

# ORGANIZATIONAL MEETING

## Morning Session

Bath, New York, January 5, 2004

Pursuant to Section 151 of the County Law and the *Rules of Procedure* of the County Legislature adopted August 23, 1993, the Legislators from the several districts comprising the towns and cities of the County convened in the Legislative Chambers, Bath, New York, on Monday, the 5<sup>th</sup> day of January, 2004, at 10:00 A.M. for the purpose of organizing the County Legislature of Steuben County for the years 2004 and 2005 and for the transaction of such other business as would properly and lawfully come before the meeting.

The meeting was called to order by the Clerk of the Legislature, Christine Kane.

The Deputy Clerk called the Roll and all members were present.

The Invocation was offered by Mr. Nichols and the Pledge of Allegiance was led by Dr. Baker.

The Honorable Henry J. Scudder, Appellate Division Associate Justice, administered the Oath of Office to all newly elected members of the Legislature.

The Clerk called for nominations for a Temporary Chairman. Mr. McIntyre nominated Mr. Swackhamer for Temporary Chairman, seconded by Mr. Isaman.

Motion by Mr. Isaman to close the nominations for Temporary Chairman, seconded by Mr. Gehl and duly carried.

The vote on Mr. Swackhamer as Temporary Chairman was carried unanimously by acclamation.

Mr. Swackhamer took the Chair as Temporary Chairman and stated that the first order of business would be a caucus of the two political parties. Motion by Mr. McIntyre to recess the Organizational Session to hold a Republican and Democratic caucus, seconded by Mr. Schwartz and duly carried.

Following the caucus of each party, Temporary Chairman Swackhamer called the Legislature back into session.

Temporary Chairman Swackhamer asked for a moment of silence in recognition of the death of Harry Roll, the son of former County Legislator Althea Roll.

Temporary Chairman Swackhamer called for nominations for Chairman of the Steuben County Legislature for 2004 and 2005. Mr. Creath nominated Philip Roche, seconded by Mr. Donnelly.

Mr. Isaman nominated Thomas McIntyre, seconded by Mr. Nielsen.

Mr. Schwartz moved the nominations be closed, seconded by Mr. Isaman and duly carried.

Temporary Chairman Swackhamer named Mr. Donnelly and Mr. Gehl as Tellers.

The Tellers distributed ballots, collected ballots, and the ballots were counted. The result was Mr. Roche 10, Mr. McIntyre 7.

Temporary Chairman Swackhamer asked Legislators Mayo and Baker to escort Chairman Roche to the Chair.

Chairman Roche thanked everyone for their votes and confidence. I will do the best I can over the next two years. I would like to meet with every Legislator one-on-one to discuss the future and

Committee assignments. I would like the Committees to continue as they are until the Committee roster is finalized.

Chairman Roche called for nominations for Vice Chairman of the Steuben County Legislature for 2004 and 2005. Mr. McIntyre nominated Gary Swackhamer, seconded by Mr. Argentieri.

Mr. Jamison nominated DeWitt Baker, seconded by Mr. Gehl.

Mr. Schwartz moved the nominations be closed, seconded by Mr. Isaman and duly carried.

Chairman Roche named Mr. Donnelly and Mr. Gehl as Tellers.

The Tellers distributed ballots, collected ballots, and the ballots were counted. The result was Mr. Swackhamer 11, Dr. Baker 6.

The Honorable Judge Henry Scudder conducted the ceremonial swearing in of Mr. Roche as Chairman of the Steuben County Legislature and Mr. Swackhamer as Vice Chairman of the Steuben County Legislature.

#### **RESOLUTION NO. 001-04**

Introduced by G. Swackhamer.

Seconded by P. McAllister.

#### **APPOINTING THE CHAIRMAN OF THE STEUBEN COUNTY LEGISLATURE FOR A TWO-YEAR TERM OF 2004 AND 2005.**

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

**WHEREAS**, this Steuben County Legislature has on this 5th day of January, 2004, been duly organized and has in accordance with Section 151 of the County Law, duly selected County Legislator **Philip J. Roche, Esq.**, of Painted Post, New York, as Chairman of the Legislature for a two-year term commencing January 1, 2004.

#### **NOW THEREFORE, BE IT**

**RESOLVED**, **Philip J. Roche, Esq.**, of Painted Post, New York, be and the same hereby is appointed Chairman of the Legislature of Steuben County for a two-year term commencing January 1, 2004, and within twenty days he shall cause to be filed in the Office of the Steuben County Clerk an Oath of Office as such Chairman; and be it further

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

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 002-04**

Introduced by P. Roche.

Seconded by P. Donnelly.

#### **APPOINTING THE VICE CHAIRMAN OF THE STEUBEN COUNTY LEGISLATURE FOR A TWO-YEAR TERM OF 2004 AND 2005.**

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

**WHEREAS**, this Steuben County Legislature has on this 5th day of January, 2004, been duly organized and has in accordance with Section 151, Subdivision 3 of the County Law, duly selected County Legislator **Gary D. Swackhamer** of Hornell, New York, as Vice Chairman of the Legislature for a two-year term commencing January 1, 2004.

**NOW THEREFORE, BE IT**

**RESOLVED**, **Gary D. Swackhamer** of Hornell, New York be and the same hereby is appointed Vice Chairman of the Legislature of Steuben County for a two-year term commencing January 1, 2004, and within twenty days he shall cause to be filed in the Office of the Steuben County Clerk an Oath of Office as such Vice Chairman; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 003-04**

Introduced by P. Roche.

Seconded by K. Isaman.

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

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

**RESOLVED**, the aforesaid designation of **Gary D. Swackhamer** of Hornell, New York, be and the same hereby is accepted for filing, said designation to be for a two-year term commencing January 1, 2004; and be it further

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

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 004-04**

Introduced by F. Gehl.

Seconded by D. Creath.

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

**BE IT RESOLVED**, Legislator **Richard A. Argentieri** be and the same hereby is designated Minority Leader of the Steuben County Legislature; and be it further

**RESOLVED**, the aforesaid designation of **Richard A. Argentieri** of Hornell, New York be and the same hereby is accepted for filing, said designation to be for a two-year term commencing January 1, 2004; and be it further

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

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 005-04**

Introduced by D. Stachnik.

Seconded by T. Schwartz.

**APPOINTING THE COUNTY ATTORNEY OF THE COUNTY OF STEUBEN.**

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

**WHEREAS, Frederick H. Ahrens, Jr.** of Corning, New York, has been recommended by the Administration Committee for appointment as County Attorney to serve for a four-year term.

**NOW THEREFORE, BE IT**

**RESOLVED, Frederick H. Ahrens, Jr.** of Corning, New York, be and the same hereby is appointed County Attorney for the County of Steuben for a four-year term commencing January 1, 2004, through December 31, 2007; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 006-04**

Introduced by D. Stachnik.

Seconded by K. Isaman.

**APPOINTING THE COUNTY AUDITOR OF THE COUNTY OF STEUBEN.**

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

**WHEREAS, Karen L. Monroe** of Wayland, New York, has been recommended by the Administration Committee for appointment as County Auditor to serve for a four-year term.

**NOW THEREFORE, BE IT**

**RESOLVED, Karen L. Monroe** of Wayland, New York, be and the same hereby is appointed County Auditor for the County of Steuben for a four-year term commencing January 1, 2004, through December 31, 2007; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 007-04**

Introduced by P. Roche.

Seconded by K. Isaman.

**RECOGNIZING THE AUTHORITY OF THE CHAIRMAN OF THE LEGISLATURE OF THE COUNTY OF STEUBEN TO APPOINT STANDING AND SPECIAL COMMITTEES FOR THE YEARS 2004 AND 2005.**

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

**RESOLVED**, this Legislature does hereby recognize the authority of the Chairman of the Legislature of Steuben County to appoint such designated members of this Legislature as he shall select to the various standing and special committee positions for the years 2004 and 2005, which have heretofore been established and set up by the Steuben County Legislature and said Committees shall each consist of the same number of members as prescribed in the "Rules of Procedure" of the Steuben County Legislature until such Committee is abolished or changed by a majority vote of the Legislature membership pursuant to the "Rules of Procedure"; and be it further

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

**RESOLVED**, the Chairman of this Legislature, within thirty (30) days of his election to the Chairmanship, shall duly submit and file in the Office of the Clerk of this Legislature the Committees' roster appointed for the years 2004 and 2005; and the Clerk of the Legislature shall duly and properly furnish to each member of this Legislature a complete list of the said Committees' roster.

**Vote: Acclamation – Adopted.**

#### **RESOLUTION NO. 008-04**

Introduced by P. Roche.

Seconded by T. Schwartz.

#### **REGULATING THE PUBLICATION OF CERTAIN OFFICIAL MATTERS UNDER THE PROVISIONS OF SECTION 214, SUBDIVISION 2, OF THE COUNTY LAW OF THE STATE OF NEW YORK FOR THE YEARS 2004 AND 2005.**

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

#### **NOW THEREFORE, BE IT**

**RESOLVED**, whenever this Legislature does not designate the particular newspaper or newspapers for the publication of a certain matter in a specific resolution, this resolution shall govern the officer or officers having the publication in charge for the years 2004 and 2005;

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

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

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

- a. Notice of submission to bid on parcels of land offered for sale, as tax title and welfare owned;
- b. Notice of closing of any county highway;
- c. Proclamation of a term of court with a grand jury;

- d. Legalizing act of the Legislature; and
- e. Such other notices or statements of similar nature required by law to be published in a limited area.

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

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 009-04**

Introduced by G. Swackhamer.

Seconded by T. Schwartz.

**DESIGNATION OF OFFICIAL NEWSPAPER BY THE REPUBLICAN MEMBERS OF THE LEGISLATURE OF STEUBEN COUNTY TO PUBLISH CONCURRENT RESOLUTIONS, TAX SALE NOTICES, TAX REDEMPTION NOTICES, ELECTION NOTICES AND THE OFFICIAL CANVAS, DULY EXECUTED JANUARY 5, 2004.**

In pursuance of Section 214, Subdivision 1 of the County Law, we, the Republican members of the Steuben County Legislature, hereby designate the following official newspaper for the years 2004 and 2005:

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

The above-named designations are filed with the Clerk of this Legislature this 5th day of January, 2004; and the Clerk is directed to forward certified copies to the Secretary of State at Albany, New York; the Steuben County Clerk; the Steuben County Treasurer; the Steuben County Board of Elections; and the above-named newspaper.

Dated: January 5, 2004

/s/ \_\_\_\_\_  
 DeWitt T. Baker, D.V.M.

/s/ \_\_\_\_\_  
 Robert. V. Nichols

/s/ \_\_\_\_\_  
 Donald B. Creath

/s/ \_\_\_\_\_  
 L. Ronald Nielsen

/s/ \_\_\_\_\_  
 Patrick Donnelly

/s/ \_\_\_\_\_  
 Philip J. Roche, Esq.

/s/ \_\_\_\_\_  
 Kenneth E. Isaman

/s/ \_\_\_\_\_  
 Thomas C. Schwartz

/s/ \_\_\_\_\_  
 Lldon E. Jamison

/s/ \_\_\_\_\_  
 David Stachnik

/s/ \_\_\_\_\_  
 Harley R. Mayo

/s/ \_\_\_\_\_  
 Gary D. Swackhamer

/s/ \_\_\_\_\_  
 Patrick McAllister

/s/ \_\_\_\_\_  
 John Walsh

/s/ \_\_\_\_\_  
 Thomas J. McIntyre

**RESOLUTION NO. 010-04**

Introduced by R. Argentieri.

Seconded by F. Gehl.

**DESIGNATION OF OFFICIAL NEWSPAPER BY THE DEMOCRATIC MEMBERS OF THE LEGISLATURE OF STEUBEN COUNTY TO PUBLISH CONCURRENT RESOLUTIONS, TAX SALE NOTICES, TAX REDEMPTION NOTICES, ELECTION NOTICES AND THE OFFICIAL CANVAS, DULY EXECUTED JANUARY 5, 2004.**

In pursuance of Section 214, Subdivision 1 of the County Law, we, the Democratic members of the Steuben County Legislature, hereby designate the following official newspaper for the years 2004 and 2005:

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

The above-named designations are filed with the Clerk of this Legislature this 5th day of January, 2004; and the Clerk is directed to forward certified copies to the Secretary of State at Albany, New York; the Steuben County Clerk; the Steuben County Treasurer; the Steuben County Board of Elections; and the above-named newspaper.

Dated: January 5, 2004

/s/ \_\_\_\_\_  
Richard A. Argentieri

/s/ \_\_\_\_\_  
Francis L. Gehl

**RESOLUTION NO. 011-04**

Introduced by D. Creath, R. Argentieri, P. Donnelly, F. Gehl  
K. Isaman, L. Jamison, H. Mayo, P. McAllister, T. McIntyre,  
R. Nichols, R. Nielsen, P. Roche, T. Schwartz, D. Stachnik,  
G. Swackhamer, J. Walsh.

Seconded by F. Gehl.

**RECOGNIZING THE LEADERSHIP AND DEDICATION OF DEWITT T. (“DOC”) BAKER AS CHAIRMAN OF THE STEUBEN COUNTY LEGISLATURE.**

**WHEREAS**, DeWitt T. “Doc” Baker was elected Chairman of the Steuben County Legislature on November 17, 2000, and reelected January 2, 2002; and

**WHEREAS**, “Doc” has demonstrated qualities of compassion, understanding, dedication and leadership in the most challenging times of county government; and

**WHEREAS**, in recognition of his statesmanlike tenure as the chief elected official of the County of Steuben it is both fitting and proper to extend this tip of the hat and a gentlemanly salute to an outstanding leader and above all else an outstanding person.

**NOW THEREFORE, BE IT**

**RESOLVED**, it is hereby spread on the minutes of this Legislature on this day the heartfelt gratitude to Doc Baker for his service as Chairman of the Steuben County Legislature; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to DeWitt T. Baker, 11859 E. Corning Road, Corning, NY 14830.

**Vote: Acclamation – Adopted.**

**REGULAR MEETING**  
**Morning Session**  
**Monday, January 26, 2004**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, New York, on Monday, the 26<sup>th</sup> day of January, 2004, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll Call and all members present except Legislators Argentieri and Swackhamer.

Mr. Nichols offered the Invocation and the Pledge of Allegiance was led by Mr. Jamison.

Chairman Roche stated I thought it appropriate to give Dr. Baker something to hang on his wall. Chairman Roche presented Dr. Baker with a plaque in recognition of his service as Chairman of the Steuben County Legislature. Dr. Baker stated I didn't expect this, but thank you very much. I enjoyed being your Chairman.

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 Agricultural District within the Towns of Bath, Campbell, Corning and Hornby, New York, known as the Hornby Agricultural District (#22). Chairman Roche asked if anyone wished to address the Legislature relative to the Public Hearing. There being none, the Public Hearing was 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 Agricultural District within the Towns of Jasper, Troupsburg, West Union and Woodhull, New York, known as the Troupsburg Agricultural District (#23). Chairman Roche asked if anyone wished to address the Legislature relative to the Public Hearing. There being none, the Public Hearing was closed.

Susan Fontaine, Painted Post, stated today you will decide whether or not to initiate Eminent Domain procedures with respect to property owned by Frances B. Tompkins. Danny and Adam Tompkins asked me to speak for them as they couldn't be here. I've been asked by both Adam and his Aunt, Mary Liz Shaw, to read a couple of letters for you. The letter from Adam Tompkins stated he objects to the proposed sale of the farmland for the purpose of constructing the Erwin Transfer Station. He desires to keep the property in the family. His grandmother specifically stated in her will that the land was not to be sold. The land shouldn't be targeted for the site of the landfill facility. Though his Aunt Edith and Grandfather have Power of Attorney, they shouldn't be allowed to sell it as it is going to be contested. The letter from Mary Liz Shaw, daughter of Frances Tompkins, stated she objects to the sale. My mother cannot speak for herself but she would not be in favor of it. It is also in the agricultural farm protection program. The town and County have other alternatives as to the location of the transfer station.

James McCarthy stated it appears that the best site for the transfer station requires Eminent Domain Procedures. I have come here today to admonish you. Shame on you for considering eminent domain. Having to use eminent domain to obtain the property should have ruled out this location from the beginning. Your actions are unexcusable. If this site is so ideal, why are there so many problems involved?

*Motion adopting the minutes of the previous month's meetings made by Mr. McIntyre, seconded by Mr. Nielsen and duly carried.*

Mr. Alger stated he has received the proposed State budget. While the NYS Association of Counties is doing a more detailed analysis, part of the budget indicates that the State wanted to do something towards a Medicaid takeover. A cursory review of the budget indicates that the takeover is there, but the finances aren't even close to being adequate. The takeover targets long-

term care over a ten year period which is 10% per year and it doesn't come close to covering the rapidly increasing cost of Medicaid. In addition, they are proposing a cut of 20 to 30 percent in Public Health Nursing funding, further reducing Probation funding and it doesn't include CHIPS funding. As a whole, the proposed State Budget doesn't favor the County very much. There are some challenges ahead for the County.

Mr. McIntyre announced I'm declining my Committee assignments. Our County Attorney informed me there is nothing under the *Rules of Procedure* to preclude me from doing that, but he advised me to notify the Chair in writing.

Mr. McIntyre read the following letter addressed to Chairman Roche:

I respect and appreciate your authority as Chairman of the Steuben County Legislature to appoint standing and special committees for the year 2004-2005 pursuant to the *Rules of Procedure*.

I understood your statements to the Legislature at our Organizational Meeting of January 5<sup>th</sup> that you would like to meet with every Legislator one-on-one to discuss the future and committee assignments.

I really expected and looked forward to sharing our mutual concerns and committee assignments. However, having never been given the courtesy of one open discussion with you, as promised, I am extremely disappointed concerning your word.

In my opinion you have not been fair-minded or even-handed in keeping your word. This is paramount and a must for me.

After much consideration, therefore, I hereby submit my letter declining your assignment to the Rules and Human Services Committees at this time.

As it has been my practice over the past ten years as a Legislator, I will attend all committee meetings when possible.

I personally do not appreciate being used as a pawn in some game or get-even scheme and will not accept these assignments.

I will always represent my Towns and the County honestly.

Respectfully submitted:

S/THOMAS J. McINTYRE  
STEUBEN COUNTY LEGISLATOR  
DISTRICT #8

Mr. Roche thanked Mr. McIntyre for his comments.

#### **RESOLUTION NO. 012-04**

Introduced by P. Donnelly.

Seconded by K. Isaman.

#### **MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS AND PROPERTY TAXES.**

**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 #     A-1    

Name     Michael Rowley    

Parcel #     113.18-01-001.000    

Municipality     Avoca Town    

Disposition     Correction    

Resolution #     A-2    

Name     Eleanor D Jones    

Parcel #     159.53-01-007.000    

Municipality     Bath Village    

Disposition     Correction    

Resolution #     A-3    

Name     RL Jones & Son Inc    

Parcel #     159.53-01-008.000    

Municipality     Bath Village    

Disposition     Correction    

Resolution #     A-4    

Name     Lawrence Wilkins    

Parcel #     207.00-03-010.000    

Municipality     Campbell Town    

Disposition     Correction    

Resolution #     A-5    

Name     Lawrence & Kristina Wilkins    

Parcel #     207.00-03-010.100    

Municipality     Campbell Town    

Disposition     Correction    

Resolution #     A-6    

Name     Chad & Dawn Crans    

Parcel #     207.00-03-010.200    

Municipality     Campbell Town    

Disposition     Correction    

Resolution #     A-7    

Name     Cornerstone Fund Inc    

Parcel #     226.00-01-065.000    

Municipality     Campbell Town    

Disposition     Correction

Resolution #     A-8      
Name     Cornerstone Homes Inc      
Parcel #     226.00-01-065.100      
Municipality     Campbell Town      
Disposition     Correction    

Resolution #     A-9      
Name     Ellen Reilly      
Parcel #     226.00-01-065.200      
Municipality     Campbell Town      
Disposition     Correction    

Resolution #     A-10      
Name     Terry & Sharon Strauss      
Parcel #     242.00-01-002.148      
Municipality     Campbell Town      
Disposition     Correction    

Resolution #     A-11      
Name     Terry & Sharon Strauss      
Parcel #     242.00-01-002.149      
Municipality     Campbell Town      
Disposition     Correction    

Resolution #     A-12      
Name     Bryan Harnas      
Parcel #     242.00-01-079.140      
Municipality     Campbell Town      
Disposition     Correction    

Resolution #     A-13      
Name     Michael S & Cheryl A Royce      
Parcel #     372.00-02-039.000      
Municipality     Caton Town      
Disposition     Correction    

Resolution #     A-14      
Name     LeRoy & Sharon O'Brian      
Parcel #     372.00-02-040.100      
Municipality     Caton Town      
Disposition     Correction    

Resolution #     A-15      
Name     Charles D Wolcott      
Parcel #     070.00-01-006.200      
Municipality     Cohocton Town      
Disposition     Correction    

Resolution #     A-16      
Name     Kevin & Patricia McDonnell      
Parcel #     408.00-01-014.000      
Municipality     Caton Town      
Disposition     Refund

Resolution # A-17  
Name Helene Honadle  
Parcel # 106.00-01-010.200/22  
Municipality Wayne Town  
Disposition Correction

Resolution # A-18  
Name Jack Lawless  
Parcel # 106.00-01-010.210  
Municipality Wayne Town  
Disposition Correction

Resolution # A-19  
Name Terry K Rumsey  
Parcel # 078.00-01-037.200  
Municipality Wayne Town  
Disposition Correction

Resolution # A-20  
Name Thomas D & Jennifer L Crossett  
Parcel # 158.12-01-004.000  
Municipality Bath Village  
Disposition Correction

Resolution # A-21  
Name Larry F Roach Jr  
Parcel # 197.11-03-064.000  
Municipality Canisteo Village  
Disposition Correction

Resolution # A-22  
Name Guy R & Jennifer Hammond  
Parcel # 215.00-01-003.200  
Municipality Canisteo Town  
Disposition Correction

Resolution # A-23  
Name Jane Corey  
Parcel # 019.00-01-013.000  
Municipality Prattsburgh Town  
Disposition Correction

Resolution # A-24  
Name Ronald Erb  
Parcel # 019.00-01-031.000  
Municipality Prattsburgh Town  
Disposition Correction

Resolution # A-25  
Name Super Shine Car Wash, LLC  
Parcel # 332.14-01-004.122  
Municipality Addison Village  
Disposition Correction

Resolution #     A-26      
Name           NYS DOT            
Parcel #           424.00-01-040.000      
Municipality     Lindley Town      
Disposition     Correction    

Resolution #     A-27      
Name           NYS DOT            
Parcel #           424.00-01-056.000      
Municipality     Lindley Town      
Disposition     Correction    

Resolution #     A-28      
Name           NYS DOT            
Parcel #           424.00-01-042.200      
Municipality     Lindley Town      
Disposition     Correction    

Resolution #     A-29      
Name           John Gladstone Mills III      
Parcel #           424.00-01-045.111      
Municipality     Lindley Town      
Disposition     Correction    

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 013-04**

Introduced by P. Roche.

Seconded by D. Baker.

#### **RECEIVING AND ACCEPTING THE JANUARY 26, 2004 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 24, 2003**

1. NYS Governor's Traffic Safety Committee - Re: Steuben County 2004 STOP-DWI Plan has been approved. **Referred to: Public Safety & Corrections Committee and Sheriff Tweddell.**

#### **January 5, 2004**

1. Harris Beach, LLP - Re: City of Hornell Industrial Development Agency and TTA Systems, LLC: Distribution of Form RP-412-1 and PILOT Agreement. **Referred to: Administration & Finance Committees; Donna Hatch, RPTSA Director; Larry Crossett, County Treasurer; and Fred Ahrens, County Attorney.**
2. Hornell City Industrial Development Agency - Re: City of Hornell Industrial Development Agency and Josephine Updyke d/b/a/ Updyke's Willow Ridge - Proposed Straight Lease Transaction. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

#### **January 12, 2004**

1. NYS Office for Aging - Re: First Notification of Grant Award for the FFY 2004 Nutrition Services Incentive Program (SNIP). **Referred to: Human Services Committee and Linda Tetor, OFA Director.**
2. U.S. Senator Charles Schumer - Re: U.S. Department of Homeland Security Industry Forum to be held on Monday, March 8<sup>th</sup> through March 9<sup>th</sup> at the Wardman Park Marriott Hotel in Washington, DC, to provide units of government, industry and small businesses with the opportunity to hear what technology needs and

requirements DHS will have in coming years and learn when to apply for DHS funding. Topics to be discussed: Chemical and Biological Threats, Radiological and Nuclear Threats, Infrastructure Protection, Interoperability, Incident Command Systems, Customs, Border Security, Port and Waterways Security, Officer Protection, Warning/Alert Technologies, Forensics, Cybercrime and the Small Business Innovation Research Program. **Referred to: Public Safety & Corrections; Health & Education Committees; Vicki Fuerst, PHN Director; Sheriff Tweddell; Tim Wixom, 911 Director; and Mike Sprague, EMO Director.**

3. U.S. Senator Charles Schumer - Re: U.S. Department of Justice has announced the tentative opening date of January 14, 2004 for the 2004 Bulletproof Vest Partnership which provides funds to states and local units of government to help with the purchase of ballistics and stab vests for law enforcement officers. Approved applications will receive up to 50% of total vest costs. **Referred to: Public Safety & Corrections Committee and Sheriff Tweddell.**

**Vote: Acclamation – Adopted.**

#### **RESOLUTION NO. 014-04**

Introduced by P. Roche.

Seconded by T. Schwartz.

**RATIFYING THE ACTS TAKEN FROM JANUARY 1, 2004 THROUGH JANUARY 26, 2004, INCLUSIVE, BY THE STANDING COMMITTEES THAT HELD MEETINGS.**

Pursuant to Section 154 of the County Law of the State of New York.

**WHEREAS**, prior to the assignments of members of the Legislature to the various Standing Committees of the County of Steuben by the Chairman of the Legislature it was necessary and desirable for several standing committees, as previously composed, to conduct certain business as reflected by the minutes of their meetings held on the 1st day of January, 2004, through and including January 26, 2004.

**NOW THEREFORE, BE IT**

**RESOLVED**, the acts of the standing committees as composed and sitting on January 1, 2004 through January 26, 2004, inclusive, and as reflected by the aforesaid minutes be, and the same hereby are, ratified.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 015-04**

Introduced by All Legislators Present.

Seconded by D. Stachnik.

**APPOINTING THE CLERK OF THE LEGISLATURE OF THE COUNTY OF STEUBEN.**

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

**WHEREAS**, **Christine D. Kane** of Prattsburgh, New York, has been recommended by the Administration Committee for appointment as Clerk of the Legislature to serve for a four-year term.

**NOW THEREFORE, BE IT**

**RESOLVED**, **Christine D. Kane** of Prattsburgh, New York, be and the same hereby is appointed Clerk of the Legislature for the County of Steuben for a four-year term commencing January 1, 2004 through December 31, 2007; and be it further

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

Mr. McIntyre praised Mrs. Kane and the work she does for the Legislature.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 016-04**

Introduced by H. Mayo.

Seconded by R. Nichols.

**FINAL SITE SELECTION APPROVAL FOR THE ERWIN TRANSFER STATION RELOCATION PROJECT.**

Pursuant to County Law Section 226-b.

**WHEREAS**, Pursuant to County Law Section 226-b, the County may acquire, construct, operate and maintain solid waste management facilities, acquire the necessary lands therefore, and purchase, operate and maintain all necessary appliances appurtenant thereto, including collection facilities; and

**WHEREAS**, the County has for a period in excess of twenty-five (25) years continuously maintained such a facility off of Lumber Street and South Hamilton Street in the Town of Erwin, “The Erwin Transfer Station”; and

**WHEREAS**, said Transfer Station has served the public interest throughout the County and in particular the greater southeast region of the County of Steuben by and through the availability of a site convenient to the public for trash disposal and thus enabled the County to discharge its responsibility for solid waste management and disposal; and

**WHEREAS**, due to highway construction by the New York State Department of Transportation, the Transfer Station will no longer be practicable at its current location and must be relocated to a suitable site; and

**WHEREAS**, by Resolution No. 145-02 duly adopted August 26, 2002, the Steuben County Legislature designated itself as lead agency under the State Environmental Quality Review Act (“SEQRA”) for the proposed relocation of the Erwin Transfer Station; and

**WHEREAS**, fourteen (14) candidate sites were originally identified and assessed as feasible and based on the screening criteria described in the “Expanded Environmental Assessment” form were thereafter reduced to four (4) candidate sites; and

**WHEREAS**, as a result of further screening criteria, the “Gang Mills Bridge” site was determined the most favorable relocation for the Erwin Transfer Station; and

**WHEREAS**, during the environmental review for the proposed project, the County became aware of the availability of an approximately 9.5 acre parcel contiguous to the southern border of the original 10.5 acre Gang Mills Bridge site; and

**WHEREAS**, the addition of this 9.5 acre parcel to the project would be expected to provide benefits associated with both aesthetics and noise and/or odor control, and as a result, the Steuben County Department of Public Works revised the project plans to include this additional 9.5 acre parcel, said two (2) parcels hereinafter referred to as “The Site”; and

**WHEREAS**, during the SEQRA compliance an “Environmental Site Assessment” dated July 2003, and an “Expanded Environmental Assessment” dated October 2003, were prepared for the Erwin Transfer Station relocation; and

**WHEREAS**, the Steuben County Commissioner of Public Works, staff and C&S Engineers have completed the Full Expanded Environmental Assessment Form (“EAF”) dated October 2003, which EAF

identified the areas of environmental concern and thoroughly analyzed the identified areas of environmental concern to determine if this proposed action may have a significant adverse environmental impact; and

**WHEREAS**, by Resolution No. 170-03 duly adopted October 27, 2003, this Legislature has determined that no significant adverse environmental impacts were found, and did adopt a Negative Declaration as to the within project; and

**WHEREAS**, the County has sufficient authority pursuant to County Law Section 226-b to designate the site of the relocation of the facility, however, it nonetheless submitted an application for site plan approval to the Town of Erwin Planning Board, submitted October 10, 2003, entitled "Erwin Transfer and Recycling Station", which application was unanimously granted on the 5<sup>th</sup> day of January 2004; and

**WHEREAS**, this Legislature has taken into consideration other factors including: The nature and scope of the instrumentality seeking immunity from local restrictions; the kind of function or land use involved; the extent of the public interest to be served; the effect local land use regulation would have upon the enterprise concerned; the impact upon legitimate local interest; the applicant's legislative grant of authority; alternative locations for the facility in less restrictive zoning areas; alternative methods of providing the needed improvement; intergovernmental participation in the project development process; and the opportunity to be heard; hereinafter referred to as the "Significant Factors".

**NOW THEREFORE, BE IT**

**RESOLVED**, this Legislature hereby finds and determines as follows:

1. The County has the statutory authority pursuant to County Law Section 226-b, to place the Erwin Transfer Station Relocation Project at "The Site".
2. The County is compliant with the "Significant Factors" above enumerated and concludes that "The Site" is appropriate and in the best interests of the public.
3. The approval of the Erwin Town Planning Board authorizing site location at "The Site" is consistent with paragraphs "1" and "2" contained here, and
4. Final site approval is hereby granted to "The Site" for the Erwin Transfer Station Relocation Project; and be it further

**RESOLVED**, a certified copy of this resolution shall be submitted to the Town of Erwin Planning Board, 117 West Water Street, Painted Post, NY 14870 and the Commissioner of Public Works.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 017-04**

Introduced by R. Nichols.

Seconded by K. Isaman.

**AUTHORIZING THE ADJUSTMENT OF RATES FOR ALL SERVICES IN STEUBEN COUNTY PUBLIC HEALTH AND NURSING SERVICES.**

Pursuant to Section 215 of the County Law of the State of New York.

**WHEREAS**, upon review of the cost study of the first six months of 2003, and based on cost and visit projections for 2004, the Medicare and Medicaid cost limits, as well as the estimated 2004 Medicaid Rates, it has been determined that an adjustment to the rates will be necessary to establish customary charges for services rendered during 2004; and

**WHEREAS**, by establishing customary charges above reasonable costs, all third party revenue will be maximized; and

**WHEREAS**, the Steuben County Health and Education Committee has approved an adjustment in the skilled nursing rate from \$130 to \$140 per visit for 2004.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature does hereby grant authorization to the Steuben County Public Health and Nursing Services to adjust the customary charges for services rendered based on the 2003 cost study and that these rates will become effective January 1, 2004; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Sanford Rubin, Area Administrator, Office of Health Systems Management, New York State Health Department, 42 South Washington Street, Rochester, New York, 14608; the County Treasurer, and the Director, Public Health and Nursing Services.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 018-04**

Introduced by D. Stachnik and P. Donnelly.

Seconded by D. Creath.

**AUTHORIZING THE COUNTY TREASURER TO TRANSFER \$900,000 FROM THE DAY CARE BLOCK GRANT TO THE DAY CARE ASSISTANCE PAYMENTS IN THE DEPARTMENT OF SOCIAL SERVICES.**

**WHEREAS**, New York State allocates and appropriates funding for numerous Human Services programs; and

**WHEREAS**, Steuben County Department of Social Services has an available Day Care allocation from New York State of \$900,000 above the original figure adopted in the 2003 Steuben County Budget; and

**WHEREAS**, Steuben County Department of Social Services has a need for these Day Care funds for 2003.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature modifies the 2003 Steuben County Budget by accepting and appropriating the above \$900,000 as follows:

<u>From:</u>	Day Care Block Grant 6055-3624	\$900,000
<u>To:</u>	Day Care Assistance Payments 6055-4450	\$900,000

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 019-04**

Introduced by D. Creath.

Seconded by T. Schwartz.

**MODIFYING AND ADOPTING AGRICULTURAL DISTRICT NO. 22 AS A RESULT OF THE EIGHT-YEAR REVIEW OF SAID DISTRICT.**

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 review of this Agricultural District with this Legislature; and

**WHEREAS**, this Legislature did hold a Public Hearing on the proposed modifications to said district recommended by the County Planning Board and the Agricultural and Farmland Protection Board on January 26, 2004.

**NOW THEREFORE, BE IT**

**RESOLVED**, 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**, 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. 22 in the County of Steuben for a period of eight years; and be it further

**RESOLVED**, the Clerk of this Legislature be and hereby 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**, a certified copy of this resolution shall be forwarded to the Commissioner of the New York State Department of Agriculture and Markets, 1 Winners Circle, Albany NY 12235; Commissioner of the New York State Department of Environmental Conservation, 625 Broadway, Albany NY 12233-1011; Steuben County Planning Director; John Weaver, Chairman, Steuben County Agricultural and Farmland Protection Board, 7831 County Route 13, Bath NY 14810; Director of the Steuben County Real Property Tax Service Agency and James Grace, Cornell Cooperative Extension, Steuben County Office Building.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 020-04**

Introduced by D. Creath.

Seconded by T. Schwartz.

**MODIFYING AND ADOPTING AGRICULTURAL DISTRICT NO. 23 AS A RESULT OF THE EIGHT-YEAR REVIEW OF SAID DISTRICT.**

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 review of this Agricultural District with this Legislature; and

**WHEREAS**, this Legislature did hold a Public Hearing on the proposed modifications to said district recommended by the County Planning Board and the Agricultural and Farmland Protection Board on January 26, 2004.

**NOW THEREFORE, BE IT**

**RESOLVED**, 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**, 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. 23 in the County of Steuben for a period of eight years; and be it further

**RESOLVED**, the Clerk of this Legislature be and hereby 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**, a certified copy of this resolution shall be forwarded to the Commissioner of the New York State Department of Agriculture and Markets, 1 Winners Circle, Albany NY 12235; Commissioner of the New York State Department of Environmental Conservation, 625 Broadway, Albany NY 12233-1011; Steuben County Planning Director; John Weaver, Chairman, Steuben County Agricultural and Farmland Protection Board, 7831 County Route 13, Bath NY 14810; Director of the Steuben County Real Property Tax Service Agency, and James Grace, Cornell Cooperative Extension, Steuben County Office Building.

**Vote: Roll Call – Adopted.**

*Motion authorizing the approval of the next twenty resolutions with one vote made by Mr. McIntyre, seconded by Mr. Nielsen and duly carried.*

*Motion waiving the formal reading of the titles of the next twenty resolutions made by Mr. McIntyre, seconded by Mr. Schwartz, and duly carried.*

**RESOLUTION NO. 021-04**

Introduced by R. Nichols.

Seconded by D. Baker.

**APPROVING THE APPOINTMENTS OF THE STEUBEN COUNTY EARLY INTERVENTION OFFICIAL TO THE LOCAL EARLY INTERVENTION COORDINATING COUNCIL.**

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

**WHEREAS**, Article 25 of Title II-A of the Public Health Law creates an Early Intervention Program for infants and toddlers with disabilities and their families; and

**WHEREAS**, Section 2554 of the Act requires the establishment of a Local Early Intervention Coordinating Council; and

**WHEREAS**, the County's Early Intervention Official is authorized to make appointments to said Council; and

**WHEREAS**, it is desirable for the County Legislature to ratify said appointments; and

**WHEREAS**, the Health & Education Committee has recommended ratification of the appointments.

**NOW THEREFORE, BE IT**

**RESOLVED**, the following appointees are hereby ratified and affirmed by the Steuben County Legislature:

**LOCAL EARLY INTERVENTION COORDINATING COUNCIL**

Patricia Frungillo  
Steuben ARC  
6838 Industrial Park RD  
Bath, NY 14810

Linda Glaccum  
Disabilities Manager  
Child Dev. Center  
117 E. Steuben St.  
Bath, NY 14810

Darcy Hallifax, Dir.  
Bath Comm. Child Care  
36 E. Morris Street  
Bath, NY 14810

Robert Anderson, Ph.D.  
Office of Community Svcs.  
115 Liberty Street  
Bath, NY 14810

Dennis W. O'Connor, MD  
56 Lake Street  
Hammondsport, NY 14840

Judy Schuck  
Steuben County DSS  
3 E Pulteney Square  
Bath, NY 14810

Elaine Peckum  
Finger Lakes DDSO  
163 Sullivan Street  
Elmira, NY 14901

Nancy Bacon  
5180 County Rte 119  
Cameron, NY 14819

Vicki Fuerst, Director  
Public Health Nursing Services  
3 East Pulteney Square  
Bath, NY 14810

Eric Miller Associates  
P.O. Box 1307  
Elmira, NY 14902-1307

Karen Dgien  
3606 County Route 70A  
Hornell, NY 14843

Ellen Langendorfer  
9 Maple Street  
Bath, NY 14810

Jan McMaster, CPSE  
Prattsburgh School  
1 Academy Street  
Prattsburgh, NY 14873

Kenneth E. Isaman  
Steuben County Legislator  
1148 Co Rte 58  
Arkport, NY 14807

Theresa Cobb  
4485 McLean Hollow Rd  
Cohocton, NY 14826

Kathryn Biehl  
Steuben County  
Dept. Social Services  
Bath, NY 14810

Lisa Galatio  
Healthy Families-Steuben  
3 Bethesda Drive  
Hornell, NY 14843

Meg Morrison, OT  
9937 Silsbee Road  
Hammondsport, NY 14840

Amy Thomas  
13 Skyline Drive  
Corning, NY 14830-3237

Deb Fabris-Coon, Dir  
Keuka Lake School  
270 Lake Street  
Penn Yan, NY 14527

Meg Gardner, R.N.  
8 Weaver Creek Road  
Painted Post, NY 14870

Elizabeth Christenson  
4610 Dyke Road  
Corning, NY 14830

Marie Lynn Sweet  
The Advocacy Center  
590 South Avenue  
Rochester, NY 14620

**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 Local Early Intervention Coordinating Council; and be it further

**RESOLVED**, a certified copy of the resolution shall be forwarded to the above-named appointees; New York State Department of Health, Attn: Barbara Tague, Director, Early Intervention Program, Corning Tower Building, Albany, NY 12237-0618; the County Auditor; and the Early Intervention Official/Administrative Officer of Special Children's Services.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 022-04**

Introduced by R. Nichols.

Seconded by D. Baker.

**AUTHORIZING APPOINTMENTS TO THE COMMUNITY SERVICES BOARD AND SUBCOMMITTEES.**

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

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

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

**Community Services Board**

1. Janis Conklin  
1910 Lake Demon Road (Term 1/1/02 through 12/31/05)  
Bath, NY 14810
2. Rose-Andree Feuchtwanger  
Box 370 (Term 1/1/01 through 12/31/04)  
Hornell, NY 14843
3. Lola Tears  
47 Maple Street (Term 1/1/04 through 12/31/07)  
Savona, NY 14879
4. Robert Cole  
1285 E. Lake Road (Term 1/1/04 through 12/31/07)  
Hammondsport, NY 14840
5. Molly Tweddell  
4 Ivy Lea Drive (Term 1/1/04 through 12/31/07)  
Wayland, NY 14572
6. Ralph Schnell  
30 Seneca Street (Term 1/1/02 through 12/31/05)  
Hornell, NY 14843  
*(filling the unexpired term of Thomas Tunney)*
7. Deborah Becher  
2065 Purdy Creek Road (Term 1/1/02 through 12/31/05)  
Hornell, NY 14843

8. The Honorable Patrick Donnelly  
Steuben County Legislator  
301 Maple Heights  
Bath, NY 14810 (Term 1/1/02 through 12/31/05)

**Mental Health Subcommittee**

1. Lola Tears  
47 Maple Street  
Savona, NY 14879 (Term 1/1/04 through 12/31/07)
2. Rose-Andree Feuchtwanger  
Box 370  
Hornell, NY 14843 (Term 1/1/01 through 12/31/04)
3. Barbara Eskridge  
P. O. Box 1404  
Corning, NY 14830 (Term 1/1/02 through 12/31/05)
4. Sylvia Radford  
436 Haradon Road  
Corning, NY 14830 (Term 1/1/01 through 12/31/04)
5. Barbara Blank  
5340 Babbish Road  
Beaver Dams, NY 14812 (Term 1/1/02 through 12/31/05)
6. Betty Terry  
220 Tioga Ave. #464  
Corning, NY 14830 (Term 1/1/01 through 12/31/04)
7. Kathryn Biehl  
3 E. Pulteney Square  
Bath, NY 14810 (Term 1/1/02 through 12/31/05)
8. Kate Foss  
371 E. Third Street  
Corning, NY 14830 (Term 1/1/02 through 12/31/05)

**Chemical Dependency**

1. Molly Tweddell  
4 Ivy Lea Drive  
Wayland, NY 14572 (Term 1/1/04 through 12/31/07)
2. Robert Cole  
1285 E. Lake Road  
Hammondsport, NY 14840 (Term 1/1/04 through 12/31/07)
3. Christopher Wilkins  
1 Bethesda Drive  
Hornell, NY 14840 (Term 1/1/04 through 12/31/07)

4. Ralph Schnell  
80 Seneca Street  
Hornell, NY 14843 (Term 1/1/02 through 12/31/05)
5. Frank Justice  
3 E. Pulteney Square  
Bath, NY 14843 (Term 1/1/02 through 12/31/05)
6. David Young  
4981 Pine Hill Road  
Corning, NY 14830 (Term 1/1/04 through 12/31/07)

**Mental Retardation and Developmental Disabilities Subcommittee**

1. Deborah Becher  
2065 Purdy Creek Road  
Hornell, NY 14843 (Term 1/1/02 through 12/31/05)
2. Janis Conklin  
1910 Demon Pond Road  
Bath, NY 14810 (Term 1/1/01 through 12/31/04)
3. Tony Zajchenko  
Pathways, Inc.  
11174 Tannery Creek Road  
Corning, NY 14830 (Term 1/1/01 through 12/31/04)
4. Bernard Burns  
Steuben ARC  
6838 Industrial Park Road  
Bath, NY 14810 (Term 1/1/02 through 12/31/05)
5. Barbara Hicks  
387 Duane Street  
Hornell, NY 14843 (Term 1/1/04 through 12/31/07)
6. Douglas Walker  
621 Manor Village  
Bath, NY 14810 (Term 1/1/04 through 12/31/07)
7. Vivian Greenfield  
126 Greenwood Street  
Canisteo, NY 14823 (Term 1/1/04 through 12/31/07)
8. The Honorable Patrick Donnelly  
Steuben County Legislator  
301 Maple Heights  
Bath, NY 14810 (Term 1/1/02 through 12/31/05)

**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; Robert W. Anderson, Ph.D., Director of Community Services and the County Auditor.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 023-04**

Introduced by D. Baker.

Seconded by F. Gehl.

**APPOINTING MEMBERS TO THE STEUBEN COUNTY ALTERNATIVES TO INCARCERATION ADVISORY BOARD.**

Pursuant to Chapters 907 and 908, Laws of 1984.

**WHEREAS**, the Alternatives to Incarceration Program has been in effect since 1985; and

**WHEREAS**, the term of the members of the Advisory Board is due to expire.

**NOW, THEREFORE BE IT**

**RESOLVED**, the Steuben County Legislature appoints the following persons as members of the Steuben County Alternatives to Incarceration Advisory Board for a three-year term commencing January 1, 2004 through December 31, 2006:

Honorable Joseph W. Latham  
County & Family Court Judge

Chairperson  
Public Safety & Corrections Committee

Honorable Marianne Furfure  
Surrogate Court Judge

Frank Justice  
Director of Probation

Honorable Peter C. Bradstreet  
County Judge

John Ambrosone  
7525 Randalville Road  
Hammondsport, NY 14840-9658

Mark R. Alger  
Steuben County Administrator

Robert Anderson, Ph.D., Director  
Steuben County Community Services  
115 Liberty Street  
Bath, New York 14810

John C. Tunney, Esq.  
Steuben County District Attorney

Steuben County Public Defender

Richard C. Tweddell, Steuben County Sheriff  
Steuben County Public Safety Building  
7007 Rumsey Street Extension  
Bath, New York 14810

Diane J. Argentieri  
ATI Supervisor  
Steuben County Probation Department

Honorable David A. Johnson  
Erwin Town Justice  
6 Adams Place  
Painted Post, New York 14870

Eugene Greeley  
Pre-Trial Probation Supervisor  
Steuben County Probation Department

**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 Alternatives to Incarceration Advisory Board; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named appointees; the County Auditor; and Sara Tullar Fasoldt, Director, NYS Division of Probation and Correctional Alternatives, 80 Wolf Road, Albany, NY 12205.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 024-04**

Introduced by P. Roche.

Seconded by D. Baker.

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

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

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

**NOW THEREFORE, BE IT**

**RESOLVED**, the following persons are appointed with terms commencing January 1, 2004 and ending December 31, 2007:

Andrew Spencer, 8997 Burns Road, Arkport, NY 14807  
Keith Barrett, 5031 County Route 10A, Cameron, NY 14819

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

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

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 025-04**

Introduced by P. Roche.

Seconded by D. Baker.

**APPOINTING MEMBERS TO THE EMPLOYEE ASSISTANCE PROGRAM ADVISORY COMMITTEE.**

Pursuant to Article 5 of the County Law and Article 16 of the Civil Service Law of the State of New York.

**WHEREAS**, by Resolution of the Steuben County Legislature adopted November 25, 1996 a Memoranda of Agreement with the County's three collective bargaining units was authorized to establish an Employee Assistance Program; and

**WHEREAS**, an oversight committee was created which is comprised of representatives from all three unions, management and the Legislature; and

**WHEREAS**, due to changes in personnel, vacancies now exist on the oversight committee.

**NOW THEREFORE, BE IT**

**RESOLVED**, the following individuals shall be appointed to the Employee Assistance Program Advisory Committee:

**Legislator Member**

DeWitt T. Baker, D.V.M.

**Management Members**

Gregory P. Heffner  
Carolyn Gutierrez  
Victoria Fuerst  
Robert F. Biehl

**Civil Service Employees' Association Members**

Sally MacDougal  
Jeane Dean

**Steuben County Correction Officers, Dispatchers and Court Security Officers Unit Member**

Nancy Steiniger

**Deputies' Association of the County of Steuben Member**

Eric Tyner

**AND BE IT FURTHER RESOLVED**, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Employee Assistance Program Advisory Committee; and be it further

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

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 026-04**

Introduced by P. Roche.

Seconded by D. Baker.

**APPOINTING REPRESENTATIVES TO THE FISH AND WILDLIFE MANAGEMENT ACT BOARD.**

Pursuant to Section 110501, Paragraph 4(a) of the Environmental Conservation Law of the State of New York.

**BE IT RESOLVED**, upon the recommendation of the Chairman of the Steuben County Legislature, the following individuals are appointed to serve as members of the Fish and Wildlife Management Act Board for a term of two (2) years commencing on January 1, 2004, and ending December 31, 2005:

Steuben County Sportsman Representative:

David Lannoye  
49 Grant Street  
Avoca, NY 14809

Steuben County Legislative Representative:

Robert V. Nichols  
Steuben County Legislator  
743 Thompson Road  
Addison, NY 14801

**BE IT FURTHER RESOLVED**, upon the recommendation of the Chairman of the Steuben County Legislature, the following individuals are appointed to serve as alternate members of the Fish and Wildlife Management Act Board for a term of two (2) years commencing January 1, 2004, and ending December 31, 2005, and that the alternate members are directed and authorized to attend any and all meetings of the Fish and Wildlife Management Act Board when authorized by the representative member who is unable to attend the meetings and that said alternate members shall have the same rights and obligations of the regularly-appointed representatives to said Board:

Alternate Sportsman Representative: Richard Stephens  
47 Fourth Street  
Canisteo, NY 14823

Alternate Legislative Representative: Terry Harrington  
7857 County Route 77  
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 Fish and Wildlife Management Act Board; and be it further

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

**Vote: Acclamation – Adopted.**

#### **RESOLUTION NO. 027-04**

Introduced by P. Roche.

Seconded by D. Baker.

#### **APPOINTING THE LEGISLATIVE REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE FINGER LAKES ASSOCIATION, INC.**

Pursuant to Section 224 of the County Law of the State of New York.

**BE IT RESOLVED**, upon the recommendation of the Chairman of the Steuben County Legislature, David Stachnik, County Legislator of District 5 be appointed as the Legislature's representative to serve on the Board of Directors of the Finger Lakes Association, Inc., for a term of one (1) year commencing January 1, 2004 and ending December 31, 2004; 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 Association Board of Directors; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named appointee, the County Auditor and L.B. Herzig, President, Finger Lakes Association, Inc., 309 Lake Street, Penn Yan, NY 14527.

**Vote: Acclamation – Adopted.**

#### **RESOLUTION NO. 028-04**

Introduced by P. Roche.

Seconded by D. Baker.

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

**BE IT RESOLVED**, John L. Zehr 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, 2004 and ending December 31, 2005; and be it further

**RESOLVED**, said member shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of his duties on the Finger Lakes Health Systems Agency Board of Directors; and be it further

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

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 029-04**

Introduced by P. Roche.

Seconded by D. Baker.

**APPOINTING MEMBERS TO THE DISTRICT FOREST PRACTICE BOARD, REGION 8.**

Pursuant to Sections 0-0705 and 9-0705 of the Environmental Conservation Law of the State of New York.

**WHEREAS**, the term of office of the Legislator member of the District Forest Practice Board, Region 8, expired on December 31, 2003.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Chairman of this Legislature hereby appoints Harley R. Mayo, Legislator District 10, as Legislator member of the District Forest Practice Board, Region 8, for a term of two (2) years commencing January 1, 2004 through December 31, 2005, and not beyond his term of office as County Legislator; 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 District Forest Practice Board; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named appointee, the County Auditor and the Forestry Division of the NYS Department of Environmental Conservation, 7291 Coon Road, Bath, NY, 14810-7923.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 030-04**

Introduced by P. Roche.

Seconded by D. Baker.

**APPOINTING THE STEUBEN COUNTY REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE GENESEE VALLEY REGIONAL MARKET AUTHORITY.**

Pursuant to the Agriculture and Markets Law of the State of New York and upon the recommendation of the Chairman of the Steuben County Legislature.

**WHEREAS**, it is in the best interest of Steuben County to have a representative on the Board of Directors of the Genesee Valley Regional Market Authority.

**NOW THEREFORE, BE IT**

**RESOLVED**, Thomas Case of Dansville, New York, is reappointed as the Steuben County representative on the Board of Directors of the Genesee Valley Regional Market Authority for a term of two (2) years from January 1, 2004 through December 31, 2005; and be it further

**RESOLVED**, said member shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of his duties on the Genesee Valley Regional Market Authority; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Thomas Case, 33 Seward St., Dansville, NY, 14437; the County Auditor and William J. Mulligan, Jr., Administrator, Genesee Valley Regional Market Authority, 900 Jefferson Road, Rochester, NY, 14623.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 031-04**

Introduced by P. Roche.

Seconded by D. Baker.

**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**, vacancies exist 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	E. Beth Clark 221 East Steuben Street Bath, NY 14810	01/01/04-12/31/07 (Four year term)
Steuben County Legislator	The Honorable Francis L. Gehl 355 West First Street Corning, NY 14830	01/01/03-12/31/06 (Four year term)
Steuben County Provider	Marty Blumenstock, Executive Director Family Planning Center 160 Main Street Penn Yan, NY 14527	01/01/02-12/31/05 (Four year term)

**NOW THEREFORE, BE IT**

**RESOLVED**, the Chairman of the Steuben County Legislature hereby appoints the aforementioned persons to the Health Services Advisory Board of the Steuben County Department of Public Health and Nursing Services for the terms above-indicated; and be it further

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

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named appointees; Salvatore W. Page, Regional Health Director of the New York State Department of Health, Buffalo Region, 584 Delaware Avenue, Buffalo, New York, 14202; County Auditor and Director, Public Health and Nursing Services.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 032-04**

Introduced by P. Roche.

Seconded by D. Baker.

**APPOINTING REPRESENTATIVES TO THE INTERCOUNTY ASSOCIATION OF WESTERN NEW YORK.**

**BE IT RESOLVED**, from January 1, 2004 through December 31, 2005, this Steuben County Legislature does hereby designate the following as representatives of this Legislature to the InterCounty Association of Western New York:

1. **DEWITT T. BAKER, D.V.M.**, voting representative  
11859 E. Corning Road, Corning, NY 14830
2. **L. RONALD NIELSEN**, voting representative  
7142 Route 415N, Bath, NY 14810
3. **FRANCIS L. GEHL**, voting representative  
355 W. First Street, Corning, NY 14830
4. **CHRISTINE KANE**, alternate voting representative  
28 Mechanic Street, Prattsburgh, NY 14873
5. **MARK R. ALGER**, alternate voting representative  
109 Rumsey Street, Bath, NY 14810

**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 InterCounty Association of Western New York; and be it further

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

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 033-04**

Introduced by P. Roche.

Seconded by D. Baker.

**APPOINTING THE LEGISLATIVE REPRESENTATIVE TO THE STEUBEN COUNTY JURY BOARD.**

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

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

**WHEREAS**, it is now necessary to appoint a Legislative Representative to said Jury Board.

**NOW THEREFORE, BE IT**

**RESOLVED**, Lldon E. Jamison, Steuben County Legislator representing District 9, is hereby appointed as the Steuben County Legislative representative to the Steuben County Jury Board to serve for a two-year term commencing January 1, 2004 and ending December 31, 2005; 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 Steuben County Jury Board; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named appointee; the Administrative Justice of the Seventh Judicial District of the State of New York, Supreme Court Chambers, Hall of Justice, Rochester, NY; Hon. Marianne Furfure, County & Family Court Judge, Steuben County, Bath, NY; the Commissioner of Jurors; the County Clerk and the County Auditor.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 034-04**

Introduced by P. Roche.

Seconded by D. Baker.

**APPOINTING REPRESENTATIVES TO THE FINGER LAKES RESOURCE CONSERVATION AND DEVELOPMENT BOARD.**

**RESOLVED**, that Lola J. Tears, be and hereby is appointed as one of Steuben County's Representatives on the Finger Lakes Resource Conservation and Development Board for a term of two (2) years, commencing January 1, 2004, and ending December 31, 2005; and be it further

**RESOLVED**, that Gregory P. Heffner, Planning Director, be and hereby is appointed as the Alternate Steuben County Representative; and be it further

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

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named appointees; Richard Winnett, Executive Director, Finger Lakes Resource Conservation and Development Board, 415 W. Morris Street, Bath, NY 14810; and the County Auditor.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 035-04**

Introduced by P. Roche.

Seconded by D. Baker.

**APPOINTING MEMBERS TO THE SOUTHERN TIER EXTENSION RAILROAD AUTHORITY.**

Pursuant to Article 5, Title II-E of the Public Authorities Law.

**WHEREAS**, Article 5 of Title II-E 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 1349-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**, the term of office for one of the appointees has expired.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature does hereby reappoint the following members to the Southern Tier Extension Railroad Authority for terms as indicated:

Lldon E. Jamison  
Steuben County Legislator  
5360 Route 36, Box 121  
Canisteo, NY 14823

**Term: September 1, 2001 through August 31, 2004**

James W. Griffin, Executive Director  
Hornell Industrial Development Agency  
40 Main Street  
Hornell, NY 14843

**Term: September 1, 2002 through August 31, 2005**

Donald E. Davidsen, D.V.M.  
68 Greenwood Street  
Canisteo, NY 14823

**Term: September 1, 2003 through August 31, 2006**

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

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named appointees; Gerard Fitzpatrick, President, Southern Tier Extension Railroad Authority, Center for Regional Excellence, 4039 Route 219, Salamanca, NY 14779-1493 and the County Auditor.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 036-04**

Introduced by P. Roche.

Seconded by D. Baker.

**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 with the initial appointments including seven (7) members appointed for three (3) years; seven (7) members appointed for two (2) years, and three (3) members appointed for one (1) year; and

**WHEREAS**, the term of some board members expired December 31, 2003.

**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 year term as indicated:

**E 911 ADVISORY BOARD**

**MEMBERS**

**Fire Service Representatives (1 paid city; 3 volunteer)**

James Orme, Bath  
Joseph F. Dick, North Hornell

**TERM**

01/01/02 – 12/31/04  
01/01/03 – 12/31/05

Brian McCarthy, Painted Post 01/01/03 – 12/31/05  
Vince Kelly, Hornell City Fire Chief 01/01/04 – 12/31/06

**Volunteer Ambulance Representatives**

William Powley (Canistota) 01/01/04 – 12/31/06  
Gregg Learned (Hammondsport) 01/01/02 – 12/31/04\*  
*(\*filling unexpired term of Ellen Prutsman through 12/31/04)*

**Paid Ambulance Representative**

Alan Lewis, Rural Metro 01/01/02 – 12/31/04

**Local Police Representative**

David Rouse, Bath Village Police Chief 01/01/02 – 12/31/04

**State Police Representative**

Captain Jack Fay, Bath Zone Commander 01/01/02 – 12/31/04

**Sheriff Representative**

Richard C. Tweddell, Sheriff 01/01/02 – 12/31/04

**City Police Representative**

Salvatore Trentanelli, Corning City Police Chief 01/01/04 – 12/31/06

**City At-Large Representatives**

Shawn Hogan, Hornell City Mayor 01/01/04 – 12/31/06  
Mark L. Ryckman, Corning City Manager 01/01/04 – 12/31/06

**County Government Representative**

Mark R. Alger, County Administrator 01/01/04 – 12/31/06  
Alternate: Gregory P. Heffner  
Planning Director/Deputy Administrator

**County Legislature Representatives**

Lldon E. Jamison, County Legislator, District 9 01/01/04 – 12/31/06  
DeWitt T. Baker, County Legislator, District 13 01/01/03 – 12/31/05  
John W. Young, Legislative Chairman's Designee 01/01/02 – 12/31/04

**Ex-Officio Members** (Non-voting)

Timothy Wixom, Coordinator, 911 Enhanced Department  
Michael Sprague, Director, Emergency Management Office  
Timothy Marshall, Deputy Director, Emergency Management Office

**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, the County Administrator and the County Auditor.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 037-04**

Introduced by P. Roche.

Seconded by D. Baker.

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

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

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

**NOW THEREFORE, BE IT**

**RESOLVED**, upon the recommendation of the Chairman of the Steuben County Legislature, Michael Sprague, Director, Office of Emergency Services, and Timothy Wixom, Coordinator, 911 Enhanced Department, be and the same hereby are, duly designated and appointed as Steuben County's representatives on the Southern Tier Regional Emergency Medical Services Council to serve at the pleasure of this Legislature commencing January 1, 2004 through December 31, 2005; and be it further

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

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named appointees; the County Auditor and the Southern Tier Regional Emergency Medical Services Council, 315 West Water Street, Elmira, New York 14901.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 037-04**

Introduced by P. Roche.

Seconded by D. Baker.

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

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

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

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

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

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

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

**NOW THEREFORE, BE IT**

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

**MEMBERS**

**LOCAL & STATE GOVERNMENT REPRESENTATIVES**

Honorable Philip J. Roche, Esq., Chair  
Steuben County Legislature  
3 East Pulteney Square  
Bath New York 14810

Honorable John R. Kuhl, Jr.  
New York State Senator  
18 Buell Street, PO Box 153  
Bath, New York 14810

Honorable DeWitt T. Baker, D.V.M.  
Steuben County Legislator  
Public Safety & Corrections Committee Liaison  
3 East Pulteney Square  
Bath, New York 14810

Dan Farrand, Alternate  
for Senator John R. Kuhl, Jr.  
18 Buell Street, PO Box 153  
Bath, New York 14810

**EMERGENCY SERVICES REPRESENTATIVES**

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

David Herrington  
EMO Volunteer  
260 Victory Highway, Lot 328  
Painted Post, New York 14870

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

Timothy Wixom, Coordinator  
9-1-1 Enhanced Department  
3 East Pulteney Square  
Bath, New York 14810

**LAW ENFORCEMENT REPRESENTATIVES**

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

David Cole, Alternate for Sheriff  
Steuben County Undersheriff  
P. O. Box 271 - Public Safety  
Bath, New York 14810

**FIRE SERVICE REPRESENTATIVES**

Vince Kelly, Chief  
Hornell City Fire Department  
110 Broadway  
Hornell, New York 14843

Stephen Monroe, Chief  
Corning City Fire Department  
Corning Boulevard  
Corning, New York 14830

**HEALTH SERVICES REPRESENTATIVES**

Victoria Fuerst, Director  
Public Health and Nursing Services  
3 East Pulteney Square  
Bath, New York 14810

Tom Klaseus  
NYS Department of Health  
107 Broadway  
Hornell, New York 14843

## **HOSPITAL REPRESENTATIVES**

Doug Gridley  
Corning Hospital  
176 Denison Parkway, E.  
Corning, New York 14830

Dona Rickard  
Ira Davenport Hospital  
Box 305, NYS Route 54  
Bath, New York 14810

James Orme  
Veterans Administration  
Medical Center  
Bath, New York 14810

Michael Hunt  
Ira Davenport Hospital  
Box 305, NYS Route 54  
Bath, New York 14810

## **INDUSTRIAL REPRESENTATIVES**

Joe Kane, LEPC Vice-Chairman  
Corning Incorporated  
HP-ME-02-50  
Corning, New York 14830

Ted W. Pawlik  
Dresser Rand Company  
Painted Post, New York 14870

John Varney  
ALSTOM Transportation  
One Transit Drive  
Hornell, New York 14843

Henry Mapes  
Pollio Dairy  
Main Street  
Campbell, New York 14821

Tracy Horsfall, Alternate  
Corning Incorporated  
HP-ME-02-50  
Corning, New York 14830

Fred Bierline  
North American Philips  
State Route 54  
Bath, New York 14810

Lawrence Tarnacki, Alternate  
ALSTOM Transportation  
One Transit Drive  
Hornell, New York 14843

Jeff Cassim  
Hydro/Agri  
631 Waterloo-Geneva Road  
Waterloo, NY 13165-1207

## **ENVIRONMENTAL REPRESENTATIVES**

Paul Lindenfelser  
NYS DEC  
7291 Coon Road  
Bath, New York 14810

## **NEW YORK STATE POLICE LIAISON**

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

Sgt. Mark Cleveland  
NYS Police, Sub-Station  
7237 Route 415  
Bath, New York 14810

## **NEWS MEDIA REPRESENTATIVE**

Kevin P. Doran  
Canisteo Valley Broadcasting  
5942 Ashbaugh Hill Road  
Hornell, New York 14843

William Dubensky, Alternate  
Canisteo Valley Broadcasting  
5942 Ashbaugh Hill Road  
Hornell, New York 14843

**BE IT FURTHER RESOLVED**, the above-named appointees shall serve at the pleasure of the Steuben County Legislature and shall receive no compensation other than necessary expenses incurred upon presentation of receipts related to the fulfillment of their duties on the Local Emergency Planning Committee, and be it further

**RESOLVED**, the Clerk of the Legislature is directed to forward certified copies of this resolution to the above-named appointees and the County Auditor.

**Vote: Acclamation – Adopted.**

#### **RESOLUTION NO. 039-04**

Introduced by P. Roche.

Seconded by D. Baker.

#### **APPOINTING MEMBERS TO THE LOCAL CONDITIONAL RELEASE COMMISSION.**

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

**WHEREAS**, the New York State Legislature has extended Chapter 79 of the Laws of 1989 which created the Local Conditional Release Commission, and

**WHEREAS**, Steuben County appointed a three-member Commission in 1989 according to the provisions of the Law, and

**WHEREAS**, it is the recommendation of the Chairman of the Steuben County Legislature that the members be reappointed, and

**WHEREAS**, the current Commission consists of Ralph E. Schnell; James V. Murray; and Robert W. Anderson, Ph.D.

#### **NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature hereby reappoints the current membership of the Commission for a period of four years, commencing upon adoption of this Resolution, and be it further

**RESOLVED**, certified copies of this Resolution be forwarded to the above-named appointees.

**Vote: Acclamation – Adopted.**

#### **RESOLUTION NO. 040-04**

Introduced by P. Roche.

Seconded by D. Baker.

#### **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 this Steuben County Board of Supervisors duly adopted on the 21<sup>st</sup> day of March 1977, a Steuben County Youth Board was established.

#### **NOW THEREFORE, BE IT**

**RESOLVED**, the following-named persons are hereby appointed and designated as members of the Steuben County Youth Board for a term commencing on January 1, 2004 through December 31, 2004:

#### **LEGISLATOR REPRESENTATIVE**

1. Donald B. Creath, 86 Cintra Lane East, Corning, NY 14830

**NON-LEGISLATOR MEMBERS**

2. Mark R. Alger, Steuben County Administrator, 3 E. Pulteney Sq., Bath, NY 14810
3. Peter Bradstreet, Family Court Judge, 3 E. Pulteney Sq., Bath, NY 14810
4. Amy L. Christensen, Southern Tier Legal Services, 104 E. Steuben St., Bath, NY 14810
5. Robert Deuel, 6580 Mossy Bank Pk. Rd., Bath, NY 14810
6. Ms. Cody Georgia, 11759 Boughman Rd., Prattsburgh, NY 14873 (youth)
7. David Hall, 61 Hidden Forest Homes, Painted Post, NY 14870
8. Adam Long, 12 Delaware Ave., Bath, NY 14810 (youth)
9. Patrick Rogers, Institute for Human Services, 6666 County Rte 11, Bath, NY 14810
10. Cora Saxton, 310 E. Naples St., Wayland, NY 14572
11. Rhonda Sweet, Bath National Bank, 323 W. Washington Blvd., Bath, NY 14810
12. Richard C. Tweddell, Sheriff, Public Safety Bldg., 7007 Rumsey St. Ext., Bath, NY 14810

**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; Charles Root, NYS Office of Children & Family Services, SOB Room 604, 44 Hawley St., Binghamton, NY 13901; the County Auditor, and the Youth Bureau Director.

**Vote: Acclamation – Adopted.**

*Motion to adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.D. Discussions regarding proposed, pending or current litigation and 105.1.H. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof made by Mr. Stachnik, seconded by Dr. Baker and duly carried.*

*Motion to adjourn Executive Session and Reconvene in Regular Session made by Mr. Creath, seconded by Mr. Donnelly and duly carried.*

**RESOLUTION NO. 041-04**

Introduced by H. Mayo.

Seconded by K. Isaman.

**AUTHORIZING EMINENT DOMAIN PROCEDURES FOR REAL PROPERTY IN RELATION TO THE ERWIN TRANSFER STATION.**

Pursuant to Article IX, Section 1, Subsection (e) of the Constitution of the State of New York and pursuant to the Eminent Domain Procedure Law Section 100 et seq.

**WHEREAS**, the County of Steuben, for the health and safety of the residents of the County, intends to build a transfer station in the southeast portion of the County of Steuben, specifically in the Town of Erwin; and

**WHEREAS**, the proposed site has been unanimously approved by the Town of Erwin Planning Board on the 5<sup>th</sup> day of January, 2004 and selected by this Legislature by resolution adopted by date even herewith as acceptable and appropriate for the location of the transfer station; and

**WHEREAS**, private property owned by Frances B. Tompkins, is located adjacent to property currently owned by the County, which parcels constitute the accepted proposed site; and

**WHEREAS**, it is necessary and decreeable to acquire this private property, specifically a portion of Real Property located at 620 Addison Road, in the Town of Erwin, consisting of approximately 9.472± acres, bordered

by Pennsylvania Lines LLC railroad tracks on the east, State Route 15 on the west, property of the County (formerly NYS) on the north, and property of Kizis on the south, said property being part of Tax Map No. 316.00-01-037.000 and as it appears more fully on survey map dated June 5, 2003 by Hallett Surveying & Mapping, P.C. entitled "Land to be Conveyed to the County of Steuben" and filed in the Steuben County Clerk's Office on the 14th day of January, 2004, Instrument #16158; and

**WHEREAS**, a public hearing is necessary to inform the public and review with the public the use to be served by the proposed public project, titled the "Erwin Transfer Station" and said hearing is necessary to determine the impact of the proposed public project on the environment and on the residents of the Town of Erwin and the surrounding area.

**NOW THEREFORE, BE IT**

**RESOLVED**, Steuben County hereby initiates Eminent Domain Procedure with respect to the above described property and the Erwin Transfer Station; and be it further

**RESOLVED**, that the Steuben County Department of Public Works shall hold a Public Hearing on this matter on Monday, April 19, 2004 at 6:30 p.m. at Corning-Painted Post West High School located at Victory Highway, Painted Post, New York; and be it further

**RESOLVED**, that the Commissioner of Public Works shall within ninety (90) days of the conclusion of the Public Hearing submit to this Legislature his determination and findings concerning the proposed public project; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Commissioner of Public Works, the County Attorney, and Richard Moriarty, Sr. Esq. attorney for the Guardian of Frances B. Tompkins at Moriarty & Eraca-Cornish, HSBC Building, 3<sup>rd</sup> Floor, 150 Lake Street, Elmira, New York 14901-3401.

**Vote: Roll Call – Adopted.**

*Motion to adjourn made by Mr. Nielsen, seconded by Mr. Donnelly and duly carried.*

**REGULAR MEETING**  
**Morning Session**  
**Monday, February 23, 2004**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, New York, on Monday, the 23<sup>rd</sup> day of February, 2004, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll Call and all members present except Legislators Isaman, McIntyre and Stachnik.

Mr. Swackhamer offered the Invocation and the Pledge of Allegiance was led by Mr. Gehl.

**IN MEMORIAM**  
**CALVIN HOLBROOK MATSON**  
**1930 - 2004**

The death of our former colleague, Calvin Matson, who passed away on February 1<sup>st</sup>, 2004, is acknowledged by this Legislature with sadness.

Mr. Matson, born May 17<sup>th</sup>, 1930 in Bradford, Pennsylvania, was the son of Gale and Louise Holbrook Matson. He was a 1949 graduate of Painted Post High School. He served in the U. S. Army attaining the rank of Sergeant Major and upon discharge he married his wife, Joyce. Mr. Matson attended Syracuse University and worked for W. K. Kellogg Co. until he moved back to Painted Post, opening an insurance agency. He later worked for The Sprague Agency and Callahan and Hooley.

Mr. Matson was an active member and two term President of the Painted Post Board of Trade, member of the Rotary, Corning Chapter, Painted Post Little League, Painted Post Fire Department and the Painted Post Village Board. He was a member of the original planning committee for the 1964 Painted Post Colonial Days, serving on that committee for many years. In 1978 Mr. Matson was honored by the Painted Post Board of Trade as Citizen of the Year.

Mr. Matson served with distinction as a member of the Steuben County Board of Supervisors from 1968 - 1971. He served on the County's Fire Council, Vice-Chair of the Insurance Committee, Sheriff and Water Resources Committees as well as Chairing the Economic Development District Commission.

Mr. Matson is remembered by his colleagues as a gentleman who loved his community and worked tirelessly for the benefit of not only it's residents, but residents of the County at large. He had a deep respect for the citizens who he served, as they did for him.

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 the surviving widow, Mrs. Calvin (Joyce) Matson, as an expression of the sympathy felt by this Legislature on the passing of her loved one.

**Adopted by rising silent affirmation.**

Chairman Roche requested a moment of silence in recognition of the passing of Dennis Pelletier, former President of the Monroe County Legislature, on February 2, 2004.

*Motion adopting the minutes of the previous month's meeting made by Mr. Schwartz, seconded by Mr. Creath and duly carried.*

Mr. Alger stated there was some expectation that we were planning a resolution regarding the Help America Vote Act (HAVA) today, but the issue won't be addressed at this meeting. Last Friday, they met with Peter Kosinski, Deputy Executive Director of the NYS Board of Elections at a meeting of the Western Intercounty Association. Based upon the discussion, it is clear that the State is going to make the Counties responsible for not only the machines but for all elections with no inclusion of the towns, villages and cities in the configuration. Several points were made that are critical to the implementation of HAVA. The State hasn't determined if they will purchase the machines for the Counties. There is the expectation that the machines will still be a full face ballot. We're one of the few States in the Nation that use a full face ballot. Most of them use the touchscreen system for each office as opposed to a full face ballot. Those machines are about half as expensive as the full face ballot machines. However, if we went to the touchscreen system we'd have to purchase more machines, so we'd spend the same amount either way. The biggest issue is the responsibility of maintenance and storage of the machines throughout the year. The State will receive Federal funding to buy the machines and the State or local governments' match will be 5 percent. I'm concerned that they are going to ask the Counties to put up the 5 percent. They noted we are allowed to chargeback the expenses for the elections to the municipalities, but that won't be popular with the towns, villages and cities. There are several issues still up in the air but it was clear that Counties will be responsible for managing the system. In my opinion, we can't do that without relying on the other municipalities. We're going to want to pursue with them a relationship to continue to allow us to use their facilities and help maintain the machines. Implementation is likely to be delayed in New York State until 2006. He noted they will be discussing this issue at the Administration Committee meeting in March.

Mr. Gehl stated Mr. Kosinski also informed them that the voter registration will be handled at the State level. Mr. Alger stated the State will be responsible for maintaining the voter registration files. We still get to do the work, they will just maintain the list in Albany.

#### **RESOLUTION NO. 041-04**

Introduced by G. Swackhamer.

Seconded by D. Baker.

