inclusive of multiple room checks; and

WHEREAS, the funding for the program will be through the Administrative funding of the Department of Social Services.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Social Services is authorized to execute a contract with the Village of Bath Police Department for purposes of a Fraud Abuse Prevention Program and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Social Services, the County Treasurer and the Bath Village Police Department, 10 Liberty Street, Bath, NY 14810.

Vote: Roll Call – Adopted.

RESOLUTION NO. 139-12

Introduced by P. McAllister. Seconded by R. Weaver.

ABOLISHING THE POSITION OF CHIEF FISCAL OFFICER AT THE HEALTH CARE FACILITY OF THE COUNTY OF STEUBEN.

WHEREAS, due to economic circumstances and the outsourcing of certain financial duties, the position of Chief Fiscal Officer at the Health Care Facility is no longer required.

NOW THEREFORE, BE IT

RESOLVED, the position of the Chief Fiscal Officer at the Health Care Facility be and the same hereby is abolished:

ABOLISHED POSITION

Health Care Facility	One (1)	Chief Fiscal Officer	Management Grade F	$50,882

AND BE IT FURTHER RESOLVED, the abolition of said position is effective immediately upon adoption of the within resolution; and be it further

RESOLVED, any and all rights and entitlements, if any, pursuant to Civil Service Law Section 80 be and the same hereby are extended to the former incumbent of said position; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Personnel Officer and the Administrator of the Health Care Facility.

Mr. Ryan asked who will take over the job duties? Mr. Alger replied they will be distributed internally and we will also have assistance from a consultant.

Vote: Roll Call – Adopted.

RESOLUTION NO. 140-12

Introduced by C. Ferratella. Seconded by R. Lattimer.

AUTHORIZING THE ADJUSTMENT OF THE SKILLED NURSING RATE FOR STEUBEN COUNTY PUBLIC HEALTH AND NURSING SERVICES.

Pursuant to Section 215 of the County Law of the State of New York.

WHEREAS, upon review of the cost study for 2011 and based on cost and visit projections for 2012, the Medicare and Medicaid cost limits, as well as the estimated 2012 Medicaid Rates, it has been determined that an adjustment to the rates will be necessary to establish customary charges for services rendered during 2012; and

WHEREAS, by establishing customary charges above reasonable costs, all third party revenue will be maximized; and

WHEREAS, the Steuben County Human Services, Health and Education Committee has approved the rate of $175/visit for Skilled Nursing.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby grant authorization to the Steuben County Public Health and Nursing Services to adjust the customary charge for Skilled Nursing Services rendered based on the 2011 cost study and that these rates will become effective September 1, 2012; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to Robert Furlani, Assistant Regional Director, New York State Health Department, 584 Delaware Ave., Buffalo, New York, 14202; the County Treasurer, and the Director, Steuben County Public Health and Nursing Services.

Vote: Roll Call – Adopted.

RESOLUTION NO. 141-12

Introduced by T. Ryan. Seconded by H. Lando.

AUTHORIZING THE PLANNING DIRECTOR TO SIGN A SUPPLEMENTAL GRANT AGREEMENT WITH THE STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION RELATIVE TO CAPITAL PROJECTS FOR THE PUBLIC TRANSPORTATION SYSTEM.

WHEREAS, Steuben County has been approved for a grant of funds by the New York State Department of Transportation, pursuant to Section 5311 of Title 49, of the United States Code, for capital improvements for the Steuben Transit System; and

WHEREAS, the estimated project cost for capital improvements to the transit system is $81,500; and

WHEREAS, the total cost of said improvements will be reimbursed by federal and state funds, and Steuben County's transit system operator, First Transit; and

WHEREAS, such capital improvements shall include route signs, a fare collection system, jack stands, and bus graphics; and

WHEREAS, Steuben County and the State of New York are entering into an agreement which authorizes the undertaking of the project and payment of the Federal and State Shares for the project.

NOW THEREFORE, BE IT

RESOLVED that the Planning Director is authorized to sign:

1. Any and all Agreements between the County of Steuben and the State of New York for the above named project;
2. Any and all Agreements between the County of Steuben and any third party subcontractors necessary to complete the Project;
3. Any and all Agreements between the County of Steuben and any vendor for the purchase and/or installation of vehicles and/or equipment or facilities;

AND BE IT FURTHER RESOLVED, that the County of Steuben certifies through this resolution that the estimated local share of $8,150.00 is committed to this Project from First Transit, Inc., operator of the Steuben Transit System under contract with the County of Steuben; and be it further

RESOLVED. four (4) certified copies of this resolution shall be forwarded to the Steuben County Planning Director.

Vote: Roll Call – Adopted.

RESOLUTION NO. 142-12

Introduced by T. Ryan. Seconded by C. Ferratella.

COMMENCING THE REVIEW PERIOD FOR AGRICULTURAL DISTRICT NO. 1.

Pursuant to Article 25-AA, Section 303-a, of the Agriculture and Markets Law of the State of New York.

WHEREAS, owners of certain land in the Towns of Cameron, Canisteo, Jasper, and Woodhull did submit to the Steuben County Board of Supervisors a proposal to create an agricultural district within the specified areas of said Towns; and

WHEREAS, said proposal was filed with the Steuben County Board of Supervisors and the appropriate procedures were thereafter followed which led to a certification of the creation of said district effective April 23, 1973; and

WHEREAS, a Notice of Review from the State of New York, Department of Agriculture and Markets has been received, and that, pursuant to said Law, the procedures for the necessary review of the Steuben County Agricultural District No. 1 are required to commence.

NOW THEREFORE, BE IT

RESOLVED, that the review period of the said Agricultural District located in the Towns of Cameron, Canisteo, Jasper, and Woodhull, County of Steuben and State of New York, commences effective upon filing of a Notice of Review with the office of the Steuben County Clerk, said review period to be for a period of thirty (30) days; and be it further

RESOLVED, that the Clerk of this Legislature is hereby directed to file said Notice of Review in the Office of the Steuben County Clerk and provide notice of such review by publishing the "Notice" in the Corning Leader and Evening Tribune, which are two (2) newspapers having general circulation within the said District, and by posting such

"Notice" in five (5) conspicuous places within the said district. Said "Notice" shall contain information as required in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York; and be it further

RESOLVED, that the Clerk of this Legislature shall file the necessary affidavits of publication and posting of such "Notice" with this County Legislature, and this Legislature shall receive any proposals for modification of said district which may be submitted by landowners or municipalities, within thirty (30) days of the filing of the Notice of Review in the Steuben County Clerk's Office; and be it further

RESOLVED, that upon termination of said thirty (30) day period such review and any proposed modifications shall be referred by this Legislature to the Steuben County Agricultural and Farmland Protection Board, which Board shall report to the Steuben County Legislature its recommendations concerning the review and proposed modifications, and thereafter the County Legislature shall hold a Public Hearing as required by Law; and be it further

RESOLVED, that the Clerk of this Legislature shall forward certified copies of this resolution to the Steuben County Clerk; William Brown, Chairman, Steuben County Agricultural and Farmland Protection Board, 9230 W Waneta Lake Road, Hammondsport, NY 14840; and the Steuben County Planning Director.

Vote: Acclamation – Adopted.

RESOLUTION NO. 143-12

Introduced by T. Ryan. Seconded by H. Lando.

COMMENCING THE REVIEW PERIOD FOR AGRICULTURAL DISTRICT NO. 23.

Pursuant to Article 25-AA, Section 303-a, of the Agriculture and Markets Law of the State of New York.

WHEREAS, owners of certain land in the Towns of Jasper, Troupsburg, West Union and Woodhull did submit to the Steuben County Board of Supervisors a proposal to create an agricultural district within the specified areas of said Towns; and

WHEREAS, said proposal was filed with the Steuben County Board of Supervisors and the appropriate procedures were thereafter followed which led to a certification of the creation of said district effective May 23, 1988; and

WHEREAS, a Notice of Review from the State of New York, Department of Agriculture and Markets has been received, and that, pursuant to said Law, the procedures for the necessary review of the Steuben County Agricultural District No. 23 are required to commence.

NOW THEREFORE, BE IT

RESOLVED, that the review period of the said Agricultural District located in the Towns of Jasper, Troupsburg, West Union, and Woodhull, County of Steuben and State of New York, commences effective upon filing of a Notice of Review with the office of the Steuben County Clerk, said review period to be for a period of thirty (30) days; and be it further

RESOLVED, that the Clerk of this Legislature is hereby directed to file said Notice of Review in the Office of the Steuben County Clerk and provide notice of such review by publishing the "Notice" in the Corning Leader and Evening Tribune, which are two (2) newspapers having general circulation within the said District, and by posting such "Notice" in five (5) conspicuous places within the said district. Said "Notice" shall contain information as required in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York; and be it further

RESOLVED, that the Clerk of this Legislature shall file the necessary affidavits of publication and posting of such "Notice" with this County Legislature, and this Legislature shall receive any proposals for modification of said district which may be submitted by landowners or municipalities, within thirty (30) days of the filing of the Notice of

Review in the Steuben County Clerk's Office; and be it further

RESOLVED, that upon termination of said thirty (30) day period such review and any proposed modifications shall be referred by this Legislature to the Steuben County Agricultural and Farmland Protection Board, which Board shall report to the Steuben County Legislature its recommendations concerning the review and proposed modifications, and thereafter the County Legislature shall hold a Public Hearing as required by Law; and be it further

RESOLVED, that the Clerk of this Legislature shall forward certified copies of this resolution to the Steuben County Clerk; William Brown, Chairman, Steuben County Agricultural and Farmland Protection Board, 9230 W Waneta Lake Road, Hammondsport, NY 14840; and Steuben County Planning Director.

Vote: Acclamation – Adopted.

RESOLUTION NO. 144-12

Introduced by P. McAllister. Seconded by W. Peoples.

AUTHORIZING THE ASSIGNMENT OF THE COFFEE CART LEASE.

WHEREAS, following a request for proposals, on December 1, 2005, Steuben County executed a lease to operate a coffee cart/vending counter within the County Office Building located in Bath NY; and

WHEREAS, said lease was transferred by this body to Cheryl Harkness in May 2011; and

WHEREAS, Cheryl Harkness has decided to sell her coffee cart/vending counter equipment to follow other pursuits; and

WHEREAS, the terms of the 2005 contract allow the contract to be assigned to another vendor when consent is given by the County of Steuben; and

WHEREAS, the County desires to continue to have a coffee cart/vending counter for the convenience of the Court Systems, County employees, and visitors to the County Building; and

WHEREAS, said vendor would like to operate the coffee cart/vending counter within the County Office Building; and

WHEREAS, said vendor is found to be of good standing with the necessary skills and permits to operate the coffee cart/vending counter.

NOW THEREFORE, BE IT

RESOLVED, that the County Administrator is authorized to execute a contract with Migliore Amica, LLC to operate the coffee cart/vending counter in the County Office Building; and be it further

RESOLVED, that the period of said contract shall be from September 1, 2012 through December 31, 2013; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Administrator.

Vote: Roll Call – Adopted.

Motion to combine Resolutions # 18 – 21 as one and waive the reading of said resolutions made by Mr. Van Etten. Seconded by Mr. Weaver and duly carried.

RESOLUTION NO. 145-12

Introduced by J. Hauryski. Seconded by C. Ferratella.

APPOINTING A MEMBER TO THE SOUTHERN TIER EXTENSION RAILROAD AUTHORITY.

Pursuant to Article 8, Title 28-AA of the Public Authorities Law.

WHEREAS, Article 8, Title 28-AA of the Public Authorities Law creates the Southern Tier Extension Railroad Authority Act to continue and strengthen the system of railroads serving Allegany, Cattaraugus, Chautauqua and Steuben Counties through the creation of a regional, public benefit corporation; and

WHEREAS, Section 2642-C of the Act requires the establishment of the Southern Tier Extension Railroad Authority; and

WHEREAS, the County Legislature is authorized to appoint three voting members to the Authority upon the recommendation of the Legislative Chair; and

WHEREAS, one member's term has expired.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby reappoint the following individual to serve as a member of the Southern Tier Extension Railroad Authority for the term as indicated:

Seth M. Corwin
48 Hillside Place
Hornell, NY 14843
Term: September 1, 2012 through August 31, 2015

AND BE IT FURTHER RESOLVED, said member shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of his duties on the Southern Tier Extension Railroad Authority; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointee; the Southern Tier Extension Railroad Authority, Center for Regional Excellence, 4039 Route 219, Salamanca, NY 14779-1493; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 146-12

Introduced by J. Hauryski. Seconded by C. Ferratella.

APPOINTING MEMBERS TO THE EMPLOYEE ASSISTANCE PROGRAM ADVISORY COMMITTEE.

Pursuant to Article 5 of the County Law and Article 16 of the Civil Service Law of the State of New York.

WHEREAS, by Resolution of the Steuben County Legislature adopted November 25, 1996, a Memorandum of Agreement with the County's three collective bargaining units was authorized to establish an Employee Assistance Program; and

WHEREAS, an oversight committee was created which is comprised of representatives from all three unions, management and the Legislature; and

WHEREAS, due to changes in personnel, vacancies now exist on the oversight committee.

NOW THEREFORE, BE IT

RESOLVED, the following individuals shall be appointed to the Employee Assistance Program Advisory Committee:

Legislators Member
Brian C. Schu, Esq.

Management Members
Amy R. Dlugos
Kimberly Jessup
Victoria Fuerst
Nancy B. Smith

Civil Service Employees' Association Members
Chris Myers
Brenda Campbell

Steuben County Deputy Sheriffs' Association, Inc. Member
Robert McDaniels

Correction Officers, Dispatchers & Court Security Officer Unit Member
Jeremy Smith

AND BE IT FURTHER RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Employee Assistance Advisory Committee; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees and to the Personnel Officer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 147-12

Introduced by J. Hauryski. Seconded by C. Ferratella.

APPOINTING A REPRESENTATIVE TO THE FINGER LAKES HEALTH SYSTEMS AGENCY BOARD OF DIRECTORS AND THE SOUTHERN TIER SUBAREA COUNCIL.

BE IT RESOLVED, David McCarroll be, and he hereby is, appointed by this Steuben County Legislature as the Steuben County Consumer Representative on the Finger Lakes Health Systems Agency Board of Directors and the Southern Tier Subarea Council for a term of two (2) consecutive years commencing January 1, 2012 and ending December 31, 2012; and be it further

RESOLVED, said member shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of his duties on the Finger Lakes Health Systems Agency Board of Directors; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointee, the County Auditor and to the Finger Lakes Health Systems Agency, 1150 University Avenue, Rochester, New York 14607.

Vote: Acclamation – Adopted.

RESOLUTION NO. 148-12

Introduced by J. Hauryski. Seconded by C. Ferratella.

APPOINTING THE STEUBEN COUNTY REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE GENESEE VALLEY REGIONAL MARKET AUTHORITY.

Pursuant to the Agriculture and Markets Law of the State of New York and upon the recommendation of the Chairman of the Steuben County Legislature.

WHEREAS, it is in the best interest of Steuben County to have a representative on the Board of Directors of the Genesee Valley Regional Market Authority.

NOW THEREFORE, BE IT

RESOLVED, **John Meyer of Joseph L. Meyer & Sons, Inc.**, is hereby appointed as the Steuben County representative on the Board of Directors of the Genesee Valley Regional Market Authority for a term of two (2) years from January 1, 2012 through December 31, 2013; and be it further

RESOLVED, said member shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of his duties on the Genesee Valley Regional Market Authority; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointee at 9260 State Route 21, Cohocton, NY 14826; the County Auditor; and to William J. Mulligan, Jr., Administrator, Genesee Valley Regional Market Authority, 900 Jefferson Road, Rochester, NY 14623.

Vote: Acclamation – Adopted.

RESOLUTION NO. 149-12

Introduced by M. Hanna and L. Crossett. Seconded by G. Swackhamer.

APPROVING THE SETTLEMENT TO DAMAGES ON COUNTY ROUTE 10 AND COUNTY ROUTE 10A.

WHEREAS, on or about June 13, 2012 County Route 10 and County Route 10A were damaged by farm equipment from a local farmer; and

WHEREAS, after a damage assessment, the Department of Public Works determined that it would cost $176,522.90 to repair all the damage caused and claim was made by the County to the insurance carrier of the local farmer; and

WHEREAS, settlement in the full amount of the above estimate has been offered by the insurance carrier of the local farmer; and

WHEREAS, the repairs will be made at no cost to the County.

NOW THEREFORE, BE IT

RESOLVED, that the Legislature approves the settlement of the claim for damage caused to County Route 10 and County Route 10A in the amount of $176,522.90 in full satisfaction of this claim; and be it further

RESOLVED, that the County Administrator is authorized to execute any and all documents and releases necessary to complete the settlement of this claim; and be it further

RESOLVED, that the County Treasurer is authorized and directed to appropriate the settlement proceeds into the necessary accounts to effectuate the repairs to County Route 10 and County Route 10A; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Administrator, Risk Manager, Commissioner of Public Works and the Treasurer.

Vote: Roll Call – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.d. Discussions Regarding Proposed, Pending or Current Litigation made by Mr. Van Etten. Seconded by Mrs. Lando and Duly Carried.

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mr. Weaver. Seconded by Mr. McAllister and Duly Carried.

Motion to Adjourn made by Mr. Swackhamer. Seconded by Mrs. Ferratella and Duly Carried.

REGULAR MEETING
Morning Session
Monday, September 24, 2012
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 24th day of September, 2012, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present.

Mr. Mullen provided the Invocation and the Pledge of Allegiance was led by Mr. Crossett.

Chairman Hauryski asked Pansy VanTreese to come forward. Ms. VanTreese is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

Chairman Hauryski asked Major Christopher Lian to come forward. Major Lian is an employee in the Sheriff's Department. He presented him with a Certificate of Appreciation and a pin in recognition of his 15 years of service to Steuben County. Sheriff Ordway stated that he would also like to present a commendation plaque to Major Lian for his 30 years of total service in various Sheriff's Departments throughout the State. He is an asset to both New York State and Steuben County.

Chairman Hauryski asked Vicki Fuerst to come forward. Mrs. Fuerst was recently honored at the annual conference of the New York State Association for Rural Health for her many years of service and impact on rural Western New York. She has worked in the public healthcare field in Steuben County for over 30 years. Vicki has an extraordinary ability to bring people together to effectively tackle healthcare challenges and was one of the founding members of the S2AY Rural Health Network in Steuben County. In recognition of her accomplishments, the New York State Association for Rural Health awarded Vicki the Senator Patricia McGee Award. As recognition of this achievement, Chairman Hauryski, on behalf of the Legislature, presented Mrs. Fuerst with a certificate of achievement. *CONGRATULATIONS!*

Mrs. Fuerst stated that as part of her acceptance speech at the annual conference, she thanked the Legislature and Mr. Alger for their support as she wouldn't be able to do this without all of your support. Thank you.

The Clerk of the Legislature read the following nomination for Team of the Month, submitted by Dave Hopkins, 911 Director:

The Steuben E911 Department has just finalized a complete replacement of the CAD (Computer Aided Dispatch) and Telephony systems that we use each day to process requests for services. The changes made were via a procedure that permitted for this transition to occur without negatively impacting the day to day operations of the department. These changes would not have been possible without the superior efforts of all of the members of the team at the 911 Center.

The only real way to truly test the process is to actually place real traffic on the system. Each staff member took their turn being the "lucky employee" assigned to role play in our world. They accepted it well when they walked in on any given day and were told "we are working role X and yes, that is your role for the day!" They also sat through groups of monitored tests with real 911 traffic to verify that any adjustments that were made were true and effective.

They did their traditional job flawlessly while they dealt with the multiple vendors and the Department Director monitoring how the calls flowed (or on the rare occasion did not flow) through the system. This

allowed for our team to agree to the acceptable characteristics, traits and/or abilities that would define the new system.

The job can be stressful enough, and with the uncertainty of what the "new" system would permit and how well the staff could adapt to the new procedures or processes while we did a multi-discipline upgrade without significant complications or any employee melt downs was quite the feat.

The staff and collection of vendors that accomplished this transition worked tirelessly for months to assure that all of the necessary details were accounted for and that all of the required training had been planned and executed correctly. There are also some issues that arise as a result of changes of the magnitude of this project, but this team overcame those events without issue. They all deserve credit for a job very well done. Therefore, I believe they deserve to be named Steuben County's Team of the Month.

Chairman Hauryski presented Mr. Hopkins with a certificate of appreciation for Team of the Month, along with a picture which is to be displayed in their department. Mr. Hopkins accepted this award on behalf of the following members of the 911 Team of the Month: Nichols M. Barber, Marcella Beyor, Deziree Blankenship, Sarah L. Burgess, Jaime L. Card, Anthony V. Cilino, Robert Conrad, James Cosgrove, Ryan Dolan, Kevin Fleischman, Kenneth J. Forenz, Tina Goodwin, Donna Horton, Scott M. Johnson, Kendell Jordan, Joshua L. Kemp, Joshua J. Lampham, Elizabeth A. Laursen, Brian Lewis, Jaren M. Mattison, Michael A. Melaro, William A. Robinson, Rebecca Rose, Cody J. Rowe, Bobbie Shollenberger, Candiss W. Smalt, Nicholas Snyder, Neil G. Swanson, Kathleen Swarthout, Cynthia Thomas, Daryl Tombs, Christine E. Villena, Janel Wheatcraft, Steven M. Whiteman and Crystal Woodworth. *CONGRATULATIONS!*

Chairman Hauryski stated at the Fall NYSAC Conference, Brenda Mori was acknowledged as one of the most recent graduates of the Dennis A. Pelletier County Government Institute. This is an education program established in conjunction with Cornell University to enhance the knowledge, skills and abilities of county officials. In recognition of this achievement, and as a show of our appreciation, Chairman Hauryski, on behalf of the Legislature, presented Ms. Mori with a certificate of achievement. *CONGRATULATIONS!*

Chairman Hauryski opened the floor for comments by members of the public.

Rachel Treichler, Hammondsport, stated that since last month's meeting, she would like to thank Mr. Spagnoletti for the report in the paper that the County will not immediately start taking drill cuttings. We are concerned that the landfill will be taking leachate from other landfills that are taking drill cuttings. The monitoring devices at those landfills are not adequate. She distributed a handout which has the comments of a Certified Radon Measurement Specialist regarding Steuben County Public Works' new radiation testing protocols for the landfill. This specialist states in his opinion these monitors are all wrong for what they are trying to do.

Jack Ossont, Dundee, NY, stated that he was previously a member of the Yates County Legislature. We live in a rural area which is traditionally very poor in relationship to those areas generating the drill cutting waste. In looking at the issues, one of the most concerning is the radioactive materials concentrated in the water. Up to 80 percent of the waste affiliated with drill cuttings are liquid and mixed with some kind of solids. He stated that the Legislature is fully aware of the potential liability involved with accepting this waste. He urged the Legislature to exercise caution over expediency.

Tim Hargrave, Cameron Mills, stated that he is here to speak as a member of the Cameron Committee for a Safe Environment. Last month he talked with the Legislature about Leo Dickson and their application for permit modification to allow them an additional five new waste sources. Allowing them to expand will only exacerbate the current problems. He stated that he has sent an email to the Legislators outlining his concerns. His offer still stands for any member of the Legislature to contact him with any questions.

Wayne Wells, Cameron Mills, stated that he is here representing the Cameron Committee for a Safe Environment. He has been involved with the Dickson Corporation and the misuse of land management for a long time. All of their material ends up on our farmland. He stated that he would like the Legislature to look at the information we have documented about their mismanagement. We had put a proposal forth to the DEC about not allowing Dickson, at a bare minimum, to take additional materials until they can prove that they operate within the DEC regulations for five years. It takes wisdom to govern and that is not easy. Wisdom often is in conflict with expediency and individual interests. We have a disaster in the making here.

Lynn Brewer, Elmira, stated that she is here representing the Southern Tier Tobacco Awareness Community Partnership. She stated that she would like to provide some information on the costs of outdoor tobacco use. As you leave the County Building, there is an aesthetic cost. What you are breathing in also increases health costs of county residents, as well as visitors. There are a number of costs associated with tobacco litter. Tobacco litter represents approximately 25 percent of collective waste. It takes ten years for cigarette butts to biodegrade and that waste is washed into our waterways, damaging our fish and fowl. Ms. Brewer stated there is no legal right to smoke and it is not a protected activity under the State Constitution. Approximately 85 percent of Steuben County residents do not smoke. Adopting a local law prohibiting smoking would reduce the number of young people who begin smoking. The incentive for adopting this local law is the quality of health for all county residents.

Chairman Hauryski thanked everyone for their comments. There being no further comment, he declared the opportunity for public comment closed.

Jeff Parker, Director, Soil & Water Conservation District, presented a PowerPoint presentation to the Legislature outlining what the District does. Under New York State Soil & Water Conservation District Law, we are authorized to provide technical assistance to communities consisting of natural resource management, land use planning, public involvement, public health and safety and project implementation. The County appropriation allows us to leverage additional money and receive State funding. For every $1.00 that you give the District, we give you $18.00 in return.

Marcia Weber, Executive Director, Southern Tier Central Regional Planning & Development Board provided a PowerPoint presentation to the Legislature. We were created in 1969 to provide comprehensive planning and to leverage State and Federal funding. We do receive funding from the Appalachian Regional Commission (ARC). We have received to-date a total of $17 million for Steuben County projects. One of our major accomplishments has been the creation of the Southern Tier Network. This project will provide a fiber optic backbone within a three county region. This is a collaboration of STC, Corning Incorporated, and Chemung, Steuben and Schuyler counties. We expect this project to be completed at the end of 2013.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Upon County of Steuben Local Law Tentatively No. Three for the Year 2012, Relative to Authorizing the Alternative Veterans' Exemption for Gold Star Parents. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

Motion approving the minutes of the previous meeting(s) made by Mr. Van Etten. Seconded by Mr. Mullen and duly carried.

Mr. Ryan stated that on behalf of the Legislature, he would like to recognize the following individuals for actively serving in the military:

David Hunt	Megan Swift	Donald VanWinkle	Joshua Steinhilber
Chuck Coleman	Rachel Mullen	John Washington	Casey McLaughlin
Ryan Phillips	Jacob O'Heron		

Mr. Van Etten stated that on behalf of the Town of Caton, he would like to recognize and thank Mr. Spagnoletti and the bridge crew for the shared services project in our town. The cost for our town for this box culvert project was $70,000.00 and without the help of Mr. Spagnoletti and the bridge crew, the town would have had to spend $300,000.00. Thank you, we really appreciate it.

Mr. Farrand stated that he would like to thank Mr. Spagnoletti and his department for their work on CR21. This was one of the biggest complaints of my constituents. He also wanted to thank the Steuben County Conference & Visitors' Bureau for their help in putting together the North East Convention of the Soil & Water Districts. We had about 200 people who attended.

RESOLUTION NO. 150-12

Introduced by L. Crossett. Seconded by S. Van Etten.

MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS, PROPERTY TAXES, AND OTHER REAL PROPERTY DISPOSITIONS.

RESOLVED, the Steuben County Treasurer is authorized and directed to convey as corrected those parcels sold at the Delinquent Tax Auction held on July 27, 2012, contained in Schedule "A"; and be it further

RESOLVED, as it appears to be in the best interest of the County to sell the properties listed on Schedule "B" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof; and be it further

RESOLVED, the said grantee(s) must accept the parcel "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel if need be; and be it further

RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, the Clerk of the Board of Education of the appropriate School District, and the taxpayers; and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s).

SCHEDULE "A"

Resolution #_____A-1 (correction B-75 Resol. No. 128-12)
Former Owner: _____Maxine Hendershot____
In Rem Index No. 2010-1966CV, 2010 sale____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____348.00-01-018.600____
Municipality:_____Rathbone Town_____
Highest Bidder: _____Randy L Baker & Becky Price
Highest Bidder's Address: 16 Ames St, Addison NY 14801
Consideration: $29,000.00, together with buyers premium & recording fees
Second Highest Bidder: Uni-Mart_____
Second Highest Bidder's Address: 6847 Hardscrabble Rd, Addison NY 14801

Resolution #_____A-2 (correction B-84 Resol. No. 128-12)
Former Owner: _____William L Russell_____
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____411.00-01-014.100_____
Municipality:_____West Union Town_____
Highest Bidder: _____Lee C Wenger, Beverly J Wenger, Carl R Grubb, Della L Grubb
Highest Bidder's Address: 1625 Thompson Ave, Annville, PA 17003
Consideration: $2,900.00, together with buyers premium & recording fees
Second Highest Bidder: Bruce Larrison_____
Second Highest Bidder's Address: 1024 Davis Rd, Corning NY 14830

SCHEDULE "B"

Resolution No.	B-1
Former Owner	Sonja R. Sweeney
In Rem Index No.	98375, 2007 sale
Parcel No.	166.06-03-080.000
Municipality	Hornell City
Grantee(s)	Kevin Wilkins
Grantee(s) Address	461 Webb Rd., Hornell, NY 14843
Consideration	$26,000.00, together with $185.00 recording fees

Resolution No.	B-2
Former Owner	Samuel J. Burruano
In Rem Index No.	90918, 2004 sale
Parcel No.	166.06-03-081.000
Municipality	Hornell City
Grantee(s)	Kevin Wilkins
Grantee(s) Address	461 Webb Rd., Hornell, NY 14843
Consideration	$2,000.00, together with $185.00 recording fees

Vote: Roll Call – Adopted. (Yes - $9212, No – 0, Abstained – 660)
(Mr. Schu abstained as one of the individuals is a client)

RESOLUTION NO. 151-12

Introduced by J. Hauryski. Seconded by G. Roush.

RECEIVING AND ACCEPTING THE SEPTEMBER 24, 2012 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and **referred to the appropriate Standing Committee and/or Department Head for information and/or action,** to wit:

August 24, 2012
New York State Department of Mental Hygiene, Inter-office Coordinating Council – Re: Notification of approval of Dr. Chapman's qualifications to serve as Director of Community Services (DCS) for Steuben County. ***Referred to: Human Services & Health & Education Committee; Mark Alger, County Administrator; and Dr. Henry Chapman, Director of Community Services.***

August 27, 2012
New York State Association of Counties – Re: The NYSAC fall seminar will be held at the Holiday Inn Syracuse/Liverpool from September 12th-14th. ***Referred to: Joseph Hauryski, Legislature Chairman.***

New York State Department of Transportation – Re: Second Quarter SFY 2012-2013 Statewide Mass Transportation Operating Assistance (STOA) payment. ***Referred to: Amy Dlugos, Planning Director.***

August 29, 2012
National Guard Bureau – Re: Follow-up on the right of entry with the conduction of a site inspection at the old Hornell Rifle Range (site #NYHQ-013-R-01) located in Steuben County. ***Referred to: Alan Reed, County Attorney; and Vince Spagnoletti, Commissioner of Public Works.***

September 5, 2012
Western Regional Off-Track Betting Corporation - Re: Check in the amount of $4,333 representing the July 2012 retained surcharge revenues for Steuben County**.** ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

NYS Division of Homeland Security and Emergency Services – Re: Announcement of grant award under the FY 2012 State Homeland Security Program (SHSP) in the amount of $88,000. ***Referred to: Public Safety & Corrections Committee; Human Services/Health & Education Committee; Timothy Marshall, Acting EMO Director; Sheriff Ordway; and Victoria Fuerst, PHN Director.***

Corning Community College – Re: Notification of the new county chargeback rate ($2,786 per FTE) and an estimate of the total chargeback's (Jan-Dec 2013; Operating $3,439,736/Capital $376,390). ***Referred to: Human Services/Health & Education Committee; Finance Committee; and Patrick Donnelly, County Treasurer.***

September 6, 2012
New York State Office for the Aging – Re: Revised notifications of Grant Award (NGA) and Annual Implementation Plan budget for the EISEP and CSE programs for the period of April 1, 2011 through March 31, 2012. ***Referred to: Human Services/Health & Education Committee; and Michael Keane; OFA Director.***

September 7, 2012
United States Board on Geographic Names – Re: Notification of Rainbow Bridge Creek being named to a stream in Steuben County. ***Referred to: Mark Alger, County Administrator; Town of Bath; Town of Canisteo; Town of Howard; Village of Bath; and Tom Sears, GIS Coordinator.***

September 10, 2012
New York State Office of Parks, Recreation & Historic Preservation – Re: Notification of Approval for the 2011-2012 Phase III of the Snowmobile Trail Development and Maintenance State Aid. ***Referred to: Amy Dlugos, Planning Director.***

September 11, 2012
Cajun Starter & Towing Service – Re: Letter of concern with the County's towing schedule. ***Referred to: Steuben County Legislature; Dave Hopkins, 911 Director; and Alan Reed, County Attorney.***

Chemung County Legislature – Re: A thank you letter for the hard work and dedication in the clean-up process from the EF1 tornado damage in Chemung County. ***Referred to: Steuben County Legislature; Dave Hopkins; 911 Director; Tim Marshall; Acting EMO Director; and Vince Spagnoletti; Commissioner of Public Works.***

September 12, 2012
Southern Tier Tobacco Awareness Community Partnership – Re: Letter in favor of considering a tobacco ban at Steuben County owned/leased properties. ***Referred to: Human Services/Health & Education Committee; and Jack Wheeler, Deputy County Administrator; and Victoria Fuerst; Director of PHN.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 152-12

Introduced by P. McAllister. Seconded by R. Lattimer.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2012, AUTHORIZING THE ALTERNATIVE VETERANS' EXEMPTION FOR GOLD STAR PARENTS.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on August 27, 2012, County of Steuben Local Law Tentatively No. Three for the Year 2012, Authorizing the Alternative Veterans' Exemption for Gold Star Parents, preliminarily adopted said Local Law on August 27, 2012, making the final adoption of said Local Law subject to a Public Hearing to be held on September 24, 2012; and

WHEREAS, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on September 24, 2012, at 10:00 A.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law Tentatively No. Three for the Year 2012, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2012

A LOCAL LAW Authorizing the Alternative Veterans' Exemption for Gold Star Parents.

Be it enacted by the Legislature of the County of Steuben as follows:

Section 1. **Purpose.** This Local Law provides for Gold Star Parents to be eligible for the Alternative Veterans' Exemption under Real Property Tax Law 458-a and shall apply to County real property taxes levied by the County of Steuben; and

Section 2. **Definitions**. A Gold Star Parent, as defined in Real Property Tax Law 458-a(7)(a), shall mean the parent or parents of a child who died in the line of duty while serving in the United States armed forces during a period of war. Gold Star Parents shall be included in the definition of "qualified owner", as provided in Real Property Tax Law 458-a(1)(c) and the property owned by a Gold Star Parent shall be included within the definition of a "qualifying residential real property" as set forth in the Real Property Tax Law 458-a(1)(d), provided that such real property shall be the primary residence of the Gold Star Parent.

Section 3. **Application.** For County real property taxes levied by the County of Steuben, a Gold Star Parent, as herein defined, shall be eligible to receive the maximum veteran's exemption allowable pursuant to Real Property Tax Law 458-a(2)(a), Real Property Tax Law 458-a(2)(b) and Steuben County Local Law No. 2 of 2007.

Section 4. **Severability**. If any part of this Local Law shall be found invalid, such invalidity shall apply only to such part, and the remainder of this Local Law shall remain valid and effective.

Section 5. **Effective Date.** This Local Law shall take effect immediately upon filing with the Secretary of State.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on September 24, 2012 at 10:00 A.M. at the Legislative Chambers, Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature has caused a Notice of said Public Hearing to be posted at the Courthouses in the municipalities of Bath, Corning and Hornell, said Notice published for one insertion in the two official

newspapers of the County, and has caused such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with the proof of posting and publication filed in the Office of the Clerk of the Legislature; and be it further

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Three for the Year 2012, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the in the Office of the Secretary of State of the State of New York, and said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

RESOLVED, the Clerk of the Legislature, in accordance with Section 214, shall cause a true copy of said Local Law to be published in the two County official newspapers within ten (10) days after such Local Law has become effective; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer; the Director of Real Property Tax Services Agency; and the Director of Veterans Service Agency.

Mr. Farrand stated some of the young people are married and have spouses. Would they qualify? Mr. Reed replied his understanding is that is a separate exemption.

Vote: Roll Call – Adopted. (Yes – 9275, No – 597) (Opposed – Mr. Mullen)

REFERRED BACK TO COMMITTEE
RESOLUTION NO. 153-12

Introduced by C. Ferratella. Seconded by R. Weaver.

PRESENTING LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2012, PROHIBITING THE USE OF TOBACCO PRODUCTS ON REAL PROPERTY OWNED OR LEASED BY THE COUNTY OF STEUBEN.

WHEREAS, secondhand smoke contains numerous known carcinogens and has been proven to cause a number of diseases and other health-related problems; and

WHEREAS, the Steuben County Legislature has an interest in protecting the health of its citizens.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Four for the Year 2012, Prohibiting the Use of Tobacco Products on Real Property Owned or Leased by the County of Steuben, as follows:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2012

A LOCAL LAW Prohibiting the Use of Tobacco Products on Real Property Owned or Leased by the County of Steuben.

Be it enacted by the Legislature of the County of Steuben as follows:

Section 1: Findings.

The Steuben County Legislature finds that the use of tobacco products on real property owned or leased by the County of Steuben should be prohibited in order to:

a) Protect the public health, safety and general welfare by eliminating exposure to secondhand smoke.

b) Acknowledge the need of nonsmokers, especially children, to breathe smoke-free air, recognizing the danger to public health which secondhand smoke causes.

c) Recognize that the need to breathe air free of the disease-causing toxins in secondhand smoke outweighs and has priority over the desire and convenience of smoking on real property owned or leased by the County of Steuben.

d) Recognize the right and benefit to municipal residents and visitors to be free from unwelcome secondhand smoke while on real property owned or leased by the County of Steuben.

