

**REGULAR MEETING**  
**Morning Session**  
**Bath, New York**  
**Monday, January 24, 2005**

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 24<sup>th</sup> day of January, 2005 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 for Legislators Baker, Mayo, Schwartz and Jamison (who was late).

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

Mrs. Kane asked Janelle Brown to come forward. Ms. Brown is an employee in the Department of Social Services. Chairman Roche presented her with a Certificate of Appreciation and a 10-year pin in recognition of her ten years of service to the County.

Mrs. Kane asked William Cleaves, Amy Conrad, Jan Kenyon, Rhonda Pruner, Helen Robinson, Jacalyn Tucker, Susan Yartym, Debora Yastremski and Gary Brockway to come forward. Mr. Roche stated that Mr. Brockway nominated the DSS Employment Unit as Team of the Month under category of Outstanding Performance, either by way of attitude, cooperative, motivation or creativity. Mr. Brockway read the following nomination:

The Employment Unit of the Department of Social Services is comprised of one (1) Sr. Social Welfare Examiner, four (4) Social Welfare Examiners, two (2) Day Care Workers and one (1) Clerk. The Unit is responsible for providing education, training and employment services to recipients of Temporary Assistance and Food Stamps, with the goal of assisting those individuals to secure employment sufficient to close their assistance cases.

Through hard work, cooperation and coordination, over the past ten (10) years, the Unit has assisted an average of 589 individuals per year secure employment. On average 71.4 percent of those individuals close their cases and do not return to the roles. This has resulted in an average annual grant savings of \$1,149,723.

In addition, the Unit is responsible for securing, scheduling, assigning and monitoring projects for the Mobile Work Program. From the inception of the program in 1995 through November 2004, the crews have completed 1,913 projects with a value of \$1,348,245. These were all projects which otherwise would not have been completed, which is a requirement for having a MWP crew assigned, whether to a County department or an outside agency.

The Unit secures approximately \$1,000,000 per year in grants to provide services to clients ranging from assisting with transportation issues to providing Diagnostic Vocational Evaluations necessary to determine what other services are necessary to assist an individual in becoming self-sufficient. These grants have purchased Mobile Work Program vans as well as purchased computer equipment to allow staff to utilize the latest technology, without a local cost, and purchasing staff time from outside agencies to assist in providing the best services possible while keeping direct County staff costs to a minimum.

The Steuben County DSS Employment Unit is recognized by the New York State Department of Labor as one of the premier employment units within the State, and DOL regularly refers other counties to Steuben for information and assistance in the development and operation of employment programs.

The performance of the Employment Unit saves the County, and outside agencies, over a million dollars annually by the services provided and grants funded. *CONGRATULATIONS!*

Chairman Roche opened the floor for Comment by Members of the Public.

Don Boskett, Town of Campbell, stated that he is here to talk about Mead's Creek Road. The County says that they have no money and that doesn't surprise me with the way they operate. Some big shots got raises, but he doesn't know where they got the money for that if they didn't have any. The other day there were three County trucks on the bridge by my house. They were washing down the bridge, washing salt off the bridge into the creek. The County is rebuilding the road, what they call the Narrows which has two or three bad bends. They dug out three or four feet of dirt and dumped it at the neighbors and they threw gravel back in. Those trucks went to Bath to get the gravel and we had a gravel pit there. It cost \$10.00 - \$12.00 to run those ten-wheel trucks. Mr. Boskett continued, everyone thought the County would straighten out the turn. There are more accidents on that turn than on the rest of the road. They put the road back right where it was. It's nice to look at if you don't have to travel on it. My wife went off the road and went into the ditch in December and four days later she was dead. There have been five accidents since then. They could have taken 75 percent of that turn out of there with no problem at all. They spent \$500,000 or more for the work they did there. When they put down the blacktop, they put the smooth down. Why they put that on there is more than anyone could imagine. All you need is a bad frost and that road is slippery. Mr. Boskett stated the County sent a bill for the post that my wife hit and she bent the bottom of it. The County should be ashamed of themselves. They should build the roads for the people.

Wes Jones, introduced himself as the Cemetery Director for Bath National Cemetery and the Woodlawn National Cemetery. He stated that Echo Taps is a program where they would connect the Bath and Woodlawn National Cemeteries with a 41-mile line of buglers and other brass players performing taps. This will pay tribute to military personnel, living and dead; raise awareness of national cemeteries and the need for buglers to play taps at military funerals; and foster a new generation of buglers. The event is planned for Saturday, May 21, 2005 which is Armed Forces Day. This will involve over 800 musicians which will be lined up approximately every tenth of a mile or so between Bath National Cemetery and Woodlawn National Cemetery. The event will begin with a bugler in Woodlawn Cemetery sounding taps, followed three notes later by the next, and so on creating an echo effect traveling at approximately 60 mph until it reaches Bath. The kickoff ceremony will be held at Woodlawn and the closing ceremony will be held at Bath. Mr. McIntyre asked have you put out a flyer advertising this? Mr. Jones replied that this has been in the papers numerous times. Mr. Gehl asked how far apart will the buglers be placed? Mr. Jones replied there will be a minimum of 10 individuals per mile. Our goal is to have people placed within line of site of each other.

There being no further comments, the Chairman declared the Public Comment portion of the meeting closed.

*Motion adopting the minutes of the previous meeting made by Mr. Walsh. Seconded by Mr. Nielsen and duly carried.*

Mr. Spagnoletti stated that today Bruce Stanley is retiring. We have grown to depend on him. He worked through the floods and fielded numerous calls. He kept people working together. Bruce Stanley has helped me and the people of this County. We recognize your skill and your courage and thank you for all you do for us.

Mr. Stanley thanked everyone. He has made a lot of friends. There are excellent people in the Public Works Department, both in the office and in the field in every division. The County should be grateful. He has made friends with Legislators, Town Highway Superintendents and he won't be a stranger. Friendships mean a lot to me, especially at this point in my life. This is a great group of people and he'll be stopping in, besides, someone has to keep an eye on Vince. Thank you, it's been a pleasure and I feel that I have left my mark.

Mr. Castellana stated that he would like to give a special thanks to Mr. Gehl as he gave me some information that I was able to follow up on with regard to the County's property insurance. Because of that information, we saved \$48,000 over last year's premiums.