#### **MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS AND PROPERTY TAXES.**

**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**, 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 #     A-1      
Name     Village of Addison      
Parcel #     331.00-01-037.000      
Municipality     Addison Town      
Disposition     Correction    

Resolution #     A-2      
Name     Village of Bath      
Parcel #     173.00-01-054.000      
Municipality     Bath Town      
Disposition     Correction    

Resolution #     A-3      
Name     Village of South Corning      
Parcel #     318.00-02-009.000      
Municipality     Corning Town      
Disposition     Correction    

Resolution #     A-4      
Name     Village of Hammondsport      
Parcel #     117.00-02-006.100      
Municipality     Urbana Town      
Disposition     Correction    

Resolution #     A-5      
Name     Village of Hammondsport      
Parcel #     118.00-01-061.000      
Municipality     Urbana Town      
Disposition     Correction    

Resolution #     A-6      
Name     Village of Hammondsport      
Parcel #     118.00-01-083.000      
Municipality     Urbana Town      
Disposition     Correction    

Resolution #     A-7      
Name     Mark & Margaret Hulslander      
Parcel #     353.00-03-051.000      
Municipality     Corning Town      
Disposition     Correction    

Resolution #     A-8      
Name     John & Kim Puffer      
Parcel #     353.00-03-002.000      
Municipality     Corning Town      
Disposition     Refund

Resolution # A-9  
Name John B Lozier & Robin Munn  
Parcel # 414.00-01-008.000  
(NOW) Name John B Lozier & Robin Munn  
Parcel # 414.00-01-008.100  
Name Rory J Moon  
Parcel # 414.00-01-008.200  
Municipality Troupsburg Town  
Disposition Correction

Resolution # A-10  
Name Timothy Longwell & Harold Longwell  
Parcel # 128.00-01-008.100  
Municipality Avoca Town  
Disposition Correction

Resolution # A-11  
Name Marion Reinheimer  
Parcel # 300.13-01-008.000  
Municipality Corning Town  
Disposition Correction

Resolution # A-12  
Name Pamela Brewer  
Parcel # 239.00-01-014.000  
Municipality Cameron Town  
Disposition Denial

Resolution # A-13  
Name James Grimm  
Parcel # 122.00-01-011.111  
(NOW) Name James Grimm  
Parcel # 122.00-01-011.111  
Name Gregory & Brenda Szalc  
Parcel # 122.00-01-011.211  
Municipality Hornellsville Town  
Disposition Correction

Resolution # A-14  
Name Robert Grillo  
Parcel # 122.17-01-006.000  
Municipality Hornellsville Town  
Disposition Correction

Resolution # A-15  
Name Karr Dairy Farms LLC  
Parcel # 121.00-01-046.100  
Municipality Hornellsville Town  
Disposition Refund & Correction

Resolution # A-16  
Name Margaret Hough  
Parcel # 316.11-02-076.000  
Municipality Erwin Town  
Disposition Correction

Resolution # A-17  
Name Campbell-Erwin Baptist Church  
Parcel # 280.13-02-025.000  
Municipality Erwin Town  
Disposition Correction

Resolution # A-18  
Name Elsie Davis  
Parcel # 392.00-01-016.111  
(NOW) Name Elsie Davis  
Parcel # 392.00-01-016.111  
Name Lyndon & Evonne Beiler  
Parcel # 392.00-01-016.300  
Municipality West Union Town  
Disposition Correction

Resolution # A-19  
Name Karen Mears  
Parcel # 213.00-01-039.000  
(NOW) Name Karen Mears  
Parcel # 213.00-01-039.100  
Name Andrew Gross  
Parcel # 213.00-01-039.200  
Municipality Hartsville Town  
Disposition Correction

Resolution # A-20  
Name Village of Canisteo  
Parcel # 197.11-03-096.000  
Municipality Canisteo Village  
Disposition Refund & Correction

Resolution # A-21  
Name Charles & Susan Feenaughty  
Parcel # 197.11-05-072.000  
Municipality Canisteo Village  
Disposition Correction

Resolution # A-22  
Name Eva Boyle % Llewelyn Robinson  
Parcel # 081.00-01-021.100  
Municipality Dansville Town  
Disposition Refund

Resolution # A-23  
Name John & Theresa Meehan  
Parcel # 149.20-01-003.000  
Municipality Almond Village  
Disposition Correction

Resolution # A-24  
Name Kevin & Cheryl Johnson  
Parcel # 136.00-01-040.111  
Municipality Hornellsville Town  
Disposition Correction

Resolution # A-25  
Name Glenn Johnson  
Parcel # 136.00-01-040.300  
Municipality Hornellsville Town  
Disposition Correction

Resolution # A-26  
Name Theodore Morgan  
Parcel # 149.20-01-002.000  
Municipality Almond Village  
Disposition Correction

Resolution # A-27  
Name Timothy & Dianna Perry  
Parcel # 093.00-02-001.200/2  
Municipality Dansville Town  
Disposition Correction

Resolution # A-28  
Name Town of Erwin  
Parcel # 298.00-01-042.000  
Municipality Erwin Town  
Disposition Correction

Resolution # A-29  
Name Patsy Garverick  
Parcel # 382.00-01-014.112  
Municipality Woodhull Town  
Disposition Refund & Correction

Resolution # A-30  
Name William Kenneth Harrison  
Parcel # 393.00-01-017.210  
(NOW) Name William Kenneth Harrison  
Parcel # 393.00-01-017.211  
Name Susan L Trimble  
Parcel # 393.00-01-017.212  
Municipality West Union Town  
Disposition Correction

Resolution # A-31  
Name Richard Seyna  
Parcel # 030.00-01-017.300  
Municipality Cohocton Town  
Disposition Refund

SCHEDULE "B"

Resolution # B-1  
Former Owner Mark E Rice  
In Rem Index No. 84256, 2001 sale  
Parcel # 166.26-01-048.000  
Municipality Hornell City  
Grantee(s) City of Hornell  
Grantee(s) Address 82 Main St, PO Box 627, Hornell, NY 14843  
Consideration waived

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 042-04**

Introduced by P. Roche.

Seconded by P. Donnelly.

**RECEIVING AND ACCEPTING THE FEBRUARY 23, 2004 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 16, 2004**

1. Governor's Office for Small Cities - Re: Approval of Request for Release of Funds - small Cities Grant #1115ED446-03 - Steuben County's Request for Release of Funds and Certification have been approved. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

**January 23, 2004**

1. NYS Office for the Aging - Re: Summary of findings from the Annual Evaluation of the Steuben County Area Agency on Aging conducted on 11/20/03. **Referred to: Human Services Committee and Linda Teter, OFA Director.**

**January 26, 2004**

1. NYS Office of Public Security - Re: Steuben County awarded \$75,000 from FY04 State Homeland Security Program and \$25,000 from the FY04 Law Enforcement Terrorism Prevention Program. Funding for both of these grants is provided by the U.S. Department of Homeland Security's Office for Domestic Preparedness. **Referred to: Public Safety & Corrections Committee and Sheriff Tweddell.**

**February 2, 2004**

1. Batavia Downs/Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$5,872 representing the December 2003 retained surcharge revenue for Steuben County from WROTBC. **Referred to: Finance and Rules Committees and Larry Crossett, County Treasurer.**

**February 5, 2004**

1. NYS Division of Criminal Justice Services - Re: DCJS#WM02836110 - State Homeland Security Grant Program. **Referred to: Public Safety & Corrections Committee; Sheriff Tweddell; and Mike Sprague, EMO Director.**

**February 9, 2004**

1. Rita McCarthy, Erwin Town Manager - Re: Dresser-Rand Corporation Tax Certiorari - letter from Town requesting the County pay its share of the complete, self-contained appraisal (\$2,527.84). **Referred to: Administration & Finance Committees; Larry Crossett, County Treasurer; Donna Hatch, RPTSA Director; and Fred Ahrens, County Attorney.**

**February 12, 2004**

1. Southern Tier Regional Emergency Medical Services - Re: Quarterly Report, Fourth Quarter, October - November 2003, Chemung, Schuyler and Steuben Counties and Payment Request of \$1,875.00. **Referred to: Public Safety & Corrections and Health & Education Committees; Vicki Fuerst, PHN Director; and Mike Sprague, EMO Director.**

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 043-04**

Introduced by H. Mayo.

Seconded by F. Gehl.

**AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL AID-ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, TO FULLY FUND THE LOCAL SHARE OF FEDERAL-AID ELIGIBLE AND INELIGIBLE PROJECT COSTS, AND APPROPRIATING FUNDS THEREFOR.**

**WHEREAS**, a Project for the Replacement of BIN 3334110, County Route 85 over the Tuscarora Creek, Steuben County, PIN 6753.49 (the "Project") is eligible for funding under Title 23 US 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 above project by making a commitment of 100% of the federal and non-federal share of the costs of the Replacement of BIN 3334110, County Route 85 over the Tuscarora Creek, Steuben County, PIN 6753.49.

**NOW THEREFORE**, the Steuben County Legislature, duly convened does hereby

**RESOLVED**, the Steuben County Legislature hereby approves the above-subject project; and it is hereby further

**RESOLVED**, 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 Preliminary Engineering, Design and Right-of-Way Incidental work for the Project or portions thereof; and it is further

**RESOLVED**, the sum of \$245,000.00 is hereby adopted in the 2004 Budget, of which the County's share will be \$49,000.00, and made available to cover the cost of participation in the above phases of the Project; and it is further

**RESOLVED**, 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 notification by the NYSDOT thereof; and it is further

**RESOLVED**, the Chairperson of the Steuben County Legislature be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal 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-eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and it is further

**RESOLVED**, a certified copy of this resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

**RESOLVED**, this Resolution shall take effect immediately; and it is further

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

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 044-04**

Introduced by H. Mayo.

Seconded by R. Nichols.

**PROVIDING A WAIVER FOR ALL DAY USE AND CAMPING FEES FOR ACTIVE SERVICE PERSONNEL ON TEMPORARY REST AND RELAXATION (R&R) LEAVE FROM DUTY IN IRAQ AND AFGHANISTAN FOR THE DURATION OF THE OPERATION.**

**WHEREAS**, we recognize the service of military personnel to our Nation and the world; and

**WHEREAS**, the U.S. Army Corps of Engineers owns the Kanakadea Park property; and

**WHEREAS**, the U.S. Army Corps of Engineers supports this initiative for this park and the Nation's public lands.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature does authorize the Commissioner of Public Works to waive the camping fees at Kanakadea Park for active service personnel on temporary rest and relaxation (R&R) leave from duty in Iraq and Afghanistan for the duration of the operation; and be it further

**RESOLVED**, the waiver will also apply to all family members accompanying the service person on the visit; and be it further

**RESOLVED**, said modifications shall become effective March 1, 2004, and remain in effect until the duration of the operation; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 045-04**

Introduced by R. Nichols, P. Donnelly and G. Swackhamer.

Seconded by T. Schwartz.

**AUTHORIZING THE TRANSFER OF \$12,265.00 FROM THE CONTINGENT FUND TO THE DEPARTMENT OF SPECIAL CHILDREN'S SERVICES' BUDGET, AND DESIGNATING A PART-TIME POSITION AS FULL-TIME.**

**WHEREAS**, the Legislative Health and Education, Administration and Finance Committees approved increasing the hours of a part-time registered professional nurse position to a full-time registered professional nurse position; and

**WHEREAS**, the Department of Special Children's Services' personal services and employees benefits line items contain insufficient funds for the balance of the Fiscal Year.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Treasurer is hereby authorized to transfer from the Contingent Fund the amount of \$12,265.00 to the Department of Special Children's Services; and be it further

**RESOLVED**, that \$3,658.00 be transferred to the 2004 personal services line item and \$8,607.00 to the employee benefits line item; and be it further

**RESOLVED**, that the current part-time position of registered professional nurse as an 18 hour per week position is designated as a full-time 37.5 hours per week position; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Administrative Officer, Department of Special Children's Services, Personnel Officer and the County Treasurer.

Mr. McAllister asked does this funding cover the entire cost of the position? Mrs. Brutsman stated the funding for the salary is in the 2004 budget but the fringe benefits are not. There are 468 children in the preschool program so this position would be attending at least 468 meetings throughout the school districts. The individual will sit in on these meetings and work with the volunteers who serve in the school districts on these committees. This one person is the only voice the County has on the preschool special education committees and we are responsible for a \$3 million program with no control. The position will work part-time on Preschool and part-time on Early Intervention.

Mr. Swackhamer asked is somebody in this position now? Mrs. Brutsman stated no, it has been vacant since December. She received permission to fill the vacancy by the Vacancy Committee, but she would like it to become a full-time position. Discussion followed.

Mr. Argentieri asked how much does the part-time position cost? Mrs. Brutsman stated \$17,600 and the starting salary of the position at full-time is approximately \$28,000 plus fringe benefits. Mr. Argentieri stated we are in a budget crunch and now we are going to increase the personal services budget for this department. I think it is worthwhile, but there again we are increasing our budget. Mrs. Brutsman stated hopefully by us having a voice on the Preschool Special Education Committees we can make sure the services these children receive are actually necessary, thereby reducing the budget of the program. Discussion followed.

Mr. Gehl asked how much weight would this individual's vote have? Mr. Alger stated the issue is we need someone to effectively present the County's view. The school district has no vested interest in the cost as it is totally funded by the County. When this was presented to me I was opposed to it. However, the person who is selected will have to understand the program and be able to effectively communicate and convince the committees that our recommendations are reasonable. If they have no vested interest from a financial standpoint, they'll approve whatever is recommended whether it is needed or not. We just want the services provided in the most economical fashion possible.

Mr. Creath asked does any funding come from the State for this position? Mr. Alger stated the program is 59.5 percent State funded and we can bill Medicaid. Mrs. Brutsman stated they receive \$75 for every child going through the process, but that doesn't even come close to covering the total cost. Discussion followed.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 046-04**

Introduced by D. Baker and G. Swackhamer.

Seconded by R. Argentieri.

**AUTHORIZING THE ACCEPTANCE OF FUNDING FROM THE FEDERAL OFFICE OF DOMESTIC PREPAREDNESS FOR HOMELAND SECURITY GRANTS IN THE AMOUNT OF \$75,000.00, AND AUTHORIZING AND DIRECTING THE COUNTY ADMINISTRATOR TO EXECUTE THE REQUISITE DOCUMENTATION THEREFOR.**

**WHEREAS**, Steuben County has identified the risks associated with the affects of terrorism; and

**WHEREAS**, Steuben County has developed a planning group specifically to address the issues related to Homeland Security; and

**WHEREAS**, Steuben County has identified the potential vulnerability throughout the County to this type of incident; and

**WHEREAS**, Steuben County has recognized the need for additional training and exercises involving the County's First Responders; and

**WHEREAS**, the New York State Office of Public Security is responsible for the assignment and administration of grant allocations from the Federal Office of Domestic Preparedness; and

**WHEREAS**, the Federal Office of Domestic Preparedness has awarded Steuben County grants funding in the amount of \$75,000.00 for implementation of the State Homeland Security Program to support planning, equipment, training and exercise needs associated with preparedness for first responders.

**NOW THEREFORE, BE IT**

**RESOLVED**, the County Administrator be authorized to enter into an Agreement with the New York State Division of Criminal Justice Services to accept funding in the amount of \$75,000.00 to support first responder training. The Chairman, the County Administrator and the Director of Emergency Services be authorized to perform the steps necessary to fulfill this 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 acceptance of the grant funding from the Federal Office for Homeland Security and the New York State Office of Public 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 Services for purposes of fulfilling the afore noted grants; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the New York State Office of Public Security, the County Administrator, the County Treasurer and the Steuben County Office of Emergency Services.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 047-04**

Introduced by D. Baker and G. Swackhamer.

Seconded by T. Schwartz.

**AUTHORIZING THE SHERIFF’S DEPARTMENT TO SUBMIT AN APPLICATION TO RECEIVE \$25,000.00 IN GRANT MONEY FROM THE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM WITH THE MONEY TO BE EARMARKED FOR THE E 911 CENTER, AND AUTHORIZING AND DIRECTING THE COUNTY ADMINISTRATOR TO EXECUTE THE REQUISITE DOCUMENTATION THEREFOR.**

**WHEREAS**, the Steuben County Sheriff’s Office is an eligible applicant for the Law Enforcement Terrorism Prevention Program Grant of \$25,000.00; and

**WHEREAS**, it has been established that mobile data terminals in law enforcement vehicles in the County would establish a much needed link between law enforcement for the relaying of information, confidential and emergency; and

**WHEREAS**, the Steuben County Sheriff’s Office is desirous of expanding upcoming E911 communications to include mobile data terminals in all law enforcement vehicles in the County; and

**WHEREAS**, the about to be activated E911 Center needs the capacity to link their communications with mobile data terminals; and

**WHEREAS**, this grant would assist the County in the implementation of said communications system; and

**WHEREAS**, the Steuben County, Public Safety and Corrections and Finance Committees have approved the application request.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Sheriff’s Office is hereby authorized to submit an application to the Law Enforcement Terrorism Prevention Program for \$25,000.00 to provide assistance in securing the equipment necessary for the communications between the 911 Center and mobile data terminals; and be it further

**RESOLVED**, the Steuben County Sheriff and the County Administrator are hereby authorized to sign the application; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the County Administrator, Steuben County Sheriff, Richard C. Tweddell, and the County Treasurer.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 048-04**

Introduced by D. Creath.

Seconded by D. Baker.

**AUTHORIZING THE STEUBEN COUNTY PLANNING DEPARTMENT TO SUBMIT AN APPLICATION TO THE COMMUNITY DEVELOPMENT BLOCK GRANT SMALL CITIES PROGRAM.**

**WHEREAS**, Steuben County is an eligible applicant for the Community Development Block Grant (CDBG) Small Cities Program; and

**WHEREAS**, Steuben Churchpeople Against Poverty (SCAP) is desirous of expanding its housing rehabilitation activities to include the replacement of failing septic systems and private wells; and

**WHEREAS**, said replacements are an eligible expenditure of CDBG funds; and

**WHEREAS**, under the CDBG Program, Steuben County is permitted to contract with SCAP to provide said replacements.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Planning Department is hereby authorized to submit an application to the Community Development Block Grant Small Cities Program to provide funding for the expanded activities of SCAP; 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** a certified copy of this resolution shall be forwarded to the Steuben County Planning Director, and to Jeffrey E. Eaton, Executive Director, Steuben Churchpeople Against Poverty, 16 West William Street, Bath, New York, 14810.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 049-04**

Introduced by D. Baker and P. Donnelly.

Seconded by R. Nielsen.

**RECLASSIFICATION OF THREE DEPUTY SHERIFF POSITIONS, GRADE XI, TO THREE DEPUTY SHERIFF CORPORAL POSITIONS, GRADE XII, WITHIN THE STEUBEN COUNTY SHERIFF'S DEPARTMENT.**

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

**WHEREAS**, the positions listed below are inappropriately titled and not consistent with the duties for said positions; and

**WHEREAS**, the Steuben County Personnel Officer, Public Safety and Corrections and Administration Committees have approved the reclassifications.

**NOW THEREFORE, BE IT**

**RESOLVED**, that effective with the adoption of this resolution, the following positions within the Steuben County Sheriff's Department are hereby reclassified as follows:

Deputy Sheriff, Grade XI (\$25,664-\$34,664) to  
Deputy Sheriff Corporal, Grade XII (\$27,068-\$36,068)

**AND BE IT FURTHER RESOLVED**, the 2004 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 Steuben County Sheriff, Richard C. Tweddell, County Treasurer and the Personnel Officer.

Mr. Argentieri stated here we are spending more money in a tight budget year. I'm not opposed to it, it's just that we're spending money we shouldn't.

Mr. Alger noted that the salaries in the resolution are just ranges. Sheriff Tweddell noted this was negotiated in the contract with the Deputies this year. It will give these individuals more responsibility.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 050-04**

Introduced by R. Nichols.

Seconded by D. Baker.

**MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO ENACT SENATE BILL S.5854, AMENDING SOCIAL SERVICES LAW, IN RELATION TO STATE REIMBURSEMENT FOR CARE, TREATMENT, MAINTENANCE AND NURSING SERVICES IN NURSING HOMES, AND URGING STATE ASSEMBLYMEN TO INTRODUCE COMPANION LEGISLATION IN THE STATE ASSEMBLY.**

**WHEREAS**, currently county operated nursing facilities receive substantially less revenue than other nursing facilities because the county operated facilities provide significantly more care to patients that are less profitable because of income/insurance status or because of diagnosis, such as Alzheimer's Disease; and

**WHEREAS**, consequently, county taxpayers are often called upon to subsidize the operation of the facilities when there are operating losses; and

**WHEREAS**, unfortunately, these same taxpayers are required to separately bear the "local share" cost of Medicaid long-term care services.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature does hereby memorialize the Legislature and Governor of the State of New York to enact Senate Bill S.5854, and further calls upon Assemblyman Bacalles to sponsor, introduce and support a companion bill in the New York State Assembly; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Governor George E. Pataki, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative

Office Building, Albany, NY 12247; Senate Minority Leader, David A. Paterson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Paul A. Tokasz, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Charles H. Nesbitt, 933 Legislative Office Building, Albany, NY 12248; N.Y.S. Senator, John R. Kuhl, Jr., 310 Legislative Office Building, Albany, NY 12247; N.Y.S. Assemblyman, James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248, and to Inter-County Association of Western New York, c/o Allegany County Legislature, 7 Court Street, Belmont, NY 14813.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 051-04**

Introduced by D. Creath and R. Nichols.

Seconded by R. Argentieri.

**MEMORIALIZING THE FEDERAL GOVERNMENT IN OPPOSITION OF THE INCLUSION OF DAIRY IN THE AUSTRALIAN FREE TRADE AGREEMENT.**

**WHEREAS**, dairy farming is an integral part of the economy and culture of the County of Steuben; and

**WHEREAS**, maintenance of the vitality of dairy farming in our County is core to our residents well-being; and

**WHEREAS**, inclusion of dairy in the Australian Free Trade Agreement could:

- Significantly increase dairy imports from Australia conceivably by 354%.
- Displace more than 13% of U.S. milk production.
- Cost U.S. dairy farmers more than \$2.6 billion annually.
- Cause thousand of farms to go out of business.
- Negatively impact over 1 million dairy sector jobs and hurt our rural economies.

**NOW THEREFORE, BE IT**

**RESOLVED**, the President and Congress of the United States be and the same hereby are memorialized in opposition to the inclusion of dairy in the Australian Free Trade Agreement; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to President George W. Bush, 1600 Pennsylvania Avenue, NW, Washington, DC 20500; U. S. Senator Charles E. Schumer, 313 Hart Senate Office Bldg., Washington, DC 20510-3202; U. S. Senator Hillary Rodham-Clinton, 476 Russell Senate Office Building, Washington, DC 20510; Congressman Amory Houghton, 1110 Longworth House Office Building, Independence Avenue, Washington, DC 20515; U. S. Senator James Jeffords, 413 Dirksen Senate Office Building, Washington, D.C. 20510-4503; U. S. Senator Patrick J. Leahy, 433 Russell Senate Office Building, Washington, D.C. 20510; U. S. Senator Lawrence Craig, 520 Hart Senate Office Building, Washington, DC 20510; U. S. Senator Russell Feingold, 506 Hart Senate Office Building, Washington, DC 20510; Congressman David Vitter, 414 Cannon House Office Building, Washington, DC 20515-0551 and Secretary of Agriculture, Anne Veneman, USDA's South Building, Room 1141, 14<sup>th</sup> Street and Independence Avenue, SW, Washington, D.C.

Mr. Nichols stated this is critical to the dairy industry. Our President has included it in the dairy agreement, but it needs to be approved by Congress. I appreciate your support of this resolution. Australia has a unique way to produce milk. They can do it cheaper because they don't have to have barns and other out buildings, because their cattle can graze year round. Dairy farms cannot survive on the low prices they are already receiving for their products. You are looking at losing jobs such as milk truck drivers and cheese manufacturing plants because the farms cannot survive from that type of competition. Mr. Schwartz stated blue collar workers have faced this in the past

because of NAFTA. People in government have to realize that we cannot afford this and the blue collar workers are suffering.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO 052-04**

Introduced by H. Mayo and P. McAllister.

Seconded by T. Schwartz.

**MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO CONTRIBUTE TO FUNDING THE STATE ROUTE 21 AND COUNTY ROUTE 39 DRAINAGE PROJECT IN THE TOWN OF COHOCTON.**

**WHEREAS**, storm water runoff from State Route 21 and County Route 39 ponds in the yards of the homes on County Route 39; and

**WHEREAS**, the residents have been told for decades that this problem will be solved; and

**WHEREAS**, Legislator Patrick McAllister and Town Supervisor Jack Zigenfus have requested that this drainage problem be resolved and requested that funding be obtained from the State; and

**WHEREAS**, the Steuben County Legislature funded the initial design of the project in 2003 and 2004; and

**WHEREAS**, the construction and inspection cost of the project is estimated at \$900,000.00; and

**WHEREAS**, the Steuben County Department of Public Works has been working on the drainage design with the New York State Department of Transportation (NYSDOT) for the past two years; and

**WHEREAS**, the project may help solve the NYSDOT drainage problem on State Route 21 and County Route 39.

**NOW THEREFORE, BE IT**

**RESOLVED**, this Steuben County Legislature hereby memorializes the Governor and the Legislature of the State of New York to contribute to funding the State Route 21 and County Route 39 drainage project in Cohocton; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Governor George E. Pataki, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, David A. Paterson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Paul A. Tokasz, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Charles H. Nesbitt, 933 Legislative Office Building, Albany, NY 12248; N.Y.S. Senator, John R. Kuhl, Jr., 310 Legislative Office Building, Albany, NY 12247; and N.Y.S. Assemblyman, James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248, Peter E. White, P.E., Regional Director, State of New York Department of Transportation, 107 Broadway Street, Hornell, NY 14843, and the Commissioner of Public Works.

Mr. McAllister read a letter addressed to Commissioner Spagnoletti from Cohocton Town Supervisor, Jack Zigenfus, requesting support of this resolution.

**Vote: Acclamation – Adopted.**

*Mr. Schwartz requested the remaining resolutions be approved with one vote.*

**RESOLUTION NO. 053-04**

Introduced by P. Roche.

Seconded by L. Jamison.

**APPOINTING THE STEUBEN COUNTY REPRESENTATIVE TO THE AIR SERVICE TASK FORCE.**

**WHEREAS**, the Greater Corning Area Chamber of Commerce together with the Chemung Chamber of Commerce have in the past and continue to jointly sponsor a local organization known as the Air Service Task Force; and

**WHEREAS**, the Air Service Task Force is concerned with all aspects of aviation with the exception of the operation of the Elmira-Corning Airport; and

**WHEREAS**, it would be in the best interest of the County of Steuben to be represented by a member of the Steuben County Legislature.

**NOW THEREFORE, BE IT**

**RESOLVED**, DeWitt T. Baker, D.V.M., County Legislator for District 13 be, and the same hereby is, appointed to the Air Service Task Force as a Legislative Representative from Steuben County for a term of two (2) years, commencing January 1, 2004 and ending December 31, 2005; 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 Air Service Task Force; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named appointee, the County Auditor and to the Air Service Task Force; c/o Marty Muggleton, President, Greater Corning Area Chamber of Commerce, 1 Baron Steuben Place, Corning, New York, 14830.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 054-04**

Introduced by P. Roche.

Seconded by L. Jamison.

**APPOINTING MEMBERS TO THE STEUBEN COUNTY FIRE ADVISORY BOARD.**

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

**RESOLVED**, the following persons are hereby appointed members of the Steuben County Fire Advisory Board for a term of 2 years, commencing January 1, 2004 and ending December 31, 2005:

**LEGISLATIVE MEMBER**

1. John Walsh, 8261 Hemlock Hill Road, Bath, NY 14810-9573

**NON-LEGISLATIVE MEMBERS**

2. John Ford, 4 Mills Avenue, Painted Post, NY 14870
3. Robert L. Paris, 143 Main Street, Coopers Plains, NY 14827
4. Vince Kelly, 108 Broadway, Hornell, NY 14843
5. Graham Barnes, 232 Beartown Road, Painted Post, NY 14870
6. Shannon Lewis, 1721 Church Street, Rexville, NY 14877
7. Michael Sprague, Director of Emergency Management, Bath, NY 14810

8. Steven Monroe, 1 Corning Boulevard, Corning, NY 14830
9. William Fries, 7344 Fish Hatchery Road, Bath, NY 14810
10. Douglas Heinemann, 8425 Jacobs Ladder Road, Avoca, NY 14809
11. Richard C. Tweddell, Sheriff, Public Safety Bldg., Bath, NY 14810
12. Tim Marshall, Deputy Director of Emergency Management, Bath, NY 14810
13. Chris Lasnick, 4 Davenport Street, Arkport, NY 14807
14. Donald Merring, 17 E. Main Street, Canisteo, NY 14823
15. Allen Pfitzenmaier, RD #3, Hornell, NY 14843
16. John W. Young, 26 Park Avenue, Cohocton, NY 14826
17. J. David Sawyer, P.O. Box 11, Woodhull, NY 14898
18. Johnny Yarka, 4508 County Route 10, Cameron, NY 14819
19. Michael Gilman, President, Steuben County Fire Chiefs Association, PO Box 274, Cohocton, NY 14826

**EX-OFFICIO MEMBERS**

20. Donald Fredericy, DFC, 27 E. Main Street, Wayland, NY 14572
21. Dean Patterson, DFC, 579 Victory Highway, Painted Post, NY 14870
22. James Martin, DFC, 6287 County Route 100, Addison, NY 14801
23. Michael Wilson, DFC, 5522 Ordway Lane, Canisteo, NY 14823
24. Spencer Longwell, Chief DFC, 7647 Mitchellsville Road, Bath, NY 14810

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

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

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 055-04**

Introduced by P. Roche.

Seconded by L. Jamison.

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

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

**RESOLVED**, the recommended appointments made by the Chairman of the Steuben County Legislature for membership on the Southern Tier Central Regional Planning and Development Board and set forth below are hereby approved, ratified and confirmed for two (2) year terms commencing January 1, 2004, ending December 31, 2005.

**LEGISLATOR MEMBERS**

1. DeWitt T. Baker, D.V.M., 11859 E. Corning Rd., Corning, NY
2. Donald B. Creath, 86 Cintra Lane East, Corning, NY
3. Philip J. Roche, Esq., 145 West High Street, Painted Post, NY

**REPRESENTATIVE OF STEUBEN COUNTY PLANNING BOARD**

1. Gregory Heffner, Director, Steuben County Planning Department

**MUNICIPAL OFFICIALS**

1. Jim Goodling, Economic Development Director, City of Corning

2. Honorable Shawn Hogan, Mayor, City of Hornell

**REGIONAL COMMERCE - BUSINESS REPRESENTATIVE**

1. James B. Griffin, 23 Main St., Hornell, NY

**REGIONAL AGRICULTURAL REPRESENTATIVE**

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

**AT-LARGE REPRESENTATIVE**

1. Mark R. Alger, Steuben County Administrator

**EX-OFFICIO MEMBERS**

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

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

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named appointees; the New York State Division of Community Affairs, 162 Washington Ave., Albany, NY, 12231; the County Auditor and to Marcia Weber, Executive Director, Southern Tier Central Regional Planning and Development Board, 145 Village Square, Painted Post, NY.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 056-04**

Introduced by D. Creath and P. Roche.

Seconded by L. Jamison.

**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 Steuben County Agriculture, Industry and Planning Committee has approved an amendment to the by-laws of the Steuben County Industrial Development Agency to require that Board members be appointed to serve three-year rotating terms, excepting the Legislative appointee who shall serve a term of two (2) years; and

**WHEREAS**, the initial appointment of the Board members shall be for two (2) members to be appointed for three (3) years; two (2) members to be appointed for two (2) years, and two (2) members to be appointed for one (1) 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 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, 2004 through December 31, 2004**

George Connors, Connors Mercantile, 16 East Market Street, Corning, NY 14830  
Ellsworth Beckman, 6 Allen Street, Bath, NY, 14810

**January 1, 2004 through December 31, 2005**

Michael J. Doyle, 54 Lake Street, Hammondsport, NY, 14840.  
Robert E. Hollands, Hollands Lumber Company, Inc., P.O. Box 607, Hornell, NY, 14843-0607.  
Philip J. Roche, Esq., County Legislator, 145 West High Street, Painted Post, NY 14870.

**January 1, 2004 through December 31, 2006**

Richard Weakland, President, Corning Property Management, MP-BH-03, Corning, NY 14831.  
Jane P. Karlsten, Silk Road Transport, Inc., 8781 Route 36, Arkport, NY 14807.

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

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

**RESOLVED**, a certified copy of this resolution shall be forwarded to each of the appointees; the Steuben County Planning Director; James Sherron, 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, 145 Village Square, Painted Post, NY, 14870; John F. Leyden, Esq., Counsel to said Agency, 110 N. Main Street, Wayland, NY, 14572; and the County Auditor.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 057-04**

Introduced by D. Creath.

Seconded by L. Jamison.

**APPOINTING MEMBERS TO THE MARSH DITCH WATERSHED PROTECTION DISTRICT.**

**WHEREAS**, vacancies have occurred on the Marsh Ditch Watershed Protection District Administrative Board; and

**WHEREAS**, the following individuals 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 terms as indicated:

**Andy Spencer** 01/01/04 – 12/31/07  
8997 Burns Road, Arkport, NY 14807

**Gary Mahany** 01/01/04 – 12/31/07  
8790 Oak Hill Road, Arkport, NY 14807

**John Auckland** 01/01/04 – 12/31/07  
8579 Route 36, Arkport, NY 14807

**NOW THEREFORE, BE IT**

**RESOLVED**, that these appointees are hereby appointed to the Marsh Ditch Watershed Protection District Administrative Board for terms as indicated; and be it further

**RESOLVED**, members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Marsh Ditch Watershed Protection District Administrative Board; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named appointees; the Steuben County Auditor; and the Steuben County Soil & Water Conservation District.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 058-04**

Introduced by D. Creath.

Seconded by L. Jamison.

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

**WHEREAS**, the Steuben County Legislature adopted Resolution No. 156-93 on October 25, 1993 authorizing and directing the establishment of a Steuben County Conference and Visitors' Bureau; and

**WHEREAS**, Resolution No. 156-93 stated that the terms of appointment for voting members of the Board of Directors shall be three (3) years.

**NOW THEREFORE, BE IT**

**RESOLVED**, the following members of the Board of Directors of the Steuben County Conference and Visitors' Bureau shall be appointed for terms as indicated:

**VOTING MEMBERS**

**Attractions**

Amy Drake, Woodhull Raceway

(filling unexpired term of Kirk House)

Beth Duane, Marketing Manager, Corning Glass Museum

Cindy Weakland, Director, Public Programs & Groups Sales, Rockwell Museum

Vacancy

**TERMS**

01/01/02 – 12/31/04

01/01/03 – 12/31/05

01/01/04 – 12/31/06

01/01/03 – 12/31/05

**Accommodations**

Jan Ebeling, General Manager, Radisson Hotel, Corning

Fran Ambroselli, Owner, Villa Serendip Bed & Breakfast

(filling unexpired term of Ruth Cody)

Allen Fusco, Holiday Inn - Corning-Painted Post

01/01/02 – 12/31/04

01/01/02 – 12/31/04

01/01/03 – 12/31/05

**Restaurants**

Robert Pfuntner, Pembroke Pines Media Group and Keuka Maid

01/01/04 – 12/31/06

**Financial Representative**

Terry Kelley, Bath National Bank - Hornell

01/01/03 – 12/31/05

**Travel Agency**

Terry Lewis, Vice President, Covered Wagon & Finger Lakes Tours

(filling unexpired term of Maureen McBride-Pierotti)

01/01/03 – 12/31/05

**Campground**

Randy Lehman, Hickory Hill Camping Resort

01/01/04 – 12/31/06

**Community-at-Large**

William O. Hatch, Owner, William O. Hatch Enterprises

01/01/03 – 12/31/05

**County Legislators**

DeWitt T. Baker, D.V.M.

(filling unexpired term of David Stachnik)

01/01/03 – 12/31/05

Kenneth E. Isaman

01/01/04 – 12/31/06

**County Administrator Designee**

Greg Heffner, Planning Director/Deputy County Administrator

01/01/04 – 12/31/06

**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, Acting Executive Director, Steuben County Conference and Visitors' Bureau, Inc., 5 West Market Street, Baron Steuben Building, 2nd Floor, Corning, New York, 14830.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 059-04**

Introduced by P. Roche.

Seconded by L. Jamison.

**APPOINTING MEMBERS TO THE TRAFFIC SAFETY BOARD.**

**WHEREAS**, several 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 as indicated:

**JANUARY 1, 2004 TO DECEMBER 31, 2006**

Paul Crowe	Hornell City Police Chief or designee
Rene Bouchard	District Superintendent, S/A BOCES, 6985 Technology Way, PO Box 586, Hornell, NY
Edward Castellana	Steuben County Risk Manager or designee
David Rouse	Bath Village Police Chief or designee
Michael Sprague	Director of Emergency Management or designee
John Tunney	Steuben County District Attorney or designee
Dan Farrand	P.O. Box 652, Bath, NY
Joel Ordway	Chief Deputy, Steuben County Sheriff's Department
Designee	Steuben County Magistrate's Association

**JANUARY 1, 2003 TO DECEMBER 31, 2005**

Lawrence Crossett	Steuben County Treasurer or designee
Vincent Spagnoletti	Commissioner of Public Works or designee

Richard C. Tweddell     Steuben County Sheriff or designee  
Gregory P. Heffner     Planning Director or designee  
Sal Trentanelli        Corning City Police Chief  
Lorellie Clark         Public Health and Nursing Services

**EX-OFFICIO MEMBER SERVING JANUARY 1, 2004 TO DECEMBER 31, 2006**

Jack Fay                      Captain, New York State Police or 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 be forwarded to the above-named appointees, the County Auditor, and the Governor's Traffic Safety Committee, Swan Street Building, Empire State Plaza, Albany, New York 12228.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 060-04**

Introduced by P. Roche.

Seconded by L. Jamison.

**FILLING A VACANCY ON 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.

**WHEREAS**, there currently exists a vacancy in the position of Alternate Landowner Representative on the Fish and Wildlife Management Act Board; and

**WHEREAS**, the Chairman of the Steuben County Legislature has recommended the following individual to fill said vacancy.

**NOW THEREFORE, BE IT**

**RESOLVED**, the following individual is appointed to serve on the Fish and Wildlife Management Act Board, filling the unexpired term of Laverne Stephens through December 31, 2004:

Steuben County Alternate Landowner Representative:                      Michael Warren  
7281 Horton Road  
Hornell, NY 14843

**BE IT FURTHER RESOLVED**, said alternate member is directed and authorized to attend any and all meetings of the Fish and Wildlife Management Act Board when authorized by the representative member who is unable to attend the meetings and that said alternate member shall have the same rights and obligations of the regularly-appointed representatives to said Board; and be it further

**RESOLVED**, the member shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of his 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 E. Avon-Lima Road, Avon, NY, 14414; and the County Auditor.

**Vote: Acclamation – Adopted.**

Mr. Argentieri asked Mr. Alger about the sales tax exemption on clothing that he mentioned in his monthly activity report. Mr. Alger stated the State is eliminating the sales tax on clothing exemption for those Counties who opted to offer it and counted it as a credit towards the benefit of the County in the State Budget. Because we didn't opt into that exemption, we didn't receive that benefit.

*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. Creath, seconded by Mr. Argentieri and duly carried.*

*Motion to adjourn Executive Session and Reconvene in Regular Session made by Mr. Gehl, seconded by Mr. Swackhamer and duly carried.*

**RESOLUTION NO. 061-04**

Introduced by D. Creath.

Seconded by R. Argentieri.

**PRESENTATION OF THE 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 has been sponsoring 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 to present 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 five (5) 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 be especially 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 five (5) 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. **DeWitt T. Baker, D.V.M. – Steuben County Legislator.** Dr. Baker has been representing District 13 as a member of the Legislature since 1988. During his 16-year tenure on the Legislature, his colleagues elected him to be the Vice Chairman of the Legislature from 1994 – 2000, when he was selected to be the Chairman of the Legislature, a position he held until January 1, 2004. Under Dr. Baker's leadership, the sluggish 911 program was energized and it now is working on schedule and on budget. As well as being a member of the Legislature, Dr. Baker has also served as a member of the Corning – Painted Post Area School District Board of Education, member of the Board of Trustees of Corning Community College, Supervisor for the Town of Corning and continues to be a member of the New York State Association of Counties. In addition, Dr. Baker also enjoyed a veterinarian practice for 35 years.

2. **Helen Jane Knapp Bartron – Steuben County Treasurer.** As one of the first women to be elected as a Steuben County officer, Helen Jane Bartron has earned the admiration and respect of her colleagues and of county voters. She began her tenure as County Treasurer in 1960 and served with distinction until her retirement in 1981 – a span of 21 years. Mrs. Bartron also instigated new processes to make the county's fiscal operations more effective. She acted to have the Treasurer oversee all tax rolls and tax bills, and to better serve constituents she developed both the Real Property Tax Office and the County Purchasing Department.

3. **Guy Bowles Bennett.** Guy Bowles Bennett, Sr. was born in Wayland in 1895, and he died at the Bath V.A. in 1999 at the age of 103. His very long life encompassed a lot of history, most of it involved in mechanics, automobiles, especially Buick's, and other motorized vehicles. Mr. Bennett's service in World War I lasted a year and a half in France, and it was devoted to the repair of army trucks, ambulances and automobiles. In 1999, he received in person the French Legion of Honor given to all surviving members of the U.S. Armed Forces who fought on French soil in World War I. Upon his return in 1919, Mr. Bennett and his brother created an auto repair business. By 1921 there was a building in Wayland labeled "Bennett's Bro's" and by 1922 the brothers had obtained a Buick dealer's franchise. In 1942 they added a machine shop to their business. Mr. Bennett's son joined the business in 1953 and a grandson joined in 1971. In 1990 Mr. Bennett added the Chevrolet and Oldsmobile franchises to the dealership. In 1995 at the age of 100, Mr. Bennett's dealership was recognized as the oldest continuously operating family-owned Buick dealership in the world.

4. **Donald R. Davidsen, D.V.M.** Dr. Davidsen came to Steuben County in 1964 when he established a veterinary practice in Canisteo. He was the Steuben County Coroner for 11 years and in 1981 ran for Legislator for Canisteo, a position he held for 5 years. While serving as Chairman of the AIP Committee, he became involved with the planning, design and bidding of the \$10 million County Office Building. It was largely because of his efforts that the then many scattered county offices were brought together into one centralized facility. The concept is an unqualified success, and to recognize his leadership, the driveway to the building's entrance is named "Davidsen's Way." In 1986 Dr. Davidsen won a seat on the New York State Assembly and served the residents of the 127<sup>th</sup> District for 8 years. In 1995 he was appointed by Governor Pataki to be the Commissioner of the State Department of Agriculture and Markets and he held this position until his retirement in 1999. Dr. Davidsen also served as Commissioner of the Southern Tier Rail Commission, working to revitalize railroad operation in Western New York and the Southern Tier from 2000 – 2002.

5. **Richard V. Peer.** Mr. Peer was born in Corning, NY in 1925. After his graduation from high school in 1943, he was drafted into the Army to serve the nation in World War II. He fought in the Battle of the Bulge where he won the Bronze Star. Upon his discharge from the Army in 1945, he attended Syracuse University's School of Journalism and worked his summers at "*The Leader*." Upon graduation he worked for the Potsdam, NY "*Courier Freeman*," then he became the Managing Editor of the "*Massena Observer*" in Massena, NY. In 1961 he was asked to become the City Editor of "*The Leader*" and also served as its Managing Editor, and he finished his tenure as a staff member at "*The Leader*" as the paper's Editor. He retired in 1987. However, he did not retire from writing for the paper. His popular columns, "Peering into the Past," a regular feature while he was working at the paper, had continued to this day – 17 years after his official "retirement." Over the years he has written over 4,000 columns for "*The Leader*" and his appreciative public.

**BE IT FURTHER RESOLVED**, the Agriculture, Industry and Planning Committee of this Committee of this Legislature and the County Historian, for and on behalf of this 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: Roll Call – Adopted.**

*Motion to adjourn made by Mr. Schwartz, seconded by Mr. Swackhamer and duly carried.*

**REGULAR MEETING**  
**Morning Session**  
**Monday, March 22, 2004**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, New York, on Monday, the 22<sup>nd</sup> day of March, 2004, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll Call and all members present except Legislator Jamison.

Mr. Swackhamer offered the Invocation and the Pledge of Allegiance was led by Mr. Gehl.

Mrs. Kane asked Nancy Buck to come forward. Ms. Buck is an employee in the Department of Buildings and Grounds. Chairman Roche presented her with a Certificate of Appreciation and a County watch in recognition of her retirement with 32 years of service to Steuben County.

Chairman Roche asked the members of the Wellness Committee to come forward. The Wellness Committee was formed in 1996 to assist in developing programs to increase the wellness of our County employees. He presented Lorellie Clark, Jeane Dean, Betty Orcutt, Pat Sherer, Linda Teter, Pat White, Paula Parker, Lucy Hess, Mary Ellen Johnson, Loree Symonds and Amanda Chapman with Certificates of Appreciation. We appreciate your efforts in trying to encourage employees to be healthier.

Mrs. Kane asked Carolyn Scaife and Darla Stratton to come forward. Chairman Roche presented Mrs. Stratton with the Employee of the Month Award for the Month of April 2004. Mrs. Scaife nominated Mrs. Stratton for the award in the category of Outstanding Performance, either by way of attitude, cooperation, motivation or creativity.

Mrs. Scaife stated my nominee for Employee of the month is Darla Stratton from the Information Technology Department. This young lady has always been readily available and most willing to assist all departments when problems arise, or to show us how to perform new functions. There have been many times when working on a report or project with a deadline, when something in the software goes awry or there's a glitch in the computer. I always call or e-mail Darla and she's at my desk in a matter of seconds; that is, if someone from another department hasn't gotten to her first. Darla is the one employee in the I.T. Department that I and other staff relies on to assist and solve our program problems.

There has never been a time when I have asked Darla about a certain problem that she hasn't found the solution. If she isn't able to solve the problem at my computer at that particular moment, she'll simply say, "Let me go back to my desk and work on this to see if I can figure it out." Of course, usually in a matter of minutes she has returned to my office with the solution. She is virtually an expert in solving these problems and she can be found in any County department assisting someone.

I remember one time I had e-mailed her for help but didn't get a response. I called the department asked for Darla and they said she wasn't there. With a panic I immediately asked, "Did she get another job someplace else?!!" to which they replied no, she was just out of the office that day. Whew!

Some of the nicest qualities I find with Darla is that she is always pleasant, always has a smile on her face, has a great sense of humor and when I thank her for coming to my office, she always says with a smile, "You're welcome – any time. If you need anything else, just let me know and I'll come down again."

And so, Darla, I'm very glad you're with our I.T. Department, as you have been so very helpful to me when problems arise. Thank you for all your help and congratulations on being selected our "Employee of the Month"!

Chairman Roche stated today we have the Youth in Government Interns in attendance. Richard McCandless stated first of all I would like to thank everyone for their cards, calls and prayers. This is the 20<sup>th</sup> year of the program with an estimated 776 students participating. This semester's program consists of 22 interns. He introduced those interns in attendance and announced which Legislator they are assigned to. He reminded the Legislators they will be having lunch with the interns immediately following today's meeting.

*Motion adopting the minutes of the previous month's meeting made by Mr. Isaman, seconded by Mr. Nielsen and duly carried.*

Mr. Alger reported they have delayed the due date for the RFPs on the sale of the Health Care Facility until April. He also noted the composite annual report has been distributed for your review. We have begun the budget process and at this point it is too early to say what we are going to be faced with. Suffice it to say that the social services programs have been unrelenting and the increase will be more than in years past.

#### **RESOLUTION NO. 062-04**

Introduced by G. Swackhamer.

Seconded by K. Isaman.

#### **MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS AND PROPERTY TAXES.**

**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 #     A-1      
Name     Pennsylvania Lines LLC % B&H Railroad      
Parcel #     174.00-01-087.000, 175.00-01-063.000      
Municipality     Bath Town      
Parcel #     279.00-03-008.000, 242.00-02-021.000      
Municipality     Campbell Town      
Parcel #     279.00-01-011.000, 280.13-01-002.000,  
    280.13-02-035.000, 298.00-01-014.000,  
    280.00-01-028.000      
Municipality     Erwin Town      
Disposition     Correction    

Resolution #     A-2      
Name     Pennsylvania Lines LLC % B&H Railroad      
Parcel #     174.00-01-087.000, 175.00-01-063.000      
Municipality     Bath Town      
Parcel #     279.00-03-008.000, 242.00-02-021.000      
Municipality     Campbell Town      
Parcel #     279.00-01-011.000, 280.13-01-002.000,  
    280.13-02-035.000, 298.00-01-014.000,  
    280.00-01-028.000      
Municipality     Erwin Town      
Disposition     Refund    

SCHEDULE "B"

Resolution #     B-1      
Former Owner     David & Kenneth Simolo (Thomas M Para)      
In Rem Index No.     78446, 1998 sale      
Parcel #     019.00-02-020.000      
Municipality     Prattsburgh Town      
Grantee(s)     Judith E Dudley      
Grantee(s) Address     6975 Carey Rd, Bath, NY 14810      
Consideration     \$2,637.90, together with \$93.00 recording fees    

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 063-04**

Introduced by P. Roche.

Seconded by D. Baker.

**RECEIVING AND ACCEPTING THE MARCH 22, 2004 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 13, 2004**

1. NYS Office for Technology - Re: Statewide Wireless Network - Commencement of Review under the State Environmental Quality Review Act, Notice of Intention to Act as Lead Agency. **Referred to: Public Safety & Corrections Committee; Sheriff Tweddell; Tim Wixom, 911 Director; Mike Sprague, EMO Director; and Ken Peaslee, I.T. Director.**

### February 18, 2004

1. Southern Tier Regional Emergency Medical Services, Inc. - Re: STREMS, Inc., Financial Audit Report for FY ending 9/30/03. **Referred to: Health & Education Committee; Public Safety & Corrections Committee; Finance Committee; Vicki Fuerst, PHN Director; Mike Sprague, EMO Director; and Larry Crossett, County Treasurer. Filed w/Clerk of Legislature.**

### February 23, 2004

1. NYS Office for the Aging - Re: Official revised Notification of Grant Award and budget pages, per County's budget modification request for the Retired and Senior Volunteer Program (4/1/03-3/31/04). **Referred to: Human Services Committee and Linda Tetor, OFA Director.**

### February 25, 2004

1. NYS Department of Environmental Conservation - Re: Disposal of Holding Tank and Portable Toilet Wastes - NYSDEC requests that any bids, contracts or projects that involve the aforesaid, include information that informs contractors, public officials and any other involved parties of the above requirements. **Referred to: Public Works Committee; Vincent Spagnoletti, PW Commissioner; and James Gleason, Purchasing Director.**

### February 27, 2004

1. NYS Office of Parks, Recreation & Historic Preservation - Re: Canisteo Living Sign, Greenwood Street, Canisteo, NY, will be considered by the State Review board for nomination to the National & State Registers of Historic Places. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director; and Twila O'Dell, Historian.**
2. NYS Office of Parks, Recreation & Historic Preservation - Re: Downtown Hornell Historic District, 82-117 Main Street & 8-50 Seneca Street, Hornell, NY, will be considered by the State Review board for nomination to the National & State Registers of Historic Places. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director; and Twila O'Dell, Historian.**

### March 2, 2004

1. Western Regional Off-Track Betting Corporation - Re: Check in amount of \$5,733 representing the January 2004 retained surcharge revenue for Steuben County from the WROTBC. **Referred to: Rules and Finance Committees; and Larry Crossett, County Treasurer.**

### March 3, 2004

1. Assembly Standing Committees on: Governmental Operations; Local Governments: Codes; and Health, Re: Emergency First Responders: Equipment, Recruitment and Training - To examine the needs of local emergency first responders across New York State. Notice of Public Hearing: March 8, 2004 @ 11:00 AM, Legislative Office Building, Albany, NY. **Referred to: Public Safety & Corrections Committee; Tim Wixom, 911 Director; Sheriff Tweddell; and Mike Sprague, EMO Director.**

### March 4, 2004

1. NYS Department of Transportation - Re: Federal Section 5311 Operating Assistance Projects; Steuben County, PIN 6791.36.404-2002, 6792.38.404-2003, and PIN 6793.41.404-2004. **Referred to: A.I.P. and Finance Committees; Greg Heffner, Planning Director; and Larry Crossett, County Treasurer.**
2. Schoharie County Office of Clerk, Auditor & Purchasing - Re: Resolution in Opposition to Legislation that Ultimately Seeks Amendment of the Public Health Law in Relation to the Regulation of Residential Septic Systems, adopted by Schoharie County Board of Supervisors on February 20, 2004. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

### March 8, 2004

1. NYS Emergency Management Office - Re: Invitation to Steuben County to apply for assistance under the Emergency Management Performance grant for FFY 2004. Tentative annual allocation for Steuben County is \$23,945. **Referred to: Public Safety & Corrections Committee and Mike Sprague, EMO Director.**
2. NYS Electric & Gas - Re: Case 29211 Order Requiring Submittal of Semi-annual Inventory Reports of PCB Equipment. **Referred to: Public Safety & Corrections Committee and Mike Sprague, EMO Director.**

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 064-04**

Introduced by P. Donnelly.

Seconded by T. Schwartz.

**AUTHORIZING AN EXTENSION OF THE DEADLINE FOR THE PAYMENT OF REAL PROPERTY TAX BY MEMBERS OF THE DEPLOYED MILITARY.**

Pursuant to Real Property Tax Law Section 925-d.

**WHEREAS**, pursuant to the Laws of the State of New York 2003, Chapter 106, the State Legislature has passed the Patriot Plan, which authorizes municipalities to extend the deadline for payment of real property taxes by members of the deployed military upon adoption of a resolution; and

**WHEREAS**, extending the deadline for payment of real property taxes on behalf of members of the deployed military will ease their burden in these difficult times.

**NOW THEREFORE, BE IT**

**RESOLVED**, the following be and the same hereby is adopted:

**SECTION 1: - LEGISLATIVE INTENT**

This Legislature recognizes that the individuals who are members of the military make a tremendous sacrifice, especially in times like these when our military personnel are in many locations throughout the world and here in New York fighting against terrorism. This sacrifice is just as real for the men and women who comprise our reserve armed forces and state organized militia. For those who are not full-time active duty in the military, but instead are called to active duty as a member of the reserve armed forces or state organized militia, the rest of their lives must be put on hold to accommodate that service. However, such military personnel continue to be responsible for their own well being and the well being of their families and they must still face the obligations that exist in their everyday lives. Steps have been taken to ease some of the burdens that these brave men and women encounter, to allow them to focus their full energy on defending our country; however, this Legislature recognizes that more must be done to ensure that military personnel engaged in active duty are not troubled by their obligations at home.

**SECTION 2: - DEPLOYED MILITARY; EXTENSION**

Relative to the collection of real property tax owed to County of Steuben or to the imposition of penalties or interest therefor for a late payment owed by a person who has been deployed by the military or by the spouse or domestic partner of such person for real property of a person so deployed, any deadline with respect to the payment of such real property tax shall be extended for a period of ninety days after the end of such deployment.

**SECTION 3: - DEFINITION**

For purposes of this section a “person deployed by the military” shall mean a person who has been ordered to active military duty, other than training, for the period beginning with a declaration of war by Congress and ending with a date prescribed by Presidential proclamation or concurrent resolution of Congress or during any periods of combat designated by presidential executive order or hazardous duty.

**SECTION 4: - ESCROW ACCOUNTS**

Any payment on behalf of such deployed person, spouse or domestic partner from a real property tax escrow account shall likewise be so extended consistent with the provisions of this section.

**SECTION 5: - EFFECTIVE DATE**

This resolution shall be effective July 1, 2003.

**AND BE IT FURTHER RESOLVED**, a certified copy of this resolution shall be forwarded to the Real Property Tax Service Director and the County Treasurer.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 065-04**

Introduced by H. Mayo.

Seconded by T. Schwartz.

**AUTHORIZING AND DIRECTING THE COMMISSIONER OF PUBLIC WORKS TO PREPARE AN AMENDED COUNTY MAP OF THE COUNTY HIGHWAY SYSTEM TO CONTAIN CERTAIN NAMES OR DESIGNATIONS IN ORDER TO FACILITATE THE IMPLEMENTATION OF E 911 ADDRESSING SYSTEM, AND TO ACCOMMODATE THE MAILING SYSTEM OF THE UNITED STATES POSTAL SERVICE.**

Pursuant to Highway Law §115 of the State of New York.

**WHEREAS**, the Steuben County E 911 Department has made various recommendations for the names or designations of various roads and highways within Steuben County to be incorporated by the Commissioner of Public Works into the County highway map; and

**WHEREAS**, said recommendations are essentially for the implementation of the proper addressing system for E 911 and represent a significant portion of the creation of an E 911 System; and

**WHEREAS**, it is necessary from time to time to make periodic adjustments to the addressing system as the same becomes complete in order to more readily facilitate the designation of those mailing addresses for certain purposes including, but not limited to, the United States Postal Service, as well as, telephone companies servicing the County of Steuben; and

**WHEREAS**, the recommendations made by the County E 911 Department have been adopted by all the municipalities within the County; and

**WHEREAS**, the County is adopting said plan for addressing the County E 911 program, and, as part of that plan, has adopted the policy that roads and highways within the County be designated in accordance with the aforesaid recommendations; and

**WHEREAS**, it is necessary to authorize and direct the Commissioner of Public Works to amend the official County highway map to incorporate the aforesaid designations.

**NOW THEREFORE, BE IT**

**RESOLVED**, the County of Steuben hereby authorizes and directs the Commissioner of Public Works to amend the County highway map upon completion of the E 911 addressing system to incorporate the aforesaid designations as compiled in a database and on a map residing in the County Planning Department; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Commissioner of Public Works; the E 911 Director; the Real Property Tax Service Director and the Planning Director.

Mr. McIntyre asked would these be the final addressing changes? Mr. Wixom stated this will complete all the changes and will finalize the map.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 066-04**

Introduced by H. Mayo.

Seconded by P. Donnelly.

**REQUESTING THE STATE OF NEW YORK TO ABANDON ITS MAINTENANCE JURISDICTION OVER A PARCEL OF LAND ALONG STATE HIGHWAY 54A IN THE TOWN OF URBANA FOR PROPERTY OWNER SHUART.**

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

**WHEREAS**, Patricia C. Shuart, 129 West Lake Road, Hammondsport, Town of Urbana, Steuben County, New York owns a home along State Highway 54A, and a portion of the house is on a parcel of property encumbered by the County of Steuben; and

**WHEREAS**, Ms. Shuart is requesting this portion of right-of-way amounting to .004 acres be returned to her; and

**WHEREAS**, the New York State Department of Transportation has maintenance jurisdiction over this area; and

**WHEREAS**, Steuben County has an interest in this original user highway; and

**WHEREAS**, this area may no longer be necessary for use by the County of Steuben or the State of New York; and

**WHEREAS**, the County is desirous of conveying said parcel to the adjacent owner and restoring the property to the tax rolls; and

**WHEREAS**, the State of New York Department of Transportation must abandon its maintenance jurisdiction to this area in order for the County to transfer said property to the adjacent owner.

**NOW THEREFORE, BE IT**

**RESOLVED**, this Steuben County Legislature does hereby request that the State of New York abandon its maintenance jurisdiction to said area as shown on the map drawn by Rodrick E. McConnell, Licensed Land Surveyor; and be it further

**RESOLVED**, three (3) certified copies of this resolution, together with the aforesaid map, shall be forwarded to the New York State Department of Transportation, 107 Broadway, Hornell, New York 14843; three (3) certified copies to the Commissioner of Public Works, and one (1) certified copy of this resolution shall be forwarded to the County Treasurer, and the Real Property Tax Service Director.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 067-04**

Introduced by H. Mayo and G. Swackhamer.

Seconded by K. Isaman.

**AUTHORIZING THE FILING OF AN APPLICATION FOR STATE ASSISTANCE FROM 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.**

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

**WHEREAS**, the State of New York provides financial aid for household hazardous waste programs; and

**WHEREAS**, Steuben County, herein called the “Municipality” has examined and duly considered the applicable laws of the State of New York and the Municipality 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 people of the State of New York, herein called the “State”, and the Municipality be executed for such State Aid.

**NOW THEREFORE, BE IT**

**RESOLVED**, by the Steuben County Legislature as follows:

1. The filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. Vincent Spagnoletti, Commissioner, or his designee is directed and authorized as the official representative of the Municipality 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.
3. The Municipality agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for its share of such costs.
4. The Municipality or Municipalities set forth their respective responsibilities by attached joint resolution relative to a joint program.

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

**RESOLVED**, five (5) certified copies of this resolution shall be forwarded to the Commissioner of Public Works.

Mr. Spagnoletti stated they began the Household Hazardous Waste Day three years ago. He stated initially the day of collection cost approximately \$6,000 to \$7,000. Last year, however, the collections increased and it now costs approximately \$10,000. He noted this grant will pay for half of the cost.

Mr. Swackhamer stated he recently learned that with the paint they collect, if there is a particular color paint that you want, you can make an exchange.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 068-04**

Introduced by H. Mayo.

Seconded by T. Schwartz.

**AUTHORIZING THE COMMISSIONER OF THE STEUBEN COUNTY DEPARTMENT OF PUBLIC WORKS TO EXECUTE A SNOW AND ICE AGREEMENT BETWEEN THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND THE COUNTY OF STEUBEN.**

Pursuant to Section 12 of the Highway Law of the State of New York.

**WHEREAS**, agreements have heretofore been executed between the New York State Department of Transportation and the County of Steuben for snow and ice control upon terms and conditions set forth in said prior agreements, copies of which are on file in the Steuben County Department of Public Works and the Office of the Clerk of the Legislature; and

**WHEREAS**, the Public Works Committee has recommended that a Snow and Ice Agreement be further extended for the winter season covering 2004-2005. The estimated expenditure is the average of the past three years' billings after adjustments for applicable audit exceptions as per Section A6 of Control of Snow and Ice of State Highways by Municipal Contractors, dated December 1990.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature does hereby authorize and direct the execution of an agreement by the Commissioner of the Steuben County Department of Public Works or his duly authorized Deputy, between the New York State Department of Transportation and the County of Steuben for snow and ice control, upon the terms and conditions as set forth in prior agreements. The estimated expenditure is the average of the past three years' billings after adjustments for applicable audit exceptions as per Section A6 of Control of Snow and Ice on State Highways by Municipal Contractors dated December 1990, and said agreement shall cover the period of the snow and ice season 2004-2005; and be it further

**RESOLVED**, four (4) certified copies of this resolution shall be forwarded to the Commissioner of Public Works.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 069-04**

Introduced by D. Baker.

Seconded by R. Argentieri.

**DESIGNATING THE E 911 CENTER AS THE SINGLE PUBLIC SAFETY ANSWERING POINT (“PSAP”).**

Pursuant to Sections 330 (1) and 328(4) of the County Law of the State of New York.

**WHEREAS**, many emergencies require immediate response from an emergency service provider, whether police, fire, or emergency medical service; this need requires that E 911 dispatch facilities must be able to dispatch any and all of such providers to ensure the highest level of service and protection to the community; and

**WHEREAS**, the definition of a direct dispatch is that the Public Safety Answering Point (“PSAP”) can, by encoding or toning, alert the responding agency without having to relay or reroute calls unless the call originates outside the jurisdiction, all PSAPs shall have the capability of direct dispatch as so defined; and

**WHEREAS**, PSAP shall transfer all wireless E 911 calls originating outside its jurisdiction to the appropriate agencies pursuant to existing local practice; and

**WHEREAS**, when our E 911 system is up and running, it will be the single PSAP for all E 911 calls in Steuben County.

**NOW THEREFORE, BE IT**

**RESOLVED**, this PSAP complies with the New York Department of State E 911 Board's standards in 21 NYCRR Parts 5200, 5201, 5202 and 5250 and will, following the acquisition of the items for which expedited deployment funding is requested, comply with the Board's standards in 21 NYCRR Part 5203; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the E 911 Director.

Mr. Wixom stated as we get closer to turning the system on, there are State standards we have to agree to such as, any cellular or landline 911 call has to come through our facility. This resolution will make us eligible to apply for a State grant towards the cost of the system.

Mr. Swackhamer asked what happens to those municipalities who want to maintain a dispatch center? Mr. Wixom stated they can do a one-button transfer.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 070-04**

Introduced by D. Baker and G. Swackhamer.

Seconded by R. Nielsen.

**AUTHORIZING AND DIRECTING THE EMERGENCY MANAGEMENT OFFICE TO ACCEPT \$7,000.00 FUNDING FROM THE NEW YORK STATE LEGISLATIVE INITIATIVE FOR IMPROVEMENTS TO THE FIRE INVESTIGATION/COMMAND VEHICLE.**

**WHEREAS**, the Steuben County Office of Emergency Services has a 1995 converted school bus as a Fire Service Command Vehicle; and

**WHEREAS**, this Command Vehicle is used extensively for fire investigation work; and

**WHEREAS**, New York State has allocated 100% funding in the amount of \$7,000.00 through a legislative initiative from Senator John R. Kuhl’s office; and

**WHEREAS**, this funding is dedicated for the express purpose of updating and renovating the Fire Service Command Vehicle.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature accepts funding from the State of New York for the purpose of updating and renovating the Fire Service Command Vehicle, and be it further

**RESOLVED**, the Steuben County Treasurer be empowered to allocate such funding to the Office of Emergency Services budget in order to facilitate the completion of this project; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Director of Emergency Management to be provided with the signed contract to the State of New York.

Mr. Marshall stated this is Legislative Initiative Funding from Senator Kuhl and Assemblyman Bacalles to make upgrades to our command vehicle. It’s a bus we received from the Haverling School District about 5 years ago.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 071-04**

Introduced by D. Baker and G. Swackhamer.

Seconded by F. Gehl.

**AUTHORIZING AND DIRECTING THE EMERGENCY MANAGEMENT OFFICE TO ACCEPT \$75,000.00 FOR THE FFY04 CITIZEN CORPS GRANT PROGRAM.**

**WHEREAS**, Steuben County is in receipt of Federal Funding under the FFY04 Citizen Corps Grant Program awarded by the New York State Emergency Management Office; and

**WHEREAS**, the purpose of the funding is to help develop and implement an approach to public education and training programs to promote Citizen Corps Councils; and

**WHEREAS**, there is a need to increase collaboration between the first responder/emergency management community, volunteer groups and other stakeholders; and

**WHEREAS**, the funds can also be used to establish and enhance volunteer recruitment efforts to Citizen Corps and other specific programs; and

**WHEREAS**, training will be used to support Citizen Corps Programs focusing on emergency preparedness, basic first aid, life saving skills, crime prevention, public health issues, mitigation, safety in the home, or other training that promotes community safety.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the County of Steuben enter into a legal agreement with the State Emergency Management Office to accept funding for the FFY 04 Citizen Corps Grant Program; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Director of Emergency Management.

Mr. Marshall stated this funding is in addition to the funding they received last year for the Citizen Corps Grant Program. This will keep the program running the next two years.

Mr. Isaman asked how will this funding be utilized? Mr. Marshall stated they will use it to market and promote the program. It also will be used to develop a database of volunteers that lists their level of training so we can contact them if needed for emergencies.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 072-04**

Introduced by D. Creath.

Seconded by D. Baker.

**AUTHORIZING THE CLOSING OF SEVEN CAPITAL PROJECTS AND RETURNING THE UNEXPENDED BALANCES BACK TO THE REPAIR AND RENOVATIONS RESERVE.**

**WHEREAS**, seven capital projects which have been completed, contain unexpended balances which were originally funded from the Repair and Renovations Reserve Fund.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Treasurer is hereby authorized to close the following Capital Projects:

F2	1620-0001	Architectural/Engineering Services	\$	801.42
GB	1620-0301	Wilson Avenue Parking Lot – Seal/Stripe		5,294.14
GH	1620-0201	Electric Service – 117 E. Steuben St., Bath		662.78
GH	1620-0202	117 E. Steuben St., Bath – Rep. Equip. Garage		1,006.42
GH	1620-0301	117 E. Steuben St., Bath – Roof Replacement		1,894.36
GI	1620-0201	Civil Defense Parking Lot – Seal/Stripe		3,381.63
G9	1620-0201	20 E. Morris St., Bath – Roof Replacement		50.00
		<b>TOTAL</b>		<b>\$13,090.75</b>

**AND BE IT FURTHER RESOLVED**, the unexpended balances, plus interest, shall be transferred to the Repair and Renovations Reserve Fund; 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. 073-04**

Introduced by D. Creath.

Seconded by R. Nielsen.

**CORRECTING ERRORS IN THE DESCRIPTION OF STEUBEN COUNTY AGRICULTURAL DISTRICT NO. 23.**

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

**WHEREAS**, this Legislature did modify and adopt by resolution Agricultural District No. 23 on January 26, 2004 as a result of its eight-year review; and

**WHEREAS**, subsequent to said adoption, errors were found in the Description of Agricultural District No. 23; and

**WHEREAS**, parcels were listed in the Description of Agricultural District No. 23 that are also listed in the Description of Agricultural District No. 1; and

**WHEREAS**, it is in the best interests of the County and the Agricultural Districts program that said parcels remain in Agricultural District No. 1.

**NOW THEREFORE, BE IT**

**RESOLVED**, the following tax parcels located in the Town of Woodhull shall be removed from the Description of Agricultural District No. 23:

- 309.00-01-006.000
- 309.00-01-009.000
- 309.00-01-014.000
- 309.00-01-022.000
- 309.00-01-023.000
- 309.00-01-024.100

**AND BE IT FURTHER RESOLVED**, a certified copy of this resolution shall be forwarded to the Commissioner of the New York State Department of Agriculture and Markets, 1 Winners Circle, Albany NY 12235; Commissioner of the New York State Department of Environmental Conservation, 625 Broadway, Albany NY 12233-1011; Gregory R. Heffner, Steuben County Planning Director; John Weaver, Chairman, Steuben County Agricultural and Farmland Protection Board, 7831 County Route 13, Bath NY 14810; Donna Hatch, Director, Real Property Tax Service Agency; and James Grace, Cornell Cooperative Extension.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 074-04**

Introduced by D. Creath.

Seconded by T. Schwartz.

**AUTHORIZING A PUBLIC HEARING ON LAND SUBMITTED FOR INCLUSION IN CERTIFIED AGRICULTURAL DISTRICTS DURING THE 2004 ANNUAL THIRTY-DAY PERIOD.**

Pursuant to Article 25-AA, Section 303-b, of the Agriculture and Markets Law of the State of New York.

**WHEREAS**, the Steuben County Legislature established a required annual period from January 15 to February 15 for landowners to submit requests to add agricultural land to certified Agricultural Districts; and

**WHEREAS**, landowners submitted requests to add land and said requests were forwarded to the Steuben County Agriculture and Farmland Protection Board for their review; and

**WHEREAS**, the Steuben County Agriculture and Farmland Protection Board has reviewed the matter and submitted a report to this Legislature.

**NOW THEREFORE, BE IT**

**RESOLVED**, that in accordance with Section 303-b of the Agriculture and Markets Law of the State of New York, a Public Hearing on this matter shall be held by this County Legislature on the 26<sup>th</sup> day of April, 2004, at 10:00 a.m.; and be it further

**RESOLVED**, 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**, a certified copy of this resolution shall be forwarded to John Weaver, Agricultural and Farmland Protection Board Chair, 7831 County Route 13, Bath NY 14810; Gregory P. Heffner, Steuben County Planning Director; and James Grace, Cornell Cooperative Extension.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 075-04**

Introduced by D. Creath and G. Swackhamer.

Seconded by R. Argentieri.

**ACCEPTING A COMMUNITY DEVELOPMENT BLOCK GRANT FROM THE GOVERNOR'S OFFICE OF SMALL CITIES.**

**WHEREAS**, by Resolution #060-03, April 28, 2003, the Steuben County Legislature authorized the submission of an application to the Community Development Block Grant Small Cities Program; and

**WHEREAS**, the Steuben County Industrial Development Agency (IDA) was designated to be the sub recipient of said grant; and

**WHEREAS**, Steuben County has been awarded a grant of \$750,000; and

**WHEREAS**, said grant will be utilized by the Steuben County IDA to provide a loan to Transportation and Transit Associate, LLC to significantly expand its business facilities.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature does hereby accept the Community Development Block Grant, to be distributed to the Steuben County IDA for the purpose of a loan to Transportation and Transit Associates, LLC; and be it further

**RESOLVED**, the Steuben County Treasurer is hereby authorized to modify the 2004 Steuben County Budget to account for said grant; and be it further

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

**RESOLVED**, a certified copy of this resolution shall be forwarded to James Sherron, Executive Director, Steuben County IDA; the Steuben County Planning Director; and the County Treasurer.

Mr. Swackhamer asked for an explanation regarding this grant. Chairman Roche stated this is a State grant received on behalf of TTA (Transportation and Transit Associates). The Steuben County IDA will distribute the funds for Steuben County. Mr. Alger stated the grant was written so that the money would be loaned by the IDA to TTA and, upon repayment of the loan, the IDA would use the money as a revolving loan fund for other projects. Discussion followed.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 076-04**

Introduced by H. Mayo.

Seconded by R. Nichols.

#### **MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK FOR RESTORATION OF FULL FUNDING TO THE CONSOLIDATED HIGHWAY IMPROVEMENT PROGRAM (CHIPS).**

**WHEREAS**, local governments are responsible for eighty five percent of the State's 110,000 miles of roadways, and are also responsible for fifty percent of the State's 18,000 bridges; and

**WHEREAS**, the adopted State Budget for 2001/2002 eliminated \$35,000,000 in County/NYC Consolidated Highway Improvement Funds (CHIPS); and

**WHEREAS**, the 2003/2004 adopted State Budget restored the \$35,000,000 in County/NYC CHIPS funding; and

**WHEREAS**, because of the restored funds, County highway departments were able to repair important components of the local transportation system, and purchase necessary highway equipment and materials; and

**WHEREAS**, the proposed 2004/2005 Executive Budget Proposal again eliminates the \$35,000,000 for County/NYC CHIPS funding; and

**WHEREAS**, CHIPS is a unique form of a block grant in transportation financing providing critical transportation funding to over 1,600 units of local government in NYS; and

**WHEREAS**, the Steuben County Legislature has established Medicaid reform as its highest priority for 2004, CHIPS funding is also a priority for the 2004 State legislative session.

#### **NOW THEREFORE, BE IT**

**RESOLVED**, this Legislature memorializes the Governor and the Legislature of the State of New York to restore the important economic development and safety funding; and be it further

**RESOLVED**, this Legislature memorializes the Governor and the Legislature of the State of New York to index these funds as part of the State's multi-year Capital Plan so that local governments can budget and properly plan to address the deficiencies in the local transportation system; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Governor George E. Pataki, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, David A. Paterson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Paul A. Tokasz, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Charles H. Nesbitt, 933 Legislative Office Building, Albany, NY 12248; Senator John R. Kuhl, Jr., 310 Legislative Office Building, Albany, NY 12247; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; and New York State Association of Counties, 111 Pine Street, Albany, NY 12207.

Mr. Spagnoletti stated the County is losing \$620,000 in funding every year. After 9/11 the State stopped giving this portion of funding to the Counties and Statewide Counties are losing \$35 million. He noted only the funding to the Counties was cut, the towns still receive their portion.

**Vote: Acclamation – Adopted.**

#### **RESOLUTION NO. 077-04**

Introduced by H. Mayo.

Seconded by D. Baker.

#### **MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK RELATIVE TO THE INCREASE IN CRITICAL MARCHISELLI HIGHWAY AND BRIDGE FUNDING.**

**WHEREAS**, the Marchiselli funding program is the State component of a successful Federal, State, local partnership delivering transportation improvements on the local highway system; and

**WHEREAS**, the Federal Transportation Program has grown over the past five (5) years, and the number of Federal aid projects sponsored by local governments has increased over the past five (5) years; and

**WHEREAS**, the Governor's Executive Budget submission to the legislature holds Marchiselli funding static at \$40 million; and

**WHEREAS**, the Marchiselli funding program has not increased in the past five (5) years; and

**WHEREAS**, the Marchiselli funding program has not kept pace with the Federal Transportation Program resulting in delays of State matching funds or eligible portions of projects not receiving State matching funds; and

**WHEREAS**, the Steuben County Legislature has established Medicaid reform as its highest priority for 2004, a Marchiselli funding increase is also a priority for the 2004 State legislative session.

#### **NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature strongly urges the State Legislature to increase this critical funding to a level consistent with the level of locally sponsored projects listed on the current Statewide Transportation Improvement Program (STIP); and be it further

**RESOLVED**, the Steuben County Legislature strongly urges the Governor and State Legislature to increase the Marchiselli funding program funding during the 2004 legislative session; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Governor George E. Pataki, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, David A. Paterson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Paul A. Tokasz, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Charles H. Nesbitt, 933 Legislative Office Building, Albany, NY 12248; Senator John R. Kuhl, Jr., 310 Legislative Office Building, Albany, NY 12247; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; and New York State Association of Counties, 111 Pine Street, Albany, NY 12207.

Mr. Spagnoletti stated we have major bridge projects going on of which the Federal Government pays 80 percent and the State would pay 15 percent. He noted the funding for these projects is \$12 million. If the State doesn't increase the Marchiselli funding program, the County could lose between \$800,000 to \$1 million in funding.

**Vote: Acclamation – Adopted.**

#### **RESOLUTION NO. 078-04**

Introduced by D. Stachnik.

Seconded by T. Schwartz.

#### **MEMORIALIZING THE UNITED STATES PRESIDENT AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FUNDING FOR THE HOME ENERGY ASSISTANCE PROGRAM (HEAP).**

**WHEREAS**, the Home Energy Assistance Program (HEAP) is a federally funded program intended to assist low-income households in meeting utility costs in their residential dwellings; and

**WHEREAS**, HEAP provides emergency assistance for low-income families facing utility shut off, and appliance repair and replacement; and

**WHEREAS**, New York has faced a consistently cold winter in a very poor economy, with rising gas and oil prices; and

**WHEREAS**, there is an increasing number of individuals in need of home energy assistance. Steuben County alone has received to date 9,554 applications, approximately 10% of the total population, for the HEAP 2003-2004 season; and

**WHEREAS**, there continues to be a need and increased demand for utility assistance with a special emphasis on the elderly; and

**WHEREAS**, there is an inability to meet the financial demands necessary for this increase; and

**WHEREAS**, the Steuben County Legislature has established Medicaid reform as its highest priority for 2004, Federal assistance increasing available HEAP funding is also a priority.

#### **NOW THEREFORE, BE IT**

**RESOLVED**, the President of the United States and the United States Congress are memorialized to provide additional funding for HEAP; and be it further

**RESOLVED**, the President of the United States and the United States Congress are also memorialized to recognize this demand and the need for additional funds to assist low income families with utility assistance; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to President George W. Bush, 1600 Pennsylvania Avenue, Washington, DC; Senator Charles E. Schumer, 313 Hart Senate Office Bldg., Washington, DC 20510-3202; Senator Hilary Rodham-Clinton, 476 Russell Senate Office Building, Washington, DC 20510; Congressman Amory Houghton, 1110 Longworth House Office Building, Independence Avenue, Washington, DC 20515; and the Commissioner of Social Services.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 079-04**

Introduced by R. Nichols.

Seconded by T. Schwartz.

**MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO REMOVE THE REDUCTION IN OVERBURDEN MEDICAID AID.**

**WHEREAS**, since the enactment of the Medicaid Program, counties in New York State have been required to share in the costs of services; Counties are mandated by the State to contribute a 25 percent matching share with the exception of certain long-term care and mental hygiene services; and

**WHEREAS**, counties have minimal authority to manage, control, or reduce their Medicaid costs and therefore serve primarily as a means to transfer a portion of the State's share of Medicaid from the statewide tax base to local property tax bases; and

**WHEREAS**, the State Fiscal Year 2004-05 Executive Budget proposal includes a recurring Medicaid cost containment proposal that will provide the State with \$19.5 million in fiscal relief, while requiring the counties to pay this as an additional Medicaid local share; and

**WHEREAS**, this \$19.5 million has been a mental hygiene related charge to the State of New York; and

**WHEREAS**, counties can no longer sustain the costs of the Medicaid program as a result of the additional fiscal responsibilities placed upon local government by the State as a result of fiscal caps, program expansions, program growth, and further transferring the funding of State operated Mental Hygiene Programs to Medicaid, which heretofore were sustained by the State as overburden aid; and

**WHEREAS**, Steuben County urges the State to preserve reinvestment funding and allow the maximum flexibility to the County for the use of this funding; and

**WHEREAS**, Steuben County has reduced significantly County staff, equipment purchases, other local programs (highway), and further, raised taxes to meet the demand in Medicaid costs; and

**WHEREAS**, Steuben County's Medicaid costs have doubled in the past several years rising to an appropriation of \$24 million in the current fiscal year.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature urges the Governor and the New York State Legislature to restore the \$19.5 million of overburden Medicaid aid, and place a moratorium on further conversions of Mental Hygiene Programs to Medicaid funding; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Governor George E. Pataki, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, David A. Paterson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Paul A. Tokasz, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Charles H. Nesbitt, 933 Legislative Office Building, Albany, NY 12248; Senator

John R. Kuhl, Jr., 310 Legislative Office Building, Albany, NY 12247; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; and New York State Association of Counties, 111 Pine Street, Albany, NY 12207.

Mr. Alger stated the State is taking programs that were 100 percent paid by them and converting them to a regular program where the County pays 25 percent. In addition, they established a ceiling of funding and once we reach that ceiling, the County is responsible for the full amount over the ceiling. It is an on-going, increasing budgetary item for us.

**Vote: Acclamation – Adopted.**

#### **RESOLUTION NO. 080-04**

Introduced by R.Argentieri; D.Baker; D.Creath; P.Donnely; F.Gehl  
K.Isaman; H.Mayo; P.McAllister; T.McIntyre; R.Nielsen; P.Roche  
T.Schwartz; D.Stachnik; G.Swackhamer; J.Walsh

Seconded by R. Nielsen.

#### **MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO ENACT MEANINGFUL MEDICAID REFORM THIS YEAR.**

**WHEREAS**, counties have long called for a cap on the local share of Medicaid; and

**WHEREAS**, Governor Pataki has introduced a series of reform proposals; and

**WHEREAS**, the New York State Senate has proposed a number of reforms; and

**WHEREAS**, Steuben County faces another double-digit tax increase fueled by the skyrocketing costs of Medicaid; and

**WHEREAS**, the local share of Medicaid has risen at over 19% per year over the last three years; and

**WHEREAS**, that rate of increase amounts to \$4-5 million in additional costs for 2005.

#### **NOW THEREFORE, BE IT**

**RESOLVED**, the Governor and the New York State Legislature are to be commended for their efforts to reform Medicaid to-date; and be it further

**RESOLVED**, the Steuben County Legislature urges the Governor and the New York State Legislature to enact **meaningful Medicaid reform** including a **cap on the local share of Medicaid**; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Governor George E. Pataki, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, David A. Paterson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Paul A. Tokasz, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Charles H. Nesbitt, 933 Legislative Office Building, Albany, NY 12248; Senator John R. Kuhl, Jr., 310 Legislative Office Building, Albany, NY 12247; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and Esther Leadley, President, InterCounty Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, NY 14020.

Chairman Roche requested all Legislators become co-sponsors of this resolution. Motion by Mr. Gehl naming all Legislators as co-sponsors of the resolution, seconded by Mr. Swackhamer and duly carried.

Mr. Schwartz asked what would it take to have the County Attorney draw up a public referendum for the taxpayers to vote on regarding restricting the ability of the State to impose unfunded mandates? Mr. Ahrens stated it would have to be an amendment to the Constitution so you would have to call for a Constitutional Convention. He noted the process for calling a Constitutional Convention would take 4 years. The last amendment to the Constitution was in the 1970's. Mr. Schwartz stated due to the magnitude of the problem, could they accelerate the process of the Constitutional Convention? Mr. Ahrens stated that is an interesting point as it has never been tried. Maybe that is worthy of referral to Committee. This is the infirmity we have as we can't get around petitioning the State through referendum. It has been 30 years since we've had a Constitutional Convention so I don't think it would be inappropriate. I think it is worthy of discussion. Chairman Roche referred the issue to the Human Services Committee, Rules Committee and Finance Committee for review in April.

**Vote: Acclamation – Adopted.**

#### **RESOLUTION NO. 081-04**

Introduced by D. Creath.

Seconded by F. Gehl.

#### **MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO ENACT ASSEMBLY BILL A6880-C, RELATIVE TO RETAIL PRICING ACCURACY.**

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

**WHEREAS**, Assembly Bill A6880-C has been introduced and provides measures for retail pricing accuracy; and

**WHEREAS**, said Bill includes measures to promote pricing accuracy for the first instance as to universal produce code (UPC) scanners and price-look-up (PLU) codes in checkout systems, as well as, manual pricing; and

**WHEREAS**, the Bill insures that the price charged to a consumer is the accurate price on the receipt issued, whether the item is scanned or manually purchased; and

**WHEREAS**, this Bill will assure that the price charged is correct and bring scanners into compliance and assure their accuracy which will bring much needed relief to consumers; and

**WHEREAS**, the Steuben County Legislature has established Medicaid reform as its highest priority for 2004, retail pricing accuracy is also a priority for the 2004 State legislative session.

#### **NOW THEREFORE, BE IT**

**RESOLVED**, this Legislature does hereby memorialize the Governor and the Legislature of the State of New York to adopt Assembly Bill A6880-C; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Governor George E. Pataki, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, David A. Paterson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Paul A. Tokasz, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Charles H. Nesbitt, 933 Legislative Office Building, Albany, NY 12248; Senator John R. Kuhl, Jr., 310 Legislative Office Building, Albany, NY 12247; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; and Dennis Abbey, Director, Weights and Measures.

Mr. Argentieri asked what would the cost to Steuben County be if this were enacted by the State? Mr. Ahrens stated that would depend on what resources you would want to dedicate to it. Chairman Roche stated the Department of Weights and Measures would administer the program. Mr. Ahrens stated it would be a discretionary act on the part of the Sealer of Weights and Measures. If they used existing staff, they would do less on the other measures and more on testing scanners.

Mr. Argentieri asked don't we have the ability now to check the scanners? Mr. Ahrens stated we do and the law calls for a 98 percent accuracy. This proposal would promulgate the Commissioner of Agriculture and Markets to enact fines or penalties for the rate of accuracy. This would let them impose a penalty or fine on scanners that aren't accurate for 98 percent of the transactions made. Discussion followed.

Mr. McIntyre stated I find it interesting that this hasn't been acted upon by the State since we made the initial request two years ago.

Mr. Stachnik stated in the industry today, the hardware manufacturers guarantee accuracy of 1 percent and the deviation would be a result of the stores not keeping their databases up-to-date.

Mr. Gehl stated he proposed this because of the discrepancies between sale prices and regular prices. Mr. Argentieri stated during the month of February he was able to determine the scanner wrong at least 4 times for the same item even though I complained to the store. Discussion followed.

Mr. Ahrens noted New York is one of six states that doesn't have this type of legislation.

**Vote: Acclamation – Adopted. (McIntyre opposed)**

#### **RESOLUTION NO. 082-04**

Introduced by P. Roche.

Seconded by R. Argentieri.

#### **APPOINTING MEMBERS TO THE STEUBEN COUNTY REGIONAL HUMAN SERVICES COMMITTEE.**

**WHEREAS**, at its July, 1973 meeting, the Southern Tier Central Regional Planning and Development Board approved 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 Regional Human Services Committee and to send representation to such Committee; and

**WHEREAS**, the terms of said members on the committee have expired.

#### **NOW THEREFORE, BE IT**

**RESOLVED**, that the following list of staff of County agencies and County Legislators 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 Steuben County Regional Human Services Committee:

#### **SOCIAL SERVICES**

Kathryn Biehl  
Department of Social Services  
Alternate: Teresa Stever-Gray

#### **EDUCATION**

Chris Brown, Superintendent  
Hammondsport Central School District

**MENTAL HEALTH**

Robert Anderson, Ph.D., Director  
Office of Community Services

**HOUSING PROGRAM**

Betsy Gorman  
Tri-County Housing Council

**HEALTH**

Victoria Fuerst, Director  
Public Health & Nursing Services  
Alternate: Kathy Gallant

**AGING PROGRAM**

Linda Teter, Director  
Office for the Aging

Nan Hammes  
RSVP

**HANDICAPPED**

Helen Brutsman, Administrative Officer  
Special Children’s Services

**COUNTY PLANNING**

Gregory P. Heffner  
Director of Planning

**POVERTY PROGRAM**

David Hill  
ProAction of Steuben and Yates  
Alternate: Dawn Brucie

**YOUTH**

Gary Pruyne, Director  
Youth Bureau

Joseph Weider  
Kinship

**STEBEN COUNTY LEGISLATOR**

Francis L. Gehl

**COOPERATIVE EXTENSION**

Nancy Torp  
Cornell Cooperative Extension, Steuben County

**BE IT FURTHER RESOLVED**, that said appointees shall serve at the Pleasure of the Legislature, for a two-year term commencing January 1, 2004, and not beyond December 31, 2005; 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 be forwarded to the above-named appointees, the County Auditor and to the Southern Tier Central Regional Planning and Development Board, 145 Village Square, Painted Post, New York, 14870.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 083-04**

Introduced by P. Roche.

Seconded by R. Argentieri.

**APPOINTING MEMBERS TO THE STEUBEN COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL.**

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

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

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

**NOW THEREFORE, BE IT**

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

**MEMBERS**

1. Edward Bauer, 9500 County Route 95, Hammondsport, NY 14840
2. Iva Putman, 4641 Stony Ridge Road, Campbell, NY 14821
3. Steve Stewart, 6155 Stewart Road, Bath NY 14810
4. Janet Thigpen, 4557 Dyke Road, Corning, NY 14830
5. Bonnie Vance, 71 East Third Street, Corning, NY 14830
6. Miles Vance, 71 East Third Street, Corning, NY 14830
7. Melody Ross, 213 Liberty Street, Apt. 6, Bath, NY 14810

**MEMBERS EX-OFFICIO**

1. Members of the Agriculture, Industry, and Planning Committee
2. Chairman of the County Planning Board
3. Commissioner of Public Works
4. County Attorney
5. Soil and Water Conservation District Chairman or designee
6. Cornell Cooperative Extension Association President or designee
7. County Planning Director

**DESIGNATED OFFICERS**

Chairperson - Janet Thigpen

Vice-Chairperson – Melody Ross

**BE IT FURTHER RESOLVED**, that all said appointees shall serve at the pleasure of the Steuben County Legislature for a term of two (2) years commencing January 1, 2004 through December 31, 2005; 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 Environmental Management Council; and be it further

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

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 084-04**

Introduced by P. Roche.

Seconded by R. Argentieri.

**REAPPOINTING 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**

Charles Chase, 31 Summit Street, Corning, New York 14830

For a three (3) year term, January 1, 2004 through December 31, 2006.

**PROPOSED FOR APPOINTMENT BY THE MINORITY LEADER**

Clark Maloney, 30 West Sixth Street, Corning, New York 14830

For a three (3) year term, January 1, 2004 through December 31, 2006.

**PROPOSED FOR APPOINTMENT BY THE CHAIRMAN OF THE LEGISLATURE**

Christine Kane, 28 Mechanic Street, Prattsburgh, New York 14873

For a three (3) year term, January 1, 2004 through December 31, 2006.

Thomas H. Hopper, Jr., P.O. Box 80, Addison, New York 14801

For a three (3) year term, January 1, 2004 through December 31, 2006.

**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**, a certified copy of this resolution shall be forwarded to the County Auditor and all members of the Steuben County Ethics Board.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 085-04**

Introduced by P. Roche.

Seconded by R. Argentieri.

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

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

**BE IT RESOLVED**, the appointments of DeWitt T. Baker, D.V.M., Legislator, District 13, and Robert V. Nichols, Legislator, District 11, by the Chairman of the Steuben County Legislature as Legislator representatives on the Board of Directors of the Cooperative Extension Association of Steuben County, for terms of two (2) years each beginning January 1, 2004, and ending December 31, 2005, be, and the same hereby are approved; and be it further

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

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named appointees, the County Auditor and to Tom Tomsa, Executive Director, Cornell Cooperative Extension.

**Vote: Acclamation – Adopted.**

Mr. Schwartz asked is there any way we can ask for the State to waive the sales tax on gasoline? I think if the price reaches over \$2.00 per gallon, we should waive the sales tax to keep it below that cost. Mr. Ahrens stated in the past, the State exempted sales tax on clothing and footwear so they could also waive the sales tax on gasoline when it reaches that cost.

*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 105.1.H. The Proposed Acquisition, Sale Or Lease Of Real Property Or The Proposed Acquisition Of Securities, Or Sale Or Exchange Of Securities Held By Such Public Body, But Only When Publicity Would Substantially Affect The Value Thereof Made By Dr. Baker. Seconded By Mr. McAllister And Duly Carried.*

**RESOLUTION NO. 086-04**

Introduced by H. Mayo.

Seconded by R. Argentieri.

**AUTHORIZING AND DIRECTING THE CLERK OF THE STEUBEN COUNTY LEGISLATURE TO MAKE APPLICATION TO THE COMMISSIONER OF THE OFFICE OF GENERAL SERVICES TO GRANT THE LAND AUTHORIZED PURSUANT TO CHAPTER 412 OF THE LAWS OF 2003, CONSISTING OF 10.083 ACRES ± IN THE TOWN OF ERWIN FOR THE EXCLUSIVE PURPOSE OF CONSTRUCTING AND OPERATING A SOLID WASTE TRANSFER STATION.**

Pursuant to Chapter 412 of the Laws 2003.

**WHEREAS**, Chapter 412 of the Laws of 2003, authorized the Office of General Services to convey to the County of Steuben 10.083 acres ± in the Town of Erwin for the construction and operation of a solid waste transfer station; and

**WHEREAS**, the legal description of the subject premises is fully set forth at Chapter 412 of the Laws of 2003, §2, and consists of 10.083 acres ± as shown on a map entitled “New York State Department of Transportation Description and Map for the Transfer of Jurisdiction, Erwin-Gang Mills, Steuben County, Map No. 12T Parcel No. 14, dated October 8, 2002 prepared by the New York State Department of Transportation,” (NYSDOT) hereinafter referred to as “The Subject Premises”; and

**WHEREAS**, pursuant to Section 3 of said Legislation, the County of Steuben must make an application for the conveyance of the subject premises; and

**WHEREAS**, this Legislature deems it within the best interests of the residents of the County to operate a transfer station in the Town of Erwin to replace and relocate the County’s current facility due to various construction projects of the NYSDOT.

**NOW THEREFORE, BE IT**

**RESOLVED**, the within resolution constitutes the application for the grant of The Subject Premises from the Office of General Services of the State of New York as necessitated by Chapter 412 of the Laws of 2003, §3,4; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded by the Clerk of this Legislature to Frank Pallante, Esq., Senior Attorney, Legal Services, Executive Dept. Office of General Services, Mayor Erastus, Corning 2<sup>nd</sup> Tower, The Governor Nelson A. Rockefeller Empire State Plaza, Albany, NY 12242; Robert Seymour, NYSDOT, Bldg. 5, State Campus, Albany, NY 12232; the Real Property Tax Director and the County Treasurer.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 087-04**

Introduced by P. Roche.

Seconded by P. Donnelly.

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

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

**WHEREAS**, there has been initiated in the Supreme Court of the State of New York the following action:

Mary Engle, as administrator of the Estate of Lynn M. Engle, Plaintiff v. Steuben County  
Index No. 80634

**WHEREAS**, by Summons and Complaint dated January 17, 2001, plaintiff has initiated an action at law against the County of Steuben for an accident resulting in death occurring on County Route 119 at a location approximately at the intersection with the Canisteo River, County of Steuben, State of New York, said action having an Index No. 80634; and

**WHEREAS**, the parties are desirous of entering into a stipulation settling the aforesaid action.

**NOW THEREFORE, BE IT**

**RESOLVED**, the County does hereby ratify the settlement of the above-entitled claim in the amount of Three Hundred Thousand Dollars (\$300,000.00); and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Davidson & O'Mara, Attention: Donald Thomson, Esq., 243 Lake Street, Elmira, NY 14901-3192 and Mr. Edward Castellana, Risk Manager.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 088-04**

Introduced by P. Roche.

Seconded by P. Donnelly.

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

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

**WHEREAS**, there has been initiated in the Supreme Court of the State of New York the following action:

Mary J. Engle, as administrator of the Estate of Michael Richard Engle, infant, Plaintiff v. Steuben County  
Index No. 80633

**WHEREAS**, by Summons and Complaint dated January 17, 2001, plaintiff has initiated an action at law against the County of Steuben for an accident resulting in death occurring on County Route 119 at a location approximately at the intersection with the Canisteo River, County of Steuben, State of New York, said action having an Index No. 80633; and

**WHEREAS**, the parties are desirous of entering into a stipulation settling the aforesaid action.

**NOW THEREFORE, BE IT**

**RESOLVED**, the County does hereby ratify the settlement of the above-entitled claim in the amount of Fifty Thousand Dollars (\$50,000.00); and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Davidson & O'Mara, Attention: Donald Thomson, Esq., 243 Lake Street, Elmira, NY 14901-3192 and Mr. Edward Castellana, Risk Manager.

**Vote: Roll Call – Adopted.**

*Motion to adjourn Executive Session and reconvene in regular session made by Mr. Nielsen, seconded by Mr. Nichols and duly carried.*

*Motion to adjourn made by Mr. Isaman, seconded by Mr. Mayo and duly carried.*

**REGULAR MEETING**  
**Morning Session**  
**Monday, April 26, 2004**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, New York, on Monday, the 26<sup>th</sup> day of April, 2004, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll Call and all members present except Legislators Gehl and Nielsen.

Mr. Swackhamer offered the Invocation and the Pledge of Allegiance was led by Mr. McIntyre after he made the following statement:

In light of the recent appeals court rulings in California with respect to the Pledge of Allegiance, the following recollection from Senator John McCain is very appropriate:

As you may know, I spent 5 ½ years as a Prisoner of War during the Vietnam War. In the early years of our imprisonment, the NVA kept us in solitary confinement or two or three to a cell. In 1971, the NVA moved us from these conditions of isolation into large rooms with as many as 30 to 40 men to a room. This was, as you can imagine, a wonderful change and was a direct result of the efforts of millions of Americans on behalf of a few hundred POW's 10,000 miles from home.

One of the men who moved into my room was a young man named Mike Christian. Mike came from a small town near Selma, Alabama. He didn't wear a pair of shoes until he was 13 years of age. At age 17, he enlisted in the US Navy. He later earned a Commission by going to Officer Training School. Then he became a Naval Flight Officer and was shot down and captured in 1967. Mike had a keen and deep appreciation of the opportunities this Country and our military provided for people who want to work and succeed.

As part of the change in treatment, the Vietnamese allowed some prisoners to receive packages from home. In some of these packages were handkerchiefs, scarves and other items of clothing. Mike got himself a bamboo needle. Over a period of a couple of months, he created an American Flag and sewed it on the inside of his shirt. Every afternoon, before a bowl of soup, we would hang Mike's "shirt" on the wall of the cell and say the Pledge of Allegiance.

In know that the Pledge of Allegiance may not seem the most important and meaningful event. One day the Vietnamese searched our cell, as they did periodically, and discovered Mike's shirt with the Flag sewn inside and they removed it. That evening they returned, opened the door of the cell and, for the benefit of us all, beat Mike Christian severely for the next couple of hours. Then they opened the door of the cell and threw him in. We cleaned him up as well as we could.

The cell in which we lived had a concrete slab in the middle on which we slept. Four naked light bulbs hung in each corner of the room. As I said, we tried to clean up Mike as well as we could. After the excitement died down, I looked in the corner of the room and sitting there beneath that dim light bulb with a piece of red cloth, another shirt and his bamboo needle, was my friend, Mike Christian. He was sitting there with his eyes almost shut from the beating he had received making another American Flag. He was making that Flag because he knew how important it was to us to be able to Pledge our Allegiance to our Flag and Country.

So, the next time you say the Pledge of Allegiance, you must never forget the sacrifice and courage that thousands of Americans have made to build our Nation and promote freedom around the world. You must remember our duty, our honor and our Country! Chairman Roche thanked Mr. McIntyre for his comments.

Chairman Roche stated Mr. Stachnik would like to make a presentation. Mr. Stachnik presented Linda Tetor, Director of the Office for the Aging, with a Certificate of Appreciation in recognition of her 30 years of service to Steuben County. Mr. Stachnik stated I first met Linda over 15 years ago through the United Way. I will always remember her fondly for what we did in the history of the United Way. Since I became a Legislator, I have been equally impressed with her work at the County. Mrs. Tetor thanked everyone and stated I love my job and working for the County.

Mrs. Kane asked Amanda Chapman to come forward. Chairman Roche presented Mrs. Chapman with the Employee of the Month Award for the Month of May 2004. Mrs. Kane stated Amy Dlugos, Senior Planner, nominated Mrs. Chapman for the award in the category of Outstanding Performance, either by way of attitude, cooperation, motivation or creativity. Mrs. Kane read the following nomination, as Mrs. Dlugos was unable to attend the meeting:

Amanda has worked for the County for 10 years. She began her employment in the Office of Community Services, transferring then to the Department of Buildings & Grounds. In 1998 she joined the staff of the Clerk of the Legislature's Office and has been an exceptional employee and team member.

Amanda's skills are top-notch. She takes minutes with ease and seems to find a common ground between what they mean and what they say. It's not difficult to take down what someone is saying at any particular time, but it is extraordinarily difficult to make sense of it and summarize it in a form that makes sense to others. She has a memory that is often times frightening, being able to recall facts from any one of the numerous committees she takes minutes of on a monthly basis. She has a very professional working relationship not only with her peers, but also with the elected officials she works with on a daily basis. Amanda can always be counted on to accept additional responsibilities.

During the current County budget problems, Amanda took on assisting the Planning Department, Weights & Measures and the Historian's Office, none of whom have secretarial staff. She also does relief on the County Switchboard. While this has placed a very heavy burden on Amanda, she has done a great job of prioritizing her workload. Amanda has a fantastic sense of humor and doesn't even notice the generation gap that is around her every day. The County is a better place having Amanda working for it. **CONGRATULATIONS AMANDA!**

Gloria Cronin stated on behalf of the Child Abuse Task Force, I would like to present Maureen Sweet with the 2004 Child Abuse Prevention Award. She stated Ms. Sweet is the Guidance Counselor at the Hornell Intermediate School and she was nominated for the award by Marie Loboski, the school's Principal. Ms. Cronin reviewed many of Ms. Sweet's accomplishments and attributes. She stated Maureen Sweet goes above and beyond her duty to prevent child abuse. She is a unique, one of a kind professional who cares for and likes all students, even the ones that others have given up on. It is with great pleasure that I present the 2004 Child Abuse Prevention Award to Maureen Sweet.

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

Ira Hale, Bath, stated I'd like to speak about the Health Care Facility. A few weeks ago, the County began accepting proposals to sell or lease the Health Care Facility. I'd like to urge you to keep it. My grandmother lived at the Health Care Facility and the staff made it a home for her and made it comfortable for our family. I ask the Health and Education Committee and the Legislature to please not sell the facility. In fact, I think you should revisit the idea to build a new facility. Look at the people who live there and the wonderful care they receive. It is a fine institution and we should invest in its future. Thank you.

There being no further comments, Chairman Roche declared the Comments by Members of the Public portion of the meeting 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 relative to parcels for inclusion in Steuben County Certified Agricultural Districts No. 12 and No. 14 during the annual thirty-day review period. There being no comments, Chairman Roche declared the public hearing closed.

*Motion approving the minutes of the previous month's meeting made by Mr. McIntyre, seconded by Mr. Isaman and duly carried.*

Mr. Isaman announced the Agriculture, Industry and Planning Committee would be meeting in Hornell next week at the newly refurbished Depot. They will hold a tour, then provide lunch, and the meeting will begin at Noon.

Dr. Baker announced that as a result of the tour for the Agriculture, Industry and Planning Committee, the Public Safety and Corrections Committee would hold it's meeting at 9:00 a.m.

Mr. Nichols announced he is changing the time of the May 5<sup>th</sup> Health and Education Committee meeting to 9:30 a.m. He also announced there would be a special Health and Education Committee Meeting tomorrow at 1:30 p.m. relative to the Health Care Facility.

Mr. Wixom reported the Public Safety and Corrections Committee gave me permission to enter into a contract with Positron. The contract will include an E-911 phone system, which will allow us to answer landline and cell phone 911 calls. The contract provides a computer-aided dispatching system, a mapping system to locate people in need of help and the mobile data terminal system. This will allow the law enforcement agencies to communicate back and forth with the center via laptop. The cost of the contract is \$679,428.64, which is under budget.

#### **RESOLUTION NO. 089-04**

Introduced by G. Swackhamer.

Seconded by K. Isaman.

#### **MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS AND PROPERTY TAXES.**

**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 # A-1  
Name Louis A Crossett  
Parcel # 065.00-01-004.100  
Municipality Dansville Town  
Disposition Refund

SCHEDULE "B"

Resolution # B-1  
Former Owner Wayne & Martha Swartz  
In Rem Index No. 84256, 2001 sale  
Parcel # 337.00-02-029.100  
Municipality Corning Town  
Grantee(s) Wayne Swartz & Martha Swartz,  
husband and wife, as tenants by the entirety  
Grantee(s) Address 2492 Brown Hollow Rd, Corning, NY 14830  
Consideration \$4,388.08, together with \$96.00 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 # B-2  
Former Owner Maryann Pope & Joseph R Loughlin  
In Rem Index No. 86329, 2002 sale  
Parcel # 336.07-01-002.122  
Municipality South Corning Town  
Grantee(s) Maryann Pope & Joseph R Loughlin  
Grantee(s) Address 9 River Rd, Corning, NY 14830  
Consideration \$7,120.86, together with \$96.00 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 # B-3  
Former Owner Dale R Ratchford & Dot Ratchford  
In Rem Index No. 82183, 2000 sale  
Parcel # 103.00-01-026.120  
Municipality Urbana Town  
Grantee(s) Dale R Ratchford & Dot Ratchford,  
husband and wife, as tenants by the entirety  
Grantee(s) Address 7056 E Washington St Ext, Bath, NY 14810-8302  
Consideration \$1,235.93, together with \$96.00 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 # B-4  
Former Owner Ruth Grey  
In Rem Index No. 80200, 1999 sale  
Parcel # 058.00-01-017.000  
Municipality Prattsburgh Town  
Grantee(s) Ruth Grey  
Grantee(s) Address 9992 Co Rte 7, Prattsburgh, NY 14873  
Consideration \$1,085.16, together with \$96.00 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 # B-5  
Former Owner Daniel J Bulkley, Jr & Kathleen A Bulkley  
In Rem Index No. 84256, 2001 sale  
Parcel # 228.03-01-019.000  
Municipality Hornby Town  
Grantee(s) Daniel J Bulkley, Jr & Kathleen A Bulkley,  
husband and wife, as tenants by the entirety  
Grantee(s) Address 5030 Co Rte 41, Beaver Dams, NY 14812  
Consideration \$2,715.49, together with \$96.00 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 # B-6  
Former Owner Chauncey L Hurlburt, Jr  
In Rem Index No. 86329, 2002 sale  
Parcel # 228.00-01-064.000  
Municipality Hornby Town  
Grantee(s) Chauncey L Hurlburt, Jr  
Grantee(s) Address 5230 Co Rte 41, Beaver Dams, NY 14812  
Consideration \$4,886.40, together with \$96.00 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 # B-7  
Former Owner Alvin A Allen  
In Rem Index No. 84256, 2001 sale  
Parcel # 190.00-01-020.000  
Municipality Bath Town  
Grantee(s) Alvin A Allen  
Grantee(s) Address 12-14 McCoy St, PO Box 684, Savona, NY 14879  
Consideration \$3,803.88, together with \$96.00 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. 090-04**

Introduced by P. Roche.

Seconded by T. Schwartz.

**RECEIVING AND ACCEPTING THE APRIL 26, 2004 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 15, 2004**

1. NYS Office for the Aging - Re: Long-Term Care Ombudsman Program Support Agreement for Steuben County has been approved; also, application for State aid under the NYS Long-Term Care Ombudsman Program for 4/1/04-3/31/05 has been approved; and application for Older Americans Act, Title VII funds has been approved. **Referred to: Human Services Committee and Linda Teter, OFA Director.**

**March 18, 2004**

1. NYS Office for the Aging - Re: Second Notification of Grant Award for the FFY 2004 Nutrition Services Incentive Program. **Referred to: Human Services Committee and Linda Teter, OFA Director.**
2. Steuben County Industrial Development Agency and City of Hornell Industrial Development Agency - Re: Regus Rail & Logistics, LLC - Proposed Bond Issue - public hearing to be held April 19, 2004 at 10:00 a.m. at Testori Interiors, Ice House Road, Hornellsville. **Referred to: Finance and Administration Committees; Donna Hatch, RPTSA Director; and Larry Crossett, County Treasurer.**

**March 25, 2004**

1. Greene County Legislature - Re: Resolution Urging Passage of Assembly Bill A.01757 and Senate Bill S.675 by the New York State Legislature (Unfunded Mandates). **Referred to: All County Legislators.**

**March 30, 2004**

1. NYS Office for Technology - Re: Statewide Wireless Network - Notice of Segmentation Pursuant to 6 NYCRR §617.3(g)(1). **Referred to: Public Safety & Corrections Committee; Tim Wixom, 911 Director; Sheriff Tweddell; Mike Sprague, EMO Director; and Ken Peaslee, I.T. Director.**

**March 31, 2004**

1. NYS Office for Technology - Re: Statewide Wireless Network - Notice of Scoping and State Environmental Quality Review Positive Declaration - Notice of Intent to prepare a Draft Generic Environmental Impact Statement - Determination of Significance; and Draft Scope for Draft Generic Environmental Impact Statement. **Referred to: Public Safety & Corrections Committee; Tim Wixom, 911 Director; Sheriff Tweddell; Mike Sprague, EMO Director; and Ken Peaslee, I.T. Director.**

**April 1, 2004**

1. NYS Department of Motor Vehicles - Re: Biennial Report: Handicapped Parking Education Programs. **Referred to: Public Safety & Corrections Committee and Sheriff Tweddell.**

**April 5, 2004**

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$6,682 representing the February 2004 retained surcharge revenue for Steuben County. **Referred to: Rules and Finance Committees and Larry Crossett, County Treasurer.**

**April 7, 2004**

1. Assemblyman Bacalles - Re: Correspondence to Commissioner Eristoff of the NYS Department of Taxation & Finance regarding the collection of sales tax and wireless surcharge dollars for Steuben and Yates Counties being dispersed to another county, and urging the department to take immediate action against Verizon

Wireless and other cell phone companies. **Referred to: Public Safety & Corrections Committee; Ken Peaslee, I.T. Director; and Larry Crossett, County Treasurer.**

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 091-04**

Introduced by H. Mayo.

Seconded by T. Schwartz.

**PRESENTING LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2004, RELATIVE TO THE PARCEL OF LAND ALONG STATE HIGHWAY 54A IN THE TOWN OF PULTENEY FOR PROPERTY OWNERS VAN C. AND SUSAN M. CAMPBELL.**

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

**WHEREAS**, the County of Steuben is the owner of a parcel of property formerly used as a right-of-way for State Route 54A, also known as S.H. No. 8191 described on Abandonment Map No. 6A, Parcel No. 88 dated December 20, 2002; and

**WHEREAS**, the County is desirous of conveying said right-of-way to the adjacent owners and restoring the property to the tax rolls; and

**WHEREAS**, this parcel is no longer necessary for use as a right-of-way by the State of New York and said State has turned all rights over to the County of Steuben.

**NOW THEREFORE, BE IT**

**RESOLVED**, there is hereby presented to each member of this Steuben County Legislature, Local Law Tentatively No. One for the Year 2004, relative to the parcel of land along State Highway 54A in the Town of Pulteney for property owners Van C. and Susan M. Campbell.

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2004**

A **LOCAL LAW** relative to the parcel of land along State Highway 54A in the Town of Pulteney for property owners Van C. and Susan M. Campbell.

**BE IT ENACTED** by the Legislature of the County of Steuben, as follows:

**SECTION 1.** The Chairman of the Steuben County Legislature be, and the same hereby is authorized and directed for and in consideration of the sum of One Dollar (\$1.00), and payment of advertising costs, to convey to Van C. and Susan M. Campbell, the following tract of land:

All that piece or parcel of property, being a portion of Section 37.008, Block 01, Parcel 12.000 as shown on the official tax map, hereinafter designated as Parcel No. 88, situate in the Town of Pulteney, Steuben County, State of New York, as shown on Map No. 6A and described as follows:

PARCEL NO. 88

Beginning at an iron pin and cap set on the original user highway boundary of the Hammondsport-Branchport Highway, Part 3, S.H. 8191, Route 54A, being 44.54 feet easterly, measured at right angles, from Station 539+09.33 of the hereinafter described 1962 Survey Baseline for the reconstruction of the Hammondsport-Branchport Highway, Part 3, S.H. 8191, Route 54A; thence South 13°27'24" East through the lands of Campbell a distance of 18.00 feet to an iron pin and cap set on the original user highway boundary, said point being 45.61 feet easterly, measured at right angles, from Station 538+91.36; thence South 17°47'10" East through the land of Campbell a distance of 124.53 feet to an iron pin and cap set on the original user highway right of way, said point being a distance of 62.39 feet easterly, measured at right angles, from Station 537+67.97; thence South 79°52'27" West through the

lands of Campbell a distance of 37.34 feet to an iron pin and cap set on the proposed highway boundary, said point being a distance of 25.05 feet easterly, measured at right angles, from Station 537+66.61; thence North 10°07'33" West along the proposed highway boundary a distance of 132.66 feet to an iron pin and cap set on the proposed highway boundary, said point being a distance of 24.85 feet easterly, measured at right angles, from Station 538+99.27; thence North 55°58'24" East through the lands of Campbell a distance of 21.54 feet to the point of beginning; being 3,862+/- Square Feet or 0.089 +/- Acres.

Being a portion of the original user highway right of way of S.H. 8191, Hammondsport-Branchport, Part 3.

The new highway boundary to be along the following courses and distances:

- 1) South 79°52'27" West to a distance of 37.34 feet,
- 2) North 10°07'33" West a distance of 132.66 feet,
- 3) North 55°58'24" East a distance of 21.54 feet,

The above-mentioned Survey Baseline is a portion of the baseline, recovered on October 16, 2002, for the 1962 reconstruction of the Hammondsport-Branchport Highway, Part 3, S.H. 8191, Route 54A as shown on the map and plan on file in the office of the State Department of Transportation as follows:

Beginning at Station 536+45.25 thence North 10°02'29" West to Station 542+37.93.

All bearings refer to True North at 76°35'00" meridian of West Longitude.

All of the above shown on Abandonment Map No. 6A, Parcel No. 88, dated December 12, 2002 and filed in the Office of the New York State Department of Transportation.

**SECTION 2:** The within statue shall be construed as an offer to convey to, and an option to purchase the subject premises by Van C. and Susan M. Campbell. Failure or refusal to furnish consideration on or before September 30, 2004, shall terminate the within offer.

**SECTION 3:** 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 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 Steuben County Legislative Meeting on the 24th day of May, 2004, at 10:00 A.M. or such other date and time that may be adjourned, at the Steuben County Office Building, Three 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 of the County of Steuben 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,** a certified copy of this resolution shall be forwarded to the County Treasurer; the County Clerk; the Commissioner of Public Works; the Real Property Tax Service Agency Director; and Phillip L. Bailey, Esq., 118 Main Street, Penn Yan, NY 14527.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 092-04**

Introduced by H. Mayo.

Seconded by T. Schwartz.

**MODIFYING THE LANDFILL TIPPING FEES FROM \$120.00/TON to \$135.00/TON FOR TRUCKLOAD QUANTITIES OF TIRES.**

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

**WHEREAS**, Steuben County wants to keep its landfill fees competitive with private and public solid waste facilities in the Central New York area; and

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

**WHEREAS**, the County wants to minimize charges to the public for recycling in order to promote recycling; and

**WHEREAS**, the County has in place a reduced rate for truckload quantities of tires dropped off at the Bath landfill; and

**WHEREAS**, the County has set the charge equal to the cost of a recycling vendor removing the tires from the Bath landfill; and

**WHEREAS**, the cost of removal of truckload quantities of tires has increased from \$120.00/ton to \$135.00/ton; and

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

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature does hereby authorize the Commissioner of Public Works to implement a fee of \$135.00/ton for truckload quantities of tires at the Bath landfill; and be it further

**RESOLVED**, the modifications shall become effective May 3, 2004, and remain in effect until further notice; and be it further

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

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

Mr. Schwartz asked does the County receive any of the tire collection fees imposed by the State?  
Mr. Spagnoletti stated he doesn't believe so but he'll check into it.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 093-04**

Introduced by D. Baker and P. Donnelly.

Seconded by D. Creath.

**APPROPRIATING THE SUM OF \$150,000 FROM THE STOP-DWI RESERVE TO A CAPITAL PROJECT ENTITLED “MOBILE DATA TERMINALS” (MDTs).**

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

**WHEREAS**, the Governor's Traffic Safety Committee has authorized Steuben County to use STOP-DWI reserve funds to assist in financing the equipping of law enforcement vehicles in Steuben County with "Mobile Data Terminals" (MDTs) capable of interfacing with Traffic Records And Criminal Software (TRaCS); and

**WHEREAS**, the current STOP-DWI Reserve contains sufficient funds to finance this appropriation; and

**WHEREAS**, the Public Safety and Corrections and Finance Committees have reviewed and approved said appropriation.

**NOW THEREFORE, BE IT**

**RESOLVED**, effective with the adoption of this resolution, the sum of \$150,000 shall be appropriated from the STOP-DWI Reserve to a capital project entitled, "Mobile Data Terminals" (MDTs); and be it further

**RESOLVED**, the Steuben County Treasurer is directed to make the necessary budget adjustments and amendments; and be it further

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

Sheriff Tweddell stated they have been looking at placing Mobile Data Terminals (MDTs) in the police cars since the beginning of the 911 project. They projected how much it would cost to equip all of the marked vehicles in the County, and they have been trying to finance that. The Stop DWI Reserve has an approximate balance of \$282,000. He contacted the Governor's Traffic Safety Committee to see if we could use these funds to purchase MDTs and they said we could as long as we include utilizing the electronic ticket system. We also received funding under the Weapons of Mass Destruction grant to be distributed amongst the police departments in the County. The cost to place 73 MDTs in all of the marked police cars in the County is \$275,000. He also acquired a \$100,000 contribution-free grant if we can include \$150,000 in funding from the Stop DWI Reserve.

Corning Chief Trentanelli stated they haven't selected a particular unit as they didn't know if they had the funding. They're trying to let the Committee decide which is the best option. The Traffic Safety Committee and the Steuben County Police Chiefs' Association fully support this. This should enhance the 911 system by getting us the information directly from 911.

Mr. Nichols asked what is the monthly cost of operating this system? Chief Trentanelli stated the law enforcement agencies would be responsible for their monthly costs. The County would own the equipment and the service would be paid for by the police agencies. They're looking for a five-year maintenance agreement. There will be three spare units in case a unit needs to be repaired.

Mr. Isaman asked are there neighboring counties with these units? Chief Trentanelli stated Livingston, Chautauqua and Broome County use these units and we've visited those Counties to see them.

Mr. McAllister stated this equipment will dovetail with 911 so instead of a dispatcher trying to determine which car is closest, they will be able to send them faster. Mr. Wixom agreed and noted they will utilize an automatic vehicle locator. This will also provide additional officer safety, as they will only have to scream help or push the distress button to contact dispatch. He stated it is a huge plus for law enforcement in the County.

Sheriff Tweddell stated he and NYSP Captain Fay have been working very hard at using the closest car concept. He noted once this system is in effect, the State will allow us access to funding to purchase the electronic ticket system.

Mr. Swackhamer stated he would like the cost of maintenance and repairs for this equipment to be taken directly from the Stop DWI Reserve. Mr. Alger stated once we get further along and determine how much the maintenance is, they can budget for the cost from the Reserve, if the State allows us to. Discussion followed.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 094-04**

Introduced by P. Donnelly and G. Swackhamer.

Seconded by T. McIntyre.

**AUTHORIZING THE TRANSFER OF \$35,000.00 FROM THE CONTINGENT FUND TO THE COUNTY CLERK’S OFFICE FOR OVERTIME/TEMPORARY HIRE.**

**WHEREAS**, the County Clerk has been required to work staff overtime and secure additional temporary assistance to assist in the implementation of the document imaging system; and

**WHEREAS**, the Administration Committee and Finance Committee have approved an additional \$35,000 to offset these unanticipated expenses; and

**WHEREAS**, without said appropriation the County Clerk's budget would lack sufficient funds for the balance of the fiscal year.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Treasurer is hereby authorized and directed to transfer from the Contingent Fund the amount of \$35,000.00 to the County Clerk’s overtime and temporary hire line items; and be it further

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

Mrs. Hunter stated when they implemented the indexing system in October, there were some issues that she discussed with Mr. Alger, Mr. Ahrens and the Administration Committee. The end result is we have to enter more data and, therefore, we have needed to expend approximately \$20,000 in overtime and temporary hire costs since November. Mr. Stachnik asked is this a one-time bailout? Mrs. Hunter stated yes, these costs would be budgeted for in the future.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 095-04**

Introduced by G. Swackhamer.

Seconded by T. Schwartz.

**TRANSFERRING FUNDS FROM THE TOUCHSCREEN AND THE ELECTRONICS CONTROL SYSTEM CAPITAL PROJECTS TO THE COMPUTER SYSTEM CAPITAL PROJECT.**

**WHEREAS**, the Health Insurance Portability & Accountability Act (“HIPAA”) requires a higher level of computer security than prior systems; and

**WHEREAS**, in order to comply with HIPAA requirements, certain personal computers will need to be replaced in Special Children’s Services, Community Services, and several other departments; and

**WHEREAS**, other system improvements may also be required; and

**WHEREAS**, the Touchscreen and the Electronics Control System Capital Projects have been completed with funds remaining; and

**WHEREAS**, it is desirable to transfer these funds to the Computer System Capital Project in order to provide the higher level of computer security needed by these departments.

**NOW THEREFORE, BE IT**

**RESOLVED**, the amounts of \$37,000 from the Touchscreen Capital Project and \$95,000 from the Electronics Control System Capital Project are hereby transferred to the Computer System Capital Project; and be it further

**RESOLVED**, the County Treasurer is hereby directed to make the necessary transfers and budget adjustments; and be it further

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

Mr. Alger stated these projects are closed and he would like to utilize the remaining funds to purchase computers for various departments to comply with HIPAA.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 096-04**

Introduced by D. Baker and P. Donnelly.

Seconded by R. Argentieri.

**RECLASSIFYING AND TRANSFERRING ONE POSITION BETWEEN PUBLIC HEALTH AND NURSING SERVICES AND THE PUBLIC DEFENDER'S OFFICE, AND AUTHORIZING THE COUNTY TREASURER TO APPROPRIATE THE NECESSARY FUNDS IN THE 2004 BUDGET.**

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

**WHEREAS**, there is a need for clerical assistance with the establishment of a full-time Public Defender; and

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

**WHEREAS**, the Public Safety & Corrections Committee and the Administration Committee have approved reclassification of the position from a *Key Entry Operator* to *Typist*, and transferring said position to the Office of the Public Defender.

**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 and Nursing Services One (1) Key Entry Operator, Grade 4, Start \$19,611

**TO** Public Defender's Office One (1) Typist, Grade 4, Start \$19,611

**AND BE IT FURTHER RESOLVED**, that this position is to be funded and placed in the 2004 Budget. The 2004 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 Public Defender's Office and the Director of Public Health & Nursing Services.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 097-04**

Introduced by D. Creath.

Seconded by R. Argentieri.

**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 26<sup>th</sup> day of April, 2004 at 10:00 a.m.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the following tax parcels shall be added to Agricultural District No. 12 generally located in the Towns of Wayne and Bradford:

- 134.00-01-004.000
- 134.00-01-006.120
- 134.00-01-015.000
- 134.00-01-017.100
- 134.00-01-017.200
- 148.00-01-016.211
- 148.00-01-017.000
- 148.00-01-022.117
- 148.00-01-025.000
- 163.00-01-004.000
- 163.00-01-023.000
- 078.00-01-037.110; and be it further

**RESOLVED**, that the following tax parcel shall be added to Agricultural District No. 14, generally located in the Towns of Bath and Thurston 188.00-01-016.000; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Chairman of the County Agricultural and Farmland Protection Board, John Weaver, 7831 County Route 13, Bath NY 14810; the Planning Director; James Grace, Cornell Cooperative Extension; and Nathan Rudgers, Commissioner, New York State Department of Agriculture and Markets.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 098-04**

Introduced by D. Creath.

Seconded by R. Nichols.

**MEMORIALIZING THE UNITED STATES PRESIDENT AND THE UNITED STATES CONGRESS TO ADOPT AND SIGN INTO LAW BILL NO. S.560/H.R. 1160, THE “MILK IMPORT TARIFF EQUITY ACT”.**

**WHEREAS**, Bill No. S.560/H.R. 1160, the “Milk Import Tariff Equity Act” have been introduced in the United States House of Representatives and United States Senate, which bills request the imposition of tariff-rate quotas on certain casein and milk protein concentrates; and

**WHEREAS**, dairy farms across the nation have no objection to the importation of casein, a very concentrated source of high quality protein, which is the predominant phosphoprotein found in fresh milk; and

**WHEREAS**, the current classification of casein is that of “non-dairy product” as opposed to “dairy product”, which classification significantly alters the quantitative limitation of casein through the United States Harmonized Tariff Schedule; and

**WHEREAS**, classifying casein as a dairy product will set appropriate quotas on certain casein and milk protein concentrates which do not currently exist due to its current classification; and

**WHEREAS**, enactment of Bill No. S.560/H.R. 1160 will reduce the importation of milk solids which have more than doubled between 1993 and 2002, the total of casein in 2002 being one-third of the total; and

**WHEREAS**, imports of milk solids have cost \$2.5B since 2001, creating a loss during that period of \$30,000 per United States dairy farmer; and

**WHEREAS**, current estimates show that increases at this rate will drop another \$4.8B between now and 2010, creating a loss during that period of \$80,000 per United States dairy farmer.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the United States Congress be and the same hereby is memorialized to pass and the United States President is memorialized to sign into law Bill No. S.560/H.R. 1160, the “Milk Import Tariff Equity Act”; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to President George W. Bush, 1600 Pennsylvania Avenue, Washington, DC; U.S. Senator Charles E. Schumer, 313 Hart Senate Office Bldg., Washington, DC 20510-3202; U.S. Senator Hillary Rodham-Clinton, 476 Russell Senate Office Building, Washington, DC 20510; and Congressman Amory Houghton, 1110 Longworth House Office Building, Independence Avenue, Washington, DC 20515.

Mr. Nichols stated this Bill is needed as milk prices have been lowering for years. The importers have found a way to manufacture casein and bring it in classified as a chemical. Some things it is used for besides cheese is in the manufacture of glue and bowling balls. When used in cheese vats, it increases the yield and profit. It displaces American milk and hurts American dairy prices. If this Bill is passed, casein will be classified as food thereby falling under the Tariff Laws.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 099-04**

Introduced by D. Creath.

Seconded by D. Baker.

**MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK IN OPPOSITION TO ASSEMBLY BILL NO. A.04080 AND SENATE BILL NO. S.0887, WHICH WOULD AMEND THE PUBLIC HEALTH LAW IN RELATION TO THE REGULATION OF RESIDENTIAL SEPTIC SYSTEMS.**

**WHEREAS**, New York State Assembly Bill No. A.04080 and New York State Senate Bill No. S.0887 are currently pending in the State legislature; and

**WHEREAS**, if said bills are enacted they would have a devastating effect on the development and economy of most rural areas of New York State; and

**WHEREAS**, passage of said bills would represent a taking of millions of acres of land without compensating landowners, since said laws restrict the construction of residential septic systems on any site where:

- there is not at least five feet of useable soil above impermeable deposits, bedrock or clay and five feet above high seasonal groundwater;
- within 200 feet of any stream, river, lake or wetland;
- on sites with a slope that exceeds fifteen percent (15%); and
- raised systems elevated above the natural soil are prohibited.

**NOW THEREFORE BE IT**

**RESOLVED**, that the Steuben County Legislature does hereby oppose passage of Assembly Bill No. A.04080 and Senate Bill No. S.0887, in their entirety, or in any form; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Governor George E. Pataki, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, David A. Paterson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Paul A. Tokasz, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Charles H. Nesbitt, 933 Legislative Office Building, Albany, NY 12248; Senator John R. Kuhl, Jr., 310 Legislative Office Building, Albany, NY 12247; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; and the InterCounty Association of Western New York.

Mr. Heffner stated this is the second year these Bills have been introduced in Albany. The proposal is to make commercial requirements for residential systems. He noted it wouldn't add requirements to an individual residential system, but it would act as a deterrent to development.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 100-04**

Introduced by P. Donnelly.

Seconded by T. Schwartz.

**MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO ESTABLISH STANDARDS FOR “HELP AMERICA VOTE ACT” (HAVA).**

**WHEREAS**, the “Help America Vote Act” (“HAVA”) calls upon states to implement electronic voting systems; and

**WHEREAS**, there are many systems available for implementation of the new standards; and

**WHEREAS**, it is in the interest of the voters and the State of New York to establish reasonable standards for the systems; and

**WHEREAS**, the Governor and the New York State Legislature are receiving Federal funding for the purchase of new systems; and

**WHEREAS**, for the economy, ease of use and uniformity, it is in the voter interest to have a single system implemented statewide; and

**WHEREAS**, counties have not traditionally purchased or maintained voting machines, but rather managed and coordinated the elections for the towns, villages and cities; and

**WHEREAS**, it is desirable to maintain the role of the towns, villages and cities.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature requests the State of New York reimburse the counties for the additional storage, maintenance and upkeep necessitated by the implementation of HAVA; and be it further

**RESOLVED**, that the Steuben County Legislature urges the Governor and the New York State Legislature to establish standards for the new systems and promulgate bids for said systems to be used statewide; and be it further

**RESOLVED**, that New York State establish a uniform statewide system for implementation of HAVA; and be it further

**RESOLVED**, the Steuben County Legislature memorializes the Governor and the New York State Legislature to include, for proper verification, a paper record of the votes cast on any new machine to facilitate a verifiable recount process; and be it further

**RESOLVED**, the Governor and the New York State Legislature are urged to continue the important role of towns, villages and cities in the election process, and that any changes made reflect the vital and necessary role they play in assuring the integrity of our election process; and be it further

**RESOLVED**, that the Governor and the New York State Legislature are urged to take every necessary precaution to safeguard and protect our fundamental voting rights to free elections with verifiable results; and be it further

**RESOLVED**, the Steuben County Legislature has established Medicaid reform as it's highest priority for 2004, establishment of election reform standards and systems is also a priority for the 2004 State Legislative session; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Governor George E. Pataki, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, David A. Paterson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Paul A. Tokasz, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Charles H. Nesbitt, 933 Legislative Office Building, Albany, NY 12248; Senator John R. Kuhl, Jr., 310 Legislative Office Building, Albany, NY 12247; Assemblyman, James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; Robert Gregory, Executive Director; NYSAC, 111 Pine Street, Albany, NY 12207; the InterCounty Association of Western New York; and the Steuben County Board of Elections.

Mr. Donnelly stated he appreciates the assistance the Administration Committee received from Lisa Chacon and Frank Anastasio for the development of this resolution.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 101-04**

Introduced by P. Donnelly.

Seconded by R. Argentieri.

**MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK IN SUPPORT FOR THE ELIMINATION OF THE SUNSET PROVISION OF THE LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND (LGRMIF) AND THE CULTURAL EDUCATION FUND (CEF).**

**WHEREAS**, the Local Government Records Management Improvement Fund (“LGRMIF”) was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York’s more than 4,300 local governments; and

**WHEREAS**, the closely related Documentary Heritage Program (“DHP”) for grants and technical assistance to non-governmental historical records repositories also is supported by the LGRMIF; and

**WHEREAS**, a sunset date for the LGRMIF was established in the original legislation to permit its operation as a five-year experiment; and

**WHEREAS**, the New York State Legislature in 1995 twice has extended the sunset date, most recently to December 31, 2005; and

**WHEREAS**, the LGRMIF has effectively supported essential advisory services and 6,300 grants totaling over \$113 million to improve the management of records for over half of all New York State local governments; and

**WHEREAS**, the LGRMIF and the programs it supports continue to operate at a high standard of excellence and provide direct and significant benefit to local governments at no cost to the taxpayers; and

**WHEREAS**, Steuben County has benefited from technical assistance, training, publications and grants, supported by the LGRMIF; and

**WHEREAS**, the New York State Legislature created the closely-related Cultural Education Fund (“CEF”) to support the New York State Archives, New York State Library and New York State Museum on behalf of all New Yorkers, and the Office for Public Broadcasting, and provided the CEF with an identical sunset date; and

**WHEREAS**, the LGRMIF and CEF continue to be critically important in the fulfillment of the many records and information related responsibilities of Steuben County, and to the cultural and scientific needs of the people of New York State.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature memorializes the Governor and the New York State Legislature to support the elimination of said sunset provisions in order to make the LGRMIF and CEF permanent; and be it further

**RESOLVED**, the Steuben County Legislature has established Medicaid reform as it's highest priority for 2004, support for the elimination of the sunset provision of the local Government Records Management Improvement Fund and the Cultural Education Fund is also a priority for the 2004 State Legislative session; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Governor George E. Pataki, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, David A. Paterson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Paul A. Tokasz, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Charles H. Nesbitt, 933 Legislative Office Building, Albany, NY 12248; Senator John R. Kuhl, Jr., 310 Legislative Office Building, Albany, NY 12247; and Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; the Steuben County Clerk and the Records Manager.

**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; 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; and 105.1.H. The Proposed Acquisition, Sale Or Lease Of Real Property Or The Proposed Acquisition Of Securities, Or Sale Or Exchange Of Securities Held By Such Public Body, But Only When Publicity Would Substantially Affect The Value Thereof Made By Mr. Schwartz, Seconded by Mr. McAllister and Duly Carried.*

*Motion to Adjourn Executive Session and Reconvene in Regular Session Made by Mr. McIntyre, Seconded by Mr. Donnelly and Duly Carried.*

#### **RESOLUTION NO. 102-04**

Introduced by D. Baker.

Seconded by L. Jamison.

#### **APPOINTING THE PUBLIC DEFENDER OF THE COUNTY OF STEUBEN.**

**WHEREAS**, by Local Law No. Nine for the Year 2003, the position of Public Defender was designated as full-time.

#### **NOW THEREFORE, BE IT**

**RESOLVED**, Byrum Cooper of Hammondsport, New York shall be and the same hereby is appointed Public Defender of the County of Steuben commencing on May 17, 2004, and ending December 31, 2007, at a salary of \$65,000 per annum; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Byrum Cooper and the Personnel Officer.

**Vote: Roll Call – Adopted.**

*Motion to Adjourn made by Mr. Mayo, Seconded by Mr. Isaman and Duly Carried.*

**REGULAR MEETING**  
**Morning Session**  
**Monday, May 24, 2004**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, New York, on Monday, the 24<sup>th</sup> day of May, 2004, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll Call and all members present.

Mr. Schwartz offered the Invocation and the Pledge of Allegiance was led by Mr. Jamison.

Mrs. Kane asked Linda Hargraves to come forward. Ms. Hargraves is an employee in the Department of Social Services. Chairman Roche presented her with a Certificate of Appreciation and a County pen in recognition of 15 years of service to Steuben County.

Mrs. Kane asked Linda Hargraves and Jean Schreiner to come forward. Chairman Roche presented Ms. Schreiner with the Employee of the Month Award for the Month of June 2004. Ms. Hargraves nominated Ms. Schreiner for the award in the categories of Outstanding Performance, either by way of attitude, cooperation, motivation or creativity; Major Project Accomplishment and Community Service.

Ms. Hargraves read the following nomination: As I write this request for Employee of the Month, I think how lucky I am to have known such a positive person named Jean Schreiner "Travis". And how many individuals do you know would allow someone to use their previous married name, just because you as an individual cannot change your ways? Jean is a worker that is helpful to all her co-workers. Jean goes beyond what is required of her to be helpful. Sometimes you think Jean feels that Jean has to do job performances of other co-workers so the other co-worker does not get behind. When Jean's co-worker is off on vacation, off for the day, Jean spends the whole day completing his job and Jean's job too. Sometimes I wonder what Jean possibly must feel like when she gets home because she seems to really put her mind and heart into accomplishing the impossible. Jean is just unbelievable at times. From what I know, Jean came to the County by way of being a person on the system with three children. She has always had to find a ride from Hornell to Bath and Bath to Hornell to work. She earned her way into being a Community Service Worker in May of 1993. That is when I started in Temporary Assistance too. I know I can understand why they hired Jean. She can do circles around some co-workers. Jean very seldom takes time off. Sometimes she even comes to work feeling a bit under the weather, just because she knows that another worker is off; or she just doesn't want to make others feel they need to complete her job in any way, or maybe she just has to complete something and feels it is necessary for her to be there. Jean has watched the County filing system within DSS go through several different processes and she has managed to conform to those changes. Under major project accomplishment, Jean has come from a person who had to utilize the system to an individual with an outstanding, positive attitude, great motivation skills and just a well-rounded individual. Jean has proven that as an employee she goes beyond what is required of her. Since she has had to go through the process of the system, Jean is one individual that is appreciative of what she has and you can see such a positive and wonderful individual in her. Jean has three children, two grandchildren and one grandchild on the way. She is very dedicated to her family and she spends a lot of time with them, especially the grandchildren. Jean has given a lot of herself to the agency and raising her family. She is the type of person that would always be there for anyone and would make an honest effort to be positive. Jean is very worthy of the Employee of the Month honor. **CONGRATULATIONS JEAN!**

Chairman Roche opened the floor for Comments by Members of the Public.

Jack Arquette, Town of Howard, stated regarding the appropriation of money to study the sale or lease of the landfill, every time some type of financial bind happens, everyone begins to look at

the landfill. It is my understanding that the landfill is the one entity that doesn't cost the County money. In fact, it makes money. I understand the County's financial burden with the health care issues, but the landfill is not the answer. If you want to solve the problem, I suggest you hire people to go to Albany and lobby our State Representatives to reform Medicaid.

Bob Hunt, Hornell, presented the Legislature with signed petitions against the lease or sale of the landfill.

Mario Curo, Canisteo, stated the sale of the landfill would be a huge injustice to the County. It would be a big mistake to lease or sell the landfill.

John Young, Cohocton, stated I come this morning as a concerned citizen, not only because the Legislature in Albany continues to pass mandates, but because these mandates are beginning to cloud the judgement of this body. The question is what to do with the Health Care Facility. With the Certificate of Need requiring beginning of construction by April 2004 and ending eighteen months later with occupancy, it is vital we consider all the avenues and make a choice. What are our possible actions? Build new, repair the existing, sell or get out the business. Other than selling or repairing the building, then you're left with the question of what to do with the old building. Being that we would like to consider this problem to the best end for all, the patients, the workers, the future patients, the citizens, the Legislature and always the taxpayers, let's approach this like Joe Friday of Dragnet fame. I only want the facts, forget the can be, should be and maybe.

### **BUILD NEW**

We have a Certificate of Need approved by the State. We know they expect us to build new for between \$16 and \$17 million. We may have 105 beds with two respite beds. Until we are notified differently, we will have a rebase of cost included in Medicare costs that should repay our bonded debt and interest over a thirty-year period. Our building would be designed for modern living style with more room for movement and personal items. The building would be built to current codes.

### **REPAIR THE EXISTING**

The current building is thirty years old. We are operating under waivers for fire codes violations. The plumbing should be replaced as patches are beginning to require patches. While in better than good condition, there is need to repair to the full roof as it is of age. The boilers should be replaced with new ones as they have been rebuilt twice already. The windows should be resealed and resealed. We still have some asbestos somewhere that is still awaiting discovery. As with all older buildings, to add computer access for the patients would require additional wiring for both electric and networking. The rooms are small by today's standards and it will be only a matter of time before we will have to request and may not receive waivers to have two patients to the room. Would we open the door to the State requiring more than we really want to renovate?

### **SELL THE LICENSE**

First, the buyers are not as plentiful as previously thought and would we get a good price? Consideration would have to be given to the transfer of the work force and their rights. Would we be able to keep the good, dedicated staff we currently have if they knew the business was up for sale? The buyer could apply for a new Certificate of Need and move the operation anywhere they wanted to. We could become an unwilling landlord. We would no longer have control of the caliber of care rendered. The record center may have to be relocated out of the ground floor of the building.

### **GET OUT OF THE BUSINESS**

Give the State notice that we are closing our doors and giving up our license. The Medicare patients would be transferred to available beds somewhere. The County Medicare charge would continue, affected by the receiving institution's Medicare rate. Private pay patients would have to fend for themselves as to relocation close to home and family within their means. The building would remain if you just closed it down and there would still be maintenance cost of

approximately \$1 million per year. It could be demolished, leaving the issue of the records center relocation. There would be an unemployment bill for the people ineligible for retirement and unable to find other work.

### **THE FUTURE OF THE CURRENT BUILDING**

Getting out of the business completely, selling the license or building a new building still leaves the problem what do you do with the current building. As has been stated during the on-going discussions, it is only thirty years old. It has been estimated to convert it to offices for whatever departments would cost almost as much as to build a new office building. You would still have a refurbished building over thirty years old. Consideration could be given to increasing the scope of health care being offered by the Health Care Facility, assisted living, daycare for elderly and outpatient physical therapy only as added revenue producers. Maybe a shelter for the homeless or a shelter for abused partners. All would require additional expenditures to alter the existing structure for the new use. As stated before, any change would require rewiring for computers, new plumbing and the heating and ventilation would have to be retrofitted.

I realize 50 percent of you are in the last throws of becoming lame ducks in the next couple of years but I certainly hope that you have enough pride in your constituents, the employees of the County and what you have accomplished to take a realistic look at what the Health Care Facility has to offer to the citizens of the County. Do it as businessmen who know that this venture may not make a bundle but may well be a step in the direction of making yourselves and the citizens of Steuben County proud to say that we have one of the best.

Ignore the ever negative, spouting media, stop and look back over the last eight years. You have created an excellent IT Department and have every department using computers. The Public Works Department has brought the roads up to a standard width and most of the bridges are now in much better shape as well as managing and expanding a break-even solid waste operation. You have a new jail operation that has been held up as a model for others considering renovations or building new. Shortly you will be bringing on line one of the most modern 911 systems of its size in the Northeast. And not last, like it or not, you have a leaner, more efficient workforce taking pride in their work. Why not leave the County in a much better position to care for its infirmed with a modern facility that is more efficient. Admittedly, the folks in Albany haven't yet realized that they are not infallible and may someday need a health care facility that they are trying to kill at this time. Lets not join them, lets look to the future. A Health Care Facility in these modern times is as needed as good roads, a well run solid waste facility, a well run jail and a modern, well run 911 operation. Face it, in these times health care is becoming as sure as the well-established death and taxes. It will refuse to be ignored and will not go away.

Let's not have Steuben County drown in self-pity and pleas of poverty. Lets realistically explore retaining this gem of the County that has been held in great esteem, as well as the much needed expansion of the jail, explore appointment of commissions of study if you feel the need. An extended study while you build. Right now you can borrow money about the cheapest that has been available in many years. Remember that when the economy gets better, the interest rates will not.

I hear the argument that closing the facility will only affect 105 patients. The loving spouse who comes faithfully to every meal to feed their loved one or comes to have one meal together. What about the families that would not be able to travel to the new facilities that the patients may be put in because of the closing of Steuben's. If you are going to justify the closing of the facility on the basis of serving only 105 people, will we next consider abandonment of County roads that only serve 105 people?

You close this asset, sell, lease or give away the landfill under the belief that the money "will not have to come out of the taxpayers' back pocket". What's next – the Jail, 911 Center or the County Office Building? How about selling the road machinery fleet and contracting out the public works department? This may get you cash that day but would you always be able to get the work done

timely and as good as you now have it? Of course you would get many people off the payrolls who are also taxpayers, this would reduce the tax burden for them and make it much more painful to lose their homes for a lesser amount of unpaid taxes. Employment is not one of our luxuries at the present. Debt is not something to be ashamed of when undertaken to maintain and improve. Is it your intent to say to the younger taxpayers, here are crumbling buildings and a collection of potholes. Do with them what you can but at least we didn't hand you a debt to pay off from maintaining or improving them.

I fully realize your decisions are not easy and cannot be taken lightly but it seems that there is more panic now than ever before. As a former County Attorney used to say when the Board of Supervisors faced a seemingly insurmountable problem, "Let's make horse sense out of this before making a decision." In closing, as Dr. Laura would say, "Now go and do the right thing." Thank you and may God be with you.

Ira Hale, Bath, stated we've been hearing about a resolution to sell or lease the landfill. I'm here to ask you to please vote it down. We don't need an outsider to run our landfill. You're in the process of expanding it and it is an asset to the County. Private entities don't care about the employees or the County. Please vote no to the study of this.

There being no further comments, Chairman Roche declared the Public Comment portion of the meeting 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 Local Law Tentatively No. One for the Year 2004, Relative to the parcel of land along State Highway 54A in the Town of Pulteney for property owners Van C. and Susan M. Campbell. Chairman Roche asked if there were any comments concerning the proposed Local Law. There being no comments, Chairman Roche declared the public hearing closed.

*Motion adopting the minutes of the previous month's meeting made by Mr. Gehl, seconded by Mr. Nielsen and duly carried.*

Mr. Gehl reported he received a letter from Chairman Roche dated February 26<sup>th</sup> regarding a proposal to amend the *Rules of Procedure* concerning the election of the Chair and Vice Chair of the County Legislature. He stated the Rules Committee has discussed this. They requested Mrs. Kane conduct a survey of other Counties regarding how they elect their Chairs. Of the Counties surveyed, 13 elect the Chair and Vice Chair by a roll call vote. Two utilize the one person/one vote rule. Six elect in a caucus and five use weighted voting. There was a request last year to change the election of the Chair and Vice Chair from secret ballot to an open vote. He asked for discussion regarding this issue.

Mr. Argentieri stated I don't see a problem with secret ballots as I equate it to the election of our politicians. In my opinion, it eliminates any animosity between Legislators. I find nothing wrong with the secret ballot as it works quite well. There have been no major problems.

Mr. McAllister stated the general election is for the people of the County to elect us, but we elect the Chair and Vice Chair for our constituents. They have a right to know whom we select as Chair. I don't know of any issue that can't be seen or done in the light of day. I think it should be a majority of the Legislators (9) and a majority of the weighted vote to give legitimacy to the voters of the County.

Mr. Schwartz stated I agree with both sides. He stated Mr. Argentieri is right regarding the human nature of people. But I also don't have a problem of conducting an open vote. However, I think it should be one person/one vote, not a weighted vote. I also think it should remain at 10 votes.

Mr. Isaman stated he agrees with Mr. Argentieri. Prior to my coming on the board, there was a battle for Chair between 3 or 4 individuals. The results changed considerably between each vote. I believe it should remain a secret ballot.

Mr. Stachnik stated animosity occurs every day, so does jealousy. We're all adults, let's open it up.

Mr. Donnelly stated he agrees with an open ballot because if you believe in something, you shouldn't be afraid to stand up for it.

Mr. Gehl stated the Erwin Planning Board writes down their votes and signs them and then the Clerk reads the vote and the voter's name. If they did it that way, there wouldn't be a final sway in vote.

Mr. Argentieri asked do we eliminate executive sessions and caucuses, too? Should we shed the light of day on those issues as well?

Mr. Swackhamer stated we've always been able to settle the election. I don't think we should be going to weighted voting where 8 people could elect the Chair. I think we should leave it at 10 votes. We've never had a problem and we shouldn't change it.

Mr. McIntyre stated I see no problem with the way we are currently doing it.

Mr. Swackhamer called for a Republican caucus. Chairman Roche adjourned the meeting to hold a Republican caucus. Mr. Swackhamer asked if they could invite the Democrats to attend the caucus. Mr. Ahrens stated yes they could.

Chairman Roche called the meeting back into session following the conclusion of the Republican Caucus. Mr. Swackhamer reported they have no desire to change the *Rules of Procedure* at this time.

Sheriff Tweddell stated on December 21, 1999, I was sworn in as Steuben County Sheriff. Today is another proud day for me. Sheriff Tweddell introduced Peter Kehoe, Executive Director and Counsel of the NYS Association of County Sheriffs. Mr. Kehoe stated he'd like to recognize the Sheriff and his staff for achieving accreditation of the Steuben County Jail. He invited the Legislators to attend a press conference being held at Noon today at the Jail. He thanked the Legislature for their support of the Sheriff's office and staff.

Chairman Roche asked how many jails are accredited in New York State? Sheriff Tweddell stated we will be the 14<sup>th</sup> in the State.

Mr. Spagnoletti introduced Bob Hunt, Darryl Hoad, Scot Martinez, Bonnie Kastner and Steve Orcutt. He stated they do a great job at the Landfill both financially and environmentally. Last year they collected \$4.2 million in revenue and the operating landfill had a surplus of \$600,000. That surplus was applied toward the closure of the old landfills. Environmentally, we used to receive three-year permits and now we receive ten-year permits because they do such a good job. We're in good shape right now and we are constructing a new cell that will last 26 years. There's enough room at the landfill for 218 years of County garbage. In your vote, I think it is a valid philosophy of not fixing something that's not broken. However, the Department has always looked for better ways of doing things. A private company can do a good job for less cost. I think the question today is why not let someone do it, and pay us to do it, when they can do it as well as us. I strongly request you don't take this vote lightly. The workers are worried. If you go out for proposals, companies will probably spend \$100,000 to develop a proposal. If they walk in with good proposal and you turn them down, you won't get responses if go out for proposals again. In Ontario County, the County workers were kept as County workers to run the landfill. They kept

their benefits and their union protection. That is a good model. If you go forward with this, please give that some consideration. Thank you.

Mr. Alger announced it is the end of May and the State still hasn't adopted a budget. We began working on our budget in February this year. Given the magnitude of the impact of Medicaid, I felt it timely to discuss the budget. The State has 4 or 5 Medicaid proposals floating around and I don't expect to see any resolution to Medicaid in the near future. We expect the budget might be completed prior to the end of June, in time to avoid schools going to a court-appointed decision. We need to keep this issue in front of the State Legislature and the public to make an impact. Next year the projected budget increase is \$5.5 million. We've said for some time that the Safety Net numbers and the TANF numbers will reverse in order of magnitude. Right now these programs are about even and will go the other way in the next few years. Generally the State and Federal governments are backing off on their support of the needy. The Safety Net is unique to the State funded 50/50. Despite individuals that are transitioning from Safety Net to TANF, that program will continue to have impact. There will be a \$6.8 million increase in the local cost to the County for those programs alone, and that represents a 20 percent tax increase. The total budget increase for the rest of the Departments is less than \$200,000. The obvious increases are for Corning Community College, 911, the Jail (as we're running at maximum capacity) and the Assigned Counsel Program. The difference is we've cut severely to maintain a low tax levy increase. Next year will be very hard to do that again. We're at a critical time period and I believe they will make some effort for Medicaid, but we need to continue to talk to them about it.

Mr. Swackhamer stated as we continue with the Medicaid issue, I would like the media to participate in getting the word to them that it is an election year. We need heavy coverage on this. We do a lot of work for the media and I think it is time they help the community get this message across.

#### **RESOLUTION NO. 103-04**

Introduced by G. Swackhamer.

Seconded by K. Isaman.

#### **MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS AND PROPERTY TAXES.**

**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



Resolution # B-4  
Former Owner John Palmer Jr & Jennifer Palmer  
In Rem Index No. 86329, 2002 sale  
Parcel # 014.00-02-009.120  
Municipality Wayland Town  
Grantee(s) John A Palmer Jr & Jennifer J Palmer,  
husband and wife, as tenants by the entirety  
Grantee(s) Address 2130 Dieter Rd, Wayland, NY 14572  
Consideration \$1,921.73, together with \$96.00 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 # B-5  
Former Owner Clinton C & Doris Masters  
In Rem Index No. 86329, 2002 sale  
Parcel # 276.11-01-072.000  
Municipality Thurston Town  
Grantee(s) Christopher Wightman  
Grantee(s) Address PO Box 355, Avoca, NY 14809  
Consideration \$1,166.57, together with \$93.00 recording fees

Resolution # B-6  
Former Owner Towner Living Trust  
In Rem Index No. 86329, 2002 sale  
Parcel # 348.00-01-018.600  
Municipality Rathbone Town  
Grantee(s) Terry L Towner and Barbara A Towner, Trustees,  
or their successors in trust, under Towner Living Trust  
Grantee(s) Address 3855 S Goodhue Lake Rd, PO Box 10, Addison,  
NY 14801  
Consideration \$9,267.20, together with \$96.00 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 # B-7  
Former Owner Mabel Masti (now Carolyn R Thompson)  
In Rem Index No. 82183, 2000 sale  
Parcel # 159.09-02-079.000  
Municipality Bath Village  
Grantee(s) Carolyn Thompson  
Grantee(s) Address 7495 Eagle Valley Rd, Savona, NY 14879  
Consideration \$2,292.58, together with \$96.00 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. 104-04

Introduced by P. Roche.

Seconded by K. Isaman.

**RECEIVING AND ACCEPTING THE MAY 24, 2004 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.**

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

**April 16, 2004**

1. NYS Office for the Aging - Re: 2004-08 Four-Year Plan and the Annual Implementation Plan for 2004-05 for Steuben County have been approved; application for State aid under the Supplemental Nutrition Assistance Program; the Expanded In-Home Services for the Elderly Program; the Community Services for the Elderly Program; and the Congregate Services Initiative and Caregiver Resource Center Renewal Application for the period 4/1/04-3/31/05 also have been approved. *Referred to: Human Services Committee and Linda Tetor, OFA Director.*
2. NYS Office for the Aging - Re: Revised Notifications of Grant Award and Annual Implementation Plan budget pages for the EISEP and CSE program for the period 4/1/03-3/31/04. *Referred to: Human Services Committee and Linda Tetor, OFA Director.*

**April 19, 2004**

1. State of New York, Executive Chamber - Re: Availability of Juvenile Accountability Block Grant Program funds - award amount for Steuben County: \$11,683. *Referred to: Public Safety & Corrections Committee and Frank Justice, Probation Director.*
2. Fortuna Energy, Inc. - Re: Application for a Certificate to Construct A Natural Gas gathering Pipeline located in the Town of Corning and Town of Big Flats. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

**May 3, 2004**

1. NYS Department of Health - Re: Steuben County Health Care Infirmiry Medicare/Medicaid Survey - Date 4/15/04 - Statement of Deficiencies and Request for Plan of Correction by 5/5/04. *Referred to: Health & Education Committee and John Zehr, HCF Administrator.*

**May 5, 2004**

1. NYS Office of Public Security - Re: Legislative approval required to appropriate the grant funds to be distributed within the next five weeks and to expedite Steuben County's Homeland Security funds. *Referred to: Public Safety & Corrections Committee; Sheriff Tweddell; Tim Wixom, 911 Director; and Mike Sprague, EMO Director.*

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 105-04**

Introduced by H. Mayo.

Seconded by P. McAllister.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2004, RELATIVE TO THE PARCEL OF LAND ALONG STATE HIGHWAY 54A IN THE TOWN OF PULTENEY FOR PROPERTY OWNERS VAN C. AND SUSAN M. CAMPBELL.**

Pursuant to Section 10(32) and Section 345-a of the Highway Law.

**WHEREAS**, there has been duly presented to the members of the Steuben County Legislature on April 26, 2004, County of Steuben Local Law Tentatively No. One for the Year 2004, relative to the parcel of land along State Highway 54A in the Town of Pulteney for property owners Van C. and Susan M. Campbell, and this Legislature by resolution, preliminarily adopted said Local Law on April 26, 2004, making the final adoption of said Local Law subject to a Public Hearing to be held on May 24, 2004, 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 the 24th day of May, 2004 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 permissive referendum.

**NOW THEREFORE, BE IT**

**RESOLVED**, County of Steuben Local Law Tentatively No. One for the Year 2004, as hereafter set forth be, and the same hereby is, finally adopted, to wit:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2004**

**A LOCAL LAW** relative to the parcel of land along State Highway 54A in the Town of Pulteney for property owners Van C. and Susan M. Campbell.