Section 2: Definitions.

a) "Tobacco products" shall mean any type of product in any manner or in any form that contains tobacco, including, cigarettes, cigars, blunts, chewing tobacco, snuff, dipping tobacco, pipes and any other items containing or reasonably resembling tobacco or tobacco products, including simulated tobacco devices, such as "e-cigarettes".

b) "Tobacco use" shall mean the burning of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco, and chewing, holding in the mouth, and/or expectorating of chewing tobacco, or any other matter or substance which contains tobacco.

c) "Smoking" shall mean inhaling of, exhaling or, burning or, or carrying of any lighted cigar, cigarette, pipe, weed, other plant or synthetic products in any manner or in any form.

d) "Real Property" shall include real estate, land and any structures, buildings or facilities located upon said real estate and lands. The term "real property" shall not include roadways and right of ways located within the county road system established under section 115 of the New York State Highway Law.

Section 3: Application of Article to County-Owned and Leased Real Property.

Smoking and any other use of tobacco products shall be prohibited upon all real property owned or leased by the County of Steuben, except when located within a moving motor vehicle which is in the process of exiting or entering real property owned or leased by the County of Steuben.

Section 4: Posting of Signs.

"TOBACCO USE IS PROHIBITED" or "NO TOBACCO" signs, using international symbols (where possible) shall be prominently and conspicuously posted upon the entrance to all real property where the use of tobacco products is regulated by this law. Said signs shall be protected from tampering, damage, removal or concealment.

Section 5: Enforcement.

a) For purposes of this Local Law the term "enforcement officer" shall mean the Steuben County Legislature Human Services, Health and Education Committee (hereinafter, "HS,H&E Committee"), or its designee. The enforcement officer may cause to have issued and served upon the person complained against a written notice, together with a copy of the complaint made against him, which shall specify the provisions of this Local Law of which such person is said to be in violation and a statement of the manner in which that person is said to violate it and shall require the person so complained against to answer the charges of such complaint at a public hearing before the HS,H&E Committee or its designated hearing officer at a time not less than fifteen (15) days after the date of service of the notice. The HS,H&E Committee may serve, together with a copy of the complaint, a stipulation offer to the person complained against. The stipulation offer shall allow the person complained against to enter into a stipulation under the terms and conditions as set forth in the stipulation. The person complained against shall have the option of entering into the stipulation or proceeding with a formal hearing.

b) If the enforcement officer determines after a hearing that a violation of this Local Law has occurred, a civil penalty may be imposed by the enforcement officer pursuant to Section 6 of this Local Law. Nothing herein shall be construed to prohibit an enforcement officer from commencing a proceeding for injunctive relief to compel compliance with this Local Law.

c) Any person who desires to register a complaint under this Local Law may do so with the appropriate enforcement officer.

d) The decision of the hearing officer shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.

e) The enforcement officer, subsequent to any appeal having been finally determined, may bring an action to recover the penalty provided in Section 6 of this Local Law.

Section 6: Violations and Penalties.

a) It shall be unlawful for any person to use tobacco products in any area where the use of tobacco products is prohibited by the provisions of this Local Law.

b) Any person found to be in violation of any provision of this Local Law shall be guilty of a violation, punishable by a penalty not to exceed one thousand dollars ($1,000.00).

Section 7: Other Applicable Laws.

This Local Law shall not be interpreted or construed to permit the use of tobacco products where it is otherwise restricted by other applicable laws.

Section 8: Severability.

If any provision, clause, sentence, or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid or unconstitutional, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law, which shall remain in full force and effect.

Section 9: Effective Date.

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

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on October 22, 2012 at 10:00 A.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature shall cause a notice of said Public Hearing to be posted at the Courthouses in the municipalities of Bath, Corning and Hornell, have said notice published for one insertion in the two official newspapers of the County, and shall cause such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with proof of posting and publication to be filed in the Office of the Clerk of the Legislature; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Steuben County Public Health.

Motion to refer this back to the Human Services, Health & Education Committee for review and consideration at their October 3, 2012 meeting made by Mrs. Ferratella. Seconded by Mr. Ryan for discussion.

Mr. Weaver stated that he thinks we should proceed with this. Mr. Mullen stated that he believes this should go back to committee as it is very broad. Mr. Weaver stated this is part of our responsibility as we are paying health benefits for a number of County employees. We need to do our part to promote a healthy lifestyle.

Mr. Roush commented the woman from the Southern Tier Tobacco Awareness Community Partnership made the comment that there would be self-policing once the law is put in place. This local law will help people to do the right thing and he sees no problem with it.

Mrs. Lando stated that she has had a number of people asking questions and we need to clarify those. Mr. Ryan stated this local law is too broad and is unenforceable. It is silly to create a law that you cannot enforce. You cannot tell people at Kanakadea Park that they cannot smoke.

Mr. Van Etten stated this law is too broad and unenforceable. You can deal with the issue of smoking in front of the building by providing a smoking area.

Vote on previous motion: All being in favor except for Legislators Roush and Weaver.

RESOLUTION NO. 154-12

Introduced by B. Schu and L. Crossett. Seconded by D. Farrand.

ACCEPTING AND APPROPRIATING $12,500 IN GRANT FUNDS FROM NEW YORK STATE LEGISLATIVE GRANT TO BE USED FOR NARCOTICS INVESTIGATIONS.

WHEREAS, the New York State Division of Criminal Justice Services is awarding Steuben County $12,500 under the New York State Legislative Grant Program; and

WHEREAS, the $12,500 grant is totally funded with no County cost; and

WHEREAS, it has been established that these funds would be used for personal services for the Steuben County Sheriff's Office, Steuben County District Attorney's Office and Steuben County Probation, for narcotic related investigations.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept $12,500 as revenue; and be it further

RESOLVED, appropriate the funds in the revenue accounts 4 3089 300 accordingly: $7,500 to 311000 Sheriff; $4,500 to 116500 District Attorney; and $500 to 31400 Probation in the Steuben County 2012 - 2013 Budget; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer; the Steuben County Sheriff; Steuben County District Attorney; and Steuben County Probation.

Vote: Roll Call – Adopted.

RESOLUTION NO. 155-12

Introduced by C. Ferratella. Seconded by G. Swackhamer.

AUTHORIZING THE OFFICE OF COMMUNITY SERVICES TO PROVIDE MENTAL HEALTH SERVICES TO LOCAL SCHOOL DISTRICTS.

WHEREAS, the Steuben County Department of Community Services has routinely entered into contracts with various local school districts; and

WHEREAS, the Steuben County Department of Community Services currently has a contract with the Prattsburgh Central School District, and an additional contract with the Steuben County Department of Social Services to provide school based Mental Health Services to the Haverling, Hornell and Hammondsport Central School Districts; and

WHEREAS, in an effort to streamline and clarify the approval process to properly comply with General Municipal Law governing inter-municipal agreements it is necessary for the County Legislature to formally approve entering into the current and future agreements for these services; and

WHEREAS, any such future agreement would be a necessity still require standing committee authorization and oversight.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature approves the current Department of Community Services inter-municipal agreement with Prattsburgh, Haverling, Hornell and Hammondsport Central Schools; and be it further

RESOLVED, the Steuben County Legislature approves provision of school based Mental Health Services by inter-municipal agreement for any other school district geographically serving Steuben County residents; and be it further

RESOLVED, that the appropriate standing committee of the Steuben County Legislature is authorized to approve future agreements and directed to provide oversight of such agreements subject to the Rules of Procedure of the Steuben County Legislature; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Community Services.

Vote: Roll Call – Adopted. (Yes – 9271, Abstained – 601)
(Mr. Hanna abstained as he is involved in a real estate transaction with Hammondsport School)

RESOLUTION NO. 156-12

Introduced by C. Ferratella. Seconded by B. Schu.

AUTHORIZING PUBLIC HEALTH NURSING SERVICES TO ENTER INTO CONTRACTS WITH FINGER LAKES MIGRANT HEALTH CARE PROJECT AND PLANNED PARENTHOOD TO PROVIDE SEXUALLY TRANSMITTED DISEASE (STD) TESTING AND TREATMENT SERVICES.

WHEREAS, New York State relies on the Local Health Departments to control, investigate, test, treat and report sexually transmitted disease; and

WHEREAS, Steuben County Public Health is required to provide facilities and services without charge for the diagnosis and treatment of persons with STD (as outlined in Part 23, section 23.2 of the sanitary code and PHL2304) who live in the local health jurisdiction; and

WHEREAS, Steuben County desires to contract for these services; and

WHEREAS, it is the recommendation of the Human Services, Health & Education Committee to enter into agreements with Finger Lakes Migrant Health Care Project and Planned Parenthood to provide STD diagnosis and treatment services.

NOW THEREFORE, BE IT

RESOLVED, the Director of Steuben County Public Health is hereby authorized to execute contracts with Finger Lakes Migrant Health Care Project and Planned Parenthood to provide STD diagnosis and treatment services; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Steuben County Public Health; Finger Lakes Migrant Health Care Project, 14 Maiden Lane, PO Box 423, Penn Yan, NY 14527; and Planned Parenthood of the Southern Finger Lakes, 314 W State Street, Ithaca, NY 14850.

Mr. Mullen stated that he understands the urgency to do this as the County is required to provide this service, however, it is not prudent to contract with Planned Parenthood. He has done research and there have been seven audits conducted by the New York State Office of the Medicaid Inspector as there have been significant overbilling practices by Planned Parenthood. He stated that Mrs. Fuerst has indicated that there would be some strict safeguards to watch the billing. He would feel more comfortable only contracting with Finger Lakes Migrant Health Care.

Mrs. Ferratella stated the issue is that the Public Health Department will be monitoring each person who is referred to Planned Parenthood and they will only pay the amount that is agreed to in the contract. She believes we have a checks and balances to allow us to proceed with this.

Vote: Roll Call – Adopted. (Yes – 7598, No – 2274)
(Opposed – Mr. Farrand, Mr. Hanna, Mr. Mullen and Mr. Swackhamer)

RESOLUTION NO. 157-12

Introduced by L. Crossett. Seconded by R. Lattimer.

AUTHORIZING THE APPROPRIATION OF PHARMACEUTICAL SETTLEMENT FUNDS TO THE ECONOMIC DEVELOPMENT FUND.

WHEREAS, Steuben County has received $63,355.47 from Actavis, Hoffman LaRoche, Mylan and TAP AWP settlements; and

WHEREAS, Steuben County desires to direct these monies to the Economic Development Fund for future use of promoting innovation and growth in the County.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to appropriate the $63,355.47 from the pharmaceutical settlement to the Economic Development Fund (868707-42770000); and be it further

RESOLVED, certified copies of this resolution shall be distributed to the Steuben County Treasurer and the Steuben County Attorney.

Vote: Roll Call – Adopted.

RESOLUTION NO. 158-12

Introduced by J. Hauryski. Seconded by C. Ferratella.

SETTING THE TIME FOR THE NOVEMBER 2012 MEETING OF THE STEUBEN COUNTY LEGISLATURE.

BE IT RESOLVED, the regular meeting of the Steuben County Legislature be, and the same hereby is, established for November 2012, on Monday, November 26, 2012, at 4:00 P.M. in the Legislative Chambers, 3 East Pulteney Square, Bath, New York, and be it further

RESOLVED, the date and time of any Public Hearings arising by virtue of the within meeting which are inconsistent with this resolution be and the same hereby are amended to reflect the date and time above-stated, and be it further

RESOLVED, the Clerk of this Legislature shall forward the necessary, proper and legal notice of the above meeting to all County Legislators and department heads of the County of Steuben.

Mr. Weaver asked why are we changing the time of the meeting? Ms. Mori replied we are moving the time of the meeting so that there is less time between the Regular Meeting and Public Hearing on the Budget. Mr. Weaver commented that he doesn't know why we only meet late in the afternoon once a year. We should meet later every month so more members of the public can attend.

Vote: Acclamation – Adopted. (No – 451 - Mr. Weaver)

RESOLUTION NO. 159-12

Introduced by J. Hauryski. Seconded by S. Van Etten.

SETTING THE DATE FOR THE DECEMBER 2012 MEETING OF THE STEUBEN COUNTY LEGISLATURE.

BE IT RESOLVED, the regular meeting of the Steuben County Legislature be, and the same hereby is, established for December 2012, on Monday, December 17, 2012, at 10:00 A.M. in the Legislative Chambers, 3 East Pulteney Square, Bath, New York, and be it further

RESOLVED, the date and time of any Public Hearings arising by virtue of the within meeting which are inconsistent with this resolution be and the same hereby are amended to reflect the date and time above-stated, and be it further

RESOLVED, the Clerk of this Legislature shall forward the necessary, proper and legal notice of the above meeting to all County Legislators and department heads of the County of Steuben.

Vote: Acclamation – Adopted.

RESOLUTION NO. 160-12

Introduced by T. Ryan. Seconded by D. Farrand.

OPPOSING THE CLEAN WATER ACT DRAFT GUIDANCE PROPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY.

WHEREAS, Steuben County affirms its commitment to environmental stewardship and the protection of our natural resources, and recognizes the need to harmonize municipal programs and services with the legislative intent and objectives of the Clean Water Act (CWA); and

WHEREAS, the CWA was not intended to protect ditches and other channels through which water flows intermittently nor was it intended to capture seeps, wet areas, isolated man-made ponds and other structures not currently subject to the CWA; and

WHEREAS, the Environmental Protection Agency (EPA) and the United States Army Corps of Engineers (Corps) have developed draft guidance on Identifying Waters Protected by the Clean Water Act (draft guidance) to clarify the EPA and Corps' understanding and definition of the CWA that will inform all of EPA's regulatory programs and policy actions; and

WHEREAS, this draft guidance creates uncertainty, confusion and would now capture a significant number of public works activities and transportation infrastructure that will now be subject to the CWA and its costly and time-consuming permitting and regulatory protocols; and

WHEREAS, the draft guidance greatly expands the number of projects subject to jurisdictional determination or CWA permitting which do not currently require such oversight at great expense to the taxpayers of Steuben County with little, if any, environmental benefit while diverting scarce resources from other programs that do provide environmental protection and conservation benefits; and

WHEREAS, the financial impact of the draft guidance to Steuben County will be significant with roadside ditch projects and ongoing maintenance alone costing an additional $14,000 annually estimated by additional 400 people hours to Steuben County citizens due to the need for jurisdictional determinations by the Corps or CWA permitting; and

WHEREAS, Steuben County believes that it is improper to so significantly change the scope of the Clean Water Act without legislative authorization by the U.S. Congress or through the formal rulemaking process to allow public and stakeholder comments on this critically important and complex issue.

NOW THEREFORE, BE IT

RESOLVED, that Steuben County urges EPA and the Corps to withdraw the CWA draft guidance immediately, work collaboratively with state and local governments to enforce the current scope of the CWA while respecting the authority of state and local governments in ensuring the protection of our water resources; and be it further

RESOLVED, that Steuben County supports any federal legislation consistent with the above recommendations and urges its Congressional and State representatives to intercede with EPA and request that EPA report to them on their response, clarification, and adaptations regarding the aforementioned concerns; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to U. S. Senator Charles E. Schumer, 313 Hart Senate Office Bldg., Washington, DC 20510-3202; U. S. Senator Kirsten E. Gillibrand, 478 Russell Senate Office Building, Washington, DC 20510; and U. S. Congressman Tom Reed, 1037 Longworth HOB, Washington, DC 20515; Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Brian M. Kolb, 933 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207**,** EPA Administrator Lisa Jackson, USEPA Headquarters, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460; and EPA Region 2 Administrator Judith Enck, 290 Broadway, New York, NY 10007-1866.

Vote: Acclamation – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.D. Discussions Regarding Proposed, Pending or Current Litigation and Article 7§ 105.1.F. The Medical, Financial, Credit or Employment History of a Particular Person Made by Mr. Swackhamer. Seconded by Mr. Weaver and duly carried.

Motion supporting the County Attorney's recommendations on both pending cases made by Mr. McAllister, seconded by Mr. Weaver and duly carried.

Motion to adjourn executive session and reconvene in regular session made by Mr. Weaver, seconded by Mr. Farrand and duly carried.

Mr. Weaver stated in regards to the Dickson operation, do we have any involvement with this? Mr. Wheeler stated they want us to appeal to DEC to pressure them into doing something. Ms. Lattimer stated the permit is within the jurisdiction of DEC.

Mr. Swackhamer asked do we have a contract with Dickson? Ms. Mori stated we used to contract with them but she doesn't know for sure if we still have a contract with them. Mr. Swackhamer stated so it does concern the County if they are doing something that's against the law. Mr. Reed stated we can investigate the contract and bring the issue to the Public Works Committee. Mr. Mullen stated he would like more information about what is going on up there.

Motion to adjourn made by Mr. McAllister, seconded by Mr. Van Etten and duly carried.

REGULAR MEETING
Morning Session
Monday, September 24, 2012
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 24th day of September, 2012, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present.

Mr. Mullen provided the Invocation and the Pledge of Allegiance was led by Mr. Crossett.

Chairman Hauryski asked Pansy VanTreese to come forward. Ms. VanTreese is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

Chairman Hauryski asked Major Christopher Lian to come forward. Major Lian is an employee in the Sheriff's Department. He presented him with a Certificate of Appreciation and a pin in recognition of his 15 years of service to Steuben County. Sheriff Ordway stated that he would also like to present a commendation plaque to Major Lian for his 30 years of total service in various Sheriff's Departments throughout the State. He is an asset to both New York State and Steuben County.

Chairman Hauryski asked Vicki Fuerst to come forward. Mrs. Fuerst was recently honored at the annual conference of the New York State Association for Rural Health for her many years of service and impact on rural Western New York. She has worked in the public healthcare field in Steuben County for over 30 years. Vicki has an extraordinary ability to bring people together to effectively tackle healthcare challenges and was one of the founding members of the S2AY Rural Health Network in Steuben County. In recognition of her accomplishments, the New York State Association for Rural Health awarded Vicki the Senator Patricia McGee Award. As recognition of this achievement, Chairman Hauryski, on behalf of the Legislature, presented Mrs. Fuerst with a certificate of achievement. *CONGRATULATIONS!*

Mrs. Fuerst stated that as part of her acceptance speech at the annual conference, she thanked the Legislature and Mr. Alger for their support as she wouldn't be able to do this without all of your support. Thank you.

The Clerk of the Legislature read the following nomination for Team of the Month, submitted by Dave Hopkins, 911 Director:

The Steuben E911 Department has just finalized a complete replacement of the CAD (Computer Aided Dispatch) and Telephony systems that we use each day to process requests for services. The changes made were via a procedure that permitted for this transition to occur without negatively impacting the day to day operations of the department. These changes would not have been possible without the superior efforts of all of the members of the team at the 911 Center.

The only real way to truly test the process is to actually place real traffic on the system. Each staff member took their turn being the "lucky employee" assigned to role play in our world. They accepted it well when they walked in on any given day and were told "we are working role X and yes, that is your role for the day!" They also sat through groups of monitored tests with real 911 traffic to verify that any adjustments that were made were true and effective.

They did their traditional job flawlessly while they dealt with the multiple vendors and the Department Director monitoring how the calls flowed (or on the rare occasion did not flow) through the system. This

allowed for our team to agree to the acceptable characteristics, traits and/or abilities that would define the new system.

The job can be stressful enough, and with the uncertainty of what the "new" system would permit and how well the staff could adapt to the new procedures or processes while we did a multi-discipline upgrade without significant complications or any employee melt downs was quite the feat.

The staff and collection of vendors that accomplished this transition worked tirelessly for months to assure that all of the necessary details were accounted for and that all of the required training had been planned and executed correctly. There are also some issues that arise as a result of changes of the magnitude of this project, but this team overcame those events without issue. They all deserve credit for a job very well done. Therefore, I believe they deserve to be named Steuben County's Team of the Month.

Chairman Hauryski presented Mr. Hopkins with a certificate of appreciation for Team of the Month, along with a picture which is to be displayed in their department. Mr. Hopkins accepted this award on behalf of the following members of the 911 Team of the Month: Nichols M. Barber, Marcella Beyor, Deziree Blankenship, Sarah L. Burgess, Jaime L. Card, Anthony V. Cilino, Robert Conrad, James Cosgrove, Ryan Dolan, Kevin Fleischman, Kenneth J. Forenz, Tina Goodwin, Donna Horton, Scott M. Johnson, Kendell Jordan, Joshua L. Kemp, Joshua J. Lampham, Elizabeth A. Laursen, Brian Lewis, Jaren M. Mattison, Michael A. Melaro, William A. Robinson, Rebecca Rose, Cody J. Rowe, Bobbie Shollenberger, Candiss W. Smalt, Nicholas Snyder, Neil G. Swanson, Kathleen Swarthout, Cynthia Thomas, Daryl Tombs, Christine E. Villena, Janel Wheatcraft, Steven M. Whiteman and Crystal Woodworth. *CONGRATULATIONS!*

Chairman Hauryski stated at the Fall NYSAC Conference, Brenda Mori was acknowledged as one of the most recent graduates of the Dennis A. Pelletier County Government Institute. This is an education program established in conjunction with Cornell University to enhance the knowledge, skills and abilities of county officials. In recognition of this achievement, and as a show of our appreciation, Chairman Hauryski, on behalf of the Legislature, presented Ms. Mori with a certificate of achievement. *CONGRATULATIONS!*

Chairman Hauryski opened the floor for comments by members of the public.

Rachel Treichler, Hammondsport, stated that since last month's meeting, she would like to thank Mr. Spagnoletti for the report in the paper that the County will not immediately start taking drill cuttings. We are concerned that the landfill will be taking leachate from other landfills that are taking drill cuttings. The monitoring devices at those landfills are not adequate. She distributed a handout which has the comments of a Certified Radon Measurement Specialist regarding Steuben County Public Works' new radiation testing protocols for the landfill. This specialist states in his opinion these monitors are all wrong for what they are trying to do.

Jack Ossont, Dundee, NY, stated that he was previously a member of the Yates County Legislature. We live in a rural area which is traditionally very poor in relationship to those areas generating the drill cutting waste. In looking at the issues, one of the most concerning is the radioactive materials concentrated in the water. Up to 80 percent of the waste affiliated with drill cuttings are liquid and mixed with some kind of solids. He stated that the Legislature is fully aware of the potential liability involved with accepting this waste. He urged the Legislature to exercise caution over expediency.

Tim Hargrave, Cameron Mills, stated that he is here to speak as a member of the Cameron Committee for a Safe Environment. Last month he talked with the Legislature about Leo Dickson and their application for permit modification to allow them an additional five new waste sources. Allowing them to expand will only exacerbate the current problems. He stated that he has sent an email to the Legislators outlining his concerns. His offer still stands for any member of the Legislature to contact him with any questions.

Wayne Wells, Cameron Mills, stated that he is here representing the Cameron Committee for a Safe Environment. He has been involved with the Dickson Corporation and the misuse of land management for a long time. All of their material ends up on our farmland. He stated that he would like the Legislature to look at the information we have documented about their mismanagement. We had put a proposal forth to the DEC about not allowing Dickson, at a bare minimum, to take additional materials until they can prove that they operate within the DEC regulations for five years. It takes wisdom to govern and that is not easy. Wisdom often is in conflict with expediency and individual interests. We have a disaster in the making here.

Lynn Brewer, Elmira, stated that she is here representing the Southern Tier Tobacco Awareness Community Partnership. She stated that she would like to provide some information on the costs of outdoor tobacco use. As you leave the County Building, there is an aesthetic cost. What you are breathing in also increases health costs of county residents, as well as visitors. There are a number of costs associated with tobacco litter. Tobacco litter represents approximately 25 percent of collective waste. It takes ten years for cigarette butts to biodegrade and that waste is washed into our waterways, damaging our fish and fowl. Ms. Brewer stated there is no legal right to smoke and it is not a protected activity under the State Constitution. Approximately 85 percent of Steuben County residents do not smoke. Adopting a local law prohibiting smoking would reduce the number of young people who begin smoking. The incentive for adopting this local law is the quality of health for all county residents.

Chairman Hauryski thanked everyone for their comments. There being no further comment, he declared the opportunity for public comment closed.

Jeff Parker, Director, Soil & Water Conservation District, presented a PowerPoint presentation to the Legislature outlining what the District does. Under New York State Soil & Water Conservation District Law, we are authorized to provide technical assistance to communities consisting of natural resource management, land use planning, public involvement, public health and safety and project implementation. The County appropriation allows us to leverage additional money and receive State funding. For every $1.00 that you give the District, we give you $18.00 in return.

Marcia Weber, Executive Director, Southern Tier Central Regional Planning & Development Board provided a PowerPoint presentation to the Legislature. We were created in 1969 to provide comprehensive planning and to leverage State and Federal funding. We do receive funding from the Appalachian Regional Commission (ARC). We have received to-date a total of $17 million for Steuben County projects. One of our major accomplishments has been the creation of the Southern Tier Network. This project will provide a fiber optic backbone within a three county region. This is a collaboration of STC, Corning Incorporated, and Chemung, Steuben and Schuyler counties. We expect this project to be completed at the end of 2013.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Upon County of Steuben Local Law Tentatively No. Three for the Year 2012, Relative to Authorizing the Alternative Veterans' Exemption for Gold Star Parents. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

Motion approving the minutes of the previous meeting(s) made by Mr. Van Etten. Seconded by Mr. Mullen and duly carried.

Mr. Ryan stated that on behalf of the Legislature, he would like to recognize the following individuals for actively serving in the military:

David Hunt	Megan Swift	Donald VanWinkle	Joshua Steinhilber
Chuck Coleman	Rachel Mullen	John Washington	Casey McLaughlin
Ryan Phillips	Jacob O'Heron		

Mr. Van Etten stated that on behalf of the Town of Caton, he would like to recognize and thank Mr. Spagnoletti and the bridge crew for the shared services project in our town. The cost for our town for this box culvert project was $70,000.00 and without the help of Mr. Spagnoletti and the bridge crew, the town would have had to spend $300,000.00. Thank you, we really appreciate it.

Mr. Farrand stated that he would like to thank Mr. Spagnoletti and his department for their work on CR21. This was one of the biggest complaints of my constituents. He also wanted to thank the Steuben County Conference & Visitors' Bureau for their help in putting together the North East Convention of the Soil & Water Districts. We had about 200 people who attended.

RESOLUTION NO. 150-12

Introduced by L. Crossett. Seconded by S. Van Etten.

MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS, PROPERTY TAXES, AND OTHER REAL PROPERTY DISPOSITIONS.

RESOLVED, the Steuben County Treasurer is authorized and directed to convey as corrected those parcels sold at the Delinquent Tax Auction held on July 27, 2012, contained in Schedule "A"; and be it further

RESOLVED, as it appears to be in the best interest of the County to sell the properties listed on Schedule "B" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof; and be it further

RESOLVED, the said grantee(s) must accept the parcel "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel if need be; and be it further

RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, the Clerk of the Board of Education of the appropriate School District, and the taxpayers; and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s).

SCHEDULE "A"

Resolution #_____A-1 (correction B-75 Resol. No. 128-12)
Former Owner: _____Maxine Hendershot____
In Rem Index No. 2010-1966CV, 2010 sale____
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____348.00-01-018.600____
Municipality:_____Rathbone Town_____
Highest Bidder: _____Randy L Baker & Becky Price
Highest Bidder's Address: 16 Ames St, Addison NY 14801
Consideration: $29,000.00, together with buyers premium & recording fees
Second Highest Bidder: Uni-Mart_____
Second Highest Bidder's Address: 6847 Hardscrabble Rd, Addison NY 14801

Resolution #_____A-2 (correction B-84 Resol. No. 128-12)
Former Owner: _____William L Russell_____
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale:_____July 27, 2012_____
Parcel #: _____411.00-01-014.100_____
Municipality:_____West Union Town_____
Highest Bidder: _____Lee C Wenger, Beverly J Wenger, Carl R Grubb, Della L Grubb
Highest Bidder's Address: 1625 Thompson Ave, Annville, PA 17003
Consideration: $2,900.00, together with buyers premium & recording fees
Second Highest Bidder: Bruce Larrison_____
Second Highest Bidder's Address: 1024 Davis Rd, Corning NY 14830

SCHEDULE "B"

Resolution No.	B-1
Former Owner	Sonja R. Sweeney
In Rem Index No.	98375, 2007 sale
Parcel No.	166.06-03-080.000
Municipality	Hornell City
Grantee(s)	Kevin Wilkins
Grantee(s) Address	461 Webb Rd., Hornell, NY 14843
Consideration	$26,000.00, together with $185.00 recording fees

Resolution No.	B-2
Former Owner	Samuel J. Burruano
In Rem Index No.	90918, 2004 sale
Parcel No.	166.06-03-081.000
Municipality	Hornell City
Grantee(s)	Kevin Wilkins
Grantee(s) Address	461 Webb Rd., Hornell, NY 14843
Consideration	$2,000.00, together with $185.00 recording fees

Vote: Roll Call – Adopted. (Yes - $9212, No – 0, Abstained – 660)
(Mr. Schu abstained as one of the individuals is a client)

RESOLUTION NO. 151-12

Introduced by J. Hauryski. Seconded by G. Roush.

RECEIVING AND ACCEPTING THE SEPTEMBER 24, 2012 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and **referred to the appropriate Standing Committee and/or Department Head for information and/or action,** to wit:

August 24, 2012
New York State Department of Mental Hygiene, Inter-office Coordinating Council – Re: Notification of approval of Dr. Chapman's qualifications to serve as Director of Community Services (DCS) for Steuben County. ***Referred to: Human Services & Health & Education Committee; Mark Alger, County Administrator; and Dr. Henry Chapman, Director of Community Services.***

August 27, 2012
New York State Association of Counties – Re: The NYSAC fall seminar will be held at the Holiday Inn Syracuse/Liverpool from September 12th-14th. ***Referred to: Joseph Hauryski, Legislature Chairman.***

New York State Department of Transportation – Re: Second Quarter SFY 2012-2013 Statewide Mass Transportation Operating Assistance (STOA) payment. ***Referred to: Amy Dlugos, Planning Director.***

August 29, 2012
National Guard Bureau – Re: Follow-up on the right of entry with the conduction of a site inspection at the old Hornell Rifle Range (site #NYHQ-013-R-01) located in Steuben County. ***Referred to: Alan Reed, County Attorney; and Vince Spagnoletti, Commissioner of Public Works.***

September 5, 2012
Western Regional Off-Track Betting Corporation - Re: Check in the amount of $4,333 representing the July 2012 retained surcharge revenues for Steuben County**.** ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

NYS Division of Homeland Security and Emergency Services – Re: Announcement of grant award under the FY 2012 State Homeland Security Program (SHSP) in the amount of $88,000. ***Referred to: Public Safety & Corrections Committee; Human Services/Health & Education Committee; Timothy Marshall, Acting EMO Director; Sheriff Ordway; and Victoria Fuerst, PHN Director.***

Corning Community College – Re: Notification of the new county chargeback rate ($2,786 per FTE) and an estimate of the total chargeback's (Jan-Dec 2013; Operating $3,439,736/Capital $376,390). ***Referred to: Human Services/Health & Education Committee; Finance Committee; and Patrick Donnelly, County Treasurer.***

September 6, 2012
New York State Office for the Aging – Re: Revised notifications of Grant Award (NGA) and Annual Implementation Plan budget for the EISEP and CSE programs for the period of April 1, 2011 through March 31, 2012. ***Referred to: Human Services/Health & Education Committee; and Michael Keane; OFA Director.***

September 7, 2012
United States Board on Geographic Names – Re: Notification of Rainbow Bridge Creek being named to a stream in Steuben County. ***Referred to: Mark Alger, County Administrator; Town of Bath; Town of Canisteo; Town of Howard; Village of Bath; and Tom Sears, GIS Coordinator.***

September 10, 2012
New York State Office of Parks, Recreation & Historic Preservation – Re: Notification of Approval for the 2011-2012 Phase III of the Snowmobile Trail Development and Maintenance State Aid. ***Referred to: Amy Dlugos, Planning Director.***

September 11, 2012
Cajun Starter & Towing Service – Re: Letter of concern with the County's towing schedule. ***Referred to: Steuben County Legislature; Dave Hopkins, 911 Director; and Alan Reed, County Attorney.***

Chemung County Legislature – Re: A thank you letter for the hard work and dedication in the clean-up process from the EF1 tornado damage in Chemung County. ***Referred to: Steuben County Legislature; Dave Hopkins; 911 Director; Tim Marshall; Acting EMO Director; and Vince Spagnoletti; Commissioner of Public Works.***

September 12, 2012
Southern Tier Tobacco Awareness Community Partnership – Re: Letter in favor of considering a tobacco ban at Steuben County owned/leased properties. ***Referred to: Human Services/Health & Education Committee; and Jack Wheeler, Deputy County Administrator; and Victoria Fuerst; Director of PHN.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 152-12

Introduced by P. McAllister. Seconded by R. Lattimer.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2012, AUTHORIZING THE ALTERNATIVE VETERANS' EXEMPTION FOR GOLD STAR PARENTS.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on August 27, 2012, County of Steuben Local Law Tentatively No. Three for the Year 2012, Authorizing the Alternative Veterans' Exemption for Gold Star Parents, preliminarily adopted said Local Law on August 27, 2012, making the final adoption of said Local Law subject to a Public Hearing to be held on September 24, 2012; and

WHEREAS, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on September 24, 2012, at 10:00 A.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law Tentatively No. Three for the Year 2012, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2012

A LOCAL LAW Authorizing the Alternative Veterans' Exemption for Gold Star Parents.

Be it enacted by the Legislature of the County of Steuben as follows:

Section 1. **Purpose.** This Local Law provides for Gold Star Parents to be eligible for the Alternative Veterans' Exemption under Real Property Tax Law 458-a and shall apply to County real property taxes levied by the County of Steuben; and

Section 2. **Definitions**. A Gold Star Parent, as defined in Real Property Tax Law 458-a(7)(a), shall mean the parent or parents of a child who died in the line of duty while serving in the United States armed forces during a period of war. Gold Star Parents shall be included in the definition of "qualified owner", as provided in Real Property Tax Law 458-a(1)(c) and the property owned by a Gold Star Parent shall be included within the definition of a "qualifying residential real property" as set forth in the Real Property Tax Law 458-a(1)(d), provided that such real property shall be the primary residence of the Gold Star Parent.

Section 3. **Application.** For County real property taxes levied by the County of Steuben, a Gold Star Parent, as herein defined, shall be eligible to receive the maximum veteran's exemption allowable pursuant to Real Property Tax Law 458-a(2)(a), Real Property Tax Law 458-a(2)(b) and Steuben County Local Law No. 2 of 2007.

Section 4. **Severability**. If any part of this Local Law shall be found invalid, such invalidity shall apply only to such part, and the remainder of this Local Law shall remain valid and effective.

Section 5. **Effective Date.** This Local Law shall take effect immediately upon filing with the Secretary of State.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on September 24, 2012 at 10:00 A.M. at the Legislative Chambers, Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature has caused a Notice of said Public Hearing to be posted at the Courthouses in the municipalities of Bath, Corning and Hornell, said Notice published for one insertion in the two official

newspapers of the County, and has caused such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with the proof of posting and publication filed in the Office of the Clerk of the Legislature; and be it further

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Three for the Year 2012, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the in the Office of the Secretary of State of the State of New York, and said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

RESOLVED, the Clerk of the Legislature, in accordance with Section 214, shall cause a true copy of said Local Law to be published in the two County official newspapers within ten (10) days after such Local Law has become effective; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer; the Director of Real Property Tax Services Agency; and the Director of Veterans Service Agency.

Mr. Farrand stated some of the young people are married and have spouses. Would they qualify? Mr. Reed replied his understanding is that is a separate exemption.

Vote: Roll Call – Adopted. (Yes – 9275, No – 597) (Opposed – Mr. Mullen)

REFERRED BACK TO COMMITTEE
RESOLUTION NO. 153-12

Introduced by C. Ferratella. Seconded by R. Weaver.

PRESENTING LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2012, PROHIBITING THE USE OF TOBACCO PRODUCTS ON REAL PROPERTY OWNED OR LEASED BY THE COUNTY OF STEUBEN.

WHEREAS, secondhand smoke contains numerous known carcinogens and has been proven to cause a number of diseases and other health-related problems; and

WHEREAS, the Steuben County Legislature has an interest in protecting the health of its citizens.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Four for the Year 2012, Prohibiting the Use of Tobacco Products on Real Property Owned or Leased by the County of Steuben, as follows:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2012

A LOCAL LAW Prohibiting the Use of Tobacco Products on Real Property Owned or Leased by the County of Steuben.

Be it enacted by the Legislature of the County of Steuben as follows:

Section 1: Findings.

The Steuben County Legislature finds that the use of tobacco products on real property owned or leased by the County of Steuben should be prohibited in order to:

e) Protect the public health, safety and general welfare by eliminating exposure to secondhand smoke.

f) Acknowledge the need of nonsmokers, especially children, to breathe smoke-free air, recognizing the danger to public health which secondhand smoke causes.

g) Recognize that the need to breathe air free of the disease-causing toxins in secondhand smoke outweighs and has priority over the desire and convenience of smoking on real property owned or leased by the County of Steuben.

h) Recognize the right and benefit to municipal residents and visitors to be free from unwelcome secondhand smoke while on real property owned or leased by the County of Steuben.

Section 2: Definitions.

e) "Tobacco products" shall mean any type of product in any manner or in any form that contains tobacco, including, cigarettes, cigars, blunts, chewing tobacco, snuff, dipping tobacco, pipes and any other items containing or reasonably resembling tobacco or tobacco products, including simulated tobacco devices, such as "e-cigarettes".

f) "Tobacco use" shall mean the burning of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco, and chewing, holding in the mouth, and/or expectorating of chewing tobacco, or any other matter or substance which contains tobacco.

g) "Smoking" shall mean inhaling of, exhaling or, burning or, or carrying of any lighted cigar, cigarette, pipe, weed, other plant or synthetic products in any manner or in any form.

h) "Real Property" shall include real estate, land and any structures, buildings or facilities located upon said real estate and lands. The term "real property" shall not include roadways and right of ways located within the county road system established under section 115 of the New York State Highway Law.