Mr. Roche announced that an AdHoc Committee meeting has been scheduled for February 3, 2005 at 11:00 a.m. to discuss the Jail and overcrowding. He hopes that all the Legislators can attend.

Mr. Nielsen announced that Bruce Stanley's recognition party is being held today from 1:00 p.m. – 5:00 p.m. in the Public Works Department.

Mr. McIntyre stated that he would like, as the Governor's budget unfolds, to get briefings from the County Administrator on those issues. His main concern is the reduction in funds for the Health Care Facility as that may be an impact that will be extremely important.

Mr. Roche commented after the NYSAC conference we should have a clearer picture of the Governor's proposal.

**RESOLUTION NO. 001-05**

Introduced By: P. Donnelly

Seconded By: K. Isaman

**TITLE: 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     Henry Thomas      
Parcel #     369.00-02-004.000/2      
Municipality     Lindley Town      
Disposition     Correction    

Resolution #     A-2      
Name     Beth D Ryan      
Parcel #     369.00-02-040.100      
Municipality     Lindley Town      
Disposition     Correction

Resolution # A-3  
Name Reba L Sherwood  
Parcel # 311.00-01-003.113  
Municipality Rathbone Town  
Disposition Correction

Resolution # A-4  
Name Michael Schoonover  
Parcel # 316.11-04-021.000  
Municipality Erwin Town  
Disposition Correction

Resolution # A-5  
Name Jonathan W Brouwere & Christina A Brouwere  
Parcel # 074.00-01-005.220  
Municipality Wheeler Town  
Disposition Correction

Resolution # A-6  
Name Steuben Trust Company  
Parcel # 151.64-01-046.000  
Municipality Hornell City  
Disposition Correction

Resolution # A-7  
Name Tim & Melody LaChiusa  
Parcel # 166.06-01-088.000  
Municipality Hornell City  
Disposition Correction

Resolution # A-8  
Name NYSDEC - Steuben County Treasurer  
Parcel # 225.00-01-010.120  
Municipality Campbell Town  
Disposition Correction

Resolution # A-9  
Name Vetter Living Trust  
Parcel # 225.00-01-010.100  
Municipality Campbell Town  
Disposition Apportionment

(NOW) Name Vetter Living Trust  
Address 5410 Nipher Rd., Bath, NY 14810  
Parcel # 225.00-01-010.110  
Name NYSDEC  
Address 625 Broadway, Albany, NY 12233  
Parcel # 225.00-01-010.120

Resolution #     A-10      
Name     Shirley Wheaton, Et al      
Parcel #     083.00-01-024.112      
Municipality     Cohocton Town      
Disposition     Apportionment      
(NOW) Name     Joyce & William Hammond      
Address     11 Circle Dr, Medina, OH 44256      
Parcel #     083.00-01-024.112      
Name     Shirley & Doug Wheaton      
Address     3518 CR 121, Box 176, Cohocton, NY 14826      
Parcel #     083.00-01-024.114      
Name     Julie & Steven Ferguson      
Address     854 Glen Rock Dr, Brunswick, OH 44212      
Parcel #     083.00-01-024.115    

Resolution #     A-11      
Name     Rochelle Ann Sulli      
Parcel #     040.00-01-014.111      
Municipality     Dansville Town      
Disposition     Apportionment      
(NOW) Name     Rochelle Ann Sulli      
Address     1896 Acomb Rd, Wayland, NY 14572      
Parcel #     040.00-01-014.111      
Name     Carl & Lucy Gibson      
Address     15 Timberline Dr, W Henrietta, NY 14586      
Parcel #     040.00-01-014.300    

Resolution #     A-12      
Name     John J Emo      
Parcel #     180.00-01-015.110      
Municipality     Hornellsville Town      
Disposition     Apportionment      
(NOW) Name     John & Mary Ann Emo      
Address     5798 Crosby Crk Rd, Hornell, NY 14843      
Parcel #     180.00-01-015.111      
Name     Jason R Emo & Jodie Bracken      
Address     5836 CR 68, Hornell, NY 14843      
Parcel #     180.00-01-015.112      
Name     Aaron & Kasi Washburn      
Address     5828 CR 68, Hornell, NY 14843      
Parcel #     180.00-01-015.300    

Resolution #     A-13      
Name     Murray Failing      
Parcel #     240.00-01-013.000      
Municipality     Thurston Town      
Disposition     Apportionment      
(NOW) Name     Murray G Failing      
Address     PO Box 786, Savona, NY 14879      
Parcel #     240.00-01-013.100      
Name     George & Susan Hauryski      
Address     6572 Mossy Bank Rd, Bath, NY 14810      
Parcel #     240.00-01-013.200

Resolution # A-14  
Name Terry & Clarabelle Hansel  
Parcel # 415.00-01-023.000  
Municipality Troupsburg Town  
Disposition Apportionment  
(NOW) Name Terry & Clarabelle Hansel  
Address PO Box 1, Woodhull, NY 14898  
Parcel # 415.00-01-023.100  
Name Frank Goodman & Leslie Gourley  
Address 254 SR 36, Troupsburg, NY 14885  
Parcel # 415.00-01-023.200

Resolution # A-15  
Name Kerry & Michelle Fuller  
Parcel # 228.00-01-002.100  
Municipality Hornby Town  
Disposition Apportionment  
(NOW) Name Kerry & Michelle Fuller  
Address 10875 Harrison Rd, Beaver Dams, NY 14812  
Parcel # 228.00-01-002.110  
Name Kristi C Elliott  
Address 10945 Harrison Rd, Beaver Dams, NY 14812  
Parcel # 228.00-01-002.120

Resolution # A-16  
Name Martin, Beth & Corey Russo  
Parcel # 265.00-01-011.111  
Municipality Hornby Town  
Disposition Apportionment  
(NOW) Name John Philip Kent  
Address 4330 SR 414, Corning, NY 14830  
Parcel # 265.00-01-011.111  
Name Martin & Beth Russo  
Address 20 Post Creek Rd, Beaver Dams, NY 14812  
Parcel # 265.00-01-011.115

