

REGULAR MEETING
Morning Session
Monday, January 28, 2013
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 28th day of January, 2013, 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, Farrand, Ferratella and Swackhamer.

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

Chairman Hauryski asked Michael McCartney to come forward. Mr. McCartney is an employee in the District Attorney's Office. He presented him with a Certificate of Appreciation and a pin in recognition of his 25 years of service to Steuben County.

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

Tim Hargrave, Cameron Mills, stated New York State lied to you. At the December Legislative meeting, Mr. Swackhamer gave a moving speech regarding the sale of the Health Care Facility. During his speech, he stated that New York State had lied, and I believe him. Mr. Hargraves stated that he has 100 signatures from people in our area who are protesting the negative impact that Dickson Corporation has had in their lives. He stated that he and Wayne Wells are the voices of those people. Mr. Hargraves distributed a chart that shows a partial listing of sludge sources that end up in the fields that surround the homes of most of these people. How comfortable would you sleep at night knowing the largest waste disposal corporation could dump waste 50 feet from your property line and 100 feet from your well? If you know the State had lied and was deceitful, you could have avoided the problems with the Health Care Facility. We need oversight of the companies that choose to do business in the County. He asked that the Legislators meet with their group and review the data. The reports that Dickson have filed are false and inaccurate. The numbers don't lie, but New York State does. Meet with us and review this data. Thank you.

Wayne Wells, Cameron Mills, stated that Department of Environmental Conservation signed a consent order allowing Dickson Corporation to increase the number of sludge sources. Sludge from municipal sewage contains pathogens and allergens that can cause disease and potential harm. The National Academy of Science has indicated that illnesses have been reported by individuals living near waste disposal sites. The potential for off-site exposure does not appear to have been considered. There is much ignorance in the public as to who gets cancer and why. There are carcinogens, toxin and pathogenic agents in sewer sludge. We are polluting our air, food and water at an accelerating rate. The quality of life should trump the pathology of monetary accumulation. Mr. Wells stated if the Dickson Corporation continues to operate as they have in the past, the long term outcome will be costly in more ways than one.

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 the Agricultural District within the Towns of Cameron, Canisteo, Jasper and Woodhull, New York, known as Agricultural District No. 1; and the Agricultural District within the Towns of Jasper, Troupsburg, West Union and Woodhull, New York, known as Agricultural District No. 23 to consider the recommendations of the County Planning Board and the Agricultural and Farmland Protection Board, and any proposed modifications of the 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.

Motion approving the minutes of the previous month's meeting(s) made by Mr. Van Etten, seconded by Mr. Ryan and duly carried.

Chairman Hauryski stated that he provided all Legislators with a list of his 2013 goals. He has asked the Chairs of the Standing Committees to come up with their goals for 2013 and prepare some agenda items as we go forward.

RESOLUTION NO. 001-13

Introduced by J. Hauryski.

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, 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. | <u>A-1</u> |
| Name | <u>Town of Canisteo</u> |
| Parcel No. | <u>198.00-01-007.112</u> |
| Municipality | <u>Canisteo Town</u> |
| Disposition | <u>Correction</u> |

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|----------------|------------------------------|
| Resolution No. | <u>A-2</u> |
| Name | <u>Town of Hornellsville</u> |
| Parcel No. | <u>150.00-01-012.600</u> |
| Municipality | <u>Hornellsville Town</u> |
| Disposition | <u>Correction</u> |

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| Resolution No. | <u>A-3</u> |
| Name | <u>Gary P. & Mary A. Richtmyer</u> |
| Parcel No. | <u>224.00-01-030.000</u> |
| Municipality | <u>Campbell Town</u> |
| Disposition | <u>Correction</u> |

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|----------------|--------------------------|
| Resolution No. | <u>A-4</u> |
| Name | <u>Pamela Taylor</u> |
| Parcel No. | <u>225.14-01-015.000</u> |
| Municipality | <u>Campbell Town</u> |
| Disposition | <u>Correction</u> |

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| Resolution No. | <u>A-5</u> |
| Name | <u>James & Helen Harrison</u> |
| Parcel No. | <u>242.08-01-036.000</u> |
| Municipality | <u>Campbell Town</u> |
| Disposition | <u>Correction</u> |

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|----------------|--------------------------------|
| Resolution No. | <u>A-6</u> |
| Name | <u>Troy & Hadjer Ahner</u> |
| Parcel No. | <u>207.00-05-007.400</u> |
| Municipality | <u>Bath Town</u> |
| Disposition | <u>Correction</u> |

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| Resolution No. | <u>A-7</u> |
| Name | <u>Richard C. & Dinah L. Cummings</u> |
| Parcel No. | <u>158.08-01-005.120</u> |
| Municipality | <u>Bath Village</u> |
| Disposition | <u>Correction</u> |

| | |
|----------------|--------------------------------|
| Resolution No. | <u>A-8</u> |
| Name | <u>Robert & Carol Male</u> |
| Parcel No. | <u>258.00-01-026.200</u> |
| Municipality | <u>Thurston Town</u> |
| Disposition | <u>Correction</u> |

Resolution No. A-9
Name Towner Living Trust
Parcel No. 275.00-01-021.000
Municipality Rathbone Town
Disposition Correction

Resolution No. A-11
Name Clarence & Evelyn Bulkley
Parcel No. 177.00-01-004.200
Municipality Bradford Town
Disposition Correction

Resolution No. A-13
Name John A. & Ann M. Balch
Parcel No. 426.00-01-029.111
Municipality Caton Town
Disposition Correction

Resolution No. A-15
Name Timothy K. Stapleton
Parcel No. 318.54-01-034.000
Municipality Corning City
Disposition Correction

Resolution No. A-17
Name Marvin J. & Dora E. Byler
Parcel No. 290.00-01-019.200
Municipality Jasper Town
Disposition Correction

Resolution No. A-19
Name Kenneth M. & Barbara Saler
Parcel No. 241.00-01-006.000
Municipality Thurston Town
Disposition Correction (parcel split)

Resolution No. A-21
Name Gregory L. & Brenda C. Evingham
Parcel No. 167.00-03-015.210
Municipality Howard Town
Disposition Correction (parcel split)

Resolution No. A-23
Name Mark N. & Helen L. Rodger
Parcel No. 263.00-01-032.100
Municipality Hornby Town
Disposition Correction (parcel split)

Resolution No. A-25
Name Edith M. Stempin
Parcel No. 228.00-01-042.100
Municipality Hornby Town

Resolution No. A-10
Name Rhodes Evarts
Parcel No. 100.00-02-014.100
Municipality Avoca Town
Disposition Correction (parcel split)

Resolution No. A-12
Name Michael S. Lopresti
Parcel No. 254.00-03-006.100
Municipality Cameron Town
Disposition Correction

Resolution No. A-14
Name Ronald & April Wilson
Parcel No. 317.52-01-020.000
Municipality Corning City
Disposition Correction

Resolution No. A-16
Name Leon E. Woodworth
Parcel No. 214.00-01-045.000
Municipality Hartsville Town
Disposition Correction (parcel split)

Resolution No. A-18
Name Louise Horton
Parcel No. 308.00-01-002.111
Municipality Jasper Town
Disposition Correction

Resolution No. A-20
Name George & Sandra Pratt
Parcel No. 402.00-01-053.114
Municipality Tuscarora Town
Disposition Correction

Resolution No. A-22
Name Thomas Frost
Parcel No. 264.00-01-014.111
Municipality Hornby Town
Disposition Correction (parcel split)

Resolution No. A-24
Name Colleen M. Dobson
Parcel No. 282.00-01-088.110
Municipality Hornby Town
Disposition Correction (parcel split)

Resolution No. A-26
Name Gouveia Family Wealth
Parcel No. 336.00-01-018.210
Municipality Corning Town

Disposition Correction (parcel split)
Resolution No. A-27
Name Gary Reed
Parcel No. 301.00-01-001.120
Municipality Corning Town
Disposition Correction (parcel split)

Resolution No. A-29
Name Clifford T. & Debra S. Moss
Parcel No. 197.07-01-064.110
Municipality Canisteo Town
Disposition Correction (parcel split)

Resolution No. A-31
Name Dean A. & Shelly A. Warriner
Parcel No. 215.00-01-005.110
Municipality Canisteo Town
Disposition Correction (parcel split)

Resolution No. A-33
Name Vernon L. & Mary K. Allyn
Parcel No. 424.00-01-057.111
Municipality Lindley Town
Disposition Correction (parcel split)

Resolution No. A-35
Name William Muffly
Parcel No. 388.18-01-021.000
Municipality Lindley Town
Disposition Correction

Resolution No. A-37
Name Andrew E & Herta Lukacko
Parcel No. 118.00-01-018.100
Municipality Urbana Town
Disposition Correction (parcel split)

Resolution No. A-39
Name Rustic Acres Trust
Parcel No. 024.00-01-036.120
Municipality Pulteney Town
Disposition Correction (parcel split)

Resolution No. A-41
Name Town of Corning
Parcel No. 337.00-01-062.000
Municipality Corning Town
Disposition Correction

Disposition Correction
Resolution No. A-28
Name Eric & Rebecka Johnson
Parcel No. 234.00-01-036.000
Municipality Canisteo Town
Disposition Correction (parcel split)

Resolution No. A-30
Name Pamela J. Weaver
Parcel No. 215.00-01-017.200
Municipality Canisteo Town
Disposition Correction (parcel split)

Resolution No. A-32
Name Cynthia Newcomb
c/o Charles & Barbara Cowley
Parcel No. 014.00-02-010.000
Municipality Wayland Town
Disposition Correction

Resolution No. A-34
Name Elmer & Lucia Huels
Parcel No. 424.00-01-016.000
Municipality Lindley Town
Disposition Correction

Resolution No. A-36
Name Carl Meyers Enterprises
Parcel No. 014.00-02-021.000
Municipality Wayland Town
Disposition Correction

Resolution No. A-38
Name Ivan Mullet
Parcel No. 398.00-01-005.000
Municipality Troupsburg Town
Disposition Correction (parcel split)

Resolution No. A-40
Name Peggy L. Henderson
Parcel No. 034.00-01-007.200
Municipality Prattsburgh Town
Disposition Correction (parcel split)

Resolution No. A-42
Name Town of Corning
Parcel No. 337.00-01-061.000
Municipality Corning Town
Disposition Correction

Resolution No. A-43
Name Robert G. Brink
Parcel No. 151.56-03-029.000
Municipality Hornell City
Disposition Correction

Resolution No. A-44
Name Robert Evans
Parcel No. 304.00-01-062.200
Municipality Greenwood Town
Disposition Correction (parcel split)

Resolution No. A-45
Name Timothy Allard
Parcel No. 242.08-01-018.000
Municipality Campbell Town
Disposition Correction

Resolution No. A-46
Name Elizabeth Feor
Parcel No. 068.00-01-032.120
Municipality Wayland Town
Disposition Correction

Resolution No. A-47
Name James M. Dewhirst
Parcel No. 166.26-02-003.000
Municipality Hornell City
Disposition Correction

Resolution No. A-48
Name Victor & Fannie T. Delagrange
Parcel No. 074.00-01-003.200
Municipality Wheeler Town
Disposition Correction (parcel split)

Resolution No. A-49
Name John B. & Elois Chapman
Parcel No. 100.00-01-004.110
Municipality Wheeler Town
Disposition Correction (parcel split)

Resolution No. A-50
Name Mary Elizabeth Lewis
Parcel No. 376.00-01-011.000
Municipality West Union Town
Disposition Correction (parcel split)

Resolution No. A-51
Name Steuben County
Parcel No. 392.00-01-007.140
Municipality West Union Town
Disposition Correction (name change only)

Resolution No. A-52
Name Robert F. Biehl
Parcel No. 159.13-02-091.000
Municipality Bath Village
Disposition Correction (name change only)

Resolution No. A-53
Name Vaughn Havens
Parcel No. 173.00-01-045.116
Municipality Bath Town
Disposition Correction

Resolution No. A-54
Name Seneca Road Properties LLC
Parcel No. 136.00-02-003.111
Municipality Hornellsville Town
Disposition Refund (per Court Order)

Resolution No. A-55
Name Carlton Pierce
Parcel No. 316.07-01-041.000
Municipality Erwin Town
Disposition Refund

Resolution No. A-56
Name James C. Allen
Parcel No. 191.18-01-027.000
Municipality Savona Town
Disposition Correction

Mr. Mullen stated that he will be abstaining from this vote as he has some clients who are on this list.

Vote: Roll Call – Adopted. (Yes – 7081, No – 0, Absent – 2194, Abstained – 597)
(Absent – Legislators Crossett, Farrand, Ferratella and Swackhamer; Abstained – Legislator Mullen)

RESOLUTION NO. 002-13

Introduced by J. Hauryski.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE JANUARY 28, 2013 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 12, 2012

Hodgson Russ LLP Attorneys – Re: Notice of Intent to Act as Lead Agency to Invenergy Marsh Hill Wind Farm Project located in Town of Jasper, Steuben County. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

December 17, 2012

NYS Homes & Community Renewal – Re: Notification of the 12-Month Completion Notice for the New York State Community Development (CDBG) Project #1115HR65-11 is **December 9, 2013**. *Referred to: Amy Dlugos, Planning Director.*

December 20, 2012

NYS Homes & Community Renewal – Notification of the Annual Performance Report for the New York State Community Development (CDBG) Project #1115HR65-11 is due by **January 11, 2013**. *Referred to: Amy Dlugos, Planning Director.*

December 24, 2012

NYS Homes & Community Renewal – Re: Notification of not being selected for funding for the 2012 NYS Community Development Block Grant (CDBG) Competitive Housing Application Project #1115HR117-12. *Referred to: Amy Dlugos, Planning Director.*

NYS Department of Transportation – Re: Statewide Mass Transportation Operating Assistance (STOA) 4th quarter SFY 2012-2013 payment. *Referred to: Amy Dlugos, Planning Director.*

New York State Sheriffs' Association, Inc. – Re: The option to continue to participate in the programs negotiated by the Association or select other vendors once the agreements expire for the Jail Inmate Phone System and the Expedited Bail by Credit Card Program. *Referred to: Public Safety & Corrections Committee; and the Steuben County Sheriff.*

December 31, 2012

New York State Department of Health – Re: Notification of the supplemental Medicaid Upper Payment Limit (UPL) for the State Fiscal year 2011-2012. *Referred to: Human Services/Health & Education Committee, David McCarroll, HCF Administrator; Kathryn Muller, Commissioner of Social Services; and Patrick Donnelly, County Treasurer.*

January 4, 2013

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$3,856 representing the November 2012 retained surcharge revenues for Steuben County. *Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.*

January 11, 2013

Mr. and Mrs. Fierthaler, Town of Wayland Residents – Re: Letter of concern on their Real Estate Tax bill for 2013. *Referred to: Administration Committee; Finance Committee; Wendy Flaitz, Real Property Director and Patrick Donnelly, County Treasurer.*

January 14, 2013

NYS Office of Children & Family Services – Re: OCFS Fatality Report #92-12-014. *Referred to: Mark Alger, County Administrator.*

January 15, 2013

Town of Corning – Re: Worker's Compensation proposed settlement agreement. *Referred to: Ken Isaman, Risk Manager.*

Vote: Acclamation – Adopted.

T A B L E D
(until end of meeting)
RESOLUTION NO. 022-13

Introduced by J. Hauryski.

Seconded by Mr. Mullen.

AUTHORIZING THE COUNTY TO PARTICIPATE IN A TAX CERTIORARI PROCEEDING IN THE TOWN OF CATON.

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, the Town of Caton employs reassessment plan on a cyclical basis; and

WHEREAS, the Town of Caton's request for County participation concerns a unique case law where valuation is not at issue as raised in the tax certiorari case brought by Corning Natural Gas Corporation; and

WHEREAS, the recited case pertains to the exclusion of material and substantial appurtenances to real property; and

WHEREAS, the County's interest in the legal issue is substantiated; and

WHEREAS, the recited request establishes a reasonable basis to deviate from the policy to only participate in appraisal costs and in this case to participate in legal costs.

NOW THEREFORE, BE IT

RESOLVED, Steuben County will participate in the proportionate payment of legal fees in the recited tax certiorari case in an amount not to exceed \$10,000; and be it further

RESOLVED, any further County participation in cost for appraisal in the recited action shall be reduced in the amount paid by the County's participation in legal costs under this resolution; and be it further

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

Mr. Welch stated that he will be abstaining as his law firm is involved with this.

Mr. Mullen requested an Executive Session to discuss litigation. Mr. Reed stated that this is not a County litigation per se. This pertains to the costs of another municipality, specifically Caton. He stated that he does not believe this is a matter for Executive Session. Mr. Mullen stated if we are authorizing the County to spend up to \$10,000 then we need to know where we stand on our success in the process. Mr. Reed stated that could be an issue for Executive Session.

Motion to table until the end of the meeting made by Mr. Mullen, seconded by Mrs. Lando and duly carried.

RESOLUTION NO. 004-13

Introduced by T. Ryan.

Seconded by R. Weaver.

MODIFYING, ADOPTING, AND CONSOLIDATING AGRICULTURAL DISTRICTS NO. 1 AND NO. 23 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 28, 2013.

NOW THEREFORE, BE IT

RESOLVED, that District No. 1 and District No. 23 shall be consolidated into one district called District No. 1; 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. 1 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 Darrel J. Aubertine, Commissioner of the New York State Department of Agriculture and Markets, 10B Airline Dr., Albany, NY 12235; William Brown, Chairman of the Steuben County Agricultural and Farmland Protection Board, 9230 W. Waneta Lake Rd., Hammondsport NY 14840; Steuben County Planning Director; Director of the Steuben County Real Property Tax Service Agency; and Thomas Tomsa, Executive Director, Cornell Cooperative Extension, Steuben County Office Building, Bath, NY 14810.

Vote: Roll Call – Adopted.

RESOLUTION NO. 005-13

Introduced by B. Schu.

Seconded by G. Roush.

ADOPTING THE STEUBEN COUNTY EMS MUTUAL AID PLAN.

WHEREAS, the purpose of the Medical Mutual Aid Plan and its appendices is to establish basic operating procedures and an agreement between services that provide Emergency Medical Service (EMS) in Steuben County; and

WHEREAS, all Emergency Medical Service Agencies in Steuben County share a common goal of providing patients with quality care; and

WHEREAS, Article 5 of County Law, Section 223-5(3) states that it shall be the duty of the County EMS Coordinator to administer the County EMS Mutual Aid Plan; and

WHEREAS, Steuben County 911 Center dispatches local EMS resources, which encompasses the dispatching of Mutual Aid for agencies for needed assistance; and

WHEREAS, any EMS agency may participate in this Mutual Aid Plan by approving an appropriate designating resolution; and

WHEREAS, the Steuben County Legislature has reviewed the Plan and affirms that the Plan will be updated by the EMS Coordinator as needed and will be reviewed no less than every five years from its adoption.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature does hereby adopt the Steuben County EMS Mutual Aid Plan including all corrections as may be required upon review and as revised, as needed, by the EMS Coordinator where such review occurs no less than every five years from its adoption; and be it further

RESOLVED, that copies of this plan and certified copies of this resolution shall be forwarded to Lee Burns, Director, Bureau of Emergency Medical Services, Bureau of Emergency Medical Services, Central Office 875 Central Avenue Albany, NY 12206-1388; Robert Rajski, Chair, Southern Tier Regional Emergency Medical Services Council, 1058 West Church Street, Elmira, NY 14905; and Timothy D. Marshall, Acting Director Steuben County Office of Emergency Services.

Vote: Roll Call – Adopted.

RESOLUTION NO. 006-13

Introduced by J. Hauryski.

Seconded by R. Lattimer.

SETTING THE TIME FOR THE FEBRUARY 2013 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 February 2013, on Monday, February 25, 2013, at 11:00 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.

Mr. Hauryski stated the reason for this is because we have been successful in getting all four of our State Representatives; Senator O'Mara, Assemblyman Palmesano, Senator Gilio and Assemblyman Nojay, to attend a one-hour roundtable session with us prior to our February meeting.

Vote: Acclamation – Adopted.

Chairman Hauryski asked for a motion to take resolutions 7 – 20 as one and waive the reading; with the exception of resolution 17 as that appointment does not expire until the end of this year and the resolution is being withdrawn.

Motion taking resolutions 7 – 20 as one, with the exception of resolution 17 which is being withdrawn, and waiving the reading made by Mr. Roush, seconded by Mr. Van Etten and duly carried.

RESOLUTION NO. 007-13

Introduced by J. Hauryski.

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 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 designed as members of the Steuben County Youth Board for a term commencing on January 1, 2013 through December 31, 2013.

1. Mark R. Alger, Steuben County Administrator, 3 East Pulteney Square, Bath, NY 14810
2. Peter C. Bradstreet, County & Family Court Judge, 3 East Pulteney Square, Bath, NY 14810
3. Amy L. Christensen, Southern Tier Legal Services, 104 East Steuben Street, Bath, NY 14810
4. Kathryn A. Muller, Steuben County DSS Commissioner, 3 East Pulteney Square, Bath, NY 14810
5. Kris Pashley, Community Representative, 27 Fero Avenue, Corning, NY 14830
6. Patrick Rogers, Executive Director, Institute for Human Services, 6666 CR11, Bath, NY 14810
7. Cora Saxton, Wayland-Cohocton Central School District, 310 East Naples Street, Wayland, NY 14572
8. Rhonda Sweet, Five Star Bank, 44 Liberty Street, Bath, NY 14810
9. Sydney Farmer (Youth), 8064 Pleasant Valley Road, Bath, NY 14810
10. Andrew Gregory (Youth), 5894 Parker Road, Campbell, NY 14821
11. Mackenzie Heard (Youth), 7489 Hopkins Road, Avoca, NY 14809
12. Patrick Smith (Youth), 8006 Armstrong Road, Prattsburgh NY 14873

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; Lydia Dzus, NYS Office of Children & Family Services, Office of Youth Development, 259 Monroe Avenue, Suite 309, Rochester, NY 14607; the Steuben County Auditor and the Steuben County Youth Program Coordinator.

Vote: Acclamation – Adopted.

RESOLUTION NO. 008-13

Introduced by J. Hauryski.

Seconded by S. Van Etten.

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

| | | <u>TERM</u> |
|----|--|--------------------|
| 1. | Janis Conklin 336 Seneca Road Hornell, NY 14843 | 1/1/10 – 12/31/13 |
| 2. | Vicki Fuerst 7863 Miller Road Avoca, NY 14809 | 1/1/13 – 12/31/16 |
| 3. | Robert Cole, M.D. 10101 Grandview Lane Hammondsport, NY 14840 | 1/1/12 – 12/31/15 |
| 4. | Nancy Bartell 7 Pearl Street Hornell, NY 14843 | 1/1/12 – 12/31/15 |
| 5. | The Honorable Gary D. Swackhamer Steuben County Legislator 3 East Pulteney Square Bath, NY 14810 | 1/1/10 – 12/31/13 |
| 6. | Cora Saxton 310 East Naples Street Wayland, NY 14572 | 1/1/13 – 12/31/16 |
| 7. | Mark Recktenwald (<i>filling the unexpired term of Wendy Dresser-Recktenwald</i>) 8596 Oak Hill Road Arkport, NY 14807 | 1/1/12 – 12/31/14 |
| 8. | Mark R. Alger Steuben County Administrator 3 East Pulteney Square Bath, NY 14810 | 1/1/10 – 12/31/13 |
| 9. | VACANT | 1/1/12 – 12/31/15 |

Mental Health Subcommittee

| | | |
|----|--|-------------------|
| 1. | Kathryn Muller, Commissioner Steuben County Department of Social Services 3 East Pulteney Square Bath, NY 14810 | 1/1/10 – 12/31/13 |
| 2. | Gina Reagan St. James Mercy Hospital 411 Canisteo Street Hornell, NY 14843 | 1/1/12 – 12/31/15 |
| 3. | Cora Saxton 310 East Naples Street Wayland, NY 14572 | 1/1/13 – 12/31/16 |

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|-----|---|-------------------|
| 4. | Nancy Bartell 7 Pearl Street Hornell, NY 14843 | 1/1/12 – 12/31/15 |
| 5. | Barbara Eskridge P.O. Box 1404 Corning, NY 14830 | 1/1/10 – 12/31/13 |
| 6. | Sylvia Radford 11180 Haradon Road Corning, NY 14830 | 1/1/13 – 12/31/16 |
| 7. | Marcia Ribble Arbor Development 16 West William Street PO Box 31 Bath, NY 14810 | 1/1/12 – 12/31/15 |
| 8. | James F. Agan, Jr. Pathways, Inc. 33 Denison Parkway East Corning, NY 14830 | 1/1/12 – 12/31/15 |
| 9. | VACANT | 1/1/12 – 12/31/15 |
| 10. | VACANT | 1/1/12 – 12/31/15 |

Chemical Dependency Subcommittee

- | | | |
|----|--|-------------------|
| 1. | VACANT | 1/1/13 – 12/31/16 |
| 2. | Janis Conklin 336 Seneca Road Hornell, NY 14843 | 1/1/10 – 12/31/13 |
| 3. | Susan Hooker Hornell Area Concern for Youth 76 East Main Street Hornell, NY 14843 | 1/1/12 – 12/31/14 |
| 4. | Michele Mayer Family Service Society 280 Princeton Avenue Ext. | 1/1/12 – 12/31/13 |
| 5. | James Bassage Bath Area Hope for Youth 8 Pulteney Square Bath, NY 14810 | 1/1/12 – 12/31/15 |
| 6. | Gina Reagan St. James Mercy Hospital 411 Canisteo Street Hornell, NY 14843 | 1/1/12 – 12/31/15 |

- | | | |
|----|---|-------------------|
| 7. | Robert Cole, M.D. 10101 Grandview Lane Hammondsport, NY 14840 | 1/1/12 – 12/31/15 |
| 8. | Mark Recktenwald 8596 Oak Hill Road Arkport, NY 14807 | 1/1/13 – 12/31/16 |
| 9. | VACANT | 1/1/12 – 12/31/14 |

Development Disabilities Subcommittee

- | | | |
|----|---|-------------------|
| 1. | Vicki Fuerst 7863 Miller Road Avoca, NY 14809 | 1/1/13 – 12/31/16 |
| 2. | VACANT | 1/1/13 – 12/31/16 |
| 3. | Bernard Burns Steuben ARC 6838 Industrial Park Road Bath, NY 14810 | 1/1/10 – 12/31/13 |
| 4. | Mark R. Alger Steuben County Administrator 3 East Pulteney Square | 1/1/12 – 12/31/14 |
| 5. | The Honorable Gary D. Swackhamer Steuben County Legislator 3 East Pulteney Square Bath, NY 14810 | 1/1/10 – 12/31/13 |
| 6. | Mary Perham 1976 West Shore Road Bath, NY 14810 | 1/1/12 – 12/31/15 |
| 7. | Michael Okoniewski Fawn Hill Drive Hornell, NY 14843 | 1/1/12 – 12/31/14 |
| 8. | Lynn Goodman Pathways, Inc. 33 Denison Parkway West Corning, NY 14830 | 1/1/12 – 12/31/14 |
| 9. | VACANT | 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. 009-13

Introduced by J. Hauryski.

Seconded by S. Van Etten.

APPOINTING THE LANDOWNER REPRESENTATIVE 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 individual is appointed to serve as a member of the Fish and Wildlife Management Act Board for a term of two (2) years commencing January 1, 2013 through December 31, 2014:

Steuben County Landowner Representative:
January 1, 2013 – December 31, 2014

John Dlugos
7699 Williams Road
Prattsburgh, NY 14873

AND BE IT FURTHER RESOLVED, the representative 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 appointee; the NYS Department of Environmental Conservation, 6274 East Avon-Lima Road, Avon, NY 14414; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 010-13

Introduced by J. Hauryski.

Seconded by S. Van Etten.

APPOINTING MEMBERS TO THE SOUTHERN TIER CENTRAL REGIONAL PLANNING AND DEVELOPMENT BOARD'S STEUBEN COUNTY HUMAN SERVICES COMMITTEE.

WHEREAS, at its July, 1973 meeting, the Southern Tier Central Regional Planning and Development Board appropriated a proposal to recognize a Human Services Committee in each of the three participating counties to act as each respective County's human services advisory council to the Southern Tier Central Regional Planning and Development Board and in addition said Board voted to encourage the Legislature in each County to support its County Human Services Committee and to send representation to such Committee, and

WHEREAS, the term of said members on the committee have expired.

NOW THEREFORE, BE IT

RESOLVED, that the following individuals are hereby authorized, in their fair and reasonable discretion and in relevant matters connected with human rights services, to represent their agencies and the County on the Southern Tier Central Regional Planning and Development Board's Human Services Committee:

SOCIAL SERVICES
Teresa Deninger, Deputy Commissioner
Department of Social Services

COUNTY PLANNING
Amy R. Dlugos
Director of Planning

MENTAL HEALTH

Henry W. Chapman, Psy.D., Director
Office of Community Services

HOUSING PROGRAM

Kim Brucie
Tri-County Housing Council

HEALTH

Marilyn Peoples, Assistant Director
Public Health Nursing Services

AGING PROGRAM

Michael A. Keane, Director
Office for the Aging

Mary Dye
RSVP

EDUCATION

Dan Porter, Executive Director
CSS Workforce NY

POVERTY PROGRAM

David Hill, Executive Director
ProAction of Steuben and Yates

Dawn Brucie, Deputy Director
ProAction of Steuben and Yates

YOUTH

Bill Caudill
Youth Bureau Coordinator

Jim Gallagher
COMPEER Program

STEBEN COUNTY LEGISLATOR

Carol A. Ferratella, District #13

COOPERATIVE EXTENSION

Loree Symonds
Nutrition and Food Safety

Nancy Reigelsperger
Financial Educator

BE IT FURTHER RESOLVED, that said appointees shall serve at the Pleasure of the Legislature, for two-year term commencing January 1, 2013, and not beyond December 31, 2014, 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 Regional Human Services Committee, 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 Southern Tier Central Regional Planning and Development Board, 8 Denison Parkway East, Suite 310, Corning, NY 14830.

Vote: Acclamation – Adopted.

RESOLUTION NO. 011-13

Introduced by J. Hauryski.

Seconded by S. Van Etten.

APPOINTING STEUBEN COUNTY REPRESENTATIVES TO THE LAMOKA/WANETA LAKES COMMISSION.

WHEREAS, the counties of Steuben and Schuyler, and their respected affected townships, adopted resolutions creating the Lamoka/Waneta Lakes Protection and Rehabilitation District; and

WHEREAS, the management of said district is administered by the Lamoka/Waneta Lakes Commission comprised of seven (7) voting members and two (2) ex-officio non-voting members; and

WHEREAS, it is stipulated by Intergovernmental Agreement between Steuben and Schuyler County that five (5) voting members shall be from Schuyler County and two (2) voting members shall be from Steuben County, with each County being represented with an ex-officio non-voting member from their respective Soil and Water Conservation Districts; and

WHEREAS, all Commission members shall serve four-year staggered terms; and

WHEREAS, the term of a Steuben County appointee has expired and a vacancy has occurred.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Chairman of the Legislature, recommends the appointments of the following individuals to the Lamoka/Waneta Lakes Commission for the term specified:

Town of Wayne Elected Official

Dennis Carlson, Wayne Town Councilman
12182 East Lake Road
Hammondsport, NY 14840
Term: 01/01/13 – 12/31/16

Steuben County Property Owner in District

Nancy Gabel
9150 Carpenter Road
Wayne, NY 14893
Term: 01/01/11 – 12/31/14

Ex-Officio Member

Jeffrey Parker, District Manager
Steuben County Soil and Water Conservation District
415 West Morris Street
Bath, NY 14810

AND BE IT FURTHER RESOLVED, said members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Lamoka/Waneta Lakes Commission; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 012-13

Introduced by J. Hauryski.

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, 2012.

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

Fire Service Representatives (1 paid city; 3 volunteer)

Larry Day, Bath VA
Joseph J. Dick, North Hornell
Brian McCarthy, Painted Post

TERM

01/01/11 – 12/31/13
01/01/12 – 12/31/14
01/01/12 – 12/31/14

| | |
|---|---------------------|
| Dan Smith, Hornell City Fire Chief | 01/01/13 – 12/31/15 |
| <u>Volunteer Ambulance Representatives</u> | |
| Rick Andrews (Woodhull) | 01/01/13 – 12/31/15 |
| Gregg Learned (Hammondsport) | 01/01/11 – 12/31/13 |
| <u>Paid Ambulance Representatives</u> | |
| Alan Lewis, Rural Metro | 01/01/11 – 12/31/13 |
| <u>Local Police Representative</u> | |
| David Rouse, Bath Village Police Chief | 01/01/11 – 12/31/13 |
| <u>State Police Representative</u> | |
| Captain Richard Allen, Bath Zone Commander <i>(filling the unexpired term of Jack Fay)</i> | 01/01/11 – 12/31/13 |
| <u>Sheriff Representative</u> | |
| David V. Cole, Sheriff <i>(filling the unexpired term of Joel R. Ordway)</i> | 01/01/11 – 12/31/13 |
| <u>City Police Representative</u> | |
| Salvatore Trentanelli, Corning City Police Chief | 01/01/13 – 12/31/15 |
| <u>City At-Large Representatives</u> | |
| Shawn Hogan, Hornell City Mayor | 01/01/13 – 12/31/15 |
| Mark L. Ryckman, Corning City Manager | 01/01/13 – 12/31/15 |
| <u>County Government Representative</u> | |
| Mark R. Alger, County Administrator | 01/01/13 – 12/31/15 |
| <u>Alternate:</u> Jack Wheeler, Deputy County Administrator | |
| <u>County Legislature Representatives</u> | |
| Thomas R. Ryan, District 9 | 01/01/13 – 12/31/15 |
| 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 |
| <u>Ex-Officio Members</u> (Non-Voting) | |
| David Hopkins, E911 Director | |
| Timothy Marshall, Acting 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 Salvatore 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. 013-13

Introduced by J. Hauryski.

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, 2013 through December 31, 2015

1. Robert McDaniels, President, Steuben County Deputy Sheriff's 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. 014-13

Introduced by J. Hauryski.

Seconded by S. Van Etten.

FILLING A VACANCY ON 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; and

WHEREAS, the Steuben County Legislature appointed two representatives to serve on the Southern Tier Regional Emergency Medical Services Council by Resolution No. 034-12; and

WHEREAS, there is currently a vacancy, and said vacancy needs to be filled.

NOW THEREFORE, BE IT

RESOLVED, upon the recommendation of the Chairman of the Steuben County Legislature, Timothy Marshall, Interim Director, Office of Emergency Services, be and the same hereby is duly designated and appointed to fill the unexpired term of Michael Sprague, as one of Steuben County's representatives on the Southern Tier Regional Emergency Medical Services Council to serve at the pleasure of this Legislature 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 Southern Tier Emergency Medical Services Council; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 015-13

Introduced by J. Hauryski.

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, 2013 TO DECEMBER 31, 2015

| | |
|-----------------------|--|
| Ted Murray | Hornell City Police Chief, or designee |
| Kenneth Isaman | Steuben County Risk Manager or designee |
| David Rouse | Bath Village Police Chief or designee |
| Timothy Marshall | Acting Director of Emergency Management Office |
| Brooks Baker | Steuben County District Attorney or designee |
| Carol A. Ferratella | Steuben County Legislator, 8 Fenderson Street, Painted Post NY 14870 |
| Cathy Rouse-Nicholson | Steuben County Magistrate’s Association Designee |

JANUARY 1, 2012 TO DECEMBER 31, 2014

| | |
|-----------------------|--|
| Vincent Spagnoletti | Commissioner of Public Works, or designee |
| David Cole | 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, 2013 TO DECEMBER 31, 2015

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. 016-13

Introduced by J. Hauryski.

Seconded by S. Van Etten.

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 | 01/01/13 – 12/31/15 (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; the County Auditor and the Director of Public Health and Nursing Services.

Vote: Acclamation – Adopted.

RESOLUTION NO. 017-13

Introduced by J. Hauryski.

Seconded by S. Van Etten.

APPOINTING A REPRESENTATIVE TO THE FINGER LAKES HEALTH SYSTEMS AGENCY BOARD OF DIRECTORS AND THE SOUTHERN TIER SUBAREA COUNCIL.

BE IT RESOLVED, Henry W. Chapman, Psy.D. 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) years commencing January 1, 2013 and ending December 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 Finger Lakes Health System Agency Board of Directors; and be it further

RESOLVED, a certified copy of this resolution be forwarded to the above-named appointee, the County Auditor and to the Finger Lakes Health Systems Agency, 1150 University Avenue, Rochester, NY 14607.

Vote: Acclamation – Adopted.

RESOLUTION NO. 018-13

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. 56-93 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, 2012 two members tendered their resignations.

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 Director for the terms as indicated and shall hold office until reappointed or a successor is appointed and has qualified to wit:

VOTING MEMBERS

| | <u>TERMS</u> |
|---|---------------------|
| <u>Accommodations</u> Edward Marden, Owner, Camp Bell Campground | 01/01/13 – 12/31/15 |
| <u>Attractions</u> VACANT | 01/01/13 – 12/31/15 |
| Kara Smith, Heron Hill Winery (<i>filling unexpired term of Lisa Hallgren</i>) | 01/01/12 – 12/31/14 |
| Kerry Miller, Tourism Sales Specialist, Corning Museum of Glass (<i>filling unexpired term of Sally Berry</i>) | 01/01/09 – 12/31/13 |
| <u>Chamber of Commerce Representatives</u> Jim Griffin, President, Hornell Area Chamber of Commerce | 01/01/13 – 12/31/13 |
| <u>Community-at-Large</u> Mary Shupp, Pinnacle State Park Lodge | 01/01/13 – 12/31/15 |
| <u>County Administrator Designee</u> Amy Dlugos, Planning Director | 01/01/13 – 12/31/15 |
| <u>County Legislators</u> George J. Welch, Jr., District 2 | 01/01/12 – 12/31/14 |
| Michael Hanna, District 5 | 01/01/13 – 12/31/15 |

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. 019-13

Introduced by J. Hauryski.

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 one appointee who shall serve a term of one (1) year; 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, 2013 through December 31, 2015

Philip J. Roche, Esq., County resident, 5 Fox Lane East, Painted Post, NY 14870

Dr. Katherine P. Douglas, President, Corning Community College, 1 Academic Drive, Corning, NY 14830

January 1, 2013 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 Jeff Evans, Esq., of Welch and Zink, 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 above-named 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; Counsel to the agency; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 020-13

Introduced by B. Schu.

Seconded by R. Weaver.

MEMORIALIZING THE NEW YORK STATE DEPARTMENT OF HEALTH, BUREAU OF EMERGENCY MEDICAL SERVICES AND THE STATE EMERGENCY MEDICAL SERVICES COUNCIL TO SUPPORT RURAL EMERGENCY MEDICAL SERVICES.

WHEREAS, the New York State Department of Health, Bureau Of Emergency Medical Services (BEMS) and the State Emergency Medical Services Council (SEMSCO) has required that NYS implement the National Education Standards for delivery of statewide EMS Training; and

WHEREAS, this new training curriculum will increase the number of instructional hours that local volunteer EMS providers must attend; and

WHEREAS, The County of Steuben has already documented that rural volunteer EMS agencies and providers are greatly stressed and the mandate of additional training hours will further tax a struggling system; and

WHEREAS, the BEMS has provided limited direction, guidance and no further funding to support local course sponsors on how to interface this new curriculum into local course development; and

WHEREAS, the BEMS and SEMSCO has the ability to play a vital role in the development of strategies addressing issues affecting the health and vitality of EMS delivery in the rural areas; and

WHEREAS, the County of Steuben has identified the need for a stronger contingent of volunteer EMS personnel in order to deliver emergency medical services within the County; and

WHEREAS, with Steuben County's limited volunteer manpower and EMS agencies' fiscal limitations, the BEMS and SEMSCOs' actions have yet again placed an added burden on already struggling Corps who are providing critical emergency services in the rural areas of the state.

NOW THEREFORE, BE IT

RESOLVED, that the County of Steuben memorializes New York State to examine changes to the National Standard that place additional stress on already strapped EMS systems; and be it further

RESOLVED, that the BEMS augment local Course Sponsors with curriculum, funding and support; and be it further

RESOLVED, Steuben County would encourage New York State to increase the delivery of core training content and elective programs that can be presented statewide to help support a more effective use of the local CME Refresher Program; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; Dr. Nirav R. Shah, M.D., M.P.H., Commissioner, State Department of Health, Corning Tower, Empire State Plaza, Albany, NY 12237; Lee Burns, Director, Bureau of Emergency Medical Services, Bureau of Emergency Medical Services, Central Office 875 Central Avenue Albany, NY 12206-1388; Donna Johnson, CMP, CMM, Executive Secretary, NYS EMS Council, Bureau of Emergency Medical Services, Central Office 875 Central Avenue Albany, NY 12206-1388; Robert Rajski, Chair, Southern Tier Regional Emergency Medical Services Council, 1058 West Church Street, Elmira, NY 14905; and Timothy D. Marshall, Acting Director Steuben County Office of Emergency Services.

Vote: Acclamation – Adopted.

REDISTRICTING WORKSHOP

Chairman Hauryski excused himself as Chair and asked Mr. McAllister to run the Redistricting Workshop.

Mr. Wheeler provided the Legislature with a PowerPoint presentation of the various scenarios for redistricting. The Administration Committee has recommended Version #9 and we are looking for input from everyone. Mr. Wheeler stated that all of the versions keep the board at 17 Legislators. Version #1 encompasses minor changes. The City of Hornell would retain two representatives. The only change would be to District 11 and District 12. Erwin would be combined with Addison and Tuscarora with two representatives and Lindley would be added to the Corning, Caton and Hornby and they also would have two representatives. Version #2 combines Erwin with Addison and Rathbone. There are other minimal changes to reach the ideal weight of 582. Version #3 looks at removing the Village of Painted Post from Erwin and placing it in the Corning, Caton and Hornby district. The Erwin district would have one representative and District 13 would have two representatives. All other districts will remain as they currently are. Mr. Wheeler explained that legally, with the Village of Painted Post, the Town of Erwin represents 110 percent of the population. Because of that, we can split that up. We are not able to do that with other towns as they don't reach that threshold.

Mr. Wheeler stated Version #4 is similar to Version #2 except that the Village of Painted Post is moved to District 13 and adjusts the Central and Western districts to better align with the ideal weight. Version #5 moves the Village of Painted Post to District 13 and also provides a different configuration of the Central and Western districts. Mr. Wheeler stated when we first started this process, we were asked to provide numerous scenarios that would represent minimal change. If you change one district drastically, then it becomes a snowball effect. With Version #6 you have the potential to separate the City of Hornell by the three census tracts. In this version, we could combine the southwest Hornell City to the Hornellsville district and the remainder of the City of Hornell would have one representative. Version #7 moves the southwest Hornell City to Hornellsville and also provides for a different configuration of the southern districts. The Town of Erwin would be combined with Lindley and Tuscarora to make a new District 11.

Mr. Wheeler stated Version #8 would require a charter to do. You would be moving the Village of North Hornell and combining them, for election purposes, with the City of Hornell. The city would retain two representatives. You also would be combining Addison, Erwin and Tuscarora and they would have two representatives. Version #9 has been recommended by the Administration Committee and retains the concept of moving the Village of North Hornell to the City of Hornell district. It also provides for a different configuration of the southern districts. Version #10 takes the Village of Painted Post and moves it to District 13. It also moves the Village of North Hornell to the City of Hornell district. Version #11 is similar to Version #9 except we have the added issue the Town of Erwin.

Mr. Wheeler stated that the next three versions are new. Version #12 would move the Village of North Hornell to the City of Hornell. It would also combine Corning, Caton and Hornby with the Town of Erwin and give them three representatives. Under a charter there are many things you can do. If you were to choose this option, because of the population you could have one representative from the Town of Erwin, one from Corning and one elected at-large. You would also have the option of election all three at-large. Version #13 is similar to Version #12 with the exception that there are adjustments to the northeast districts. Version #14 is also similar to Version #9 except that it combines the Town of Erwin with Corning, Caton and Hornby. It also adjusts the central districts.

Mr. Wheeler stated that the sense of the Legislators and the Administration Committee was to keep the districts at a manageable size. The Administration Committee had indicated that they did not want to go to districts that had three or four representatives. He stated that he is presenting them with these options to look at and provide input. All input will go back to the Administration Committee for review.

Mr. McAllister stated each of the Legislators have received a copy of three new scenarios. This is something for everyone to look at. The Administration Committee will take this under advisement and then come back to the Full Legislature.

Mr. Van Etten stated that part of the discussion we had in the Administration Committee was that by combining Erwin with Corning, Caton and Hornby and restructuring to have one representative come from the Town of Erwin. By doing that you could actually have the top vote getter not make it into office. Mr. Wheeler commented Schuyler County had something like that happen with their Chairman of the Legislature.

Mr. Mullen stated that in comparing the different versions, he still thinks the best option is to combine the Village of Painted Post with Corning as they both have similar interests. He believes the three new versions are better than what the Administration Committee previously recommended. Mr. McAllister stated one of the main focuses of the Administration Committee was to address the issues with the City of Hornell and the Town of Erwin.

Mr. Roush asked what happens if we don't do redistricting? Mr. McAllister replied we would have to adjust the weight of the Legislature. Mr. Wheeler stated if redistricting failed under the charter, you would have reweighting issues. You would reach a number of scenarios where 8 members of the 17 member Legislature could carry a vote. We use the weighted voting maybe once a year. Mr. Roush asked would we still meet the State requirements? Mr. Wheeler replied we would, however, our exposure to challenges would be greater.

Mrs. Lando stated that she agrees with Mr. Roush that if it is not broken, why fix it. The potential for problems is so small, we should just adjust the weights.

Mr. McAllister stated this will be brought back to the Administration Committee for review and then a recommendation will be forwarded to the Full Legislature. Everyone will have plenty of notice and opportunity for input. He encouraged everyone to attend the Administration Committee meeting.

Mr. Hauryski asked where do we stand with the other items related to the charter? Mr. Wheeler reviewed a checklist of the items pertaining to the charter. We are looking at pursuing a charter form of government. We are currently working on the language of the charter. We are using the language from the Local Law establishing the office of County Administrator, as well as using the Schenectady County charter as a guide. The Administration Committee has recommended that we go to a County Manager form of government. Mr. Hauryski asked will that be moved to the Full Legislature for a vote? Mr. Wheeler replied that will be bundled in when we present the formal charter to you.

Mr. Wheeler stated the third item on the checklist is whether to include redistricting in the charter or to keep it separate. The Administration Committee recommended doing redistricting at the same time, but keeping it as a separate proposition on the ballot. Item 4 on the checklist is to select a districting plan. The Administration Committee has recommended Version #9. If that continues to be the recommendation, that will come to the Full Legislature as a separate Local Law and go on the ballot as a public referendum. Item 5 deals with the qualifications of Legislators. The question is do you want to continue to allow local elected officials to serve as members of the Legislature. This is still being discussed. Item 6 is the concept of term limits. Do you want to keep them the same or extend them by one term. We are currently working with the Law Department on this as there are arguments both for and against. Item 7 pertains to changing certain elected officials to appointed officials. The Administration Committee has recommended creating a Commissioner of Finance which would allow for more continuity. The current Treasurer does support this and this item is closed. Item 8 pertains to the details of the charter. We are going through the writing of the charter and have 25 pages. The charter will define your departments and define the authorities. We have a strong *Administrative Code* that governs our day-to-day operations and we plan on referencing that in the charter. Our goal is for the February Administration Committee meeting, to present two sections of the charter to you for review; the County

Manager and the Legislature. We will then take your edits and go from there. The Local Law will need to be presented by June at the latest. In July you would adopt the Local Law and then it will be placed on the ballot for this coming year.

Mr. Hauryski stated before we know it, time will pass by. He is hoping that at the next Administration Committee meeting you can zero in on those items that are still open. He stated that his goal is to see us having a final decision made by the end of March; April at the latest. The Administration Committee is charged with taking a stand and making a formal vote.

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. Mullen. Seconded by Mr. Weaver and duly carried.

RESOLUTION NO. 021-13

Introduced by J. Hauryski.

Seconded by S. Van Etten.

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(s) has been initiated in the United States District Court, Western District of New York:

JAMIE R. KILMER,

CASE NO. 11-CV-6315

Plaintiff,

vs.

COUNTY OF STEUBEN,

Defendant.

; and

WHEREAS, additional Plaintiffs are: JASON E. TAYLOR, CASE NO. 11-CV-6478; CHARLES N. PAINTER, CASE NO. 11-CV-6354; and RICHARD T. CAPO, JR., CASE NO. 11-CV-6447; and

WHEREAS, the matters have been referred to mediation following a conference with the Federal Court; and

WHEREAS, the parties are desirous of settling said claims.

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 claims requiring the payment as set forth in the Federal Mediator's reports pertaining hereto 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 claims; and be it further

RESOLVED, the County does hereby ratify the settlement of the above-entitled claims as set forth in the recited Federal Mediator's reports; and be it further

RESOLVED, the Steuben County Treasurer is authorized and directed to pay the settlement amount from the Contingency Fund upon the submissions of the recited documents and judicial approval; 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: Bryan J. Maggs, Esq., 243 Lake Street, Elmira, NY 14901-3192; and Ken Isaman, Steuben County Risk Manager.

Vote: Roll Call – Adopted.

RESOLUTION NO. 022-13

Introduced by J. Hauryski.

Seconded by A. Mullen.

AUTHORIZING THE COUNTY TO PARTICIPATE IN A TAX CERTIORARI PROCEEDING IN THE TOWN OF CATON.

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, the Town of Caton employs reassessment plan on a cyclical basis; and

WHEREAS, the Town of Caton's request for County participation concerns a unique case law where valuation is not at issue as raised in the tax certiorari case brought by Corning Natural Gas Corporation; and

WHEREAS, the recited case pertains to the exclusion of material and substantial appurtenances to real property; and

WHEREAS, the County's interest in the legal issue is substantiated; and

WHEREAS, the recited request establishes a reasonable basis to deviate from the policy to only participate in appraisal costs and in this case to participate in legal costs.

NOW THEREFORE, BE IT

RESOLVED, Steuben County will participate in the proportionate payment of legal fees in the recited tax certiorari case in an amount not to exceed \$10,000; and be it further

RESOLVED, any further County participation in cost for appraisal in the recited action shall be reduced in the amount paid by the County's participation in legal costs under this resolution; and be it further

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

Vote: Roll Call – Adopted. (Yes – 7136, No – 0, Absent – 2194, Abstained – 542)

(Absent: Legislators Crossett, Farrand, Ferratella and Swackhamer; Abstained: Legislator Welch)

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mr. Mullen, seconded by Mr. Weaver and duly carried.

Motion to Adjourn made by Mr. Ryan, seconded by Mr. McAllister and duly carried.

REGULAR MEETING
Morning Session
Monday, February 25, 2013
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 February, 2013, 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. Mullen.

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

Wayne Wells, Cameron Mills, NY stated that he empathizes with Mr. Swackhamer's angry frustration when he explained that the State had lied to uphold the assurances of funds regarding the recent nursing home dilemma that all of you struggled with. Deceit from DEC about sewage sludge safety as currently practiced without meaningful enforcement will prove far more egregious, if allowed to continue. I strongly believe that for any governing body to be unaware of the negative impacts of corporate greed and government regulatory incompetence is to invite the impoverishment of affected communities. We were told that sewage sludge applied to the Dickson Corporation would be managed. Keep in mind the EPA is demanding reduction of phosphorus into the Chesapeake Bay from contributing watersheds, of which we are one. We need to ask how we can counter the punitive EPA mandates affecting good farmers, given that the Dickson's with their engineers, lab test, agricultural consultants and experience of farming end up with fields that according to Cornell experts, vastly exceeds the phosphorus applications. If phosphorus levels on some Dickson farmlands can be that far exceeded for a critical fertilizer components that is tracked, what are the unknown poisons from sewage likely to be? Why, if the sewage wastes are supposed to replace commercial fertilizer, do the Dickson's dump wastes on lands where they have no permits? Why do they need and receive four new sewage sources after just coming under scrutiny for seventeen actions of violation?

Tim Hargrave, Cameron, NY stated that last month he distributed a chart that summarized the handling of waste in Steuben County. Since that meeting, Mr. Spagnoletti had informed me that the chart was misleading as the County Landfill is permitted to receive, but not yet receiving, drill cuttings. Also, my chart only depicted some of the landfills that contribute leachate to our county facility. Mr. Spagnoletti was kind enough to inform me that in fact, six landfills contribute leachate to our county facility. Three of those landfills also accept, or are permitted to accept, drill cuttings. Mr. Hargrave distributed a new chart and stated that this provides a clearer snapshot of the sludge waste and leachate handling in our county. In 2002, the EPA Office of Inspector General assessed the EPA sewage sludge program. They documented that the EPA cannot assure the public that current land application practices are protective of human health and environment. In 2011, the EPA commissioned the National Research Council (NRC) to determine the health risks of sludge. That document pointed out that many of the dangers of sludge are simply unknown or unassessed. He states that he refers to these documents because the NYS DEC in their defense of the 2013 decision to relax sludge regulations claim "elimination of testing bio-solids for Group C parameters is as stringent as the federal regulations require." Remember that the Inspector General of the EPA has already stated that the federal government cannot ensure that the current land applications are protective of human health and environment. I ask you folks again, imagine that your property was adjacent to the Dickson Corporation; your family could come into contact with this waste because the Dickson Corporation can legally dump this waste within 50 feet of your property line and 200 feet of your well. Think about that. If you were in our position, would you want this happening that close to your property?

John Bruce, Lindley, NY stated that he would like to thank the Legislature for giving the public the opportunity to speak on this matter; something the Governor did not afford the public. This act is not

only unconstitutional at a Federal level, but at our State level as well. This is wrong and it is taking firearms that are completely out of the spectrum of what they are describing. It makes a .22 caliber target rifle with a 10 round detachable magazine an assault firearm and that is horrendous and wrong. Remember that the rest of us would like to keep our firearms and our Second Amendment rights as well.

Terrie Pakkala, Bath, NY stated she both owns and uses firearms. She was taught the responsibility that is inherent when you choose to use a firearm. I am a United States citizen and I believe that when our founding fathers crafted the Constitution, they understood how power corrupts and that it is necessary to ensure the freedoms of "We the People". Our country is in danger of the tyranny that we fled England to establish this great country. The New York S.A.F.E. Act tramples on the very unalienable rights that our founding fathers strove to preserve. The New York State S.A.F.E. Act threatens the rights of every law abiding citizen who chooses to exercise the rights guaranteed by our Constitution, thus reinstating class privilege. I applaud those of you here who have stood against this illegal act.

Thomas Cummings, Troupsburg, NY stated that he is opposed to the S.A.F.E. Act. Again, as the previous speakers have said, I believe that this is a violation of our constitutional rights.

Bob McElroy, Bath, NY stated that he opposes the S.A.F.E. Act on constitutional grounds. He urged the Legislature to notify the Governor that we want to have this law rescinded.

Doug Mitchell, Addison, NY stated that he is here representing himself today, but I assure you that literally hundreds of other County residents would like to be here to communicate this same message. I am here to ask the Steuben County Legislature to strongly oppose the passage of the New York State S.A.F.E. Act. First, this legislation was forced to a vote in just hours, making it impossible to review and debate the law, let alone request input from its constituency. Secondly, the Freedom of Information opt out provision has already increased the Clerk's paperwork, as will the proposed registration of firearms. I believe that this is an unfunded State mandate. Third, this legislation was forced into law by well-meaning people appropriately concerned with young children and the public. Had this legislation been appropriately researched and democratically debated, it would be clear that today's culture of violence has its roots in poor parenting, violent television and movies, violent video games and shortcomings in the mental health field and law enforcement's inability to enforce existing laws. This Act is demonizing a specific class of firearms which was responsible for approximately .007 percent of New York's 2012 homicides. Take into account 177,000 traffic injuries. If New York State was truly concerned about public safety, there would be ignition locking breathalyzers on every car manufactured and cell phones would be deactivated in moving vehicles. This law was a knee jerk reaction passed on 99 percent emotion. Sadly, this culture of violence will continue to endanger the lives of our children and grandchildren because we do not have the political will to clean up the television, the movies, the video games and enforce existing laws. Trampling on the Second Amendment rights of thousands of law abiding New Yorkers will not solve the problem. I commend Sheriff Cole and the rest of you for your recent commentary on this flawed S.A.F.E. Act. Again, I ask the Legislature to consider expressing its strong opposition to the implementation of the S.A.F.E. Act.

Melvin Horton, Prattsburgh, NY stated that he agrees with what everyone has said about the S.A.F.E. Act. We need to evaluate ourselves. A lot of people whine and complain, but if you ask them if they go out and vote, they say no, their vote doesn't count. Well, if everyone would get out and register to vote, maybe your vote will count.

Jeff Causer, Big Flats, NY stated that he grew up in the Addison and Corning area. When I joined the service, I was proud to put my life on the line for my fellow countrymen. While taking the oath in joining any military service, you raise your right hand and swear to defend the Constitution and the country from enemies foreign and domestic. The foreign entity was understood, however, I always pondered to myself about who were the domestic enemies exactly. It now seems to be becoming slightly clearer as it is disturbing to say the least, of this expeditious, reckless passing of the New York S.A.F.E. Act. I am hopeful that the Steuben County Legislature follows the same example set by many other counties and you vote to oppose this act and respond appropriately.

James Carpenter, Wheeler, NY stated that he is a retired NYS Forest Ranger with 30 years of experience. He has encountered thousands of sportsmen and target shooters with firearms and he is still here. Most of these individuals are law abiding people. The S.A.F.E. Act is not intended to do anything to the bad guys. All it is going to do is restrict the ability of the good person to purchase the firearms they need or want, not only to hunt and recreate, but also for personal protection. He asked that the Legislature vote no against this act. Take into consideration that this is an assault on our Second Amendment rights.

Kristen Klemenz, Painted Post, NY stated that she is part owner of B & W Towing and is here to talk about the RFP process for towing. The RFP is only calling for a primary and secondary. She asked that the County consider a better alternative. For example, if you base the RFP on geography, that will allow for better service, cost efficiency and faster response times for Steuben County. It is not efficient for the County to rely on one company when many are willing to help. We are representing 14 companies and we are all responsible and are known in our communities and we are here to serve the County. She stated that she is willing to meet with anyone in the County to discuss this further.

Blaine Westervelt, Painted Post, NY stated that he is part owner of B & W Towing and has concerns about the RFP process. There are 12 other companies in the County that share our concerns. We do not have a fair rotation and all you are doing is giving the towing to one person through the RFP. He asked that the County look at other options other than the RFP. The 911 Center has been a problem, however, he cannot blame the dispatchers because they are instructed to do what they do by the Director. We are just asking for something different.

Robert Dickinson, Arkport, NY stated that he is owner of Cajun Towing. Allegany County wanted updated information on towing companies and sent out a three page document. Steuben County wanted updated information and sent out a twenty-three page document. We had to seek out attorneys to help us figure it out. We have asked for help before. He stated that they have met with the Sheriff and the New York State Police and they do not agree with this package. We have 15 tow companies in the county and he would suggest that the County meet with the companies, the Sheriff and the New York State Police to work things out together. This idea of having a primary and secondary company isn't going to work.

Chairman Hauyrski thanked everyone for their comments and declared the opportunity for public comment closed.

Ms. Mori announced that the group photo will be taken immediately following the meeting.

RESOLUTION NO. 023-13

Introduced by L. Crossett.

Seconded by R. Weaver.

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 Chairman of the Steuben County Legislature, in accordance with the request of the Steuben County Industrial Development Agency, is hereby authorized and empowered on behalf of this Legislature to execute the necessary documents for the extinguishment of an easement under a conveyance of a parcel(s) 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 a certified copy of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Industrial Development Agency.

SCHEDULE "A"

Resolution No. A-1
 Name Green Lake Associates LLC
 Parcel No. 318.13-01-088.000
 Municipality Corning City
 Disposition Refund

Resolution No. A-2
 Name Phyllis Meyer
 Parcel No. 044.00-01-024.000
 Municipality Cohocton Town
 Disposition Refund

Resolution No. A-3
 Name Time Warner Hornell
 Parcel No. 548.00-05-004.000
 Municipality Canisteo Town
 Disposition Correction

Resolution No. A-4
 Name Patrick Carey
 Parcel No. 044.00-01-025.000
 Municipality Cohocton Town
 Disposition Correction

Resolution No. A-5
 Name Myrtle C. Hill
 Parcel No. 186.00-01-028.200
 Municipality Bath Town
 Disposition Correction

Resolution No. A-6
 Name Reginald & Margaret Morse
 Parcel No. 261.01-01-001.000
 Municipality Campbell Town
 Disposition Correction

Resolution No. A-7
 Name Lynn & Suzanne LaBarr
 Parcel No. 280.13-02-033.000
 Municipality Erwin Town
 Disposition Correction

Resolution No. A-8
 Name White Holdings LLC
 Parcel No. 324.00-01-026.111
 Municipality Jasper Town
 Disposition Correction (parcel split)

Resolution No. A-9
 Name Glenn A. & Patricia A. Hill
 Parcel No. 351.00-01-009.100
 Municipality Erwin Town
 Disposition Correction (parcel split)

Resolution No. A-10
 Name Francis W. O'Dell & Dixie L. O'Dell
 Parcel No. 153.00-01-027.121
 Municipality Howard Town
 Disposition Correction (parcel split)

Resolution No. A-11
 Name Edward & Nicole Mendoker
 Parcel No. 140.00-01-027.116
 Municipality Howard Town
 Disposition Correction (parcel split)

Resolution No. A-12
 Name Lloyd B. Hurst & Ann Marie Hayes
 Parcel No. 097.00-03-002.000
 Municipality Cohocton Town
 Disposition Correction (parcel split)

Resolution No. A-13
 Name Steven P. Elwell
 Parcel No. 363.08-01-052.000
 Municipality Woodhull Town
 Disposition Correction

SCHEDULE "B"

| | |
|----------------|--|
| Resolution No. | B-1 |
| Name | Steuben County Industrial Development Agency |
| Parcel # | 144.00-02-009.112 |
| Municipality | Town of Bath |
| Disposition | Extinguishing of easement by conveyance. |

Vote: Roll Call – Adopted.

Chairman Hauryski stated that if there were no objection he would like to move Resolution #16 as the next order of business for the public who are in attendance. There were no objections. Mr. Swackhamer stated that he has an unusual request, but asked if the resolution in its entirety could be read for the public.

RESOLUTION NO. 024-13

Introduced by B. Schu.

Seconded by A. Mullen.

RELATIVE TO THE NEW YORK STATE S.A.F.E. ACT.

WHEREAS, the right to bear arms is guaranteed by the Second Amendment of the U.S. Constitution, as well as the Civil Rights Law of New York State; and

WHEREAS, the S.A.F.E. Act was rushed to passage by the Governor and New York State Legislature without substantive debate or input from affected stakeholders such as hunters, sportsmen, law enforcement professionals, mental health communities, and local governments; and

WHEREAS, the legislation imposes severe regulations upon law-abiding gun owners, including broad definitions of assault weapons, cumbersome five-year recertification protocols for pistol permits, and reductions in maximum capacity of gun magazines; and

WHEREAS, the S.A.F.E. Act, as currently enacted, places additional responsibilities upon County Sheriffs, County Clerks, and County Directors of Community Services, as each will be required to oversee functions such as pistol permit investigations, recertification of permits, waivers of permit disclosure, and mental health evaluation and reporting to the New York State Division of Criminal Justice Services; and

WHEREAS, these additional responsibilities are being placed upon counties without accompanying funding, representing another massive and burdensome state mandate.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature opposes the NYS S.A.F.E. Act, as it infringes upon citizens' Second Amendment rights and places operational responsibilities upon counties for enforcement; and be it further

RESOLVED, that the Steuben County Legislature calls upon the Governor and the Legislature to repeal the NYS S.A.F.E. Act; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Dean Skelos, NYS Senate Republican Conference Leader And Majority Coalition Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Jeffrey Klein, NYS Senate Independent Conference Leader And Majority Coalition Leader, 913 Legislative Office Building, Albany, NY 12247; Honorable Andrea Stewart-Cousins, Minority Leader, New York State Senate, 907 Legislative Office Building, Albany, NY 12247; Honorable Sheldon Silver, Speaker, New York State Assembly, 932

Legislative Office Building, Albany, NY 12248; Honorable Joseph D. Morelle, Majority Leader, New York State Assembly, 926 Legislative Office Building, Albany, NY 12248; Honorable Brian M. Kolb, Minority Leader, New York State Assembly, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 415 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 723 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 439 Legislative Office Building, Albany, NY 12248; Honorable Bill Nojay, New York State Assemblyman, 527 Legislative Office Building, Albany, NY 12248; Stephen J. Acquario, Executive Director, New York State Association of Counties, 540 Broadway, Albany, NY 12207; and Honorable Jerry Davis, President, Inter-County Association of Western New York, c/o Wyoming County Board of Supervisors, Government Center, 143 North Main Street, Warsaw, NY 14569.

Mr. Ryan stated that he would like to thank the Public Safety & Corrections Committee on their strong statement and stand on this resolution.

Mr. Weaver asked that the resolution also include Assemblyman Giglio and Assemblyman Nojay as well as the Speaker of the Assembly.

Mr. Welch stated that he plans to oppose this resolution as proposed. He thinks this memorialization goes too far in asking for a repeal. There are good and bad parts in all acts. To repeal the Act, we are wasting an opportunity that the County has. To the extent that this Act provides unfunded mandates on the County is something that should be discussed and made a point to Albany. We are simply saying we want to repeal the act. Many people are getting swept up in the emotions of the Second Amendment. We are missing the opportunity to be precise and specifically tell Albany what is wrong with the Act.

Mr. Farrand asked that when we vote that a roll call vote be done by name.

Mr. Mullen stated that he doesn't think the Second Amendment is an emotion; it is a constitutional right. The S.A.F.E. Act is an over burdensome and illogical law that history tells us will not accomplish its purported end and will serve only to restrict the Second Amendment freedoms here in New York. He stated that he wanted to note that Thomas Jefferson understood the fallacy of such policy in his "Common Place" book when he included the following quote: "Laws that forbid the carrying of arms disarm only those who are neither inclined nor determined to commit crimes. Such laws make things worse for the assaulted and better for the assailant. They serve rather to encourage than to prevent homicides, for an unarmed man may be attacked in greater confidence than an armed man". Mr. Mullen stated that he would like to further note that most of the tragedies that have taken place have happened in areas that are already gun free zones and so we can see the good those laws did in these areas.

Mr. Mullen also provided the following comments for inclusion in the minutes:

I am opposed to the S.A.F.E act ("the Act") and support its full repeal. The Act may be unconstitutional, but regardless of whether it is, it creates many requirements that (a) have no logical relationship to its purported ends and (b) substantially infringe upon our freedoms here in New York State.

According to Governor Cuomo's press release issued on January 15, 2013, his new law will "limit gun violence through common sense, reasonable reforms . . . and banning high capacity magazines and lethal¹ assault weapons."

As for whether the laws are common sense, I doubt that is the case given the Governor's boast in his press release that New York's laws are now "the toughest gun laws in the nation." Perhaps he could explain how it is common sense to believe that:

¹ (As if lethality is unique to assault weapons)

The purpose of our Second Amendment right to bear arms is merely to protect our recreational hunting rights.

A person who plans to commit murder is going to be concerned that he may also be convicted of unlawful possession of a firearm.

Restricting “high volume” sales of ammunition will prevent future tragedies.

It is good public policy to infringe upon privacy rights of the citizenry and create additional layers of bureaucracy when there is no proof that any of it will prevent the crimes the law seeks to prevent.

This new law will reduce crime, and not increase crime in light of the excerpts from studies mentioned below:

Harvard Study

A study published in the Harvard Journal of Law and Public Policy came to the following conclusion in 2007:

There is a compound assertion that (a) guns are uniquely available in the United States compared with other modern developed nations, which is why (b) the United States has by far the highest murder rate. Though these assertions have been endlessly repeated, statement (b) is, in fact, false and statement (a) is substantially so. Don B. Kates and Gary Mauser, *Would Banning Firearms Reduce Murder and Suicide?* 30 Harvard Journal of Law and Public Policy 640 (2007), available at <http://www.law.harvard.edu/students/orgs/jlpp/> Vol30_No2_KatesMauseronline.pdf.

The study was thorough and compared gun ownership and crime statistics in many countries.

Chicago

“Chicago had a violent crime rate 1.12 times greater than the violent crime rate of the 24 other largest cities. (That is, Chicago’s violent crime rate was 12% higher than that of the 24 other cities.) Post-ban, Chicago’s crime rate soared immediately, and remained 67% higher than the other large cities.” <http://www.volokh.com/2011/10/04/crime-plummets-in-chicago-and-dc-after-handguns-re-legalized/>.

Washington D.C.

The story was the same in Washington D.C., where a former D.C. prosecutor (who was once in favor of gun control legislation) observed the following:

The gun ban had an unintended effect: It emboldened criminals because they knew that law-abiding District residents were unarmed and powerless to defend themselves. Violent crime increased after the law was enacted, with homicides rising to 369 in 1988, from 188 in 1976 when the ban started. By 1993, annual homicides had reached 454. *Jeffrey Scott Shapiro, A Gun Ban That Misfired* Opinion, W.S.J. Jan. 15, 2013.

He then reported that after the ban was repealed by the U.S. Supreme Court in *District of Columbia v. Heller*, violent crime went down:

Since the gun ban was struck down, murders in the District have steadily gone down, from 186 in 2008 to 88 in 2012, the lowest number since the law was enacted in 1976. The decline resulted from a variety of factors, but losing the gun ban certainly did not produce the rise in murders that many might have expected.

Virginia

The opposite has occurred in Virginia, where gun ownership has increased:

Gun-related violent crime in Virginia has dropped steadily over the past six years as the sale of firearms has soared to a new record, according to an analysis of state crime data with state records of gun sales.

The total number of firearms purchased in Virginia increased 73 percent from 2006 to 2011. When state population increases are factored in, gun purchases per 100,000 Virginians rose 63 percent.

But the total number of gun-related violent crimes fell 24 percent over that period, and when adjusted for population, gun-related offenses dropped more than 27 percent, from 79 crimes per 100,000 in 2006 to 57 crimes in 2011. J.D. Tuccille, *Virginia Enjoys Rising Gun Ownership and Declining Crime* Nov. 27, 2012, available at <http://reason.com/blog/2012/11/27/virginia-enjoys-rising-gun-ownership-and> (quoting Richmond Times Dispatch).

Given Governor Cuomo's reasoning, perhaps we should be looking into banning cars and alcohol in order to prevent the 300+ annual drunk driving deaths that occur in NY.