Section 3: Application of Article to County-Owned and Leased Real Property.

Smoking and any other use of tobacco products shall be prohibited upon all real property owned or leased by the County of Steuben, except when located within a moving motor vehicle which is in the process of exiting or entering real property owned or leased by the County of Steuben.

Section 4: Posting of Signs.

"TOBACCO USE IS PROHIBITED" or "NO TOBACCO" signs, using international symbols (where possible) shall be prominently and conspicuously posted upon the entrance to all real property where the use of tobacco products is regulated by this law. Said signs shall be protected from tampering, damage, removal or concealment.

Section 5: Enforcement.

f) For purposes of this Local Law the term "enforcement officer" shall mean the Steuben County Legislature Human Services, Health and Education Committee (hereinafter, "HS,H&E Committee"), or its designee. The enforcement officer may cause to have issued and served upon the person complained against a written notice, together with a copy of the complaint made against him, which shall specify the provisions of this Local Law of which such person is said to be in violation and a statement of the manner in which that person is said to violate it and shall require the person so complained against to answer the charges of such complaint at a public hearing before the HS,H&E Committee or its designated hearing officer at a time not less than fifteen (15) days after the date of service of the notice. The HS,H&E Committee may serve, together with a copy of the complaint, a stipulation offer to the person complained against. The stipulation offer shall allow the person complained against to enter into a stipulation under the terms and conditions as set forth in the stipulation. The person complained against shall have the option of entering into the stipulation or proceeding with a formal hearing.

g) If the enforcement officer determines after a hearing that a violation of this Local Law has occurred, a civil penalty may be imposed by the enforcement officer pursuant to Section 6 of this Local Law. Nothing herein shall be construed to prohibit an enforcement officer from commencing a proceeding for injunctive relief to compel compliance with this Local Law.

h) Any person who desires to register a complaint under this Local Law may do so with the appropriate enforcement officer.

i) The decision of the hearing officer shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.

j) The enforcement officer, subsequent to any appeal having been finally determined, may bring an action to recover the penalty provided in Section 6 of this Local Law.

Section 6: Violations and Penalties.

c) It shall be unlawful for any person to use tobacco products in any area where the use of tobacco products is prohibited by the provisions of this Local Law.

d) Any person found to be in violation of any provision of this Local Law shall be guilty of a violation, punishable by a penalty not to exceed one thousand dollars ($1,000.00).

Section 7: Other Applicable Laws.

This Local Law shall not be interpreted or construed to permit the use of tobacco products where it is otherwise restricted by other applicable laws.

Section 8: Severability.

If any provision, clause, sentence, or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid or unconstitutional, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law, which shall remain in full force and effect.

Section 9: Effective Date.

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

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on October 22, 2012 at 10:00 A.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature shall cause a notice of said Public Hearing to be posted at the Courthouses in the municipalities of Bath, Corning and Hornell, have said notice published for one insertion in the two official newspapers of the County, and shall cause such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with proof of posting and publication to be filed in the Office of the Clerk of the Legislature; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Steuben County Public Health.

Motion to refer this back to the Human Services, Health & Education Committee for review and consideration at their October 3, 2012 meeting made by Mrs. Ferratella. Seconded by Mr. Ryan for discussion.

Mr. Weaver stated that he thinks we should proceed with this. Mr. Mullen stated that he believes this should go back to committee as it is very broad. Mr. Weaver stated this is part of our responsibility as we are paying health benefits for a number of County employees. We need to do our part to promote a healthy lifestyle.

Mr. Roush commented the woman from the Southern Tier Tobacco Awareness Community Partnership made the comment that there would be self-policing once the law is put in place. This local law will help people to do the right thing and he sees no problem with it.

Mrs. Lando stated that she has had a number of people asking questions and we need to clarify those. Mr. Ryan stated this local law is too broad and is unenforceable. It is silly to create a law that you cannot enforce. You cannot tell people at Kanakadea Park that they cannot smoke.

Mr. Van Etten stated this law is too broad and unenforceable. You can deal with the issue of smoking in front of the building by providing a smoking area.

Vote on previous motion: All being in favor except for Legislators Roush and Weaver.

RESOLUTION NO. 154-12

Introduced by B. Schu and L. Crossett. Seconded by D. Farrand.

ACCEPTING AND APPROPRIATING $12,500 IN GRANT FUNDS FROM NEW YORK STATE LEGISLATIVE GRANT TO BE USED FOR NARCOTICS INVESTIGATIONS.

WHEREAS, the New York State Division of Criminal Justice Services is awarding Steuben County $12,500 under the New York State Legislative Grant Program; and

WHEREAS, the $12,500 grant is totally funded with no County cost; and

WHEREAS, it has been established that these funds would be used for personal services for the Steuben County Sheriff's Office, Steuben County District Attorney's Office and Steuben County Probation, for narcotic related investigations.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept $12,500 as revenue; and be it further

RESOLVED, appropriate the funds in the revenue accounts 4 3089 300 accordingly: $7,500 to 311000 Sheriff; $4,500 to 116500 District Attorney; and $500 to 31400 Probation in the Steuben County 2012 - 2013 Budget; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer; the Steuben County Sheriff; Steuben County District Attorney; and Steuben County Probation.

Vote: Roll Call – Adopted.

RESOLUTION NO. 155-12

Introduced by C. Ferratella. Seconded by G. Swackhamer.

AUTHORIZING THE OFFICE OF COMMUNITY SERVICES TO PROVIDE MENTAL HEALTH SERVICES TO LOCAL SCHOOL DISTRICTS.

WHEREAS, the Steuben County Department of Community Services has routinely entered into contracts with various local school districts; and

WHEREAS, the Steuben County Department of Community Services currently has a contract with the Prattsburgh Central School District, and an additional contract with the Steuben County Department of Social Services to provide school based Mental Health Services to the Haverling, Hornell and Hammondsport Central School Districts; and

WHEREAS, in an effort to streamline and clarify the approval process to properly comply with General Municipal Law governing inter-municipal agreements it is necessary for the County Legislature to formally approve entering into the current and future agreements for these services; and

WHEREAS, any such future agreement would be a necessity still require standing committee authorization and oversight.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature approves the current Department of Community Services inter-municipal agreement with Prattsburgh, Haverling, Hornell and Hammondsport Central Schools; and be it further

RESOLVED, the Steuben County Legislature approves provision of school based Mental Health Services by inter-municipal agreement for any other school district geographically serving Steuben County residents; and be it further

RESOLVED, that the appropriate standing committee of the Steuben County Legislature is authorized to approve future agreements and directed to provide oversight of such agreements subject to the Rules of Procedure of the Steuben County Legislature; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Community Services.

Vote: Roll Call – Adopted. (Yes – 9271, Abstained – 601)
(Mr. Hanna abstained as he is involved in a real estate transaction with Hammondsport School)

RESOLUTION NO. 156-12

Introduced by C. Ferratella. Seconded by B. Schu.

AUTHORIZING PUBLIC HEALTH NURSING SERVICES TO ENTER INTO CONTRACTS WITH FINGER LAKES MIGRANT HEALTH CARE PROJECT AND PLANNED PARENTHOOD TO PROVIDE SEXUALLY TRANSMITTED DISEASE (STD) TESTING AND TREATMENT SERVICES.

WHEREAS, New York State relies on the Local Health Departments to control, investigate, test, treat and report sexually transmitted disease; and

WHEREAS, Steuben County Public Health is required to provide facilities and services without charge for the diagnosis and treatment of persons with STD (as outlined in Part 23, section 23.2 of the sanitary code and PHL2304) who live in the local health jurisdiction; and

WHEREAS, Steuben County desires to contract for these services; and

WHEREAS, it is the recommendation of the Human Services, Health & Education Committee to enter into agreements with Finger Lakes Migrant Health Care Project and Planned Parenthood to provide STD diagnosis and treatment services.

NOW THEREFORE, BE IT

RESOLVED, the Director of Steuben County Public Health is hereby authorized to execute contracts with Finger Lakes Migrant Health Care Project and Planned Parenthood to provide STD diagnosis and treatment services; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Steuben County Public Health; Finger Lakes Migrant Health Care Project, 14 Maiden Lane, PO Box 423, Penn Yan, NY 14527; and Planned Parenthood of the Southern Finger Lakes, 314 W State Street, Ithaca, NY 14850.

Mr. Mullen stated that he understands the urgency to do this as the County is required to provide this service, however, it is not prudent to contract with Planned Parenthood. He has done research and there have been seven audits conducted by the New York State Office of the Medicaid Inspector as there have been significant overbilling practices by Planned Parenthood. He stated that Mrs. Fuerst has indicated that there would be some strict safeguards to watch the billing. He would feel more comfortable only contracting with Finger Lakes Migrant Health Care.

Mrs. Ferratella stated the issue is that the Public Health Department will be monitoring each person who is referred to Planned Parenthood and they will only pay the amount that is agreed to in the contract. She believes we have a checks and balances to allow us to proceed with this.

Vote: Roll Call – Adopted. (Yes – 7598, No – 2274)
(Opposed – Mr. Farrand, Mr. Hanna, Mr. Mullen and Mr. Swackhamer)

RESOLUTION NO. 157-12

Introduced by L. Crossett. Seconded by R. Lattimer.

AUTHORIZING THE APPROPRIATION OF PHARMACEUTICAL SETTLEMENT FUNDS TO THE ECONOMIC DEVELOPMENT FUND.

WHEREAS, Steuben County has received $63,355.47 from Actavis, Hoffman LaRoche, Mylan and TAP AWP settlements; and

WHEREAS, Steuben County desires to direct these monies to the Economic Development Fund for future use of promoting innovation and growth in the County.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to appropriate the $63,355.47 from the pharmaceutical settlement to the Economic Development Fund (868707-42770000); and be it further

RESOLVED, certified copies of this resolution shall be distributed to the Steuben County Treasurer and the Steuben County Attorney.

Vote: Roll Call – Adopted.

RESOLUTION NO. 158-12

Introduced by J. Hauryski. Seconded by C. Ferratella.

SETTING THE TIME FOR THE NOVEMBER 2012 MEETING OF THE STEUBEN COUNTY LEGISLATURE.

BE IT RESOLVED, the regular meeting of the Steuben County Legislature be, and the same hereby is, established for November 2012, on Monday, November 26, 2012, at 4:00 P.M. in the Legislative Chambers, 3 East Pulteney Square, Bath, New York, and be it further

RESOLVED, the date and time of any Public Hearings arising by virtue of the within meeting which are inconsistent with this resolution be and the same hereby are amended to reflect the date and time above-stated, and be it further

RESOLVED, the Clerk of this Legislature shall forward the necessary, proper and legal notice of the above meeting to all County Legislators and department heads of the County of Steuben.

Mr. Weaver asked why are we changing the time of the meeting? Ms. Mori replied we are moving the time of the meeting so that there is less time between the Regular Meeting and Public Hearing on the Budget. Mr. Weaver commented that he doesn't know why we only meet late in the afternoon once a year. We should meet later every month so more members of the public can attend.

Vote: Acclamation – Adopted. (No – 451 - Mr. Weaver)

RESOLUTION NO. 159-12

Introduced by J. Hauryski. Seconded by S. Van Etten.

SETTING THE DATE FOR THE DECEMBER 2012 MEETING OF THE STEUBEN COUNTY LEGISLATURE.

BE IT RESOLVED, the regular meeting of the Steuben County Legislature be, and the same hereby is, established for December 2012, on Monday, December 17, 2012, at 10:00 A.M. in the Legislative Chambers, 3 East Pulteney Square, Bath, New York, and be it further

RESOLVED, the date and time of any Public Hearings arising by virtue of the within meeting which are inconsistent with this resolution be and the same hereby are amended to reflect the date and time above-stated, and be it further

RESOLVED, the Clerk of this Legislature shall forward the necessary, proper and legal notice of the above meeting to all County Legislators and department heads of the County of Steuben.

Vote: Acclamation – Adopted.

RESOLUTION NO. 160-12

Introduced by T. Ryan. Seconded by D. Farrand.

OPPOSING THE CLEAN WATER ACT DRAFT GUIDANCE PROPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY.

WHEREAS, Steuben County affirms its commitment to environmental stewardship and the protection of our natural resources, and recognizes the need to harmonize municipal programs and services with the legislative intent and objectives of the Clean Water Act (CWA); and

WHEREAS, the CWA was not intended to protect ditches and other channels through which water flows intermittently nor was it intended to capture seeps, wet areas, isolated man-made ponds and other structures not currently subject to the CWA; and

WHEREAS, the Environmental Protection Agency (EPA) and the United States Army Corps of Engineers (Corps) have developed draft guidance on Identifying Waters Protected by the Clean Water Act (draft guidance) to clarify the EPA and Corps' understanding and definition of the CWA that will inform all of EPA's regulatory programs and policy actions; and

WHEREAS, this draft guidance creates uncertainty, confusion and would now capture a significant number of public works activities and transportation infrastructure that will now be subject to the CWA and its costly and time-consuming permitting and regulatory protocols; and

WHEREAS, the draft guidance greatly expands the number of projects subject to jurisdictional determination or CWA permitting which do not currently require such oversight at great expense to the taxpayers of Steuben County with little, if any, environmental benefit while diverting scarce resources from other programs that do provide environmental protection and conservation benefits; and

WHEREAS, the financial impact of the draft guidance to Steuben County will be significant with roadside ditch projects and ongoing maintenance alone costing an additional $14,000 annually estimated by additional 400 people hours to Steuben County citizens due to the need for jurisdictional determinations by the Corps or CWA permitting; and

WHEREAS, Steuben County believes that it is improper to so significantly change the scope of the Clean Water Act without legislative authorization by the U.S. Congress or through the formal rulemaking process to allow public and stakeholder comments on this critically important and complex issue.

NOW THEREFORE, BE IT

RESOLVED, that Steuben County urges EPA and the Corps to withdraw the CWA draft guidance immediately, work collaboratively with state and local governments to enforce the current scope of the CWA while respecting the authority of state and local governments in ensuring the protection of our water resources; and be it further

RESOLVED, that Steuben County supports any federal legislation consistent with the above recommendations and urges its Congressional and State representatives to intercede with EPA and request that EPA report to them on their response, clarification, and adaptations regarding the aforementioned concerns; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to U. S. Senator Charles E. Schumer, 313 Hart Senate Office Bldg., Washington, DC 20510-3202; U. S. Senator Kirsten E. Gillibrand, 478 Russell Senate Office Building, Washington, DC 20510; and U. S. Congressman Tom Reed, 1037 Longworth HOB, Washington, DC 20515; Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Brian M. Kolb, 933 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207**,** EPA Administrator Lisa Jackson, USEPA Headquarters, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460; and EPA Region 2 Administrator Judith Enck, 290 Broadway, New York, NY 10007-1866.

Vote: Acclamation – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.D. Discussions Regarding Proposed, Pending or Current Litigation and Article 7§ 105.1.F. The Medical, Financial, Credit or Employment History of a Particular Person Made by Mr. Swackhamer. Seconded by Mr. Weaver and duly carried.

Motion supporting the County Attorney's recommendations on both pending cases made by Mr. McAllister, seconded by Mr. Weaver and duly carried.

Motion to adjourn executive session and reconvene in regular session made by Mr. Weaver, seconded by Mr. Farrand and duly carried.

Mr. Weaver stated in regards to the Dickson operation, do we have any involvement with this? Mr. Wheeler stated they want us to appeal to DEC to pressure them into doing something. Ms. Lattimer stated the permit is within the jurisdiction of DEC.

Mr. Swackhamer asked do we have a contract with Dickson? Ms. Mori stated we used to contract with them but she doesn't know for sure if we still have a contract with them. Mr. Swackhamer stated so it does concern the County if they are doing something that's against the law. Mr. Reed stated we can investigate the contract and bring the issue to the Public Works Committee. Mr. Mullen stated he would like more information about what is going on up there.

Motion to adjourn made by Mr. McAllister, seconded by Mr. Van Etten and duly carried.

REGULAR MEETING
Morning Session
Monday, October 22, 2012
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convene in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 22nd day of October, 2012, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present.

Mr. Swackhamer provided the Invocation and the Pledge of Allegiance was led by Mr. Hanna.

Chairman Hauryski asked Janet Tracey to come forward. Ms. Tracey is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 25 years of service to Steuben County.

Mr. Gallagher introduced the Youth in Government Interns. He thanked the Legislature for their support of this program over the last 25 years.

Chairman Hauryski stated that Commissioner Vincent Spagnoletti was recognized at the October 15, 2012, New York State Association of Soil & Water Conservation Districts for his working relationship with the Steuben County Soil & Water Conservation District in the area of shared services. This was a statewide recognition. Thank you Commissioner Spagnoletti for your work.

Chairman Hauryski opened the floor for comments by members of the public. Before beginning he stated that after last month's meeting, there was a lot of feedback from the Legislature regarding the number of speakers we had come forward and allowing them to exceed the three-minute time limit. According to the Legislature's *Rules of Procedure,"* the Chairperson of the Legislature shall decide if a member of the public shall be entitled to address the Legislature subject to a majority vote of the Legislature to the contrary. In any event, ten (10) minutes of each regular meeting shall be made available to the public to address the Legislature". Chairman Hauryski stated that he doesn't intend to cut off the public's ability to speak, but some speakers come in month after month. Today we have three individuals signed up to speak who have previously addressed the Legislature with their concerns about waste issues and the Dickson Corporation. He asked Mr. Ossont, Ms. Treichler and Mr. Wells to pick one individual to come forward and present their concerns. The others may submit their comments in writing, to the Clerk of the Legislature.

Jack Ossont, Dundee, NY stated that he has concerns about the Bath publicly owned treatment plant and their connection to the Leachate Treatment Facility at the Bath Landfill. New sources of waste to the Bath Landfill include the Landfills at Angelica and Seneca Meadows, along with the Hakes Landfill and the pretreatment facility at the Bath Landfill. With regard to inspection requirements conducted by the DEC (Department of Environmental Conservation), pretreatment facilities across the State are not open to evaluation with respect to their impact on the environment. However, they do require a SPDES permit. Mr. Ossont stated that he would like to point out that the Bath facility has not been updated in terms of the sewer use law since 1994. There is a considerable amount of damage in terms of the nature of the leachate being accepted at the Bath Landfill. He stated that with drilling in Pennsylvania, and the potential in New York, barium is the most commonly used element and he would encourage the Legislature to look at the radioactivity.

Chris Turner, Bath, stated that he is the President of the Client Government group at Continuing Day Treatment (CDT). We are against selling the program. The program provides us with knowledge of how to live with mental illness. They also provide us with leadership and if you sell the program, it won't be the same. Thank you.

Valerie LeBak, Bath, stated that she has mental illness, but please don't tune her out because of that. She stated that she worked for 17 years, has raised a family, owns a home, is a taxpayer and a voter. The Continuing Day Treatment Program is an integral part of my life. They provide support and teach us coping skills. If Mental Health is outsourced, the new entity may not have the needs of the community in mind, but only the bottom line. The clients are members of this community and we are asking that you weigh your options and consider the impact this will have on the community that we all live in.

Zachary Hamilton, Bath, stated that he is opposed to the outsourcing of mental health services. A private company may not know the needs of mental health and might not have the services or experience. He strongly believes that we need to keep Mental Health and CDT services because there are people that would not survive without mental health services.

Davey Clark, Bath, stated that he has contacted Mr. Alger and the Legislature and believes that the County has done a poor job of streamlining the agency. A private agency could run and make it profitable. The leaders should lead by example at all levels.

Wayne Wells, Cameron Mills, provided the following letter for inclusion in the minutes:

Dear Legislators,

My name is Wayne Wells from the town of Cameron and representing the Cameron Committee for a Safe Environment or CCSE.

It has been painfully frustrating to reflect on the past 25 years of the Dickson Corporation's landspreading of industrial wastes that there has been so little local governing body involvement or even interest concerning the environmental and economic risks to the larger community posed by the way the Dickson Corporation ignores DEC regulatory safeguards in its operations.

From the CCSE perspective, regarding our immediate concern with the Dickson Corporation and by extension to the issues surrounding the impending Marcellus gas extraction, it is clear from statements made by Mr. Spagnoletti that the assurances of environmental safety, offered by the DEC, are akin to the acceptance of biblical passages by the unquestioning faithful.

Why is it so often that upon examination of past environmental disasters that there is to be found ample evidence and individuals who were ignored trying to warn of what had come to pass?

In light of a research report submitted by the US Geological Survey (September 2011) brought to my attention by Ms. Gudrun Scott, in which the issue of long lived isotopes of Radium associated with gas drilling waste, demonstrates a heightened concern for the CCSE as to what may be put on Steuben County farmland by the Dickson Corporation. As you may all recall, the CEO, Mr. Phillip Dickson, has admitted to hauling drilling wastes for the PA operations. This coupled to his planned expansion of sewage source wastes where no uniform standards for acceptance of drilling wastes now exist, begs for county level intervention.

The CCSE currently recommends that the Steuben County Legislature request of the DEC a five year moratorium of further expansion for importation of new sewage sources for the Dickson Corporation and any new permitted expansion be based on DEC regulatory compliance by the Dickson Corporation for that period. It is further recommended that the issue of landfill contaminates and specifically radioactive wastes be examined in the context of Steuben County farmland application of sewage wastes.

Thank you for consideration of CCSE comments.

Chairman Hauryski thanked everyone for their comments and declared the opportunity for public comment closed.

Motion approving the minutes of the previous meeting(s) made by Mr. Ryan, seconded by Mr. McAllister and duly carried.

RESOLUTION NO. 161-112

Introduced by J. Hauryski. Seconded by G. Roush.

RECEIVING AND ACCEPTING THE OCTOBER 22, 2012 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and **referred to the appropriate Standing Committee and/or Department Head for information and/or action,** to wit:

September 17, 2012
NYS Department of Public Service – Re: Request to help raise awareness in the Lifeline Discount Telephone Service Program. ***Referred to: Human Services/Health & Education Committee; Kathryn Muller, Commissioner of Social Services; and Michael Keane, OFA Director.***

September 24, 2012
New York State Office for the Aging – Re: Third and final Notification of Grant Award (NGA) for the federal fiscal year 2012 (FFY 2012) Nutrition Services Incentives Program (NSIP). ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

New York State Association of Counties – Re: Official resolutions adopted by county delegates at the recent New York State Association of Counties 2012 Annual Meeting. ***Referred to: filed with the Clerk of the Legislature, Brenda Mori.***

September 25, 2012
State of New York Executive Chamber, Lieutenant Governor Robert J. Duffy – Re: Announcement of the inaugural Governor's Conference on Emergency Preparedness is scheduled for October 29th & 30th at the Empire State Plaza in Albany, New York. ***Referred to: Public Safety & Corrections Committee; Tim Marshall, Acting EMO Director; and Dave Hopkins, 911 Director.***

October 1, 2012
New York State Office for the Aging – Re: Notification of Grant Award for funding for your FFY 2012 III-E program. ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

Finger Lakes SPCA – Re: 2012 3rd Quarter Animal Cruelty Investigation Report. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

October 2, 2012
NYS Office of Children & Family Services – Re: OCFS Fatality Report #92-12-003 ***Referred to: Mark Alger, County Administrator.***

October 3, 2012
Ontario County 911 Center – Re: Thank you letter for the concurrence to license and use 700 MHz frequencies currently allocated to Steuben County in the Region 55 channel plan. ***Referred to: Public Safety & Corrections Committee; Dave Hopkins, 911 Director; Tim Marshall, Acting EMO Director; and Jack Wheeler, Deputy County Administrator.***

October 4, 2012
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $4,761, which represents the August 2012 surcharge revenue for Steuben County. ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

Town of Corning, Kimberly Feehan – Re: Correspondence on Workers Compensation. ***Referred to: Administration Committee; Finance Committee; Ken Isaman, Risk Manager; Alan Reed, County Attorney; and Mark Alger, County Administrator.***

New York State Association of Counties – Re: Introduction of the Family Assistance Commission (FAC) which is a program helping families after tragedy. ***Referred to: Public Safety & Corrections Committee; and Tim Marshall, Acting EMO Director.***

October 5, 2012
NYS Office for the Aging – Re: Notification of Grant Award and approved application for the Retired and Senior Volunteer Program (RSVP) for the period of April 1, 2012 through March 31, 2013. ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

October 9, 2012
City of Corning – Re: Copy of passed resolution by the Corning City Council meeting held on October 1, 2012 Requesting Bridge Funding from Steuben County. ***Referred to: Public Works Committee; Finance Committee; Patrick Donnelly, County Treasurer; Vincent Spagnoletti, Commissioner of Public Works; and Jack Wheeler, Deputy County Administrator.***

New York State Association of Counties – Re: A publication titled "Roadmap to Mandate Relief: How the State can reduce property taxes". ***Referred to: Joseph Hauryski, Legislature Chairman; and Mark Alger, County Administrator.***

October 10, 2012
United Way – Re: Request for support in the amount of $12,500 for the 2013 (2012 Tax Year) Cash free income tax assistance program. ***Referred to: Human Services/Health & Education Committee; Finance Committee; Kathryn Muller, Commissioner of Social Services; and Jack Wheeler, Deputy County Administrator.***

CSS Workforce New York – Re: CSS Workforce NY Local Plan for 2012. ***Referred to: Mark Alger, County Administrator.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 162-12

Introduced by L. Crossett. Seconded by S. Van Etten.

PRESENTING LOCAL LAW TENTATIVELY NO FIVE FOR THE YEAR 2012, AUTHORIZING THE OVERRIDE OF THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C.

WHEREAS, the State of New York adopted General Municipal Law §3-c limiting the ability of local governments to adopt a budget requiring a tax levy in excess of the tax levy limit as defined by said law, and

WHEREAS, due to the uncertainty relating to the application of the various provisions of General Municipal Law §3-c including, but not limited to, the proper calculation of the tax levy limit, and

WHEREAS, subdivision 5 of General Municipal Law §3-c authorizes the governing body of a local government, by a 60% vote of the total voting power of such body, to override the tax levy limit for the coming fiscal year.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Five for the Year 2012, Authorizing the Override of the Tax Levy Limit Established in General Municipal Law §3-c, as follows:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2012

A Local Law Authorizing the Override of the Tax Levy Limit Established in General Municipal Law §3-c.

Be it enacted by the Legislature of the County of Steuben as follows:

Section 1. **Legislative Intent:** Due to the uncertainty relating to the various provisions and limitations of General Municipal Law §3-c and due to the calculations reflecting the best good faith estimates made in accordance with the provisions and limitations of General Municipal Law §3-c as understood to be in compliance therewith and in order to mitigate and eliminate adverse impacts of any audit process that may be undertaken in review of the current budget appropriations and the real property levy established thereby; it is the express intention of the Legislature of the County of Steuben, pursuant to subdivision 5 of General Municipal Law §3-c, to authorize an override of the limitations and prohibitions of General Municipal Law §3-c.

Section 2. **Budget Authorization:** The Board of Legislators hereby overrides the tax levy limit for Steuben County for 2013 and authorizes Steuben County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2013 that requires a tax levy that is greater than the tax levy limit calculated for 2013 pursuant to §3-c of the General Municipal Law.

Section 3. **Effective Date:** This local law shall take effect immediately upon filing with the Secretary of State.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on November 26, 2012 at 6:00 P.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature shall cause a notice of said Public Hearing to be posted at the Courthouses in the municipalities of Bath, Corning and Hornell, have said notice published for one insertion in the two official newspapers of the County, and shall cause such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with proof of posting and publication to be filed in the Office of the Clerk of the Legislature; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the County Administrator.

Vote: Acclamation – Adopted.

RESOLUTION NO. 163-12

Introduced by P. McAllister. Seconded by R. Weaver.

DIRECTING THE FILING OF THE TENTATIVE BUDGET AND THE BUDGET MESSAGE WITH THE CLERK OF THE LEGISLATURE, MAKING PROVISIONS FOR THE CONDUCT OF COUNTY GOVERNMENT FOR THE FISCAL YEAR 2013, AND FIXING THE TIME AND PLACE FOR THE PUBLIC HEARING ON THE TENTATIVE BUDGET.

Pursuant to Sections 354, 355, 356 and 359 of the County Law.

WHEREAS, the Budget Officer shall prepare and the Finance Committee shall present the Steuben County Tentative Budget and the Budget Message for the Fiscal Year 2013 with its recommendations to this Steuben County Legislature, which Tentative Budget and Budget Message together with copies, shall be filed with the Clerk of the Legislature on or before November 15, 2012.

NOW THEREFORE, BE IT

RESOLVED, the Tentative Budget and the Budget Message setting forth the appropriations for the conduct of County Government for the Fiscal Year 2013, shall be filed with the Clerk of this County Legislature on or before November 15, 2012, and shall be received and filed with this Legislature by filing same with the Clerk thereof as the official record of the filing of the same and that said Tentative Budget shall serve as the proposed appropriation resolution; and be it further

RESOLVED, the Public Hearing on the Tentative Budget for Steuben County for the Fiscal Year 2013, as herein filed, shall be held on November 26, 2012, at 6:00 P.M. in the Legislative Chambers, Bath, New York, and the Clerk of this Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 359 of the County Law in the two official newspapers of the County; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Treasurer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 164-12

Introduced by P. McAllister. Seconded by H. Lando.

FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE MARSH DITCH WATERSHED PROTECTION DISTRICT.

Pursuant to Section 270 of the County Law and upon the recommendation of the Administration Committee.

RESOLVED, the Public Hearing on the Assessment Roll for the Year 2012, for the Budget Year of 2013, for the Marsh Ditch Watershed Protection District shall be held on November 26, 2012 at 6:00 P.M. in the Legislative Chambers, County Office Building, East Pulteney Square in the Village of Bath, New York and the Clerk of the Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 270 of the County Law in the two official newspapers of the County, and the Clerk is further directed to forward a certified copy of this resolution to the Attorney for the Watershed District, to the President of the Board of Managers for said Watershed District, to the Director of Real Property Tax Service Agency, and the County Treasurer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 165-12

Introduced by P. McAllister. Seconded by G. Welch.

FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE UPPER FIVE MILE CREEK WATERSHED PROTECTION DISTRICT.

Pursuant to Section 270 of the County Law and upon the recommendation of the Administration Committee.

RESOLVED, that the Public Hearing on the Assessment Roll for the Year 2012, for the Budget Year of 2013 for the Upper Five Mile Creek Watershed Protection District shall be held on November 26, 2012 at 6:00 P.M. in the Legislative Chambers, County Office Building, East Pulteney Square in the Village of Bath, New York and the Clerk of the Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 270 of the County Law in the two official newspapers of the County, and the Clerk is further directed to forward a certified copy of this resolution to the President of the Board of Managers for said Watershed District, to the Director of Real Property Tax Service Agency, and the County Treasurer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 166-12

Introduced by P. McAllister. Seconded by B. Schu.

FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE LAMOKA/WANETA LAKES' PROTECTION AND REHABILITATION DISTRICT.

Pursuant to Section 270 of the County Law and upon the recommendation of the Administration Committee.

RESOLVED, the Public Hearing on the Assessment Roll for the Year 2012, for the Budget Year of 2013, for the Lamoka/Waneta Lakes' Protection and Rehabilitation District shall be held on November 26, 2012 at 6:00 P.M. in the Legislative Chambers, County Office Building, East Pulteney Square in the Village of Bath, New York and the Clerk of the Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 270 of the County Law in the two official newspapers of the County, and the Clerk is further directed to forward a certified copy of this resolution to the Schuyler County Legislature, 105 Ninth Street, Unit 6, Watkins Glen, NY 14891; Director of Real Property Tax Service Agency, and the County Treasurer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 167-12

Introduced by B. Schu and L. Crossett. Seconded by H. Lando.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO TRANSFER $25,550 FROM THE CONTINGENCY FUND TO THE DISTRICT ATTORNEY 2012 BUDGET.

WHEREAS, the District Attorney experienced an extraordinary increase in the number of cases requiring prosecution during the 2012 fiscal year; and

WHEREAS, certain expense lines are in need of year end supplementation as a result of the expenses directly associated with that increase.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to transfer from the Contingency Fund to the District Attorney 2012 budget as follows:

From	A 199000 5 499 000	$25,550	Contingency Fund
To	A 116500 5 405 100	$ 1,200	Postage
To	A 116500 5 403 800	$ 1,200	Copying
To	A 116500 5 407 100	$ 5,000	Books & Subscriptions
To	A 116500 5 406 000	$ 1,050	Office Supplies
To	A 116500 5 423 400	$ 9,900	Grand Jury & Trial/Hearing Transcripts
To	A 116500 5 423 300	$ 1,200	Witness Fees
To	A 116500 5 450 999	$ 600	Motor Pool Chargebacks
To	A 116500 5 471 000	$ 5,400	Mileage and Fuel Costs

AND BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the County Treasurer and the District Attorney.

Vote: Roll Call – Adopted.

RESOLUTION NO. 168-12

Introduced by B. Schu and L. Crossett. Seconded by D. Farrand.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO TRANSFER $50,000 FROM THE CONTINGENCY FUND TO THE SHERIFF'S OFFICE JAIL BUDGET INMATE MEDICAL SERVICES.

WHEREAS, the 2012 Sheriff's Office Jail Budget Medical Services line item contains insufficient funds for the balance of the Fiscal Year.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized to transfer from the Contingency Fund, the amount of $50,000 to the 2012 Sheriff's Office Jail Budget Medical Services line item 315000 5 420 0000; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Steuben County Sheriff.

Vote: Roll Call – Adopted.

RESOLUTION NO. 169-12

Introduced by P. McAllister and L. Crossett. Seconded by G. Roush.

AUTHORIZING A YEAR-END TRANSFER OF DEPARTMENTAL SURPLUS FROM THE CENTRAL COMMUNICATIONS OVERALL SURPLUS TO THE CAPITAL PROJECT ENTITLED COUNTY TELEPHONE SYSTEM.

WHEREAS, the County's existing telephone infrastructure is aging and will be in need of replacement in the next few years; and

WHEREAS, to prepare for the expense of replacing the telephone system, the Legislature has determined it is in the best interest of the County to transfer the anticipated surplus in the Central Communications budget and to dedicate such funds in a capital account to prepare for the expense of replacing the telephone system; and

WHEREAS, the 2012 surplus is estimated to be $100,000.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to appropriate the year-end surplus from the Central Communications budget to the Capital Project entitled County Telephone System Fund (1650H1 5 250 000); and be it further

RESOLVED, certified copies of this resolution shall be distributed to the Steuben County Treasurer and the Director of the Information Technology Department.

Mr. Swackhamer asked what will be the total cost for replacement of the phone system? Mr. Wheeler replied it will be in the neighborhood of $500,000 or more. We are collecting $100,000 per year in chargebacks from the departments which will be very helpful. Currently 9-1-1 is in the process of demoing a new type of phone system to see if that could work as a replacement and save some money.

Mr. Weaver asked you are putting money aside for this project? Mr. Wheeler replied we have a chargeback to the departments, and the replacement costs have been built into those chargebacks.

Vote: Roll Call – Adopted.

RESOLUTION NO. 170-12

Introduced by T. Ryan and L. Crossett. Seconded by D. Farrand.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO TRANSFER $1,000 FROM THE BICENTENNIAL PROJECT TO THE HISTORIAN'S BUDGET.

WHEREAS, the County Historian sponsors an Annual Hall of Fame Luncheon to recognize those individuals inducted into the Hall of Fame; and

WHEREAS, the expenses for the Hall of Fame Luncheon are $1,000; and

WHEREAS, there are funds available in the Bicentennial Project.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Treasurer is hereby authorized and directed to make the following transfers:

- Decrease H1200 7550H1 Bicentennial Project by $1,000
- Increase 751000 5499100 Other Expenses by $1,000

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Treasurer and the Steuben County Historian.

Vote: Roll Call – Adopted.

RESOLUTION NO. 171-12

Introduced by M. Hanna. Seconded by S. Van Etten.

AUTHORIZING THE COMMISSIONER OF THE STEUBEN COUNTY DEPARTMENT OF PUBLIC WORKS TO EXECUTE A REVISED SNOW AND ICE AGREEMENT BETWEEN THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND THE COUNTY OF STEUBEN AND TO EXTEND THE AGREEMENT THROUGH THE 2012-2013 SNOW SEASON.

WHEREAS, the New York State Department of Transportation ("NYSDOT") Commissioner and Steuben County (the "Municipality") have entered into an Agreement No.D014728 entitled "Indexed Lump Sum Snow and Ice Agreement between the New York State Department of Transportation and Municipality of County of Steuben", dated January 11, 2006; and

WHEREAS, the term of the said Agreement is for a period of three (3) years commencing July 1, 2005 and the said Agreement provides that the parties may at the end of each year of the term of the Agreement extend such term for an additional year; and

WHEREAS, the present term of the Agreement, as extended, expires June 30, 2012; and

WHEREAS, Section 7 of the said Agreement provides that the NYSDOT Commissioner shall furnish the Municipality with a suitable map for each term of the Agreement, or for any extended term thereof, modified to show the changes, if any, to the State Highways affected by this Agreement; and

WHEREAS, Section 9 of the said Agreement provides for an annual update of the estimated expenditure to be determined by the NYSDOT Commissioner subject to the provisions of Section 9 at the time for extension of the Agreement; and

WHEREAS, Section 9 of the said Agreement also provides for an adjustment to the actual payment amount based on the intensity and severity of the winter season.

NOW THEREFORE, BE IT

RESOLVED, in consideration of the mutual covenants and benefits between the parties,

1. The aforementioned "Indexed Lump Sum Snow and Ice Agreement between New York State Department of Transportation and the Municipality" is hereby extended for a period of one (1) year; now to expire on June 30, 2013, unless further extended.

2. The State Highways or parts thereof affected by this Agreement are as delineated on the attached map, agreed upon by the NYSDOT Commissioner and the Municipality, which shall be effective for the remainder of the term of the Agreement commencing July 1, 2012, unless changed by future agreement between the NYSDOT Commissioner and the Municipality.