Resolution # A-17  
Name Michael R Slayton, Steven W Slayton, Et al  
Parcel # 111.00-01-015.121  
Municipality Howard Town  
Disposition Apportionment  
(NOW) Name Michael R, Steven W & Robert J Slayton  
c/o Michael R Slayton  
Address 7195 County Route 27, Hornell, NY 14843  
Parcel # 111.00-01-015.121  
Name Maria Learn-Heal  
Address 5826 Thomas Rd, Bath, NY 14810  
Parcel # 125.00-01-033.000

Resolution #     A-18      
Name     Sharon A Saker      
Parcel #     060.00-01-011.100      
Municipality     Prattsburgh Town      
Disposition     Apportionment      
(NOW) Name     Jeffery W Campbell      
Address     8106 Feather St, Naples, NY 14512      
Parcel #     060.00-01-011.110      
Name     Sharon A Saker      
Address     PO Box 493, Hornell, NY 14843      
Parcel #     060.00-01-011.120    

Resolution #     A-19      
Name     Florence Hogan      
Parcel #     086.00-01-018.110      
Municipality     Wheeler Town      
Disposition     Apportionment      
(NOW) Name     William Hogan      
Address     10842 SW 90<sup>th</sup> Ct, Ocala, FL 34481      
Parcel #     086.00-01-018.111      
Name     Florence Hogan      
Address     5608 Wagner HI Rd, Avoca, NY 14809      
Parcel #     086.00-01-018.112    

Resolution #     A-20      
Name     Gary E & Barbara J Allen      
Parcel #     142.00-01-015.111      
Municipality     Bath Town      
Disposition     Apportionment      
(NOW) Name     Gary E & Barbara J Allen      
Address     7585 County Route 14, Bath, NY 14810      
Parcel #     142.00-01-015.111      
  
Name     Stacy R Rodbourn & Cloyse D Hoad, Jr      
Address     7587 County Route 14, Bath, NY 14810      
Parcel #     142.00-01-015.400    

Resolution #     A-21      
Name     Gerald & Anna Percival      
Parcel #     173.00-01-041.000      
Municipality     Bath Town      
Disposition     Apportionment      
(NOW) Name     Gerald & Anna Percival      
Address     5969 Turnpike Rd, Bath, NY 14810      
Parcel #     173.00-01-041.100      
Name     Thomas D & Phyllis M Crossett      
Address     5918 Turnpike Rd, Bath, NY 14810      
Parcel #     173.00-01-041.200    

Resolution #     A-22      
Name     Joel R & Donna J Fiske      
Parcel #     162.00-03-019.100      
Municipality     Bath Town      
Disposition     Correction

Resolution # A-23  
Name NYS Dept of Transportation  
Parcel # 316.08-01-001.000  
Municipality Erwin Town  
Disposition Correction

Resolution # A-24  
Name William M Davis  
Parcel # 172.00-01-018.111  
Municipality Bath Town  
Disposition Correction

Resolution # A-25  
Name Village of Canisteo  
Parcel # 197.11-03-096.000  
Municipality Canisteo Village  
Disposition Correction

Resolution # A-26  
Name Robert Wills  
Parcel # 258.00-01-021.000  
Municipality Thurston Town  
Disposition Refund

Resolution # A-27  
Name Bernard Hults c/o Ida Hults  
Parcel # 151.05-01-005.000  
Municipality Hornellsville Town  
Disposition Correction

Resolution # A-28  
Name Bernard Hults, Sr  
Parcel # 151.05-01-011.000  
Municipality Hornellsville Town  
Disposition Correction

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 002-05**

Introduced by: P. Roche

Seconded by: D. Creath

**TITLE: RECEIVING AND ACCEPTING THE JANUARY 24, 2005, 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 17, 2004**

1. Governor Pataki, State of New York - Re: Project Number 1115HR122-04 - Notice that the County of Steuben has been awarded a \$219,480 Community Development Block Grant (CDBG) through the Governor's Office for Small Cities 2004 competitive funding round (grant addresses economic development, public facilities, housing and planning needs). The Governor further congratulates Steuben County for developing such an outstanding project. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

**December 21, 2004**

1. NYS Office of Parks, Recreation & Historic Preservation - Re: Property known as George W. Hallock House, 16 W. William Street, Bath, NY, has been listed on the National Register of Historic Places. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director and Twila O'Dell, County Historian.*

**December 23, 2004**

1. NYS Office for the Aging - Re: Notification of Grant Award and approved application for the Health Insurance Information, Counseling and Assistance Program (HIICAP) for 4/1/04 through 3/31/05. *Referred to: Human Services Committee and Linda Tetor, OFA Director.*

**December 27, 2004**

1. NYS Office of Homeland Security - Re: Release of State awards and provision for guidance on funding issues for the 2005 year. Regional meetings concerning the distribution, application and reporting processes of the 2005 State Homeland Security Program and the Law Enforcement Terrorism Prevention Program in NYS will be conducted. *Referred to: Public Safety & Corrections Committee; Tim Wixom, 911 Director; Sheriff Tweddell and Mike Sprague, EMO Director.*

**January 3, 2005**

1. M. Donohue, Lt. Governor, State of New York - Re: Announcement of new program to help local governments achieve their Quality Community goals, and designed to increase the capacity of local governments to engage in effective planning for long-term community and regional vitality (innovative community planning and development of implementation tools and strategies that link environmental protection, economic prosperity and community well-being) \$1,000,000 is provided in the State Budget. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

**January 4, 2005**

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$5,639 representing the November 2004 retained surcharge revenue for Steuben County from WROTBC. *Referred to: Rules and Finance Committees and Larry Crossett, County Treasurer.*

**January 7, 2005**

1. Steuben County Environmental Management Council - 2004 Annual Report. *Filed w/Clerk of Legislature.*

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 003-05**

Introduced by: P. Donnelly

Seconded by: K. Isaman

**TITLE: REQUESTING LEGISLATION FOR AN EXTENSION AUTHORIZING AN ADDITIONAL ONE PERCENT SALES TAX FOR STEUBEN COUNTY FOR THE PERIOD COMMENCING DECEMBER 1, 2005, AND ENDING NOVEMBER 30, 2007.**

Pursuant to Section 40 of the Municipal Home Rule Law.