New York should stop making important policy decisions based on emotional whims. This law is not only bad policy, it also infringes upon many of our Constitutional Freedoms.

Mrs. Lando stated that she would like to agree with her colleague from Corning. Based on what she has heard from her constituents in the City of Corning, she would follow what Mr. Welch has said and is against a full repeal of the S.A.F.E. Act.

Mr. Ryan commented if the State Legislature had done their job and done it properly, we wouldn't be here. If we don't send a strong message that this is not the way to govern in the dark of the night, then we are missing a great opportunity.

Mr. Van Etten stated as you know, I am a gun enthusiast and shoot in competitions locally, across the State, across the Country and have also competed in the World Skeet Championships. Most weekends during the season, I shoot 500 – 600 clay targets during competitions, and as many during practice. He stated that he purchases 20,000 shotgun shells annually, and because of that, he will now be placed on the New York State Police registry as a high volume user. He stated that he owns over 40 long guns, rifles and handguns. Because of the S.A.F.E. Act, seven of them are now considered illegal assault weapons because of the thumb hold stocks or the size of the clips. This morning I filed my non-disclosure form in the County Clerk's Office, protecting my privacy as a pistol permit holder. I have had a concealed carry permit since the age of 19 and now I'll be expected to re-register for that every five years. The issue I have with this law being adopted in the middle of the night, with no public input, is the direct violation of the Second Amendment. There is no emotion when it comes to the Constitution. The right to keep and bear arms shall not be infringed. It is very simple and clear. The Governor and the State violated our Second Amendment by passing the S.A.F.E. Act and I am completely in favor of opposing it.

Vote: Roll Call – Adopted. (Yes – 8788; No – 1084) (No: Mrs. Lando and Mr. Welch)

RESOLUTION NO. 025-13

Introduced by J. Hauryski.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE FEBRUARY 25, 2013 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, 2013

Central New York Chapter of American Society for Training & Development – Re: Certificate in recognition of Steuben County’s implementation of Employee Learning Week, December 3rd-7th 2012. **Referred to: Brenda Mori, Clerk of the Legislature.**

January 18, 2013

NYS Homes & Community Renewal – Re: Notification of Steuben County being eligible for consideration for the NYS Community Development Block Grant (CDBG) Economic Development Project #1115ED785-13. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

January 22, 2013

State of New York Department of Transportation – Re: Approval of the Supplemental Agreement #1 of the Section 5311 Capital Master Grant Agreement in the amount of \$73,350. **Referred to: Amy Dlugos, Planning Director.**

United States Senate – Re: Notification of the National Endowment for the Humanities (NEH) is now accepting applications to its Preservation and Access Education and Training Program. **Referred to: Twila O’Dell, Historian.**

CSEA Employee Benefit Fund – Re: 2012 Annual Report. **Referred to: Filed with the Clerk of the Legislature, Brenda Mori.**

January 23, 2013

Mary Helmer, North Hornell resident – Re: Letter on concerns with a recent 911 call. **Referred to: Public Safety & Corrections Committee; and Dave Hopkins, 911 Director.**

Timothy Scott, Pine City Resident – Re: Concerns on a Caton-Corning town line. **Referred to: Joseph Hauryski, Legislature Chairman.**

January 24, 2013

NYS Citizen Review Panels – Re: The New York State Citizen Review Panels for Child Protective Services 2012 Annual Report is now available at www.citizenreviewpanelsny.org. **Referred to: Human Services/Health & Education Committee; and Kathryn Muller, Commissioner of Social Services.**

January 25, 2013

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 28, 2013

Steuben County Legislature, Caucus of the Democratic Party – Re: Appointment of Joseph H. Welch to the position of Democratic Election Commissioner of Steuben County pursuant to New York State Election Law 3-204 (4) effective January 1, 2012. **Referred to: Filed with the Clerk of the Legislature.**

NYS Office for the Aging – Re: Notification of Grant Award (NGA) in the amount of \$61,449.41 for the Nutrition Services Incentive Program (NSIP) covering October 1, 2012 through September 30, 2013. **Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.**

NYS Department of Taxation & Finance, Office of Real Property Tax Services – Re: Notice of 2013 Assessment Roll (Tentative) Oil and Gas unit of Production Values. **Referred to: Wendy Flaitz, Real Property Director; and Patrick Donnelly, Treasurer.**

January 30, 2013

Chemung County Legislature – Re: Presentation of the CARE McKean water treatment facility is scheduled for Wednesday, February 13, 2013 at 10:00am in the Chemung County Legislative Chambers. **Referred to: Steuben County Legislature.**

Mr. and Mrs. Fierthaler, Town of Wayland Residents – Re: Correspondence letter requesting additional information pertaining to their Tax bill for 2013. **Referred to: Administration Committee; Finance Committee; Wendy Flaitz, Real Property Director; and Patrick Donnelly, County Treasurer.**

February 4, 2013

Emergency Medical Services Training, Administration & Resources – Re: 4th 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.**

New York State Office of Parks, Recreation and Historic Preservation – Re: Notification of approval of the 2012-2013 Snowmobile Trail Development and Maintenance Assistance in the amount of \$31,205. **Referred to: Amy Dlugos, Planning Director.**

New York State Department of Labor – Re: Notification of completion of the review of the Chemung Schuyler, Steuben Workforce Investment Board (WIB) local plan for the Workforce Investment Act and Wagner-Peyser Act programs. In order to receive NYSDOL approval of the local plan, revisions to the plan need to be submitted electronically to WDTDLocalPlans@labor.ny.gov no later than February 11, 2013. **Referred to: Joseph Hauryski, Legislature Chairman; and Mark Alger, County Administrator.**

Arnot Health, Ira Davenport Memorial Hospital – Re: Arnot Health is converting the two Ira Davenport Memorial Hospital clinics (located at 226 West Morris Street in Bath, NY and 6 Main Street in Avoca, NY) into the Arnot Medical Services medical offices. **Referred to: Human Services /Health & Education Committee.**

February 6, 2013

New York State Office of Children & Family Services – Re: OCFS Fatality Report#:92-12-010. **Referred to: Mark Alger, County Administrator.**

Mr. Troy Studer, Town of Addison Resident – Re: Hydraulic fracturing in New York State. **Referred to: A.I.P. Committee; Joseph Hauryski, Legislature Chairman.**

February 7, 2013

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$3,612 representing the December 2012 retained surcharge revenues for Steuben County. **Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.**

Steuben County Industrial Development Agency – Re: Notification of the IDA entering into a purchase agreement. **Referred to: A.I.P. Committee; and Alan Reed, County Attorney.**

February 11, 2013

NYS Division of Homeland Security and Emergency Services – Re: Notification of award in the amount of \$3,169,693 for funding for Round 2 of the Statewide Interoperable Communications Grant (SICG). **Referred to: Public Safety & Corrections Committee; Tim Marshall, Acting EMO Director; and Dave Hopkins, 911 Director.**

February 13, 2013

NYS Division of Homeland Security and Emergency Services – Re: Notification of award in the amount of \$41,161 for funding under the FY2012 Emergency Management Performance Grant (EMPG). **Referred to: Public Safety & Corrections Committee; and Tim Marshall, Acting EMO Director.**

Vote: Acclamation – Adopted.

RESOLUTION NO. 026-13

Introduced by L. Crossett.

Seconded by H. Lando.

APPROPRIATING \$80,000 FROM MISCELLANEOUS REVENUE TO THE HEALTH CARE FACILITY BUDGET.

WHEREAS, Steuben County necessitates funds for incidental cost of services related to the sale of the Steuben County Health Care Facility; and

WHEREAS, \$80,000 in miscellaneous revenues have been identified for these purposes.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to appropriate \$80,000 from miscellaneous revenue to the Health Care Facility 2013 budget revenue line (EF 453099-42770000) and corresponding expenditures (EF 453073-5421100); and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 027-13

Introduced by L. Crossett.

Seconded by G. Swackhamer.

REQUESTING LEGISLATION FOR AN EXTENSION AUTHORIZING AN ADDITIONAL ONE PERCENT SALES TAX FOR STEUBEN COUNTY.

Pursuant to Section 40 of the Municipal Home Rule Law.

WHEREAS, an increase in the rate of the Steuben County Sales and Use Tax from 3 percent to 4 percent for the period beginning December 1, 1992 through November 30, 2013 has heretofore been adopted; and

WHEREAS, it is necessary and desirable to avoid a disproportionate increase of the tax burden on real property owners; and

WHEREAS, the New York State Legislature could authorize the Steuben County Legislature to impose an additional one percent sales tax in order to equitably spread the need for additional revenues; and

WHEREAS, a necessity exists for the passage of such Legislation by the New York State Legislature.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby requests the New York State Legislature to adopt special legislation authorizing the Steuben County Legislature to establish an additional one percent sales tax for the period commencing December 1, 2013 through November 30, 2015; and be it further

RESOLVED, from said additional revenues for the period December 1, 2013 through November 30, 2015 the County of Steuben shall pay or cause to be paid to the City of Hornell the sum of \$765,000.00 to the City of Corning the

sum of \$765,000.00, and in addition the sum of \$750,000.00 to the towns and villages of the County of Steuben, based on their respective equalized full value; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Dean Skelos, NYS Senate Republican Conference Leader And Majority Coalition Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Jeffrey Klein, NYS Senate Independent Conference Leader And Majority Coalition Leader, 913 Legislative Office Building, Albany, NY 12247; Honorable Andrea Stewart-Cousins, Minority Leader, New York State Senate, 907 Legislative Office Building, Albany, NY 12247; Honorable Sheldon Silver, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Joseph D. Morelle, Majority Leader, New York State Assembly, 926 Legislative Office Building, Albany, NY 12248; Honorable Brian M. Kolb, Minority Leader, New York State Assembly, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 415 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 723 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 439 Legislative Office Building, Albany, NY 12248; Honorable Bill Nojay, New York State Assemblyman, 527 Legislative Office Building, Albany, NY 12248; and Patricia Pinto, Esq., State of NY Dept. of Taxation and Finance, W.A. Harriman Campus, Albany, NY 12227.

Mr. Alger stated that the City of Hornell will receive \$765,000; the City of Corning will receive \$765,000 and the towns and villages will receive \$750,000.

Vote: Roll Call – Adopted.

RESOLUTION NO. 028-13

Introduced by M. Hanna.

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 COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE.

WHEREAS, a project for the Bridge Replacement (BIN 2016360) on Seneca Street over the Canisteo River in the Village of North Hornell, City of Hornell, Town of Hornellsville, and 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.

NOW, THEREFORE, 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 Design, Construction and Construction Inspection phase work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$4,646,000.00 (\$395,000.00 of which has been previously appropriated) is hereby appropriated and made available to cover the cost of participation in the above phases of the Project; and it is 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 New York State Department of Transportation thereof; and it is 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 New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the 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 it is 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 it is further

RESOLVED, this Resolution shall take effect immediately.

Vote: Roll Call – Adopted.

RESOLUTION NO. 029-13

Introduced by M. Hanna.

Seconded by S. Van Etten.

AUTHORIZING THE ATTACHMENT OF ANY N.Y.S.D.E.C. ENVIRONMENTAL RESTRICTIONS TO THE DEED OF THE LINDLEY SOUTH LANDFILL PROPERTY.

WHEREAS, Steuben County has closed and remediated the Lindley South Landfill according to New York State Department of Environmental Conservation (“N.Y.S.D.E.C.”) requirements; and

WHEREAS, N.Y.S.D.E.C. for health and safety reasons has implemented environmental restrictions to this property; and

WHEREAS, N.Y.S.D.E.C. requires that its environmental restrictions to this property be carried forward to possible future owners of this property.

NOW THEREFORE, BE IT

RESOLVED, that the County Administrator shall be and is authorized and directed to execute a deed and such further documents as may be required to attach the N.Y.S.D.E.C. restrictions to this Lindley Landfill South property deed as follows:

First, the Property subject to this Declaration of Covenants and Restrictions is as shown on the outlined portion of the map attached to this declaration as Appendix "B" and made a part hereof.

Second, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as “the Relevant Agency,” is first obtained, where contamination remains at the Property subject to the provisions of the Site Management Plan (“SMP”), there shall be no construction, use or occupancy of the Property that results in the disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results in unacceptable human exposure to contaminated soils.

Third, the owner of the Property shall not disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of engineering controls required for the Remedy, which are described in the SMP, unless in each instance the owner first obtains a written waiver of such prohibition from the Department or Relevant Agency.

Fourth, the owner of the Property shall prohibit the Property from ever being used for purposes other than for its current use as a landfill without the express written waiver of such prohibition by the Department or Relevant Agency.

Fifth, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains

permission to do so from the Department or Relevant Agency.

Sixth, the owner of the Property shall provide a periodic certification, prepared and submitted by a professional engineer or environmental professional acceptable to the Department or Relevant Agency, which will certify that the institutional and engineering controls put in place are unchanged from the previous certification, comply with the SMP, and have not been impaired.

Seventh, the owner of the Property shall continue in full force and effect any institutional and engineering controls required for the Remedy and maintain such controls, unless the owner first obtains permission to discontinue such controls from the Department or Relevant Agency, in compliance with the approved SMP, which is incorporated and made enforceable hereto, subject to modifications as approved by the Department or Relevant Agency.

Eighth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property, and shall provide that the owner and its successors and assigns consent to enforcement by the Department or Relevant Agency of the prohibitions and restrictions that the Order on Consent requires to be recorded, and hereby covenant not to contest the authority of the Department or Relevant Agency to seek enforcement.

Ninth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Department or Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works, County Administrator and County Attorney.

Vote: Roll Call – Adopted.

RESOLUTION NO. 030-13

Introduced by T. Ryan.

Seconded by H. Lando.

AUTHORIZING APPLICATION AND ACCEPTANCE OF A COMMUNITY DEVELOPMENT BLOCK GRANT.

WHEREAS, the Steuben County Administrator has requested authorization to apply for and to accept funding through a Governor’s Office of Homes and Community Renewal (HUD) Community Development Block Grant; and

WHEREAS, two public hearings are required by the grant process to solicit public comment on any specified project as well as for general economic development purposes; and

WHEREAS, the County Administrator and the Agriculture, Industry and Planning Committee have recommended that the County apply for and accept the HUD-CDBG grant and hold any public hearings required as part of that process.

NOW THEREFORE, BE IT

RESOLVED, that the County Administrator is hereby authorized and directed to make application for a Governor’s Office of Homes and Community Renewal (HUD-CDBG) grant; and be it further

RESOLVED, that the County Administrator is hereby authorized and directed to sign such documents as may be necessary to complete and file the application in accordance with the statutes and laws applicable thereto, which documents shall be in such form and contain such terms and conditions as approved by the County Attorney; and be it further

RESOLVED, that upon receipt of the grant funds, the County Administrator is hereby authorized and directed to accept the same within budgetary appropriations for any local share; and be it further

RESOLVED, that the terms and conditions of the grant agreement shall be subject to the review and approval of the County Attorney; and be it further

RESOLVED, that upon termination of Federal funding, or any or all of the grant funds, the authorization provided by this Resolution will expire and all benefits and services, including personnel, shall terminate without further action by this Legislature; and be it further

RESOLVED, that a public hearing will be held relative to the proposed grant application to provide an overview of the Community Development Block Program, that hearing to be held pursuant to law as published under the Rules of the Legislature by the Clerk of the Legislature; 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; the County Administrator; and the County Attorney.

Vote: Roll Call – Adopted.

RESOLUTION NO. 031-13

Introduced by B. Schu.

Seconded by R. Weaver.

AUTHORIZING THE STEUBEN COUNTY SHERIFF'S OFFICE TO ENTER INTO A CONTRACT WITH LIVINGSTON COUNTY TO HOUSE STEUBEN COUNTY INMATES.

WHEREAS, Livingston County and in conjunction with the Livingston County Sheriff agree to receive and keep in the Livingston County Jail inmates held by Steuben County; and

WHEREAS, historically Livingston County and Steuben County have mutually accommodated conflict and over population in their respective jails by housing such inmates from the other County; and

WHEREAS, each County is authorized to so house inmates from other jurisdictions; and as a result, the Counties are authorized under GML §119-0 to enter into an inter-municipal agreement for such purposes.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Sheriff is hereby authorized to enter into a contract with Livingston County to house Steuben County prisoners from time to time under such terms as approved by the County Administrator and approved as to form by the County Attorney; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Sheriff; the County Administrator; the County Attorney; and John M. York, Livingston County Sheriff, 4 Court Street, Geneseo, NY 14454.

Vote: Roll Call – Adopted.

T A B L E D

RESOLUTION NO. 032-13

Introduced by B. Schu.

Seconded by A. Mullen.

AUTHORIZING THE STEUBEN COUNTY SHERIFF'S OFFICE TO DISCONTINUE AN AGREEMENT TO PROVIDE COURT SECURITY/BAILIFF SERVICES TO THE TOWN OF ERWIN JUSTICE COURT.

WHEREAS, the request for termination of the agreement to provide court security/bailiff services to the Town of Erwin Justice Court is due to the court mandating an armed officer to attend court at mid-morning times and at varying mid-day times; and

WHEREAS, the foregoing creates substantial scheduling conflicts in Court Security making the officer assigned to the Erwin Town Court unable to reliably be scheduled to any other post or court security in the Steuben County Sheriff Court Security Division; and

WHEREAS, the overall perplexity with scheduling makes the service undesirable to be continued; and

WHEREAS, the termination of the recited service is authorized under the contract to be effective ninety (90) days from the receipt of the termination letter.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature authorizes the Steuben County Sheriff to discontinue the agreement to provide court security/bailiff services to the Town of Erwin Justice Court pursuant to the terms of the existing inter-municipal agreement with the Town of Erwin; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Sheriff; David B. Erwin, Town Supervisor, 310 Town Center Rd., Painted Post, NY 14870; and David F. English, Town of Erwin Attorney, Erwin Town Hall, 310 Town Center Rd., Painted Post, NY 14870.

Motion to table made by Mr. Van Etten. Seconded by Mr. Ryan. Motion carries 10 – 7. (Opposed: Mr. Crossett, Mr. Hauryski, Ms. Lattimer, Mr. McAllister, Mr. Mullen, Mr. Swackhamer and Mr. Weaver)

RESOLUTION NO. 033-13

Introduced by B. Schu.

Seconded by D. Farrand.

AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE VILLAGE OF BATH FOR STORAGE OF THE FIRE INVESTIGATION COMMAND POST VEHICLE.

WHEREAS, the County is in need of additional storage facilities to house the Office of Emergency Management's Fire Investigation Command Post Vehicle; and

WHEREAS, the Village of Bath has additional storage space available at the former Bath Fire Department located behind the municipal building at 110 Liberty St.; and

WHEREAS, the Village of Bath will allow Steuben County to use part of the said premises for the purpose of storage of the Fire Investigation Command Post Vehicle; and

WHEREAS, the Village of Bath will provide access for County to the premises for general maintenance and emergency response of the vehicle.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature authorizes the Acting Director of Emergency Services to execute an agreement with the Village of Bath for the recited storage subject to the approval of the County Administrator and approval as to form by the County Attorney; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to the Acting Director of Steuben County Emergency Services; the County Administrator; the County Attorney; and Jacqueline Shroyer, Village of Bath Municipal Clerk, 110 Liberty Street, Bath, NY 14810.

Ms. Lattimer asked is there a monetary exchange? Mr. Alger replied no, this is free space.

Vote: Roll Call – Adopted.

RESOLUTION NO. 034-13

Introduced by C. Ferratella and P. McAllister.

Seconded by H. Lando.

AUTHORIZING THE TRANSFER OF A GRADE VI PERSONAL COMPUTER OPERATOR POSITION IN PUBLIC HEALTH NURSING TO THE OFFICE OF COMMUNITY SERVICES.

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

WHEREAS, there is a need for a Personal Computer Operator in the Office of Community Services; and

WHEREAS, there is a position within Public Health Nursing that can be transferred; and

WHEREAS, the Human Services, Health & Education Committee and the Administration Committee have approved transferring said position to the Office of Community Services.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in Steuben County is transferred as follows:

FROM Public Health Nursing one (1) Personal Computer Operator, Grade VI, Step (5) \$38,228

TO Office of Community Services; and be it further

RESOLVED, that this position be funded and placed in the 2013 Budget; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Personnel Officer, the County Treasurer, the Director of Public Health Nursing and the Director of Community Services.

Vote: Roll Call – Adopted.

RESOLUTION NO. 035-13

Introduced by T. Ryan.

Seconded by C. Ferratella.

AUTHORIZING A PUBLIC HEARING ON LAND SUBMITTED FOR INCLUSION IN CERTIFIED AGRICULTURAL DISTRICTS DURING THE 2013 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 will review the matter and submit 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 25th day of March, 2013, 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 Tom Tomsa, Cornell Cooperative Extension, 3 East Pulteney Square, Bath, NY.

Vote: Acclamation – Adopted.

RESOLUTION NO. 036-13

Introduced by J. Hauryski.

Seconded by G. Swackhamer.

APPOINTING MEMBERS TO THE STEUBEN AREA ECONOMIC DEVELOPMENT CORPORATION.

WHEREAS, by resolution dated July 28, 2011, the Steuben County Industrial Development Agency adopted certain amendments to the Certificate of Incorporation and By-Laws of the Steuben Area Economic Development Corporation to reflect that the sole member of the Corporation shall be the County of Steuben acting by and through the Chair of the Legislature of the County; and

WHEREAS, the County desires to appoint the Board of Directors of the Steuben Area Economic Development Corporation; and

WHEREAS, the by-laws of the Steuben Area Economic Development Corporation authorize that the number of Directors of the Corporation shall be (7) seven; and

WHEREAS, the Directors of the Corporation are appointed to serve 3 (three) year staggered terms, excepting one appointee who shall serve a term of 1 (one) year.

NOW THEREFORE, BE IT

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

January 1, 2013 through December 31, 2015

Philip J. Roche, Esq., County resident, 5 Fox Lane East, Painted Post, NY 14870

Dr. Katherine P. Douglas, President, Corning Community College, 1 Academic Drive, Corning, NY 14830

January 1, 2013 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 Area Economic Development Corporation; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to each of the above-named appointees; 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, Corning NY; Counsel to the Steuben County Industrial Development Agency; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 037-13

Introduced by T. Ryan.

Seconded by G. Swackhamer.

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 indicated:

Steve Hoeffner 01/01/13 – 12/31/16
14 Florence Street, Hornell, NY 14843

William J. Phelps 01/01/13 – 12/31/16
9827 Canaseraga Road, Arkport, NY 14807

RESOLVED, that these appointees are hereby appointed to the Marsh Ditch Watershed Protection District Administrative Board for the 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.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.F. The Medical, Financial, Credit or Employment History of a Particular Person or Corporation made by Mr. Van Etten. Seconded by Mr. McAllister and duly carried.

RESOLUTION NO. 038-13

Introduced by T. Ryan.

Seconded by S. Van Etten.

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. Joseph F. Meade, Jr. – He was born on June 26, 1921 to Joseph F. Meade, Sr. and Ella May (Schultz) Meade. He graduated from Hammondsport High School in 1939 and attended Alfred University until enlisting in World War II. During WWII, he served aboard an aircraft carrier and while in action, received both the Silver Medal and the Purple Heart. Mr. Meade was President, for 37 years, and Chairman for 23 years, of Mercury Aircraft and during his tenure, established the company as a major employer in the Hammondsport area. He also was a founding member of the Curtiss Museum and served on their Board until his death. He was instrumental in securing many of the aircraft that formed its major exhibits. Additionally, he led the creation of the *June Bug II*, a reproduction Curtiss airplane whose flights were the center of a major tourist event in 1976. He was the last of four pilots who flew this plane. As a museum trustee, Mr. Meade was the lead in moving the Curtiss Museum to its modern Route 54 location – a move that transformed the museum and expanded its tourism impact for the area.

2. Archie A. Peck – He was born on November 22, 1894. He was a Private in U.S. Company A 307th Infantry, 77th Division. He is the Hornell area's only Congressional Medal of Honor winner. Mr. Peck was presented the Medal of Honor for services to our country during WWI, while he served in the Meuse-Argonne offensive in France. While on patrol, Mr. Peck and two other soldiers were subjected to direct fire from an enemy machine gun, at which time both of his comrades were wounded. Returning to his company, Mr. Peck enlisted the help of another soldier to accompany him to assist in bringing in the wounded men; however, that soldier was killed. Mr. Peck continued on, twice returning to bring both wounded men back to safety. He was under extreme machine gun fire the entire time. According to family legend, Archie was also hit by the machine gun fire, but not seriously wounded. He was a man small in stature and was later teased by his comrades that he was too small a target to hit. In addition to the Medal of Honor, he also received military decorations from other nations. After the war, Mr. Peck owned and operated A. A. Peck's General Store in Sinclairville, NY from 1937 – 1959. He was past Commander of the American Legion Post 778 of Sinclairville, a member of WWI Post 2533 of Seminole, Fl., a member of the Sinclairville Volunteer Fire Department and served as a member of the Cassadaga Valley Central School Board of Education.

3. George W. Peck – He was born on February 18, 1854 in Lansdowne, Leeds County, Province of Ontario, Canada. He gained his early education training in public schools in New York. In 1870, at the age of 16, he was employed by Powers & Wagner in Savona, NY where he gained his initial hardware experience. In 1875 he became a member of Wagner & Peck and the following year he purchased his partner's interest in the business and continued by himself until 1880. He then moved from Savona, NY to Prattsburgh, NY where he purchased the hardware stock from George H. Look. In 1883 he established a branch store in Pulteney. In 1888 he purchased the stock of hardware at Cohocton as well as the stock of Hodgman and McNamara of Bath. A branch was then established in Bradford. The following year, in 1894, Mr. Peck brought his mercantile interests into more effective control by the organization of a stock company, which was incorporated under the title of George W. Peck Company. When he first began operations as an independent businessman in 1875, the annual business did not exceed \$4,000. By 1910, the growth of his business brought in \$250,000 annually. The George W. Peck Company also had stores in Canandaigua, Penn Yan and Dansville.

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 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. Roush, seconded by Mr. McAllister and duly carried.

REGULAR MEETING
Morning Session
Monday, March 25, 2013
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 March, 2013, 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 Legislator Hanna.

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

Chairman Hauryski asked Anita Parulski to come forward. Ms. Parulski is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 15 years of service to Steuben County.

Chairman Hauryski asked Susanne Recktenwald to come forward. Ms. Recktenwald is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 15 years of service to Steuben County.

Chairman Hauryski asked Craig Hammond to come forward. Mr. Hammond is an employee in the Department of Social Services. He presented him with a Certificate of Appreciation and a pin in recognition of his 20 years of service to Steuben County.

Chairman Hauryski asked Bonnie Hicks-Tolley to come forward. Ms. Hicks-Tolley is an employee in the Office of Community Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 20 years of service to Steuben County.

Chairman Hauryski asked Lauren Robords to come forward. Ms. Robords is an employee in the Emergency Management Office. He presented her with a Certificate of Appreciation and a pin in recognition of her 25 years of service to Steuben County.

Chairman Hauryski asked Penny Burdick to come forward. Ms. Burdick is an employee in the Office of Community Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 30 years of service to Steuben County.

Chairman Hauryski stated that he would also like to recognize our Clerk, Brenda Mori. He presented Ms. Mori with a Certificate of Appreciation and a pin in recognition of her 20 years of service to Steuben County.

Mr. Gallagher thanked the Legislature for being supportive of the Youth In Government Program. He invited the Legislators to attend the Simulated Session which will be held on May 9th. Mr. Gallagher introduced the Youth Interns and commented that they have a very good group this year.

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

Tim Hargrave, Cameron, stated that at last month's meeting, this group acted in a very decisive manner and it was clear that the majority were opposed to the new gun regulations. These regulations may have had a direct impact on you or your family members. He stated that he grew up in a hunting family. His dad, brothers, uncles and other relatives all have hunted the family farm. This cherished tradition of hunting on the family farm has been snatched away by the Department of Environmental Conservation's plan that allows the Dickson Corporation to spread waste within 50 feet of my property. Last month Mr. Van Etten spoke about gun rights. He stated that he would like to ask one question, and keep in mind the flow chart that was previously

distributed to you, could you harvest, consume and feed your family a game animal that has fed on land that cows are not allowed to graze on? This could happen to you if the State allows the Dickson Corporation to expand. Mr. Hargrave commented that now he will no longer hunt or consume game animals on his property and is now forced to travel out of the area to hunt. This same scenario has happened in one of the towns in Mr. Farrand's district. I would never wish anything bad for you, but can't help but to wonder what you would do if the Dickson Corporation was spreading sludge and waste near your land, preventing you from harvesting and consuming game animals from your property. My phone number is 776-2598. Please call me to discuss this further.

Wayne Wells, Cameron, stated that he welcomes the presence of the students and hopes that they have creative ideas for improving democracy. Our quality of life depends upon the quality of government. At previous meetings there was discussion regarding the loss of the Health Care Facility and it was quite contentious. I too was polled by the CSEA. The result of that poll may well have been because of the questions that were asked. If you ask specific questions, you may get specific answers. In thinking about how to improve participation in democracy and autonomy and how, in some issues such as the Health Care Facility, many of us knew what was to be lost or gained? Given the Internet, you have the ability to communicate. How hard would it be for you in your committees, when you are in the know, to put that information out to the people and let them decide. This was an issue which Mr. Swackhamer passionately reacted to the fact that you were blamed for losing something of tremendous value. Without knowledge by the people, the decision was basically left up to you. Many disputes of government could be handled in a better way. When we see corporations like Dickson bordering on criminal activity, we need to act. The fact that governments, both town and County, do not act is not appropriate.

Chairman Hauryski thanked everyone for their comments and declared the opportunity for public comment closed.

The Clerk of the Legislature read the Office Notice of public Hearing and submitted for filing Proofs of Publication and Proofs for Posting of the Public Hearing relative to land submitted for inclusion in certified agricultural districts 1, 2, 3, 5, 6, 7 and 10 during the 2013 annual thirty-day review period, to consider the recommendations of the Agricultural and Farmland Protection Board, and proposed modifications of said certified agricultural districts. 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. Ryan, seconded by Mr. Van Etten and duly carried.

Mr. Ryan stated that on behalf of the people of Steuben County, he would like to recognize the following individuals who are currently serving in the military:

| | | | |
|-----------------|------------------|----------------|------------------|
| Ryan Raner | Jalessa Knighton | Matthew Sacket | David Hink |
| Daron Butcavage | Jamie Stewart | Dylan Witter | Bradley Brewster |
| David Trubic | Chaz Hanson | | |

Ms. Mori reminded the Legislature that they will be having lunch with the youth interns immediately following the meeting.

Ms. Mori announced that Steuben County will be hosting the Western Regional InterCounty Association meeting on Friday, April 19th at the Lakeside Restaurant on Keuka Lake. Mrs. Ferratella had thought it would be a good idea for each of you to supply a door prize representative of your area. Registration is at 9:00 a.m. and the meeting will begin at 10:00 a.m.

RESOLUTION NO. 039-13

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, and being in addition to the adjustments and/or refunds made under Resolution No. 001-13 of January 28, 2013 and Resolution No. 023-13 of February 25, 2013 as applicable, 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. | <u>A-1</u> |
| Name | <u>Beverly & Clarence Button</u> |
| Parcel No. | <u>177.00-01-016.000</u> |
| Municipality | <u>Bradford Town</u> |
| Disposition | <u>Correction (parcel split)</u> |

| | |
|----------------|-----------------------------------|
| Resolution No. | <u>A-2</u> |
| Name | <u>Reynold & Sally Rogers</u> |
| Parcel No. | <u>086.00-01-021.113</u> |
| Municipality | <u>Wheeler Town</u> |
| Disposition | <u>Correction (parcel split)</u> |

| | |
|----------------|--------------------------------|
| Resolution No. | <u>A-3</u> |
| Name | <u>Howard & Sharon Zeh</u> |
| Parcel No. | <u>327.00-01-006.200</u> |
| Municipality | <u>Woodhull Town</u> |
| Disposition | <u>Correction</u> |

| | |
|----------------|-------------------------------------|
| Resolution No. | <u>A-4</u> |
| Name | <u>Verizon New York Inc.</u> |
| Parcel No. | <u>546.00-06-006.000</u> |
| Municipality | <u>Cohocton Town</u> |
| Disposition | <u>Correction (per Court Order)</u> |

| | |
|----------------|--------------------------|
| Resolution No. | <u>A-5</u> |
| Name | <u>Vaughn Havens</u> |
| Parcel No. | <u>173.00-01-045.116</u> |
| Municipality | <u>Bath Town</u> |
| Disposition | <u>Correction</u> |

| | |
|----------------|----------------------------------|
| Resolution No. | <u>A-6</u> |
| Name | <u>Green Lake Associates LLC</u> |
| Parcel No. | <u>318.13-01-088.000</u> |
| Municipality | <u>Corning City</u> |
| Disposition | <u>Correction</u> |

| | |
|----------------|--------------------------|
| Resolution No. | <u>A-7</u> |
| Name | <u>Phyllis Meyer</u> |
| Parcel No. | <u>044.00-01-024.000</u> |
| Municipality | <u>Cohocton Town</u> |
| Disposition | <u>Correction</u> |

| | |
|----------------|--------------------------|
| Resolution No. | <u>A-8</u> |
| Name | <u>Patrick Carey</u> |
| Parcel No. | <u>044.00-01-025.000</u> |
| Municipality | <u>Cohocton Town</u> |
| Disposition | <u>Correction</u> |

| | |
|----------------|--|
| Resolution No. | <u>A-9</u> |
| Name | <u>Francis W. O'Dell & Dixie L. O'Dell</u> |
| Parcel No. | <u>153.00-01-027.121</u> |

Municipality Howard Town
Disposition Correction

Vote: Roll Call – Adopted.

RESOLUTION NO. 040-13

Introduced by J. Hauryski.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE MARCH 25, 2013 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 19, 2013

NYS Office for the Aging – Re: Notification of the 2013-2014 Annual Implementation Plan was due on December 3, 2012. *Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.*

NYS Department of Labor – Re: Notification of online resources to assist fire departments and municipalities in achieving compliance to provide emergency escape systems to firefighters at risk of entrapment in elevators. <http://labor.ny.gov/workerprotection/safetyhealth/Firefighter-Emergency-Escape-Systems.shtm> *Referred to: Public Safety & Corrections Committee; Tim Marshall, Acting EMO Director; Ken Isaman, Risk Manager; and Jack Wheeler, Deputy County Administrator.*

February 21, 2013

Steuben County Chiefs of Police's Association – Re: Concerns with the recent issuance of the Request for Proposal for towing services in Steuben County. *Referred to: Public Safety & Corrections Committee; David Hopkins, 911 Director; Jim Gleason, Purchasing Director; and Alan Reed, County Attorney.*

NYS Assemblyman, Joseph Giglio – Re: Correspondence letter on the abatement of the State's portion of sales taxes by IDA's in the 2013-2014 State Budget. *Referred to: A.I.P. Committee; and Joseph Hauryski, Legislature Chairman.*

Carl Paladino – Re: Draft resolution opposing the process of enactment and certain provisions contained within the New York SAFE Act. *Referred to: Joseph Hauryski, Legislature Chairman.*

NYS Assemblyman, Philip Palmesano – Re: Correspondence letter on the State budget proposal which would restrict the use of the state sales tax benefits by local Industrial Development Agencies (IDAs). *Referred to: A.I.P. Committee; and Joseph Hauryski, Legislature Chairman.*

NYS Office of Parks, Recreation and Historic Preservation – Re: Notification of property located at 14 Howell Street, Bath, NY (First Baptist Society of Bath) in Steuben County is being nominated to the National and State Registers of Historic Places at the State Review Board meeting scheduled for March 21, 2013. *Referred to: A.I.P. Committee; and Twila O'Dell, Historian.*

February 27, 2013

Harris Beach PLLC, Attorneys at Law – Re: Distribution of RP-412-a and Second amended and restated PILOT agreement for 8 East Denison Parkway, Corning, NY. *Referred to: Finance and Administration Committees; Patrick Donnelly, County Treasurer; Wendy Flaitz, RPTSA Director; and Alan Reed, County Attorney.*

Southern Tier Legal Services – Re: Correspondence letter on Orders of Protection with Domestic Violence. *Referred to: Public Safety & Corrections Committee; and Brooks Baker, District Attorney.*

NYS Department of Transportation – Re: The Public Transportation Bureau recently sent vouchers to the State Comptroller that distribute the SFY 2012-2013 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 1, 2013

Federal Communications Commission – Re: Radio Station Authorization for Steuben County effective 02/26/2013 through 05/06/2023 (FCC Registration Number: 0004474540/File Number: 0005664618). *Referred to: Public Safety & Corrections Committee; and Tim Marshall, EMO Acting Director.*

March 4, 2013

NYS Department of Labor – Re: Notification of the PY 2012 Local Plan submitted by the Workforce Investment Board of Chemung, Schuyler and Steuben is approved. *Referred to: Joseph Hauryski, Legislature Chairman.*

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$3,687 which represents the January 2013 surcharge revenue for Steuben County. *Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.*

NYS Office for the Aging – Re: Revised Notification of Grant Awards (NGAs) and Annual Implementation Plan for the Title III-B, III-C2, Title III-D and Title III-E programs for the period of April 1, 2012 through March 31, 2013. *Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.*

Town of Erwin – Re: Request for Steuben County to continue Court Security/Bailiff Services to the Town of Erwin. *Referred to: Public Safety & Corrections Committee; and Sheriff Cole.*

March 7, 2013

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and Erwin Hospitality Associates LLC is scheduled for Tuesday, March 19, 2013 at 10:00am, in the Erwin Town Hall, 310 Town Center Road, Painted Post, New York. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

March 8, 2013

NYS Homes & Community Renewal – Re: Conditional Certificate of Completion for the NYS CDBG Project #1115HR108-10. *Referred to: Amy Dlugos, Planning Director.*

NYS Legislature – Re: CHIPS Funding for 2013-2014 New York State Budget. *Referred to: Public Safety & Corrections Committee; and Vince Spagnoletti, Commissioner of Public Works.*

March 11, 2013

NYS Senator, Thomas O’Mara – Re: Health & Mental Hygiene Article VII Bill proposed amendments to Article 6 of the Public Health Law. *Referred to: Human Services/Health & Education Committee; and Mark Alger, County Administrator.*

B&W Towing – Re: Correspondence letter on towing and RFP. *Referred to: Public Safety & Corrections Committee; Mark Alger, County Administrator; and Joseph Hauryski, Legislature Chairman.*

March 13, 2013

Chemung County Legislature – Re: Copy of an approved resolution calling for the repeal of the New York Secure Ammunition and Firearms Enforcement Act of 2013. *Referred to: Steuben County Legislature.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 041-13

Introduced by B. Schu and L. Crossett.

Seconded by H. Lando.

AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO ACCEPT THE ROUND 2 STATEWIDE INTEROPERABLE COMMUNICATIONS GRANT (SICG).

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

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

WHEREAS, Steuben County has implemented a County-wide E-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 interoperable communications with all response agencies to address operational issues; 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 Statewide Interoperable Communications Grants; and

WHEREAS, the New York State DHSES has awarded Steuben County grant funds in the amount of \$3,169,693 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 \$3,169,693 for implementation of the Round 2 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 "Round 2 Interoperable Communications Grant" to the grant award amount of \$3,169,693; 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; Director of the Enhanced 911 Department and the Director of Emergency Management.

Mr. Alger stated the group that pulled this grant together should be congratulated. This is the second round and we did not know if we would be funded because of the competition. This grant is very significant to our future communications systems. We will be able to use this funding to purchase equipment to go on the end of the fiber network to connect the towers. There is also a provision in the funding for a long-term plan for what the communication system should look like. Mr. Alger stated that he would like to congratulate Mr. Marshall, Mr. Wheeler, Mr. Caudill and Mr. Hopkins for their efforts.

Mr. Swackhamer stated that he would like it noted in the record that this grant is in the amount of \$3,169,693.00.

Mr. Van Etten stated when we did the narrowbanding project, that was a significant amount of money. Was this the grant that was being applied toward that? Mr. Alger replied no, that was the first round of funding.

Vote: Roll Call – Adopted.

RESOLUTION NO. 042-13

Introduced by L. Crossett.

Seconded by R. Weaver.

AUTHORIZING THE APPROPRIATION OF PHARMACEUTICAL SETTLEMENT FUNDS TO THE ECONOMIC DEVELOPMENT FUND.

WHEREAS, Steuben County has received \$46,737.15 from Par and Actavis II 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 \$46,737.15 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. 043-13

Introduced by T. Ryan.

Seconded by H. Lando.

AUTHORIZING APPLICATION AND ACCEPTANCE OF A COMMUNITY DEVELOPMENT BLOCK GRANT.

WHEREAS, the Steuben County Administrator has requested authorization to apply for and to accept funding through a Governor's Office of Homes and Community Renewal (HUD) Community Development Block Grant; and

WHEREAS, two public hearings are required by the grant process to solicit public comment on any specified project as well as for general economic development purposes; and

WHEREAS, the County Administrator and the Agriculture, Industry and Planning Committee have recommended that the County apply for and accept the HUD-CDBG grant and hold any public hearings required as part of that process.

NOW THEREFORE, BE IT

RESOLVED, that the County Administrator is hereby authorized and directed to make application for a Governor's Office of Homes and Community Renewal (HUD-CDBG) grant; and be it further

RESOLVED, that the County Administrator is hereby authorized and directed to sign such documents as may be necessary to complete and file the application in accordance with the statutes and laws applicable thereto, which documents shall be in such form and contain such terms and conditions as approved by the County Attorney; and be it further

RESOLVED, that upon receipt of the grant funds, the County Administrator is hereby authorized and directed to accept the same within budgetary appropriations for any local share; and be it further

RESOLVED, that the terms and conditions of the grant agreement shall be subject to the review and approval of the County Attorney; and be it further

RESOLVED, that upon termination of Federal funding, or any or all of the grant funds, the authorization provided by this Resolution will expire and all benefits and services, including personnel, shall terminate without further action by this Legislature; and be it further

RESOLVED, that a public hearing was held relative to the proposed grant application to provide an overview of the Community Development Block Program, and that hearing was held pursuant to law as published under the Rules of the Legislature by the Clerk of the Legislature; 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; the County Administrator; and the County Attorney.

Mr. Weaver asked is this the same resolution that we approved last month? Mr. Alger replied yes. We needed to do a public hearing before we passed the resolution. That has now been accomplished so we are readopting the same resolution for the same purpose.

Vote: Roll Call – Adopted.

RESOLUTION NO. 044-13

Introduced by C. Ferratella and L. Crossett.

Seconded by S. Van Etten.

AUTHORIZING AN AGREEMENT BETWEEN THE COUNTY OF STEUBEN AND NEW YORK STATE DEPARTMENT OF HEALTH TO CREATE AN ESCROW ACCOUNT FOR EARLY INTERVENTION CLAIMS.

WHEREAS, Article 25, Title II-A of the New York State Public Health Law requires that approved costs for an eligible child who receives an evaluation and Early Intervention Services be a charge upon the municipality in which the child resides; and

WHEREAS, recent amendments to New York State Public Health Law (PHL) §2557 authorizes the Department of Health to contract with a fiscal agent for the Department and municipalities with respect to fiscal management and payment of early intervention claims; and

WHEREAS, PHL §2557 (5)(a) further provides that municipalities shall grant sufficient authority to the fiscal agent to act on their behalf and shall utilize the fiscal agent for payment of early intervention claims, as determined by the Department of Health; and

WHEREAS, pursuant to PHL §2557 (5), the Department of Health intends to contract with a fiscal agent for fiscal management and payment of early intervention claims.

NOW THEREFORE, BE IT

RESOLVED, that the County Administrator be and the same hereby is authorized and directed to enter into an agreement with the New York State Department of Health to establish an escrow account from which the fiscal agent shall make payment of early intervention claims and to ensure that appropriate funding is deposited by the County for payment of approved costs; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to the Director of Steuben County Public Health & Nursing Services, County Administrator and County Attorney.

Mr. Weaver asked for an explanation. Mr. Alger explained in last year's State budget a provision was passed that would in essence remove the counties from paying the Early Intervention vendors. However, the State does not have the money to pay the vendors. The State is requiring us to put money in a sweep account, or escrow account. They will use our money to pay the vendors and then they will reimburse us. This is similar to the Medicaid sweep.

**Vote: Roll Call – Adopted. (Yes – 7529; No – 1742; Absent – 601)
(No – Mr. McAllister, Mr. Mullen and Mr. Weaver)**

RESOLUTION NO. 045-13

Introduced by C. Ferratella and L. Crossett.

Seconded by T. Ryan.

AUTHORIZING AN AGREEMENT BETWEEN THE COUNTY OF STEUBEN AND NEW YORK STATE DEPARTMENT OF HEALTH FOR EARLY INTERVENTION SERVICES

WHEREAS, Steuben County Department of Special Children's Services provides Early Intervention Services to eligible children in Steuben County; and

WHEREAS, recent amendments to New York State Public Health Law (PHL) §2557 authorizes the Department of Health to contract with a fiscal agent for the Department and municipalities with respect to fiscal management and payment of early intervention claims; and

WHEREAS, the County desires to enter into an agreement to become a provider with the New York State Department of Health in order to receive payment from the fiscal agent for Early Intervention Services that the County provides.

NOW THEREFORE, BE IT

RESOLVED, that the County Administrator be and the same hereby is authorized and directed to enter into an Early Intervention Provider agreement with the New York State Department of Health; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to the Director of Steuben County Public Health & Nursing Services, County Administrator and County Attorney.

Mr. Alger explained this resolution allows us to be paid for the services that we are providing.

Vote: Roll Call – Adopted.

WITHDRAWN

RESOLUTION NO. 046-13

Introduced by B. Schu.

AUTHORIZING THE STEUBEN COUNTY SHERIFF'S OFFICE TO DISCONTINUE AN AGREEMENT TO PROVIDE COURT SECURITY/BAILIFF SERVICES TO THE TOWN OF ERWIN JUSTICE COURT.

WHEREAS, the request for termination of the agreement to provide court security/bailiff services to the Town of Erwin Justice Court is due to the court mandating an armed officer to attend court at mid-morning times and at varying mid-day times; and

WHEREAS, the foregoing creates substantial scheduling conflicts in Court Security making the officer assigned to the Erwin Town Court unable to reliably be scheduled to any other post or court security in the Steuben County Sheriff Court Security Division; and

WHEREAS, the overall complexity with scheduling makes the service undesirable to be continued; and

WHEREAS, the termination of the recited service is authorized under the contract to be effective ninety (90) days from the receipt of the termination letter.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature authorizes the Steuben County Sheriff to discontinue the agreement to provide court security/bailiff services to the Town of Erwin Justice Court pursuant to the terms of the existing inter-municipal agreement with the Town of Erwin; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Sheriff; David B. Erwin, Town Supervisor, 310 Town Center Rd., Painted Post, NY 14870; and David F. English, Town of Erwin Attorney, Erwin Town Hall, 310 Town Center Rd., Painted Post, NY 14870.

Motion to withdraw made by Mr. Schu, Seconded by Mr. Weaver and duly carried.

RESOLUTION NO. 047-13

Introduced by T. Ryan.

Seconded by H. Lando.

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 25th day of March, 2013 at 10:00 a.m.

NOW THEREFORE, BE IT

RESOLVED, that the following tax parcel shall be added to Agricultural District No. 1:

462800 221.00-01-019.000

AND BE IT FURTHER RESOLVED, that the following tax parcels shall be added to Agricultural District No. 2:

462489 203.00-02-018.000
462489 203.00-02-019.200
466600 203.00-03-013.000
466600 221.00-03-002.113
466600 239.00-03-012.000
466600 239.00-03-013.000

466600 257.00-03-001.000
466600 257.00-03-016.000

AND BE IT FURTHER RESOLVED, that the following tax parcels shall be added to Agricultural District
No. 3:

466000 035.00-01-011.110
466200 036.00-01-003.000
466200 036.00-01-027.000
466200 036.00-01-028.000
466200 036.00-01-029.100
466200 076.00-01-013.100
466200 077.00-01-015.000
468000 100.00-01-021.120

AND BE IT FURTHER RESOLVED, that the following tax parcels shall be added to Agricultural District
No. 5:

463689 016.00-01-012.000
463689 029.00-01-020.000
463689 029.00-01-029.100
463689 030.00-01-018.000
463689 042.00-01-023.000
463689 044.00-01-016.400
463689 056.00-01-039.000
467489 015.00-01-011.000
467489 027.00-02-029.120
467489 027.00-02-029.200
467489 028.00-01-045.000
467489 041.00-02-028.000

AND BE IT FURTHER RESOLVED, that the following tax parcels shall be added to Agricultural District
No. 6:

463400 371.00-03-028.112
463400 373.00-01-012.400
463400 373.00-01-073.000
467000 403.00-01-037.000

AND BE IT FURTHER RESOLVED, that the following tax parcels shall be added to Agricultural District
No. 7:

460600 166.00-03-007.000
460600 166.15-01-082.000
464000 052.00-01-025.200
465289 166.00-01-014.000

AND BE IT FURTHER RESOLVED, that the following tax parcels shall be added to Agricultural District
No. 10:

464600 320.00-01-001.000
464600 320.00-01-002.100
464600 320.00-01-002.200
464600 320.00-01-006.000
464600 320.00-01-009.000

464600 320.00-01-010.000
464600 320.00-01-011.000
464600 320.00-01-012.000
464600 322.00-01-018.100
464600 322.00-01-019.200
464600 322.00-01-020.000

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, Hammondspont, NY 14840; the Director of the Steuben County Planning Department; Tom Tomsa, 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. 048-13

Introduced by L. Crossett.

Seconded by H. Lando.

REQUESTING THE ADOPTION OF SENATE BILL NO. S4264 AND ASSEMBLY BILL NO. A6243 EXTENDING THE ADDITIONAL ONE PERCENT (1%) SALES TAX FOR STEUBEN COUNTY.

Pursuant to Article IX of the Constitution of the State of New York and Section 40 of the Municipal Home Rule Law.

WHEREAS, it appears that the County could be facing a sizeable tax increase without extension of the additional sales tax; and

WHEREAS, this increase would impose a disproportionate share of the increase on property owners; and

WHEREAS, the need for additional revenues should be spread among all segments of the County's populace in order to minimize impact on any one segment of the people; and

WHEREAS, the Steuben County Legislature heretofore requested Home Rule legislation authorizing an additional one percent sales tax pursuant to Resolution No. 027-13 duly adopted February 25, 2013; and

WHEREAS, the Finance Committee subsequently approved increasing the cities shares to \$765,000 each for Hornell and Corning, and in addition, the sum of \$750,000 to the towns and villages of the County of Steuben, based on their respective equalized full value; and

WHEREAS, Senate Bill No. S4264 and Assembly Bill No. A6243 have been introduced authorizing the extension of the one percent sales tax relative to a home rule request for an extension of an additional one percent sales tax; and

WHEREAS, a necessity exists for the passage of such legislation by the New York State Legislature.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby requests the New York State Legislature adopt special Home Rule legislation as presented in Senate Bill No. S4264 and Assembly Bill No. A6243, to authorize the Steuben County Legislature to extend the additional one percent sales tax; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Dean Skelos, NYS Senate Republican Conference Leader And Majority Coalition Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable

Jeffrey Klein, NYS Senate Independent Conference Leader And Majority Coalition Leader, 913 Legislative Office Building, Albany, NY 12247; Honorable Andrea Stewart-Cousins, Minority Leader, New York State Senate, 907 Legislative Office Building, Albany, NY 12247; Honorable Sheldon Silver, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Joseph D. Morelle, Majority Leader, New York State Assembly, 926 Legislative Office Building, Albany, NY 12248; Honorable Brian M. Kolb, Minority Leader, New York State Assembly, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 415 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 723 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 439 Legislative Office Building, Albany, NY 12248; Honorable Bill Nojay, New York State Assemblyman, 527 Legislative Office Building, Albany, NY 12248; and Patricia Pinto, Esq., State of NY Dept. of Taxation and Finance, W.A. Harriman Campus, Albany, NY 12227.

Mr. Alger stated this has been introduced by the Assembly, however, they have not provided us with the bill number. He stated that he would like to insert the Assembly bill number once they give it to us.

Mr. Mullen asked is the assumption that this is the same bill as what the Senate passed? Mr. Alger replied it is the same bill.

Vote: Roll Call – Adopted.

RESOLUTION NO. 049-13

Introduced by J. Hauryski.

Seconded by G. Roush.

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

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 Dan C. Farrand, District 10, and Thomas J. Ryan, District 9, be appointed as the Legislative members to the Soil and Water Conservation District Board of Directors.

NOW THEREFORE, BE IT

RESOLVED, that County Legislator Dan C. Farrand of District 10 and County Legislator Thomas J. Ryan, District 9, be and they hereby are appointed members to the Board of Directors of the Steuben County Soil and Water Conservation District for a term of two (2) years commencing January 1, 2013, and not beyond December 31, 2014; 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 Soil and Water Conservation District Board of Directors; 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 W. Morris Street, Bath, NY 14810.

Vote: Acclamation – Adopted. (No – Mr. Weaver)

RESOLUTION NO. 050-13

Introduced by J. Hauryski.

Seconded by S. Van Etten.

APPOINTING A MEMBER 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 22nd day of May, 2006, Patricia F. Finnerty of Bath, New York, was appointed to the Regional Board of Trustees for Corning Community College for a term to expire June 30, 2013; and

WHEREAS, Patricia F. Finnerty has submitted her resignation to said Board; and

WHEREAS, the Steuben County Legislature regretfully accepts her resignation and would like to sincerely thank Patricia F. Finnerty for her many years of dedicated service to both the Corning Community College Board of Trustees and the citizens of Steuben County; and

WHEREAS, the Chairman of the Legislature has recommended Nancy M. Wightman of Hammondsport, New York, for appointment for a term commencing July 1, 2013, and expiring June 30, 2020.

NOW THEREFORE, BE IT

RESOLVED, Nancy M. Wightman, be and the same hereby is appointed 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 her 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; Nancy M. Wightman, 11250 Gold Seal Way, Hammondsport, New York 14840; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 051-13

Introduced by P. McAllister.

Seconded by C. Ferratella.

MEMORIALIZING THE GOVERNOR AND NEW YORK STATE LEGISLATURE IN SUPPORT OF LEGISLATION MAKING IT MANDATORY FOR LENDING INSTITUTIONS TO PROVIDE CONTACT INFORMATION OF RESPONSIBLE PARTIES TO THE MUNICIPALITY IN WHICH THE FORECLOSED PROPERTY IS LOCATED.

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure, as well as the value of surrounding properties; and

WHEREAS, current law requires the owner of the property to maintain the property; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, as a result, municipalities are left with the burden of maintaining the property at the expense of local taxpayers until the property is sold; and

WHEREAS, Assembly Bill A.88 and Senate Bill S.3655 would make it mandatory for lending institutions to provide contact information through written notice to the municipality of the entity that is responsible for maintaining the property, as well as post such information on the vacant dwelling; and

WHEREAS, if enacted, this change would provide municipalities with the ability to chargeback costs incurred for maintaining said vacant property to the responsible party, if the property is not maintained.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature urges the Governor and New York State Legislature to support Assembly Bill A.88 and Senate Bill S.3655, making it mandatory for lending institutions to provide contact information of responsible parties to the municipality in which the foreclosed property is located; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Dean Skelos, NYS Senate Republican Conference Leader And Majority Coalition Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Jeffrey Klein, NYS Senate Independent Conference Leader And Majority Coalition Leader, 913 Legislative Office Building, Albany, NY 12247; Honorable Andrea Stewart-Cousins, Minority Leader, New York State Senate, 907 Legislative Office Building, Albany, NY 12247; Honorable Sheldon Silver, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Joseph D. Morelle, Majority Leader, New York State Assembly, 926 Legislative Office Building, Albany, NY 12248; Honorable Brian M. Kolb, Minority Leader, New York State Assembly, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 415 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 723 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 439 Legislative Office Building, Albany, NY 12248; Honorable Bill Nojay, New York State Assemblyman, 527 Legislative Office Building, Albany, NY 12248; Stephen J. Acquario, Executive Director, New York State Association of Counties, 540 Broadway, Albany, NY 12207; and Honorable Jerry Davis, President, Inter-County Association of Western New York, c/o Wyoming County Board of Supervisors, Government Center, 143 North Main Street, Warsaw, NY 14569.

Mr. Mullen stated that he does not think it is a good idea to add additional burdens to the lenders in foreclosure proceedings as it is already burdensome.

Mrs. Ferratella commented that she thinks it is a good idea as the municipalities have the burden of upkeep and maintenance of the property.

Mr. Mullen asked what is the municipality's responsibility? Mrs. Ferratella replied they do code enforcement, maintenance of the yard, etc.

Mr. Mullen stated that he does not think that should fall on the lender before they have taken possession on the property or foreclosed on it.

Vote: Acclamation – Adopted. (No – Mr. Mullen and Mr. Welch)

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, 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. McAllister and Duly Carried.

RESOLUTION NO. 052-13

Introduced by C. Ferratella and L. Crossett.

Seconded by S. Van Etten.

RECLASSIFYING CERTAIN ATTORNEY POSITIONS WITHIN THE STEUBEN COUNTY LAW DEPARTMENT AND TRANSFERRING SAID POSITIONS, EXPENSE AND REVENUE ACCOUNTS IN ACCORDANCE WITH SAID POSITIONS FROM THE STEUBEN COUNTY LAW DEPARTMENT TO THE STEUBEN COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS).

WHEREAS, Social Services Law §66 provides for the Steuben County Legislature to authorize the Commissioner of Social Services to appoint Attorneys to perform the duties necessary to carry out the provisions of this Chapter; and

WHEREAS, the transfer of said positions necessitates a reclassification of the following positions:

From: 1 Deputy County Attorney, Management Grade L3

To: 1 Counsel to the Commissioner, Management Grade L3

From: 1 Senior Assistant County Attorney, Management Grade L4

To: 1 Senior Social Services Attorney, Management Grade L4

From: 4 Assistant County Attorney, Management Grade L5

To: 4 Social Services Attorneys, Management Grade L5; and

WHEREAS, upon approval of this resolution, said reclassified positions and support staff positions be transferred from the Steuben County Law Department to the Steuben County Department of Social Services:

Counsel to the Commissioner, Management Grade L3
Senior Social Services Attorney, Management Grade L4
4 Social Services Attorneys, Management Grade L5
Paralegal Assistant, Grade XI
Typist, Grade IV; and

WHEREAS, the transfer of the positions and administration further necessitates the transfer of the following accounts:

| | | |
|--------------|--|--------------|
| From | | |
| Expenditures | A 142000 51100000 Law Salaries & Wages | \$462,304.24 |
| | A 142000 51800000 Fringe Benefits | \$230,931.22 |
| | A 142000 OTPS Law OTPS | \$ 23,327.00 |
| | A 601000 5423990 Attorney Chargeback | \$740,000.00 |
| Revenues | A 142000 41265900 Attorney Chargeback | \$740,000.00 |
| | A 142000 41265000 Attorney Fees | \$ 10,000.00 |

| | | |
|--------------|---|------------------|
| To | | |
| Expenditures | A 601000 51900660 Social Services Personnel | \$462,304.24 |
| | A 601000 51800000 Fringe Benefits | \$230,931.22 |
| | A 601000 50TPS Social Services OTPS | \$ 23,327.00 |
| Revenues | A 601000 41894000 Fees-DSS | \$10,000.00 |
| | A 601000 44610000 Federal Revenue | \$20,000.00; and |

WHEREAS, approval of this resolution hereby authorizes the Commissioner of Social Services to appoint said positions within the Department of Social Services.

NOW THEREFORE, BE IT

RESOLVED, the Administration and operation of legal services for DSS be the responsibility of the Commissioner of Social Services and/or designee for all Family Court, Support Court, and all relevant legal proceedings; and be it further

RESOLVED, the County Treasurer and the Personnel Officer are hereby authorized to complete the budget and position transfers as noted above; and be it further

RESOLVED, certified copies of this Resolution shall be forwarded to the Steuben County Treasurer; the Personnel Officer; the Commissioner of the Department of Social Services; and the County Attorney.

Vote: Roll Call – Adopted. (Yes – 6944; No – 2327; Absent – 601)
(No – Mr. Mullen, Mr. Peoples, Mr. Ryan and Mr. Welch)

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

Motion to Adjourn made by Mr. McAllister, seconded by Mrs. Lando and duly carried.

REGULAR MEETING
Morning Session
Monday, April 22, 2013
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 22nd day of April, 2013, 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 Mullen, Roush and Ryan.

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

Chairman Hauryski asked Dawn Champaign to come forward. Ms. Champaign is an employee in the Office of Community Services. He presented her with a Certificate of Appreciation in recognition of her 35 years of service to Steuben County.

Chairman Hauryski asked James Barros to come forward. Mr. Barros is an employee in the Steuben County Jail. He presented him with a Certificate of Appreciation in recognition of his retirement with 5 years of service to Steuben County.

Chairman Hauryski asked Elaine Eddy to come forward. Ms. Eddy is an employee at the Steuben County Health Care Facility. He presented her with a Certificate of Appreciation and a Plaque in recognition of her retirement with 25 years of service to Steuben County.

Chairman Hauryski asked Eileen Fleishman to come forward. Ms. Fleishman is an employee at the Steuben County Health Care Facility. He presented her with a Certificate of Appreciation and a Plaque in recognition of her retirement with 25 years of service to Steuben County.

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

Wayne Wells, Cameron, commented that a 2010 article in the Washington Post indicated that there are 700 new chemicals introduced annually. The gas industry has successfully lobbied to keep those ingredients secret. There are over 17,000 secret chemicals that pose a substantial risk to public health and/or the environment. With regard to sewage sludge, it has been 22 years since any review of the chemical constitution has been undertaken.

Tim Hargrave, Cameron, stated the Department of Environmental Conservation (DEC) has failed to do their job. They have not lived up to their mission statement. Our lives have been changed and altered as a direct result of their failure to do their job. The DEC's mission statement, in part is to conserve, improve and protect New York's natural resources and environment. The Department of Public Works has been promoting Earth Day 2013 and in part has indicated that the County Legislature is committed to caring for and protecting the environment. That means everyone's environment. The Dickson Corporation is New York State's largest sludge disposal facility and they are located here in Steuben County. I will ask you one more time to educate yourselves, get involved and ask questions. At the very least, look at the FOIL documents that we have. You have my phone number, my email and my address. Please contact us.

Chairman Hauryski thanked everyone for their comments and declared the opportunity for public comment closed.

Kathryn Muller stated that each year, the Steuben County Task Force for the Prevention of Child Abuse celebrates April as Child Abuse Prevention Month. The Task Force began 20 years ago as a joint venture

between the County's Youth Bureau and Department of Social Services. The Task Force now includes at least a dozen private and public organizations who conduct important annual activities promoting family and promoting child abuse prevention. This past year's activities have included the stocking project at Christmas; family flings which are held at alternating schools; the newest initiative, which started two years ago, the Strong Kids Safe Kids event, as well as the current Pinwheels and Promises campaign.

I would like to take the opportunity this morning to thank Chairman Hauryski, the Legislature, and Mr. Alger for your ongoing support of these programs. I would also like to thank Bill Caudill for his extra efforts in coordinating all of these activities, and would add that I see tremendous progress being made with the Task Force in his short year as the Youth Bureau Coordinator. Bill's extra efforts have gone a long way. I'd like to recognize and thank Edna Kayes, Assistant Director from my department, for her participation on the Task Force and for her willingness to participate and come to the table with her energy. Finally, thanks to all the members of the Task Force for their dedication and their service.

This brings us to this morning's recognition. The Task Force's annual Child Abuse Recognition continues to serve at the core of the group's efforts. It is a constant reminder and celebration that in Steuben County we have outstanding professionals, volunteers, programs and teams that continually fight to prevent child abuse and neglect. We continue to receive over 1,800 reports per year with approximately 25 percent of these reports ending with a finding of maltreatment. The child abuse prevention efforts go a long way in dealing with this serious issue.

The decision to recognize one person or one group each year is difficult, and after a great deal of discussion, the decision of the Task Force led to the Bath Area Family Resource Center and to one person in particular. The Resource Center is a joint effort between the Bath Central School District, ProAction, the Department of Social Services, and various other interested community groups. The mission of the Family Resource Center is to build stronger families and communities in the Bath area by providing information, education, and support in an empowering environment. The Center envisions a community where all children and families are strong and thriving, and is one of four such centers in Steuben County.

Maria Quintal has been the Coordinator of the Bath Area Family Resource Center since the Center officially opened in July 2007. When the search for the Coordinator position began, it was clear that the challenge was to find the person who was the "right fit". The person selected had to be someone special. It would have to be someone who could be non-judgmental, strength-based, caring, supportive, committed, flexible, empathetic, creative, knowledgeable about child development, knowledgeable about the benefits of positive parent/child interaction, have the ability to work with diverse participants, ability to collaborate with other professionals, to build relationships with Center visitors, with the community and with other professionals, be able to multi-task, yet find a balance between interactions with Center visitors and administrative responsibility...oh, and by the way, be a staff of one.

It is evident when visiting the Center and spending time with Maria, that these are not just tasks and responsibilities, but a passion for Maria. She possesses all of these qualities, and more, and she has graciously, with utmost kindness and professionalism, served the Center and the participants for the past six years. Maria greets everyone who enters the Center in a warm, welcoming manner, helping them to feel comfortable and welcome.

Maria does the same when she is facilitating a "parenting class" or leading a group activity. Maria recognizes and respects that the parents attending are the "expert" on their child, and offers information in a non-threatening way – exploring with parents what is going well with their parenting experiences and what it is they may need extra support with, offering them a wealth of information to help them on their parenting journey and most importantly, a listening ear, a kind/supportive word, a shoulder to cry on and even a reassuring hug. Maria is easily able to form mutually respectful relationships with visitors by creating that warm, caring, compassionate, non-judgmental environment.

One of the best ways to prevent child abuse is to help lessen parental stress by listening, offering support, being non-judgmental, providing parents with education and support regarding options for positive stress relief, child development, and positive discipline strategies. These are all things that Maria does for all parents who visit the Center, on a daily basis. A testament to this is the large number of repeat visitors who visit the Center.

In addition to Maria's positive interactions with parents, her interactions with the children include the same respect, kindness and genuine caring. Maria is always mindful about not over stepping her boundaries in regards to assuming the "parenting" role with the children, yet gently encourages parental interaction, identifying the strengths she observes in this interaction, the strengths in the parent and in the child, offering praise to both, and displaying a genuine interest in each family, each story.

It is bittersweet that Maria will be retiring in June. The foundation that she has created at the Bath Area Family Resource Center will continue to positively impact children, parents and communities across central Steuben County.

In closing, to have such gifts is a wonderful thing. To use them to actively improve the lives of children and to build stronger families is a tribute to the person that Maria is, and she will likely never know the extent to which she has changed so many lives for the better. But today, in a small way, we say "thank you". The Steuben County Task Force for the Prevention of Child Abuse is very pleased to present the 2013 Child Abuse Prevention Recognition to Maria Quintal.

Ms. Quintal stated thank you so much for this great honor. I did not do this alone. Every year for the past six years, we have averaged 3,000 visits per year. Jeannie Wheeler has helped us with grant writing and fundraising events. Also, all of the Bath School personnel and our Advisory Board have spent so much time fundraising and hosting events. ProAction and everyone from the Family Enrichment Collaborative have offered so much support. She stated that she would also like to thank all of the volunteers who have helped over the years, as well as the numerous other agencies that have hosted workshops. Last, but not least, thank you to all of the families that have found the Center as a safe haven. Thank you to everyone and I hope this continues beyond my retirement.

Motion adopting the minutes from the previous meeting(s) made by Mr. Weaver, seconded by Mr. Schu and duly carried.

RESOLUTION NO. 053-13

Introduced by L. Crossett.

Seconded by C. Ferratella.

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. | <u>A-1</u> |
| Name | <u>Nadel & Gussman LLC</u> |
| Parcel No. | <u>503.00-06-001.000</u> |
| Municipality | <u>Troupsburg Town</u> |
| Disposition | <u>Correction</u> |

| | |
|----------------|-----------------------------|
| Resolution No. | <u>A-2</u> |
| Name | <u>Edward D. Gustina</u> |
| Parcel No. | <u>280.14-01-020.000/22</u> |
| Municipality | <u>Erwin Town</u> |
| Disposition | <u>Correction</u> |

| | |
|----------------|---------------------------------------|
| Resolution No. | <u>A-3</u> |
| Name | <u>Donald G. & Mary Jane Peek</u> |
| Parcel No. | <u>037.00-02-042.000</u> |
| Municipality | <u>Pulteney Town</u> |
| Disposition | <u>Refund</u> |

SCHEDULE "B"

| | |
|--------------------|--|
| Resolution No. | <u>B-1</u> |
| Former Owner | <u>Joseph & Dorothy Payne</u> |
| In Rem Index No. | <u>2010-1966CV, 2010 sale</u> |
| Parcel No. | <u>416.00-01-012.200</u> |
| Municipality | <u>Troupsburg Town</u> |
| Grantee(s) | <u>Joseph & Dorothy Payne</u> |
| Grantee(s) Address | <u>PO Box 58, Wellsboro, PA 16901-0058</u> |
| Consideration | <u>\$5,658.88, together with \$185.00 recording fees</u> |

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. | <u>B-2</u> |
| Former Owner | <u>Estella M. Ross</u> |
| In Rem Index No. | <u>104021, 2009 sale</u> |
| Parcel No. | <u>317.07-01-043.000</u> |
| Municipality | <u>Corning City</u> |
| Grantee(s) | <u>Estella M. Ross</u> |
| Grantee(s) Address | <u>112 W William St., Corning, NY 14830</u> |
| Consideration | <u>\$10,048.24, together with \$185.00 recording fees</u> |

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. 054-13

Introduced by J. Hauryski.

Seconded by G. Swackhamer.