3. All the terms and conditions of the original contract remain in effect except as follows. The indexed lump sum estimated expenditure specified in Section 9 of the aforementioned Agreement shall be $3,783.95 per lane mile for 133.20 lane miles for a total of $504,021.88 for the 2012/13 season and for the remainder of the term of the Agreement commencing July 1, 2010, unless changed by future update.

AND BE IT FURTHER RESOLVED, seven (7) certified copies of this resolution shall be forwarded to the Commissioner of Public Works.

Mr. Mullen commented the agreement we have has roughly 40 miles less than last year and results in a loss in revenue of $200,000 - $300,000. The State pays $7,568 per mile. We are paying the towns $4,000 per mile for doing our roads. The State road contract guarantees us $5,070 per mile, but there is the potential for more. Is there any way to try and bring some of that State mileage back in?

Mr. Spagnoletti replied that as background information, we started our contracts with the towns to plow our roads at $4,700 per mile. Our cost to plow those roads is $3,700 per mile and we were paying the towns $1,000 too much. We agreed to a fair price of $4,000 per mile and in doing so, we saved $80,000. There are three towns that have indicated that they do not want to do plowing. We then had to pick up an additional 38 miles of town roads. Our cost to do that is $3,700 per mile compared to the $4,700 we previously paid the towns for those roads. We saved $38,000 and the net effect of all of that is that we saved $120,000. The roads we took over are located in the towns of West Union, Pulteney and Tuscarora and because of that, we couldn't plow all of the State roads. We do not have the people or the trucks. We gave back two State roads; SR236 in Greenwood and SR53 between Kanona and Prattsburgh. In giving up those roads, there was a net loss of $66,000 to our bottom line. Between the $118,000 we gained from the towns, and the loss of $66,000 from the State, the overall effect was a gain of $52,000 to our budget. Mr. Spagnoletti stated that Mr. Mullen makes the point that it is a revenue source from the State to do their plowing. If we had more people, we could probably do it, but is it worth it? If we picked up SR236, we would net $32,000. We don't have the people or the trucks. The only way we could do it would be to try to find more towns to plow for us. There are some towns that have asked to do that. The danger is that we have a guaranteed payment to the towns. In an easy winter, we would be out quite a bit of money. We could plow the State roads if we asked the towns to plow for us and that might make a difference of $25,000 to our budget. He stated that he doesn't want to change the contract now. It is possible to do, but he would address that in next winter's contract.

Mr. Farrand stated that his concern is that the Greenwood Shop it located at the intersection of SR417 and SR248. Every county road in that area has to be accessed via SR248. We have to drive that road to get to CR60, CR61, CR129 and CR98 to plow them. He thinks we are losing the benefit of having that money because we have to travel the State route in order to plow our routes. So why not plow SR248?

Mr. Mullen stated the net effect to the County budget may be relatively small, but the net effect to the municipality budgets would be much larger. With the State snow removal contract we have a guarantee of $200,000 and that could be up to $300,000. The total gain is much larger than the $25,000 if we asked the towns to plow more roads for us. It would be good for the County to look at what roads the towns could plow. Once we give up the roads, it may be difficult to get them back.

Mr. McAllister asked are you looking for towns who are willing to take this on, or are we trying to cut? He commented that he sees this is a one-year contract. Didn't the State do a multi-year contract? Mr. Spagnoletti replied this is a year-to-year contract. There was a time when they were multi-year contracts. With respect to Mr. Farrand's concern about going across State roads to get to County roads, the State roads require a different level of service and we designate a specific truck to plow those roads. The State has a 24/7 level of service. When we do snow removal on those roads, they require 100 percent salt. That raises the cost of County road snow plowing. The net effect is that the driving on the roads goes up and the costs go up. It is a pass through that we receive from the State. Personally, overall, it is an inefficient way to handle the roads.

Mr. Hauryski asked with regard to staff, how many people is your department down from two years ago? Mr. Spagnoletti replied 30. We do not have enough people to plow the roads now. If this is something we want to do, we will need more people or more towns to plow.

Mr. Weaver asked is the concern that you don't have enough people, or not enough trucks? Mr. Spagnoletti replied it is both. We have 45 people designated to County roads, with two backup trucks. If we took over another 20 miles from the State, we would need another truck. With regard to our personnel, we barely have enough to keep fully staffed.

Mr. Van Etten commented that these issues should have been brought up in committee and this is something that we need to act on. Mr. Ryan stated that he agrees with Mr. Van Etten. It should have been brought up in committee so that we would have had time to digest this information.

Mr. Mullen stated that he will vote for this, but he wants us to look at trying to bring the other roads back in.

Vote: Roll Call – Adopted. (Yes – 9247; No – 625) (Opposed: Mr. Farrand)

RESOLUTION NO. 172-12

Introduced by C. Ferratella. Seconded by R. Lattimer.

AUTHORIZING A CONTRACT WITH IM SOLUTIONS, INC. FOR RESIDENT BILLING SERVICES FOR THE STEUBEN COUNTY HEALTH CARE FACILITY.

WHEREAS, the Health Care Facility needs specialized expertise to restore its billing service for Medicare, Medicare replacement, and other commercial insurances; and

WHEREAS, the County issued RFP #GC-12-020-P seeking proposals for Resident Billing (IP&OP) Services for the Steuben County Health Care Facility; and

WHEREAS, from time to time, the Health Care Facility has utilized outside vendors and contractors to provide said services; and

WHEREAS, IM Solutions, Inc. is ready, willing and able to perform the needed services.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Administrator is hereby authorized to execute an agreement with IM Solutions, Inc. for Resident Billing Services for the Steuben County Health Care Facility; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Administrator, Administrator of the Steuben County Health Care Facility, Steuben County Treasurer, and the Steuben County Personnel Officer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 173-12

Introduced by C. Ferratella and P. McAllister. Seconded by H. Lando.

RECLASSIFICATION OF A CLERK, GRADE IV, POSITION TO AN ACCOUNT CLERK TYPIST, GRADE VI, POSITION WITHIN THE HEALTH CARE FACILITY.

Pursuant to Section 204 of the County Law of the State of New York.

WHEREAS, this Clerk in the Health Care Facility does all of the scheduling for the Nurses and Nursing Assistants; and

WHEREAS, this Clerk will have added duties of completing paperwork relative to Personnel transactions; and

WHEREAS, an Account Clerk Typist position more appropriately performs these duties; and

WHEREAS, the Personnel Officer, the Administration Committee, and the Human Services, Health and Education Committee have reviewed said position within the Health Care Facility and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Health Care Facility is hereby reclassified as follows:

Clerk, Grade IV ($24,825 to $35,046) to
Account Clerk Typist, Grade VI (26,867 to $37,928)

AND BE IT FURTHER RESOLVED, that the 2012 County Job Classification and Salary Schedule is hereby amended to reflect the above-stated changes; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Treasurer, Personnel Officer, and the Health Care Facility Administrator.

Vote: Roll Call – Adopted.

RESOLUTION NO. 174-12

Introduced by J. Hauryski. Seconded by D. Farrand.

DIRECTING THE CLOSING OF ALL STEUBEN COUNTY OFFICES ON FRIDAY, NOVEMBER 23, 2012.

Pursuant to Section 206-a of the County Law and the current agreement between the County of Steuben and the Civil Service Employees' Association, Inc.

WHEREAS, the County of Steuben, by contractual agreement with the employees of Steuben County has declared the day after Thanksgiving day to be a holiday for all employees, with the exception of the County Clerk, the County Treasurer, the Clerk of this Legislature, and the Sheriff's Office (Administrative Offices); and

WHEREAS, this County Legislature determines because of the lack of the traditional business volume on the day after Thanksgiving, coupled together with the savings of energy costs and unnecessary payroll expenses, that it would be in the best interest of the County, the taxpayers and its employees to close all of the offices of Steuben County on the day after Thanksgiving, November 23, 2012.

NOW THEREFORE, BE IT

RESOLVED, that this County Legislature declares November 23, 2012, to be a County holiday pursuant to the present contract with the Civil Service Employees' Association, Inc.; and be it further

RESOLVED, that all of the department heads, in particular the County Clerk, the County Treasurer, the Clerk of this Legislature, and the Sheriff (Administrative Offices), are directed to close their respective offices on said date; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Clerk; County Treasurer; Clerk of the Legislature; and the Sheriff.

Vote: Acclamation – Adopted.

RESOLUTION NO. 175-12

Introduced by M. Hanna. Seconded by G. Roush.

REAPPOINTING VINCENT SPAGNOLETTI AS THE COMMISSIONER OF THE STEUBEN COUNTY DEPARTMENT OF PUBLIC WORKS.

Pursuant to Section 100 of the Highway Law of the State of New York.

WHEREAS, the term of office for Vincent Spagnoletti as Commissioner of the Steuben County Department of Public Works terminates on November 8, 2012; and

WHEREAS, Vincent Spagnoletti has again been recommended by the Public Works Committee for a four-year term, commencing November 9, 2012 and terminating November 8, 2016.

NOW THEREFORE, BE IT

RESOLVED, that Vincent Spagnoletti of Hammondsport, New York, be, and the same hereby is, reappointed as Commissioner of the Steuben County Department of Public Works for a term commencing November 9, 2012, and terminating November 8, 2016; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Personnel Officer, the County Treasurer, and to Vincent Spagnoletti.

Vote: Roll Call – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.D. Discussions Regarding Proposed, Pending or Current Litigation Relative to Garang vs. Steuben County and

the Matter of Kari C. and Article 7§ 105.1.F. Matters Leading to the Appointment of a Mark R. Alger made by Mr. Van Etten, seconded by Mr. Roush and duly carried.

RESOLUTION NO. 176-12

Introduced by P. McAllister. Seconded by S. Van Etten.

AUTHORIZING AND DIRECTING THE CHAIRMAN OF THE LEGISLATURE TO ENTER INTO A WRITTEN MANAGEMENT SALARY PLAN WITH MARK R. ALGER, COUNTY ADMINISTRATOR.

Pursuant to County Law §201 and Municipal Home Rule Law §24 subd. 2.h.

WHEREAS, the current term of appointment of the County Administrator expires December 31, 2012; and

WHEREAS, the County is desirous of appointing Mark R. Alger to another term and to provide a salary plan extending salary increments based on time of service in order to foster stability for said incumbent.

NOW THEREFORE, BE IT

RESOLVED, that Mark R. Alger of Bath, New York, be and the same hereby is reappointed to the Office of County Administrator effective January 1, 2013 through December 31, 2016 pursuant to the terms of Local Law #2 of 1984 as amended thereafter by Local Laws #3 of 1994 and #1 of 1996; and be it further

RESOLVED, as set forth in the schedule herein providing for higher rates of compensation through additional increments of salary based upon time of service and being in existence prior to the commencement of the term of office, the salary increments are as follows:

2013	$123,450
2014	$128,388
2015	$134,807
2016	$141,547

BE IT FURTHER RESOLVED, said individual shall enjoy all of the management fringe benefits to the same extent as provided to the County Management Group; and be it further

RESOLVED, in the event of the retirement, said individual shall be eligible to receive an additional 50 percent match of the health insurance premium up to the age of 65 upon retirement; and be it further

RESOLVED, this management salary plan is personal to Mark R. Alger and creates no entitlement to any successor appointment; and be it further

RESOLVED, the Chairman of the Legislature is authorized and directed to reflect an agreement consistent with this resolution; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Personnel Office, County Treasurer and Mark R. Alger.

Vote: Roll Call – Adopted. (Yes – 9421; No – 451) (Opposed: Mr. Weaver)

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mrs. Lando, Seconded by Mr. McAllister and duly carried.

Motion to Adjourn made by Mr. Van Etten, Seconded by Mr. McAllister and duly carried.

REGULAR MEETING
Morning Session
Monday, October 22, 2012
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convene in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 22nd day of October, 2012, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present.

Mr. Swackhamer provided the Invocation and the Pledge of Allegiance was led by Mr. Hanna.

Chairman Hauryski asked Janet Tracey to come forward. Ms. Tracey is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 25 years of service to Steuben County.

Mr. Gallagher introduced the Youth in Government Interns. He thanked the Legislature for their support of this program over the last 25 years.

Chairman Hauryski stated that Commissioner Vincent Spagnoletti was recognized at the October 15, 2012, New York State Association of Soil & Water Conservation Districts for his working relationship with the Steuben County Soil & Water Conservation District in the area of shared services. This was a statewide recognition. Thank you Commissioner Spagnoletti for your work.

Chairman Hauryski opened the floor for comments by members of the public. Before beginning he stated that after last month's meeting, there was a lot of feedback from the Legislature regarding the number of speakers we had come forward and allowing them to exceed the three-minute time limit. According to the Legislature's *Rules of Procedure,"* the Chairperson of the Legislature shall decide if a member of the public shall be entitled to address the Legislature subject to a majority vote of the Legislature to the contrary. In any event, ten (10) minutes of each regular meeting shall be made available to the public to address the Legislature". Chairman Hauryski stated that he doesn't intend to cut off the public's ability to speak, but some speakers come in month after month. Today we have three individuals signed up to speak who have previously addressed the Legislature with their concerns about waste issues and the Dickson Corporation. He asked Mr. Ossont, Ms. Treichler and Mr. Wells to pick one individual to come forward and present their concerns. The others may submit their comments in writing, to the Clerk of the Legislature.

Jack Ossont, Dundee, NY stated that he has concerns about the Bath publicly owned treatment plant and their connection to the Leachate Treatment Facility at the Bath Landfill. New sources of waste to the Bath Landfill include the Landfills at Angelica and Seneca Meadows, along with the Hakes Landfill and the pretreatment facility at the Bath Landfill. With regard to inspection requirements conducted by the DEC (Department of Environmental Conservation), pretreatment facilities across the State are not open to evaluation with respect to their impact on the environment. However, they do require a SPDES permit. Mr. Ossont stated that he would like to point out that the Bath facility has not been updated in terms of the sewer use law since 1994. There is a considerable amount of damage in terms of the nature of the leachate being accepted at the Bath Landfill. He stated that with drilling in Pennsylvania, and the potential in New York, barium is the most commonly used element and he would encourage the Legislature to look at the radioactivity.

Chris Turner, Bath, stated that he is the President of the Client Government group at Continuing Day Treatment (CDT). We are against selling the program. The program provides us with knowledge of how to live with mental illness. They also provide us with leadership and if you sell the program, it won't be the same. Thank you.

Valerie LeBak, Bath, stated that she has mental illness, but please don't tune her out because of that. She stated that she worked for 17 years, has raised a family, owns a home, is a taxpayer and a voter. The Continuing Day Treatment Program is an integral part of my life. They provide support and teach us coping skills. If Mental Health is outsourced, the new entity may not have the needs of the community in mind, but only the bottom line. The clients are members of this community and we are asking that you weigh your options and consider the impact this will have on the community that we all live in.

Zachary Hamilton, Bath, stated that he is opposed to the outsourcing of mental health services. A private company may not know the needs of mental health and might not have the services or experience. He strongly believes that we need to keep Mental Health and CDT services because there are people that would not survive without mental health services.

Davey Clark, Bath, stated that he has contacted Mr. Alger and the Legislature and believes that the County has done a poor job of streamlining the agency. A private agency could run and make it profitable. The leaders should lead by example at all levels.

Wayne Wells, Cameron Mills, provided the following letter for inclusion in the minutes:

Dear Legislators,

My name is Wayne Wells from the town of Cameron and representing the Cameron Committee for a Safe Environment or CCSE.

It has been painfully frustrating to reflect on the past 25 years of the Dickson Corporation's landspreading of industrial wastes that there has been so little local governing body involvement or even interest concerning the environmental and economic risks to the larger community posed by the way the Dickson Corporation ignores DEC regulatory safeguards in its operations.

From the CCSE perspective, regarding our immediate concern with the Dickson Corporation and by extension to the issues surrounding the impending Marcellus gas extraction, it is clear from statements made by Mr. Spagnoletti that the assurances of environmental safety, offered by the DEC, are akin to the acceptance of biblical passages by the unquestioning faithful.

Why is it so often that upon examination of past environmental disasters that there is to be found ample evidence and individuals who were ignored trying to warn of what had come to pass?

In light of a research report submitted by the US Geological Survey (September 2011) brought to my attention by Ms. Gudrun Scott, in which the issue of long lived isotopes of Radium associated with gas drilling waste, demonstrates a heightened concern for the CCSE as to what may be put on Steuben County farmland by the Dickson Corporation. As you may all recall, the CEO, Mr. Phillip Dickson, has admitted to hauling drilling wastes for the PA operations. This coupled to his planned expansion of sewage source wastes where no uniform standards for acceptance of drilling wastes now exist, begs for county level intervention.

The CCSE currently recommends that the Steuben County Legislature request of the DEC a five year moratorium of further expansion for importation of new sewage sources for the Dickson Corporation and any new permitted expansion be based on DEC regulatory compliance by the Dickson Corporation for that period. It is further recommended that the issue of landfill contaminates and specifically radioactive wastes be examined in the context of Steuben County farmland application of sewage wastes.

Thank you for consideration of CCSE comments.

Chairman Hauryski thanked everyone for their comments and declared the opportunity for public comment closed.

Motion approving the minutes of the previous meeting(s) made by Mr. Ryan, seconded by Mr. McAllister and duly carried.

RESOLUTION NO. 161-112

Introduced by J. Hauryski. Seconded by G. Roush.

RECEIVING AND ACCEPTING THE OCTOBER 22, 2012 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and **referred to the appropriate Standing Committee and/or Department Head for information and/or action,** to wit:

September 17, 2012
NYS Department of Public Service – Re: Request to help raise awareness in the Lifeline Discount Telephone Service Program. ***Referred to: Human Services/Health & Education Committee; Kathryn Muller, Commissioner of Social Services; and Michael Keane, OFA Director.***

September 24, 2012
New York State Office for the Aging – Re: Third and final Notification of Grant Award (NGA) for the federal fiscal year 2012 (FFY 2012) Nutrition Services Incentives Program (NSIP). ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

New York State Association of Counties – Re: Official resolutions adopted by county delegates at the recent New York State Association of Counties 2012 Annual Meeting. ***Referred to: filed with the Clerk of the Legislature, Brenda Mori.***

September 25, 2012
State of New York Executive Chamber, Lieutenant Governor Robert J. Duffy – Re: Announcement of the inaugural Governor's Conference on Emergency Preparedness is scheduled for October 29th & 30th at the Empire State Plaza in Albany, New York. ***Referred to: Public Safety & Corrections Committee; Tim Marshall, Acting EMO Director; and Dave Hopkins, 911 Director.***

October 1, 2012
New York State Office for the Aging – Re: Notification of Grant Award for funding for your FFY 2012 III-E program. ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

Finger Lakes SPCA – Re: 2012 3rd Quarter Animal Cruelty Investigation Report. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

October 2, 2012
NYS Office of Children & Family Services – Re: OCFS Fatality Report #92-12-003 ***Referred to: Mark Alger, County Administrator.***

October 3, 2012
Ontario County 911 Center – Re: Thank you letter for the concurrence to license and use 700 MHz frequencies currently allocated to Steuben County in the Region 55 channel plan. ***Referred to: Public Safety & Corrections Committee; Dave Hopkins, 911 Director; Tim Marshall, Acting EMO Director; and Jack Wheeler, Deputy County Administrator.***

October 4, 2012
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $4,761, which represents the August 2012 surcharge revenue for Steuben County. ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

Town of Corning, Kimberly Feehan – Re: Correspondence on Workers Compensation. ***Referred to: Administration Committee; Finance Committee; Ken Isaman, Risk Manager; Alan Reed, County Attorney; and Mark Alger, County Administrator.***

New York State Association of Counties – Re: Introduction of the Family Assistance Commission (FAC) which is a program helping families after tragedy. ***Referred to: Public Safety & Corrections Committee; and Tim Marshall, Acting EMO Director.***

October 5, 2012
NYS Office for the Aging – Re: Notification of Grant Award and approved application for the Retired and Senior Volunteer Program (RSVP) for the period of April 1, 2012 through March 31, 2013. ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

October 9, 2012
City of Corning – Re: Copy of passed resolution by the Corning City Council meeting held on October 1, 2012 Requesting Bridge Funding from Steuben County. ***Referred to: Public Works Committee; Finance Committee; Patrick Donnelly, County Treasurer; Vincent Spagnoletti, Commissioner of Public Works; and Jack Wheeler, Deputy County Administrator.***

New York State Association of Counties – Re: A publication titled "Roadmap to Mandate Relief: How the State can reduce property taxes". ***Referred to: Joseph Hauryski, Legislature Chairman; and Mark Alger, County Administrator.***

October 10, 2012
United Way – Re: Request for support in the amount of $12,500 for the 2013 (2012 Tax Year) Cash free income tax assistance program. ***Referred to: Human Services/Health & Education Committee; Finance Committee; Kathryn Muller, Commissioner of Social Services; and Jack Wheeler, Deputy County Administrator.***

CSS Workforce New York – Re: CSS Workforce NY Local Plan for 2012. ***Referred to: Mark Alger, County Administrator.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 162-12

Introduced by L. Crossett. Seconded by S. Van Etten.

PRESENTING LOCAL LAW TENTATIVELY NO FIVE FOR THE YEAR 2012, AUTHORIZING THE OVERRIDE OF THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C.

WHEREAS, the State of New York adopted General Municipal Law §3-c limiting the ability of local governments to adopt a budget requiring a tax levy in excess of the tax levy limit as defined by said law, and

WHEREAS, due to the uncertainty relating to the application of the various provisions of General Municipal Law §3-c including, but not limited to, the proper calculation of the tax levy limit, and

WHEREAS, subdivision 5 of General Municipal Law §3-c authorizes the governing body of a local government, by a 60% vote of the total voting power of such body, to override the tax levy limit for the coming fiscal year.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Five for the Year 2012, Authorizing the Override of the Tax Levy Limit Established in General Municipal Law §3-c, as follows:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2012

A Local Law Authorizing the Override of the Tax Levy Limit Established in General Municipal Law §3-c.

Be it enacted by the Legislature of the County of Steuben as follows:

Section 1. **Legislative Intent:** Due to the uncertainty relating to the various provisions and limitations of General Municipal Law §3-c and due to the calculations reflecting the best good faith estimates made in accordance with the provisions and limitations of General Municipal Law §3-c as understood to be in compliance therewith and in order to mitigate and eliminate adverse impacts of any audit process that may be undertaken in review of the current budget appropriations and the real property levy established thereby; it is the express intention of the Legislature of the County of Steuben, pursuant to subdivision 5 of General Municipal Law §3-c, to authorize an override of the limitations and prohibitions of General Municipal Law §3-c.

Section 2. **Budget Authorization:** The Board of Legislators hereby overrides the tax levy limit for Steuben County for 2013 and authorizes Steuben County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2013 that requires a tax levy that is greater than the tax levy limit calculated for 2013 pursuant to §3-c of the General Municipal Law.

Section 3. **Effective Date:** This local law shall take effect immediately upon filing with the Secretary of State.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on November 26, 2012 at 6:00 P.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature shall cause a notice of said Public Hearing to be posted at the Courthouses in the municipalities of Bath, Corning and Hornell, have said notice published for one insertion in the two official newspapers of the County, and shall cause such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with proof of posting and publication to be filed in the Office of the Clerk of the Legislature; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the County Administrator.

Vote: Acclamation – Adopted.

RESOLUTION NO. 163-12

Introduced by P. McAllister. Seconded by R. Weaver.

DIRECTING THE FILING OF THE TENTATIVE BUDGET AND THE BUDGET MESSAGE WITH THE CLERK OF THE LEGISLATURE, MAKING PROVISIONS FOR THE CONDUCT OF COUNTY GOVERNMENT FOR THE FISCAL YEAR 2013, AND FIXING THE TIME AND PLACE FOR THE PUBLIC HEARING ON THE TENTATIVE BUDGET.

Pursuant to Sections 354, 355, 356 and 359 of the County Law.

WHEREAS, the Budget Officer shall prepare and the Finance Committee shall present the Steuben County Tentative Budget and the Budget Message for the Fiscal Year 2013 with its recommendations to this Steuben County Legislature, which Tentative Budget and Budget Message together with copies, shall be filed with the Clerk of the Legislature on or before November 15, 2012.

NOW THEREFORE, BE IT

RESOLVED, the Tentative Budget and the Budget Message setting forth the appropriations for the conduct of County Government for the Fiscal Year 2013, shall be filed with the Clerk of this County Legislature on or before November 15, 2012, and shall be received and filed with this Legislature by filing same with the Clerk thereof as the official record of the filing of the same and that said Tentative Budget shall serve as the proposed appropriation resolution; and be it further

RESOLVED, the Public Hearing on the Tentative Budget for Steuben County for the Fiscal Year 2013, as herein filed, shall be held on November 26, 2012, at 6:00 P.M. in the Legislative Chambers, Bath, New York, and the Clerk of this Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 359 of the County Law in the two official newspapers of the County; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Treasurer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 164-12

Introduced by P. McAllister. Seconded by H. Lando.

FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE MARSH DITCH WATERSHED PROTECTION DISTRICT.

Pursuant to Section 270 of the County Law and upon the recommendation of the Administration Committee.

RESOLVED, the Public Hearing on the Assessment Roll for the Year 2012, for the Budget Year of 2013, for the Marsh Ditch Watershed Protection District shall be held on November 26, 2012 at 6:00 P.M. in the Legislative Chambers, County Office Building, East Pulteney Square in the Village of Bath, New York and the Clerk of the Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 270 of the County Law in the two official newspapers of the County, and the Clerk is further directed to forward a certified copy of this resolution to the Attorney for the Watershed District, to the President of the Board of Managers for said Watershed District, to the Director of Real Property Tax Service Agency, and the County Treasurer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 165-12

Introduced by P. McAllister. Seconded by G. Welch.

FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE UPPER FIVE MILE CREEK WATERSHED PROTECTION DISTRICT.

Pursuant to Section 270 of the County Law and upon the recommendation of the Administration Committee.

RESOLVED, that the Public Hearing on the Assessment Roll for the Year 2012, for the Budget Year of 2013 for the Upper Five Mile Creek Watershed Protection District shall be held on November 26, 2012 at 6:00 P.M. in the Legislative Chambers, County Office Building, East Pulteney Square in the Village of Bath, New York and the Clerk of the Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 270 of the County Law in the two official newspapers of the County, and the Clerk is further directed to forward a certified copy of this resolution to the President of the Board of Managers for said Watershed District, to the Director of Real Property Tax Service Agency, and the County Treasurer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 166-12

Introduced by P. McAllister. Seconded by B. Schu.

FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE LAMOKA/WANETA LAKES' PROTECTION AND REHABILITATION DISTRICT.

Pursuant to Section 270 of the County Law and upon the recommendation of the Administration Committee.

RESOLVED, the Public Hearing on the Assessment Roll for the Year 2012, for the Budget Year of 2013, for the Lamoka/Waneta Lakes' Protection and Rehabilitation District shall be held on November 26, 2012 at 6:00 P.M. in the Legislative Chambers, County Office Building, East Pulteney Square in the Village of Bath, New York and the Clerk of the Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 270 of the County Law in the two official newspapers of the County, and the Clerk is further directed to forward a certified copy of this resolution to the Schuyler County Legislature, 105 Ninth Street, Unit 6, Watkins Glen, NY 14891; Director of Real Property Tax Service Agency, and the County Treasurer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 167-12

Introduced by B. Schu and L. Crossett. Seconded by H. Lando.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO TRANSFER $25,550 FROM THE CONTINGENCY FUND TO THE DISTRICT ATTORNEY 2012 BUDGET.

WHEREAS, the District Attorney experienced an extraordinary increase in the number of cases requiring prosecution during the 2012 fiscal year; and

WHEREAS, certain expense lines are in need of year end supplementation as a result of the expenses directly associated with that increase.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to transfer from the Contingency Fund to the District Attorney 2012 budget as follows:

From	A 199000 5 499 000	$25,550	Contingency Fund
To	A 116500 5 405 100	$ 1,200	Postage
To	A 116500 5 403 800	$ 1,200	Copying
To	A 116500 5 407 100	$ 5,000	Books & Subscriptions
To	A 116500 5 406 000	$ 1,050	Office Supplies
To	A 116500 5 423 400	$ 9,900	Grand Jury & Trial/Hearing Transcripts
To	A 116500 5 423 300	$ 1,200	Witness Fees
To	A 116500 5 450 999	$ 600	Motor Pool Chargebacks
To	A 116500 5 471 000	$ 5,400	Mileage and Fuel Costs

AND BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the County Treasurer and the District Attorney.

Vote: Roll Call – Adopted.

RESOLUTION NO. 168-12

Introduced by B. Schu and L. Crossett. Seconded by D. Farrand.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO TRANSFER $50,000 FROM THE CONTINGENCY FUND TO THE SHERIFF'S OFFICE JAIL BUDGET INMATE MEDICAL SERVICES.

WHEREAS, the 2012 Sheriff's Office Jail Budget Medical Services line item contains insufficient funds for the balance of the Fiscal Year.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized to transfer from the Contingency Fund, the amount of $50,000 to the 2012 Sheriff's Office Jail Budget Medical Services line item 315000 5 420 0000; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Steuben County Sheriff.

Vote: Roll Call – Adopted.

RESOLUTION NO. 169-12

Introduced by P. McAllister and L. Crossett. Seconded by G. Roush.

AUTHORIZING A YEAR-END TRANSFER OF DEPARTMENTAL SURPLUS FROM THE CENTRAL COMMUNICATIONS OVERALL SURPLUS TO THE CAPITAL PROJECT ENTITLED COUNTY TELEPHONE SYSTEM.

WHEREAS, the County's existing telephone infrastructure is aging and will be in need of replacement in the next few years; and

WHEREAS, to prepare for the expense of replacing the telephone system, the Legislature has determined it is in the best interest of the County to transfer the anticipated surplus in the Central Communications budget and to dedicate such funds in a capital account to prepare for the expense of replacing the telephone system; and

WHEREAS, the 2012 surplus is estimated to be $100,000.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to appropriate the year-end surplus from the Central Communications budget to the Capital Project entitled County Telephone System Fund (1650H1 5 250 000); and be it further

RESOLVED, certified copies of this resolution shall be distributed to the Steuben County Treasurer and the Director of the Information Technology Department.

Mr. Swackhamer asked what will be the total cost for replacement of the phone system? Mr. Wheeler replied it will be in the neighborhood of $500,000 or more. We are collecting $100,000 per year in chargebacks from the departments which will be very helpful. Currently 9-1-1 is in the process of demoing a new type of phone system to see if that could work as a replacement and save some money.

Mr. Weaver asked you are putting money aside for this project? Mr. Wheeler replied we have a chargeback to the departments, and the replacement costs have been built into those chargebacks.

Vote: Roll Call – Adopted.

RESOLUTION NO. 170-12

Introduced by T. Ryan and L. Crossett. Seconded by D. Farrand.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO TRANSFER $1,000 FROM THE BICENTENNIAL PROJECT TO THE HISTORIAN'S BUDGET.

WHEREAS, the County Historian sponsors an Annual Hall of Fame Luncheon to recognize those individuals inducted into the Hall of Fame; and

WHEREAS, the expenses for the Hall of Fame Luncheon are $1,000; and

WHEREAS, there are funds available in the Bicentennial Project.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Treasurer is hereby authorized and directed to make the following transfers:

- Decrease H1200 7550H1 Bicentennial Project by $1,000
- Increase 751000 5499100 Other Expenses by $1,000

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Treasurer and the Steuben County Historian.

Vote: Roll Call – Adopted.

RESOLUTION NO. 171-12

Introduced by M. Hanna. Seconded by S. Van Etten.

AUTHORIZING THE COMMISSIONER OF THE STEUBEN COUNTY DEPARTMENT OF PUBLIC WORKS TO EXECUTE A REVISED SNOW AND ICE AGREEMENT BETWEEN THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND THE COUNTY OF STEUBEN AND TO EXTEND THE AGREEMENT THROUGH THE 2012-2013 SNOW SEASON.

WHEREAS, the New York State Department of Transportation ("NYSDOT") Commissioner and Steuben County (the "Municipality") have entered into an Agreement No.D014728 entitled "Indexed Lump Sum Snow and Ice Agreement between the New York State Department of Transportation and Municipality of County of Steuben", dated January 11, 2006; and

WHEREAS, the term of the said Agreement is for a period of three (3) years commencing July 1, 2005 and the said Agreement provides that the parties may at the end of each year of the term of the Agreement extend such term for an additional year; and

WHEREAS, the present term of the Agreement, as extended, expires June 30, 2012; and

WHEREAS, Section 7 of the said Agreement provides that the NYSDOT Commissioner shall furnish the Municipality with a suitable map for each term of the Agreement, or for any extended term thereof, modified to show the changes, if any, to the State Highways affected by this Agreement; and

WHEREAS, Section 9 of the said Agreement provides for an annual update of the estimated expenditure to be determined by the NYSDOT Commissioner subject to the provisions of Section 9 at the time for extension of the Agreement; and

WHEREAS, Section 9 of the said Agreement also provides for an adjustment to the actual payment amount based on the intensity and severity of the winter season.

NOW THEREFORE, BE IT

RESOLVED, in consideration of the mutual covenants and benefits between the parties,

4. The aforementioned "Indexed Lump Sum Snow and Ice Agreement between New York State Department of Transportation and the Municipality" is hereby extended for a period of one (1) year; now to expire on June 30, 2013, unless further extended.

5. The State Highways or parts thereof affected by this Agreement are as delineated on the attached map, agreed upon by the NYSDOT Commissioner and the Municipality, which shall be effective for the remainder of the term of the Agreement commencing July 1, 2012, unless changed by future agreement between the NYSDOT Commissioner and the Municipality.

6. All the terms and conditions of the original contract remain in effect except as follows. The indexed lump sum estimated expenditure specified in Section 9 of the aforementioned Agreement shall be $3,783.95 per lane mile for 133.20 lane miles for a total of $504,021.88 for the 2012/13 season and for the remainder of the term of the Agreement commencing July 1, 2010, unless changed by future update.

AND BE IT FURTHER RESOLVED, seven (7) certified copies of this resolution shall be forwarded to the Commissioner of Public Works.

Mr. Mullen commented the agreement we have has roughly 40 miles less than last year and results in a loss in revenue of $200,000 - $300,000. The State pays $7,568 per mile. We are paying the towns $4,000 per mile for doing our roads. The State road contract guarantees us $5,070 per mile, but there is the potential for more. Is there any way to try and bring some of that State mileage back in?

Mr. Spagnoletti replied that as background information, we started our contracts with the towns to plow our roads at $4,700 per mile. Our cost to plow those roads is $3,700 per mile and we were paying the towns $1,000 too much. We agreed to a fair price of $4,000 per mile and in doing so, we saved $80,000. There are three towns that have indicated that they do not want to do plowing. We then had to pick up an additional 38 miles of town roads. Our cost to do that is $3,700 per mile compared to the $4,700 we previously paid the towns for those roads. We saved $38,000 and the net effect of all of that is that we saved $120,000. The roads we took over are located in the towns of West Union, Pulteney and Tuscarora and because of that, we couldn't plow all of the State roads. We do not have the people or the trucks. We gave back two State roads; SR236 in Greenwood and SR53 between Kanona and Prattsburgh. In giving up those roads, there was a net loss of $66,000 to our bottom line. Between the $118,000 we gained from the towns, and the loss of $66,000 from the State, the overall effect was a gain of $52,000 to our budget. Mr. Spagnoletti stated that Mr. Mullen makes the point that it is a revenue source from the State to do their plowing. If we had more people, we could probably do it, but is it worth it? If we picked up SR236, we would net $32,000. We don't have the people or the trucks. The only way we could do it would be to try to find more towns to plow for us. There are some towns that have asked to do that. The danger is that we have a guaranteed payment to the towns. In an easy winter, we would be out quite a bit of money. We could plow the State roads if we asked the towns to plow for us and that might make a difference of $25,000 to our budget. He stated that he doesn't want to change the contract now. It is possible to do, but he would address that in next winter's contract.

Mr. Farrand stated that his concern is that the Greenwood Shop it located at the intersection of SR417 and SR248. Every county road in that area has to be accessed via SR248. We have to drive that road to get to CR60, CR61, CR129 and CR98 to plow them. He thinks we are losing the benefit of having that money because we have to travel the State route in order to plow our routes. So why not plow SR248?

Mr. Mullen stated the net effect to the County budget may be relatively small, but the net effect to the municipality budgets would be much larger. With the State snow removal contract we have a guarantee of $200,000 and that could be up to $300,000. The total gain is much larger than the $25,000 if we asked the towns to plow more roads for us. It would be good for the County to look at what roads the towns could plow. Once we give up the roads, it may be difficult to get them back.

Mr. McAllister asked are you looking for towns who are willing to take this on, or are we trying to cut? He commented that he sees this is a one-year contract. Didn't the State do a multi-year contract? Mr. Spagnoletti replied this is a year-to-year contract. There was a time when they were multi-year contracts. With respect to Mr. Farrand's concern about going across State roads to get to County roads, the State roads require a different level of service and we designate a specific truck to plow those roads. The State has a 24/7 level of service. When we do snow removal on those roads, they require 100 percent salt. That raises the cost of County road snow plowing. The net effect is that the driving on the roads goes up and the costs go up. It is a pass through that we receive from the State. Personally, overall, it is an inefficient way to handle the roads.

Mr. Hauryski asked with regard to staff, how many people is your department down from two years ago? Mr. Spagnoletti replied 30. We do not have enough people to plow the roads now. If this is something we want to do, we will need more people or more towns to plow.

Mr. Weaver asked is the concern that you don't have enough people, or not enough trucks? Mr. Spagnoletti replied it is both. We have 45 people designated to County roads, with two backup trucks. If we took over another 20 miles from the State, we would need another truck. With regard to our personnel, we barely have enough to keep fully staffed.

Mr. Van Etten commented that these issues should have been brought up in committee and this is something that we need to act on. Mr. Ryan stated that he agrees with Mr. Van Etten. It should have been brought up in committee so that we would have had time to digest this information.