**BE IT ENACTED** by the Legislature of the County of Steuben, as follows:

**SECTION 1.** The Chairman of the Steuben County Legislature be, and the same hereby is authorized and directed for and in consideration of the sum of One Dollar (\$1.00), and payment of advertising costs, to convey to Van C. and Susan M. Campbell, the following tract of land:

All that piece or parcel of property, being a portion of Section 37.008, Block 01, Parcel 12.000 as shown on the official tax map, hereinafter designated as Parcel No. 88, situate in the Town of Pulteney, Steuben County, State of New York, as shown on Map No. 6A and described as follows:

**PARCEL NO. 88**

Beginning at an iron pin and cap set on the original user highway boundary of the Hammondsport-Branchport Highway, Part 3, S.H. 8191, Route 54A, being 44.54 feet easterly, measured at right angles, from Station 539+09.33 of the hereinafter described 1962 Survey Baseline for the reconstruction of the Hammondsport-Branchport Highway, Part 3, S.H. 8191, Route 54A; thence South 13°27'24" East through the lands of Campbell a distance of 18.00 feet to an iron pin and cap set on the original user highway boundary, said point being 45.61 feet easterly, measured at right angles, from Station 538+91.36; thence South 17°47'10" East through the land of Campbell a distance of 124.53 feet to an iron pin and cap set on the original user highway right of way, said point being a distance of 62.39 feet easterly, measured at right angles, from Station 537+67.97; thence South 79°52'27" West through the lands of Campbell a distance of 37.34 feet to an iron pin and cap set on the proposed highway boundary, said point being a distance of 25.05 feet easterly, measured at right angles, from Station 537+66.61; thence North 10°07'33" West along the proposed highway boundary a distance of 132.66 feet to an iron pin and cap set on the proposed highway boundary, said point being a distance of 24.85 feet easterly, measured at right angles, from Station 538+99.27; thence North 55°58'24" East through the lands of Campbell a distance of 21.54 feet to the point of beginning; being 3,862+/- Square Feet or 0.089 +/- Acres.

Being a portion of the original user highway right of way of S.H. 8191, Hammondsport-Branchport, Part 3.

The new highway boundary to be along the following courses and distances:

- 1) South 79°52'27" West to a distance of 37.34 feet,
- 2) North 10°07'33" West a distance of 132.66 feet,
- 3) North 55°58'24" East a distance of 21.54 feet,

The above-mentioned Survey Baseline is a portion of the baseline, recovered on October 16, 2002, for the 1962 reconstruction of the Hammondsport-Branchport Highway, Part 3, S.H. 8191, Route 54A as shown on the map and plan on file in the office of the State Department of Transportation as follows:

Beginning at Station 536+45.25 thence North 10°02'29" West to Station 542+37.93.

All bearings refer to True North at 76°35'00" meridian of West Longitude.

All of the above shown on Abandonment Map No. 6A, Parcel No. 88, dated December 12, 2002 and filed in the Office of the New York State Department of Transportation.

**SECTION 2:** The within statute shall be construed as an offer to convey to, and an option to purchase the subject premises by Van C. and Susan M. Campbell. Failure or refusal to furnish consideration on or before September 30, 2004, shall terminate the within offer.

**SECTION 3:** 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 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 (1) certified copy thereof to be filed in the office of the Steuben County Clerk, and one (1) certified copy 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,** a certified copy of this resolution shall be forwarded to the County Treasurer; the County Clerk; the Commissioner of Public Works; the Real Property Tax Service Agency Director and Phillip L. Bailey, Esq., 118 Main Street, Penn Yan, NY 14527.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 106-04**

Introduced by H. Mayo.

Seconded by K. Isaman.

#### **AUTHORIZING EMINENT DOMAIN PROCEDURES FOR REAL PROPERTY IN RELATION TO THE COUNTY ROUTE 65 BRIDGE REPLACEMENT PROJECT.**

Pursuant to Article IX, Section 1, Subsection (3) of the Constitution of the State of New York and pursuant to the Eminent Domain Procedure Law Section 100 et seq.

**WHEREAS,** the Department of Public Works intends to repair the existing County Route 65 Bridge over the Canisteo River in Hornellsville; and

**WHEREAS,** engineering studies indicate that it would be beneficial to relocate the bridge and realign the approach roadways for the safety of vehicular traffic; and

**WHEREAS,** it may be necessary to acquire private property to complete this project, specifically the real property identified on Tax Map Number 121-01-030.112 in the Town of Hornellsville; and

**WHEREAS,** a public hearing is necessary to inform the public and review with the public the use to be served by the proposed public project, titled the “County Route 65 Bridge Replacement Project” and said hearing is necessary to determine the impact of the proposed public project on the environment and on the residents of the Town of Hornellsville.

**NOW THEREFORE, BE IT**

**RESOLVED**, Steuben County hereby initiates Eminent Domain Procedures with respect to the above described property and the County Route 65 Bridge Replacement Project; and be it further

**RESOLVED**, that the Steuben County Department of Public Works shall make an offer to the owner of said property to purchase the property for fair market value and pursuant to New York State Eminent Domain Procedure Law; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 107-04**

Introduced by H. Mayo.

Seconded by K. Isaman.

**AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO RETAIN THE SERVICES OF CONSULTANTS DAN M. DARRAGH, ESQ. OF BUCHANAN INGERSOLL AND BARTON LOGUIDICE ENGINEERS TO RENDER SERVICES IN DEVELOPING A REQUEST FOR PROPOSAL FOR THE PRIVATIZATION/LEASE OF THE STEUBEN COUNTY SOLID WASTE MANAGEMENT FACILITIES, FOR A SUM NOT TO EXCEED \$10,000.**

**WHEREAS**, a privatization study was prepared by Dan M. Darragh, Esq. of Buchanan Ingersoll, P.C., on March 31, 1998; and

**WHEREAS**, the Public Works Committee has revisited that issue and has requested that a Request for Proposal (“RFP”) be prepared for the privatization/lease of the Steuben County Solid Waste Management Facilities; and

**WHEREAS**, the work heretofore performed by Dan M. Darragh, Esq. of Buchanan Ingersoll, P.C., and Barton Loguidice Engineers with regard to our Steuben County Solid Waste Management Facilities warrants retention of said professionals; and

**WHEREAS**, said consultants have indicated the course of the services will not exceed the sum of \$10,000.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Commissioner of Public Works be and the same hereby is authorized to retain the services of Dan M. Darragh, Esq., of Buchanan Ingersoll, P.C., and Barton Loguidice Engineers for the purposes of preparation and distribution of a RFP for the privatization/lease of the Steuben County Solid Waste Management Facilities; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Dan M. Darragh, Esq., Buchanan Ingersoll, P.C., One Oxford Centre – 20<sup>th</sup> Floor, 301 Grant Street, Pittsburgh, PA 15219-1410; Barton Loguidice Engineers, Attn: Kevin Voorhees, P.O. Box 3107, Syracuse, NY 13220; and the Commissioner of Public Works.

Mr. Schwartz stated our Oath of Office requires us to maintain County roads and bridges. The problem is the social needs of Steuben County. I’ve looked at this as a possibility of acquired revenue. Unfunded mandates are a reality and I encourage everyone to protect the workers of the landfill. I believe the lease is in the future. However, I’d like to state that any funding from this be used to repair roads and bridges.

Mr. Gehl stated he wants the RFP to include keeping the transfer stations intact and the workers are to be protected.

Chairman Roche cautioned that any further comments regarding stipulations of the contract are not to be discussed in open session.

Mr. Argentieri stated in my conversation with Mr. Spagnoletti, he showed me where the operation is in the black and we're making money. Why get rid of something that is making money? We have 38 employees there that we're proud of so why is this on the floor?

*Chairman Roche stated we need to discuss this in executive session. He set the resolution aside until the end of the meeting.*

#### **RESOLUTION NO. 108-04**

Introduced by P. Donnelly.

Seconded by T. Schwartz.

#### **AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS.**

Pursuant to Section 261 (2) of the Tax Law of the State of New York.

**RESOLVED**, that the apportionment of tax on mortgages in the County of Steuben collected by the County Clerk from the 1st day of October, 2003, to the 31st day of March, 2004, pursuant to provisions of Section 261 (2) of the Tax Law, as made by the Clerk of this Legislature be and the same hereby is ratified and confirmed, and the statement of such apportionment in compliance with the provisions of said Law, filed with the County Treasurer of this County, is hereby and in all things ratified and confirmed and such statement shall be to the County Treasurer a sufficient Warrant for the payment by him of the various sums as apportioned for the various purposes as designed by Law; and be it further

**RESOLVED**, that the Clerk of this Legislature shall forward certified copies of this resolution to the Steuben County Treasurer, the Steuben County Real Property Tax Service Agency, and the Steuben County Clerk:

#### **MORTGAGE TAX APPORTIONMENT**

The amount of money in your hands on April 1, 2004, which was received by you from the County Clerk as taxes paid to him upon the real property mortgages filed in his office since October 1, 2003, 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 \$702,349.60.

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 – 5/2004**

<u>TOWN &amp; CITIES</u>	<u>TOWN/CITY AMT DUE</u>	<u>VILLAGES</u>	<u>VILLAGES AMT DUE</u>	<u>TOTAL AMT DUE</u>
ADDISON	6,620.14	ADDISON	2,965.93	<b>9,586.07</b>
AVOCA	6,613.64	AVOCA	1,095.71	<b>7,709.35</b>
BATH	45,464.26	BATH (1)	13,504.90	
BRADFORD	2,627.37	SAVONA (2)	1,324.27	<b>60,293.43</b>
CAMERON	2,403.48			<b>2,627.37</b>
CAMPBELL	26,881.52			<b>2,403.48</b>
CANISTEO		CANISTEO	13,307.90	<b>26,881.52</b>
	40,145.37			<b>53,453.27</b>
CATON	17,542.63			<b>17,542.63</b>
COHOCTON	13,585.81	COHOCTON	1,945.04	<b>15,530.85</b>
CORNING CITY	84,979.74			<b>84,979.74</b>
		RIVERSIDE (1)	2,373.43	
CORNING TOWN	53,239.15	S CORNING (2)	4,321.42	<b>59,934.00</b>
DANSVILLE	11,947.44			<b>11,947.44</b>
ERWIN	108,822.06	PAINTED POST	9,633.59	<b>118,455.65</b>
FREMONT	4,373.72			<b>4,373.72</b>
GREENWOOD	2,499.65			<b>2,499.65</b>
HARTSVILLE	1,914.06			<b>1,914.06</b>
HORNBY	10,865.46			<b>10,865.46</b>
HORNELL CITY	28,468.72			<b>28,468.72</b>
		ALMOND (1)	39.09	
		ARKPORT (2)	1,743.23	
HORNELLSVILL E	20,580.64	V N HORNELL (3)	1,968.56	<b>24,331.52</b>
HOWARD	4,134.33			<b>4,134.33</b>
JASPER	2,729.71			<b>2,729.71</b>
LINDLEY	12,872.77			<b>12,872.77</b>
PRATTSBURGH	10,986.04			<b>10,986.04</b>
PULTENEY	20,465.16			<b>20,465.16</b>
RATHBONE	3,252.38			<b>3,252.38</b>
THURSTON	6,129.64			<b>6,129.64</b>
TROUPSBURG	4,447.13			<b>4,447.13</b>
TUSCARORA	4,970.58			<b>4,970.58</b>
URBANA	29,200.03	HAMMONDSPOR T	2,963.89	<b>32,163.92</b>
WAYLAND	19,689.91	WAYLAND	4,740.19	<b>24,430.10</b>
WAYNE	19,304.06			<b>19,304.06</b>
WEST UNION	1,331.79			<b>1,331.79</b>
WHEELER	6,625.86			<b>6,625.86</b>
WOODHULL	4,708.20			<b>4,708.20</b>
	<b>640,422.45</b>		<b>61,927.15</b>	<b>702,349.60</b>

Foregoing shall be your sufficient warrant for the payment of said sums as above directed.

DATED at Bath, New York, May 24, 2004.

STEUBEN COUNTY LEGISLATURE

\_\_\_\_\_  
By: Philip J. Roche, Chairman

I, Christine Kane, 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 24, 2004

\_\_\_\_\_  
Christine Kane, Clerk  
Steuben County Legislature

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 109-04**

Introduced by D. Baker and G. Swackhamer.

Seconded by T. Schwartz.

**AUTHORIZING THE TRANSFER OF \$100,000 FROM THE CONTINGENT FUND TO THE SHERIFF'S JAIL FUND FOR LODGING OF PRISONERS OUT OF COUNTY.**

**WHEREAS**, the 2004 Sheriff's Jail Budget Lodging of Prisoners line item contains insufficient funds for the balance of the Fiscal Year.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Treasurer is hereby authorized to transfer from the Contingent Fund the amount of \$100,000 to the 2004 Sheriff's Jail Budget Lodging of Prisoners line item A.5.31500.424500; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 110-04**

Introduced by R. Nichols and G. Swackhamer.

Seconded by K. Isaman.

**ACCEPTING \$36,000 IN ADDITIONAL GRANT FUNDING FROM HEALTH RESEARCH, INC. AND AUTHORIZING THE PURCHASE OF EQUIPMENT TO FACILITATE PUBLIC HEALTH PREPAREDNESS AND RESPONSE TO BIOTERRORISM ACTIVITIES.**

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

**WHEREAS**, the Steuben County Public Health and Nursing Services has been awarded additional grant funds for Public Health Preparedness and Response to Bioterrorism in the amount of \$36,000; and

**WHEREAS**, the Steuben County Health and Education Committee and the Finance Committee have approved accepting the additional funds.

**NOW THEREFORE, BE IT**

**RESOLVED**, the County of Steuben is hereby authorized to accept the sum of \$36,000 from Health Research, Inc. for the Public Health Preparedness and Response to Bioterrorism Grant; and be it further

**RESOLVED**, the Steuben County Treasurer is authorized and directed to accept the \$36,000 additional Bio-Terrorism Grant 4.4401.250 revenue and to appropriate this amount along with a transfer of \$4,500 from the General Fund Bioterrorism Revenues 402800.4.4401.250 to the Computer Equipment Capital Project 4010H1.5.250.000 for \$40,500; and be it further

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

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 111-04**

Introduced by P. Roche.

Seconded by G. Swackhamer.

#### **MEMORIALIZING THE INDY RACING LEAGUE TO IMPLEMENT INDY RACING AT WATKINS GLEN INTERNATIONAL.**

**WHEREAS**, the Corning Area Chamber of Commerce and our many other community partners are committed to bringing an Indy Racing League (“IRL”) event to Watkins Glen International (“WGI”) here in the Finger Lakes Region of New York State starting in 2005; and

**WHEREAS**, this is a tremendous economic opportunity for our region, and we all stand to gain by the introduction of this event at WGI; and

**WHEREAS**, millions of dollars of direct spending and sales tax revenue are at stake, with literally hundreds of millions on the table as those hundreds of millions from outside our region are spent and re-spent within the Finger Lakes over the years; and

**WHEREAS**, this is a grass roots effort to bring a major auto racing event to our world famous raceway, Watkins Glen International, which not only does it have a major, positive impact on the economy of the Finger Lakes Region, but the related media attention bring worldwide recognition that no amount of advertising could match.

#### **NOW THEREFORE, BE IT**

**RESOLVED**, the Indy Racing League be and the same hereby is memorialized to implement Indy Racing at Watkins Glen International starting in 2005; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Corning Area Chamber of Commerce, Denison Parkway, Corning, NY 14830 and Schuyler County Legislature, Attn: Thomas M. Gifford, County Office Bldg., 105 Ninth Street, Unit 6, Watkins Glen, NY 14891; and Thomas Santulli, Chemung County Executive.

Mr. Swackhamer stated Watkins Glen has Nascar and some smaller racing events. The Indy Racing League would be a large draw for all of the area communities and counties. People will drive several hundred miles to get rooms and see a race. If we don't lose Nascar, this will be another ace in the whole. We should be letter writing to support this as well. He noted nobody knew how big Nascar was going to get either.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 112-04**

Introduced by D. Creath.

Seconded by P. McAllister.

**MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO REAUTHORIZE THE EMPIRE ZONE PROGRAM, INCLUDING THE CURRENT PROVISION ALLOWING CENSUS TRACT ZONES TO PLACE LAND THROUGHOUT THE COUNTY IN THE ZONE.**

**WHEREAS**, the Empire Zone Program has generated significant economic development in Steuben County, as well as other counties in New York; and

**WHEREAS**, the current Empire Zone Program is scheduled to sunset on July 31, 2004; and

**WHEREAS**, the New York State Legislature is currently considering legislation S6060 and A9560 to reauthorize the Empire Zone Program; and

**WHEREAS**, the Corning-Hornell-Steuben County Empire Zone was created through the qualification of two census tracts in the City of Hornell; and

**WHEREAS**, the proposed legislation would restrict zones created by qualifying census tracts, to designating employers within a restricted area in proximity to the original census tracts; and

**WHEREAS**, said restriction would only permit designation of zone employers in the general vicinity of the City of Hornell, thereby eliminating the option of providing zone benefits throughout the County; and

**WHEREAS**, this restriction would severely limit the effectiveness of the Empire Zone Program in generating economic development within Steuben County and other counties having census tract zones; and

**WHEREAS**, the Steuben County Legislature has established Medicaid reform as its highest priority for 2004, reauthorization of the Empire Zone Program is also a priority for the 2004 State legislative session.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature does hereby memorialize the Governor and the Legislature of the State of New York to reauthorize the Empire Zone Program for an additional five (5) years; and be it further

**RESOLVED**, that the reauthorization of the Empire Zone Program includes the change of census tract zones to countywide zones, or alternately, to continue to allow census tract zones to allocate a portion of the zone acreage throughout the County; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Governor George E. Pataki, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, David A. Paterson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Paul A. Tokasz, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Charles H. Nesbitt, 933 Legislative Office Building, Albany, NY 12248; N.Y.S. Senator, John R. Kuhl, Jr., 310 Legislative Office Building, Albany, NY 12247; and N.Y.S. Assemblyman, James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; James Sherron, Executive Director, Steuben County IDA, Route 54N, Bath, NY 14810; and James Griffin, Executive Director, Hornell IDA, 40 Main St., Hornell, NY 14843; and to Ester Leadley, President, InterCounty Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, NY 14020.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 113-04**

Introduced by D. Baker.

Seconded by R. Argentieri.

**MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO INCREASE THE FUNDING FOR FIREFIGHTER TRAINING IN ORDER TO ESTABLISH A REALISTIC FUNDING BASE TO INSURE THE DELIVERY OF FIRE SERVICE PROTECTION WITHIN NEW YORK STATE.**

**WHEREAS**, the County of Steuben has identified the need for Volunteer Fire Fighters in order to deliver fire service protection; and

**WHEREAS**, the County of Steuben has identified the shortage of trained emergency response personnel; and

**WHEREAS**, the initial training of new firefighters is crucial to develop an enthusiastic, proficient and safety conscious volunteer; and

**WHEREAS**, the County has a need to train 60 to 80 new firefighters annually; and

**WHEREAS**, the New York State Office of Fire Prevention and Control (OFP&C) operates the sole training program which provides such initial firefighter training programs; and

**WHEREAS**, the current OFP&C Training allocation will only allow for a maximum of 40 new firefighters annually; and

**WHEREAS**, it has been identified that there is a significant shortfall within the OFP&C budget to provide sufficient training hours to support the County's need for the annual fire training program; and

**WHEREAS**, the basis for all levels of emergency response within the County of Steuben depend on well trained Volunteer Fire and EMS service personnel; and

**WHEREAS**, the Steuben County Legislature has established Medicaid reform as its highest priority for 2004, establishment of a realistic fire protection-funding base is also a priority for the 2004 State legislative session.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the County of Steuben memorializes the Governor and the Legislature of the State of New York to immediately increase the field training budget for the Office of Fire Prevention and Control by at least \$750,000 to meet all of the current unmet needs of the State Fire Training Program; and be it further

**RESOLVED**, the County of Steuben memorializes the Governor and the Legislature of the State of New York to conduct an in depth review of the training needs of the fire service to establish a realistic funding base for the delivery of fire service protection within New York State. Such review needs to reflect the size of the training base, the types of training that are required; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Governor George E. Pataki, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, David A. Paterson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Paul A. Tokasz, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Charles H. Nesbitt, 933 Legislative Office Building, Albany, NY 12248; N.Y.S. Senator, John R. Kuhl, Jr., 310 Legislative Office Building, Albany, NY 12247; and N.Y.S. Assemblyman, James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; Mr. James Burns, State Fire Administrator, NYS Office of Fire Prevention and Control; and Michael Sprague, Director Steuben County Office

of Emergency Services; and to Ester Leadley, President, InterCounty Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, NY 14020.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 114-04**

Introduced by G. Swackhamer.

Seconded by Everyone Present.

**MEMORIALIZING THE GOVERNOR AND THE NEW YORK STATE LEGISLATURE TO ENACT MEANINGFUL MEDICAID REFORM AS PART OF THIS YEAR'S STATE BUDGET.**

**WHEREAS**, Medicaid continues to be the single driving force causing county budgets and tax levies statewide to rise an average of 11% last year and 22% over the last two years; and

**WHEREAS**, Steuben County has experienced these escalations while Medicaid has risen from \$19 million in the 2002 Budget to \$24.5 million in the 2004 Budget; and

**WHEREAS**, counties, including Steuben, have requested relief from this oppressive mandate; and

**WHEREAS**, over the last five years, Steuben County has cut over 120 positions, reduced highway construction and maintenance by \$10 million, drastically cut equipment purchases by \$1.3 million and capital projects by \$1.7 million, causing deterioration of our infrastructure, equipment and increased long-term maintenance costs; and

**WHEREAS**, without relief this year, Medicaid and the other State mandated programs will cause another year of real property tax increases statewide, ranging as high as 30%; and

**WHEREAS**, Steuben County faces the elimination of many local programs to reduce the estimated 30% tax increase projected for 2005; and

**WHEREAS**, elimination of many of these local option programs will result in dramatic quality of life impacts for County residents, and will reduce the County's ability to foster economic development and new jobs.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature urges the Governor and the Legislature of the State of New York to enact meaningful Medicaid reform, including a cap on the local share and a planned State take-over of the local share; and be it further

**RESOLVED**, that the Governor and New York State Legislature's various proposals be consolidated into a single plan to include the above reforms; and be it further

**RESOLVED**, that all County residents, municipalities, organizations and groups are requested to assist in this "end of State Legislative session" with a letter-writing campaign to urge Medicaid be reformed this year; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Governor George E. Pataki, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, David A. Paterson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Paul A. Tokasz, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Charles H. Nesbitt, 933 Legislative Office Building, Albany, NY 12248; N.Y.S. Senator, John R. Kuhl, Jr., 310 Legislative Office Building, Albany, NY 12247; and N.Y.S. Assemblyman, James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; Steuben County Association of Towns; Steuben County Farm Bureau; New York State Association of Counties; NY Western InterCounty Association;

New York State Association of Towns; New York State Conference of Mayors; New York State Business Council; Mayor Lewis, City of Corning; Mayor Hogan; City of Hornell; and all Village Mayors and Town Supervisors.

**Vote: Acclamation – Adopted.**

**A M E N D E D  
RESOLUTION NO. 115-04**

Introduced by G. Swackhamer.

Seconded by R. Nielsen.

**MEMORIALIZING THE WESTERN REGIONAL OFF-TRACK BETTING ASSOCIATION BOARD OF DIRECTORS NOT TO CLOSE THE BATH OFF-TRACK BETTING BRANCH.**

**WHEREAS**, Western Regional Off-Track Betting ("WROTB") was formed by an act of the New York State Legislature in 1974; and

**WHEREAS**, Steuben County was a moving force, and provided funding for the establishment of Western Regional Off-Track Betting, with the understanding that there would be betting parlors in Corning, Bath and Hornell; and

**WHEREAS**, the founding purpose of WROTB was, and remains "To curb illegal gambling, provide revenues for the counties, the State and horse breeding industry"; and

**WHEREAS**, since the establishment of the Bath betting parlor, Bath area residents have come to depend on the Off-Track Betting branch to be there for the times they wish to place bets, and the closing of said branch would cause a great inconvenience for the patrons who would not be able to travel to Hornell or Corning; and

**WHEREAS**, the Town of Bath is the Steuben County seat; and

**WHEREAS**, closure of the Bath betting parlor would result in a significant loss of revenue for the County at a time when it can least afford any decline in revenue.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the members of the Steuben County Legislature memorialize the Board of Directors of Western Regional Off-Track Betting to retain the Bath parlor, not only to protect the livelihood of the employees working there but to continue to provide a service to the residents of the Bath area, and revenue to the County of Steuben; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Board of Directors of Western Regional Off-Track Betting, 700 Ellicott Street, Buffalo, NY 14240.

Mr. Schwartz asked to include in the resolution that the County was involved in funding WROTB in the 1970's. He noted he believes they at least owed us a meeting with them regarding this.

*Mr. Mayo asked to table this issue as the Legislature wasn't informed that they were going to close it, seconded by Mr. Isaman. Vote: Roll Call – Motion to table failed.* Mr. Schwartz noted that tabling the resolution wouldn't help as the WROTB Board of Directors is meeting on this issue today.

*Motion to amend the resolution to include wording relative to the County being involved in funding WROTB in the 1970's made by Mr. Schwartz, seconded by Mr. Gehl and duly carried.*

**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; 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; 105.1.H. The Proposed Acquisition, Sale Or Lease Of Real Property Or The Proposed Acquisition Of Securities, Or Sale Or Exchange Of Securities Held By Such Public Body, But Only When Publicity Would Substantially Affect The Value Thereof Made By Mr. Argentieri, Seconded by Dr. Baker and Duly Carried.*

*Motion to Adjourn Executive Session and Reconvene in Regular Session Made by Mr. Gehl, Seconded by Mr. McAllister and Duly Carried.*

**LOST  
RESOLUTION NO. 107-04**

Introduced by H. Mayo.

Seconded by K. Isaman.

**AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO RETAIN THE SERVICES OF CONSULTANTS DAN M. DARRAGH, ESQ. OF BUCHANAN INGERSOLL AND BARTON LOGUIDICE ENGINEERS TO RENDER SERVICES IN DEVELOPING A REQUEST FOR PROPOSAL FOR THE PRIVATIZATION/LEASE OF THE STEUBEN COUNTY SOLID WASTE MANAGEMENT FACILITIES, FOR A SUM NOT TO EXCEED \$10,000.**

**Vote: Roll Call – Lost. Yes: 4825; No: 5047**

***(No: Argentieri, Baker, Donnelly, Gehl, Jamison, McAllister, Stachnik, Swackhamer, Walsh)***

*Motion to adjourn made by Mr. Argentieri, seconded by Dr. Baker and duly carried.*

**REGULAR MEETING**  
**Morning Session**  
**Monday, June 28, 2004**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, New York, on Monday, the 28<sup>th</sup> day of June, 2004, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll Call and all members present except Legislators Creath and Schwartz.

Mr. McIntyre offered the Invocation and the Pledge of Allegiance was led by Mr. Nielsen.

Chairman Roche stated we have some special presentations this morning. He asked Marguerite Wilson, Tyler Wilson, David Nicosia and Barbara Watson to come forward. Mr. Nicosia stated Marguerite Wilson has been an observer for the National Weather Service for 65 years. Born in Florida in 1913, her family moved to New York when she was three years old. She began her time with the National Weather Service when she recorded her first official weather information on January 1, 1939. To put that into perspective, Franklin Roosevelt was President and World War II had not yet begun. For the first few years, to get to her rain gauge she had to climb over a fence and wade through the snow in the winter and the mud in the spring, out to the middle of a field near her house. Later the gauge was moved to a location nearer her house. Marguerite has always been a woman of action. Besides her 65 years of work for the National Weather Service, she managed to help her husband run their dairy farm and raise a family. She has 3 children, 7 grandchildren and 10 great grandchildren. That would be enough to keep most people busy. However, Marguerite found time for a few other notable accomplishments. She was the Town Historian for the Town of Thurston for 10 years. During that time she also served 2 years as the Vice President of the District VI Association of Municipal Historians of New York State and then 2 years as President of that organization. District VI has nine counties and includes the cities of Rochester, Syracuse and Corning. She helped found the Risingville Senior Citizens and served as Vice President and President of that organization. She founded the Wilson Research Library. That collection of references is now partially housed at the Hartsville Museum in Hartsville, New York. Marguerite has turned over her duties with the National Weather Service to her great grandson, Tyler Wilson.

Mr. Nicosia, Warning Coordination Meteorologist, stated National Weather Service Observers maintain a climate record and that is very important these days. We have stations all across the country with dedicated volunteers who call in every morning with the highs and lows, precipitation amounts, climate, etc. Now more than ever, with the threat of global warming, these stations are critically important to us. These facts help us verify our forecasts as well. Marguerite has been a tremendous asset to us and we are thrilled to have this continued through her great grandson.

Barbara Watson, Meteorologist in Charge, presented Marguerite with the General Albert J. Meyer Award and a letter from the National Weather Service in recognition of her 65 years of service. In addition, Chairman Roche presented her with a Certificate of Appreciation in recognition of her years of Community Service to Steuben County.

Chairman Roche asked Larry Crosssett, Carol Whitehead and the County Treasurer's staff to come forward. He stated occasionally a Department does something above and beyond the call of duty. Chairman Roche formally presented to the Steuben County Treasurer's Office the **CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING** for its comprehensive annual financial report for the fiscal year ended December 31, 2002. This award was presented to the County by the Government Finance Officers' Association of the United States and Canada (GFOA).

This prestigious recognition, available to all government units and public employee retirement systems, was presented to Steuben County as one of only eleven counties in the State of New York. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management, in this particular case, through the dedication, hard work and determination of the Deputy County Treasurer, Carol Whitehead.

The current economic situation in all levels of government, whether it be Federal, State, County, Town or Village, warrants an even greater accountability to the general public of where the tax dollars come from and where the tax dollars go. Achievement of this **EXCELLENCE IN FINANCIAL REPORTING** recognition is a formal demonstration to residents of Steuben County that every possible effort is being made to provide them with the greatest level of accountability.

Mrs. Whitehead stated this achievement would not have been possible without the assistance of the Fiscal Team of the County Treasurer's Office. She introduced the following members of the Fiscal Team: Joanne Davis, Linda Frey and Karen Lewis. Based upon her nomination, the Fiscal Team has been awarded the TEAM OF THE MONTH AWARD for the Month of July in the categories of Outstanding Performance and Major Project Accomplishment. Mrs. Whitehead read the following nomination:

The Treasurer's Office currently has 11 full-time employees split between the major functions of tax enforcement and accounting or fiscal services. Our office has over 268 years of combined experience individually ranging from 15 to 32 years. Our office has been involved with the accomplishment of two major projects over the past couple of years: "Comprehensive Annual Financial Report and GASB 34". For the fiscal year ended December 31, 2002, Steuben County received an award from GFOA for excellence in financial reporting. Only 11 other Counties in New York achieved this award in 2001. 2002 was even harder as we were required to implement GASB 34 and had to reflect our fiscal information using the new reporting model. This represented major changes in how we do things and required a tremendous amount of effort to implement. Our independent auditing firm (Carnevale, Niles, Whitney & Davis) was tremendous guiding us through the entire process. Everyone pulled together to get the work done. Work loads not only increased but also shifted and there was nothing but complete cooperation.

At the same time we were implementing changes due to GASB 34, our office was also very involved with the acquisition and implementation of new software. This is an integrated package effecting our entire operation. This project has required a tremendous number of man hours in an already strained office and everyone stepped up to the plate and has taken on the responsibility and attitude that, once completely implemented, it should provide opportunities to streamline the processes eliminating duplication of efforts especially at the department levels in that they will have access and more control over their information.

Joanne Davis, Judy Gressell, Linda Frey and Karen Lewis all need to be recognized for their contributions to these projects and for pulling together as a team. These four employees alone have over 100 years of experience which they willingly share with all of us. Their knowledge, team spirit, attitudes and work ethics are outstanding and I am proud to nominate them for this recognition. **CONGRATULATIONS LADIES!**

Mrs. Kane asked Dolores Johnson and Randee Rooks to come forward. Mrs. Kane stated Mrs. Johnson has been awarded the EMPLOYEE OF THE MONTH AWARD for the Month of July. Mrs. Kane stated this is the first time one employee has been nominated by two entirely separate Departments. She read the following nomination received from Gary Forshee and the Court Security personnel: Over the past 2 ½ years, the Court Security staff at the entrances of the Steuben County Office Building have had a chance to meet and observe many of the County employees who appear to be very dedicated to their jobs and one stands out above the rest: Dolores Johnson of the Buildings and Grounds Department. Dolores can many times be seen

helping co-workers with jobs that they need done. When asked to do something at a minute's notice, she willing does it, even though she may have a mountain of work waiting for her. Her bubbly personality makes it a pleasure to be around her. Her interaction with the public has been observed many times when she takes time out to give directions and answer questions. We have seen her worry about taking a day off about things not getting done. She has been extremely helpful to new officers assigned to entrance duty who were not aware of the many offices available to the public. In talking with the other Court Security personnel, all agreed that Dolores Johnson is an exceptional employee and should be nominated for Employee of the Month.

Mrs. Kane also read the following nomination received from Randee Rooks and Bill Dowdle of the Buildings and Grounds Department: We nominated Dolores Johnson, Cleaner, for Employee of the Month. We feel Dolores is a valuable asset to this department and she needs to be recognized for this. Dolores is always there to help, ready to give a hand when and where needed. She is assigned to the County Clerk's Building, Surrogate Court Building and the Balcom House, which houses Judge Scudder and his staff. Walk in any office in those three buildings and you can see that they are kept up very well. They are always clean and tidy. Dolores never gripes about "added" work when it's given to her. She's always on time and goes right to work. She is one of the few that take pride in her work and her duties. Ask any employee in her buildings and they have the utmost respect for her, something that is not real common for employees of the Buildings and Grounds Department. Please consider Dolores for employee of the month, as it is well deserved! **CONGRATULATIONS DOLORES!**

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

Mark Assini, Monroe County Legislator, introduced himself as a candidate for Congress. Mr. Assini stated we are a state in crisis. We knew it intuitively, but the census tracts are very telling. We've lost 11,000 residents in the last two census tracts and 8,500 manufacturing jobs. The reason is it costs too much to do business in New York State. Taxes are too high and the cost of Medicaid is too high, as your signs outside so eloquently state. Not just the businesses are leaving, so are our children and grandchildren. If this trend continues, it will spell the end of a competitive New York. As our Legislators and State leadership sit by the pool and catch a tan, the problem is left unsolved. There are several proposals to solve the Medicaid crisis. Either the State takes over Medicaid completely or, as Chemung County Executive Thomas Santulli has proposed and what I personally support, have the Counties take over Medicaid completely. We know best the nuances of Medicaid and we know how to control our spending. It has been very evident over the last 20 years that the State has no handle on the problem. We're going to have to do some things that are uncomfortable. We need to force our representatives to do the right thing. I appreciate your time and the opportunity to speak to you today. Chairman Roche thanked Mr. Assini for his comments.

*Motion approving the minutes of the previous month's meeting made by Mr. Gehl, seconded by Mr. Nielsen and duly carried.*

Mr. McIntyre announced he'd like to thank Mr. Isaman for notifying the Legislators about the road dedication ceremony held on SR36 between Hornell and Canisteo. I was honored to represent the County at the ceremony as the State designated that portion of the highway as the "Steuben County Veterans of Foreign Wars Memorial Highway". Thank you for letting us know.

Chairman Roche announced he attended the RSVP Recognition luncheon where he was presented with a check representing the savings generated by RSVP's over 102,000 hours of volunteer service.

Chairman Roche recognized and thanked the Buildings and Grounds Department for helping us erect the Medicaid signs.

Chairman Roche announced that the County's representative from the Western Regional Off-Track Betting Corporation Board of Directors has resigned. He expects they will fill this vacancy at next month's meeting.

Mr. Spagnoletti stated the Public Works Committee asked him to recognize Glen Mateer from the NYSDOT Hornell Real Estate Office. Mr. Mattire has led the way for the County obtaining this property for the transfer station. He also convinced the Federal Highway Administration to pay the entire cost of the Erwin Transfer Station project. Mr. Mattire stated he had astounding cooperation from Senator Kuhl and Assemblyman Bacalles for helping to get the Legislation passed, the County Law Department and the Federal Highway Administration. I'm very pleased with the outcome.

**RESOLUTION NO. 116-04**

Introduced by G. Swackhamer.

Seconded by P. Donnelly.

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

**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 #     A-1      
Name     Addison Village of      
Parcel #     349.08-01-011.100      
Municipality     Addison Village      
Disposition     Refund    

Resolution #     A-2      
Name     Mickey Heffner      
Parcel #     389.00-01-012.000      
Municipality     Lindley Town      
Disposition     Refund & Correction

SCHEDULE "B"

Resolution # B-1  
Former Owner Herbert & Susan Leventer  
In Rem Index No. 84256, 2001 sale  
Parcel # 277.13-01-072.000  
Municipality Addison Town  
Grantee(s) Herbert Leventer & Susan Leventer,  
husband and wife, as tenants by the entirety  
Grantee(s) Address 671 Linden Ave, Teaneck, NJ 07666  
Consideration \$4,142.40, together with \$96.00 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 # B-2  
Former Owner Dora L Hulbert  
In Rem Index No. 86329, 2002 sale  
Parcel # 197.07-01-056.000  
Municipality Canisteo Village  
Grantee(s) Dora L Hulbert  
Grantee(s) Address 59 W Main St, Canisteo, NY 14823  
Consideration \$3,629.30, together with \$96.00 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 # B-3  
Former Owner John A Stark  
In Rem Index No. 86329, 2002 sale  
Parcel # 242.08-01-010.000  
Municipality Campbell Town  
Grantee(s) John A Stark  
Grantee(s) Address 4839 Cross St, Campbell, NY 14821  
Consideration \$5,235.23, together with \$96.00 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 # B-4  
Former Owner John E Nelson  
In Rem Index No. 86329, 2002 sale  
Parcel # 337.09-01-046.000  
Municipality Corning Town  
Grantee(s) John E Nelson  
Grantee(s) Address 2549 Fairway Rd, Corning, NY 14830  
Consideration \$4,082.99, together with \$96.00 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.**



**May 21, 2004**

1. NYS Office of Parks, Recreation & Historic Preservation - Re: George W. Hallock House at 16. W. William Street, Bath, NY - under consideration by the State Review Board for nomination to the National and State Registers of Historic Places. Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Twila O'Dell, Historian.

**May 24, 2004**

1. NYS Executive Department - Crime Victims Board - Re: Renewal application materials required to continue District Attorney's contract for the 12-month period beginning October 1, 2004. Referred to: Public Safety & Corrections Committee and John C. Tunney, District Attorney.

**May 26, 2004**

1. Western Regional Off-Track Betting Corporation - Re: County Legislature's resolution regarding the planned closing of the Bath off-track betting facility. Referred to: Finance and Rules Committees and Larry Crossett, County Treasurer.
2. Southern Tier Regional Emergency Medical Services, Inc. - Re: First Quarterly Report - January - March 2004 (Chemung, Schuyler and Steuben Counties) and Payment Request for \$1,406.25. Referred to: Health & Education Committee; Vicki Fuerst, PHN Director; Public Safety & Corrections Committee; and Mike Sprague, EMO Director.

**June 1, 2004**

1. Western Regional Off-Track Betting Corporation - Re: Check in amount of \$7,291 representing the April 2004 retained surcharge revenue for Steuben County from WROTBC. Referred to: Rules and Finance Committees and Larry Crossett, County Treasurer.

**June 7, 2004**

1. Harris Beach, Attorneys at Law - Re: Receipt of an application by the NYS Department of Environmental Conservation to the Department's Brownfield Cleanup Program (program designed to encourage the remediation of contaminated properties known as Brownfield for reuse and redevelopment). Pursuant to ECL Section 27-1407(5), upon the Department's determination that a BCP application is complete, the applicant must send notice of the application to individuals on a site contact list. Application was submitted by the Village of Painted Post for the Ingersoll-Rand Foundry Site and found to be complete. Referred to: A.I.P. Committee and Greg Heffner, Planning Director.

**June 9, 2004**

1. NYS Emergency Management Office - Re: Steuben County's application for participation in the FFY04 Local Emergency Management Performance Grant program has been approved - final award to Steuben County is \$23,945. Referred to: Public Safety & Corrections Committee and Mike Sprague, EMO Director.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 118-04**

Introduced by H. Mayo.

Seconded by R. Nichols.

**AUTHORIZING THE EXECUTION OF THE REQUISITE DOCUMENTATION FOR THE CONVEYANCE OF THE TRANSFER STATION PROPERTIES IN THE TOWN OF ERWIN.**

Pursuant to Section 30 of the Highway Law and Eminent Domain Procedure Law as amended.

**WHEREAS**, the State of New York ("the State") is appropriating or has appropriated certain property identified on Map No. 96 Parcel 123 Tax Map Ident. No.: 316.00-01-20, SH.: 5026, Town of Erwin, Proceeding: 12579, commonly referred to as the existing Erwin Transfer Facility; and

**WHEREAS**, said property is owned by the County of Steuben ("the County") and the State and County are desirous of entering into an Agreement of Adjustment, a copy of which is attached as Exhibit "A" to the

Memorandum of Understanding dated June 23, 2004, setting forth the compensation to be paid by the State to the County; and

**WHEREAS**, said agreement provides in relevant part to convey that tract or parcel authorized pursuant to Chapter 412 of the Laws of 2003, a 10.083 acre parcel described in Map 12T, and in addition make such payments as necessary to provide a substantially equivalent Transfer Station Facility, the replacement costs not to exceed \$2,703,521.00.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the County of Steuben Legislature accepts One Dollar, payment of which is waived (\$1.00 PW), together with the conveyance of a replacement site of 10.083 acres pursuant to Chapter 412 of the Laws of 2003 and reimbursement for the construction of a functional replacement of the Solid Waste Transfer Station, pursuant to the Agreement of Adjustment dated June 23, 2004, in the claim for the appropriation of:

MAP 96 PARCEL 123 PIN 600807222  
CORNING-PAINTED POST SH 5026  
PROCEEDING 12579

**AND BE IT FURTHER RESOLVED**, that Mark R. Alger, County Administrator of the County of Steuben be empowered to execute all memorandums, agreements, authorizations, vouchers or other documents required by the State of New York to complete payment of the County's claim; and be it further

**RESOLVED**, the Memorandum of Understanding and Agreement of Adjustment dated and signed by the County Administrator June 23, 2004, be and the same hereby are ratified; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to: Glenn Mateer, Real Estate Officer, Real Estate Group, Region 6, 107 Broadway, Hornell; Kayla Biltucci, RE Specialist II/Acquisitions Management, State of NY DOT, 107 Broadway, Hornell, NY 14843; Donna Hatch, Director of Real Property Tax Service Agency and Vincent Spagnoletti, Commissioner of Public Works.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 119-04**

Introduced by R. Nichols and G. Swackhamer.

Seconded by D. Baker.

**CREATING A CAPITAL PROJECT ENTITLED "COMMUNITY SERVICES COMPUTER AND SOFTWARE REPLACEMENT PROJECT".**

**WHEREAS**, the Steuben County Office of Community Service's Mental Health Center must comply with HIPAA regulations in order to maintain its certification to perform services and bill for same; and

**WHEREAS**, the computer hardware currently in use is not compliant with current HIPAA regulations.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Treasurer is hereby authorized to appropriate \$100,000 interest earnings of the E-911 Operating Center Capital Project to a capital project entitled "Community Services Computer and Software Replacement Project; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Director of Community Services; the Information Technology Director and the County Treasurer.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 120-04**

Introduced by P. Donnelly and G. Swackhamer.

Seconded by D. Baker.

**AUTHORIZING THE TRANSFER OF \$9,000 FROM THE CONTINGENT FUND TO THE ELECTIONS OFFICE BUDGET AND AUTHORIZING THE ELECTION COMMISSIONERS TO INCREASE THE HOURS OF TWO PART-TIME SENIOR CLERK POSITIONS TO 37.5 HOURS PER WEEK FROM AUGUST 2, 2004 TO DECEMBER 3, 2004.**

**WHEREAS**, the Administration Committee and Finance Committee have approved increasing the Elections Office's two part-time Senior Clerk positions to 37.5 hours per week from August 2, 2004 to December 3, 2004; and

**WHEREAS**, the Elections Office's personal services and employee benefits line items contain insufficient funds for the balance of the Fiscal Year.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Treasurer is hereby authorized to transfer from the Contingent Fund the amount of \$9,000 to the Elections Office Budget; and be it further

**RESOLVED**, that the Elections Commissioners are authorized to increase the hours of the part-time Senior Clerks to 37.5 hours per week from August 2, 2004 to December 3, 2004; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the County Administrator, the Elections Commissioners, the Personnel Officer and the County Treasurer.

Mr. Stachnik stated I think it's important to approve this with all the important elections occurring this year. We don't want to undermine the integrity of the election system.

Mr. McAllister stated the Elections Commissioners informed us that if this doesn't happen, the work will not get done.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 121-04**

Introduced by K. Isaman and P. Donnelly.

Seconded by T. McIntyre.

**RECLASSIFICATION OF A BUILDING MAINTENANCE MECHANIC POSITION, GRADE IX, TO A HEAD BUILDING MAINTENANCE MECHANIC POSITION, GRADE X, WITHIN THE BUILDINGS AND GROUNDS DEPARTMENT.**

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

**WHEREAS**, the position listed below is inappropriately titled and not consistent with the duties for said position; and

**WHEREAS**, the Steuben County Personnel Officer, Superintendent of Buildings and Grounds, the Agriculture, Industry and Planning Committee and the Administration Committee have approved the reclassification.

**NOW THEREFORE, BE IT**

**RESOLVED**, that effective with the adoption of this resolution, the following position within the Buildings and Grounds Department is hereby reclassified as follows:

Building Maintenance Mechanic Grade IX (\$24,240-\$34,223) to  
Head Building Maintenance Mechanic, Grade X (\$25,427-\$35,899)

**AND BE IT FURTHER RESOLVED**, the 2004 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 Superintendent of Buildings and Grounds, the County Treasurer and the Personnel Officer.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 122-04**

Introduced by K. Isaman.

Seconded by R. Nielsen.

**COMMENCING THE REVIEW PERIOD FOR AGRICULTURAL DISTRICT NO. 1.**

Pursuant to Article 25-AA, Section 303-a, of the Agriculture and Markets Law of the State of New York.

**WHEREAS**, owners of certain land in the Towns of Cameron, Canisteo, Jasper, Rathbone, and Woodhull did submit to the Steuben County Board of Supervisors a proposal to create an agricultural district within the specified areas of said Towns; and

**WHEREAS**, said proposal was filed with the Steuben County Board of Supervisors and the appropriate procedures were thereafter followed which led to a certification of the creation of said district effective April 23, 1973; and

**WHEREAS**, it is anticipated that the Notice of Review from the State of New York, Department of Agriculture and Markets will be forthcoming within the next 90 days, and that, pursuant to said Law, the necessary review of the Steuben County Agricultural District No. 1 will be required to commence thereafter; and

**WHEREAS**, it is in the best interests of the County to commence this review period at this time.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Review period of the said Agricultural District located in the Towns of Cameron, Canisteo, Jasper, Rathbone and Woodhull, County of Steuben and State of New York commences effective upon filing of a Notice of Review with the office of the Steuben County Clerk, said Review period to be for a period of thirty (30) days; and be it further

**RESOLVED**, that the Clerk of this Legislature is hereby directed to file said Notice of Review in the Office of the Steuben County Clerk and provide notice of such review by publishing the "Notice" in the Corning Leader and Evening Tribune, which are two (2) newspapers having general circulation within the said District, and by posting such "Notice" in five (5) conspicuous places within the said district. Said "Notice" shall contain information as required in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York; and be it further

**RESOLVED**, that the Clerk of this Legislature shall file the necessary affidavits of publication and posting of such "Notice" with this County Legislature, and this Legislature shall receive any proposals for modification of said district which may be submitted by landowners or municipalities, within thirty (30) days of the filing of the Notice of Review in the Steuben County Clerk's Office; and be it further

**RESOLVED**, that upon termination of said thirty (30) day period such review and any proposed modifications shall be referred by this Legislature to the Steuben County Agricultural and Farmland Protection Board, which Board shall report to the Steuben County Legislature their recommendations concerning the review

and proposed modifications, and thereafter the County Legislature shall hold a Public Hearing as required by Law; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Steuben County Clerk; John Weaver, Chairman, Steuben County Agricultural and Farmland Protection Board, 7831 CR 13, Bath, NY 14810; the Director of the Steuben County Planning Department; and James Grace, Cornell Cooperative Extension.

**Vote: Acclamation – Adopted.**

#### **RESOLUTION NO. 123-04**

Introduced by D. Baker.

Seconded by F. Gehl.

#### **MEMORIALIZING THE GOVERNOR AND THE NEW YORK STATE LEGISLATURE TO ENACT ASSEMBLY BILL NO. A10851, PROVIDING THE GENERAL MUNICIPAL LAW 207-C BENEFITS TO REQUIRE A HEIGHTENED RISK STANDARD.**

**WHEREAS**, recently, the New York State Court of Appeals ruled that a “heightened risk” standard allowing an officer to qualify for Workers’ Compensation benefits due to injuries caused by performing high-risk duties does not exist in the General Municipal Law; and

**WHEREAS**, previously, New York State Law required police officers to prove that they were injured performing “special work related to the nature of heightened risk and duties” before they qualified for General Municipal Law Section 207-c benefits; and

**WHEREAS**, municipalities are required by this section of the law to pay in full a police officer’s salary and wages, plus medical expenses when injured in the line of duty; and

**WHEREAS**, this could potentially open the door to all kinds of injury claims that were not related directly to heightened risk of serving as a police officer, such as an officer who slips on the ice and gets injured while walking in the parking lot to his or her car or a police officer who falls out of a chair while at his or her desk; and

**WHEREAS**, this measure adds language to the General Municipal Law Section 207-c to provide for a more specific standard for police officers to collect certain compensation benefits due to injuries sustained on the job where their duties entail a high-risk environment.

#### **NOW THEREFORE, BE IT**

**RESOLVED**, Steuben County does hereby memorialize the Governor and New York State Legislature to enact into law Assembly Bill A10851; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Governor George E. Pataki, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, David A. Paterson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Paul A. Tokasz, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Charles H. Nesbitt, 933 Legislative Office Building, Albany, NY 12248; Senator John R. Kuhl, Jr., 310 Legislative Office Building, Albany, NY 12247; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; Assemblyman Kevin A. Cahill, Legislative Office Building 557, Albany, NY 12248; and John H. Galligan, NYCOM, 119 Washington Avenue, Albany, NY 12210.

Mr. Ahrens stated General Municipal Law Section 207-c states when police officers, deputy sheriffs and corrections officers are injured on the job, they receive full pay. About 5 years ago, there were three cases which seemed to indicate that this entitlement to maximum pay was due to heightened risk and that simply tripping in the parking lot is not a heightened risk. However, the

Court of Appeals has ruled that if an individual qualifies for Workers' Compensation, then they will qualify for 207-c. This is a very expensive program throughout the State and really should be limited to those who expose themselves to heightened risk. We hope to reintroduce this standard.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 124-04**

Introduced by P. Roche.

Seconded by R. Nichols.

**FILLING A VACANCY ON THE STEUBEN COUNTY CONFERENCE AND VISITORS' BUREAU BOARD OF DIRECTORS.**

**WHEREAS**, the Steuben County Legislature adopted Resolution No. 156-93 on October 25, 1993, authorizing and directing the establishment of a Steuben County Conference and Visitors' Bureau; and

**WHEREAS**, Resolution No. 156-93 stated that the terms of appointment for voting members of the Board of Directors shall be three (3) years; and

**WHEREAS**, a vacancy currently exists on the Board of Directors.

**NOW THEREFORE, BE IT**

**RESOLVED**, the following member of the Board of Directors of the Steuben County Conference and Visitors' Bureau shall be appointed for the term as indicated:

**VOTING MEMBER**

**Attractions**

Joe Serphillips, Dr. Frank Wine Cellars  
(filling the unexpired term of James Nichiporuk)

**Term**

01/01/03 – 12/31/05

**AND BE IT FURTHER RESOLVED**, the above-named appointee shall serve without compensation other than necessary expenses, upon presentation of receipts, related to the fulfillment of his duty 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 appointee and Peggy Coleman, Executive Director, Steuben County Conference and Visitors' Bureau, Inc., 5 West Market Street, Baron Steuben Building, 2nd Floor, Corning, New York, 14830.

**Vote: Acclamation – Adopted.**

*Motion to adjourn regular session and reconvene in executive session pursuant to Public Officers' Law, Article 7§ 105.1.D. Discussions regarding proposed, pending or current litigation; and 105.1.H. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof made by Mr. Argentieri, seconded by Mr. Gehl and duly carried.*

*Motion to adjourn executive session and reconvene in regular session made by Mr. Jamison, seconded by Dr. Baker and duly carried.*

*Motion to adjourn made by Mr. Nichols, seconded by Mr. Donnelly and duly carried.*

**REGULAR MEETING**  
**Morning Session**  
**Monday, July 26, 2004**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, New York, on Monday, the 26<sup>th</sup> day of July, 2004, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll Call and all members present except Legislators Argentieri and Baker.

Mr. Swackhamer offered the Invocation and the Pledge of Allegiance was led by Mr. Nichols.

Chairman Roche asked Joel Ordway to come forward. Mr. Ordway is the Chief Deputy for the Sheriff's Department. Chairman Roche presented him with a Certificate of Appreciation and a County clock in recognition of his 20 years of service to Steuben County.

Mrs. Kane asked Mary Learn and the Personnel Office to come forward. Chairman Roche presented Mrs. Learn with the Employee of the Month Award for the Month of August 2004. Mrs. Learn was nominated by the entire Personnel Office for the award in the categories of Outstanding Performance, either by way of attitude, cooperation, motivation or creativity and Community Service.

Mr. Biehl, Personnel Officer, read the following nomination: The entire Personnel Department takes great pleasure in recommending Mary Learn, Senior Personnel Clerk, for employee of the month. Where do we begin? Mary deals with every department in the County. She efficiently, effectively and accurately records personnel transactions. Many of those transactions include employee's title, grade, and pay, which can be a very touchy subject when an employer gets this wrong. This has seldom, if ever, happened on Mary's watch. She carefully reads and applies complex contract information concerning raises, increments and longevity. She answers many, many, many phone calls from all levels of employees, union and management. And the most important thing is that she does this all with a cheerful voice and a smile on her face. For years she has scheduled her vacations around the county pay schedule so she could be here. She truly cares about the work she does and she cares about doing the best job possible for the county. There are so many wonderful qualities to talk about, we could continue for days. We are lucky because as her co-workers, we get to work with her every day. In her "spare time" she devotes much time to the Steuben County Fair Association. Last year she was recognized for her many years of service by having the Mary Learn Horticulture Building dedicated in her name. She also enjoys working in her flower gardens. As you can see, Mary Learn is highly deserving of the title of Employee of the Month.  
***CONGRATULATIONS MARY!***

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

Phoebe Hughes, Bath, stated I appreciate all that has been done for me at the Health Care Facility over the past two years, especially by the staff. I realize it is a hard job for you to decide what to do with us old folks, but you are going to be old someday yourselves. I hope people will provide care for you at that time. Family is usually willing, but not always qualified, to care for us. With all the taxes that I have paid over the years, I deserve a little bit in return. It is like a family at the Health Care Facility. I hope you will consider building a new building rather than selling the facility. I realize there is a lot of expense to it but there is a lot of expense to the prisoners, too, and they are being taken care of. Thank you for what you have done and please consider your vote.

Virginia Smith, Bath, stated our building and home is wonderful. From everything I've heard, our building and our people who run it, are the best that people have ever seen anywhere. It is the cleanest and the workers are friendly. We would like you to keep it as it is.

Anne Stever, Bath, asked do you really know that if you sell the facility they are going to keep it as a health care facility? Please let your conscience be your guide. The residents have already lost their homes and now you are going to make them lose another home.

Marie VanSkiver, Bath, stated we have one of the cleanest homes in the area. My son-in-law had a mother in a facility in Fairport and he says there is no comparison. The Health Care Facility is cleaner and the care is better. If it is sold will it continue to be clean and will they continue the same level of care?

Manfred Kalisnikow, Arkport, stated my mother passed away at the Health Care Facility and she died with a smile on her face. The staff is excellent. It is the best around. It's clean and the people are great.

Jo Andersen, Wheeler, stated not everything that glitters is good for us. If we sell the facility, what goes in its place? What happens to the people and staff that are there? Either way, it is going to cost the County money. The hidden costs could exceed \$1 million. The facility employs 105 nursing staff and 11 administrative staff and they care for 103 to 105 residents. I would put the staff out there against any clinical hospital in the United States. The impact of losing the facility would be negative on our community. This is just one of the side issues of the medical problem we have in the United States. Please vote no.

Ira Hale, Bath, stated please vote no. This is home for many residents. The Health Care Facility took wonderful care of my grandmother. Please vote no and save our facility. Bring back the proposal to build a new facility.

Sally MacDougal, Avoca/CSEA President, stated I'm here representing 125 employees. The employees have to feed their families and many of them are single parents. The residents need a place to go and they've paid taxes all their lives. There are many of us in this County that support the construction of a new facility. Please make the right decision and vote no.

Roger Sherrie, CSEA Regional Director, stated we are proud to represent 125 workers at the facility. CSEA strongly opposes any vote taken without full public disclosure without public input. A Request for Proposals was advertised and a purchase offer received from a company in Rochester. Another firm was contracted to review the proposal. That's all we know. We have many questions and we've been kept in the dark. We've tried to find out but our Freedom of Information request was denied by the County. We have appealed that denial by the way. Let's be mindful that selling the facility will deprive the County of a reimbursement source. Unless these expenses are eliminated when the facility is sold, costs to the County will increase by several thousand dollars annually. The Medicaid rates for other facilities are higher than the County's Medicaid rate. This will also increase the County's cost. The hidden costs of selling the facility include contractual costs for employees and unemployment claims. There is no doubt the primary drive of selling this facility is related to the Intergovernmental Transfer (IGT) as future modifications to the phase out of the IGT are likely. Governments are recognizing that new designated funding sources for public facilities need to be found. This is just dollar and cents reporting. There will be an increase of 995 residents in the nursing home population over the next few years. Where are they going to go if you sell this facility? You have a duty to County residents. You have an obligation to the elderly County residents. We can think of no better use of County tax dollars than to care for these residents and be secure that the facility will be there when they need it most.

Dwayne Smith, Wayland, stated we're probably the best kept secret in the world. My wife's grandmother spent her final days at the Health Care Facility and I have a sister-in-law who works there. They do a top notch job. I think it is easy to muddle things up as some people want to vote with their hearts and others want to vote with their minds and the dollars. I think a lot of good comes from this open venue. I've been under the impression that the County records are kept at that facility as well and that cost should also be considered in your decision. A new facility would

be \$16.5 million, 90 percent of which is covered by State funding. There are many issues that need to be taken into account. Good luck and please vote no.

Leslie Drum, Atlanta, stated I've been listening to everyone and they are right, we have a great facility. My concern with selling the facility is not profit and loss. The care the residents have now wouldn't exist. The staff is very dedicated and you would find that wouldn't be the case if it were privatized. We are trying to become more profitable and we are doing it for the residents. Please vote no.

Lynette McNally, Bath, stated I think it would be a mistake to sell the facility and not serve the residents of Steuben County. There are many of us who volunteer our time to serve the residents. We have served over 1,500 people this year. Please consider building a new facility and provide a place in the future for the rest of us who are only going to age.

Celia McChesney, Bath, stated in November I'll be starting my fourth year at the facility. My time has been bright and cheerful. The activities are fabulous. They do everything to make you happy. Please build a new facility now as it will cost you twice as much in the future.

There being no further comments, Chairman Roche closed the public comment portion of the meeting. He informed everyone that the vote on the Health Care Facility will follow an executive session.

*Motion adopting the minutes of the previous month's meeting made by Mr. McIntyre, seconded by Mr. Isaman and duly carried.*

Chairman Roche announced that as we prepare for the 2005 budget, Medicaid continues to be a burden. Next year it will increase by as much as \$5 million. In an effort to encourage taxpayers to take a more active roll, we've ordered yard signs encouraging them to contact their State representatives. He requested Legislators take the signs back to their districts to place in their yards and at the town halls in their districts.

Chairman Roche announced that many times we have a Legislator who stands out and is recognized by their own community. Harley Mayo has been recognized with a Lifetime Achievement Award by his hometown of Jasper and this Legislature congratulates Mr. Mayo on that award. Mr. Mayo thanked everyone for the honor and thanked the Legislature for the opportunity to represent his hometown and district.

#### **RESOLUTION NO. 125-04**

Introduced by G. Swackhamer.

Seconded by K. Isaman.

#### **MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS AND PROPERTY TAXES.**

**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**, the Steuben County Treasurer is further authorized and directed to convey those parcels sold at the Delinquent Tax Auction held on July 14, 2004, contained in Schedule "C", 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**, 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); 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, the Clerk of the Board of the appropriate School District, and the respective bidders.

SCHEDULE "A"

Resolution #     A-1      
Name     Ibrahim Y & Akhtar Al-Sinjari      
Parcel #     136.14-02-013.000      
Municipality     North Hornell Village      
Disposition     Correction    

Resolution #     A-2      
Name     Kiva Project      
Parcel #     197.11-03-017.000      
Municipality     Canisteo Village      
Disposition     Correction    

Resolution #     A-3      
Name     Kiva Project      
Parcel #     197.11-03-048.000      
Municipality     Canisteo Village      
Disposition     Correction    

SCHEDULE "B"

Resolution #     B-1      
Former Owner     Robert P Harris      
In Rem Index No.     86329, 2002 sale      
Parcel #     252.00-01-043.112      
Municipality     Canisteo Town      
Grantee(s)     Robert P Harris      
Grantee(s) Address     120 Walzer Rd, Rochester, NY 14622      
Consideration     \$1,960.12, together with \$96.00 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 # B-2  
Former Owner Eileen A Carlineo (now) Mary T Tallarida, & Giacomo Tallarida, Jr  
In Rem Index No. 86329, 2002 sale  
Parcel # 300.13-01-004.000  
Municipality Corning Town  
Grantee(s) Giacomo F Tallarida & M Terese Tallarida, husband and wife, as tenants by the entirety  
Grantee(s) Address 3252 E High St Ext, Corning, NY 14830  
Consideration \$3,628.14, together with \$96.00 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 # B-3  
Former Owner Douglas L Clark  
In Rem Index No. 86329, 2002 sale  
Parcel # 299.14-05-003.000  
Municipality Corning Town  
Grantee(s) Douglas L Clark  
Grantee(s) Address 4 Antler Dr, Big Flats, NY 14814  
Consideration \$1,717.02, together with \$96.00 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 # B-4  
Former Owner Nathan E Shinault  
In Rem Index No. 86329, 2002 sale  
Parcel # 381.00-01-012.200  
Municipality Woodhull Town  
Grantee(s) Nathan E Shinault  
Grantee(s) Address 7815 Guthrie Ave, Cleveland, OH 44102  
Consideration \$2,028.79, together with \$96.00 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 # B-5  
Former Owner June Kay Rockwell  
In Rem Index No. 86329, 2002 sale  
Parcel # 287.00-03-007.100  
Municipality Jasper Town  
Grantee(s) June Kay (Rockwell) Atherton  
Grantee(s) Address 2953 North Rd, Greenwood, NY 14839  
Consideration \$8,230.53, together with \$96.00 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 # B-6  
Former Owner Donald W Cooper  
In Rem Index No. 86329, 2002 sale  
Parcel # 113.07-01-050.000  
Municipality Avoca Village  
Grantee(s) Donald W Cooper  
Grantee(s) Address 1 Mill St, PO Box 96, Avoca, NY 14809  
Consideration \$2,609.19, together with \$96.00 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 # B-7  
Former Owner William J Truffarelli  
In Rem Index No. 86329, 2002 sale  
Parcel # 423.00-01-001.200  
Municipality Lindley Town  
Grantee(s) William J Truffarelli  
Grantee(s) Address 139 Cutler Ave, Corning, NY 14830  
Consideration \$1,369.49, together with \$96.00 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 # B-8  
Former Owner Joe D Sumlar  
In Rem Index No. 86329, 2002 sale  
Parcel # 278.00-01-011.000  
Municipality Addison Town  
Grantee(s) Joe Sumlar Ellis  
Grantee(s) Address 950 Turtle Crk Dr S, Jacksonville, FL 32218  
Consideration \$3,820.21, together with \$96.00 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 # B-9  
Former Owner Joe D Sumlar  
In Rem Index No. 86329, 2002 sale  
Parcel # 278.00-01-021.000  
Municipality Addison Town  
Grantee(s) Joe Sumlar Ellis  
Grantee(s) Address 950 Turtle Crk Dr S, Jacksonville, FL 32218  
Consideration \$277.85, together with \$96.00 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 # B-10  
Former Owner David L Putnam, Jr  
In Rem Index No. 86329, 2002 sale  
Parcel # 349.08-03-072.000  
Municipality Addison Village  
Grantee(s) David L Putnam, Jr  
Grantee(s) Address 3 Farnham St, Addison, NY 14801  
Consideration \$8,659.61, together with \$96.00 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 # B-11  
Former Owner Karen Ida Wells Bronson  
In Rem Index No. 86329, 2002 sale  
Parcel # 054.00-01-039.000  
Municipality Wayland Town  
Grantee(s) Karen Ida Wells Scott  
Grantee(s) Address 560 Dean St, Apt 1R, Brooklyn, NY 11217  
Consideration \$15,642.95, together with \$96.00 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 # B12  
Former Owner James P O'Brien  
In Rem Index No. 86329, 2002 sale  
Parcel # 060.00-01-070.000  
Municipality Prattsburgh Town  
Grantee(s) James P O'Brien  
Grantee(s) Address c/o Peter H. Baker, Esq., 51 Main Street, PO Box 398, Hammondsport, NY 14840  
Consideration \$10,769.79, together with \$96.00 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 # B-13  
Former Owner Franklin Kimble Jr & Arlene (now) Household Financial Services  
In Rem Index No. 86329, 2002 sale  
Parcel # 243.00-01-041.000  
Municipality Campbell Town  
Grantee(s) Household Financial Services  
Grantee(s) Address 931 Corporate Center Drive, Pomona, CA 91768  
Consideration \$6,123.64, together with \$96.00 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 # B-14  
Former Owner Sharon L Eason  
In Rem Index No. 86329, 2002 sale  
Parcel # 151.09-02-022.000  
Municipality Hornell City  
Grantee(s) Sharon L Eason  
Grantee(s) Address 175 Madison Ave, Hornell, NY 14843  
Consideration \$5,149.77, together with \$96.00 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 # B-15  
Former Owner Donald & Tina McChesney  
In Rem Index No. 86329, 2002 sale  
Parcel # 402.00-01-014.000  
Municipality Tuscarora Town  
Grantee(s) Donald P McChesney & Tina M McChesney,  
husband and wife, as tenants by the entirety  
Grantee(s) Address c/o John R. Bloise, Esq., 283 South Hamilton  
Street, Painted Post, NY 14870  
Consideration \$5,410.90, together with \$96.00 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 # B-16  
Former Owner Brenda A Solinas Clifford  
In Rem Index No. 84256, 2001 sale  
Parcel # 166.06-01-066.000  
Municipality Hornell City  
Grantee(s) Brenda A Solinas Clifford  
Grantee(s) Address c/o McCabe Weisberg & Conway, PC,  
53 W 36<sup>th</sup> St, Ste 205, New York, NY 10018  
Consideration \$3,823.61, together with \$96.00 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 # B-17  
Former Owner William & Lori Ann Smith  
In Rem Index No. 86329, 2002 sale  
Parcel # 275.00-03-005.200  
Municipality Thurston Town  
Grantee(s) William Smith & Lori Ann Smith,  
husband and wife, as tenants by the entirety  
Grantee(s) Address 337 Maple Hill Rd, Wellsboro, PA 16901  
Consideration \$2,634.53, together with \$96.00 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 # B-18  
Former Owner James Stewart Lafler & Deborah L  
In Rem Index No. 86329, 2002 sale  
Parcel # 043.17-02-021.000  
Municipality Cohocton Village  
Grantee(s) James Stewart Lafler Est & Deborah L Lafler  
Grantee(s) Address PO Box 289, Cohocton, NY 14826  
Consideration \$3,609.47, together with \$96.00 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 # B-19  
Former Owner Walter & Helen Allen  
In Rem Index No. 86329, 2002 sale  
Parcel # 317.12-02-029.100  
Municipality Corning City  
Grantee(s) Benjamin J Heater  
Grantee(s) Address 120 W First St, Corning, NY 14830  
Consideration \$1,812.55, together with \$96.00 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 # B-20  
Former Owner James & Maude Welch  
In Rem Index No. 84256, 2001 sale  
Parcel # 257.00-03-006.300  
Municipality Thurston Town  
Grantee(s) James Welch & Maude Welch,  
husband and wife, as tenants by the entirety  
Grantee(s) Address 4007 Smith Rd, Cameron Mills, NY 14820  
Consideration \$994.90, together with \$96.00 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 # B-21  
Former Owner James C Welch  
In Rem Index No. 84256, 2001 sale  
Parcel # 257.00-03-021.000  
Municipality Thurston Town  
Grantee(s) James C Welch  
Grantee(s) Address 4007 Smith Rd, Cameron Mills, NY 14820  
Consideration \$798.22, together with \$96.00 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 # B-22  
Former Owner Lyman P Gardner & Phyllis Gardner  
In Rem Index No. 86329, 2002 sale  
Parcel # 388.18-01-013.000  
Municipality Lindley Town  
Grantee(s) Lyman P Gardner & Phyllis Gardner,  
husband and wife, as tenants by the entirety  
Grantee(s) Address 9619 Tannery Crk Rd, Corning, NY 14830  
Consideration \$817.92, together with \$96.00 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 # B-23  
Former Owner Ralph McGory c/o John A Francher  
In Rem Index No. 86329, 2002 sale  
Parcel # 159.13-02-055.000  
Municipality Bath Village  
Grantee(s) John A Francher  
Grantee(s) Address 46 Cortland St, Homer, NY 13077  
Consideration \$24,237.50, together with \$96.00 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 # B-24  
Former Owner James Chapman & Stacie Chapman  
In Rem Index No. 86329, 2002 sale  
Parcel # 017.15-01-033.000  
Municipality Cohocton Town  
Grantee(s) James Chapman & Stacie Chapman,  
husband and wife, as tenants by the entirety  
Grantee(s) Address PO Box 40, Atlanta, NY 14808  
Consideration \$1,291.88, together with \$96.00 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 # B-25  
Former Owner Virginia M Vecchione & Bruce G Baker  
In Rem Index No. 86329, 2002 sale  
Parcel # 124.00-01-008.111  
Municipality Fremont Town  
Grantee(s) Bruce G Baker  
Grantee(s) Address 7696 Tuttle Rd, Hornell, NY 14843  
Consideration \$3,586.48, together with \$96.00 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 # B-26  
Former Owner Darla M Yarka  
In Rem Index No. 86329, 2002 sale  
Parcel # 385.00-01-086.000  
Municipality Tuscarora Town  
Grantee(s) Darla M Yarka  
Grantee(s) Address 118 Middle Rd, Horseheads, NY 14845  
Consideration \$2,251.88, together with \$96.00 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 # B-27  
Former Owner Gordon D McStay  
In Rem Index No. 82183, 2000 sale  
Parcel # 399.00-01-020.220  
Municipality Woodhull Town  
Grantee(s) Gordon D McStay Est  
Grantee(s) Address 4853 Cook Rd, Woodhull, NY 14898  
Consideration \$1,722.59, together with \$96.00 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 # B-28  
Former Owner Bridget A Nolan  
In Rem Index No. 86329, 2002 sale  
Parcel # 426.00-01-003.000  
Municipality Caton Town  
Grantee(s) Bridget A Nolan  
Grantee(s) Address 41 Becky Lane, Erin, NY 14838  
Consideration \$1,368.57, together with \$96.00 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 # B-29  
Former Owner Diane Kubiak  
In Rem Index No. 86329, 2002 sale  
Parcel # 151.64-02-052.000  
Municipality Hornell City  
Grantee(s) Diana Kubiak  
Grantee(s) Address PO Box 231, Arkport, NY 14807  
Consideration \$8,153.75, together with \$96.00 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 # B-30  
Former Owner Kenneth & Nancy Quick  
In Rem Index No. 86329, 2002 sale  
Parcel # 217.00-01-009.200  
Municipality Canisteo Town  
Grantee(s) Kenneth Quick & Nancy Quick,  
husband and wife, as tenants by the entirety  
Grantee(s) Address 3754 Co Rte 119, Canisteo, NY 14823  
Consideration \$1,601.43, together with \$96.00 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.**

SCHEDULE "C"

Resolution # C-1  
Former Owner Warren Wambach  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 331.20-01-024.000  
Municipality Addison Village  
Highest Bidder Edwin J VanSchaick, Jr  
Highest Bidder's Address 1334 School Rd, Victor, NY 14564  
Consideration \$500.00, together with \$93.00 recording fees  
Second Highest Bidder Roger Bump  
Second Highest Bidder's Address 87 Wall St, Addison, NY 14801

Resolution # C-2  
Former Owner Noel R Schweissinger  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 349.16-01-005.000  
Municipality Addison Village  
Highest Bidder N.R.L.L. East a Florida LLC  
Highest Bidder's Address 1 Mauchly, Irvine, CA 92618  
Consideration \$1,200.00, together with \$93.00 recording fees  
Second Highest Bidder Roger Bump  
Second Highest Bidder's Address 87 Wall St, Addison, NY 14801

Resolution # C-3  
Former Owner Charles Dubois  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 113.08-02-046.000  
Municipality Avoca Village  
Highest Bidder Avoca Farms Ltd  
Highest Bidder's Address 20 Carrington St, PO Box C, Avoca, NY 14809  
Consideration \$5,500.00, together with \$93.00 recording fees  
Second Highest Bidder Carl Duerr  
Second Highest Bidder's Address 6099 Goff Rd, Canandaigua, NY 14424

Resolution # C-4  
Former Owner Tom Axtell  
In Rem Index No. 84256, 2001 sale  
Date of Auction July 14, 2004  
Parcel # 159.14-01-072.000  
Municipality Bath Village  
Highest Bidder Cornerstone Homes Inc  
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830  
Consideration \$21,000.00, together with \$93.00 recording fees  
Second Highest Bidder Tom Axtell  
Second Highest Bidder's Address 224 E Steuben St, Bath, NY 14810

Resolution # C-5  
Former Owner Edna Davis  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 191.14-01-045.000  
Municipality Savona Village  
Highest Bidder Cornerstone Homes Inc  
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830  
Consideration \$24,000.00, together with \$93.00 recording fees  
Second Highest Bidder Daniel Peterson  
Second Highest Bidder's Address Box 481, Savona, NY 14879

Resolution # C-6  
Former Owner Shirley Cleland Est  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 144.00-02-025.000  
Municipality Bath Town  
Highest Bidder Michael F Vogt  
Highest Bidder's Address 12871 West Lake Rd, Hammondsport, NY 14840  
Consideration \$8,000.00, together with \$93.00 recording fees  
Second Highest Bidder Kenneth Loucks  
Second Highest Bidder's Address 7069 Mt Washington, Bath, NY 14810

Resolution # C-7  
Former Owner Ronald C Emerson  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 190.00-01-007.100  
Municipality Bath Town  
Highest Bidder Cornerstone Homes Inc  
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830  
Consideration \$10,250.00, together with \$93.00 recording fees  
Second Highest Bidder George Zemak  
Second Highest Bidder's Address Eagle Valley Rd, Savona, NY 14879

Resolution # C-8  
Former Owner Laverne & Cynthia Henry  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 182.19-01.011.000  
Municipality Canisteo Village  
Highest Bidder Jeffery M Stephens  
Highest Bidder's Address 38 W VanScoter St, Apt A, Hornell, NY 14843  
Consideration \$10,000.00, together with \$93.00 recording fees  
Second Highest Bidder Sharon Shah  
Second Highest Bidder's Address 51-31 Broadway, Woodside, NY 11377

Resolution # C-9  
Former Owner Laverne Henry  
In Rem Index No. 80200, 1999 sale  
Date of Auction July 14, 2004  
Parcel # 197.11-02-028.000  
Municipality Canisteo Village  
Highest Bidder James Emo  
Highest Bidder's Address 6049 Dublin Rd, Canisteo, NY 14823  
Consideration \$9,250.00, together with \$93.00 recording fees  
Second Highest Bidder Sharon Shah  
Second Highest Bidder's Address 51-31 Broadway, Woodside, NY 11377

Resolution # C-10  
Former Owner Dorothy Sage  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 197.11-05-032.000  
Municipality Canisteo Village  
Highest Bidder Cornerstone Homes Inc  
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830  
Consideration \$16,000.00, together with \$93.00 recording fees  
Second Highest Bidder Robert Hooker  
Second Highest Bidder's Address Rte 248, Box 821, Greenwood, NY 14839

Resolution # C-11  
Former Owner Edward Nye  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 182.00-01-030.000  
Municipality Canisteo Town  
Highest Bidder Terrence Platt  
Highest Bidder's Address PO Box 338, Batavia, NY 14020  
Consideration \$5,250.00, together with \$93.00 recording fees  
Second Highest Bidder Sharon Shah  
Second Highest Bidder's Address 51-31 Broadway, Woodside, NY 11377

Resolution # C-12  
Former Owner Earl Thorpe  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 252.00-01-039.120  
Municipality Canisteo Town  
Highest Bidder Terrence Platt  
Highest Bidder's Address PO Box 338, Batavia, NY 14020  
Consideration \$2,250.00, together with \$93.00 recording fees  
Second Highest Bidder Joy Goodsell  
Second Highest Bidder's Address Box 1272, Savona, NY 14879

Resolution # C-13  
Former Owner Leonard Baltimore  
In Rem Index No. 82183, 2000 sale  
Date of Auction July 14, 2004  
Parcel # 371.00-03-032.200  
Municipality Caton Town  
Highest Bidder Angel Cruz & Sheila Cruz,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 8661 Stevens Rd, Lindley, NY 14858  
Consideration \$23,000.00, together with \$93.00 recording fees  
Second Highest Bidder Cornerstone Homes Inc  
Second Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830