RECEIVING AND ACCEPTING THE APRIL 22, 2013 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 18, 2013

NYS Department of Taxation and Finance, Office of Real Property Tax Services – Re: Certificate of the final 2013 oil and gas unit production values. *Referred to: Wendy Flaitz, Real Property Director; and Patrick Donnelly, Treasurer.*

NYS Senator Thomas O'Mara – Re: Follow-up correspondence on questions from the round table held on February 25, 2013. *Referred to: Steuben County Legislature.*

Food Bank of the Southern Tier – Re: Letter of support for the Steuben County Mobile Work Program (SCMWP). *Referred to: Public Works Committee; Human Services/Health & Education Committee; Vince Spagnoletti, Commissioner of Public Works; and Kathryn Muller, Commissioner of Social Services.*

March 22, 2013

City of Hornell Industrial Development Agency – Re: Notice of public hearing regarding the Iron Horse Depot, LLC Project is scheduled for Thursday, April 4, 2013 at 10:00am at the City of Hornell Industrial Agency located at 40 Main Street, Hornell, New York. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

March 25, 2013

NYS Assemblyman Philip Palmesano – Re: Correspondence on the act to amend the tax law in relation to the public safety communications surcharge. *Referred to: Public Safety & Corrections Committee; and Dave Hopkins, 911 Director.*

March 27, 2013

New York State Law Enforcement Council – Re: The New York State Law Enforcement Council's 2013 Legislative Priorities. *Referred to: Mark Alger, County Administrator.*

March 28, 2013

Steuben County Development Agency – Re: Notice of public hearing is scheduled for Wednesday, April 17, 2013 at 10:00am at the Agency's office located at 7234 Route 54 North, Bath, New York on the Proposed Amendment of Uniform Tax Exemption Policy and Guidelines. *Referred to: Administration Committee; Finance Committee; Wendy Flaitz, Director of Real Property Tax Service Agency; and Patrick Donnelly, Treasurer.*

April 8, 2013

New York State Office for the Aging – Re: Notification of Grant Award and approved application for the Systems Integration Grant Funding for the period of April 1, 2012 through September 30, 2014. *Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.*

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$3,540 which represents the February 2013 surcharge revenue for Steuben County. *Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.*

NYSEG/RG&E – Re: Natural Gas Emergency Response Training. *Referred to: Public Safety & Corrections Committee; Tim Marshall, Acting EMO Director; and Dave Hopkins, 911 Director.*

City of Corning – Re: Request for a draw on the 2013 funding for the Corning Centerway Bridge rehabilitation. *Referred to: Public Works Committee; Vince Spagnoletti, Commissioner of Public Works; and Patrick Donnelly, County Treasurer.*

Election Commissioners’ Association of the State of New York – Re: The 2013 Legislative Agenda that was adopted on April 4, 2013. *Referred to: Administration Committee.*

April 11, 2013

Prattsburgh Central School District – Re: Letter in support of the Deputy SRO program at Prattsburgh Central School. *Referred to: Public Safety & Corrections Committee; and Sheriff Cole.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 055-13

Introduced by M. Hanna and L. Crossett.

Seconded by D. Farrand.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ACCEPT \$741,425.63 IN ADDITIONAL STATE CHIPs FUNDING AND APPROPRIATING IT INTO THE PUBLIC WORKS DEPARTMENT’S CAPITAL CONSTRUCTION ACCOUNT.

WHEREAS, the 2013 CHIPs funding was budgeted at \$3,688,392.48; and

WHEREAS, the CHIPs funding was increased Statewide by \$75 million to \$438 million; and

WHEREAS, the County of Steuben’s new allocation is \$4,429,818.11; and

WHEREAS, this added CHIPs funding is required to add additional projects to the 2013 schedule.

NOW THEREFORE, BE IT

RESOLVED, the additional CHIPs funding of \$741,425.63 is hereby accepted; and be it further

RESOLVED, the Steuben County Treasurer is hereby authorized to accept and appropriate the additional CHIPs funding of \$741,425.63 to the revenue account for CHIPs D 999901 4350100 and the expense account for Permanent Improvements, Capital Projects as follows:

D 511200 5250577, R062-00 Greenwood, \$546,425.63

D 511200 5250578, R074-02 Pulteney, \$195,000.00

RESOLVED, the Commissioner of Public Works is hereby authorized and directed to execute all necessary documents or agreements relative to the additional CHIPs funding; 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. 056-13

Introduced by M. Hanna and L. Crossett.

Seconded by S. Van Etten.

AUTHORIZING THE FILING OF AN APPLICATION FOR STATE ASSISTANCE FOR THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF THE STATE OF NEW YORK, FROM APRIL 1, 2013 TO MARCH 31, 2014.

WHEREAS, the people of Steuben County have a need to dispose of household hazardous waste; and

WHEREAS, the State of New York provides 50% financial aid towards the total cost of the HHW collection event; and

WHEREAS, Steuben County has examined and duly considered the applicable laws of the State and the County deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a contract by and between the State and the County be executed for such State Aid.

NOW THEREFORE, BE IT

RESOLVED, by Steuben County Legislature as follows:

The filing of an application in the form required by the State in conformity with the applicable laws of the State including all understanding and assurances contained in said application is hereby authorized.

The Commissioner of the Department of Public Works or his designee is directed and authorized as the official representative of the County to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State.

The County agrees that it will fund the entire cost, approximately \$20,000, of the said HHW collection event and will be reimbursed by the State for its share of such cost.

AND BE IT FURTHER RESOLVED, this resolution shall take effect immediately; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of the Department of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 057-13

Introduced by C. Ferratella.

Seconded by H. Lando.

AUTHORIZING THE DIRECTOR OF THE OFFICE OF COMMUNITY SERVICES TO EXTEND THE HORNELL LEASE AGREEMENT WITH YUNIS REALTY, INC. FOR AN ADDITIONAL ELEVEN-MONTH PERIOD.

WHEREAS, an agreement was entered into dated the 29th day of August, 1994, with addenda dated August 29, 1994, July 9, 1996, December 11, 1998, October 24, 2000, January 19, 2004, January 15, 2007, and November 10, 2009 between the County of Steuben and Yunis Realty, Inc. for the premises located on 7454 Hornell-Arkport Road, Hornell, New York; and

WHEREAS, the parties have mutually agreed that the purpose of this addendum is to extend the term of the lease for an additional eleven (11) month period.

NOW THEREFORE, BE IT

RESOLVED, the Director of the Office of Community Services is hereby authorized to enter into an agreement with Yunis Realty, Inc. subject to the following terms and conditions:

1. **TERM** - The term of the lease shall be extended for an additional eleven (11) month period commencing March 1, 2013 and terminating January 31, 2014.
2. **BASE RENT**- Base Rent during the term shall remain at \$3,000/month.

AND BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Director of the Office of Community Services and the County Auditor.

Vote: Roll Call – Adopted. (Yes – 7358; Absent – 1913; Abstained – 601)
(Mr. Hanna abstained as he does business with Yunis Realty)

RESOLUTION NO. 058-13

Introduced by B. Schu and P. McAllister.

Seconded by D. Farrand.

AUTHORIZING THE RECLASSIFICATION OF COURT SECURITY OFFICER, GRADE X POSITION TO COURT SECURITY CORPORAL, GRADE XI POSITION WITHIN THE SHERIFF’S DEPARTMENT.

Pursuant to Section 204 of the County Law of the State of New York.

WHEREAS, this Court Security Officer in the Sheriff’s Department performs building and court security; and

WHEREAS, this Court Security Officer will have added duties of scheduling and leading co-workers who are Court Security Officers; and

WHEREAS, a Court Security Corporal position more appropriately performs these duties; and

WHEREAS, the Personnel Officer, the Administration Committee, and Public Safety and Corrections Committee have reviewed said position within the Sheriff’s Department that requires a job title change and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Sheriff’s Department is hereby reclassified as follows:

Court Security Officer, Grade X (\$33,652 to \$40,889) to
Court Security Corporal, Grade XI (\$34,763 to \$42,360)

AND BE IT FURTHER RESOLVED, that the 2013 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 Sheriff.

Mr. Weaver asked this is just reclassifying a position, not creating a new position? Mr. Alger replied that is correct. We are reclassifying a Court Security Officer to a Corporal.

Vote: Roll Call – Adopted.

RESOLUTION NO. 059-13

Introduced by B. Schu, P. McAllister and L. Crossett.

Seconded by C. Ferratella.

AUTHORIZING THE RECLASSIFICATION OF PROBATION SUPERVISOR, GRADE XVI POSITION TO DEPUTY PROBATION DIRECTOR II, GRADE XVII POSITION WITHIN THE PROBATION DEPARTMENT.

Pursuant to Section 204 of the County Law of the State of New York.

WHEREAS, this Probation Supervisor in the Probation Department performs supervision of Probation Officers; and

WHEREAS, this Probation Supervisor will have added duties of assisting with the Administration of the Probation Department and may act for the Probation Director II when he/she is absent; and

WHEREAS, a Deputy Probation Director II position more appropriately performs these duties; and

WHEREAS, the Personnel Officer, the Administration Committee, the Public Safety and Corrections Committee, and the Finance Committee have reviewed said position within the Probation Department that requires a job title change and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Sheriff's Department is hereby reclassified as follows:

Probation Supervisor, Grade XVI (\$41,977 to \$59,260) to
Deputy Probation Director II, Grade XVII (\$46,097 to \$65,077)

AND BE IT FURTHER RESOLVED, that the 2013 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 Probation Director.

Vote: Roll Call – Adopted.

RESOLUTION NO. 060-13

Introduced by J. Hauryski.

Seconded by H. Lando.

APPOINTING MEMBERS TO THE STEUBEN COUNTY ETHICS BOARD.

Pursuant to Steuben County Local Law Number Five of the Year 1990.

WHEREAS, due to the expiration of terms of the Steuben County Ethics Board it is necessary to reappoint and/or appoint the following:

PROPOSED FOR APPOINTMENT BY THE MAJORITY LEADER

Eric Shults, Esq., 427 Seneca Rd, North Hornell, NY 14843

For a three (3) year term, January 1, 2013 through December 31, 2015.

PROPOSED FOR APPOINTMENT BY THE MINORITY LEADER

R. Michael Ingalls, 383 Cleveland Avenue, Hornell, NY 14843

For a three (3) year term, January 1, 2013 through December 31, 2015.

PROPOSED FOR APPOINTMENT BY THE CHAIRMAN OF THE LEGISLATURE

Brenda K. Mori, 8057 Briglin Rd, Hammondsport, NY 14840

For a three (3) year term, January 1, 2013 through December 31, 2015.

Rhonda B. Sweet, 6 Whiting Street, Bath, NY 14810

For a three (3) year term, January 1, 2013 through December 31, 2015.

NOW THEREFORE, BE IT

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

RESOLVED, that certified copies of this resolution be forwarded to the County Auditor and all members of the Steuben County Ethics Board.

Vote: Acclamation – Adopted.

RESOLUTION NO. 061-13

Introduced by P. McAllister.

Seconded by G. Swackhamer.

URGING THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO SUPPORT ASSEMBLY BILL NO. 824A AND SENATE BILL NO. 4277, REQUIRING A PLAINTIFF IN A MORTGAGE FORECLOSURE ACTION TO MAINTAIN THE SUBJECT PROPERTY IN GOOD FAITH.

WHEREAS, New York State's struggling financial situation has created a financial crisis causing citizens to fall behind on their mortgages and, in many instances, leave or abandon their homes; and

WHEREAS, in some instances, the foreclosing institution will commence the process but not follow through or delay taking control of the property; and

WHEREAS, when a delay occurs, properties sometimes become unmaintained and blighted in the surrounding neighborhoods; and

WHEREAS, as a result, municipalities are left with the burden of maintaining the property at the expense of local taxpayers; and

WHEREAS, Assembly Bill A.824A and Senate Bill S.4277 would require plaintiffs in a mortgage foreclosure action to maintain the subject property in good faith at the commencement of a foreclosure action and throughout the foreclosure process.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature urges the Governor and New York State Legislature to support Assembly Bill A.824A and Senate Bill S.4277, which would require plaintiffs in a mortgage foreclosure action to

maintain the subject property in good faith at the commencement of a foreclosure action and throughout the foreclosure process; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Dean Skelos, NYS Senate Republican Conference Leader And Majority Coalition Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Jeffrey Klein, NYS Senate Independent Conference Leader And Majority Coalition Leader, 913 Legislative Office Building, Albany, NY 12247; Honorable Andrea Stewart-Cousins, Minority Leader, New York State Senate, 907 Legislative Office Building, Albany, NY 12247; Honorable Sheldon Silver, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Joseph D. Morelle, Majority Leader, New York State Assembly, 926 Legislative Office Building, Albany, NY 12248; Honorable Brian M. Kolb, Minority Leader, New York State Assembly, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 415 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 723 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 439 Legislative Office Building, Albany, NY 12248; Honorable Bill Nojay, New York State Assemblyman, 527 Legislative Office Building, Albany, NY 12248; Honorable Michael P. Kearns, New York State Assemblyman, 431 Legislative Office Building, Albany, NY 12248; Stephen J. Acquario, Executive Director, New York State Association of Counties, 540 Broadway, Albany, NY 12207; and Honorable Jerry Davis, President, Inter-County Association of Western New York, c/o Wyoming County Board of Supervisors, Government Center, 143 North Main Street, Warsaw, NY 14569.

Mr. McAllister asked did we take action on this a couple of months ago, or is this separate? Mr. Alger replied, yes, we did take action on a similar item previously. This is an expansion of what was previously adopted.

Vote: Acclamation – Adopted.

Charter Workshop

Chairman Hauryski excused himself as Chair, and asked Mr. McAllister to run the Charter Workshop.

Mr. McAllister commented that this is a preliminary discussion and we anticipate next month for the Board to vote on the passage, or not, of the charter. Today is an opportunity for each Legislator to have any questions answered that they might have. He stated that everyone should have received the letter that Mr. Hanna had sent out with a list of his questions.

Mr. Wheeler stated the Administration Committee has met several times to discuss the charter. This is a two-step process. If you agree, we will present a Local Law for adoption and if that is passed, the charter will go on the ballot as a mandatory referendum this November. The first part of the charter is an introduction and states that any local law currently on the books will not change. It is not the intent of the charter to impact currently existing local laws. The second part is relative to the Legislature and is based upon the local law that you already have. There is not a significant amount of change. All of the language related to redistricting has been removed. In the future, if you choose to, you can handle term limits separately.

Mr. Wheeler stated the next section is relative to the County Manager. As proposed, it does not change from the way we operate with Mr. Alger. This defines many of those processes that are in place. This allows the Legislature to appoint a County Manager for a term of up to five years. It also gives the Legislature the authority to remove the County Manager. This does change the reporting mechanism of department heads to the County Manager. The exception is the Commissioner of Finance, the County Attorney and the Clerk of the Legislature as they will remain appointees of the Legislature. The remaining department heads will be the appointees of the County Manager. Most of the language

regarding the County Manager is consistent with the language of the local law establishing the Office of the County Administrator.

In the charter, the Commissioner of Finance will be an appointed position rather than an elected position. We have been very lucky that we have had qualified individuals as Treasurer. There is the possibility however, that the individual elected may not possess the qualities and/or the qualifications that you are looking for. This is the most significant change in the charter. Our current Treasurer supports this. We will need to be able to show the benefits of this change to the public.

Mr. Wheeler stated the rest of the language is a recitation of the departments you have now. We do reference the *Administrative Code* heavily in the charter. We want the *Administrative Code* to still be in place within the charter. The charter recognizes that elected officials are duly elected by the citizens. We have gone through a number of drafts and we will certainly take any questions or comments you may have.

Mrs. Lando stated that once this goes on the ballot, people are not going to read it. How are we presenting this to the voters? Mr. Wheeler replied that is something that he and Mr. Alger have been working on. The charter does a number of good things for you and the County. The goal is to try to get to as many of the Rotary, Chambers of Commerce and other service organizations as we can. We will also have to print this in the paper. The charter allows you to capture power from the State and gives you more home rule authority. This does vest more authority in the Legislature than a non-charter county would have. Mr. Wheeler stated that when we present this to the public, we will point out the change from an elected Treasurer to an appointed Commissioner of Finance. It will be a challenge as there are no real hot button issues with this.

Mr. Farrand asked the County Manager makes the appointments of the department heads, but do the committees have a process in that? Mr. Wheeler replied the interview process is still a work in progress. Any appointment made by the County Manager would be subject to confirmation by the Legislature. Mr. Alger replied that he would expect that the process would be similar to what we do now. The County Manager will screen the applicants and bring one to the committee, with a recommendation for appointment. He would envision that process would continue.

Mr. Farrand asked if the charter passes, what will the breakdown be? Mr. Alger replied the charter will not address reapportionment. The charter will recognize the Legislature as it stands today and that will continue unless there is a change. If the charter is adopted, then the issue of reapportionment would come to you, probably next year.

Mr. Crossett asked would that be done by public referendum? Mr. Alger replied yes. The reapportionment can be done by mandatory or permissive referendum. He recommended that the charter be presented as a mandatory referendum and the Administration Committee agreed. Essentially, that means the voters will get to vote on changes to districts.

Mr. Weaver asked do the department heads start new terms? Mr. Alger replied we should specify that in the charter. Do we want them to continue until their initial terms expire, or do you want to have them reappointed with the adoption of the charter? Mr. Alger stated that he does not see any advantage to doing that. You would be better off recognizing the existing terms. At the conclusion of their terms, the County Manager can make the recommendation to reappoint or not.

Mr. Farrand asked would that include the Treasurer, since his term is not up for another year? Mr. Alger replied you can change their appointment during their term.

Mr. McAllister asked is the appointment of the County Manager by the Legislature done by a simple majority, or two-thirds vote? Mr. Wheeler replied it would be a two-thirds vote.

Mr. Hanna asked have you seen any changes in County government with regard to how we serve the public? Has the purpose changed over the years? Mr. Alger replied the purpose hasn't changed significantly, but the way things are done has. County government was formed to be a recorder of deeds and for public safety. In the 1960's the Department of Social Services was established and now we have become a social agency. Our budget is made up of social service type programs, including the Office for the Aging. In my lifetime here, I do not think that has changed substantially. We are a service-related organization. The way we do business has changed significantly. In my tenure, we have gone from a Board of Supervisors to a Legislature. Now we have an Administrative Code. We have moved the organization along toward being a more professional organization overall. Mr. Alger stated that in his view, one of the reasons to have a charter is because we have gotten ourselves stuck with term limits. He stated that he thinks you need to create a situation where you have longer terms consistent with a manager, than you have had in the past. Being term limited out is a detriment. This is not meant as a criticism, but it would be nice if we could continue with people who have been here longer than 12 years. Having a County Manager gives you longevity, consistency and continuity long-term, going forward.

Mr. Hanna stated in the short-term, he is concerned about accountability. How do we make the County Manager accountable? Mr. Alger stated it used to be a board of 34 supervisors, and now is much smaller. You find yourselves placed in a position of responsibility right away. We have a much more complex organizational structure and each committee has more responsibility. Under the Board of Supervisors, you had a committee for every department, and we no longer have that. The County Manager's responsibility to you is to help you move along in that sense, so that you have the ability to ask questions. The County Manager's job is to make sure you understand those things. Currently, you use the County Administrator position more as a County Manager than you do as a County Administrator. He stated that he is bringing you department head recommendations. When we first started, the committee did the interviews. That is really what the County Manager does. The accountability will not be much different than what you have now. They are your appointee. They are your eyes and ears on a day-to-day basis.

Mr. Van Etten commented the biggest change is that the charter recognizes that we have been working as a County Manager system for quite a while. Other than changing to a Finance Commissioner, the biggest thing is that the charter will help us with flexibility. He still will have the same amount of accountability to us that he does now.

Mr. Hanna commented for this discussion he had to look at taking Mr. Alger out of the formula. Will we be competitive to recruit and retain a County Manager? Mr. Alger stated with the structure you have in place currently, we are competitive enough to recruit a County Manager in the foreseeable future. The salary and fringe benefits are competitive enough. Certainly, I will not be here forever and this has to be flexible enough that if you get someone who is not satisfactory, you can remove them. It is important to keep the Finance position separate as that is the check and balance for the County Manager. That is an important check in the system, as is having the Clerk of the Legislature and the County Attorney being independent. This has to be sustainable in the long-term.

Mr. Swackhamer commented Mr. Alger has not been here the entire time. We did hire someone else that came in and we have gone through that process before.

Ms. Lattimer stated that she sees a lot of advantages. What are the disadvantages? Mr. Alger replied one disadvantage is that this will not be easy to explain to the public. The biggest challenge is making the public understand why are we doing this. We need to be able to present to the public the rationale for having a charter and a County Manager. The other disadvantage is that the natural tendency of the public is to have elected officials. He stated that he does not believe that Steuben County is a good county to have a County Executive. Given the size of the county, it would be difficult to run for and would become political and create issues. We need to explain to the public the advantage of having a County Manger over a County Executive.

Mrs. Lando stated we had a public referendum item in Corning and the people did not know what they were voting for. Will this be on the back of the ballot? The tendency of people is to not read it or to just vote no. It is important to make it clear and easy to read. Mr. Alger stated that he agrees that the way this is printed on the ballot is critical. It needs to be a neutral question, but with enough information so that the public can make an intelligent decision.

Mr. Welch asked is there any harm in doing nothing? Mr. Alger replied there is no harm in doing nothing if it fails. For the longer-term, a charter will give you more stability going forward. This charter gives the County Manager more authority than the County Administrator currently has. The effectiveness of the County Administrator position is by virtue of how I get along with the department heads. I do not have real authority over the department heads. The County Manager has more strength as they do appoint the department heads. Under the current structure, the department heads are responsible to you as a whole. Mr. Alger stated that he does the department head evaluations, but ultimately, they know that I cannot remove them from office. That would require action from the Board. That is the biggest weakness in the system right now. In the long-term, term limits have a negative effect on the Board and stability is an issue. Usually, the County Manager is not a political position, and the expectation is that administration should continue regardless of the changes to the Board.

Mr. Hanna asked is there any difference with how the districts will be served? How do we present it? Mr. Alger replied we will come up with a list of bullet points for you to have on the advantages of doing a charter and why we think it is important. He suggested that if Legislators get questions that you are unable to answer, call us and we can talk about it. The towns should not see any big changes.

Mr. Hauryski stated the other aspect of this is that a County Manager will have more authority in the hiring/firing process compared to what we have today. We are very fortunate to have Mr. Alger in the position of County Administrator. That speaks to how he is able to work with the committees and department heads on issues. Mr. Alger has a great ability to work with all of us and you could get someone in the position that would be the total opposite. He stated that he could envision all kinds of chaos. Having a County Manager is important. Mr. Hauryski stated we have been operating as a charter county ever since he has been around. Really, what we are doing is legitimizing what we have been doing. This provides us with the flexibility to do other things to make it more efficient for all of us.

Mr. Peoples stated that a County Manager is the way to go. For him, the ability of maintain control over the department heads is a selling point.

Mr. Swackhamer asked what happens if this fails? Mr. Reed replied the charter is not connected to any census. The local law can be resubmitted at any time.

Mr. Crossett commented we will need more than the rotary clubs and the chambers to get the word out. We just do not get the press coverage. Mr. Wheeler stated it sounds like the Star Gazette will be running an article and Mary Perham will be writing it. We also have to be more active in getting the word out to the press.

Mr. McAllister asked do we retain an easy way to amend the administrative code? Mr. Wheeler replied without the charter, we can easily amend the administrative rules. The charter does not change the process of amending the Administrative Code. Mr. Alger commented we did not make the Administrative Code part of the charter, but we did reference it within the charter. Mr. Reed stated the charter authorizes the Legislature to adopt the rules on the Administrative Code.

Mrs. Lando stated that the talking points list should be a page or less. Some of us are up for re-election and we could hand those out to the public while we are campaigning.

Mrs. Ferratella commented that she thinks the change from an elected Treasurer to an appointed Commissioner of Finance is critical. Mr. Alger stated that he can tell you that when a County has had a poor Treasurer, it puts the County in a tough spot.

Mr. Hanna asked is there a way that the Legislators could be accountable for their qualifications? Mr. Alger replied you are accountable to the voters in your district. That is the democratic system. You are expected to represent as best you can. He does not know that we could write a charter with additional accountability. That is just part of being an elected official.

Mr. Hanna asked with regard to the qualifications for the County Manager, does it make any sense to substitute the requirement of a Master's Degree for a Law Degree? Mr. Alger replied you do not need a law degree for this position. That is more a reflection of your life experience and what you have learned through the course of your education. Mr. Van Etten stated that this position requires someone to run a \$180,000,000 company and you do not need to be a lawyer to be a good businessman. Mr. Alger stated that if anyone has additional questions, please let him know.

RESOLUTION NO. 062-13

Introduced by C. Ferratella.

Seconded by G. Swackhamer.

AMENDING RESOLUTION NO. 213-12 RELATIVE TO THE STEUBEN COUNTY HEALTH CARE FACILITY.

WHEREAS, Resolution No. 213-12 was adopted on December 17, 2012 awarding the sale of the Steuben County Health Care Facility to Centers for Specialty Care Group, LLC; and

WHEREAS, Resolution No. 213-12 authorized the Chairman of the Legislature and the County Administrator to enter into any and all necessary agreements for the sale of the Facility, its Certificate of Need, Operating Certificates and any and all associated real property as well as any management agreements pending the closing of the sale to the above named purchaser; and

WHEREAS, Centers for Specialty Care Group, LLC has identified certain affiliates or wholly-owned subsidiaries to own certain portions of this transactions.

NOW THEREFORE, BE IT

RESOLVED, that the fourth **RESOLVED** clause of Resolution No. 213-12 be amended to read as follows:

“**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 or any affiliates or wholly-owned subsidiaries;”

and be it further

RESOLVED, that the fifth **RESOLVED** clause of Resolution No. 213-12 be amended to read as follows:

“**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 or any affiliates or wholly-owned subsidiaries, 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 County Attorney.

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. Schu. Seconded by Mr. McAllister and duly carried.

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mr. Hanna. Seconded by Ms. Lattimer and duly carried.

Motion to Adjourn made by Ms. Lattimer. Seconded by Mr. McAllister and duly carried.

REGULAR MEETING
Morning Session
Monday, May 20, 2013
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 20th day of May, 2013, 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 Van Etten.

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

Chairman Hauryski asked Jill Risley to come forward. Ms. Risley is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of 25 years of service to Steuben County.

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

Mark Stephens, Cameron, NY, stated it is his belief that in order to get hired by the highway department, you have to have a relative already working there. There are others who have more experience, but they are not hired. Another issue he has is with regard to the road he lives on. The sluice pipe next door has been gone for four years and still has not been replaced.

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

Motion approving the minutes of the previous meeting(s) made by Mr. Swackhamer, seconded by Mr. Welch and duly carried.

Mr. Spagnoletti stated that in the Public Works Department, we hire the best person available. That is one of the reasons why we have such a good department.

Mr. Welch stated that he is the Democratic Elections Commissioner. There is a resolution on today's agenda opposing proposed changes to the Election Law. This resolution did not come from the County Board of Elections; it came from the Republican Elections Commissioner and was not discussed with him. He understands that the way the legislation is currently drafted, the County would end up with a large unfunded mandate and he would agree that it is also out of line with what we would need in Steuben County. But the notion of early voting needs to be considered; are you for it or against it? We currently have 61 percent turnout for a Presidential Election. Early voting might enhance that. This resolution is also looking at opposing same day registration. That might also increase turnout, so he does not know that we should be wholesale against it. Nothing really ties us to doing anything other than allowing people to vote by affidavit. What would be the harm in allowing them to register to vote at polling places? We have a lot of affidavits that we currently deny and he does not see where this will cost a lot of money. With regard to DRE machines, there is nothing in the proposed legislation that ties us to using DRE machines. Mr. Welch stated there is an assumption that you will need internet access for same day registration. That is not needed as you can register with an affidavit ballot. That is how other states do it. Additionally, absentee voting is available to people outside of the County. The Legislature is walking a tightrope here and it looks like we will have a resolution that appears to oppose early voting and same day registration. We are in a unique situation in that we have an Assemblyman and a Senator who are sitting on the Elections Committees and we are in a position to be able to negotiate.

Ms. Mori requested that all Legislators turn in their I-pads at the conclusion of today's meeting as they need to be switched over to a new server. They will be available for pick-up by the end of the week.

Mr. Farrand stated he would like to thank Sheriff Cole for going out to the 10th District and giving presentations to the town boards. He would suggest that other Legislators invite the Sheriff to their towns as well. He thinks they will get a lot out of his presentation. In his towns, he received a lot of positive feedback. Mr. Farrand commented that Commissioner Muller is also willing to go to his towns and talk about her programs.

Mrs. Lando stated that this was her second year attending the Youth In Government Simulated Session. It was exciting to watch and it is unfortunate that only two of us attended. It would be good if more Legislators could attend. This is beneficial to us and to the students. Kudos to the Youth in Government Program.

RESOLUTION NO. 063-13

Introduced by G. Swackhamer.

Seconded by B. Schu.

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. | <u>A-1</u> |
| Name | <u>Timothy Scott</u> |
| Parcel No. | <u>427.00-01-011.100</u> |
| Municipality | <u>Caton Town</u> |
| Disposition | <u>Refund</u> |

| | |
|----------------|------------------------------------|
| Resolution No. | <u>A-2</u> |
| Name | <u>Thomas J. & Karen Sulli</u> |
| Parcel No. | <u>060.00-01-080.000</u> |
| Municipality | <u>Prattsburgh Town</u> |
| Disposition | <u>Correction (parcel split)</u> |

Resolution No. A-3
 Name Arlan E. & Tina M. Taft
 Parcel No. 405.00-01-043.000
 Municipality Lindley Town
 Disposition Correction (parcel split)

Resolution No. A-4
 Name Donovan Madigan
 Parcel No. 159.14-02-003.000
 Municipality Bath Village
 Disposition Correction

Resolution No. A-5
 Name Verizon New York Inc.
 Parcel No. 546.00-06-022.100, 546.00-06-002.200
546.00-06-002.300, 546.00-06-002.400
 Municipality Hornellsville Town
 Parcel No. 546.00-06-004.000, 107.65-01-001.000
 Municipality Arkport Village
 Parcel No. 546.00-06-009.000
North Hornell Village
 Disposition Refund (per Court Order)

SCHEDULE "B"

Resolution No. B-1
 Former Owner Paul Steffen
 In Rem Index No. 2010-1966CV, 2010 sale
 Parcel No. 124.00-01-004.000
 Municipality Fremont Town
 Grantee(s) Paul Steffen
 Grantee(s) Address 7841 Tuttle Rd, Hornell, NY 14843
 Consideration \$12,684.44, 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 Yvonne C. Smith
 In Rem Index No. 2010-1966CV, 2010 sale
 Parcel No. 207.00-01-005.782
 Municipality Bradford Town
 Grantee(s) Yvonne C. Smith
 Grantee(s) Address c/o Alfa Shaw, 184 Columbia St, Apt 201, Corning, NY 14830
 Consideration \$6,564.44, 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 Burr D. Straight & Diane Straight
 In Rem Index No. 2011-1564CV, 2011 sale
 Parcel No. 149.00-01-036.000
 Municipality Hornellsville Town
 Grantee(s) Burr D. Straight & Diane Straight
 Grantee(s) Address 459 State Route 21, Hornell, NY 14843
 Consideration \$8,261.96, 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-4 |
| Former Owner | William Meacham & Jeanne Meacham |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 166.06-03-030.000 |
| Municipality | Hornell City |
| Grantee(s) | William Meacham & Jeanne Meacham |
| Grantee(s) Address | 136 Hill St, Hornell, NY 14843 |
| Consideration | \$4,577.54, 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. 064-13

Introduced by J. Hauryski.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE MAY 20, 2013 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 12, 2013

NYS Office of Information Technology Services – Re: 2012 NYSDOP orthoimagery of Steuben County. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

Town of Wayne – Letter on the importance and contribution of the Soil and Water Conservation that Steuben County provides to the Town of Wayne. *Referred to: Steuben County Legislature.*

Harris Beach, PLLC, Attorneys at Law – Re: Erwin Hospitality Associates, LLC Project Distribution of Form RP-412-a and PILOT agreement. *Referred to: Finance and Administration Committees; Patrick Donnelly, County Treasurer; Wendy Flaitz, RPTSA Director; and Alan Reed, County Attorney.*

April 15, 2013

Lindley-Presho Volunteer Fire Department – Re: A request to fill the vacancies at the Department of Emergency Services. *Referred to: Public Safety and Corrections Committee.*

Finger Lakes SPCA – Re: The 2012 Animal Cruelty Investigation Program Report. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

April 17, 2013

Steuben County Fire Chiefs Association – Re: Request on the status of the vacancy of the Director of Emergency Services position. *Referred to: Public Safety and Corrections Committee.*

April 22, 2013

Thomas Jamison, Steuben County Fire Advisory Board – Re: Letter concerning the Steuben County Emergency Management Office. *Referred to: Public Safety and Corrections Committee.*

April 24, 2013

Emergency Medical Services Training, Administration & Resources – Re: First Quarter Report for 2013. *Referred to: Human Services/Health & Education Committee; Public Safety & Corrections Committee; Victoria Fuerst, PHN Director; and Tim Marshall, Acting EMO Director.*

Harris Beach, PLLC, Attorneys at Law – Re: City of Hornell Industrial Development Agency and Specialty Reality, Inc. Distribution of Form RP-412-a and PILOT agreement. *Referred to: Finance and Administration Committees; Patrick Donnelly, County Treasurer; Wendy Flaitz, RPTSA Director; and Alan Reed, County Attorney.*

April 25, 2013

New York State Office of Parks, Recreation and Historic Preservation – Re: The First Baptist Society of Bath located at 14 Howell Street, Bath, NY is listed on the New York State Register of Historic Places and nominated to the National Register of Historic Places. *Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Twila O'Dell, Historian.*

Harris Beach, PLLC, Attorneys at Law – Re: City of Hornell Industrial Development Agency and Iron Horse Depot, LLC. Distribution of Form RP-412-a and PILOT agreement. *Referred to: Finance and Administration Committees; Patrick Donnelly, County Treasurer; Wendy Flaitz, RPTSA Director; and Alan Reed, County Attorney.*

Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Gail Frey, Alisa Gerrad-Gough, Shannon Quick, and Dawn Patton – Re: Notice of Petition against Steuben County. *Referred to: Legislature Chairman, Joseph Hauryski; Mark Alger, County Administrator; and Alan Reed, County Attorney.*

April 28, 2013

NYS Senator Thomas O'Mara – Re: Invitation to the Finger Lakes and Northern New York Medicaid Non- Emergency Medical Transportation (NEMT) Roundtable Discussion on Monday, May 6, 2013, from 11:30am – 1:00pm in room 123 of the Capitol Building. *Referred to: Human Services/Health & Education Committee; Kathryn Muller, Commissioner of Social Services; and Mark Alger, County Administrator.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 065-13

Introduced by P. McAllister.

Seconded by T. Ryan.

PRESENTING LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2013, ESTABLISHING THE STEUBEN COUNTY CHARTER.

WHEREAS, in seeking to adopt the most effective form of government for the citizens of Steuben County, the County Legislature has directed the development of the Steuben County Charter; and

WHEREAS, the Steuben County Charter defines the powers and duties of the Steuben County Legislature and its appointed officers and employees, including the County Manager, and a Commissioner of Finance, which will replace the elected County Treasurer; and

WHEREAS, the Steuben County Charter will allow Steuben County to change its form of government to better align with the financial pressures and services requirements of the 21st century.

NOW THEREFORE, BE IT

RESOLVED, that there is hereby presented to each member of the Steuben County Legislature Local Law Tentatively No. One for the Year 2013, as follows:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2013**

A Local Law Establishing the Steuben County Charter.

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

CHARTER OF STEUBEN COUNTY

| | |
|---------------|--------------------------------------|
| ARTICLE I. | Steuben County and Its Government. |
| ARTICLE II. | The County Legislature. |
| ARTICLE III. | The County Manager. |
| ARTICLE IV. | Administrative Code. |
| ARTICLE V. | Department of Law. |
| ARTICLE VI. | Department of Finance. |
| ARTICLE VII. | Department of Personnel. |
| ARTICLE VIII. | Department of Social Services. |
| ARTICLE IX. | Department of Community Services. |
| ARTICLE X. | Department of Public Works. |
| ARTICLE XI. | Municipal Cooperation. |
| ARTICLE XII. | Other County Functions. |
| ARTICLE XIII. | General and Transitional Provisions. |

ARTICLE I

STEUBEN COUNTY AND ITS GOVERNMENT

- 1.00 Title and Purpose.
- 1.01 County Status, Powers and Duties.
- 1.02 Charter Effect on State Laws.
- 1.03 Charter Effect on Local Laws and Resolutions.

Section 1.00. Title and Purpose.

This Charter and all amendments hereto shall constitute the form of government for Steuben County and shall be known and cited as the "Steuben County Charter". Among the purposes of this Charter are the accomplishment of greater efficiency, economy, and responsibility in County government; the securing of all possible County home rule; and the separation of County legislative and executive functions.

Section 1.01. County Status, Powers and Duties.

The County of Steuben shall continue to be a municipal corporation exercising such powers and discharging such duties as may be imposed or conferred upon it by this Charter, Administrative Code or by applicable Federal, State, and local law and/or regulation.

Section 1.02. Charter Effect on State Laws.

Within the limits prescribed in Article 4 of the municipal home rule law, wherever and whenever any State law, general, special or Local law in effect, is inconsistent with this Charter or Administrative Code, such law shall be deemed to the extent of such inconsistency to be superseded by this Charter insofar as the County of Steuben and its government are affected.

Section 1.03. Charter Effect on Local Laws and Resolutions.

Except to the extent inconsistent with this Charter or the Administrative Code, all existing laws and resolutions heretofore adopted by the board of supervisors and/or Legislature of the County of Steuben shall continue in force until amended, superseded or repealed as provided herein. Any reference or incorporation of any law, rule, ordinance or resolution in this Charter shall not merge with this Charter; nor shall such reference or incorporation require any additional formality or process in order to amend, modify, extend, repeal or any other change to such law, rule ordinance or resolution than that originally utilized to enact such provision(s).

ARTICLE II

THE COUNTY LEGISLATURE

- 2.00 The County Legislature.
- 2.01 Qualifications of Legislators.
- 2.02 Size of County Legislature, Term of Office, Weighted Voting, Reapportionment of Seats.
- 2.03 Vacancies.
- 2.04 Officers and Committees of the County Legislature.
- 2.05 Clerk of the County Legislature.
- 2.06 Legislative Enactments.
- 2.07 Powers and Duties of the County Legislature.
- 2.08 Publication of Local Laws.
- 2.09 Official Newspapers.

Section 2.00. The County Legislature.

(a) The County Legislature shall be the elective governing body of the County. The Legislators elected from the various County Legislative districts, as more specifically hereinafter set forth, shall, when lawfully convened, constitute the legislative, appropriating, governing and policy determining body of Steuben County.

(b) Whenever the words "board" or "board of representatives" or words of similar import are used herein they shall mean the "Legislature".

(c) Whenever the word "representative" or words of similar import are used herein they shall mean "Legislator" or "member of the County legislature".

Section 2.01. Qualifications of Legislators.

County Legislators, at the time of their official nomination for election, shall be electors of the County of Steuben qualified to vote in general elections from the districts they seek to represent. They shall continuously

thereafter while seeking or holding such office, be residents of the district from which they are nominated or elected. The Board of Elections of the County of Steuben shall be the judge of the above qualifications of the members of the County Legislature, and for that purpose shall have the power to subpoena witnesses, take testimony, and require the production of records. Decisions made by the Board of Elections in the exercise of powers granted by this section shall be subject to review by the courts as prescribed by applicable statute.

Notwithstanding any law to the contrary as limited only the provisions of Section 1.02 of this Charter, all mayors of cities and village and all supervisors of towns and all members of legislative bodies of all Cities, Towns and Villages who possess the above qualifications shall be eligible to be elected as members of the County Legislature. All other elected officials who otherwise possess the above qualifications shall not be eligible to be elected as members of the County Legislature.

Section 2.02. Size of County Legislature, Term of Office, Weighted Voting, Reapportionment of Seats.

The County Legislature shall be composed of seventeen (17) members, divided on the basis of population among the County districts. Upon passage of the Charter, the County Legislature shall remain as currently constituted without altering the terms of its members nor creating any modification in any district, pattern of voting or of any of the laws, rules, and regulations affecting the legislature except as set forth in this Charter

The term of office for all County Legislators shall be four years.

The Steuben County Legislature shall continue to employ a weighted voting system, with voting strength calculated by dividing a Legislator's district population as of the most recent Federal decennial census by a factor of ten (10).

After each official Federal decennial census, the County Legislature shall develop a plan for reapportionment, which shall contain recommendations as to the number and geographic boundaries of districts from which Steuben County Legislators shall be nominated and elected. In developing a reapportionment plan, the Steuben County Legislature shall strive to minimize population variance among districts and maintain reasonable geographic size of districts.

Options for reapportionment may include, but are not limited to, adjustment of weighted voting strength based on population change, executed by passage of a local law; changes in legislative district boundaries to account for population shifts, subject to mandatory referendum; and/or change in the number of legislators and legislative districts, subject to mandatory referendum.

Section 2.03. Vacancies.

A vacancy in the office of the County Legislator shall be filled by appointment of the County Legislature of a qualified elector of the County having the same political affiliation as the person last elected to such office and such person newly appointed shall also be a resident of the district to which such appointment is made and eligible under Section 2.02 hereof.

The person appointed by the County Legislature shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy at which election such vacancy can be filled for the remainder of the unexpired term, if any.

Section 2.04. Officers and Committees of the County Legislature.

On January 1st of the even numbered year next following the election of any members of the County Legislature, or as soon thereafter as practicable, the County Legislature shall meet and organize by electing from among its members a chairman and such other officials as are deemed required. Notwithstanding the provisions of Section 200 of the County law or other applicable law, the Chairman, Vice Chairman, Majority and Minority Leaders may be paid an additional amount of salary which amount may be set from time to time in the tentative budget or within budgetary appropriations.

The Chairman shall appoint members of the County Legislature to serve on such legislative committees as are provided by the rules of the County Legislature.

Section 2.05. Clerk of the County Legislature.

The County Legislature shall appoint a Clerk of the Legislature who shall serve a term of five years. From time to time the Clerk shall appoint such additional personnel as are required for the efficient operation of the office of the clerk, within budgetary limitations.

Section 2.06. Legislative Enactments.

Every resolution before the County Legislature for enactment shall be in writing. Every written resolution shall have a title which shall concisely state the subject and contents thereof; shall completely embody the legislative initiatives from which it is preceded; shall expressly set forth the provisions of local law to be enacted; and shall expressly specify whether it is repealing or amending an existing local law.

The Rules of procedure of the Legislature heretofore enacted shall continue in effect be amended, modified and vacated by the Legislature as it so elects from time to time to do.

Section 2.07. Powers and Duties of the County Legislature.

Except as otherwise provided in this Charter, the County Legislature shall have and exercise all such powers and duties conferred on the Steuben County board of supervisors, or generally conferred on a board of supervisors in the State of New York by applicable law, and all powers necessarily incidental thereto, and shall for the purposes of general laws conferring powers upon boards of supervisors be a board of supervisors.

The County Legislature shall have, but not by way of limitation, the following powers and duties which shall be broadly construed in favor of the legislature power:

To adopt by resolution all necessary rules and regulations for its conduct and procedure in accordance with Section 153 of the County law.

To make appropriations, incur indebtedness and adopt the budget.

To levy taxes, provided, however, that except as otherwise required by law the net cost of all general services rendered or made available by the County to the entire County shall be a charge against the entire County, and provided further that the net cost of all special services rendered or made available by the County to one or more municipalities or special districts within such County shall be a charge against such municipalities or special districts or the taxpayers or taxable real property thereof.

To equalize real property taxes on the basis of information supplied by the New York State board of equalization and assessment, various municipalities within the County of Steuben, and various County administrative units.

To exercise all powers of local legislation in relation to enacting, amending or rescinding local laws, Charter laws, legalizing acts, ordinances or resolutions.

To adopt, amend, and repeal an Administrative Code which shall set forth the details of administration of the County government consistent with the provisions of this Charter and which may contain revisions, simplifications, consolidations, codifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with this Charter or amendments thereto. The Administrative Code heretofore adopted shall remain unaffected by the adoption of this Charter as provided under Section 1.03 herein and may be amended, modified, repealed or reenacted according to the rules established by the County Legislature.

By local law to create, alter, combine or abolish County administrative units not headed by elective officers.

To fix the compensation of all officers and employees paid from County funds except members of the judiciary or those officials whose salaries are established in the Judiciary Law, and except that the compensation of any elected official paid from County funds shall not be decreased during his term of office.

To make or cause to be made such studies, audits and investigations as it deems to be in the best interest of the County, and in connection therewith to obtain professional and technical advice, appoint temporary advisory boards of citizens, subpoena witnesses, administer oaths and require the production of books, papers and other evidence deemed necessary or material to such study, audit or investigation.

To appoint, and at its pleasure to remove, the County Manager, and to appoint, or confirm, as the case may be, such other officials and employees as provided in this Charter or Administrative Code.

To fix the amount of bonds, if any, of officers and employees paid from County funds.

To determine and make provision for any matter of County government not otherwise provided for, without limitation due to lack of designating a specific power, including but not restricted to any necessary matter involved in the transition to this Charter form of government.

Section 2.08. Publication of Local Laws.

In addition to complying with Section 27 of the municipal home rule law, within ten days after the adoption of a local law by the County Legislature, the Clerk of the Legislature shall cause a copy of an abstract of the local law to be published in the official newspapers of the County.

Section 2.09. Official Newspapers.

Notwithstanding the provisions of Section 214 of the County law or other applicable law, the Legislature shall be required to designate annually two newspapers as the official newspapers for the publication of all local laws, notices and other matters required by law to be published.

ARTICLE III

THE COUNTY MANAGER

- 3.00 The County Manager; Appointment; Qualifications.
- 3.01 Term.
- 3.02 Powers and Duties.
- 3.03 Deputy County Manager.
- 3.04 Acting County Manager.

Section 3.0. The County Manager; Appointment; Qualifications.

The County Manager shall be the Chief Executive Officer of the County, and shall serve at the pleasure of the County Legislature. The County Manager shall have direct supervision over all County departments, offices, agencies and administrative units except as otherwise provided in this Charter, and shall hold no other public or political office.

At the time of appointment, the County Manager shall possess a Bachelor's Degree and at least six (6) years' experience, or a Master's Degree and at least four (4) years' experience, said experience shall be in an administrative or supervisory position which shall have involved budget oversight and responsibility for the development, implementation, and enforcement of policies, rules and regulations. The County Manager shall be appointed on the basis of these and such other qualifications as may be required for the responsibilities of the office.

Section 3.1. Term.

The County Manager shall be appointed by the County Legislature. A two-thirds majority of the whole membership of the County Legislature is required to appoint, suspend or remove the County Manager. The County Legislature may negotiate and by resolution authorize the Chairman to execute a written contract of employment with the County Manager for a term of up to, but not exceeding five years, such contract to contain terms and conditions of employment.

Section 3.2. Powers and Duties.

The County Manager shall be responsible to the County Legislature for the administration of all County affairs. In addition to such other powers and duties provided by this Charter or Administrative Code, the County Manager shall:

1. Serve as the Chief Executive Officer and administrative head of County government;
2. Appoint to serve at his/her pleasure the heads of all departments, unless otherwise specified in this Charter, subject to confirmation by the County Legislature, except such officers required to be elected, and except as otherwise provided in this Charter;
3. Appoint a Deputy County Manager and other support staff as deemed necessary for the operation of the Office of the County Manager, each of whom serves at his/her pleasure;
4. Exercise supervision and control of all administrative units, the heads of which he/she appoints, and prescribe the internal organization of such departments, offices and agencies;
5. Administer all local laws, legalizing acts, ordinances and resolutions of the County Legislature and all other acts as required by operation of law;

6. Serve as an advisor to the County Legislature and develop policy and procedural recommendations for consideration of the Legislature;
7. Undertake research and submit to the County Legislature reports and recommendations regarding governmental operations as he/she may deem appropriate or the County Legislature may request, and provide such assistance to the Legislature and its committees, as may be requested by the Legislature;
8. Serve as liaison between the Legislature and the boards, commissions and advisory committees established by the Legislature;
9. Maintain liaison and represent the Legislature in conjunction with the Chairman of the Legislature, in contacts with political subdivisions, State and Federal officials and agencies;
10. Be the Chief Budget Officer of the County and be responsible for the preparation of the operating and capital budgets of the County in manner provided by the Charter and Administrative Code;
11. In conjunction with the Personnel Officer, serve as the designated representatives of the County Legislature in the conduct of collective negotiations with organized employee representatives;
12. Report to the County Legislature annually at the close of the fiscal year or as soon thereafter as practicable, and at such other times as the County Legislature shall direct, the activities of the several administrative units of the County during the preceding fiscal year;
13. Have all necessary incidental powers to perform and exercise any of the duties and functions specified in this section or lawfully delegated;
14. Supervise Youth Bureau, Records Management, and County Auditor functions, with employees of these services appointed by the County Manager;
14. Perform such other duties and have such other powers as may be prescribed for by law, Administrative Code, ordinance or resolution, or as may be prescribed by the County Legislature.

Section 3.3. Deputy County Manager.

The Deputy County Manager shall be appointed by and serves at the pleasure of the County Manager. The Deputy County Manager shall exercise the powers and duties of the County Manager in the event of the County Manger's absence from the County or inability to perform the duties of the office.

Section 3.4. Acting County Manager.

In the event that both the County Manager and Deputy County Manager are unable to perform the duties of the office, the Chairman, with the approval of the County Legislature, shall appoint a department head as the Acting County Manager. In no event, may a person serve as Acting County Manager for a period greater than sixty (60) days in a calendar year unless authorized by the County Legislature. The Acting County Manager shall have all the powers and duties of the County Manager during the period of his/her designation or until a new County Manager shall be appointed pursuant to law and shall qualify to assume that office.

ARTICLE IV

ADMINISTRATIVE CODE

The Steuben County Administrative Code, which prescribes County operations and procedures, shall remain in effect, unless otherwise altered or superseded by this Charter. The Administrative Code may be amended as detailed within Section 2.07, Subsection 6 of this Charter. The Administrative Code also contains the policies and procedures utilized by Steuben County in authorizing, executing, and managing contracts with private and nonprofit organizations.

ARTICLE V

DEPARTMENT OF LAW

- 5.00 Department of Law; County Attorney.
- 5.01 Powers and Duties.
- 5.02 Deputy and Assistant County Attorneys.

Section 5.00. Department of Law; County Attorney.

There shall be a Department of Law headed by the County Attorney, appointed by the County Legislature. The County Attorney shall have been admitted to practice law in the State of New York, and be a resident of the County of Steuben. The County Attorney shall serve a term of five years.

Section 5.01. Powers and Duties.

Except as otherwise provided in this Charter or the Administrative Code, the County Attorney shall be the legal advisor for the County and, on its behalf in County matters of a civil nature, advise all County officers and employees and where in the interest of the County, prepare all necessary papers and written instruments in connection therewith; prosecute or defend all action or proceedings of a civil nature brought by or against the County; execute tax foreclosure proceedings and perform such other additional and related duties as may be prescribed by law, by the County Manager, or by resolution of the County Legislature.

Section 5.02. Deputy and Assistant County Attorneys.

The County Attorney shall have the power to appoint such confidential Deputy County Attorneys and Assistant County Attorneys as shall be authorized by the County Legislature and within the appropriations made therefor. Such appointees shall be in the exempt class of the civil service, and shall serve at the pleasure of the County Attorney.

ARTICLE VI

DEPARTMENT OF FINANCE

- 6.00 Department of Finance; Commissioner.
- 6.01 Powers and duties.

Section 6.00. Department of Finance; Commissioner.

There shall be a Department of Finance headed by a Commissioner who shall be appointed by the County Legislature, on the basis of his administrative experience and qualifications for the office. The Commissioner shall be appointed for a five-year term.

Section 6.01. Powers and Duties.

The Commissioner of Finance shall have all the powers and perform all the duties conferred or imposed by law on a Chief Fiscal Officer, a County Treasurer, or Commissioner of Finance.

The Commissioner of Finance shall administer the fiscal affairs, records, and accounts of all departments; manage and coordinate debt issuance; prescribe approved methods of financial record keeping for all departments; collect, have custody of, deposit, and disburse all fees, revenues, and other funds except as otherwise provided by law; coordinate an annual examination of financial records by an independent certified public accountant; and certify and process the County payroll in an accurate and timely manner.

The Commissioner of Finance is also responsible for enforcement of the provisions of the Real Property Tax Law as it relates to recovery of delinquent property taxes, and shall coordinate with the County Attorney on the foreclosure of tax liens and the disposal of tax acquired property.

The Commissioner of Finance shall have the power to appoint such other deputies, assistants, and employees as may be necessary to perform the duties of the Office of the Commissioner of Finance and as shall be authorized by the Steuben County Legislature.

ARTICLE VII

DEPARTMENT OF PERSONNEL

- 7.00 Department of Personnel; Personnel Officer.
- 7.01 Powers and Duties.

Section 7.00. Department of Personnel; Personnel Officer.

There shall be a Department of Personnel, headed by a Personnel Officer, who shall be appointed by the County Manager, subject to confirmation by the Steuben County Legislature. The Personnel Officer shall be appointed to a five-year term on the basis of administrative experience and other qualifications appropriate to the responsibilities of the office and shall be directly responsible to the County Manager, unless otherwise required by law, for the implementation of policies established by the Steuben County Legislature.

Section 7.01. Powers and Duties.

The Personnel Officer shall have the power to appoint such deputies, assistants, and employees of the Department of Personnel as may be necessary to perform the duties of the office and as shall be authorized by the Steuben County Legislature. All deputies, assistants, and employees of the Department shall be directly responsible to the Personnel Officer. Except as otherwise provided in this Charter, the Personnel Officer shall have all the powers and perform all the duties of a Municipal Civil Service Commission as provided by the Civil Service Law of the State of New York. The Personnel Officer will also participate in collective bargaining matters with the County Manager.

The Personnel Officer shall also be responsible for the administration and maintenance of the following:

Agreements with recognized employee organizations concerning terms and conditions of employment;

Employee Orientation Program;

Salary Plans/Grids;

Job Postings;

Employee Benefits (in conjunction with County Manager and Commissioner of Finance).

ARTICLE VIII

DEPARTMENT OF SOCIAL SERVICES

8.00 Department of Social Services; Commissioner.

8.01 Powers and Duties.

Section 8.00. Department of Social Services; Commissioner.

There shall be a Department of Social Services headed by a Commissioner appointed by the County Manager, subject to confirmation by the County Legislature. The Commissioner of Social Services shall have received a bachelor's degree from an accredited college or university, and shall possess the qualifications required by State law. The Commissioner of Social Services shall be appointed for a five-year term and shall be directly responsible to the County Manager for the implementation of policies as directed by the Steuben County Legislature.

Section 8.01. Powers and Duties.

The Commissioner of Social Services shall have and exercise all powers and duties now or hereafter conferred or imposed by applicable law and/or regulation. The Commissioner shall have the power to appoint such Deputy Commissioners, assistants, and other employees as may be necessary to perform the duties of the office of Commissioner of Social Services and as shall be authorized by the Steuben County Legislature. Such Deputy Commissioners, assistants, and employees shall meet the qualifications prescribed by the Social Services Law and the Commissioner of Social Services of the State of New York. All Deputy Commissioners, assistants, attorneys, and other employees shall be directly responsible to the Commissioner of Social Services, except where otherwise provided by this Charter or applicable law and/or regulation. Except as otherwise provided in this Charter, the Commissioner of Social Services shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a County Commissioner of Social Services, and perform such other and related duties as may be required by the Steuben County Legislature.

The Commissioner of Social Services shall administer all social welfare services for qualified recipients, as required by State law or authorized by the Steuben County Legislature; maintain contracts with public or private agencies regarding the provision of aid to qualified individuals, as authorized by State law or the Steuben County Legislature; investigate suspected fraudulent applications for, and the receipt of, assistance and refer cases where appropriate to the District Attorney for prosecution; and manage such facilities as shall be operated for the purpose of providing assistance, except as otherwise specifically assigned in this Charter or by applicable law and/or regulation.

ARTICLE IX

DEPARTMENT OF COMMUNITY SERVICES

- 9.00 Department of Community Services; Community Services Board.
- 9.01 Powers and Duties.
- 9.02 Community Services Board.

Section 9.00. Department of Community Services; Director of Community Services.

There shall be a Department of Community Services headed by a Director of Community Services who shall be appointed by the County Manager, upon recommendation of the Community Services Board, subject to confirmation of the Steuben County Legislature. The Director shall be responsible to the Community Services Board for the implementation of policies established by said Legislature pursuant to duties prescribed within this Charter, and directly responsible to the County Manager for the implementation of financial, personnel, and administrative policies established by the Steuben County Legislature.

Section 9.01. Powers and Duties.

The Director of Community Services shall have the power to appoint such Deputy Directors, Medical Directors, assistants, and employees of the Department as shall be authorized by the Steuben County Legislature. Such persons shall meet the qualifications fixed by the Mental Hygiene Law and the State Office of Mental Health. All Deputies, assistants, and employees of the Department shall be directly responsible to the Director. The Director of Community Services shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a Director of Community Mental Health Services. The Director serves as Chief Executive Officer of the Local Government Unit and Community Mental Health Center as defined in Mental Hygiene Law.

The Director of Community Services shall:

Administer and maintain programs for the prevention, rehabilitation, and treatment of mental health, developmental disabilities, and alcohol and substance abuse within the County pursuant to administrative orders of funding authorities having the effect of law;

Manage contracts for services as recommended by the Community Services Board and authorized by the County Legislature;

Make recommendations to the Community Services Board on the availability and suitability of sources of funding for mental health facilities or services;

With the approval of the Community Services Board, the Steuben County Legislature, and the appropriate State Commissioner, establish and collect fees from a patient or a person or private or public agency responsible for his/her care for services rendered to such patient. Fees so collected shall be paid to the chief fiscal officer of the County at such times and in such manner as shall be required by said fiscal officer;

Perform such other and related duties as may be required by the Steuben County Legislature and/or the Community Services Board.

Section 9.02. Community Services Board.

There shall be an advisory Community Services Board consisting of nine (9) members appointed by the County Manager, subject to the confirmation of the Steuben County Legislature. Whenever practicable at least one member shall be a licensed physician and one member shall be a certified psychologist. The other members shall represent the community interest in all the problems of the mentally disabled and shall include representatives from community agencies for the mentally ill, the developmentally disabled, and those suffering from alcoholism and substance abuse.

The Community Services Board shall have the authority to draft bylaws for approval by the Steuben County Legislature, elect officers from its membership, and establish committees. Updated copies of bylaws must be kept on file in the office of the Clerk of the Steuben County Legislature. The Board shall meet regularly, at least quarterly, at the call of its chairperson.

The Community Services Board shall:

Assess the mental health needs of the community and develop programmatic and service recommendations to be considered by the County Manager and County Legislature;

Direct and administer the development of local comprehensive plans for mental health, developmental disabilities, and alcohol and substance abuse;

Assist in coordinating services between public and private agencies providing mental health services to ensure the needs of the population are met;

Recommend contracts for services to the County Manager and County Legislature;

Submit annually to the applicable State departments for approval and subsequent State aid, a report of long-range goals and specific intermediate-range plans as modified since the preceding report, along with a local services plan or unified services plan for the next local fiscal year;

Establish procedures for execution of the local services plan or the unified services plan;

Assist in the development of policy and have advisory authority over local services and facilities provided or supervised by it whether directly or through agreements; monitor the effectiveness of the services provided by other facilities of local government and by voluntary and private facilities which have been incorporated into its comprehensive program;

Serve as a center for the promotion of community and public understanding of mental disabilities and of the services necessary for their care and treatment;

Operate within the financial, personnel, and administrative policies as established by the Steuben County Legislature.

ARTICLE X

DEPARTMENT OF PUBLIC WORKS

10.00 Department of Public Works; Commissioner.

10.01 Powers and Duties of Commissioner of Public Works.

Section 10.00. Department of Public Works; Commissioner

There shall be a Department of Public Works headed by a Commissioner appointed by the County Manager subject to confirmation by the County Legislature. He/she shall be appointed to a term of five years.

Section 10.01. Powers and Duties of Commissioner of Public Works.

The Commissioner shall have the power to appoint such Deputy Commissioners, assistants, and other employees as may be necessary to perform the duties of the Department of Public Works and as shall be authorized by the Steuben County Legislature. Such subordinate employees will be directly responsible to the Commissioner.

The Commissioner of Public Works shall have all the powers and duties of the County Superintendent of Highways including but not limited to supervision of the construction, improvement, maintenance, repair, cleaning and lighting of all highways, roads, bridges, and grade separation structures, drains and drainage structures under jurisdictions of the County. The Commissioner shall have charge and supervision of the maintenance and operations of docks, marinas, parks, preserves, and other structures and facilities under the jurisdiction of the County. The Commissioner will also be responsible for supervision of engineering functions including design, survey, and other engineering related matters of structures under the jurisdiction of the County as provided by applicable law and/or regulation. The Commissioner will also be responsible for all duties related to solid waste, recycling, and pretreatment operations of the County.

ARTICLE XI

MUNICIPAL COOPERATION

- 11.00 Local Government Functions, Facilities and Powers not Transferred Altered or Impaired.
- 11.01 Contracts for Municipal Cooperation.

Section 11.00. Local Government Functions, Facilities and Powers not Transferred Altered or Impaired.

No function, facility, duty or power of any City, Town, Village, School District or other district is transferred, altered or impaired by this Charter or the Administrative Code.

Section 11.01. Contracts for Municipal Cooperation.

The County of Steuben shall have power to contract with any public corporation, including but not limited to a municipal, district, or public benefit corporation or with any combination of the same for the establishment, maintenance and operation of any facility and the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for itself. Each of such contracting parties shall bear a fair proportionate share of the costs as agreed upon.

ARTICLE XII

OTHER COUNTY FUNCTIONS

- 12.01 Department Configuration and Alterations.
- 12.01 911 Department; Director.
- 12.02 Board of Elections; Commissioners.
- 12.03 Department of Buildings and Grounds; Superintendent.

- 12.04 Office of the County Clerk; County Clerk.
- 12.05 Office of the District Attorney; District Attorney.
- 12.06 Office of Emergency Services; Director.
- 12.07 Department of Information Technology; Director.
- 12.08 Office for the Aging; Director.
- 12.09 Department of Planning; Director.
- 12.10 Department of Probation; Director.
- 12.11 Office of Public Defender; Public Defender.
- 12.12 Public Health & Nursing Services; Director.
- 12.13 Department of Purchasing; Director.
- 12.14 Real Property Tax Service Agency; Director.
- 12.15 Risk Manager.
- 12.16 Office of the Sheriff; Sheriff.
- 12.17 Veterans' Service Agency; Director.
- 12.18 Office of Weights and Measures; Director.
- 12.19 Other County Boards; Appointment.
- 12.20 Miscellaneous Administrative Functions.

Section 12.00. Department Configuration and Alterations.

The following departments represent the remaining administrative and operational units of Steuben County government. The structure, function, and responsibilities of any department, other than those headed by a duly elected official, may be altered, merged, or eliminated via a resolution of the County Legislature.

Section 12.01. 911 Department; Director.

There shall be a 911 Department, headed by a Director, responsible for emergency dispatch operations for Steuben County. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.02. Board of Elections; Commissioners.

There shall be a Steuben County Board of Elections constituted according to the State election law. The Commissioners of Election shall be appointed by the County Legislature in accordance with the State election law, and shall have and exercise all powers and duties now or hereafter conferred or imposed upon them by Administrative Code applicable law and/or regulation.

Section 12.03. Department of Buildings and Grounds; Superintendent.

There shall be a Department of Buildings and Grounds, headed by a Superintendent, responsible for the maintenance and management of County facilities. The Superintendent shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Superintendent shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.04. Office of the County Clerk; County Clerk.

There shall be an Office of the County Clerk, headed by a County Clerk who shall be duly elected by the residents of Steuben County. The County Clerk shall have and exercise all powers and duties now or hereafter conferred or imposed by applicable law and/or regulation.

Section 12.05. Office of the District Attorney; District Attorney.

There shall be an Office of the District Attorney, headed by a District Attorney who shall be duly elected by the residents of Steuben County. The District Attorney shall have and exercise all powers and duties now or hereafter conferred or imposed by applicable law and/or regulation.

Section 12.06. Office of Emergency Services; Director.

There shall be an Office of Emergency Services, headed by a Director, responsible for coordination of disaster preparedness and response activities. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.07. Department of Information Technology; Director.

There shall be a Department of Information Technology, headed by a Director, responsible for computer and telephonic operations. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.08. Office for the Aging; Director.

There shall be an Office for the Aging, headed by a Director, responsible for the administration of services for senior citizens of Steuben County. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.09. Department of Planning; Director.

There shall be a Department of Planning, headed by a Director, responsible for municipal planning and economic development operations, including possession of the duties of a County Planning Board. The Director shall also have oversight of the County Historian. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.10. Department of Probation; Director.

There shall be a Department of Probation, headed by a Director, responsible for administration of probation and criminal diversion activities of the County. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The director shall have and exercise all powers and duties now

or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.11. Office of Public Defender; Public Defender.

There shall be an Office of Public Defender, headed by a Public Defender, who shall be an attorney admitted to practice law in the State of New York and a resident of the County of Steuben, responsible for coordination and administration of indigent defense for Steuben County. The Public Defender shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Public Defender shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.12. Public Health & Nursing Services; Director.

There shall be a Department of Public Health & Nursing Services, headed by a Director, responsible for administration and provision of public health and immunization services, as required by State law and/or local initiative. The Director shall also oversee the operations of Special Children's Services. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.13. Department of Purchasing; Director.

There shall be a Department of Purchasing, headed by a Director, responsible for coordination and oversight of all purchasing activities of Steuben County. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.14. Real Property Tax Service Agency; Director.

There shall be a Real Property Tax Service Agency, headed by a Director, responsible for coordination of operations related to property tax preparation and administration. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.15. Risk Manager.

There shall be a Risk Manager, responsible for administration of insurance policies and plans, along with the workers' compensation program. The Risk Manager shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Risk Manager shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.16. Office of the Sheriff; Sheriff.

There shall be an Office of the Sheriff, headed by a Sheriff who shall be duly elected by the residents of Steuben County. The Sheriff shall have and exercise all powers and duties now or hereafter conferred or imposed by applicable law and/or regulation.

Section 12.17. Veterans' Service Agency; Director.

There shall be a Veterans' Service Agency, headed by a Director, responsible for coordination of programs for veterans of Steuben County. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.18. Office of Weights and Measures; Director.

There shall be an Office of Weights and Measures, under the supervision of a Director of Weights and Measures, who shall be appointed by the County Manager, subject to confirmation by the County Legislature. The Director shall also be the County Sealer of Weights and Measures, and shall have the powers and duties heretofore or hereafter conferred or imposed upon sealers of weights and measures by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.19. Other County Boards; Appointment.

All other County Boards shall continue as provided by law, except that the members thereof required to be appointed by County government shall be appointed by the County Manager, with confirmation by the County Legislature.

Section 12.20. Miscellaneous administrative functions.

Administrative functions not otherwise assigned by this Charter or the Administrative Code shall be assigned by the County Manager to an appropriate administrative unit.

ARTICLE XIII

GENERAL AND TRANSITIONAL PROVISIONS

- 13.00 Adoption of Charter; When Effective.
- 13.01 Elective Office Abolished; Incumbent Continued.
- 13.02 Civil Service Rights Continued.
- 13.03 Continuity of Authority.
- 13.04 Charter Clarification.
- 13.05 Amendment of Charter.
- 13.06 Separability.
- 13.07 Charter to be Liberally Construed.

Section 13.00. Adoption of Charter; When Effective.

This Charter shall become effective only if approved by the affirmative vote of a majority of the qualified electors voting upon the Charter in the manner provided by law at an election to be held in November 2013, and when so approved, certified copies thereof are filed in the office of the Secretary of State.

Section 13.01. Effective Office Abolished; Incumbent Continued.

The elective office of County Treasurer is abolished, effective January 1, 2014. The person holding this office on January 1, 2013, shall be continued in the appointive position relating to their functions for the remainder of their respective terms of office, at the conclusion of which the provisions of this Charter relating to the appointment of a Commissioner of Finance shall take effect.

Section 13.02. Civil Service Rights Continued.

The civil service status and rights of all County employees and their beneficiaries, including but not limited to those with respect to retirement and social security, shall not be affected by this Charter. County officers currently within their term shall serve the remainder of such term, which will be unaffected by this Charter, except as provided in Section 13.01 of this Charter. Subsequent appointments shall be made in accordance with the Charter.

Section 13.03. Continuity of Authority.

All existing State, County, Local and other laws or enactments having the force of law shall continue in force until lawfully amended, modified, superseded or repealed, either by this Charter or an enactment adopted subsequent to its effective date. Any proceedings or other business undertaken or commenced prior to the effective date of this Charter may be conducted and completed by the County officer or administrative unit responsible therefor under this Charter or the Administrative Code.

Section 13.04. Charter Clarification.

If any provision of this Charter is not clear or requires elaboration in its application to the County, the County Legislature may interpret such provision in a local law not inconsistent with the provisions of the municipal home rule law. Where any question arises concerning the transition to a Charter which is not provided for herein, the County Legislature may provide for such transition by a local law not inconsistent with the provisions of the municipal home rule law.

Section 13.05. Amendment of Charter.

This Charter may be amended in the manner provided by the municipal home rule law. Any proposed amendment which would have the effect of transferring a function or duty of the County, or of a City, Town, Village, District or other unit of local government wholly contained in the County, shall not become operative unless and until it is approved by mandatory referendum as required by the municipal home rule law. Any amendment which would create or abolish an elective County office, change the power or method or removing an elective County officer during his term of office, abolish, curtail or transfer to another County officer or agency any power of an elected County officer or change the method of election of the County Legislature, as provided in Article II of this Charter, shall be subject to a permissive referendum.

Section 13.06. Separability.

If any provision of this Charter shall be judged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the particular provision directly involved in the controversy.

Section 13.07. Charter to be Liberally Construed.

This Charter shall be liberally construed to achieve its objectives and purposes.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on June 24, 2013 at 10:00 a.m. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York, and the Local Law is subject to a mandatory referendum to be held at the general election on November 5, 2013; 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.

Mr. Mullen stated that he thinks we should have some changes before passing this. The power of the County Manager is too broad as written. He feels that the Department Heads should serve at the pleasure of the Legislature. It is a mistake that it is being drafted around Mr. Alger right now. We do not know who the future County Manager will be. Additionally, we should go along with State Law with regard to who can serve on the Legislature.

Mr. Roush stated that the Town of Erwin first implemented a County Manager form of government twenty years ago. I have never had to authorize a purchase for toilet paper or garbage bags. The County Manager form of government works and he does not believe this proposed charter goes far enough. He would like to see it stronger, but he is very much in favor of it.

Ms. Lattimer stated this is to put the question before the voters in a referendum vote. They ultimately get the decision and they have the opportunity to say yes or no.