Mr. Mullen stated that he will vote for this, but he wants us to look at trying to bring the other roads back in.

Vote: Roll Call – Adopted. (Yes – 9247; No – 625) (Opposed: Mr. Farrand)

RESOLUTION NO. 172-12

Introduced by C. Ferratella. Seconded by R. Lattimer.

AUTHORIZING A CONTRACT WITH IM SOLUTIONS, INC. FOR RESIDENT BILLING SERVICES FOR THE STEUBEN COUNTY HEALTH CARE FACILITY.

WHEREAS, the Health Care Facility needs specialized expertise to restore its billing service for Medicare, Medicare replacement, and other commercial insurances; and

WHEREAS, the County issued RFP #GC-12-020-P seeking proposals for Resident Billing (IP&OP) Services for the Steuben County Health Care Facility; and

WHEREAS, from time to time, the Health Care Facility has utilized outside vendors and contractors to provide said services; and

WHEREAS, IM Solutions, Inc. is ready, willing and able to perform the needed services.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Administrator is hereby authorized to execute an agreement with IM Solutions, Inc. for Resident Billing Services for the Steuben County Health Care Facility; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Administrator, Administrator of the Steuben County Health Care Facility, Steuben County Treasurer, and the Steuben County Personnel Officer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 173-12

Introduced by C. Ferratella and P. McAllister. Seconded by H. Lando.

RECLASSIFICATION OF A CLERK, GRADE IV, POSITION TO AN ACCOUNT CLERK TYPIST, GRADE VI, POSITION WITHIN THE HEALTH CARE FACILITY.

Pursuant to Section 204 of the County Law of the State of New York.

WHEREAS, this Clerk in the Health Care Facility does all of the scheduling for the Nurses and Nursing Assistants; and

WHEREAS, this Clerk will have added duties of completing paperwork relative to Personnel transactions; and

WHEREAS, an Account Clerk Typist position more appropriately performs these duties; and

WHEREAS, the Personnel Officer, the Administration Committee, and the Human Services, Health and Education Committee have reviewed said position within the Health Care Facility and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Health Care Facility is hereby reclassified as follows:

Clerk, Grade IV ($24,825 to $35,046) to
Account Clerk Typist, Grade VI (26,867 to $37,928)

AND BE IT FURTHER RESOLVED, that the 2012 County Job Classification and Salary Schedule is hereby amended to reflect the above-stated changes; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Treasurer, Personnel Officer, and the Health Care Facility Administrator.

Vote: Roll Call – Adopted.

RESOLUTION NO. 174-12

Introduced by J. Hauryski. Seconded by D. Farrand.

DIRECTING THE CLOSING OF ALL STEUBEN COUNTY OFFICES ON FRIDAY, NOVEMBER 23, 2012.

Pursuant to Section 206-a of the County Law and the current agreement between the County of Steuben and the Civil Service Employees' Association, Inc.

WHEREAS, the County of Steuben, by contractual agreement with the employees of Steuben County has declared the day after Thanksgiving day to be a holiday for all employees, with the exception of the County Clerk, the County Treasurer, the Clerk of this Legislature, and the Sheriff's Office (Administrative Offices); and

WHEREAS, this County Legislature determines because of the lack of the traditional business volume on the day after Thanksgiving, coupled together with the savings of energy costs and unnecessary payroll expenses, that it would be in the best interest of the County, the taxpayers and its employees to close all of the offices of Steuben County on the day after Thanksgiving, November 23, 2012.

NOW THEREFORE, BE IT

RESOLVED, that this County Legislature declares November 23, 2012, to be a County holiday pursuant to the present contract with the Civil Service Employees' Association, Inc.; and be it further

RESOLVED, that all of the department heads, in particular the County Clerk, the County Treasurer, the Clerk of this Legislature, and the Sheriff (Administrative Offices), are directed to close their respective offices on said date; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Clerk; County Treasurer; Clerk of the Legislature; and the Sheriff.

Vote: Acclamation – Adopted.

RESOLUTION NO. 175-12

Introduced by M. Hanna. Seconded by G. Roush.

REAPPOINTING VINCENT SPAGNOLETTI AS THE COMMISSIONER OF THE STEUBEN COUNTY DEPARTMENT OF PUBLIC WORKS.

Pursuant to Section 100 of the Highway Law of the State of New York.

WHEREAS, the term of office for Vincent Spagnoletti as Commissioner of the Steuben County Department of Public Works terminates on November 8, 2012; and

WHEREAS, Vincent Spagnoletti has again been recommended by the Public Works Committee for a four-year term, commencing November 9, 2012 and terminating November 8, 2016.

NOW THEREFORE, BE IT

RESOLVED, that Vincent Spagnoletti of Hammondsport, New York, be, and the same hereby is, reappointed as Commissioner of the Steuben County Department of Public Works for a term commencing November 9, 2012, and terminating November 8, 2016; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Personnel Officer, the County Treasurer, and to Vincent Spagnoletti.

Vote: Roll Call – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.D. Discussions Regarding Proposed, Pending or Current Litigation Relative to Garang vs. Steuben County and the Matter of Kari C. and Article 7§ 105.1.F. Matters Leading to the Appointment of a Mark R. Alger made by Mr. Van Etten, seconded by Mr. Roush and duly carried.

RESOLUTION NO. 176-12

Introduced by P. McAllister. Seconded by S. Van Etten.

AUTHORIZING AND DIRECTING THE CHAIRMAN OF THE LEGISLATURE TO ENTER INTO A WRITTEN MANAGEMENT SALARY PLAN WITH MARK R. ALGER, COUNTY ADMINISTRATOR.

Pursuant to County Law §201 and Municipal Home Rule Law §24 subd. 2.h.

WHEREAS, the current term of appointment of the County Administrator expires December 31, 2012; and

WHEREAS, the County is desirous of appointing Mark R. Alger to another term and to provide a salary plan extending salary increments based on time of service in order to foster stability for said incumbent.

NOW THEREFORE, BE IT

RESOLVED, that Mark R. Alger of Bath, New York, be and the same hereby is reappointed to the Office of County Administrator effective January 1, 2013 through December 31, 2016 pursuant to the terms of Local Law #2 of 1984 as amended thereafter by Local Laws #3 of 1994 and #1 of 1996; and be it further

RESOLVED, as set forth in the schedule herein providing for higher rates of compensation through additional increments of salary based upon time of service and being in existence prior to the commencement of the term of office, the salary increments are as follows:

2013	$123,450
2014	$128,388
2015	$134,807
2016	$141,547

BE IT FURTHER RESOLVED, said individual shall enjoy all of the management fringe benefits to the same extent as provided to the County Management Group; and be it further

RESOLVED, in the event of the retirement, said individual shall be eligible to receive an additional 50 percent match of the health insurance premium up to the age of 65 upon retirement; and be it further

RESOLVED, this management salary plan is personal to Mark R. Alger and creates no entitlement to any successor appointment; and be it further

RESOLVED, the Chairman of the Legislature is authorized and directed to reflect an agreement consistent with this resolution; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Personnel Office, County Treasurer and Mark R. Alger.

Vote: Roll Call – Adopted. (Yes – 9421; No – 451) (Opposed: Mr. Weaver)

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mrs. Lando, Seconded by Mr. McAllister and duly carried.

Motion to Adjourn made by Mr. Van Etten, Seconded by Mr. McAllister and duly carried.

SPECIAL MEETING
Morning Session
Thursday, November 15, 2012
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Special Session in the Legislative Chambers, Bath, NY on Thursday, the 15th day of November, 2012, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members present. (Legislator Lando late)

Mr. Swackhamer provided the Invocation and the Pledge of Allegiance was led by Mr. Van Etten.

Mark Alger, County Administrator, presented the following 2013 Budget Message.

PRESENTATION OF BUDGET MESSAGE

Introduction

Today I am here to present the Tentative 2013 Steuben County Budget. This year, like the past several years, we've been struggling to maintain funding for our local non-mandated programs. Once again, we have significant increases in the State's bills for mandated programs coupled with cost-shifts by the Governor and State Legislature. These two issues combine to push the County tax levy higher and County discretionary services lower.

The first year takeover of the Medicaid increase results in a 2% annual increase in Medicaid, which represents an increase of $489,000 in Medicaid. Additionally, the State's cost-shift in the Safety Net Program increases the local costs by $136,000, while the TANF program actually decreases in total expense. The difference is in cost-shifts from the Governor and State Legislature, which will continue as people move more to the Safety Net program. New York State is one of the few states in the nation to have a Safety Net program and now that the State no longer assumes responsibility for it, the Governor and State Legislature have made it primarily a local property tax item to cut State spending.

While the Governor and State Legislature have talked about the importance of local property tax reform and have enacted a 2% Property Tax Cap, they have done virtually nothing but mislead the property tax payers in the State.

Counties in particular are not advocating for more state aid or assistance. We are advocating for the real property tax payer's survival. The state cannot afford the luxury of the social programs born out of the Lyndon Johnson era. Welfare, Medicaid, Special Children's Services, novelty court; all are examples of the great social interventions of the State and Federal government into everyday citizen's pocket book through increased taxes.

With the implementation of the much lauded property tax cap led by the Governor, championed by the Republican Senate and passed, there was a purposeful move to take a reasonably stable local County Government system in New York State and make it directly reflect the fiscal nightmare which has been going on in Albany for the past 30 years.

We don't need a local property tax cap; we need a state program expenditure cap, which guarantees no further cost shifts to local governments for state programs. The Governor indicates he has done mandate relief with the Medicaid Cap. After the cap is implemented, we will in Steuben County alone, still be paying over $21.4 million in Medicaid out of property taxes. No really much of a savings to the property tax payer in the county.

Counties are looking for real reform, program changes for more accountability for program participants, and more local control of the decision making. At this point, our costs are driven by State imposed rules, regulations and oversight. What was once shared funding is now predominantly local funding. Yet the program control continues to be exercised by the State bureaucrats and Governor as though they were actually paying the bills. They are not and have not been for many years.

The largest increases for 2013 are the Department of Social Services and the Retirement costs. The Department of Community Services increase is $474,000 or 54.05%. While Retirement rates increased from 18.9% to 20.9% resulting in a $1 Million gross impact. Sheriff and Jail budgets are up $437,000 or 5.4%, Department of Social Services is up $490,000 or 1.5% and Public Works is up $297,000 or 1.6%. What needs to be recognized are these impacts will be with us for some time.

I want to thank all of those who once again have made this budget process work. The Finance Committee with Chairman Larry Crossett, Vice Chairman Gary Swackhamer and committee members, Mike Hanna, Gary Roush, and Scott Van Etten, as well as the Legislative Chairman, Joseph Hauryski, are to be commended. I would also like to recognize the committee chairpersons for their assistance, Pat McAllister, Carol Ferratella, Tom Ryan, Brian Schu and Mike Hanna all contributed to the success of the process. I would point out the key role of the Treasurer, Pat Donnelly and Deputy County Treasurer, Tammy Hurd-Harvey have had in the preparation of this budget. Without the Treasurer's office, this would be a much more difficult task. I would also be remiss if I didn't recognize Deputy County Administrator, Jack Wheeler, for his hard work and analysis of various items, especially given my situation. We also called upon the Personnel Officer, Nancy Smith, for assistance with the personnel impacts. I want to once again acknowledge the efforts of the Commissioners of Social Services and Public Works, Kathy Muller and Vince Spagnoletti. Every County department has cooperated to arrive at this budget.

The first look at the budget in May of 2012 contained over an 18% tax increase. That is the reason we began early in 2012 to prepare the 2013 budget. I suggest we continue early budget discussions and closely monitor 2013 expenditures. An early start on budget discussions provides direction to routine activities throughout the year. Spending constraints and funding availability dictate how we view each expenditure. Budget information and management is an ongoing team effort. The department heads are key to its success.

Budget Goals

The Budget Goals that have been established for 2013 are as follows:

1. Minimize any property tax impact through careful review of expenditures and maximizing alternative revenues and comply with intent of Tax Cap.
2. Provide sufficient funding for Public Works Construction.
3. Provide sufficient funds for State-mandated Medicaid and Social Services' programs.
4. Meet the County's retirement payment obligations.
5. Meet County's increasing Health Insurance costs.

Total Budget

The total proposed budget for 2013 is $187,328,352, representing an increase of $1.193 Million or 0.64% in total expenditures. The areas of increase include Public Safety up 5.69%; DSS up 1.69%; Health up 29.12%; Culture and Recreation up 4.88%; General Government up 8.77%; Public Works up 1.59%; Home and Community Services up 2.98%; and Capital Projects up 21.95%. Conversely, Special Childrens' Services decreased 1.06% from 2012 levels.

The County budgets for the past five years are as follows:

2009	$179,497,241
2010	$183,256,342

2011	$182,661,060
2012	$186,135,290
2013 (Proposed)	$187,328,352

The average increase in expenditures between 2009 and 2013 is 0.7%. The 0.64% increase anticipated from 2012 to 2013 is a result of an increase in various segments of the budgets personal services and fringe benefits as well as the large increase in Social Services, retirement costs and capital projects. But it directly reflects reductions made in programs and staffing to archive lower budgetary impact.

MAJOR CHANGES BY DEPARTMENT

Highways

The total proposed 2013 budget for transportation stands at $24,884,564 compared to $24,817,725 in 2012, with a County cost increase of $280,339 or 1.59%. The Finance Committee is proposing that we budget $900,000 next year to replace key pieces of major equipment and $18,400 in small equipment funding. Additionally, the debt service for the new grinder in the amount of $182,825 has been added. My recommendation again for 2013, is that only replacement equipment be purchased. The budget contains $400,000 in capital projects for the Landfill and $4,821,000 for Public Works for Seneca Street Bridge in Hornell. This year as last, the Highway Construction Projects totaling $5,262,000 have been set up as capital projects totaling $4,085,000 and $1,177,000 within the general repairs budget. Once again, this is a robust program for the County considering the difficult budget times we are experiencing.

Department of Social Services

The total 2013 County cost for the Department of Social Services increased as a result of Medicaid and other programs. The Medicaid appropriation has increased from $21.3 Million to $21.5 Million for 2013; which reflects the increase of approximately $500,000 in local cost for Medicaid and the IGT. Additionally, we are budgeting a $323,000 decrease in Child Care for children in custody of the County. This represents a 13.6% decrease in this cost on top of a 28% reduction in 2012. We've seen our number of children in custody decrease and outside reimbursements increased from the current year.

I would also note several concerns with the major welfare programs. TANF is decreased in 2013 to appropriations of $3.1 Million while the Safety Net program is increasing from $3.7 Million in 2012 to $3.8 Million in 2013. The other consideration is the cost-shift enacted by the State making Counties the primary funder of Welfare. This, despite our inability to in any way impact program operations or eligibility. The Safety Net Program will continue to grow and become more of a burden to the property taxpayers in the future.

Sheriff/Jail

The Sheriff's Department and Jail budgets are both impacted by the increase in salaries and fringe benefits resulting in a 5.5% increase in the Sheriff's overall County cost for the budget. The Jail budget anticipates approximately 53 federal or other county inmates at $88.00 per day rate. That totals approximately the same as 2012. The revenues help to offset the increased costs of salary adjustments and fringe benefits. It's critical the new Sheriff continues a solid working relationship with the Federal Marshals to maintain the revenue stream. At this time, we are projecting $1.7 Million for boarding in prisoners.

Health Care Facility

The 2013 budget anticipates continuing direct operations of the Steuben County Health Care Facility. We will be actively engaged with evaluating proposals received in early November for the eventual sale of the facility. While the prospects are positive, until all the process is completed; it is simply too early to predict what the outcome will be. Thus, we are carrying forward with the 2013 budget as though we will operate the facility through year end. It is hoped the situation will be much clearer prior to December 2013.

COUNTY REVENUES

Sales Tax

The 2012 sales tax receipts are up compared to 2011. While certainly very modest growth, we feel there is room to increase the estimate for 2013. We are projecting an increase of $1,000,000 for 2013. Total collections after adjustments have continued to grow very slowly, allowing an increase in anticipated revenues.

Budgeted sales tax revenues for the last five years are as follows:

2009	$25,450,000
2010	$25,450,000
2011	$25,700,000
2012	$26,700,000
2013	$27,700,000

Fund Balance

The tentative budget includes a General Fund appropriation of $4.6 Million for 2013. The Fund Balance use will be critical as we implement the tax cap. We will not be reducing the highway and machinery fund balance used in 2012 as the funds can support the same appropriation level. We may only be able to use these funds for 2013 so 2014 will likely be shifting back to the general fund. However, given our expectations with the Health Care Facility transition, we may be able to better absorb the shift at that time. We are generally holding fund balance appropriations the same except for the use of some additional to offset the health insurance increase for 2013.

Real Property Taxes

The increase in sales tax and use of Fund Balance has resulted in our ability to maintain the services to residents with a minimal increase in property taxes for 2013. The tax levy is proposed to increase 2.69% with the full value tax rate of $8.89 for 2013 representing a 2.6% increase for 2013. This translates to $23.00 increase for a home assessed for $100,000 at full value

The property tax collections and average full value rate for the last five years are as follows:

Tax Levy	Rate per Thousand	
2009	$43,798,265	$8.76
2010	$44,996,816	$8.75
2011	$46,004,435	$8.76
2012	$46,786,950	$8.66
2013	$48,045,574	$8.89

CONCLUSION

These are truly difficult budget times. We are basically maintaining status quo with a focus on core activities at the local program level. The State's utter failure to do any meaningful mandate reform is going to be a significant problem as time passes. Clearly we already cannot afford to pay the State's bills for their Social Welfare programs. These will continue and increase every year.

The second major concern is the Governor, Comptroller and State Legislature's complete disregard for the fiscal well being of the State and local governments. This is particularly true when, as I predicted last year, they changed their property tax cap interpretation for counties; placing upwards of 22 counties in jeopardy of non-compliance because they had not determined how to implement the cap. That is why, once again, I strongly advocate passing the override even though we believe we have complied to the best of our ability with the cap.

The major change not released until this September, long after last year's budget adoption was over and completed, was a unilateral change advocated by the Governor to reduce counties caps by the amount of sales tax credits Towns take against the County levy in their Towns. Those credits have absolutely nothing to do with the actual amount to be raised in taxes by the county. It is a discretionary act of the Town to determine how they want to use their share of the sales tax. However, the impact on our ability to stay within the cap is dramatically impacted by these decisions. It is possible we could lose $7.7 Million in tax levy value in the formula which would directly result in our having to reduce the tax levy accordingly. Yet we would see absolutely no benefit to the change.

This new approach is one which will require the County to reassess how we deal with sales tax countywide. The potential large impacts must somehow be avoided to maintain a stable budgeting environment. I believe we should institute a comprehensive review as soon as the budget is completed. Such a review should include an investigation into whether we should pursue sales tax agreements with the two cities'. The agreements would give the County more control over the distribution of the sales tax to the towns in the long term.

Another area of concern is the lack of any quantifiable new construction within the County for the 2013 cap. In looking ahead, it appears the 2014 cap will also not contain any quantifiable new construction growth. This serves to highlight the need to much more aggressively pursue the update assessment comparisons to accurately identify these improvements. I would suggest even if the County has to hire staff to do the analysis and work with the Town Assessors, this is a critical factor that needs to be addressed right away. With the new Pictometry imaging being completed this fall, we should be able to identify the changes much easier than in the past.

Finally, I want to provide the updated 9 for 90 charts for the 2013 budget as proposed. When you review these, you continue to see the rate of growth of the State's property tax bills we pay and gradually are seeing local services reduced. We removed approximately 25% of the vacant position funding for 2013. That will result in an overall reduction of approximately 26 additional positions. Your staffing level is at the lowest level in decades. While we continued to fund some of the vacancies going into 2013, it is very likely we will see even further reductions needed to meet the 2014 budget constraints. As a result, once again throughout 2013, vacant positions will largely go unfilled with limited exceptions. We will be very selective in evaluating what positions may be filled and over what timeframe. I suggest very few will be automatically filled as we go into 2013. Our budget is too tight and the prospects for 2014 are no more promising.

To end on a more positive note, this budget is a reasonable plan based upon strong analysis by your best staff. We believe it is sound and will stand the test of time. While we are wary of the continuing lack of action by the Governor and the State Legislature, we remain hopeful that necessity will force changes at the State level.

Additionally, the bold steps the County is taking in reviewing Health Services will help the county weather these fiscal times better than some of our colleagues. The sale of the Certified Home Health Care Agency, sale of the Health Care Facility and changes to Community Services are all actions which will help stabilize the budget going forward. We have to continue to evaluate these and other similar local options. We need to continue to try to get our message out that these actions are being taken to protect services residents have come to expect. Unfortunately, if we fail to implement the changes in service delivery, the service itself will ultimately be in jeopardy. The status quo was changed by this Governor's property tax cap and there is no going back to the 'way we've always done it'. I once closed a message indicating while we will have to be willing to cut programs and we must, but we must be willing to change approaches to make the best decisions for the real property tax payers too. That will necessitate privatizing some operations and selling assets.

Mark R. Alger
County Administrator/Budget Officer

Mrs. Ferratella asked health care insurance increased 16 percent? Mr. Alger replied that is what we have in the budget. We have been told they will not do anything else with Medicaid. The New York State Association of Counties (NYSAC) is advocating that the Special Education Program be reviewed and changed. New York is the only State that requires counties to fund these programs. There is no reason that we should be in the education business. NYSAC is advocating that there are things that can be done that will not hinder students or services, but will allow the schools, parents and providers to buy into a more holistic approach. By doing that, you will end up with a better program. There needs to be a separation in the lines of authority. That is a growing program. We need to advocate for mandate relief with the State.

Mr. Alger stated the approach he would advocate is that many municipalities are saying they need more money. We should not advocate for more money, but for program change. Only by doing that will you affect it. One example is welfare reform. With the adoption of the Personal Responsibility Act in 2000, we saw welfare rolls drop more than 45 percent because they changed the system. If you don't change the system, you will not see change. If we don't do that, it will continue the way it is. The State needs to fundamentally look at the program. We can still provide the services, but we need to do it in a fashion that is more cost effective.

Mr. Van Etten stated that there is an increase of 30 percent in pension costs due to the return. Is there any indication of what that looks like further out? Mr. Alger replied the pension fund is calculated on a five-year rolling schedule. We had a bad year in 2008. Once that year falls out of the calculation, you should see that improve. It is dependent on what happens in the stock market. The long-term projected rate is 12 percent and we are currently at 18 percent. Tier 6 will help because of the contribution rate of that tier. With Tier 1 and Tier 2, there are very few employees left. We still have a fair amount of Tier 3 employees, but the majority of our employees are in Tier 4.

Chairman Hauryski stated that he would like to thank Mr. Alger, Mr. Wheeler, Mr. Donnelly and Ms. Hurd-Harvey. In addition he would also like to thank the Department Heads for their cooperation during the budget process this year. Considering the circumstances, we have done a good job. Mr. Alger stated there is no question that this is a team effort. We have a group of good department heads here. We have an outstanding Treasurer and Deputy Treasurer and he stated that he would be at a loss without Mr. Wheeler. He appreciates everyone's efforts.

RESOLUTION NO. 177-12

Introduced by P. McAllister. Seconded by S. Van Etten.

PRESENTING LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2012, ESTABLISHING THE ANNUAL SALARIES OF CERTAIN ELECTED OR APPOINTED OFFICIALS AND DEPARTMENT HEADS OF THE COUNTY OF STEUBEN WHO HAVE A FIXED TERM OF OFFICE FOR THE FISCAL YEAR 2013.

Pursuant to Sections 200, 201 and 214 of the County Law and Sections 10, 20 and 24 of the General Municipal Law of the State of New York.

WHEREAS, pursuant to the Steuben County Management Evaluation and Salary Plan, as revised, Management employees, with the exception of elected positions, had performance evaluations conducted; and

WHEREAS, pursuant to the Plan, all salary adjustments for Management employees are based upon the reviews conducted pursuant to said Plan; and

WHEREAS, the Administration Committee has approved salaries for all Management employees, except Legislators, based upon performance evaluations; and

WHEREAS, the Administration Committee has reviewed and studied the evaluations pursuant to the Plan concerning the salaries of certain elected or appointed officials of the County of Steuben who have a fixed term of office for the Fiscal Year 2013, which individuals are presently serving mid-term; and

WHEREAS, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Six for the Year 2012, establishing the annual salaries of such appointed officials for the Fiscal Year 2013.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Six for the Year 2012, Establishing the Annual Salaries of Certain Elected or Appointed Officials and Department Heads of the County of Steuben who have a Fixed Term of Office for the Fiscal Year 2013, as follows:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2012

A LOCAL LAW Establishing the Annual Salaries of Certain Elected or Appointed Officials and Department Heads of the County of Steuben who have a Fixed Term of Office for the Fiscal Year 2013.

Be it enacted by the Legislature of the County of Steuben as follows:

SECTION 1: Except where inconsistent by operation of law due to prohibitions of increases of compensation during a fixed term of office for County officers and employees as provided in County Law §201 and Municipal Home Rule Law §24(2)(h), the "Steuben County Management Evaluation and Salary Plan", Administrative Code of the County of Steuben Part XV be, and the same hereby is, applicable to officers and employees having a fixed term of office, whether elected or appointed, as are any and all resolutions of the Steuben County Legislature relative to rights and entitlements of County executive and management personnel.

SECTION 2: Effective with the first county payroll for the County Fiscal Year 2013, the annual salaries of the certain elected or appointed officials and department heads of the County of Steuben who have a fixed term of office are hereby established for the Fiscal Year 2013 as follows, to wit:

TITLE	2011/2012 SALARY	2013 SALARY
Clerk of Legislature	$ 56,870	$ 58,292
Commissioner, Public Works	$ 92,760	$ 95,079
Commissioner, Social Services	$ 89,493	$ 91,730
County Attorney	$ 105,000	$ 107,625
County Auditor	$ 46,641	$ 47,574
County Clerk	$ 56,622	$ 58,038
County Treasurer	$ 80,000	$ 82,000
Director, Real Property Tax	$ 60,000	$ 61,200
Personnel Officer	$ 82,720	$ 84,788
Public Defender	$ 86,431 (appointed 04/30/2012)	$ 88,592

SECTION 3: Should any of the above positions become vacant and subsequently filled by one other than the present incumbent, the salary shall in that instance be set by the Legislature prior to filling said vacancy.

SECTION 4: This Local Law shall become effective, subject to a permissive referendum, forty-five (45) days after the date of its final adoption and on the date it is duly filed in the Office of the Secretary of State of the State of New York and in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the Steuben County Legislature, a Public Hearing shall be held at the Special Legislative Meeting on November 26, 2012, at 6:00 P.M. or such other date and time that may be adjourned, at Steuben County Offices, 3 East Pulteney Square, Bath, New York 14810, and the Local Law is subject to a permissive referendum of the qualified electors of the County of Steuben by filing of a legal petition within forty-five (45) days after its final adoption, with the Clerk of the Legislature of the County of Steuben protesting such Local Law; and be it further

RESOLVED, the Clerk of the Legislature shall cause a notice of said Public Hearing to be posted at the Courthouses in the municipalities of Bath, Corning and Hornell, have said notice published for one insertion in the two official newspapers of the County, and shall cause such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with proof of posting and publication to be filed in the Office of the Clerk of the Legislature; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer, and all appointed and elected officials mentioned above.

Vote: **Acclamation – Adopted. (No – Mr. Ryan)**

BUDGET WORKSHOP

Chairman Hauryski asked if anyone had any questions or changes related to the 2013 Budget?

Motion to Restore Bridge Funding in the 2013 Budget at last year's level of $100,000.00 using Contingency Funds made by Mr. Swackhamer and seconded by Mr. Weaver.

Mr. Weaver asked why do we do this every year? The cities of Corning and Hornell are the two major sales tax generators and we are playing games.

Mrs. Ferratella stated we have kicked this issue down the road too many times. We need to do a review and make a fair program that is equitable to the towns, villages, county and cities. She stated that she would like to see a significant review.

Mr. Mullen asked how does the sales tax situation work with the cities compared to the towns? Mr. Alger explained we are at this point because of the sales tax credit issue. We need to approach the cities to enter into a sales tax agreement and that would change the entire method. You would want to do that as it gives you more control going forward. Both cities are preempted and that requires the County to share one half of all sales taxes between the cities, towns and villages. If we had an agreement with the cities, you could probably change that methodology. The intent would be to make it more predictable for the County on an annual basis so we don't have the large surges.

Mr. Mullen asked what is the difference between the sales tax from the cities versus from the towns? Mr. Alger replied the difference is that the sales tax from the cities is split 50/50 between the cities and the County. With the towns, there is an aggregate amount and it is distributed on a formula based on assessed value. Mr. Mullen commented the cities are already making enough money to pay for their bridges.

Mr. Weaver stated the cites have County roads within them. The City of Hornell has 14 bridges that must be maintained. That is a significant outlay of cash. Mr. Mullen stated the people in the cities are using County roads all the time.

Mr. Van Etten commented the city gets half of the sales tax generated within their boundary. The Town of Erwin, as an example, has a significant retail center but doesn't enjoy that same benefit as their sales tax gets spread across the County. He stated that he agrees with Mr. Alger that we need to negotiate a sales tax agreement with the cities. That will put us in position to address the issue of the sales tax credit with the towns. That is the only way that he would support Mr. Swackhamer's motion to put the bridge funding back in as a temporary amount of $100,000.00. He stated that he spoke to former Legislator, Mr. Gehl, who indicated at one point that they pulled that funding out for three years and then put it back in.

Mrs. Lando stated the City of Corning does not have the money to repair the Bridge Street bridge. We were hoping to get that money from the bridge funding.

Mr. Ryan asked didn't we talk about reducing this amount three years ago? Mr. Alger stated this discussion has been ongoing. Mr. Ryan stated the cities should have planned accordingly. Mr. Alger commented the additional 1 percent sales tax complicates this issue further. By statute the sales tax is 7 percent and we have requested an additional 1 percent. That additional 1 percent is divided by the State Legislature according to definitions in statute and every quarter, $185,000.00 goes to the cities and $187,500.00 to the towns. The additional 1 percent sales tax was put into place to help with Medicaid. Next year, in January, we do need to request the reauthorization for that additional 1 percent. This additional 1 percent needs to be rolled into that discussion with the cities. He commented that he never would have envisioned us having to do an agreement.

Mr. Crossett stated there is the argument that we are not treating the cities the same, but we are giving the two cities an additional $800,000.00 with the additional 1 percent, but not the towns.

Mrs. Ferratella stated that we need to look at the whole scenario and find out what is fair for everyone. Mr. Alger stated that he agrees. There is no reason we shouldn't roll the bridge money into that discussion.

Mr. Mullen asked what are the actual sales tax numbers being received by the cities of Corning and Hornell? Mr. Alger replied on an annual basis the two cities are receiving $2.5 - $2.8 million each. In addition, they are also getting a share of that additional 1 percent. Mr. Mullen commented that seems like enough to pay the bridge payment.

Mr. Swackhamer called for a point of order. We have strayed from the topic of the bridge funding.

<u>Vote:</u> Roll Call – Adopted. (Yes: 8682; No: 1190)
(Legislators Opposed: Mullen and Ryan)

Mr. Mullen asked why hasn't revenue been added for the grinder since we will be renting the machine to Chemung County? Mr. Spagnoletti replied we have been having discussions with Chemung County and they want to rent our machine. This is an informal agreement. We need to make it official with the Public Works Committee and the Full Legislature. We were not confident enough yet to put that into the budget. We think we are going to get it and if so, that will be a long-term revenue source.

Mr. Swackhamer stated the Public Works Committee has not agreed to that at this time. We bought the grinder for our county. The argument concerning bringing income in was secondary. Mr. Van Etten commented we did identify $135,000.00 in equipment rental money that we pulled out to offset the $180,000.00 bond payment for next year.

Mr. Weaver stated that the District Attorney has a huge increase in expenses and also added an Investigator. They also have $27,500.00 for a vehicle. Is that vehicle for personal or departmental use? Mr. Alger replied that is a replacement vehicle for the District Attorney. Mr. Weaver stated that we should look at saving money by using a vehicle that has been confiscated. He thinks that is a benefit that they don't need. Mr. Alger stated that it is an additional benefit, but the District Attorney pays for it. He is an elected official and is charged the full rental rate. Mr. Alger explained the District Attorney does use the vehicle to respond to calls. As far as using confiscated vehicles, they are using an old Sheriff's vehicle. In the past, they have looked to use forfeiture funds to purchase the vehicle. We would like to do that again assuming we can find enough.

Mr. Mullen asked is the District Attorney's salary $160,000.00? Mr. Alger replied yes. The other increase in his budget is due to the Investigator Position that was transferred from the Sheriff's Department. The State Legislature did increase the District Attorney's salary 50 percent and that was reflected in this budget as well. Mr. Mullen stated that he does not feel that the $27,000.00 expense for the District Attorney's vehicle is necessary when his salary is already higher than anyone else in the County.

Motion Removing the District Attorney's Vehicle from the 2013 Budget made by Mr. Mullen and seconded by Mr. Weaver.

<u>Vote:</u> Roll Call – Fails (Yes: 2222; No: 7650)
(Legislators Opposed: Crossett, Farrand, Ferratella, Hanna, Hauryski, Lando, Lattimer, McAllister, Peoples, Ryan, Schu, Van Etten and Welch)

Motion Reducing the Capital Equipment Request for the Law Department to Purchase one Chair from $1,000.00 to $500.00 made by Mr. Mullen and seconded by Mr. Weaver.

<u>Vote:</u> Roll Call – Fails (Yes: 2788; No: 7084)
(Legislators Opposed: Crossett, Farrand, Ferratella, Hanna, Hauryski, McAllister, Peoples, Roush, Schu, Swackhamer, Van Etten and Welch)

Mr. Van Etten asked how are we treating the Southern Tier Network in the budget? Mr. Alger replied that any proceeds stay within the network. This is the fiber optic network and essentially, we bought access to the fiber. Once the network is complete, we will be able to use this fiber for other purposes, which we believe will save us money.

Mr. Mullen asked with looking at the salary schedule for the District Attorney and the Public Defender, why are we paying an Assistant District Attorney more than we are paying the Public Defender? Also, why is Assistant District Attorney Tunney making $10,000.00 more than the other ADA's? Mr. Alger replied the District Attorney has the flexibility to hire within ranges for this position. At that time, ADA Tunney was hired within that range, however, he is no longer an employee. The question of why an ADA is getting paid more than the Public Defender is a good question. Mr. Schu commented that ADA McCartney has been with the department for many years and the Public Defender was just hired. Mr. Alger stated that ADA McCartney has been with the County for 25 years.

Mr. Welch stated the Assigned Counsel Program requested an additional $150,000.00 to get through the end of the year and that did not include the Assigned Counsel Administrator's salary of $40,000.00. Why was that not adjusted in the budget this year? Mr. Alger replied we did not adjust the annual appropriation. The additional funding varies anywhere from $50,000 - $100,000 and that really is caseload driven. The Finance Committee has been advocating raising that and next year we will probably have to. Mr. Alger stated we do need to do a review of how we are dealing with conflicts to see if we can reduce the appropriation for outside assigned counsel. Assigned cases for Family Court have a lower level of cost. If you could put a Conflicts Office in place, they could handle a fair volume of those. The

other area is Felony where there are multiple defendants. We should also be evaluating those conflicts. We did not adjust this year's budget, but we do need to address this next year.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers Law, Article 105.1.D. Discussions Regarding Proposed, Pending or Current Litigation made by Mr. Van Etten. Seconded by Mr. McAllister and duly carried.

RESOLUTION NO. 178-12

Introduced by B. Schu. Seconded by T. Ryan.

MATTER(S) PERTAINING TO THE SETTLEMENT OF CLAIM(S) BY OR AGAINST THE COUNTY.

Pursuant to Article 5 of the County Law of the State of New York.

WHEREAS, the following civil action has been initiated in United States District Court, Western District of New York:

AGOT R. GARANG, 07B2889,

09-CV-6284P

Plaintiff,

-v-

CHRISTOPHER LIAN, RICHARD C. TWEDDELL,
DAVID V. COLE, KEITH L. BARRETT,
THEODORE "TED" HALEY, JASON SMITH,
R. MCKINLEY and ROSEMARY RANDALL.

Defendants.

; and

WHEREAS, the parties are desirous of settling said claim.

NOW THEREFORE, BE IT

RESOLVED, the County does hereby ratify the Settlement Negotiation together with the Discontinuance of Action and Release of Claims to be executed by the respective parties to the above-entitled claim requiring the payment of Thirty-Seven Thousand Five Hundred Dollars ($37,500.00) on the part of the County any necessary documents, the Chairman to execute on behalf of the County; and be it further

RESOLVED, the County Attorney or counsel designated by him shall make application to United States District Court, Western District of New York, for approval of the recited settlement terminating the litigation of the above-entitled claim; and be it further

RESOLVED, the County does hereby ratify the settlement of the above-entitled claim in the amount of Thirty-Seven Thousand Five Hundred Dollars ($37,500.00); and be it further

RESOLVED, the within resolution shall be reported out within five (5) days following the execution of the settlement documents; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to Davidson & O'Mara, P.C., Attention: Donald S. Thomson, Esq., 243 Lake Street, Elmira, NY 14901-3192; and Ken Isaman, Steuben County Risk Manager.

Vote: Roll Call – Adopted.

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mr. Roush. Seconded by Mrs. Lando and duly carried.

Motion to Adjourn made by Mr. Roush. Seconded by Mr. Mullen and duly carried.

REGULAR MEETING
Afternoon Session
Monday, November 26, 2012
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 26th day of November, 2012, at 4:00 p.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present except Legislator Roush.

Mrs. Ferratella provided the Invocation and the Pledge of Allegiance was led by Mr. Peoples.

Chairman Hauryski asked Ira Hale to come forward. Mr. Hale is an employee in the Buildings & Grounds Department. He presented him with a Certificate of Appreciation and a pin in recognition of his 15 years of service to Steuben County.