**WHEREAS**, an increase in the rate of the Steuben County Sales and Use Tax from 3 percent to 4 percent for the period beginning December 1, 1992 through November 30, 2005 has heretofore been adopted; and

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

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

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

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature hereby requests the New York State Legislature to adopt special legislation authorizing the Steuben County Legislature to establish an additional one percent sales tax for the period commencing December 1, 2005 through November 30, 2007; and be it further

**RESOLVED**, from said additional revenues for the period December 1, 2005 through November 30, 2006 the County of Steuben shall pay or cause to be paid to the City of Hornell the sum of \$550,000.00, to the City of Corning the sum of \$600,000.00 and in addition, the sum of \$750,000.00 to the towns and villages of the County of Steuben, based on their respective equalized full value; and be it further

**RESOLVED**, from said additional revenues for the period December 1, 2006 through November 30, 2007 the County of Steuben shall pay or cause to be paid to the City of Hornell the sum of \$550,000.00, to the City of Corning the sum of \$600,000.00 and in addition, the sum of \$750,000.00 to the towns and villages of the County of Steuben, based on their respective equalized full value; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to NYS Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; NYS Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; Patricia Pinto, Esq., State of NY Dept. of Taxation and Finance, W.A. Harriman Campus, Albany, NY 12227; and to the Majority and Minority Leaders of the New York State Senate and Assembly.

Mr. Roche explained this is our sales tax allocation which is good for two years and we request this every two years. This is not a new tax, we are maintaining the existing level of sales tax.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 004-05**

Introduced by: R. Nichols

Seconded by: F. Gehl

**TITLE: MAKING CERTAIN DETERMINATIONS AND FINDINGS CONCERNING THE PROPOSED PUBLIC PROJECT INVOLVING THE ACQUISITION OF REAL PROPERTY IN RELATION TO THE REPLACEMENT OF THE COUNTY ROUTE 85 BRIDGE CROSSING TUSCARORA CREEK IN THE TOWN OF TUSCARORA.**

Pursuant to Article IX, §1 (e) of the Constitution of the State of New York, and to the New York Eminent Domain Procedure Law §204.

**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**, in accordance with the Order of the Legislature made on December 20, 2004 a public hearing in respect of this project and of commencing eminent domain proceedings relative to two parcels was held pursuant to Eminent Domain Procedure Law (EDPL) Section 202 on January 12, 2005. Publication and Notice was duly performed pursuant to the EDPL. All property owners so desiring attended the public hearing, and addressed the Commissioner of Public Works. A record of the public hearing was kept, and is on file and available for review at the Commissioner of Public Works Office and at the Steuben County Clerk's Office; and

**WHEREAS**, at the public hearing evidence was produced as follows:

1. The replacement of the Bridge crossing Tuscarora Creek and connecting County Route 85 with New York State Route 417 is necessary since the only alternative route for traffic is along the Addison Back Road, which is posted for load by large trucks, is not suitable for an alternate route with heavy traffic due to lack of shoulders and guide railing and the narrow width of road, and is not suitable as a route for emergency service providers due to the resulting increase in response time.
2. The off-alignment bridge is the preferred alternative in which to locate the replacement bridge due to:  
i) it being downstream and further away from the bend in the stream where the force of the water has eroded the foundations of the existing bridge and thereby the preferred alternative will help protect the bridge from stream forces; ii) the downstream location will improve the sight distance up and down New York State Route 417 for cars stopped on County Route 85 as well as intersection geometry; and iii) the downstream location will allow the existing bridge location to be the site of a temporary bridge during construction eliminating the need for a detour route on Addison Back Road or the construction of a temporary crossing.
3. The off-alignment bridge location is the alternative preferred by the Steuben County Public Works Department and the New York State Department of Transportation.
4. The construction of the off-alignment bridge replacement will impact property on both the east and west sides of County Route 85 near Tuscarora Creek, those being:

<u>Tax Map Number</u>	<u>Reputed Owner</u>	<u>Type</u>
367.00-1-27	Dennis W. Putnam	Fee Title
367.00-1-27	Dennis W. Putnam	Temp. Easement
366.00-1-19.1	George A. Pavlick, Jr.	Fee Title
366.00-1-19.1	George A. Pavlick, Jr.	Temp. Easement

The Dennis W. Putnam property for which fee title is required is a 2.70-acre parcel that must be purchased to extend the existing highway right-of-way outward to encompass the new roadway and bridge features. The area currently consists of farmlands and a fenced-off area at the south end and creek bed and banks at the north end.

The Dennis W. Putnam property for which a temporary easement is required during construction only is a tenth acre parcel that will allow the contractor to reconstruct a private driveway and tie it into the new roadway. The parcel currently consisting of a driveway and maintained lawn will remain the property of Putnam, and will be restored at the conclusion of the project.

The George A. Pavlick, Jr. property for which fee title is required is a seventh-tenths of an acre parcel required to extend the existing highway right-of-way outward to encompass rock spurs to be installed along County Route 85 into Tuscarora Creek. The area currently consists of highway embankment and creek bank.

The George A. Pavlick, Jr. property for which a temporary easement is required during the construction period only is a six-tenth acre parcel to allow the contractor access down to Tuscarora Creek to demolish the existing bridge. The parcel currently consists of light brush and woods and will be restored at the conclusion of the project.

**WHEREAS**, traffic will be maintained on-site during construction using the temporary bridge located at the existing bridge location thereby providing emergency vehicles timely access to residents and businesses requiring emergency services and eliminating the heavy traffic that would result on Addison Back Road if used as a detour; and

**WHEREAS**, there are no houses or commercial structures that will require demolition or relocation in respect of the project; and

**WHEREAS**, the project is classified as a SEQRA Type II action and as a NEPA Class II action and there are no State of Federal Wetlands within project limits, as reference to Appendix D of the Final Design Report will reveal; and

**WHEREAS**, the project has been approved for funding by Federal share of 80%, State share of 15%, and County share of 5% of the project cost.