Resolution # C-14  
Former Owner Sharlene M Clark  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 426.00-01-023.111  
Municipality Caton Town  
Highest Bidder First Citizens National Bank  
Highest Bidder's Address 15 S Main St, Mansfield, PA 16933  
Consideration \$270,000.00, together with \$93.00 recording fees  
Second Highest Bidder Gerald McUmbert  
Second Highest Bidder's Address 11151 Church Crk Rd, Lindley, NY 14858

Resolution # C-15  
Former Owner Charles Bailey  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 055.08-01-005.000  
Municipality Cohocton Village  
Highest Bidder Terrence Platt  
Highest Bidder's Address PO Box 338, Batavia, NY 14020  
Consideration \$6,000.00, together with \$93.00 recording fees  
Second Highest Bidder Sharon Shah  
Second Highest Bidder's Address 51-31 Broadway, Woodside, NY 11377

Resolution # C-16  
Former Owner James S Markin  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 056.05-02-046.000  
Municipality Cohocton Village  
Highest Bidder Cornerstone Homes Inc  
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830  
Consideration \$10,000.00, together with \$93.00 recording fees  
Second Highest Bidder Leonard Smith  
Second Highest Bidder's Address 32 S Main St, Cohocton, NY 14826

Resolution # C-17  
Former Owner Jake Boser  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 017.00-01-033.200  
Municipality Cohocton Town  
Highest Bidder Cornerstone Homes Inc  
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830  
Consideration \$9,000.00, together with \$93.00 recording fees  
Second Highest Bidder Sharon Shah  
Second Highest Bidder's Address 51-31 Broadway, Woodside, NY 11377

Resolution # C-18  
Former Owner Barbara & William Early  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 017.15-01-037.000  
Municipality Cohocton Town  
Highest Bidder Terrence Platt  
Highest Bidder's Address PO Box 338, Batavia, NY 14020  
Consideration \$11,500.00, together with \$93.00 recording fees  
Second Highest Bidder Cornerstone Homes Inc  
Second Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830

Resolution # C-19  
Former Owner Barbara & William Early  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 017.15-01-038.000  
Municipality Cohocton Town  
Highest Bidder Terrence Platt  
Highest Bidder's Address PO Box 338, Batavia, NY 14020  
Consideration \$10,000.00, together with \$93.00 recording fees  
Second Highest Bidder Cornerstone Homes Inc  
Second Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830

Resolution # C-20  
Former Owner Nicholas J & Laurie Barra  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 299.18-02-054.000  
Municipality Riverside Village  
Highest Bidder Thomas VanZile & Sandra VanZile,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 24 Balcom Ave, Corning, NY 14830  
Consideration \$1,600.00, together with \$93.00 recording fees  
Second Highest Bidder Charles McPherson  
Second Highest Bidder's Address 321 Sunset Dr, Corning, NY 14830

Resolution # C-21  
Former Owner Kelly B & Lori M Johnson  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 318.19-01-001.000  
Municipality Corning Town  
Highest Bidder Noel R Bilby & Doris I Bilby,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 3437 Co Rte 3, Addison, NY 14801  
Consideration \$15,500.00, together with \$93.00 recording fees  
Second Highest Bidder George Eddy & Leonard Tostanoski  
Second Highest Bidder's Address 3863 Pine Hill Rd, Corning, NY 14830

Resolution # C-22  
Former Owner Carol Nichols  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 318.19-02-004.000  
Municipality Corning Town  
Highest Bidder Glenford Rose, Jr & Kathleen Rose,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 11216 River Rd, Corning, NY 14830  
Consideration \$15,500.00, together with \$93.00 recording fees  
Second Highest Bidder Kathleen Smith  
Second Highest Bidder's Address 3717 West Rd, Corning, NY 14830

Resolution # C-23  
Former Owner Richard E & Dianna Allen  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 319.00-01-040.200  
Municipality Corning Town  
Highest Bidder N.R.L.L. East a Florida LLC  
Highest Bidder's Address 1 Mauchly, Irvine, CA 92618  
Consideration \$1,050.00, together with \$93.00 recording fees  
Second Highest Bidder Edwin VanSchaick, Jr  
Second Highest Bidder's Address 1334 School Rd, Victor, NY 14564

Resolution # C-24  
Former Owner William M Leahy  
In Rem Index No. 84256, 2001 sale  
Date of Auction July 14, 2004  
Parcel # 337.07-01-024.000  
Municipality Corning Town  
Highest Bidder Cornerstone Homes Inc  
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830  
Consideration \$34,000.00, together with \$93.00 recording fees  
Second Highest Bidder Drew Shaw  
Second Highest Bidder's Address 2707 104 St NW, Edmonton, AB T6J4B7

Resolution # C-25  
Former Owner Nicholas J & Laurie Barra  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 299.11-02-011.000  
Municipality Corning City  
Highest Bidder Robert T Houle  
Highest Bidder's Address PO Box 86, Mendon, NY 14506  
Consideration \$14,000.00, together with \$93.00 recording fees  
Second Highest Bidder Terrence Platt  
Second Highest Bidder's Address PO Box 338, Batavia, NY 14020

Resolution # C-26  
Former Owner Centex Home Equity/Raymond & Gloria Bowen  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 317.07-02-028.000  
Municipality Corning City  
Highest Bidder Cornerstone Homes Inc  
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830  
Consideration \$22,250.00, together with \$93.00 recording fees  
Second Highest Bidder Drew Shaw  
Second Highest Bidder's Address 2707 104 St NW, Edmonton, AB T6J4B7

Resolution # C-27  
Former Owner Wayne & Martha Swartz  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 318.14-03-035.000  
Municipality Corning City  
Highest Bidder Charles L McPherson & Lynn M Creeley  
Highest Bidder's Address 321 Sunset Dr, Corning, NY 14830  
Consideration \$4,000.00, together with \$93.00 recording fees  
Second Highest Bidder Daniel Peterson  
Second Highest Bidder's Address Box 481, Savona, NY 14879

Resolution # C-28  
Former Owner Michelle Wilson  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 318.54-02-037.000  
Municipality Corning City  
Highest Bidder Daniel R Peterson & Shelley M Peterson,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address PO Box 481, Savona, NY 14879  
Consideration \$7,000.00, together with \$93.00 recording fees  
Second Highest Bidder Terrence Platt  
Second Highest Bidder's Address PO Box 338, Batavia, NY 14020

Resolution # C-29  
Former Owner Marjorie V Glosser  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 318.54-02-072.000  
Municipality Corning City  
Highest Bidder Glenford Rose, Jr & Kathleen Rose,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 11216 River Rd, Corning, NY 14830  
Consideration \$14,000.00, together with \$93.00 recording fees  
Second Highest Bidder Terrence Platt  
Second Highest Bidder's Address PO Box 338, Batavia, NY 14020

Resolution # C-30  
Former Owner Walter F Mills & Michael Watson  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 080.00-01-010.000  
Municipality Dansville Town  
Highest Bidder Richard T Kerr  
Highest Bidder's Address 6715 Freeman Hlw Rd, Bath, NY 14810  
Consideration \$1,800.00, together with \$93.00 recording fees  
Second Highest Bidder Dean Guando  
Second Highest Bidder's Address 15 St Johns Place, N Babylon, NY 11703

Resolution # C-31  
Former Owner Steuben Custom Homes Inc  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 298.06-01-032.000  
Municipality Erwin Town  
Highest Bidder Marketplace Realty Group  
Highest Bidder's Address PO Box 495, Hammondsport, NY 14840  
Consideration \$17,500.00, together with \$93.00 recording fees  
Second Highest Bidder Michael Vogt  
Second Highest Bidder's Address 12871 W Lake Rd, Hammondsport, NY 14840

Resolution # C-32  
Former Owner Leon D Newton  
In Rem Index No. 84256, 2001 sale  
Date of Auction July 14, 2004  
Parcel # 298.08-01-014.000  
Municipality Erwin Town  
Highest Bidder Cornerstone Homes Inc  
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830  
Consideration \$20,500.00, together with \$93.00 recording fees  
Second Highest Bidder Kathleen Smith  
Second Highest Bidder's Address 3717 West Rd, Corning, NY 14830

Resolution # C-33  
Former Owner John Kraszewski  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 285.00-01-013.000  
Municipality Greenwood Town  
Highest Bidder Choice Property Management  
Highest Bidder's Address 255 Chapell Dr, Coudersport, PA 16915  
Consideration \$29,000.00, together with \$93.00 recording fees  
Second Highest Bidder Lorraine Schoen  
Second Highest Bidder's Address 1319 Lake St, Elmira, NY 14901

Resolution # C-34  
Former Owner Paul E Flint, Jr  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 196.00-01-025.500  
Municipality Hartsville Town  
Highest Bidder Terrence Platt  
Highest Bidder's Address PO Box 338, Batavia, NY 14020  
Consideration \$10,500.00, together with \$93.00 recording fees  
Second Highest Bidder Daniel Reimherr  
Second Highest Bidder's Address 10359 Millers Rd, Lyndonville, NY 14098

Resolution # C-35  
Former Owner Willis & Margaret Drake  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 281.00-01-023.000  
Municipality Hornby Town  
Highest Bidder Karen K Mattison  
Highest Bidder's Address 3373 Stanton St, Painted Post, NY 14870  
Consideration \$7,750.00, together with \$93.00 recording fees  
Second Highest Bidder Kathleen Smith  
Second Highest Bidder's Address 3717 West Rd, Corning, NY 14830

Resolution # C-36  
Former Owner Edna Silvernail  
In Rem Index No. 84256, 2001 sale  
Date of Auction July 14, 2004  
Parcel # 282.00-01-084.000  
Municipality Hornby Town  
Highest Bidder Ricky V Hughes & Roberta A Hughes,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 3909 St Rte 414, Corning, NY 14830  
Consideration \$2,800.00, together with \$93.00 recording fees  
Second Highest Bidder Gary Bohart  
Second Highest Bidder's Address 3929 Mormon Hlw Rd, Corning, NY 14830

Resolution # C-37  
Former Owner Frances Whitehead  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 151.00-02-026.000  
Municipality Hornellsville Town  
Highest Bidder Terrence Platt  
Highest Bidder's Address PO Box 338, Batavia, NY 14020  
Consideration \$3,000.00, together with \$93.00 recording fees  
Second Highest Bidder Sharon Shah  
Second Highest Bidder's Address 51-31 Broadway, Woodside, NY 11377

Resolution # C-38  
Former Owner David G & Angela Maynard  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 151.13-01-023.000  
Municipality Hornell City  
Highest Bidder John C Williams & Pascal G Godin  
Highest Bidder's Address 93 1/2 Maple St #2, Hornell, NY 14843  
Consideration \$19,500.00, together with \$93.00 recording fees  
Highest Bidder Terrence Platt  
Highest Bidder's Address PO Box 338, Batavia, NY 14020

Resolution # C-39  
Former Owner Stephen W & Laura Eason  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 151.13-01-080.200  
Municipality Hornell City  
Highest Bidder Terrence Platt  
Highest Bidder's Address PO Box 338, Batavia, NY 14020  
Consideration \$11,000.00, together with \$93.00 recording fees  
Second Highest Bidder Sharon Shah  
Second Highest Bidder's Address 51-31 Broadway, Woodside, NY 11377

Resolution # C-40  
Former Owner D Canty & J Carbone  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 151.80-01-029.000  
Municipality Hornell City  
Highest Bidder Terrence Platt  
Highest Bidder's Address PO Box 338, Batavia, NY 14020  
Consideration \$19,500.00, together with \$93.00 recording fees  
Second Highest Bidder Edward Oyer, Jr  
Second Highest Bidder's Address 12 Armory Pl, Hornell, NY 14843

Resolution # C-41  
Former Owner Kenneth Dupuy & Samuel Placares  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 166.06-06-024.000  
Municipality Hornell City  
Highest Bidder Keith A Jenkins & Fay E Jenkins,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 8637 Rte 36, Arkport, NY 14807  
Consideration \$12,500.00, together with \$93.00 recording fees  
Second Highest Bidder Edward Oyer, Jr  
Second Highest Bidder's Address 12 Armory Pl, Hornell, NY 14843

Resolution # C-42  
Former Owner Patrick F Hanrahan  
In Rem Index No. 82183, 2000 sale  
Date of Auction July 14, 2004  
Parcel # 166.10-02-049.000  
Municipality Hornell City  
Highest Bidder John J Lyng & Barbara F Lyng,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 45 Center St, Hornell, NY 14843  
Consideration \$13,500.00, together with \$93.00 recording fees  
Second Highest Bidder Terrence Platt  
Second Highest Bidder's Address PO Box 338, Batavia, NY 14020

Resolution # C-43  
Former Owner Joseph & Helen Beaver  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 166.11-02-032.000  
Municipality Hornell City  
Highest Bidder Terrence Platt  
Highest Bidder's Address PO Box 338, Batavia, NY 14020  
Consideration \$11,000.00, together with \$93.00 recording fees  
Second Highest Bidder David Mcevoy  
Second Highest Bidder's Address 4853 Purdy Crk Rd, Hornell, NY 14843

Resolution # C-44  
Former Owner Robert & Joanne Carpenter  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 166.33-01-004.000  
Municipality Hornell City  
Highest Bidder Amy L Ogden  
Highest Bidder's Address 6794 Rte 415S, PO Box 110, Bath, NY 14810  
Consideration \$17,500.00, together with \$93.00 recording fees  
Second Highest Bidder Drew Shaw  
Second Highest Bidder's Address 2707 104 St NW, Edmonton, AB T6J4B7

Resolution # C-45  
Former Owner Michael & Sandra Pridmore  
In Rem Index No. 82183, 2000 sale  
Date of Auction July 14, 2004  
Parcel # 010.00-01-009.200  
Municipality Prattsburgh Town  
Highest Bidder Steve J Kula  
Highest Bidder's Address PO Box 26, Prattsburgh, NY 14873  
Consideration \$2,250.00, together with \$93.00 recording fees  
Second Highest Bidder Martin Bailey  
Second Highest Bidder's Address 3562 Prosser Rd, Branchport, NY 14818

Resolution # C-46  
Former Owner Theodore Mehlenbacher  
In Rem Index No. 80200, 1999 sale  
Date of Auction July 14, 2004  
Parcel # 019.00-02-032.200  
Municipality Prattsburgh Town  
Highest Bidder Richard J Boden & Ann M Boden,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 11415 Co Rte 9, Prattsburgh, NY 14873  
Consideration \$11,000.00, together with \$93.00 recording fees  
Second Highest Bidder Charles Pinkney  
Second Highest Bidder's Address 11124 Co Rte 9, Prattsburgh, NY 14873

Resolution # C-47  
Former Owner James & Dawn Freeland  
In Rem Index No. 84256, 2001 sale  
Date of Auction July 14, 2004  
Parcel # 034.00-01-013.100  
Municipality Prattsburgh Town  
Highest Bidder Jeffery Zurlick & Lori Zurlick,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 10995 Co Rte 122, Prattsburgh, NY 14873  
Consideration \$11,500.00, together with \$93.00 recording fees  
Second Highest Bidder Donna Campbell  
Second Highest Bidder's Address 10659 Co Rte 74, Prattsburgh, NY 14873

Resolution # C-48  
Former Owner Joyann Elward  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 047.08-02-021.000  
Municipality Prattsburgh Town  
Highest Bidder Kenneth P Simolo & David M Simolo  
Highest Bidder's Address 3960 Drum Rd, Cohocton, NY 14826  
Consideration \$27,000.00, together with \$93.00 recording fees  
Second Highest Bidder Karen Monroe  
Second Highest Bidder's Address 10730 Isaman Rd, Wayland, NY 14572

Resolution # C-49  
Former Owner Ronald & Delores Fox  
In Rem Index No. 76933, 1996 sale  
Date of Auction July 14, 2004  
Parcel # 048.00-01-041.000  
Municipality Prattsburgh Town  
Highest Bidder Jon L Clark  
Highest Bidder's Address 296 Laurel Rd, Greene, NY 13778  
Consideration \$73,000.00, together with \$93.00 recording fees  
Second Highest Bidder Waldemar Wisniewski  
Second Highest Bidder's Address 430 Crossbay Blvd, Broad Channel, NY 11693

Resolution # C-50  
Former Owner Gary T & Donna M Johnson  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 059.00-01-007.910  
Municipality Prattsburgh Town  
Highest Bidder Daniel L Eaton  
Highest Bidder's Address 74 W Lamoka Ave, Savona, NY 14879  
Consideration \$6,500.00, together with \$93.00 recording fees  
Second Highest Bidder Terrence Platt  
Second Highest Bidder's Address PO Box 338, Batavia, NY 14020

Resolution # C-51  
Former Owner Gisbert J Hanft  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 060.00-01-019.130  
Municipality Prattsburgh Town  
Highest Bidder Terrence Platt  
Highest Bidder's Address PO Box 338, Batavia, NY 14020  
Consideration \$9,750.00, together with \$93.00 recording fees  
Second Highest Bidder Joseph Prainito, Jr  
Second Highest Bidder's Address 78 West Seventh St, Ronkonkoma, NY 11779

Resolution # C-52  
Former Owner Ann Weaver  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 037.19-01-072.000  
Municipality Pulteney Town  
Highest Bidder Cornerstone Homes Inc  
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830  
Consideration \$15,500.00, together with \$93.00 recording fees  
Second Highest Bidder Scott Woodard  
Second Highest Bidder's Address 11118 River Rd, Corning, NY 14830

Resolution # C-53  
Former Owner Ann Filkins  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 076.00-01-013.200  
Municipality Pulteney Town  
Highest Bidder John J Lyng & Barbara F Lyng,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 45 Center St, Hornell, NY 14843  
Consideration \$19,000.00, together with \$93.00 recording fees  
Second Highest Bidder Terrence Platt  
Second Highest Bidder's Address PO Box 338, Batavia, NY 14020

Resolution # C-54  
Former Owner John L Byrnes  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 259.00-01-028.660  
Municipality Thurston Town  
Highest Bidder Waldemar Wisniewski  
Highest Bidder's Address 430 Crossbay Blvd, Broad Channel, NY 11693  
Consideration \$21,500.00, together with \$93.00 recording fees  
Second Highest Bidder Kenneth Simolo  
Second Highest Bidder's Address 5993 Laurence HI Rd, Springwater, NY 14560

Resolution # C-55  
Former Owner Jose Cruz & David Curry  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 104.00-01-001.360  
Municipality Urbana Town  
Highest Bidder Joseph S Prainito, Jr & Karen L Prainito,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 78 West Seventh St, Ronkonkoma, NY 11779  
Consideration \$6,250.00, together with \$93.00 recording fees  
Second Highest Bidder Baird Fisher  
Second Highest Bidder's Address 1368 Pittsford-Mendon Rd, Mendon, NY 14506

Resolution # C-56  
Former Owner William D McKean  
In Rem Index No. 84256, 2001 sale  
Date of Auction July 14, 2004  
Parcel # 104.00-01-001.550  
Municipality Urbana Town  
Highest Bidder Waldemar Wisniewski  
Highest Bidder's Address 430 Crossbay Blvd, Broad Channel, NY 11693  
Consideration \$8,250.00, together with \$93.00 recording fees  
Second Highest Bidder Daniel Eaton  
Second Highest Bidder's Address 74 W Lamoka Ave, Savona, NY 14879

Resolution # C-57  
Former Owner Dave & Elizabeth Stauffer  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 003.17-01-037.000  
Municipality Wayland Village  
Highest Bidder Karen L Monroe & Stephen A Simonowicz  
Highest Bidder's Address 10730 Isaman Rd, Wayland, NY 14572  
Consideration \$26,000.00, together with \$93.00 recording fees  
Second Highest Bidder Kenneth Simolo  
Second Highest Bidder's Address 5993 Laurence Hl Rd, Springwater, NY 14560

Resolution # C-58  
Former Owner Dorie J Re Gardiner  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 003.17-02-013.000  
Municipality Wayland Village  
Highest Bidder G. R. Partsch Realestate  
Highest Bidder's Address 5681 Zerfass Rd, Dansville, NY 14437  
Consideration \$8,000.00, together with \$93.00 recording fees  
Second Highest Bidder Sharon Shah  
Second Highest Bidder's Address 51-31 Broadway, Woodside, NY 11377

Resolution # C-59  
Former Owner Robert J Raymond  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 015.00-01-044.120  
Municipality Wayland Town  
Highest Bidder Jerome Williams, Stephanie Williams & Ella McAdams  
Highest Bidder's Address 3069 Sawdust Rd, Wayland, NY 14572  
Consideration \$4,000.00, together with \$93.00 recording fees  
Second Highest Bidder Terrence Platt  
Second Highest Bidder's Address PO Box 338, Batavia, NY 14020

Resolution # C-60  
Former Owner Alaskan Oil Inc  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 015.09-01-006.000  
Municipality Wayland Town  
Highest Bidder Kenneth P Simolo & David M Simolo  
Highest Bidder's Address 3960 Drum Rd, Cohocton, NY 14826  
Consideration \$15,000.00, together with \$93.00 recording fees  
Second Highest Bidder George Eddy & Leonard Tostanoski  
Second Highest Bidder's Address 3863 Pine Hill Rd, Corning, NY 14830

Resolution # C-61  
Former Owner Guy Elderkin, Sr  
In Rem Index No. 82183, 2000 sale  
Date of Auction July 14, 2004  
Parcel # 027.01-01-060.200  
Municipality Wayland Town  
Highest Bidder Leonard N Tostanoski & George V Eddy  
Highest Bidder's Address 3863 Pine Hill Rd, Corning, NY 14830  
Consideration \$12,750.00, together with \$93.00 recording fees  
Second Highest Bidder Terrence Platt  
Second Highest Bidder's Address PO Box 338, Batavia, NY 14020

Resolution # C-62  
Former Owner Thomas Hayes  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 068.00-01-017.000  
Municipality Wayland Town  
Highest Bidder John J Lyng & Barbara F Lyng,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 45 Center St, Hornell, NY 14843  
Consideration \$36,000.00, together with \$93.00 recording fees  
Second Highest Bidder Kenneth Simolo  
Second Highest Bidder's Address 5993 Laurence HI Rd, Springwater, NY 14560

Resolution # C-63  
Former Owner John Jr & Lynne Adams  
In Rem Index No. 84256, 2001 sale  
Date of Auction July 14, 2004  
Parcel # 106.00-01-060.000  
Municipality Wayne Town  
Highest Bidder Brett T Schoen & Lorraine S Schoen,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 1319 Lake St, Elmira, NY 14901  
Consideration \$4,100.00, together with \$93.00 recording fees  
Second Highest Bidder Joseph Prainito, Jr  
Second Highest Bidder's Address 78 West Seventh St, Ronkonkoma, NY 11779

Resolution # C-64  
Former Owner Alan M Perz  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 120.00-01-026.112  
Municipality Wayne Town  
Highest Bidder Cornerstone Homes Inc  
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830  
Consideration \$6,750.00, together with \$93.00 recording fees  
Second Highest Bidder Terrence Platt  
Second Highest Bidder's Address PO Box 338, Batavia, NY 14020

Resolution # C-65  
Former Owner Cindy Anderson  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 345.20-01-006.000  
Municipality Woodhull Town  
Highest Bidder Cornerstone Homes Inc  
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830  
Consideration \$8,500.00, together with \$93.00 recording fees  
Second Highest Bidder Terrence Platt  
Second Highest Bidder's Address PO Box 338, Batavia, NY 14020

Resolution # C-66  
Former Owner Ford M Jackson  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 364.05-02-029.000  
Municipality Woodhull Town  
Highest Bidder Joseph S Prainito, Jr & Karen L Prainito,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 78 West Seventh St, Ronkonkoma, NY 11779  
Consideration \$1,400.00, together with \$93.00 recording fees  
Second Highest Bidder Charles Elliott  
Second Highest Bidder's Address 1095 CR 16, Beaver Dams, NY 14812

Resolution # C-67  
Former Owner Ann M Rarrick  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 399.00-01-030.120  
Municipality Woodhull Town  
Highest Bidder Stephen L Hartman & Kathleen M Hartman,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 96 Bollen Rd, Woodhull, NY 14898  
Consideration \$14,500.00, together with \$93.00 recording fees  
Second Highest Bidder Waldemar Wisniewski  
Second Highest Bidder's Address 430 Crossbay Blvd, Broad Channel, NY 11693

Resolution # C-68  
Former Owner Ann M Rarrick  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 14, 2004  
Parcel # 399.00-01-030.300  
Municipality Woodhull Town  
Highest Bidder Edwin J VanSchaick, Jr  
Highest Bidder's Address 1334 School Rd, Victor, NY 14564  
Consideration \$3,500.00, together with \$93.00 recording fees  
Second Highest Bidder Aric Whitehead & Jennifer Graham  
Second Highest Bidder's Address 5682 State Rte 417, Woodhull, NY 14898

Mr. Crossett stated they sold 68 parcels at the auction for a total of \$1,131,000. The total amount of back taxes due on those parcels was \$338,000 bringing the net proceeds to approximately \$788,000. Mr. Nichols asked what happened to the liens on those properties? Mr. Crossett stated the liens are extinguished when the County receives the titles from the court.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 126-04**

Introduced by P. Roche.

Seconded by T. Schwartz.

#### **RECEIVING AND ACCEPTING THE JULY 26, 2004 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, 2004**

1. NYS Office of Parks, Recreation & Historic Preservation - Re: "Canisteo Living Sign" (Greenwood Street, Canisteo, NY) has been recommended to be listed on the NYS Register of Historic Places and nominated to the National Register of Historic Places. **Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Twila O'Dell, Historian.**
2. NYS Public Service Commission - Re: Notice of Intent filed by Belden & Blake Corporation to construct a Fuel Gas Transmission Line, approximately 19,500 feet of 6-inch pipeline, located in the Towns of Caton and Lindley - Order granting amendment of Certificate of Environmental Compatibility and Public Need. **Referred to: A.I.P Committee and Greg Heffner, Planning Director.**

#### **June 18, 2004**

1. Allegany County Board of Legislators - Re: Resolution adopted by the Allegany County Board of Legislators on June 14, 2004, Requesting the United States Department of Transportation to Label Depleted Uranium Shipments as "Radioactive" to Protect Emergency Responders in Case of an Accident During Transport. **Referred to: Public Safety & Corrections Committee; Tim Wixom, 911 Director; Sheriff Tweddell; and Mike Sprague, EMO Director.**

#### **June 22, 2004**

1. NYS Department of Health - Re: Plan of Correction for HCF reviewed and determined to be acceptable on 5/13/04. **Referred to: Health & Education Committee and Diane Krans, HCF Interim Administrator.**

**July 1, 2004**

1. Town of Erwin Town Board - Re: Resolution urging Steuben County not to sell or lease the transfer station. **Referred to: Public Works Committee and Vincent Spagnoletti, PW Commissioner.**
2. Town of Erwin Supervisor - Re: Copies of letters to the Governor and select members of the State Legislature stating that their Town Board unanimously passed a resolution 6/8/04 memorializing the Governor and the New York State Legislature to enact meaningful Medicaid reform as part of the 2004 New York State Budget.

**July 2, 2004**

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$9,018 representing the May 2004 retained surcharge revenue for Steuben County from WROTB. **Referred to: Rules and Finance Committees and Larry Crossett, County Treasurer.**

**July 6, 2004**

1. Fortuna Energy, Inc. - Re: Notice of Intent to Construct a Natural Gas Gathering Pipeline in the Town of Corning and requesting the issuance of a Certificate of Environmental Compatibility and Public Need from the New York State Public Service Commission. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

**July 9, 2004**

1. NYS Division of Probation & Correctional Alternatives - Re: DCJS will be implementing a new system (October 26, 2004) to replace the current Probation Client Data System, called the "Integrated Probation Registrant System (I-PRS)" which will reside as a new set of functions within the DCJS eJusticeNY suite of services and will be tightly integrated with the Computerized Criminal History (CCH) Records System. Probation departments must ensure that they have access to eJusticeNY and that they have sufficient "bandwidth" in their eJusticeNY connection to support their data entry needs. Importance emphasized of this matter and the need for systems coordination among the criminal justice agencies within the county. **Referred to: Public Safety & Corrections Committee; Frank Justice, Probation Director; Sheriff Tweddell; John Tunney, District Attorney; and Byrum W. Cooper, Jr., Esq. Public Defender.**
2. NYS Department of Health - Re: Steuben County Youth Bureau's Reality Check Youth Action Program Request for Application has been selected for funding - anticipate awarding a contract in the amount of \$75,000 annually, subject to available funding, for the period of August 1, 2004 to July 31, 2009. **Referred to: Human Services Committee and Gary Pruyn, Youth Bureau Director.**

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 127-04**

Introduced by P. Donnelly.

Seconded by D. Creath.

**FILING THE REPORT OF THE ADMINISTRATOR OF THE STEUBEN COUNTY WORKERS' COMPENSATION SELF-INSURANCE PLAN AND THE COMMITTEE THEREON IN RELATION TO THE ESTIMATED COST FOR THE FISCAL YEAR 2005.**

Pursuant to Article 5 of the Workers' Compensation Law of the State of New York.

**WHEREAS**, an estimate of the cost for Fiscal Year 2004 of the Steuben County Self-Insurance Workers' Compensation Plan is to be filed with this County Legislature on or before August 13, 2004 for the Budget Year 2005.

**NOW THEREFORE, BE IT**

**RESOLVED**, the estimated cost (Budget for 2005), 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 2005 Steuben County Budget, and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the County Treasurer, the Director of the Steuben County Real Property Tax Service Agency and the Administrator of the Steuben County Self-Insurance Workers' Compensation Plan.

**STEBEN COUNTY SELF-INSURANCE PLAN**  
**ANNUAL ESTIMATE OF EXPENSES**  
**FISCAL YEAR BEGINNING JANUARY 1, 2005**

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, 2005 and ending December 31, 2005, pursuant to Section 67, Paragraph 1 of the Workers' Compensation Law.

**APPROPRIATED BUDGET FOR 2005**

Medical & Hospital Payments	Item # 172006-5-410-300	\$ 480,000.00
Compensation Awards	Item # 172006-5-410-310	\$ 780,000.00
Administration Salary	Item # 171006-5-110-0000	\$ 43,335.00
Computer	Item # 171006-5-290-020	\$ .00
Equipment	Item # 171006-5-298-090	\$ 300.00
Telephone	Item # 171006-5-402-990	\$ 325.00
Copying	Item # 171006-5-403-800	\$ 250.00
Membership Dues	Item # 171006-5-404-100	\$ 300.00
Postage	Item # 171006-5-405-100	\$ 800.00
Office Supplies	Item # 171006-5-406-000	\$ 500.00
Conferences	Item # 171006-5-407-200	\$ 2,000.00
Safety Training	Item # 171006-5-407-310	\$ 2,500.00
Insurance	Item # 171006-5-410-100	\$ 175.00
Excess Workers' Compensation	Item # 171006-5-410-320	\$ 81,000.00
Workers' Compensation VF60	Item # 171006-5-410-331	\$ 20,000.00
Workers' Compensation 151	Item # 171006-5-410-335	\$ 50,000.00
Workers' Compensation 15-8	Item # 171006-5-410-336	\$ 131,000.00
Workers' Compensation 25A	Item # 171006-5-410-337	\$ 68,000.00
Workers' Compensation IDP	Item # 171006-5-410-338	\$ 15,000.00
Workers' Compensation SF	Item # 171006-5-410-339	\$ 3,000.00
Maint in Lieu of Rent	Item # 171006-5-407-000	\$ 1,743.00
Medical Services	Item # 171006-5-420-000	\$ 15,000.00
Vol Firemen's Physicals	Item # 171006-5-420-050	\$ 1,000.00
Consultant Fees	Item # 171006-5-423-310	\$ 1,000.00
Expert Witness	Item # 171006-5-423-310	\$ 500.00
Hearing Representation	Item # 171006-5-423-330	\$ 15,000.00
Investigations	Item # 171006-5-424-210	\$ 6,000.00
Rehabilitation Fees	Item # 171006-5-430-190	\$ 12,000.00
Third Party Administrator	Item # 171006-5-444-400	\$ 60,000.00
Motor Pool	Item # 171006-5-450-999	\$ 250.00
Mileage	Item # 171006-5-471-000	\$ 200.00
Meals & Expenses	Item # 171006-5-472-000	\$ 1,000.00
Other Expenses	Item # 171006-5-499-000	\$ 4,000.00
NYS Retirement	Item # 171006-5-810-000	\$ 4,767.00
Social Security	Item # 171006-5-830-000	\$ 4,334.00
Workers' Compensation	Item # 171006-5-840-000	\$ 1,200.00
Group Medical	Item # 171006-5-860-000	\$ 13,000.00
Contributed Reserve	Item # 171006-5-901-000	<u>\$ 0.00</u>

BUDGET TOTAL \$1,819,479.00

<b>TOWN OF ERWIN LIABILITIES</b>	<b>-3,647.60</b>	
<b>LESS INTEREST EARNINGS</b>		<b>-70,000.00</b>
<b>TRANSFER FROM FUND BA</b>		<b><u>-437,077.40</u></b>
<b>TOTAL TO BE APPORTIONED \$1,308.754.00</b>		

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 128-04**

Introduced by P. Donnelly.

Seconded by D. Stachnik.

**FILING THE TABLE OF APPORTIONMENT RELATIVE TO THE SHARES OF THE PARTICIPATING MEMBERS OF THE STEUBEN COUNTY SELF-INSURANCE WORKERS' COMPENSATION PLAN FOR 2005.**

Pursuant to Article 5 of the Workers' Compensation Law of the State of New York.

**WHEREAS**, on July 26, 2004 this Steuben County Legislature had filed and approved the estimated cost for Fiscal Year 2005 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 2005, has caused a Table of Apportionment to be developed.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Table of Apportionment for the participating members of the Steuben County Self-Insurance Plan for Workers' Compensation for the year 2005 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 2005; and be it further

**RESOLVED**, any participating member may elect to pay its share direct to the Steuben County Treasurer by notifying the Clerk of the Steuben County Legislature or the Administrator of the Self-Insurance Plan not later than October 1, 2004, otherwise the respective share will be levied upon the taxable real property comprising the territory of such member; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the County Treasurer, Director of the Steuben County Real Property Tax Service Agency, and 39 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.

2005  
**TABLE OF APPORTIONMENT**

**\$1,308,754.00**

<u>MUNICIPALITY</u>	<u>CLASS</u>	<u>AMOUNT</u>
STEUBEN COUNTY	I	<b>\$ 636,623.61</b>
ADDISON	I	\$ 6,201.52
AVOCA	I	\$ 11,855.20
BATH	I	\$ 41,992.18
BRADFORD	I	\$ 10,224.10
CAMERON	I	\$ 15,666.23
CAMPBELL	I	\$ 25,043.53
CANISTEO	I	\$ 8,949.79
CATON	I	\$ 17,423.60
COHOCTON	I	\$ 24,954.97
DANSVILLE	I	\$ 16,380.43
FREMONT	I	\$ 17,797.06
GREENWOOD	I	\$ 16,160.85
HARTSVILLE	I	\$ 4,707.86
HORNBY	I	\$ 17,375.92
HORNELLSVILLE	I	\$ 20,733.55
HOWARD	I	\$ 18,261.40
JASPER	I	\$ 14,589.51
LINDLEY	I	\$ 14,492.65
PRATTSBURGH	I	\$ 26,543.77
PULTENEY	I	\$ 18,840.06
RATHBONE	I	\$ 8,408.24
THURSTON	I	\$ 17,771.34
TROUPSBURG	I	\$ 19,238.64
TUSCARORA	I	\$ 18,282.83
WAYLAND	I	\$ 12,231.03
WEST UNION	I	\$ 10,651.36
WHEELER	I	\$ 7,442.63
WOODHULL	I	<u>\$ 20,539.77</u>
<b>TOWNS TOTAL</b>		<b>\$ 462,760.02</b>
ADDISON	I	\$ 24,942.89
ARKPORT	I	\$ 10,894.73
AVOCA	I	\$ 12,266.48
BATH	I	\$ 63,153.56
CANISTEO	I	\$ 21,957.59
COHOCTON	I	\$ 13,991.55
NORTH HORNELL	I	\$ 11,335.09
PAINTED POST	I	\$ 23,514.79
WAYLAND	I	<u>\$ 27,313.69</u>
<b>VILLAGES TOTAL</b>		<b>\$ 209,370.37</b>

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 129-04**

Introduced by H. Mayo and G. Swackhamer.

Seconded by P. Donnelly.

**AMENDING THE RESOLUTION ADOPTED JUNE 28, 2004, AUTHORIZING THE EXECUTION OF THE REQUISITE DOCUMENTATION FOR THE CONVEYANCE OF THE TRANSFER STATION PROPERTIES IN THE TOWN OF ERWIN.**

Pursuant to Section 30 of the Highway Law and Eminent Domain Procedure Law as amended.

**WHEREAS**, the State of New York (“the State”) is appropriating or has appropriated certain property identified on Map No. 96 Parcel 123 Tax Map Ident. No.: 316.00-01-20, SH.: 5026, Town of Erwin, Proceeding: 12579, commonly referred to as the existing Erwin Transfer Facility; and

**WHEREAS**, said property is owned by the County of Steuben (“the County”) and the State and County are desirous of entering into an Agreement of Adjustment, a copy of which is attached as Exhibit “A” to the Memorandum of Understanding dated July 12, 2004, setting forth the compensation to be paid by the State to the County; and

**WHEREAS**, said agreement provides in relevant part to convey that tract or parcel authorized pursuant to Chapter 412 of the Laws of 2003, a 10.083 acre parcel described in Map 12T, and in addition make such payments as necessary to provide a substantially equivalent Transfer Station Facility, the replacement costs not to exceed \$3,758,429.00.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the County of Steuben Legislature accepts One Dollar, payment of which is waived (\$1.00 PW), together with the conveyance of a replacement site of 10.083 acres pursuant to Chapter 412 of the Laws of 2003 and reimbursement for the construction of a functional replacement of the Solid Waste Transfer Station, pursuant to the Agreement of Adjustment dated July 12, 2004, in the claim for the appropriation of:

MAP 96 PARCEL 123 PIN 600807222  
CORNING-PAINTED POST SH 5026  
PROCEEDING 12579

**AND BE IT FURTHER RESOLVED**, that Mark R. Alger, County Administrator of the County of Steuben be empowered to execute all memorandums, agreements, authorizations, vouchers or other documents required by the State of New York to complete payment of the County’s claim; and be it further

**RESOLVED**, the Memorandum of Understanding and Agreement of Adjustment dated and signed by the County Administrator July 12, 2004, be and the same hereby are ratified; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to: Glenn Mateer, Real Estate Officer, Real Estate Group, Region 6, 107 Broadway, Hornell; Kala Biltucci, RE Specialist II/Acquisitions Management, State of NY DOT, 107 Broadway, Hornell, NY 14843; Donna Hatch, Director of Real Property Tax Service Agency and Vincent Spagnoletti, Commissioner of Public Works.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 130-04**

Introduced by H. Mayo and G. Swackhamer.

Seconded by T. Schwartz.

**AUTHORIZING THE STEUBEN COUNTY TREASURER TO ISSUE A BUDGET NOTE IN THE AMOUNT OF \$608,732.00 FOR THE PURCHASE OF A COMPACTOR AND CRAWLER TRACTOR WITH BULLDOZER AT THE STEUBEN COUNTY LANDFILL.**

**WHEREAS**, the Compactor and Crawler Tractor with Bulldozer at the Steuben County Landfill needs to be replaced; and

**WHEREAS**, the 2004 Landfill budget was funded to pay for the Compactor and Crawler Tractor with Bulldozer on a three-year installment; and

**WHEREAS**, it has been recommended to instead pay for the Compactor and Crawler Tractor with Bulldozer fully with one payment in order to save finance charges; and

**WHEREAS**, the Landfill Enterprise Fund has a sufficient cash position to make this purchase in one payment.

**NOW THEREFORE, BE IT**

**RESOLVED**, upon recommendation of the Finance and Public Works Committees, the Steuben County Treasurer is hereby authorized to issue a Budget Note in the amount of \$608,732.00 for the purchase of a Compactor and Crawler Tractor with Bulldozer; and be it further

**RESOLVED**, the amount of \$608,732.00 shall be appropriated to account 8160.8162.2090 (Bath Landfill) entitled "Major Equipment"; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the County Treasurer and the Commissioner of Public Works.

Mr. McAllister stated the resolution says the 2004 budget funded an installment payment for this equipment. What happens to that money? Mr. Spagnoletti stated there was \$160,000 in the Landfill Enterprise Fund for this equipment, but that money will stay in the fund. Mr. Crossett stated they don't plan to issue the note. The funds will come out of the Enterprise Fund at the end of the year. They need authorization to issue the note so they can make the purchase now.

**Vote: Roll Call – Adopted.**

**LOST  
RESOLUTION NO. 131-04**

Introduced by P. Donnelly.

Seconded by R. Nichols.

**WAIVING RULE 16B OF THE RULES OF PROCEDURE AND RECLASSIFYING ONE POSITION IN THE STEUBEN COUNTY LAW DEPARTMENT ENTITLED ASSISTANT COUNTY ATTORNEY 2<sup>nd</sup> PART-TIME TO ASSISTANT COUNTY ATTORNEY FULL-TIME.**

**WHEREAS**, it is necessary and desirable to reclassify one position of Assistant County Attorney 2<sup>nd</sup> within the Steuben County Law Department from part-time to Assistant County Attorney full-time; and

**WHEREAS**, it is necessary for the Legislature to authorize the reclassification of said position; and

**WHEREAS**, Rule 16B of the Rules of Procedure of the Steuben County Legislature requires an extraordinary majority to reclassify the aforesaid position as a result of said request not having been anticipated for the year 2004 in accordance with the Rules of Procedure.

**NOW THEREFORE, BE IT**

**RESOLVED**, Rule 16B of the Rules of Procedure be and the same hereby is waived; and be it further

**RESOLVED**, that there be and the same hereby is reclassified the position of one Assistant County Attorney 2<sup>nd</sup> part-time to Assistant County Attorney full-time in the Steuben County Law Department effective September 13, 2004; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the County Attorney, Personnel Officer and County Treasurer.

Mr. McIntyre stated Mr. Argentieri asked that I let you know that he doesn't approve a waiver of 16B at this time. I myself also do not support this.

Mr. Isaman asked Mrs. Biehl to comment on this. Mrs. Biehl stated this will cost approximately \$1,600 more than what's budgeted. This will increase our recoveries as well. This position will allow us to take a more aggressive approach to fraud recoveries and arrests. We've added a section to report welfare fraud to the County's webpage and that has brought in about 40 fraud claims that are fairly valid. This will bring in more revenues for the County. Mr. Gehl asked what's the percentage of return on the fraud cases that have been reported through the webpage? Mrs. Biehl stated she doesn't have a percentage but the front end detection system has prevented \$74,000 in assistance being paid out on 1,700 cases. The fraud cases need to go through the County Attorney's office. Mr. Leyden's caseload in court has doubled. We've averaged over \$500,000 in gross recoveries. Discussion followed.

Mr. Schwartz stated I made a promise to myself last year that I wouldn't vote in favor of any 16B requests due to budget constraints.

Mr. Swackhamer stated I normally don't vote in favor of 16B waivers either but when you can pay only \$1,600 to bring in between \$250,000 to \$500,000 in revenue to Steuben County, it is a win-win process. Discussion followed.

**Vote: Roll Call – Lost. Yes: 7833; No: 1075; Absent: 964 (15 Affirmative Votes Required)  
(No: McIntyre and Schwartz; Absent: Argentieri and Baker)**

**RESOLUTION NO. 132-04**

Introduced by F. Gehl.

Seconded by G. Swackhamer.

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

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

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

**WHEREAS**, Charles D. Henderson of Cohocton, New York, has resigned as a member of the aforesaid Board effective June 10, 2004.

**NOW THEREFORE, BE IT**

**RESOLVED**, that **John Clifford** of **Cohocton, New York** be, and the same hereby is, appointed as Steuben County's representative to the Western Regional Off-Track Betting Corporation Board of Directors for a term commencing July 26, 2004 through December 31, 2007, and be it further

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

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

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

*Motion by Mr. Gehl to amend the resolution to limit the appointment to a two-year term, seconded by Mr. Swackhamer.* Mr. Schwartz asked why are we amending the term without discussion? This term was not approved by the Rules Committee. Mr. Gehl stated he's suggesting the change as he believes it would be more suitable to have the term coincide with the term of the Legislative Chair. Mr. Ahrens recommended they vote on the amendment. **Vote: Roll Call – Motion Fails. Yes: 2189; No: 6719; Absent: 964. (No: Creath, Donnelly, Isaman, Jamison, Mayo, McAllister, McIntyre, Nielsen, Roche, Schwartz, Walsh)**

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 133-04**

Introduced by D. Creath.

Seconded by Mr. Swackhamer.

**SUPPORTING THE NEW YORK STATE ADVISORY PANEL ON TRANSPORTATION POLICY FOR 2025 AS IT PREPARES THE STATEWIDE TRANSPORTATION MASTER PLAN.**

**WHEREAS**, the New York State Advisory Panel on Transportation for 2025 will conduct public hearings and hold meetings to develop a Statewide Transportation Master Plan that will meet the future needs and expectations of the traveling public and commercial enterprises, and

**WHEREAS**, the County of Steuben wishes to express its support for those transportation projects imperative to the residents of the State of New York to improve public safety, efficiency and environmental protection, and

**WHEREAS**, the County of Steuben further supports these various transportation projects as an integral part of a coordinated effort throughout the State to foster and facilitate economic development as each of the various projects will enhance tourism, job creation and business development throughout the State of New York and

**WHEREAS**, the designation of New York State Route 17 to I-86 and Route 15 to I-99 will provide a highway network with connection to every interstate highway located within New York State and interstates leading into Pennsylvania, and

**WHEREAS**, the State's ability to provide competitively priced commercial airfares and to promote general aviation activities is necessary for a healthy business climate and the increasingly critical tourism market not only to the Steuben County area through the Elmira/Corning Regional Airport, but airports throughout the State, and

**WHEREAS**, there is a vital need to optimize the significant investment that has been made in public bus transportation in Steuben County and throughout the State to ensure that all residents can access work, shopping and recreational sites, and to further promote usage as a means of reducing street and highway congestion and environmentally harmful emissions, and

**WHEREAS**, in order to meet new higher federal emission standards, the advancement of diesel retrofits to reduce particulate emissions and nitrogen oxide emissions is essential, and

**WHEREAS**, rail freight is a critical mode of transportation sustaining thousands of manufacturing jobs in Steuben County and throughout the State and the Southern Tier Line owned by Norfolk Southern Railroad and other rail lines must be satisfactorily maintained and upgraded to retain rail service as a viable means of freight transportation in New York.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature does hereby support the New York State Advisory Panel on Transportation for 2025 as it develops a Statewide Transportation Master Plan that will meet the future needs and expectations of the traveling public and commercial enterprises, and be it further

**RESOLVED**, that the County of Steuben does hereby support the following transportation projects and policies to be considered by the New York State Advisory Panel on Transportation 2025 in the development of Statewide Transportation Master Plan, i.e., completion of the conversion of New York State Route 17 to I-86, advancement and conversion of Route 15 to the New York State-Commonwealth of Pennsylvania I-99 corridor, promotion of the various regional airports, including the Elmira/Corning Regional Airport, advancement of diesel retrofits to meet higher Federal emission standards and promotion of commercial, freight and public transportation (bus and rail), and be it further

**RESOLVED**, continued improvements to local and county roads that feed traffic to the state highway system must be considered part of a larger whole, and be it further

**RESOLVED**, that the County of Steuben does further support and encourage the development of policy guidelines and a dedicated Federal and State funding stream for those projects, including the aforementioned projects, that meet predetermined policy guidelines as developed by the New York State Advisory Panel on Transportation for 2025 for inclusion within the Statewide Transportation Master Plan, and be it further

**RESOLVED**, that the Clerk of the Legislature is hereby authorized and directed to forward certified copies of this resolution to Joseph Boardman, Commissioner of the NYS Department of Transportation and Chairman of the New York State Advisory Panel on Transportation for 2025, and the Honorable George Pataki, New York State Governor, Capitol Building, Albany, NY 12224.

Mr. Spagnoletti stated the Schuyler/Steuben Transportation Committee approved a resolution that included the following: **RESOLVED**, continued improvements to local and county roads that feed traffic to the state highway system must be considered part of a larger whole.

*Motion to amend the resolution to include the following: RESOLVED, continued improvements to local and county roads that feed traffic to the state highway system must be considered part of a larger whole; made by Mr. Creath, seconded by Mr. Swackhamer and duly carried.*

**Vote: Acclamation – Adopted.**

Chairman Roche stated the Public Works Committee voted on an item this morning and is requesting a resolution not on the agenda be approved today. There being no objections, the following resolution was introduced:

**RESOLUTION NO. 134-04**

Introduced by H. Mayo.

Seconded by R. Nielsen.

**AUTHORIZATION TO PURCHASE 0.156± ACRES OF LAND ALONG COUNTY ROUTE 110 FOR THE PURPOSE OF CONSTRUCTING A NEW FEDERALLY-AIDED BRIDGE AND APPROACH ROADWAY OVER THE CANISTEO RIVER IN THE TOWN OF RATHBONE.**

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

**WHEREAS**, the Steuben County Department of Public Works wishes to realign a section of County Route 110 in the Town of Rathbone in order to construct a new federally-aided bridge over the Canisteco River, and

**WHEREAS**, in order to do said improvement, the County is desirous of purchasing a 0.156± acre parcel of land along County Route 110, and

**WHEREAS**, Frank A. Caparulo, who is the landowner, has agreed to sell the said 0.156± acres for a price of \$1,400.00 (Fourteen Hundred Dollars), and

**WHEREAS**, the Public Works Department has the money in the existing budget and in the existing Federal-aid agreement with NYSDOT for said purchase, and

**WHEREAS**, the Public Works Committee of this Steuben County Legislature has approved the purchase.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Public Works is authorized and directed to purchase said parcel of land from Frank A. Caparulo at a cost of \$1,400.00 (Fourteen Hundred Dollars), and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the County Auditor and Frank A. Caparulo at CR 110, Cameron Mills, NY 14820.

Mr. Spagnoletti stated this purchase is needed in order to construct the CR110 bridge in Rathbone. It is a \$2 million federally-aided project. They've been working with the landowner to obtain ownership of the parcel of land.

**Vote: Roll Call – Adopted.**

Mr. Ahrens stated we have received a proposal on the Health Care Facility. If the proposal is going to be accepted, it will only be following the requisite public hearings. Right now we are really in the infancy of this process. I'm mindful that there are deep concerns by the public and staff. This process does require public participation and the public will be heard. However, right now the legislature needs to deliberate in Executive Session.

*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 105.1.H. The Proposed Acquisition, Sale Or Lease Of Real Property Or The Proposed Acquisition Of Securities, Or Sale Or Exchange Of Securities Held By Such Public Body, But Only When Publicity Would Substantially Affect The Value Thereof Made By Mr. Jamison, seconded by Mr. Isaman and Duly Carried.*

*Motion to Adjourn Executive Session and Reconvene in Regular Session Made by Mr. Nielsen, Seconded by Mr. Gehl and Duly Carried.*

*Motion to reject the proposal submitted by the law firm Trevett, Lenweaver and Salzer made by Mr. Donnelly, seconded by Mr. Nielsen.*

*Motion to amend the previous motion to include directing the County Administrator to seek Fair Market Value for the Health Care Facility made by Mr. Schwartz, seconded by Mr. McIntyre. Discussion followed.*

Mr. McIntyre stated closing the facility has been furthest from my mind. Saving the facility is my goal. More than any Legislator in this chamber, I have been visiting the Health Care Facility to see a patient there under Project Care. When Henry passed away it was a personal loss for me. We have an opportunity to keep the facility running and operating. The operating cost over income has continued to drain our reserve by \$1.5 million per year. When the reserve vanishes, where will we be? Will that mean a burden on the taxpayers or will we close the doors? We have the opportunity to keep the facility open by privatizing it. We, as a County, will set the parameters. Other counties have closed their facilities. This coming year in 2005 we are expecting a tax increase of between 25 and 35 percent. When looking to keep the facility afloat in the future it would result in the burden of another 10 percent to the taxpayers. That's too much to ask them to carry. Mark my words, I predict if we don't build a new facility we will be closing our doors in 5 years.

Mr. Schwartz stated I have tried to balance this fairly. I have two relatives in the facility and my mother is in a facility in Elmira. Please remember the issue isn't about the Health Care Facility. It is about how much can a property owner pay? A big item is truth. I've read all of the advertisements from CSEA. When we were in a bind last year and asked CSEA for help, there was none. In fact, they came back with a proposal that was \$1.5 million higher than what we negotiated. Yet our management has had their salaries frozen. The only way we have to fund things is through taxation. We educate people at the college level for 12 percent of the budget. Escrow accounts are higher than people's mortgage payments. I'm trying to find a way to balance out care for our residents in the facility, but how do you balance it against the taxpayers? Do you care for 115 people or 98,000 residents?

Mr. Gehl stated the past 10 years I've been visiting nursing homes within a 50-mile radius. Privately operated facilities are not up to par with our Health Care Facility. We owe a debt of gratitude to our staff. The place is spectacularly clean and the residents enjoy being there.

Mr. Creath stated this has been a fence-sitting experience for me. I've always been about the bottom line to get the most leverage we can for taxpayers' dollars. What convinced me today is when I learned from Mr. Nichols that a nursing home has a 20-year economic life. We either have to sell, shut down or build a new facility. I'm inclined to look at the economics of building a new facility.

Mr. Swackhamer stated I've been against selling this gem. We've looked at selling this facility for a quick fix. We don't want to sell this facility and we need to keep it and look at building a new facility.

Mr. Stachnik stated once you sell an asset it is gone and you hardly know where the money went. I believe we should build and rebase.

Mr. Nichols stated he and Mr. Isaman visited the Health Care Facility unannounced to see what it looked like and how it operates. We had a tour of the entire facility and it was very clean and the patients are well taken care of. We cannot continue financially the way we are. My position is to stay in the business and build a new facility.

Mr. McAllister stated I've tried to keep an open mind on this. I don't believe I have enough information to make an informed decision. We've had a good analysis of this proposal to purchase but I've nothing to compare it to. I'm not likely to vote to get rid of a facility without that information.

**Vote on amendment: Roll Call – Motion Fails. Yes: 3083; No: 5825; Absent: 964. (No: Creath, Donnelly, Gehl, Jamison, McAllister, Nichols, Nielsen, Stachnik, Swackhamer, Walsh. Absent: Argentieri, Baker)**

**Vote on Motion to Reject the Request for Proposal: Roll Call – Motion Carries.**

*Motion to Adjourn made by Mr. Donnelly, seconded by Mr. McAllister and Duly Carried.*

**REGULAR MEETING**  
**Morning Session**  
**Monday, August 23, 2004**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, New York, on Monday, the 23<sup>rd</sup> day of August, 2004, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll Call and all members present except Legislator Creath.

Mr. Schwartz offered the Invocation and the Pledge of Allegiance was led by Mr. Swackhamer.

Mrs. Kane asked Robert Anderson, Robert Burns, Nanette Cappadonia, Paul McKinley, David Morsch, Lauren Pepper, Cheryl Pruett and James Tinker to come forward. Chairman Roche stated Dr. Anderson nominated this group for the Team of the Month Award for the month of September. Dr. Anderson read the following nomination:

These individuals form the "Multi-family Education" work group. This group volunteered to participate in a two-year project sponsored by the NYS Office of Mental Health. This project entails ongoing training and supervision in the delivery of an innovative service for severely mentally ill (SPMI) adults and their families. The staff took on this project in addition to their regular duties in providing intensive services to SPMI adults, a difficult job in the best of economic times and one made more difficult by staff shortages and increased demand for services.

OMH offered this training beginning in 2003, on an application basis. Apparently 60 programs applied and 19 were chosen to participate. Steuben County Community Mental Health Center's Continuing Day Treatment Program was one of four programs in Western NYS to be chosen and the only out-patient program. We were chosen partly based on community (NAMI) and administrative support (Robert Anderson, Ph.D. and Hank Chapman, Psy.D.) and partly based on the fact that the "work group" had previously implemented a time-limited education program for families prior to the OMH initiative. Obviously, this group of employees is very invested in providing high quality and innovative services to the mentally ill population in Steuben County.

The work group participated in a two-day workshop in December, 2003, outlining the Multi-family Education Group model, followed by bi-weekly meetings with an assigned consultant from the Institute for Family Practice, Education and Research, an affiliate of the University of Rochester. The staff have had to make time for these consultation meetings, complete homework assignments and meet with families. As noted above, these meetings, etc. are in addition to regular work duties.

This group of employees endeavors to provide high quality and innovative services to the mentally ill adult population and deserve to be recognized by their colleagues and peers for their dedication and willingness to "go above and beyond" in public service. **CONGRATULATIONS!** Chairman Roche stated in addition to the Employee of the Month Award and the Team of the Month Award, the Employee Recognition Committee has introduced the Employee of the Year Award. The winner will receive a dinner for two aboard the Keuka Maid. All of the Employees of the Month award recipients are eligible and the winner is randomly selected from all of the recipients. Chairman Roche drew the name of Dolores Johnson, Buildings & Grounds. **CONGRATULATIONS!**

Chairman Roche stated they have also instituted a program whereby employees with 25 or more years of service will receive a Certificate of Appreciation. They will be visited in their department personally by a member of the Employee Recognition Committee and a County Legislator. He

noted 117 employees are eligible for this recognition and he'd like to hand out the first Certificate of Appreciation to Legislator Argentieri in recognition of his 25 years of service to Steuben County. Mr. Argentieri stated it is always said that Legislators are guests in Steuben County but I apparently have taken up permanent residence. Thank you.

*Motion by Mr. McIntyre adopting the minutes of the previous month's meeting with the following amendment: p36 –Delete last sentence of 8<sup>th</sup> paragraph and replace with: Mark my words, if this Legislature doesn't accept this purchase proposal or a counter offer from this group to insure the proper care of these folks, I predict the County facility will close for sure in five years. Seconded by Mr. Swackhamer and duly carried.*

Mr. Wixom introduced Dave Hopkins, the new Deputy Director of 911. Mr. Wixom stated Mr. Hopkins is a resident of Cohocton and has the experience Steuben County needs to help get the system up and running.

Mr. McIntyre announced that on August 3<sup>rd</sup> they reopened the Wood Road bridge in Campbell. It was a special event for Campbell and I'd like to personally recognize Steve Catherman, Engineer in the Department of Public Works, for without him this project would not have gone forward. He saved this historic bridge. I'd also like to thank Commissioner Spagnoletti for his support of this project and the Public Works Committee for their vision. Thank you for making the bridge a reality.

Mr. Schwartz announced he spoke with Carole Rought this morning and learned that her husband is terminal with cancer. Mrs. Rought is the Confidential Secretary for the County Attorney. Mr. Schwartz asked that everyone keep Burt Rought in their prayers.

Mr. Schwartz announced that he and Mr. McIntyre attended the memorial services for Gunnery Sergeant Lane, as did Sheriff Tweddell and Assemblyman Bacalles. We expressed our sorrow to the family on the loss of their son on behalf of the Chairman and the Legislature as a whole and informed them that if there was anything we could do to help them, we would be willing to do so. Also next Tuesday the training command from Chemung County will be leaving for Baghdad. Please keep them in your prayers as well.

Mr. Alger announced that the State budget was adopted and the Governor has issued 195 vetoes. It appears the Family Health Plus takeover is still intact but there are other items that are up in the air. I will continue to monitor the situation and keep you posted.

Mr. McIntyre complimented Mr. Alger on his letter to STREMS and how they have treated Steuben County and he has his full support for whatever he decides to do with the situation.

#### **RESOLUTION NO. 135-04**

Introduced by P. Roche.

Seconded by K. Isaman.

#### **RECEIVING AND ACCEPTING THE AUGUST 23, 2004 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 20, 2004**

1. Rita McCarthy, Erwin Town Manager - Re: Additional expenses for tax certiorari case filed by Dresser-Rand. **Referred to: Finance and Administration Committees; Larry Crossett, County Treasurer; Donna Hatch, RPTSA Director; and Fred Ahrens, County Attorney.**

2. Town of Hartsville - Re: Resolution adopted by Hartsville Town Board on July 14, 2004, to retain 30% of the town's share of the sales tax revenue. **Referred to: Finance Committee and Larry Crossett, County Treasurer.**
3. NYS Public Service Commission - Re: Notice of Intent Filed by Fortuna Energy, Inc., to Construct a Fuel Gas Transmission Line, containing approximately 14,525 feet of 6" pipeline, located in the Town of Orange, Schuyler County, and the Town of Bradford, Steuben County - Order Granting Certificate of Environmental Compatibility and Public Need. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

**July 22, 2004**

1. Steuben ARC - Re: Formal notification of the interest and intent of Steuben County Chapter, NYSARC, Inc. to establish a community residential home in the Town of Canisteo. **Referred to: Health & Education Committee and Dr. Robert Anderson, Director, Community Services.**

**July 28, 2004**

1. Fulton County Board of Supervisors - Re: Resolution "Urging Federal Intervention to Address the Property Tax Crisis in New York State" and letter requesting all counties to contact their U.S. Senate and House representatives to urge the same action. **Referred to: All County Legislators.**

**July 30, 2004**

1. Southern Tier Regional Emergency Medical Services, Inc. Re: 2<sup>nd</sup> Quarterly Report (April - June 2004) and payment request of \$1,406.25. **Referred to: Health & Education and Public Safety & Corrections Committees; Vicki Fuerst, PHN Director; and Mike Sprague, EMO Director.**

**August 2, 2004**

1. NYS Office for the Aging - Re: Revised Title VII NGA (Notification of Grant Award) which includes an increased ceiling amount equal to the final Title VII allocation - allows the County to request reimbursement up to the amount of revised ceiling. Also, NGA for the 2004-05 State LTCOP (Long-Term Care Ombudsman Program) with a ceiling amount of 25% of the tentative State LTCOP allocation. **Referred to: Human Services Committee and Linda Teter, OFA Director.**
2. NYS Office for the Aging - Re: Award of portion of tentative 2004-05 allocation under State funded local assistance programs - for Expanded In-Home Services for the Elderly Program (EISEP); Community Services for the Elderly Program (CSE); Supplemental Nutrition Assistance Program (SNAP); and Congregate Services Initiative Program (CSI). **Referred to: Human Services Committee and Linda Teter, OFA Director.**

**August 4, 2004**

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$7,430 representing the June 2004 retained surcharge revenue for Steuben County from the WROTB Corporation. **Referred to: Finance and Rules Committees and Larry Crossett, County Treasurer.**
2. NYS Public Service Commission - Re: Notice Soliciting Comments, re: Proceeding on Motion of the Commission to Examine the Safety of Consolidated Edison Company of NY, Inc.'s Electric Transmission and Distribution Systems; and, Order on Staff Proposal for same. **Referred to: A.I.P. and Public Safety & Corrections Committees, Greg Heffner, Planning Director; and Mike Sprague, EMO Director.**

**August 5, 2004**

1. Hornell City Industrial Development Agency - Re: Hornell City I.D.A. and Orion Development RA L, LLC - Public Hearing - September 7, 2004 at 10:00 a.m., Hornell City - for assistance with acquisition, construction and leasing of approximately 13,813 sq. ft. building on 3.7 acres at the intersection of Maple City Drive and Park Drive, Hornell, NY, to be used as a commercial drug store facility by Eckerd Corporation. **Referred to: Administration Committee and Donna Hatch, RPTSA Director.**

**August 6, 2004**

1. Hornell City Industrial Development Agency - Re: Hornell City I.D.A. and Maple City Retailing, LLC - Public Hearing - September 7, 2004 at 10:00 a.m., Hornell City - for assistance with construction and leasing of an approximately 10,000 sq. ft. building on 1.4 acres of land located at 960 State Route 36, Hornell, NY. **Referred to: Administration Committee and Donna Hatch, RPTSA Director.**

**August 9, 2004**

1. NYS Department of Transportation - Re: Solicitation of applications for FFY 2004 Job Access and Reverse Commute (JARC) program funding. **Referred to: A.I.P. and Human Services Committees; Greg Heffner, Planning Director; and Kathryn Biehl, DSS Commissioner.**
2. NYS Public Service Commission - Re: Notice of Intent filed by Fortuna Energy, Inc., to Construct a Fuel Gas Transmission Line, containing approximately 8,325 feet of 4" pipeline, located in the Town of Corning. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
3. NYS Public Service Commission - Re: Notice extending time for comments on a joint proposal, re: Commission to redesign the rates that NYSEG charges for transportation service and full service; reallocation of NYSEG's revenue requirement among service classifications and among the company's 7 geographic rate areas; consolidation of rate areas; and elimination of certain service classifications. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
4. NYS Education Department - Re: Formal approval of the grant application submitted to the NYSED for funding dates of 7/1/04 - 5/30/05 in the amount of \$45,750. Receipt of first payment of \$22,875 anticipated within 2-4 weeks after receipt of approved FS-10 by grant recipient. **Referred to: Administration Committee and Ken Sherer, Records Manager.**

**August 12, 2004**

1. Allegany County Board of Legislators - Re: Resolution Urging Federal Intervention to Address the Property Tax Crisis in New York State. **Referred to: Finance Committee.**

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 136-04**

Introduced by H. Mayo.

Seconded by P. Donnelly.

**AUTHORIZATION TO PURCHASE 0.203± ACRES OF LAND ALONG COUNTY ROUTE 65 FOR THE PURPOSE OF CONSTRUCTING A NEW BRIDGE AND APPROACH ROADWAY OVER THE CANISTEO RIVER IN THE TOWN OF HORNELLSVILLE.**

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

**WHEREAS**, the Steuben County Department of Public Works wishes to realign a section of County Route 65 in the Town of Hornellsville in order to construct a new bridge over the Canisteo River; and

**WHEREAS**, in order to do said improvement, the County is desirous of purchasing a 0.203± acre parcel of land along County Route 65; and

**WHEREAS**, Fay Horan, who is the landowner, has agreed to sell the said 0.203± acres for a price of \$1,000.00; and

**WHEREAS**, the Public Works Department has the money in the existing budget for said purchase; and

**WHEREAS**, the Public Works Committee of this Steuben County Legislature has approved the purchase.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Public Works is authorized and directed to purchase said parcel of land from Fay Horan at a cost of \$1,000.00; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Commissioner of Public Works, the County Auditor, the Real Property Tax Director, the Risk Manager and Fay Horan, 48 Willow Place, Hornell, New York 14843.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 137-04**

Introduced by H. Mayo.

Seconded by K. Isaman.

**AUTHORIZATION TO PURCHASE 0.577± ACRES OF LAND ALONG COUNTY ROUTE 65 FOR THE PURPOSE OF CONSTRUCTING A NEW BRIDGE AND APPROACH ROADWAY OVER THE CANISTEO RIVER IN THE TOWN OF HORNELLSVILLE.**

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

**WHEREAS**, the Steuben County Department of Public Works wishes to realign a section of County Route 65 in the Town of Hornellsville in order to construct a new bridge over the Canisteo River; and

**WHEREAS**, in order to do said improvement, the County is desirous of purchasing a 0.577± acre parcel of land along County Route 65; and

**WHEREAS**, Keith Glover, who is the landowner, has agreed to sell the said 0.577± acres for a price of \$4,500.00; and

**WHEREAS**, the Public Works Department has the money in the existing budget for said purchase; and

**WHEREAS**, the Public Works Committee of this Steuben County Legislature has approved the purchase.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Public Works is authorized and directed to purchase said parcel of land from Keith Glover at a cost of \$4,500.00; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Commissioner of Public Works, the County Auditor, the Real Property Tax Director, the Risk Manager and Keith Glover, 50 Pratt Road, Manchester, New York 14504.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 138-04**

Introduced by P. Donnelly and G. Swackhamer.

Seconded by T. Schwartz.

**DIRECTING THE DIRECTOR OF THE COUNTY REAL PROPERTY TAX SERVICE AGENCY TO SUBMIT A LIST OF CHARGES BY ASSESSING UNIT FOR THE REAL PROPERTY SYSTEM VERSION 4 (RPS V4) TO THE COUNTY TREASURER TO BE INCLUDED IN THE TOTAL COUNTY CHARGE BACKS FOR EACH TOWN AND CITY.**

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 new fee for county support of this system; 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 list of charges be forwarded to the County Treasurer to be included in his report of total Town and City charge backs for the next tax levy; for Towns, the charge backs will be added to the town tax levy and tax rate and for Cities, the charge back will be added to the cities share of the county tax levy and tax rate, both payable to the County Treasurer; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 139-04**

Introduced by G. Swackhamer.

Seconded by P. Donnelly.

**AMENDING RESOLUTION NO. 132-03, DATED AUGUST 25, 2003, ESTABLISHING THE POLICY FOR THE COUNTY OF STEUBEN RELATIVE TO PARTICIPATION IN TAX CERTIORARI PROCEEDINGS.**

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

**WHEREAS**, it is in the interest of the County to participate in the appraisals for Tax Certiorari Proceedings where the full value is in excess of \$2 million for roll Section one and six parcels; and

**WHEREAS**, the requesting assessing unit has completed a town/city wide reassessment program and filed a six year annual reassessment plan; and

**WHEREAS**, the Administration and Finance Committees have discussed this matter in detail and have identified the need to revise the original policy.

**NOW THEREFORE, BE IT**

**RESOLVED**, the County hereby establishes a revised policy that it will participate in Tax Certiorari Proceedings with other assessing units in appraisal costs only, not to include legal fees, involving a parcel or parcels in a single ownership with full values of more than \$2 million in roll Section one and six and where the assessing unit has completed a town/city wide reassessment program and filed a six year annual reassessment plan. The assessing unit must annually request advisory appraisals for all complex industrial and utility parcels from the New York State Office of Real Property Services, and such appraisals must be entered on the assessment roll annually. The County's share will be on a pro rata basis, based upon the respective tax rates for the current assessment cycle; and be it further

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

Mr. Isaman asked what is the change to the policy? Mrs. Hatch stated the original policy didn't specify that the town must request the advisory appraisals and post the changes to the tax rolls. If they are an annual reassessment town then the State is responsible for providing the towns with

the assessed values. We feel it is important for the town to request the advisory appraisals and then use them by applying the changes to the tax rolls.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 140-04**

Introduced by D. Baker and G. Swackhamer.

Seconded by D. Stachnik.

**AUTHORIZING THE TRANSFER OF \$75,000.00 FROM THE CONTINGENT FUND TO THE SHERIFF'S JAIL FUND FOR LODGING OF PRISONERS OUT OF COUNTY.**

**WHEREAS**, the 2004 Sheriff's Jail Budget Lodging of Prisoners line item contains insufficient funds for the balance of the Fiscal Year.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Treasurer is hereby authorized to transfer from the Contingent Fund the amount of \$75,000.00 to the 2004 Sheriff's Jail Budget Lodging of Prisoners line item A.5.31500.424500; and be it further

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

Mr. McIntyre asked didn't we approve \$50,000 last month and is this in addition to that? Sheriff Tweddell stated the \$50,000 was to cover the billing through June and this amount is to cover just the month of July. Mr. Alger stated over the next month we will be projecting the cost for the remainder of the year.

Mr. Argentieri asked how many out-of-county inmates are we housing? Sheriff Tweddell stated we have 8 Federal inmates and 4 of them are female prisoners. Mr. Argentieri asked if our population is so intense, why are we taking in other prisoners? Sheriff Tweddell stated he has been reducing the male Federal population and increasing the female population. I can charge them the same rate as what we pay to house the inmates. I have a good relationship with the Federal government and it is possible they can assist us if we are going to add onto the facility.

Mr. Schwartz stated it's my understanding that the Public Safety and Corrections Committee is going to look at the sentencing procedures. Mr. Alger stated yes, but it isn't a simple problem. The reasons for the abundance of inmates are numerous. We need to see if there is something we aren't doing that we should be, to keep people from sitting in jail awaiting trial. We need to make a comprehensive review to see what we can do to make it better. We found that the root cause of this issue was not people awaiting bail but that the majority of the people in jail should have been there. We will look at all of the issues to see how we can influence the current population.

Mr. Isaman asked this is the bill for July? Sheriff Tweddell stated yes, we had up to 29 inmates out at one time.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 141-04**

Introduced by D. Baker and G. Swackhamer.

Seconded by L. Jamison.

**INCREASING THE PETTY CASH FUND FROM \$500.00 TO \$1,500.00 IN THE STEUBEN COUNTY SHERIFF'S DEPARTMENT.**

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

**WHEREAS**, there is a need for the narcotics unit to have additional petty cash to use in their investigations; and

**WHEREAS**, the Sheriff Department's share of seizure funds may only be used for such purposes; and

**WHEREAS**, there are sufficient funds in this account to support the higher level of petty cash; and

**WHEREAS**, the Steuben County Public Safety and Corrections Committee and the Finance Committee have approved an increase in this account.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Treasurer be and the same hereby is authorized and directed to increase the petty cash fund for the narcotics unit in the Steuben County Sheriff's Department from \$500.00 to \$1,500.00 from the Sheriff's Trust Fund; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Steuben County Treasurer and the Steuben County Sheriff's Office.

Mr. Argentieri asked why is this increase needed? Sheriff Tweddell stated we use the petty cash for drug enforcement and \$500 isn't always enough money. This money doesn't come out from the County's budget, it comes out of the Seizures Fund. There is \$6,000 in the account right now and Drug Enforcement is the only thing the Seizures Fund can be used for. The District Attorney's office has a fund similar to mine, but if they need to access it on the weekend, sometimes that is difficult. I have the County Auditor check the petty cash fund yearly to make sure everything is accounted for.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 142-04**

Introduced by R. Nichols and P. Donnelly.

Seconded by R. Argentieri.

**RECLASSIFICATION OF A VACANT ACCOUNT CLERK TYPIST, GRADE VI POSITION TO A SENIOR ACCOUNT CLERK, GRADE VIII POSITION WITHIN THE STEUBEN COUNTY HEALTH CARE FACILITY.**

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

**WHEREAS**, there is a position in the Steuben County Health Care Facility which is inappropriately titled and not consistent with the duties for said position; and

**WHEREAS**, the Steuben County Personnel Officer and the Administration and Health and Education Committees have reviewed said position within the Steuben County Health Care Facility 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 Steuben County Health Care Facility is hereby reclassified:

Account Clerk Typist, Grade VI (\$21,294–\$30,062) to  
Senior Account Clerk, Grade VIII (\$23,215–\$32,722)

**AND BE IT FURTHER RESOLVED**, the 2004 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, the County Treasurer and the Health Care Facility Administrator.

Mr. Argentieri asked do we intend to fill these positions? Mr. Roche stated yes. Mr. Argentieri asked how much will it cost the County? Mr. Swackhamer stated approximately \$2,000 each. Discussion followed.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 143-04**

Introduced by R. Nichols and P. Donnelly.

Seconded by K. Isaman.

**RECLASSIFICATION OF A VACANT UTILITY WORKER, GRADE IV POSITION TO A CLEANER, GRADE V POSITION WITHIN THE STEUBEN COUNTY HEALTH CARE FACILITY.**

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

**WHEREAS**, there is a position in the Steuben County Health Care Facility which is inappropriately titled and not consistent with the duties for said position; and

**WHEREAS**, the Steuben County Personnel Officer and the Administration and Health and Education Committees have reviewed said position within the Steuben County Health Care Facility 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 Steuben County Health Care Facility is hereby reclassified:

Utility Worker, Grade IV (\$19,611–\$27,687) to  
Cleaner, Grade V (\$20,392-\$28,791)

**AND BE IT FURTHER RESOLVED**, the 2004 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, the County Treasurer and the Health Care Facility Administrator.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 144-04**

Introduced by K. Isaman.

Seconded by D. Baker.

**DESIGNATING THE STEUBEN COUNTY CONFERENCE AND 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 2004 - 2005 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**, a certified copy of this resolution shall be forwarded to Peggy Coleman, Executive Director, Steuben County Conference and Visitors' Bureau, Inc., 5 West Market Street, 2<sup>nd</sup> Floor Baron Steuben Building, Corning, NY 14830.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 145-04**

Introduced by F. Gehl.

Seconded by L. Jamison.

**MEMORIALIZING THE FEDERAL GOVERNMENT TO ADDRESS THE PROPERTY TAX CRISIS IN NEW YORK STATE.**

**WHEREAS**, the New York State Legislature has been unable to carry out its governance responsibilities and is crippling counties, school districts and local governments through its inaction on numerous public policy issues; and

**WHEREAS**, Steuben County is not yet in the danger zone, but other counties are now in this danger zone and many more may exceed their legal authority to tax in 2005; and

**WHEREAS**, an obsolete Medicaid funding formula unique to New York has combined with two decades of ignoring the problem in Albany and has led to this looming crisis; and

**WHEREAS**, Steuben County Government has increased its economic base over the last two decades, consolidated government functions, cut expenses and appropriations dramatically and employee layoffs are still likely; and

**WHEREAS**, local property taxes in New York State are the highest in the Nation and deprive State residents the economic opportunity possessed by residents of other states; and

**WHEREAS**, specifically, the State Legislature's inability to address the local share cost of Medicaid has created a situation requiring unprecedented action; and

**WHEREAS**, bold leadership by our New York Congressional delegation is needed immediately to avert a constitutional tax crisis with unknown consequences; and

**WHEREAS**, Federal intervention is now necessary to accomplish key steps to avoid a Government fiscal crisis in New York State.

**NOW THEREFORE, BE IT**

**RESOLVED**, that this Legislature hereby memorializes its Congressional representatives to act swiftly to enact Federal legislation that will accomplish a substantial State takeover of local Medicaid costs and reduce the State's Medicaid mandate on local governments and property taxpayers throughout the State; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to President George W. Bush, 1600 Pennsylvania Avenue, Washington, DC; US Senator Charles E. Schumer, 313 Hart Senate Office Bldg, Washington, DC 20510-3202; US Senator Hillary Rodham-Clinton, 476 Russell Senate Office Bldg, Washington, DC 20510; Congressman Amory Houghton, 1110 Longworth House Office Bldg, Independence Avenue, Washington, DC 20515; Mr. Robert Gregory, Executive Director, NYSAC, 111 Pine Street, Albany, NY 12207; and Ms. Esther Leadley, President, InterCounty Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, NY 14020.