Chairman Hauryski opened the floor for comments by members of the public. He stated that we have a three-minute per speaker rule and a time limit of 10 minutes for public comment. To give everyone a reasonable amount of time, he asked each of the ten speakers to limit their comments to two minutes each, which will bring the total time for public comment to twenty minutes. Once we reach twenty minutes, the opportunity for public comment will be closed.

Ms. Mori announced that Chris Turner provided his comments in writing.

The following are Chris Tuner's comments: I am the leader of the Legion of Leadership which is part of the Grange and Client Government. Our goal right now is to stop the outsourcing of the Bath Mental Health Program so we can work together to find a better solution. The components of our goal would be managing programs; such as: A) Maintaining services that are here, B) Making sure leadership is run fairly, C) Making sure employees are treated fairly and D) Developing solutions to issues like this one. The Legion of Leadership and I are here to help as we need your help in members. We have many more goals to share with you.

Peter Gambra, Pulteney, stated that he is a property owner in the Town of Pulteney and is also a member of the Committee to Preserve the Finger Lakes. He distributed a map depicting Pennsylvania Drilling Waste Disposal in NYS, 2011-2012. There is a tremendous amount of disposal from outside the County and outside the State. It is time to address the hydrofracking pollution issues in the County and he would encourage you to create a task force to look at renewable energy so we don't have to deal with fossil fuels.

Wayne Wells, Cameron Mills, stated participatory democracy is necessary where these monthly meetings are a venue for the voices of the unelected to inform decision makers. My previous denial to speak moved me to present evidence of the Dickson Corporation's doings to the Chairman of the Agriculture, Industry & Planning Committee. I believe that our evidence compels the County that they should intervene with the Department of Environmental Conservation to deny expansion of sewage sludge into Steuben County. The Chairman denied my request for a meeting. His attitude for our concern was dismissive and ended with a statement "we agree to disagree". That statement, in the absence of proper evidential review, signals an abdication by government for its responsibility to society when claims of health, property value and environmental harm are involved. He apparently is solely concerned with the number of jobs businesses create. It is well to remember that the Dickson Corporation, as well as fossil fuel corporations, privatize and maximize profits through generous taxpayer handouts, yet socialize the cleanup costs for the messes created when government fails to properly regulate.

Tim Hargrave, Cameron Mills, stated he is here to speak about taxes. As a taxpayer, he spoke with the NYS Attorney General's Office who advised him that Chairman Hauryski does not have the authority to limit any particular subject that people want to speak about. There is nothing you can do to prohibit that. He also asked about speaking about legally filed documents and there is not a problem with that either. On September 1, 2011, the Department of Environmental Conservation officer indicated that the Dickson Corporation's operations were too close to a potable well and was also in a restricted, no-spread area. When asked how they determine where they are going to spread, Dickson replied "we just take a wild ass guess". You represent the entire County. Do you want this corporation to really expand and become that much larger? He asked that the Legislature send a letter to the Avon District Department of Environmental Conservation Office asking them to not permit an additional license for the Dickson Corporation.

Ira Hale, Bath, stated that he is here today to talk about the Office of Community Services. They have three offices located in Corning, Bath and Hornell. This afternoon there was a rally outside in support of keeping those offices. Times are tough and we are all hurting, but if you get rid of this department, where will these people go? Think about the people in need. He stated that his family has used this resource. Please don't outsource and don't sell. Make the department work hard at saving. If you listen to the employees, they could give you a lot of good ideas.

Zachary Hamilton, Bath, stated he is here today to plead for your help to not outsource mental health services. There are a lot of people that are in need of mental health services. They have prevented many hospitalizations. They are very helpful and as clients, we do not want our right to have services taken away. Please try to find other ways to save and don't cut services.

Valerie LeBak, Bath, stated she suffers from mental illness and it is very frightening. She came to the Continuing Day Treatment Program and they taught me that I was not worthless and I had a life that could be very fruitful. She stated that she owes the Continuing Day Treatment Program her life. We feel that with outsourcing, we would lose our contact with the community. We are all members of this communityand we are all asking you to reconsider and think about what you are doing.

Rachel Treichler, Hammondsport, stated that she would like the Legislature to reconsider their rules on limiting public comment. It is an important part of your function as Legislators to listen to what the public has to say. Listen to each of us, we bring you new information. There is new information that leachate we receive from two other landfills contains both drill cuttings and fluids. The Legislature oversees the leachate pretreatment plant and should exercise oversight to find out more about what is coming in.

Donna Joseph, Bath, stated that she is here to express her concerns about recent attempts to limit the right of the people to speak. Most of us support efficiency in government. All people have the right to share information. I personally don't enjoy listening to opinions that differ from mine, but I sometimes learn something that I didn't know and it leads to ideas on how to reach compromises. She stated that she realizes that there do need to be limitations on the length of time. The decree that the public can only speak on certain subjects needs to be reconsidered.

Yvonne Switzer, Prattsburgh, stated she is a taxpayer and resident and is here to speak about the outsourcing of mental health services. She has been a patient for twenty years and had been hospitalized several times. Since being at the Continuing Day Treatment Program, she has not been hospitalized in the past seven years. They help me and my family to understand my illness. She stated that she can be a valuable taxpayer and live in and support the community. Outsourcing could not possibly help the situation. Mental Health does a great job of providing services. Outsourcing would not be beneficial to the clients.

Bridget Dickinson, Bath, stated she has been an employee at Mental Health for almost ten years. My perspective is different. She stated that she thinks the Legislators should talk to the employees who deal

with the clients. She is a financial representative and is the first person that the clients talk to. She stated that she also works as a receptionist and takes calls from clients who are unable to afford the cost or have no transportation. If you close the outer offices, the clients will not be able to get to the Bath office. They can't get to the offices they are close to now. This will increase hospitalizations and she doesn't think that is what you want. Talk with the people who work with the clients and know what is going on.

Chairman Hauryski thanked everyone for their comments and declared the opportunity for public comment closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Authorizing and Directing the Steuben County Treasurer to Transfer $37,000 from the "Building Repairs and Renovations Reserve" to a New Capital Project Entitled "Miscellaneous Repairs". Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being none, he declared the Public Hearing closed.

Motion Approving the Minutes from the Previous Meeting(s) made by Mr. Ryan, seconded by Mr. Farrand and duly carried.

Mr. Ryan stated that every couple of months he announces the names of ten veterans that are currently on active duty. This month, on Veterans Day weekend, with the coordination of the Veterans' Service Agency and the Bath VA, we held a Pheasant Hunt at Bill Hatch's for six recently discharged combat veterans. He stated that he would like to thank all of the sponsors and volunteers that made this event possible. The six veterans that participated were Dustin Zimmerman, Andrew Granger, Jody Lonsberry, Jim Brennan, J.P. Oliver and Eric Gillman. He would also like to recognize four additional veterans for their service; Andrew Murphy, Joseph Ordway, Matthew Piccolo and Ryan Jayne.

RESOLUTION NO. 179-12

Introduced by L. Crossett. Seconded by S. Van Etten.

MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS, PROPERTY TAXES, AND OTHER REAL PROPERTY DISPOSITIONS.

RESOLVED, the Steuben County Treasurer is authorized and directed to convey as corrected those parcels sold at the Delinquent Tax Auction held on July 27, 2012, contained in Schedule "A"; and be it further

RESOLVED, as it appears to be in the best interest of the County to sell the properties listed on Schedule "B" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof; and be it further

RESOLVED, the said grantee(s) must accept the parcel "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel if need be; and be it further

RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, the Clerk of the Board of Education of the appropriate School District, and the taxpayers; and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s).

SCHEDULE "A"

Resolution #_____A-1 (correction B-6 Resol. No. 128-12)
Former Owner: _____Frelle David Stewart Estate
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale:_____July 27, 2012
Parcel #: _____159.14-01-081.000
Municipality:_____Bath Village
Highest Bidder: _____BARSCO, LLC
Highest Bidder's Address: 5811 Unionville Rd, Bath NY 14810
Consideration: $16,500.00, together with buyers premium & recording fees
Second Highest Bidder: Bryan S Ryan
Second Highest Bidder's Address: 3655 Wagner Rd, Bradford NY 14815

Resolution #_____A-2 (correction B-10 Resol. No. 128-12)
Former Owner: _____CitiFinancial
In Rem Index No. 104021, 2009 sale
Date of Tax Sale:_____July 27, 2012
Parcel #: _____256.13-01-040.000
Municipality:_____Cameron Town
Highest Bidder: _____BARSCO, LLC
Highest Bidder's Address: 5811 Unionville Rd, Bath NY 14810
Consideration: $5,000.00, together with buyers premium & recording fees
Second Highest Bidder: Steven Nichols
Second Highest Bidder's Address: 5568 Wolf Run Rd, Campbell, NY 14821

Resolution #_____A-3 (correction B-15 Resol. No. 128-12)
Former Owner: _____Virginia L Hilyard
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale:_____July 27, 2012
Parcel #: _____197.11-05-030.000
Municipality:_____Canisteo Village
Highest Bidder: _____BARSCO, LLC
Highest Bidder's Address: 5811 Unionville Rd, Bath NY 14810
Consideration: $9,500.00, together with buyers premium & recording fees
Second Highest Bidder: Michael Palmer
Second Highest Bidder's Address: 9 North St, Canisteo NY 14823

Resolution #_____A-4 (correction B-20 Resol. No. 128-12)
Former Owner: _____Brenda L Wagner
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale:_____July 27, 2012
Parcel #: _____017.14-01-005.500
Municipality:_____Cohocton Town
Highest Bidder: _____BARSCO, LLC
Highest Bidder's Address: 5811 Unionville Rd, Bath NY 14810
Consideration: $4,500.00, together with buyers premium & recording fees
Second Highest Bidder: Caleb D Mitchell
Second Highest Bidder's Address: 7801 Ricks Rd, Hornell NY 14843

Resolution #_____A-5 (correction B-83 Resol. No. 128-12)
Former Owner: _____Steuben County_____
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale:_____July 27, 2012
Parcel #: _____392.00-01-007.140
Municipality:_____West Union Town
Highest Bidder: _____Daryl E Heisey & Linda M Heisey
Highest Bidder's Address: 719 McAllister Rd, Rexville NY 14877
Consideration: $1,500.00, together with buyers premium & recording fees
Second Highest Bidder: Billie E Ray
Second Highest Bidder's Address: 2683 Narrows Br Rd, Hardy KY 41531

SCHEDULE "B"

Resolution No.	B-1
Former Owner	Pamela A Walsh
In Rem Index No.	104021, 2009 sale
Parcel No.	080.00-01-030.100
Municipality	Dansville Town
Grantee(s)	Pamela A Walsh
Grantee(s) Address	PO Box 223, Arkport, NY 14807
Consideration	$1,386.97, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Vote: Roll Call – Adopted.

RESOLUTION NO. 180-12

Introduced by J. Hauryski. Seconded by R. Lattimer.

RECEIVING AND ACCEPTING THE NOVEMBER 26, 2012 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and **referred to the appropriate Standing Committee and/or Department Head for information and/or action,** to wit:

October 12, 2012
NYS Department of Labor – Re: Notice of Issuance of Explosive License. ***Referred to*: *Public Safety & Corrections Committee; Dave Hopkins, 911 Director; and Tim Marshall, Acting EMO Director.***

October 16, 2012
Assigned Counsel Program, David Wallace – Re: Request to increase the Steuben County Assigned Counsel Program by $6,000 for the 2013 budget year. ***Referred to: Public Safety & Corrections Committee; Philip Roche, Public Defender; and Mark Alger, County Administrator.***

October 22, 2012
New York State Homes & Community Renewal – Re: Notification of completion of Steuben County's 2009 New York State Community Development Block Grant (NYS CDBG) Project #1115HR4-09. ***Referred to: Amy Dlugos, Planning Director.***

New York State Division of Homeland Security and Emergency Services – Re: Notification of Wireless 911 program allocations for the 2012-2013 budget for costs incurred from April 1, 2012 through March 31, 2015 in the amount of $50,874. Certification forms need to be completed and returned to the state no later than November 15th. ***Referred to: Public Safety & Corrections Committee; and Dave Hopkins, 911 Director.***

Citizens Hose Company – Re: Letters compiled from various Fire Departments throughout Steuben County requesting to permanently appoint a Director and Deputy Director of the Office of Emergency Services. ***Referred to: Public Safety & Corrections Committee; Tim Marshall, EMO Acting Director; and Mark Alger, County Administrator.***

October 24, 2012

City of Corning, Public Works – Re: Request for reimbursements for bridge funding. ***Referred to: Public Works Committee; Finance Committee; Patrick Donnelly, County Treasurer; Vincent Spagnoletti, Commissioner of Public Works; and Jack Wheeler, Deputy County Administrator.***

October 30, 2013

Assigned Counsel Program, David Wallace – Re: Request to increase the Steuben County Assigned Counsel Program for the 2012 budget year. ***Referred to: Finance Committee; Public Safety & Corrections Committee; Philip Roche, Public Defender; and Mark Alger, County Administrator.***

October 31, 2012

New York State Division of Criminal Justice Services – Re: Notification of approval for the 2012-2013 Probation Annual State Aid Plan and Application. ***Referred to: Public Safety & Correction Committee; and Eugene Greeley, Probation Director.***

Family Services of Chemung County – Re: Correspondence on not providing a request for proposal for Mental Health Services***. Referred to: Steuben County Legislature; Dr. Hank Chapman, Director of Community Services; and Mark Alger, County Administrator.***

November 1, 2012

Emergency Medical Services Training, Administration & Resources – Re: 3rd Quarter Report for 2012. ***Referred to: Human Services/Health & Education Committee; Victoria Fuerst, PHN Director; Public Safety & Corrections Committee; and Tim Marshall, Acting EMO Director.***

November 5, 2012

Western Regional Off-Track Betting Corporation – Re: Check in the amount of $3,752 representing the September 2012 surcharge revenue for Steuben County. ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

Arnot Health/Ira Davenport Memorial Hospital – Re: Notification of closing the Dental Clinic located at 226 West Morris Street in Bath, NY, effective February 1, 2013. ***Referred to: Human Services/Health & Education Committee.***

Steuben County Agricultural Society – Re: Notification of use of funds for a new roof on the fair house. ***Referred to: AIP Committee; and Patrick Donnelly, County Treasurer.***

November 13, 2012

New York State Department of Environmental Conservation – Re: Open Space Regional Advisory Committee Appointment Form. The form needs to be completed and returned by December 15, 2012. ***Referred to: Joseph Hauryski, Steuben County Legislature Chairman.***

November 14, 2012

Steuben County Industrial Development Agency – Re: Notice of Public Hearing on Friday, November 30, 2012 at 10:00am, located at the Corning City Hall, 1 Civic Center Plaza, Corning, N.Y. 14830 to discuss the Corning War Memorial Apartments LLC Project. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

Harris Beach, PLLC, Attorneys at Law – Re: Howard Wind LLC Distribution of Form RP-412-a and PILOT agreement for the Wind Farm Turbine Project in the Town of Howard, Steuben County. ***Referred to: Finance and Administration Committees; Patrick Donnelly, County Treasurer; Wendy Flaitz, RPTSA Director; and Alan Reed, County Attorney.***

Vote: Acclamation – Adopted.

L O S T
RESOLUTION NO. 181-12

Introduced by C. Ferratella. Seconded by R. Lattimer.

PRESENTING LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2012, PROHIBITING THE USE OF TOBACCO PRODUCTS ON ANY STEUBEN COUNTY OWNED OR LEASED OFFICE PROPERTIES.

WHEREAS, secondhand smoke contains numerous known carcinogens and has been proven to cause a number of diseases and other health-related problems; and

WHEREAS, the Steuben County Legislature has an interest in protecting the health of its citizens.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Four for the Year 2012, Prohibiting the Use of Tobacco Products on any Steuben County Owned or Leased Office Properties, as follows:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2012

A LOCAL LAW Prohibiting the Use of Tobacco Products on any Steuben County Owned or Leased Office Properties.

Be it enacted by the Legislature of the County of Steuben as follows:

Section 1: Findings.

The Steuben County Legislature finds that the use of tobacco products on Steuben County owned or leased office properties should be prohibited in order to:

a) Protect the public health, safety and general welfare by eliminating exposure to secondhand smoke.

b) Acknowledge the need of nonsmokers, especially children, to breathe smoke-free air, recognizing the danger to public health which secondhand smoke causes.

c) Recognize that the need to breathe air free of the disease-causing toxins in secondhand smoke outweighs and has priority over the desire and convenience of smoking on county owned or leased office properties.

d) Recognize the right and benefit to municipal residents and visitors to be free from unwelcome secondhand smoke while on Steuben County owned or leased office properties.

Section 2: Definitions.

a) "Tobacco products" shall mean any type of product in any manner or in any form that contains tobacco, including, cigarettes, cigars, blunts, chewing tobacco, snuff, dipping tobacco, pipes and any other items

containing or reasonably resembling tobacco or tobacco products, including simulated tobacco devices, such as "e-cigarettes".

b) "Tobacco use" shall mean the burning of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco, and chewing, holding in the mouth, and/or expectorating of chewing tobacco, or any other matter or substance which contains tobacco.

c) "Smoking" shall mean inhaling of, exhaling or, burning or, or carrying of any lighted cigar, cigarette, pipe, weed, other plant or synthetic products in any manner or in any form.

d) "Steuben County owned or leased office properties" shall include real estate, land and any structures, buildings or facilities located upon any real property on which a county owned or leased office is present. This includes, but is not limited to, the Steuben County Office Building, the Pro Action Building in Bath, the Public Health Building in Hornell, the Mental Health Buildings in Bath, Corning and Hornell, the Steuben County Health Care Facility, the Steuben County 911 and Office of Emergency Services Building, the Steuben County Public Safety Building, and the Courthouses in Hornell and Corning. This definition shall also apply to properties on which an office is situated that the county purchases or leases in the future.

Section 3: Application of Article to County-Owned and Leased Office Properties.

Smoking and any other use of tobacco products shall be prohibited upon all Steuben County owned or leased office properties, except when located within a moving motor vehicle which is in the process of exiting or entering county owned or leased office properties.

Section 4: Posting of Signs.

"TOBACCO USE IS PROHIBITED" or "NO TOBACCO" signs, using international symbols (where possible) shall be prominently and conspicuously posted upon the entrance to all properties where the use of tobacco products is regulated by this law. Said signs shall be protected from tampering, damage, removal or concealment.

Section 5: Enforcement.

a) For purposes of this Local Law the term "enforcement officer" shall mean the Steuben County Legislature Human Services, Health and Education Committee (hereinafter, "HS,H&E Committee"), or its designee. The enforcement officer may cause to have issued and served upon the person complained against a written notice, together with a copy of the complaint made against him, which shall specify the provisions of this Local Law of which such person is said to be in violation and a statement of the manner in which that person is said to violate it and shall require the person so complained against to answer the charges of such complaint at a public hearing before the HS,H&E Committee or its designated hearing officer at a time not less than fifteen (15) days after the date of service of the notice. The HS,H&E Committee may serve, together with a copy of the complaint, a stipulation offer to the person complained against. The stipulation offer shall allow the person complained against to enter into a stipulation under the terms and conditions as set forth in the stipulation. The person complained against shall have the option of entering into the stipulation or proceeding with an administrative hearing.

b) If the enforcement officer determines after a hearing that a violation of this Local Law has occurred, a civil penalty may be imposed by the enforcement officer pursuant to Section 6 of this Local Law. Nothing herein shall be construed to prohibit an enforcement officer from commencing a proceeding for injunctive relief to compel compliance with this Local Law.

c) In the event the person complained against chooses the option of proceeding with an administrative hearing as set forth in Section 5, paragraph a, the HS,H&E Committee shall appoint a designee as an enforcement officer for the purposes of submitting proof before a hearing officer who shall also be designated by the HS,H&E Committee. The person complained against shall have the right to be heard and to put forward a defense. The rules of evidence at the hearing shall be relaxed without strict adherence to exclusionary rules of evidence. The

designated hearing officer shall have the power to conduct the administrative hearing and whether the hearing shall be taken by stenographic notes or by audio recording. The person complained against may be represented by counsel. The enforcement officer bears the burden of proof by clear and convincing evidence that a violation occurred. The hearing officer's decision as to whether a violation has occurred shall be the final administrative determination on behalf of the HS, H&E Committee.

d) Any person who desires to register a complaint under this Local Law may do so with the appropriate enforcement officer.

e) The decision of the hearing officer shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.

f) The enforcement officer, subsequent to any appeal having been finally determined, may bring an action to recover the civil penalty provided in Section 6 of this Local Law.

Section 6: Violations and Penalties.

a) It shall be unlawful for any person to use tobacco products in any area where the use of tobacco products is prohibited by the provisions of this Local Law.

b) Any person found to be in violation of any provision of this Local Law shall be guilty of a violation, punishable by a civil penalty not to exceed one thousand dollars ($1,000.00).

Section 7: Other Applicable Laws.

This Local Law shall not be interpreted or construed to permit the use of tobacco products where it is otherwise restricted by other applicable laws.

Section 8: Severability.

If any provision, clause, sentence, or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid or unconstitutional, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law, which shall remain in full force and effect.

Section 9: Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the New York State Municipal Home Rule Law.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on December 17, 2012 at 10:00 A.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature shall cause a notice of said Public Hearing to be posted at the Courthouses in the municipalities of Bath, Corning and Hornell, have said notice published for one insertion in the two official newspapers of the County, and shall cause such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with proof of posting and publication to be filed in the Office of the Clerk of the Legislature; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Steuben County Public Health.

Mr. Mullen stated that he thinks it would be better to limit smoking since the initial intent was to avoid second-hand smoke. The other issues, such as chewing tobacco, make it too broad. We need to limit it just to smoking.

Mr. Schu stated that he agrees with Mr. Mullen. This appears to be overly broad and unenforceable.

Mr. Ryan stated that he will not vote in favor as it is not enforceable.

Mr. Van Etten stated that he would agree. We are trying to eliminate second-hand smoke in front of the building. He has walked in through the front door and it takes all of three seconds to walk in. The Local Law references a $1,000 fine, however, most people coming here don't have the money. The Human Services, Health & Education Committee has been made trial by jury and it is impossible to enforce. He cannot support this.

Mrs. Ferratella stated that she is in favor of this. It sends a message that health is important and encourages people to try to stop smoking. Public Health Nursing will help with that any way they can. This will be self-policing.

Mr. Van Etten asked where does it stop? We don't think people should smoke because it is not healthy. What about five-hour energy drinks or chocolate? Government needs to stay out of people's lives.

Vote: Roll Call – Lost (Yes – 3167, No – 5982, Absent – 723)
(No: Legislators Farrand, Hanna, Hauryski, McAllister, Mullen, Peoples, Ryan, Schu, Van Etten and Welch)

RESOLUTION NO. 182-12

Introduced by P. McAllister and L. Crossett. Seconded by G. Swackhamer.

AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS.

Pursuant to Section 261 of the Tax Law of the State of New York.

RESOLVED, that the apportionment of tax on mortgages in the County of Steuben collected by the County Clerk from the 1st day of April, 2012 to the 30th day of September, 2012, pursuant to provisions of Section 261 of the Tax Law, as made by the Clerk of this Legislature be and the same hereby is ratified and confirmed, and the statement of such apportionment in compliance with the provisions of said Law, filed with the County Treasurer of this County, is hereby and in all things ratified and confirmed and such statement shall be to the County Treasurer a sufficient Warrant for the payment by him of the various sums as apportioned for the various purposes as designed by Law, and be it further

RESOLVED, that the Clerk of this Legislature shall forward certified copies of this resolution to the Steuben County Treasurer, the Steuben County Real Property Tax Service Agency, and the Steuben County Clerk:

MORTGAGE TAX APPORTIONMENT

The amount of money in your hands on September 30, 2012, which was received by you from the County Clerk as taxes paid to her upon the real property mortgages filed in her office since April 1, 2012, the date of the last apportionment, and which must be distributed to the various tax districts of the County of Steuben, pursuant to Section 261 of the Tax Law, is the sum of $639,039.36.

You are therefore commanded to pay the various towns and cities the amount placed opposite the name of said towns and cities and pay over to the various village officers the amount hereinafter stated to be the distributive amounts due said districts for village purposes, as follows:

MORTGAGE TAX DISTRIBUTION - November 2012

TOWN & CITIES	TOWN/CITY AMT DUE	VILLAGES	VILLAGES AMT DUE	TOTAL AMT DUE
ADDISON	9,326.54	ADDISON	3,802.23	**13,128.77**
AVOCA	5,582.34	AVOCA	715.10	**6,297.44**
		BATH (1)	11,112.78	
BATH	40,295.59	SAVONA (2)	1,068.46	**52,476.83**
BRADFORD	1,845.66			**1,845.66**
CAMERON	2,410.38			**2,410.38**
CAMPBELL	16,397.84			**16,397.84**
CANISTEO	8,787.18	CANISTEO	2,541.94	**11,329.12**
CATON	24,169.46			**24,169.46**
COHOCTON	5,816.60	COHOCTON	775.57	**6,592.17**
CORNING CITY	73,991.54			**73,991.54**
		RIVERSIDE (1)	2,642.77	
CORNING TOWN	56,924.97	S CORNING (2)	3,972.90	**63,540.64**
DANSVILLE	7,797.06			**7,797.06**
ERWIN	111,282.18	PAINTED POST	8,775.35	**120,057.53**
FREMONT	5,024.39			**5,024.39**
GREENWOOD	4,967.24			**4,967.24**
HARTSVILLE	3,181.47			**3,181.47**
HORNBY	10,338.34			**10,338.34**
HORNELL CITY	41,001.28			**41,001.28**
		ALMOND (1)	32.53	
		ARKPORT (2)	1,340.04	
HORNELLSVILLE	15,310.77	V N HORNELL (3)	1,562.43	**18,245.77**
HOWARD	7,091.22			**7,091.22**
JASPER	4,662.10			**4,662.10**
LINDLEY	8,053.32			**8,053.32**
PRATTSBURGH	7,874.86			**7,874.86**
PULTENEY	23,979.16			**23,979.16**
RATHBONE	1,593.50			**1,593.50**
THURSTON	6,351.54			**6,351.54**
TROUPSBURG	5,291.19			**5,291.19**
TUSCARORA	6,669.02			**6,669.02**
URBANA	32,361.75	HAMMONDSPORT	2,805.61	**35,167.36**
WAYLAND	16,548.62	WAYLAND	3,098.74	**19,647.36**
WAYNE	17,221.39			**17,221.39**
WEST UNION	1,742.74			**1,742.74**
WHEELER	2,882.98			**2,882.98**
WOODHULL	8,018.69			**8,018.69**
TOTAL	**594,792.91**		**44,246.45**	**639,039.36**

Foregoing shall be your sufficient warrant for the payment of said sums as above directed.

DATED at Bath, New York, November 26, 2012.

STEUBEN COUNTY LEGISLATURE

S/ Joseph J. Hauryski, Chairman

I, Brenda K. Mori, Clerk of the County Legislature of Steuben County, DO HEREBY CERTIFY that the foregoing apportionment of Mortgage Tax, pursuant to Law, is correct.

DATED: November 26, 2012.

S/Brenda K. Mori, Clerk of the Legislature

Vote: Roll Call – Adopted.

RESOLUTION NO. 183-12

Introduced by P. McAllister. Seconded by D. Farrand.

DIRECTING THE ADDITION OF OMITTED TAXES AND/OR PRO-RATED OMITTED TAXES ON EXEMPT PARCELS.

Pursuant to Sections 553 and 558 of the Real Property Tax Law of the State of New York.

RESOLVED, the report of the Steuben County Treasurer of 2012 omitted taxes, and/or pro-rated omitted taxes on exempt parcels be and hereby is received and filed, and the Director of the County Real Property Tax Service Agency is hereby directed to levy the amounts thereof upon the parcels in accordance with said report; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Treasurer and the Director of Real Property Tax Service Agency.

Vote: Roll Call – Adopted.

RESOLUTION NO. 184-12

Introduced by P. McAllister. Seconded by G. Swackhamer.

DIRECTING THE LEVY OF RETURNED UNPAID SCHOOL TAXES FOR THE YEAR 2012.

Pursuant to Article 13 of the Real Property Tax Law of the State of New York.

RESOLVED, the report of the Steuben County Treasurer of the several amounts of "Returned Unpaid School Taxes for the Year 2012" be and the same hereby is received and filed; and be it further

RESOLVED, the Director of the Steuben County Real Property Tax Service Agency be and hereby is directed to levy the amounts set forth in said report upon the respective parcels therein listed; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Treasurer and the Director of Real Property Tax Service Agency.

Vote: Roll Call – Adopted.

RESOLUTION NO. 185-12

Introduced by P. McAllister. Seconded by H. Lando.

DIRECTING THE LEVY OF RETURNED UNPAID VILLAGE TAXES FOR THE YEAR 2012.

Pursuant to Article 13 of the Real Property Tax Law of the State of New York.

RESOLVED, the report of the Steuben County Treasurer of the several amounts of "Returned Unpaid Village Taxes for the Year 2012" be and the same hereby is received and filed; and be it further

RESOLVED, the Director of the Steuben County Real Property Tax Service Agency be and the same hereby is directed to levy the amounts set forth in said report upon the respective parcels therein listed; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Treasurer and the Director of Real Property Tax Service Agency.

Vote: Roll Call – Adopted.

RESOLUTION NO. 186-12

Introduced by P. McAllister. Seconded by D. Farrand.

ADOPTING THE TABLE OF EQUALIZATION RATES FOR FISCAL YEAR 2013.

Pursuant to Title 2 of Article 8 of the Real Property Tax Law of the State of New York.

WHEREAS, the Director of the Steuben County Real Property Tax Service Agency and the Administration Committee have submitted to the County Legislature of the County of Steuben, the equalization rates for the spread and levy of the County Tax upon the taxable real property of the several tax districts constituting the County of Steuben, and said Administration Committee has recommended the adoption of such equalization rates.

NOW THEREFORE, BE IT

RESOLVED, the Table of Rates of Equalization for the County of Steuben, as submitted by the County Administration Committee, be and the same hereby is received and filed; and be it further

RESOLVED, the several rates therein set forth in said Table of Equalization Rates of the several tax districts constituting the County of Steuben be and the same hereby are adopted as the rates of equalization for the spread and levy of the County Tax for the Fiscal Year 2013; and be it further

RESOLVED, the Clerk of the Legislature is hereby directed to forward to the New York State Office of Real Property Tax Services a certified copy of this resolution, together with the Table of Rates, so that the same may be published in the annual report of said Commissioner; and be it further

RESOLVED, certified copies of this resolution shall also be forwarded to the Steuben County Treasurer and the Director of Real Property Tax Service Agency.

TABLE OF COUNTY EQUALIZATION RATES
STEUBEN COUNTY

10/22/2012

MUNICIPALITY	2012 COUNTY EQ RATES FOR 2013 TAX LEVY
CITY OF CORNING	100.00
CITY OF HORNELL	100.00
ADDISON	96.00
AVOCA	100.00
BATH	47.00
BRADFORD	75.00
CAMERON	95.00
CAMPBELL	3.02
CANISTEO	100.00
CATON	100.00
COHOCTON	95.00
CORNING TOWN	100.00
DANSVILLE	100.00
ERWIN	100.00
FREMONT	100.00
GREENWOOD	100.00
HARTSVILLE	100.00
HORNBY	98.00
HORNELLSVILLE	100.00
HOWARD	52.50
JASPER	4.54
LINDLEY	2.89
PRATTSBURGH	100.00
PULTENEY	100.00
RATHBONE	95.00
THURSTON	3.76
TROUPSBURG	49.50
TUSCARORA	3.85
URBANA	100.00
WAYLAND	100.00
WAYNE	100.00
WEST UNION	53.00
WHEELER	100.00
WOODHULL	100.00

Vote: Roll Call – Adopted.

RESOLUTION NO. 187-12

Introduced by P. McAllister. Seconded by H. Lando.

FILING THE REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2013.

Pursuant to Title 2 of Article 8 of the Real Property Tax Law of the State of New York.

WHEREAS, Title 2 of Article 8 requires the County to determine the total full valuation of taxable real property for all cities and towns within the County by dividing the taxable assessed value of taxable real property of the city or town plus the amount of assessed value partially exempt from County taxation pursuant to Real Property Tax Law Section 458 (Veteran), Section 460 (Clergy), Section 464 (Volunteer Firemen's Association) and at County option Section 458.3, 458A and 458B (Veterans); Section 467 (Senior Citizens) by the corresponding County Equalization rate.

NOW THEREFORE, BE IT

RESOLVED, the Report of County Equalization for the Year 2013, be and the same hereby is received and filed by this Legislature; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Director of Real Property Tax Service Agency.

Vote: Roll Call – Adopted.