**NOW THEREFORE, BE IT**

**RESOLVED**, the project serves a critical public purpose of replacing an existing bridge connecting County Route 85 with New York State Route 417, and will benefit the traveling public and citizens and residents of the County of Steuben, and in particular the Town of Tuscarora and Village of Addison, by providing through traffic and emergency vehicle access, and preventing undue wear on the local road known as Addison Back Road as well as on streets of the Village; and be it further

**RESOLVED**, the proposed location of the replacement bridge is nearly adjacent to and downstream of the existing bridge location and such proposed location is preferred to the existing location due to better protection of the replacement bridge from stream forces and improved intersection with New York State Route 417, as well as the ability to provide through traffic access during the construction period; and be it further

**RESOLVED**, the proposed project will have a positive effect on the residents of the locality and there are no negative effects that will result from the completion of the project in that no houses or commercial structures will be demolished or relocated to complete the project and historical traffic patterns in the area will be maintained; and be it further

**RESOLVED**, the project will have no significant impact on the environment and is not subject to review under the State Environmental Quality Review Act the project being classified as a Type II action; and be it further

**RESOLVED**, the Clerk of the Legislature shall cause a synopsis of this resolution to be published in at least two successive issues of the official newspapers; and be it further

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

Mr. Spagnoletti explained this is in reference to the County Route 85 bridge in Tuscarora. This bridge collapsed during one of the floods. Last month the Legislature authorized a Public Hearing to present this project to the public. At the Public Hearing we received one comment from the public and they thanked the Legislature for getting the other bridge in as quickly as we did. Mr. Spagnoletti explained the existing back road into Addison is unsuitable for a detour. The new location will be downstream from the existing bridge which will be away from the turbulence of where it is now. This will also improve the site distance and allow us to have the other bridge in place while we are building the new bridge. The location of the new bridge has been approved by the New York State Department of Transportation and it is our recommendation to have it there. There are two properties that will be involved. The first is Putnam with 2.7 acres for purchase and 1/10 acres for easement. The second property is Pavlick with 7/10 acres for purchase and 6/10 acres for easement. We did complete SEQR and there were no significant impacts to the environment. Mr. Spagnoletti explained what you are voting on is that this is a critical public purpose as it will allow thru-traffic and prevent undue wear on the back road. The proposed location will get the bridge away from the strong stream current. The new bridge will also improve the intersection and we will be using the temporary bridge during construction. This will have a positive effect on the residents and there will be no impact to the environment.

Mr. Ahrens commented an executive engineering summary was distributed to each Legislator prior to today's meeting.

Mr. Argentieri asked are the property owners agreeable to selling their land? Mr. Ahrens replied we now can extend a formal offer to them. We have appraisals on the properties and now if this

resolution is adopted, we can move forward with formalizing that offer. The property owners will have three months in which to ponder the offer and make a counter-offer.

Mr. Argentieri asked why is the eminent domain process part of this? Mr. Ahrens explained we will make an offer. Unless you adopt this resolution, we can't formalize the offer. From this point on the clock will tick. We will publish a synopsis of this in the paper and the offer will go out. Detailed appraisals have been done and either party is capable of accepting or countering with an offer of their own. An informal offer has been extended.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 005-05**

Introduced by: R. Nichols/P. Donnelly

Seconded by: R. Argentieri

**TITLE: CLOSING THE SOLID WASTE OPERATIONS CAPITAL PROJECT AND TRANSFERRING THE BALANCE TO THE BATH LANDFILL EXPANSION CAPITAL PROJECT.**

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

**WHEREAS**, the Public Works Committee and the Finance Committee of this Steuben County Legislature have approved the closing of the Solid Waste Operations Capital Project HL-9901-5-250-000 account and transferring the sum of \$16,579.97 to the Bath Landfill Expansion Capital Project HL-6201-5-250-000.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature hereby approves the closing of the Solid Waste Operations Capital Project HL-9901-5-250-000 account and transferring the sum of \$16,579.97 to the Bath Landfill Expansion Capital Project HL-6201-5-250-000; and be it further

**RESOLVED**, the County Treasurer be and the same hereby is authorized and directed to transfer \$16,579.97 from Solid Waste Operations Capital Project HL-9901-5-250-000 to Bath Landfill Expansion Capital Project HL-6201-5-250-000; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 006-05**

Introduced by: R. Nichols

Seconded by: F. Gehl

**TITLE: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO PURCHASE 5.74± ACRES OF LAND ALONG TURNPIKE ROAD FOR THE PURPOSE OF MAINTAINING A BUFFER FOR THE STEUBEN COUNTY BATH LANDFILL IN THE TOWN OF BATH.**

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

**WHEREAS**, the Steuben County Department of Public Works – Solid Waste Division wishes to maintain a buffer between Turnpike Road and the Bath Landfill; and

**WHEREAS**, in order to maintain the buffer, the County is desirous of purchasing 5.74± acres along Turnpike Road; and

**WHEREAS**, Mike and Robin Silva, the landowners, have agreed to sell the said 5.74± acres for \$10,000.00 with the County paying the survey and abstract costs; and

**WHEREAS**, the County has had the parcel appraised and the Public Works Committee agreed to the purchase price; and

**WHEREAS**, the Public Works Committee and Finance 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 Mike and Robin Silva at a cost of \$10,000.00; and be it further

**RESOLVED**, the County Attorney is authorized and directed to file all necessary forms to transfer title to the property at no expense to the landowners; 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 Mike and Robin Silva, 2593 Sedgefield Ave., Deltona, FL 32725.

Mr. Argentieri asked you are going to pay \$10,000 for 5.74 acres? Mr. Spagnoletti replied yes. This is significantly below what it was appraised for.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 007-05**

Introduced by: R. Nichols

Seconded by: R. Nielsen

**TITLE:            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 3334320, CR 110 over the Canisteo River, Steuben County, PIN 6753.24 (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 3334320, CR 110 over the Canisteo River, Steuben County, PIN 6753.24.