Mr. McAllister stated that he agrees. We leave it to the voters to decide. As far as the County Manager position, he thinks everyone here was concerned with looking beyond Mr. Alger. We are lucky to have him. He stated that he is fine with the proposed charter when he sees that the Legislature still retains power over the County Manager. We can hire and fire the County Manager at any time. In essence, Mr. Alger is doing the work now and we, as the Legislature, are confirming what he is already doing. If we do not like what the future County Manager is doing, we can fire them. With regard to Mr. Mullen's concerns regarding elected government officials, that is always a concern. Any member of the Legislature has the power to recuse themselves on any issue. There is a method to make that determination. It does not happen often, but it can. We have people that are qualified and people at the local level of government have experience. There is a learning curve to serving on the Legislature.

Mrs. Lando stated that the City of Corning has a County Manager form of government and it works well. The City Manager is a professional and credentialed. We are one of the best cities in the State. This form of government works for us and will work for the County.

Mr. Mullen stated that he thinks a County Manager is a good idea, but he thinks we have gone too far with powers. He agrees with Mr. McAllister that town board members have a leg up when it comes to the learning curve of being on the Legislature, however, he thinks there is an inherent conflict of interest.

**Vote: Acclamation – Adopted. Yes – 7556, No – 1198, Absent – 1118
(Mr. Hanna and Mr. Mullen opposed)**

RESOLUTION NO. 066-13

Introduced by B. Schu and G. Swackhamer.

Seconded by D. Farrand.

AUTHORIZING THE SHERIFF TO ACCEPT A STOP-DWI GRANT.

WHEREAS, New York State is awarding Steuben County \$5,160 under the STOP-DWI Program; and

WHEREAS, it has been established that these funds will be used for three (3) Road Check STOP-DWI Crackdowns along with Bath Police Department and Corning Police Department.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept \$5,160 in revenue, and appropriate said grant to personnel expenses 311000 Overtime - Crackdown Grant; 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. 067-13

Introduced by T. Ryan and G. Swackhamer.

Seconded by H. Lando.

AUTHORIZING A TRANSFER FROM THE SEAL & STRIPE CAPITAL PROJECT TO THE SECURITY SYSTEMS CAPITAL 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 to do a new Panic Alarm System for the whole County Office Building Complex, Bath, NY; and

WHEREAS, it is necessary to appropriate additional funds to complete the project; and

WHEREAS, funds are available in the Seal & Stipe Capital Project Account HB9901.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to appropriate the sum of \$4,780 from the Seal & Stripe Capital Project Account HB9901, in doing so closing Account HB9901, to the Security Systems Capital Project Account 1610H01; 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. 068-13

Introduced by B. Schu and P. McAllister.

Seconded by C. Ferratella.

RECLASSIFICATION OF THREE CORRECTION OFFICERS POSITIONS TO THREE CORRECTION SERGEANTS POSITIONS WITHIN THE SHERIFF’S DEPARTMENT.

Pursuant to Section 204 of the County Law of the State of New York.

WHEREAS, these Correction Officers in the Sheriff’s Department perform the enforcement of rules and regulations governing the custody, security, conduct, discipline, safety, and general well-being of inmates at the Steuben County Jail; and

WHEREAS, these Correction Officers will have added duties of direct supervision of Correction Officers; and

WHEREAS, these Correction Sergeant positions more appropriately performs these duties; and

WHEREAS, the Personnel Officer, the Administration Committee, and Public Safety and Corrections Committee have reviewed said positions within the Sheriff’s Department that requires a job title change and have approved the recommended changes.

NOW THEREFORE, BE IT

RESOLVED, effective June 17, 2013, the following positions in the Sheriff’s Department are hereby reclassified as follows:

Correction Officer (three positions), Grade X (\$33,652 to \$40,889) to
Correction Sergeant (three positions), Grade XII (\$35,875 to \$43,828)

AND BE IT FURTHER RESOLVED, that the 2013 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 Sheriff.

Vote: Roll Call – Adopted.

RESOLUTION NO. 069-13

Introduced by P. McAllister.

Seconded by H. Lando.

AMENDING THE MANAGEMENT SALARY PLAN RELATIVE TO THE JAIL SUPERINTENDENT AND THE UNDERSHERIFF.

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

WHEREAS, in accordance with the Management Salary Plan, adjustments are anticipated from time to time; and

WHEREAS, a re-evaluation has been completed and approved by the Administration Committee; and

WHEREAS, the salary grade of Jail Superintendent and Undersheriff was recommended to be changed.

NOW THEREFORE, BE IT

RESOLVED, the following changes be and the same hereby are authorized and directed:

Jail Superintendent, Grade E to Grade F
Undersheriff, Grade F to Grade G

AND BE IT FURTHER RESOLVED, this resolution shall be effective immediately upon adoption; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Treasurer, Personnel Officer, and the Sheriff.

Mr. Alger explained the Undersheriff will not get an increase in his salary as a result of this. This is a reflection of the status of the position within the agency. There is a management grade between each of the three positions; Sheriff, Undersheriff and Jail Superintendent. In moving the Jail Superintendent up a grade, it is necessary to move the Undersheriff up as well. This would be the Undersheriff's salary to the midpoint of his grade, where it should be anyway. Any change in salary would come before you.

Mr. Swackhamer asked what is the dollar amount of these salaries? Ms. Smith replied on average, there is approximately \$5,000.00 between each of the management grades.

Ms. Smith stated we have advertised two times for the Jail Superintendent position, and both times have gotten a low response rate. This is a very critical position. When recruiting, the salary does say a lot. Steuben County does not lead the pack, with regard to salaries, across the State.

Mr. McAllister stated that he thinks this is important for the chain of command. The impetus for doing this is for the Jail Superintendent position so we can get more qualified people to apply so we have a bigger selection. The Undersheriff has more responsibility and he feels that it is right to increase his management grade. Ms. Smith commented we are keeping the hierarchy of the department.

Mr. Mullen commented that once the pay grade is changed, it is likely the Sheriff will come to us and ask for an increase in pay for the Undersheriff. Mr. Ryan commented the Legislature has the option to say no to a pay increase.

Mr. Weaver stated that he would like to see this as two separate resolutions instead of one.

Motion to separate the positions into two separate resolutions made by Mr. Weaver. Seconded by Mr. Swackhamer. Motion Fails. (Yes – 1048, No – 7706, Absent – 1118) (Opposed: Mr. Farrand, Mrs. Ferratella, Mr. Hanna, Mr. Hauryski, Mrs. Lando, Ms. Lattimer, Mr. McAllister, Mr. Peoples, Mr. Roush, Mr. Ryan, Mr. Schu, Mr. Swackhamer and Mr. Welch)

**Vote: Roll Call – Adopted. Yes – 8303, No – 451, Absent – 1118
(Opposed: Mr. Weaver)**

RESOLUTION NO. 070-13

Introduced by T. Ryan and G. Swackhamer.

Seconded by H. Lando.

AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A GRANT FOR DEVELOPMENT OF AN AGRICULTURE AND FARMLAND PROTECTION PLAN AND APPROPRIATING \$35,000 FROM THE ECONOMIC DEVELOPMENT FUND.

WHEREAS, Steuben County originally adopted an Agriculture and Farmland Protection Plan in January 2001 entitled “Steuben County’s Agricultural Expansion and Development Plan”; and

WHEREAS, many goals and objectives in said plan have been fulfilled; and

WHEREAS, Steuben County qualifies for grant funding from New York State Department of Agriculture and Markets (NYSDAM) since the current plan is more than ten (10) years old; and

WHEREAS, funds received from NYSDAM must be matched locally with cash and in-kind services; and

WHEREAS, the NYSDAM expects the plan to include agriculturally-based economic development projects potentially eligible for implementation funding through the Consolidated Funding Application process through the Southern Tier Regional Economic Development Council; and

WHEREAS, the Steuben County Industrial Development Agency has committed \$5,000 in matching funds; and

WHEREAS, NYSDAM has requested that applications be submitted in June with grant awards and work to begin in July 2013.

NOW THEREFORE, BE IT

RESOLVED, that the Planning Director is hereby authorized and directed to make application to NYSDAM for \$50,000 to develop an Agriculture and Farmland Protection Plan; and be it further

RESOLVED, that the Planning Director is hereby authorized and directed, in consultation with the County Attorney’s Office, to sign such agreements and documents as may be necessary to apply for and accept said grant, and to carry out the work plan in said grant agreement with NYSDAM; and be it further

RESOLVED, that the County of Steuben hereby appropriates \$35,000 from the Economic Development Fund to match NYSDAM funding, anticipates and appropriates \$5,000 from the Steuben County Industrial Development Agency, with the \$10,000 balance of the match to be supplied through in-kind services; and be it further

RESOLVED, that the County Treasurer shall create a Capital Project budget for said project and make the necessary budgetary adjustments and transfers to facilitate acceptance of revenues and appropriation of funds; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Planning Director; the County Treasurer; and Lucy Roberson, Director, Division of Fiscal Management, NYS Dept. of Agriculture and Markets, 10B Airline Drive; Albany NY 12235.

Vote: Roll Call – Adopted.

RESOLUTION NO. 071-13

Introduced by P. McAllister and G. Swackhamer.

Seconded by T. Ryan.

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 October, 2012 to the 31st day of March, 2013, 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 March 31, 2013, 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, 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 \$589,826.11.

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 2013

| TOWN & CITIES | TOWN/CITY AMT DUE | VILLAGES | VILLAGES AMT DUE | TOTAL AMT DUE |
|------------------------------|------------------------------|-----------------|-----------------------------|--------------------------|
| ADDISON | 7,712.38 | ADDISON | 3,144.18 | 10,856.56 |
| AVOCA | 5,861.78 | AVOCA | 750.89 | 6,612.67 |
| | | BATH (1) | 9,970.16 | 0.00 |
| BATH | 36,152.35 | SAVONA (2) | 958.60 | 47,081.11 |
| BRADFORD | 4,165.26 | | | 4,165.26 |
| CAMERON | 2,878.36 | | | 2,878.36 |
| CAMPBELL | 17,206.70 | | | 17,206.70 |
| CANISTEO | 6,603.83 | CANISTEO | 1,910.35 | 8,514.18 |
| CATON | 26,614.19 | | | 26,614.19 |
| COHOCTON | 6,758.22 | COHOCTON | 901.13 | 7,659.35 |
| CORNING CITY | 61,628.46 | | | 61,628.46 |
| | | RIVERSIDE (1) | 2,330.48 | 0.00 |
| CORNING TOWN | 50,198.14 | S CORNING (2) | 3,503.42 | 56,032.04 |
| DANSVILLE | 9,705.45 | | | 9,705.45 |
| ERWIN | 79,238.13 | PAINTED POST | 6,248.46 | 85,486.59 |
| FREMONT | 3,519.13 | | | 3,519.13 |
| GREENWOOD | 6,319.56 | | | 6,319.56 |
| HARTSVILLE | 3,366.31 | | | 3,366.31 |
| HORNBY | 12,793.57 | | | 12,793.57 |
| HORNELL CITY | 21,847.09 | | | 21,847.09 |
| | | ALMOND (1) | 40.01 | 0.00 |
| | | ARKPORT (2) | 1,648.16 | 0.00 |
| HORNELLSVILLE | 18,831.24 | V N HORNELL (3) | 1,921.69 | 22,441.10 |
| HOWARD | 4,772.54 | | | 4,772.54 |
| JASPER | 6,640.38 | | | 6,640.38 |
| LINDLEY | 10,042.74 | | | 10,042.74 |
| PRATTSBURGH | 8,878.43 | | | 8,878.43 |
| PULTENEY | 25,382.99 | | | 25,382.99 |
| RATHBONE | 3,835.23 | | | 3,835.23 |
| THURSTON | 8,626.19 | | | 8,626.19 |
| TROUPSBURG | 3,815.86 | | | 3,815.86 |
| TUSCARORA | 4,633.17 | | | 4,633.17 |
| URBANA | 26,759.83 | HAMMONDSPORT | 2,319.95 | 29,079.78 |
| WAYLAND | 19,627.23 | WAYLAND | 3,675.22 | 23,302.45 |
| WAYNE | 17,829.15 | | | 17,829.15 |
| WEST UNION | 18,512.17 | | | 18,512.17 |
| WHEELER | 4,486.71 | | | 4,486.71 |
| WOODHULL | 5,260.64 | | | 5,260.64 |
| TOTAL | 550,503.41 | | 39,322.70 | 589,826.11 |

Foregoing shall be your sufficient warrant for the payment of said sums as above directed.

DATED at Bath, New York, May 20, 2013.

STEBEN COUNTY LEGISLATURE

By: 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: May 20, 2013.

Brenda K. Mori, Clerk of the Legislature

Vote: Roll Call – Adopted.

RESOLUTION NO. 072-13

Introduced by G. Swackhamer.

Seconded by G. Roush.

ESTABLISHING THE DATE 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 2013 Delinquent Real Property Tax Auction shall be conducted on Friday, July 12, 2013, 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, May 31, 2013, 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.

Mr. Swackhamer stated since the press does not seem to be here, he would like to let the public know that the last day for the repurchase of properties is May 31st.

Mr. Schu asked can they repurchase up to the date of the sale? Mr. Donnelly replied in the past, we allowed the repurchase up to the Friday night the week prior to the sale. We have cut that date back to May 31st and there still is a 25 percent penalty. We plan to keep this going forward. Mr. Reed commented moving the date provides the buyers with additional time to do title searches.

Mr. Farrand asked if they would send out a notice informing the public that the final date to repurchase is May 31st? Mr. Donnelly replied there is a letter in the mail to the property owners.

Vote: Roll Call – Adopted.

RESOLUTION NO. 073-13

Introduced by P. McAllister.

Seconded by G. Roush.

OPPOSING PROPOSED AMENDMENTS TO THE ELECTION LAW.

WHEREAS, a series of proposed amendments to New York State Election Law have been introduced in the Senate and Assembly of the State of New York; and

WHEREAS, as proposed, said Bills will have an even more harmful financial effect on County Boards of Elections budgets, and will certainly significantly increase the cost of elections; and

WHEREAS, Bills #A.689/#S.1461, propose to enact a new Title VI to the Election Law entitled “Early Voting”; and

WHEREAS, the proposed Early Voting amendment would require voting be allowed fourteen (14) days before a General Election and seven (7) days before a Primary Election, at a minimum of five (5) polling places in each county from 8:00 AM until 8:00 PM each weekday and from 9:00 AM until 5:00 PM Saturdays and Sundays; and

WHEREAS, Boards of Elections would be required to hire Bi-Partisan Election Inspectors to staff the polling sites; and

WHEREAS, in addition to the fourteen or seven day Early Voting term prescribed, the amendment also states: “Local Boards of Elections may purchase additional direct recording electronic machines to be used solely for early Voting...”: and

WHEREAS, Bills #A.172/#S.609, as well as #A.2099/#S.1549 propose nearly identical amendments to Election Law: to provide for same-day registration of voters, at the polling place, during the hours that the polling place is open for voting; and

WHEREAS, while the procedure to register said prospective voter is unspecified, it is not unreasonable to infer some type of internet connection would be required; and

WHEREAS, internet access for the conduct of an election or voter registration is not available at polling sites in Steuben County; and

WHEREAS, there already exists a provision for filing an absentee ballot, which affords an opportunity for an individual to vote when such voter is not able to appear in person on Election day to cast their ballot; and

WHEREAS, while the Early Voting amendment does concede to additional costs incident to its implementation, the same day registration proposal contends no fiscal impact, which is a questionable assertion; and

WHEREAS, none of the proposed amendments to Election Law stipulate any financial assistance to implement their programs; and

WHEREAS, these proposed amendments to State Election Law are again a case study of unfunded mandates imposed upon local governments; and

WHEREAS, given the current climate within which local governments must operate, it is truly unfortunate and deceitful that the Legislature of the State of New York would continue to consider unfunded mandates; and

WHEREAS, the Legislature of Steuben County must voice its strong opposition to the proposed amendments to the Election Laws.

NOW THEREFORE, BE IT

RESOLVED, that the Legislature of Steuben County be and hereby voices its strong opposition to the proposed amendments to Election Law, to wit:

#A.689/#S.1461 – An Act to amend the Election Law, in relation to early voting;

#A.172/#S.609 – An Act to amend the Election Law, in relation to allowing for polling place voter registration for any qualified person who is not registered to vote;

#A.2099/#S.1549 – An Act to amend the Election Law, in relation to allowing for polling place voter registration for any qualified person who is not registered to vote;

AND BE IT FURTHER RESOLVED, that certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Dean Skelos, NYS Senate Republican Conference Leader And Majority Coalition Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Jeffrey Klein, NYS Senate Independent Conference Leader And Majority Coalition Leader, 913 Legislative Office Building, Albany, NY 12247; Honorable Andrea Stewart-Cousins, Minority Leader, New York State Senate, 907 Legislative Office Building, Albany, NY 12247; Honorable Sheldon Silver, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Joseph D. Morelle, Majority Leader, New York State Assembly, 926 Legislative Office Building, Albany, NY 12248; Honorable Brian M. Kolb, Minority Leader, New York State Assembly, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 415 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 723 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 439 Legislative Office Building, Albany, NY 12248; Honorable Bill Nojay, New York State Assemblyman, 527 Legislative Office Building, Albany, NY 12248; Honorable Michael P. Kearns, New York State Assemblyman, 431 Legislative Office Building, Albany, NY 12248; Stephen J. Acquario, Executive Director, New York State Association of Counties, 540 Broadway, Albany, NY 12207; and Honorable Jerry Davis, President, Inter-County Association of Western New York, c/o Wyoming County Board of Supervisors, Government Center, 143 North Main Street, Warsaw, NY 14569; and League of Women Voters of NYS, 62 Grand Street, Albany, NY 12207.

Motion to postpone for one month to allow for the verification of facts made by Mr. Welch. Seconded by Mr. Weaver. Motion Fails. (Yes – Mrs. Lando, Mr. Peoples, Mr. Swackhamer, Mr. Weaver and Mr. Welch)

Ms. Lattimer stated that we need to do this now because the Legislature, if they consider this, will do it within the next four to six weeks. She is not opposed to early voting in general, but all pieces of the draft legislation will put a serious burden on the county fiscally. The legislation will not designate one polling site per unit. This will cost you a lot of money. She stated that she is not opposed to early voting and is in favor of offering everyone the opportunity to vote.

Mr. McAllister commented this is not a flat statement that we oppose early voting. It is pretty clear in the resolution that we are against the proposed legislation because of unfunded mandates.

Mr. Weaver stated the fact is that we are saying we are against early voting because of the mandate. Basically the mandate relief issue is addressed in the next resolution. The message we are sending is that we are against early voting.

Mr. Mullen stated that he previously lived in Virginia Beach and understands why early voting is used in some states, as people have to stand in line to vote. He does not see a need for early voting in Steuben County and he is against early voting.

Mr. Ryan stated that he is against early voting. I take my right to vote very seriously and I am aware of the date on which I need to vote and what I am voting for. Everyone should do the same.

Mrs. Ferratella stated the issue of unfunded mandates is critical. For the County, the critical part is getting people to work elections. Now we will have to ask them to work more days and weekends. It will be a nightmare.

Mr. Schu stated we have more debate on memorializing the State on issues that we do not have direct control over.

Mr. Roush stated that he is opposed to early voting. Campaigning still takes place right up until Election Day. Changes could take place during that time and people may change their mind. The campaigns are not over until the election. He agrees with Mrs. Olin that there is no proof that this will increase voter turnout. He sees no reason to do this.

Mr. Ryan commented that he believes there may be more potential for fraud.

Mrs. Lando stated this resolution does say we are against early voting as a county. I do not agree with this in total. There are both good and bad things in this resolution.

**Vote: Acclamation – Adopted. Yes – 6594, No – 2160, Absent – 1118
(Opposed: Mr. Farrand, Mrs. Lando, Mr. Weaver, Mr. Welch)**

RESOLUTION NO. 074-13

Introduced by P. McAllister.

Seconded by G. Swackhamer.

DECLARING “MAYDAY FOR MANDATE RELIEF”.

WHEREAS, counties are mandated to administer and finance dozens of state and federal programs; and

WHEREAS, many counties in New York State face significant fiscal challenges made worse by the recent recession and slow economic recovery; and

WHEREAS, these county fiscal challenges are also directly tied to state-imposed mandates and in recent years reduced state reimbursement; and

WHEREAS, the New York State Association of Counties has identified 9 state mandates that consume 90 percent of all county property taxes levied across the state (outside of New York City), representing over \$4 billion in county property taxes levied. These mandates include: Medicaid, 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, these mandated and fixed employee costs can consume more than 80 percent of a county’s total budget, leaving fewer local dollars that can be devoted to local programs and services; and

WHEREAS, these State mandates are the root cause of high county property and sales taxes in New York and have led to a decline in the delivery of important local services.

NOW THEREFORE, BE IT

RESOLVED, that Steuben County hereby declares the month of May to be “Mayday for Mandate Relief” to raise awareness that decisions made in Albany have a direct impact on the property tax levy and local community services here in Steuben County; and be it further

RESOLVED, that Steuben County strongly encourages the Governor and State Legislature to continue working to enact meaningful mandate relief; and be it further

RESOLVED, that Steuben County calls on State Lawmakers to enact legislation preventing future unfunded mandates without corresponding state aid to pay for them; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Dean Skelos, NYS Senate Republican Conference Leader And Majority Coalition Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Jeffrey Klein, NYS Senate Independent Conference Leader And Majority Coalition Leader, 913 Legislative Office Building, Albany, NY 12247; Honorable Andrea Stewart-Cousins, Minority Leader, New York State Senate, 907 Legislative Office Building, Albany, NY 12247; Honorable Sheldon Silver, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Joseph D. Morelle, Majority Leader, New York State Assembly, 926 Legislative Office Building, Albany, NY 12248; Honorable Brian M. Kolb, Minority Leader, New York State Assembly, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 415 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 723 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 439 Legislative Office Building, Albany, NY 12248; Honorable Bill Nojay, New York State Assemblyman, 527 Legislative Office Building, Albany, NY 12248; Honorable Michael P. Kearns, New York State Assemblyman, 431 Legislative Office Building, Albany, NY 12248; Stephen J. Acquario, Executive Director, New York State Association of Counties, 540 Broadway, Albany, NY 12207; and Honorable Jerry Davis, President, Inter-County Association of Western New York, c/o Wyoming County Board of Supervisors, Government Center, 143 North Main Street, Warsaw, NY 14569.

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. Lattimer and duly carried.

RESOLUTION NO. 075-13

Introduced by G. Swackhamer.

Seconded by Mr. 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 the New York State Supreme Court:

PAMELA RYAN, as administratrix of the
ESTATE OF JOSEPH D. RYAN,

Index No. 86460

Plaintiff,

vs.

STEBEN COUNTY,

Defendant.

; and

WHEREAS, the matter has been conferenced for settlement in advance of trial before the New York State Supreme Court; and

WHEREAS, the parties are desirous of settling said claims.

NOW THEREFORE, BE IT

RESOLVED, the County does hereby ratify the settlement of the above-entitled claim in the amount of One Hundred Thirty Thousand Dollars (\$130,000.00), subject to the approval of the Supreme Court, State of New York; 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. Mullen. Seconded by Ms. Lattimer and duly carried.

Motion to Adjourn made by Mr. Roush. Seconded by Mrs. Ferratella and duly carried.

REGULAR MEETING
Morning Session
Monday, June 24, 2013
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 June, 2013, 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.

Kyle Bowers, Superintendent of Hammondsport School District, stated that he is here today to support the School Resource Office (SRO) proposal. School safety is our number one priority in all of the districts, large or small. He supports this proposal for the prevention that it will provide for us. A number of years ago we had a State Trooper who was the SRO in the school and they were able to develop relationships with the students. This is one thing that we are sorely missing.

Joe Rumsey, Superintendent of Bath School District, stated that he would like to thank the Legislature for considering the SRO proposal and would request that they approve the initiative to place SROs in the school system. The presence of law enforcement allows them to build a positive relationship with the kids and families. The SRO helps with attendance, counseling students and would also be available during large community gatherings. Nothing is more proactive and preventative than having a trained law enforcement official within the school.

Jeff DeLorme, Assistant Superintendent of Corning/Painted Post School District, stated on behalf of the school board and the Superintendent, we are in strong support of the initiative proposed by Sheriff Cole. We also had an SRO in each of our two schools in the past and had to cut them due to budget constraints. This gives us the opportunity to bring the SRO's back. We have seen a significant increase in emergency management response, in large part due to Mr. Marshall's, and the Sheriff Department's, ability to get staff trained and drilled. One glaring need is for an SRO in the secondary school. DASA II (Dignity for All Students Act) goes into effect July 1, 2013. This pertains to bullying, harassment, etc. within the school and anything outside of the school that may impact what goes on within the school. An SRO can do that effectively.

Kathy Hagenbuch, Superintendent of Campbell-Savona School District, thanked the Chairman and the Legislature for the opportunity to speak on the SRO proposal. The Campbell-Savona School Board and the school community enthusiastically support and advocates for the establishment of an SRO within the school. In the past, we had an SRO that was provided by the New York State Police, however, was cut due to budget constraints. That individual made a significant, positive impact in the school climate. Most significant is having a skilled officer on site should we experience a major threat. An SRO does much more than provide security. They are another resource for education for both students and staff. In the past, our SRO provided programming on making good choices. The most compelling reasons for having an SRO are security and the ability to have quick onsite response should we experience an emergency.

Richard Yochem, Superintendent of Avoca School District, stated that he has been in the district for ten years and during that time, they have had two SRO's. The relationship they built with the students and faculty exceeded the security. We appreciate you looking at this and would encourage your support.

Joseph DioGuardi, Superintendent, Addison School District, stated that he also supports the SRO proposal. We had a SRO for a number of years and the Sheriff actually performed those duties for four years. We currently have a retired New York State Trooper. We contract with the village for the SRO. Our major goal is to have a safe school and positive interactions with the students. Our SRO functions as an educator and works in the classrooms as a guest speaker. We provide programming to students on drugs, bullying and cybercrimes. This works incredibly well for us. The SRO is an employee of the village and is retired, so we do not have to pay health insurance or benefits.

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 Upon County of Steuben Local Law Tentatively No. One for the Year 2013, Establishing the Steuben County Charter; and notice was further given that the Local Law is subject to a Mandatory Referendum to be held at the General Election in November 2013. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing.

Dan Stuart, Caton, stated that under Section 2.01, Qualifications of Legislators, it states that it is limited to people that participate in local town, city, or village government. We have 100,000 people in the County and it does not seem right to limit the list of candidates.

Mr. Alger stated we normally do not respond during public hearings. However, it should be noted that is not a limitation, it is an exception that allows those individuals to run. Any citizen can run for the office of Legislator. The individuals that currently hold positions in town, city, or village government are authorized to run by exception. Mr. Stuart stated that is very easy to misunderstand.

Pat Donnelly, Steuben County Treasurer, stated that he has been a lifelong resident of the County and became a member of the Legislature in 2002. In 2006 the Legislature was aware of the need to look at a charter form of government for the County. In the proposed charter, the Chief Financial Officer could be appointed a Commissioner of Finance. He stated that he fully supports the concept and the charter as presented, including the proposal to make the Treasurer an appointed Commissioner of Finance.

Chairman Hauryski thanked everyone for their comments and declared the opportunity for public comment relative to the Public Hearing, closed.

Motion adopting the minutes from the previous meeting(s) made by Mr. Van Etten. Seconded by Mr. Schu and duly carried.

RESOLUTION NO. 075-13

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. | <u>A-1</u> |
| Name | <u>Verizon New York Inc.</u> |
| Parcel No. | <u>317.12-02-011.000</u> |
| Municipality | <u>Corning City</u> |
| Disposition | <u>Refund (per Court Order)</u> |

SCHEDULE "B"

| | |
|--------------------|---|
| Resolution No. | <u>B-1</u> |
| Former Owner | <u>Douglas W. Griffin</u> |
| In Rem Index No. | <u>2011-1564CV, 2011 sale</u> |
| Parcel No. | <u>317.12-01-022.000</u> |
| Municipality | <u>Corning City</u> |
| Grantee(s) | <u>Douglas W. Griffin</u> |
| Grantee(s) Address | <u>64 S. Bridge St., Corning, NY 14830</u> |
| Consideration | <u>\$15,126.20, together with \$185.00 recording fees</u> |

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. | <u>B-2</u> |
| Former Owner | <u>Dittmar Forestry Inc.</u> |
| In Rem Index No. | <u>2011-1564CV, 2011 sale</u> |
| Parcel No. | <u>204.00-01-021.240</u> |
| Municipality | <u>Thurston Town</u> |
| Grantee(s) | <u>Dittmar Forestry Inc.</u> |
| Grantee(s) Address | <u>PO Box 308, West Milton, PA 17886</u> |
| Consideration | <u>\$3,053.76, together with \$310.00 recording fees</u> |

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.

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| Resolution No. | B-3 |
| Former Owner | Dittmar Forestry Inc. |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 204.00-01-021.210 |
| Municipality | Thurston Town |
| Grantee(s) | Dittmar Forestry Inc. |
| Grantee(s) Address | PO Box 308, West Milton, PA 17886 |
| Consideration | \$1,853.20, 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.

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| Resolution No. | B-4 |
| Former Owner | Jeanne Joseph Meacham |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 166.06-03-025.000 |
| Municipality | Hornell City |
| Grantee(s) | Jeanne Joseph Meacham |
| Grantee(s) Address | 136 Hill St., Hornell, NY 14843 |
| Consideration | \$8,398.54, 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.

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| Resolution No. | B-5 |
| Former Owner | Robin A. Colegrove |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 318.00-01-020.200 |
| Municipality | Corning Town |
| Grantee(s) | Robin A. Colegrove |
| Grantee(s) Address | 3048 College Ave., Corning, NY 14830 |
| Consideration | \$1,928.30, 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.

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| Resolution No. | B-6 |
| Former Owner | Steven A. Makitra |
| In Rem Index No. | 104021, 2009 sale |
| Parcel No. | 189.00-01-038.000 |
| Municipality | Bath Town |
| Grantee(s) | Steven A. Makitra |
| Grantee(s) Address | 4 W. Steuben St., Bath, NY 14810 |
| Consideration | \$8,066.45, 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.

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| Resolution No. | B-7 |
| Former Owner | Makitra Real Estate Inc. |
| In Rem Index No. | 104021, 2009 sale |
| Parcel No. | 159.53-01-055.000 |
| Municipality | Bath Village |
| Grantee(s) | Makitra Real Estate Inc. |
| Grantee(s) Address | 4 W. Steuben St., Bath, NY 14810 |
| Consideration | \$6,848.26, 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.

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| Resolution No. | B-8 |
| Former Owner | Margaret S. Goodwin Estate c/o Kenneth Goodwin |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 204.00-03-032.200 |
| Municipality | Bath Town |
| Grantee(s) | Margaret S. Goodwin Estate c/o Kenneth Goodwin |
| Grantee(s) Address | 6816 Wilbur Rd., Bath, NY 14810 |
| Consideration | \$16,636.29, 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.

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| Resolution No. | B-9 |
| Former Owner | Laurie E. Patton |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 047.08-01-007.000 |
| Municipality | Prattsburgh Town |
| Grantee(s) | Laurie E. Patton |
| Grantee(s) Address | 1605 Newell Rd., Endicott, NY 13760 |
| Consideration | \$762.43, 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.

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| Resolution No. | B-10 |
| Former Owner | Keith Hasler |
| In Rem Index No. | 2010-1966CV, 2010 sale |
| Parcel No. | 040.00-01-010.100 |
| Municipality | Dansville Town |
| Grantee(s) | Keith Hasler |
| Grantee(s) Address | 321 Jerome St., Painted Post, NY 14870 |
| Consideration | \$3,482.66, 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.

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| Resolution No. | B-11 |
| Former Owner | Glenn A. Knott, Penny L. Knott & Gerald Aiken |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 368.00-01-022.114 |
| Municipality | Tuscarora Town |
| Grantee(s) | Glenn A. Knott, Penny L. Knott & Gerald Aiken |
| Grantee(s) Address | 1692 County Route 5, Addison, NY 14801 |
| Consideration | \$8,833.44, 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.

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| Resolution No. | B-12 |
| Former Owner | Lance McCaig |
| In Rem Index No. | 104021, 2009 sale |
| Parcel No. | 328.00-03-021.110 |
| Municipality | Rathbone Town |
| Grantee(s) | Lance McCaig |
| Grantee(s) Address | 2261 Potter Rd., Addison, NY 14801 |
| Consideration | \$866.55, 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.

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| Resolution No. | B-13 |
| Former Owner | Raymond Emery |
| In Rem Index No. | 2010-1966CV, 2010 sale |
| Parcel No. | 024.00-01-007.100 |
| Municipality | Pulteney Town |
| Grantee(s) | Raymond Emery |
| Grantee(s) Address | 11570 County Route 78, Prattsburgh, NY 14873 |
| Consideration | \$6,959.80, 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.

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| Resolution No. | B-14 |
| Former Owner | Charles Lucas & Carol Lucas |
| In Rem Index No. | 104021, 2009 sale |
| Parcel No. | 344.00-01-013.110 |
| Municipality | Jasper Town |
| Grantee(s) | Charles Lucas & Carol Lucas |
| Grantee(s) Address | 4441 State Route 417, Woodhull, NY 14898 |
| Consideration | \$5,340.76, 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.

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| Resolution No. | B-15 |
| Former Owner | Sandra Booth |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 027.01-01-027.000 |
| Municipality | Wayland Town |
| Grantee(s) | Sandra Booth |
| Grantee(s) Address | 11135 County Route 91, Wayland, NY 14572 |
| Consideration | \$7,284.76, 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.

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| Resolution No. | B-16 |
| Former Owner | Floyd A. Marsh & Thomas E. Marsh |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 385.00-01-061.000 |
| Municipality | Tuscarora Town |
| Grantee(s) | Floyd A. Marsh & Thomas E. Marsh |
| Grantee(s) Address | 1082 Gill Rd., Addison, NY 14801 |
| Consideration | \$4,189.55, 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.

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| Resolution No. | B-17 |
| Former Owner | Joshua J. Morgan & Jennifer L. Morgan |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 304.15-01-032.000 |
| Municipality | Greenwood Town |
| Grantee(s) | Joshua J. Morgan & Jennifer L. Morgan |
| Grantee(s) Address | 53 Maple St., Canisteo, NY 14823 |
| Consideration | \$5,167.91, 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.

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| Resolution No. | B-18 |
| Former Owner | Kevin Champaign & Dawn M. Champaign |
| In Rem Index No. | 2010-1966CV, 2010 sale |
| Parcel No. | 159.13-03-043.000 |
| Municipality | Bath Village |
| Grantee(s) | Kevin Champaign & Dawn M. Champaign |
| Grantee(s) Address | 4 Halsey St., Bath, NY 14810 |
| Consideration | \$7,357.17, 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.

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|--------------------|---|
| Resolution No. | B-19 |
| Former Owner | Richard B. Metz Estate |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 364.05-02-049.000 |
| Municipality | Woodhull Town |
| Grantee(s) | Town of Woodhull |
| Grantee(s) Address | 1585 Academy St., Woodhull, NY 14898 |
| Consideration | \$2,229.23, together with \$185.00 recording fees |

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|--------------------|---|
| Resolution No. | B-20 |
| Former Owner | Bonnie Hall, Crystal L. & Marvin Curry |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 048.05-01-002.000 |
| Municipality | Prattsburgh Town |
| Grantee(s) | Town of Prattsburgh |
| Grantee(s) Address | PO Box 427, Prattsburgh, NY 14873 |
| Consideration | \$3,106.67, together with \$310.00 recording fees |

Mr. Welch indicated that he would be abstaining from the vote as his firm is representing an individual listed on this resolution.

**Vote: Roll Call – Adopted. Yes – 9,330; Abstained – 542
(Abstained – Mr. Welch)**

RESOLUTION NO. 076-13

Introduced by J. Hauryski.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE JUNE 24, 2013 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 3, 2013

NYS Office of Children and Family Services – Re: Notification of the Annual Supervision and Treatment Services for Youth Program (STSJP) allocation. *Referred to: Human Services/Health & Education Committee; and Kathryn Muller, Commissioner of Social Services.*

May 6, 2013

NYS Office for the Aging – Re: Revised Notification of Grant Award and Annual Implementation Plan budget for the Title III-E for the period of January 1, 2012 through December 31, 2012. *Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.*

NYS Office for the Aging – Re: Notification of Grant Award and approved application for the New York Connects funding for the period of October 1, 2012 through September 30, 2013. *Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.*

May 9, 2013

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and Corning Incorporated/Corning Property Management Corporation (Diesel Plant Expansion Project 2013) is scheduled for Monday, May 20, 2013 at 9:00am, in the Erwin Town Hall, 310 Town Center Road, Painted Post, New York. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

May 13, 2013

Chemung County – Request for a letter of support for a year-round Regional Farmer’s Market which will be housed at the Chemung County Fairgrounds. *Referred to: Joseph Hauryski, Legislature Chairman.*

Niagara County Legislature – Re: Copy of passed Niagara County resolution calling on the New York State Legislature to pass and enact S.3948/A.6094, Legislation repealing the NY Safe Act. *Referred to: Steuben County Legislature.*

May 15, 2013

Harris Beach, PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Corning War Memorial Apartments, LLC’s distribution of Form RP-412-a and PILOT agreement. *Referred to: Finance and Administration Committees; Patrick Donnelly, County Treasurer; Wendy Flaitz, RPTSA Director; and Alan Reed, County Attorney.*

May 16, 2013

New York State Office of Parks, Recreation and Historic Preservation – Re: The Hammondsport School located at 15 Bauder Street in Hammondsport, NY will be considered for nomination to the National and State Registers of Historic places at their next State Review Board meeting held on June 13, 2013. *Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Twila O’Dell, Historian.*

May 22, 2013

Fulton County Legislature – Re: Copy of passed resolution opposing new unfunded mandates to require early voting in New York State. *Referred to: Steuben County Legislature.*

Fulton County Legislature – Re: Copy of passed resolution declaring “Mayday for Mandate Relief” and urging the State to adopt laws that prohibit unfunded mandates on local governments. *Referred to: Steuben County Legislature.*

May 23, 2013

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and Pulteney Plaza Inc. is scheduled for Thursday, June 6, 2013 at 10:00am, at the Riverside Village Hall, 35 Stanton Street, Painted Post, New York. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

May 28, 2013

New York State Department of Environmental Conservation – Re: Notification of sufficient evidence to commence an enforcement action against Wilkins Dairy Farm LLC for violations of Article 17 of the Environmental Conservation Law which occurred at 5811 Unionville Road and Nicholson Road, in the Town of Bath, Steuben County. *Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Steuben County Environmental Management Council.*

NYS Public Employment Relations Board – Re: Notice of a conference call is scheduled for Thursday, June 27, 2013 @ 2pm (Case NO#C-6194). *Referred to: Sheriff Cole; Nancy Smith, Personnel Director; and Mark Alger, County Administrator.*

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and Marsh Hill Energy, LLC is scheduled for Monday, June 10, 2013 at 10:00am, at the Jasper Town Hall (Community Room), 3807 Preacher Road, Jasper, New York. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

New York State Association of Counties – Re: County of Nassau vs. Expedia, Inc. et al (local hotel/motel taxes) *Referred to: Alan Reed, County Attorney and Patrick Donnelly, County Treasurer.*

June 3, 2013

NYS Department of Education – Re: Fiscal audit guidelines and requirements performed by municipalities of preschool programs and services. *Referred to: Human Services/Health & Education Committee; Vicki Fuerst, Director of Public Health Nursing; Diane Kiff, Administrative Officer of Special Children’s Services; and Patrick Donnelly, County Treasurer.*

June 4, 2013

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$3,568 representing the April 2013 retained surcharge revenues for Steuben County. *Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.*

Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Corning War Memorial Apartments, LLC revised schedule “A”. *Referred to: Finance and Administration Committees; Patrick Donnelly, County Treasurer; Wendy Flaitz, RPTSA Director; and Alan Reed, County Attorney.*

June 6, 2013

Bath Central School District – Re: Letter of support for the Steuben County School Resource Officer Program. *Referred to: Public Safety & Corrections Committee; and Sheriff Cole.*

June 10, 2013

NYS Division of Homeland Security and Emergency Services – Re: Notification of tentatively awarded \$90,000 under the FY2013 State Homeland Security Program (SHSP). *Referred to: Public Safety & Corrections Committee; and Tim Marshall, EMO Acting Director.*

June 12, 2013

NYS Department of Environmental Conservation – Re: Inactive Hazardous Waste Disposal Site Delist Notice. *Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Steuben County Environmental Management Council.*

June 13, 2013

Haley & Aldrich of New York – Re: Public notice of receipt of a complete Brownfield Cleanup Program application for Philips Lighting Company #C851044. *Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Steuben County Environmental Management Council.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 077-13

Introduced by P. McAllister.

Seconded by H. Lando.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2013, ESTABLISHING THE STEUBEN COUNTY CHARTER.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on May 20, 2013 County of Steuben Local Law Tentatively No. One for the Year 2013, establishing the Steuben County Charter by resolution, making the final adoption of said Local Law subject to a public hearing to be held on June 24, 2013 and also subject to a mandatory referendum to be held at the general election November 5, 2013; 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 the 24th day of June, 2013 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 and requirement for a mandatory referendum.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law Tentatively No. One for the Year 2013, 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 2013**

A Local Law Establishing the Steuben County Charter.

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

**CHARTER OF
STEUBEN COUNTY**

- ARTICLE I. Steuben County and Its Government.
- ARTICLE II. The County Legislature.
- ARTICLE III. The County Manager.
- ARTICLE IV. Administrative Code.
- ARTICLE V. Department of Law.
- ARTICLE VI. Department of Finance.
- ARTICLE VII. Department of Personnel.
- ARTICLE VIII. Department of Social Services.
- ARTICLE IX. Department of Community Services.
- ARTICLE X. Department of Public Works.
- ARTICLE XI. Municipal Cooperation.
- ARTICLE XII. Other County Functions.
- ARTICLE XIII. General and Transitional Provisions.

ARTICLE I

STEUBEN COUNTY AND ITS GOVERNMENT

- 1.00 Title and Purpose.
- 1.01 County Status, Powers and Duties.
- 1.02 Charter Effect on State Laws.
- 1.03 Charter Effect on Local Laws and Resolutions.

Section 1.00. Title and Purpose.

This Charter and all amendments hereto shall constitute the form of government for Steuben County and shall be known and cited as the "Steuben County Charter". Among the purposes of this Charter are the accomplishment of greater efficiency, economy, and responsibility in County government; the securing of all possible County home rule; and the separation of County legislative and executive functions.

Section 1.01. County Status, Powers and Duties.

The County of Steuben shall continue to be a municipal corporation exercising such powers and discharging such duties as may be imposed or conferred upon it by this Charter, Administrative Code or by applicable Federal, State, and local law and/or regulation.

Section 1.02. Charter Effect on State Laws.

Within the limits prescribed in Article 4 of the municipal home rule law, wherever and whenever any State law, general, special or Local law in effect, is inconsistent with this Charter or Administrative Code, such law shall be deemed to the extent of such inconsistency to be superseded by this Charter insofar as the County of Steuben and its government are affected.

Section 1.03. Charter Effect on Local Laws and Resolutions.

Except to the extent inconsistent with this Charter or the Administrative Code, all existing laws and resolutions heretofore adopted by the board of supervisors and/or Legislature of the County of Steuben shall continue in force until amended, superseded or repealed as provided herein. Any reference or incorporation of any law, rule, ordinance or resolution in this Charter shall not merge with this Charter; nor shall such reference or incorporation require any additional formality or process in order to amend, modify, extend, repeal or any other change to such law, rule ordinance or resolution than that originally utilized to enact such provision(s).

ARTICLE II

THE COUNTY LEGISLATURE

- 2.00 The County Legislature.
- 2.01 Qualifications of Legislators.
- 2.02 Size of County Legislature, Term of Office, Weighted Voting, Reapportionment of Seats.
- 2.03 Vacancies.
- 2.04 Officers and Committees of the County Legislature.
- 2.05 Clerk of the County Legislature.
- 2.06 Legislative Enactments.
- 2.07 Powers and Duties of the County Legislature.
- 2.08 Publication of Local Laws.
- 2.09 Official Newspapers.

Section 2.00. The County Legislature.

(a) The County Legislature shall be the elective governing body of the County. The Legislators elected from the various County Legislative districts, as more specifically hereinafter set forth, shall, when lawfully convened, constitute the legislative, appropriating, governing and policy determining body of Steuben County.

(b) Whenever the words "board" or "board of representatives" or words of similar import are used herein they shall mean the "Legislature".

(c) Whenever the word "representative" or words of similar import are used herein they shall mean "Legislator" or "member of the County legislature".

Section 2.01. Qualifications of Legislators.

County Legislators, at the time of their official nomination for election, shall be electors of the County of Steuben qualified to vote in general elections from the districts they seek to represent. They shall continuously thereafter while seeking or holding such office, be residents of the district from which they are nominated or elected. The Board of Elections of the County of Steuben shall be the judge of the above qualifications of the members of the County Legislature, and for that purpose shall have the power to subpoena witnesses, take testimony, and require the production of records. Decisions made by the Board of Elections in the exercise of powers granted by this section shall be subject to review by the courts as prescribed by applicable statute.

Notwithstanding any law to the contrary as limited only the provisions of Section 1.02 of this Charter, all mayors of cities and village and all supervisors of towns and all members of legislative bodies of all Cities, Towns and Villages who possess the above qualifications shall be eligible to be elected as members of the County Legislature. All other elected officials who otherwise possess the above qualifications shall not be eligible to be elected as members of the County Legislature.

Section 2.02. Size of County Legislature, Term of Office, Weighted Voting, Reapportionment of Seats.

The County Legislature shall be composed of seventeen (17) members, divided on the basis of population among the County districts. Upon passage of the Charter, the County Legislature shall remain as currently constituted without altering the terms of its members nor creating any modification in any district, pattern of voting or of any of the laws, rules, and regulations affecting the legislature except as set forth in this Charter

The term of office for all County Legislators shall be four years.

The Steuben County Legislature shall continue to employ a weighted voting system, with voting strength calculated by dividing a Legislator's district population as of the most recent Federal decennial census by a factor of ten (10).

After each official Federal decennial census, the County Legislature shall develop a plan for reapportionment, which shall contain recommendations as to the number and geographic boundaries of districts from which Steuben County Legislators shall be nominated and elected. In developing a reapportionment plan, the Steuben County Legislature shall strive to minimize population variance among districts and maintain reasonable geographic size of districts.

Options for reapportionment may include, but are not limited to, adjustment of weighted voting strength based on population change, executed by passage of a local law; changes in legislative district boundaries to account for population shifts, subject to mandatory referendum; and/or change in the number of legislators and legislative districts, subject to mandatory referendum.

Section 2.03. Vacancies.

A vacancy in the office of the County Legislator shall be filled by appointment of the County Legislature of a qualified elector of the County having the same political affiliation as the person last elected to such office and such person newly appointed shall also be a resident of the district to which such appointment is made and eligible under Section 2.02 hereof.

The person appointed by the County Legislature shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy at which election such vacancy can be filled for the remainder of the unexpired term, if any.

Section 2.04. Officers and Committees of the County Legislature.

On January 1st of the even numbered year next following the election of any members of the County Legislature, or as soon thereafter as practicable, the County Legislature shall meet and organize by electing from among its members a chairman and such other officials as are deemed required. Notwithstanding the provisions of Section 200 of the County law or other applicable law, the Chairman, Vice Chairman, Majority and Minority Leaders may be paid an additional amount of salary which amount may be set from time to time in the tentative budget or within budgetary appropriations.

The Chairman shall appoint members of the County Legislature to serve on such legislative committees as are provided by the rules of the County Legislature.

Section 2.05. Clerk of the County Legislature.

The County Legislature shall appoint a Clerk of the Legislature who shall serve a term of five years. From time to time the Clerk shall appoint such additional personnel as are required for the efficient operation of the office of the clerk, within budgetary limitations.

Section 2.06. Legislative Enactments.

Every resolution before the County Legislature for enactment shall be in writing. Every written resolution shall have a title which shall concisely state the subject and contents thereof; shall completely embody the legislative initiatives from which it is preceded; shall expressly set forth the provisions of local law to be enacted; and shall expressly specify whether it is repealing or amending an existing local law.

The Rules of procedure of the Legislature heretofore enacted shall continue in effect be amended, modified and vacated by the Legislature as it so elects from time to time to do.

Section 2.07. Powers and Duties of the County Legislature.

Except as otherwise provided in this Charter, the County Legislature shall have and exercise all such powers and duties conferred on the Steuben County board of supervisors, or generally conferred on a board of supervisors in the State of New York by applicable law, and all powers necessarily incidental thereto, and shall for the purposes of general laws conferring powers upon boards of supervisors be a board of supervisors.

The County Legislature shall have, but not by way of limitation, the following powers and duties which shall be broadly construed in favor of the legislature power:

To adopt by resolution all necessary rules and regulations for its conduct and procedure in accordance with Section 153 of the County law.

To make appropriations, incur indebtedness and adopt the budget.

To levy taxes, provided, however, that except as otherwise required by law the net cost of all general services rendered or made available by the County to the entire County shall be a charge against the entire County, and provided further that the net cost of all special services rendered or made available by the County to one or more municipalities or special districts within such County shall be a charge against such municipalities or special districts or the taxpayers or taxable real property thereof.

To equalize real property taxes on the basis of information supplied by the New York State board of equalization and assessment, various municipalities within the County of Steuben, and various County administrative units.

To exercise all powers of local legislation in relation to enacting, amending or rescinding local laws, Charter laws, legalizing acts, ordinances or resolutions.

To adopt, amend, and repeal an Administrative Code which shall set forth the details of administration of the County government consistent with the provisions of this Charter and which may contain revisions, simplifications, consolidations, codifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with this Charter or amendments thereto. The Administrative Code heretofore adopted shall remain unaffected by the adoption of this Charter as provided under Section 1.03 herein and may be amended, modified, repealed or reenacted according to the rules established by the County Legislature.

By local law to create, alter, combine or abolish County administrative units not headed by elective officers.

To fix the compensation of all officers and employees paid from County funds except members of the judiciary or those officials whose salaries are established in the Judiciary Law, and except that the compensation of any elected official paid from County funds shall not be decreased during his term of office.

To make or cause to be made such studies, audits and investigations as it deems to be in the best interest of the County, and in connection therewith to obtain professional and technical advice, appoint temporary advisory boards of citizens, subpoena witnesses, administer oaths and require the production of books, papers and other evidence deemed necessary or material to such study, audit or investigation.

To appoint, and at its pleasure to remove, the County Manager, and to appoint, or confirm, as the case may be, such other officials and employees as provided in this Charter or Administrative Code.

To fix the amount of bonds, if any, of officers and employees paid from County funds.

To determine and make provision for any matter of County government not otherwise provided for, without limitation due to lack of designating a specific power, including but not restricted to any necessary matter involved in the transition to this Charter form of government.

Section 2.08. Publication of Local Laws.

In addition to complying with Section 27 of the municipal home rule law, within ten days after the adoption of a local law by the County Legislature, the Clerk of the Legislature shall cause a copy of an abstract of the local law to be published in the official newspapers of the County.

Section 2.09. Official Newspapers.

Notwithstanding the provisions of Section 214 of the County law or other applicable law, the Legislature shall be required to designate annually two newspapers as the official newspapers for the publication of all local laws, notices and other matters required by law to be published.

ARTICLE III

THE COUNTY MANAGER

- 3.00 The County Manager; Appointment; Qualifications.
- 3.01 Term.
- 3.02 Powers and Duties.
- 3.03 Deputy County Manager.
- 3.04 Acting County Manager.

Section 3.0. The County Manager; Appointment; Qualifications.

The County Manager shall be the Chief Executive Officer of the County, and shall serve at the pleasure of the County Legislature. The County Manager shall have direct supervision over all County departments, offices, agencies and administrative units except as otherwise provided in this Charter, and shall hold no other public or political office.

At the time of appointment, the County Manager shall possess a Bachelor's Degree and at least six (6) years' experience, or a Master's Degree and at least four (4) years' experience, said experience shall be in an administrative or supervisory position which shall have involved budget oversight and responsibility for the development, implementation, and enforcement of policies, rules and regulations. The County Manager shall be appointed on the basis of these and such other qualifications as may be required for the responsibilities of the office.

Section 3.1. Term.

The County Manager shall be appointed by the County Legislature. A two-thirds majority of the whole membership of the County Legislature is required to appoint, suspend or remove the County Manager. The County Legislature may negotiate and by resolution authorize the Chairman to execute a written contract of employment with the County Manager for a term of up to, but not exceeding five years, such contract to contain terms and conditions of employment.

Section 3.2. Powers and Duties.

The County Manager shall be responsible to the County Legislature for the administration of all County affairs. In addition to such other powers and duties provided by this Charter or Administrative Code, the County Manager shall:

1. Serve as the Chief Executive Officer and administrative head of County government;
2. Appoint to serve at his/her pleasure the heads of all departments, unless otherwise specified in this Charter, subject to confirmation by the County Legislature, except such officers required to be elected, and except as otherwise provided in this Charter;
3. Appoint a Deputy County Manager and other support staff as deemed necessary for the operation of the Office of the County Manager, each of whom serves at his/her pleasure;
4. Exercise supervision and control of all administrative units, the heads of which he/she appoints, and prescribe the internal organization of such departments, offices and agencies;
5. Administer all local laws, legalizing acts, ordinances and resolutions of the County Legislature and all other acts as required by operation of law;
6. Serve as an advisor to the County Legislature and develop policy and procedural recommendations for consideration of the Legislature;
7. Undertake research and submit to the County Legislature reports and recommendations regarding governmental operations as he/she may deem appropriate or the County Legislature may request, and provide such assistance to the Legislature and its committees, as may be requested by the Legislature;
8. Serve as liaison between the Legislature and the boards, commissions and advisory committees established by the Legislature;
9. Maintain liaison and represent the Legislature in conjunction with the Chairman of the Legislature, in contacts with political subdivisions, State and Federal officials and agencies;
10. Be the Chief Budget Officer of the County and be responsible for the preparation of the operating and capital budgets of the County in manner provided by the Charter and Administrative Code;
11. In conjunction with the Personnel Officer, serve as the designated representatives of the County Legislature in the conduct of collective negotiations with organized employee representatives;
12. Report to the County Legislature annually at the close of the fiscal year or as soon thereafter as practicable, and at such other times as the County Legislature shall direct, the activities of the several administrative units of the County during the preceding fiscal year;
13. Have all necessary incidental powers to perform and exercise any of the duties and functions specified in this section or lawfully delegated;
14. Supervise Youth Bureau, Records Management, and County Auditor functions, with employees of these services appointed by the County Manager;
15. Perform such other duties and have such other powers as may be prescribed for by law, Administrative Code, ordinance or resolution, or as may be prescribed by the County Legislature.

Section 3.3. Deputy County Manager.

The Deputy County Manager shall be appointed by and serves at the pleasure of the County Manager. The Deputy County Manager shall exercise the powers and duties of the County Manager in the event of the County Manager's absence from the County or inability to perform the duties of the office.

Section 3.4. Acting County Manager.

In the event that both the County Manager and Deputy County Manager are unable to perform the duties of the office, the Chairman, with the approval of the County Legislature, shall appoint a department head as the Acting County Manager. In no event, may a person serve as Acting County Manager for a period greater than sixty (60) days in a calendar year unless authorized by the County Legislature. The Acting County Manager shall have all the powers and duties of the County Manager during the period of his/her designation or until a new County Manager shall be appointed pursuant to law and shall qualify to assume that office.

ARTICLE IV

ADMINISTRATIVE CODE

The Steuben County Administrative Code, which prescribes County operations and procedures, shall remain in effect, unless otherwise altered or superseded by this Charter. The Administrative Code may be amended as detailed within Section 2.07, Subsection 6 of this Charter. The Administrative Code also contains the policies and procedures utilized by Steuben County in authorizing, executing, and managing contracts with private and nonprofit organizations.

ARTICLE V

DEPARTMENT OF LAW

- 5.00 Department of Law; County Attorney.
- 5.01 Powers and Duties.
- 5.02 Deputy and Assistant County Attorneys.

Section 5.00. Department of Law; County Attorney.

There shall be a Department of Law headed by the County Attorney, appointed by the County Legislature. The County Attorney shall have been admitted to practice law in the State of New York, and be a resident of the County of Steuben. The County Attorney shall serve a term of five years.

Section 5.01. Powers and Duties.

Except as otherwise provided in this Charter or the Administrative Code, the County Attorney shall be the legal advisor for the County and, on its behalf in County matters of a civil nature, advise all County officers and employees and where in the interest of the County, prepare all necessary papers and written instruments in connection therewith; prosecute or defend all action or proceedings of a civil nature brought by or against the County; execute tax foreclosure proceedings and perform such other additional and related duties as may be prescribed by law, by the County Manager, or by resolution of the County Legislature.

Section 5.02. Deputy and Assistant County Attorneys.

The County Attorney shall have the power to appoint such confidential Deputy County Attorneys and Assistant County Attorneys as shall be authorized by the County Legislature and within the appropriations made therefor. Such appointees shall be in the exempt class of the civil service, and shall serve at the pleasure of the County Attorney.

ARTICLE VI

DEPARTMENT OF FINANCE

- 6.00 Department of Finance; Commissioner.
- 6.01 Powers and duties.

Section 6.00. Department of Finance; Commissioner.

There shall be a Department of Finance headed by a Commissioner who shall be appointed by the County Legislature, on the basis of his administrative experience and qualifications for the office. The Commissioner shall be appointed for a five-year term.

Section 6.01. Powers and Duties.

The Commissioner of Finance shall have all the powers and perform all the duties conferred or imposed by law on a Chief Fiscal Officer, a County Treasurer, or Commissioner of Finance.

The Commissioner of Finance shall administer the fiscal affairs, records, and accounts of all departments; manage and coordinate debt issuance; prescribe approved methods of financial record keeping for all departments; collect, have custody of, deposit, and disburse all fees, revenues, and other funds except as otherwise provided by law; coordinate an annual examination of financial records by an independent certified public accountant; and certify and process the County payroll in an accurate and timely manner.

The Commissioner of Finance is also responsible for enforcement of the provisions of the Real Property Tax Law as it relates to recovery of delinquent property taxes, and shall coordinate with the County Attorney on the foreclosure of tax liens and the disposal of tax acquired property.

The Commissioner of Finance shall have the power to appoint such other deputies, assistants, and employees as may be necessary to perform the duties of the Office of the Commissioner of Finance and as shall be authorized by the Steuben County Legislature.

ARTICLE VII

DEPARTMENT OF PERSONNEL

- 7.00 Department of Personnel; Personnel Officer.
- 7.01 Powers and Duties.

Section 7.00. Department of Personnel; Personnel Officer.

There shall be a Department of Personnel, headed by a Personnel Officer, who shall be appointed by the County Manager, subject to confirmation by the Steuben County Legislature. The Personnel Officer shall be appointed to a six-year term on the basis of administrative experience and other qualifications appropriate to the responsibilities of the office and shall be directly responsible to the County Manager, unless otherwise required by law, for the implementation of policies established by the Steuben County Legislature.

Section 7.01. Powers and Duties.

The Personnel Officer shall have the power to appoint such deputies, assistants, and employees of the Department of Personnel as may be necessary to perform the duties of the office and as shall be authorized by the Steuben County Legislature. All deputies, assistants, and employees of the Department shall be directly responsible to the Personnel Officer. Except as otherwise provided in this Charter, the Personnel Officer shall have all the powers and perform all the duties of a Municipal Civil Service Commission as provided by the Civil Service Law of the State of New York. The Personnel Officer will also participate in collective bargaining matters with the County Manager.

The Personnel Officer shall also be responsible for the administration and maintenance of the following:

Agreements with recognized employee organizations concerning terms and conditions of employment;

Employee Orientation Program;

Salary Plans/Grids;

Job Postings;

Employee Benefits (in conjunction with County Manager and Commissioner of Finance).

ARTICLE VIII

DEPARTMENT OF SOCIAL SERVICES

8.00 Department of Social Services; Commissioner.

8.01 Powers and Duties.

Section 8.00. Department of Social Services; Commissioner.

There shall be a Department of Social Services headed by a Commissioner appointed by the County Manager, subject to confirmation by the County Legislature. The Commissioner of Social Services shall have received a bachelor's degree from an accredited college or university, and shall possess the qualifications required by State law. The Commissioner of Social Services shall be appointed for a five-year term and shall be directly responsible to the County Manager for the implementation of policies as directed by the Steuben County Legislature.

Section 8.01. Powers and Duties.

The Commissioner of Social Services shall have and exercise all powers and duties now or hereafter conferred or imposed by applicable law and/or regulation. The Commissioner shall have the power to appoint such Deputy Commissioners, assistants, and other employees as may be necessary to perform the duties of the office of Commissioner of Social Services and as shall be authorized by the Steuben County Legislature. Such Deputy Commissioners, assistants, and employees shall meet the qualifications prescribed by the Social Services Law and the Commissioner of Social Services of the State of New York. All Deputy Commissioners, assistants, attorneys, and other employees shall be directly responsible to the Commissioner of Social Services, except where otherwise provided by this Charter or applicable law and/or regulation. Except as otherwise provided in this Charter, the Commissioner of Social Services shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a County Commissioner of Social Services, and perform such other and related duties as may be required by the Steuben County Legislature.

The Commissioner of Social Services shall administer all social welfare services for qualified recipients, as required by State law or authorized by the Steuben County Legislature; maintain contracts with public or private agencies regarding the provision of aid to qualified individuals, as authorized by State law or the Steuben County Legislature; investigate suspected fraudulent applications for, and the receipt of, assistance and refer cases where appropriate to the District Attorney for prosecution; and manage such facilities as shall be operated for the purpose of providing assistance, except as otherwise specifically assigned in this Charter or by applicable law and/or regulation.

ARTICLE IX

DEPARTMENT OF COMMUNITY SERVICES

- 9.00 Department of Community Services; Community Services Board.
- 9.01 Powers and Duties.
- 9.02 Community Services Board.

Section 9.00. Department of Community Services; Director of Community Services.

There shall be a Department of Community Services headed by a Director of Community Services who shall be appointed by the County Manager, upon recommendation of the Community Services Board, subject to confirmation of the Steuben County Legislature. The Director shall be responsible to the Community Services Board for the implementation of policies established by said Legislature pursuant to duties prescribed within this Charter, and directly responsible to the County Manager for the implementation of financial, personnel, and administrative policies established by the Steuben County Legislature.

Section 9.01. Powers and Duties.

The Director of Community Services shall have the power to appoint such Deputy Directors, Medical Directors, assistants, and employees of the Department as shall be authorized by the Steuben County Legislature. Such persons shall meet the qualifications fixed by the Mental Hygiene Law and the State Office of Mental Health. All Deputies, assistants, and employees of the Department shall be directly responsible to the Director. The Director of Community Services shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a Director of Community Mental Health Services. The Director serves as Chief Executive Officer of the Local Government Unit and Community Mental Health Center as defined in Mental Hygiene Law.

The Director of Community Services shall:

Administer and maintain programs for the prevention, rehabilitation, and treatment of mental health, developmental disabilities, and alcohol and substance abuse within the County pursuant to administrative orders of funding authorities having the effect of law;

Manage contracts for services as recommended by the Community Services Board and authorized by the County Legislature;

Make recommendations to the Community Services Board on the availability and suitability of sources of funding for mental health facilities or services;

With the approval of the Community Services Board, the Steuben County Legislature, and the appropriate State Commissioner, establish and collect fees from a patient or a person or private or public agency responsible for his/her care for services rendered to such patient. Fees so collected shall be paid to the chief fiscal officer of the County at such times and in such manner as shall be required by said fiscal officer;

Perform such other and related duties as may be required by the Steuben County Legislature and/or the Community Services Board.

Section 9.02. Community Services Board.

There shall be an advisory Community Services Board consisting of nine (9) members appointed by the County Manager, subject to the confirmation of the Steuben County Legislature. Whenever practicable at least one member shall be a licensed physician and one member shall be a certified psychologist. The other members shall represent the community interest in all the problems of the mentally disabled and shall include representatives from community agencies for the mentally ill, the developmentally disabled, and those suffering from alcoholism and substance abuse.

The Community Services Board shall have the authority to draft bylaws for approval by the Steuben County Legislature, elect officers from its membership, and establish committees. Updated copies of bylaws must be kept on file in the office of the Clerk of the Steuben County Legislature. The Board shall meet regularly, at least quarterly, at the call of its chairperson.

The Community Services Board shall:

Assess the mental health needs of the community and develop programmatic and service recommendations to be considered by the County Manager and County Legislature;

Direct and administer the development of local comprehensive plans for mental health, developmental disabilities, and alcohol and substance abuse;

Assist in coordinating services between public and private agencies providing mental health services to ensure the needs of the population are met;

Recommend contracts for services to the County Manager and County Legislature;

Submit annually to the applicable State departments for approval and subsequent State aid, a report of long-range goals and specific intermediate-range plans as modified since the preceding report, along with a local services plan or unified services plan for the next local fiscal year;

Establish procedures for execution of the local services plan or the unified services plan;

Assist in the development of policy and have advisory authority over local services and facilities provided or supervised by it whether directly or through agreements; monitor the effectiveness of the services provided by other facilities of local government and by voluntary and private facilities which have been incorporated into its comprehensive program;

Serve as a center for the promotion of community and public understanding of mental disabilities and of the services necessary for their care and treatment;

Operate within the financial, personnel, and administrative policies as established by the Steuben County Legislature.

ARTICLE X

DEPARTMENT OF PUBLIC WORKS

10.00 Department of Public Works; Commissioner.

10.01 Powers and Duties of Commissioner of Public Works.

Section 10.00. Department of Public Works; Commissioner

There shall be a Department of Public Works headed by a Commissioner appointed by the County Manager subject to confirmation by the County Legislature. He/she shall be appointed to a term of five years.

Section 10.01. Powers and Duties of Commissioner of Public Works.

The Commissioner shall have the power to appoint such Deputy Commissioners, assistants, and other employees as may be necessary to perform the duties of the Department of Public Works and as shall be authorized by the Steuben County Legislature. Such subordinate employees will be directly responsible to the Commissioner.

The Commissioner of Public Works shall have all the powers and duties of the County Superintendent of Highways including but not limited to supervision of the construction, improvement, maintenance, repair, cleaning and lighting of all highways, roads, bridges, and grade separation structures, drains and drainage structures under jurisdictions of the County. The Commissioner shall have charge and supervision of the maintenance and operations of docks, marinas, parks, preserves, and other structures and facilities under the jurisdiction of the County. The Commissioner will also be responsible for supervision of engineering functions including design, survey, and other engineering related matters of structures under the jurisdiction of the County as provided by applicable law and/or regulation. The Commissioner will also be responsible for all duties related to solid waste, recycling, and pretreatment operations of the County.

ARTICLE XI

MUNICIPAL COOPERATION

11.00 Local Government Functions, Facilities and Powers not Transferred Altered or Impaired.

11.01 Contracts for Municipal Cooperation.

Section 11.00. Local Government Functions, Facilities and Powers not Transferred Altered or Impaired.

No function, facility, duty or power of any City, Town, Village, School District or other district is transferred, altered or impaired by this Charter or the Administrative Code.

Section 11.01. Contracts for Municipal Cooperation.

The County of Steuben shall have power to contract with any public corporation, including but not limited to a municipal, district, or public benefit corporation or with any combination of the same for the establishment, maintenance and operation of any facility and the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for itself. Each of such contracting parties shall bear a fair proportionate share of the costs as agreed upon.

ARTICLE XII

OTHER COUNTY FUNCTIONS

- 12.01 Department Configuration and Alterations.
- 12.01 911 Department; Director.
- 12.02 Board of Elections; Commissioners.
- 12.03 Department of Buildings and Grounds; Superintendent.
- 12.04 Office of the County Clerk; County Clerk.
- 12.05 Office of the District Attorney; District Attorney.
- 12.06 Office of Emergency Services; Director.
- 12.07 Department of Information Technology; Director.
- 12.08 Office for the Aging; Director.
- 12.09 Department of Planning; Director.
- 12.10 Department of Probation; Director.
- 12.11 Office of Public Defender; Public Defender.
- 12.12 Public Health & Nursing Services; Director.
- 12.13 Department of Purchasing; Director.
- 12.14 Real Property Tax Service Agency; Director.
- 12.15 Risk Manager.
- 12.16 Office of the Sheriff; Sheriff.
- 12.17 Veterans' Service Agency; Director.
- 12.18 Office of Weights and Measures; Director.
- 12.19 Other County Boards; Appointment.
- 12.20 Miscellaneous Administrative Functions.

Section 12.00. Department Configuration and Alterations.

The following departments represent the remaining administrative and operational units of Steuben County government. The structure, function, and responsibilities of any department, other than those headed by a duly elected official, may be altered, merged, or eliminated via a resolution of the County Legislature.

Section 12.01. 911 Department; Director.

There shall be a 911 Department, headed by a Director, responsible for emergency dispatch operations for Steuben County. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.02. Board of Elections; Commissioners.

There shall be a Steuben County Board of Elections constituted according to the State election law. The Commissioners of Election shall be appointed by the County Legislature in accordance with the State election law, and shall have and exercise all powers and duties now or hereafter conferred or imposed upon them by Administrative Code applicable law and/or regulation.

Section 12.03. Department of Buildings and Grounds; Superintendent.

There shall be a Department of Buildings and Grounds, headed by a Superintendent, responsible for the maintenance and management of County facilities. The Superintendent shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Superintendent shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.04. Office of the County Clerk; County Clerk.

There shall be an Office of the County Clerk, headed by a County Clerk who shall be duly elected by the residents of Steuben County. The County Clerk shall have and exercise all powers and duties now or hereafter conferred or imposed by applicable law and/or regulation.

Section 12.05. Office of the District Attorney; District Attorney.

There shall be an Office of the District Attorney, headed by a District Attorney who shall be duly elected by the residents of Steuben County. The District Attorney shall have and exercise all powers and duties now or hereafter conferred or imposed by applicable law and/or regulation.

Section 12.06. Office of Emergency Services; Director.

There shall be an Office of Emergency Services, headed by a Director, responsible for coordination of disaster preparedness and response activities. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.07. Department of Information Technology; Director.

There shall be a Department of Information Technology, headed by a Director, responsible for computer and telephonic operations. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The director shall have and exercise all powers and duties now or hereafter

conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.08. Office for the Aging; Director.

There shall be an Office for the Aging, headed by a Director, responsible for the administration of services for senior citizens of Steuben County. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.09. Department of Planning; Director.