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2013
BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2012

STEUBEN COUNTY O:\LA22\LA22 tax levy.xls 10/22/2012

SWIS CODE	MUNICIPALITY	TOTAL ASSESSED BEFORE ALL EXEMPTIONS	COUNTY TAXABLE PLUS SR CITIZEN, REG VET, ALT & COLD WAR VETS, CLERGY, & INC VOL FIRE EXEMPTS	EQUAL RATE	TOTAL FULL VALUE	AGGREGATE TAXABLE FOR COUNTY	AGGREGATE TAXABLE FOR TOWN
462089	ADDISON	40,026,492	33,884,882	0.9600	35,296,752	32,644,767	32,954,330
462001	VILLAGE OF ADDISON	79,559,563	47,208,908	0.9600	49,175,946	44,968,684	45,363,174
	TOWN TOTALS	119,586,055	81,093,790		84,472,698	77,613,451	78,317,504
462289	AVOCA	84,970,146	76,007,289	1.0000	76,007,289	73,848,216	74,821,212
462201	VILLAGE OF AVOCA	42,537,969	22,783,362	1.0000	22,783,362	21,334,036	21,985,457
	TOWN TOTALS	127,508,115	98,790,651		98,790,651	95,182,252	96,806,669
462489	BATH	199,092,078	126,126,451	0.4700	268,354,151	122,791,579	124,282,903
462401	VILLAGE OF BATH	181,779,737	100,805,467	0.4700	214,479,717	97,014,362	98,250,848
462403	VILLAGE OF SAVONA	16,242,843	9,788,856	0.4700	20,827,353	9,247,203	9,446,503
	TOWN TOTALS	397,114,658	236,720,774		503,661,221	229,053,144	231,980,254
462600	BRADFORD	34,414,840	30,075,143	0.7500	40,100,191	29,168,953	32,310,552
	TOWN TOTALS	34,414,840	30,075,143		40,100,191	29,168,953	32,310,552
462800	CAMERON	62,314,769	43,049,990	0.9500	45,315,779	41,636,772	43,383,721
	TOWN TOTALS	62,314,769	43,049,990		45,315,779	41,636,772	43,383,721
463000	CAMPBELL	6,463,190	4,253,487	0.0302	140,843,940	4,017,657	4,170,381
	TOWN TOTALS	6,463,190	4,253,487		140,843,940	4,017,657	4,170,381

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2013
BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2012

STEUBEN COUNTY O:\LA22\LA22 tax levy.xls 10/22/2012

SWIS CODE	MUNICIPALITY	TOTAL ASSESSED BEFORE ALL EXEMPTIONS	COUNTY TAXABLE PLUS SR CITIZEN, REG VET, ALT & COLD WAR VETS, CLERGY, & INC VOL FIRE EXEMPTS	EQUAL RATE	TOTAL FULL VALUE	AGGREGATE TAXABLE FOR COUNTY	AGGREGATE TAXABLE FOR TOWN
463289	CANISTEO	84,226,495	73,289,713	1.0000	73,289,713	71,217,119	72,058,068
463201	VILLAGE OF CANISTEO	84,430,250	60,728,258	1.0000	60,728,258	57,132,268	58,658,207
	TOWN TOTALS	168,656,745	134,017,971		134,017,971	128,349,387	130,716,275
463400	CATON	150,793,692	145,990,562	1.0000	145,990,562	141,973,327	144,212,196
	TOWN TOTALS	150,793,692	145,990,562		145,990,562	141,973,327	144,212,196
463689	COHOCTON	220,997,636	79,744,539	0.9500	83,941,620	77,042,092	77,700,730
463601	VILLAGE OF COHOCTON	29,579,324	24,512,126	0.9500	25,802,238	23,520,269	23,908,946
	TOWN TOTALS	250,576,960	104,256,665		109,743,858	100,562,361	101,609,676
463889	CORNING	397,401,463	312,247,052	1.0000	312,247,052	304,680,432	307,777,108
463801	VILLAGE OF RIVERSIDE	34,927,349	32,567,725	1.0000	32,567,725	31,563,480	32,335,392
463803	VILLAGE OF S CORNING	53,708,972	49,268,119	1.0000	49,268,119	47,268,367	48,610,056
	TOWN TOTALS	486,037,784	394,082,896		394,082,896	383,512,279	388,722,556
460300	CITY OF CORNING	728,421,157	536,264,190	1.0000	536,264,190	521,499,462	
	CITY TOTALS	728,421,157	536,264,190		536,264,190	521,499,462	0
464000	DANSVILLE	92,444,609	82,496,747	1.0000	82,496,747	80,109,151	82,610,662
	TOWN TOTALS	92,444,609	82,496,747		82,496,747	80,109,151	82,610,662
464289	ERWIN	583,713,224	456,799,996	1.0000	456,799,996	448,893,022	448,451,546
464201	VILLAGE OF PAINTED	112,692,241	79,724,302	1.0000	79,724,302	77,013,582	76,781,587
	TOWN TOTALS	696,405,465	536,524,298		536,524,298	525,906,604	525,233,133

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2013
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STEUBEN COUNTY O:\LA22\LA22 tax levy.xls 10/22/2012

SWIS CODE	MUNICIPALITY	TOTAL ASSESSED BEFORE ALL EXEMPTIONS	COUNTY TAXABLE PLUS SR CITIZEN, REG VET, ALT & COLD WAR VETS, CLERGY, & INC VOL FIRE EXEMPTS	EQUAL RATE	TOTAL FULL VALUE	AGGREGATE TAXABLE FOR COUNTY	AGGREGATE TAXABLE FOR TOWN
464400	FREMONT	57,590,828	51,383,397	1.0000	51,383,397	49,928,366	51,198,116
	TOWN TOTALS	57,590,828	51,383,397		51,383,397	49,928,366	51,198,116
464600	GREENWOOD	189,562,486	56,219,489	1.0000	56,219,489	54,551,485	56,910,662
	TOWN TOTALS	189,562,486	56,219,489		56,219,489	54,551,485	56,910,662
464800	HARTSVILLE	41,738,111	39,140,650	1.0000	39,140,650	37,955,967	38,987,998
	TOWN TOTALS	41,738,111	39,140,650		39,140,650	37,955,967	38,987,998
465000	HORNBY	82,939,859	76,145,401	0.9800	77,699,389	74,380,345	78,975,391
	TOWN TOTALS	82,939,859	76,145,401		77,699,389	74,380,345	78,975,391
465289	HORNELLSVILLE	179,431,810	146,200,500	1.0000	146,200,500	141,241,629	143,133,308
465201	VILLAGE OF ALMOND	778,758	776,758	1.0000	776,758	740,608	752,433
465203	VILLAGE OF ARKPORT	47,073,705	32,167,933	1.0000	32,167,933	30,539,083	30,996,761
465205	VILLAGE OF N HORNELL	51,311,365	37,528,715	1.0000	37,528,715	35,385,304	36,141,017
	TOWN TOTALS	278,595,638	216,673,906		216,673,906	207,906,624	211,023,519
460600	CITY OF HORNELL	346,692,697	236,084,906	1.0000	236,084,906	229,155,591	0
	CITY TOTALS	346,692,697	236,084,906		236,084,906	229,155,591	0
465400	HOWARD	84,106,993	46,113,941	0.5250	87,836,078	45,124,939	45,697,102
	TOWN TOTALS	84,106,993	46,113,941		87,836,078	45,124,939	45,697,102
465600	JASPER	5,275,442	2,844,298	0.0454	62,649,736	2,718,886	2,791,715

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STEUBEN COUNTY O:\LA22\LA22 tax levy.xls 10/22/2012

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	TOWN TOTALS	5,275,442	2,844,298		62,649,736	2,718,886	2,791,715
465800	LINDLEY	3,014,134	2,640,348	0.0289	91,361,522	2,528,769	2,572,442
	TOWN TOTALS	3,014,134	2,640,348		91,361,522	2,528,769	2,572,442
466000	PRATTSBURGH	129,383,045	116,781,313	1.0000	116,781,313	113,714,929	114,655,932
	TOWN TOTALS	129,383,045	116,781,313		116,781,313	113,714,929	114,655,932
466200	PULTENEY	276,372,404	267,304,113	1.0000	267,304,113	262,099,081	265,060,875
	TOWN TOTALS	276,372,404	267,304,113		267,304,113	262,099,081	265,060,875
466400	RATHBONE	57,982,602	47,338,913	0.9500	49,830,435	46,140,597	46,593,484
	TOWN TOTALS	57,982,602	47,338,913		49,830,435	46,140,597	46,593,484
466600	THURSTON	2,766,069	2,678,115	0.0376	71,226,463	2,558,972	2,669,849
	TOWN TOTALS	2,766,069	2,678,115		71,226,463	2,558,972	2,669,849
466800	TROUPSBURG	55,795,722	38,194,169	0.4950	77,159,937	37,595,325	37,875,121
	TOWN TOTALS	55,795,722	38,194,169		77,159,937	37,595,325	37,875,121
467000	TUSCARORA	2,704,936	2,610,920	0.0385	67,816,104	2,557,757	2,588,727
	TOWN TOTALS	2,704,936	2,610,920		67,816,104	2,557,757	2,588,727
467289	URBANA	257,463,287	237,709,971	1.0000	237,709,971	234,040,767	234,595,977
467201	VILLAGE OF HAMMONDSPORT	57,868,796	45,906,765	1.0000	45,906,765	44,501,756	44,537,912

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2013
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STEUBEN COUNTY O:\LA22\LA22 tax levy.xls 10/22/2012

SWIS CODE	MUNICIPALITY	TOTAL ASSESSED BEFORE ALL EXEMPTIONS	COUNTY TAXABLE PLUS SR CITIZEN, REG VET, ALT & COLD WAR VETS, CLERGY, & INC VOL FIRE EXEMPTS	EQUAL RATE	TOTAL FULL VALUE	AGGREGATE TAXABLE FOR COUNTY	AGGREGATE TAXABLE FOR TOWN
	TOWN TOTALS	315,332,083	283,616,736		283,616,736	278,542,523	279,133,889
467489	WAYLAND	181,037,241	137,032,557	1.0000	137,032,557	133,972,937	133,922,582
467401	VILLAGE OF WAYLAND	71,447,644	64,047,069	1.0000	64,047,069	62,223,190	61,709,394
	TOWN TOTALS	252,484,885	201,079,626		201,079,626	196,196,127	195,631,976
467600	WAYNE	293,710,113	289,014,004	1.0000	289,014,004	284,928,883	286,016,538
	TOWN TOTALS	293,710,113	289,014,004		289,014,004	284,928,883	286,016,538
467800	WEST UNION	24,336,236	20,916,021	0.5300	39,464,191	20,712,779	20,794,957
	TOWN TOTALS	24,336,236	20,916,021		39,464,191	20,712,779	20,794,957
468000	WHEELER	64,732,589	56,717,727	1.0000	56,717,727	54,811,777	56,658,633
	TOWN TOTALS	64,732,589	56,717,727		56,717,727	54,811,777	56,658,633
468200	WOODHULL	112,682,614	102,382,895	1.0000	102,382,895	100,417,958	101,108,099
	TOWN TOTALS	112,682,614	102,382,895		102,382,895	100,417,958	101,108,099
	COUNTY TOTALS	5,998,537,525	4,583,498,052		5,393,747,619	4,463,112,480	3,757,018,604

I DO HEREBY CERTIFY THAT THE PRECEDING IS A TRUE STATEMENT OF THE AGGREGATE ASSESSED VALUATIONS OF THE TAXABLE REAL PROPERTY, THE RATES OF EQUALIZATION AND THE FULL VALUATONS IN THE CITIES AND TOWNS IN STEUBEN COUNTY, AS DETERMINED BY THE BOARD OF LEGISLATORS ON THE 26TH DAY OF NOVEMBER, 2012.

SIGNED: WENDY G. FLAITZ, DIRECTOR, STEUBEN COUNTY REAL PROPERTY TAX SERVICE AGENCY

DATED: 11/26/12

RESOLUTION NO. 188-12

Introduced by M. Hanna and L. Crossett. Seconded by A. Mullen.

AUTHORIZING THE TRANSFER OF $40,000 FROM THE LANDFILL SCALE CAPITAL PROJECT ACCOUNT TO THE BATH LANDFILL EXPANSION CAPITAL PROJECT ACCOUNT.

Pursuant to Article 5 of the County Law of the State of New York.

WHEREAS, Steuben County Department of Public Works - Solid Waste Division wishes to maintain a buffer between the Turnpike Road and the Bath Landfill; and

WHEREAS, in order to maintain the buffer, the County is desirous of purchasing 1.19 (+/-) acres along the Turnpike Road; and

WHEREAS, the landowner has agreed to sell the said 1.19 (+/-) acres and is responsible for all associated closing costs; and

WHEREAS, the Public Works Department - Solid Waste Division requires a transfer of $40,000 from Upgrade/Replace Scales Capital Project to the Bath Landfill Expansion Capital Project in order to fund the purchase; and

WHEREAS, the Public Works Committee and Finance Committee of the Steuben County Legislature has approved the land purchase and the transfer of funds from the Upgrade/Replace Scales Capital Project to the Bath Landfill Expansion Capital Project.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to make the following transfer:

- Decrease HL/EL7102.5250000 Upgrade/Replace Scales by $40,000
- Increase HL/EL6201.5210000 Bath Landfill Expansion by $40,000

BE IT FURTHER RESOLVED, the Commissioner of Public Works is authorized and directed to purchase said parcel of land upon the determination of marketable title to said parcel by the County Attorney or counsel designated by the County Attorney for this purpose; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Public Works, the Steuben County Treasurer, the County Auditor, the Real Property Tax Director and the Risk Manager.

Vote: Roll Call – Adopted.

RESOLUTION NO. 189-12

Introduced by T. Ryan and L. Crossett. Seconded by R. Weaver.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO TRANSFER $37,000 FROM THE REPAIR & RENOVATIONS RESERVE INTO A NEW CAPITAL PROJECT ENTITLED "MISCELLANEOUS REPAIRS".

WHEREAS, the Agriculture, Industry and Planning Committee and the Finance Committee have approved the recommendations from the Superintendent of Buildings and Grounds for the miscellaneous repairs to the buildings at the Veterans' Services Building, the Special Children's Services Building, and the Weights and Measures Workshop; and

WHEREAS, it is necessary to appropriate funds to complete the project; and

WHEREAS, funds are available in the Repair & Renovations Reserve.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to appropriate the sum of $37,000 from the Repair & Renovations Reserve to the newly created Miscellaneous Repairs Capital Project; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Treasurer and the Superintendent of Buildings and Grounds.

Vote: Roll Call – Adopted.

RESOLUTION NO. 190-12

Introduced by C. Ferratella and L. Crossett. Seconded by H. Lando.

AUTHORIZING THE COMMISSIONER OF SOCIAL SERVICES TO TRANSFER $25,000 FROM STATE TRAINING FUNDS TO THE JD/PINS ACCOUNT.

WHEREAS, the State Training Account will have unexpended funds due to minimal OCFS placements for the FY 2012**;** and

WHEREAS, there have been increased costs for JD/PINS Foster Care and it is expected that expenditures will exceed the current budgeted amount.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is authorized and directed to transfer and appropriate funds in the 2012 Steuben County Budget as follows:

From:		
612900 5445100	State Training Assistance Payments	$25,000.00
To:		
611900 5445100	JD/PINS Assistance Payments	$25,000.00

AND BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Social Services and the County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 191-12

Introduced by C. Ferratella and L. Crossett. Seconded by H. Lando.

AUTHORIZING THE COMMISSIONER OF SOCIAL SERVICES TO TRANSFER $48,400 FROM STATE TRAINING FUNDS TO THE ADMNISTRATION ACCOUNT.

WHEREAS, the State Training Account will have unexpended funds due to minimal OCFS placements for the FY 2012**;** and

WHEREAS, Microsoft is discontinuing support for Windows XP; and

WHEREAS, effective April 2014, the State will no longer allow computers with Windows XP or older to be attached to the HSEN network; and

WHEREAS, the HSEN network is the state network required to run all state applications that support the Department of Social Services across all program areas impacting 91 computers; and

WHEREAS, related computers are necessary to meet job requirements, State and Federal mandates and to process all claims and settlements under the Department of Social Services; and

WHEREAS, the Steuben County Department of Social Services has included the remaining 46 computers in the 2013 budget; and

WHEREAS, the additional funding of $31,260 for the computers will be realized through the Administrative funding of the Department of Social Services.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is authorized and directed to transfer and appropriate funds in the 2012 Steuben County Budget and approves the purchase of said equipment as follows:

46 COMPUTERS @ $41,400 and 1 SERVER @ $7,000

From:
612900 5445100 State Training $48,400
To:
601000 5250026 Computer Equipment Line $48,400

And further adjust the administrative revenue lines to reflect the additional funding to be received through the claiming:

601000 43610000 State Revenues $15,456
601000 44610000 Federal Revenues $15,804

AND BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Social Services and the County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 192-12

Introduced by C. Ferratella and L. Crossett. Seconded by H. Lando.

INCREASING PRIVATE PAY RATES FOR BOTH SEMI-PRIVATE AND PRIVATE ROOMS AT THE STEUBEN COUNTY HEALTH CARE FACILITY EFFECTIVE JANUARY 1, 2013.

Pursuant to Article 5 of the County Law of the State of New York.

WHEREAS, the Steuben County Health Care Facility needs to implement the annual increase of the semi-private room rate from $285 to $295 per day and the private room rate from $295 to $305 per day; and

WHEREAS, the New York State Department of Health requires that an assessment be paid on Private Pay and Medicaid room rate payments and these assessments will be paid at the rate indicated by New York State in addition to the room rate; and

WHEREAS, the Human Services, Health and Education Committee and Finance Committee have approved this increase.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Health Care Facility is hereby authorized to increase the rate of semi-private rooms from $285 to $295 per day and the private room rate from $295 to $305 per day effective January 1, 2013; and be it further

RESOLVED, that in the event that the New York State Department of Health makes an adjustment to the Cash Receipts Assessment rate, the Administrator of the Health Care Facility is hereby authorized to make a corresponding adjustment to the approved room rates; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Treasurer and the Administrator of the Health Care Facility.

Vote: Roll Call – Adopted.

RESOLUTION NO. 193-12

Introduced by B. Schu and L. Crossett. Seconded by D. Farrand.

APPROPRIATING $8,600 TO THE 2012 STEUBEN COUNTY PUBLIC DEFENDER'S BUDGET FROM THE CONTINGENCY FUND.

WHEREAS, the County lacks funds to pay invoices and expenses for the Public Defender's 2012 budget.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to transfer from the Contingency Fund to the Public Defender's 2012 budget as follows:

From	A 199000 5 499 000	$ 8,600	Contingency Fund
To	A 117000 5 471 000	$ 2,000	Employee Mileage
To	A 117000 5 423 400	$ 3,000	Transcripts
To	A 117000 5 403 800	$ 1,500	Copying
To	A 117000 5 406 000	$ 1,000	Office Supplies
To	A 117000 5 405 100	$ 1,100	Postage

AND BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to the Public Defender and the Steuben County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 194-12

Introduced by B. Schu and L. Crossett. Seconded by D. Farrand.

APPROPRIATING $150,000 TO THE 2012 ASSIGNED COUNSEL BUDGET FROM THE CONTINGENCY FUND.

WHEREAS, the County lacks funds to pay invoices and expenses for the Assigned Counsel 2012 budget.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to transfer from the Contingency Fund to the Assigned Counsel 2012 budget as follows:

From	A 199000 5 499 000	$ 150,000	Contingency Fund
To	A 117300 5 423 200	$ 150,000	Assigned Counselor

AND BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to the Public Defender and the Steuben County Treasurer.

Mr. Mullen stated they spent $450,000 through October, which equates to $45,000 per month. We are looking to transfer $150,000 for the last two months of the year which equates to $75,000 per month. That doesn't make sense. The transfer should be for $90,000 - $100,000. Mr. Wheeler replied it is based on the caseload statistics and vouchers received by our Assigned Counsel Administrator. These are the actual costs we anticipate.

Vote: Roll Call – Adopted.

RESOLUTION NO. 195-12

Introduced by B. Schu and P. McAllister. Seconded by S. Van Etten.

AUTHORIZING THE TRANSFER OF TWO VACANT RN POSITIONS IN PUBLIC HEALTH NURSING TO THE SHERIFF'S DEPARTMENT AND RECLASSIFYING THEM TO COURT SECURITY OFFICERS.

Pursuant to Article 5 of the County Law of the State of New York.

WHEREAS, there is a need for Court Security for Judge Scudder's Chambers; and

WHEREAS, there are two vacant positions within Public Health Nursing that can be transferred; and

WHEREAS, the Public Safety and Corrections Committee and the Administration Committee have approved reclassification of the positions listed below and transferring said positions to the Sheriff's Department.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following positions in Steuben County are reclassified as follows:

TRANSFER AND RECLASSIFY

FROM Public Health Nursing two (2) Registered Professional Nurse, Grade 12, Start $34,970
TO Sheriff's Department two (2) Court Security Officer, Grade 10, Start $32,926

AND BE IT FURTHER RESOLVED, if the NYS Court System funding ends, the County will not continue to fund these positions; and be it further

RESOLVED, that these positions are to be funded and placed in the 2012 Budget and the 2012 County Job Classification and Salary Schedule is hereby amended to reflect the above stated changes; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Personnel Officer, County Treasurer, the Director of Public Health Nursing and the Sheriff.

Vote: Roll Call – Adopted.

RESOLUTION NO. 196-12

Introduced by T. Ryan. Seconded by D. Farrand.

AUTHORIZING THE SUBMISSION OF A FEDERAL SECTION 5311 CONSOLIDATED GRANT APPLICATION FOR PUBLIC TRANSPORTATION.

WHEREAS, the County of Steuben is submitting a request for a consolidated grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for a project to provide public mass transportation service for fixed route and demand response transportation service for Steuben Transit and Steuben Area Rides for Steuben County for the 2013 and 2014 fiscal years; and

WHEREAS, the County of Steuben and the State of New York have entered into a continuing agreement which authorizes the undertaking of the Project and payment of the Federal Share; and

WHEREAS, the County of Steuben is contracting with a third party subcontractor for the project described above.

NOW THEREFORE, BE IT

RESOLVED, that the Planning Director is authorized to act on behalf of the County of Steuben to sign the application for such Section 5311 funds and to progress and complete the above named project; and be it further

RESOLVED, that the Planning Director is authorized to sign any contracts or agreements between the County of Steuben and any third party subcontractor necessary to complete the public transportation project, subject to the approval of the County Attorney; and be it further

RESOLVED, a certified copy of this resolution shall be distributed to the Steuben County Planning Director.

Vote: Roll Call – Adopted.

RESOLUTION NO. 197-12

Introduced by T. Ryan. Seconded by H. Lando.

AUTHORIZING A PUBLIC HEARING ON EIGHT-YEAR REVIEWS OF AGRICULTURAL DISTRICT NO. 1 AND AGRICULTURAL DISTRICT NO. 23.

Pursuant to Article 25-AA, Section 303-a, of the Agriculture and Markets Law of the State of New York.

WHEREAS, Agricultural District No. 1, located in the Towns of Cameron, Canisteo, Jasper, and Woodhull, Steuben County, New York was certified on April 23, 1973; and

WHEREAS, Agricultural District No.23, located in the Towns of Jasper, Troupsburg, West Union, and Woodhull, Steuben County, New York was certified on May 23, 1988; and

WHEREAS, pursuant to said Law said Districts are now being reviewed; and

WHEREAS, the Clerk of the Legislature did file a copies of the Notices of Review in the Steuben County Clerk's office and did properly publish and have posted the thirty day (30) Notices as required by Law, and the affidavits of publication and posting of the Notices of Review of the Agricultural Districts having been received and filed on behalf of this Legislature; and

WHEREAS, upon completion of the thirty day review period, any and all proposals filed were referred to the Steuben County Agricultural and Farmland Protection Board and said Board will file written reports with this County Legislature, containing their recommendations and any proposed modifications concerning the same.

NOW THEREFORE, BE IT

RESOLVED, that in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York, a Public Hearing on the review of said Agricultural Districts together with any modification thereof set forth in the reports of the Agricultural and Farmland Protection Board shall be held by this County Legislature at the Legislative Chambers at 3 East Pulteney Square, in the Village of Bath, New York, on the 17th day of December 2012, at 10:00 a.m.; and be it further

RESOLVED, that the Clerk of this Legislature shall cause a Notice of said Public Hearing to be published and mailed in accordance with Section 303-a of the Agriculture and Markets Law; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Steuben County Clerk; William Brown, Chairman of the County Agricultural and Farmland Protection Board, 9230 W Waneta Lake Road, Hammondsport, NY 14840; Director of the Steuben County Planning Department; and Cornell Cooperative Extension – Steuben, Bath, New York.

Vote: Roll Call – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 105.1.D. Discussions Regarding Proposed, Pending or Current Litigation made by Mr. Weaver, seconded by Mrs. Lando and duly carried.

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mr. Van Etten, seconded by Mr. Ryan and duly carried.

Motion to Adjourn made by Mr. Van Etten, seconded by Mr. Crossett and duly carried.

SPECIAL MEETING
Evening Session
Monday, November 26, 2012
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Special Session in the Legislative Chambers, Bath, NY on Monday, the 26th day of November, 2012, at 6:00 p.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members present except Legislator Roush.

Mr. Mullen provided the Invocation and the Pledge of Allegiance was led by Mr. Schu.

Chairman Hauryski opened the floor for comments by members of the public.

Riistina Wigg, Director, Southern Tier Library System thanked the Legislature for giving her the opportunity to thank them for their continued support for the libraries. County funding pays for internet connections for 17 libraries.

Bonnie Weber, Pulteney Library, stated she is a member of the Board of Directors of the Southern Tier Library System. We are very appreciative of the funds and would urge the County to consider ongoing funding. This funding is important to all 48 libraries, particularly the small libraries. We are a community center and children come to the library to do their homework online. Thank you for considering our funding.

Alice Taychert, Hornell Public Library, thanked the Legislature for their support. She stated that she would like to mention what she thinks are the most important things libraries can do. Libraries provide lifetime achievement and are strongly linked to early exposure. Books and other materials allow children to read and achieve throughout their lives.

Carol Barry, Dorman Library, stated public libraries are the best kept secret. A report by the New York State Comptroller's Office states that libraries have a powerful impact on students and provide lifelong opportunities. This is an excellent validation that what we do matters. Your support is part of our success.

Lauren Moore, Bath, thanked the Legislature for the support of the libraries. The libraries provide internet access as well as digital literature. They are the only free place that provides these services. Your support makes that happen.

Lorraine Nelson, Howard Public Library, stated libraries are an equalizer. The library gives people in Howard access to computers. This has been possible through the Southern Tier Library System and your generosity.

Patricia Finnerty, Bath, stated that third graders are using netbooks and accessing the internet. Computer use at our libraries is very important in the education of our young people. She stated that she is a big proponent of education and the libraries are very important.

Chairman Hauryski thanked everyone for their comments and declared the opportunity for public comment closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting for the Public Hearing Upon County of Steuben Local Law Tentatively No. Five for the Year 2012, Authorizing the Override of the Tax Levy Limit Established in General

Municipal Law §3-c. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting for the Public Hearing Upon County of Steuben Local Law Tentatively No. Six for the Year 2012, Establishing the Annual Salaries of Certain Elected or Appointed Officials and Department Heads of the County of Steuben who have a Fixed Term of Office for the Fiscal Year 2013. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing.

Michelle Benincasa, Cameron Mills, stated that she is a County employee. She asked that the Legislature consider when setting salaries, including management, that we all understand that someone will go without a job if raises are granted, or will pay more taxes. She stated that she takes that to heart and takes it seriously. She cannot justify going to her neighbor and saying that she wants more money. Seeing the raise that Mark Alger is getting, it appears to be 18 percent over the next four years. Can someone explain the justification for the amount of the increase and how do we justify this at a time when funds are so tight? If someone could help me understand, I would appreciate it.

There being no further comment, Chairman Hauryski declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting for the Public Hearing Upon Notice of Completion and Filing of the Assessment Roll for the Marsh Ditch Watershed Protection District. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting for the Public Hearing Upon Notice of Completion and Filing of the Assessment Roll for the Upper Five Mile Creek Watershed Protection District. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting for the Public Hearing Upon Notice of Completion and Filing of the Assessment Roll for the Lamoka/Waneta Lakes' Protection and Rehabilitation District. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting for the Public Hearing Upon the Tentative Budget for the Fiscal Year Beginning January 1, 2013. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

Chairman Hauryski opened the floor for discussion on the proposed 2013 Budget.

Mr. Crossett stated that since the last meeting the tax cap has been recalculated. Mr. Wheeler explained that based on the actions at the last meeting, we are $38,000 over the cap. The cap calculation lower limit is based on the sales tax credit we applied to the towns.

Motion to take an additional $50,000 out of the Fund Balance for the 2013 Budget to keep the County below the tax cap made by Mr. Crossett, seconded by Mr. Van Etten.

Mr. Wheeler stated with this amendment, our tax increase will be 2.58 percent.

Vote: Roll Call – Adopted. (Yes – 8698, No – 451, Absent – 723)
(No – Legislator Weaver)

Mr. Van Etten stated that he would like to respond to the question raised by Ms. Benincasa and personally answer why he supported the four-year salary agreement with Mr. Alger. Mr. Alger is our chief executive and is running essentially a $180 million company. He thinks it is important to have someone who is seen as a leader and does a good job. My intent is that we keep him here as long as we possibly can. Mr. Wheeler has shown that he is more than capable and is doing as well as a job. He stated that he doesn't apologize for giving a raise to someone who does an exemplary job of leading the County and looking out for our best interests. Mr. Alger did not ask for this, we as a Legislature, went to him with that proposal.

There being no further comments, Chairman Hauryski declared the Budget Workshop closed.

RESOLUTION NO. 198-12

Introduced by L. Crossett. Seconded by D. Farrand.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2012, AUTHORIZING THE OVERRIDE OF THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on October 22, 2012, County of Steuben Local Law Tentatively No. Five for the Year 2012, Authorizing the Override of the Tax Levy Limit Established in General Municipal Law §3-c, and this Legislature by resolution, preliminarily adopted said Local Law on October 22, 2012, making the final adoption of said Local Law subject to a Public Hearing to be held on November 26, 2012; and

WHEREAS, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on November 26, 2012, at 6:00 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law Tentatively No. Five for the Year 2012, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2012

A Local Law, Authorizing the Override of the Tax Levy Limit Established in General Municipal Law §3-c.

Be it enacted by the Legislature of the County of Steuben as follows:

Section 1. **Legislative Intent:** Due to the uncertainty relating to the various provisions and limitations of General Municipal Law §3-c and due to the calculations reflecting the best good faith estimates made in accordance with the provisions and limitations of General Municipal Law §3-c as understood to be in compliance therewith and in order to mitigate and eliminate adverse impacts of any audit process that may be undertaken in review of the current budget appropriations and the real property levy established thereby; it is the express intention of the Legislature of the County of Steuben, pursuant to subdivision 5 of General Municipal Law §3-c, to authorize an override of the limitations and prohibitions of General Municipal Law §3-c.

Section 2. **Budget Authorization:** The Board of Legislators hereby overrides the tax levy limit for Steuben County for 2013 and authorizes Steuben County, after completing all required procedures for the adoption of a

budget, to adopt a budget for 2013 that requires a tax levy that is greater than the tax levy limit calculated for 2013 pursuant to §3-c of the General Municipal Law.

Section 3. **Effective Date:** This local law shall take effect immediately upon filing with the Secretary of State.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on November 26, 2012 at 6:00 P.M. at the Legislative Chambers, Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature has caused a Notice of said Public Hearing to be posted at the Courthouses in the municipalities of Bath, Corning and Hornell, said Notice published for one insertion in the two official newspapers of the County, and has caused such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with the proof of posting and publication filed in the Office of the Clerk of the Legislature; and be it further

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Five for the Year 2012, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the Office of the Secretary of State of the State of New York, and said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

RESOLVED, the Clerk of the Legislature, in accordance with Section 214, shall cause a true copy of said Local Law to be published in the two County official newspapers within ten (10) days after such Local Law has become effective.

Vote: Roll Call – Adopted.

RESOLUTION NO. 199-12

Introduced by P. McAllister. Seconded by C. Ferratella.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2012, ESTABLISHING THE ANNUAL SALARIES OF CERTAIN ELECTED OR APPOINTED OFFICIALS AND DEPARTMENT HEADS OF THE COUNTY OF STEUBEN WHO HAVE A FIXED TERM OF OFFICE FOR THE FISCAL YEAR 2013.

Pursuant to Sections 200, 201, and 214 of the County Law and Sections 10, 20, and 24 of the General Municipal Law of the State of New York.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on November 15, 2012, County of Steuben Local Law Tentatively No. Six for the Year 2012, Establishing the Annual Salaries of Certain Elected or Appointed Officials and Department Heads of the County of Steuben who have a Fixed Term of Office for the Fiscal Year 2013, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2012, making the final adoption of said Local Law subject to a Public Hearing to be held on November 26, 2012, and also subject to a permissive referendum; and

WHEREAS, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on November 26, 2012 at 6:00 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law Tentatively No. Six for the Year 2012, as hereinafter set forth be and the same hereby is finally adopted, to wit:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2012

A LOCAL LAW Establishing the Annual Salaries of Certain Elected or Appointed Officials and Department Heads of the County of Steuben who have a Fixed Term of Office for the Fiscal Year 2013.

Be it enacted by the Legislature of the County of Steuben as follows:

SECTION 1: Except where inconsistent by operation of law due to prohibitions of increases of compensation during a fixed term of office for County officers and employees as provided in County Law §201 and Municipal Home Rule Law §24(2)(h), the "Steuben County Management Evaluation and Salary Plan", Administrative Code of the County of Steuben Part XV be, and the same hereby is, applicable to officers and employees having a fixed term of office, whether elected or appointed, as are any and all resolutions of the Steuben County Legislature relative to rights and entitlements of County executive and management personnel.

SECTION 2: Effective with the first county payroll for the County Fiscal Year 2013, the annual salaries of the certain elected or appointed officials and department heads of the County of Steuben who have a fixed term of office are hereby established for the Fiscal Year 2013 as follows, to wit:

TITLE	2011/2012 SALARY	2013 SALARY
Clerk of Legislature	$ 56,870	$ 58,292
Commissioner, Public Works	$ 92,760	$ 95,079
Commissioner, Social Services	$ 89,493	$ 91,730
County Attorney	$ 105,000	$ 107,625
County Auditor	$ 46,641	$ 47,574
County Clerk	$ 56,622	$ 58,038
County Treasurer	$ 80,000	$ 82,000
Director, Real Property Tax	$ 60,000	$ 61,200
Personnel Officer	$ 82,720	$ 84,788
Public Defender	$ 86,431 (appointed 04/30/2012)	$ 88,592

SECTION 3: Should any of the above positions become vacant and subsequently filled by one other than the present incumbent, the salary shall in that instance be set by the Legislature prior to filling said vacancy.

SECTION 4: This Local Law shall become effective, subject to a permissive referendum, forty-five (45) days after the date of its final adoption and on the date it is duly filed in the Office of the Secretary of State of the State of New York and in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

BE IT FURTHER RESOLVED, within twenty (20) days after such Local Law is adopted the Clerk of this Legislature of the County of Steuben shall cause a copy of the Local Law to be published in the two officially designated county newspapers, the Leader of Corning, New York, and the Evening Tribune of Hornell, New York, together with notice that said Local Law is subject to a permissive referendum of the qualified electors of Steuben County by the filing of a petition within forty-five (45) days from the date of the final adoption of the Local Law with the Clerk of this Legislature demanding such referendum, which petition must be signed by qualified electors of the County registered to

vote therein at the last preceding election, in number equal to at least ten per centum (10%) of the total number cast for Governor at the last gubernatorial election in the County; and be it further

RESOLVED, within five (5) days after the expiration of the time for the filing of petitions for a permissive referendum of said Local Law, the Clerk of the Legislature shall cause one certified copy thereof to be filed in the office of the Secretary of State of the State of New York, and the said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer, the Personnel Officer and the above-named employees.

Mr. Mullen commented that he doesn't think it is a good idea to have blanket raises in times when we don't have a contract with the bargaining unit yet. Mr. Wheeler explained that performance evaluations are done for the managers. Management employees' raises are based upon their performance evaluations.

Mr. Ryan stated we all have been asking everyone to bite the bullet. I cannot support this. People in my district are hurting and unemployed. I would love to give them raises as our department heads do a wonderful job. In my heart of hearts, I cannot support this.

Mr. McAllister stated these people have not had a raise in the last two years. On the other hand, Union employees have gotten their raises. There are actually some situations where Union employees are close to making more than their supervisors and I don't think that is a good thing. If you are in a leadership position, you should be paid as such. It was the feeling of the Administration Committee that it was time to do something. Evaluations were done and the raises are based upon those evaluations; this is not a blanket raise.

Vote: Roll Call – Adopted. (Yes – 8556, No – 593, Absent – 723)
(No – Legislator Ryan)

RESOLUTION NO. 200-12

Introduced by L. Crossett. Seconded by G. Swackhamer.

FINAL ADOPTION OF THE ANNUAL COUNTY BUDGET FOR THE FISCAL YEAR 2013.

Pursuant to Sections 360 of the County Law and Sections 24 and 25 of the Local Finance Law of the State of New York.

WHEREAS, the Tentative Budget, Budget Message and the Proposed Appropriation Resolution of the County of Steuben for the Fiscal Year 2013 were duly filed with the Clerk of the County Legislature on or before November 15, 2012, and appropriate action taken thereupon and fixing the date, time and place for holding the required public hearings; and

WHEREAS, the duly advertised Public Hearings on the Tentative Budget and for the Watershed Protection Districts were opened, held and completed on November 26, 2012, commencing at 6:00 P.M. in the Legislative Chambers in the Village of Bath; and

WHEREAS, all persons attending said above mentioned hearings were given the right to provide written and oral statements and comments concerning the entire Budget.

NOW THEREFORE, BE IT

RESOLVED, the Clerk of the Legislature is hereby directed to cause to be filed in her office proofs of publication of the notices of the hearings on the above stated Tentative Budget and Watershed Protection Districts for the Fiscal Year 2013; and be it further

RESOLVED, pursuant to Sections 356 and 360 of the County Law of the State of New York said Tentative Budget for the County of Steuben for the Fiscal Year 2013 as may have been changed, amended, altered and revised by this County Legislature to date be and the same hereby is adopted by this Legislature as the Budget of the County of Steuben for the Fiscal Year 2013; and be it further

RESOLVED, the Clerk of the Legislature with the assistance of the Budget Director, in accordance with any such changes, amendments, alterations and revisions of the Tentative Budget to date, enter in the column entitled, "adopted" the estimated expenditures in the Tentative Budget as may have been modified or changed; and be it further

RESOLVED, the Clerk of the Legislature, with the assistance of the Budget Director, shall enter in the column entitled "adopted" the estimated revenues in the Tentative Budget with any changes or modifications as may have been made to date; and be it further

RESOLVED, the several sums therein mentioned for expenditures and revenues are appropriated for the objects and purposes enumerated, including, but not limited to, the salaries for public officers and officials who are appointed by the Legislature or who are appointed by the Legislature to fixed terms of office commencing January 1, 2013, or thereafter in the Year 2013, and that the salary set forth in the Salary Schedule for Chairman of the Legislature and Legislators be adopted; and be it further

RESOLVED, there be and the same hereby are approved, created and established the following Capital Projects for 2013:

Department / Project	**Total Appropriation**
Information Technology	**$ 271,040.00**
Buildings & Grounds	**24,000.00**
Public Works	**9,076,000.00**
Solid Waste	**400,000.00**
Telecommunications Phone System Upgrade	**100,000.00**
Emergency Management Communication	**50,000.00**
TOTAL	**$9,921,040.00**

AND BE IT FURTHER RESOLVED, those Capital Projects denoted as "Buildings and Grounds" are hereby appropriated from the Capital Reserve Building Repairs and Renovations; and be it further

RESOLVED, that $100,000 of those Capital Projects denoted as “Information Technology” are hereby appropriated from telephone chargebacks revenue; and be it further

RESOLVED, from and after January 1, 2013, the County Treasurer is authorized to issue tax anticipation and revenue anticipation notes in such amounts as may be necessary to pay lawful charges, pending the receipt of the taxes and revenues herein appropriated and not longer than a period to January 1, 2014, without the authority of the Legislature and not in excess of the amount of taxes and revenues herein appropriated, and such notes shall be issued to the capital building reserve fund, without interest, unless the money is not available when such notes may be sold at private sale at not exceeding the legal rate of interest pursuant to the Local Finance Law of the State of New York; and be it further

RESOLVED, the above Budget as herein adopted shall be entered in the minutes of this County Legislature and printed in the annual volume of printed Proceedings for the Year 2012 and within thirty (30) days after the date of the adoption of this resolution the Steuben County Treasurer is hereby directed to file a certified copy of said 2013 Steuben County Budget with the New York State Comptroller in accordance with State Finance Law, Section 54-a; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; County Treasurer; and Lawrence P. Crossett, Chairman, Finance Committee.

Vote: Roll Call – Adopted.

RESOLUTION NO. 201-12

Introduced by L. Crossett. Seconded by D. Farrand.

AMENDING THE STEUBEN COUNTY BUDGET AND ADOPTING THE APPROPRIATION RESOLUTION FOR THE FISCAL YEAR 2013.

Pursuant to Section 360 of the County Law of the State of New York in the County of Steuben and in accordance with the official Rules and Regulations of the New York State Department of Audit and Control and Section 520 of the Real Property Tax Law.

WHEREAS, the Legislature, by resolution on even date herewith, has adopted a Budget for the Fiscal Year 2013, for the County of Steuben; and

WHEREAS, Chapter 4 of the official Rules and Regulations of the New York State Department of Audit and Control provides that Sales taxes used to reduce real property taxes on a part-county basis shall not be applied until after the Budget has been adopted and recorded, and that the County Budget shall then be amended by increasing estimated revenues (Account A-1115, Non-Property Taxes to Reduce Town Tax Levy) and reducing the amount to be raised by real property taxes (Account A-1001, Real Property Taxes); and

WHEREAS, Section 360, subdivision 3, of the County Law provides for the raising of the taxes required by the County Budget.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Budget for the Fiscal Year 2013, as previously adopted on even date herewith, is hereby amended to provide that the amount for non-property taxes be applied to the Towns' share of the County tax levy so that the Sales taxes anticipated shall be used to reduce real property taxes on a part-County basis, and hereby directing that the anticipation of Sales tax credit is to be applied on a part-County basis against the County-wide tax levy; and be it further

RESOLVED, other than the amendment, as set forth in the above paragraph of this resolution, the Steuben County Budget for the Fiscal Year 2013 shall remain the same as recorded and adopted in accordance with said prior Budget adoption resolution of even date herewith; and be it further

RESOLVED, the several amounts specified in the 2013 County Budget be and hereby are appropriated for the objects and purposes enumerated therein; and be it further

RESOLVED, the total appropriation required in the Steuben County Budget for the Fiscal Year 2013 to be raised by taxes amounting to the sum of $47,995,574.00 reduced by the pro-rata and omitted taxes of $79,815.32 and also reduced by anticipation of the sales tax credit in the amount of $7,618,516.44 in accordance with the above-stated regulation as to application, shall be levied and assessed upon the property within the County liable therefore for the Fiscal Year beginning January 1, 2013; and be it further

RESOLVED, pursuant to Sections 356 and 360 of the County Law of the State of New York, the Proposed Appropriation Resolution presented November 15, 2012, and filed with the Clerk of the Legislature on November 15, 2012 for the Year 2013, and as amended, altered, or revised by this County Legislature to date, be and the same hereby is adopted by this Legislature as the appropriation resolution for Fiscal Year 2013; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency, and County Treasurer.