**Vote: Acclamation – Adopted.**

**T A B L E D  
RESOLUTION NO. 146-04**

Introduced by F. Gehl.

Seconded by T. Schwartz.

**MEMORIALIZING THE UNITED STATES DEPARTMENT OF TRANSPORTATION TO LABEL DEPLETED URANIUM SHIPMENTS AS “RADIOACTIVE” TO PROTECT EMERGENCY RESPONDERS IN CASE OF AN ACCIDENT DURING TRANSPORT.**

**WHEREAS**, unmarked radioactive ammunition shipments are currently allowed by a special United States Department of Transportation (USDOT) exemption, which allows explosives and radioactive material to be shipped with only an “Explosive” placard; and

**WHEREAS**, the USDOT exemption, DOT-E9649, was first applied for in 1986 by the Military Traffic Management Command (MTMC); and

**WHEREAS**, DOT-E9649 has been renewed every few years by the USDOT and the MTMC, and could be renewed again on June 30, 2004; and

**WHEREAS**, Depleted Uranium (DU) munitions are uniquely hazardous material, consisting of a radioactive penetrator which breaks down into small particles when burned; and

**WHEREAS**, in a highway or railway fire, DU munitions could possibly spread radioactive material downwind for a great distance; and

**WHEREAS**, first responders (local police and firefighters) would have no idea that the shipment contains potentially harmful radioactive materials.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the USDOT is memorialized not to provide an exemption on appropriate labeling; and be it further

**RESOLVED**, that the Director of Emergency Services make all the appropriate contacts to State and Federal Agencies to further understand the issue and express concern on the issue; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Director of Emergency Services, the Steuben County Sheriff and the United States Department of Transportation, 400 7<sup>th</sup> Street SW, Washington, DC 20590.

Sheriff Tweddell stated this resolution refers to military articles and, frankly, they don't really care what we think about how their vehicles are marked. He's been informed that this will go no where and that the County is wasting its time so the resolution can be withdrawn.

Mr. Schwartz stated the military can think what they want but the intelligence community is being overhauled and our citizens need to know what is being transported in the event there is a disaster in the Southern Tier and our emergency workers are exposed.

Mr. Stachnik stated this might be a little top heavy for a County Legislature.

Mr. Argentieri stated it could be a double-edged sword because if they are marked, the terrorists will also know what's in the containers. Sheriff Tweddell stated that is what the military maintains. There are two escort vehicles with the main transport vehicle and the primary vehicle isn't allowed to stop for any reason. Discussion followed.

**Motion to table Resolution No. 146-04 made by Mr. Gehl, seconded by Mr. Jamison. Motion carries by Roll Call Vote: Yes – 8222; No – 1108; Absent – 542. (No: Nichols, Schwartz. Absent: Creath)**

*Motion to Adjourn made by Mr. Nielsen, seconded by Mr. Donnelly and duly carried.*

**REGULAR MEETING**  
**Morning Session**  
**Monday, September 27, 2004**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, New York, on Monday, the 27<sup>th</sup> day of September, 2004, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll Call and all members present except Legislator Argentieri.

Mr. Swackhamer offered the Invocation and the Pledge of Allegiance was led by Mr. McIntyre.

Mrs. Kane asked Betty Nichols to come forward. Mrs. Nichols is an employee in the Department of Social Services. Chairman Roche presented her with a Certificate of Appreciation and a 20-year pin in recognition of her 20 years of service to Steuben County.

Mrs. Kane asked James Tinker to come forward. Mr. Tinker is an employee in the Office of Community Services. Chairman Roche presented him with a Certificate of Appreciation and a 15-year pin in recognition of his 15 years of service to Steuben County.

Mrs. Kane asked Amy Dlugos to come forward. Mrs. Dlugos is an employee in the Planning Department. Chairman Roche presented her with a Certificate of Appreciation and a 10-year pin in recognition of her 10 years of service to Steuben County.

Mrs. Kane asked Karen Monje and Veronica Olin to come forward. Veronica Olin, an employee in the County Clerk's Office, was nominated for Employee of the Month for the Month of October by Ms. Monje, Mike Flint, Betty Haenisch, Wendy Jordan, Linda Page and Cheryl Updike. Ms. Monje read the following nomination: The County Clerk's Office computer system has undergone a major conversion. Vicky has been instrumental in dealing with the computer vendor and the Information Technology Department to correct all problems that arise and to make the necessary changes to the system. If a coworker makes a mistake in the system that needs to be fixed, Vicky is the person in the office designated to handle the correction. She has taken on all additional responsibilities while still fulfilling her duties as Desk Clerk. She maintains an enthusiastic attitude and is extremely helpful to all coworkers and abstractors in handling their problems. The County Clerk's Office is able to function with minimal disruption during this computer conversion because of her dedication and hard work. **CONGRATULATIONS VICKY!**

Mrs. Kane asked Norma Lewis, Leslie Drum and John Zehr to come forward. Mr. Zehr nominated Norma Lewis and Leslie Drum for the Team of the Month Award for the Month of October. Mr. Zehr read the following nomination: I would like to nominate Norma Lewis and Leslie Drum for the Team of the Month recognition. Both of these ladies work in the Finance Department at the Health Care Facility. As a result of their hard work and commitment, the Health Care Facility has been able to recover approximately \$100,000 in bad debt owed to the facility. In addition, they have been very helpful in restructuring our admissions process to secure appropriate financing for people at the time of admission. They work closely with the families to help them get financial assistance when necessary for their loved one's stay. Their knowledge and financial insight have been critical in our attempt to stabilize the Health Care Facility's financial position. Often times their work goes unnoticed because they are behind the scenes and the focus is on the care delivered to the residents. What people don't see is how closely they work with the nursing staff to assure that not only do the residents receive exceptional care, but that we have a financial foundation that allows us to continue to provide this level of care. Their continued support has given me an opportunity to understand and deal with the challenges we face

providing services to the elderly and disabled of Steuben County. **CONGRATULATIONS NORMA AND LESLIE!**

Mr. Creath stated as a representative on the Regional Board of Trustees for Corning Community College, I'd like to introduce Dr. Bud Amann, CCC President.

Dr. Amann announced that on Wednesday, the Regional Board of Trustees would be holding their meeting in the Steuben County Legislative Chambers. He encouraged everyone to avail themselves of the opportunity to attend their board meeting. I'm here today to provide you an update of what's happening. Enrollment remains strong with 3,217 full time equivalents (FTEs). He noted two years ago they hit their peak enrollment with 3,381 FTEs. That doesn't include the non-credit courses we provide. Another interesting phenomenon that has occurred is that more people are taking courses from the college at locations not on the campus. They are using some of our Internet courses and at the 15 different locations spread across our service area. I know there has been a lot of discussion about developing a branch location in the City of Elmira, but we haven't made a final decision on that. Ironically, there have been some discussions about a site in or around the City of Hornell. We are very interested in that and will be proceeding with it. CCC remains the only college in the State with a \$200 chargeback while everyone else has a \$300 chargeback. Please keep in mind that if you send a student to a community college out of Steuben County, you will be paying more. He noted that the Governor has vetoed an increase in their State aid so the students at Corning are paying 45 percent of the costs of the institute. Obviously this concerns us.

Dr. Amann introduced Tom Carr, who will review the summary report that was distributed. Mr. Carr stated the 2004 enrollment is on target and their expenditures are at or below budget. He noted that Steuben County's enrollment for 2004 was 1205 FTEs. In the 2005 budget they are projecting a decrease in FTEs to 3,185 and, as Dr. Amann already stated, they will have a decrease in State Aid. The operating chargeback was increased by the CPI and they have eliminated 2 full-time positions. The remaining expenditures will be held to the 2004 levels.

Mr. Carr stated under the Master Plan, they have been working on replacing the roof on the Commons Building, replaced the elevator in the Nursing Building and renovated the Softball field. Within the next year they will replace the roof on the Administration, Classroom and Library Buildings, replace the elevators in the Administration, Library and Commons Buildings and renovate the Learning Center/Library Link.

Mr. Gehl asked if your enrollment is declining, how can you still think about expanding further east to Elmira? Dr. Amann stated nothing is going to move forward without the Board of Trustees approving it. We were trying to find new facilities for our Criminal Justice Program and yes, one of the options is to move it further east to Elmira. But this is just discussion and I don't see it happening anytime soon. The current facilities are inadequate to continue the police academy at its current location. This fall we are starting our first class of pre-employment training. This means the student pays the cost of the training before they are hired by an agency.

Mr. Stachnik stated I admire you looking outside the box. You have to do that to protect your student base and your faculty. Dr. Amann stated we're trying to do whatever we can to protect our enrollment and we are continually trying to see what's out there to meet the public's needs. Chairman Roche thanked Dr. Amann and Mr. Carr for their presentation.

Chairman Roche opened the floor for comments by members of the public. There being none, he declared the public comment portion of the meeting closed.

*Motion adopting the minutes of the previous month's meeting made by Mr. Schwartz, seconded by Mr. Jamison and duly carried.*

Mike Sprague, EMO Director, stated it has been an interesting month with 3 floods. What is extremely interesting is how it is going to turn out. Damages from the first storm were estimated at \$2.5 million. After the second storm, FEMA decided to combine the damages from both of them, which means the \$2.5 million turned into \$9 million worth of public damages. They have also turned in individual assistance requests, which is separate but can be tied into the same disaster declaration. We anticipate there will be a declaration at anytime. We are very hopeful it doesn't take too long. Another storm came in last week and caused another \$500,000 worth of damage. My true concern comes back to the related damages and separating them from the storms on August 30<sup>th</sup>, September 9<sup>th</sup> and September 15<sup>th</sup>. At some point FEMA could determine that any damages past a certain date wouldn't be included. Once the disaster is declared, they can give the information out to the contractors in the area. You may see them in your communities before the declaration comes out on the radio. If you see people from FEMA in the area, please let me know. We've worked with the highway department, as well as Soil and Water Conservation. He noted Soil and Water Conservation has been a tremendous help and they are stretched very thin. They are working non-stop on this. Discussion followed.

Mr. Nichols asked how bad are we going to get it tomorrow? Mr. Sprague stated the storm is supposed to go to our East but it is slowly working back this direction. It is extremely unpredictable at this point.

Mr. McIntyre stated the eye of the storm came right into Stuart, FL, where I have a home. We were down there when Frances hit. They had 2.3 million people from Florida trying to get out of the State on I-95. We were under 24-hour curfew for 5 days. He noted they had 17 to 22 inches of rain recorded before Frances took their rain gauge away. We had a shelter to go to but the roof blew off. The Presbyterian Church in our neighborhood also lost its roof and there were 4 to 5 inches of water inside the church. Mr. McIntyre gave an overview of everything he saw in Florida during the storm. He noted he spoke with his neighbors last night because the eye of Jeanne hit them yesterday. He asked everyone to please remember the devastation in Florida.

#### **RESOLUTION NO. 147-04**

Introduced by G. Swackhamer.

Seconded by P. McAllister.

#### **MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS AND PROPERTY TAXES.**

**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 #     A-1      
Name     Lincray Pape      
Parcel #     275.00-01-015.000      
Municipality     Rathbone Town      
Disposition     Refund      
Resolution #     A-2      
Name     Jeffery & Tina Harris      
Parcel #     113.00-01-001.120      
Municipality     Avoca Town      
Disposition     Correction    

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 148-04**

Introduced by P. Roche.

Seconded by T. Schwartz.

**RECEIVING AND ACCEPTING THE SEPTEMBER 27, 2004 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 23, 2004**

1. NYS Department of State - Re: Steuben County's application for Wireless 911 Expedited Deployment Funding has been approved by the NYS 911 Board in the amount of \$462,812. **Referred to: Public Safety & Corrections Committee and Finance Committee; and to Tim Wixom, 911 Director.**
2. Addison Town Board - Re: Resolution adopted by Board on 8/10/04 to increase the redistribution of the 3% County sales tax including any penalties, to the maximum. **Referred to: Finance Committee and Larry Crossett, County Treasurer.**

**August 26, 2004**

1. NYS Office of Parks, Recreation & Historic Preservation - Re: George W. Hallock House @ 16 W. William Street, Bath, NY, - recommended for registry on the State Register of Historic Places and nomination to the National Register of Historic Places. **Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Twila O'Dell, Historian.**

**August 31, 2004**

1. Empire Pipeline - Re: Notice of Public Hearing regarding proposed expansion of Empire Pipeline - letters being sent to all affected landowners. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

**September 1, 2004**

1. Corning Community College - Re: Changes made to county chargeback rate and estimate of total chargebacks: Operating Chargeback rate changed from the current \$2,235 per Fte to \$2,277 per Fte; the Capital Chargeback rate remains unchanged at \$200 per Fte. Operating Chargebacks for Steuben County for January-December 2005: \$2,789,870 and Capital Chargebacks: \$245,961; Total: \$3,035,831. **Referred to: Health & Education Committee; Finance Committee; and Larry Crossett, County Treasurer.**
2. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$6,655 representing the July 2004 retained surcharge revenue for Steuben County from WROTBC. **Referred to: Rules and Finance Committees; and Larry Crossett, County Treasurer.**

**September 2, 2004**

1. NYS Electric & Gas - Re: Case 29211 Order Requiring Submittal of Semi-annual Inventory Reports of PCB Equipment - Re: Equipment In-Service as of 6/30/04 and Retired from Service 1/1 through 6/30/04, which are submitted in accordance with Section 66(23) of the Public Service Law. **Referred to: Public Safety & Corrections Committee; Tim Wixom, 911 Director; and Mike Sprague, EMO Director.**

**September 3, 2004**

1. NYS Office for the Aging - Re: Revised Notifications of Grant Award and Annual Implementation Plan budget pages for the Title III-B, Title III-C, Title III-D and Title III-E programs for the period January 1, 2004 through December 31, 2004. **Referred to: Human Services Committee and Linda Teton, OFA Director.**

**September 7, 2004**

1. NYS Office for the Aging - RE: Official copy of Notification of Grant Award and approved application for the Weatherization Referral and Packaging (WRAP) Program for 8/1/04 - 7/31/05. **Referred to: Human Services Committee and Linda Teton, OFA Director.**

**September 13, 2004**

1. Finger Lakes SPCA, Inc. - Re: Request for County funds for 2005 in the amount of \$17,000 (reduction of \$8,000 from 2004). **Referred to: A.I.P. and Finance Committees.**
2. PushBack (Jonathan Panzer, Co-Chair) - Re: Requesting Steuben County to join them in a coordinated statewide effort to put additional pressure on State leaders to reduce unfunded mandates generally and especially to cap the local share of Medicaid. PushBack is a coalition of county, town, city and school officials who levy property tax, and the citizens who pay them. **Referred to: All County Legislators.**
3. NYS Office for the Aging - Re: Official copy of Notification of Grant Award for the Caregiver Resource Center Program for 4/1/04 - 3/31/05. **Referred to: Human Services Committee and Linda Teton, OFA Director.**
4. NYS Office for the Aging - Re: Official Notification of Grant Award and approved Application for the Retired Senior Volunteer Program (RSVP) for 4/1/04-3/31/05. (Budget amount is \$11,632). **Referred to: Human Services Committee and Linda Teton, OFA Director.**

**September 15, 2004**

1. NYS Office of the State Comptroller - Re: Report of Examination of the Court and Trust Funds for Steuben County, received by the County Treasurer's Office. **Report filed w/Clerk of Legislature.**

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 149-04**

Introduced by H. Mayo.

Seconded by K. Isaman.

**PRESENTING LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2004, RELATIVE TO THE PARCEL OF LAND ALONG STATE HIGHWAY 54A IN THE TOWN OF PULTENEY FOR PROPERTY OWNERS DANIEL B. ORNT AND JEANINE KIRCHER-ARDEN.**

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

**WHEREAS**, the County of Steuben is the owner of a parcel of property formerly used as a right-of-way for State Route 54A, also known as S.H. No. 8191 described on Abandonment Map No. 5A, Parcel No. 87 dated December 20, 2002; and

**WHEREAS**, the County is desirous of conveying said right-of-way to the adjacent owners and restoring the property to the tax rolls; and

**WHEREAS**, this parcel is no longer necessary for use as a right-of-way by the State of New York and said State has turned all rights over to the County of Steuben.

**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 2004, relative to the parcel of land along State Highway 54A in the Town of Pulteney for property owners Daniel B. Ornt and Jeanine Kircher-Arden.

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2004**

**A LOCAL LAW** relative to the parcel of land along State Highway 54A in the Town of Pulteney for property owners Daniel B. Ornt and Jeanine Kircher-Arden.

**BE IT ENACTED** by the Legislature of the County of Steuben, as follows:

**SECTION 1.** The Chairman of the Steuben County Legislature be, and the same hereby is authorized and directed for and in consideration of the sum of One Dollar (\$1.00), and payment of advertising costs, to convey to Daniel B. Ornt and Jeanine Kircher-Arden, the following tract of land:

All that piece or parcel of property, being a portion of Section 37.008, Block 01, Parcel 8.000 as shown on the official tax map, hereinafter designated as Parcel No. 87, situate in the Town of Pulteney, Steuben County, State of New York, as shown on Map No. 5A and described as follows:

**PARCEL NO. 87**

Beginning at an iron pin and cap set on the original user highway boundary of the Hammondsport-Branchport Highway, Pt. 3, S.H. 8191, Route 54A, being 72.26 feet easterly, measured at right angles, from Station 536+94.52 of the hereinafter described 1962 Survey Baseline for the reconstruction of the Hammondsport-Branchport Highway, Pt. 3, S.H. 8191, Route 54A; thence South 69°14'33" West along the north line of the lands of Peck a distance of 25.87 feet to an iron pin & cap set, said point being a distance of 46.78 feet easterly, measured at right angles, from Station 536+89.70; thence North 10°10'01" West along the proposed highway boundary a distance of 37.41 feet to an iron pin & cap set on the proposed highway boundary, said point being a distance of 46.70 feet easterly, measured at right angles, from Station 537+27.11; thence North 54°00'27" East along the south line of the lands of Campbell a distance of 22.70 feet to an iron pin & cap set on the original user highway boundary, said point being a distance of 67.11 feet easterly, measured at right angles, from Station 537+37.05; thence South 18°02'33" East through the lands of Ornt & Kircher-Arden and along the original user highway boundary a distance of 39.08 feet to an iron pin & cap set on the original user highway boundary, said point being a distance of 72.56 feet easterly, measured at right angles, from Station 536+98.34; thence South 05°41'25" East through the lands of Ornt & Kircher-Arden and along the original user highway boundary a distance of 3.83 feet to the point of beginning; being 952± square feet or 0.022± acres.

Being a portion of the original user highway right of way of S.H. 8191, Hammondsport-Branchport, Pt. 3.

The new highway boundary to be along the following courses and distances:

- 1) South 69°14'33" West a distance of 25.87 feet,
- 2) North 10°10'01" West a distance of 37.41 feet,
- 3) North 54°00'27" East a distance of 22.70 feet.

The above-mentioned Survey Baseline is a portion of the baseline, recovered on October 16, 2002, for the 1962 reconstruction of the Hammondsport-Branchport Highway, Pt. 3, S.H. 8191, Route 54A as shown on the map and plan on file in the office of the State Department of Transportation as follows:

Beginning at Station 536+45.25 thence North 10°02'29" West to Station 542+37.93.

All bearings refer to True North at 76°35'00" meridian of West Longitude.

All of the above shown on Abandonment Map No. 5A, Parcel No. 87, dated December 12, 2002 and filed in the Office of the New York State Department of Transportation.

**SECTION 2:** The within statute shall be construed as an offer to convey to, and an option to purchase the subject premises by Daniel B. Ornt and Jeanine Kircher-Arden. Failure or refusal to furnish consideration on or before February 28, 2005, shall terminate the within offer.

**SECTION 3:** 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 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 Steuben County Legislative Meeting on the 25th day of October, 2004, at 10:00 A.M. or such other date and time that may be adjourned, at the Steuben County Office Building, Three 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 of the County of Steuben 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,** a certified copy of this resolution shall be forwarded to the County Treasurer; the County Clerk; the Commissioner of Public Works; the Real Property Tax Service Agency Director; and Phillip L. Bailey, Esq., 118 Main Street, Penn Yan, NY 14527.

**Vote: Acclamation – Adopted.**

#### **RESOLUTION NO. 150-04**

Introduced by P. Donnelly.

Seconded by T. Schwartz.

#### **REAPPOINTING MARK R. ALGER OF BATH, NEW YORK, AS THE STEUBEN COUNTY ADMINISTRATOR.**

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

**WHEREAS,** the term of office for Mark R. Alger as County Administrator of the County of Steuben expires on December 31, 2004; and

**WHEREAS,** Mark R. Alger has again been recommended for reappointment as County Administrator by the Administration Committee at their regular meeting on September 14, 2004, for a four-year term, commencing January 1, 2005 and terminating December 31, 2008.

#### **NOW THEREFORE, BE IT**

**RESOLVED,** that Mark R. Alger of Bath, New York, be and the same hereby is, reappointed as County Administrator of the County of Steuben for a term commencing January 1, 2005 and terminating December 31,

2008, and shall receive such compensation as set forth in the Management Evaluation & Salary Plan; and be it further

**RESOLVED**, a certified copy of this Resolution shall be forwarded to the County Administrator, Personnel Officer, and the County Treasurer.

Mr. McIntyre stated Mark Alger is very professional. How he has the tolerance to put up with us, I don't know. He is a unique individual and I highly recommend approval of this resolution.

**Vote: Roll Call – Adopted.**

### **RESOLUTION NO. 151-04**

Introduced by H. Mayo.

Seconded by T. Schwartz.

### **REAPPOINTING VINCENT SPAGNOLETTI OF HAMMONDSPORT, NEW YORK, AS THE COMMISSIONER OF THE STEUBEN COUNTY DEPARTMENT OF PUBLIC WORKS.**

Pursuant to Section 100 of the Highway Law of the State of New York.

**WHEREAS**, the term of office for Vincent Spagnoletti as Commissioner of the Steuben County Department of Public Works terminates on November 8, 2004; and

**WHEREAS**, Vincent Spagnoletti has again been recommended by the Public Works Committee for a four-year term, commencing November 9, 2004 and terminating November 8, 2008.

### **NOW THEREFORE, BE IT**

**RESOLVED**, that Vincent Spagnoletti of Hammondsport, New York, be, and the same hereby is, reappointed as Commissioner of the Steuben County Department of Public Works for a term commencing November 9, 2004 and terminating November 8, 2008; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Personnel Officer, the County Treasurer, and to Vincent Spagnoletti.

Mr. McIntyre stated we have a lot of gems in Steuben County and Mr. Spagnoletti is one of them. I highly recommend approving this resolution.

Mr. Schwartz stated in the last two storms, the Town of Corning has suffered considerable damage as well. The Commissioner was there the whole time. I think it is important that he cares for the needs of the people. He should be commended for that.

Mr. Mayo stated it has been a pleasure working with Mr. Spagnoletti for the past 12 years. I appreciate the cooperation he has shown supporting this Legislative body.

**Vote: Roll Call – Adopted. Yes: 8824. No: 597. Absent: 451  
(No: Walsh; Absent: Argentieri)**

**RESOLUTION NO. 152-04**

Introduced by H. Mayo.

Seconded by K. Isaman.

**AUTHORIZING AND DIRECTING THE COMMISSIONER OF PUBLIC WORKS TO PREPARE AN AMENDED COUNTY MAP OF THE COUNTY HIGHWAY SYSTEM TO CONTAIN CERTAIN NAMES OR DESIGNATIONS IN ORDER TO FACILITATE THE IMPLEMENTATION OF ENHANCED 9-1-1 ADDRESSING SYSTEM, AND TO ACCOMMODATE THE MAILING SYSTEM OF THE UNITED STATES POSTAL SERVICE.**

Pursuant to Highway Law §115 of the State of New York.

**WHEREAS**, the Steuben County Enhanced 9-1-1 Department has made various recommendations for the names or designations of various roads and highways within Steuben County to be incorporated by the Commissioner of Public Works and to the County highway map; and

**WHEREAS**, said recommendations are essentially for the implementation of the proper addressing system for Enhanced 9-1-1 and represent a significant portion of the creation of an Enhanced 9-1-1 System; and

**WHEREAS**, it is necessary from time to time to make periodic adjustments to the addressing system as the same becomes complete in order to more readily facilitate the designation of those mailing addresses for certain purposes including, but not limited to, the United States Postal Service as well as telephone companies servicing the County of Steuben; and

**WHEREAS**, the recommendations made by the County Enhanced 9-1-1 Department have been adopted by all the municipalities within the County; and

**WHEREAS**, the County is adopting said plan for addressing for the County Enhanced 9-1-1 program, and as part of that plan has adopted the policy that roads and highways within the County be designated in accordance with the aforesaid recommendations; and

**WHEREAS**, it is necessary to authorize and direct the Commissioner of Public Works to amend the Official County highway map to incorporate the aforesaid designations.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the County of Steuben hereby authorizes and directs the Commissioner of Public Works to amend the County highway map upon completion of the Enhanced 9-1-1 addressing system to incorporate the following changes:

1. County Route 7  
County Route 7 shall commence at its intersection with County Route 105 in the Town of Avoca and proceed in a generally northeast direction through the Town of Wheeler and into the Town of Prattsburgh where it shall cross State Route 53 and terminate at the intersection of County Route 122 and North Main Street in the Hamlet of Prattsburgh.
2. County Route 122  
County Route 122 shall commence at the intersection of County Route 7 and North Main Street in the Hamlet of Prattsburgh and proceed in a generally north direction to the municipal boundary of Yates County.

**AND BE IT FURTHER RESOLVED**, the Commissioner of Public Works is authorized and directed to modify the official County road map system upon completion of the E 9-1-1 addressing program; and be it further

**RESOLVED**, the Commissioner of Public Works and the E 9-1-1 Director are hereby authorized and directed to insure that the United States Postal Service, fire districts, ambulances, affected landowners, appropriate law enforcement agencies, and such other agencies as they deem appropriate are notified; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Commissioner of Public Works; E9-1-1 Director; Steuben County Sheriff; Emergency Management Director; Prattsburgh Town Supervisor; NYS Department of Transportation and the US Postal Service.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 153-04**

Introduced by H. Mayo and G. Swackhamer.

Seconded by T. Schwartz.

**AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO CLOSE AND TRANSFER FUNDS FROM THE DEPARTMENT OF PUBLIC WORKS SECURITY SYSTEM CAPITAL PROJECT TO THE PERMANENT IMPROVEMENTS ROAD PROJECT FUND.**

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

**WHEREAS**, there have been unforeseen additional costs due to increased fuel prices and two floods; and

**WHEREAS**, the Public Works Committee of this Steuben County Legislature has approved the transfer of monies to help fund an additional road project as well the increased fuel prices and the repairs for two floods; and

**WHEREAS**, the Finance Committee of this Steuben County Legislature has approved the transfer \$109,586.82 from Security System HS9901.5.250.000 to Permanent Improvements 511200.5.250.000.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature hereby approves the transfer \$109,586.82 from Security Systems HS9901.5.250.000 to Permanent Improvements 511200.5.250.000; and be it further

**RESOLVED**, the Steuben County Treasurer be and the same hereby is authorized and directed to transfer \$109,586.82 from Security Systems HS9901.5.250.000 to Permanent Improvements 511200.5.250.000; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Steuben County Treasurer and the Commissioner of Public Works.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 154-04**

Introduced by H. Mayo and G. Swackhamer.

Seconded by K. Isaman.

**AMENDING THE RESOLUTION ADOPTED JULY 26, 2004, AUTHORIZING THE EXECUTION OF THE REQUISITE DOCUMENTATION FOR THE CONVEYANCE OF THE TRANSFER STATION PROPERTIES IN THE TOWN OF ERWIN.**

Pursuant to Section 30 of the Highway Law and Eminent Domain Procedure Law as amended.

**WHEREAS**, the State of New York (“the State”) is appropriating or has appropriated certain property identified on Map No. 96 Parcel 123 Tax Map Ident. No.: 316.00-01-20, SH.: 5026, Town of Erwin, Proceeding: 12579, commonly referred to as the existing Erwin Transfer Facility; and

**WHEREAS**, said property is owned by the County of Steuben (“the County”) and the State and County are desirous of entering into an Agreement of Adjustment, a copy of which is attached as Exhibit “A” to the Memorandum of Understanding dated September 21, 2004, setting forth the compensation to be paid by the State to the County; and

**WHEREAS**, said agreement provides in relevant part to convey that tract or parcel authorized pursuant to Chapter 412 of the Laws of 2003, a 10.083 acre parcel described in Map 12T, and in addition make such payments as necessary to provide a substantially equivalent Transfer Station Facility, the replacement costs not to exceed \$4,006,280.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the County of Steuben Legislature accepts One Dollar, payment of which is waived (\$1.00 PW), together with the conveyance of a replacement site of 10.083 acres pursuant to Chapter 412 of the Laws of 2003 and reimbursement for the construction of a functional replacement of the Solid Waste Transfer Station, pursuant to the Agreement of Adjustment dated September 21, 2004, in the claim for the appropriation of:

MAP 96 PARCEL 123 PIN 600807222  
CORNING-PAINTED POST SH 5026  
PROCEEDING 12579

**AND BE IT FURTHER RESOLVED**, that Mark R. Alger, County Administrator of the County of Steuben be empowered to execute all memorandums, agreements, authorizations, vouchers or other documents required by the State of New York to complete payment of the County’s claim; and be it further

**RESOLVED**, the Memorandum of Understanding and Agreement of Adjustment dated and signed by the County Administrator September 21, 2004, be and the same hereby are ratified; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to: Glenn Mateer, Real Estate Officer, Real Estate Group, Region 6, 107 Broadway, Hornell; Kayla Biltucci, RE Specialist II/Acquisitions Management, State of NY DOT, 107 Broadway, Hornell, NY 14843; Donna Hatch, Director of Real Property Tax Service Agency and Vincent Spagnoletti, Commissioner of Public Works.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 155-04**

Introduced by G. Swackhamer.

Seconded by L. Jamison.

**AUTHORIZING THE STEUBEN COUNTY TREASURER TO ISSUE A BUDGET NOTE IN THE AMOUNT OF \$150,000 FOR HOUSING INMATES OUT OF COUNTY.**

**WHEREAS**, overcrowding at the Steuben County Jail has resulted in a budget shortfall in the 2004 Jail Budget line item for “Lodging of Prisoners”.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Treasurer is hereby authorized to issue a budget note in the amount of \$150,000; and be it further

**RESOLVED**, that the Steuben County Treasurer is authorized to appropriate the amount of \$150,000 to account A.3150.4245 entitled "Lodging of Prisoners"; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 156-04**

Introduced by D. Baker and G. Swackhamer.

Seconded by T. Schwartz.

**AUTHORIZING ACCEPTANCE OF THE WIRELESS 911 EXPEDITED DEPLOYMENT GRANT.**

**WHEREAS**, the New York State Department of State has awarded \$591,388 to the Steuben County E911 Department with the required match of \$60,479 in County funds, which are already budgeted in the E911 Project; and

**WHEREAS**, the purpose of said funding is to purchase hardware and software for the E911 Phase II Wireless portion of the system.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County E911 Department is hereby authorized to accept said grant funding for the purpose of purchasing hardware and software for the E911 System; and be it further

**RESOLVED**, the Steuben County Treasurer is hereby authorized to appropriate the sum of \$530,909 to the Steuben County E911 Startup Project (PA.5.3020.0001.2950) and to estimate revenues from the New York State Department of State in the same amount and allocate the County's share within the project; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the E911 Director and the County Treasurer.

Mr. Wixom stated the State of New York opened up \$100 million to get 911 Centers Phase II compliant. Therefore, we have qualified for \$591,388 in funding. The equipment will be installed tomorrow and you're welcome to come see it.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 157-04**

Introduced by R. Nichols and P. Donnelly.

Seconded by R. Nielsen.

**RECLASSIFICATION OF TWO ACCOUNT CLERK, GRADE V POSITIONS TO TWO ACCOUNT CLERK TYPIST, GRADE VI POSITIONS WITHIN THE STEUBEN COUNTY DEPARTMENT OF SPECIAL CHILDREN'S SERVICES.**

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

**WHEREAS**, there are two positions in the Steuben County Department of Special Children's Services which are inappropriately titled and not consistent with the duties for said positions; and

**WHEREAS**, the Steuben County Personnel Officer and the Administration and Health and Education Committees have reviewed said positions within the Steuben County Department of Special Children's 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 positions in the Steuben County Department of Special Children's Services are hereby reclassified:

- Two (2) Account Clerk, Grade V (\$20,392-28,791) to
- Two (2) Account Clerk Typist, Grade VI (\$21,294-\$30,062)

**AND BE IT FURTHER RESOLVED**, the 2004 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, the County Treasurer and the Administrative Officer of Special Children's Services.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 158-04**

Introduced by R. Nichols.

Seconded by T. Schwartz.

**AUTHORIZING THE STEUBEN COUNTY OFFICE OF COMMUNITY SERVICES TO EXECUTE A CONTRACT WITH ALLEGANY REHABILITATION ASSOCIATES, INC.**

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

**WHEREAS**, the Director of Community Services, the Health and Education Committee, and the Finance Committee have approved the transfer of funds to contract with Allegany Rehabilitation Associates to provide services within the County; and

**WHEREAS**, services would not be otherwise available to the constituency; and

**WHEREAS**, services include:

1. Intake Services
2. Nursing and Therapeutic Services to CDT
3. Social Club
4. Specialized Billing and Fiscal Services
5. Evaluation of chemical dependency

**WHEREAS**, County costs are not increased, but will be transferred from already appropriated funds not to exceed \$71,618 for 2004.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Director of Community Services is authorized to enter into a contract with Allegany Rehabilitation Associates for said services; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Director of Community Services and the County Treasurer.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 159-04**

Introduced by P. Roche.

Seconded by D. Baker.

**REAPPOINTING A MEMBER TO THE SOUTHERN TIER EXTENSION RAILROAD AUTHORITY.**

Pursuant to Article 5, Title II-E of the Public Authorities Law.

**WHEREAS**, Article 5 of Title II-E 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 1349-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**, the term of office for one of the appointees has expired.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature does hereby reappoint the following member to the Southern Tier Extension Railroad Authority for the term as indicated:

Lidon E. Jamison  
Steuben County Legislator  
5360 Route 36, Box 121  
Canisteo, NY 14823  
**Term: September 1, 2004 through August 31, 2007**

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

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named appointees; Gerard Fitzpatrick, President, 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 made by Dr. Baker, seconded by Mr. Mayo and duly carried.*

**REGULAR MEETING**  
**Morning Session**  
**Monday, October 25, 2004**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, New York, on Monday, the 25<sup>th</sup> day of October, 2004, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll Call and all members present except Legislators Argentieri, Isaman and Schwartz.

Mr. Swackhamer offered the Invocation and the Pledge of Allegiance was led by Mr. McAllister.

Mrs. Kane asked Lisa Baker to come forward. Ms. Baker is an employee in the Department of Social Services. Chairman Roche presented her with a Certificate of Appreciation in recognition of her 20 years of service to Steuben County.

Mrs. Kane asked Darlene Herrick to come forward. Ms. Herrick is an employee in the Department of Social Services. Chairman Roche presented her with a Certificate of Appreciation in recognition of her 10 years of service to Steuben County.

Mrs. Kane asked Kimberly Stone and Martha Ober to come forward. Mrs. Ober nominated Mrs. Stone for Employee of the Month for the month of November. Mrs. Ober read the following nomination: I am nominating Kimberly Stone, Sr. Support Investigator, for the Steuben County Department of Social Services Child Support Enforcement Unit as Steuben County Employee of the Month for her outstanding attitude and work performance in all aspects of her job-related functions. Kim consistently demonstrates a unique talent to achieve a delicate balance between difficult and often confusing Child Support Program regulations and a desire to assist our clients in a courteous, competent manner.

Kim is the ultimate professional, winning the respect of the Courts, State Child Support Enforcement Offices, statewide local county districts, local governmental agencies, the local legal community, as well as her fellow unit staff members, DSS departmental staff and clients. Her ability to interact is commendable.

Due to the constant changes in the Child Support Program at the State level and the changes in laws at both State and Federal levels, Kim, in an effort to make sure our staff has every possible tool to complete their duties more effectively, wrote a local child support procedural manual for the unit's use. The computerized manual allows for efficiency, and can be updated easily. This is an ongoing process and huge savings in paper costs and man-hours. This manual has also been used as a model by various counties throughout the State. In addition, Kim is also responsible for most of the computerized forms used on a daily basis by unit staff.

Kim's manner is demure, professional, yet firm when necessary. She is an excellent role model for fellow staff in one of the most difficult programs administered by the Department of Social Services. Kim is most deserving of being considered as October's Employee of the Month. ***CONGRATULATIONS KIM!***

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

Justin Hale, Campbell Boyscout Troop #2042, stated I'm doing an Eagle project and I placed a collection barrel in the lobby of the County Office Building for coats, hats and gloves. I received over 150 coats plus many handknitted hats and mittens. I'd personally like to thank Mr. Alger, Mr. Partridge and the RSVP Sewing Group for their assistance with this project. Beginning Saturday, October 9<sup>th</sup> and every Saturday through November 1<sup>st</sup>, families come to pick up the

coats, hats and mittens that have been donated. He noted they will take donations through November 1<sup>st</sup>. Thank you.

Ruth Schoonover, Town of Thurston, stated I'm having a problem with people receiving raises when so many people are losing their jobs and moving out of the area. Why should Department Heads receive raises when they cannot keep their budgets under control? I don't see how it is warranted.

Scott Mazzeo, Finger Lakes Humane Society, stated in the past you have supported our program with \$25,000. We've sent a letter requesting \$17,000 instead of \$25,000. We would, however, like to change that request to the amount received in licensing fees, which is \$15,000. This will not be a tax burden on the taxpayers. Thank you.

Ira Hale, Bath, stated Justin Hale is his son and he just wanted to thank everyone for having a big heart and placing donations in the barrel. This County really pulls together to help those in need.

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 Local Law Tentatively No. Two for the Year 2004, Relative to the parcel of land along State Highway 54A in the Town of Pulteney for property owners Daniel B. Ornt and Jeanine Kircher-Arden. Chairman Roche asked if there were any comments concerning the proposed Local Law. There being no comments, Chairman Roche declared the public hearing closed.

Mr. Stachnik stated several weeks ago I was fortunate enough to attend a presentation by the Arc Foundation. I was impressed with the affect they have on the community. I've invited them to do a short presentation on exactly what they are all about. He introduced Bernie Burns, Betsy Obuhanich, Robin Gaige and Art Stilwell.

Mr. Burns stated Steuben Arc was started in 1964 by a group of 39 parents of 28 children with developmental disabilities. He provided a slideshow depicting an overview of how they support individuals in the County with developmental disabilities. Steuben Arc is a grass roots effort born of love and hope for their children's' future. It was established to create opportunities for them to learn, play, work, have friends, celebrate, meet people, love, and to be like you. Today, Steuben Arc serves 2,180 children and adults through a variety of programs: Service Coordination, Community Support, Residential Options, Facility-based Work, Supported Employment, Clinic Services, Transportation and Crisis Intervention and Prevention. Centered planning ensures individualized services to each child and adult. The staff of 350 is dedicated to carrying out the dreams of those 39 parents in 1964. Help make those dreams come true and join the Steuben Arc family.

Art Stillwell, Steuben Arc Board of Directors, stated Steuben Arc has played a vital part of my life and my family for 28 years. As a volunteer, board member, officer and parent, my relationship with the Arc has enriched my life. They have helped my daughter achieve her goals. They are a helping hand and a resource of almost limitless services. It means they can be independent and have a meaningful life. Your continued support is appreciated. Thank you.

*Motion adopting the minutes of the previous month's meeting made by Mr. McIntyre, seconded by Mr. Nielsen and duly carried.*

Mr. Sprague stated we've been declared for public assistance for Hurricane Frances and earlier flooding. We were denied for Hurricane Ivan for both public assistance and individual assistance. We appealed and did receive approval for public assistance this past weekend. We are still waiting on the appeal on the individual assistance. We continue to work with FEMA, but there is no mandated time limit for them to take action so when and if they award the appeal is a big question. We're working with the Red Cross to provide support for individuals who need living and housing repair. I'll keep you apprised of that. Discussion followed.

Mr. Sprague stated this Wednesday night the Fire Advisory Board meeting will be John Young's last, as he submitted his resignation. We're going through the archives to pull out some of the things he has had a direct impact in. The meeting is at 7:00 p.m. and everyone is invited to attend.

Mr. McCandless introduced this semester's student interns. This is the 21<sup>st</sup> year and they have 16 interns at this time.

**RESOLUTION NO. 160-04**

Introduced by G. Swackhamer.

Seconded by D. Baker.

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

**RESOLVED**, as it appears to be in the best interest of the County to sell the properties listed on Schedule "A" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof, and be it further

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

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

**RESOLVED**, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s); and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, the Clerk of the Board of Education of the appropriate School District, and the taxpayers.

**SCHEDULE "A"**

Resolution #     A-1      
Former Owner Leon & Judy Nichols  
In Rem Index No. 86329, 2002 sale  
Parcel # 166.33-03-009.000  
Municipality Hornell City  
Grantee(s) City of Hornell  
Grantee(s) Address PO Box 627, Hornell, NY 14843  
Consideration \$3,497.78, together with \$118.00 recording fees

Resolution #     A -2      
In Rem Index No. 76932, 1995 sale  
Former Owner Tiger Relocation Co/Duane & Bertha Welch  
Parcel # 166.06-02-085.000  
Municipality Hornell City  
Grantee(s) City of Hornell  
Grantee(s) Address PO Box 627, Hornell, NY 14843  
Consideration \$12,392.58, together with \$118.00 recording fees

Resolution # A-3  
In Rem Index No. 76934, 1997 sale  
Former Owner Tiger Relocation Co/Duane & Bertha Welch  
Parcel # 166.06-02-087.000  
Municipality Hornell City  
Grantee(s) City of Hornell  
Grantee(s) Address PO Box 627, Hornell, NY 14843  
Consideration \$1,768.27, together with \$208.00 recording fees

SCHEDULE "B"

Resolution # B-1  
Former Owner Michelle Wilson  
In Rem Index No. 86329, 2002 sale  
Date of Tax Sale July 14, 2004  
Parcel # 318.54-02-037.000  
Municipality Corning City  
Grantee(s) Daniel R Peterson & Shelley M Peterson, highest bidder,  
and Terrence Platt, second highest bidder, respectively  
Grantee(s) Address PO Box 481, Savona, NY 14879, and PO Box 338,  
Batavia, NY 14020, respectively  
Disposition RESCISSION OF PRIOR OFFER TO SELL FOR  
FAILURE TO PERFORM.

Resolution # B-2  
Name John Jr & Lynne Adams  
In Rem Index No. 84256, 2001 sale  
Date of Tax Sale July 14, 2004  
Parcel # 106.00-01-060.000  
Municipality Wayne Town  
Grantee(s) Brett T Schoen & Lorraine S Schoen, highest bidder,  
and Joseph Prainito, Jr, second highest bidder, respectively  
Grantee(s) Address 1319 Lake Street, Elmira, NY 14901, and 78 W 7<sup>th</sup>  
Street, Ronkonkoma, NY 11779, respectively  
Disposition RESCISSION OF PRIOR OFFER TO SELL FOR  
FAILURE TO PERFORM.

Resolution # B-3  
Name Steuben Custom Homes Inc  
In Rem Index No. 86329, 2002 sale  
Date of Tax Sale July 14, 2004  
Parcel # 298.06-01-032.000  
Municipality Erwin Town  
Grantee(s) Marketplace Realty Group, highest bidder, and  
Michael Vogt, second highest bidder, respectively  
Grantee(s) Address PO Box 495, Hammondsport, NY 14840, and  
12871 W Lake Rd, Hammondsport, NY 14840, respectively  
Disposition RESCISSION OF PRIOR OFFER TO SELL FOR  
FAILURE TO PERFORM.

**Vote: Roll Call – Adopted.**

## RESOLUTION NO. 161-04

Introduced by P. Roche.

Seconded by P. Donnelly.

### **RECEIVING AND ACCEPTING THE OCTOBER 25, 2004 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, 2004**

1. NYS Office for the Aging - Re: 2003 Single Audit Report not received by the State or a copy of the §320(e) (2) letter, which is due by 9/30/04. If extension is need, it should be requested in writing to the cognizant Federal agency. **Referred to: Human Services Committee and Linda Teter, OFA Director.**

#### **September 20, 2004**

1. NYS Department of Transportation - Re: Federal Section 5311 Operating Assistance Projects: County, PIN 6792.38.404-2003; PIN 6793.41.404 - 2004. Receipt of County's Annual Report for 2003 certifying the County's eligibility for its allocation of \$42,100. Report has been accepted by NYSDOT and \$42,100 will be forwarded to the State Comptroller's Office for payment to the County. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

#### **September 22, 2004**

1. NYS Office for the Aging - Re: Third and final Notification of Grant Award for the FFY 2004 Nutrition Services Incentive Program. **Referred to: Human Services Committee and Linda Teter, OFA Director.**
2. Governor's Office for Small Cities - NYS Housing Trust Fund Corporation - Re: Program Year 2004 NYS Small Cities Community Development Block Grant - Steuben County's application could not be funded at this time. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

#### **September 27, 2004**

1. NYS Office for the Aging - Re: Notifications of Grant Award for Community Services for the Elderly (CSE); the Congregate Services Initiative (CSI); the Expanded In-Home Services for the Elderly (EISEP); and the Supplemental Nutrition Assistance (SNAP) Programs, for the period 4/1/04-3/31/05. **Referred to: Human Services Committee and Linda Teter, OFA Director.**
2. Harris Beach, LLP, Attorneys at Law - Re: City of Hornell Industrial Development Agency and Josephine Updyke d/b/a Updyke's Willow Ridge: Distribution of Form RP-412-1 and PILOT Agreement. **Referred to: Administration & Finance Committees; Donna Hatch, RPTSA Director; Fred Ahrens, County Attorney; and Larry Crossett, County Treasurer.**

#### **October 1, 2004**

1. Harris Beach, LLP, Attorneys at Law - Re: City of Hornell Industrial Development Agency and Orion Development RA L, LLC: Distribution of Form RP-412-a and PILOT Agreement. **Referred to: Administration & Finance Committees; Donna Hatch, RPTSA Director; Fred Ahrens, County Attorney; and Larry Crossett, County Treasurer.**

#### **October 4, 2004**

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$6,574 representing the August 2004 retained surcharge revenue for Steuben County from the WROTBC. **Referred to: Rules and Finance Committees and Larry Crossett, County Treasurer.**
2. NYS Executive Chamber - Re: Steuben County District Attorney's Office is being awarded \$33,180 in Federal Violence Against Women Act grant funding. **Referred to: Public Safety & Corrections Committee and John Tunney, District Attorney.**

**October 12, 2004**

1. NYS Office for the Aging - Re: Revised Notifications of grant Award for the 2004 Titles III-, III-C-1, III-C-2, II-D and III-E Programs to reflect additional funds. **Referred to: Human Services Committee and Linda Teter, OFA Director.**
2. NYS Department of Taxation & Finance - Imposition of sales and compensation use taxes about electing or rejecting the upcoming exemption period for clothing and footwear costing less than \$110 per item of clothing or pair of footwear. New exemption period begins Monday, January 31, 2005 and ends Sunday, February 5, 2005. **Referred to: Finance Committee and Larry Crossett, County Treasurer.**

**October 13, 2004**

1. NYS Department of Health & Environmental Facilities Corporation - Re: Drinking Water State Revolving Fund - Final Intended Use Plan - Funding Period October 1, 2004 to September 30, 2005. Eligible projects for municipally owned and privately owned public water supply systems: construction of new and/or the rehabilitation of treatment plants, transmission and distribution mains, storage facilities, pump stations, interconnections, and drinking water sources; consolidation of water supplies; upgrades to existing systems; and capital investments made to improve the security of water systems; also other improvements that enhance the drinking water quality and quantity of public water supplies. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
2. Chairman, Tompkins County Legislature - Re: Letter recently received from PushBack. Tompkins County Chairman gives a brief description of the organization and its history, and urges all county representatives to support the organization in their fight for relief from State mandates. **Referred to: All County Legislators.**

**October 14, 2004**

1. NYS Office of the State Comptroller - Re: Survey of Steuben County Health Care Facility to assess whether potential cost savings or revenue enhancement opportunities exist, and to determine if the State Comptroller's Office should perform further services. Survey results indicated that the SCHCF was not in need of further services from the State Comptroller's Office at this time. **Referred to: Health & Education Committee; Finance Committee; John Zehr, Health Care Facility Administrator; (and filed in Clerk of Legislature's Office).**

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 162-04**

Introduced by H. Mayo.

Seconded by R. Nielsen.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2004, RELATIVE TO THE PARCEL OF LAND ALONG STATE HIGHWAY 54A IN THE TOWN OF PULTENEY FOR PROPERTY OWNERS DANIEL B. ORNT AND JEANINE KIRCHER-ARDEN.**

**WHEREAS**, there has been duly presented to the members of the Steuben County Legislature on September 27, 2004, County of Steuben Local Law Tentatively No. Two for the Year 2004, relative to the parcel of land along State Highway 54A in the Town of Pulteney for property owners Daniel B. Ornt and Jeanine Kircher-Arden, and this Legislature by resolution, preliminarily adopted said Local Law on September 27, 2004, making the final adoption of said Local Law subject to a Public Hearing to be held on October 25, 2004, 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 the 25th day of October, 2004 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 permissive referendum.

**NOW THEREFORE, BE IT**

**RESOLVED**, County of Steuben Local Law Tentatively No. Two for the Year 2004, as hereafter set forth be, and the same hereby is, finally adopted, to wit:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2004**

A **LOCAL LAW** relative to the parcel of land along State Highway 54A in the Town of Pulteney for property owners Daniel B. Ornt and Jeanine Kircher-Arden.

**BE IT ENACTED** by the Legislature of the County of Steuben, as follows:

**SECTION 1.** The Chairman of the Steuben County Legislature be, and the same hereby is authorized and directed for and in consideration of the sum of One Dollar (\$1.00), and payment of advertising costs, to convey to Daniel B. Ornt and Jeanine Kircher-Arden, the following tract of land:

All that piece or parcel of property, being a portion of Section 37.008, Block 01, Parcel 8.000 as shown on the official tax map, hereinafter designated as Parcel No. 87, situate in the Town of Pulteney, Steuben County, State of New York, as shown on Map No. 5A and described as follows:

**PARCEL NO. 87**

Beginning at an iron pin and cap set on the original user highway boundary of the Hammondsport-Branchport Highway, Pt. 3, S.H. 8191, Route 54A, being 72.26 feet easterly, measured at right angles, from Station 536+94.52 of the hereinafter described 1962 Survey Baseline for the reconstruction of the Hammondsport-Branchport Highway, Pt. 3, S.H. 8191, Route 54A; thence South 69°14'33" West along the north line of the lands of Peck a distance of 25.87 feet to an iron pin & cap set, said point being a distance of 46.78 feet easterly, measured at right angles, from Station 536+89.70; thence North 10°10'01" West along the proposed highway boundary a distance of 37.41 feet to an iron pin & cap set on the proposed highway boundary, said point being a distance of 46.70 feet easterly, measured at right angles, from Station 537+27.11; thence North 54°00'27" East along the south line of the lands of Campbell a distance of 22.70 feet to an iron pin & cap set on the original user highway boundary, said point being a distance of 67.11 feet easterly, measured at right angles, from Station 537+37.05; thence South 18°02'33" East through the lands of Ornt & Kircher-Arden and along the original user highway boundary a distance of 39.08 feet to an iron pin & cap set on the original user highway boundary, said point being a distance of 72.56 feet easterly, measured at right angles, from Station 536+98.34; thence South 05°41'25" East through the lands of Ornt & Kircher-Arden and along the original user highway boundary a distance of 3.83 feet to the point of beginning; being 952± square feet or 0.022± acres.

Being a portion of the original user highway right of way of S.H. 8191, Hammondsport-Branchport, Pt. 3.

The new highway boundary to be along the following courses and distances:

- 1) South 69°14'33" West a distance of 25.87 feet,
- 2) North 10°10'01" West a distance of 37.41 feet,
- 3) North 54°00'27" East a distance of 22.70 feet.

The above-mentioned Survey Baseline is a portion of the baseline, recovered on October 16, 2002, for the 1962 reconstruction of the Hammondsport-Branchport Highway, Pt. 3, S.H. 8191, Route 54A as shown on the map and plan on file in the office of the State Department of Transportation as follows:

Beginning at Station 536+45.25 thence North 10°02'29" West to Station 542+37.93.

All bearings refer to True North at 76°35'00" meridian of West Longitude.

All of the above shown on Abandonment Map No. 5A, Parcel No. 87, dated December 12, 2002 and filed in the Office of the New York State Department of Transportation.

**SECTION 2:** The within statute shall be construed as an offer to convey to, and an option to purchase the subject premises by Daniel B. Ornt and Jeanine Kircher-Arden. Failure or refusal to furnish consideration on or before February 28, 2005, shall terminate the within offer.

**SECTION 3:** 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 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 (1) certified copy thereof to be filed in the office of the Steuben County Clerk, and one (1) certified copy 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**, a certified copy of this resolution shall be forwarded to the County Treasurer; the County Clerk; the Commissioner of Public Works; the Real Property Tax Service Agency Director; and Philip L. Bailey, Esq., 118 Main Street, PO Box 397, Penn Yan, NY 14527.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 163-04**

Introduced by G. Swackhamer.

Seconded by D. Creath.

**REQUESTING LEGISLATION FOR THE AUTHORIZATION FOR THE PAYMENT OVER AND DISTRIBUTION OF TAX PROCEEDS FOR RECORDING OF MORTGAGES COLLECTED PURSUANT TO TAX LAW SECTION 253(2) TO BE MADE TO THE COUNTY TREASURER OF THE COUNTY OF STEUBEN.**

Pursuant to Tax Law Sections 253 and 261.

**WHEREAS**, the County of Steuben suspended the imposition of the additional tax on mortgages by Resolution 235, duly adopted June 16, 1969, and subsequently renewed by Resolution 186, duly adopted May 18, 1970; and

**WHEREAS**, Tax Law §261 requires the payment of said additional tax pursuant to subdivision two of §253 to made to the State Comptroller; and

**WHEREAS**, Tax Law §261 has been amended to permit the payment over of such additional tax the County Treasurer of various counties in place and in stead of the State Comptroller; and

**WHEREAS**, demands for revenues for social services programs have contributed to an unprecedented financial burden for the County of Steuben; and

**WHEREAS**, the additional revenues so generated by the payment of the additional mortgage tax to the Treasurer of the County of Steuben would help to mitigate the unusually high demand upon Steuben County taxpayers.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Governor and the Legislature of the State of New York being the same hereby are requested to adopt an amendment to Tax Law §261 so as to permit the payment over to and distribution of additional mortgage taxes collected pursuant to §253(2) to be made to the Treasurer of the County of Steuben upon the repeal of the suspension of the imposition of such additional tax; and be it further

**RESOLVED**, said funds so paid over to the Steuben County Treasurer shall be used to pay costs associated with public assistance; and be it further

**RESOLVED**, a copy of this resolution of this resolution shall be forwarded to Hon. George E. Pataki, Governor, Executive Chamber, State Capitol, Albany, NY 12224; Hon. John R. Kuhl, Jr., Senator, 310 Legislative Office Building, Albany, NY 12247; James G. Bacalles, Assemblyman, 439 Legislative Office Building, Albany, NY 12248; and New York State Department of Taxation and Finance, Attention: Stafford Davis, Esq., W. A. Harriman Campus, Albany, NY 12227.

Mr. McAllister stated he'd like to wait on this resolution to see if there are other cuts that could be made to keep from having to approve this tax. This is just another tax on homeowners and while no tax is good it might be a fairer tax if spread among everyone.

Mr. Roche stated this is just a request to the State Legislature to allow us to do this and it will come back for another vote.

Mr. McIntyre stated it still requires additional tax. We can't keep going after property tax owners, particularly new homeowners. I think this Legislature has a lot of work to do and we have fallen far short of what we can and should do with this budget.

Mr. Stachnik stated I think we should go ahead so it can be forwarded to the State. During that time, we will have more of a handle on the budget and whether we need to approve it.

**Vote: Roll Call – Adopted. (Yes: 6395; No: 1853; Absent: 1624)**  
*(No: McAllister, McIntyre, Walsh)*

#### **RESOLUTION NO. 164-04**

Introduced by G. Swackhamer.

Seconded by R. Nielsen.

**REQUESTING ENABLING LEGISLATION AMENDING ARTICLE ELEVEN OF THE TAX LAW, "TAX ON MORTGAGES", TO AUTHORIZE A LOCAL LAW ALLOWING A RECORDING TAX ON MORTGAGES BY THE COUNTY OF STEUBEN.**

Pursuant to Tax Law Article 11.

**WHEREAS**, pursuant to Tax Law §§ 253-c, 253-d, 253-e, and 253-f, legislation was enacted to authorize and empower the County of Nassau, the City of Yonkers, County of Broome, and County of Rockland, respectively, to impose a county tax of twenty-five cents for each one hundred dollars of a mortgage; and

**WHEREAS**, the County of Steuben faces unprecedented demands upon its financial resources.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Governor and the Legislature being the same hereby are requested to adopt enabling legislation amending Article 11 of the Tax Law to authorize a county tax on mortgages of twenty-five cents per \$100.00 of a mortgage; and be it further

**RESOLVED**, a copy of this resolution of this resolution shall be forwarded to Hon. George E. Pataki, Governor, Executive Chamber, State Capitol, Albany, NY 12224; Hon. John R. Kuhl, Jr., Senator, 310 Legislative Office Building, Albany, NY 12247; James G. Bacalles, Assemblyman, 439 Legislative Office Building, Albany, NY 12248; and New York State Department of Taxation and Finance, Attention: Stafford Davis, Esq., W. A. Harriman Campus, Albany, NY 12227.

Mr. McIntyre asked what's the difference between this resolution and the previous one?

Mr. Alger stated the difference is the first resolution was to approve the additional ¼ percent that is offered by State law. This one is a separate statute not already contained within the State statute.

Mr. Swackhamer stated if this body would have listened to me last year, we wouldn't have to consider this mortgage tax. We added a lot of money back into the budget last year that the Finance Committee wasn't in favor of, which is why I voted against the budget. Every time the Finance Committee removes money from the outside agencies, you vote it back in again. We continue to cut services, highway and personnel. If we continue adding the outside agencies back in, we're going to have to cut more services. It is time to tell these outside agencies no more. That's the only thing we have control over. This budget problem is because of Medicaid and we can't handle it any more. We went many years with no tax increase, when we should have increased taxes one or two percent. If we had, we would have had enough money in the fund balance to cover the increase in Medicaid. So, if you have any great ideas, let us know. If you want to keep adding back in the funding for those outside agencies, but don't want to approve the mortgage tax to pay for it, then come up with another idea. That is my challenge to you.

Mr. Stachnik stated if you look around New York State, there's been a rush by other counties to adopt this mortgage tax in order to deal with the Medicaid bills. Ten other counties are in the process of having the State approve its implementation. We are basically following a trend. Either look for revenue producing situations or increase property taxes. You can't have it both ways.

Mr. McIntyre stated personally, I think there are a lot of things we can do by cutting the budget and making things happen.

Mr. Gehl asked is this rescinding the resolution put in place in 1974? Mr. Ahrens stated this is the tax that was suspended indefinitely in 1971. This particular resolution authorizes you to have your own tax by Local Law. Discussion followed.

Mr. Nichols stated this would result in \$1.4 or \$1.5 million less that would have to come out of property taxes. This is not placed on existing homeowners, it is on people purchasing homes within the County.

**Vote: Roll Call – Adopted. (Yes: 6395; No: 1853; Absent: 1624)**  
*(No: McAllister, McIntyre, Walsh)*

#### **RESOLUTION NO. 165-04**

Introduced by G. Swackhamer.

Seconded by D. Baker.

**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 2005, 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 2005 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, 2004.

**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 2005, shall be filed with the Clerk of this County Legislature

on or before November 15, 2004, 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 2005, as herein filed, shall be held on the 2<sup>nd</sup> day of December, 2004, at 7:00 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. 166-04**

Introduced by P. Donnelly.

Seconded by D. Baker.

**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 2004, for the budget year of 2005, for the Marsh Ditch Watershed Protection District shall be held on the 2<sup>nd</sup> day of December, 2004 at 7:00 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 and members 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. 167-04**

Introduced by P. Donnelly.

Seconded by R. Nielsen.

**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 2004, for the budget year of 2005 for the Upper Five Mile Creek Watershed Protection District shall be held on the 2<sup>nd</sup> day of December, 2004 at 7:00 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. 168-04**

Introduced by P. Donnelly.

Seconded by D. Baker.

**FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE WANETA/LAMOKA 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 2004, for the budget year of 2005, for the Waneta/Lamoka Lakes' Protection and Rehabilitation Districts shall be held on the 2<sup>nd</sup> day of December, 2004 at 7:00 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 Waneta/Lamoka Lakes' Protection and Rehabilitation Districts, Thomas E. Myers, Esq., Orrick, Herrington & Sutcliffe, LLP, 666 Fifth Avenue, New York, NY 10103; Schuyler County Legislature, 105 Ninth Street, Unit 6, Watkins Glen, NY 14891; the Director of Steuben County Real Property Tax Service Agency, and the Steuben County Treasurer.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 169-04**

Introduced by D. Creath.

Seconded by G. Swackhamer.

**AUTHORIZING PUBLIC HEARING ON EIGHT-YEAR REVIEW OF AGRICULTURAL DISTRICT NO. 1.**

Pursuant to Article 25-AA, Section 303-a, of the Agriculture and Markets Law of the State of New York.

**WHEREAS**, the Agricultural District No.1, located in the Towns of Bath, Cameron, Canisteo, Jasper, Rathbone and Woodhull, Steuben County, New York was certified on April 23, 1973; and

**WHEREAS**, pursuant to said Law said District is now being reviewed; and

**WHEREAS**, the Clerk of the Legislature did file a copy of the Notice of Review in the Steuben County Clerk's office and did properly publish and have posted the thirty day (30) Notice as required by Law, and the affidavits of publication and posting of the Notice of Review of the Agricultural District having been received and filed on behalf of this Legislature; and

**WHEREAS**, upon completion of the thirty day review period, any and all proposals filed were referred to the Steuben County Agricultural and Farmland Protection Board and said Board did file written reports with this County Legislature containing their recommendations and any proposed modifications concerning the same. Said reports being hereby approved, ratified, and confirmed by this County Legislature.

**NOW THEREFORE, BE IT**

**RESOLVED**, that in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York, a Public Hearing on the review of said Agricultural District together with any modification thereof set forth in the reports of the Agricultural and Farmland Protection Board shall be held by this County Legislature on the 29<sup>th</sup> day of November, 2004, at 10:00 a.m.; and be it further

**RESOLVED**, that the Clerk of this Legislature shall cause a Notice of said Public Hearing to be published and mailed in accordance with Section 303-a of the Agriculture and Markets Law; and be it further

**RESOLVED**, that a certified copy of this resolution shall be forwarded to the Chairman of the County Agricultural and Farmland Protection Board, John Weaver, 7831 County Route 13, Bath NY 14810; the Director of the Steuben County Planning Department; and James Grace, Cornell Cooperative Extension - Steuben County.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 170-04**

Introduced by P. Roche.

Seconded by D. Baker.

**DIRECTING THE CLOSING OF ALL STEUBEN COUNTY OFFICES ON FRIDAY, NOVEMBER 26, 2004.**

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 the 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; and

**WHEREAS**, this County Legislature feels 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 the County on the day after Thanksgiving, November 26, 2004.

**NOW THEREFORE, BE IT**

**RESOLVED**, that this County Legislature declares November 26, 2004 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, are directed to close their respective offices on said date, except the field operations of the Solid Waste Division of the Steuben County Public Works Department whose normal operation includes service on Fridays, which operation shall be open for one-half (1/2) day (in the morning) of Friday, November 26, 2004; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the County Clerk; the County Treasurer; the Clerk of the Legislature; the Sheriff; and the Commissioner of Public Works.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 171-04**

Introduced by P. Roche.

Seconded by F. Gehl.

**SETTING THE DATE FOR THE NOVEMBER 2004 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 2004, on Monday, November 29, 2004, 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.E. Collective Negotiations Pursuant to Article Fourteen of the Civil Service Law Made By Mr. Swackhamer, Seconded by Mr. Donnelly and Duly Carried.*

*Motion to Adjourn Executive Session and Reconvene in Regular Session Made by Mr. Gehl, Seconded by Mr. Nielsen and Duly Carried.*

*Motion to Adjourn Made by Mr. Jamison, Seconded by Mr. McAllister and Duly Carried.*

**SPECIAL MEETING**  
**Afternoon Session**  
**Monday, November 15, 2004**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben convened in Special Session in the Legislative Chambers, Bath, New York, on Monday, the 15<sup>th</sup> day of November, 2004, at 12:00 p.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members present except Legislators Argentieri and Stachnik.

Mr. Nichols offered the invocation and the Pledge of Allegiance was lead by Mr. Walsh.

**RESOLUTION NO. 181-04**

Introduced by H. Mayo and G. Swackhamer.

Seconded by R. Nichols.

**AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO TRANSFER VARIOUS CAPITAL FUNDS OF THE DEPARTMENT OF PUBLIC WORKS TO THE CR 85 BRIDGE CAPITAL PROJECT.**

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

**WHEREAS**, the County Route 85 Bridge at the intersection with State Route 417 in the Town of Tuscarora was closed due to flood damage; and

**WHEREAS**, there are safety concerns about travel on the Addison Back Road detour during the winter; and

**WHEREAS**, the Federal Local Bridge Program will pay 80-95% of the cost to build a detour bridge; and

**WHEREAS**, the County's portion of the detour bridge cost will be approximately \$31,500; and

**WHEREAS**, the Public Works Committee of this Steuben County Legislature has approved the transfer of monies to help fund the County portion of the temporary bridge on CR 85; and

**WHEREAS**, all of the following Capital Projects have been completed except for the Fire Suppression Systems; and

**WHEREAS**, the Finance Committee of this Steuben County Legislature has approved the transfer of \$953.62 from Woodhull Shop - Storage Barn (HS0101 5 250000); \$1,482.37 from Greenwood Shop - New Ceiling (HS50201 5 250000); \$6,133.04 from Cohocton Shop - New Roof (HS0601 5 250000); \$2,957.63 from Station #2 - Ventilation (HS0701 5 250000); \$819.55 from Caton Shop - Lights (HS0901 5 250000); and \$19,153.79 from Fire Suppression System (HS9902 5 250000) to Capital Project CR 85 Bridge (5120H6 5 250000).

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature hereby approves the transfer of \$953.62 from Woodhull Shop - Storage Barn (HS0101 5 250000); \$1,482.37 from Greenwood Shop - New Ceiling (HS50201 5 250000); \$6,133.04 from Cohocton Shop - New Roof (HS0601 5 250000); \$2,957.63 from Station #2 - Ventilation (HS0701 5 250000); \$819.55 from Caton Shop - Lights (HS0901 5 250000); and \$19,153.79 from Fire Suppression System (HS9902 5 250000) to Capital Project CR 85 Bridge (5120H6 5 250000); and be it further

**RESOLVED**, the Steuben County Treasurer be and the same hereby is authorized and directed to transfer \$953.62 from Woodhull Shop - Storage Barn (HS0101 5 250000); \$1,482.37 from Greenwood Shop - New Ceiling (HS50201 5 250000); \$6,133.04 from Cohocton Shop – New Roof (HS0601 5 250000); \$2,957.63 from Station #2 – Ventilation (HS0701 5 250000); \$819.55 from Caton Shop - Lights (HS0901 5 250000); and \$19,153.79 from Fire Suppression System (HS9902 5 250000) to Capital Project CR 85 Bridge (5120H6 5 250000); and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Steuben County Treasurer and the Commissioner of Public Works.

Mr. McIntyre requested an explanation of the resolution. Mr. Spagnoletti stated he needs money to make a new detour bridge to fix the pier on CR85 bridge which was damaged by flooding.

Mr. Nichols stated it will cost the County \$31,000 for a temporary bridge. The reason we want it is the Addison Back Road is not equipped to handle this amount of traffic, which is 1,600 cars per day. I would appreciate your support of this resolution.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 182-04**

Introduced by H. Mayo.

Seconded by R. Nichols.

**AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL AID-ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, TO FULLY FUND THE LOCAL SHARE OF FEDERAL-AID ELIGIBLE AND INELIGIBLE PROJECT COSTS, AND APPROPRIATING FUNDS THEREFOR.**

**WHEREAS**, a Project for the Replacement Design of BIN 3334110, CR 85 over the Tuscarora Creek, Steuben County and the Design and Construction of the associated detour structure, PIN 6753.49 (the “Project”) is eligible for funding under Title 23 US 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 above project by making a commitment of 100% of the federal and non-federal share of the costs of the Replacement Design of BIN 3334110, CR 85 over the Tuscarora Creek, Steuben County and the Design and Construction of the associated detour structure, PIN 6753.49.

**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 Preliminary Engineering, Design, Right of Way Incidental and Construction work for the Project or portions thereof; and it is further

**RESOLVED**, that the sum of \$675,000.00 which includes the Master Agreement of \$245,000 plus this Supplemental Agreement of \$430,000 is hereby appropriated and made available to cover the new total 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 notification by the NYSDOT thereof; and it is further

**RESOLVED**, that the Chairperson of the Steuben County Legislature be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal 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-eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and it is further

**RESOLVED**, that a certified copy of this resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

**RESOLVED**, this Resolution shall take effect immediately.

Mr. Spagnoletti stated this resolution is required so the Federal government will fund this project.

**Vote: Roll Call – Adopted.**

*Motion to adjourn made by Mr. Nielsen, seconded by Mr. Nichols and duly carried.*

**SPECIAL MEETING**  
**Morning Session**  
**Monday, November 15, 2004**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben convened in Special Session in the Legislative Chambers, Bath, New York, on Monday, the 15<sup>th</sup> day of November, 2004, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members present except Legislator Stachnik.

Mr. Swackhamer offered the invocation and the Pledge of Allegiance was lead by Mr. Argentieri.

Chairman Roche opened the floor to comments from members of the public.

Martha Weale, Addison, stated I am particularly concerned as a property owner with the total of the budget, particularly the Social Services budget. I would hope that you would have some individuals who might be capable of researching cases to decrease the number of recipients. If New York City can reduce the number of recipients, I don't see why our small county can't. I would encourage that Department Head to pursue looking at the recipients to see if that number can be reduced. I have heard in Addison that a businessman had a vehicle for sale and an individual on welfare came to price the vehicle. Within an hour that individual came back with a check for the full price of that vehicle from the Department of Social Services. This individual had a want, but was there a need? I don't know who began this extravagant program but maybe it is time to scrutinize it and possibly reduce that budget. Thank you.

Ristiina Wigg, Southern Tier Library System, distributed handouts showing the 2003 statistics for the Southern Tier Library System. She thanked the Legislature for their previous and continued support. We talk a lot about computers when we come to you. We're trying very hard to balance our services and bring them to the residents. Please remember that libraries support families and small businesses. Thank you.

Carol Mehlenbacher, Cohocton Public Library, stated because of your funding, we went from a reading center to a chartered public library. Thank you for your support.

Jenny Peer, Howard Public Library, thanked the Legislature for the continued support. There are less than 250 elementary school children in the Town of Howard and last year they borrowed over 6,000 items from the library. Our 5 public computers have been used over 5,000 times in 2004 to date. Thank you again for all you have done for us.

Cindy Schamel, Savona Free Library, stated we depend very much on your aid and we appreciate it. I want to thank you for the support you have given us because without it, we would have to cut hours and we don't want to do that.

Lise Gilliland, Southeast Steuben County Library, stated I reiterate what Ristiina has said and that is to thank you for over 100,000 patrons that walk through our doors at the Southeast Steuben County Library. Going to the library is not a small or insignificant part of our lives. It is a quality of life issue. We are providing services to over 3,000 people each month through our computers for a variety of reasons. Many come in to learn new skills, type on a keyboard or create a resume. They are trying to better their lives and make it more meaningful. People depend on us and need our services. They need us to provide connectivity in their lives. Please continue our funding at the current level. Thank you.

There being no further comments, the public comment portion of the meeting was closed.

Mr. Gehl asked that Mr. Allan Johnson be allowed to speak before the Legislature. Mr. Johnson stated last year was a very busy year and three times we asked that you bring our part time Sr. Clerks back to full time. We had 5,000 new registered voters in the county in addition to the 58,000. We had a big problem with addressing but we were able to get through it and we are still counting absentee ballots. We're waiting for additional ballots coming in from the military. It may not change anything but they need to have their vote counted. Next year, as you know, it is an odd number year which means local elections. As you know, there are many changes coming next year in the County Election Offices of New York State. Next year, the State Board of Elections will be making major changes in the operation of local County Boards of Elections. These changes are a result of the need to be in compliance with the federal Help America Vote Act of 2002. We will need 90 new machines but the main problem is going to be training 300 election inspectors and 40 custodians. Plus we have to educate the voters on how to use the machines. Most counties are asking for increases in funding. All we are asking for are 4 full-time election workers in our office. With that, we have a chance of being able to handle this major event in the county. While HAVA provides federal funds for the purchase and training of these new machines, there may be a number of costs that aren't funded.

Mr. Johnson stated on a personal note, my passion has always been education. Now my passion is the election business in this country. There has been tremendous controversy over how elections are held in this country. We were fortunate not to have a problem this year with a close election. I think we all need to do what we can to maintain a good election system in this country. All we are asking for is four full time employees. Thank you.

County Administrator Mark Alger presented the following 2005 Budget Message:

I am before you today to present the Tentative 2005 Steuben County Budget. For yet another year, we are enduring significant impacts from State mandated programs, particularly Medicaid. While continued growth is the norm for the program, the rate of increase slowed in 2004 to less than the anticipated 19%. We continue to experience double-digit growth but only on the order of 12% rather than 19%. As a result, we are projecting annual growth of 12.25% for 2005.

The other areas of significant impacts include the start-up of the 911 Center, the Jail overcrowding, and the increases in the Public Works Department. Other minor impacts are found in the Corning Community College chargebacks, the Sheriff's Department, the Public Defender's Office, Probation Department, Special Children's Services and Mental Health. These programs are being impacted as a result of cuts in State aid, loss of revenues and State mandated program expansions. With these programs excepted, the remainder of the departments have minor increases or have been cut.

Much has been made of the Comptroller's plan to save local governments money on retirement for 2004 by shifting the payment into 2005. There has been much debate about how this should be handled from an accounting standpoint. In fact, we incurred the retirement expense in 2004 and most accounting firms including our auditors, are indicating it must be booked as an expense for the 2004 year. As a result, there are no actual savings to be seen. Additionally, we must budget like amounts for the anticipated 2005 expenses that will be paid in February 2006. We will see no savings as a result of this date shift; in reality it may actually cost us about \$40,000.

I want to thank all of those who once again have made this budget process work, the Finance Committee with Chairman Gary Swackhamer, Vice Chairman Pat Donnelly, and committee members, Bob Nichols, Don Creath and Harley Mayo, as well as the Legislative Chairman, Phil Roche. This year I would like to also recognize the committee chairmen for their additional assistance, Pat Donnelly, Dave Stachnik, Harley Mayo, Don Creath, Doc Baker and Bob Nichols have all contributed to the success of the process. I would point out the key roles of the County Treasurer, Larry Crossett, Deputy Treasurer Carol Whitehead, and Planning Director/Deputy County Administrator, Greg Heffner, have had in the preparation of this budget. Without the Treasurer's Office, this would be a much more difficult task. We also called upon the Personnel Officer, Bob Biehl and Deputy Personnel Officer, Nancy Smith, for assistance with the personnel impacts. Also, I

want to once again recognize the efforts of the Commissioners of Social Services and Public Works, Kathy Biehl and Vince Spagnoletti. Every department has cooperated and made sacrifices to this budget. We recently heard a call not to raise department head salaries because of their budget control. I can assure the Legislature every department head has worked extremely hard to assure no unnecessary increases are within their budgets. The increases we face this year are all a result of mandated program growth, loss of revenues, start-up of 911 operations and cost increases impacting our ability to operate, i.e., the gasoline price escalation we have seen over the last year. Can we do better? Certainly, and we will continue to strive for more efficient and effective use of our resources.

We began early in 2004 to prepare for the 2005 Budget. I suggest we continue early budget discussions and closely monitor 2005 expenditures. An early start on budget discussions provides direction to the routine activities throughout the year. With the limited resources available we must constantly be looking ahead to the following year. Spending constraints and funding availability dictate we view each expenditure carefully. Budget formation and management is an ongoing team effort. The department heads are key to its success. This year the budget provides for a 2% salary increase for 2004 and 2005 for managers. The total cost is \$153,000 in local dollars or 0.4% of the tax levy. The department heads are the individuals making the day-to-day decisions on how to save or how to improve operations. We have gone through three years of very difficult budgets and with their help we have limited the Medicaid Program's impact on the tax levy. Medicaid is the cost that is spiraling out of control, and Management has reduced its impact while still maintaining services.