**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, ROW Acquisition and Construction work for the Project or portions thereof; and be it further

**RESOLVED**, that the sum of \$2,275,000.00 (\$225,000.00 existing appropriation + \$2,050,000.00 supplemental appropriation) is hereby appropriated and made available to cover the cost of participation in the above phases of the Project; and be it further

**RESOLVED**, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the County of Steuben shall convene as soon as possible to appropriate said excess amount immediately upon notification by the NYSDOT thereof; and be it 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 be it further

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

**RESOLVED**, this Resolution shall take effect immediately.

Mr. Argentieri asked could you explain eligible and ineligible costs? Mr. Spagnoletti replied this is a standard Department of Transportation format and they do include the term ineligible costs. He doesn't know what in this project would be ineligible. This is 80 percent Federal and 15 percent DOT funding. The DOT funding would not come with the design of the project and it is not specifically stated what they mean by that.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 008-05**

Introduced by: R. Nichols

Seconded by: T. McIntyre

**TITLE:           RATIFYING THE ACTIONS OF THE PUBLIC WORKS COMMITTEE RELATIVE TO AN EMERGENCY PURCHASE OF A LANDFILL COMPACTOR.**

**WHEREAS**, the County has the responsibility to properly prepare trash and garbage for disposal at its landfill in accordance with DEC requirements and internal requirements to properly protect the environment; and

**WHEREAS**, the use of the landfill compactor is essential to the accomplishment of this responsibility to the environment; and

**WHEREAS**, the loss of the compactor through an unanticipated casualty loss through a fire occurring on December 28, 2004, has left the County without an essential tool for the accomplishment of this responsibility; and

**WHEREAS**, the County has enlisted the use of an old landfill compactor which was previously taken out of frontline service but is considered unreliable for frontline service; and

**WHEREAS**, the Commissioner of Public Works has performed an analysis of the availability of a new landfill compactor and has advised the committee as follows:

- a.       That a new landfill compactor is available provided it is procured not later than January 7, 2005, and it is the exact make and model of the unit lost in the December 28, 2004 fire, which was acquired in September 2004.

- b. That at least three vendors have been contacted and there are no other new units available within 3 months of procurement lead time from those contacted.

**WHEREAS**, the price of the replacement unit is comparable to the price of the unit just lost which was purchased in September 2004, upon a competitive bid process, and given the rising cost of material such as steel, the quoted price is considered competitive and appropriate; and

**WHEREAS**, failure to procure the replacement unit will result in great risk of failure of the old unit and the inability of the County to accomplish its responsibility of processing trash and garbage for a substantial period of time while a different unit is being procured; and

**WHEREAS**, the Public Works Committee by a vote of 5 – 0 resolved as follows:

1. the fire occurring December 28<sup>th</sup>, 2004, has caused an emergency situation to exist, and
2. that the procurement of a replacement unit is hereby authorized in order to obtain the exact make and model unit available forthwith, and
3. the funding of this procurement will be accomplished in accordance with the direction and advice of the County Treasurer.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the aforementioned action of the Public Works Committee be and the same is hereby ratified; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 009-05**

Introduced by: P. Donnelly

Seconded by: D. Stachnik

**TITLE: AUTHORIZING THE TRANSFER OF \$20,000.00 FROM THE 2004 CONTINGENT FUND TO THE BOARD OF ELECTIONS 2004 PRINTING LINE ITEM ACCOUNT.**

**WHEREAS**, the 2004 County Budget for Board of Elections expenses contains insufficient funds for the balance of the Fiscal Year to cover the extra printing bill, due to the Court cases that removed individuals from the ballot just prior to the General Election in November 2004.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Treasurer is hereby authorized to transfer \$20,000.00 from the Contingent Fund to the following line item:

<b><u>From</u></b>	A199000 5 499 000	\$20,000.00	Contingent Fund
<b><u>To</u></b>	A145000 5 403 100	\$20,000.00	Printing

and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Board of Elections and the County Treasurer.

Mr. McIntyre commented that he is not pleased with how this came about as we had to print the ballots several times.

Mr. Jamison asked what is this for? Mr. Alger replied this is \$20,000 to pay the printing costs for having to reprint the ballots due to the ruling of the Court to remove certain names off the ballots.

**Vote: Roll Call – Adopted. (Yes: Creath, Donnelly, Gehl, Isaman, McAllister, Nichols, Nielsen, Roche, Stachnik. No: Argentieri, Jamison, McIntyre, Walsh. Absent: Baker, Mayo, Swakchamer)**

**RESOLUTION NO. 010-05**

Introduced by: P. Donnelly.

Seconded by: L. Jamison

**TITLE: AUTHORIZING THE TRANSFER OF \$250,000.00 IN UNAPPROPRIATED INTEREST EARNINGS FROM THE E-911 CAPITAL PROJECT TO THE STEUBEN COUNTY PURCHASING DEPARTMENT MINOR EQUIPMENT ACCOUNT.**

**WHEREAS**, for the past several years, departmental budgets have contained little or no funds for the replacement of minor equipment; and

**WHEREAS**, departments are beginning to experience unanticipated breakdown of minor equipment.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Treasurer is hereby authorized to transfer unappropriated interest earnings in the amount of \$250,000.00 to the Steuben County Purchasing Department Minor Equipment Account; and be it further

**RESOLVED**, that upon recommendation of the County Administrator and approval by the respective Standing Committee and the Finance Committee, unanticipated minor equipment purchases by individual departments may be authorized from said fund; and be it further

**RESOLVED**, that upon approval, the Steuben County Treasurer is hereby authorized to transfer the approved funds to the respective department's minor equipment account; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to all Steuben County departments.

Mr. Isaman asked for an explanation of this resolution. Mr. Alger stated this resolution is appropriating unappropriated interest from the 911 project to the Purchasing Department Minor Equipment Account. This is essentially for emergency purchases.

Mr. Gehl asked is this going to short 911? Mr. Alger replied no. This is the interest earnings from the project.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 011-05**

Introduced by: P. Roche.