There shall be a Department of Planning, headed by a Director, responsible for municipal planning and economic development operations, including possession of the duties of a County Planning Board. The Director shall also have oversight of the County Historian. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.10. Department of Probation; Director.

There shall be a Department of Probation, headed by a Director, responsible for administration of probation and criminal diversion activities of the County. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.11. Office of Public Defender; Public Defender.

There shall be an Office of Public Defender, headed by a Public Defender, who shall be an attorney admitted to practice law in the State of New York and a resident of the County of Steuben, responsible for coordination and administration of indigent defense for Steuben County. The Public Defender shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Public Defender shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.12. Public Health & Nursing Services; Director.

There shall be a Department of Public Health & Nursing Services, headed by a Director, responsible for administration and provision of public health and immunization services, as required by State law and/or local initiative. The Director shall also oversee the operations of Special Children's Services. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.13. Department of Purchasing; Director.

There shall be a Department of Purchasing, headed by a Director, responsible for coordination and oversight of all purchasing activities of Steuben County. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.14. Real Property Tax Service Agency; Director.

There shall be a Real Property Tax Service Agency, headed by a Director, responsible for coordination of operations related to property tax preparation and administration. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.15. Risk Manager.

There shall be a Risk Manager, responsible for administration of insurance policies and plans, along with the workers' compensation program. The Risk Manager shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Risk Manager shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.16. Office of the Sheriff; Sheriff.

There shall be an Office of the Sheriff, headed by a Sheriff who shall be duly elected by the residents of Steuben County. The Sheriff shall have and exercise all powers and duties now or hereafter conferred or imposed by applicable law and/or regulation.

Section 12.17. Veterans' Service Agency; Director.

There shall be a Veterans' Service Agency, headed by a Director, responsible for coordination of programs for veterans of Steuben County. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.18. Office of Weights and Measures; Director.

There shall be an Office of Weights and Measures, under the supervision of a Director of Weights and Measures, who shall be appointed by the County Manager, subject to confirmation by the County Legislature. The Director shall also be the County Sealer of Weights and Measures, and shall have the powers and duties heretofore or hereafter conferred or imposed upon sealers of weights and measures by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

Section 12.19. Other County Boards; Appointment.

All other County Boards shall continue as provided by law, except that the members thereof required to be appointed by County government shall be appointed by the County Manager, with confirmation by the County Legislature.

Section 12.20. Miscellaneous administrative functions.

Administrative functions not otherwise assigned by this Charter or the Administrative Code shall be assigned by the County Manager to an appropriate administrative unit.

ARTICLE XIII

GENERAL AND TRANSITIONAL PROVISIONS

- 13.00 Adoption of Charter; When Effective.
- 13.01 Elective Office Abolished; Incumbent Continued.
- 13.02 Civil Service Rights Continued.
- 13.03 Continuity of Authority.
- 13.04 Charter Clarification.
- 13.05 Amendment of Charter.
- 13.06 Separability.
- 13.07 Charter to be Liberally Construed.

Section 13.00. Adoption of Charter; When Effective.

This Charter shall become effective only if approved by the affirmative vote of a majority of the qualified electors voting upon the Charter in the manner provided by law at an election to be held in November 2013, and when so approved, certified copies thereof are filed in the office of the Secretary of State.

Section 13.01. Effective Office Abolished; Incumbent Continued.

The elective office of County Treasurer is abolished, effective January 1, 2014. The person holding this office on January 1, 2013, shall be continued in the appointive position relating to their functions for the remainder of their respective terms of office, at the conclusion of which the provisions of this Charter relating to the appointment of a Commissioner of Finance shall take effect.

Section 13.02. Civil Service Rights Continued.

The civil service status and rights of all County employees and their beneficiaries, including but not limited to those with respect to retirement and social security, shall not be affected by this Charter. County officers currently within their term shall serve the remainder of such term, which will be unaffected by this Charter, except as provided in Section 13.01 of this Charter. Subsequent appointments shall be made in accordance with the Charter.

Section 13.03. Continuity of Authority.

All existing State, County, Local and other laws or enactments having the force of law shall continue in force until lawfully amended, modified, superseded or repealed, either by this Charter or an enactment adopted

subsequent to its effective date. Any proceedings or other business undertaken or commenced prior to the effective date of this Charter may be conducted and completed by the County officer or administrative unit responsible therefor under this Charter or the Administrative Code.

Section 13.04. Charter Clarification.

If any provision of this Charter is not clear or requires elaboration in its application to the County, the County Legislature may interpret such provision in a local law not inconsistent with the provisions of the municipal home rule law. Where any question arises concerning the transition to a Charter which is not provided for herein, the County Legislature may provide for such transition by a local law not inconsistent with the provisions of the municipal home rule law.

Section 13.05. Amendment of Charter.

This Charter may be amended in the manner provided by the municipal home rule law. Any proposed amendment which would have the effect of transferring a function or duty of the County, or of a City, Town, Village, District or other unit of local government wholly contained in the County, shall not become operative unless and until it is approved by mandatory referendum as required by the municipal home rule law. Any amendment which would create or abolish an elective County office, change the power or method or removing an elective County officer during his term of office, abolish, curtail or transfer to another County officer or agency any power of an elected County officer or change the method of election of the County Legislature, as provided in Article II of this Charter, shall be subject to a permissive referendum.

Section 13.06. Separability.

If any provision of this Charter shall be judged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the particular provision directly involved in the controversy.

Section 13.07. Charter to be Liberally Construed.

This Charter shall be liberally construed to achieve its objectives and purposes.

BE IT FURTHER RESOLVED, that the Clerk of this Legislature shall transmit the form of the proposition, which shall contain a brief statement of the text of said Local Law and its number, to the Clerk of the Board of Elections. Thereafter, a sufficient number of copies of such proposition and abstract shall be printed and made available to the electors at the time of registration or otherwise in advance of election, and in addition, a sufficient number of copies shall be delivered with other election supplies, and distributed to the electors at the election, and in the event the Local Law is approved by an affirmative vote of the majority of the qualified electors voting upon the Local Law at the general election held November 5, 2013, the Clerk of this Legislature be, and the same hereby is, directed to renumber same as the appropriate number Local Law of the Year 2013.

Mr. Swackhamer asked if Mr. Alger could provide some history on this? Mr. Alger replied this proposal has been in people's minds for some time. The Administrator's Office was established in 1984. This proposal more clearly represents what we currently are doing. In this proposal, the County Manager has the authority to hire and fire department heads and that is the biggest change. All appointments would be subject to the review of the Board. Any person selected as a department head would be confirmed by the Board. The Manager can take administrative action when necessary. The other biggest change is relative to the Treasurer's Office. The Treasurer is probably your key financial person within the organization. We have been fortunate over the years to have highly qualified individuals serving in that capacity. Other

counties have had individuals with no financial background and that has created major issues for them. The Treasurer is handling a \$180 million budget and making sure that the accounting is done correct is very critical. The structure being proposed gives you checks and balances. It is important for the organization to have folks independent from one another and still reporting to the Legislature for your review. This is somewhat reflective of how we do business today.

**Vote: Roll Call – Adopted. Yes – 9275; No – 597
(No – Mr. Mullen)**

RESOLUTION NO. 078-13

Introduced by B. Schu.

Seconded by T. Ryan.

AUTHORIZING THE SHERIFF TO PROVIDE SCHOOL RESOURCE OFFICERS (SROs) TO PARTICIPATING COUNTY SCHOOLS.

WHEREAS, the Sheriff will hire non-competitive, temporary, part-time Deputies as SROs; and

WHEREAS, the Sheriff will provide the uniform and weapon for SROs; and

WHEREAS, the SROs will work solely within the assigned School District and their school schedule; and

WHEREAS, it has been established that the participating schools will reimburse the County the full amount for the SROs.

NOW THEREFORE, BE IT

RESOLVED, the Sheriff is authorized to enter into agreements for SROs with County School Districts; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept revenues from the participating schools and appropriate said funds into the 311000-51100000 Salary & Wages line item; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to establish a line item in the 311000 Sheriff Department to pay said funds out of; and be it further

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

Mr. Farrand stated that as a former police officer, he believes the relationship between a School Resource Officer (SRO) and the student is vital, both in and out of the school. There was an incident at the Coopers Plains BOCES a few ago, and the SRO was the first responder on scene. It is important that we support this.

Mrs. Lando stated she agrees and appreciates the school superintendents coming in to speak. The Corning/Painted Post School District had SROs at both East and West High with the SRO at East High being a partnership with the City of Corning. This builds a partnership with the kids and respect for law enforcement. She stated that she appreciates Sheriff Cole's work on this.

Mr. Ryan commented this is a step in the right direction. He would go a step further and support seeing staff armed.

Mr. Peoples stated that he has served as a member of the Addison School Board for 26 years and is aware of the importance of having an SRO in the school. He appreciates the support of the school superintendents; it is good to see them here.

Ms. Lattimer stated that she would like to congratulate Sheriff Cole for bringing this idea and proposal up. We are providing a mechanism for schools to put an SRO in their schools if they choose to.

Mr. McAllister commented that he would to commend the Sheriff for being able to implement this program with little or no cost to the County.

Mr. Van Etten stated that he would like to make sure, from the County's perspective, we are taking on no additional liability. Mr. Alger stated that he does not think you can say that you do not take any liability. They are your employees, technically. Our liability is reduced from the standpoint that we have experienced officers who have an agreement with the school. There will be liability. Mr. Van Etten asked are we being compromised for taking on additional liability? We are increasing the Sheriff's staff by ten people. Mr. Alger replied we are not being compromised for additional liability. Our insurance would cover that. The risk is reasonably small.

Mr. Van Etten asked for an explanation of the four-year window for retired police officers? Sheriff Cole explained that a police officer can retain their police officer status for four years after retiring.

Mrs. Ferratella commented that the County is not paying for the salaries or equipment or uniform costs.

Mr. Weaver stated that his concern is also related to liability. Why, if the schools want an SRO, are they not working with their own towns, similar to what Addison and the City of Hornell have done? Mr. Alger replied they could do that if they chose to and if the police department was also able to do that. The other problem is that many areas do not have their own police departments. Mr. Weaver commented the areas that do have police departments should do this through those departments. The program is a wonderful program and we have had it for several years in Hornell.

Mr. Reed stated in the standard part of the contract, we contract for indemnification. We would anticipate that with any agreement between the County and the school, they would be required to provide the indemnification.

Mr. McAllister stated his understanding is that if the school did this on their own, the cost to have a SRO would be significantly more than what is in the proposal. If they did it on their own, they could pay anywhere between \$70,000 and \$90,000. With us doing it, the cost is \$25,000 and that is a significant help to the schools.

Mr. Swackhamer asked what will be the process for hiring? Will the schools interview and hire, or the Sheriff? Once the SRO is hired, who is in charge of them? Sheriff Cole replied the school would participate in the interview and the Sheriff would be the authority over the SRO working with the school. We would be responsible for their firearm training. Mr. Swackhamer asked will one person be dedicated to each school or will they rotate? Sheriff Cole replied the SRO will be dedicated to one school, but they will be under the supervision of the Sheriff. They will work 180 days per year, on the school calendars. They will only work for the school.

Ms. Lattimer stated when you brought this before the Public Safety and Corrections Committee you had mentioned that the school district would bring you an SRO candidate to be vetted, but that the school would interview them. Sheriff Cole replied the Sheriff's Department and the school district will be involved jointly in the process.

Mr. Van Etten asked will the SROs be officially deputized? Sheriff Cole replied under Municipal Law they would be considered a temporary police officer. Mr. Van Etten asked would they be the same classification that covers the court security position in the Town of Erwin? Sheriff Cole replied no. They would be considered a special patrol officer within the school.

Vote: Roll Call – Adopted.

Chairman Hauryski informed the Board that resolution number four is being withdrawn.

RESOLUTION NO. 079-13

Introduced by M. Hanna.

Seconded by R. Weaver.

ESTABLISHING A TIP FEE FOR TRANSFER TRAILER LOADS OF MIXED MUNICIPAL SOLID WASTE FROM TRANSFER STATIONS EFFECTIVE JULY 1, 2013.

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

WHEREAS, the County estimates that 30,000 to 40,000 tons of waste is being exported from Steuben County to lower priced, out-of-county, privately-operated landfills; and

WHEREAS, there are solid waste transfer stations operating outside of the County that receive part of this County's generated waste; and

WHEREAS, the County desires that regional transfer stations utilize the Bath Landfill; and

WHEREAS, the current tip fee at the Bath Landfill for mixed municipal solid waste (MSW) is \$42.00/ton and the County wants to establish a \$35.00/ton tip fee for transfer trailer loads of mixed MSW 20 tons or greater; and

WHEREAS, for consideration of the reduced tip fee the customer must submit a copy of their facility's operating permit/registration issued by the permitting authority with jurisdiction for the facility.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby authorize the Commissioner of Public Works to establish the tip fee of \$35.00/ton for loads 20 tons or greater of mixed MSW from permitted/registered transfer stations; and be it further

RESOLVED, the tip fee will be granted upon verification of the appropriate transfer station operating permit/registration; and be it further

RESOLVED, the new tip fee for mixed MSW on transfer trailers from transfer stations shall take effect on July 1, 2013; 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; 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. 080-13

Introduced by L. Crossett.

Seconded by C. Ferratella.

AUTHORIZING THE CLOSING OF THE BATH LANDFILL CELL #2 CAPITAL PROJECT AND TRANSFERING THE UNEXPENDED BALANCE TO THE BATH LANDFILL EXPANSION PROJECT.

WHEREAS, the Cell #2 project has been completed and contains an unexpended balance.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to close the following capital project: HL6209-5250000 with a current balance of \$70.63

AND BE IT FURTHER RESOLVED, the unexpended balances, plus interest, shall be transferred to the Bath Landfill Expansion Project HL6201-5250000; 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. 081-13

Introduced by M. Hanna and P. McAllister.

Seconded by S. Van Etten.

RECLASSIFICATION OF AN AUTOMOTIVE MECHANIC, GRADE X, POSITION TO AN ASSISTANT MACHINE SHOP SUPERVISOR, GRADE XII, POSITION WITHIN THE PUBLIC WORKS DEPARTMENT.

Pursuant to Section 204 of the County Law of the State of New York.

WHEREAS, this Automotive Mechanic in the Public Works Department performs repair and maintenance of automotive and heavy equipment; and

WHEREAS, this Automotive Mechanic will have added duties of supervising Automotive Mechanics; and

WHEREAS, an Assistant Machine Shop Supervisor position more appropriately performs these duties; and

WHEREAS, the Personnel Officer, the Administration Committee, and Public Works Committee have reviewed said position within the Public Works Department that requires a job title change and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Public Works Department is hereby reclassified as follows:

Automotive Mechanic, Grade X (\$31,880 to \$45,006) to
Assistant Machine Shop Supervisor, Grade XII (\$34,970 to \$49,371)

AND BE IT FURTHER RESOLVED, that the 2013 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 Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 082-13

Introduced by M. Hanna and P. McAllister.

Seconded by G. Roush.

RECLASSIFICATION OF AN ACCOUNT CLERK-TYPIST, GRADE VI, POSITION TO A SENIOR ACCOUNT CLERK, GRADE VIII, POSITION WITHIN THE PUBLIC WORKS DEPARTMENT.

Pursuant to Section 204 of the County Law of the State of New York.

WHEREAS, this Account Clerk-Typist in the Public Works Department performs routine clerical work; and

WHEREAS, this Account Clerk-Typist will have added duties of maintenance of financial accounts and records; and

WHEREAS, an Senior Account Clerk position more appropriately performs these duties; and

WHEREAS, the Personnel Officer, the Administration Committee, and Public Works Committee have reviewed said position within the Public Works Department that requires a job title change and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Public Works Department is hereby reclassified as follows:

Account Clerk-Typist, Grade VI (\$26,867 to \$37,928) to
Senior Account Clerk, Grade VIII (\$29,198 to \$41,221)

AND BE IT FURTHER RESOLVED, that the 2013 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 Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 083-13

Introduced by B. Schu.

Seconded by C. Ferratella.

AUTHORIZING AN INTERMUNICIPAL AGREEMENT BETWEEN THE STEUBEN COUNTY SHERIFF AND THE SCHUYLER COUNTY SHERIFF FOR SPECIAL DETAIL DEPUTIES PERFORMING MUTUAL AID POLICE DUTIES IN SCHUYLER COUNTY.

WHEREAS, GML Section 209 et seq. authorizes the use of out-of-county deputies under duly authorized and declared emergency circumstances (special detail); and

WHEREAS, Article 5 of the GML permits municipalities to enter into cooperative agreements for the provision of various services and activities; and

WHEREAS, the Fair Labor Standards Act (29 USC Section 207) provides that public safety employees on voluntary special detail assignment to a separate and independent employer are exempt from the aggregate hours provisions which would otherwise apply; and

WHEREAS, Schuyler County reasonably anticipates regularly-recurring emergency situations throughout the auto racing season due to the crowds, traffic volume and related consequences attributable to the large crowds attracted to race events at Watkins Glen International in the Town of Dix, Schuyler County, New York; and

WHEREAS, the resources of the Schuyler County Sheriff's Office are inadequate to address the situations of this magnitude; and

WHEREAS, the Steuben County Sheriff's Department is desirous of responding to requests for mutual aid made by Schuyler County during the auto racing season.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Sheriff be, and the same hereby is, authorized to enter into an Intermunicipal agreement with the Schuyler County Sheriff to provide special detail deputies on a voluntary basis to perform mutual aid police duties in Schuyler County; and be it further

RESOLVED, the County of Schuyler shall be responsible for all costs associated with mutual aid rendered by Steuben County Deputies from the time of departure to the time of return including, but not limited to, any losses or damage to apparatus, equipment or supplies; all liability, claims, damages, losses and expenses of every kind and nature resulting from the acts or omissions on the part of Steuben County Deputies performing mutual aid police duties within the County of Schuyler, while under the command of the Schuyler County Sheriff and acting within the scope of their duties in the same manner as if such Emergency Special Deputies were regularly employed by Schuyler County; and be it further

RESOLVED, the County of Schuyler shall also provide police professional liability, workers' compensation and general liability insurance coverage for Steuben County Deputies performing mutual aid policing for the County of Schuyler; and be it further

RESOLVED, that in addition to payment for personnel, the County of Schuyler shall pay \$30.00 per day, gasoline and oil for each vehicle used by Steuben County in furtherance of services rendered under this agreement; and be it further

RESOLVED, that upon the signing of this agreement, it shall remain in force for one (1) year and shall be renewed annually, for a total of five (5) years, upon the approval of the Public Safety and Corrections Committee of the Steuben County Legislature; and be it further

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

Mr. Swackhamer asked for an explanation of this? Sheriff Cole replied this pertains to the assistance they provide during race week at Watkins Glen.

Vote: Roll Call – Adopted.

RESOLUTION NO. 084-13

Introduced by C. Ferratella.

Seconded by H. Lando.

REVISING THE BYLAWS OF THE STEUBEN COUNTY YOUTH BOARD.

WHEREAS, by resolution of the Steuben County Board of Supervisors duly adopted on the 21st day of March, 1977, a Steuben County Youth Board as a decision-making body; and

WHEREAS, the New York State Office for Children and Family Services authorizes the County to designate the Youth Board as either a decision-making body or as an advisory body; and

WHEREAS, the Steuben County Youth Board provides oversight and direction to the operation, goals, and activities of the Steuben County Youth Bureau; and

WHEREAS, the Steuben County Youth Bureau is designated to coordinate services to meet the needs of Steuben County children and youth; and

WHEREAS, the Steuben County Youth Board is comprised of public and private individuals, including at least two youth members, who are appointed and designated on an annual basis to represent a broad section of youth populations and interests; and

WHEREAS, the Steuben County Youth Bureau is included under the Steuben County Office of the County Administrator, and formally reports to the Steuben County Legislature and the assigned Legislative Committee(s); and

WHEREAS, the Steuben County Youth Board has recommended revising its bylaws to reflect the advisory nature of its functions.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Youth Board is hereby designated as an advisory body; and be it further

RESOLVED, the bylaws of the Steuben County Youth Board shall be revised to indicate the Steuben County Youth Board as an advisory body; and be it further

RESOLVED, the Human Services, Health and Education Committee of the Steuben County Legislature is hereby authorized to approve any future bylaw changes; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to Lydia Dzus, NYS Office of Children & Family Services, Office of Youth Development, 259 Monroe Ave., Suite 309, Rochester, NY 14607; the Steuben County Auditor; and the Steuben County Youth Bureau Coordinator.

Vote: Roll Call – Adopted.

RESOLUTION NO. 085-13

Introduced by L. Crossett.

Seconded by S. Van Etten.

RATIFYING AND CONFIRMING THE NOTICE TO BIDDERS AND TERMS & CONDITIONS OF 2013 TAX SALE.

WHEREAS on May 20, 2013 the County Treasurer was authorized and directed to establish and publish the terms and conditions of the 2013 Delinquent Tax Auction; and

WHEREAS on June 11, 2013 the County Treasurer did present the revised *Notice to Bidders and Terms of Sale 2013* to the Finance Committee of the County Legislature for review and approval; and

WHEREAS on June 11, 2013 the said Finance Committee did unanimously approve the said revised *Notice to Bidders and Terms of Sale 2013*.

NOW THEREFORE, BE IT

RESOLVED, that the revised *Notice to Bidders and Terms of Sale 2013* be and the same hereby is ratified and confirmed; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 086-13

Introduced by J. Hauryski.

Seconded by B. Schu.

AMENDING THE TERM OF REAPPOINTMENT FOR DONALD B. CREATH TO THE CORNING COMMUNITY COLLEGE REGIONAL BOARD OF TRUSTEES.

WHEREAS, by resolution duly adopted March 26, 2012, the Chairman of the Legislature recommended Donald B. Creath for reappointment to the Regional Board of Trustees for a nine-year term commencing July 1, 2012, and expiring June 30, 2021; and

WHEREAS, the term of reappointment to the Board should have been for seven (7) years.

NOW THEREFORE, BE IT

RESOLVED, that the resolution duly adopted March 26, 2012, be amended to reflect that the term of appointment shall commence July 1, 2012, and expire June 30, 2019; 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; the above-named appointee at 86 Cintra Lane East, Corning, New York, 14830; and the County Auditor.

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. Mullen. Seconded by Mr. Schu and duly carried.

RESOLUTION NO. 087-13

Introduced by J. Hauryski.

Seconded by Mr. Van Etten.

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 New York State Supreme Court:

TIMOTHY ZYDANOWICZ

Index No. 2010-1111CV

Plaintiff,

vs.

COUNTY OF STEUBEN,

Defendant.

; and

WHEREAS, the matter has been conferenced for settlement in advance of trial before the New York State Supreme Court; and

WHEREAS, the parties are desirous of settling said claims.

NOW THEREFORE, BE IT

RESOLVED, the County does hereby ratify the settlement of the above-entitled claim in the amount of Thirty Three Thousand Dollars (\$33,000.00), subject to the approval of the Supreme Court, State of New York; 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 Mr. Mullen and duly carried.

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

REGULAR MEETING
Morning Session
Monday, July 22, 2013
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 22nd day of July, 2013, 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 Lando.

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

IN MEMORIAM
SALA LEO HALM
1930 – 2013

The death of our former colleague, Sala Halm, who passed away June 18, 2013, is acknowledged by this Legislature with sadness.

Born March 29, 1930, to Leo and Blanche Halm, Sala lived most of his life in Painted Post. He graduated in 1948 from Painted Post High School and attended Alfred University. He worked for Ingersoll Rand and then was a sales manager for Prudential Insurance.

He served in the US Army National Guard for 20 years, retiring with the rank of Major, and oversaw the area's National Guard response to the 1972 Agnes Flood. He was the Commanding Officer for the Corning Armory; a 32nd degree member of the Corning-Painted Post Masonic Lodge; Board Member of the Corning Salvation Army; Secretary of the Military Officer's Associates of America; President of the Kiwanis Clubs of Painted Post, Corning and Sun City Center, FL. Sala also served as Lt. Governor for the NY State Kiwanis District and was a George F. Hixson Fellowship Recipient from Kiwanis International.

Mr. Halm served with distinction as a member of the Steuben County Board of Supervisors from 1972 through 1983, representing the Town of Erwin. During his tenure, he served on the County's Economic Development District Commission; Fire Council; Post Audit and County Clerk Committees; he served as Vice Chair of the Insurance, Civil Defense and Sheriff Committees; and Chaired the Insurance, Veterans Service and County Buildings Committees; he also served as Chairman of the Drug Abuse Council.

Mr. Halm also served as the Civil Defense Coordinator for Steuben County until he retired and moved to Florida.

Mr. Halm is remembered by his colleagues as a gentleman who loved his community and worked tirelessly for the benefit of the residents of Steuben County.

The members of this Steuben County Legislature respectfully move that this Memoriam be spread upon the minutes of this meeting and that a copy of this Memoriam be forwarded to the surviving widow, Helen Cranmer Halm, as an expression of the sympathy felt by this Legislature on the passing of her loved one.

Adopted by Rising Silent Affirmation

**IN MEMORIAM
LAWRENCE E. BAUTER
1919-2013**

The death of our former colleague, Larry Bauter, who passed away June 21, 2013, is acknowledged by this Legislature with sadness.

Born October 21, 1919, to Marion and Ionia Olmsted Bauter, Larry was a long time resident of Wheeler and a graduate of Avoca High School. In 1943, he married Winifred Jones, who predeceased him in 2003 following 60 years of marriage.

In addition to being a farmer, Larry was a school bus driver, milk tester and, for 54 years, was involved with the Town of Wheeler serving as their Assessor, Supervisor, Councilman and Steuben County Legislator.

Mr. Bauter served with distinction as a member of the Steuben County Board of Supervisors from 1966 through 1983, and then as a member of the Steuben County Legislature from 1984 through 1987, representing the Town of Wheeler. As Town Supervisor, Larry served as a member of the County Buildings, County Highway and Sheriff Committee. He was Vice Chair of the Civil Service/Salaries and Post Audit Committees and Chair of the Miscellaneous County Claims, Judges/District Attorney and Post Audit Committees. During his tenure as a County Legislator, he was a member of the Human Services, Health & Education and Public Safety & Corrections Committees; and served as Chairman of the Public Works Committee.

Mr. Bauter was a member of the Town of Wheeler Assessment Review Board, the Avoca Grange, and served on the Board of Directors for the Steuben County Cooperative Extension Program.

Mr. Bauter is remembered by his colleagues as a dedicated public servant who was always generous to his community with his time, talents and support. He had a deep respect for the citizens he served, as they did for him. Even after he retired from office, he would frequently stop into the County Office Building to check on everyone and keep tabs on the happenings of the County. He will be greatly missed by those blessed enough to have known him.

The members of this Steuben County Legislature respectfully move that this Memoriam be spread upon the minutes of this meeting and that a copy of this Memoriam be forwarded to his children as an expression of sympathy felt by this Legislature on the passing of their loved one.

Adopted by Rising Silent Affirmation

Chairman Hauryski asked Ann Rizzon to come forward. Ms. Rizzon is an employee in the Information Technology Department. He presented her with a Certificate of Appreciation and a plaque in recognition of her retirement following 34 years of service to Steuben County.

Chairman Hauryski asked Andy Greeley to come forward. Mr. Greeley is the Director of the Probation Department. He presented him with a Certificate of Appreciation and a plaque in recognition of his retirement following 36 years of service to Steuben County.

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

Mark Stephens, Cameron, stated that he was here last month to ask that his sluice pipe be replaced. He has been asking for the last four years. How much longer does he have to wait?

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

Chairman Hauryski introduced the President of Corning Hospital, Shirley Maganã who is here to talk about the new hospital which will open in the Summer of 2014. He stated that he has seen her presentation and it is very informational and interesting. The Legislature has a vested interest in the project and this presentation is very timely.

Ms. Maganã stated that the new hospital project is on time and on budget. This is a \$142 million project and also will include a Cancer Treatment Center on site. The new hospital will have 8 ICU beds, 50 medical/surgical beds, 7 maternity beds, 18 private rooms and 7 operating/procedure rooms; for a total of 65 beds. The Emergency Department will also have 4 observation rooms and 4 triage rooms. All of the rooms in the hospital will be private rooms and have been designed for the comfort of both the patient and families. This will be a state-of-the-art facility with the latest technical and medical equipment. We will now be better equipped to provide our same-day outpatient services, which represent 70 percent of our total revenues. The new hospital is located on Goff Road right off of Exit 48 in the Town of Corning and is more conveniently located. She stated that they plan to begin holding tours of the facility through the month of June 2014, prior to opening in July and she would be happy to schedule a tour for the Legislature if there is interest.

Mrs. Ferratella asked will public transportation be available? Ms. Maganã replied they are working on that with CETA and are conducting a survey. We do currently have a built-in bus stop at the hospital. Mr. Van Etten asked with the new hospital, will you be providing more services that are currently not be provided? Ms. Maganã replied no, they will be providing the same services that they currently offer. We currently do not have a heart program at the hospital, and will not have one at the new facility. We are, however, recruiting three new primary care physicians and two nurse practitioners. We also are recruiting for an orthopedic surgeon and we do expect to see an expansion of our orthopedic services. We will have a helipad for transporting patients out to other hospitals when the need arises.

Chairman Hauryski thanked Ms. Maganã for her presentation.

Motion adopting the minutes of the previous meeting(s) made by Mr. Ryan. Seconded by Mrs. Ferratella and duly carried.

RESOLUTION NO. 088-13

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. | <u>A-1</u> | Resolution No. | <u>A-2</u> |
| Name | <u>Robert L. Rutter, Jr.</u> | Name | <u>Rudy Jakubik</u> |
| Parcel No. | <u>354.00-01-021.000</u> | Parcel No. | <u>424.00-01-008.100</u> |
| Municipality | <u>Corning Town</u> | Municipality | <u>Lindley Town</u> |
| Disposition | <u>Correction</u> | Disposition | <u>Correction</u> |

| | |
|----------------|------------------------------------|
| Resolution No. | <u>A-3</u> |
| Name | <u>James H. & Linda McCart</u> |
| Parcel No. | <u>070.00-01-020.000</u> |
| Municipality | <u>Cohocton Town</u> |
| Disposition | <u>Correction (parcel split)</u> |

SCHEDULE "B"

| | |
|--------------------|--|
| Resolution No. | <u>B-1</u> |
| Former Owner | <u>Timothy P. Machuga</u> |
| In Rem Index No. | <u>2011-1564CV, 2011 sale</u> |
| Parcel No. | <u>260.00-01-005.120</u> |
| Municipality | <u>Campbell Town</u> |
| Grantee(s) | <u>Timothy P. Machuga</u> |
| Grantee(s) Address | <u>4352 County Rte. 1, Campbell, NY 14821</u> |
| Consideration | <u>\$8,464.53, together with \$185.00 recording fees</u> |

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. | <u>B-2</u> |
| Former Owner | <u>Timothy Short & Bunnie Short</u> |
| In Rem Index No. | <u>2010-1966CV, 2010 sale</u> |
| Parcel No. | <u>028.00-01-044.122</u> |
| Municipality | <u>Wayland Town</u> |
| Grantee(s) | <u>Timothy Short & Bunnie Short</u> |
| Grantee(s) Address | <u>63527 State Route 415, Cohocton, NY 14826</u> |
| Consideration | <u>\$13,793.37, together with \$185.00 recording fees</u> |

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 | Michael D. Gardner & Lisa R. Gardner |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 182.03-01-015.200 |
| Municipality | Hornellsville Town |
| Grantee(s) | Michael D. Gardner & Lisa R. Gardner |
| Grantee(s) Address | 1946 Belle Haven Rd., Hornell, NY 14843 |
| Consideration | \$571.55, 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-4 |
| Former Owner | Adam J. Ormsby, c/o Katharine Ormsby |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 112.00-01-007.110 |
| Municipality | Avoca Town |
| Grantee(s) | Adam J. Ormsby, c/o Katharine Ormsby |
| Grantee(s) Address | 845 Wessels Rd., Avoca, NY 14809 |
| Consideration | \$15,000.00, 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, if applicable.

| | |
|--------------------|--|
| Resolution No. | B-5 |
| Former Owner | William Petta |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 298.08-02-003.000 |
| Municipality | Erwin Town |
| Grantee(s) | William Petta |
| Grantee(s) Address | 102 O'Malia Circle, Painted Post, NY 14870 |
| Consideration | \$29,500.00, 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, if applicable.

| | |
|--------------------|---|
| Resolution No. | B-6 |
| Former Owner | Mellisonant Properties, LLC |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 166.10-01-032.000 |
| Municipality | Hornell City |
| Grantee(s) | Mellisonant Properties, LLC |
| Grantee(s) Address | 470 Seneca Rd., Hornell, NY 14843 |
| Consideration | \$8,000.00, 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, if applicable.

| | |
|--------------------|--|
| Resolution No. | B-7 |
| Former Owner | Mickey Heffner |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 389.00-03-015.112 |
| Municipality | Caton Town |
| Grantee(s) | Green Tree Servicing, LLC |
| Grantee(s) Address | 3 Executive Park Drive, Bedford, NH 03110 |
| Consideration | \$12,092.07, together with \$185.00 recording fees |

Mr. Hanna stated that he will abstain as he does business with one of the individuals listed on the resolution.

Vote: Roll Call – Adopted. Yes – 8729; Absent – 542; Abstained – 601)
(Absent – Mrs. Lando; Abstained – Mr. Hanna)

RESOLUTION NO. 089-13

Introduced by J. Hauryski.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE JULY 22, 2013 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 14, 2013

Town of Springwater – Re: A Notice of Public Hearing is scheduled for Monday, July 1, 2013 at the Springwater Town Hall, located at 8022 South Main Street, Springwater, NY 14560 for the proposed Local Law#4 of 2013: A local law to affect a Moratorium and Prohibition within the Town of Springwater, Livingston County New York of Natural Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration and Production Wastes. ***Referred to: Natural Gas Task Force.***

June 19, 2013

Talisman Energy – Re: Verified Petition of Talisman Energy USA Inc. to Amend Certificates of Environmental Compatibility and Public Need for Various New York State Pipelines. ***Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Steuben County Environmental Management Council.***

June 20, 2013

State of New York Public Service Commission – Re: Application of Talisman Energy USA, Inc. for Amendments of Certificates of Environmental Compatibility and Public Need. All comments should be submitted on or before July 1, 2013. ***Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Steuben County Environmental Management Council.***

NYS Department of Transportation – Re: Notification of recently sent vouchers to the State Comptroller that distributes the first quarter SFY 2013-2014 Statewide Mass Transportation Operating Assistance (STOA) payments. ***Referred to: Amy Dlugos, Planning Director.***

June 24, 2013

NYS Homes & Community Renewal – Re: Grant Agreement 6-month Completion Notice for the NYS CDBG Project #1115HR65-11 is December 9, 2013. ***Referred to: Amy Dlugos, Planning Director.***

June 26, 2013

Cornell University, Professor Lynne H. Irwin – Re: Concerns with the decision to discontinue the Local Technical Assistance Program (LTAP). *Referred to: Public Works Committee; and Vince Spagnoletti, Commissioner of Public Works.*

June 27, 2013

CSS Workforce New York – Re: Chemung-Schuyler-Steuben Workforce New York Local Plan for 2013-2014. *Referred to: Joseph Hauryski, Legislature Chairman.*

June 28, 2013

New York State Office of Parks, Recreation and Historic Preservation – Re: Notification of First Baptist Society of Bath located at 14 Howell Street in Bath, NY is now listed on the National Register. *Referred to: Twila O'Dell, Historian.*

NYS Homes & Community Renewal – Re: Request for Project Status Report for the NYS CDBG Project #1115HR65-11 is due no later than July 15, 2013. *Referred to: Amy Dlugos, Planning Director.*

July 1, 2013

Dig Safely New York, Inc. – Re: Dig Safely New York, Inc. Payment Terms. *Referred to: Mark Alger, County Administrator.*

Southern Tier Tobacco Awareness Community Partnership – Re: 2013 Community Tobacco Survey Results. *Referred to: Human Services/Health & Education Committee; and Vicki Fuerst, Director of Public Health.*

Emergency Medical Services Training, Administration & Resources – Re: 2nd Quarter Report for 2013. *Referred to: Human Services/Health & Education Committee; Victoria Fuerst, PH Director; Public Safety & Corrections Committee; and Tim Marshall, Acting EMO Director.*

Southern Tier Central – Re: Notification of the Appalachian Regional Commission (ARC) 2014 Funding is available, applications due by September 20, 2013. *Referred to: A.I.P Committee; and Amy Dlugos, Planning Director.*

New York State Office of Children & Family Services – Re: Funding guidelines for the State Fiscal Year (SFY) 2013-2014 Supervision and Treatment Services for Juveniles Program (STSJP) as well as the budget allocations for both Detention Services and STSJP. *Referred to: Human Services/Health & Education Committee; Public Safety & Corrections Committee; Kathryn Muller, Commissioner of Social Services; and Eugene Greeley, Director of Probation.*

July 5, 2013

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and 26-32 Bridge Street LLC is scheduled for Tuesday, July 23, 2013 at 9:00am, in the Council Chambers at the Corning City Hall, 1 Civic Center Plaza, Corning, New York. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$5,721 which represents the May 2013 retained surcharge revenues for Steuben County. *Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.*

July 9, 2013

New York State Office of Children & Family Services – Re: Steuben County's Office of Children and Family Services placement data from June 1, 2011 through May 31, 2013. *Referred to: Human Services/Health & Education Committee; and Kathryn Muller, Commissioner of Social Services.*

July 11, 2013

Harris Beach, PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Corning Property Management Corporation (Corning Diesel Facility 2013 Project) distribution of Form RP-412-a and amended/restated PILOT agreement. *Referred to: Finance and Administration Committees; Patrick Donnelly, County Treasurer; Wendy Flaitz, RPTSA Director; and Alan Reed, County Attorney.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 090-13

Introduced by P. McAllister.

Seconded by G. Swackhamer.

FILING THE REPORT OF THE STEUBEN COUNTY WORKERS' COMPENSATION SELF-INSURANCE PLAN IN RELATION TO THE ESTIMATED COST FOR THE FISCAL YEAR 2014.

Pursuant to Article 5 of the Workers' Compensation Law of the State of New York.

WHEREAS, an estimate of the cost is to be filed with this County Legislature on or before July 22, 2013 for the Budget Year 2014.

NOW THEREFORE, BE IT

RESOLVED, that the estimated cost (Budget for 2014), a copy of which is attached hereto, as presented by the Administrator of the Steuben County Self-Insurance Workers' Compensation Plan and by the Administration Committee is received, adopted and ordered to be incorporated into the 2014 Steuben County Budget; and be it further

RESOLVED, that 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, 2014

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, 2014 and ending December 31, 2014, pursuant to Section 67, Paragraph 1 of the Workers' Compensation Law.

APPROPRIATED BUDGET FOR 2014

| Account | Account Title | 2014 Budget |
|----------------|-------------------------------|--------------------|
| | <u>Estimated Expenditures</u> | |
| 51100000 | SALARIES & WAGES | 59,906 |
| 5298090 | MACH & EQUIP - MISC | |
| 5402990 | TELEPHONE-CHARGEBACKS | 350 |
| 5403800 | COPYING | 150 |
| 5404100 | MEMBERSHIPS & DUES | 200 |
| 5405100 | POSTAGE | 300 |
| 5406000 | OFFICE SUPPLIES | 600 |
| 5407200 | TRAINING & CONFERENCES | 1,400 |
| 5407310 | SAFETY TRAINING | 2,000 |
| 5410100 | INSURANCE | 100 |
| 5410320 | EXCESS WC INSURANCE | |
| | PERMA COSTS | 1,102,546 |

| | | |
|----------|--|------------------|
| | WC MEDICAL & INDEMNITY BENEFITS | 1,558,000 |
| | WCB TOTAL ASSESSMENTS | 652,300 |
| 5410400 | AWARDS & BENEFITS (IBNR) | |
| 5412970 | MAINTENANCE IN LIEU/RENT | 2,000 |
| 5420000 | MEDICAL SERVICES | 18,618 |
| 5423310 | PROFESSIONAL WITNESS | 1,000 |
| 5423330 | COURT APPEARANCES | 50,000 |
| 5424210 | INVESTIGATION EXPENSE | 8,000 |
| 5430190 | REHAB FEES | 35,000 |
| 5444400 | THIRD PARTY ADMINISTRATOR | 35,000 |
| 5450999 | MOTOR POOL CHARGEBACKS | 100 |
| 5498000 | DEPRECIATION EXPENSE | 1,000 |
| 5499000 | OTHER EXPENSES | 850 |
| 5810000 | NYS EMPLOYEES RETIREMENT | 11,400 |
| 5830000 | SOCIAL SECURITY | 4,585 |
| 5840000 | WORKERS' COMPENSATION | 3,595 |
| 5860000 | GROUP MEDICAL INSURANCE | 13,000 |
| | | 3,562,000 |
| | <u>Estimated Revenue</u> | |
| 42222000 | Participant Fees | 3,300,000 |
| 42401000 | Interest | 2,000 |
| | Reimbursement of Expenses (from withdrawn munis) | 35,000 |
| 42701000 | Reserve | 225,000 |
| | | 3,562,000 |

Vote: Roll Call – Adopted.

RESOLUTION NO. 091-13

Introduced by P. McAllister.

Seconded by G. Swackhamer.

FILING THE TABLE OF APPORTIONMENT RELATIVE TO THE STEUBEN COUNTY SELF-INSURANCE WORKERS' COMPENSATION PLAN FOR 2014.

Pursuant to Article 5 of the Workers' Compensation Law of the State of New York.

WHEREAS, on July 22, 2013 this Steuben County Legislature had filed and approved the estimated cost for Fiscal Year 2014 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 2014, 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 2014 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 of their liability to the plan for the year 2014; 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, 2014; 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 30 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.

**2014
TABLE OF APPORTIONMENT**

| <u>MUNICIPALITY</u> | <u>CLASS</u> | <u>AMOUNT</u> |
|-----------------------|--------------|---------------------|
| STEUBEN COUNTY | I | \$ 2,583,774 |
| ADDISON | I | \$ 10,131 |
| AVOCA | I | \$ 34,428 |
| BRADFORD | I | \$ 11,015 |
| CAMERON | I | \$ 23,823 |
| CAMPBELL | I | \$ 49,856 |
| CANISTEO | I | \$ 18,473 |
| DANSVILLE | I | \$ 18,033 |
| FREMONT | I | \$ 12,559 |
| GREENWOOD | I | \$ 12,559 |
| HARTSVILLE | I | \$ 8,870 |
| HORNBY | I | \$ 18,092 |
| HORNELLSVILLE | I | \$ 25,858 |
| HOWARD | I | \$ 24,725 |
| JASPER | I | \$ 16,101 |
| LINDLEY | I | \$ 15,549 |
| PRATTSBURGH | I | \$ 28,512 |
| PULTENEY | I | \$ 42,041 |
| THURSTON | I | \$ 22,107 |
| TROUPSBURG | I | \$ 16,507 |
| TUSCARORA | I | \$ 27,012 |
| WEST UNION | I | \$ 10,183 |
| WHEELER | I | \$ 34,735 |
| WOODHULL | I | \$ 26,085 |
| TOWNS TOTAL | | \$ 507,254 |
| ADDISON | I | \$ 40,396 |
| ARKPORT | I | \$ 9,378 |
| AVOCA | I | \$ 8,971 |
| CANISTEO | I | \$ 53,060 |
| COHOCTON | I | \$ 16,142 |
| NORTH HORNELL | I | \$ 10,012 |
| PAINTED POST | I | \$ 49,153 |
| WAYLAND | I | \$ 21,862 |
| VILLAGES TOTAL | | \$ 208,974 |
| GRAND TOTAL | | \$ 3,300,002 |

Vote: Roll Call – Adopted.

RESOLUTION NO. 092-13

Introduced by B. Schu and L. Crossett.

Seconded by D. Farrand.

AUTHORIZING THE ACCEPTANCE OF A 2013 STATE HOMELAND SECURITY GRANT.

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 2013 grant funds in the amount of \$90,000 under the State Homeland Security Program (SHSP).

WHEREAS, seventy-five percent (75%) of the funding (\$67,500) will go to Emergency Management to support response, education, prevention and planning for terrorist incidents and twenty-five percent (25%) or (\$22,500) of the total funding must be directed towards law enforcement terrorism prevention activities to the Sheriff's Office.

NOW THEREFORE, BE IT

RESOLVED, the County Administrator be authorized to enter into an agreement with the New York State Office of Homeland Security to accept funding in the amount of \$90,000 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 County Office of Emergency Management and the Steuben County Sheriff 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. 093-13

Introduced by B. Schu.

Seconded by D. Farrand.

AUTHORIZING THE SHERIFF TO ENTER INTO INTER-MUNICIPAL AGREEMENTS FOR THE HOUSING OF INMATES.

WHEREAS, each county desires to receive and house the other counties' inmates in their respective jails;
and

WHEREAS, historically Steuben County has mutually accommodated conflict and over population in the respective jails by housing such inmates from the other counties; and

WHEREAS, each county is authorized to enter into inter-municipal agreements to house inmates from other jurisdictions under GML §119-o for such purposes.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Sheriff is hereby authorized to enter into inter-municipal agreements with other counties for the housing of inmates from time to time under such terms as approved by the County Administrator and the Public Safety & Corrections Committee and approved as to form by the County Attorney; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Sheriff; the County Administrator; the County Attorney; and Sheriff of the other county involved.

Vote: Roll Call – Adopted.

RESOLUTION NO. 094-13

Introduced by B. Schu and P. McAllister.

Seconded by C. Ferratella.

AUTHORIZING THE TRANSFER AND RECLASSIFICATION OF A PUBLIC HEALTH NURSING SERVICES HOME HEALTH AIDE POSITION TO A SHERIFF'S DEPARTMENT REGISTERED PROFESSIONAL NURSE POSITION.

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

WHEREAS, there is need for a Registered Professional Nurse at the jail; and

WHEREAS, there is one vacant position within Public Health Nursing Services that can be transferred;
and

WHEREAS, the Public Safety and Corrections Committee and the Administration Committee have approved the reclassification and transfer of the position listed below to the Sheriff's Department.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in Steuben County is reclassified as follows:

TRANSFER AND RECLASSIFY

FROM Public Health Nursing one (1) Home Health Aide, Grade 5, \$25,773 - \$36,386
TO Sheriff's Department one (1) Registered Professional Nurse, Grade 15, \$39,510 - \$55,777;

AND BE IT FURTHER RESOLVED, this position is to be funded and placed in the 2013 Budget; and the 2013 County Job Classification and Salary Schedule is hereby amended to reflect the above-stated change; 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. 095-13

Introduced by B. Schu and P. McAllister.

Seconded by G. Roush.

AUTHORIZING THE TRANSFER AND RECLASSIFICATION OF A PUBLIC HEALTH NURSING SERVICES PART-TIME HOME HEALTH AIDE POSITION TO A PUBLIC DEFENDER’S OFFICE PART-TIME ASSISTANT PUBLIC DEFENDER POSITION.

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

WHEREAS, there is need for a Part-Time Assistant Public Defender in the Public Defender’s Office; and

WHEREAS, there is one vacant position within Public Health Nursing Services that can be transferred; and

WHEREAS, the Public Safety and Corrections Committee and the Administration Committee have approved the reclassification and transfer of the position listed below to the Public Defender’s Office; and

WHEREAS, there is grant funding available for said position and when the grant funding is no longer available, the position will be abolished.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in Steuben County is reclassified as follows:

TRANSFER AND RECLASSIFY

FROM Public Health Nursing one (1) Part-Time Home Health Aide, Grade 5, \$25,773 - \$36,386
TO Public Defender’s Office one (1) Part-Time Assistant Public Defender, Grade E, \$35,000

AND BE IT FURTHER RESOLVED, that this position is to be funded and placed in the 2013 Budget, and the 2013 County Job Classification and Salary Schedule is hereby amended to reflect the above-stated change; 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 Public Defender.

Vote: Roll Call – Adopted.

RESOLUTION NO. 096-13

Introduced by T. Ryan.

Seconded by R. Lattimer.

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 accept and 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. Swackhamer asked do we have anyone that follows up on how this money is used? Mr. Alger replied yes, the County Planning Director follows up with Arbor Development. Mrs. Dlugos explained as part of the CDBG Grant, they are monitored by the State who comes in once a year and visits the job sites.

Mr. McAllister asked what methodology do they use to figure out where to use the money? Mrs. Dlugos replied by application. Arbor Development has a program to get out to the communities and let the public know. Many times, these are emergency situations. There is a waiting list to get funding for projects that are not emergencies.

Vote: Roll Call – Adopted.

RESOLUTION NO. 097-13

Introduced by P. McAllister.

Seconded by G. Swackhamer.

APPROVING THE STANDARD WORK DAY AND REPORTING RESOLUTION AS REQUIRED BY THE NEW YORK STATE COMPTROLLER.

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 time keeping system records or 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) | TIER 1 (Check only if member is Tier 1) | Not Submitted (Check if no ROA completed) |
|---|----------------------|----------------------------|-----------------------|--|------------------------|---|---|
| Elected Officials | | | | | | | |
| | | | | | | | |
| Appointed Officials | | | | | | | |
| Assistant District Attorney | David Coddington | 7.5 | 01/01/2012-12/31/2015 | N | 9.91 | | |
| Risk Manager | Kenneth E. Isaman | 7.5 | 01/01/2012-12/31/2015 | Y | N/A | | |
| Director, Office for Aging | Michael Keane | 7.5 | 01/01/2012-12/31/2015 | Y | N/A | | |
| Confidential Secretary, County Treasurer | Dawn Dowdle | 7.5 | 03/19/2012-12/31/2014 | Y | N/A | | |
| Public Defender | Philip J. Roche | 7.5 | 04/30/2012-12/31/2015 | Y | N/A | | |
| Sr. Assistant Public Defender | Braddock S. Pearce | 7.5 | 04/30/2012-12/31/2015 | Y | N/A | | |
| Assistant Public Defender | Amy L. Vichinsky | 7.5 | 04/30/2012-12/31/2015 | Y | N/A | | |
| Criminal Investigator, District Attorney Office | Noel P. Terwilliger | 7.5 | 06/18/2012-12/31/2015 | Y | N/A | | |
| Commissioner of Public Works | Vincent Spagnoletti | 7.5 | 11/09/2012-11/08/2016 | Y | N/A | | |
| Deputy Commissioner of Public Works | Bryce Foster | 7.5 | 11/09/2012-11/08/2016 | Y | N/A | | |
| Secretary to the Commissioner, DSS | Donna Evingham | 7.5 | 01/01/2013-02/15/2014 | Y | N/A | | |
| Republican Commissioner of Elections | Veronica L. Olin | 7.5 | 01/01/2013-12/31/2014 | Y | N/A | | |
| Republican Deputy Commissioner of Elections | Penny M. Ruest | 7.5 | 01/01/2013-12/31/2014 | Y | N/A | | |
| Republican Senior Clerk, Board of Elections | Lori A. Drake | 7.5 | 01/01/2013-12/31/2014 | Y | N/A | | |
| Democratic Commissioner of Elections | Joseph R. Welch | 7.5 | 01/01/2013-12/31/2014 | Y | N/A | | |
| Democratic Deputy Commissioner of Elections | Kelly J. Penziul | 7.5 | 01/01/2013-12/31/2014 | Y | N/A | | |
| Democratic Senior Clerk, Board of Elections | Colleen A. Hauryski | 7.5 | 01/01/2013-12/31/2014 | Y | N/A | | |
| County Administrator | Mark R. Alger | 7.5 | 01/01/2013-12/31/2016 | Y | N/A | | |
| Deputy County Administrator | Jack K. Wheeler | 7.5 | 01/01/2013-12/31/2016 | Y | N/A | | |
| Confidential Secretary, County Administrator | Yvonne M. Erway | 7.5 | 01/01/2013-12/31/2016 | Y | N/A | | |
| Confidential Secretary, Sheriff | Terry Moir | 7.5 | 02/19/2013-12/31/2016 | Y | N/A | | |
| Assistant District Attorney | Todd J. Casella | 7.5 | 03/18/2013-12/31/2015 | Y | N/A | | |
| Counsel to the Commissioner, DSS | Jessica M. Peaslee | 7.5 | 03/25/2013-02/15/2014 | Y | N/A | | |
| Assistant Public Defender | Craig A. Patrick | 7.5 | 04/29/2013-12/31/2015 | Y | N/A | | |
| Assistant Public Defender | Samuel D. Castellino | 7.5 | 04/29/2013-12/31/2015 | Y | N/A | | |
| Assistant Public Defender, Part Time | Travis Barry | 6 | 04/30/2012-12/31/2015 | N | 6.26 | | |
| Assistant Public Defender, Part Time | William Kelley | 6 | 04/30/2012-12/31/2015 | N | 9.3 | | |
| Assistant Public Defender, Part Time | Thomas Stahr | 6 | 04/30/2012-12/31/2015 | N | 7.24 | | |
| Assistant Public Defender, Part Time | Peter Degnan | 6 | 04/30/2012-12/31/2015 | N | | | X |
| Assistant District Attorney, Part Time | Joan Merry | 6 | 01/14/2013-12/31/2015 | N | | | X |

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.

**Vote: Roll Call – Adopted. Yes – 8733; No – 597; Absent – 542
(No – Mr. Mullen; Absent – Mrs. Lando)**

RESOLUTION NO. 098-13

Introduced by J. Hauryski.

Seconded by R. Lattimer.

FILLING A VACANCY ON THE COMMUNITY SERVICES BOARD AND MENTAL HEALTH SUBCOMMITTEE.

WHEREAS, a vacancy exists on the Steuben County Community Services Board and the Mental Health Subcommittee; and

WHEREAS, Section 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 individual for appointment to both the Community Services Board and Mental Health Subcommittee:

1. Michael Morrongiello, Ph.D.
44 West Market Street, Suite 201 (Term 1/1/12 – 12/31/15)
Corning, NY 14830

NOW THEREFORE, BE IT

RESOLVED, the Chairman of the Steuben County Legislature shall appoint the above-named individual to the Community Services Board and Mental Health Subcommittee for the term indicated; and be it further

RESOLVED, the above-named individual 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 Mental Health Subcommittee; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 099-13

Introduced by J. Hauryski.

Seconded by B. Schu.

MEMORIALIZING NEW YORK STATE IN OPPOSITION TO THE OFFICE OF MENTAL HEALTH REGIONAL CENTERS OF EXCELLENCE PLAN.

WHEREAS, the New York State Office of Mental Health (OMH) has recently announced a Regional Centers of Excellence Plan, which is a statewide reorganization of mental health services that would close nine psychiatric hospitals and consolidate services to regional centers; and

WHEREAS, the Elmira Psychiatric Center is one of the facilities slated for closure under the OMH plan; and

WHEREAS, local hospitals and mental health providers, including Steuben County, rely upon the services of Elmira Psychiatric Center for individuals with serious conditions that require inpatient treatment; and

WHEREAS, on a monthly basis, approximately 25 Steuben County residents are admitted to the Elmira Psychiatric Center for treatment; and

WHEREAS, under the OMH plan, Steuben County and its residents would have access to a lower level of services, with an outpatient community service hub operating in Elmira; and

WHEREAS, individuals with more serious conditions that necessitate hospitalization would be required to travel to Buffalo for treatment, which will drastically increase transportation and referral costs for Steuben County and other mental health providers; and

WHEREAS, the OMH plan, coupled with the State's approval of the elimination of inpatient services at St. James Hospital in Hornell, creates serious deficiencies in mental health treatment options for Steuben County residents.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby opposes the OMH Regional Centers of Excellence Plan and urges the Governor and State Legislature to halt its implementation and ensure that communities in the Southern Tier maintain access to appropriate mental health services; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Dean Skelos, NYS Senate Republican Conference Leader And Majority Coalition Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Jeffrey Klein, NYS Senate Independent Conference Leader and Majority Coalition Leader, 913 Legislative Office Building, Albany, NY 12247; Honorable Andrea Stewart-Cousins, Minority Leader, New York State Senate, 907 Legislative Office Building, Albany, NY 12247; Honorable Sheldon Silver, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Joseph D. Morelle, Majority Leader, New York State Assembly, 926 Legislative Office Building, Albany, NY 12248; Honorable Brian M. Kolb, Minority Leader, New York State Assembly, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 415 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 723 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman 439 Legislative Office Building, Albany, NY 12248; Honorable Bill Nojay, New York State Assemblyman, 527 Legislative Office Building, Albany, NY 12248; and Kristin M. Woodlock, RN, MPA, Acting Commissioner, Office of Mental Health 44 Holland Avenue, Albany, New York 12229.

Mr. Alger informed the Legislature that this resolution is relative to the closing of the Elmira Psychiatric Center (EPC). The County has used services within the center for years. Coupled with the expected closure of the St. James Hospital Psychiatric Unit, the County will probably have to transport clients to Buffalo for services. This resolution is in opposition to the closure of EPC.

Vote: Acclamation – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, 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; and Article 7§105.1.H. The Proposed Acquisition, Sale or Lease of Real Property made by Mr. Roush. Seconded by Mr. Swackhamer and duly carried.

Motion authorizing the Commissioner of Public Works to offer to purchase property on Turnpike Road for \$65,000.00 made by Mr. Swackhamer. Seconded by Mr. McAllister and duly carried.

Motion to adjourn Executive Session and reconvene in Regular Session made by Mr. Van Etten. Seconded by Mr. Mullen and duly carried.

Motion to adjourn made by Mr. Ryan. Seconded by Mr. Farrand and duly carried.

REGULAR MEETING
Morning Session
Monday, August 26, 2013
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 August, 2013, 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 McAllister and Roush.

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

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

Blaine Westervelt, B & W Towing, Painted Post, NY stated that he was of the understanding that tows of all passenger vehicles on any road was on a rotational basis. It happened that way for a few months and then stopped. Now we are no longer allowed on the highways. We are concerned with why we cannot be on the highway when another company with smaller trucks can be. What will you do when you get your first snowstorm? When 911 calls us out, we have to provide an estimated time of arrival. When the other company is called they say that they will be out and do not provide an estimated time of arrival. The RFP specifically states that the owner's request trumps all. The other company is also jumping quadrants.

Lauren Moore, Acting Director, Southern Tier Library System, stated that she is here today to thank the Legislature for their continued support of the libraries. Your funding ensures that residents have access to books, job seeking assistance and computer access. This is an essential piece to economic recovery.

Carol Berry, Dormann Library, stated she is grateful for the County's funding of the libraries. With your funding, our board of trustees made the final commitment to replace our network hardware. We have been recording an average of 100 unique computer users per day. Thank you.

Lorraine Nelson, Howard Library, stated thank you for your support of the libraries. Howard is an isolated community and the library is essential for children. People from Demon Lake and Smith Pond are coming to our library in larger numbers. These individuals are coming in to borrow books and movies.

Robert Dickinson, Cajun Towing, Arkport, NY stated that nothing has changed and the situation is probably worse. The big company is overstepping their boundaries. Since April 2013, he has gotten a total of three calls. We are getting ripped off in the towing business. My only resort is to get an attorney.

Karen Deutsch, Wayland Library, stated that she would like to thank the Legislature for the funding they provide to the libraries. Our library this year has helped 15 people to get jobs. We have hired an individual part-time to provide technology training. This has helped us to be very effective in helping people find jobs.

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

Motion adopting the minutes of the previous meeting(s) made by Mr. Ryan, seconded by Mr. Van Etten and duly carried.

RESOLUTION NO. 100-13

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 convey those parcels sold at the Delinquent Tax Auction held on July 12, 2013, 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 on Schedule "C" 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 as corrected those parcels contained in Schedule "D"; 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; 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. | <u>A-1</u> |
| Name | <u>Michael E. Heller</u> |
| Parcel No. | <u>424.00-01-041.220</u> |
| Municipality | <u>Lindley Town</u> |
| Disposition | <u>Correction</u> |

| | |
|----------------|--|
| Resolution No. | <u>A-2</u> |
| Name | <u>Prince & Prince 11 Minerals</u> |
| Parcel No. | <u>254.00-03-012.000/3</u> |
| Municipality | <u>Cameron Town</u> |
| Disposition | <u>Correction</u> |

Resolution No. A-3
Name Gary L. Smith
Parcel No. 276.11-01-087.000
Municipality Thurston Town
Disposition Correction (parcel split)

Resolution No. A-4
Name Phyllis Tolbert
Parcel No. 280.00-01-050.000/600
Municipality Erwin Town
Disposition Correction

Resolution No. A-5
Name Donald Gordon
(Warren Living Trust MP & CS)
Parcel No. 151.56-01-020.000
Municipality Hornell City
Disposition Refund (per Court Order)

SCHEDULE "B"

Resolution # B-1
Former Owner: ELLIS JOE SUMLAR
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 278.00-01-021.000
Municipality: Addison Town
Highest Bidder: Neoska Snyder
Highest Bidder's Address: 4525 Cty Rte 11, Cameron Mills, NY 14820
Consideration: \$150.00, together with buyers premium & recording fees
Second Highest Bidder: Donald Herbert
Second Highest Bidder's Address: 4547 Cty Rte 1, Campbell, NY 14821

Resolution # B-2
Former Owner: THOMAS ESTATE GLADYS M & ELIZABETH MUNOZ
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 314.00-01-018.120
Municipality: Addison Town
Highest Bidder: Towner Living Trust
Highest Bidder's Address: 3855 So Goodhue Lake Rd, PO Box 10, Addison, NY 14801
Consideration: \$45,000.00, together with buyers premium & recording fees
Second Highest Bidder: John W Savoca
Second Highest Bidder's Address: 170 Natrona Ave, Mercerville, NJ 08619

Resolution # B-3
Former Owner: SNYDER DEBORAH & ROBINSON CHASITY
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 12, 2013
Parcel #: 099.00-01-059.000
Municipality: Avoca Town
Highest Bidder: Honest John's Porperties LLC
Highest Bidder's Address: 4729 Dyer Hill Rd, Avoca, NY 14809
Consideration: \$6,000.00, together with buyers premium & recording fees
Second Highest Bidder: Daniel Grinnos
Second Highest Bidder's Address: 1161 Airport Rd, Hornell, NY 14843

Resolution # B-4
Former Owner: DOUCETTE DORIS M
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 100.00-02-021.200
Municipality: Avoca Town
Highest Bidder: Joseph H Patoine
Highest Bidder's Address: PO Box 637, Avoca, NY 14809
Consideration: \$14,500.00, together with buyers premium & recording fees
Second Highest Bidder: Douglas D McCann
Second Highest Bidder's Address: 6002 Rte 226, Savona, NY 14879

Resolution # B-5
Former Owner: MC ELKENNY JUDITH
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 099.20-01-054.000
Municipality: Avoca Village
Highest Bidder: Joshua D Ferguson, Jessica L Ferguson, Suzanne D Adam & Michael J Adam
Highest Bidder's Address: 3981 Cty Rte 70A, Avoca, NY 14809
Consideration: \$11,000.00, together with buyers premium & recording fees
Second Highest Bidder: Barsco, LLC
Second Highest Bidder's Address: 5811 Unionville Rd, Bath, NY 14810

Resolution # B-6
Former Owner: TOLBERT CHARLES D
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 12, 2013
Parcel #: 143.00-01-060.000
Municipality: Bath Town
Highest Bidder: Warren R Buck
Highest Bidder's Address: 7206 Longwell Lane, Bath, NY 14810
Consideration: \$3,500.00, together with buyers premium & recording fees
Second Highest Bidder: Paul W Jayne
Second Highest Bidder's Address: 1375 Gibson Rd, Dundee, NY 14837

Resolution # B-7
Former Owner: BABBITT RODNEY L & BABBITT JOANNA L
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 147.00-03-002.000
Municipality: Bath Town
Highest Bidder: Barsco, LLC
Highest Bidder's Address: 5811 Unionville Rd, Bath, NY 14810
Consideration: \$13,000.00, together with buyers premium & recording fees
Second Highest Bidder: Bryan Ryan
Second Highest Bidder's Address: 3655 Wagner Rd, Bradford, NY 14815

Resolution # B-8
Former Owner: GESUALDO MICHAEL
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 175.00-01-009.141
Municipality: Bath Town
Highest Bidder: Euro Libris, Inc.
Highest Bidder's Address: PO Box 222, Dansville, NY 14437
Consideration: \$100.00, together with buyers premium & recording fees
Second Highest Bidder: None
Second Highest Bidder's Address: _____

Resolution # B-9
Former Owner: JONES LISA P
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 158.16-01-090.000
Municipality: Bath Village
Highest Bidder: John M Beaty Jr
Highest Bidder's Address: 30 N Main St., Prattsburgh, NY 14873
Consideration: \$4,300.00, together with buyers premium & recording fees
Second Highest Bidder: Chad E Robbins
Second Highest Bidder's Address: 5092 Rte 70A, Bath, NY 14810

Resolution # B-10
Former Owner: HARRIS STEPHEN A & VALLEY JENNIFER N
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 12, 2013
Parcel #: 159.10-02-049.000
Municipality: Bath Village
Highest Bidder: K Wilkins Properties LLC
Highest Bidder's Address: 461 Webb Rd, Hornell, NY 14843
Consideration: \$27,000.00, together with buyers premium & recording fees
Second Highest Bidder: Joshua D Ferguson
Second Highest Bidder's Address: 3981 Cty Rte 70A, Avoca, NY 14809

Resolution # B-11
Former Owner: PERRY VIOLA E & % TONY PERRY
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 159.13-05-024.000
Municipality: Bath Village
Highest Bidder: Norman Rousselle
Highest Bidder's Address: 28 1/2 Vermont Street, Bath, NY 14810
Consideration: \$4,500.00, together with buyers premium & recording fees
Second Highest Bidder: James Lewis
Second Highest Bidder's Address: 21 Delaware Ave, Bath, NY 14810

Resolution # B-12
Former Owner: FREEBORN KENNETH F
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 12, 2013
Parcel #: 191.14-01-009.000
Municipality: Savona Town
Highest Bidder: Christopher M Comstock
Highest Bidder's Address: 6030 Pine Circle, Savona, NY 14879
Consideration: \$14,500.00, together with buyers premium & recording fees
Second Highest Bidder: Bryan Ryan
Second Highest Bidder's Address: 3655 Wagner Rd, Bradford, NY 14815

Resolution # B-13
Former Owner: DEPUE MICHAEL
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 12, 2013
Parcel #: 206.06-01-003.200
Municipality: Savona Town
Highest Bidder: Joshua D Ferguson, Jessica L Ferguson, Suzanne D Adam & Michael J Adam
Highest Bidder's Address: 3981 Cty Rte 70A, Avoca, NY 14809
Consideration: \$23,000.00, together with buyers premium & recording fees
Second Highest Bidder: Michael Horton
Second Highest Bidder's Address: 9037 State Rte 415, Campbell, NY 14803

Resolution # B-14
Former Owner: CAMERON VALLEY ESTATES CORP
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 274.00-01-001.100
Municipality: Cameron Town
Highest Bidder: Paul Jayne
Highest Bidder's Address: 1375 Gibson Rd, Dundee, NY 14837
Consideration: \$37,000.00, together with buyers premium & recording fees
Second Highest Bidder: John F Young
Second Highest Bidder's Address: 410 Triphammer Rd, Ithaca, NY 14850

Resolution # B-15
Former Owner: CAMERON VALLEY ESTATES CORP
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 274.00-01-002.000
Municipality: Cameron Town
Highest Bidder: John F Young & Susan Barnett
Highest Bidder's Address: 410 Triphammer Rd, Ithaca, NY 14850
Consideration: \$25,000.00, together with buyers premium & recording fees
Second Highest Bidder: Allen Hansford
Second Highest Bidder's Address: 36 State Rte 230, Dundee, NY 14837

Resolution # B-16
Former Owner: CARR TERRI
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 226.00-01-068.000
Municipality: Campbell Town
Highest Bidder: J David Clark & Roberta J Clark
Highest Bidder's Address: 4720 Clawson Drive, Campbell, NY 14821
Mail to Address: Rossettie, Rossettie & Martino, Attn: Richard Rossettie, Esq.
269 W Pulteney St, Corning, NY 14830
Consideration: \$11,000.00, together with buyers premium & recording fees
Second Highest Bidder: Mary Adams
Second Highest Bidder's Address: 1 Cranston Rd, Pittsford, NY 14534

Resolution # B-17
Former Owner: LADIEU MICHELLE R & LADIEU RODNEY
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 242.00-01-044.200
Municipality: Campbell Town
Highest Bidder: Matthew Knowles
Highest Bidder's Address: 8398 Rte 333, Campbell, NY 14821
Consideration: \$10,250.00, together with buyers premium & recording fees
Second Highest Bidder: Darryl Raner
Second Highest Bidder's Address: 239 Sly Ave #1, Corning, NY 14830

Resolution # B-18
Former Owner: VANPELT LLOYD R
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 262.00-01-066.100
Municipality: Campbell Town
Highest Bidder: Lois L Sims & Larry Sims
Highest Bidder's Address: 340 Thomas Rd, Pauline, SC 29374
Mail to Address: c/o Allen Giguere, PO Box 82, Atlanta, NY 14808
Consideration: \$7,750.00, together with buyers premium & recording fees
Second Highest Bidder: Mary Adams
Second Highest Bidder's Address: 1 Cranston Rd, Pittsford, NY 14534

Resolution # B-19
Former Owner: FRONK RICHARD
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 197.12-01-041.000
Municipality: Canisteo Village
Highest Bidder: Joshua D Ferguson, Jessica L Ferguson, Suzanne D Adam & Michael J Adam
Highest Bidder's Address: 3981 Cty Rte 70A, Avoca, NY 14809
Consideration: \$13,000.00, together with buyers premium & recording fees
Second Highest Bidder: Barsco, LLC
Second Highest Bidder's Address: 5811 Unionville Rd, Bath, NY 14810

Resolution # B-20
Former Owner: TAYLOR GREGSON & WANG MUFAN
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 390.00-01-001.200
Municipality: Caton Town
Highest Bidder: Euro Libris, Inc.
Highest Bidder's Address: PO Box 222, Dansville, NY 14437
Consideration: \$200.00, together with buyers premium & recording fees
Second Highest Bidder: Sandra Hatch
Second Highest Bidder's Address: PO Box 342, Savona, NY 14879

Resolution # B-21
Former Owner: MASLINSKI STANLEY M & MASLINSKI SYLVIA G
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 408.00-01-041.000
Municipality: Caton Town
Highest Bidder: Andrea J Haradon & Elizabeth A Hull
Highest Bidder's Address: PO Box 97, Corning, NY 14830
Consideration: \$8,500.00, together with buyers premium & recording fees
Second Highest Bidder: Benjamin Mori
Second Highest Bidder's Address: 11112 Dutton Rd, Corning, NY 14830