**Budget Goals**

The Budget Goals that have been established for 2005 are as follows:

1. Minimize any property tax increase through careful review of expenditures, reductions in non-mandated areas and maximizing alternative revenues.
2. Provide funding for first quarter 2005 start-up of 911 operations.
3. Adequately fund Jail operations to reflect the inmate population and housing-out needs.
4. Provide sufficient funds for State mandated Medicaid and Social Services' programs.
5. Provide minimum funding required to continue other core County services.

Once again you will note the absence of any new program initiatives or commitments to increase needed local programs. We are continuing to focus on maintaining the core services of the County. We have continued to restrict equipment purchases, capital projects and personnel requests. Very little has been afforded to local programs for inflationary growth.

**Total Budget**

The total proposed budget for 2005 is \$147,120,617 which represents an increase of \$3.7 million or a 2.6% increase in total expenditures.

The total County budgets for the past five years are as follows:

2001	\$124,582,686
2002	\$132,687,638
2003	\$133,888,420
2004	\$143,465,777
2005 (Proposed)	\$147,120,617

The average increase in expenditures between 2001 and 2005 is 4.25%. The 2.6% increase anticipated from 2004 to 2005 is less than the average and reflects tightening of expenditures and moderation in the anticipated increases in Medicaid. We have continued to limit increases in most programs. The notable exceptions this year are Public Works, 911, and the Jail. There is very limited new funding provided for capital projects, only the local share for a bridge and a fire suppression system are budgeted for 2005. The bridge is the County Route 85 bridge that was damaged by the flooding in 2004.

## **Major Changes by Department**

Last year I presented a chart illustrating the departments which had lost staff positions over the last 18 months. We have continued to limit vacancy replacements and show a total of 9 additional vacant zero-based positions into 2005. The salary schedule shows we have 86 vacancies, 61 of which are zero-based and cannot be filled without new funding. This year we also added a total of 19 additional funded positions to 911 for start-up operation in 2005. Even with these, the total funded positions for 2005 are down 9 positions from 2004. Staffing is difficult and we are asking remaining staff to do more than ever before. I anticipate further reductions through attrition in 2005.

## **Highways**

The total proposed budget for transportation stands at \$16,324,835 compared to \$16,100,941 in 2004. There is a budget increase of \$223,894 in budgeted expenditures but a County cost increase of almost \$500,000 with the loss of revenues included. We once again have not budgeted the additional CHIPs funds since they have been a legislative addition to prior years' State budgets. Should the additional \$618,000 be approved, it is expected those funds would be available for use next year. The Finance Committee is also proposing that we borrow approximately \$500,000 next year to replace several key pieces of equipment, two heavy-duty dump trucks and three loaders. We are to the point where these essential components of the fleet need replacement. The intention is to pay for the equipment over a three to five year period. In addition, we need to begin to budget funds for equipment purchases if at all possible in 2006.

## **911 Start-Up Operations**

Probably the highlight of 2005 will be the start-up of the 911 operations. With the submission of the 2005 Budget, all the pieces are now in place to bring 911 on-line. The plan is to begin operations in the first quarter. Therefore, start-up operations will take place before April 1<sup>st</sup> of 2005. I cannot emphasize enough the hard work and dedication this project has required to bring it to reality. We have had ups and downs with the project, but I assure you this will be a center and operation every citizen can be proud of. It will be second to none in New York State. You really need to see it to appreciate the technical capabilities. Tim Wixom and his staff are to be congratulated; keep up the good work. I also would point out the efforts by the Sheriff and local law enforcement agencies in bringing the Mobile Data Terminals to our law enforcement officers on the road. This tool, coupled with the technology 911 will have in place, will dramatically change the way law enforcement operates in Steuben County. The efficient and effective operations will greatly enhance public safety.

One precaution, we need to remind the public that 911 does not put one additional police officer, Sheriff's deputy, fireman or EMS responder into service. 911 improves their ability to respond, but does not change the time or distances required to respond. This is a huge county and response times are longer than what might be experienced in a more urban area.

## **Social Services**

The total 2005 County cost for the Department of Social Services increased \$1,712,775 largely as a result of Medicaid increasing \$2.2 million. However, as a result of reductions in some of the other large programs, the total 2005 appropriation only increased \$5,695. While we have seen moderation

in Medicaid growth this year, down from approximately 18% to 12%, we anticipate growth of the same magnitude over the next year. We have continued strong efforts to focus attention on the cost of Medicaid to the counties. Next year the \$25.8 million in local dollars represents 65% of the County tax levy. Another way of looking at the dollar amount is it represents enough local dollars to pave 549 miles of County roads in one year or 81% of the County road system. Prior to the advent of Medicaid, that is where the majority of County dollars were going.

The message continues to be, we need relief and we need every taxpayer to understand that Medicaid is where their taxes are going. Medicaid is a fiscal nightmare, driving counties to the brink of bankruptcy. The New York State Legislature and the Governor need to take responsibility and act to correct this looming fiscal crisis.

I would like to compliment the Commissioner of Social Services for the good job she and her staff have done to contain costs in other programs to help with the Medicaid funding crisis. I would particularly note the decrease in juvenile delinquent costs and the effective measures the department has taken to contain cost increases in foster care. Without their diligence, these areas would also be increasing.

## **Sheriff and Jail**

The other remaining budgetary impact this year relates to the Jail overcrowding we experienced in 2004. The overcrowding has resulted in expenditures that will approach \$250,000 through October of this year. We have budgeted additional funds in Contingency for next year. The historic trends in the inmate population show approximately a 4.5% increase per year. As a result, we should not expect this situation to improve in 2005. We must closely evaluate the entire justice system including the Alternatives to Incarceration programs, to gain an understanding of the factors causing the increases. I recommend the study be completed as soon as possible to provide the background information necessary to determine what steps need to be taken next.

## **Summary**

The 2005 Tentative Budget continues to provide necessary funds for Medicaid increases next year. In addition, funding has been included to cover the start-up of 911, partially fund housing-out inmates from the Jail and the needed funds for Public Works' operations. Equipment purchases have been severely cut with a Finance Committee recommendation to borrow \$500,000 to fund several key Public Works' equipment needs. Capital projects funding is again severely limited with only two Public Works' projects included; a bridge and a fire suppression system. Community College expenses are up \$200,000 or 6.9%; Probation costs are up as a result of a 5% cut in State aid; Special Children's Services' cost is up 34%. These programs are all mandated services over which we have very little, if any, control.

The two Enterprise Funds, the Health Care Facility and the Landfill, each reflect changes for 2005. The Health Care Facility anticipated deficit is going to drop \$581,000 from 2004 to 2005, a marked improvement, while the Landfill is projecting approximately a \$240,000 operating deficit for 2005, which is prompting discussion about out-of-county waste. The increased cost is a result of the construction of a new cell at the Landfill and the associated debt service payment.

## **County Revenues**

### Sales Tax

The 2004 sales tax receipts are anticipated to be about the same as received last year. The projection takes into account the additional \$400,000 we are sharing with the two cities. As a result only a slight increase can be anticipated for 2005. With the economy strengthening, we are hopeful conditions will continue to improve. While we have positive signs in the local economy, unfortunate news of

layoffs at MT Picture Display in Horseheads and Avanex in Erwin will impact some Steuben County residents. However, other firms continue to hire and I am optimistic about the overall local economy. Sales tax revenues for the last five years are as follows:

2001		\$19,800,000
2002		\$20,000,000
2003		\$20,000,000
2004		\$21,000,000
2005	(Proposed)	\$21,500,000

### Fund Balance

The County's Fund Balance has stabilized in the past year. We are substantially below previous levels but we have also appropriated less in the last two years. The Tentative Budget projects the continuation of the limited General Fund balance appropriation of \$2 million. While there is a strong desire to further reduce this appropriation, we feel it is prudent to leave it at the same level for 2005.

### Other Revenues

The Budget does contain approximately \$360,000 in anticipated revenue from the imposition of the proposed mortgage tax, which represents approximately one-quarter of collections. The Finance Committee and the Budget Officer concurred on the inclusion of this revenue as part of the budget.

### **Real Property Taxes**

The continued escalation of unfunded State mandates, particularly Medicaid, are having impacts on the County's cost of services for 2005. Despite our efforts to contain costs, we find ourselves in the position of facing a real property tax increase. The proposed increase is less than the two previous years, standing at 9.59%, or a 5.65% full value tax rate increase.

The property tax collections for the last five years are as follows:

2001		\$26,896,098
2002		\$28,770,184
2003		\$32,473,970
2004		\$35,981,477
2005	(Proposed)	\$39,433,634

### Conclusion

The continued impacts of State mandated programs are once again increasing the County's local costs. The local economy, while improving, is not robust, thus causing a demand for social programs to remain strong. Despite the continued pressure these programs are placing upon the County's budget, we are implementing 911 in 2005. The operation and technology will be state-of-the-art. While the County has been behind other parts of the State in implementing 911, we will be at or near the top of the line once we are operational. The system will truly be a system every resident should be proud of and be confident in its operation. The cost of 911 is significant. I know many residents feel they pay for it with the surcharges on landlines and cell phones, but the surcharge pays for about 16% of the cost. The balance comes from other general fund revenues, i.e., sales tax or property tax. In today's world, security concerns are foremost in all our minds. The technology we are putting in place will assure residents have the best security possible. In fact, I believe our security will be second to none in the State.

Once again this year, Medicaid is estimated to increase \$2.2 million on the tax levy. The increase the County has experience has exceeded the State's average growth almost every year. The limited assistance enacted by the State this year provided \$870,000 in relief for 2005. A like amount is anticipated for 2006. There continues to be an urgent need for residents to let their elected State representatives know Medicaid is out of control. Reform is needed and with it must come a shift in the responsibility for payment. Last year I suggested their inaction was reprehensible. The counties' efforts did result in a State takeover of Family Health Plus. The takeover is an important first step, but fails to alter the continued escalation in the program. The two-year takeover total is about half the annual increase the County has experienced in the last several years.

It is clear that in order to impact the flight of our youth from our area, improve the tax base and expand the local economy, we must be working to create jobs. I believe over the next year we need to clearly identify the opportunities for economic expansion and put together a strategic plan for the County's future. The role of the County in economic development needs to be examined and strong direction given to future actions. We need to convene our economic development groups and put together a new partnership that clearly defines the County's role. The future is dependent upon the jobs we have and can bring to our area. With an improved economy and new job opportunities, other essential County services will also be able to expand. We can improve our road system, and maintain other essential services for residents. We have long been aware of the need for job opportunities for our youth. We must renew our active role in making that a reality. This initiative will take time to put in place, but must be done to secure our future. Looking forward, we should continue our efforts to contain costs while maintaining services. Future budgets will not be any easier if we continue the same course. Our united voice is beginning to be heard. We must continue to press for Medicaid relief while locally pursuing economic development and jobs.

Chairman Roche thanked Mr. Alger for his presentation.

Chairman Roche stated our agenda consists of the presentation of local laws and then we will start the budget workshop. Just to remind you, our next regular meeting will be Monday, November 29<sup>th</sup> at 10:00 a.m. and the Public Hearing on the Budget will be Thursday, December 2<sup>nd</sup> at 7:00 p.m. Also, following this morning's meeting, we have a special meeting regarding the bridge on CR85 in Tuscarora.

#### **RESOLUTION NO. 172-04**

Introduced by P. Donnelly.

Seconded by K. Isaman.

#### **PRESENTING LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2004 ESTABLISHING THE ANNUAL SALARY OF THE CLERK OF THE LEGISLATURE OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2005.**

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 adopted on July 28, 1997, as revised and amended June 9, 1998, certain Management employees, with the exception of elected and professional 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 Year 2005, which individuals are presently serving mid-term, and

**WHEREAS**, no salary increase was granted to Department Heads in the Year 2004; and

**WHEREAS**, a 2% increase for each Year of 2004 and 2005, effective January 1, 2005, is appropriate, for a total net increase of 4% for said two year period; and

**WHEREAS**, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Three for the Year 2004, establishing the salary of the Clerk of the Legislature of the County of Steuben for the Year 2005.

**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 2004, establishing the annual salary of the Clerk of the Legislature of the County of Steuben as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2004**

**A LOCAL LAW** establishing the annual salary of the Clerk of the Legislature of the County of Steuben for the fiscal year 2005.

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 2005, the annual salary of the Clerk of the Legislature of the County of Steuben is hereby established for the fiscal year 2005 as follows, to wit:

<u>TITLE</u>	<u>2003-2004 SALARY</u>	<u>2005 SALARY</u>
Clerk of the Legislature	\$ 46,128.00	\$ 47,973.00

**SECTION 3:** Should the above position 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 Budget Workshop Legislative Meeting on the 2<sup>nd</sup> day of December, 2004, at 7:00 P.M. or such other date and time that may be adjourned, at Steuben County Offices, Three 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**, a certified copy of this resolution shall be forwarded to the County Treasurer, the County Personnel Officer and the Clerk of the Legislature.

Mr. Schwartz stated this is the private sector versus the public sector. If this were a private business, in my opinion we are the poorest managed corporation. Our aged population on a fixed income rages daily. We give approximately 10 percent of our tax base to college kids. We can't fix our roads and bridges, which is a constitutional duty. In my opinion, we've missed a few golden opportunities. Medicaid is not the only bad program. We are a government of the people, by the people and for the people. I'm tired of seeing my work ethic destroyed. We have forgotten what our government is supposed to be. It is my belief that all government at all levels is out of control.

Mr. McIntyre stated I concur with Mr. Schwartz. I've noticed that major airlines are about to go belly up and many of the unions are stepping up and saying no to salary increases just to keep their jobs. We are at a point where we have to do whatever is necessary to impact this budget. We can't keep doling out money. I think we have to quit going after our infrastructure. The salaries are probably appropriate, but I can't vote in favor of them at this time.

**Vote:** **Acclamation – Adopted.** (No: Argentieri, McIntyre, Schwartz. Absent: Stachnik)

#### **RESOLUTION NO. 173-04**

Introduced by P. Donnelly.

Seconded by K. Isaman.

#### **PRESENTING LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2004 ESTABLISHING THE ANNUAL SALARY OF THE PERSONNEL OFFICER OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2005.**

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 adopted on July 28, 1997, as revised and amended June 9, 1998, certain Management employees, with the exception of elected and professional 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 Year 2005, which individuals are presently serving mid-term, and

**WHEREAS**, no salary increase was granted to Department Heads in the Year 2004; and

**WHEREAS**, a 2% increase for each Year of 2004 and 2005, effective January 1, 2005, is appropriate, for a total net increase of 4% for said two year period; and

**WHEREAS**, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Four for the Year 2004, establishing the salary of the Personnel Officer of the County of Steuben for the Year 2005.

**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 2004, establishing the annual salary of the Personnel Officer of the County of Steuben as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2004**

A **LOCAL LAW** establishing the annual salary of the Personnel Officer of the County of Steuben for the fiscal year 2005.

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 2005, the annual salary of the Personnel Officer of the County of Steuben is hereby established for the fiscal year 2005 as follows, to wit:

<u>TITLE</u>	<u>2003-2004 SALARY</u>	<u>2005 SALARY</u>
Personnel Officer	\$ 70,928.00	\$ 73,765.00

**SECTION 3:** Should the above position 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 Budget Workshop Legislative Meeting on the 2<sup>nd</sup> day of December, 2004, at 7:00 P.M. or such other date and time that may be adjourned, at Steuben County Offices, Three 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**, a certified copy of this resolution shall be forwarded to the County Treasurer and the County Personnel Officer.

**Vote: Acclamation – Adopted.** (No: Argentieri, McIntyre, Schwartz. Absent: Stachnik)

**RESOLUTION NO. 174-04**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**PRESENTING LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2004 ESTABLISHING THE ANNUAL SALARY OF THE REAL PROPERTY TAX DIRECTOR OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2005.**

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 adopted on July 28, 1997, as revised and amended June 9, 1998, certain Management employees, with the exception of elected and professional 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 Year 2005, which individuals are presently serving mid-term, and

**WHEREAS**, no salary increase was granted to Department Heads in the Year 2004; and

**WHEREAS**, a 2% increase for each Year of 2004 and 2005, effective January 1, 2005, is appropriate, for a total net increase of 4% for said two year period; and

**WHEREAS**, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Five for the Year 2004, establishing the salary of the Real Property Tax Director of the County of Steuben for the Year 2005.

**NOW THEREFORE, BE IT**

**RESOLVED**, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Five for the Year 2004, establishing the annual salary of the Real Property Tax Director of the County of Steuben as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2004**

**A LOCAL LAW** establishing the annual salary of the Real Property Tax Director of the County of Steuben for the fiscal year 2005.

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 2005, the annual salary of the Real Property Tax Director of the County of Steuben is hereby established for the fiscal year 2005 as follows, to wit:

<u>TITLE</u>	<u>2003-2004 SALARY</u>	<u>2005 SALARY</u>
Real Property Tax Director	\$ 55,267.00	\$ 57,478.00

**SECTION 3:** Should the above position 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 Budget Workshop Legislative Meeting on the 2<sup>nd</sup> day of December, 2004, at 7:00 P.M. or such other date and time that may be adjourned, at Steuben County Offices, Three 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**, a certified copy of this resolution shall be forwarded to the Personnel Officer, the County Treasurer and the Real Property Tax Director.

**Vote: Acclamation – Adopted.** (No: Argentieri, McIntyre, Schwartz. Absent: Stachnik)

**RESOLUTION NO. 175-04**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**PRESENTING LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2004 ESTABLISHING THE ANNUAL SALARY OF THE COMMISSIONER OF SOCIAL SERVICES OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2005.**

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 adopted on July 28, 1997, as revised and amended June 9, 1998, certain Management employees, with the exception of elected and professional 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 Year 2005, which individuals are presently serving mid-term, and

**WHEREAS**, no salary increase was granted to Department Heads in the Year 2004; and

**WHEREAS**, a 2% increase for each Year of 2004 and 2005, effective January 1, 2005, is appropriate, for a total net increase of 4% for said two year period; and

**WHEREAS**, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Six for the Year 2004, establishing the salary of the Commissioner of Social Services of the County of Steuben for the Year 2005.

**NOW THEREFORE, BE IT**

**RESOLVED**, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Six for the Year 2004, establishing the annual salary of the Commissioner of Social Services of the County of Steuben as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2004**

A **LOCAL LAW** establishing the annual salary of the Commissioner of Social Services of the County of Steuben for the fiscal year 2005.

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 2005, the annual salary of the Commissioner of Social Services of the County of Steuben, is hereby established for the fiscal year 2005 as follows, to wit:

<b><u>TITLE</u></b>	<b><u>2003-2004 SALARY</u></b>	<b><u>2005 SALARY</u></b>
Commissioner of Social Services	\$ 69,222.00	\$ 71,990.00

**SECTION 3:** Should the above position 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 Budget Workshop Legislative Meeting on the 2<sup>nd</sup> day of December, 2004, at 7:00 P.M. or such other date and time that may be adjourned, at Steuben County Offices, Three 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**, a certified copy of this resolution shall be forwarded to the Personnel Officer, the County Treasurer and the Commissioner of Social Services.

**Vote: Acclamation – Adopted.** (*No: Argentieri, McIntyre, Schwartz. Absent: Stachnik*)

Mr. Schwartz asked for a point of order; isn't an absent member counted as a no vote? Mr. Ahrens stated it is recorded as absent but, in essence, it has the affect of a no vote.

Mr. Argentieri asked why is the ruling different today? Mr. Ahrens stated it is not a different ruling. The vote is recorded as an absent vote. It has the affect of a no vote because the vote is not in favor of the resolution.

#### **RESOLUTION NO. 176-04**

Introduced by P. Donnelly.

Seconded by D. Creath.

#### **PRESENTING LOCAL LAW TENTATIVELY NO. SEVEN FOR THE YEAR 2004 ESTABLISHING THE ANNUAL SALARY OF THE COUNTY TREASURER OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2005.**

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 adopted on July 28, 1997, as revised and amended June 9, 1998, certain Management employees, with the exception of elected and professional 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 Year 2005, which individuals are presently serving mid-term, and

**WHEREAS**, no salary increase was granted to Department Heads in the Year 2004; and

**WHEREAS**, a 2% increase for each Year of 2004 and 2005, effective January 1, 2005, is appropriate, for a total net increase of 4% for said two year period; and

**WHEREAS**, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Seven for the Year 2004, establishing the salary of the County Treasurer of the County of Steuben for the Year 2005.

**NOW THEREFORE, BE IT**

**RESOLVED**, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Seven for the Year 2004, establishing the annual salary of the County Treasurer of the County of Steuben as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. SEVEN FOR THE YEAR 2004**

A **LOCAL LAW** establishing the annual salary of the County Treasurer of the County of Steuben for the fiscal year 2005.

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 2005, the annual salary of the County Treasurer of the County of Steuben, is hereby established for the fiscal year 2005 as follows, to wit:

<u>TITLE</u>	<u>2003-2004 SALARY</u>	<u>2005 SALARY</u>
County Treasurer	\$ 65,718.00	\$ 68,347.00

**SECTION 3:** Should the above position 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 Budget Workshop Legislative Meeting on the 2<sup>nd</sup> day of December, 2004, at 7:00 P.M. or such other date and time that may be adjourned, at Steuben County Offices, Three 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**, a certified copy of this resolution shall be forwarded to the Personnel Officer and the County Treasurer.

**Vote: Acclamation – Adopted.** (No: Argentieri, McIntyre, Schwartz. Absent: Stachnik)

**RESOLUTION NO. 177-04**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**PRESENTING LOCAL LAW TENTATIVELY NO. EIGHT FOR THE YEAR 2004 ESTABLISHING THE ANNUAL SALARY OF THE COMMISSIONER OF PUBLIC WORKS OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2005.**

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 adopted on July 28, 1997, as revised and amended June 9, 1998, certain Management employees, with the exception of elected and professional 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 Year 2005, which individuals are presently serving mid-term, and

**WHEREAS**, no salary increase was granted to Department Heads in the Year 2004; and

**WHEREAS**, a 2% increase for each Year of 2004 and 2005, effective January 1, 2005, is appropriate, for a total net increase of 4% for said two year period; and

**WHEREAS**, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Eight for the Year 2004, establishing the salary of the Commissioner of Public Works of the County of Steuben for the Year 2005.

**NOW THEREFORE, BE IT**

**RESOLVED**, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Eight for the Year 2004, establishing the annual salary of the Commissioner of Public Works of the County of Steuben as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. EIGHT FOR THE YEAR 2004**

**A LOCAL LAW** establishing the annual salary of the Commissioner of Public Works of the County of Steuben for the fiscal year 2005.

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 2005, the annual salary of the Commissioner of Public Works of the County of Steuben, is hereby established for the fiscal year 2005 as follows, to wit:

<u>TITLE</u>	<u>2003-2004 SALARY</u>	<u>2005 SALARY</u>
Commissioner of Public Works	\$ 72,114.00	\$ 74,999.00

**SECTION 3:** Should the above position 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 Budget Workshop Legislative Meeting on the 2<sup>nd</sup> day of December, 2004, at 7:00 P.M. or such other date and time that may be adjourned, at Steuben County Offices, Three 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**, a certified copy of this resolution shall be forwarded to the County Treasurer, the County Personnel Officer and the Commissioner of Public Works.

**Vote: Acclamation – Adopted.** (*No: Argentieri, McIntyre, Schwartz. Absent: Stachnik*)

**RESOLUTION NO. 178-04**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**PRESENTING LOCAL LAW TENTATIVELY NO. NINE FOR THE YEAR 2004 ESTABLISHING THE ANNUAL SALARY OF THE COUNTY AUDITOR OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2005.**

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 adopted on July 28, 1997, as revised and amended June 9, 1998, certain Management employees, with the exception of elected and professional 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 Year 2005, which individuals are presently serving mid-term, and

**WHEREAS**, no salary increase was granted to Department Heads in the Year 2004; and

**WHEREAS**, a 2% increase for each Year of 2004 and 2005, effective January 1, 2005, is appropriate, for a total net increase of 4% for said two year period; and

**WHEREAS**, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Nine for the Year 2004, establishing the salary of the County Auditor of the County of Steuben for the Year 2005.

**NOW THEREFORE, BE IT**

**RESOLVED**, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Nine for the Year 2004, establishing the annual salary of the County Auditor of the County of Steuben as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. NINE FOR THE YEAR 2004**

A **LOCAL LAW** establishing the annual salary of the County Auditor of the County of Steuben for the fiscal year 2005.

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 2005, the annual salary of the County Auditor of the County of Steuben is hereby established for the fiscal year 2005 as follows, to wit:

<u>TITLE</u>	<u>2003-2004 SALARY</u>	<u>2005 SALARY</u>
County Auditor	\$ 36,500.00	\$ 37,595.00

**SECTION 3:** Should the above position 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 Budget Workshop Legislative Meeting on the 2<sup>nd</sup> day of December, 2004, at 7:00 P.M. or such other date and time that may be adjourned, at Steuben County Offices, Three 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**, a certified copy of this resolution shall be forwarded to the County Treasurer, the County Personnel Officer and the County Auditor.

**Vote: Acclamation – Adopted.** (*No: Argentieri, McIntyre, Schwartz. Absent: Stachnik*)

#### **RESOLUTION NO. 179-04**

Introduced by P. Donnelly.

Seconded by K. Isaman.

#### **PRESENTING LOCAL LAW TENTATIVELY NO. TEN FOR THE YEAR 2004 ESTABLISHING THE ANNUAL SALARY OF THE COUNTY ATTORNEY OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2005.**

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 adopted on July 28, 1997, as revised and amended June 9, 1998, certain Management employees, with the exception of elected and professional 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 Year 2005, which individuals are presently serving mid-term, and

**WHEREAS**, no salary increase was granted to Department Heads in the Year 2004; and

**WHEREAS**, a 2% increase for each Year of 2004 and 2005, effective January 1, 2005, is appropriate, for a total net increase of 4% for said two year period; and

**WHEREAS**, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Ten for the Year 2004, establishing the salary of the County Attorney of the County of Steuben for the Year 2005.

#### **NOW THEREFORE, BE IT**

**RESOLVED**, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Ten for the Year 2004, establishing the annual salary of the County Attorney of the County of Steuben as follows:

#### **COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. TEN FOR THE YEAR 2004**

A **LOCAL LAW** establishing the annual salary of the County Attorney of the County of Steuben for the fiscal year 2005.

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 2005, the annual salary of the County Attorney of the County of Steuben is hereby established for the fiscal year 2005 as follows, to wit:

<u>TITLE</u>	<u>2003-2004 SALARY</u>	<u>2005 SALARY</u>
County Attorney	\$111,749.00	\$116,219.00

**SECTION 3:** Should the above position 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 Budget Workshop Legislative Meeting on the 2<sup>nd</sup> day of December, 2004, at 7:00 P.M. or such other date and time that may be adjourned, at Steuben County Offices, Three 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**, a certified copy of this resolution shall be forwarded to the Personnel Officer, the County Treasurer and the County Attorney.

**Vote: Acclamation – Adopted.** (No: Argentieri, McIntyre, Schwartz. Absent: Stachnik)

**RESOLUTION NO. 180-04**

Introduced by P. McAllister.

Seconded by K. Isaman.

**PRESENTING LOCAL LAW TENTATIVELY NO. ELEVEN FOR THE YEAR 2004 ESTABLISHING THE ANNUAL SALARY OF THE COUNTY CLERK OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2005.**

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 adopted on July 28, 1997, as revised and amended June 9, 1998, certain Management employees, with the exception of elected and professional 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 Year 2005, which individuals are presently serving mid-term, and

**WHEREAS**, no salary increase was granted to Department Heads in the Year 2004; and

**WHEREAS**, a 2% increase for each Year of 2004 and 2005, effective January 1, 2005, is appropriate, for a total net increase of 4% for said two year period; and

**WHEREAS**, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Eleven for the Year 2004, establishing the salary of the County Clerk of the County of Steuben for the Year 2005.

**NOW THEREFORE, BE IT**

**RESOLVED**, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Eleven for the Year 2004, establishing the annual salary of the County Clerk of the County of Steuben as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. ELEVEN FOR THE YEAR 2004**

A **LOCAL LAW** establishing the annual salary of the County Clerk of the County of Steuben for the fiscal year 2005.

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 2005, the annual salary of the County Clerk of the County of Steuben is hereby established for the fiscal year 2005 as follows, to wit:

<u>TITLE</u>	<u>2003-2004 SALARY</u>	<u>2005 SALARY</u>
County Clerk	\$ 46,253.00	\$ 48,103.00

**SECTION 3:** Should the above position 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 Budget Workshop Legislative Meeting on the 2<sup>nd</sup> day of December, 2004, at 7:00 P.M. or such other date and time that may be adjourned, at Steuben County Offices, Three 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,** a certified copy of this resolution shall be forwarded to the Personnel Officer, the County Treasurer and the County Clerk.

**Vote: Acclamation – Adopted.** (*No: Argentieri, Donnelly, McIntyre, Schwartz. Absent: Stachnik*)

#### **BUDGET WORKSHOP**

Chairman Roche stated if anyone wants to make a change or have discussion regarding an item in the budget, I ask for a motion and second, then indicate the page number and line item.

Mr. McIntyre asked why is there still a stipends line item in the Public Defender's budget? Mr. Alger stated the amount should decrease next year. We didn't change the line item because we also didn't increase the Assigned Counsel line item. It's not going to be needed since we have a full time Public Defender.

Mr. Swackhamer noted we agreed to give the new Public Defender one year in the office before we adjusted the budget.

Mr. McIntyre referred to page 4 – District Attorney's Budget, Investigative Expenses line item. This current year he modified the budget by increasing the line item, yet he's only spent 40 percent of the amount budgeted this year. Mr. Alger stated that line item is used by the District Attorney when he has an investigation that may need additional work. He may not spend it every year and other years he may exceed the amount budgeted.

Mr. McIntyre referred to page 13 – Medical Examiner's Budget, Operating Supplies. The current budget is \$3,000 and they've spent 20 percent so far, yet they have only reduced next year's request by \$200. Mr. Alger stated that line item pays for the operating supplies for taking care of the deceased. The amount required depends on how many cases they have. Mr. Alger noted that any line item that is not expended throughout the course of the year would go back into the fund balance. The money doesn't remain in the department's budget.

Mr. McIntyre referred to page 16 – County Treasurer's Budget, Checks and Forms. They are requesting \$4,200 next year, yet nothing has been spent this year. Mr. Crossett stated the new system has eliminated the need for many of the forms we used to purchase. However, we still need to purchase paychecks and audit checks. Last year we purchased 25,000 because we could get a discount. They are almost gone so we will need to order more next year. Mr. McIntyre suggested they reduce it by \$1,000.

*Motion reducing line item A.132500.5.403.110 (Checks and Forms) by \$1,000 made by Mr. McIntyre, seconded by Mr. Schwartz. **Vote: Roll Call – Adopted. (Absent: Argentieri, Stachnik)***

Mr. McIntyre referred to page 41 – Information Technology's Budget, Data Processing Equipment. The budget request for next year is the same, yet only 40 percent of the line item has been expended. Mr. Peaslee stated primarily the cost is the same from last year to this year and, prior to that, there was over a \$50,000 drop in 2003. We're looking at reducing the amount budgeted again in 2006. We still have costs for the mainframe. I plan on shutting down the mainframe the middle of next year but I'm not sure how much it is going to cost to do so. Mr. McIntyre suggested a reduction of \$10,000.

*Motion reducing line item A.168000.5.408.120 (Data Processing Equipment) by \$10,000 made by Mr. McIntyre, seconded by Mr. Schwartz. **Vote: Roll Call – Adopted. (Absent: Argentieri, Stachnik)***

Mr. McIntyre referred to page 43 – Self-Insurance Administration's Budget. I don't see why we need a separate department for this. The Law Department used to handle this function and I believe we should transfer this function back to that department.

*Motion eliminating the \$89,496 in funding for the Self-Insurance Administration budget made by Mr. McIntyre, seconded by Mr. Schwartz. Discussion followed.*

Mr. Alger stated no offense to Mr. Ahrens but I don't believe the Law Department would be able to handle that function. I believe you get your money back through the claims administration. In addition, they administer the drug program for the County.

Mr. McIntyre stated I appreciate your comments but I feel strongly about this. Mr. Schwartz stated Tom O'Mara is the Chemung County Attorney and he only works part time. I believe Mr. Ahrens could handle the job.

Mr. Isaman stated being in the insurance industry myself, this whole department costs \$80,000 and that cost can be recouped through just one claim. Just by having someone working full time looking at the safety issues and accident claims saves us significantly. I think the whole department is well worth the money.

Mr. McAllister asked Mr. Ahrens would you have to hire additional staff to take that on again? Mr. Ahrens stated yes. First of all they handle the CDL drug testing. That program didn't exist when it was in my department. There is no question that the Risk Manager is following each and every claim through. The tort work analysis which my office is involved in is just a small component of what is going on. Having the Risk Manager closely scrutinize the workers' compensation claims pays the County back.

Mr. Nielsen asked could part of this department be placed under the Law Department? Maybe we don't need the whole department. Mr. Ahrens stated the drug testing would be appropriate to assign to the Personnel Officer. The tort claims part I'm engaged in already. It is the workers' compensation and drug testing programs that are the major benefits of this department.

Dr. Baker noted that Mr. Castellana also handles the safety program for all of the drivers in the County, as well as for other municipalities. Mr. Ahrens noted when this program was under the Law Department, he employed a part time attorney to handle it.

Mr. Schwartz asked is there any other organization in the County that could administer the safety program and drug testing program? Mr. Roche stated that is a good question and perhaps the separating out of the services should be looked at by the Administration Committee. Mr. Schwartz stated I have nothing against Mr. Castellana personally, it is just a question of burden on the public. Mr. Alger stated we have an independent group that administers the drug testing

program, but Mr. Castellana schedules the tests and calls the individuals being tested every morning.

Mr. Isaman stated when there is an accident with a County vehicle, it is investigated internally. I think this is invaluable. In addition, we get small claims such as claims that a County vehicle kicked up a rock and hit somebody's windshield. He thoroughly investigates those and that saves us a considerable amount of money. I think to eliminate the entire or portions of the department is wrong.

Mr. Nielsen asked Mr. McIntyre if he would amend his motion and forward this suggestion to the Administration Committee for review? Mr. McIntyre agreed to refer it to the Administration Committee.

*Motion amending the previous motion and referring the elimination of \$89,496 in funding for the Self-Insurance Administration budget to the Administration Committee for review made by Mr. McIntyre, seconded by Mr. Schwartz. **Vote: Roll Call – Adopted. (No: Gehl, Isaman. Absent: Argentieri, Stachnik)***

Mr. McIntyre referred to page 45 – Judgements and Claims. The request is for \$200,000 but they've only expended 15 percent of this year's funding. Mr. Alger stated \$200,000 has historically been what we have spent on small claims. This year we have been very fortunate not to have had to spend that kind of money. In the past, any funds left have gone into the Insurance Reserve. I don't think it is necessarily realistic to see claims on this low of a level, but it depends on the year.

Mr. McIntyre referred to page 62 – Probation Department's Budget, Records Management & Storage, Micrographic Expense. These line items appear to be for the same thing yet they haven't spent anything in the Micrographic Expense line item and only 20 percent of the funding in the Records Management and Storage line item. Mr. Alger stated Probation has records they have to keep and when they reach a certain age, they have to microfilm them. Mr. Roche suggested they have Mr. Justice come upstairs to answer these questions.

Mr. Creath stated I see us spending more money on Probation than what we have in the budget. So, we can nit pick their budget, but their expenses are going to increase.

Mr. McIntyre referred to page 69 – Jail, Transports. For the past two years, \$5,000 has been budgeted yet nothing has been spent and they are requesting another \$5,000 for next year. Sheriff Tweddell stated in the past the transports were for Federal inmates, which they are not doing now. This line item now pays for the transports of our inmates to other counties.

Mr. Schwartz asked is there any opportunity to obtain Federal and State money for the Sheriff's Department to look for meth labs? Sheriff Tweddell stated he moved \$20,000 in Byrne Grant funding to the personal services line item to be used to help fund the personnel in the new drug task force. We haven't been advised yet that there is money available to combat meth labs. Discussion followed.

Mr. McIntyre referred to the Repairs/Maintenance of Buildings and Property line item. They budgeted \$6,000 more than this year. Sheriff Tweddell stated he has 5 cooling units that are 5 years old and the building is now 10 years old. He puts money in that line item every year just in case he needs to make unforeseen repairs.

Mr. McIntyre referred to the Ammunition line item. They haven't spent any money in that line item for the past two years, yet there is \$3,000 budgeted for 2005. Sheriff Tweddell stated we had a stockpile of ammunition and now that has been reduced.

Chairman Roche stated Mr. Justice is now present to respond to Mr. McIntyre's question of why between the Records Management & Storage and Micrographic Expense line items there is

\$10,000 yet nothing has been spent in one line item and only 20 percent has been expended in the other line item. Mr. Justice stated it is an interdepartmental charge from Records Management and we haven't been charged yet.

Mr. McIntyre referred to the Rental of Equipment line item. Only 45 percent of this year's funding has been expended, yet the request for 2005 is the same. Mr. Justice stated that is two parts of one program. It is the electronic monitoring equipment. One part pays for the equipment rental and the other part is for the monitoring cost. We have no idea how many people are going to be on this system each year. We do know that during the course of next year, the equipment we started with in this program will be defunct. I have a meeting with the BI representative to see how we can restructure our equipment for the same cost.

Mr. Schwartz referred to page 172 – Planning Department. Some of these individuals that may or may not be let go are cross-trainable in other areas. We don't have a grants person and I feel we've missed out on a lot of grant money. I believe we could train someone to handle this.

Mr. Swackhamer stated we don't have a grants person in house, but we contract out with STC Regional Planning and Development. That's their job. Discussion followed.

Mr. Roche noted that they eliminated one of the positions in the Planning Department last year, but maybe that is something we could look into.

Mr. McIntyre asked what is the function of the Parole Commission? Mr. Alger stated they review the status of parole requests for local parolees. There are three members.

Mr. McIntyre referred to page 77 – Emergency Management Office, Maintenance in Lieu of Rent. Will that cost be eliminated or reduced with the new building? Mr. Alger stated the amount budgeted for 2005 is their share of the predicted cost of the new building.

Mr. McIntyre referred to page 81 – Public Health Nursing Services, Personal Services. Why has the total personal services line item only been spent at a 60 percent level? Mr. Alger stated we're not through the year with payroll and some of the line items are under where they are projected to be through the end of the year and some are not. I believe they are where they are supposed to be. He noted if they work overtime, they generate revenue.

Mr. Swackhamer noted we're coming up on the holidays where individuals will be paid holiday time and these personal services expenditures don't reflect those figures either.

Mr. Schwartz stated regarding the Medicaid issue, I was shocked to learn that when people move their parents into an elderly home, countless thousands of children use their parents money through their lawyers to keep from paying the full share of Medicaid. I know that has to be a large portion of the Medicaid amount that we pay. Mr. Roche stated the proposed Medicaid Reform package has addressed that issue and that is why Medicaid reform has to happen. Your point is well taken.

Mr. McIntyre stated the outside agency contracts were reduced last year but the funding for the libraries hasn't changed at all. Is there a reason why they haven't been reduced as the other agencies were?

*Motion reducing the library funding to \$65,000 made by Mr. McIntyre, seconded by Mr. Schwartz. Discussion followed.*

Mr. Creath stated their allocation a few years ago was over \$100,000 so their budget has been reduced already. Mr. Isaman stated we've cut them back enough. Mr. Schwartz stated so many people are using their computers and it is affecting local businesses.

***Vote: Roll Call – Fails. (No: Baker, Creath, Donnelly, Gehl, Isaman, Jamison, Mayo, McAllister, Nichols, Nielsen, Roche, Walsh. Absent: Argentieri, Stachnik)***

Mr. Schwartz asked Mr. Ahrens to introduce his new deputy. Mr. Ahrens introduced Mr. David English of Corning, Deputy County Attorney – Municipal Affairs.

*Motion to adjourn made by Mr. Schwartz, seconded by Mr. Gehl and duly carried.*

**REGULAR MEETING**  
**Morning Session**  
**Monday, November 29, 2004**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, New York, on Monday, the 29<sup>th</sup> day of November, 2004, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll Call and all members present except Legislator Argentieri (late).

Mr. Swackhamer offered the Invocation and the Pledge of Allegiance was led by Mr. Schwartz.

Mrs. Kane asked Deborah Saxton to come forward. Ms. Saxton is an employee in the Department of Social Services. Chairman Roche presented her with a Certificate of Appreciation in recognition of her 10 years of service to Steuben County.

Mrs. Kane asked Janet Gressel-Craig to come forward. Mrs. Gressel-Craig is an employee in the Personnel Office. Chairman Roche presented her with a Certificate of Appreciation in recognition of her 25 years of service to Steuben County.

Chairman Roche opened the floor to comments by members of the public. There being none, he declared the public comment portion of the meeting 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 Agricultural District within the Towns of Bath, Cameron, Canisteo, Jasper, Rathbone and Woodhull, New York, known as the North Jasper Agricultural District (#1) to consider the recommendations of the County Planning Board and the Agricultural and Farmland Protection Board and any proposed modifications of the District. Chairman Roche asked if there were any comments regarding Agricultural District #1. There being no comments, Chairman Roche declared the public hearing closed.

Motion adopting the minutes of the previous month's meeting made by Mr. Donnelly, seconded by Mr. Nielsen and duly carried.

Donna Hatch, Real Property Tax Director, announced that Proposed Resolution No. 15 includes the Report of County Equalization for the Year 2005. She requested the Legislators to review the report. She stated she has to file this report annually. It shows the equalization rates established by the State for each municipality and the full value of each assessing unit to determine their share of the county level. She noted that the last page has a spreadsheet that shows the taxable value plus all of the exemptions as well as the adopted equalization and the prior equalization rate for comparison. Considerable discussion followed.

Mr. McAllister asked Mrs. Hatch what is the importance of a town having a 100% equalization rate? Mrs. Hatch stated as the equalization rate drops, the share a municipality pays increases. She is trying to encourage the towns to begin reassessment programs. She noted it is a local assessing decision to implement these plans.

Tim Wixom, E911 Director, announced that Secretary of State Daniels dropped by the 911 Center and presented us with a \$462,812 grant check which we applied for. He noted there is still grant money available so we have applied again for additional funding.

**RESOLUTION NO. 183-04**

Introduced by G. Swackhamer.

Seconded by K. Isaman.

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

**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 #     A-1      
Name     City of Hornell      
Parcel #     166.06-02-085.000; 166.06-02-087.000;  
    166.33-03-009.000      
Municipality     Hornell City      
Disposition     Correction    

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 184-04**

Introduced by P. Roche.

Seconded by K. Isaman.

**RECEIVING AND ACCEPTING THE NOVEMBER 29, 2004 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 19, 2004**

1. NYS Department of Environmental Conservation - Re: Development process of the Erwin Unit Management Plan comprised of 3800 acres on three parcels of State land in Steuben County that includes Erwin Mountain State Forest, McCarthy Hill State Forest, and Erwin Wildlife Management Area. Purpose of the Unit management Plan is: 1) to define management goals and objectives for State land, and 2) to prepare a ten-year plan of action to achieve those objectives. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
2. Ristiina Wigg, Executive Director, Southern Tier Library System - Re: Request for funding in the 2005 Budget in the amount of \$75,000. **Referred to: Health & Education Committee and Finance Committee.**

#### **October 20, 2004**

1. NYS Office for the Aging - Re: Long-Term Care Ombudsman Program Support Agreement and NGA for FFY 2004 Title VII Program and NGA for the 2004 State LTCOP Program that included a ceiling of 25% of tentative allocation. Passage of State Budget resulted in that allocation schedule becoming the final State LTCOP allocation schedule for 2004 - full year NGA enclosed. **Referred to: Human Services Committee and Linda Tetor, OFA Director.**

#### **October 22, 2004**

1. NYS Office for the Aging - Re: Official copy of Notification of Grant Award and approved application for the Title V Senior Community Service Employment Program for 7/1/04-6/30/05. **Referred to: Human Services Committee and Linda Tetor, OFA Director.**

#### **October 25, 2004**

1. NYS Department of State - Re: Application for the second round of Expedited Deployment Grant Funding for the implementation of wireless 911 service. Phase 2 provides information identifying the location of the 911 caller. **Referred to: Public Safety & Corrections Committee and Tim Wixom, 911 Director.**

#### **October 28, 2004**

1. NYS Public Service Commission - Re: Joint Petition of Belden & Blake Corporation and Fortuna Energy, Inc., for Approval of the Transfer of Certificates of Environmental Compatibility and Public Need, of two steel gas pipelines of various lengths, located in the Towns of Caton and Lindley, Steuben County and the Town of Southport, Chemung County, to Fortuna Energy. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

#### **November 3, 2004**

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$5,798 representing the September 2004 retained surcharge revenue for Steuben County from WROTBC. **Referred to: Finance and Rules Committee and Larry Crossett, County Treasurer.**
2. Southern Tier Regional Emergency Medical Services, Inc., - Re: Notification of new name for the corporation: EMSTAR (Emergency Medical Services Training, Administration and Resources); Council remains the same (STREMS). Additionally, submission of Third Quarter Report (July - September 2004) and payment request for \$1,406.25. **Referred to: Health & Education and Public Safety & Corrections Committees; Vicki Fuerst, PHN Director; and Mike Sprague, EMO Director.**

#### **November 10, 2004**

1. Tioga County Legislature - Re: Resolution Supporting House Resolution 4790 Authorizing Importation of Prescription Drugs from Canada and Certain Other Countries. **Referred to: Health & Education Committee and Human Services Committee.**

#### **November 12, 2004**

1. Inter-County Legislative Committee of the Adirondacks - Re: Resolution Opposing the Cost Shifting of Mental Hygiene State Aid Dollars to Funding by Medicaid. **Referred to: Health & Education Committee; Dr. Robert Anderson, Director, Community Services; and to the Finance Committee.**
2. Inter-County Legislative Committee of the Adirondacks - Re: Resolution in Support of Senate Bill 7539 Providing for the Construction and Maintenance of Wells for Municipal Water Supply on Forest Preserves. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
3. U.S. Department of Housing & Urban Development - Re: Audit Report for the FY Ended 12/31/03 - Community Development Block Grant (CDBG) Program, County of Steuben, NY - Review completed and as a result, no findings thereon. **Referred to: A.I.P. Committee; Greg Heffner, Planning Director; Finance Committee; and Larry Crossett, County Treasurer.**

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 185-04**

Introduced by P. Roche.

Seconded by R. Argentieri.

**SETTING THE DATE FOR THE DECEMBER 2004 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 2004, on Monday, December 20, 2004, at 10:00 A.M. in the Legislative Chambers, 3 East Pulteney Square, Bath, New York; and be it further

**RESOLVED**, the date and time of any Public Hearings arising by virtue of the within meeting which are inconsistent with this resolution be and the same hereby are amended to reflect the date and time above-stated; and be it further

**RESOLVED**, the Clerk of this Legislature shall forward the necessary, proper and legal notice of the above meeting to all County Legislators and department heads of the County of Steuben.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 186-04**

Introduced by H. Mayo.

Seconded by R. Argentieri.

**PRESENTING LOCAL LAW TENTATIVELY NO. TWELVE FOR THE YEAR 2004, AMENDING LOCAL LAW NO. FOUR FOR THE YEAR 1999, AS AMENDED, FOR THE MAINTENANCE AND OPERATION OF STEUBEN COUNTY'S SOLID WASTE MANAGEMENT.**

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

**WHEREAS**, the County's Solid Waste Management facility has additional capacity for disposal of waste; and

**WHEREAS**, funds generated by the disposal of additional waste, outside our current waste stream, would greatly enhance revenues and lessen the financial demand on County resources; and

**WHEREAS**, the greater utilization of unused space will help avoid an increase in tipping fees to the residents of the County; and

**WHEREAS**, the Public Works Committee has recommended granting the Commissioner of Public Works the authority to allow up to 20,000 tons of solid waste generated outside the County of Steuben to be disposed of at prevailing tipping fees.

**NOW THEREFORE, BE IT**

**RESOLVED**, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Twelve for the Year 2004, amending Local Law No. Four for the Year 1999, as amended, for the maintenance and operation of Steuben County's Solid Waste Management, as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. TWELVE FOR THE YEAR 2004**

**A LOCAL LAW** amending Local Law No. Four for the Year 1999, as amended, for the maintenance and operation of Steuben County's Solid Waste Management.

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

**SECTION 1: LEGISLATIVE INTENT.**

It is the intent of the within legislation to remove the limitation contained in the present legislation as to the amount of garbage generated from outside the County to be disposed of at the County's landfill by haulers at the prevailing tipping fees up to 20,000 tons per annum.

**SECTION 2: GENERAL FUNCTIONS, POWERS AND DUTIES OF THE DEPARTMENT OF THE COMMISSIONER.** SECTION 3. of Local Law No. Four for the Year 1999 is amended to read as follows:

DELETED MATERIAL IS IN BRACKETS [ ]  
NEW MATERIAL IS UNDERLINED

Authorization to accept waste generated from outside the County shall be by resolution of the Legislature for intergovernmental cooperation agreements setting forth the amount and source of said waste. Said waste shall comply in all regards to source separation standards applicable to waste generated within the County. In addition thereto, and within the design capacity of the solid waste facility, the Commissioner of Public Works be and the same hereby is authorized to accept waste from any source whatever up to 20,000 tons per annum at the prevailing tipping fees established therefore.

**SECTION 3. EFFECTIVE DATE.**

This Local Law shall be effective upon final adoption.

**BE IT FURTHER RESOLVED**, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on the 20<sup>th</sup> day of December, 2004, at 10:00 A.M. at the Legislative Chambers, 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**, a certified copy of this resolution shall be forwarded to the Commissioner of Public Works.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 187-04**

Introduced by D. Creath and G. Swackhamer.

Seconded by R. Argentieri.

**AUTHORIZING THE CLOSING OF FOUR CAPITAL PROJECTS AND RETURNING THE UNEXPENDED BALANCES BACK TO THE REPAIR AND RENOVATIONS RESERVE.**

**WHEREAS**, four capital projects which have been completed contain unexpended balances which were originally funded from the Repair and Renovations Reserve.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Treasurer is hereby authorized to close the following capital projects:

HB 1003 5 250000	Roof Replacement 117 E. Steuben	\$	12,613.00
HB 0103 5 250000	HVAC Control System	\$	895.00
HB 0106 5 250000	2 <sup>nd</sup> Floor Ventilation	\$	9,995.00
HB 0801 5 250000	18 E. Morris St. Roof Replacement	\$	860.00
	<b>TOTAL</b>	<b>\$</b>	<b>24,363.00</b>

**BE IT FURTHER RESOLVED**, the unexpended balances, plus interest, shall be transferred to the Repair and Renovations Reserve Fund; and be it further

**RESOLVED**, that 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. 188-04**

Introduced by R. Nichols.

Seconded by T. Schwartz.

**INCREASING PRIVATE PAY RATES FOR BOTH SEMI-PRIVATE AND PRIVATE ROOMS AT THE STEUBEN COUNTY HEALTH CARE FACILITY EFFECTIVE JANUARY 1, 2005, TOGETHER WITH THE 5 PERCENT NEW YORK STATE CASH RECEIPTS ASSESSMENT.**

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

**WHEREAS**, the Steuben County Health Care Facility needs to increase the semi-private room rate from \$205 to \$215 per day and the private room rate from \$215 to \$225 per day together with the 5 percent New York State Cash Receipts Assessment; and

**WHEREAS**, the Health and Education Committee approved this increase on November 3, 2004.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Health Care Facility is hereby authorized to implement these changes effective January 1, 2005; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the County Treasurer and the Administrator of the Health Care Facility.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 189-04**

Introduced by D. Baker and G. Swackhamer.

Seconded by K. Isaman.

**AUTHORIZING THE TRANSFER OF \$150,000 FROM THE CONTINGENT FUND TO THE PUBLIC DEFENDER’S ASSIGNED COUNSEL LINE ITEM.**

**WHEREAS**, the 2004 Public Defender’s Assigned Counsel line item contains insufficient funds for the balance of the Fiscal Year.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Treasurer is hereby authorized to transfer from the Contingent Fund the amount of \$150,000 to the 2004 Public Defender’s Assigned Counsel line item 5.423.200; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Public Defender and the County Treasurer.

Mr. Swackhamer asked Mr. Alger to explain the reason for this transfer. Mr. Alger stated the State raised the rate for Assigned Counsel and last year we only appropriated \$55,000 for this program. Essentially, they almost tripled the rate. The caseload hasn't changed much but the cost is higher. He noted the Public Defender will be presenting a plan on how to alleviate and better control the cost at the upcoming Public Safety and Corrections Committee meeting.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 190-04**

Introduced by D. Baker and G. Swackhamer.

Seconded by T. Schwartz.

**AUTHORIZING THE SHERIFF'S OFFICE TO ACCEPT A MEMBER ITEM FROM THE NEW YORK STATE LEGISLATURE IN THE AMOUNT OF \$100,000 TO BE EARMARKED TO THE E-911 CENTER FOR THE PURCHASE OF MOBILE DATA TERMINALS FOR LAW ENFORCEMENT VEHICLES IN STEUBEN COUNTY.**

**WHEREAS**, the Steuben County Sheriff's Office has been awarded a member item from the New York State Legislature in the amount of \$100,000 toward the purchase of mobile data terminals for law enforcement vehicles in Steuben County; and

**WHEREAS**, it has established that mobile data terminals in law enforcement vehicles in Steuben County would establish a much needed link between law enforcement for the relaying of information, confidential and emergency; and

**WHEREAS**, the Steuben County Sheriff's Office is desirous of expanding upcoming E-911 communications to include mobile data terminals in all law enforcement vehicles in the County; and

**WHEREAS**, the about to be activated E-911 Center needs the capacity to link their communications with mobile data terminals; and

**WHEREAS**, this member item would assist the County in the implementation of said communications system; and

**WHEREAS**, the Steuben County, Public Safety and Corrections and Finance Committees have approved the acceptance of this member item.

#### **NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Sheriff's Office is hereby authorized to accept this member item to provide assistance in securing the equipment necessary for the communications between the E-911 Center and mobile data terminals; and be it further

**RESOLVED**, this \$100,000 member item be earmarked to the E-911 Center for the purchase of mobile data terminals for law enforcement vehicles in Steuben County; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the County Treasurer, the Steuben County Sheriff and the E 911 Director.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 191-04**

Introduced by P. Donnelly.

Seconded by F. Gehl.

**DIRECTING THE DIRECTOR OF THE COUNTY REAL PROPERTY TAX SERVICE AGENCY TO ADD ROLLBACK AND PENALTY TAXES ON CONVERTED AGRICULTURAL PARCELS.**

Pursuant to Sections 305 and 306 of the Agriculture and Markets Law and 194.16 of the Rules for Real Property Tax Administration.

**WHEREAS**, certain parcels on the prior tax roll received an exemption from taxation on agricultural land which was included in an approved agricultural district and a conversion from agricultural land use has occurred; 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 2005 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 2005 County and Town Tax Levy, and be it further

**RESOLVED**, a certified copy 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. 192-04**

Introduced by P. Donnelly.

Seconded by D. Creath.

**DIRECTING THE DIRECTOR OF THE COUNTY REAL PROPERTY TAX SERVICE AGENCY TO ADD 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 2004 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**, a certified copy of this resolution shall be forwarded to the County Treasurer and the Director of Real Property Tax Service Agency.

Mr. Schwartz asked what are omitted taxes? Mrs. Hatch stated if a person is eligible for an exemption and sells their home after March 1<sup>st</sup> to an individual who is not eligible for the same exemption, the assessor can authorize those taxes on the remaining portion.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 193-04**

Introduced by P. Donnelly.

Seconded by R. Nielsen.

**DIRECTING THE LEVY OF RETURNED UNPAID SCHOOL TAXES FOR THE YEAR 2004.**

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 2004” 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**, a certified copy 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. 194-04**

Introduced by P. Donnelly.

Seconded by D. Baker.

**DIRECTING THE LEVY OF RETURNED UNPAID VILLAGE TAXES FOR THE YEAR 2004.**

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 2004” 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**, a certified copy 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. 195-04**

Introduced by P. Donnelly.

Seconded by D. Creath.

**DIRECTING THE LEVY OF THE SHARE OF THE ESTIMATED COST OF WORKERS' COMPENSATION IN ACCORDANCE WITH THE 2004 REPORT OF THE ADMINISTRATOR OF THE WORKERS' COMPENSATION PLAN.**

Pursuant to Article 5 of the Workers’ Compensation Law of the State of New York.

**WHEREAS**, on July 26, 2004, there was received and filed with this County Legislature a report of the Administrator of the Workers’ Compensation Plan showing the estimated cost of the Self-Insurance Plan for the Year 2005; and

**WHEREAS**, on July 26, 2004, there was received and filed with this County Legislature a Table of Apportionment for the Fiscal Year 2005, showing all of the participating members’ proportionate projected share of the estimated costs of the plan; and

**WHEREAS**, all of the participating members of the Steuben County Self-Insurance Plan have been forwarded copies of the 2005 Table of Apportionment.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Affidavit of the Administrator of the Self-Insurance Plan is hereby filed, and that the Director of the Steuben County Real Property Tax Service Agency is hereby directed to levy the respective share of the 2005 Fiscal Year Workers' Compensation cost of the County upon all the taxable real property of the County, and the respective share of Workers' Compensation cost of each participating Town and Village member, excepting those having already paid in cash, upon the real property in each respective municipality, as the 2005 Table of Apportionment previously filed with this Legislature provides; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the County Treasurer; the Director of Real Property Tax Service Agency, and the Administrator of the Steuben County Self-Insurance Plan.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 196-04**

Introduced by P. Donnelly.

Seconded by F. Gehl.

**ADOPTING THE TABLE OF 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.**

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 for the spread and levy of County taxes upon the taxable real property for County Tax purposes, plus the amount of assessed value, partially exempt from County taxation pursuant to Real Property Tax Law Section 458 & 458A (Veterans), Section 460 (Clergy), Section 464 (Volunteer Firemens' Associations), & Section 467 (Senior Citizens) 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 2005; and be it further

**RESOLVED**, the Clerk of the Legislature is hereby directed to forward to the State Board of Real Property 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**, a certified copy of this resolution shall be forwarded to the Director of Real Property Tax Service Agency, and the County Treasurer.

TABLE OF COUNTY EQUALIZATION RATES STEUBEN COUNTY	
11/05/2004	
MUNICIPALITY	2004 COUNTY RATE FOR 2005 TAX LEVY
CITY OF CORNING	100.00
CITY OF HORNELL	100.00
ADDISON	100.00
AVOCA	100.00
BATH	55.00
BRADFORD	100.00
CAMERON	72.78
CAMPBELL	3.64
CANISTEO	85.66
CATON	74.69
COHOCTON	50.16
CORNING TOWN	100.00
DANSVILLE	100.00
ERWIN	100.00
FREMONT	100.00
GREENWOOD	4.85
HARTSVILLE	53.86
HORNBY	100.00
HORNELLSVILLE	91.00
HOWARD	76.00
JASPER	5.02
LINDLEY	4.70
PRATTSBURGH	100.00
PULTENEY	85.00
RATHBONE	100.00
THURSTON	5.64
TROUPSBURG	76.00
TUSCARORA	5.79
URBANA	82.00
WAYLAND	77.30
WAYNE	89.72
WEST UNION	91.00
WHEELER	81.50
WOODHULL	100.00

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 197-04**

Introduced by P. Donnelly.

Seconded by D. Baker.

**FILING THE REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2005 BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2004.**

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 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 by the corresponding County Equalization rate.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Report of County Equalization for the Year 2005, be and the same hereby is received and filed by this Legislature; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 198-04**

Introduced by D. Baker.

Seconded by F. Gehl.

**DESIGNATING THE STEUBEN COUNTY 911 CENTER AS THE PUBLIC SAFETY ANSWERING POINT TO RECEIVE ALL WIRELESS 911 CALLS IN STEUBEN COUNTY.**

**WHEREAS**, the Steuben County Legislature wishes to designate the Steuben County 911 Center as the local Public Safety Answering Point (PSAP) to receive all wireless 911 calls from wireless telephone service suppliers that own, operate or control wireless telecommunications facilities in Steuben County; and

**WHEREAS**, the Steuben County 911 Center desires to submit an application for Expedited Deployment Funding to the New York State 911 Board; and

**WHEREAS**, when the E 911 system is up and running, it will be the single PSAP for all E 911 calls in Steuben County.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County 911 Center is designated as the public safety answering point to receive all wireless 911 calls from wireless telephone service suppliers that own, operate or control wireless telephone communications facilities located in the County of Steuben; and be it further

**RESOLVED**, that the Steuben County Legislature finds that the Steuben County 911 Center will be in full compliance with the standards of the New York State 911 Board in 21 NYCRR Parts 5200, 5201, 5202, 5203, 5204 and 5250 following the acquisition of the items for which Expedited Deployment Funding is requested; and be it further

**RESOLVED**, that the County supports the request for Expedited Deployment Funding as available through the New York State 911 Board; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the E 911 Director.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 199-04**

Introduced by P. Donnelly.

Seconded by D. Baker.

**AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS.**

Pursuant to Section 261 (2) of the Tax Law of the State of New York.

**RESOLVED**, that the apportionment of tax on mortgages in the County of Steuben collected by the County Clerk from the 1st day of April, 2004, to the 30th day of September, 2004, pursuant to provisions of Section 261 (2) of the Tax Law, as made by the Clerk of this Legislature, be and the same hereby is, ratified and confirmed, and the statement of such apportionment in compliance with the provisions of said Law, filed with the County Treasurer of this County, is hereby and in all things ratified and confirmed and such statement shall be to the County Treasurer a sufficient Warrant for the payment by him of the various sums as apportioned for the various purposes as designed by Law, and be it further

**RESOLVED**, that the Clerk of this Legislature shall forward certified copies of this resolution to the Steuben County Treasurer, the Steuben County Real Property Tax Service Agency, and the Steuben County Clerk:

**MORTGAGE TAX APPORTIONMENT**

The amount of money in your hands on September 30, 2004, which was received by you from the County Clerk as taxes paid to him upon the real property mortgages filed in his office since April 1, 2004, 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 \$701,574.02.

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 – 11/2004**

<b><u>TOWN &amp; CITIES</u></b>	<b><u>TOWN/CITY AMT DUE</u></b>	<b><u>VILLAGES</u></b>	<b><u>VILLAGES AMT DUE</u></b>	<b><u>TOTAL AMT DUE</u></b>
ADDISON	6,949.56	ADDISON	3,100.91	10,050.47
AVOCA	9,416.78	AVOCA	1,519.32	10,936.10
BATH	44,909.40	BATH (1)	13,340.88	59,550.71
BRADFORD	3,083.52	SAVONA (2)	1,300.43	3,083.52
CAMERON	2,817.83			2,817.83
CAMPBELL	22,370.73			22,370.73
CANISTEO	12,936.61	CANISTEO	4,288.85	17,225.46
CATON	26,879.88			26,879.88
COHOCTON	11,192.91	COHOCTON	1,603.17	12,796.08
CORNING CITY	71,796.11			71,796.11
CORNING TOWN	51,181.82	RIVERSIDE (1)	2,239.97	57,335.85
DANSVILLE	11,386.42	S CORNING (2)	3,914.06	11,386.42
ERWIN	84,074.42			91,579.65
FREMONT	3,308.24	PAINTED POST	7,505.23	3,308.24
GREENWOOD	2,165.51			2,165.51
HARTSVILLE	4,939.09			4,939.09
HORNBY	14,325.30			14,325.30
HORNELL CITY	48,576.74			48,576.74
		ALMOND (1)	56.64	
		ARKPORT (2)	2,667.14	
HORNELLSVILLE	30,481.74	V N HORNELL (3)	3,007.72	36,213.24
HOWARD	8,914.39			8,914.39
JASPER	5,016.19			5,016.19
LINDLEY	12,414.68			12,414.68
PRATTSBURGH	16,209.43			16,209.43

PULTENEY	21,678.89		21,678.89
RATHBONE	3,821.76		3,821.76
THURSTON	7,843.06		7,843.06
TROUPSBURG	4,421.01		4,421.01
TUSCARORA	6,095.14		6,095.14
URBANA	29,924.76	HAMMONDSPOINT	3,027.46
WAYLAND	25,641.26	WAYLAND	6,126.67
WAYNE	26,165.03		26,165.03
WEST UNION	1,355.71		1,355.71
WHEELER	8,357.10		8,357.10
WOODHULL	7,224.55		7,224.55
	647,875.57		53,698.45
			701,574.02

The foregoing shall be your sufficient warrant for the payment of said sums as above directed.

DATED at Bath, New York, November \_\_, 2004.

STEUBEN COUNTY LEGISLATURE

\_\_\_\_\_  
by: Philip J. Roche, Chairman

I, Christine Kane, 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 \_\_, 2004

\_\_\_\_\_  
Christine Kane, Clerk  
Steuben County Legislature

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 200-04**

Introduced by D. Creath.

Seconded by R. Nichols.

#### **MODIFYING AND ADOPTING AGRICULTURAL DISTRICT NO. 1 AS A RESULT OF THE EIGHT YEAR REVIEW OF SAID DISTRICT.**

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 review of this Agricultural District with this Legislature; and

**WHEREAS**, this Legislature did hold a Public Hearing on the proposed modifications to said district recommended by the Agricultural and Farmland Protection Board on November 29, 2004.

#### **NOW THEREFORE, BE IT**

**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 be, and she hereby 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 a certified copy of this resolution to: Commissioner of the New York State Department of Agriculture and Markets, 1 Winners Circle, Albany NY 12235; Commissioner of the New York State Department of Environmental Conservation, 625 Broadway, Albany NY 12233-1011; Steuben County Planning Director; John Weaver, Chairman, Steuben County Agricultural and Farmland Protection Board, 7831 County Route 13, Bath NY 14810; Director of the Steuben County Real Property Tax Service Agency; and James Grace, Cornell Cooperative Extension, Steuben County Office Building.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 201-04**

Introduced by D. Stachnik.

Seconded by R. Argentieri.

#### **MEMORIALIZING THE GOVERNOR IN OPPOSITION TO PROPOSED RULE NO. MRD-39-04-00005-P-NYS REGISTER 9-29-04 - REIMBURSEMENT OF WAIVER SERVICES.**

**WHEREAS**, respite services are a family support service providing a means of relief from the responsibilities of daily care giving to a specific defined population with the Office of Mental Retardation and Developmental Disabilities (OMRDD) system; and

**WHEREAS**, statewide, approximately 8,800 individuals receive respite services; and

**WHEREAS**, respite services are currently 100% state funded; and

**WHEREAS**, this proposed rule will convert the costs of said services to the Medicaid HCBS waiver program, resulting in an unreimbursed local government share; and

**WHEREAS**, Medicaid costs in Steuben County have more than doubled in the last 8 years, consuming over 50% of the tax levy; and

**WHEREAS**, the State of New York should maintain its fiscal responsibilities and hold the local governments harmless for these costs.

#### **NOW THEREFORE, BE IT**

**RESOLVED**, the County of Steuben appeals to the Governor and the State Office of Mental Retardation and Developmental Disabilities to reject this proposal; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Governor George E. Pataki, Executive Chamber, State Capitol, Albany, NY 12224; Senator Joseph Bruno, 909 Legislative Office Building,

Albany, NY 12247; Senator John R. Kuhl, Jr., 310 Legislative Office Building, Albany, NY 12247; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; Senator Thomas Libous, 512 Legislative Office Building, Albany, NY 12247; Assemblyman Peter M. Rivera, 826 Legislative Office Building, Albany, NY 12248; Thomas A. Maul, Commissioner, Office of Mental Retardation and Developmental Disabilities, 44 Holland Avenue, Albany, NY 12229; New York State Association of Counties, 111 Pine Street, Albany, NY 12207-2737; and Esther Leadley, President, InterCounty Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, NY 14020.

Mrs. Biehl stated there is a proposal from the Office of Mental Retardation and Developmental Disabilities to change the funding stream for respite individuals. Currently the program is funded 100 percent with State money. The proposal is to place it under a funding stream made up of federal, state and local share. In addition, it is a funding stream whereby the State has capped the reimbursement amount. She noted this comes on the heels of the State's takeover of the Family Health Plus program. It is just another instance of them giving with with one hand and taking back with the other.

**Vote: Acclamation – Adopted.**

#### **RESOLUTION NO. 202-04**

Introduced by D. Baker.

Seconded by R. Nielsen.

**MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO INCREASE THE FUNDING FOR FIREFIGHTER TRAINING IN ORDER TO ESTABLISH A REALISTIC FUNDING BASE TO INSURE THE DELIVERY OF FIRE SERVICE PROTECTION WITHIN NEW YORK STATE.**

**WHEREAS**, the County of Steuben has identified the need for Volunteer Fire Fighters in order to deliver fire service protection; and

**WHEREAS**, the County of Steuben has identified the shortage of trained emergency response personnel; and

**WHEREAS**, the initial training of new firefighters is crucial to develop an enthusiastic, proficient and safety conscious volunteer; and

**WHEREAS**, the County has conducted a training survey in September identifying 82 new firefighters in need of initial fire training; and

**WHEREAS**, the New York State Office of Fire Prevention and Control (OFP&C) operates the sole training program which provides such initial firefighter training programs; and

**WHEREAS**, the current OFP&C Training allocation will only allow for a maximum of 40 new firefighters annually; and

**WHEREAS**, it has been identified that there is a significant shortfall within the OFP&C budget to provide sufficient training hours to support the County's need for the annual fire training program; and

**WHEREAS**, the basis for all levels of emergency response within the County of Steuben depend on well trained Volunteer Fire and EMS service personnel; and

**WHEREAS**, the Steuben County Legislature has established the issue of a realistic fire protection funding base is also a priority for the 2004 State legislative session; and

**WHEREAS**, the Senate and Assembly approved additional funding for the much needed fire training; and

**WHEREAS**, the funding for increase in fire training was vetoed from the approved budget.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the County of Steuben memorializes the Governor of the State of New York to immediately increase the field training budget for the Office of Fire Prevention and Control by at least \$750,000 to meet all of the current unmet needs of the State Fire Training Program; and be it further

**RESOLVED**, that the County of Steuben memorializes the Governor and the Legislature of the State of New York to take the necessary steps to insure an increase in the field training budget for the Office of Fire Prevention and Control to meet all of the needs of the State Fire Training Program for the upcoming 2005 State budget; and be it further

**RESOLVED**, the County of Steuben memorializes the Governor and the Legislature of the State of New York to conduct an in depth review of the training needs of the fire service to establish a realistic funding base for the delivery of fire service protection within New York State. Such review needs to reflect the size of the training base and the types of training that are required; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Governor George E. Pataki, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, David A. Paterson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Paul A. Tokasz, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Charles H. Nesbitt, 933 Legislative Office Building, Albany, NY 12248; N.Y.S. Senator, John R. Kuhl, Jr., 310 Legislative Office Building, Albany, NY 12247; and N.Y.S. Assemblyman, James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; Mr. James Burns, State Fire Administrator, NYS Office of Fire Prevention and Control; and Michael Sprague, Director Steuben County Office of Emergency Services; and to Esther Leadley, President, InterCounty Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, NY 14020.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 203-04**

Introduced by P. Roche.

Seconded by T. Schwartz.

**FILLING A VACANCY ON THE STEUBEN COUNTY CONFERENCE AND VISITORS' BUREAU BOARD OF DIRECTORS.**

**WHEREAS**, the Steuben County Legislature adopted Resolution No. 156-93 on October 25, 1993, authorizing and directing the establishment of a Steuben County Conference and Visitors' Bureau; and

**WHEREAS**, Resolution No. 156-93 stated that the terms of appointment for voting members of the Board of Directors shall be three (3) years; and

**WHEREAS**, a vacancy currently exists on the Board of Directors.

**NOW THEREFORE, BE IT**

**RESOLVED**, the following member of the Board of Directors of the Steuben County Conference and Visitors' Bureau shall be appointed for the term as indicated:

**VOTING MEMBER**

**Community-At-Large**

Allen Fusco

(filling the unexpired term of William Hatch)

**Term**

01/01/03 – 12/31/05

**AND BE IT FURTHER RESOLVED**, the above-named appointee shall serve without compensation other than necessary expenses, upon presentation of receipts, related to the fulfillment of his duty 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 appointee and Peggy Coleman, Executive Director, Steuben County Conference and Visitors' Bureau, Inc., 5 West Market Street, Baron Steuben Building, 2nd Floor, Corning, New York, 14830.

**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. Donnelly, seconded by Mr. Schwartz and Duly Carried.*

*Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mr. Swackhamer, seconded by Mr. Nichols and Duly Carried.*

#### **RESOLUTION NO. 204-04**

Introduced by T. Schwartz.

Seconded by F. Gehl.

**AUTHORIZING AND DIRECTING THE COUNTY ATTORNEY TO INITIATE AN ACTION ON BEHALF OF THE COUNTY OF STEUBEN TO RECOVER OVERPAYMENTS IN CONNECTION WITH MEDICAID PRESCRIPTION DRUGS PROVIDED TO RESIDENTS OF STEUBEN COUNTY.**

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

**WHEREAS**, it is desirable to direct the County Attorney to authorize the New York State Association of Counties to institute legal proceedings on behalf of the County of Steuben to recover overpayments in connection with Medicaid Prescription Drugs provided to residents of Steuben County.

**NOW THEREFORE, BE IT**

**RESOLVED**, the County Attorney be and hereby is authorized to institute legal proceedings in concert with the New York State Association of Counties against pharmaceutical companies, manufacturers, wholesalers, retailer and/or other responsible parties as may be necessary and appropriate to recover overpayments incurred by Steuben County as a result of a scheme among pharmaceutical companies to artificially inflate the average wholesale price if Medicaid prescription drugs provided to Steuben County residents; and be it further

**RESOLVED**, the County Attorney or his duly designated representative is hereby authorized and empowered to undertake such legal proceedings and prepare all documents necessary or desirable to accomplish the purpose of this Act; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to New York State Association of Counties, Attention: Stephen J. Acquario, Esq., 111 Pine Street, Albany, NY 12207.

**Vote: Roll Call – Adopted.**

*Motion to Adjourn made by Mr. Nielsen, seconded by Mr. McAllister and Duly Carried.*

**SPECIAL MEETING**  
**Evening Session**  
**Bath, New York**  
**Thursday, December 2, 2004**

The County Legislature of the County of Steuben convened in Special Session in the Legislative Chambers, Bath, New York, on Thursday the 2<sup>nd</sup> day of December, 2004, at 7:00 p.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll Call and all members present except Legislator Nichols. (late)

Mr. Swackhamer offered the Invocation and the Pledge of Allegiance was led by Mr. Gehl.

Chairman Roche asked are there any objections to holding the public hearings on the 9 Public Officer raises together in one hearing? There being none, the Chairman asked Mrs. Kane to read the Notices of Public Hearing. Chairman Roche noted this is a public comment session, not a question and answer period or a debate session.

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 Hearings upon Local Law Tentatively No. Three for the Year 2004, Establishing the annual salary of the Clerk of the Legislature of the County of Steuben for the Fiscal Year 2005; Local Law Tentatively No. Four for the Year 2004, Establishing the annual salary of the Personnel Officer of the County of Steuben for the Fiscal Year 2005; Local Law Tentatively No. Five for the Year 2004, Establishing the annual salary of the Real Property Tax Director of the County of Steuben for the Fiscal Year 2005; Local Law Tentatively No. Six for the Year 2004, Establishing the annual salary of the Commissioner of Social Services of the County of Steuben for the Fiscal Year 2005; Local Law Tentatively No. Seven for the Year 2004, Establishing the annual salary of the County Treasurer of the County of Steuben for the Fiscal Year 2005; Local Law Tentatively No. Eight for the Year 2004, Establishing the annual salary of the Commissioner of Public Works of the County of Steuben for the Fiscal Year 2005; Local Law Tentatively No. Nine for the Year 2004, Establishing the annual salary of the County Auditor of the County of Steuben for the Fiscal Year 2005; Local Law Tentatively No. Ten for the Year 2004, Establishing the annual salary of the County Attorney of the County of Steuben for the Fiscal Year 2005; Local Law Tentatively No. Eleven for the Year 2004, Establishing the annual salary of the County Clerk of the County of Steuben for the Fiscal Year 2005. Chairman Roche asked if there were any comments regarding the proposed local laws.

Rosalie Niemcizk, Bath, stated on the salary for the Social Services Department Head, that department needs a good looking at. There is much fraud in this town. Believe me it is there. When a functional illiterate can get 14 eyeglass prescriptions in a year, I get concerned. You should also look at the County Attorney's salary. Anyone in these times making over \$100,000 could stand a wage freeze. This is not good and this County is in extremely poor shape. That is where we are. Your efforts with Medicaid are noble. However, how much internal, intense pressure are you putting on Winner and Bacalles? This is what we want done. We want fiscal responsibility. We don't want automatic raises; it should be based on performance. Thank you very much.

Hal Bailey, Savona, stated I've spoken out against the salary increases before. Some of them are getting out of hand, especially the ones over \$50,000. That's a good sum of money and people should consider a freeze on their salaries. You are public servants and not many people out here paying property taxes are making that kind of money. It hurts a lot of people and people are being forced to sell their homes and leave the area. I realize people like to receive a salary increase and many times an incentive for doing a good job is getting a salary increase but sometimes it should be keeping your job. These are uncalled for and I would appreciate you reconsider them.

Pat Eaton, Bath, stated I oppose the raise for anybody this year. Remember these Department Heads are only as good as the people under them. We have some questions later on that we would like answered. I'm sure we put you in office and you have responsibility to answer to us.