Seconded by: T. McIntyre

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

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

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

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

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

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

**NOW THEREFORE, BE IT**

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

**AFFIRMATIVE ACTION COMMITTEE**

**Term Commencing January 1, 2003 through December 31, 2005**

1. Sally MacDougal, President CSEA
2. Ellsworth T. Parks, Employee, Building & Grounds
3. April Cook, Employee, Department of Social Services

Term Commencing January 1, 2004 through December 31, 2006

1. Eric Tyner, President, Steuben County Deputy Sheriffs' Association
2. Victoria Fuerst, Director, Public Health and Nursing Services
3. John L. Zehr, Administrator, Health Care Facility

Term Commencing January 1, 2005 through December 31, 2007

1. Nancy Steiniger, President, Steuben County Correction Officers, Dispatchers & Court Security Officers Unit
2. Richard A. Argentieri, Legislator
3. David Stachnik, Legislator

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

**RESOLVED**, upon the recommendation of the Chairman of this Legislature, the following appointments are made to serve at the pleasure of this Legislature in an advisory capacity and without voting privileges on the Committee:

**ADVISORY COUNCIL TO THE AFFIRMATIVE ACTION COMMITTEE**

1. Robert F. Biehl, Personnel Officer
2. Kathryn Biehl, Commissioner of Social Services
3. Nancy B. Smith, Affirmative Action Officer/Equal Employment Opportunity Counselor
4. Philip J. Roche, Esq., Chairman, Steuben County Legislature

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

**AFFIRMATIVE ACTION OFFICER /EQUAL EMPLOYMENT OPPORTUNITY COUNSELOR**

Nancy B. Smith

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

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

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

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

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

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 012-05**

Introduced by: P. Roche.

Seconded by: T. McIntyre.

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

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 Non-Legislator members of the District Forest Practice Board, Region 8, expire February 28, 2005; and

**WHEREAS**, the New York State Department of Environmental Conservation has requested that Steuben County appoint two (2) Non-Legislator members for terms of three (3) years, and that said Non-Legislator members be owners or representatives of corporate owners of forest land in Steuben County.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Chairman of this Legislature hereby appoints David Generali and Robert Franzen as Non-Legislator members of the District Forest Practice Board, Region 8, for a term of three (3) years commencing February 29, 2005 through February 28, 2008; 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 District Forest Practice Board; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named appointees at 487 Bennett Parkway, Hornell, NY 14843; and 2323 Davis Road, Corning, NY 14830, respectively; and to the Forestry Division of the NYS Department of Environmental Conservation, 7291 Coon Road, Bath, NY, 14810-7923.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 013-05**

Introduced by: P. Roche.

Seconded by: T. McIntyre.

**TITLE: APPOINTING A MEMBER TO THE STEUBEN COUNTY FIRE ADVISORY BOARD.**

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

**WHEREAS**, Resolution No. 054-04 of the Steuben County Legislature appointed legislative and non-legislative members to the Steuben County Fire Advisory Board for a term expiring December 31, 2005; and

**WHEREAS**, two of the non-legislative members have resigned; and

**WHEREAS**, pursuant to Section 225-a of the County Law of the State of New York, the number of members to be appointed to the Fire Advisory Board shall be not less than five (5), nor more than twenty-one (21); and

**WHEREAS**, the Fire Advisory Board currently has nineteen (19) members, it is deemed appropriate to only fill one of the vacancies; and

**NOW THEREFORE, BE IT**

**RESOLVED**, that the following named person is hereby appointed as a non-legislative member of the Steuben County Fire Advisory Board to fill the unexpired term of Robert L. Paris, effective upon the adoption of this resolution and through December 31, 2005:

Keith Jordan, 1582 County Route 103, Woodhull, NY 14898

**BE IT FURTHER RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named appointee and the Steuben County Emergency Management Office.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 014-05**

Introduced by: P. Roche.

Seconded by T. McIntyre.

**TITLE: APPOINTING THE LANDOWNER REPRESENTATIVE AND ALTERNATE TO THE FISH AND WILDLIFE MANAGEMENT ACT BOARD.**

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

**BE IT RESOLVED**, upon the recommendation of the Chairman of the Steuben County Legislature, the following individuals are appointed to serve as members of the Fish and Wildlife Management Act Board for a term of two (2) years commencing on January 1, 2005 through December 31, 2006:

Steuben County Landowner Representative: Royce L. Kilmer  
Willow Bend Farm  
5323 State Route 36  
Canisteo, NY 14823

Alternate Landowner Representative:

Michael Warren  
7281 Horton Road  
Hornell, NY 14843

**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 Steuben County Auditor and to the NYS Department of Environmental Conservation, ATTN: Ronald L. Schroder, 6274 E. Avon-Lima Road, Avon, NY 14414.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 015-05**

Introduced by: P. Roche.

Seconded by: T. McIntyre.

**TITLE: 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 Road  
Bath, NY 14810

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

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

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

Dennis W. O'Connor, MD  
PO Box 23  
10595 W. Lake Road  
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  
3 E. 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

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

Anne Roser  
343 Lane School Road  
Andover, NY 14806

Kathryn Biehl, Commissioner  
Steuben County DSS  
3 E. Pulteney Square  
Bath, NY 14810

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

Meg Morrison, OT  
9937 Silsbee Road  
Hammondsport, NY

Amy Thomas  
13 Skyline Drive  
Corning, NY 14830-3237

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

Renni MacDougal  
11 Haverling Street  
Bath, NY 14810

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

Jennifer Gresham  
4744 County Route 10  
Cameron, NY 14830

Kim Gotshall  
37 Tuscarora Street  
Addison, NY 14801

Elizabeth Buckley  
5304 Wolf Run Road  
Campbell, NY 14821

David Lambert  
NYS State EI Administrator  
NYS Dept. of Health  
584 Delaware Ave.  
Buffalo, NY 14202

Michelle Paulson  
142 Pritchard Avenue  
Corning, NY 14830

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

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

**Vote: Acclamation – Adopted.**

#### **RESOLUTION NO. 016-05**

Introduced by: P. Roche.

Seconded by: T. McIntyre.

**TITLE: 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 James G. Bacalles  
NYS Assemblyman  
439 Legislative Office Building  
Albany, New York 12247

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

Designee, Alternate for N.Y.S.  
Assemblyman, James G. Bacalles  
439 Legislative Office Building  
Albany, New York 12248

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

**LAW ENFORCEMENT REPRESENTATIVES**

Richard C. Tweddell  
Steuben County Sheriff  
PO Box 271 – Public Safety Building  
Bath, New York 14810  
David K. Rouse, Chief  
Village of Bath Police Department  
110 Liberty Street  
Bath, New York 14810

David Cole, Alternate for Sheriff  
Steuben County Undersheriff  
PO Box 271 – Public Safety Building  
Bath, New York 14810

## **FIRE COMPANY 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, East  
Corning, New York 14830

Peg Griswold  
St. James Mercy Health  
Emergency Room  
411 Canisteo Street  
Hornell, New York 14843