Resolution # B-22
Former Owner: GREER(D) HENRY & GREER(D) ARLENE
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 017.00-01-057.000
Municipality: Cohocton Town
Highest Bidder: Bryan Ryan
Highest Bidder's Address: 3655 Wagner Rd, Bradford, NY 14815
Consideration: \$30,000.00, together with buyers premium & recording fees
Second Highest Bidder: K Wilkins Properties LLC
Second Highest Bidder's Address: 461 Webb Rd, Hornell, NY 14843

Resolution # B-23
Former Owner: HUGHES(D) ORLO & HUGHES(D) HELEN
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 12, 2013
Parcel #: 017.08-01-035.000
Municipality: Cohocton Town
Highest Bidder: Rory L Walker
Highest Bidder's Address: 19 Universtiy Ave, Atlanta, NY 14808
Consideration: \$8,000.00, together with buyers premium & recording fees
Second Highest Bidder: Thomas Simons
Second Highest Bidder's Address: 109997 Beals Rd, Cohocton, NY 14826

Resolution # B-24
Former Owner: HALL DANIEL T & HALL BONNIE A
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 017.12-01-001.000
Municipality: Cohocton Town
Highest Bidder: Crystal L Gray
Highest Bidder's Address: 602 Birr St, Rochester, NY 14613
Consideration: \$19,000.00, together with buyers premium & recording fees
Second Highest Bidder: Joseph Dyckman
Second Highest Bidder's Address: Atlanta, NY 14808

Resolution # B-25
Former Owner: NEARLY ORGANIC FARMS
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 043.13-01-010.000
Municipality: Cohocton Village
Highest Bidder: Lisa C Knapp
Highest Bidder's Address: 2798 Coates Rd, Penn Yan, NY 14527
Consideration: \$1,200.00, together with buyers premium & recording fees
Second Highest Bidder: John M Beaty, Jr
Second Highest Bidder's Address: 30 N Main St, Prattsburgh, NY 14873

Resolution # B-26
Former Owner: DORSEY DONNALEE A & DORSEY BENJAMIN
In Rem Index No. 104021, 2009 sale
Date of Tax Sale: July 12, 2013
Parcel #: 056.05-02-003.000
Municipality: Cohocton Village
Highest Bidder: Arthur W Griffin, Jr
Highest Bidder's Address: 12 North Main Street, Cohocton, NY 14826
Consideration: \$15,000.00, together with buyers premium & recording fees
Second Highest Bidder: Nigel Perrott
Second Highest Bidder's Address: 15 Ransom St, Hornell, NY 14843

Resolution # B-27
Former Owner: BABCOCK JEFFREY D & BABCOCK KAREN L
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 12, 2013
Parcel #: 299.19-01-038.000
Municipality: Corning City
Highest Bidder: Mark S Haley & Lisa Harder
Highest Bidder's Address: 410 East High Street, Painted Post, NY 14870
Consideration: \$44,000.00, together with buyers premium & recording fees
Second Highest Bidder: James Jelliff
Second Highest Bidder's Address: 3554 Pine Hill Rd, Corning, NY 14830

Resolution # B-28
Former Owner: ARANDA JOSEPHINE V
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 299.75-01-067.000
Municipality: Corning City
Highest Bidder: Joshua D Ferguson, Jessica L Ferguson, Suzanne D Adam & Michael J Adam
Highest Bidder's Address: 3981 Cty Rte 70A, Avoca, NY 14809
Consideration: \$35,500.00, together with buyers premium & recording fees
Second Highest Bidder: Gregory M Zarek
Second Highest Bidder's Address: 4020 Pine Hill Rd, Corning, NY 14830

Resolution # B-29
Former Owner: WEBSTER LINDA & LC : TERRY SR & DARLENE BROWN
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 12, 2013
Parcel #: 299.75-02-030.000
Municipality: Corning City
Highest Bidder: Darryl Raner
Highest Bidder's Address: 239 Sly Ave #1, Corning, NY 14830
Consideration: \$28,000.00, together with buyers premium & recording fees
Second Highest Bidder: Gregory M Zarek
Second Highest Bidder's Address: 4020 Pine Hill Rd, Corning, NY 14830

Resolution # B-30
Former Owner: BEYOR CARL
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 12, 2013
Parcel #: 317.07-02-004.000
Municipality: Corning City
Highest Bidder: John M Beaty, Jr
Highest Bidder's Address: 30 N Main St, Prattsburgh, NY 14873
Consideration: \$350.00, together with buyers premium & recording fees
Second Highest Bidder: Euro Libris Inc.
Second Highest Bidder's Address: PO Box 222, Dansville, NY 14437

Resolution # B-31
Former Owner: MILLER GLADYS & JAMES MILLER
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 12, 2013
Parcel #: 317.07-02-014.000
Municipality: Corning City
Highest Bidder: Armfl LLC
Highest Bidder's Address: PO Box 276, Corning, NY 14830
Consideration: \$5,000.00, together with buyers premium & recording fees
Second Highest Bidder: Benjamin Mori
Second Highest Bidder's Address: 11112 Dutton Rd, Corning, NY 14830

Resolution # B-32
Former Owner: FINNEY DEIDRE L
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 317.16-03-052.000
Municipality: Corning City
Highest Bidder: Craig P Early
Highest Bidder's Address: 226 Watauga Ave, Corning, NY 14830
Consideration: \$30,000.00, together with buyers premium & recording fees
Second Highest Bidder: Christopher S Finch
Second Highest Bidder's Address: 257 Highgate Ave, Buffalo, NY 14215

Resolution # B-33
Former Owner: RILEY MICHAEL W & RILEY WENDY M
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 299.14-04-036.000
Municipality: Corning Town
Highest Bidder: PG Property Holding LLC
Highest Bidder's Address: 132 Olcott Rd N, Big Flats, NY 14814
Consideration: \$12,000.00, together with buyers premium & recording fees
Second Highest Bidder: John M Beaty, Jr
Second Highest Bidder's Address: 30 N Main St, Prattsburgh, NY 14873

Resolution # B-34
Former Owner: CHRISLER JEFF E
In Rem Index No. 104021, 2009 sale
Date of Tax Sale: July 12, 2013
Parcel #: 299.14-05-003.000
Municipality: Corning Town
Highest Bidder: Angela C Dunham & C Nadine Layfield
Highest Bidder's Address: 6051 Lain Rd, Canisteo, NY 14823
Consideration: \$700.00, together with buyers premium & recording fees
Second Highest Bidder: Chad E Robbins
Second Highest Bidder's Address: 5092 Cty Rte 70A, Bath, NY 14810

Resolution # B-35
Former Owner: CHRISLER JEFF E
In Rem Index No. 104021, 2009 sale
Date of Tax Sale: July 12, 2013
Parcel #: 299.14-05-005.000
Municipality: Corning Town
Highest Bidder: Paul Earl Jones, Jr
Highest Bidder's Address: 7011 Cty Rte 119, Cameron Mills, NY 14820
Consideration: \$500.00, together with buyers premium & recording fees
Second Highest Bidder: Carl Beyor
Second Highest Bidder's Address: 11149 Hendy Hollow Rd, Corning, NY 14830

Resolution # B-36
Former Owner: CASLIN KATHY S
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 317.00-03-083.000
Municipality: Corning Town
Highest Bidder: Sandra R Hatch
Highest Bidder's Address: 21 Seager Ct, Campbell, NY 14821
Consideration: \$250.00, together with buyers premium & recording fees
Second Highest Bidder: Euro Libris Inc
Second Highest Bidder's Address: PO Box 222, Dansville, NY 14437

Resolution # B-37
Former Owner: FARRELL RICHARD L & JEANNIE FARRELL
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 12, 2013
Parcel #: 318.11-01-007.000
Municipality: Corning Town
Highest Bidder: Michael S Pryslopski
Highest Bidder's Address: 36 Fenderson St, Painted Post, NY 14870
Consideration: \$550.00, together with buyers premium & recording fees
Second Highest Bidder: Carl Beyor
Second Highest Bidder's Address: 11149 Hendy Hollow Rd, Corning, NY 14830

Resolution # B-38
Former Owner: BARES EMMERICH JR & MARC S EHRlich ESQUIRE
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 12, 2013
Parcel #: 318.11-01-016.000
Municipality: Corning Town
Highest Bidder: Carl Beyor
Highest Bidder's Address: 11149 Hendy Hollow Rd, Corning, NY 14830
Consideration: \$450.00, together with buyers premium & recording fees
Second Highest Bidder: Paul Earl Jones, Jr
Second Highest Bidder's Address: 7011 Cty Rte 119, Cameron Mills, NY 14820

Resolution # B-39
Former Owner: WRIGHT FAMILY 25 CORNING TRUST & TACKETT RICHARD V
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 336.06-02-042.000
Municipality: South Corning
Highest Bidder: K&R Property Development LLC
Highest Bidder's Address: 239 Sly Ave, Corning, NY 14830
Consideration: \$3,500.00, together with buyers premium & recording fees
Second Highest Bidder: George H Sweatt
Second Highest Bidder's Address: 5736 Bauter Rd, Avoca, NY 14809

Resolution # B-40
Former Owner: DAVIS TAMMY L
In Rem Index No. 104021, 2009 sale
Date of Tax Sale: July 12, 2013
Parcel #: 336.07-01-002.126
Municipality: South Corning
Highest Bidder: Bryan Ryan
Highest Bidder's Address: 3655 Wagner Rd, Bradford, NY 14815
Consideration: \$30,000.00, together with buyers premium & recording fees
Second Highest Bidder: Joseph G Pelych
Second Highest Bidder's Address: 11 Pearl St, Hornell, NY 14843

Resolution # B-41
Former Owner: YOUMANS BRANDON & YOUMANS ELAYNE
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 280.13-01-025.000
Municipality: Erwin Town
Highest Bidder: Jeffery DeMonstoy
Highest Bidder's Address: 612 Blossom Lane, Painted Post, NY 14870
Consideration: \$1,000.00, together with buyers premium & recording fees
Second Highest Bidder: None
Second Highest Bidder's Address: _____

Resolution # B-42
Former Owner: BELL KENNETH
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 12, 2013
Parcel #: 298.00-01-003.640
Municipality: Erwin Town
Highest Bidder: Mark Costanza
Highest Bidder's Address: 351 Delaware Ave, Painted Post, NY 14870
Consideration: \$18,000.00, together with buyers premium & recording fees
Second Highest Bidder: Agostino Lando
Second Highest Bidder's Address: 1643 B State Rte 15, Lindley, NY 14858

Resolution # B-43
Former Owner: BENNETT GEORGE JR
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 12, 2013
Parcel #: 299.13-01-039.000
Municipality: Painted Post Town
Highest Bidder: Barsco LLC
Highest Bidder's Address: 5811 Unionville Rd, Bath, NY 14810
Consideration: \$8,500.00, together with buyers premium & recording fees
Second Highest Bidder: George H Sweatt
Second Highest Bidder's Address: 5736 Bauter Rd, Avoca, NY 14809

Resolution # B-44
Former Owner: RUSSELL LOWELL J
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 122.00-03-053.000
Municipality: Fremont Town
Highest Bidder: Vanessa Marie Browning
Highest Bidder's Address: 314 Granger Rd, Wayland, NY 14572
Consideration: \$500.00, together with buyers premium & recording fees
Second Highest Bidder: None
Second Highest Bidder's Address:

Resolution # B-45
Former Owner: WILSON CHAD W & WILSON JOHANNA L
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 304.00-01-002.100
Municipality: Greenwood Town
Highest Bidder: George H Sweatt
Highest Bidder's Address: 5736 Bauter Rd, Avoca, NY 14809
Consideration: \$6,500.00, together with buyers premium & recording fees
Second Highest Bidder: Tracey Bernd
Second Highest Bidder's Address: 4960 Cty Rte 125, Campbell, NY 14821

Resolution # B-46
Former Owner: KINNER ERNEST L & KINNER MARY E
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 304.19-01-002.000
Municipality: Greenwood Town
Highest Bidder: Michael S Pryslopski
Highest Bidder's Address: 36 Fenderson St, Painted Post, NY 14870
Consideration: \$5,000.00, together with buyers premium & recording fees
Second Highest Bidder: Barsco, LLC
Second Highest Bidder's Address: 5811 Unionville Rd, Bath, NY 14810

Resolution # B-47
Former Owner: FREELAND MARK
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 213.00-01-011.000
Municipality: Hartsville Town
Highest Bidder: Travis L Waters
Highest Bidder's Address: PO Box 22, Troupsburg, NY 14885
Consideration: \$500.00, together with buyers premium & recording fees
Second Highest Bidder: None
Second Highest Bidder's Address:

Resolution # B-48
Former Owner: HENRY LAVERNE C
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 213.00-01-023.000
Municipality: Hartsville Town
Highest Bidder: Terry L McConnell, Sr. & Beverly R McConnell
Highest Bidder's Address: 3803 Sweet Haven, Addison, NY 14801
Consideration: \$700.00, together with buyers premium & recording fees
Second Highest Bidder: Scott Sexton
Second Highest Bidder's Address: 6046 Phillips Rd, Bolivar, NY 14715

Resolution # B-49
Former Owner: HILLIARD BRIAN M & HILLIARD SUSAN
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 264.00-01-026.000
Municipality: Hornby Town
Highest Bidder: Scott A Sexton
Highest Bidder's Address: 6046 Phillips Rd, Bolivar, NY 14715
Consideration: \$400.00, together with buyers premium & recording fees
Second Highest Bidder: Paul Earl Jones, Jr
Second Highest Bidder's Address: 7011 Cty Rte 119, Cameron Mills, NY 14820

Resolution # B-50
Former Owner: HAWKES SHIRLEY JONES A
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 151.09-01-018.100
Municipality: Hornell City
Former Owner: JONES SHIRLEY & JONES WALTER A
Parcel #: 151.09-01-019.000
Highest Bidder: Daniel L Grinols
Highest Bidder's Address: 1161 Airport Rd, Hornell, NY 14843
Consideration: \$14,500.00, together with buyers premium & recording fees
Second Highest Bidder: Tracey Bernd
Second Highest Bidder's Address: 4960 Cty Rte 125, Campbell, NY 14821

Resolution # B-51
Former Owner: BACON LARRY
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 12, 2013
Parcel #: 151.09-02-020.000
Municipality: Hornell City
Highest Bidder: Patrick Mosko & Theresa Mosko
Highest Bidder's Address: 50 Sawyer St, Hornell, NY 14843
Consideration: \$2,500.00, together with buyers premium & recording fees
Second Highest Bidder: John M Beaty, Jr
Second Highest Bidder's Address: 30 N Main St, Prattsburgh, NY 14873

Resolution # B-52
Former Owner: HOYT DONALD E & HOYT MARILYN A
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 151.17-01-005.000
Municipality: Hornell City
Highest Bidder: Stephen Kennell
Highest Bidder's Address: 77 Maple Street, Canisteo, NY 14823
Consideration: \$1,250.00, together with buyers premium & recording fees
Second Highest Bidder: Teresa M Matthews
Second Highest Bidder's Address: 26 E Lamoka Ave, Savona, NY 14879

Resolution # B-53
Former Owner: KINNE HAROLD C
In Rem Index No. 104021, 2009 sale
Date of Tax Sale: July 12, 2013
Parcel #: 151.56-01-024.000
Municipality: Hornell City
Highest Bidder: Joshua D Ferguson, Jessica L Ferguson, Suzanne D Adam & Michael J Adam
Highest Bidder's Address: 3981 Cty Rte 70A, Avoca, NY 14809
Consideration: \$29,000.00, together with buyers premium & recording fees
Second Highest Bidder: Teresa M Matthews
Second Highest Bidder's Address: 26 E Lamoka Ave, Savona, NY 14879

Resolution # B-54
Former Owner: PRITCHARD MICHAEL R & PRITCHARD JENNIFER L
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 151.64-02-029.000
Municipality: Hornell City
Highest Bidder: Angela C Dunham
Highest Bidder's Address: 6051 Lain Rd, Canisteo, NY 14823
Consideration: \$32,500.00, together with buyers premium & recording fees
Second Highest Bidder: Todd J Smith
Second Highest Bidder's Address: 99 Maple St, Hornell, NY 14843

Resolution # B-55
Former Owner: HOLLANDS ROBERT E
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 121.00-01-056.000
Municipality: Hornellsville Town
Highest Bidder: Hornell IDA
Highest Bidder's Address: 40 Main St, Hornell, NY 14843
Consideration: \$2,300.00, together with buyers premium & recording fees
Second Highest Bidder: Nigel Perrott
Second Highest Bidder's Address: 15 Ransom St, Hornell, NY 14843

Resolution # B-56
Former Owner: MCDONALD DAVID L
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 151.05-01-029.000
Municipality: Hornellsville Town
Highest Bidder: Johnathon Beaty
Highest Bidder's Address: 30 N Main St, Prattsburgh, NY 14873
Consideration: \$500.00, together with buyers premium & recording fees
Second Highest Bidder: Sandra R Hatch
Second Highest Bidder's Address: PO Box 342, Savona, NY 14829

Resolution # B-57
Former Owner: MCDONALD DAVID L
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 151.05-01-051.000
Municipality: Hornellsville Town
Former Owner: MCDONALD DAVID & MCDONALD LYDIA
Parcel #: 151.05-01-052.000
Highest Bidder: Robert David Patton
Highest Bidder's Address: 3089 Cty Rte 119, Canisteo, NY 14823
Consideration: \$2,750.00, together with buyers premium & recording fees
Second Highest Bidder: Patrick Mosko
Second Highest Bidder's Address: 8 Wells St, Hornell, NY 14843

Resolution # B-58
Former Owner: KULYSHIE STEPHANIE
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 166.18-01-006.000
Municipality: Hornellsville Town
Highest Bidder: Brett Graham
Highest Bidder's Address: 1481 Beech St, Hornell, NY 14843
Consideration: \$10,500.00, together with buyers premium & recording fees
Second Highest Bidder: Tracey Bernd
Second Highest Bidder's Address: 4960 Cty Rte 125, Campbell, NY 14821

Resolution # B-59
Former Owner: GILLES LEASING SERVICES INC
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 166.18-01-032.210
Municipality: Hornellsville Town
Highest Bidder: So. Hornell Fire Protection Co., Inc.
Highest Bidder's Address: PO Box 361, Hornell, NY 14843
Consideration: \$14,000.00, together with buyers premium & recording fees
Second Highest Bidder: Gregory Essman
Second Highest Bidder's Address: 8586 Stryker Rd, Bath, NY 14810

Resolution # B-60
Former Owner: WESTBROOK MICHAEL J & WESTBROOK ROXANNE
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 12, 2013
Parcel #: 140.00-01-045.000
Municipality: Howard Town
Highest Bidder: Chad E Robbins
Highest Bidder's Address: 5092 Cty Rte 70A, Bath, NY 14810
Consideration: \$9,000.00, together with buyers premium & recording fees
Second Highest Bidder: Seth J Westbrook
Second Highest Bidder's Address: 10571 Black Creek, Cohocton, NY 14826

Resolution # B-61
Former Owner: CRUZ AUGUSTINE & CRUZ SAMUEL
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 021.00-01-036.200
Municipality: Prattsburgh Town
Highest Bidder: Joy E Goodsell
Highest Bidder's Address: 38 Main St, Savona, NY 14879
Consideration: \$6,250.00, together with buyers premium & recording fees
Second Highest Bidder: Steven D Faulkner
Second Highest Bidder's Address: 35 E William St 101, Bath, NY 14810

Resolution # B-62
Former Owner: BATISTA JUAN A
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 047.00-01-007.110
Municipality: Prattsburgh Town
Highest Bidder: John M Beaty, Jr
Highest Bidder's Address: 30 N Main St, Prattsburgh, NY 14873
Consideration: \$8,000.00, together with buyers premium & recording fees
Second Highest Bidder: Joy E Goodsell
Second Highest Bidder's Address: 38 Main St, Savona, NY 14879

Resolution # B-63
Former Owner: UNDERHILL NANCY L
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 048.00-01-026.210
Municipality: Prattsburgh Town
Highest Bidder: Barsco LLC
Highest Bidder's Address: 5811 Unionville Rd, Bath, NY 14810
Consideration: \$24,000.00, together with buyers premium & recording fees
Second Highest Bidder: Lisa Knapp
Second Highest Bidder's Address: 2798 Coates Rd, Penn Yan, NY 14527

Resolution # B-64
Former Owner: ELWARD JOYANN
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 048.00-02-001.400
Municipality: Prattsburgh Town
Highest Bidder: Susan Barnett & John F Young
Highest Bidder's Address: 410 Triphammer Rd, Ithaca, NY 14850
Consideration: \$4,000.00, together with buyers premium & recording fees
Second Highest Bidder: Eric R Broeker
Second Highest Bidder's Address: 8450 Tochwood Lane, Cicero, NY 13039

Resolution # B-65
Former Owner: MEDREK ZACHARY M
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 049.00-01-058.100
Municipality: Pulteney Town
Highest Bidder: David E Smith
Highest Bidder's Address: 8560 Cty Rte 74, Prattsburgh, NY 14873
Consideration: \$9,000.00, together with buyers premium & recording fees
Second Highest Bidder: Richard Troiano
Second Highest Bidder's Address: 6 Sunset Heights, Monroe, NY 10950

Resolution # B-66
Former Owner: FRITZ DALE
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 329.00-01-016.000
Municipality: Rathbone Town
Highest Bidder: Empire State Land Co. LLC
Highest Bidder's Address: 952 Wilkes Barre Township Blvd, Wilkes Barre, PA 18702
Consideration: \$9,500.00, together with buyers premium & recording fees
Second Highest Bidder: John F Young
Second Highest Bidder's Address: 410 Triphammer Rd, Ithaca, NY 14850

Resolution # B-67
Former Owner: WILLIAMS KENNETH R & WILLIAMS DOROTHY C
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 347.00-02-027.200
Municipality: Rathbone Town
Highest Bidder: John A & Sarah B Troyer
Highest Bidder's Address: 2173 Cty Rte 81, Addison, NY 14801
Consideration: \$5,000.00, together with buyers premium & recording fees
Second Highest Bidder: Steven Vancise
Second Highest Bidder's Address: 1163 Cty Rte 99, Woodhull, NY 14898

Resolution # B-68
Former Owner: WOUGHTER MICHAEL & WOUGHTER VANESSA
In Rem Index No. 101381, 2008 sale
Date of Tax Sale: July 12, 2013
Parcel #: 347.00-02-036.000
Municipality: Rathbone Town
Highest Bidder: Barsco LLC
Highest Bidder's Address: 5811 Unionville Rd, Bath, NY 14810
Consideration: \$9,000.00, together with buyers premium & recording fees
Second Highest Bidder: Roger Risley, Jr
Second Highest Bidder's Address: 8996 Parker Rd, Campbell, NY 14821

Resolution # B-69
Former Owner: VANSKIVER JOANNE V
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 240.03-01-022.000
Municipality: Thurston Town
Highest Bidder: Douglas D & Sharon L McCann
Highest Bidder's Address: 6002 Rte 226, Savona, NY 14879
Consideration: \$8,500.00, together with buyers premium & recording fees
Second Highest Bidder: Tracey Bernd
Second Highest Bidder's Address: 4960 Cty Rte 125, Campbell, NY 14821

Resolution # B-70
Former Owner: STEBBINS GERALD E & STEBBINS SONJA L
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 416.00-01-010.630
Municipality: Troupsburg Town
Highest Bidder: Nathan A Clark
Highest Bidder's Address: 1405 Cty Rte 82, Troupsburg, NY 14885
Consideration: \$4,000.00, together with buyers premium & recording fees
Second Highest Bidder: Andrea J Haradon
Second Highest Bidder's Address: 3069 B Spencer Hill Rd, Corning, NY 14830

Resolution # B-71
Former Owner: BROUWERE MICHAEL T & BROUWERE SHEILA M
In Rem Index No. 98375, 2007 sale
Date of Tax Sale: July 12, 2013
Parcel #: 366.00-01-034.220
Municipality: Tuscarora Town
Highest Bidder: Christopher E Rudy
Highest Bidder's Address: 4532 State Rte 436, Dansville, NY 14437
Consideration: \$1,300.00, together with buyers premium & recording fees
Second Highest Bidder: Andrea J Haradon
Second Highest Bidder's Address: 3069 B Spencer Hill Rd, Corning, NY 14830

Resolution # B-72
Former Owner: FERRIS FLORENCE
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 116.00-02-032.000
Municipality: Urbana Town
Highest Bidder: James E Tenny, Jr
Highest Bidder's Address: 7021 Newton Rd, Bath, NY 14810
Consideration: \$1,000.00, together with buyers premium & recording fees
Second Highest Bidder: Joy E Goodsell
Second Highest Bidder's Address: 38 Main St, Savona, NY 14879

Resolution # B-73
Former Owner: GILBERT JAMES A JR & GILBERT CATHERINE M
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 116.00-02-040.000
Municipality: Urbana Town
Parcel #: 116.00-02-042.000
Municipality: Urbana Town
Highest Bidder: Douglas D & Sharon L McCann
Highest Bidder's Address: 6002 Rte 226, Savona, NY 14879
Consideration: \$9,500.00, together with buyers premium & recording fees
Second Highest Bidder: Stephanie Potter
Second Highest Bidder's Address: 2172 Space Rd, Addison, NY 14801

Resolution # B-74
Former Owner: WADSWORTH LYNN & WADSWORTH NELSON C
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 12, 2013
Parcel #: 002.00-01-032.000
Municipality: Wayland Town
Highest Bidder: K Wilkins Properties LLC
Highest Bidder's Address: 461 Webb Rd, Hornell, NY 14843
Consideration: \$24,500.00, together with buyers premium & recording fees
Second Highest Bidder: Vanessa Marie Browning
Second Highest Bidder's Address: 314 Granger Rd, Wayland, NY 14572

Resolution # B-75
Former Owner: WILLIAMS JEROME & WILLIAMS STEPHANIE
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 015.00-01-044.120
Municipality: Wayland Town
Highest Bidder: Vanessa Marie Browning
Highest Bidder's Address: 314 Granger Rd, Wayland, NY 14572
Consideration: \$12,000.00, 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-76
Former Owner: WEBER ROBERT
In Rem Index No. 104021, 2009 sale
Date of Tax Sale: July 12, 2013
Parcel #: 002.20-03-047.000
Municipality: Wayland Village
Highest Bidder: Vanessa Marie Browning
Highest Bidder's Address: 314 Granger Rd, Wayland, NY 14572
Consideration: \$18,000.00, together with buyers premium & recording fees
Second Highest Bidder: K Wilkins Properties LLC
Second Highest Bidder's Address: 461 Webb Rd, Hornell, NY 14843

Resolution # B-77
Former Owner: LACLAIR COLLETTE
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 003.17-01-043.200
Municipality: Wayland Village
Highest Bidder: Mark A & Aimee M Campbell
Highest Bidder's Address: 107 Washington St, Wayland, NY 14572
Consideration: \$100.00, together with buyers premium & recording fees
Second Highest Bidder: None
Second Highest Bidder's Address: _____

Resolution # B-78
Former Owner: OLDFIELD MICHAEL
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 003.17-02-030.000
Municipality: Wayland Village
Highest Bidder: Jonathan D & Joshua J Sick
Highest Bidder's Address: 9785 Ward Rd, Wayland, NY 14572
Consideration: \$5,000.00, together with buyers premium & recording fees
Second Highest Bidder: None
Second Highest Bidder's Address: _____

Resolution # B-79
Former Owner: SIMEON VERDUL
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 003.17-02-034.000
Municipality: Wayland Village
Highest Bidder: Johnathon M Beaty
Highest Bidder's Address: 30 N Main St, Prattsburgh, NY 14873
Consideration: \$3,000.00, together with buyers premium & recording fees
Second Highest Bidder: Christopher E Rudy
Second Highest Bidder's Address: 2825 Yule Tree Dr, Edgewater, FL 32141

Resolution # B-80
Former Owner: DUDLEY DAVID & DUDLEY JUDITH
In Rem Index No. 2010-1966CV, 2010 sale
Date of Tax Sale: July 12, 2013
Parcel #: 102.00-01-066.200
Municipality: Wheeler Town
Highest Bidder: K Wilkins Properties LLC
Highest Bidder's Address: 461 Webb Rd, Hornell, NY 14843
Consideration: \$32,000.00, together with buyers premium & recording fees
Second Highest Bidder: Pinegrove Leasing LLC
Second Highest Bidder's Address: 9400 W Lake Rd, Hammondsport, NY 14840

Resolution # B-81
Former Owner: JACKSON STACY L & KIZIS-JACKSON MICHELLE L
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 363.00-01-041.000
Municipality: Woodhull Town
Highest Bidder: Steven S Vancise, Sr
Highest Bidder's Address: 1163 Cty Rte 99, Woodhull, NY 14898
Consideration: \$2,500.00, together with buyers premium & recording fees
Second Highest Bidder: Nathan A Clark
Second Highest Bidder's Address: 1405 Cty Rte 82, Troupsburg, NY 14885

Resolution # B-82
Former Owner: BULKELEY LAUREN & BULKELEY EDWARD
In Rem Index No. 2011-1564CV, 2011 sale
Date of Tax Sale: July 12, 2013
Parcel #: 382.00-01-027.000
Municipality: Woodhull Town
Highest Bidder: Nathan A Clark
Highest Bidder's Address: 1405 Cty Rte 82, Troupsburg, NY 14885
Consideration: \$1,200.00, together with buyers premium & recording fees
Second Highest Bidder: Sandra R Hatch
Second Highest Bidder's Address: PO Box 342, Savona, NY 14879

SCHEDULE "C"

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|--------------------|--|
| Resolution No. | <u>C-1</u> |
| Former Owner | <u>James Shutt</u> |
| In Rem Index No. | <u>2010-1966CV, 2010 sale</u> |
| Parcel No. | <u>166.06-03-005.000</u> |
| Municipality | <u>Hornell City</u> |
| Grantee(s) | <u>James Shutt</u> |
| Grantee(s) Address | <u>26 Franklin St, Apt 101, Hornell, NY 14843</u> |
| Consideration | <u>\$3,405.60, together with \$185.00 recording fees</u> |

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.

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| Resolution No. | C-2 |
| Former Owner | Robert W. Jacobs |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 044.00-01-013.110 |
| Municipality | Cohocton Town |
| Grantee(s) | Robert W. Jacobs |
| Grantee(s) Address | 4750 McLean Hollow, Cohocton, NY 14826 |
| Consideration | \$7,298.70, 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.

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| Resolution No. | C-3 |
| Former Owner | Charles D. Harrington |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 318.18-03-020.000, 318.18-03-023.000, 318.18-03-037.000 |
| Municipality | South Corning Village |
| Grantee(s) | Charles D. Harrington c/o Daniel Pratt Gerwig, Attorney at Law |
| Grantee(s) Address | 135 Cedar Street, Corning, NY 14830 |
| Consideration | \$23,893.10 |

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.

SCHEDULE "D"

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| Resolution No. | D-1 (correction B-20 Resol. No. 075-13) |
| Former Owner | Bonnie Hall, Crystal L. & Marvin Curry |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 048.05-01-002.000 |
| Municipality | Prattsburgh Town |
| Grantee(s) | Town of Prattsburgh Water District |
| Grantee(s) Address | PO Box 427, Prattsburgh, NY 14873 |
| Consideration | \$3,106.67, together with \$310.00 recording fees |

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| Resolution No. | D-2 (correction B-7 Resol. No. 088-13) |
| Former Owner | Mickey Heffner |
| In Rem Index No. | 2011-1564CV, 2011 sale |
| Parcel No. | 389.00-03-015.112 |
| Municipality | Caton Town |
| Grantee(s) | Green Tree Servicing, LLC |
| Grantee(s) Address | 3 Executive Park Drive, Bedford, NH 03110 |
| Consideration | \$11,907.07 |

Vote: Roll Call – Adopted.

RESOLUTION NO. 101-13

Introduced by J. Hauryski.

Seconded by G. Swackhamer.

RECEIVING AND ACCEPTING THE AUGUST 26, 2013 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 12, 2013

New York State Homes & Community Renewal – Re: Notification of award for the 2013 New York State Community Development Block Grant (CDBG) Project#1115ED785-13 in the amount of \$300,000 to assist in the expansion of Word Kitchen, LLC. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

Mr. and Mrs. Howard BetzJitomir – Re: Letter on Agricultural District Number 6. **Referred to: Amy Dlugos, Planning Director.**

July 17, 2013

Sheen Housing – Re: Bishop Sheen Ecumenical Housing Foundation’s (Sheen Housing) 2012-2013 Annual Report. **Referred to: Filed with the Clerk of the Legislature, Brenda Mori; and Amy Dlugos, Planning Director.**

Regional Economic Development & Energy Corporation/REDEC Relending Corporation – Re: Request of an allocation of \$10,000 in the 2014 budget, with similar commitments for 2015 and 2016 budgets. **Referred to: A.I.P. Committee; Finance Committee; and Amy Dlugos, Planning Director.**

Assemblyman Philip Palmesano – Re: Acknowledgement of Steuben County’s resolution in opposition to the proposed legislation which would amend Election Law and allow early voting prior to the normal election day. **Referred to: Administration Committee; Veronica Olin, Republican Commissioner; Joseph Welch, Democratic Commissioner; and Mark Alger, County Administrator.**

NYS Division of Homeland Security and Emergency Services – Re: Pursuant to New York State Executive Law Article 15-A which promotes opportunities for maximum feasible participation in the New York State Certified minority - and women - owned business enterprises (MWBE) and the employment of minority group member and women in the performance of New York State contracts. A reference directory of the New York State Certified MBWEs can be found on the following website: www.ny.newnycontracts.com. **Referred to: Public Safety & Correction Committee; Administration Committee; and Jim Gleason, Purchasing Director.**

State of New York Public Service Commission – Re: Order granting certificate of amendments for Talisman Energy USA, Inc. for environmental compatibility and public need. **Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Steuben County Environmental Management Council.**

July 23, 2013

Finger Lakes SPCA – Re: The 2013 Animal Cruelty Investigation Program Report. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

July 24, 2013

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 04/01/2013- 03/31/2014 and the Older Americans Act (OCCA) Title VII program for the period of 01/01/2013 – 12/13/2013. **Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.**

August 1, 2013

Harris Beach, PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and 26-32 Bridge Street, LLC distribution of Form RP-412-a and PILOT agreement. **Referred to: Finance and Administration Committees; Patrick Donnelly, County Treasurer; Wendy Flaitz, RPTSA Director; and Alan Reed, County Attorney.**

August 5, 2013

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$33,381 representing the June 2013 retained surcharge revenues and the municipality’s share of the 2nd quarter 2013 net revenues. ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

United States General Services Administration – Re: Notice of determination of homeless suitability and availability & notice of surplus determination for federal real property located at the former radio communication link repeater site in Wheeler, NY, Steuben County (GSAControl#1-NY-0981-AA HUD#54201330004).***Referred to: Tim Marshall, Acting EMO Director, Amy Dlugos; Planning Director and Brenda Mori, Clerk of the Legislature.***

August 7, 2013

New York State Office of Parks, Recreation & Historic Preservation – Re: Notification of Approval for the 2012-2013 Phase III of the Snowmobile Trail Development and Maintenance State Aid. ***Referred to: Amy Dlugos, Planning Director.***

August 12, 2013

Steuben County Industrial Development Agency – Re: 2014 Budget request in the amount of \$45,000. ***Referred to: A.I.P. Committee; Finance Committee; and Mark Alger, County Administrator.***

New York State Association of Counties – Re: 2014 Association dues in the amount of \$9,948. ***Referred to: Mark Alger, County Administrator; and Brenda Mori, Clerk of the Legislature.***

August 15, 2013

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and Long Rock LLC is scheduled on Tuesday, August 27, 2013 at 10:00am in the Hammondsport Village Hall, 18 Water Street, Hammondsport, New York. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 102-13

Introduced by L. Crossett.

Seconded by H. Lando.

PRESENTING LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2013, 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. Two for the Year 2013, Authorizing the Override of the Tax Levy Limit Established in General Municipal Law §3-c, as follows:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2013**

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 2014 and authorizes Steuben County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2014 that requires a tax levy that is greater than the tax levy limit calculated for 2014 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 September 23, 2013 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 and the County Administrator.

Mr. Wheeler explained for the past few years we have adopted a Local Law for a tax cap override. We intend to comply fully with the intent of the property tax cap. This local law protects us. There are a couple of issues with the budget. The first is the sales tax credit. Sales tax credit is paid to the towns, however, that comes off our cap. The second issue is whether or not there will be a tax base growth factor for 2013.

Vote: Acclamation – Adopted.

RESOLUTION NO. 103-13

Introduced by L. Crossett.

Seconded by G. Swackhamer.

EXTENDING THE INCREASE OF THE RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK.

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

Section 1. The first sentence of section two of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax.

On and after March 1, 1972, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing December 1, 1992 and ending November 30, 2015, there is hereby imposed and there shall be paid an additional tax of one percent upon:

Section 2. Subdivision (g) of section three of Resolution 321 as enacted in 1967, as amended, is amended to read as follows:

(g) With respect to the additional tax of one percent imposed for the period commencing December 1, 1992, and ending November 30, 2015, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to December 1, 1992, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to August 1, 1992, and the reference in said subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 1992. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 1992 any transaction, which may not be subject to the additional tax, imposed effective on that date.

Section 3. Section four of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

SECTION 4. Impositions of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after December 1, 1992, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are

offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

Section 4. Subdivision (k) of section six of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed, by Sections 2 and 4, respectively, of this resolution for the period commencing December 1, 1992, and ending November 30, 2015.

Section 5. Paragraph (B) of Subdivision one of section eleven of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning December 1, 1992, and ending November 30, 2015, in respect to the use of property used by the purchaser in this County prior to December 1, 1992.

Section 6. Subdivision (d) of section fourteen of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

(d) Notwithstanding any provision of law or this resolution to the contrary, of the net collections received from the additional one percent rate of sales and compensating use taxes imposed, respectively, by sections two and four of this

resolution during the period beginning December 1, 2013 and ending November 30, 2015, the County shall annually pay or cause to be paid to the City of Hornell the sum of seven hundred sixty five thousand dollars (\$765,000.00), to the City of Corning the sum of seven hundred sixty five thousand dollars (\$765,000.00), and the sum of seven hundred fifty thousand dollars (\$750,000.00) to the towns and villages of the County, on the basis of the ratio which the full valuation of real property in each town or village bears to the aggregate full valuation of real property in all of the towns and villages in such area. The remainder of the net collections received from such additional one percent rate of sales and compensating use taxes imposed during such period shall be set aside for County purposes and shall be available for any County purpose.

Section 7. This resolution shall take effect December 1, 2013.

Section 8. Certified copies of this resolution shall be forwarded to Patricia Pinto, Esq., New York State Dept. of Taxation and Finance, W.A. Harriman Campus, Albany, NY 12227; Deborah R. Liebman, Esq., Deputy Counsel, New York State Dept. of Taxation and Finance, W. A. Harriman Campus, Building 9, Room 200, Albany, NY 12227; Cesar A. Perales, Secretary of State, Office of the Secretary of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231-0001; Thomas P. DiNapoli, Comptroller, Office of the State Comptroller, 110 State St., Albany, NY 12236; Judith M. Hunter, County Clerk; Mark R. Alger, County Administrator; Patrick F. Donnelly, County Treasurer; and Alan P. Reed, County Attorney.

Vote: Roll Call – Adopted.

RESOLUTION NO. 104-13

Introduced by M. Hanna.

Seconded by C. Ferratella.

AUTHORIZING AN EXTENSION OF THE PRATTSBURGH-COHOCTON LANDFILL LEASE.

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

WHEREAS, by resolution duly adopted April 19, 1976, the Chairman of the Steuben County Board of Supervisors was authorized to execute a lease for land in the Town of Prattsburgh as a landfill site for such property then known as the Prattsburgh-Cohocton Landfill; and

WHEREAS, said lease was for a term of 5 years, subject to renewals through September 30, 2011; and

WHEREAS, the parties are desirous of extending the lease for an additional 5 year-period, with the County's option to renew up to a period of 5 years.

NOW THEREFORE, BE IT

RESOLVED, that the aforesaid lease is renewed and extended for an additional term of 5 years, until September 30, 2016 with an option to renew up to a period of 5 years; and be it further

RESOLVED, that the Steuben County Administrator be, and the same hereby is, authorized and directed to execute an agreement for an extension of renewal of the aforesaid lease; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works; Jack Zigenfus, Cohocton Town Supervisor, 6 Main Street, Cohocton, NY 14826 and Leonard L. McConnell, Prattsburgh Town Supervisor, PO Box 427, Prattsburgh, NY 14873.

Vote: Roll Call – Adopted.

RESOLUTION NO. 105-13

Introduced by L. Crossett.

Seconded by R. Weaver.

AUTHORIZING THE ANNUAL RPS V4 CHARGEBACK TO THE TOWNS AND CITIES FOR LICENSE AND SUPPORT FEES.

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.

RPS V4 TO BE BILLED FOR 1/1/14 LEVY

.rpsv4chargeback/resolutions

08/01/2013

| Swis | Municipality | Parcel Count | ORPS License Fee | County Support Fee | Total Chargeback |
|------|---------------|--------------|------------------|--------------------|------------------|
| 4603 | Corning City | 4,269 | \$1,500 | \$200 | \$1,700 |
| 4606 | Hornell City | 3,743 | \$1,300 | \$200 | \$1,500 |
| 4620 | Addison | 1,284 | \$1,000 | \$200 | \$1,200 |
| 4622 | Avoca | 1,337 | \$1,000 | \$200 | \$1,200 |
| 4624 | Bath | 5,129 | \$1,500 | \$200 | \$1,700 |
| 4626 | Bradford | 566 | \$850 | \$200 | \$1,050 |
| 4628 | Cameron | 749 | \$850 | \$200 | \$1,050 |
| 4630 | Campbell | 1,595 | \$1,000 | \$200 | \$1,200 |
| 4632 | Canisteo | 2,035 | \$1,200 | \$200 | \$1,400 |
| 4634 | Caton | 1,309 | \$1,000 | \$200 | \$1,200 |
| 4636 | Cohocton | 1,838 | \$1,000 | \$200 | \$1,200 |
| 4638 | Corning Town | 3,247 | \$1,300 | \$200 | \$1,500 |
| 4640 | Dansville | 1,270 | \$1,000 | \$200 | \$1,200 |
| 4642 | Erwin | 3,214 | \$1,300 | \$200 | \$1,500 |
| 4644 | Fremont | 781 | \$850 | \$200 | \$1,050 |
| 4646 | Greenwood | 721 | \$850 | \$200 | \$1,050 |
| 4648 | Hartsville | 566 | \$850 | \$200 | \$1,050 |
| 4650 | Hornby | 989 | \$850 | \$200 | \$1,050 |
| 4652 | Hornellsville | 2,436 | \$1,200 | \$200 | \$1,400 |
| 4654 | Howard | 1,221 | \$1,000 | \$200 | \$1,200 |
| 4656 | Jasper | 869 | \$850 | \$200 | \$1,050 |
| 4658 | Lindley | 1,035 | \$1,000 | \$200 | \$1,200 |
| 4660 | Prattsburgh | 1,855 | \$1,000 | \$200 | \$1,200 |
| 4662 | Pulteney | 1,707 | \$1,000 | \$200 | \$1,200 |
| 4664 | Rathbone | 768 | \$850 | \$200 | \$1,050 |
| 4666 | Thurston | 970 | \$850 | \$200 | \$1,050 |
| 4668 | Troupsburg | 926 | \$850 | \$200 | \$1,050 |
| 4670 | Tuscarora | 875 | \$850 | \$200 | \$1,050 |
| 4672 | Urbana | 1,981 | \$1,000 | \$200 | \$1,200 |
| 4674 | Wayland | 2,294 | \$1,200 | \$200 | \$1,400 |
| 4676 | Wayne | 1,601 | \$1,000 | \$200 | \$1,200 |
| 4678 | West Union | 535 | \$850 | \$200 | \$1,050 |
| 4680 | Wheeler | 1,003 | \$1,000 | \$200 | \$1,200 |
| 4682 | Woodhull | 1,153 | \$1,000 | \$200 | \$1,200 |
| | | 55,871 | \$34,700 | \$6,800 | \$41,500 |

| ORPS License Fee Schedule | |
|---------------------------|---------|
| Number of Parcels | Fee |
| 0-500 | \$750 |
| 501-1000 | \$850 |
| 1001-2000 | \$1,000 |
| 2001-3000 | \$1,200 |
| 3001-4000 | \$1,300 |
| 4001-6000 | \$1,500 |
| | |
| | |

Steuben County
 Real Property Tax Service Agency
 3 E. Pulteney Square
 Bath, New York 14810
 Wendy Flaitz, Director

RESOLUTION NO. 106-13

Introduced by B. Schu and L. Crossett.

Seconded by S. Van Etten.

AUTHORIZING THE RECLASSIFICATION OF A VACANT MAINTENANCE PERSON POSITION TO A SHERIFF'S DEPARTMENT CRIMINAL INVESTIGATOR POSITION.

Pursuant to Section 204 of the County Law of the State of New York.

WHEREAS, this Maintenance Person in the Sheriff's Department performs building maintenance and repair; and

WHEREAS, this Maintenance Person position is vacant and no longer required in the Sheriff's Department; and

WHEREAS, a Criminal Investigator position is necessary to address current investigation caseloads for the Sheriff's Office; and

WHEREAS, the Personnel Officer, the Administration Committee, and Public Safety and Corrections, Committee have reviewed said position within the Sheriff's Department that requires a job title change and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Sheriff's Department is hereby reclassified as follows:

Maintenance Person, Grade VII (\$28,002 to \$39,534) to
Criminal Investigator, Grade XIII (\$36,841 to \$55,707)

AND BE IT FURTHER RESOLVED, that the 2013 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 Sheriff.

Vote: Roll Call – Adopted. (Yes – 8004; No – 451; Absent – 1417)
(No – Legislator Weaver)

RESOLUTION NO. 107-13

Introduced by T. Ryan.

Seconded by H. Lando.

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 2013-2014 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.

Vote: Roll Call – Adopted.

**A M E N D E D
RESOLUTION NO. 108-13**

Introduced by L. Crossett.

Seconded by C. Ferratella.

REAPPOINTING THE DIRECTOR OF THE REAL PROPERTY TAX SERVICE AGENCY FOR A SIX-YEAR TERM.

Pursuant to Sections 204 and 205 of the County Law and Section 1530 of the Real Property Tax Law of the State of New York.

WHEREAS, the County Administrator and Administration Committee have recommended that **WENDY FLAITZ** be reappointed as the Director of the Steuben County Real Property Tax Service Agency.

NOW THEREFORE, BE IT

RESOLVED, that **WENDY FLAITZ** is hereby reappointed Director of the Steuben County Real Property Tax Service Agency for a six year term commencing October 1, 2013 and terminating on September 30, 2019; and be it further

RESOLVED, that as Director of the Steuben County Real Property Tax Service Agency, she shall be paid at the rate of pay and salary established by the Management Salary Plan; and be it further

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

Mr. Wheeler requested that the term of appointment be amended to reflect commencing on October 1, 2013 and terminating on September 30, 2013 which is per State statute.

Motion amending the resolution to reflect the term commencing on October 1, 2013 and terminating on September 30, 2019 made by Mr. Swackhamer, seconded by Mr. Mullen and duly carried.

Vote: Roll Call – Adopted.

RESOLUTION NO. 109-13

Introduced by J. Hauryski.

Seconded by C. Ferratella.

MEMORIALIZING THE GOVERNOR AND NEW YORK STATE LEGISLATURE IN OPPOSITION TO THE CLOSURE OF THE MONTEREY SHOCK INCARCERATION FACILITY.

WHEREAS, the Monterey Shock Incarceration Facility was the first of its type in New York State, started over 25 years ago; and

WHEREAS, the concept of shock incarceration has proven to be highly successful, with recidivism rates significantly below normal rates; and

WHEREAS, part of the program includes the provision of community services by inmates to various communities and non-profits throughout the region; and

WHEREAS, it is estimated that the inmate work hours have totaled 787,396 from 2007 to 2013 with an estimated value of over \$5.7 million in savings to State taxpayers when calculated at minimum wage; and

WHEREAS, these services have included everything from natural disaster assistance, to work at the local food banks as well as many significant local community projects.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature opposes the closure of the Monterey Shock Incarceration Correctional Facility and respectfully requests Governor Cuomo to reconsider the closure given the positive impacts the facility has on state corrections, local communities and the successful inmates; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Dean Skelos, NYS Senate Republican Conference Leader And Majority Coalition Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Jeffrey Klein, NYS Senate Independent Conference Leader and Majority Coalition Leader, 913 Legislative Office Building, Albany, NY 12247; Honorable Andrea Stewart-Cousins, Minority Leader, New York State Senate, 907 Legislative Office Building, Albany, NY 12247; Honorable Sheldon Silver, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Joseph D. Morelle, Majority Leader, New York State Assembly, 926 Legislative Office Building, Albany, NY 12248; Honorable Brian M. Kolb, Minority Leader, New York State Assembly, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 415 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 723 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman 439 Legislative Office Building, Albany, NY 12248; Honorable Bill Nojay, New York State Assemblyman, 527 Legislative Office Building, Albany, NY 12248; Michael F. Nozzolio, 188 State Street, Room 503, Capitol Building, Albany, NY 12247; Acting DOCCS Commissioner, Anthony J. Annucci, Harriman State Campus, Building 2, Albany, NY 12226; New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207; and the InterCounty Association of WNY.

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 Service Law, 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. Ryan and duly carried.

RESOLUTION NO. 110-13

Introduced by T. Ryan.

Seconded by L. Crossett.

AUTHORIZING THE EXECUTION OF AN INTER-GOVERNMENTAL COOPERATION AGREEMENT WITH THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO PROVIDE MATCHING FUNDS FOR REGIONAL PROMOTION.

WHEREAS, the Steuben County Industrial Development Agency (SCIDA) has identified regional promotional initiatives that would aid in the expansion of development and tourism activities in the Southern Tier; and

WHEREAS, SCIDA has requested \$2,500 in matching funds to support the implementation of these initiatives; and

WHEREAS, it is in the interest of Steuben County to direct monies from the Economic Development Fund towards these initiatives that promote growth in the Southern Tier.

NOW THEREFORE, BE IT

RESOLVED, that the County Administrator be and the same hereby is authorized and directed to enter into an inter-governmental agreement with SCIDA to provide matching funds in the amount of \$2,500 for regional promotion; and be it further

RESOLVED, the Steuben County Treasurer is authorized to appropriate the sum of \$2,500 from the Economic Development Fund to the Steuben County Industrial Development Agency for said purpose; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Administrator; County Treasurer; and James Johnson, Executive Director, Steuben County Industrial Development Agency, 7234 Route 54N, P.O. Box 393, Bath, NY 14810.

Vote: Roll Call – Adopted.

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mr. Van Etten, seconded by Mr. Swackhamer and duly carried.

Motion to Adjourn made by Mr. Farrand, seconded by Mr. Schu and duly carried.

REGULAR MEETING
Morning Session
Monday, September 23, 2013
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 September, 2013, 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 for Legislator Farrand.

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

IN MEMORIAM
HARLEY R. MAYO
1927 – 2013

The death of our former colleague, Harley R. Mayo, who passed away on September 1, 2013, is acknowledged by this Legislature with deep sadness.

Harley was born on October 9, 1927 to Wayne and Elcy Drake Mayo. Harley married Phyllis Irvine on September 10, 1950. As a young man, Harley worked for a time as a New York State Conservation officer. He was employed by the Steuben County Highway Department and was also an independent truck driver. He then began working for Keith Paddock and Son Trucking in Jasper as a bulk milk hauler. Following his employment with Paddock's, he served for 8 years as the Town of Jasper Highway Superintendent.

In 1992, Harley was elected as Steuben County Legislator representing the residents of District 10 in Greenwood, Jasper, Rathbone, Troupsburg, West Union and Woodhull. During Harley's tenure on the Legislature, he held leadership positions as Chair of the Public Works Committee from 1994 to 2005, the Chair and Vice Chair of the Rules Committee, the Vice Chair of the Human Services Committee, Vice Chair of the Agriculture, Industry and Planning Committee and served as a member of the Finance Committee.

During his tenure on the Legislature, Harley additionally lent his expertise and leadership to a variety of advisory boards and outside associations; serving as a member of the Cooperative Extension Board of Directors; member of the District Forest Practice Board; member of the Marsh Ditch Watershed Board of Directors; and a member of the Soil and Water Conservation District. Harley always served with honor and distinction, and represented the Legislature with dignity and professionalism.

Harley will be remembered as a member of the Legislature who always considered the impact of his decisions on all of the residents of the County, not just the few. He was a dedicated public servant who was always generous to his community with his time, talents and support. His dedication was so apparent, that the County renamed one of its parks as the "Harley Mayo Park at Boyds Corners" in recognition of the distinguished service rendered by Legislator Mayo in his representation of the residents of Steuben County and Legislative District #10.

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 his wife Phyllis, his son Marvin, and his daughters Debra Shea, Deanna Meter and Peggy Taft, 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. There being none, he declared the opportunity for public comment closed.

Gary Drake, New York State Office of Real Property Tax Service, provided a brief presentation on the STAR Registration Program. New legislation was passed in the spring requiring all recipients of the Basic STAR to register with the Department of Taxation and Finance in order to receive this exemption in 2014 and beyond. He stated that Senior Citizens, over the age of 65, who are receiving the Enhanced STAR exemption are not impacted by this new legislation. The purpose of this program is to ensure that the benefits provided by the STAR program go only to qualified homeowners. In mid-August the State started sending out letters to homeowners, which included their STAR code and instructions on how to register. Online registration is available through the Department of Taxation and Finance's website at www.tax.ny.gov. The deadline to re-register for STAR is December 31, 2013. Reminder letters will be mailed on December 1, 2013 to those individuals who have not registered. Mr. Drake commented communication to the 2.6 million basic STAR recipients, as well as the media, is critical. The Department of Taxation and Finance will be sending out press releases, posters and will be attending various statewide and local events to promote this program.

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. Two for the Year 2013, 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 this Public Hearing. There being none, he declared the opportunity for public comment closed.

Motion adopting the minutes of the previous meeting(s) made by Mr. Ryan, seconded by Mr. Swackhamer and duly carried.

Ms. Mori announced that they do have a Certificate of Appreciation to give out this month. Chairman Hauryski asked Captain Christopher Hand to come forward. Captain Hand is an employee in the Sheriff's Department. He presented him with a Certificate of Appreciation and a pin in recognition of his 25 years of service to Steuben County.

Sheriff Cole introduced Matthew Whitmore who is our new Jail Superintendent. He has 30 years of experience working with the Department of Corrections. Prior to being hired here, he worked as a Captain at the Monterey Shock Camp since 2002. He is a certified CIRT Commander as well as an accreditation manager. He will be a great asset to the Jail.

RESOLUTION NO. 111-13

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 ACQUISITIONS AND 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 Steuben County Treasurer, in accordance with the request of the Frank G. Muller Jr. Estate, being the reputed owner of the parcel(s) listed on Schedule "B", and as it appears to be in the best interest of the County to quit claim any residual interest of the County as said interest is determined to be indefensible in the parcel(s) listed on Schedule "B", is hereby authorized and directed to issue a Quitclaim Deed to the Frank G. Muller Jr. Estate; 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, together with any waiver and release as may be required by the Steuben County Treasurer; and be it further

RESOLVED, the action of the Commissioner of Public Works to invoke and exercise the County's right of first refusal as contained in a Boundary Line Agreement recorded in the Steuben County Clerk's Office in Book of Deeds 2139 at Page 111 covered by the parcel(s) listed on Schedule "C", is ratified, confirmed and authorized hereby and further, the Commissioner of Public Works is authorized and directed to take all steps necessary to complete the transaction(s) covering said parcel(s); and further the Steuben County Treasurer is authorized and directed to pay from the Bath Landfill Expansion Capital Project, HL/EL 6201 5210000, in a sum not more than \$65,000.00 for the purchase of said parcel together with costs thereon; 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, and the grantee(s); and certified copies of this resolution contained in Schedule "C" shall be forwarded to the Commissioner of Public Works, the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, and the Chairman of the Board of Assessors of the appropriate municipality.

SCHEDULE "A"

| | |
|--------------------|--|
| Resolution No. | <u>A-1</u> |
| Former Owner | <u>Sonja R. Sweeney</u> |
| In Rem Index No. | <u>90918, 2004 sale</u> |
| Parcel No. | <u>166.06-07-001.000</u> |
| Municipality | <u>Hornell City</u> |
| Grantee(s) | <u>Continental Capital Partners LLC</u> |
| Grantee(s) Address | <u>620 Park Ave., Suite 184, Rochester, NY 14607</u> |
| Consideration | <u>\$205,000.00</u> |

| | |
|--------------------|--|
| Resolution No. | <u>A-2</u> |
| Former Owner | <u>Sonja S. Kellogg</u> |
| In Rem Index No. | <u>98375, 2007 sale</u> |
| Parcel No. | <u>166.06-07-048.000</u> |
| Municipality | <u>Hornell City</u> |
| Grantee(s) | <u>Continental Capital Partners LLC</u> |
| Grantee(s) Address | <u>620 Park Ave., Suite 184, Rochester, NY 14607</u> |
| Consideration | <u>\$20,000.00</u> |

| | |
|--------------------|--|
| Resolution No. | <u>A-3</u> |
| Former Owner | <u>Sonja R. Sweeney</u> |
| In Rem Index No. | <u>104021, 2009 sale</u> |
| Parcel No. | <u>166.06-07-009.000</u> |
| Municipality | <u>Hornell City</u> |
| Grantee(s) | <u>Continental Capital Partners LLC</u> |
| Grantee(s) Address | <u>620 Park Ave., Suite 184, Rochester, NY 14607</u> |
| Consideration | <u>\$29,000.00</u> |

| | |
|--------------------|---|
| Resolution No. | A-4 |
| Former Owner | Sonja R. Sweeney |
| In Rem Index No. | 104021, 2009 sale |
| Parcel No. | 166.06-07-010.000 |
| Municipality | Hornell City |
| Grantee(s) | Continental Capital Partners LLC |
| Grantee(s) Address | 620 Park Ave., Suite 184, Rochester, NY 14607 |
| Consideration | \$29,000.00 |

| | |
|--------------------|---|
| Resolution No. | A-5 |
| Former Owner | Sonja R. Sweeney |
| In Rem Index No. | 98375, 2007 sale |
| Parcel No. | 166.06-07-011.000 |
| Municipality | Hornell City |
| Grantee(s) | Continental Capital Partners LLC |
| Grantee(s) Address | 620 Park Ave., Suite 184, Rochester, NY 14607 |
| Consideration | \$24,000.00 |

| | |
|--------------------|---|
| Resolution No. | A-6 |
| Former Owner | Sonja R. Sweeney |
| In Rem Index No. | 98375, 2007 sale |
| Parcel No. | 166.06-07-012.000 |
| Municipality | Hornell City |
| Grantee(s) | Continental Capital Partners LLC |
| Grantee(s) Address | 620 Park Ave., Suite 184, Rochester, NY 14607 |
| Consideration | \$22,000.00 |

| | |
|--------------------|---|
| Resolution No. | A-7 |
| Former Owner | Sonja S. Kellogg |
| In Rem Index No. | 104021, 2009 sale |
| Parcel No. | 151.71-03-039.000 |
| Municipality | Hornell City |
| Grantee(s) | Continental Capital Partners LLC |
| Grantee(s) Address | 620 Park Ave., Suite 184, Rochester, NY 14607 |
| Consideration | \$36,000.00 |

| | |
|--------------------|---|
| Resolution No. | A-8 |
| Former Owner | Edmund Wellech, F.Wellech et al |
| In Rem Index No. | 101381, 2008 sale |
| Parcel No. | 037.20-01-002.000 |
| Municipality | Pulteney Town |
| Grantee(s) | Testamentary Trust of Edmund H. Wellech |
| Grantee(s) Address | c/o Arnold C. Poppenberg III, 4430 Dunkirk Way, Denver, CO 80249 |
| Consideration | \$35,500.00, together with \$185.00 recording fees |

| | |
|--------------------|--|
| Resolution No. | <u>A-9</u> |
| Former Owner | <u>Todd A. Hoad & Tina M. Hoad</u> |
| In Rem Index No. | <u>2011-1564CV, 2011 sale</u> |
| Parcel No. | <u>060.00-01-019.170</u> |
| Municipality | <u>Prattsburgh Town</u> |
| Grantee(s) | <u>Todd A. Hoad & Tina M. Hoad</u> |
| Grantee(s) Address | <u>10153 Squires Ln S, PO Box 361, Prattsburgh, NY 14873</u> |
| Consideration | <u>\$3,892.91, together with \$185.00 recording fees</u> |

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.

SCHEDULE "B"

| | |
|----------------|--|
| Resolution No. | <u>B-1</u> |
| Name | <u>Frank G. Muller Jr. Estate</u> |
| Parcel No. | <u>159.19-01-023.000</u> |
| Municipality | <u>Bath Town</u> |
| Disposition | <u>Quitclaim Deed to the Frank G. Muller Jr. Estate.</u> |

SCHEDULE "C"

| | |
|----------------|---|
| Resolution No. | <u>C-1</u> |
| Name | <u>Robert Divens Estate</u> |
| Parcel No. | <u>172.00-01-04.000</u> |
| Municipality | <u>Bath Town</u> |
| Disposition | <u>Authorizing, ratifying and confirming the invocation of the right of first refusal to purchase the parcel.</u> |

Mr. Hanna abstained as he represents a client listed in this resolution.

**Vote: Roll Call – Adopted. (Yes – 8646, No – 0, Abstained – 625; Absent – 601)
(Abstained - Mr. Hanna; Absent - Mr. Farrand)**

RESOLUTION NO. 112-13

Introduced by J. Hauryski.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE SEPTEMBER 23, 2013 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 16, 2013

Keuka Lake Association – Re: Copy of a passed resolution supporting the prevention of the introduction and movement of aquatic invasive species, and strongly urging the state of New York to enact and enforce laws that prevent the introduction and movement of aquatic invasive species. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

August 19, 2013

New York State Department of Transportation – Re: Second Quarter SFY 2013-2014 Statewide Mass Transportation Operating Assistance (STOA) payment. **Referred to: Amy Dlugos, Planning Director.**

NYS Department of Labor – Re: Notification of revised PY 2013 Local Plan for the Workforce Investment Board of Chemung, Schuyler and Steuben must be submitted electronically no later than September 11, 2013. **Referred to: Joseph Hauryski, Legislature Chairman.**

August 21, 2013

New York State Unified Court System – Re: Notification of reappointment to the Board of Trustees Steuben County Supreme Court Law Library for a two year term commencing October 3, 2013. **Referred to: Joseph Hauryski, Legislature Chairman.**

August 26, 2013

New York State Homes & Community Renewal – Re: Fully executed New York State Community Development Block Grant (NYS CDBG) Project #1115ED785-13. **Referred to: Amy Dlugos, Planning Director.**

Southern Tier Tobacco Awareness Community Partnership – Re: New Tobacco Free Playground Law. **Referred to: Human Services/Health & Education Committee; and Mark Alger, County Administrator.**

September 3, 2013

Corning Community College – Re: Notification of the new county chargeback rate (\$2,830 per FTE) and an estimate of the total chargeback's (Jan-Dec 2014; Operating \$3,312,485/Capital \$359,341). **Referred to: Human Services/Health & Education Committee; Finance Committee; and Patrick Donnelly, County Treasurer.**

NYS Division of Homeland Security and Emergency Services – Re: Announcement of grant award under the FY 2013 Emergency Management Performance Grant (EMPG) in the amount of \$40,477. **Referred to: Public Safety & Corrections Committee; and Timothy Marshall, Acting EMO Director.**

New York State Office for the Aging – Re: Notification of grant for the FFY 2013 Nutrition Service Incentive Program (NSIP). **Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.**

New York State Office for the Aging – Re: Notification of revised grant award under Title VII of the Older Americans Act and the new grant award for the State Long Term Care Ombudsman Program. **Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.**

New York State Office of Children & Family Services – Re: OCFS Fatality Report#RO-13-001. **Referred to: Mark Alger, County Administrator.**

September 6, 2013

Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$3,449 representing the July 2013 retained surcharge revenues for Steuben County. **Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.**

Assemblyman Philip Palmesano – Re: Letter in support of the Steuben County Legislature passing a resolution in retaining the Elmira Psychiatric Center's Community Service and keeping the facility open. **Referred to: Steuben County Legislature.**

New York State Association of Counties – Re: NYSAC has teamed up with Blue Springs Energy, Inc. to help counties sponsor their own "Renew My Community" website portal. The program provides counties and their constituents with a user-friendly one-stop-shop containing local information on energy efficiency tax incentives, rebates and other cost-saving programs available in the area. **Referred to: Mark Alger, County Administrator; and Jack Wheeler, Deputy County Administrator.**

September 9, 2013

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.*

Finger Lakes Health Systems Agency – Re: 2014 Budget Request in the amount of \$24,682. *Referred to: Finance Committee; and Mark Alger, County Administrator.*

September 11, 2013

NYS Division of Homeland Security and Emergency Services – Re: Notification of award in the amount of \$90,000 for funding under the FY2013 State Homeland Security Grant Program (SHSP). *Referred to: Public Safety & Corrections Committee; Tim Marshall, Acting EMO Director; and Sheriff Cole.*

New York State Commission of Correction – Re: Position and Staffing Analysis. *Referred to: Public Safety & Corrections Committee; Administration Committee; Finance Committee; and Sheriff Cole.*

September 12, 2013

Harris Beach, PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Erwin Hospitality Associates, LLC Project revised PILOT agreement. *Referred to: Finance and Administration Committees; Patrick Donnelly, County Treasurer; Wendy Flaitz, RPTSA Director; and Alan Reed, County Attorney.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 113-13

Introduced by P. McAllister and L. Crossett.

Seconded by S. Van Etten.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2013, 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 August 26, 2013, County of Steuben Local Law Tentatively No. Two for the Year 2013, 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 August 26, 2013, making the final adoption of said Local Law subject to a Public Hearing to be held on September 23, 2013; 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 23, 2013, 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 2013, 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 2013**

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 2014 and authorizes Steuben County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2014 that requires a tax levy that is greater than the tax levy limit calculated for 2014 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 September 23, 2013 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. Two for the Year 2013, 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. 114-13

Introduced by M. Hanna and L. Crossett.

Seconded by R. Weaver.

AUTHORIZING A TRANSFER FROM UNDER-BUDGET ROAD CONSTRUCTION PROJECTS AND APPROPRIATING FUNDS TO THE CR 84 CONSTRUCTION PROJECT AND TO A NEW CONSTRUCTION PROJECT FOR CR 333.

WHEREAS, the 2013 bid prices for liquid asphalt and hot mix blacktop were lower than expected and the base price of asphalt did not escalate significantly during the construction season; and

WHEREAS, the actual cost of the 2013 projects came in less than the amounts budgeted; and

WHEREAS, this created a surplus of funds enabling an additional 1.5 miles on the CR 84 project, and the addition of a new .23 mile project on CR 333 to be completed; and

WHEREAS, the Steuben County Public Works Committee and the Steuben County Finance Committee approved the transfer of funds and the creation of the additional road projects to the County Road Construction Capital Project List.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Treasurer is hereby authorized and directed to add CR 333-00 (511200 5 250579) to the Project list and make the following transfers:

- Decrease Project R108-00, 511200.5.250575 by \$30,000
- Decrease Project R036-03, 511200.5.250569 by \$40,000
- Decrease Project R021-05, 511200.5.250567 by \$30,000
- Decrease Project R077-01, 511200.5.250572 by \$40,000
- Decrease Project R008-02, 511200.5.250564 by \$20,000

- Increase Project R084-03, 511200.5.250573 by \$160,000

- Decrease Project R071-01, 511200.5.250570 by \$23,000
- Decrease Project R077-01, 511200.5.250572 by \$12,000
- Decrease Project R110-00, 511200.5.250576 by \$20,000
- Decrease Project R008-01, 511200.5.250563 by \$15,000
- Decrease Project R008-02, 511200.5.250564 by \$10,000
- Decrease Project R013-02, 511200.5.250566 by \$10,000

- Increase Project R333-00, 511200.5.250579 by \$90,000

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. 115-13

Introduced by M. Hanna and L. Crossett.

Seconded by H. Lando.

AUTHORIZING THE COUNTY TO USE CASH TO FUND THE CELL 3 CONSTRUCTION AT THE STEUBEN COUNTY LANDFILL.

WHEREAS, all conditions precedent to the financing of the capital project construction of Cell No. 3 hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is six years; and

WHEREAS, it is now desired to authorize the financing of such capital project; and

WHEREAS, as of December 31, 2012 the Solid Waste (Landfill) Enterprise Fund had a Net Current Assets vs. Current Liabilities of \$11,014,707 and a Total Net Position of \$13,617,925; and

WHEREAS, it is necessary to establish a capital project for Cell 3 and associated improvements hereinafter described.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby establishes a capital project entitled Cell No. 3 Construction; and be it further

RESOLVED, that the Steuben County Treasurer is authorized to transfer up to \$6,400,000 in available, un-appropriated fund balance from the Solid Waste (Landfill) Enterprise Fund to said project; and be it further

RESOLVED, the construction of Cell No. 3 at the Steuben Sanitary Landfill, in and for the County of Steuben, New York, including additional landfill gas collection system in other parts of the landfill and a leachate drop off station, as well as other incidental improvements and costs and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$6,400,000; and be it further

RESOLVED, that the County Treasurer is authorized and directed to make payment and distribution on properly audited and approved invoices for the purpose and cost limitations recited herein; and be it further

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

Mr. Weaver asked is this funding for the start to finish construction of the new cell, including capping? Mr. Spagnoletti replied this funding is just for the construction of the cell and inspection. The capping will occur later and money has been set aside for that. Mr. Weaver asked how many more cells do we have? Mr. Spagnoletti replied we are currently permitted for four cells. Cell 1 is full and the current cell will be full in 2016. We will have another 10 – 12 years of cells after that. He stated we have enough land for cells to last for 100 – 150 years.

Vote: Roll Call – Adopted.

RESOLUTION NO. 116-13

Introduced by M. Hanna.

Seconded by C. Ferratella.

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID BRIDGE PROJECT, AND APPROPRIATING FUNDS THEREFORE.

WHEREAS, a project for the replacement of BIN 3334460, County Route 73 over the Tioga River, Town of Lindley, Steuben County, PIN 6754.07 (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 Project is complete and the New York State Department of Transportation (the "NYSDOT") desires to process the County's final payment request for the reimbursement of the monies Steuben County had previously paid for the State administered work for the acquisition of property for the Project; and

WHEREAS, the NYSDOT cannot issue a reimbursement payment to the County for State administered work under the State administered property acquisition phase of the Project (PIN 6754.07.221), and can only issue a payment to the County under the locally administered portion of the property acquisition phase of the Project (PIN 6754.07.222).