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 Notice of Completion and Filing of the Assessment Roll for the year 2004 for the Marsh Ditch Watershed Protection District in the Towns of Dansville and Hornellsville. Chairman Roche 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 of Posting for the Public Hearing upon the Notice of Completion and Filing of the Assessment Roll for the year 2004 for the Upper Five Mile Creek Watershed Protection District in the Towns of Prattsburgh, Wheeler and Urbana. Chairman Roche 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 of Posting for the Public Hearing upon the Notice of Completion and Filing of the Assessment Roll for the year 2004 for the Lamoka/Waneta Lakes' Protection and Rehabilitation District in the Towns of Wayne and Bradford. Chairman Roche 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 of Posting for the Public Hearing upon the Tentative Budget of said County for the fiscal year 2004. Chairman Roche asked if anyone wished to address the Legislature relative to the Public Hearing.

Harold Bauer, Ph.D., Wayland, stated I'm here in support of the Steuben County Public Library System. I think their basic operating budget allows for the backbone of a system that is related to the collective sharing of books, as well as providing internet access for the general public for those who don't own a computer or have a provider. The operating budget you provide allows them this information and to provide them research and education. My daughter is a high school student. I know how important the library is to the public. Where would we be without internet access and the interlibrary book loan program?

Michael Hann, Bath, stated with the prospect of another double digit tax increase, County residents not employed by the County are dreading this season. I know you blame the increase on Medicaid and point your finger at the State Legislature for not approving meaningful reform. Why can't we see a concerted effort in reforming the health care industry at the County level? I did the research and 15 out of the 17 of you are getting your health insurance benefits. I applaud the two of you who are not. I'm a dairy farmer and we've lost over 60 percent of our farms over the past years. Steuben County is in transition with the loss of farmers and manufacturing jobs. How can we justify increasing departmental budgets when so many people who pay for it are losing their jobs? Do more with less and more for less like the farmers. Please become the statesman we desperately need and hear our demand.

Gayle A. Mosier, MD stated I live in Wayland and I am a pediatric physician. Certainly in our community the local library serves for children as the only safe educational environment in the community. I would hate to see our County be a more two tiered community where the rich are separated by the poor due to decreased library funding.

Barb Radigan, Pulteney Free Library, stated thank you for all the support we've received in the past. It is very important for us, as we are not really big. We appreciate having the funding to pay for the connectivity to the internet and buy books and pay for salaries. We have a lot of people using our internet connection and even those with computers come use ours, as well as visitors in the summertime. I really appreciate everything you've done to help us. Thank you.

Ristiina Wigg, Southern Tier Library System, stated thank you. I know it is a tough year and you've spent a lot of time on the budget. Thank you for your support for the library and enhancing the lives of County residents.

Jack Elsloo, Wayland, stated knowledge is power. Libraries are one of the best places to get power and knowledge. I thank you for providing funding. Just remember that people are getting savvier and they are having more power due to places like the library. That is going to become more apparent in the upcoming elections.

Lise Gilliland, Corning Library, stated thank you again for your continuing support of libraries in Steuben County. We realize this is a difficult time for budgets throughout the State and we are keenly aware that everyone is asking for the same piece of pie. Going to the library is not a small part of people's lives. It is part of their quality of life. It provides people with resources they need for finding work and doing schoolwork. Without County aid to pay for that connectivity, thousands of people would be without a resource to better their lives and future. Thank you.

Anna Elsloo, Wayland, stated thank you. The library is a big part of my life as I'm there once a week. Thank you for your funding.

Hal Bailey, Savona, stated a few years ago the County received tobacco settlement money and put most of it towards 911. Maybe it should've been used to keep taxes down. This County has gotten along many years without 911 and it could continue without it. Just because the money was there didn't mean you had to spend it right away. Save it for a rainy day. I think there are other ways the County could save a few dollars. Maybe our roads have to be a little bumpier. Maybe we have to give up some other services. I'm willing to listen to suggestions about cutting County services. Many other people feel the same way about it.

Pat Eaton, Bath, stated after reviewing the budget I realize it is only a summary. In that budget there is no mention of health insurance costs. Why is it hidden under employee fringe benefits? What is the figure that is paid for employees' health insurance? Health insurance is not mentioned in the budget. This is our money you are spending and we want answers.

An unnamed individual stated you people are classified as part time employees. Why are you covered by health insurance? If this was eliminated it would bring down the budget considerably. The other thing I don't like is the sneaky way you put the motor vehicle user tax in the budget. Who is Thomas Schwartz? As far as I can see, you are the only one who makes any sense.

There being no further comments, Chairman Roche declared the public hearing closed.

Chairman Roche stated I've been asked to consider consolidating resolutions one through nine with one roll call vote. Are there any objections? There were no objections. Mr. McIntyre recommended waiving the reading of the resolutions.

Mr. Gehl requested pulling out Resolution No. 9 to be voted on separately. There being no objections, resolutions one through eight are on the floor.

**RESOLUTION NO. 205-04**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2004, ESTABLISHING THE ANNUAL SALARY OF THE CLERK OF THE LEGISLATURE OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2005.**

Pursuant to Sections 200, 201, and 214 of the County Law and Sections 10, 20, and 24 of the General Municipal Law of the State of New York.

**WHEREAS**, there has been duly presented to the members of the Steuben County Legislature on November 15, 2004 County of Steuben Local Law Tentatively No. Three for the Year 2004, establishing the annual salary of the Clerk of the Legislature of the County of Steuben for fiscal year 2005, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2004, making the final adoption of said Local Law subject to a Public Hearing to be held on December 2, 2004, 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 the 2<sup>nd</sup> day of December, 2004 at 7:00 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. Three for the Year 2004, 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 2004**

**A LOCAL LAW** establishing the annual salary of the Clerk of the Legislature of the County of Steuben for the fiscal year 2005.

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 Section 201 and Municipal Home Rule Law Section 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 2005, the annual salary of the Clerk of the Legislature of the County of Steuben is hereby established for the fiscal year 2005 as follows, to wit:

<u>TITLE</u>	<u>2003-2004 SALARY</u>	<u>2005 SALARY</u>
Clerk of the Legislature	\$ 46,128.00	\$ 47,973.00

**SECTION 3.** Should the above position 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 (1) certified copy thereof to be filed in the office of the Steuben County Clerk, and one (1) certified copy 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**, a certified copy of this resolution shall be forwarded to the County Treasurer, the Personnel Officer and the Clerk of the Legislature.

#### **RESOLUTION NO. 206-04**

Introduced by P. Donnelly.

Seconded by K. Isaman.

#### **FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2004, ESTABLISHING THE ANNUAL SALARY OF THE PERSONNEL OFFICER OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2005.**

Pursuant to Sections 200, 201, and 214 of the County Law and Sections 10, 20, and 24 of the General Municipal Law of the State of New York.

**WHEREAS**, there has been duly presented to the members of the Steuben County Legislature on November 15, 2004 County of Steuben Local Law Tentatively No. Four for the Year 2004, establishing the annual salary of the Personnel Officer of the County of Steuben for fiscal year 2005, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2004, making the final adoption of said Local Law subject to a Public Hearing to be held on December 2, 2004, 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 the 2<sup>nd</sup> day of December, 2004 at 7:00 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 2004, 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 2004**

**A LOCAL LAW** establishing the annual salary of the Personnel Officer of the County of Steuben for the fiscal year 2005.

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 Section 201 and Municipal Home Rule Law Section 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 2005, the annual salary of the Personnel Officer of the County of Steuben is hereby established for the fiscal year 2005 as follows, to wit:

<u>TITLE</u>	<u>2003-2004 SALARY</u>	<u>2005 SALARY</u>
Personnel Officer	\$ 70,928.00	\$ 73,765.00

**SECTION 3.** Should the above position 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 (1) certified copy thereof to be filed in the office of the Steuben County Clerk, and one (1) certified copy 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**, a certified copy of this resolution shall be forwarded to the County Treasurer and the Personnel Officer.

**RESOLUTION NO. 207-04**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2004, ESTABLISHING THE ANNUAL SALARY OF THE REAL PROPERTY TAX DIRECTOR OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2005.**

Pursuant to Sections 200, 201, and 214 of the County Law and Sections 10, 20, and 24 of the General Municipal Law of the State of New York.

**WHEREAS**, there has been duly presented to the members of the Steuben County Legislature on November 15, 2004 County of Steuben Local Law Tentatively No. Five for the Year 2004, establishing the annual salary of the Real Property Tax Director of the County of Steuben for fiscal year 2005, and this Legislature

by resolution, preliminarily adopted said Local Law on November 15, 2004, making the final adoption of said Local Law subject to a Public Hearing to be held on December 2, 2004, 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 the 2<sup>nd</sup> day of December, 2004 at 7:00 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. Five for the Year 2004, as hereinafter set forth be and the same hereby is finally adopted, to wit:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2004**

A **LOCAL LAW** establishing the annual salary of the Real Property Tax Director of the County of Steuben for the fiscal year 2005.

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 Section 201 and Municipal Home Rule Law Section 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 2005, the annual salary of the Real Property Tax Director of the County of Steuben is hereby established for the fiscal year 2005 as follows, to wit:

<u>TITLE</u>	<u>2003-2004 SALARY</u>	<u>2005 SALARY</u>
Real Property Tax Director	\$ 55,267.00	\$ 57,478.00

**SECTION 3.** Should the above position 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 (1) certified copy thereof to be filed in the office of the Steuben County Clerk, and one (1) certified copy 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**, a certified copy of this resolution shall be forwarded to the Personnel Officer, the County Treasurer and the Real Property Tax Director.

**RESOLUTION NO. 208-04**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2004, ESTABLISHING THE ANNUAL SALARY OF THE COMMISSIONER OF SOCIAL SERVICES OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2005.**

Pursuant to Sections 200, 201, and 214 of the County Law and Sections 10, 20, and 24 of the General Municipal Law of the State of New York.

**WHEREAS**, there has been duly presented to the members of the Steuben County Legislature on November 15, 2004 County of Steuben Local Law Tentatively No. Six for the Year 2004, establishing the annual salary of the Commissioner of Social Services of the County of Steuben for fiscal year 2005, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2004, making the final adoption of said Local Law subject to a Public Hearing to be held on December 2, 2004, 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 the 2<sup>nd</sup> day of December, 2004 at 7:00 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum.

**NOW THEREFORE, BE IT**

**RESOLVED**, that County of Steuben Local Law Tentatively No. Six for the Year 2004, as hereinafter set forth be and the same hereby is finally adopted, to wit:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2004**

**A LOCAL LAW** establishing the annual salary of the Commissioner of Social Services of the County of Steuben for the fiscal year 2005.

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 Section 201 and Municipal Home Rule Law Section 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 2005, the annual salary of the Commissioner of Social Services of the County of Steuben is hereby established for the fiscal year 2005 as follows, to wit:

<u>TITLE</u>	<u>2003-2004 SALARY</u>	<u>2005 SALARY</u>
Commissioner of Social Services	\$ 69,222.00	\$ 71,990.00

**SECTION 3.** Should the above position 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 (1) certified copy thereof to be filed in the office of the Steuben County Clerk, and one (1) certified copy 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,** a certified copy of this resolution shall be forwarded to the Personnel Officer, the County Treasurer and the Commissioner of Social Services.

**RESOLUTION NO. 209-04**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. SEVEN FOR THE YEAR 2004, ESTABLISHING THE ANNUAL SALARY OF THE COUNTY TREASURER OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2005.**

Pursuant to Sections 200, 201, and 214 of the County Law and Sections 10, 20, and 24 of the General Municipal Law of the State of New York.

**WHEREAS,** there has been duly presented to the members of the Steuben County Legislature on November 15, 2004 County of Steuben Local Law Tentatively No. Seven for the Year 2004, establishing the annual salary of the County Treasurer of the County of Steuben for fiscal year 2005, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2004, making the final adoption of said Local Law subject to a Public Hearing to be held on December 2, 2004, 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 the 2<sup>nd</sup> day of December, 2004 at 7:00 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. Seven for the Year 2004, as hereinafter set forth be and the same hereby is finally adopted, to wit:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. SEVEN FOR THE YEAR 2004**

A **LOCAL LAW** establishing the annual salary of the County Treasurer of the County of Steuben for the fiscal year 2005.

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 Section 201 and Municipal Home Rule Law Section 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 2005, the annual salary of the County Treasurer of the County of Steuben is hereby established for the fiscal year 2005 as follows, to wit:

<b><u>TITLE</u></b>	<b><u>2003-2004 SALARY</u></b>	<b><u>2005 SALARY</u></b>
County Treasurer	\$ 65,718.00	\$ 68,347.00

**SECTION 3.** Should the above position 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 (1) certified copy thereof to be filed in the office of the Steuben County Clerk, and one (1) certified copy 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**, a certified copy of this resolution shall be forwarded to the Personnel Officer and the County Treasurer.

**RESOLUTION NO. 210-04**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. EIGHT FOR THE YEAR 2004, ESTABLISHING THE ANNUAL SALARY OF THE COMMISSIONER OF PUBLIC WORKS OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2005.**

Pursuant to Sections 200, 201, and 214 of the County Law and Sections 10, 20, and 24 of the General Municipal Law of the State of New York.

**WHEREAS**, there has been duly presented to the members of the Steuben County Legislature on November 15, 2004 County of Steuben Local Law Tentatively No. Eight for the Year 2004, establishing the annual salary of the Commissioner of Public Works of the County of Steuben for fiscal year 2005, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2004, making the final adoption of said Local Law subject to a Public Hearing to be held on December 2, 2004, 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 the 2<sup>nd</sup> day of December, 2004 at 7:00 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. Eight for the Year 2004, as hereinafter set forth be and the same hereby is finally adopted, to wit:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. EIGHT FOR THE YEAR 2004**

**A LOCAL LAW** establishing the annual salary of the Commissioner of Public Works of the County of Steuben for the fiscal year 2005.

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 Section 201 and Municipal Home Rule Law Section 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 2005, the annual salary of the Commissioner of Public Works of the County of Steuben is hereby established for the fiscal year 2005 as follows, to wit:

<u>TITLE</u>	<u>2003-2004 SALARY</u>	<u>2005 SALARY</u>
Commissioner of Public Works	\$ 72,114.00	\$ 74,999.00

**SECTION 3.** Should the above position 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 (1) certified copy thereof to be filed in the office of the Steuben County Clerk, and one (1) certified copy 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**, a certified copy of this resolution shall be forwarded to the County Treasurer, the Personnel Officer and the Commissioner of Public Works.

#### **RESOLUTION NO. 211-04**

Introduced by P. Donnelly.

Seconded by K. Isaman.

#### **FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. NINE FOR THE YEAR 2004, ESTABLISHING THE ANNUAL SALARY OF THE COUNTY AUDITOR OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2005.**

Pursuant to Sections 200, 201, and 214 of the County Law and Sections 10, 20, and 24 of the General Municipal Law of the State of New York.

**WHEREAS**, there has been duly presented to the members of the Steuben County Legislature on November 15, 2004 County of Steuben Local Law Tentatively No. Nine for the Year 2004, establishing the annual salary of the County Auditor of the County of Steuben for fiscal year 2005, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2004, making the final adoption of said Local Law subject to a Public Hearing to be held on December 2, 2004, 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 the 2<sup>nd</sup> day of December, 2004 at 7:00 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. Nine for the Year 2004, as hereinafter set forth be and the same hereby is finally adopted, to wit:

#### **COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. NINE FOR THE YEAR 2004**

**A LOCAL LAW** establishing the annual salary of the County Auditor of the County of Steuben for the fiscal year 2005.

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 Section 201 and Municipal Home Rule Law Section 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 2005, the annual salary of the County Auditor of the County of Steuben is hereby established for the fiscal year 2005 as follows, to wit:

<u>TITLE</u>	<u>2003-2004 SALARY</u>	<u>2005 SALARY</u>
County Auditor	\$ 36,500.00	\$ 37,595.00

**SECTION 3.** Should the above position 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 (1) certified copy thereof to be filed in the office of the Steuben County Clerk, and one (1) certified copy 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**, a certified copy of this resolution shall be forwarded to the County Treasurer, the Personnel Officer and the County Auditor.

**RESOLUTION NO. 212-04**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. TEN FOR THE YEAR 2004, ESTABLISHING THE ANNUAL SALARY OF THE COUNTY ATTORNEY OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2005.**

Pursuant to Sections 200, 201, and 214 of the County Law and Sections 10, 20, and 24 of the General Municipal Law of the State of New York.

**WHEREAS**, there has been duly presented to the members of the Steuben County Legislature on November 15, 2004 County of Steuben Local Law Tentatively No. Ten for the Year 2004, establishing the annual salary of the County Attorney of the County of Steuben for fiscal year 2005, and this Legislature by resolution,

preliminarily adopted said Local Law on November 15, 2004, making the final adoption of said Local Law subject to a Public Hearing to be held on December 2, 2004, 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 the 2<sup>nd</sup> day of December, 2004 at 7:00 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. Ten for the Year 2004, as hereinafter set forth be and the same hereby is finally adopted, to wit:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. TEN FOR THE YEAR 2004**

**A LOCAL LAW** establishing the annual salary of the County Attorney of the County of Steuben for the fiscal year 2005.

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 Section 201 and Municipal Home Rule Law Section 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 2005, the annual salary of the County Attorney of the County of Steuben is hereby established for the fiscal year 2005 as follows, to wit:

<u>TITLE</u>	<u>2003-2004 SALARY</u>	<u>2005 SALARY</u>
County Attorney	\$ 111,749.00	\$ 116,219.00

**SECTION 3.** Should the above position 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 (1) certified copy thereof to be filed in the office of the Steuben County Clerk, and one (1) certified copy 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**, a certified copy of this resolution shall be forwarded to the Personnel Officer, the County Treasurer and the County Attorney.

**Vote: Roll Call – Adopted. Yes: 5949; No: 3923.**

*(No: Argentieri, Baker, Jamison, McAllister, McIntyre, Schwartz, Walsh)*

**L O S T  
RESOLUTION NO. 213-04**

Introduced by P. McAllister.

Seconded by K. Isaman.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. ELEVEN FOR THE YEAR 2004, ESTABLISHING THE ANNUAL SALARY OF THE COUNTY CLERK OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2005.**

Pursuant to Sections 200, 201, and 214 of the County Law and Sections 10, 20, and 24 of the General Municipal Law of the State of New York.

**WHEREAS**, there has been duly presented to the members of the Steuben County Legislature on November 15, 2004 County of Steuben Local Law Tentatively No. Eleven for the Year 2004, establishing the annual salary of the County Clerk of the County of Steuben for fiscal year 2005, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2004, making the final adoption of said Local Law subject to a Public Hearing to be held on December 2, 2004, 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 the 2<sup>nd</sup> day of December, 2004 at 7:00 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. Eleven for the Year 2004, as hereinafter set forth be and the same hereby is finally adopted, to wit:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. ELEVEN FOR THE YEAR 2004**

**A LOCAL LAW** establishing the annual salary of the County Clerk of the County of Steuben for the fiscal year 2005.

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 Section 201 and Municipal Home Rule Law Section 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 2005, the annual salary of the County Clerk of the County of Steuben is hereby established for the fiscal year 2005 as follows, to wit:

<u>TITLE</u>	<u>2003-2004 SALARY</u>	<u>2005 SALARY</u>
County Clerk	\$ 46,253.00	\$ 48,103.00

**SECTION 3.** Should the above position 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 (1) certified copy thereof to be filed in the office of the Steuben County Clerk, and one (1) certified copy 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,** a certified copy of this resolution shall be forwarded to Personnel Officer, the County Treasurer and the County Clerk.

Mr. Gehl stated I asked for this resolution to be pulled out because of the problems that have been occurring in the Department. In addition, the Administration Committee made a request of the County Clerk for information in writing and we still haven't received it. I feel to get a raise is an honor and privilege and I cannot vote for this.

**Vote: Roll Call – Lost. Yes: 3145; No: 6727**  
*(No: Argentieri, Baker, Donnelly, Gehl, Jamison, McAllister, McIntyre, Nielsen, Schwartz, Stachnik, Swackhamer, Walsh)*

**RESOLUTION NO. 214-04**

Introduced by G. Swackhamer.

Seconded by K. Isaman.

**FINAL ADOPTION OF THE ANNUAL COUNTY BUDGET FOR THE FISCAL YEAR 2005 FOR THE COUNTY OF STEUBEN, AUTHORIZATION FOR REGULATION OF FUND CONTROL AND AUTHORIZATION FOR ISSUANCE OF TAX ANTICIPATION AND REVENUE ANTICIPATION NOTES FOR THE YEAR 2005.**

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 2005 were duly filed with the Clerk of the County Legislature on or before November 15, 2004, 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 the 2<sup>nd</sup> day of December, 2004 commencing at 7:00 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 and ask questions 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 2005; 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 2005 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 2005; 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, 2005 or thereafter in the Year 2005, 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 2005:

<u>Department/Project</u>	<u>Total Appropriation</u>
Buildings & Grounds	\$ 158,500.00
Public Works	2,278,000.00
Landfill	<u>325,000.00</u>
<b>TOTAL</b>	<b>\$2,761,500.00</b>

**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**, in pursuance of Section 355, subdivision 1-(j) of the County Law, the balances at the end of the Fiscal Year of 2004 in the County Road Fund and County Machinery Fund are hereby reappropriated for the same objects and purposes; and be it further

**RESOLVED**, from and after January 1, 2005, 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, 2006, 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 2004 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 2005 Steuben County Budget with the New York State Comptroller in accordance with State Finance Law, Section 54-a; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; County Treasurer; and Gary Swackhamer, Chairman, Finance Committee.

*Motion to reinstate the two part-time Sr. Clerk positions in the Elections Office to full time made by Mr. Walsh, seconded by Mr. Gehl.*

Mr. Alger stated the cost would be \$26,054 in salary and \$7,655 in fringe benefits. Mr. Schwartz asked is anyone from the Elections Office here? They are not. Mr. Schwartz asked that it be noted in the record that they weren't present at the meeting.

Mr. Alger stated there is an overrun in their budget this year that will be coming through the Committees this month. It is to cover the cost for the reprinting of the ballots as a result of court actions. These involve the Vice Presidential candidates and Judges. Mr. Creath stated it should be noted that the fault lies outside the County Board of Elections.

Mr. Gehl stated for 2006 they will have four people in that office that are expected to train each and every citizen in the County and new inspectors on the new voting machines. We have two people on part time which were full time up until last year and they are very knowledgeable. If they get another job to supplement their part time job we are going to lose that knowledge.

Mr. Stachnik stated after the election in 2000, municipalities and states have been funneling more money into their elections. It makes no sense for us to cut elections when there is much more to do.

Mr. Nichols asked what is the total increased cost? Mr. Alger stated \$33,819.

Mr. Argentieri asked what did the 2 part time positions cost the County in 2004? Mr. Alger stated the salaries would be half of \$33,000. You might also recall we've added more money to the personal services budget to cover costs as they have been working more. Mr. Argentieri stated it is money well spent.

Mr. McAllister stated they wanted some full timers until the end of the year and that was approved. I don't remember them coming to the Administration Committee asking or saying there was any urgency that they needed them full time next year.

Mr. Johnson came into the Legislative Chambers. Chairman Roche stated there is a proposal to increase the funding to bring your two part-time Sr. Clerk positions to full time. Mr. Johnson stated it is a necessity. One reason is they aren't going to stay with the County if the positions remain part time. Also there are a lot of changes coming about in the Board of Elections and we will be purchasing new machines and setting up a statewide database. There is more happening in our office than ever before. Everything we do is mandated by the State and I don't know how we are going to do it with just four employees. Discussion followed.

*Mr. Argentieri moved to amend the motion to include decreasing the Contingent fund by the same amount so it wouldn't be an increase in the tax levy. Mr. Walsh and Mr. Gehl accepted the amendment to their motion to include decreasing the Contingent fund by \$33,819 to cover the increase in the Elections Office's Personal Services Line Item.*

Mr. Isaman stated I don't think we received clarification as to why this wasn't brought before the Administration Committee.

Mr. Roche asked Mr. Johnson if he brought the issue before the Administration Committee. Mr. Johnson stated no, but it was brought before the full Legislature.

Mr. McAllister stated we're talking about educating people on the new machines. Do we have the money for that yet? Mr. Johnson stated we do not. The State has to do something on this very soon or they will lose \$200 million in federal funding for this purpose.

Mr. Schwartz stated could the amendment be brought up at a later date?

Mr. Alger stated the proposal is rather than add the \$33,819 to the tax levy, the Contingent fund will be reduced by a like amount so it will not affect the tax levy.

Mr. Swackhamer stated we're starting a dangerous precedent of taking money out of the Contingency Fund before we even start the budget year. That fund is for us to fall back upon when we get surprises throughout the year. The Finance Committee has already decreased the Contingent Fund. Any money remaining in that fund next year goes towards the 2006 budget. We have to be very careful with what we are doing. If you want to approve this proposal, it should be put in the budget properly.

*Motion to table and refer to the Administration Committee the issue of increasing two part-time Sr. Clerk positions in the Elections Office to full time made by Mr. Isaman, seconded by Mr. Schwartz. **Vote: Roll Call – Adopted. Yes: 7348; No: 2524. (No: Nichols, Nielsen, Roche, Stachnik)***

Mr. McIntyre stated while fine efforts were made by County Department Heads in their cooperation with the Finance Chairman and the Budget Officer, and I truly thank them, to bring our 2005 County Budget to the present level of 9.5 percent property tax levy, I'm personally disappointed with the lackadaisical attitude and effort put forth by our leadership and to our real responsibility as Legislators. In my heart, I firmly believe we could have and should have lessened the burden on taxpayers, for where we are right now is far short from where this Legislature is capable of being. Obvious examples are through personnel and department consolidation that should have been studied within a committee structure and made where necessary. If industry can look at their bottom line and downsize or reduce personnel to other areas within their companies, then why is County Government so squeamish? We continue to hear that there are two different kettles of fish. My answer is baloney. This Legislature must stop doing what is comfortable and step up to the plate and do what is responsible for its citizens. I am personally tired of County Government putting their hand into the other fellow's pocket while providing fewer services. Therefore, I will not vote in favor of this budget knowing we could have done so much more.

Mr. Schwartz stated it is class warfare between public and private. The private sector pays \$750 in medical co-pay or are losing medical insurance. The private sector is losing wages but the public sector wouldn't increase the minimum wage. The private sector pays for the public sector for things they themselves don't have. All individuals in public employment should pay for retirement benefits, all should pay a portion of the medical insurance and what is paid should be open to the public. I'm not here to be popular, just to tell the truth. Taxation on all levels has become a criminal activity.

**Vote: Roll Call – Adopted. Yes: 7155; No: 2817**  
**(No: Argentieri, McAllister, McIntyre, Schwartz, Walsh)**

Mr. Crossett stated this budget reflects a 9.52 percent increase. Mr. Argentieri noted that it depends on each municipality's equalization rate, so that is kind of deceiving. Some municipality's taxes will be higher, some will be lower.

**RESOLUTION NO. 215-04**

Introduced by G. Swackhamer.

Seconded by F. Gehl.

**AMENDING THE STEUBEN COUNTY BUDGET FOR THE FISCAL YEAR 2005, TO PROVIDE THAT NON-PROPERTY TAXES BE APPLIED TO THE TOWNS' SHARE OF THE COUNTY TAX LEVY MAKING APPROPRIATIONS FOR THE CONDUCT OF THE COUNTY GOVERNMENT FOR THE FISCAL YEAR 2005, AND PROVIDING FOR THE RAISING OF THE TAXES REQUIRED BY THE COUNTY BUDGET, AS AMENDED, FOR THE FISCAL YEAR 2005, AND ADOPTING THE APPROPRIATION RESOLUTION FOR THE FISCAL YEAR 2005.**

Pursuant to Section 360 of the County Law of the State of New York and Local Law No. 4 for the Year 2002 in the County of Steuben, and in accordance with the official Rules and Regulations of the New York State Department of Audit and Control.

**WHEREAS**, Local Law No. 4 for the Year 2002 directs that there be a separate line item indicating specifically the Medicaid portion of the total amount of County tax levied; and

**WHEREAS**, the Legislature, by resolution on even date herewith, has adopted a Budget for the Fiscal Year 2005, 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 2005, 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 directing that a separate line item indicating specifically the Medicaid portion of the total amount of County tax levied on each property be set forth; 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 2005 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 2005 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 except for Medicaid for the Fiscal Year 2005 to be raised by taxes amounting to the sum of \$17,440,634 and reduced by anticipation of the sales tax credit in the amount of \$6,544,864 and shall further appropriate the amount of \$21,966,608 for Medicaid, 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, 2005; and be it further

**RESOLVED**, pursuant to Sections 356 and 360 of the County Law of the State of New York, the Proposed Appropriation Resolution presented November 15, 2004 and filed with the Clerk of the Legislature on November 15, 2004 for the Year 2005, and as amended, altered, or revised by this County Legislature to date, be

and the same hereby is adopted by this Legislature as the appropriation resolution for Fiscal Year 2005; and be it further

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

**Vote: Roll Call – Adopted. Yes: 7155; No: 2817.**  
*(No: Argentieri, McAllister, McIntyre, Schwartz)*

#### **RESOLUTION NO. 216-04**

Introduced by P. Donnelly.

Seconded by K. Isaman.

### **COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2004 FOR THE MARSH DITCH WATERSHED PROTECTION DISTRICT IN THE TOWNS OF DANSVILLE AND HORNELLSVILLE IN THE COUNTY OF STEUBEN AND STATE OF NEW YORK.**

Pursuant to Sections 270 and 271 of the County Law of the State of New York.

**WHEREAS**, the assessment roll for the Year 2004, 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 2005, 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 2<sup>nd</sup> day of December, 2004, at 7:00 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 2<sup>nd</sup> day of December 2004, 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 2004 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**, a certified copy of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; the County Treasurer; the Attorney for said District; and the President of the Board of Directors of the said Water Protection District.

**Vote: Roll Call – Adopted. Yes: 9421; No: 451**  
*(No: Swackhamer)*

**RESOLUTION NO. 217-04**

Introduced by P. Donnelly.

Seconded by D. Baker.

**ACCEPTING THE 2005 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 \$18,400 of which sum \$16,900 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 2005; and be it further

**RESOLVED**, a certified copy 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. Yes: 9421; No: 451**  
*(No: Swackhamer)*

**RESOLUTION NO. 218-04**

Introduced by P. Donnelly.

Seconded by D. Baker.

**COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2004 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.**

Pursuant to Sections 270 and 271 of the County Law of the State of New York.

**WHEREAS**, the assessment roll for the Year 2004 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 2005 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 2<sup>nd</sup> day of December, 2004 at 7:00 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 2<sup>nd</sup> day of December 2004, 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 2004 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**, a certified copy of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; the County Treasurer; the Attorney for said District; and the President of the Board of Directors of the said Water Protection District.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 219-04**

Introduced by P. Donnelly.

Seconded by F. Gehl.

**DIRECTING THE LEVY OF THE UPPER FIVE MILE CREEK WATERSHED PROTECTION DISTRICT TAXES DUE JANUARY 2005.**

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 2005, levied upon the various parcels of land in the said Protection District 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**, a certified copy 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 Upper Five Mile Creek Watershed Protection District.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 220-04**

Introduced by P. Donnelly.

Seconded by D. Creath.

**COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2004 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.**

Pursuant to Sections 270 and 271 of the County Law of the State of New York.

**WHEREAS**, the assessment roll for the Year 2004 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 2005 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 2<sup>nd</sup> day of December 2004 at 7:00 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 2<sup>nd</sup> day of December 2004, 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 2004 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**, a certified copy of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; the County Treasurer; the Attorney for said Lakes' Protection and Rehabilitation Districts; the Lamoka/Waneta Lakes' District Commission and the Clerk of the Schuyler County Legislature.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 221-04**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**DIRECTING THE LEVY OF THE LAMOKA/WANETA LAKES' PROTECTION AND REHABILITATION DISTRICT TAXES DUE JANUARY 2005.**

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 2005, levied upon the various parcels of land in the said Lakes' Protection and Rehabilitation Districts 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**, a certified copy of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; Attorney for the Lakes' Protection and Rehabilitation Districts; the Lamoka/Waneta Lakes' Districts Commission and the Clerk of the Schuyler County Legislature.

**Vote: Roll Call – Adopted.**

*Motion to adjourn made by Mr. Gehl, seconded by Mr. Nielsen and duly carried.*

**REGULAR MEETING**  
**Morning Session**  
**Bath, New York**  
**Monday, December 20, 2004**

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, New York, on Monday, the 22<sup>nd</sup> day of December, 2003, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll Call and all members were present except Mr. Argentieri.

Mr. Swackhamer offered the Invocation and the Pledge of Allegiance was led by Dr. Baker.

Chairman Roche asked everyone to please stand for the reading of the following Memoriam:

**IN MEMORIAM**  
**DANIEL L. KILLIGREW, JR.**  
**1927 - 2004**

The death of our former colleague, Daniel L. Killigrew, Jr., who passed away on November 24<sup>th</sup>, 2004, is acknowledged by this Legislature with deep sadness.

Dan was born January 20<sup>th</sup>, 1927 to Daniel and Mary Agnes Killigrew. In 1953 he married Joyce Crants.

Mr. Killigrew served with great distinction as a member of the Steuben County Legislature from 1990 - 1993. During his tenure on the Legislature he served as a member of the Human Services Committee, Agriculture, Industry and Planning Committee, Health and Education Committee and Rules Committee. During that time he also served as Chair of the Agriculture, Industry and Planning Committee and the Rules Committee. He always kept the best interests of the members of the community at the forefront of his work, whether that work be paid or volunteer.

Mr. Killigrew worked at Corning Glass Works, retiring in 1983. He was extremely active in his Church, St. Vincent DePaul, was a member of the Holy Name Society, School Board and Parish Council. Dan was an Eagle Scout in St. Vincent DePaul's Troop 63, later serving as Assistant Scoutmaster and Commissioner.

Dan began his public service in 1958 as the first representative of the 10<sup>th</sup> Ward on Corning's North Side. He served as Mayor of the City of Corning from 1984 to 1987.

Members of the Steuben County Legislature recall Dan's great sense of humor, even in the most difficult of times. One of Dan's favorite comments to those who knew him well, when asked how he was doing, was "I saw the Dr. today and he told me not to buy any green bananas". If you needed him and couldn't find him, the first place you'd look was the golf course. Dan loved playing golf.

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 Mrs. Joyce Killigrew and to their children: Kathleen Anne and Guy Grantier of Danville, Virginia, Paul Killigrew of Encinitas, California, Daniel and Jolene Killigrew of Fairfax, Virginia and John David Killigrew of Corning, New York, as an expression of the sympathy felt by this Legislature on the passing of their loved one.

**Adopted by rising silent affirmation.**

Mrs. Kane asked Dennis Braman, D.D.S., to come forward. Chairman Roche presented Dr. Braman with a Certificate of Appreciation in recognition of his 37 years of service to Steuben County. Dr. Braman is the dentist for the Health Care Facility. Dr. Braman stated thank you; this means a lot to me. It's nice to be recognized and remembered. I started dental care with the County in 1967. My wife, Judy, has been my assistant for the past 15 years. We've served under several great administrators and have worked with many wonderful nurses and aides. We've treated many interesting patients. We've enjoyed our years at Steuben County. Thank you.

Mrs. Kane asked Timothy Wixom, E911 Director, to come forward. Mr. Wixom stated I have the honor this morning to recognize the 911 Addressing Team as the January Team of the Month. The 911 addressing is done. I'm not taking credit for this project getting done. This group has endured this process over the past 5 years. He called forward the following individuals that make up the 911 Addressing Team: David Bates, Marcella Beyor, Carol Burns, Michael Foley, Amy Harris, Annette Jacobs, Crystal Woodworth, Twyla Anable, Carrie Watt, Dawn Udave, Don Brill, Daniel Kahabka, Marlene Salley, Tom Sears and Amy Dlugos. Not only have they completed the addressing/numbering project, but they have also endured procedural changes made by people overseeing this project. They've also moved the 911 office twice. Once from the County Office Building to the house on West Morris Street and finally to the new 911 Center. Their commitment to this project is unsurpassed.

Mr. Wixom stated let me take a moment to review what they have accomplished. The first step of this process was to measure every road in this county and document the buildings on every road in 35-foot increments. That is every road in every town, village and city, not just county-owned roads. All of this information was placed on Excel spreadsheets. Each team that did the roadwork was comprised of two team players – one person driving the truck and the other person documenting the information on the Excel spreadsheet on the laptop, sitting on their lap. I don't want to be repetitive but they measured every road in Steuben County in 35-foot increments. We have more information about the structures in this county than most people need. I should note that in the beginning of this project, the 911 Coordinator thought the team should note every object that the crew could see. Roadwork was only one part of this project. Another crucial part of this project was getting every town, village and city to properly name every road and to create the formal paperwork needed to create an official map. Once the map was created, the 911 Department needed a copy of the resolution making the map official. Once the official map was received, another part of the team started working on checking the addresses on the road. One note about the official names of roads, if a road name was spelled wrong, as a typographical error and it was not caught, this meant a road name change for the 911 Team. It wasn't until we sent the letters out to the citizens who lived on the road, they complained to our team, our team checked with the municipality and the typographical error was discovered, instead of a planned road name change.

Mr. Wixom stated the original vision was to make a perfect grid system for the entire county. This would change everyone's address. Unfortunately this process was used and 911 changed entirely too many addresses. Once I joined the team, we changed the rules (again) and streamlined the addressing process. We did have some hurdles to overcome. There is not a 911 system made today that can deal with fractional numbers. When we reviewed the addressing, we did have to change some addresses. For example, if the houses were numbered 2, 4, 6, 6 1/2, 6 3/4, 7, 8, we had to change some of the addresses to remove the fractional numbers. Dealing with the frustrated citizens was another part of this project. During this project, several people blamed 911 for the spelling of the street names, new house numbers, etc. The 911 Team had to deal with all of those frustrated people. I commend everyone on this team for going beyond the call of duty to try to explain to everyone what the actual process was and for keeping their cool when they were called names that no one should be called. Now that the project is complete, the team is just now seeing the fruits of their labor. We are now testing the 911 system. It is difficult to put into words how wonderful it is to see an incoming 911 test call show up on the screen, the calling person's address appears in a split second and the map orients itself to show you the address of the person making the test call. The detail on the map is incredible. It shows the number of apartments in a

structure, it shows that a house is on the north side or south side of the street, and it shows how many houses from the corner is the one making the test call. The addressing project is now a memory. For the people on this team, they will remember this project for the rest of their life. These are the addressing experts. Now that the job is complete, they have a very good understanding of exactly what needs to be done. In closing, when you think of 911, please think of these people. Without them, the 911 project would not be as powerful as it is today. ***CONGRATULATIONS!***

Chairman Roche opened the floor for comments by Members of the Public.

Michael Rought, Addison, stated I'm here on behalf of my family. My mom, Carole Rought, is the County Attorney's Confidential Secretary. We'd like to thank you and the employees of Steuben County for their generous donation of \$600 to the Harris Hill Soaring Club. My dad, Burt Rought, was a great man with many interests and skills. He was well liked by many. I miss my Dad and we appreciate your donation in honor of him. Thank you.

Ella Mae Darling, Addison, stated I protest having Rural Metro join 911. They are taking away from the local ambulance association and they think they can come into your home and charge you outlandish prices for doing absolutely nothing. Chairman Roche stated as a point of information, Rural Metro is not a member of 911. There was an informational presentation to determine if they can receive data from the 911 Center and, at this point, they are not going to be a part of our 911 Center. Thank you for your comments.

Joe Sweet, Corning, stated I served with Betty Karchner for many years. She is one of the nicest persons I've ever met. I've heard that she might have to leave for the coming term. This is a bad time for you to change commissioners. Mrs. Karchner has helped me through when I served in the office for 22 years and when I was elected President of the NYS Commissioners of Elections Association. What I learned in the office is through the efforts of Mrs. Karchner. She knows the Elections Law. I think it is wrong to not reappoint her. Please give her one last term. I sincerely ask that she be reappointed. Thank you.

Martha Weale, Addison, stated it has come to my attention that today there will be a decision regarding the acceptance or rejection of Betty Karchner. When I have visited the Elections Office, she has been very helpful to me. Please do not entertain any comment that she is one that gives anyone an unpleasant encounter. It is up to you to make the decision based on facts and there are two sides to every story. This is the season for giving. It is also the season for forgiving. Please make a wise decision. Thank you.

Althea Roll, Corning, stated I'm here in support of Betty Karchner. I don't know one thing that would justify her not being granted one more term. She's served you all well for a long time. I don't plead the Christmas time, as it is immaterial. I only plead your conscience. Thank you.

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 Local Law Tentatively No. Twelve for the Year 2004, Amending Local Law No. Four for the Year 1999, as amended, for the maintenance and operation of Steuben County's Solid Waste Management. Chairman Roche asked if there were any comments regarding this local law. There being no comments, Chairman Roche declared the public hearing closed.

Chairman Roche stated it is now time for the annual fruitcake presentation. He asked last year's recipient, Tim Wixom, to make his presentation.

Mr. Wixom stated I'd like to explain a little bit about last year. I received a phone call the week prior to the meeting and was told that the Legislature was going to discuss the bid for the 911 system. Being new, I wanted to be prepared for any and every question you could ask me regarding the bid document. I spent the ENTIRE WEEKEND studying the enormously thick bid.

As I'm sitting in the Legislative Meeting, I'm only half paying attention because I'm still reviewing the bid so I'm prepared for any and every question they could ask when I hear, and let me quote, "When there's nowhere to hide, nowhere to run, there's only one thing to do – call 9-1-1." Then I'm called forward and handed this fruitcake. I was quickly told to put it someplace safe. So I went to the Sheriff and asked him, which I was soon told was not a good idea. It had something to do with him previously holding the coveted fruitcake for ransom and, when he was awarded the honor of receiving the fruitcake, cutting it up into little pieces. I was told, simply put, "Guard the fruitcake with my life and if I have any spare time, build a 911 system". What I need to do is give this to somebody who has no idea what I'm talking about so please, come on up John Zehr, you're the new kid on the block and the 2005 Keeper of the Fruitcake!

Mr. Zehr stated I don't recall this occurring last year so I keep it for a year and then I get to give it to somebody else? Chairman Roche stated it is a very illustrious honor to hold the coveted fruitcake. It's been around since the early 1980's.

*Motion adopting the minutes of the previous month's meetings made by Dr. Baker, seconded by Mr. Nielsen and duly carried.*

Mr. Donnelly reported that during one of the budget sessions there was a motion to abolish the Office of the Risk Manager, which was eventually referred to the Administration Committee. We studied the various areas of responsibility. The two full-time staff members handle the insurance for 127 County-owned properties, all of the County's fixed assets, investigates the automobile accident claims, manages the liability insurance for 759 contractors, he maintains a list of drivers of County vehicles, conducting annual license checks and schedules them for Defensive Driver courses when needed. He manages the County's Workers' Compensation program and the Drug and Alcohol testing program for County employees as well as municipalities. There was a motion to retain the office and it was carried unanimously. Chairman Roche thanked Mr. Donnelly for his report.

Mr. Cooper reported I have presented the Public Defender proposal to almost all of the Legislators at the various Standing Committee meetings. Therefore, I won't review the entire proposal. We've been handling the D & E felonies by assigning them to counsel outside of the Public Defenders' Office. We simply cannot afford to do that anymore. The projected cost is \$265,000 for the D & E felonies alone. To hire 3 full-time positions would save the County \$130,000 out of the projected cost. Chairman Roche noted this is Resolution 12 to be voted on today.

Mr. Nichols stated the reason he is here and the increase in cost is because of the State Legislature. We're doing this because the State has mandated that we have to pay this. The County pays for the Public Defender and they sit in Albany and they tell us how much we have to pay the attorneys. Thank you New York State.

Mr. Swackhamer asked does this include the extra pay we are paying you going from part-time to full-time? Mr. Cooper stated the only thing being presented in this proposal is the cost of assigning D & E felonies outside of this office.

Mr. Swackhamer stated the cost for your salary should be included in the proposal as well. Mr. Alger stated I understand what Mr. Swackhamer is saying but these are the cases that would've been assigned from the Public Defender. I don't think you can take the \$20,000 difference for the part-time to full-time from the \$130,000 savings because we aren't including the caseload he is handling. Mr. Cooper stated I probably have 20 D & E felonies on my caseload right now and the average cost is \$1,000 per case.

Mr. Schwartz asked do we ever get money back from the perpetrators of these D & E felonies? Mr. Cooper stated the way he addresses that is the attorney evaluates a financial affidavit that is provided them by the client. We are as careful as we can be. We don't have the staff to go out and

investigate. If we receive information that they are ineligible for our services, we write to the court to be relieved from the case and, generally, they approve it.

Mr. Stachnik stated the future cost for these cases will continue to exceed the total cost of the staff you have proposed, is that correct? Will it rise at the same level? Mr. Cooper stated across the board, there has been about a 10 percent increase in caseload per year. I see no reason not to expect that trend to continue.

Mr. Isaman asked are you confident you can hire somebody at that pay? Mr. Cooper stated I have no doubt I can hire them for that pay. Mr. Isaman stated would these cases be handled more quickly? Mr. Cooper stated one of the bonuses would be the internal efficiency we would receive. I predict that we will complete cases much faster and more efficiently. Everyone would more or less be in the same building. We could do criminal court certain days and handle 20 cases instead of 2 or 3.

Mr. Swackhamer noted that Mr. Cooper would be meeting with the Finance Committee at the end of 2005 to review the expense of the Public Defender's Office as a result of these changes. Chairman Roche thanked Mr. Cooper for his report.

Mr. Spagnoletti announced I put the year-end road ratings in your mailboxes and I want to explain it briefly. We are most concerned about the poor roads. Eleven percent of the roads in Steuben County are poor. The latest study showed 22 percent of poor roads statewide and we're only at 11 percent. Chairman Roche thanked Mr. Spagnoletti for his comments.

Mrs. Hatch stated she sent everyone a package last week regarding the statement of taxes due. If you have any questions, I can address those now. She noted this is the spreadsheet we discussed last month only she included the changes due to the passage of the County budget.

Chairman Roche announced that the NYSAC Conference is January 31<sup>st</sup> and the Medicaid lobbying date is January 24<sup>th</sup> in Albany. If anyone would like to attend these events, please contact Mrs. Kane.

Chairman Roche announced that the Majority Leader has requested a Republican caucus to be held following the passage of Resolution No. 13.

#### **RESOLUTION NO. 222-04**

Introduced by G. Swackhamer.

Seconded by K. Isaman.

#### **MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS AND PROPERTY TAXES.**

**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 #     A-1      
Name     Allen A Miller      
Parcel #     345.00-01-009.122      
Municipality     Woodhull Town      
Disposition     Correction    

Resolution #     A-2      
Name     Jonathan W Brouwere & Christina A Brouwere      
Parcel #     074.00-01-005.220      
Municipality     Wheeler Town      
Disposition     Refund    

Resolution #     A-3      
Name     Dale Eaton      
Parcel #     159.13-01-096.000      
Municipality     Bath Village      
Disposition     Correction    

#### SCHEDULE "B"

Resolution #     B-1      
Former Owner     Wesley Coots      
In Rem Index No.     86329, 2002 sale      
Parcel #     154.00-01-021.100      
Municipality     Howard Town      
Grantee(s)     Robert Brewer & Denise Brewer,      
                    husband and wife, as tenants by the entirety      
Grantee(s) Address     6621 Cty Rte 27, Hornell, NY 14843      
Consideration     \$1,627.03, together with \$118.00 recording fees    

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 223-04**

Introduced by P. Roche.

Seconded by P. McAllister.

**RECEIVING AND ACCEPTING THE DECEMBER 20, 2004 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 15, 2004

1. Fulton County Board of Supervisors - Re: Resolution Urging the NYS Legislature to Repeal Law that Diverted Speeding Arrest Fines in Local Municipal Courts to the State of New York. **Referred to: Public Safety & Corrections Committee and Sheriff Tweddell.**

#### November 16, 2004

1. NYS Office of Parks, Recreation & Historic Preservation - Re: Wood Road Bridge, Campbell, NY - will be considered by the State Review Board for nomination to the National and State Registers of Historic Places. **Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Twila O'Dell, Historian.**

#### November 18, 2004

1. Chairman, William Hatch, Steuben County Republican Committee - Re: Certification and recommendation (dated 11/18/04) for appointment of Sharlene J. Dennis as County Election Commissioner, effective 1/1/05. **Filed w/Clerk of Legislature.**

#### November 22, 2004

1. NYS Office for the Aging - Re: Findings from the Annual Evaluation for the Steuben County Office for the Aging conducted on 10/19/04. Referred to: Human Services Committee and Linda Tetor, OFA Director.

#### November 29, 2004

1. NYS Emergency Management Office - Re: Pre-Disaster Mitigation (PDM) FY 2005 Competitive Grant Program - intended to fund cost-effective hazard mitigation activities including projects and planning activity that compliment comprehensive mitigation programs, reduce loss of life, injuries and damage, and destruction of property primarily addressing natural hazards. Requires a 25% cost-share be provided by the community. **Referred to: Public Safety & Corrections Committee and Mike Sprague, EMO Director.**

#### November 30, 2004

1. Chairman, Shawn Hogan, Steuben County Democratic Committee - Re: Certification and recommendation (dated 9/29/04) for reappointment of Allan C. Johnson as County Election Commissioner, effective 1/1/05. **Filed w/Clerk of Legislature.**

#### December 1, 2004

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$6,229 representing the October 2004 retained surcharge revenue for Steuben County from the WROTBC. **Referred to: Rules and Finance Committees and Larry Crossett, County Treasurer.**
2. NYS Public Service Commission - Re: Order Granting Certificate of Environmental Compatibility and Public Need as regards Notice of Intention filed by Fortuna Energy, Inc., to construct a fuel gas transmission line containing approximately 22,390 feet of 6" and 250 feet of 4" coated steel pipeline, located in the Town of Caton and the Town of Southport. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

#### December 7, 2004

1. Rita McCarthy, Erwin Town Manager - Re: Letter of appreciation to Gary Brockway, DSS Work Program Coordinator for the mobile work crew, on their efforts and cost savings provided through the Work fare Program. **Referred to: Human Services Committee and Kathryn Biehl, DSS Commissioner.**

#### December 8, 2004

1. Empire Pipeline (National Fuel Gas Company) - Re: Copies of letters recently mailed to landowners and stakeholders in the area of their Empire Connector Pipeline Project concerning answers to issues raised, and notice of public meeting on December 15<sup>th</sup> in Genesee County to discuss plans for the compressor station that will be constructed in conjunction with the pipeline. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

**December 9, 2004**

1. NYS Department of Health - Re: Article 28 D&TC Survey completed 11/17/04 - survey findings reflected in Statement of Deficiencies. Plan of Correction must be returned to NYS DOH no later than December 24, 2004. **Referred to: Health & Education Committee and Vicki Fuerst, PH&NS Director.**

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 224-04**

Introduced by H. Mayo.

Seconded by D. Baker.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. TWELVE FOR THE YEAR 2004, AMENDING LOCAL LAW NO. FOUR FOR THE YEAR 1999, AS AMENDED, FOR THE MAINTENANCE AND OPERATION OF STEUBEN COUNTY'S SOLID WASTE MANAGEMENT.**

**WHEREAS**, there has been duly presented to the members of the Steuben County Legislature on November 29, 2004, County of Steuben Local Law Tentatively No. Twelve for the Year 2004, amending Local Law No. Four for the Year 1999, as amended, for the maintenance and operation of Steuben County's Solid Waste Management, and this Legislature by resolution, preliminarily adopted said Local Law on November 29, 2004, making the final adoption of said Local Law subject to a Public Hearing to be held on December 20, 2004; 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 20th day of December 2004 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. Twelve for the Year 2004, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. TWELVE FOR THE YEAR 2004**

**A LOCAL LAW** amending Local Law No. Four for the Year 1999, as amended, for the maintenance and operation of Steuben County's Solid Waste Management.

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

**SECTION 1: LEGISLATIVE INTENT.**

It is the intent of the within legislation to remove the limitation contained in the present legislation as to the amount of garbage generated from outside the County to be disposed of at the County's landfill by haulers at the prevailing tipping fees up to 20,000 tons per annum.

**SECTION 2: GENERAL FUNCTIONS, POWERS AND DUTIES OF THE DEPARTMENT OF THE COMMISSIONER. SECTION 3. of Local Law No. Four for the Year 1999 is amended to read as follows:**

DELETED MATERIAL IS IN BRACKETS [ ]  
NEW MATERIAL IS UNDERLINED

Authorization to accept waste generated from outside the County shall be by resolution of the Legislature for intergovernmental cooperation agreements setting forth the amount and source of said waste. Said waste shall comply in all regards to source separation standards applicable to waste generated within the County. In addition thereto, and within the design capacity of the solid waste facility, the Commissioner of Public Works be and the

same hereby is authorized to accept waste from any source whatever up to 20,000 tons per annum at the prevailing tipping fees established therefore.

**SECTION 3. EFFECTIVE DATE.**

This Local Law shall be effective upon final adoption.

**BE IT FURTHER RESOLVED**, a Public Hearing on the within Local Law has been held on the 20th day of December 2004 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. Twelve for the Year 2004, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the Office of the Steuben County Clerk, and one certified copy 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**, a certified copy of this resolution shall be forwarded to the Commissioner of Public Works.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 225-04**

Introduced by P. Roche.

Seconded by D. Baker.

**APPROVING THE STATEMENT OF TAXES DUE, THE TOWN AND COUNTY TAX RATES, THE COMPLETED TAX ROLLS, LEVYING THE COUNTY AND TOWN TAXES UPON THE SEVERAL TAX DISTRICTS THEREIN, DIRECTING THE EXECUTION OF WARRANTS FOR THE COLLECTION OF THE TAXES EXTENDED THEREON, AND DIRECTING DELIVERY OF THE COMPLETED TAX ROLLS, WITH ATTACHED WARRANTS TO THE SEVERAL COLLECTORS OF TAXES FOR COLLECTION THEREOF.**

Pursuant to Sections 900, 902, 904 and 1330 of the Real Property Tax Law and Section 361 of the County Law of the State of New York.

**WHEREAS**, this County Legislature pursuant to Section 361 of the County Law of the State of New York, is deemed to have passed a budget for Fiscal Year 2005, and also by prior resolution duly adopted, made appropriations for the conduct of the County government for the Fiscal Year 2005; and

**WHEREAS**, the County Real Property Tax Service Director has prepared the statement of taxes due January 1, 2005, 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, 2005, tax rates and tax rolls for the taxes for the Year 2005 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, 2005; and be it further

**RESOLVED**, a certified copy 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. 226-04**

Introduced by H. Mayo.

Seconded by R. Nielsen.

**AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL AID-ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID EMERGENCY RELIEF PROJECT, TO FULLY FUND THE LOCAL SHARE OF FEDERAL-AID ELIGIBLE AND INELIGIBLE PROJECT COSTS, AND APPROPRIATING FUNDS THEREFOR.**

**WHEREAS**, a Project for the Flood Repairs on County Roads 22, 73 and 119, PIN 6704.76.321 (the "Project") is eligible for funding under Title 23 US Code, as amended, for Federal emergency relief that calls for the apportionment of the costs of such project to be borne at the ratio of 100% federal funds and 0% non-federal funds; and

**WHEREAS**, the County of Steuben desires to advance the Project by making a commitment of 100% of the federal and non-federal share of the costs thereof.

**NOW THEREFORE**, the Steuben County Board of Legislators, duly convened does hereby

**RESOLVE**, that the Board of Legislators hereby approves the Project; and be it further

**RESOLVED**, the Board of Legislators hereby authorizes the Chairman of the Board of Legislators to pay in the first instance 100% of the federal and non-federal share of the cost of Flood Repair work for the Project or portions thereof; and be it further

**RESOLVED**, the sum of \$93,193 is hereby appropriated and made available to cover the cost of participation in the Project; and be it further

**RESOLVED**, 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 State thereof; and be it further

**RESOLVED**, the Chairman of the County Board of Legislators of the County of Steuben be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal 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-eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and be it further

**RESOLVED**, a certified copy of this resolution shall 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. 227-04**

Introduced by H. Mayo.

Seconded by R. Nichols

**DECLARING 6.49 ACRES OF COUNTY PROPERTY ON STATE ROUTE 415 IN THE TOWN OF ERWIN AS NO LONGER NECESSARY, AND PLACING THE PROPERTY IN THE COUNTY TAX AUCTION.**

Pursuant to Section 215 (5) of the County Law of the State of New York.

**WHEREAS**, the County owns a parcel of real property in the Town of Erwin, consisting of 6.49 acres (hereinafter "subject premises"); and

**WHEREAS**, said real property is no longer necessary for public use, nor is needed for County purposes; and

**WHEREAS**, the County is desirous of selling same.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the above premises be and the same hereby are found to be no longer necessary for public use; and be it further

**RESOLVED**, that the Commissioner of Public Works shall cause an appraisal to be made of the subject premises; and be it further

**RESOLVED**, the aforesaid property shall be sold at public auction conducted by the Steuben County Treasurer to the highest bidder, said auction to be with reserve, and the amount of said reserve to be fixed by the Finance Committee following receipt of the appraisal of the subject premises; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 228-04**

Introduced by H. Mayo.

Seconded by D. Baker.

**AUTHORIZING COMMENCEMENT OF EMINENT DOMAIN PROCEDURES FOR THE ACQUISITION OF REAL PROPERTY IN RELATION TO THE PROPOSED REPLACEMENT OF THE COUNTY ROUTE 85 BRIDGE CROSSING TUSCARORA CREEK IN THE TOWN OF TUSCARORA, AND TO ESTABLISH THE DATE, TIME, AND PLACE FOR A PUBLIC HEARING TO INFORM THE PUBLIC OF AND REVIEW THE PUBLIC USE TO BE SERVED BY THE PROPOSED PROJECT.**

Pursuant to Article IX, §1 (e) of the Constitution of the State of New York, and to the New York Eminent Domain Procedure Law §§ 104, 201, and 202.

**WHEREAS**, the Department of Public Works has determined that damage to the existing bridge on County Route 85 crossing Tuscarora Creek in the Town of Tuscarora, caused by the storms and flooding of the summer of 2004, have rendered the bridge unusable and beyond repair; and

**WHEREAS**, the Department of Public Works intends to construct a replacement bridge in the area; and

**WHEREAS**, engineering studies indicate, and the Department of Public Works together with the New York State Department of Transportation have concluded, that it will be beneficial and appropriate to relocate the bridge and realign the approach roadways for the safety of vehicular traffic; and

**WHEREAS**, the project has been approved for a Federal Aid Funding of 80% of the project cost; and

**WHEREAS**, it may be necessary to acquire private property to complete the project, specifically the real property identified as Tax Map Number 367.00-1-27 and 366.00-1-19.1, and to acquire a temporary easement during construction of the project, specifically the real property identified as Tax Map Number 367.00-1-27 and 366.00-1-19.1, all in the Town of Tuscarora (the "Property"); and

**WHEREAS**, a public hearing is necessary to inform the public and review the public use to be served by the proposed public project, titled the "County Route 85 Bridge Replacement Project" and said hearing is necessary to determine the impact of the proposed public project on the environment and on the residents of the Town of Tuscarora.

**NOW THEREFORE, BE IT**

**RESOLVED**, Steuben County hereby initiates Eminent Domain Proceedings with respect to the Property and the County Route 85 Bridge Replacement Project; and be it further

**RESOLVED**, that Wednesday, January 12, 2005 at 6:30 p.m. in the Tuscarora Town Hall, Tuscarora, New York be the date, time, and place for a public hearing to inform the public and review the public use to be served by the proposed public project entitled "County Route 85 Bridge Replacement Project," and to determine the impact of the proposed public project on the environment; and be it further

**RESOLVED**, that the Clerk of the Legislature shall cause Notice of the Public Hearing to be published in at least five successive issues of an official daily newspaper, and in at least five successive issues of a daily newspaper of general circulation in the locality where the project will be situated, the date of first publication shall be not later than January 2, 2005; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 229-04**

Introduced by D. Baker and G. Swackhamer.

Seconded by T. Schwartz.

**AUTHORIZING THE TRANSFER OF \$51,000 FROM THE CONTINGENT FUND TO THE SHERIFF AND JAIL BUDGETS.**

**WHEREAS**, the 2004 Sheriff’s Office Jail Budget Medical Service line item contains insufficient funds for the balance of the Fiscal Year and the Sheriff’s Office personal service, employee physicals and fuel charge back line items contain insufficient funds.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Treasurer is hereby authorized to transfer from the Contingent Fund, the amount of \$28,000 to the 2004 Sheriff’s Office Jail Budget Medical Services line 315000.5.420000; the amount of \$23,000 to the 2004 Sheriff’s Office Budget (\$4,000 to Temporary Hire Dispatchers line 311000.5.1800320, \$5,000 to Overtime line 311000.5.1900000; \$10,000 to Employee Physicals line 311000.5.477400 and \$4,000 to Vehicle Fuel Chargebacks line 311000.5.450990); and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Sheriff’s Office and the County Treasurer.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 230-04**

Introduced by P. Donnelly and G. Swackhamer.

Seconded by D. Stachnik.

**AUTHORIZING THE TRANSFER OF \$150,000 FROM THE CONTINGENT FUND TO COMMUNITY COLLEGE EXPENSES.**

**WHEREAS**, the 2004 County budget for Community College Expenses contains insufficient funds for the balance of the Fiscal Year.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Treasurer is hereby authorized to transfer \$150,000 from the Contingent Fund to the following line items:

A249000 5407800	\$ 10,000	Community College Tuition
A249500 5407800	\$140,000	Corning Community College
A199000 5499000	\$150,000	Contingent Fund

and be it further

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

Mr. Swackhamer stated if we have to make a transfer, this is one of the best places to put additional money: education.

**Vote: Roll Call – Adopted. Yes: 8908; No: 513; Absent: 451.**  
*(No: Schwartz; Absent: Argentieri)*

**RESOLUTION NO. 231-04**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**APPROVING AND CREATING THE FUNDED 16B POSITIONS FOR THE SHERIFF'S DEPARTMENT CONTAINED IN THE APPROVED 2005 BUDGET OF THE COUNTY OF STEUBEN.**

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

**WHEREAS**, the following 16B requests for new positions were approved by the Administration Committee; and

**WHEREAS**, all of these positions are funded in the 2005 Approved Budget as listed; and

**WHEREAS**, it is necessary for the Legislature to authorize said positions.

**NOW THEREFORE, BE IT**

**RESOLVED**, the following positions are hereby authorized and approved for the Sheriff's Department:

<u>Position</u>	<u>Number</u>	<u>Grade</u>	<u>Salary</u>
Building Security Deputy	3	11	\$25,664-\$34,664

**AND BE IT FURTHER RESOLVED**, a certified copy of this resolution shall be forwarded to the County Treasurer, Personnel Officer and the Sheriff.

Mr. Nichols asked where will the savings be on these positions? Sheriff Tweddell stated these will be Court Security positions and they are fully funded by the Office of Court Administration. They will save money with the prisoner transports. By adding these officers, I should be able to have 2 officers bring prisoners over and have a part-time officer watch the prisoners so I can send the full-time officers back to work.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 232-04**

Introduced by P. Donnelly.

Seconded by T. McIntyre.

**APPROVING AND CREATING THE FUNDED 16B POSITION FOR THE COUNTY CLERK'S OFFICE CONTAINED IN THE APPROVED 2005 BUDGET OF THE COUNTY OF STEUBEN.**

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

**WHEREAS**, the following 16B request for the new position was approved by the Administration Committee; and

**WHEREAS**, this position is funded in the 2005 Approved Budget as listed; and

**WHEREAS**, it is necessary for the Legislature to authorize said position.

**NOW THEREFORE, BE IT**

**RESOLVED**, the following position is hereby authorized and approved for the County Clerk's Office:

<u>Position</u>	<u>Number</u>	<u>Grade</u>	<u>Salary</u>
Desk Clerk	1	9	\$24,240-\$34,223

**AND BE IT FURTHER RESOLVED**, a certified copy of this resolution shall be forwarded to the County Treasurer, Personnel Officer and the County Clerk.

**Vote: Roll Call – Adopted. Yes: 8970; No: 451; Absent: 451.**  
*(No: Swackhamer; Absent: Argentieri)*

**RESOLUTION NO. 233-04**

Introduced by D. Baker, P. Donnelly and G. Swackhamer.

Seconded by D. Creath.

**CREATING TWO FULL-TIME ASSISTANT PUBLIC DEFENDER POSITIONS, GRADE L5, AND ONE TYPIST POSITION, GRADE IV, WITHIN THE STEUBEN COUNTY PUBLIC DEFENDER'S OFFICE.**

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

**WHEREAS**, the request for these new positions was approved by the Public Safety and Corrections Committee, Administration Committee and the Finance Committee; and

**WHEREAS**, these positions are funded in the 2005 Approved Budget as listed; and

**WHEREAS**, it is necessary for the Legislature to authorize said positions.

**NOW THEREFORE, BE IT**

**RESOLVED**, the following positions are hereby authorized and approved for the Public Defender's Office:

<u>Position</u>	<u>Number</u>	<u>Grade</u>	<u>Salary</u>
Assistant Public Defender	2	L5	\$35,000-\$55,000
Typist	1	4	\$19,611-\$27,687

**AND BE IT FURTHER RESOLVED**, a certified copy of this resolution shall be forwarded to the County Treasurer, Personnel Officer and the Public Defender.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 234-04**

Introduced by D. Baker and P. Donnelly.

Seconded by T. Schwartz.

**RECLASSIFICATION OF TWO CLERK POSITIONS, GRADE IV, TO ONE GIS TECHNICIAN POSITION, GRADE XIII, WITHIN THE STEUBEN COUNTY E911 DEPARTMENT.**

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

**WHEREAS**, the positions listed below are inappropriately titled and not consistent with the duties for said positions; and

**WHEREAS**, the Steuben County Personnel Officer, Public Safety and Corrections and Administration Committees have approved the reclassifications.

**NOW THEREFORE, BE IT**

**RESOLVED**, that effective with the adoption of this resolution, the following positions within the Steuben County E911 Department are hereby reclassified as follows:

<u>Position</u>	<u>Number</u>	<u>Grade</u>	<u>Salary</u>
Clerk	2	Grade IV	\$19,611-\$27,687 to
GIS Technician	1	Grade XIII	\$29,332-\$41,408

**AND BE IT FURTHER RESOLVED**, the 2004 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 Steuben County E911 Director, County Treasurer and the Personnel Officer.

Mr. Nichols stated there's a GIS person in the Planning Department. Do we need 2 GIS people? Mr. Wixom stated a GIS Technician would have to work on the 911 System exclusively for at least 5 or 6 years. If we used Mr. Sears, we occupy most of his time and he wouldn't be available to other departments.

**Vote: Roll Call – Adopted.**

*Chairman Roche stated we will now adjourn to hold a Republican Caucus.*

Chairman Roche called the meeting back to order. He stated because of the State Election Law, only Republicans will be able to vote on Resolution No. 14, but all Legislators will be able to vote on Resolution No. 15. He noted that the Administration Committee has forwarded Resolution No. 14 to the full Legislature without approval or denial.

Mr. McIntyre stated Mr. Chairman and my fellow Legislators, Republican Chairman, William O. Hatch, has the legal authority to recommend any candidate for the Republican Commissioner to the Legislative body. However, we as Legislators have the same legal right to inquire into questionable methods employed by the said Chairman to coerce, intimidate or be heavy-handed in an effort to eliminate a highly respected Commissioner, especially when County dollars are paying for such employment of said Commissioner.

Our current Commissioner, Betty L. Karchner, is a pleasant lady with a wonderful smile, who has always gone out of her way to resolve issues on behalf of any Republican she encounters, and has been our Commissioner since January 1, 1993. Needless to say, she is highly qualified.

As to the nomination of Sharlene Dennis, I personally haven't a clue as to her background or qualifications. As a Republican office holder for some 12 years, I honestly wouldn't know this lady if I were to run into her in the hallway or anywhere.

Mr. Hatch's questionable methods of forcing a widow of 30 plus years, who only wanted two more years before stepping down, who has always worked hard to support herself and has served the Republic Party admirably for all these years, is a disgrace.

*Mr. McIntyre moved to remove the nomination of Mr. Hatch's for Commissioner of Elections and replace it with the name of Betty L. Karchner. I ask that the County Attorney adjust the language of this resolution accordingly. Motion seconded by Mr. Schwartz.*

*Chairman Roche ruled the motion out of order. Pursuant to Election Law, we can only act upon the nomination given by the Republican Committee.*

Mr. McIntyre stated I challenge that ruling and specifically call for a roll call vote on the Chair's interpretation of the Election Law. Chairman Roche asked does anyone request a legal opinion from the County Attorney? There being a request for a legal opinion, Mr. Ahrens stated with regard to the propriety of your ruling in the first instance, your ruling closely tracks with a decision out of Allegany County Supreme Court which finds that the only individual who can be entertained at this juncture is Sharlene Dennis. However, a decision out of Long Island finds that there could be a substitution. Therefore, there is no specific precedence. However, according to the Steuben County *Rules of Procedure*, a ruling from the Chairman is the ruling for this body, unless it is challenged. That is where we are. If the challenge is sustained, you would be willing to accept another nomination. If it is not sustained, the name of Sharlene Dennis would be the only one before you. So, in this roll call vote if you vote yes, it is to sustain Mr. McIntyre's motion, which would reverse Chairman Roche's ruling. Chairman Roche stated my ruling is that the only person to be considered is the one presented by the Republican Party. He noted Mr. McIntyre is challenging the ruling by stating that the name could be substituted.

Mr. Schwartz asked would this be subject to a review by the Attorney General's Office? Mr. Ahrens stated the Attorney General has no jurisdiction over this body.

Mr. Isaman stated this was an election of the Republic Committee people of the County. It was carried out by secret ballot. It was an election, it was held properly, and Sharlene Dennis won. I believe we have to support the Republican Committee. There were references to the recommendation coming solely from Mr. Hatch, but there were 149 other people there as well.

Mr. Schwartz stated there were improprieties committed by the Republican Party. I don't believe you can put a resignation letter on somebody's desk and then hold a secret ballot. This has left me in a dilemma. I've known Mrs. Karchner, but I don't know this Sharlene Dennis. In 1984 I challenged the NYS Election Commissioner. After lengthy discussion in Albany, I was proven correct. I believe the list of improprieties are inappropriate and I will be writing the Attorney General's Office.

Mr. McAllister stated this isn't an easy thing. I've always respected Mrs. Karchner as it is impossible not to respect her. I also believe it is the right of the Republican Committee to decide whom they want in that office. The Election Law states that the County Committee shall hold a vote and recommend the person. The vote was taken, a quorum was present. Each party running for that position had somebody there to count the votes. They are hard working people who volunteer their time. They are elected by secret ballot and people could have voted either way. Both individuals campaigned for the position. The vote was taken and the ballots were counted. It was an honest vote. To submit anybody else's name would be illegal. The Law says you have to submit the one who won the vote. Even the NYS Association of Elections Commissioners have recommended to the State Legislature to amend the Elections Law and cut out the County Legislature's involvement in the process. It is a guarantee to each of the two major parties. It is a fundamental right to ensure the proper checks and balances exist. Any attempt to frustrate this process selection of an independent representative designated by the party itself would be illegal.

Mr. Walsh stated I think that in your heart you know what is right. Show a little backbone and do the right thing.

**Vote on Motion Challenging Chairman's Ruling: Roll Call – Failed. Yes: 3415; No: 5464.**  
***(No: Creath, Donnelly, Isaman, Jamison, McAllister, Nichols, Roche, Stachnik, Swackhamer)***

Mr. McIntyre stated I'm totally against this prejudicial nomination by Republican Chairman William O. Hatch. In my heart and with my personal knowledge of the misguided process orchestrated through this nomination, I won't support the poor judgement displayed by my Party in this matter. Further, due to continued misconduct by Republican Chairman William O. Hatch, and believe me, I can provide you with many sound reasons, I feel the Republican Executive Committee should remove said Chairman from office as Party Chairman.

**RESOLUTION NO. 235-04**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**APPOINTING THE REPUBLICAN COMMISSIONER OF ELECTIONS OF THE COUNTY OF STEUBEN FOR A TERM COMMENCING JANUARY 1, 2005.**

Pursuant to Section 3-204 of the Election Law of the State of New York.

**WHEREAS**, William O. Hatch, Chairman of the County Committee of the Republican Party of the County of Steuben, has in pursuance of law, made, signed, and filed with the Clerk of the County Legislature, in proper form, his certification that Sharlene Dennis, residing in Canisteo, County of Steuben and State of New York, is a suitable and qualified person to be appointed as a Commissioner of Elections.

**NOW THEREFORE, BE IT**

**RESOLVED**, Sharlene Dennis, residing in Canisteo, Steuben County, New York, be and is hereby appointed a Commissioner of Elections in and for the County of Steuben for a term of two (2) years commencing January 1, 2005 and terminating December 31, 2006; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named appointee at 14 Taylor Street, Canisteo, NY 14823; William O. Hatch, P.O. Box 98, Canisteo, New York 14823; the County Clerk; the Personnel Officer; and the Clerk of the Steuben County Board of Elections.

**Vote: Roll Call – Adopted. Yes: 5464; No: 3415. (Republicans Only)**  
*(No: Baker, Mayo, McIntyre, Nielsen, Schwartz, Walsh)*

Chairman Roche stated everyone can vote on the next Resolution. Mr. Ahrens stated the Legislature is given 30 days to act upon the nomination. The certification from the Republican party was filed on November 18<sup>th</sup> so you are not acting on it within 30 days, which means it can only be approved by the Republican Legislators. The Democrats filed their nomination within 30 days so all Legislators can act on that.

Mr. McIntyre stated the Democrats filed on time and the Republicans didn't; that is a shame.

**RESOLUTION NO. 236-04**

Introduced by P. Donnelly.

Seconded by T. Schwartz.

**APPOINTING THE DEMOCRATIC COMMISSIONER OF ELECTIONS OF THE COUNTY OF STEUBEN FOR A TERM COMMENCING JANUARY 1, 2005.**

Pursuant to Section 3-204 of the Election Law of the State of New York.

**WHEREAS**, Shawn Hogan, Chairman of the County Committee of the Democratic Party of the County of Steuben, has in pursuance of law, made, signed, and filed with the Clerk of the County Legislature, in proper form, his certification that Allan C. Johnson, residing in the Village of Bath, County of Steuben and State of New York, is a suitable and qualified person to be appointed as a Commissioner of Elections.

**NOW THEREFORE, BE IT**

**RESOLVED**, that Allan C. Johnson, residing in the Village of Bath, Steuben County, New York, be and is hereby appointed a Commissioner of Elections in and for the County of Steuben for a term of two (2) years commencing January 1, 2005 and terminating December 31, 2006; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named appointee at 5 Mountview Road West, Bath, New York, 14810; to Shawn Hogan, P.O. Box 627, 82 Main Street, Hornell, New York, 14843; the Steuben County Clerk; the Personnel Officer, and to the Clerk of the Steuben County Board of Elections.

**Vote: Roll Call – Adopted. Yes: 6519; No: 2902; Absent: 451.**  
*(No: Mayo, McIntyre, Nielsen, Schwartz, Walsh)*

**RESOLUTION NO . 237-04**

Introduced by D. Baker.

Seconded by D. Creath.

**APPOINTING DAVID COLLSON AS VICTIM REPRESENTATIVE ON THE STEUBEN COUNTY ALTERNATIVES TO INCARCERATION ADVISORY BOARD.**

Pursuant to Chapters 907 and 908, Laws of 1984.

**WHEREAS**, the Alternatives to Incarceration Program has been in effect since 1985; and

**WHEREAS**, there is a requirement to amend Resolution No. 023-04 dated January 26, 2004, adding a Victim Representative.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature appoints the following person as an additional member of the Steuben County Alternatives to Incarceration Advisory Board for a three-year term commencing January 1, 2004 through December 31, 2006:

David Collson  
Victim Representative  
6592 Route 21  
Alfred Station, NY 14803

The members are:

Honorable Joseph W. Latham  
County & Family Court Judge

Chairperson  
Public Safety & Corrections Committee

Honorable Marianne Furfure  
Surrogate Court Judge

Frank Justice  
Director of Probation

Honorable Peter C. Bradstreet  
County Judge (Chairman, ATI)

John Ambrosone  
7525 Randalville Road  
Hammondsport, NY 14840-9658

Mark R. Alger  
Steuben County Administrator

Robert Anderson, Ph.D., Director  
Steuben County Community Services  
115 Liberty Street  
Bath, New York 14810

John C. Tunney, Esq.  
Steuben County District Attorney

Richard C. Tweddell, Steuben County Sheriff  
Steuben County Public Safety Building  
7007 Rumsey Street Extension  
Bath, New York 14810

Byrum Cooper, Esq.  
Steuben County Public Defender

Diane J. Argentieri  
ATI Supervisor  
Steuben County Probation Department

Honorable David A. Johnson  
Erwin Town Justice  
6 Adams Place  
Painted Post, New York 14870

Eugene Greeley  
Pre-Trial Probation Supervisor  
Steuben County Probation Department

David Collson  
Victim Representative  
6592 Route 21  
Alfred Station, New York 14803

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

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named appointee; the County Auditor; and Sara Tullar Fasoldt, Director, NYS Division of Probation and Correctional Alternatives, 80 Wolf Road, Albany, NY 12205.

**Vote: Acclamation – Adopted.**

Mr. Nichols reminded everyone that there is a Special Health and Education Committee meeting immediately following the Legislative meeting.

*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 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. Gehl, seconded by Mr. Nielsen and duly carried.*

*Motion to adjourn executive session and reconvene in regular session made by Mr. Nichols, seconded by Mr. Swackhamer and duly carried.*

*Motion to adjourn made by Mr. Creath, seconded by Mr. McAllister and duly carried.*