Vote: Roll Call – Adopted.

Motion to take Resolutions 5 – 10 as one and to waive the reading made by Mr. McAllister, seconded by Mr. Schu and duly carried.

RESOLUTION NO. 202-12

Introduced by P. McAllister. Seconded by B. Schu.

COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2012 FOR THE MARSH DITCH WATERSHED PROTECTION DISTRICT.

Pursuant to Sections 270 and 271 of the County Law of the State of New York.

WHEREAS, the assessment roll for the Year 2012, for the Marsh Ditch Watershed Protection District in the Towns of Dansville and Hornellsville, in the County of Steuben, and State of New York for the Budget Year 2013, has been completed and properly filed with the Steuben County Real Property Tax Service Agency at its office in the Steuben County Office Building, 3 East Pulteney Square in the Village of Bath, New York for review and inspection by the public and interested parties; and

WHEREAS, proper notice of the completion and filing of said assessment roll, and also proper notice that the Public Hearing on the assessment roll would be held by the County Legislature of the County of Steuben in the Legislative Chambers of the County Office Building in the Village of Bath, New York on November 26, 2012, at 6:00 P.M. to hear and consider any objections pertaining to said assessment roll; and

WHEREAS, due and proper proof of the publication of the notice of the aforesaid Public Hearing has been filed in the Office of the Clerk of the Legislature; and

WHEREAS, the aforesaid Public Hearing was duly held on November 26, 2012, and any persons appearing in regard to the said assessment roll having been heard.

NOW THEREFORE, BE IT

RESOLVED, said assessment roll for the Year 2012 for the Marsh Ditch Watershed Protection District in the Towns of Dansville and Hornellsville in the County of Steuben and State of New York be and the same hereby is approved as completed and filed in the office of the Steuben County Real Property Tax Service Agency; and be it further

RESOLVED, the Director of Steuben County Real Property Tax Service Agency and the Steuben County Treasurer shall see to the proper procedure for the levy and collection of the appropriate taxes on the several real properties situate and benefited within said Water Protection District; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; County Treasurer; the Attorney for said District; and President of the Board of Directors of the said Water Protection District.

Vote: Roll Call – Adopted.

RESOLUTION NO. 203-12

Introduced by P. McAllister. Seconded by B. Schu.

ACCEPTING THE 2013 BUDGET OF THE MARSH DITCH WATERSHED PROTECTION DISTRICT.

Pursuant to Article 5-D of the County Law of the State of New York.

RESOLVED, the Budget for the Marsh Ditch Watershed Protection District be and the same hereby is established in the amount of $12,500 of which sum $12,500 shall be appropriated from surplus; and be it further

RESOLVED, the Steuben County Legislature hereby accepts the report of the Marsh Ditch Watershed Protection District and adopts the respective Budget for 2013; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; Attorney for the Protection District; and the President of the Administrative Board of the Marsh Ditch Watershed Protection District.

Vote: Roll Call – Adopted.

RESOLUTION NO. 204-12

Introduced by P. McAllister. Seconded by B. Schu.

COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2012 FOR THE UPPER FIVE MILE CREEK WATERSHED PROTECTION DISTRICT.

Pursuant to Sections 270 and 271 of the County Law of the State of New York.

WHEREAS, the assessment roll for the Year 2012 for the Upper Five Mile Creek Watershed Protection District in the Towns of Prattsburgh, Wheeler and Urbana in the County of Steuben and State of New York for the Budget Year 2013 has been completed and properly filed with the Steuben County Real Property Tax Service Agency at its office in the Steuben County Office Building, 3 East Pulteney Square in the Village of Bath, New York for review and inspection by the public and interested parties; and

WHEREAS, proper notice of the completion and filing of said assessment roll, and also proper notice that the Public Hearing on the assessment roll would be held by the County Legislature of the County of Steuben in the Legislative Chambers of the County Office Building in the Village of Bath, New York on the 26th day of November 2012, at 6:00 P.M. to hear and consider any objections pertaining to said assessment roll; and

WHEREAS, due and proper proof of the publication of the notice of the aforesaid Public Hearing has been filed in the Office of the Clerk of the Legislature; and

WHEREAS, the aforesaid Public Hearing was duly held on the 26th day of November 2012, and any persons appearing in regard to the said assessment roll having been heard.

NOW THEREFORE, BE IT

RESOLVED, said assessment roll for the Year 2012 for the Upper Five Mile Creek Watershed Protection District in the Towns of Prattsburgh, Wheeler and Urbana in the County of Steuben and State of New York, be and the same hereby is, approved as completed and filed in the Office of the Steuben County Real Property Tax Service Agency; and be it further

RESOLVED, the Director of Steuben County Real Property Tax Service Agency and the Steuben County Treasurer shall see to the proper procedure for the levy and collection of the appropriate taxes on the several real properties situate and benefited within said Water Protection District; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; County Treasurer; and President of the Board of Directors of the said Water Protection District.

Vote: Roll Call – Adopted.

RESOLUTION NO. 205-12

Introduced by P. McAllister. Seconded by B. Schu.

DIRECTING THE LEVY OF THE UPPER FIVE MILE CREEK WATERSHED PROTECTION DISTRICT FOR TAXES DUE JANUARY 2013.

Pursuant to Article 5-D of the County Law of the State of New York.

RESOLVED, the report of the Administrative Board of the Upper Five Mile Creek Watershed Protection District of the several amounts of taxes due January 2013, levied upon the various parcels of land in the said Protection District in the amount of $47,550 to be received and filed, and the Director of the Steuben County Real Property Tax Service Agency is directed to levy the amount upon the various parcels therein mentioned in accordance with said report; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; and the President of the Administrative Board of the Upper Five Mile Creek Watershed Protection District.

Vote: Roll Call – Adopted.

RESOLUTION NO. 206-12

Introduced by P. McAllister. Seconded by B. Schu.

COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2012 FOR THE LAMOKA/WANETA LAKES' PROTECTION AND REHABILITATION DISTRICT.

Pursuant to Sections 270 and 271 of the County Law of the State of New York.

WHEREAS, the assessment roll for the Year 2012 for the Lamoka/Waneta Lakes' Protection and Rehabilitation Districts in the Towns of Wayne and Bradford in the County of Steuben and State of New York for the Budget Year 2013 has been completed and properly filed with the Steuben County Real Property Tax Service Agency at its office in the Steuben County Office Building, 3 East Pulteney Square in the Village of Bath, New York for review and inspection by the public and interested parties; and

WHEREAS, proper notice of the completion and filing of said assessment roll and also proper notice that the Public Hearing on the assessment roll would be held by the County Legislature of the County of Steuben in the Legislative Chambers of the County Office Building in the Village of Bath, New York on November 26, 2012, at 6:00 P.M. to hear and consider any objections pertaining to said assessment roll; and

WHEREAS, due and proper proof of the publication of the notice of the aforesaid Public Hearing has been filed in the Office of the Clerk of the Legislature; and

WHEREAS, the aforesaid Public Hearing was duly held on 26th day of November 2012, and any persons appearing in regard to the said assessment roll having been heard.

NOW THEREFORE, BE IT

RESOLVED, said assessment roll for the Year 2012 for the Lamoka/Waneta Lakes' Protection and Rehabilitation Districts in the Towns of Wayne and Bradford in the County of Steuben and State of New York be and the same hereby is approved as completed and filed in the Office of the Steuben County Real Property Tax Service Agency; and be it further

RESOLVED, the Director of the Steuben County Real Property Tax Service Agency and the Steuben County Treasurer shall see to the proper procedure for the levy and collection of the appropriate taxes on the several real properties situate and benefited within said Lakes' Protection and Rehabilitation Districts; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Schuyler County Legislature, 105 Ninth Street, Unit 6, Watkins Glen, NY 14891; Director of Real Property Tax Service Agency, and the County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 207-12

Introduced by P. McAllister. Seconded by B. Schu.

DIRECTING THE LEVY OF THE LAMOKA/WANETA LAKES' PROTECTION AND REHABILITATION DISTRICT FOR TAXES DUE JANUARY 2013.

Pursuant to Article 5-D of the County Law of the State of New York.

RESOLVED, the report of the Lamoka/Waneta Lakes' District Commission of the several amounts of taxes due January 2013, levied upon the various parcels of land in the said Lakes' Protection and Rehabilitation Districts in the amount of $30,309.90 to be received and filed, and the Director of the Steuben County Real Property Tax Service Agency is directed to levy the amount upon the various parcels therein mentioned in accordance with said report; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Schuyler County Legislature, 105 Ninth Street, Unit 6, Watkins Glen, NY 14891; Director of Real Property Tax Service Agency, and the County Treasurer.

Vote: Roll Call – Adopted.

Motion to Adjourn made by Mr. Farrand, seconded by Mr. McAllister and duly carried.

REGULAR SESSION
Morning Session
Monday, December 17, 2012
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on the 17th day of December, 2012, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members present except for Legislators Crossett and Ferratella.

Mr. Swackhamer provided the Invocation and the Pledge of Allegiance was led by Mr. Roush.

IN MEMORIAM
HONORING THE VICTIMS OF THE TRAGEDY
IN NEWTOWN, CONNECTICUT

The deaths of 20 children and 6 adults as a result of a senseless act of violence perpetrated on December 14, 2012, at Sandy Hook Elementary School is acknowledged by this Legislature with great sadness.

Words cannot express the sorrow we all feel in our hearts for the innocent lives that were taken. Our most sincere condolences and prayers go to all of the families affected by the devastating events in Newtown, Connecticut.

The members of this Steuben County Legislature respectfully move that the above "Memoriam" be spread upon the minutes of this meeting as an expression of the sympathy felt by this Legislature on the passing of these innocent souls.

Adopted by rising silent affirmation.

Chairman Hauryski opened the floor for comments by members of the public.

Mike LeBarron, stated that he is the Director of the Southern Tier Steelworkers Association and he is here today regarding the proposed closing of Phillips. He would like to have an open dialogue at both the County and State level regarding this. Mr. LeBarron provided his contact numbers.

Flo Tripi, CSEA Region 6 President, stated that she represents a 14-county area, including Steuben. Long term health care will be out of reach if you sell the Health Care Facility. History has shown that selling nursing facilities will not have a major impact on County taxes. By selling the facility, you will not reduce Medicaid costs. All you will do is reduce the level of care for your constituents. Look at Fulton and Delaware counties for examples of this. She stated that she is here on behalf of the frail and elderly people that live in the facility, as well as to support the employees of the facility. All of them are your constituents. Steuben County residents receive quality care every minute of the day. The residents have built a strong relationship with the staff. How dare the County do this in secrecy: Where have the public hearings been? Meetings held at 10:00 a.m. are impossible for the majority of the public to attend and to do this one week before a major holiday when the concern is on families. This proposal should be tabled. Please do the right thing.

Sally MacDougal stated she is the President of the Local 851 Unit and has also been an employee of the County for 33 years. She has seen a lot of changes. As a taxpayer, she is appalled that the Health Care Facility will be sold. This is a service to the County. You will not save taxes at all because you will still have the expense. Many people at the facility receive Medicaid benefits. What will you do when the facility is sold and they take whatever patients they want. She asked that the Legislature think about this.

Information was sent out regarding the people who are bidding. Please look at that information and review it.

Mary Bergh, Canisteo, stated that she has been a resident of Steuben County for her entire life and is a taxpayer. She stated that she is appalled at the thought of the County wanting to sell the Health Care Facility and selling out the residents of the County. We have paid our taxes and now you are selling us out. This is a shame. We have people that are dedicated to the residents. She stated that she has never seen workers abuse or mistreat the residents. Go to privately owned facilities and see how they treat their residents. You are giving up. Who put you in office? We, the taxpayers. Maybe there were other places to cut the budget instead of doing it to the senior citizens. Someday you or your relatives may need a nice home to live in. You will never find staff better than what you have now.

Michael Ottaviano, Field Mitigation Specialist, CSEA stated that he represents the workers and residents the Health Care Facility. If you look at Chautauqua County, they have not yet sold their facility. The Centers for Governmental Research reviewed the RFP's that Chautauqua County received. There were questions about Marcus & Millichap and how they found bidders, and how they brought back proposals. The Centers for Governmental Research reported that there was no solid evaluation or comparison of the bidders. No information was provided about the other homes that the companies owned. Additionally, no specific information was provided with regard to case mix or occupancy rates. In Delaware County they sold their nursing facility to a private company and that was just shut down in August. Mr. Ottaviano stated that he believes the Legislature needs to take time to seriously look at this and table the vote today.

Chris Raekl, CSEA, stated that he conducted a random survey of Steuben County residents. When asked if they feel operating a nursing facility is something the County should do or something that should be privatized, 66 percent responded that Steuben County should provide that service, while 17 percent said that it should be privatized. When asked if they believe selling the facility was the right or wrong move, twice as many said that it was the wrong move. When asked if it was important that a local nursing facility admit all residents regardless of pay, two-thirds of respondents indicated that was important to them. The Legislative meetings are held on the 4th Monday of each month at 10:00 a.m. and most people are at work. A vote on the sale of the facility should be done during a special evening session when members of the public could attend. During our survey, 87 percent of respondents thought that you should hold meeting at night so the public could attend. You are moving too fast and need to give the public a chance to be heard.

Roger Sherrle, CSEA, stated for the last year and a half he has been following Marcus & Millichap around New York State trying to set public policy. He urged the Legislature to take time to go to the Centers for Governmental Research website and look up the Chautauqua County report. Public sentiment is that they would like to have more input and discussion on the most important decision you will ever make. You are acting too quickly and too much in secret. If you are being told by the company that the workers will stay, that will not happen. A new operator will come into the home and make every family and resident sign a new admission policy. If they tell you they will accept Medicaid patients, that will not happen. No patient will be admitted to that home where the company cannot make a profit. The RFP will say they will keep wages the same for any worker. What you will see is a 40 hour week will be cut back to a 35 hour week. The departments will be contracted out. Longevity will go. Paid holidays and shift differentials will go. Workers will be paying health insurance premiums of $1,000 per month. These are all things that need to be examined in greater detail. There are questions that need to be asked and answered. When you make your decision, he hopes that you will do the right thing.

Kelly Comfort, CSEA, stated she is the Labor Relations Specialist for the Health Care Facility. The Health Care Facility is the jewel of the County. The residents of the County are proud to call it their home. With selling the facility, there is no guarantee that they will be able to call it their home. With a private company, the care of the residents will ultimately suffer. They don't necessarily have to admit Medicaid patients and can cherry pick. Residents on Medicaid will be forced to go elsewhere, outside the

County. Loved ones will not be able to see their family members on a weekly basis because they will have to travel further and Steuben County will still be picking up the tab. Please table your decision today to sell.

Dawn Patton, Arkport, stated that she is a 28 year employee of the Health Care Facility. On behalf of the residents and the staff, she asked that the Legislature vote no to the sale of the facility. This is the best nursing home that the County has to offer. Think about yourselves, your parents and other relatives. Don't our residents and loved ones deserve the best? Every resident in the County deserves the best and we are the best. She asked that the Legislature think about this and she prays that you will vote no.

Gail Frey, Hammondsport, stated that she is an employee at the Health Care Facility. Our residents receive quality care every day and we have a great staff. Our staff has formed great relationships with the residents. She wants the Legislature to think about the decision they will make today because you will have to live with it, as well as the residents and their families.

Wayne Wells, Cameron Mills, stated he is here to talk about the role of the Department of Environmental Conservation and the role of government. He stated that his experience with the Department of Environmental Conservation is that they only act when governmental entities formally express concern. Government needs to be informed.

Tim Hargrave, Cameron Mills, handed out a document that he received through Freedom of Information Law from the Department of Environmental Conservation regarding their involvement with the Dickson Corporation. Paragraph 51 states that violations were brought against Dickson regarding significant inaccuracies in their record keeping. The Dickson Corporation has been disposing of sludge and other waste for 26 years. You would think that they would be holding and keeping adequate records. He urged the Legislature to get involved and call the Region 8 Department of Environmental Conservation Director, Paul D'Amato. Why allow the largest sludge corporation in New York State to operate without adequate records?

Chairman Hauryski thanked everyone for their comments and declared the opportunity for public comment closed.

FRUITCAKE PRESENTATION

Mr. Isaman stated that last year he was semi-honored to receive the 24 – 26 years old fruitcake from Ms. Smith who did a poem. Mr. Wheeler had presented a video presentation and did a great job. Then of course, there was the presentation by Mr. Hopkins who only said "here's the cake, don't eat it." Mr. Isaman made the following presentation:

Ah…it's that time of year to pick a new Fruitcake guardian with a tear
Losing or damaging the famous baked good, is always a fear.

Got to get cold…keep it cold…whatever you do
Otherwise, you may see it turn to sloppy goo.

So here's a little poem about my Fruitcake fright
Under my protection it had a terrible plight.

We became close over this year's duration
However, I give it up without hesitation.

Into my downstairs freezer it went when you saw it last
My freezer broke, thawed out, I was aghast
It felt like sponge cake…I HAD TO ACT FAST.

There was the scent of possible fermentation!
Could my house blow up from fruitcake vapor concentration????

I opened the windows for a quick airing out
The fruitcake was in jeopardy without a doubt.

I scurried to the regular refrigerator that I knew was good
I pulled out other foods as fast as I could.

The healing process was initiated, the plan in place
I must save my fruity friend in this confectionary race.

I checked it often…even hour by hour
I even turned the freezer to more cooling power.

Finally, it became firm and not that gelatin feel
The fruitcake crisis was over, the threat of total defrost…was no longer real.

After that, it took my favorite ice cream location
That's so I could watch it and finish my fruitcake vocation.

Just remember, Alger was involved in creating this Holiday twist
The Fruitcake was given to someone on his holiday list.

So over the years, it's traveled all over the place
I'm glad to see it's gone from my freezer without a trace.

The new sentry is about to take my spot
It's only a year, not a real lot.

So now ends this little poem of my Fruitcake Tale
Let's find out who is about to turn a little pale.

Mr. Isaman, after much discussion of the "qualifications" of the deserving guardian and a thorough "roasting", presented Mr. Reed, the County Attorney with the Fruitcake. ***CONGRATULATIONS ALAN!***

Mr. Reed stated that he will do his best to make sure the freezer stays plugged in. Thank you very much.

Motion approving the minutes from the previous meeting(s) made by Mr. Van Etten. Seconded by Mr. Ryan and duly carried.

Mr. Farrand stated that he would like to set the record straight about the Town of Rathbone. After researching the deed, the Town of Rathbone wanted to build a boat launch in memory of the late Isabelle Risley's son, Gordon. The Town discovered the land requested to be turned over to the Town in the late 1990's was not the land requested, but another section within the Town. Having already received a grant from the Friends of the Chemung River, help from GST BOCES to build the pavilion, donations from Katie's Concrete, and the Chemung County Soil & Water Conservation District supplying the majority of the lumber, I went to the County Administrator explaining that Isabelle Risley was in her late 90's and that the Town did not want to postpone the project for another year. The County Administrator stated that we could proceed with the building of the pavilion and the County would work out things so that it would not be a problem. At no time did I or the Town just build on County property without permission. As a side note, Isabelle Risley passed away within 60 days of the dedication, but she died knowing that Gordon and she would not be forgotten. At the same time of the dedication, we requested Mr. Spagnoletti to join

us, but he was unable to and instead sent James Risley to the project, who is an employee in Public Works. We also invited Mr. Hauryski, who also was unable to attend. At no time did the Town of Rathbone or I build on County Property without permission.

Mr. Farrand stated that additionally, the residents of the Addison Central School District would like to commend the Department of Public Works for putting guiderail up on the section of County Route 19 known as the narrows. That was long overdue and is now a much safer highway.

RESOLUTION NO. 208-12

Introduced by J. Hauryski. Seconded by R. Weaver.

RECEIVING AND ACCEPTING THE DECEMBER 17, 2012 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and **referred to the appropriate Standing Committee and/or Department Head for information and/or action,** to wit:

November 16, 2012
NYS Office of Children & Family Services – Re: Notification of receipt and approval of the Youth Development Resource Allocation Plan (RAP) and Youth Bureau Narrative(s) for 2012. ***Referred to: Human Services/Health & Education Committee; Jack Wheeler, Deputy County Administrator; and Bill Caudill, Youth Program Coordinator.***

November 30, 2012
Steuben County Republican Committee – Re: Appointment of Veronica Olin to the position of Commissioner of the Board of Elections for the Republic Party for a full two year term beginning January 1, 2013. ***Referred to: Administration Committee; and Mark Alger, County Administrator.***

December 4, 2012
NYS Department of Transportation – Re: Notification of vouchers recently sent to the State Comptroller that distributes the third quarter 2012-2013 Statewide Mass Transportation Operating Assistance (STOA) payments to the upstate formula bus systems. ***Referred to: Amy Dlugos, Planning Director.***

United States of America Federal Energy Regulatory Commission – Re: Dominion Transmission Inc., Docket Nos. CP12-19-000 and CP12-20-000, Environmental Assessment for the Environmental Review of the Tioga Area Expansion & Sabinsville to Morrisville Projects. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

December 5, 2012
New York State Office of Children & Family Services – Re: OCFS Fatality Report #92-12-009. ***Referred to: Mark Alger, County Administrator.***

December 6, 2012
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $3,838, which represents the October 2012 retained surcharge revenue for Steuben County. ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

NYS Homes & Community Renewal – Re: Notification of completed Federal Assistance Expenditure Form must be submitted no later than February 28, 2013. ***Referred to: Amy Dlugos, Planning Director.***

December 10, 2012
NYS Office of the State Comptroller – Re: Notification of the Indigent Legal Services Fund (ILSF) 2012 Annual Report form must be completed and filed by March 1, 2013. ***Referred to: Patrick Donnelly, County Treasurer; and Mark Alger, County Administrator.***

NYS Office for the Aging – Re: Revised Notification of Grant Award (NGA) for the Congregate Services Initiative (CSI) program for the period of April 1, 2012 through March 31, 2013. ***Referred to: Human Services/Health & Education Committee; and Mike Keane, OFA Director.***

Niagara County Legislature – Re: Copy of an approved resolution calling on the New York State Senate and New York State Assembly to strengthen laws protecting children from child predators. ***Referred to: Steuben County Legislature.***

Steuben County Industrial Development Agency – Re: 2012 Annual Report. ***Referred to: A.I.P. Committee.***

December 11, 2012

Steuben County Industrial Development Agency – Re: Notice of Public Hearing on Thursday, December 27, 2012 at 10:00am at the Corning City Hall, 1 Civic Center Plaza, Second Floor Council Chambers, Corning, NY to discuss the Krog Project. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

December 12, 2012

NYS Governor's Traffic Safety Committee Department of Motor Vehicles – Re: Approval of the 2013 STOP DWI Plan and request for copy of resolution approving the STOP DWI Plan or copy of the County budget page showing the amount approved for STOP DWI. ***Referred to: Public Safety & Corrections Committee; and Sheriff Ordway.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 209-12

Introduced by P. McAllister. Seconded by D. Farrand.

APPROVING THE STATEMENT OF TAXES DUE, THE TOWN AND COUNTY TAX RATES, THE COMPLETED TAX ROLLS, LEVYING THE COUNTY AND TOWN TAXES UPON THE SEVERAL TAX DISTRICTS THEREIN, DIRECTING THE EXECUTION OF WARRANTS FOR THE COLLECTION OF THE TAXES EXTENDED THEREON, AND DIRECTING DELIVERY OF THE COMPLETED TAX ROLLS, WITH ATTACHED WARRANTS TO THE SEVERAL COLLECTORS OF TAXES FOR COLLECTION THEREOF.

Pursuant to Sections 900, 902, 904 and 1330 of the Real Property Tax Law and Section 361 of the County Law of the State of New York.

WHEREAS, this County Legislature pursuant to Section 361 of the County Law of the State of New York, is deemed to have passed a budget for Fiscal Year 2013, and also by prior resolution duly adopted, made appropriations for the conduct of the County government for the Fiscal Year 2013; and

WHEREAS, the County Real Property Tax Service Director has prepared the statement of taxes due January 1, 2013, for all towns and cities showing the respective real property tax levies and tax rates; and

WHEREAS, upon the tax rolls of the several tax districts, the several taxes have been duly extended as provided by Law and said completed tax rolls have been laid before this County Legislature for its approval.

NOW THEREFORE, BE IT

RESOLVED, the said statement of taxes due January 1, 2013, tax rates and tax rolls for the taxes for the Year 2013 extended on the several assessment valuations of parcels of land of the several tax districts for County and Town purposes be approved as so completed; that the taxes so extended upon the tax rolls in the several amounts extended against each parcel of property upon the said rolls are hereby determined to be the taxes due thereon as set forth therein; and be it further

RESOLVED, there be annexed to each of said rolls a tax warrant in the form prepared by the Clerk of the Legislature and heretofore laid before this Legislature for its approval, as provided by Section 904 of the Real Property Tax Law; that such Warrants shall be in the respective amounts heretofore authorized to be levied upon each of said rolls; that the several

Warrants be signed by the Chairman and Clerk of this Legislature, under the Seal of the Legislature; and that the said rolls with the said Warrants annexed thereto be forthwith delivered to the respective collectors of the several tax districts in the County; and be it further

RESOLVED, the Warrant shall designate the amount payable to the County Treasurer and the amount payable to the Supervisor, and shall constitute the authority of such collectors of taxes to collect and receive the several amounts thereof to be paid over to the respective County Treasurer and Supervisor on or before April 1, 2013; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Director of Real Property Tax Service Agency.

Vote: Roll Call – Adopted.

RESOLUTION NO. 210-12

Introduced by M. Hanna. Seconded by B. Schu.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ENTER INTO SHARED SERVICES AGREEMENTS.

WHEREAS, the Steuben County Department of Public Works routinely enters into contracts with the Cities, Towns and Villages of Steuben County as well as with surrounding counties and the State of New York; and

WHEREAS, in an effort to streamline and clarify the approval process to properly comply with General Municipal Law governing inter-municipal agreements it is necessary for the County Legislature to formally approve entering into the current and future agreements for these services; and

WHEREAS, any such future agreement would still require standing committee authorization and oversight.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature approves of the Department of Public Works entering into inter-municipal agreements with the Cities, Towns and Villages of Steuben County as well as with surrounding counties and the State of New York; and be it further

RESOLVED, that the appropriate standing committee of the Steuben County Legislature is authorized to approve future agreements and directed to provide oversight of such agreements subject to the Rules of Procedure of the Steuben County Legislature; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 211-12

Introduced by T. Ryan and G. Swackhamer. Seconded by D. Farrand.

APPROPRIATING $10,000 TO THE SOIL AND WATER CONSERVATION DISTRICT'S 2012 BUDGET FROM THE CONTINGENCY FUND.

WHEREAS, the Soil and Water Conservation District is in need of a new vehicle; and

WHEREAS, the Agriculture, Industry and Planning Committee and Finance Committee have recommended an appropriation of $10,000 from the Contingency Fund to complete the purchase in 2012.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to transfer $10,000 from the Contingency Fund (A 199000 5 499000) to the Soil and Water Conservation District's 2012 budget (A 871000 5 440260); and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to Jeff Parker, Executive Director, Soil and Water Conservation District and the Steuben County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 212-12

Introduced by P. McAllister. Seconded by G. Swackhamer.

APPOINTING THE REPUBLICAN COMMISSIONER OF ELECTIONS OF THE COUNTY OF STEUBEN FOR A TERM COMMENCING JANUARY 1, 2013.

Pursuant to Section 3-204 of the Election Law of the State of New York.

WHEREAS, Rusty Smith, Chairman of the County Committee of the Republican Party of the County of Steuben, has in pursuance of law, made, signed, and filed with the Clerk of the County Legislature, in proper form, his certification that Veronica Olin, residing in Hornell, County of Steuben and State of New York, is a suitable and qualified person to be appointed as a Commissioner of Elections.

NOW THEREFORE, BE IT

RESOLVED, Veronica Olin, residing in Hornell, Steuben County, New York, be and is hereby appointed a Commissioner of Elections in and for the County of Steuben for a term of two (2) years commencing January 1, 2013, and terminating December 31, 2014, and setting the salary at $47,693; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointee at 6321 Crosby Creek Road, Hornell, NY 14843; Rusty Smith, Chairman, Steuben County Republican Committee, PO Box 198, Corning, NY 14830; the County Clerk; and the Personnel Officer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 213-12

Introduced by J. Hauryski. Seconded by D. Farrand.

RELATIVE TO THE HEALTH CARE FACILITY.

WHEREAS, in spite of the County's best efforts to run an efficient and cost-effective Skilled Nursing Facility known as the Steuben County Health Care Facility, Steuben County faces an average operating loss from the facility of over $2 Million each year; and

WHEREAS, the costs of operating a publicly-owned skilled nursing facility and burdensome state mandates continue to rise, while state reimbursements to publicly-owned skilled nursing facilities continue to decline; and

WHEREAS, the State of New York has not fulfilled its promises of increased reimbursement based upon the construction of the Health Care Facility in 2008; and

WHEREAS, the County cannot continue to subsidize the operating losses from the Health Care Facility and has determined that it is in the best interests of the County to no longer operate the Health Care Facility; and

WHEREAS, the County issued a Request for Proposals to secure brokerage services for the purposes of advertising the sale of the Health Care Facility and its related real property to secure responsible bidders for the sale of the Health Care Facility; and

WHEREAS, bids were received on November 7, 2012 and have been reviewed and the Health Services Review Committee, the Human Services, Health and Education Committee and the Finance Committee have all recommended awarding the sale of the Health Care Facility to the Centers for Specialty Care Group, LLC.

NOW THEREFORE, BE IT

RESOLVED, the Legislature of the County of Steuben makes the following findings:

1. That, inasmuch as the County will not continue to operate a publicly-funded Skilled Nursing Facility, the Health Care Facility and its associated real property, including the former Health Care Facility building, is no longer needed for public use;
2. That Bids for the Sale of the Health Care Facility were solicited by public advertisements published in the Corning Leader and the Hornell Evening Tribune on October 16, 2012 and October 30, 2012, as well as public advertisement by the firm of Marcus & Millichap;
3. That by this Resolution, the Legislature is awarding the sale to the highest responsible bidder.

AND BE IT FURTHER RESOLVED, that the sale of the Health Care Facility is hereby awarded to the Centers for Specialty Care Group, LLC for the amount of Ten Million, Seven Hundred Fifty Thousand Dollars ($10,750,000); and be it further

RESOLVED, that the sale of the former Health Care Facility building is hereby awarded to the Centers for Specialty Care Group, LLC in the amount of Two Hundred Fifty Thousand Dollars ($250,000); and be it further

RESOLVED, that the Chairman of the Legislature and the County Administrator are hereby authorized to enter into any and all necessary agreements for the sale of the Health Care Facility, its Certificate of Need, Operating Certificates and any and all associated real property to the above named purchaser; and be it further

RESOLVED, that the Chairman of the Legislature and the County Administrator are hereby authorized to enter into a management agreement with the above named purchaser, and any other necessary agreements for the administration of the day-to-day operations of the Health Care Facility pending the closing of the sale; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Administrator of the Steuben County Health Care Facility; Joshua Jandris, Senior Investment Associate, Marcus & Millichap, 8750 W Bryn Mawr Avenue, Suite 650, Chicago, IL 60631; and Kenneth Rozenberg, CEO, Centers for Specialty Care Group, LLC, 1601 Bronxdale Ave., Suite 209, Bronx, NY 10462.

Mr. Weaver stated that it is important for the general population to realize that this is not something we have thought about without deep consideration of the financial, resident, and employee impact. This is not something that we asked to have happen.

Mr. Mullen stated that one of the concerns is about people being able to afford going to a nursing home. The County taking action would not take away people's ability to get long-term care. We are paying a significant amount of money, $3 million per year, to operate. We are still helping people who cannot afford care, but we will no longer have the operating expense. He stated that he did a search on what the average taxpayer pays. Looking at 1,300 taxpayers, they paid on average $2,300 per year in taxes. That is a lot of money that people are paying in addition to Medicaid.

Mrs. Lando stated that she has only been on the Legislature for one year. Every meeting she has attended, we talk about this and she wants to make sure that people understand that. We have been talking about this for months.

Mr. McAllister stated for two years we have been looking at this issue. He doesn't think there is any Legislator in the room who doesn't think this is a top-notch facility with top-notch workers. We are the stewards of the taxpayers' dollars. He stated that he was here four or five years ago when we looked at ending the Health Care Facility because we were losing $1 million - $2 million per year and we thought of leasing or selling. At the same time, we also looked at building a new facility. The decision was made to keep our operation and we built a new facility. He remembers stating at that time that he would be the first to sell if we couldn't turn around the operational losses and today we are losing $2 million - $3 million per year. The losses haven't stopped. That $2 million - $3 million loss per year represents a 4 – 6 percent increase in taxes per year when we are under a mandate from the State to hold the tax levy at a 2 percent increase. We are told to live within the tax cap. How do you do that? We cannot afford this with the 2 percent tax cap. The State reduced reimbursement rates for the counties and increased reimbursement rates for private facilities. We have 80 percent of our patients on Medicaid; that reimbursement went down and the reimbursement for private pay increased. The County should get out of the business. Everyone would like to keep the facility, but at what cost? We cannot justify it.

Mr. Swackhamer stated as most of you know, I have worked very hard to keep this facility for 25 years. The sale of the property has come up at least five different times. It is not us that are doing this, it is the State government. They lied and told us they would take care of us; that if we built a new facility they would pay for it. I have 25 years invested in the Health Care Facility. You are talking to the wrong people. Why aren't you in Albany talking? We have to vote and it is a tough vote. The State tells us they will not pay us for this and for that. I have worked hard for 25 years to keep this. We have spent years growing and helping it. What did the Union do for us? There is a $2 - $3 million deficit every year that we have to cover. I am tired of getting phone calls and threats. We did our best, but that's not good enough for you.

Mr. Van Etten stated that he would like to commend the County Administrator and Deputy County Administrator for helping to facilitate this project that we worked on. He would also like to thank Mr. McCarroll for the transparency that he provided for all of the interested bidders. He stated that he agrees with the CSEA that this is the most important decision we will make for the taxpayers. We are losing money and we cannot afford it. Mr. McCarroll is running a very lean and efficient facility, but we are still losing money. The purchaser is highly respected and is the largest nursing home operator in New York. We have done our due diligence and toured their facilities. We have spoken to the residents of those facilities. Additionally we have spoken to the management team at Founders and they are doing an excellent job. The $11 million price allows us to get out from under this obligation. It also provides us with a solution to the old facility. We no longer have operating losses that the taxpayers have to pay for. We are not abandoning anyone. This is providing the best possible option. Abandoning would be a complete closure and that is not what we are proposing today. The sale opportunity is the best possible solution for the residents and the taxpayers.

Ms. Lattimer stated that she doesn't think anyone is going into this decision lightly. If the Health Care Facility could have operated at break even, we would have been more than happy to do that. It has become a great drain on our reserves. It represents a 6 – 8 percent increase in taxes. She stated that her constituents tell her that they cannot handle a 6 – 8 percent increase in taxes. We are all very sorry and very sad that this facility needs to be sold. The bottom line is the County budget and we have no choice at all. The CSEA did a survey and said that 66 percent of those surveyed wanted to keep the facility county run. The better way to pose the question would be to ask if the taxpayers would pay a 6 – 8 percent increase in taxes every year to keep the facility county run. The answer may have been different.

Mr. Mullen stated that he looked up the information on Chautauqua County and the Centers for Governmental Research did identify that there was no opportunity for that nursing home to be self-sustaining as a public facility in the future.

Mr. Hauryski stated this has been one very difficult decision on the part of the 17 of us in this room. I'm sorry that it had to come to this. We are responsible for this County's financial well-being and if we don't take care of it now, it won't be long before the potential is there for bankruptcy. This decision is not being taken lightly and is hard on every one of us.

Vote: Roll Call – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.D. Discussions Regarding Proposed, Pending or Current Litigation and Article 7§ 105.1.E. Collective Negotiations Pursuant to Article Fourteen of the Civil Service Law made by Mr. Van Etten. Seconded by Mr. Mullen and duly carried.

RESOLUTION NO. 214-12

Introduced by J. Hauryski. Seconded by T. Ryan.

MATTER(S) PERTAINING TO THE SETTLEMENT OF CLAIM(S) BY OR AGAINST THE COUNTY.

WHEREAS, the County advertised for bids for Food & Nutrition, Housekeeping and Maintenance Services at the Steuben County Health Care Facility, Document #GC-12-011-B, on April 11, 2012; and

WHEREAS, on June 25, 2012, the Legislature awarded the bid to Morrison Senior Living (hereinafter "Morrison"); and

WHEREAS, after subsequent contract negotiations, Morrison notified the County that it would not be able to perform under the County's understanding of the agreement; and

WHEREAS, the County has incurred certain costs as a result of the inability of the parties to reach an agreement.

NOW THEREFORE, BE IT

RESOLVED, that the County Administrator be and hereby is authorized to enter into a settlement agreement with Morrison to provide reimbursement of lost costs and is further authorized to execute a mutual release with Morrison of any claims either party may have had against the other; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Administrator and the County Attorney.

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mr. Ryan. Seconded by Mr. Swackhamer and duly carried.

Motion to Adjourn made by Mr. Schu. Seconded by Mr. Van Etten and duly carried.