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature, duly convened, does hereby approve the Project; and be it 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 PE/Design, ROW Incidentals and Acquisition, and Construction work for the Project or portions thereof; and be it further

RESOLVED, that the Steuben County Legislature has requested that the New York State Department of Transportation acquire property necessary for the Project; and be it further

RESOLVED, that the County of Steuben agrees to accept title and maintenance responsibilities of the acquired property upon completion and acceptance of the Project; and be it further

RESOLVED, that the updated sum of \$3,699,300 (reflecting a \$25,000.00 increase in the locally administered portion of the property acquisition phase of the Project, PIN 6754.07.222) is hereby appropriated and made available to cover the cost of participation in the above phases of the Project, and that the County of Steuben has previously issued to the NYSDOT Check No. 062364 in the amount of \$7,600.00, Check No. 051436 in the amount of \$5,000.00 covering the cost of the non-Federal share of the ROW I/A phase amount of \$63,000 and Check No. 107219 in the amount of \$24,309.06 covering the cost of the State Administered portion of the Right of Way Incidentals/Acquisition phase; and be it further

RESOLVED, that in the event the full federal and non-federal share costs of the Project exceed the amount appropriated above, the Steuben County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; 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 New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the 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 a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, this Resolution shall take effect immediately.

Vote: Roll Call – Adopted.

RESOLUTION NO. 117-13

Introduced by B. Schu and L. Crossett.

Seconded by H. Lando.

AUTHORIZING A TRANSFER FROM THE CONTINGENT FUND TO THE SHERIFF'S BUDGET.

WHEREAS, the Jail had an unexpected emergency repair when components failed and required Black Creek replacement of the Control System, and unanticipated repair to the heating system; and

WHEREAS, the Public Safety and Corrections Committee and Finance Committee have recommended an appropriation of \$33,404 from the Contingent Fund to pay (2) invoices; and

WHEREAS, the Black Creek system emergency repair cost \$30,000 and the heating system repair totaled \$3,404.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature declares and ratifies the emergency repairs of the Black Creek control system ; and be it further

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to transfer the sum of \$33,404 from the Contingent Fund (A 199000 5499000) to the Jail's 2013 budget (A 315000 5427100); and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 118-13

Introduced by B. Schu and L. Crossett.

Seconded by H. Lando.

AUTHORIZING A TRANSFER FROM THE CONTINGENT FUND TO THE E-911 DEPARTMENT'S BUDGET.

WHEREAS, the E-911 Department has experienced unexpected maintenance costs in 2013; and

WHEREAS, the Public Safety and Corrections Committee and Finance Committee have recommended an appropriation of \$30,000 from the Contingent Fund to account for these unexpected costs.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to transfer the sum of \$30,000 from the Contingent Fund (A 199000 5499000) to the E-911 2013 budget (A 302000 5427100); and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer, County Administrator and the Director of E-911.

Vote: Roll Call – Adopted.

RESOLUTION NO. 119-13

Introduced by B. Schu and L. Crossett.

Seconded by G. Swackhamer.

AUTHORIZING THE DISTRICT ATTORNEY TO ACCEPT A PRESCRIPTION DRUG ABUSE ENFORCEMENT GRANT.

WHEREAS, the Steuben County District Attorney's Office has been awarded the National Association Of Drug Diversion Investigators, Inc. Law Enforcement Grant in the amount of \$5,000; and

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

WHEREAS, the grant funds will be used for overtime by the local law enforcement agencies, buy money for the purchase of drugs, and medical community education.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County District Attorney is hereby authorized to accept the National Association Of Drug Diversion Investigators, Inc. Law Enforcement Grant in the amount of \$5,000; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to appropriate and transfer funds in the following manner:

| | | |
|-----------------|------------------------------|---------|
| 116500-42705015 | NADDI Money | \$5,000 |
| 116500 51900000 | Personal Services – Overtime | \$3,000 |
| 116500 5499000 | Buy Money | \$1,000 |
| 116500 5419320 | Medical Community Education | \$1,000 |

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

Mr. Weaver commented this is a good initiative. His personal comment is that he feels they need to focus more of their efforts on educating the prescribers.

Vote: Roll Call – Adopted.

RESOLUTION NO. 120-13

Introduced by C. Ferratella and L. Crossett.

Seconded by H. Lando.

ACCEPTING AND APPROPRIATING THE SODIUM REDUCTION IN COMMUNITIES GRANT.

WHEREAS, the New York State Department of Health Bureau of Community Chronic Disease Prevention is administering funds relative to the Sodium Reduction In Communities grant; and

WHEREAS, cardiovascular disease is the leading cause of death in New York State, and Steuben, Yates, Seneca and Schuyler counties have rates of hypertension above the state median; and

WHEREAS, reducing sodium consumption is an evidence-based strategy to prevent the development of high blood pressure and to effectively treat high blood pressure in those who have been diagnosed with the condition; and

WHEREAS, the Sodium Reduction In Communities grant proposes to gradually reduce sodium consumption in Steuben, Yates, Seneca and Schuyler counties, particularly among high risk population groups, by increasing the availability, accessibility and selection of lower sodium meals and foods in selected away-from-home venues, senior meal programs, and hospitals; and

WHEREAS, Steuben County has been awarded a Sodium Reduction In Communities grant in the amount of \$119,344; and

WHEREAS, the work plan as submitted to the New York State Department of Health Bureau of Community Chronic Disease Prevention has been approved.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept \$119,344 as revenue and appropriate that amount in the 2013 Steuben County Public Health Budget as follows, and any unspent funds will be re-appropriated to the 2014 budget:

| | | | |
|--------|----------|------------------------|-----------|
| 402300 | 44401306 | Sodium Reduction Grant | \$119,344 |
|--------|----------|------------------------|-----------|

| | | | | |
|--------|----------|----------------------|----------|-----------|
| 402300 | 51100000 | Salaries | \$31,895 | |
| 402300 | 5 406000 | Office Supplies | \$ 2,091 | |
| 402300 | 5 402995 | Telephone | \$ 600 | |
| 402300 | 5 408200 | Software | \$ 2,800 | |
| 402300 | 5 407200 | Travel & Conferences | \$ 1,200 | |
| 402300 | 5 471000 | Mileage | \$ 675 | |
| 402300 | 5 421100 | Consultant | \$26,940 | |
| 402300 | 5 420790 | Nutritionist | \$31,200 | |
| 402300 | 5 446460 | Admin | \$ 4,180 | |
| 402300 | 5 810000 | NYS Retirement | \$ 4,321 | |
| 402300 | 5 830000 | Social Security | \$ 2,439 | |
| 402300 | 5 840000 | Workers Comp | \$ 2,449 | |
| 402300 | 5 860000 | Group Med | \$ 8,554 | |
| | | | | |
| | | TOTAL | | \$119,344 |

AND BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to the Director of Public Health and the Steuben County Treasurer.

Mr. Mullen asked does this require us to hire any new positions? Ms. Congdon replied no, this grant will be funding an existing position.

Vote: Roll Call – Adopted.

RESOLUTION NO. 121-13

Introduced by P. McAllister.

Seconded by G. Roush.

RECLASSIFYING AND TRANSFERRING ONE POSITION TO THE INFORMATION TECHNOLOGY DEPARTMENT.

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

WHEREAS, there is a need for a Deputy Director of Information Technology; and

WHEREAS, there is one vacant position within Public Health that can be transferred; and

WHEREAS, the Administration Committee has approved reclassification of the position listed below and transferring said position to the Information Technology Department.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in Steuben County is reclassified as follows:

TRANSFER AND RECLASSIFY

FROM Public Health one (1) Home Health Care Supervisor, Management Grade E, \$46,311 - \$73,437

TO Information Technology Department one (1) Deputy Director of Information Technology, Management Grade F, \$50,882 - \$78,869

AND BE IT FURTHER RESOLVED, that this position is to be funded and placed in the 2013 Budget. The 2013 County Job Classification and Salary Schedule is hereby amended to reflect the above-stated change; 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 and the Director of Information Technology.

Vote: Roll Call – Adopted. (Yes – 8,796; No – 451; Absent – 625)
(No – Mr. Weaver; Absent – Mr. Hanna)

RESOLUTION NO. 122-13

Introduced by J. Hauryski.

Seconded by H. Lando.

SETTING THE DATE AND TIME FOR A SPECIAL LEGISLATIVE MEETING FOR THE PRESENTATION OF THE 2014 BUDGET.

BE IT RESOLVED, a Special Legislative Meeting of the Steuben County Legislature be, and the same hereby is, established for Thursday, November 14, 2013, at 10:00 A.M. in the Legislative Chambers, 3 East Pulteney Square, Bath, New York, for the presentation of the 2014 Budget; 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. 123-13

Introduced by J. Hauryski.

Seconded by S. Van Etten.

SETTING THE TIME FOR THE NOVEMBER 2013 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 2013, on Monday, November 25, 2010, at 3:30 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.

Vote: Acclamation – Adopted.

RESOLUTION NO. 124-13

Introduced by T. Ryan.

Seconded by R. Weaver.

SUPPORTING THE PREVENTION OF THE INTRODUCTION AND MOVEMENT OF AQUATIC INVASIVE SPECIES AND STRONGLY URGING THE STATE OF NEW YORK TO ENACT AND ENFORCE LAWS THAT PREVENT THE INTRODUCTION AND MOVEMENT OF AQUATIC INVASIVE SPECIES.

WHEREAS, Steuben County strives to promote the health of Keuka Lake and other waterways within the County and their watersheds, and the safety and welfare of those who live on or use Steuben County's waterways and Keuka Lake, and to protect and improve the water quality of Keuka Lake as a source of public drinking water and to protect and improve all the County's waterways as healthful recreational resources for both residents and visitors; and

WHEREAS, many Steuben County residents in the Town of Wayne, Village of Hammondsport, Town of Urbana, and Town of Pulteney draw drinking water either directly or indirectly from Keuka Lake; and

WHEREAS, it is strongly desirable that Keuka Lake and Steuben County waterways and their watersheds continue to serve as one of the centerpieces of tourism and a strong economic force in Steuben County; and

WHEREAS, the continued introduction of aquatic invasive species into Keuka Lake and other Steuben County waterways will cause additional harm to the environment, health, welfare and economic strengths of the afore mentioned towns and the State's Finger Lakes Region; and

WHEREAS, these strengths will only be further protected by the enforced prevention of the introduction and spread of any aquatic invasive species.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature strongly encourages the Governor of New York State and the State Legislature to acknowledge the potential negative costs and multiple impacts if additional aquatic invasive species are allowed to be introduced into New York waterways and their watersheds; and be it further

RESOLVED, that the Steuben County Legislature strongly urges New York State to immediately implement a proactive and actionable program to substantially reduce the introduction of additional aquatic invasive species into the State's waterways, including consistent reinforcement of the personal responsibilities inherent in the ownership and operation of watercraft in the waterways of New York State; and be it further

RESOLVED, that the Steuben County Legislature calls on the legislators of New York State to immediately expedite the full implementation and enforcement of the Invasive Species Prevention Act, thereby preventing the introduction and movement of aquatic invasive species in New York State; and be it further

RESOLVED, that copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Dean Skelos, NYS Senate Republican Conference Leader And Majority Coalition Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Jeffrey Klein, NYS Senate Independent Conference Leader and Majority Coalition Leader, 913 Legislative Office Building, Albany, NY 12247; Honorable Andrea Stewart-Cousins, Minority Leader, New York State Senate, 907 Legislative Office Building, Albany, NY 12247; Honorable Sheldon Silver, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Joseph D. Morelle, Majority Leader, New York State Assembly, 926 Legislative Office Building, Albany, NY 12248; Honorable Brian M. Kolb, Minority Leader, New York State Assembly, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 415 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 723 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman 439 Legislative Office Building, Albany, NY 12248; Honorable Bill Nojay, New York State Assemblyman, 527 Legislative Office Building, Albany, NY 12248; Lt. Governor Robert Duffy, NYS State Capitol Building, Albany, NY 12224; NYSDEC Commissioner Joseph Martens, 625 Broadway, Albany, NY 12233-1011; NYS Ag & Markets Commissioner Darrel Aubertine, 10B Airline Drive, Albany, New York 12235; and the Keuka Lake Association, PO Box 35, Penn Yan, NY 14527.

Mr. Mullen asked are there any specifics on the kind of action for the State to take? Mrs. Dlugos replied this request was presented by the Keuka Lake Association to the county's Water Quality Coordination Committee. She stated this was the information that she was provided, however, she can follow up. Mr. Ryan commented they are just doing surveys, watching boaters and asking them to clean their boats. Mrs. Dlugos stated much of it is public education.

Vote: Acclamation – Adopted. (Opposed - Mr. Mullen)

RESOLUTION NO. 125-13

Introduced by J. Hauryski.

Seconded by H. Lando.

APPOINTING A MEMBER TO THE SOUTHERN TIER EXTENSION RAILROAD AUTHORITY.

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

WHEREAS, Article 8, Title 28-A-A 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:

Dan C. Farrand
Steuben County Legislator
6360 CR21
Addison, NY 14801

Term: September 1, 2013 through August 31, 2016

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.

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; Article 7§ 105.1.E. Collective Negotiations Pursuant to Article Fourteen of the Civil Service Law 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. Swackhamer, seconded by Mr. McAllister and duly carried.

Motion to adjourn Executive Session and reconvene in regular session made by Mr. Ryan, seconded by Mr. Roush and duly carried.

Motion to adjourn made by Mr. Mullen, seconded by Mr. Hanna and duly carried.

REGULAR MEETING
Morning Session
Monday, October 28, 2013
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 28th day of October, 2013, 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 Roush and Swackhamer.

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

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

Motion adopting the minutes of the previous meeting(s) made by Mr. Ryan, seconded by Mr. Van Etten and duly carried.

Mrs. Flaitz stated that last month a representative from the New York State Department of Taxation and Finance gave a presentation regarding the STAR Exemption program. Steuben County has a 60 percent re-registration rate. She asked that the Legislators to remind their constituents that the deadline to re-register for the STAR Exemption is December 31, 2013.

Mr. Ryan stated that on behalf of the people of Steuben County, he would like to recognize the following individuals who are currently serving in the military:

Donald Van Winkle
Nick Edwards
Donovan Clancy

Terry Leonard
Michael Deeb
Brittney Caruso

Joe Hosing
Christopher Pfaff

Kyle Stewart
Daniel D'Apice

RESOLUTION NO. 126-13

Introduced by L. Crossett.

Seconded by C. Ferratella

MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS, PROPERTY TAXES, AND OTHER REAL PROPERTY ACQUISITIONS AND 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 setting the final date closing no later than October 31, 2013; 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 together with any waiver and release as may be required by the Steuben County Treasurer; 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. | <u>A-1</u> | Resolution No. | <u>A-2</u> |
| Name | <u>Lloyd R. VanPelt</u> | Name | <u>Reginald & Carol Wills</u> |
| Parcel No. | <u>262.00-01-066.100</u> | Parcel No. | <u>390.00-01-004.210</u> |
| Municipality | <u>Painted Post Town</u> | Municipality | <u>Caton Town</u> |
| Disposition | <u>Correction</u> | Disposition | <u>Refund</u> |

SCHEDULE "B"

| | |
|--------------------|---|
| Resolution No. | <u>B-1 (A-8 Res. No. 111-13)</u> |
| Former Owner | <u>Edmund Wellech, F.Wellech et al</u> |
| In Rem Index No. | <u>101381, 2008 sale</u> |
| Parcel No. | <u>037.20-01-002.000</u> |
| Municipality | <u>Pulteney Town</u> |
| Grantee(s) | <u>Testamentary Trust of Edmund H. Wellech</u> |
| Grantee(s) Address | <u>c/o Arnold C. Poppenberg III, 4430 Dunkirk Way, Denver, CO 80249</u> |
| Consideration | <u>\$35,500.00, together with \$185.00 recording fees</u> |

Vote: Roll Call – Adopted.

RESOLUTION NO. 127-13

Introduced by J. Hauryski.

Seconded by R. Lattimer.

RECEIVING AND ACCEPTING THE OCTOBER 28, 2013 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, 2013

Harris Beach, PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and 26-32 Bridge Street, LLC distribution of Revised Page 2 of PILOT agreement. *Referred to: Finance and Administration Committees; Patrick Donnelly, County Treasurer; Wendy Flaitz, RPTSA Director; and Alan Reed, County Attorney.*

September 19, 2013

NYS Office of Children & Family Services – Re: Notification of approval for Steuben County’s Resource Allocation Plan (RAP) and Youth Bureau Narrative(s) for 2013. **Referred to: Human Services/Health & Education Committee; Kathryn Muller, Commissioner of Social Services; Jack Wheeler, Deputy County Administrator; and Bill Caudill, Youth Program Coordinator.**

NYS Department of Transportation – Re: Notification from the New York State Department of Transportation’s intent to issue a permit for the Wineglass Marathon scheduled for October 6, 2013. **Referred to: Sheriff Cole; David McCarroll, HCF Administrator; Tim Marshall, Acting EMO Director; Dave Hopkins, 911 Director; and Vince Spagnoletti, Commissioner of Public Works.**

Town of Erwin – Re: The Town of Erwin Zoning Board of Appeals will hold a meeting on Tuesday, September 24, 2013 at 7:00pm in the Town of Erwin to review a variance request. **Referred to: Amy Dlugos, Planning Director.**

September 20, 2013

New York State Office for the Aging – Re: Annual Evaluation of the Steuben County Office for the Aging (April 1, 2012 – March 31, 2013). A response letter is needed to the State within eight weeks of receipt of this letter. **Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.**

September 24, 2013

Harris Beach, PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and 26-32 Bridge Street, LLC distribution of Second Revised Page 2 and Schedule A of the PILOT agreement. **Referred to: Finance and Administration Committees; Patrick Donnelly, County Treasurer; Wendy Flaitz, RPTSA Director; and Alan Reed, County Attorney.**

September 26, 2013

City of Hornell Industrial Development Agency – Re: Notice of Public Hearing regarding the City of Hornell Industrial Development Agency - Project with Fortitude Industries, Inc. d/b/a Advanced Transit Manufacturing is scheduled on Friday, October 11, 2013 at 10:00am in the offices of the City of Hornell Industrial Development Agency located at 40 Main Street, Hornell, New York. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

Patrick Donnelly, Steuben County Treasurer – Re: Affidavit to document Steuben County’s compliance with the mailing requirement that is required by the Patient Protection and Affordable Care Act. **Referred to: Filed with the Clerk of the Legislature, Brenda Mori.**

September 30, 2013

New York State Office for the Aging – Re: Third and final Notification of Grant Award (NGA) for the fiscal year 2013 (FFY 2013) Nutrition Services Incentive Program. **Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.**

New York State Office for the Aging – Re: Revised Notifications of Grant Award (NGAs) and Annual Implementation Plan budget pages for the EISEP and CSE programs for the period of April 1, 2012 through March 31, 2013 **Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.**

October 4, 2013

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$4,012, which represents the August 2013 surcharge revenue for Steuben County. **Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.**

October 7, 2013

New York State Office for the Aging – Re: Notification of Grant Award (NGA) and approved application for the Retired and Senior Volunteer Program (RSVP) for the period of April 1, 2013 through March 31, 2014. **Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.**

Federal Energy Regulatory Commission – Re: Notice of intent to prepare an environmental assessment for the planned Tuscarora Expansion Project. The public meeting is scheduled for October 16, 2013 at 6pm in the Addison American Legion located at 85 Maple Street in Addison, NY 14801. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

October 9, 2013

New York State Office for the Aging – Re: Notification of approval of the 2013-2014 Annual Implementation Plan (AIP) and the applications for Older Americans Act (OAA) Title III-B, Title III-C-1, Title III-C-2, Title III-D, Title III-E and HIICAP funds have all been approved. In addition, the State aid under the Expanded In-Home Services of the Elderly Program (EISEP), the Community Services 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, 2013 through March 31, 2014 has also been approved. *Referred to: Human Services/Health & Education Committee; and Mike Keane, OFA Director.*

October 11, 2013

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and Pulteney Plaza, Inc. is scheduled on Monday, October 21, 2013 at 9:00am in the Riverside Village Hall, located at 35 Stanton Street, Painted Post, New York. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

Niagara County Legislature – Re: Passed resolution by the Niagara County Legislature requesting the State of New York establish a residency requirement in order to receive welfare benefits. *Referred to: Steuben County Legislature.*

New York State Associations of Counties – Re: Resolutions adopted by county delegates at the New York State Association of Counties 2013 Fall Seminar. *Referred to: Joseph Hauryski, Legislature Chairman.*

October 17, 2013

New York State Office for the Aging – Re: Notifications of Grant Award (NGA) for funding for the FFY 2013 III-B, Title III-D and the Title III-E programs. *Referred to: Human Services/Health & Education Committee; and Mike Keane, OFA Director.*

New York State Department of Environmental Conservation Division of Lands and Forests – Re: The State is currently working with the Department of Agriculture and Market to develop regulations restricting the sale, purchase, possession, introduction, importation, and transport of invasive species, primarily in commerce, by jointly developing regulatory lists of prohibited and regulated species, permits for certain activities involving prohibited species, and penalties for violations of the regulations. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 128-13

Introduced by P. McAllister.

Seconded by B. Schu.

PRESENTING LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2013, DESIGNATING THE DIRECTOR OF INFORMATION TECHNOLOGY AS UNCLASSIFIED FOR CIVIL SERVICES PURPOSES AND DESIGNATING THE DEPUTY DIRECTOR OF INFORMATION TECHNOLOGY AS EXEMPT.

Pursuant to Civil Service Law Sections 15 and 16, and Article 5 of the County Law of the State of New York.

WHEREAS, by Resolution No. 354-73, duly adopted on September 17, 1973, the County established the Data Processing Department; and

WHEREAS, by Resolution No. 027-00, duly adopted on January 24, 2000, the Data Processing Department was designated as the Information Technology Department, and the department head designated as the Director of the Information Technology Department; and

WHEREAS, by Resolution No. 121-13, duly adopted on September 23, 2013, the position of “Deputy Director of Information Technology” was created and established; and

WHEREAS, by creation of the aforesaid position, it is the intent of this Legislature to have said Deputy serve as the alter ego to and for the Director of Information Technology and in the absence of the Director of Information Technology or at the Director of Information Technology’s directives.

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 2013, Designating the Director of Information Technology as Unclassified for Civil Services Purposes and Designating the Deputy Director of Information Technology as Exempt, as follows:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2013**

A LOCAL LAW, Designating the Director of Information Technology as Unclassified for Civil Services Purposes and Designating the Deputy Director of Information Technology as Exempt.

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

SECTION 1: LEGISLATIVE INTENT

It is the intent of the Local Law to amend Resolutions 354-73 and 027-00 to place the Director of Information Technology in the unclassified Civil Service and the Deputy Director in the exempt class of Civil Service.

SECTION 2: DIRECTOR OF INFORMATION TECHNOLOGY AND DEPUTY DIRECTOR OF INFORMATION TECHNOLOGY

The Director of Information Technology is the department head of Information Technology and appoints all members of said department including but not limited to the Deputy Director. The Deputy Director shall serve as the alter ego to and in his place and stead.

SECTION 3: CLASSIFICATION

The position of Director of Information Technology shall be placed in the unclassified Civil Service and the Deputy Director shall be placed in the exempt class.

SECTION 4: QUALIFICATIONS

The “Director of Information Technology” shall have as a minimum a Bachelor’s degree and four years of experience, two years of which shall be supervisory and the position of “Deputy Director of Information of Technology” shall have as a minimum a Bachelor’s degree and four years of experience, one year of which shall be supervisory.

SECTION 5: EFFECTIVE DATE

The within Local Law shall be effective immediately upon passage.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on November 25, 2013 at 3:30 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 Personnel Officer, the Director of Information Technology, and the Deputy Director of Information Technology.

Vote: Acclamation – Adopted.

RESOLUTION NO. 129-13

Introduced by P. McAllister.

Seconded by L. Crossett.

PRESENTING LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2013, 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 2014.

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 2014, which individuals are presently serving mid-term; and

WHEREAS, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Four for the Year 2013, establishing the annual salaries of such appointed officials for the Fiscal Year 2014.

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 2013, 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 2014, as follows:

COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2013

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 2014.

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 2014, 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 2014 as follows, to wit:

| <u>TITLE</u> | <u>2013 SALARY</u> | <u>2014 SALARY</u> |
|-------------------------------|---------------------------|---------------------------|
| Clerk of Legislature | \$ 58,292 | \$ 59,749 |
| Commissioners, Elections | \$ 47,693 | \$ 48,885 |
| Commissioner, Public Works | \$ 95,079 | \$ 97,456 |
| Commissioner, Social Services | \$ 91,730 | \$ 94,024 |
| County Attorney | \$ 107,625 | \$ 110,316 |
| County Auditor | \$ 47,574 | \$ 48,743 |
| County Clerk | \$ 58,038 | \$ 61,000 |
| County Treasurer | \$ 82,000 | \$ 84,050 |
| Personnel Officer | \$ 84,788 | \$ 86,908 |
| Public Defender | \$ 88,592 | \$ 90,807 |
| Sheriff | \$ 79,128 | \$ 81,106 |

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 25, 2013, 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.

Mr. Welch stated that he would be abstaining as he is related to one of the officials listed on the resolution.

Mr. Mullen provided the following written comments:

Last year, Tom Ryan indicated that he did not think we should raise our department head salaries by the amount that we did due to, among other things, the status of the economy and our stagnant union contracts. I have thought about that over the last year, and I now agree with him. These raises this year range between 2.5 percent and 5 percent. So I have been asking myself what the criteria should be with respect to whether a person should receive a raise. These are the questions I would ask, together with my answers to the questions:

1. Is the raise necessary to ensure that the person is being treated equitable?

a. Considering that the average per capita income in 2011 was \$24,006, and the average household income was \$44,967, I believe no raise is necessary to ensure equitable treatment. The large majority of the people on this list are already making roughly twice of Steuben County's median household income. (Census data is attached).

b. In fact, the benefit packages alone are probably at or near the average per capita income in Steuben County.

c. As an aside, the median per capita and household incomes are probably much lower if the Corning area is not considered.

2. Is the raise necessary to ensure that we are keeping up with the cost of living?

a. Considering that the cost of living adjustment in 2014 is between 1.4 percent and 1.6 percent, the answer is no.

3. Is the raise justified in large part due to the person's performance?

a. I am sure that there are some performance-based criteria to qualify for the raise in the first place, but considering that these raises are all the same amount, except for one, it does not appear as though the raise is strictly tied to performance.

4. Does the economic growth in Steuben County justify these raises?

a. Not that I am aware of.

5. Is the raise necessary to retain the person?

a. I have no idea to this answer, but considering the above information, my guess is that it is not necessary.

I then analyzed the numbers (as shown on the attached document) and, if these numbers are extrapolated over four years, the raises outpace the COLA numbers by 4.2 percent. That 4.2 percent is roughly a \$35,000 difference in year 4. That doesn't seem like an extremely large amount of money, but if it is spread across all of our non-union employees, it will be.

| | Amount | Year 1 | Year 2 | Year 3 | Year 4 | Diff. B/W 1&4 |
|---|--------------|--------------|--------------|--------------|--------------|---------------|
| 1 increased by 2.5% | 1 | 1.025 | 1.050625 | 1.076890625 | 1.103812891 | 0.104 |
| 100K Increased by 2.5% over 4 years | \$100,000.00 | \$102,500.00 | \$105,062.50 | \$107,689.06 | \$110,381.29 | \$10,381.29 |
| 100K Increased by 2014 COLA over 4 years | \$100,000.00 | \$101,500.00 | \$103,022.50 | \$104,567.84 | \$106,136.36 | \$6,136.36 |
| Difference | \$ - | \$1,000.00 | \$2,040.00 | \$3,121.23 | \$4,244.93 | \$4,244.93 |
| Percentage of Difference between 2.5% and COLA over \$100,000 original salary | \$ - | \$0.010 | \$0.020 | \$0.031 | \$0.042 | \$0.042 |
| Total 2013 Base Salaries at 2.5% | \$840,539.00 | \$861,552.48 | \$883,091.29 | \$905,168.57 | \$927,797.78 | \$87,258.78 |
| Total 2013 Base Salaries at COLA | \$840,595.00 | \$853,147.09 | \$865,944.29 | \$878,933.46 | \$892,117.46 | \$51,578.46 |

| | 2013 | 2014 | Change | % |
|-------------------------------|--------------|--------------|-------------|------|
| Clerk of Legislature | \$58,292.00 | \$59,749.00 | \$1,457.00 | 2.5% |
| Commissioners, Elections | \$47,693.00 | \$48,885.00 | \$1,192.00 | 2.5% |
| Commissioner, Public Works | \$95,079.00 | \$97,456.00 | \$2,377.00 | 2.5% |
| Commissioner, Social Services | \$91,730.00 | \$94,024.00 | \$2,294.00 | 2.5% |
| County Attorney | \$107,625.00 | \$110,316.00 | \$2,691.00 | 2.5% |
| County Clerk | \$58,038.00 | \$61,000.00 | \$2,962.00 | 5.1% |
| County Treasurer | \$82,000.00 | \$84,050.00 | \$2,050.00 | 2.5% |
| Personnel Officer | \$84,788.00 | \$86,908.00 | \$2,120.00 | 2.5% |
| Public Defender | \$88,592.00 | \$90,807.00 | \$2,215.00 | 2.5% |
| Sheriff | \$79,128.00 | \$81,106.00 | \$1,978.00 | 2.5% |
| Total | \$840,539.00 | \$863,044.00 | \$22,505.00 | 2.7% |

Steuben County, New York

| People QuickFacts | Steuben County | New York |
|---|-------------------|------------------------|
| Population, 2012 estimate | 99,063 | 19,570,261 |
| Population, 2010 (April 1) estimates base | 98,989 | 19,378,104 |
| Population, percent change, April 1, 2010 to July 1, 2012 | 0.1% | 1.0% |
| Population, 2010 | 98,990 | 19,378,102 |
| Persons under 5 years, percent, 2012 | 5.8% | 6.0% |
| Persons under 18 years, percent, 2012 | 22.6% | 21.8% |
| Persons 65 years and over, percent, 2012 | 16.7% | 14.1% |
| Female persons, percent, 2012 | 50.4% | 51.5% |
| White alone, percent, 2012 (a) | 95.4% | 71.2% |
| Black or African American alone, percent, 2012 (a) | 1.6% | 17.5% |
| American Indian and Alaska Native alone, percent, 2012 (a) | 0.3% | 1.0% |
| Asian alone, percent, 2012 (a) | 1.4% | 8.0% |
| Native Hawaiian and Other Pacific Islander alone, percent, 2012 (a) | Z | 0.1% |
| Two or More Races, percent, 2012 | 1.4% | 2.2% |
| Hispanic or Latino, percent, 2012 (b) | 1.5% | 18.2% |
| White alone, not Hispanic or Latino, percent, 2012 | 94.1% | 57.6% |
| Living in same house 1 year & over, percent, 2007-2011 | 86.6% | 88.5% |
| Foreign born persons, percent, 2007-2011 | 2.4% | 21.8% |
| Language other than English spoken at home, percent age 5+, 2007-2011 | 4.7% | 29.5% |
| High school graduate or higher, percent of persons age 25+, 2007-2011 | 87.4% | 84.6% |
| Bachelor's degree or higher, percent of persons age 25+, 2007-2011 | 19.6% | 32.5% |
| Veterans, 2007-2011 | 10,067 | 986,313 |
| Mean travel time to work (minutes), workers age 16+, 2007-2011 | 21.5 | 31.4 |
| Housing units, 2011 | 49,071 | 8,119,364 |
| Homeownership rate, 2007-2011 | 71.7% | 54.8% |
| Housing units in multi-unit structures, percent, 2007-2011 | 18.1% | 50.5% |
| Median value of owner-occupied housing units, 2007-2011 | \$84,200 | \$301,000 |
| Households, 2007-2011 | 41,101 | 7,215,687 |
| Persons per household, 2007-2011 | 2.37 | 2.59 |
| Per capita money income in the past 12 months (2011 dollars), 2007-2011 | \$24,006 | \$31,796 |
| Median household income, 2007-2011 | \$44,967 | \$56,951 |
| Persons below poverty level, percent, 2007-2011 | 15.0% | 14.5% |
| Business QuickFacts | Steuben County | New York |
| Private nonfarm establishments, 2011 | 1,796 | 521,537 ¹ |
| Private nonfarm employment, 2011 | 26,733 | 7,369,731 ¹ |
| Private nonfarm employment, percent change, 2010-2011 | -6.0% | 1.4% ¹ |
| Nonemployer establishments, 2011 | 5,261 | 1,596,899 |
| Total number of firms, 2007 | 6,728 | 1,956,733 |
| Black-owned firms, percent, 2007 | S | 10.4% |
| American Indian- and Alaska Native-owned firms, percent, 2007 | F | 0.7% |
| Asian-owned firms, percent, 2007 | 0.8% | 10.1% |
| Native Hawaiian and Other Pacific Islander-owned firms, percent, 2007 | F | 239 0.1% |
| Hispanic-owned firms, percent, 2007 | 1.4% | 9.9% |
| Women-owned firms, percent, 2007 | 33.1% | 30.4% |

Mr. Mullen stated that we are already paying equitable wages for people working here. Most are making twice the average household income. Raises should be in line with the COLA at 1.5 percent rather than 4 percent.

Mr. Farrand commented that until we have a union contract with the workers of the County, he cannot support an increase for department heads.

Mr. McAllister stated that we had harder years here not too long ago and we did not give management raises at all, or very little. The raises here are based on evaluations that were done and the range for raises is 1.5 percent, 2 percent and 2.5 percent depending on the evaluation. He does not think it is out of line. In the past, we have had some union employees exceed what their manager is making and he does not want to see that situation happen again. If we do not approve the raises, there is less incentive for people to want to go to management.

Mr. Van Etten stated that he would agree with Mr. McAllister. In the years that were rough we opted to not give management raises because of the economic conditions we were facing. Since we are doing performance-based evaluations, the raises are based on the employee evaluations. It is good to see that everyone is performing up to and/or exceeding expectations. He asked Mr. Alger to clarify the one 5 percent increase in the resolution.

Mr. Alger explained the 5 percent increase for the County Clerk is related to the position. We had a situation where the Deputy County Clerk was earning more than the department head. The Administration Committee felt that it was important to move the salary so that it was ahead of the deputy. All of the raises are based on performance. What you are seeing are the raises for those individuals that are appointed for a fixed term. The balance of the other management employees is also based on performance and they are not all at 2.5 percent. Mr. Van Etten asked do you have an overall average of what all the professional salary increases are? Mr. Alger replied it is less than 2.5 percent.

Mr. Mullen stated that he was looking at the budget a week ago and across the board, a lot of department heads had a 2.5 percent to 3 percent increase. What is the increase for non-management staff? Mr. Alger replied the majority of management staff will see a 2.5 percent increase. There are a number of folks in that category that will be in the 2 percent range. For an individual who received a 1.5 percent increase, they are deemed to be acceptable but will be reviewed again after six months. In essence, they are getting by, but need to improve. He stated that he would expect that the average salary increase for non-management staff to be higher than 2 percent.

Mr. Hanna asked are you happy with the evaluation system we are using? Mr. Alger replied this system is a private sector system that was specifically developed for the County. This system is based on the standards of evaluation that are used in the private sector. It is a good system, a fair system and it works. Mr. Hanna asked does it provide enough of a challenge? Mr. Alger replied yes.

Mr. Mullen commented there is also an additional cost for the benefit package. Mr. Alger stated the department head raises are less than \$100,000 total. For the bargaining unit, just the increments alone will be more than that. The bargaining unit gets both longevity and increments every year whether we have a contract or not. Their steps are 4 percent. Some individuals with longevity are getting more than 2 percent. The bargaining unit has that built into the contract. Management staff is only getting COLA. With regard to the union contract, we have been negotiating with the main unit for a couple of years and still do not have an agreement. He stated that he would hate to see the Legislature tie these two things together.

Mr. Van Etten commented you are voting on \$22,500 and if you include fringes, you would add an additional \$5,000.

Mr. Weaver stated that he has concerns about this. Everyone does a great job and deserves a raise. The majority of people supporting the raises in the form of taxes, are on a fixed income. A large section of federal employees have not seen a wage increase for three years. He stated that his struggle is justifying a raise for those people that are paying for it.

**Vote: Acclamation – Adopted (No: 2266; Absent: 542)
(Opposed: Legislators Farrand, Mullen, Ryan and Weaver; Absent: Legislators Roush and Swackhamer)**

RESOLUTION NO. 130-13

Introduced by P. McAllister.

Seconded by H. Lando.

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 2014, 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 2014 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, 2013.

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 2014, shall be filed with the Clerk of this County Legislature on or before November 15, 2013, 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 2014, as herein filed, shall be held on November 25, 2013, 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. 131-13

Introduced by P. McAllister.

Seconded by R. Weaver.

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 2013, for the Budget Year of 2014, for the Marsh Ditch Watershed Protection District shall be held on November 25, 2013 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. 132-13

Introduced by P. McAllister.

Seconded by T. Ryan.

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 2013, for the Budget Year of 2014 for the Upper Five Mile Creek Watershed Protection District shall be held on November 25, 2013 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. 133-13

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 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 2013, for the Budget Year of 2014, for the Lamoka/Waneta Lakes' Protection and Rehabilitation District shall be held on November 25, 2013 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. 134-13

Introduced by M. Hanna.

Seconded by H. Lando.

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 2013-2014 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, 2013; 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, 2014, 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, 2013, 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 \$3,880.41 per lane mile for 143.20 lane miles for a total of \$555,675.00 for the 2013-2014 season and for the remainder of the term of the Agreement commencing July 1, 2013, 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.

Vote: Roll Call – Adopted.

RESOLUTION NO. 135-13

Introduced by M. Hanna.

Seconded by H. Lando.

OFFICIALLY DECLARING THE KUHLMAN ROAD BRIDGE (BIN 1078790) IN THE TOWN OF LINDLEY AS A COUNTY BRIDGE FOR PARTIAL MAINTENANCE.

Pursuant to Section 234 of the Highway Law of the State of New York.

WHEREAS, pursuant to Section 234 of the Highway Law, the County may take over a bridge with a span of twenty-five (25) feet or more on a town highway or village street upon the recommendation of the Commissioner of Public Works and approval by the County Legislature, such bridges being denominated “PM Bridges”, or partial maintenance bridges, with the County constructing and maintaining the superstructure and the town or village maintaining the floor and wearing surface; and

WHEREAS, the County of Steuben by prior resolution has taken over partial maintenance of all bridges with a span of twenty-five (25) feet or more on town highways and village streets within the County; and

WHEREAS, the Public Works Committee of the Steuben County Legislature has recommended that the County take over partial maintenance of the Kuhl Road Bridge (BIN 1078790), with a span of forty-five (45) feet, in the Town of Lindley.

NOW THEREFORE, BE IT

RESOLVED, the Kuhl Road Bridge (BIN 1078790) in the Town of Lindley is officially taken over by the County of Steuben for partial maintenance with the County to maintain the structure and the Town to maintain the floor and wearing surface; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Regional Director of the New York State Department of Transportation in Hornell, the Town Clerk of the Town of Lindley, and the Commissioner of Public Works.

Mr. Weaver asked what jurisdiction was the bridge in previously? Mr. Spagnoletti explained the bridge was built by the New York State Department of Transportation (NYSDOT) when they built the exit ramp off of I-99. They are scheduled to take out the bridge, but the Town of Lindley wants to keep the bridge in place and has asked the County to take partial ownership.

Mr. Van Etten asked Mr. Spagnoletti to explain Partial Maintenance. Mr. Spagnoletti stated that our policy has been that any bridge 25' or longer that is on a town road, the County will take care of it under partial maintenance (PM). Under that, our responsibility is the foundation all the way to the deck and the beams. This does not include the driving surface.

Mr. Weaver asked what is the annual cost to the County to do this? Mr. Spagnoletti replied since the bridge is new, the cost for maintenance will come up in the next 30 – 40 years. At that time the steel beams would be replaced with concrete and that cost would be \$50,000. Until that time, there would be minimal repairs.

Mr. Ryan asked how many people are served by this road? Mr. Spagnoletti replied that he does not have a traffic count, however, there are not a lot of houses on the road. This bridge will make it much easier for fire, ambulance, snowplows and school buses.

Ms. Lattimer asked this is not unprecedented? Mr. Spagnoletti stated no, a policy regarding partial maintenance bridges was adopted by the County Legislature.

Mr. Mullen commented the issue we talked about in committee is that the State would take the bridge out. That is a waste of a pretty good resource. The town could take the bridge over, but the County has taken over other similar bridges.

Vote: Roll Call – Adopted.

RESOLUTION NO. 136-13

Introduced by B. Schu and L. Crossett.

Seconded by D. Farrand.

AUTHORIZING THE TRANSFER OF \$150,000 FROM THE CONTINGENT FUND TO THE 2013 BUDGET FOR THE PUBLIC DEFENDER ASSIGNED COUNSEL EXPENDITURES.

WHEREAS, the Steuben County 2013 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 Contingent Fund to cover the 2013 expenditures.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Treasurer is hereby authorized to adjust the following accounts in the 2013 budget:

EXPENSE ACCOUNTS:

Account 199000 5-499-000 Contingent – (\$150,000)

Account 117300 5-423-200 Public Defender-Assigned Counsel - \$150,000

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.

Vote: Roll Call – Adopted.

RESOLUTION NO. 137-13

Introduced by P. McAllister.

Seconded by C. Ferratella.

AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, OFFICE OF REAL PROPERTY TAX SERVICES.

WHEREAS, Real Property Tax Law section 574 provides that on or before the fifteenth day of each month, county recording officers shall furnish to the NYS Department of Taxation and Finance, Office of Real Property Tax Services (ORPS) a report showing all the transfer of real property during the preceding month; and

WHEREAS, this current manual system is paper intensive making it difficult for many counties to comply with the requirement; and

WHEREAS, ORPS has offered the County an agreement governing the submission of a one-part, bar-coded, RP-5217 real property transfer form in addition to the electronic transmission of real property data between the County and the State and County and assessors.

WHEREAS, the Administration Committee has recommended the execution of a contract with the State of New York, Department of Taxation and Finance for said purposes.

NOW THEREFORE, BE IT

RESOLVED, that the County Administrator be, and the same hereby is, authorized and directed to execute a contract with the State of New York, Department of Taxation and Finance and be it further

RESOLVED, that the State of New York, Department of Taxation and Finance will provide the County a handheld barcode scanner, SalesScan Application software, installation, and support; and be it further

RESOLVED, that the County will, on or before the fifteenth day of each month, transmit scanned data of all transfers of real property recorded during the preceding month; and be it further

RESOLVED, that the County agrees to create and maintain scanned images of the RP-5217 and RP0-5217-PDF paper documents for retention for a period of not less than six (6) years; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency and the State of New York, Department of Taxation and Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 138-13

Introduced by B. Schu.

Seconded by D. Farrand.

AUTHORIZING THE STEUBEN COUNTY SHERIFF TO ACCEPT A DONATION FROM THE DEVIN SNYDER MEMORIAL FUND FOR A NEW CANINE.

WHEREAS, the Devin Snyder Memorial Fund has offered to provide all necessary funding for the purchase, training and additional living expenses for one (1) narcotics dog; and

WHEREAS, it is estimated that there will be an upfront cost of \$6,000-8,000 for the purchase and training and approximately \$1,000 annually for food and veterinary expenses; and

WHEREAS, the Devin Snyder Memorial Fund will provide funding on an annual basis for the life of the dog.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept the donation of \$6,000-9,000 as revenue and appropriate that amount to 311000-5416300 Canine Supplies; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Devin Snyder Memorial Fund, c/o Edward & Dineen Snyder, 14 North Dansville Street, Cohocton, NY 14826, the County Treasurer and the Steuben County Sheriff.

Vote: Roll Call – Adopted.

RESOLUTION NO. 139-13

Introduced by J. Hauryski.

Seconded by H. Lando.

DIRECTING THE CLOSING OF ALL STEUBEN COUNTY OFFICES ON FRIDAY, NOVEMBER 29, 2013.

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 29, 2013.

NOW THEREFORE, BE IT

RESOLVED, that this County Legislature declares November 29, 2013, 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.

Mr. Weaver stated that he does not think we should close November 29th as there are a number of people who are off that day and could come in to do business. Mr. Alger explained this is part of the bargaining unit agreement and we do this resolution on an annual basis. Mr. Reed commented this was the opinion of the previous County Attorney and he continues to follow that precedent. He will review this and submit an opinion to the Legislature for consideration.

**Vote: Acclamation – Adopted. (No: 451; Absent: 1174)
(Opposed: Legislator Weaver; Absent: Legislators Roush and Swackhamer)**

RESOLUTION NO. 140-13

Introduced by J. Hauryski.

Seconded by H. Lando.

SETTING THE DATE FOR THE DECEMBER 2013 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 2013, on Monday, December 16, 2013, 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.

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

RESOLUTION NO. 141-13

Introduced by J. Hauryski.

Seconded by S. Van Etten.

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 New York State Supreme Court:

MICHAEL STOCUM and MICHELLE STOCUM,

Index No. 92955

Plaintiff(s),

vs.

THE COUNTY OF STEUBEN, ET AL,

Defendant(s).

; and

WHEREAS, the matter has been conferenced for settlement in advance of trial before the New York State Supreme Court; and

WHEREAS, the parties are desirous of settling said claim.

NOW THEREFORE, BE IT

RESOLVED, the County does hereby ratify the settlement of the above-entitled claim in the amount of Sixty-Five Thousand Dollars (\$65,000.00), subject to the approval of the Supreme Court, State of New York; 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: Bryan J. Maggs, 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. Ryan. Seconded by Mr. McAllister and duly carried.

Motion to Adjourn made by Mr. Ryan. Seconded by Mr. Mullen and duly carried.

SPECIAL MEETING
Morning Session
Thursday, November 14, 2013
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Special Session in the Legislative Chamber, Bath, NY on Thursday, the 14th day of November 2013, 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 Ferratella and Weaver.

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

Chairman Hauryski announced that immediately after the meeting there will be a reception in the committee room in recognition and celebration of the passing of the Steuben County Charter.

Mr. Alger, County Administrator, presented the following 2014 Budget Message.

PRESENTATION OF BUDGET MESSAGE

INTRODUCTION

Today I am here to present the Tentative 2014 Steuben County Budget. This year, like the past several years, we've been struggling to maintain funding for our local non-mandated programs. This year we are continuing a "maintenance budget". That is to say mandated program costs have stabilized for the first time in many years. While not decreasing significantly, slower increases coupled with some reductions are partially impacting the 2014 budget.

The second year takeover of the Medicaid increase results in a 1% annual cost increase in Medicaid, which is more than offset by change in FMAP resulting from Affordable Care Act (Obama Care). The net result is a decrease in county cost for the first time in 50 years. The state's cost-shift in the Safety Net program increases local costs by \$254,857. The TANF program is also increasing but with no local cost increase to the county. New York State is one of the few states in the nation to have a Safety Net program; the Governor and State Legislature have made it primarily a local property tax funded 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 about mandate relief, which is resulting in reduced local services in Steuben County and around the State.

Counties in particular are not advocating for more state aid or assistance. We are advocating for real program reform and elimination. The state cannot afford the 1960's social programs of the Great Society. Welfare, Medicaid, Special Children's Services, novelty courts; all are examples of the 1960's social interventions of the state and federal government into the everyday citizen's pocket book through increased taxes. New York State has systematically made these programs local property taxpayer responsibilities.

With the implementation of the much lauded property tax cap led by the Governor, and championed by the Republican Senate, 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 of state programs to county government. The Governor believes he's done mandate relief with the Medicaid cap. After the cap is implemented, Steuben County real property taxpayers will still be paying over \$20 million in property taxes for Medicaid. In other states, this cost is paid entirely by the state; there is minimal, if any local share.

Counties are looking for real reform, program changes, and 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 the Governor as though they were actually paying the bills. They are not and have not been for many years.

The largest increases for 2014 are the Jail, Elections, and Public Defender/Assigned Counsel costs. While New York State retirement rates decreased from 20.9% to 20.1%, the county's cost still increased slightly because of union salary increases. The Jail budget is up \$674,000 or 11.9%; Department of Social Services is down \$530,058 or 1.58%; and Public Works is down \$140,909 or 0.78%. This is the first year Medicaid has actually decreased and retirement costs have stabilized. The Public Works budget continues a robust construction program but has slightly less equipment funding year-to-year. Of note is the increase in the Assigned Counsel costs. We're in the process of hiring a new Assigned Counsel Administrator and examining establishing a Conflicts Office to assist in containing costs which has resulted from the growth in caseload.

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 this process. I would point out the key role of the Treasurer, Pat Donnelly and the Deputy County Treasurer, Tammy Hurd-Harvey have had in the preparation of this budget. Without the Treasurer's Office, this would be virtually impossible. I would also be remiss if I didn't recognize Deputy County Administrator, Jack Wheeler, for his hard work and analysis of various budget items. 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 Commissioner 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 2013 contained over a 16% tax increase. I once again suggest we continue early budget discussions and closely monitor 2014 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 implementation 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 2014 are as follows:

1. Minimize any property tax impact through careful review of expenditures and maximizing alternative revenues to 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

TOTAL BUDGET

The total proposed budget for 2014 is \$186,944,564, representing a decrease of \$383,788 or -0.21% in total expenditures. The areas of change include Public Safety up 5.05%; General Government up 4.47%;

Culture and Recreation up 0.36%; Home and Community Services up 1.19%; and Capital Projects up 103.3%. Conversely, Education remained the same for 2014, while Health decreased 12.2%, Public Works decreased -0.78%, and Social Services decreased -1.55%.

The County budgets for the past five years are as follows:

| | |
|-----------------|---------------|
| 2010 | \$183,256,342 |
| 2011 | \$182,661,060 |
| 2012 | \$186,135,290 |
| 2013 | \$187,328,352 |
| 2014 (Proposed) | \$186,944,564 |

The average increase in expenditure between 2010 and 2014 is 0.5%. The 0.2% decrease anticipated from 2013 to 2014 is the result of decreases in various segments of the budget. The budget directly reflects reductions made in programs and staffing to achieve a lower cost impact. The increases are largely the result of the scheduled three primaries in 2014 for Elections, Public Defender/Assigned Counsel increases due to caseload growth, Public Safety increases primarily within the Jail and Probation, and finally increases in capital projects for 2014.

MAJOR CHANGES BY DEPARTMENT

Highways

The total proposed 2014 budget for transportation stands at \$25,628,237 compared to \$24,984,564 in 2013, with a county cost decrease of \$140,909 or -0.78%. The Finance Committee is proposing that we budget \$820,000 next year to replace key pieces of major equipment and \$26,400 in small equipment funding. Additionally, the debt service for the new grinder in the amount of \$178,413 is included. My recommendation again for 2014, is that only replacement equipment be purchased. The budget contains \$914,000 in capital projects for the Landfill and \$300,000 in Public Works for Seneca Road Bridge in North Hornell. For 2014, \$6,078,426 has been dedicated for highway construction projects, with \$4,791,426 in permanent improvement funding and \$1,287,000 within the general repairs budget. Once again, this is a robust program for the county considering the difficult times we are experiencing.

Department of Social Services

The total 2014 county cost for the Department of Social Services decreased as a result of Medicaid and other programs. The Medicaid appropriation has decreased from \$21.5 million to \$20.3 million for 2014, which reflects the first decrease in local cost for Medicaid in 50 years. We continue to anticipate the Safety Net program will increase \$254,000 or 10.4% in 2014, while the TANF program increases at a lower rate of 3.2%. These increases continue to point out that Steuben County is not out of the recession. We are still seeing caseload growth and an increase in residents' demand for social services.

The Commissioner has continued efforts to assist other county departments. The department continues contracts with the Law Department, Office for Again, Mental Health, Probation and new partner, the Veteran's Service Agency. With the new partnership, we are able to offset approximately \$30,000 in county costs within the Veteran's Service Agency, assisting the veterans but also off setting local taxpayer expenses.

The 2014 budget reflects a change in accounting for the juvenile delinquents cost center. Thus, the detention center contract with Glove House is moved to the detention center costs, and assistance payments moved to the child care cost center.

Sheriff/Jail

The Sheriff's department budget contains a slight decrease in county cost of 0.72%. While salaries and fringe benefits within the Sheriff's department continue to be a concern for 2014, they have been

accommodated within the budget. The real impacts for 2014 are within the Jail. We are seeing an increase in mandated staffing by the Commissioner of Correction and a decrease in outside inmates as we have been unable to house as many federal inmates. The net effect is a 12% cost increase or \$675,000 impact on the county cost. It continues to be critical that we house outside inmates to assist in covering the county's cost of operating the Jail. Finally, I would note the switch to cook/chill has resulted in a net increase in cost to the county, primarily resulting from the staffing costs.

Health Care Facility

With the acceptance of the RFP for the sale of the Steuben County Health Care Facility, we are waiting for the state to approve Centers for Specialty Care's Certificate of Need (CON) to operate the facility. As you know, we have provided the staff with the opportunity to interview with the new owner but that process has been stymied by the continued legal actions of the CSEA. We will continue to budget the facility for 2014 as though we will be operating it for the entire year. It is hoped the sale will be finalized by the end of June 2014. The facility continues to show significant losses which will ultimately have to be made up by the county's General Fund. At this point the budget anticipates a \$2.1 million loss not include the county's share of the IGT which will add at least another \$800,000 to the local cost.

COUNTY REVENUES

Sales Tax

The 2013 sales tax receipts are down compared to 2012. While recognizing the modest decline, we are comfortable with our current estimate for 2014. We are not projecting growth for 2014. Total collections after adjustments have continued to be very stable with the only significant decrease in the first quarter. That decrease was directly reflective of a large adjustment payment in the first quarter of 2012. Taking that into consideration, the actual collections are nearly flat, resulting in our recommendation for no change in the estimate for 2014.

Budgeted sales tax revenues for the last five years are as follows:

| | |
|------|--------------|
| 2010 | \$25,450,000 |
| 2011 | \$25,700,000 |
| 2012 | \$26,700,000 |
| 2013 | \$27,700,000 |
| 2014 | \$27,700,000 |

Fund Balance

The tentative budget includes a General Fund appropriation of \$4.6 Million for 2014. 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 2013 as the funds can support the same appropriation level. We may only be able to use these funds for 2014 and will likely be shifting back to the General Fund for 2015. However, given our expectations with the Health Care Facility transition we will be able to better absorb the shift at that time. We are holding the fund balance appropriations the same for 2014.

Real Property Taxes

The stability of our 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 2014. The tax levy is proposed to increase 1.49% with the full value tax rate of \$8.93 for 2014 representing a 0.5% increase for 2014. This translates to \$5.00 increase for a home assessed for \$100,000 at full value. I want to note the continued loss of revenue because of the decrease in the oil & gas production; without the \$25 million loss in gas production, your tax rate would have remained the same.

The property tax collections and average full value rate for the last five years are as follows:

| | <u>Tax Levy</u> | <u>Rate per Thousand</u> |
|------|-----------------|--------------------------|
| 2010 | \$44,996,816 | \$8.75 |
| 2011 | \$46,004,435 | \$8.76 |
| 2012 | \$46,786,950 | \$8.66 |
| 2013 | \$48,045,574 | \$8.89 |
| 2014 | \$48,710,297 | \$8.93 |

CONCLUSION

These are truly difficult budget times. We are basically maintaining status quo with a focus on core activities. 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 to increase every year.

The second major concern is the Governor, Comptroller, and State Legislature's complete disregard for the fiscal well-being of local governments. This is particularly true when, as I predicted last year, they changed their property tax cap interpretation for counties which resulted in only three counties meeting the cap after the Comptroller's Audit in 2013. That is because they had not determined how to implement the cap until after the counties had to adopt budgets. That is why, once again, I strongly advocated passing the override even though we believe we have complied with the tax cap.

The property tax cap legislation needs to be revised. The Legislature should insist on tying the cap to mandate relief. Without relief, the cap should increase at the same rate as the state's unfunded mandates. Without change, we are gradually removing funds from local programs which directly benefit residents, only to fund programs the Governor mandates and controls but doesn't pay for.

The very low increase in quantifiable new construction and our stagnant economy are a direct result of the economic uncertainty our citizens face. With no leadership in Washington or Albany, we must continue to provide sound and stable funding for our local priorities with the limited local dollars available. For the county to provide core services, a small tax increase must be absorbed.

We must continue to aggressively work with the local assessors to implement the Pictometry ChangeFindr program. We have included this software as a capital project for 2014. This will prove to be a great tool for our local assessors. It represents an example of one investment, Pictometry, which was purchased primarily for 911 purposes, being used to improve our services in another area, assessing. We must continue efforts of this kind to help ourselves, our towns, villages and cities to maximize our use of taxpayer's dollars.

We have accomplished several major projects over the last couple years, but we have more work to do. We need to continue our focus on the rising costs and do what we can to contain or reduce them.

It is clear our Governor cares more about appearances than substance. With little or no mandate relief, our 9 for 90 chart clearly illustrates the status quo has continued. There is virtually no change, yet we continue to hear property taxes are too high. Only with significant program changes by the Governor and State Legislature will there be property tax relief. Property taxes are high in New York because of the costs pushed down to the local level by the State of New York. They, the Governor and State Legislature, must act to change this reality.

We will continue our efforts to identify cost savings and program improvements which will help all of us continue essential services while containing costs going forward. Only by working together and improving collaboration and cooperation at all levels of government will we see success.

You have a strong management team and we share your goal of providing cost effective services through efficient use of our limited resources. We will continue that effort into 2014 and beyond. Thank you.

Mark R. Alger
County Administrator/Budget Officer

Chairman Hauryski stated there is a lot of work that goes into the preparation of the budget. On behalf of the Steuben County Legislature, he would like to thank the department heads for all their hard work. We recognize the economic conditions of the County and it is important to hold the line. He would also like to thank the Administration and Finance Committees for putting together this budget. Everyone has done a good job this year.

BUDGET WORKSHOP

Mr. Mullen stated that he has provided a handout with some questions that he has about the budget. (*A copy of the handout is filed with the official minutes in the Clerk of the Legislature's Office*) During his budget presentation, Mr. Alger did address the increase in the telephone chargebacks. Once the phone project is complete, will those chargebacks be reduced? Mr. Alger replied maybe. We will talk about that with the Finance Committee. There are other areas where we have phone needs and we may want to continue to build up that reserve. The current phone replacement project is at the County Office Building and the backup systems at the 911 Center and Public Safety Building. We have phone systems outside of Bath, in Hornell and Corning, and we may want to replace those as well and tie them into the system in Bath. Eventually the telephone chargeback will go away.

Mr. Mullen commented that he feels that the amounts for Social Security and Group Medical Insurance seem higher than they should be. Mr. Alger explained with the group medical insurance, we work with the insurance carrier to determine a rate. Once the rate is determined, that is spread among all of the departments. We are self-funded and if we underspend, then that money stays within the group medical line. We use estimates from the insurance company to determine costs and take a three-year average plus the most recent 18-month period and look at the spending. We have done fairly well with that over the years. Mr. Alger stated that since we are self-funded, we pay our own claims. Mr. Mullen asked is any of that cost determined on vacant positions? Mr. Alger replied yes. We budget a portion of the vacancies as though they were a funded position. That is one of the reasons why you see more in the budget than what you actually spend. The vacant positions are three-quarters funded.

Mr. Mullen asked what is the reason that Social Security costs seem higher than they should? Mr. Alger replied there are two things that impact Social Security. The first is that as the salary increases for a position, the Social Security also increases. The second issue is that we also calculate Social Security on the vacant positions. The increase over the last three years is attributable to salary creep. Basically, even though we have not reached an agreement with any of the bargaining units, the employees still receive their step increments. Mr. Mullen asked can any of that money be transferred to other budget items? Mr. Alger replied no. The department heads are not authorized to transfer money out of salary or fringe benefit line items without standing committee approval. Mr. Swackhamer commented at the end of the year the Treasurer does numerous budget transfers to offset any negatives. Mr. Alger explained if you have the opportunity to attend the Finance Committee meeting in February, the Treasurer's Office brings a list of transfers which essentially transfers money around in the budget to cover any negative amounts.

Mr. Ryan commented that he still does not know how we can justify losing \$100,000 per year on Kanakadea Park. The revenues have not increased. He does not feel that we should be in the campground business. Mr. Alger stated there is no good answer to that. The function of the campground is what it is. From a positive standpoint, your input has caused Public Works to change how they operate the park. They now contract with a vendor and have brought in cabins as a source of additional revenue. It is one of those things where the Legislature has to decide if they want to have parks or not. Mr. Ryan

clarified that he is not against having the day parks. Mr. Alger commented Commissioner Spagnoletti has done what he can to manage that cost going forward. If you are going to continue to operate the parks, there are certain things you have to do.

Mr. Mullen asked for an explanation on the Medical Examiner budget, specifically the salary line item. Mr. Alger replied the salaries for the Coroners and Coroner Aides is directly related to the number of cases. They are paid on a per case basis. The amount budgeted is based upon the average number of cases per year. That number is always a little conservative.

Mr. Mullen asked what is the consultant line item in the Treasurer's Office used for? Mr. Donnelly explained we have to retain the services of a certified public accountant relative to our post-retirement costs and health insurance costs. We recently put out a bid and selected a new carrier, which resulted in a decrease. We also use this line item for those instances when we need temporary help.

Mr. Mullen asked in the Personnel budget, what is the \$10,000 in the employee training line item used for? Mr. Alger replied that funding is put in to pay for required annual training of all employees. The mandatory training includes workplace violence, hazardous materials and harassment. That is typically used as a place holder and the amount can vary depending upon who they bring in as a trainer and what they are training. Mr. Alger stated it is important to continue that funding and he would advocate leaving that in.

Mr. Mullen stated the Department of Social Services budget has a number of line items that are \$5,000 - \$10,000 higher than previously budgeted. What is the reason for that? Mr. Alger replied this year we switched attorneys from the Law Department to the Department of Social Services. He would suspect that most of the increase is attributable to that. Ms. Muller stated that they did increase the number of attorneys and added seven new staff. Mr. Crossett commented that those costs are down from the 2013 budget.

Mr. Welch asked what drives the increase in salaries for staff? Mr. Alger replied there are different issues. The management salaries are a function of the Legislature and Administration Committee recommendations. We also have a small group of confidential employees, who, in essence are support staff to the County Attorney, Personnel, County Administrator and a few other departments. The majority of personnel costs come from the union contracts; the main unit, the Sheriff's Deputies and Corrections. They are not subject to the discretion of the department heads. When you look at the salary schedule, the increases included in that now are primarily increment costs – those changes in steps that individual employees would be receiving in 2014 in the union agreement with general increases. We are currently in negotiations with all three bargaining units.

Mr. Welch stated that 50 percent of the staff are getting a raise and those raises are between 2.5 – 3.5 percent. To say that the County should give employees raises across the board and then call this a maintenance budget; it seems that there is a disconnect and that there could be more savings. Mr. Alger explained there is no general salary increase in the three bargaining units. The State requires us to continue to pay employees any step increments they are entitled to even when the agreement expires. We have one-third to one-half of a group of employees that will get step adjustments. That is part of what we talk about when we talk about negotiations. The cost of those salary schedules is a big issue. We have to stay within a 2 percent tax cap, however, the main bargaining unit is getting 4 percent step increases. We cannot afford that.

Mr. Welch asked is it safe to say that the majority of the raises in the budget are driven by step increments? Mr. Alger replied yes.

Mr. Mullen asked how many employees not in the bargaining units and not appointed are getting raises? Mr. Alger replied he does not know the exact number, but out of 1,000 employees, it would be about 100.

That group we are referring to has a performance evaluation system in place. Those individuals are evaluated by the department head or supervisor and they are rated as outstanding, proficient and acceptable. Generally we do not have very many acceptable ratings. Those individuals receiving that rating would re-evaluated after six months. Most of our people are rated as outstanding or proficient. Mr. Mullen stated so 10 percent of the employees are getting a 2 – 3 percent raise? Mr. Alger replied yes. The average is 2.5 percent. The chart that is included in the budget message shows the actual costs for management and confidential employee salaries and there has been a decrease year to year. That is a function of the change we have had in management staff and department heads.

Mr. Mullen asked with regard to the Investigator position in the District Attorney's Office, why is that individual being paid more than the investigators in the Sheriff's Department? Are the duties different? Mr. Alger replied when we moved that individual and position to the District Attorney's Office, the salary went with the person where they were. Whether that will continue to be adjusted is a topic that the Administration Committee is responsible for.

Mr. Mullen asked why are we purchasing new televisions and computers for the Health Care Facility when it is in the process of being sold? Mr. Alger replied this was an issue that we debated. The agreement for the purchase of the facility indicates that the things that are there should be there when the new owner takes over. Some equipment is failing that we need to replace to maintain the status quo. We felt it was the right thing to do to replace the televisions and computers. Mr. Wheeler commented there was an additional equipment request for new equipment that we did not include.

Mr. Mullen stated that he thinks everyone did a nice job on the budget. He does still have an issue with the 2 – 3 percent, and sometimes more than 3 percent raises. Those do not seem like a COLA adjustment to him.

There being no further questions/comments on the budget, Chairman Hauryski declared the Budget Workshop closed.

Chairman Hauryski stated that everyone has a copy of a resolution on their desk that was not originally included with the agenda. He asked if there was any objection to adding this resolution? There were no objections.

RESOLUTION NO. 142-13

Introduced by T. Ryan.

Seconded by R. Lattimer.

AUTHORIZING A PUBLIC HEARING ON A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION.

WHEREAS, this Legislature approved submission of an application for a Community Development Block Grant (CDBG) by the Steuben County Planning Department on July 22, 2013; and

WHEREAS, such grant would provide funding for income-eligible homeowners to repair malfunctioning septic systems or water wells; and

WHEREAS, the CDBG application process now requires a public hearing before this body before an application may be submitted; and

WHEREAS, such application is due on December 20, 2013.

NOW THEREFORE, BE IT

RESOLVED, a Public Hearing on the submission of a CDBG application for housing rehabilitation (water well and septic repair/replacement) shall be held by this County Legislature on the 25th day of November, 2013, at 3:30 p.m.; and be it further

RESOLVED, that the Clerk of this Legislature shall cause a Notice of said Public Hearing to be published in the official newspapers; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to the Steuben County Planning Director.

Vote: Acclamation – Adopted.

Motion to Adjourn made by Mr. Farrand. Seconded by Mr. Swackhamer and duly carried.

REGULAR MEETING
Afternoon Session
Monday, November 25, 2013
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 25th day of November, 2013, at 3:30 p.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members present except for Legislator Roush.

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

Chairman Hauryski asked Marilyn Peoples to come forward. Mrs. Peoples is an employee in Public Health Nursing Services. He presented her with a Certificate of Appreciation in recognition of her retirement following 6 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 of Posting for the Public Hearing upon the proposed application for Community Development Block Grant (CDBG) funds from New York State Homes and Community Renewal (HCR). 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 of Posting for the Public Hearing upon County of Steuben Local Law Tentatively No. Three for the Year 2013, Designating the Director of Information Technology as Unclassified for Civil Service Purposes and Designating the Deputy Director of Information Technology as Exempt. 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 introduced Eric Booth who is the newly elected Legislator for District 9.

Mr. Farrand announced that the Jasper-Troupsburg School is the District State Champions in girls soccer and Co-State Champions in boys soccer.

RESOLUTION NO. 143-13

Introduced by J. Hauryski.

Seconded by G. Swackhamer.

RECEIVING AND ACCEPTING THE NOVEMBER 25, 2013 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 21, 2013

NYS Senator David Carlucci, 38th District – A public hearing is scheduled for Monday, October 28th at 11:00am in the Chemung County Legislative Chambers located at 203 Lake Street in Elmira, N.Y. to examine the potential impacts of the Office of Mental Health facility closures on service recipients, families, employees and communities. *Referred to: Human Services/Health & Education Committee; and Dr. Hank Chapman, Director of Community Services.*

November 1, 2013

New York State Homes & Community Renewal – Re: Announcement of the availability of approximately \$38 million of State and Federal funds for the following programs: \$12 million under the NYS Community Development Block Grant funding for Housing Activities, \$25 million under the AHC Affordable Home Ownership Development Program (AHODP), \$1 million under the Access to Home Program and \$400,000 under the RESTORE Program. *Referred to: Amy Dlugos, Planning Director.*

November 6, 2013

NYS Office of Parks, Recreation and Historic Preservation – Re: Notification of property located at 7663 CR 13, Bath, NY (Henry C. Myrtle House) in Steuben County is being nominated to the National and State Registers of Historic Places at the State Review Board meeting scheduled for December 5, 2013. *Referred to: A.I.P. Committee; and Twila O'Dell, Historian.*

NYS Office of Parks, Recreation and Historic Preservation – Re: Notification of property located at 123 W. Morris Street, Bath, NY (Martin A. Quick House) in Steuben County is being nominated to the National and State Registers of Historic Places at the State Review Board meeting scheduled for December 5, 2013. *Referred to: A.I.P. Committee; and Twila O'Dell, Historian.*

November 7, 2013

Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$3,117 representing the September 2013 retained surcharge revenues for Steuben County. *Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.*

November 13, 2013

Harris Beach, PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Erwin Hospitality Associates LLC Project, distribution of Revised Page 2 and schedule “A” of PILOT agreement. *Referred to: Finance and Administration Committees; Patrick Donnelly, County Treasurer; Wendy Flaitz, RPTSA Director; and Alan Reed, County Attorney.*

November 14, 2013

New York State Homes & Community Renewal – Re: Concurrence of determination of categorical exclusion under 24 CFR58.35 (b) NYS Community Development Block Grant for Project#1115ED785-11. *Referred to: Amy Dlugos, Planning Director.*

Vote: Roll Call – Adopted.

RESOLUTION NO. 144-13

Introduced by P. McAllister.

Seconded by H. Lando.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2013, DESIGNATING THE DIRECTOR OF INFORMATION TECHNOLOGY AS UNCLASSIFIED FOR CIVIL SERVICE PURPOSES AND DESIGNATING THE DEPUTY DIRECTOR OF INFORMATION TECHNOLOGY AS EXEMPT.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on October 28, 2013, County of Steuben Local Law Tentatively No. Three for the Year 2013, Designating the Director of Information Technology as Unclassified for Civil Service Purposes and Designating the Deputy Director of

Information Technology as Exempt, preliminarily adopted said Local Law on October 28, 2013, making the final adoption of said Local Law subject to a Public Hearing to be held on November 25, 2013; 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 25, 2013, at 3:30 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. Three for the Year 2013, 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 2013**

A LOCAL LAW, Designating the Director of Information Technology as Unclassified for Civil Service Purposes and Designating the Deputy Director of Information Technology as Exempt.

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

SECTION 1: LEGISLATIVE INTENT

It is the intent of the Local Law to amend Resolutions 354-73 and 027-00 to place the Director of Information Technology in the unclassified Civil Service and the Deputy Director in the exempt class of Civil Service.

SECTION 2: DIRECTOR OF INFORMATION TECHNOLOGY AND DEPUTY DIRECTOR OF INFORMATION TECHNOLOGY

The Director of Information Technology is the department head of Information Technology and appoints all members of said department including but not limited to the Deputy Director. The Deputy Director shall serve as the alter ego to and in his place and stead.

SECTION 3: CLASSIFICATION

The position of Director of Information Technology shall be placed in the unclassified Civil Service and the Deputy Director shall be placed in the exempt class.

SECTION 4: QUALIFICATIONS

The "Director of Information Technology" shall have at a minimum a Bachelor's degree and four years of experience, two years of which shall be supervisory and the position of "Deputy Director of Information of Technology" shall have at a minimum a Bachelor's degree and four years of experience, one year of which shall be supervisory.

SECTION 5: EFFECTIVE DATE

The within Local Law shall be effective immediately upon passage.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on November 25, 2013 at 3:30 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. Three for the Year 2013, 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 Personnel Officer, the Director of Information Technology, and the Deputy Director of Information Technology.

Vote: Roll Call – Adopted.

RESOLUTION NO. 145-13

Introduced by B. Schu.

Seconded by T. Ryan.

DENYING THE STATE OF NEW YORK PERMISSION TO USE THE SEAL OF STEUBEN COUNTY, THE STEUBEN COUNTY SHERIFF AND THE STEUBEN COUNTY CLERK, FOR ANY PURPOSE ASSOCIATED WITH THE NEW YORK STATE S.A.F.E. ACT.

WHEREAS, the State of New York passed a gun control law referred to as the S.A.F.E. Act without substantive debate or input from local governments; and

WHEREAS, this act clearly indicates that the enforcement of this law is the responsibility of New York State; and

WHEREAS, in recent discussions, the State has indicated an interest in using the Seal of Steuben County and the seal and names of the offices of the Steuben County Sheriff and the Steuben County Clerk in pistol permit recertification notices; and

WHEREAS, the Steuben County Sheriff and the Steuben County Clerk have voiced their strong objection to this request and suggestion.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby denies the State of New York permission to use the name, seal, letterhead or address of the County of Steuben, the Steuben County Sheriff and the Steuben County Clerk for the purposes of correspondence with legal and registered gun owners regarding permit recertification or for any other purpose associated with the S.A.F.E. Act; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Dean Skelos, NYS Senate Republican Conference Leader And Majority Coalition Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Jeffrey Klein, NYS Senate Independent Conference Leader And Majority Coalition Leader, 913 Legislative Office Building, Albany, NY 12247; Honorable Andrea Stewart-Cousins, Minority Leader, New York State Senate, 907 Legislative Office Building, Albany, NY 12247; Honorable Sheldon Silver, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Joseph D. Morelle, Majority Leader, New York State Assembly, 926 Legislative Office Building, Albany, NY 12248; Honorable Brian M. Kolb, Minority Leader, New York State Assembly, 933 Legislative Office Building, Albany,

NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 415 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 723 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 439 Legislative Office Building, Albany, NY 12248; Honorable Bill Nojay, New York State Assemblyman, 527 Legislative Office Building, Albany, NY 12248; Stephen J. Acquario, Executive Director, New York State Association of Counties, 540 Broadway, Albany, NY 12207; Honorable Jerry Davis, President, Inter-County Association of Western New York, c/o Wyoming County Board of Supervisors, Government Center, 143 North Main Street, Warsaw, NY 14569; and Joseph D'Amico, Superintendent, New York State Police, 1220 Washington Avenue, Building 22, Albany, NY 12226-2252.

**Vote: Acclamation – Adopted. (No – 542; Absent – 723)
(No – Legislator Welch; Absent – Legislator Roush)**

RESOLUTION NO. 146-13

Introduced by P. McAllister and L. Crossett.

Seconded by C. Ferratella.

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, 2013 to the 30th day of September, 2013, 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 DISTRIBUTION - November 2013

| <u>TOWN & CITIES</u> | <u>TOWN/CITY AMT DUE</u> | <u>VILLAGES</u> | <u>VILLAGES AMT DUE</u> | <u>TOTAL AMT DUE</u> |
|--------------------------|------------------------------|-----------------|-----------------------------|--------------------------|
| ADDISON | 7,884.72 | ADDISON | 3,184.79 | 11,069.51 |
| AVOCA | 7,441.19 | AVOCA | 993.09 | 8,434.28 |
| | | BATH (1) | 9,003.80 | 0.00 |
| BATH | 32,739.16 | SAVONA (2) | 865.26 | 42,608.22 |
| BRADFORD | 4,582.43 | | | 4,582.43 |
| CAMERON | 2,130.60 | | | 2,130.60 |
| CAMPBELL | 17,203.99 | | | 17,203.99 |
| CANISTEO | 7,231.12 | CANISTEO | 2,093.18 | 9,324.30 |
| CATON | 19,864.37 | | | 19,864.37 |
| COHOCTON | 7,170.83 | COHOCTON | 953.12 | 8,123.95 |
| CORNING CITY | 83,392.37 | | | 83,392.37 |
| | | RIVERSIDE (1) | 2,483.41 | 0.00 |
| CORNING TOWN | 52,314.59 | S CORNING (2) | 3,673.46 | 58,471.46 |
| DANSVILLE | 9,604.52 | | | 9,604.52 |
| ERWIN | 104,487.70 | PAINTED POST | 8,258.86 | 112,746.56 |
| FREMONT | 4,338.43 | | | 4,338.43 |
| GREENWOOD | 943.30 | | | 943.30 |
| HARTSVILLE | 2,813.90 | | | 2,813.90 |
| HORNBY | 7,602.79 | | | 7,602.79 |

| | | | | |
|---------------|-------------------|-----------------|------------------|-------------------|
| HORNELL CITY | 20,558.54 | | | 20,558.54 |
| | | ALMOND (1) | 33.38 | 0.00 |
| | | ARKPORT (2) | 1,370.70 | 0.00 |
| HORNELLSVILLE | 15,663.73 | V N HORNELL (3) | 1,599.31 | 18,667.12 |
| HOWARD | 5,553.74 | | | 5,553.74 |
| JASPER | 6,335.64 | | | 6,335.64 |
| LINDLEY | 13,842.51 | | | 13,842.51 |
| PRATTSBURGH | 10,034.72 | | | 10,034.72 |
| PULTENEY | 35,375.98 | | | 35,375.98 |
| RATHBONE | 3,472.30 | | | 3,472.30 |
| THURSTON | 6,945.65 | | | 6,945.65 |
| TROUPSBURG | 5,924.65 | | | 5,924.65 |
| TUSCARORA | 4,940.60 | | | 4,940.60 |
| URBANA | 29,794.27 | HAMMONDSPORT | 2,624.48 | 32,418.75 |
| WAYLAND | 18,244.97 | WAYLAND | 3,418.27 | 21,663.24 |
| WAYNE | 16,538.66 | | | 16,538.66 |
| WEST UNION | 1,877.08 | | | 1,877.08 |
| WHEELER | 5,085.10 | | | 5,085.10 |
| WOODHULL | 6,894.95 | | | 6,894.95 |
| TOTAL | 578,829.10 | | 40,555.11 | 619,384.21 |

Foregoing shall be your sufficient warrant for the payment of said sums as above directed.

DATED at Bath, New York, November 25, 2013.

STEUBEN COUNTY LEGISLATURE

By: 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 25, 2013.

Brenda K. Mori, Clerk of the Legislature

Vote: Roll Call – Adopted.

Motion Taking Resolutions 5, 6, 7, and 8 as one vote and Dispensing with the Reading, made by Mr. Crossett. Seconded by Mr. Van Etten and duly carried.

RESOLUTION NO. 147-13

Introduced by P. McAllister.

Seconded by S. Van Etten.

DIRECTING THE DIRECTOR OF THE COUNTY REAL PROPERTY TAX SERVICE AGENCY TO ADD PENALTY TAXES ON CONVERTED FOREST LAND PARCELS.

Pursuant to Section 480-A of the Real Property Tax Law.

WHEREAS, certain parcels on the prior tax roll received an exemption from taxation on forest land and a breach of that commitment may occur; and

WHEREAS, the report may be filed by the various assessors to the County Treasurer requesting penalty taxes to be calculated and added to the 2014 County and Town Tax Levy.

NOW THEREFORE, BE IT

RESOLVED, the Director of the County Real Property Tax Service Agency is hereby directed to add the amount of penalty taxes to the 2014 County and Town Tax Levy; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 148-13

Introduced by P. McAllister.

Seconded by S. Van Etten.

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 2013 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. 149-13

Introduced by P. McAllister.

Seconded by S. Van Etten.

DIRECTING THE LEVY OF RETURNED UNPAID SCHOOL TAXES FOR THE YEAR 2013.

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 2013” 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. 150-13

Introduced by P. McAllister.

Seconded by S. Van Etten.

DIRECTING THE LEVY OF RETURNED UNPAID VILLAGE TAXES FOR THE YEAR 2013.

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 2013” 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. 151-13

Introduced by P. McAllister.

Seconded by S. Van Etten.

ADOPTING THE TABLE OF EQUALIZATION RATES FOR FISCAL YEAR 2014.

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 2014; 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**

10/28/2013

| MUNICIPALITY | 2013 COUNTY EQUALIZATION RATES |
|---------------------|---|
| CITY OF CORNING | 98.00 |
| CITY OF HORNELL | 100.00 |
| ADDISON | 92.00 |
| AVOCA | 100.00 |
| BATH | 47.00 |

| | |
|---------------|--------|
| BRADFORD | 93.00 |
| CAMERON | 92.00 |
| CAMPBELL | 2.95 |
| CANISTEO | 100.00 |
| CATON | 100.00 |
| COHOCTON | 93.00 |
| CORNING TOWN | 100.00 |
| DANSVILLE | 100.00 |
| ERWIN | 99.00 |
| FREMONT | 100.00 |
| GREENWOOD | 100.00 |
| HARTSVILLE | 100.00 |
| HORNBY | 100.00 |
| HORNELLSVILLE | 100.00 |
| HOWARD | 52.50 |
| JASPER | 4.65 |
| LINDLEY | 3.00 |
| PRATTSBURGH | 100.00 |
| PULTENEY | 100.00 |
| RATHBONE | 91.00 |
| THURSTON | 3.76 |
| TROUPSBURG | 48.50 |
| TUSCARORA | 3.62 |
| 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. 152-13

Introduced by P. McAllister.

Seconded by H. Lando.

FILING THE REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2014.

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 2014, 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.

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2014
 BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2013

STEBEN COUNTY

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10/18/2013

| 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 | 40,377,630 | 34,381,571 | 0.9200 | 37,371,273 | 33,200,426 | 33,541,533 |
| 462001 | VILLAGE OF ADDISON | 79,454,432 | 47,214,742 | 0.9200 | 51,320,372 | 45,033,360 | 45,457,323 |
| | TOWN TOTALS | 119,832,062 | 81,596,313 | | 88,691,645 | 78,233,786 | 78,998,856 |
| 462289 | AVOCA | 84,372,329 | 74,855,936 | 1.0000 | 74,855,936 | 72,548,633 | 73,723,812 |
| 462201 | VILLAGE OF AVOCA | 43,260,308 | 23,524,941 | 1.0000 | 23,524,941 | 22,011,764 | 22,708,763 |
| | TOWN TOTALS | 127,632,637 | 98,380,877 | | 98,380,877 | 94,560,397 | 96,432,575 |
| 462489 | BATH | 186,231,148 | 126,628,391 | 0.4700 | 269,422,109 | 123,272,140 | 124,871,759 |
| 462401 | VILLAGE OF BATH | 181,712,133 | 100,946,066 | 0.4700 | 214,778,864 | 97,082,313 | 98,322,282 |
| 462403 | VILLAGE OF SAVONA | 16,234,052 | 9,793,178 | 0.4700 | 20,836,549 | 9,221,503 | 9,448,720 |
| | TOWN TOTALS | 384,177,333 | 237,367,635 | | 505,037,522 | 229,575,956 | 232,642,761 |
| 462600 | BRADFORD | 40,223,598 | 34,272,571 | 0.9300 | 36,852,227 | 33,156,168 | 36,996,959 |
| | TOWN TOTALS | 40,223,598 | 34,272,571 | | 36,852,227 | 33,156,168 | 36,996,959 |
| 462800 | CAMERON | 62,434,782 | 43,352,262 | 0.9200 | 47,122,024 | 41,871,689 | 43,596,593 |
| | TOWN TOTALS | 62,434,782 | 43,352,262 | | 47,122,024 | 41,871,689 | 43,596,593 |
| 463000 | CAMPBELL | 6,424,087 | 4,222,885 | 0.0295 | 143,148,644 | 3,981,108 | 4,133,208 |
| | TOWN TOTALS | 6,424,087 | 4,222,885 | | 143,148,644 | 3,981,108 | 4,133,208 |
| 463289 | CANISTEO | 84,291,227 | 73,217,439 | 1.0000 | 73,217,439 | 71,202,134 | 72,091,732 |
| 463201 | VILLAGE OF CANISTEO | 84,524,922 | 60,833,874 | 1.0000 | 60,833,874 | 57,292,598 | 58,739,987 |
| | TOWN TOTALS | 168,816,149 | 134,051,313 | | 134,051,313 | 128,494,732 | 130,831,719 |

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2014
 BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2013

STEBUBEN COUNTY

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10/18/2013

| 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 |
|------------------|----------------------|---|---|-------------------|-------------------------|-------------------------------------|-----------------------------------|
| 463400 | CATON | 159,976,107 | 155,582,813 | 1.0000 | 155,582,813 | 152,369,290 | 153,813,656 |
| | TOWN TOTALS | 159,976,107 | 155,582,813 | | 155,582,813 | 152,369,290 | 153,813,656 |
| 463689 | COHOCTON | 221,437,148 | 80,146,636 | 0.9300 | 86,179,178 | 77,429,683 | 78,271,099 |
| 463601 | VILLAGE OF COHOCTON | 29,618,320 | 24,524,746 | 0.9300 | 26,370,695 | 23,426,022 | 23,996,421 |
| | TOWN TOTALS | 251,055,468 | 104,671,382 | | 112,549,873 | 100,855,705 | 102,267,520 |
| 463889 | CORNING | 418,314,566 | 306,041,207 | 1.0000 | 306,041,207 | 298,847,443 | 301,805,907 |
| 463801 | VILLAGE OF RIVERSIDE | 34,940,400 | 32,711,065 | 1.0000 | 32,711,065 | 31,742,066 | 32,475,896 |
| 463803 | VILLAGE OF S CORNING | 53,098,757 | 48,717,028 | 1.0000 | 48,717,028 | 46,843,498 | 48,038,425 |
| | TOWN TOTALS | 506,353,723 | 387,469,300 | | 387,469,300 | 377,433,007 | 382,320,228 |
| 460300 | CITY OF CORNING | 717,372,290 | 543,072,369 | 0.9800 | 554,155,479 | 529,135,875 | |
| | CITY TOTALS | 717,372,290 | 543,072,369 | | 554,155,479 | 529,135,875 | 0 |
| 464000 | DANSVILLE | 93,169,860 | 83,252,994 | 1.0000 | 83,252,994 | 80,712,781 | 83,320,959 |
| | TOWN TOTALS | 93,169,860 | 83,252,994 | | 83,252,994 | 80,712,781 | 83,320,959 |
| 464289 | ERWIN | 589,490,666 | 461,000,172 | 0.9900 | 465,656,739 | 453,308,336 | 452,949,739 |
| 464201 | VILLAGE OF PAINTED | 112,886,173 | 80,169,872 | 0.9900 | 80,979,669 | 77,948,572 | 77,749,037 |
| | TOWN TOTALS | 702,376,839 | 541,170,044 | | 546,636,408 | 531,256,908 | 530,698,776 |
| 464400 | FREMONT | 57,668,314 | 51,801,964 | 1.0000 | 51,801,964 | 50,391,655 | 51,612,172 |
| | TOWN TOTALS | 57,668,314 | 51,801,964 | | 51,801,964 | 50,391,655 | 51,612,172 |

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2014
 BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2013

STEBUBEN COUNTY

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10/18/2013

| 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 |
|------------------|----------------------|---|---|-------------------|-------------------------|-------------------------------------|-----------------------------------|
| 464600 | GREENWOOD | 188,820,360 | 55,316,713 | 1.0000 | 55,316,713 | 53,723,039 | 55,996,653 |
| | TOWN TOTALS | 188,820,360 | 55,316,713 | | 55,316,713 | 53,723,039 | 55,996,653 |
| 464800 | HARTSVILLE | 41,930,874 | 39,465,036 | 1.0000 | 39,465,036 | 38,165,154 | 39,228,908 |
| | TOWN TOTALS | 41,930,874 | 39,465,036 | | 39,465,036 | 38,165,154 | 39,228,908 |
| 465000 | HORNBY | 87,117,928 | 78,941,140 | 1.0000 | 78,941,140 | 77,119,766 | 81,782,444 |
| | TOWN TOTALS | 87,117,928 | 78,941,140 | | 78,941,140 | 77,119,766 | 81,782,444 |
| 465289 | HORNELLSVILLE | 177,929,322 | 145,235,215 | 1.0000 | 145,235,215 | 140,258,402 | 142,139,801 |
| 465201 | VILLAGE OF ALMOND | 775,795 | 773,795 | 1.0000 | 773,795 | 737,645 | 749,470 |
| 465203 | VILLAGE OF ARKPORT | 46,980,446 | 32,135,316 | 1.0000 | 32,135,316 | 30,316,614 | 30,778,203 |
| 465205 | VILLAGE OF N HORNELL | 51,244,142 | 37,461,492 | 1.0000 | 37,461,492 | 35,254,288 | 35,911,547 |
| | TOWN TOTALS | 276,929,705 | 215,605,818 | | 215,605,818 | 206,566,949 | 209,579,021 |
| 460600 | CITY OF HORNELL | 347,044,632 | 235,893,611 | 1.0000 | 235,893,611 | 228,963,869 | |
| | CITY TOTALS | 347,044,632 | 235,893,611 | | 235,893,611 | 228,963,869 | 0 |
| 465400 | HOWARD | 86,432,761 | 46,168,651 | 0.5250 | 87,940,288 | 45,126,819 | 45,792,230 |
| | TOWN TOTALS | 86,432,761 | 46,168,651 | | 87,940,288 | 45,126,819 | 45,792,230 |
| 465600 | JASPER | 5,526,689 | 2,989,039 | 0.0465 | 64,280,409 | 2,869,036 | 2,919,970 |
| | TOWN TOTALS | 5,526,689 | 2,989,039 | | 64,280,409 | 2,869,036 | 2,919,970 |

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2014
 BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2013

STEBUBEN COUNTY

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10/18/2013

| 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 |
|------------------|---------------------|---|---|-------------------|-------------------------|-------------------------------------|-----------------------------------|
| 465800 | LINDLEY | 3,026,971 | 2,641,218 | 0.0300 | 88,040,600 | 2,533,036 | 2,575,112 |
| | TOWN TOTALS | 3,026,971 | 2,641,218 | | 88,040,600 | 2,533,036 | 2,575,112 |
| 466000 | PRATTSBURGH | 128,329,266 | 116,042,097 | 1.0000 | 116,042,097 | 113,113,308 | 114,167,414 |
| | TOWN TOTALS | 128,329,266 | 116,042,097 | | 116,042,097 | 113,113,308 | 114,167,414 |
| 466200 | PULTENEY | 275,767,062 | 266,449,040 | 1.0000 | 266,449,040 | 261,470,910 | 264,677,038 |
| | TOWN TOTALS | 275,767,062 | 266,449,040 | | 266,449,040 | 261,470,910 | 264,677,038 |
| 466400 | RATHBONE | 58,357,797 | 47,813,251 | 0.9100 | 52,542,034 | 46,548,222 | 46,995,809 |
| | TOWN TOTALS | 58,357,797 | 47,813,251 | | 52,542,034 | 46,548,222 | 46,995,809 |
| 466600 | THURSTON | 2,769,227 | 2,664,518 | 0.0376 | 70,864,840 | 2,566,090 | 2,663,379 |
| | TOWN TOTALS | 2,769,227 | 2,664,518 | | 70,864,840 | 2,566,090 | 2,663,379 |
| 466800 | TROUPSBURG | 55,808,110 | 38,509,658 | 0.4850 | 79,401,357 | 37,927,080 | 38,217,944 |
| | TOWN TOTALS | 55,808,110 | 38,509,658 | | 79,401,357 | 37,927,080 | 38,217,944 |
| 467000 | TUSCARORA | 2,728,720 | 2,638,810 | 0.0362 | 72,895,304 | 2,580,898 | 2,614,103 |
| | TOWN TOTALS | 2,728,720 | 2,638,810 | | 72,895,304 | 2,580,898 | 2,614,103 |
| 467289 | URBANA | 262,990,909 | 243,067,187 | 1.0000 | 243,067,187 | 239,347,009 | 239,899,788 |
| 467201 | VILLAGE OF | 59,554,675 | 47,481,040 | 1.0000 | 47,481,040 | 46,333,170 | 46,346,520 |
| | TOWN TOTALS | 322,545,584 | 290,548,227 | | 290,548,227 | 285,680,179 | 286,246,308 |

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2014
 BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2013

STEBEN COUNTY

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10/18/2013

| 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 |
|-----------|--------------------|--------------------------------------|--|------------|------------------|------------------------------|----------------------------|
| 467489 | WAYLAND | 180,743,221 | 136,960,783 | 1.0000 | 136,960,783 | 133,909,072 | 134,087,041 |
| 467401 | VILLAGE OF WAYLAND | 71,449,325 | 64,061,898 | 1.0000 | 64,061,898 | 62,326,693 | 61,827,101 |
| | TOWN TOTALS | 252,192,546 | 201,022,681 | | 201,022,681 | 196,235,765 | 195,914,142 |
| 467600 | WAYNE | 292,733,646 | 287,866,566 | 1.0000 | 287,866,566 | 284,126,656 | 284,922,322 |
| | TOWN TOTALS | 292,733,646 | 287,866,566 | | 287,866,566 | 284,126,656 | 284,922,322 |
| 467800 | WEST UNION | 24,293,980 | 21,003,916 | 0.5300 | 39,630,030 | 20,778,854 | 20,838,282 |
| | TOWN TOTALS | 24,293,980 | 21,003,916 | | 39,630,030 | 20,778,854 | 20,838,282 |
| 468000 | WHEELER | 68,503,722 | 59,991,140 | 1.0000 | 59,991,140 | 58,016,433 | 60,023,090 |
| | TOWN TOTALS | 68,503,722 | 59,991,140 | | 59,991,140 | 58,016,433 | 60,023,090 |
| 468200 | WOODHULL | 113,695,581 | 106,692,040 | 1.0000 | 106,692,040 | 101,706,836 | 102,373,742 |
| | TOWN TOTALS | 113,695,581 | 106,692,040 | | 106,692,040 | 101,706,836 | 102,373,742 |
| | COUNTY TOTALS | 6,032,068,410 | 4,618,527,892 | | 5,454,162,054 | 4,497,847,956 | 3,785,193,893 |

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 VALUATIONS IN THE CITIES AND TOWNS IN STEUBEN COUNTY, AS DETERMINED BY THE BOARD OF LEGISLATORS ON THE 25TH DAY OF NOVEMBER, 2013.

SIGNED: WENDY G FLAITZ, DIRECTOR, STEUBEN COUNTY REAL PROPERTY TAX SERVICE AGENCY DATED: 11/25/13

Note: Roll Call – Adopted.

RESOLUTION NO. 153-13

Introduced by M. Hanna.

Seconded by S. Van Etten.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO REMOVE WEIGHT REQUIREMENTS FOR TRANSFER STATION GARBAGE TO RECEIVE A REDUCED TIPPING FEE.

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

WHEREAS, the County estimates that 30,000 to 40,000 tons of solid waste is being exported from Steuben County to lower priced, privately-operated landfills; and

WHEREAS, there are transfer stations operating both inside and outside of the County that transfer part of this waste; and

WHEREAS, the County desires that those transfer stations utilize the Bath Landfill; and

WHEREAS, in order to gain back part of this waste the tip fee at the Bath Landfill for mixed municipal solid waste (MSW) was reduced from \$42.00/ton to \$35.00/ton under the conditions that the waste be from permitted or registered transfer stations, in transfer trailers, in loads of at least twenty tons; and

WHEREAS, the minimum tonnage requirement has been found to be impractical in the daily operation of a transfer station; and

WHEREAS, the requirement that the waste be in transfer trailer loads from a permitted or registered transfer station has been found to be a sufficient verification measure.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby authorize the Commissioner of Public Works to remove the minimum tonnage requirement from the \$35.00/ton tip fee; and be it further

RESOLVED, the tip fee will be granted upon verification of the appropriate permit or registration by the transfer station; and be it further

RESOLVED, the removal of the minimum tonnage requirement shall take effect December 2, 2013; 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, both from inside and outside the County; and be it further

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

Mr. Ryan asked for an explanation. Mr. Spagnoletti explained Swarthout takes 8,000 tons of garbage to Seneca Meadows. We previously had lowered the tipping fee to \$35.00 per ton, with a minimum 20 ton requirement per load. Some loads were just under or just over that requirement. According to the resolution that was passed in January, if any loads were less than 20 tons, they would be charged at the higher rate. Since Swarthout is adhering to the intent of what we wanted, he is requesting that they remove the 20 ton restriction.

Mr. Ryan asked will Swarthout be getting a better rate than other haulers? Mr. Spagnoletti replied he is getting the same rate as any other hauler bringing garbage in from a transfer station. The standard rate is \$42.00 per ton. The lower rate is for garbage that is brought in a transfer trailer, from a transfer station.

Mr. Van Etten asked what was the original requirement? Mr. Spagnoletti stated if we didn't put a weight requirement, the concern was that someone would ask for the lower rate saying that they were from a transfer station and the concern was how we would monitor that. If we put in a weight limit, then the scale house would know exactly. If a hauler brings in a load and says they are from a transfer station, they have to have a registration or permit from the Department of Environmental Conservation (DEC) and that is tightly controlled. When they come through to be weighed, we can validate that at the scale house and it is no longer a concern.

Mr. McAllister commented that he thought the Public Works Committee had set the requirement at 16 tons. Mr. Spagnoletti replied the committee did discuss that, but we found that we did not need the tonnage restriction. The committee then agreed to remove the weight restriction.

Mr. Mullen asked is it possible that other haulers would take their garbage to Swarthout in order to get the reduced rate? Mr. Spagnoletti replied he does not think that will happen as Swarthout is located in Beaver Dams; but we will monitor it.

Mrs. Ferratella asked is there a minimum tonnage required? Mr. Spagnoletti replied with this resolution there would not be a tonnage requirement. The only requirement will be that the garbage is from a transfer station and hauled in a transfer trailer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 154-13

Introduced by M. Hanna.

Seconded by B. Schu.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO TAKE OWNERSHIP OF 4.6 MILES OF OLD STATE ROUTE 15 FROM KUHL ROAD TO PRESNO, UPON ORDER FROM NEW YORK STATE DEPARTMENT OF TRANSPORTATION.

WHEREAS, as part of the State's new alignment of that route commonly known and designated as U.S. and New York State Route 15 in the Town of Lindley, the County will be required to take ownership of approximately 4.6 miles of this aforementioned route; and

WHEREAS, said route is described as follows: commencing at a point approximately 1,100' south of the intersection of the existing State Route 15 with Watson Creek Road and ending approximately 4.6 miles north at the intersection of the existing State Route 15 with Indian Hills Road in the Town of Lindley; this section of road being 40 feet wide with 12 foot lanes and 8 foot paved shoulders; and

WHEREAS, the Public Works Committee, at their November 4, 2013 meeting, approved the acceptance of said route from the State of New York and amending the County Highway Map to include same as part of County Route 115; and

WHEREAS, the acceptance of this property in its entirety is inclusive of all Rights, Titles and Interests and is contingent upon notification by the New York State Department of Transportation of the approval of this abandonment; and

WHEREAS, this abandonment is in accordance with Section 10(32) of the New York State Highway Law.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature, duly convened, does hereby approve the above-subject

abandonment and amendment to the County Highway Map; and be it further

RESOLVED, that upon the completion and acceptance of the final phase of State Route 15 (proposed Route I99) – Watson Creek Road to Presho, and if the State of New York approves the abandonment of all Rights, Titles, and Interests now held by the People of the State of New York in and to the existing State Route 15 Highway Right-of-Way from a point approximately 1,100' south of the intersection of the existing State Route 15 with Watson Creek Road and ending approximately 4 .6 miles north at the intersection of the existing State Route 15 with Indian Hills Road in the Town of Lindley; and be it further

RESOLVED, that upon notification by the New York State Department of Transportation of the approval of said abandonment, the Steuben County Legislature hereby approves the acceptance of the above-subject property in its entirety inclusive of all Rights, Titles and Interests; and be it further

RESOLVED, that the Chairperson of the Steuben County Legislature be and is hereby authorized to execute all necessary agreements or certifications on behalf of the County of Steuben with the New York State Department of Transportation in connection with the advancement or approval of the said abandonment; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation and the Commissioner of Public Works.

Mrs. Ferratella asked what will be the condition of the road when they transfer it to the County? Mr. Spagnoletti replied they will recycle, pave and install new guide rail and signs.

**Vote: Roll Call – Adopted. (Yes – 8093; No – 1056; Absent – 723)
(No – Legislators Crossett and Weaver; Absent – Legislator Roush)**

RESOLUTION NO. 155-13

Introduced by M. Hanna.

Seconded by H. Lando.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO TAKE OWNERSHIP OF 0.29 MILES OF LINDLEY'S INDIAN HILLS ROAD, A/K/A HOVEY ROAD, FROM OLD STATE ROUTE 15 TO CR 73.

WHEREAS, as part of the new alignment of that route commonly known and designated as U.S. and New York State Route 15 in the Town of Lindley, the County is scheduled to take ownership of additional mileage of old NYS Route 15 from miles 1.05 through 5.65; and

WHEREAS, Old NYS Route 15 will then connect into the Town of Lindley Road known as Indian Hills Road which will then connect to Steuben CR 73; and

WHEREAS, more efficient road maintenance and snowplowing will result if the County takes ownership of the approximately 0.29 miles of the Town Road designated as the Indian Hills Road; and

WHEREAS, said road is described as follows: commencing at its intersection with existing State Route 15 and ending approximately 0.29 miles north at its intersection with County Route 73 in the Town of Lindley; this section of road varying from 30 feet wide with 12 foot lanes and 3 foot gravel shoulders to 42 feet wide with 12 foot lanes and 9 foot paved shoulders; and

WHEREAS, the Public Works Committee, at their November 4, 2013 meeting, recommended that the County of Steuben assume ownership and responsibility for said road and amend the County Highway Map to include same as part of County Route 115; and

WHEREAS, by resolution duly adopted by the Lindley Town Board on October 30, 2013 a copy of which is filed with the Steuben County Clerk of the Legislature, the Town of Lindley has requested the County to assume ownership and responsibility for said road.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature, duly convened, does hereby approve the above-subject transfer of ownership and responsibility and amendment to the County Highway Map; and be it further

RESOLVED, that upon completion and acceptance of miles 1.05 through 5.65 of State Route 15 (proposed Route I99) – Watson Creek Road to Presho, the Commissioner of Public Works is authorized and directed to amend the County Highway Map to include approximately 0.29 miles of Indian Hills Road as part of County Route 115 as above described, and that the County does hereby assume ownership of and responsibility for said road; and be it further

RESOLVED, a certified copy of this resolution shall be filed with the New York State Commissioner of Transportation, the Commissioner of Public Works, and the Lindley Town Clerk.

Vote: Roll Call – Adopted.

RESOLUTION NO. 156-13

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, 2014.

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 room rate increase of semi-private room rate from \$295 to \$305 per day and the private room rate from \$305 to \$315 per day.

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;

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 room rate from \$295 to \$305 per day and the private room rate from \$305 to \$315 per day effective January 1, 2014; 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. 157-13

Introduced by P. McAllister.

Seconded by C. Ferratella.

AUTHORIZING AGREEMENT WITH TOWN OF CORNING FOR WITHDRAWAL FROM THE STEUBEN COUNTY WORKERS' COMPENSATION SELF-INSURANCE PLAN.

WHEREAS, by Local Law No. Eight for the Year 2007, amended by Local Law No. Two for the Year 2010 (the "Local Law"), the County provided for the administration of the Steuben County Workers' Compensation Self-Insurance Plan (the "Plan"); and

WHEREAS, Section 4 of the Local Law sets the requirements for Entry and Withdrawal of Participants from the Plan; and

WHEREAS, the Town of Corning withdrew from the Plan in 2004; and

WHEREAS, due to an oversight on the part of the County and the Town, the Town has not yet paid its equitable share of the outstanding liabilities of the Plan as required by Section 4 of the Local Law; and

WHEREAS, the County and the Town have reached a tentative agreement whereby the Town will pay the County the sum of \$21,000 as its equitable share of the outstanding liabilities of the Plan.

NOW THEREFORE, BE IT

RESOLVED, that the Legislature hereby approves the tentative agreement with the Town of Corning for its equitable share of the outstanding liabilities of the Plan in the amount of \$21,000; and be it further

RESOLVED, that the County Attorney and the Risk Manager are hereby authorized to execute any and all documents necessary to finalize the agreement with the Town of Corning; and be it further

RESOLVED, that the County Treasurer is hereby authorized to accept and appropriate the sum of \$21,000 into the appropriate Plan accounts; and be it further

RESOLVED, certified copies of this resolution shall be forward to the Steuben County Risk Manager and Kimberly Feehan, Corning Town Supervisor, 20 South Maple Street, Corning, NY 14830.

Mr. McAllister asked for an explanation. Mr. Alger stated in 2004, the Town of Corning withdrew from the County's workers' compensation plan. For a period of time, due to changes in personnel, the matter was lost. There was no determination on what the town should pay the County for exiting the plan. In settlement of that situation, it was determined that \$21,000 would be paid to the County.

Mr. Farrand asked is this a one-time payment? Mr. Alger replied that he believes it is a one-time payment. The following resolution deals with the claims that remain and those will go through the town.

Mr. Van Etten commented that the Legislature should be aware that we have paid well over \$200,000 on behalf of the town since they left our plan. The amount that Mr. Isaman and the Town of Corning came up with was a very good deal for the Town.

Mr. Mullen asked why is \$21,000 a good number if we have paid \$200,000 out? Mr. Alger replied that is the number that we probably would have come up with in 2004 when they originally left the plan. Mr. Van Etten commented this recognizes that the County screwed up and at the time was in between Risk Managers and the issue was not handled when the town left the plan. It has taken a long time to get this resolved.

Mr. Mullen asked if they are paying \$21,000, why are we assuming the \$200,000? Mr. Alger explained in previous years, we did not automatically lose the tail claims. Unless we adopt the following resolution, we would retain that tail claim. Now when a town has withdrawn from our plan, they automatically take the tails.

Vote: Roll Call – Adopted.

RESOLUTION NO. 158-13

Introduced by P. McAllister.

Seconded by S. Van Etten.

AUTHORIZING TRANSFER OF WORKERS' COMPENSATION CLAIM TO TOWN OF CORNING.

WHEREAS, the Town of Corning, NY, ("Town") formerly was a participant in the Steuben County Self-Insured Workers' Compensation Plan ("Steuben Plan"); and

WHEREAS, the Town withdrew from the Steuben Plan effective January 1, 2004; and

WHEREAS, the Steuben Plan continued to administer Town compensation cases which arose prior to January 1, 2004; and

WHEREAS, the Steuben Plan continues to administer one (1) open Town compensation case; and

WHEREAS, the Town desires the Steuben Plan to transfer the administration of the open case to a new administrator (Wright Risk); and

WHEREAS, the Town desires that if in the future there be any reopened Town case(s) which was/were initially administered under Steuben Plan, that the administration of such case(s) be transferred to Wright Risk.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby approves the transfer of the administration of the Town's one (1) open case and any reopened Town case(s) in the future to Wright Risk; and be it further

RESOLVED, that the Administrator of the Steuben Plan is hereby authorized to deliver the entire contents of the one (1) open Town case, as well as the contents of any future reopened Town case(s), to Wright Risk, 333 Earle Ovington Blvd., Suite 505, Uniondale, NY 11553-3624; and be it further

RESOLVED, certified copies of this resolution shall be forward to the Steuben County Risk Manager and Kimberly Feehan, Corning Town Supervisor, 20 South Maple Street, Corning, NY 14830.

Vote: Roll Call – Adopted.

RESOLUTION NO. 159-13

Introduced by C. Ferratella and P. McAllister.

Seconded by H. Lando.

AUTHORIZING THE RECLASSIFICATION OF AN ASSISTANT PSYCHOLOGIST POSITION TO A STAFF PSYCHOLOGIST POSITION WITHIN THE OFFICE OF COMMUNITY SERVICES.

Pursuant to Section 204 of the County Law of the State of New York.

WHEREAS, this Assistant Psychologist in the Office of Community Services provides counseling and psychological services to clients/patients; and

WHEREAS, this Assistant Psychologist will have added duties of being a licensed provider; and

WHEREAS, a Staff Psychologist position more appropriately performs these duties; and

WHEREAS, the Personnel Officer, the Administration Committee, and Human Services Health and Education, Committee have reviewed said position within the Office of Community Services that requires a job title change and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Office of Community Services is hereby reclassified as follows:

Assistant Psychologist, Grade XVIII (\$55,373 to \$78,175) to
Staff Psychologist, Grade XIX (\$64,656 to \$91,281)

AND BE IT FURTHER RESOLVED, that the 2013 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 Director of Community Services.

Vote: Roll Call – Adopted.

RESOLUTION NO. 160-13

Introduced by P. McAllister.

Seconded by R. Weaver.

AUTHORIZING THE COUNTY ADMINISTRATOR TO RENEW AN EXISTING AGREEMENT WITH THE NEW YORK STATE UNIFIED COURT SYSTEM FOR CLEANING SERVICES AS WELL AS MINOR AND EMERGENCY REPAIRS.

WHEREAS, the County Administrator has advised the Administration Committee that the New York State Unified Court System is desirous of renewing an existing agreement with Steuben County for cleaning services as well as minor and emergency repairs to the court facilities.

NOW THEREFORE, BE IT

RESOLVED, that the County Administrator is hereby authorized to renew an existing agreement for cleaning services, as well as minor and emergency repairs for the period of State Fiscal Years 2013-2014 through 2017-2018, effective April 1, 2013 and terminating March 31, 2018; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Amy O’Connell, New York State Unified Court System 161 Hall of Justice, Rochester, NY 14614.

Vote: Roll Call – Adopted.

A M E N D E D

RESOLUTION NO. 161-13

Introduced by B. Schu.

Seconded by S. Van Etten.

AUTHORIZING A CONTRACT FOR ADMINISTRATION OF THE COUNTY'S ASSIGNED COUNSEL PROGRAM.

WHEREAS, the Office of Court Administration has recommended the separation of the Assigned Counsel Program and Public Defender's Office; and

WHEREAS, the separation is intended to clearly avoid even the appearance of any impropriety or conflict of interest; and

WHEREAS, Assigned Counsel Administrator and his firm are not permitted to receive or make any assignments themselves; and

WHEREAS, the County Administrator has made recommendations to the Public Safety and Corrections Committee following issuance of request for proposals; and

WHEREAS, the Public Safety & Corrections Committee is recommending a contract with Joseph G. Pelych, Esq. of Hornell, New York for the annual sum of \$45,000.00, effective December 1, 2013.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Administrator is hereby authorized to execute a contract with Joseph G. Pelych, Esq. provide the Assigned Counsel Administrator services; and be it further

RESOLVED, that said contract shall be for one year for the sum of \$45,000.00 and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Joseph G. Pelych, Esq., 211 Main Street, Hornell, NY 14843; Steuben County Administrator; the Public Defender; Steuben County Attorney; and Steuben County Treasurer.

Mr. Alger asked that the resolution be filled in to reflect a contract with Joseph G. Pelych, Esq. to provide Assigned Counsel Administrator services at a rate of \$45,000 per year, effective December 1, 2013.

Mrs. Ferratella stated that she will be abstaining as she is related to one of the applicants.

**Vote: Roll Call – Adopted. (Absent – 723; Abstained – 513)
(Absent – Legislator Roush; Abstained – Legislator Ferratella)**

RESOLUTION NO. 162-13

Introduced by J. Hauryski.

Seconded by H. Lando.

SETTING THE DATE, TIME AND PLACE OF THE MEETING FOR THE ORGANIZATION OF THE STEUBEN COUNTY LEGISLATURE FOR THE YEARS 2014 AND 2015.

Pursuant to Section 151 and Section 450 of the County Law of the State of New York.

BE IT RESOLVED, this Steuben County Legislature shall meet at the Legislative Chambers on Pulteney Square in the Village of Bath, New York, on Thursday, the 2nd day of January, 2014, at 10:00 A.M. for the purpose of the transaction of any business that may properly come before any regular meeting of this Legislature; 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: Roll Call – Adopted.

RESOLUTION NO. 163-13

Introduced by J. Hauryski.

Seconded by R. Weaver.

RESOLUTION IN SUPPORT OF ESTABLISHING A SOUTHERN TIER OFFICE OF MENTAL HEALTH.

WHEREAS, the New York State Office of Mental Health (OMH) has proposed a major redesign of the agency under a "Regional Centers of Excellence" (RCE) model and has divided the state into five distinct regions (Western, Central, Hudson River, New York City and Long Island) with fifteen RCE; and

WHEREAS, the OMH PLAN in its current form designates the closure of all state operated inpatient services at the Elmira Psychiatric Center and Greater Binghamton Health Center by July 2014 and creates two Community Outpatient Service Hubs at those locations instead; and

WHEREAS, the Greater Binghamton and Elmira Centers currently serve a largely rural population of nearly 1.5 million people in fifteen counties of the Southern Tier and parts of the Finger Lakes, covering over 11,400 square miles, comprising nearly one quarter of the state and lacking access to public transportation; and

WHEREAS, the OMH plan exclusively follows an urban "thruway corridor" model, requiring rural, often poor, residents of the Southern Tier to travel hours to urban areas along the New York State Thruway for inpatient care (Buffalo or Syracuse for adults and Buffalo or Utica for children); and

WHEREAS, the United States Government has already designated many of the counties served by Elmira and Greater Binghamton to be "Federally Designated Underserved Areas," prior to the removal of inpatient services by OMH; and

WHEREAS, the OMH plan removes 100% of the state operated child and adolescent inpatient services from these fifteen rural counties, and would also have these fifteen counties with no private hospital children's beds (under 12 years of age) and only six private hospital adolescent beds (ages 12-17) located in Tompkins County; and

WHEREAS, the OMH plan leaves local hospitals that predominately rely on public mental health services to choose between high risk discharges or weeks of uncompensated care, while awaiting access to the urban RCE; and

WHEREAS, the Greater Binghamton and Elmira Centers are among the top performing hospitals in OMH relative to access, quality and productivity, providing timely access to a comprehensive array of high quality child and adult acute, intermediate, residential educational, clinic and recovery focused services; and

WHEREAS, the Greater Binghamton and Elmira Centers began working together in late 2012 toward combining operational elements, reducing the duration of inpatient hospitalization and achieving joint efficiencies that are amongst the best in OMH; and

WHEREAS, the Elmira and Greater Binghamton Centers have substantially achieved most of the access, quality and productivity objectives ostensibly serving as the basis of the OMH RCE; and

WHEREAS, while this body largely supports the overall goals of the OMH plan, it is inadequate to meet the challenges of the most economically distressed part of the state at a time when the need for mental health services is on the rise.

NOW, THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature urges the Commissioner of Mental Health, Governor Andrew Cuomo, the New York State Senate and the New York State Assembly to support the inclusion of a Southern Tier OMH Region with a Southern Tier based RCE, serving the Southern Tier and portions of the Finger Lakes to provide continued access to child, adolescent and adult inpatient and community services, managed under a locally responsive rural model as an alternative to the exclusively urban thruway model currently under consideration; and be it further

RESOLVED, certified copies of this resolution be sent to the Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Dean Skelos, NYS Senate Republican Conference Leader And Majority Coalition Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Jeffrey Klein, NYS Senate Independent Conference Leader And Majority Coalition Leader, 913 Legislative Office Building, Albany, NY 12247; Honorable Andrea Stewart-Cousins, Minority Leader, New York State Senate, 907 Legislative Office Building, Albany, NY 12247; Honorable Sheldon Silver, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Joseph D. Morelle, Majority Leader, New York State Assembly, 926 Legislative Office Building, Albany, NY 12248; Honorable Brian M. Kolb, Minority Leader, New York State Assembly, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 415 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 723 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 439 Legislative Office Building, Albany, NY 12248; Honorable Bill Nojay, New York State Assemblyman, 527 Legislative Office Building, Albany, NY 12248; Honorable Michael P. Kearns, New York State Assemblyman, 431 Legislative Office Building, Albany, NY 12248; Stephen J. Acquario, Executive Director, New York State Association of Counties, 540 Broadway, Albany, NY 12207; Honorable Jerry Davis, President, Inter-County Association of Western New York, c/o Wyoming County Board of Supervisors, Government Center, 143 North Main Street, Warsaw, NY 14569; Ann Marie T. Sullivan, M.D., Acting Commissioner, NYS Office of Mental Health, 44 Holland Avenue, Albany, New York 12229; and Henry Chapman, Psy. D., Director, Steuben County Office of Community Services.

Vote: Roll Call – Adopted.

RESOLUTION NO. 164-13

Introduced by J. Hauryski.

Seconded by B. Schu.

APPOINTING A MEMBER TO THE SOUTHERN TIER EXTENSION RAILROAD AUTHORITY.

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

WHEREAS, Article 8, Title 28-A-A 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 has resigned.

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:

Randolph J. Weaver
Steuben County Legislator
88 Genesee Street
Hornell, NY 14843

Term: September 1, 2013 through August 31, 2016
Filling the unexpired term of Dan C. Farrand

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.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, 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. Weaver. Seconded by Mr. Mullen 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.

BUDGET WORKSHOP

Chairman Hauryski opened the floor for any comments or questions regarding the proposed 2014 budget. There being none, he declared the Budget Workshop closed.

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

SPECIAL MEETING
Evening Session
Monday, November 25, 2013
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 25th day of November, 2013, 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 for Legislator Roush.

Mr. Mullen provide the Invocation and the Pledge of Allegiance was led by Mr. Hanna.

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 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 none, 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 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 none, 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 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 none, 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. Four for the Year 2013, 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 2014. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being none, 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 on the Tentative Budget for the Fiscal Year Beginning January 1, 2014. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being none, he declared the Public Hearing closed.

RESOLUTION NO. 165-13

Introduced by P. McAllister.

Seconded by H. Lando.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2013, 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 2014.

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 October 28, 2013, County of Steuben Local Law Tentatively No. Four for the Year 2013, 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 2014, and this Legislature by resolution, preliminarily adopted said Local Law on October 28, 2013, making the final adoption of said Local Law subject to a Public Hearing to be held on November 25, 2013, 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 25, 2013 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. Four for the Year 2013, as hereinafter set forth be and the same hereby is finally adopted, to wit:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2013**

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 2014.

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 2014, 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 2014 as follows, to wit:

| <u>TITLE</u> | <u>2013 SALARY</u> | <u>2014 SALARY</u> |
|-------------------------------|--------------------|--------------------|
| Clerk of the Legislature | \$ 58,292 | \$ 59,749 |
| Commissioners, Elections | \$ 47,693 | \$ 48,885 |
| Commissioner, Public Works | \$ 95,079 | \$ 97,456 |
| Commissioner, Social Services | \$ 91,730 | \$ 94,024 |
| County Attorney | \$ 107,625 | \$ 110,316 |
| County Auditor | \$ 47,574 | \$ 48,743 |

| | | |
|-------------------|-----------|-----------|
| County Clerk | \$ 58,038 | \$ 61,000 |
| County Treasurer | \$ 82,000 | \$ 84,050 |
| Personnel Officer | \$ 84,788 | \$ 86,908 |
| Public Defender | \$ 88,592 | \$ 90,807 |
| Sheriff | \$ 79,128 | \$ 81,106 |

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. Welch stated that he would abstain as he is related to a Department Head listed on the resolution.

Vote: Roll Call – Adopted. (Yes – 6,341; No – 2,266; Absent – 723; Abstained – 542)
(No: Legislators Farrand, Mullen, Ryan and Weaver; Abstained: Legislator Welch)

RESOLUTION NO. 166-13

Introduced by L. Crossett.

Seconded by H. Lando.

FINAL ADOPTION OF THE ANNUAL COUNTY BUDGET FOR THE FISCAL YEAR 2014.

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 2014 were duly filed with the Clerk of the County Legislature on or before November 15, 2013, 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 25, 2013, 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 2014; 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 2014 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 2014; 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, 2014, or thereafter in the Year 2014, 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 2014:

| <u>Department / Project</u> | <u>Total Appropriation</u> |
|---|----------------------------|
| Information Technology | \$240,212 |
| Buildings & Grounds | 18,500 |
| Real Property Tax | 40,829 |
| Public Works | 5,191,426 |
| Solid Waste | 913,902 |
| Emergency 911 | 150,000 |
| Sheriff | 55,620 |
| Telecommunications Phone System Upgrade | 100,000 |
| Emergency Management | 62,500 |
| | <hr/> |
| | \$6,772,989 |

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 “Telecommunications Phone System Upgrade” are hereby appropriated from telephone chargebacks revenue; and be it further

RESOLVED, that those Capital Projects denoted as “Real Property Tax” are hereby funded from other existing capital projects as follows:

| | |
|--|--------------------|
| Close ‘RPTS CITRIX SYSTEM’ – H2500 1355H3 | \$12,670.65 |
| Close ‘W&M TRUCK’ – H3300 6610H1 | \$ 3,718.21 |
| Transfer from ‘ENERGY CONSERVATION PROJECT’ – HB010 HB0110 | <u>\$24,440.14</u> |
| Total | \$40,829.00 |

and be it further

RESOLVED, from and after January 1, 2014, 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, 2015, 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 2013 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 2014 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. 167-13

Introduced by L. Crossett.

Seconded by S. Van Etten.

AMENDING THE STEUBEN COUNTY BUDGET AND ADOPTING THE APPROPRIATION RESOLUTION FOR THE FISCAL YEAR 2014.

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 2014, 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 2014, 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 2014 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 2014 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 2014 to be raised by taxes amounting to the sum of \$48,710,297.00 reduced by the pro-rata and omitted taxes of \$37,004.05 and also reduced by anticipation of the sales tax credit in the amount of \$7,583,355.00 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, 2014; and be it further

RESOLVED, pursuant to Sections 356 and 360 of the County Law of the State of New York, the Tentative Budget presented November 14, 2013, and filed with the Clerk of the Legislature on November 14, 2013 for the Year 2014, and as amended, altered, or revised by this County Legislature to date, be and the same hereby is adopted by this Legislature as the Final Adopted Budget for Fiscal Year 2014; 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.

RESOLUTION NO. 168-13

Introduced by P. McAllister.

Seconded by D. Farrand.

COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2013 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 2013, 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 2014, 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 25, 2013, 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 25, 2013, 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 2013 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. 169-13

Introduced by P. McAllister.

Seconded by B. Schu.

ACCEPTING THE 2014 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 2014; 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. 170-13

Introduced by P. McAllister.

Seconded by H. Lando.

COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2013 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 2013 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 2014 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 25th day of November 2013, 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 25th day of November 2013, 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 2013 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. 171-13

Introduced by P. McAllister.

Seconded by R. Weaver.

DIRECTING THE LEVY OF THE UPPER FIVE MILE CREEK WATERSHED PROTECTION DISTRICT FOR TAXES DUE JANUARY 2014.

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 2014, levied upon the various parcels of land in the said Protection District in the amount of \$46,625 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. 172-13

Introduced by P. McAllister.

Seconded by S. Van Etten.

COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2013 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 2013 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 2014 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 25, 2013, 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 25th day of November 2013, 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 2013 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. 173-13

Introduced by P. McAllister.

Seconded by D. Farrand.

DIRECTING THE LEVY OF THE LAMOKA/WANETA LAKES' PROTECTION AND REHABILITATION DISTRICT FOR TAXES DUE JANUARY 2014.

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 2014, levied upon the various parcels of land in the said Lakes' Protection and Rehabilitation Districts in the amount of \$30,189.04 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. Mullen and duly carried.

REGULAR MEETING
Morning Session
Monday, December 16, 2013
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 16th day of December, 2013, 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 and McAllister.

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

Chairman Hauryski asked Scott Devine to come forward. Mr. Devine is an employee in the Department of Motor Vehicles. He presented him with a Certificate of Appreciation and a pin in recognition of his 30 years of service to Steuben County.

Chairman Hauryski asked Ruth Hann to come forward. Ms. Hann is an employee in the Public Defender's Office. He presented her with a Certificate of Appreciation and a watch in recognition of her retirement with 21 years of service to Steuben County.

Chairman Hauryski asked Jean Schreiner to come forward. Ms. Schreiner is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a plaque in recognition of her retirement with 25 years of service to Steuben County.

Chairman Hauryski asked Mike Keane to come forward. Mr. Keane is the Director of the Office for the Aging. He presented him with a Certificate of Appreciation and a plaque in recognition of his retirement with 29 years of service to Steuben County.

Chairman Hauryski asked Michael Hughes to come forward. Mr. Hughes is an employee in the Public Works Department. He presented him with a Certificate of Appreciation and a plaque in recognition of his retirement with 43 years of service to Steuben County.

Chairman Hauryski stated he would also like to recognize our Deputy Clerk, Amanda Chapman. He presented Mrs. Chapman with a Certificate of Appreciation and a pin in recognition of her 20 years of service to Steuben County.

Chairman Hauryski opened the floor for comments by members of the public. There being no comments, he declared the opportunity for public comment closed.

Mr. Reed stated 2013 was a big year for the fruitcake. Last year, Mr. Isaman had decided that I was a deserving candidate. In determining this year's candidate, many folks come to mind, but he is proud to announce that the District Attorney, Brooks Baker, is this year's recipient.

Motion approving the minutes of the previous meeting(s) made by Ms. Lattimer. Seconded by Mrs. Lando and duly carried.

Chairman Hauryski announced that following this morning's meeting, a luncheon will be held in honor of outgoing County Legislator Thomas J. Ryan, at the Bath County Club.

RESOLUTION NO. 174-13

Introduced by G. Swackhamer.

Seconded by S. Van Etten.

MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS, PROPERTY TAXES, AND OTHER REAL PROPERTY ACQUISITIONS AND 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. | <u>A-1</u> |
| Name | <u>William & Susan Makitra</u> |
| Parcel No. | <u>255.00-01-027.100</u> |
| Municipality | <u>Cameron Town</u> |
| Disposition | <u>Correction (parcel split)</u> |

Vote: Roll Call – Adopted.

RESOLUTION NO. 175-13

Introduced by J. Hauryski.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE DECEMBER 16, 2013 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 22, 2013

NYS Public Service Commission – Re: Request for assistance with the outreach and education efforts in the community to control utility costs during the winter heating season. *Referred to: Human Services/Health & Education Committee; Kathryn Muller, Commissioner of Social Services; and Michael Keane, OFA Director.*

December 2, 2013

NYS Department of Taxation and Finance – Re: State of New York’s acknowledgement of receipt of Resolution No. 103-13 which is the enactment to extend Steuben County’s additional one percent rate of sales and compensating use taxes for the period of December 1, 2013 through November 30, 2015. *Referred to: Filed with the Clerk of Legislature, Brenda Mori; and Patrick Donnelly, County Treasurer.*

NYS Department of Transportation – Re: Notification of vouchers recently sent to the State Comptroller that distributes the third quarter 2013-2014 Statewide Mass Transportation Operating Assistance (STOA) payments to the upstate formula bus systems. **Referred to: Amy Dlugos, Planning Director.**

Pro Act, Inc. – Re: Notification of the availability of Pro Act to provide discount prescription cards, brochures, flyers and program information packets for the Steuben County Prescription Discount Card Program. Representatives are also available to partake in county sponsored events to discuss the program with community members. **Referred to: Human Services/Health & Education Committee; Kathryn Muller, Commissioner of Social Services; Michael Keane, OFA Director; and Jack Wheeler, Deputy County Administrator.**

Harris Beach, PLLC, Attorneys at Law – Re: Pulteney Plaza, Inc. & Pulteney Plaza II, LLC, Distribution of Form RP-412-a and PILOT agreement for the project located in the Town of Corning, Village of Riverside, Steuben County. **Referred to: Finance and Administration Committees; Patrick Donnelly, County Treasurer; Wendy Flaitz, RPTSA Director; and Alan Reed, County Attorney.**

December 5, 2013

NYS Department of Agriculture and Markets – Re: Notification of Steuben County being awarded \$50,000 to assist Steuben County in its agricultural and farmland protection planning program. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

NYS Department of Environmental Conservation (DEC) – Re: The final plan for the Six Nations Unit Management Plan (Sugar Hill, Goundry Hill, Coon Hollow, Cinnamon Lake, Beaver Dams, South Bradford, Meads Creek, Dry Run, West Hill and Erwin Hollow State Forests) is available online at: www.dec.ny.gov/lands/22559.html. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

December 6, 2013

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$3,469, which represents the October 2013 retained surcharge revenue for Steuben County. **Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.**

December 9, 2013

NYS Office of the State Comptroller – Re: Notification of the Indigent Legal Services Fund (ILSF) 2013 Annual Report needs to be completed and filed in the Office of Community Renewal by March 1, 2014. **Referred to: Public Safety & Corrections Committee; and Philip Roche, Public Defender.**

NYS Homes & Community Renewal – Re: Notification of the Annual Performance Report (APR) is due no later than January 10, 2014 for the NYS Community Development Block Grant Project #1115ED785-13. **Referred to: Amy Dlugos, Planning Director.**

Vote: Acclamation – Adopted.

RESOLUTION NO. 176-13

Introduced by S. Van Etten.

Seconded by G. Swackhamer.

APPROVING THE STATEMENT OF TAXES DUE AND DIRECTING DELIVERY OF THE COMPLETED TAX ROLLS WITH ATTACHED WARRANTS.

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 2014, and also by prior resolution duly adopted, made appropriations for the conduct of the County government for the Fiscal Year 2014; and

WHEREAS, the County Real Property Tax Service Director has prepared the statement of taxes due January 1, 2014, 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, 2014, tax rates and tax rolls for the taxes for the Year 2014 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, 2014; 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. 177-13

Introduced by B. Schu and G. Swackhamer.

Seconded by H. Lando.

AUTHORIZING THE TRANSFER OF \$50,000 FROM THE CONTINGENT FUND TO THE 2013 BUDGET FOR THE PUBLIC DEFENDER ASSIGNED COUNSEL EXPENDITURES.

WHEREAS, the Steuben County 2013 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 Contingent Fund to cover the 2013 expenditures.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Treasurer is hereby authorized and directed to adjust the following accounts in the 2013 budget:

EXPENSE ACCOUNTS:

Account 199000 5-499-000 Contingent – (\$50,000)

Account 117300 5-423-200 Public Defender-Assigned Counsel - \$50,000

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.

Vote: Roll Call – Adopted.

RESOLUTION NO. 178-13

Introduced by B. Schu and S. Van Etten.

Seconded by C. Ferratella.

AUTHORIZING THE TRANSFER AND RECLASSIFICATION OF ONE FULL-TIME RN POSITION FROM PUBLIC HEALTH NURSING SERVICES TO TWO PART-TIME RN POSITIONS IN THE JAIL.

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

WHEREAS, there is need for two part-time Registered Professional Nurse's at the jail; and

WHEREAS, there is one vacant position within Public Health Nursing Services that can be transferred; and

WHEREAS, the Public Safety and Corrections Committee and the Administration Committee have approved reclassification of the position listed below and transferring said position 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 one (1) Full-Time Registered Professional Nurse, Grade XII, \$34,970 - \$49,371
TO Sheriff's Department two (2) Part-Time Registered Professional Nurse, Grade XV, \$19.00/hr.

AND BE IT FURTHER RESOLVED, that these positions are to be funded and placed in the 2013 Budget. The 2013 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.

Mr. Weaver asked how many full-time RN positions are there? Are the part-time RN's per diem or on a schedule? Mr. Alger replied there are three full-time RN's, along with a Physician's Assistant and a Physician. These two part-time positions would fill in for shifts that the full-time RN's cannot cover or when they are on leave. The part-time positions would be per diem. Mr. Alger explained the intent is to provide direct medical coverage for each shift. The practice of having an RN on-call is changing to actually having an RN present, which is a mandate by the State.

Vote: Roll Call – Adopted.

RESOLUTION NO. 179-13

Introduced by S. Van Etten.

Seconded by B. Schu.

AMENDING THE MANAGEMENT SALARY PLAN RELATIVE TO THE CORRECTION LIEUTENANT POSITION.

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

WHEREAS, in accordance with the Management Salary Plan, adjustments are anticipated from time to time; and

WHEREAS, a re-evaluation has been completed and approved by the Administration Committee; and

WHEREAS, the salary grade of Correction Lieutenant was recommended to be changed.

NOW THEREFORE, BE IT

RESOLVED, the following change be and the same hereby is authorized and directed:

Correction Lieutenant, Grade B to Grade C

AND BE IT FURTHER RESOLVED, this resolution shall be effective immediately upon adoption; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Treasurer, Personnel Officer, and the Sheriff.

Mr. Mullen asked for an explanation of this. Mr. Alger replied this is in response to two things. The first is that the Sheriff has been instructed by the State that he needs an additional Lieutenant position. The Lieutenant position is a management position, while the position below it, Sergeant, is not management. The salary levels are such that the Sergeant position would typically earn more than what the Lieutenant position is currently rated at. Moving the Lieutenant position to Management Grade C gives us a little more distance between the two positions. The second issue is from a recruiting standpoint. The current Lieutenant has indicated that several of the Sergeant positions' salaries are higher than his. This is a function of overtime as management is not eligible for overtime. We are trying to make the change in grade to be more competitive.

Vote: Roll Call – Adopted.

RESOLUTION NO 180-13

Introduced by S. Van Etten.

Seconded by R. Lattimer.

AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE SYSTEMS DEVELOPMENT GROUP, INC. (SDG) FOR ONLINE ASSESSMENT AND DELINQUENT TAX INFORMATION.

WHEREAS, Systems Development Group, Inc. (SDG) has proposed Steuben County to implement an Active Server Page (ASP.Net) web site; and

WHEREAS, this will simplify internet delivery of real property services, tax mapping, document image, aerial image, tax billing and payment information; and

WHEREAS, the County Administrator, County Treasurer and Real Property Director recommended and the Administration Committee has approved the execution of a five (5) year contract with Systems Development Group, Inc. in the amount of \$5,800 annually for said purposes.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Treasurer and the Director for Steuben County Real Property Tax hereby are, authorized and directed to execute a contract with the Systems Development Group, Inc. for a five (5) year term with the option for extension in the amount of \$5,800; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Steuben County Treasurer, the Director of Real Property Tax Service Agency, and Systems Development Group, Inc., 441 Trenton Ave., Utica, NY 13502.

Vote: Roll Call – Adopted.

RESOLUTION NO 181-13

Introduced by T. Ryan.

Seconded by G. Roush.

AUTHORIZING A PUBLIC HEARING ON THE COMMUNITY DEVELOPMENT BLOCK GRANT ECONOMIC DEVELOPMENT PROJECT.

WHEREAS, Steuben County applied for and received a Community Development Block Grant (CDBG) for Economic Development; and

WHEREAS, the Steuben County Industrial Development Agency is under contract with the County to implement said grant; and

WHEREAS, such grant was intended to add a production line at World Kitchen in Corning and hire new low-income employees to operate the production line; and

WHEREAS, the new production line has been successfully installed, new qualifying employees have been hired, and the line is producing pressware products; and

WHEREAS, the CDBG process requires a Public Hearing before this body to assess the implementation and effectiveness of the grant.

NOW THEREFORE, BE IT

RESOLVED, a Public Hearing on implementation and effectiveness of the CDBG Economic Development Project shall be held by this County Legislature on the 27th day of January, 2014, 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 in the official newspapers; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to the Steuben County Planning Director.

Vote: Roll Call – Adopted.

RESOLUTION NO. 182-13

Introduced by M. Hanna and G. Swackhamer.

Seconded by H. Lando.

AUTHORIZING THE TRANSFER OF FUNDS TO THE HIGHWAY SHOP RENOVATIONS CAPITAL PROJECTS ACCOUNT FOR THE CONSTRUCTION OF A WELDING BAY.

WHEREAS, the existing welding bay is in the equipment repair shop and fumes from the welding bay spread to other areas of the repair shop; and

WHEREAS, the health and safety of the employees warrants the construction of a welding bay separate from the main repair area; and

WHEREAS, the cost of the new welding bay is estimated at \$65,000; and

WHEREAS, there is a surplus of \$65,000 available from the Town of Urbana bridge project that was not built because the landowner would not lease the required Right of Way to build the bridge; and

WHEREAS, \$30,000 of that project surplus had been previously transferred to Repairs/Maintenance-Buildings & Property Account to build a new welding bay; and

WHEREAS, the Public Works and Finance Committees of the Steuben County Legislature have approved:

- 1) The funding of capital project line HS9900-5220000 Highway Shop Renovations –Buildings & Building Imp.
- 2) The transfer of \$34,323 from the Repairs/Maintenance-Buildings & Property Account, to this Highway Shop Renovations Capital Account
- 3) The transfer of \$30,677 from the Repair of Bridges > 20’, Beams Account, to this Highway Shop Renovations Capital Account.

NOW THEREFORE, BE IT

RESOLVED, that the County Legislature approves the transfer of \$65,000 from the above two accounts to the Highway Shop Renovations – Buildings & Building Imp 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. 183-13

Introduced by S. Van Etten.

Seconded by R. Lattimer.

APPOINTING MARK R. ALGER THE COUNTY MANAGER OF THE COUNTY OF STEUBEN.

Pursuant to the Steuben County Charter §§3.0, 3.1.

WHEREAS, the residents of Steuben County have adopted a Charter form of government as established in the certified results for the General Election of the year 2013 and the Steuben County Charter having been filed in the office of the Secretary of State as set forth under Steuben County Charter §13.00; and

WHEREAS, the adopted Steuben County Charter calls for a County Manager under Article III to be appointed by the Steuben County Legislature; and

WHEREAS, the Steuben County Charter recognizes the continuity of the current Legislature structure and its terms of office and powers under Steuben County Charter §§2.02, 13.03; and

WHEREAS, the Legislature of Steuben County has compared the respective duties and powers between the prior title of County Administrator and the new title of County Manager; and

WHEREAS, the newly created title of County Manager is comparable in its function to that of the prior title of the County Administrator; and

WHEREAS, the Steuben County Charter grants additional powers to the County Manager not possessed by the former title of County Administrator, the Steuben County Legislature recognizes the practice and precedent of certain legislative actions to delegate such duties to the former title of County Administrator in the past; and

WHEREAS, the Steuben County Legislature recognizes the consistent excellent public service of the current County Administrator to the County of Steuben and that the current County Administrator possesses the qualifications as set forth in §3.0 of the Steuben County Charter; and

WHEREAS, it is in the best interest of the County of Steuben to secure the continuity of public service of the current County Administrator, without interruption, in the appointed position of County Manager.

NOW THEREFORE, BE IT

RESOLVED, Mark R. Alger of Bath, New York, is hereby appointed as the County Manager of the County of Steuben pursuant to §3.1 of the Steuben County Charter as enacted to serve at the pleasure of the Steuben County Legislature with all the rights, powers and duties incumbent upon such office; and be it further

RESOLVED, his Oath of Office shall be filed in the Steuben County Clerk's Office; and be it further

RESOLVED, the rate(s) of compensation and terms of employment for the appointee shall be those as set forth in Resolution No. 176-12 without modification thereto, provided, and conditioned upon, the appointee remaining in office during the respective period for the designated compensation; and be it further

RESOLVED, the Chairman of the Legislature is authorized and directed to execute an agreement consistent with this resolution; and be it further

RESOLVED, the within appointment shall be effective immediately upon passage; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Mark R. Alger, the Steuben County Clerk, the Steuben County Treasurer, and the Personnel Officer.

Vote: Roll Call – Adopted.

Mr. Alger thanked the Legislature for their vote of confidence and stated that they would continue to keep working hard. He stated that he would note in 1983 the County went from a 34-member Board of Supervisors to a 17-member Legislature. Now, 30 years later, we are moving from a County Administrator with a Legislature to a County Manager with a Legislature. You are to be congratulated for your foresight in moving the County ahead.

RESOLUTION NO. 184-13

Introduced by J. Hauryski.

Seconded by All Legislators Present.

RECOGNIZING THE SERVICE AND ACHIEVEMENTS OF OUTGOING COUNTY LEGISLATOR THOMAS J. RYAN.

WHEREAS, all members of the Steuben County Legislature would like to formally recognize and thank **LEGISLATOR THOMAS J. RYAN** for his years of service on the Steuben County Legislature.

NOW THEREFORE, BE IT

RESOLVED, that this Legislature is honored to recognize the service and achievements of **LEGISLATOR RYAN**, and publicly note its appreciation and thanks to him for his public service to the residents of Steuben County as a member of the Legislature commencing January 2007, representing District 9. During Tom's tenure on the Legislature, he served as Chairman and Vice Chairman of the Agriculture, Industry & Planning Committee; Chair of the Human Services, Health & Education Committee, and member of the Public Safety & Corrections and Public Works Committees. Tom has served with honor and distinction as a member of the Steuben County Legislature, having also served as a member of the 911 Advisory Board, Fish & Wildlife Management Act Board, InterCounty Association of Western New York, Soil & Water Conservation District and Southern Tier Extension Railroad Authority; and be it further

RESOLVED, that the members of this Steuben County Legislature wish to thank **THOMAS J. RYAN** for his dedication, contributions and service to the residents of Steuben County.

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 Service Law, 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. Farrand. Seconded by Mr. Ryan and duly carried.

Motion to Adjourn made by Ms. Lattimer. Seconded by Mr. Swackhamer and duly carried.