Donna 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, Alternate  
Ira Davenport Hospital  
Box 305, NYS Route 54  
Bath, New York 14810

## **INDUSTRIAL REPRESENTATIVES**

Joe Kane, LEPC Vice-Chairman  
Corning Incorporated  
Corning, New York 14830

John Gray, Alternate  
Corning Incorporated  
Corning, New York 14830

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

Fred Bierling  
Philips Lighting  
State Route 54  
Bath, New York 14810

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

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

Henry Mapes  
Pollio Dairy  
Main Street  
Campbell, New York 14821

Jeff Cassim  
YARA North American, Inc.  
631 Waterloo-Geneva Road  
Waterloo, New York 13165-1207

## **ENVIRONMENTAL REPRESENTATIVES**

Paul Lindenfelser  
NYS Department of Environmental Conservation  
7291 Coon Road

Bath, New York 14810

**NEW YORK STATE POLICE LIAISON**

Sgt. James 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

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

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 017-05**

Introduced by: P. Roche.

Seconded by: T. McIntyre.

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

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

**WHEREAS**, the Chairman of the Steuben County Legislature has recommended that David Stull of Addison, New York, be reappointed as the At-Large Representative to the Soil and Water Conservation District Board of Directors and that Harley R. Mayo, District 10, and Kenneth E. Isaman, District 6, be reappointed as the Legislative Representatives to the Soil and Water Conservation District Board of Directors.

**NOW THEREFORE, BE IT**

**RESOLVED**, that David Stull of 3461 County Route 2, Addison, NY 14801, is hereby appointed as the At-Large Representative member of the Board of Directors of the Steuben County Soil and Water Conservation District for a term of three (3) years commencing January 1, 2005, and not beyond December 31, 2007; and be it further

**RESOLVED**, that County Legislator Harley R. Mayo of District 10 and County Legislator Kenneth E. Isaman of District 6, be and they hereby are appointed members of the Board of Directors of the Steuben County Soil and Water Conservation District for a term of two (2) years commencing January 1, 2005, and not beyond December 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 Soil and Water Conservation District Board of Directors; and be it further

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

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 018-05**

Introduced by: P. Roche.

Seconded by: T. McIntyre.

**TITLE: APPOINTING MEMBERS TO THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY.**

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

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

**WHEREAS**, the Board members were appointed to serve three-year rotating terms with the initial appointments including two (2) members appointed for three (3) years; two (2) members appointed for two (2) years and two (2) members appointed for one year, excepting the Legislative appointee who shall serve a term of two (2) years; and

**WHEREAS**, the term of some board members expired December 31, 2004.

**NOW THEREFORE, BE IT**

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

**January 1, 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.

**January 1, 2005 through December 31, 2007**

George Connors, Connors Mercantile, 16 East Market Street, Corning, NY 14830

Ellsworth Beckman, 6 Allen 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 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. 019-05**

Introduced by: P. Roche.

Seconded by: T. McIntyre.

**TITLE: 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, 2004.

**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**

**TERM**

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

James Orme, Bath	01/01/05 – 12/31/07
Joseph F. Dick, North Hornell	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 (Canisteo)	01/01/04 – 12/31/06
Gregg Learned (Hammondsport)	01/01/05 – 12/31/07

**Paid Ambulance Representative**

Alan Lewis, Rural Metro	01/01/05 – 12/31/07
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**Local Police Representative**

David Rouse, Bath Village Police Chief	01/01/05 – 12/31/07
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**State Police Representative**

Captain Jack Fay, Bath Zone Commander	01/01/05 – 12/31/07
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**Sheriff Representative**

Richard C. Tweddell, Sheriff	01/01/05 – 12/31/07
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**City Police Representative**

Salvatore Trentanelli, Corning City Police Chief	01/01/04 – 12/31/06
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**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 01/01/05 – 12/31/07

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

Timothy Wixom, E911 Director  
Michael Sprague, EMO Director

**AND BE IT FURTHER RESOLVED**, the Chair of the Steuben County Legislature hereby appoints Mark R. Alger to serve as the Chair of the Advisory Board and Richard C. Tweddell to serve as the Vice Chair of the Advisory Board; and be it further

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

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

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 020-05**

Introduced by: P. Roche.

Seconded by: T. McIntyre.

**TITLE: APPOINTING MEMBERS TO THE COMMUNITY SERVICES BOARD AND SUBCOMMITTEES.**

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

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

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

**Community Services Board**

- 1. Janis Conklin  
1910 Lake Demon Road (Term 1/1/02 through 12/31/05)  
Bath, NY 14810
- 2. Rose-Andree Feuchtwanger, M.D.  
Box 370 (Term 1/1/05 through 12/31/08)  
Hornell, NY 14843
- 3. Lola Tears  
47 Maple Street (Term 1/1/04 through 12/31/07)  
Savona, NY 14879
- 4. Robert Cole, M.D.  
1285 E. Lake Road (Term 1/1/04 through 12/31/07)  
Hammondsport, NY 14840

5. Molly Tweddell  
4 Ivy Lea Drive  
Wayland, NY 14572 (Term 1/1/04 through 12/31/07)
6. Ralph Schnell  
30 Seneca Street  
Hornell, NY 14843 (Term 1/1/02 through 12/31/05)
7. Deborah Becher  
2065 Purdy Creek Road  
Hornell, NY 14843 (Term 1/1/02 through 12/31/05)
8. The Honorable Patrick Donnelly  
Steuben County Legislator  
301 Maple Heights  
Bath, NY 14810 (Term 1/1/02 through 12/31/05)
9. Cora Saxton  
Wayland, NY 14572 (Term 1/1/05 through 12/31/08)

**Mental Health Subcommittee**

1. Lola Tears  
47 Maple Street  
Savona, NY 14879 (Term 1/1/04 through 12/31/07)
2. Rose-Andree Feuchtwanger, M.D.  
Box 370  
Hornell, NY 14843 (Term 1/1/05 through 12/31/08)
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 1/1/05 through 12/31/08)
5. Barbara Blank  
5340 Babbish Road  
Beaver Dams, NY 14812 (Term 1/1/02 through 12/31/05)
6. Kathryn Biehl  
3 E. Pulteney Square  
Bath, NY 14810 (Term 1/1/02 through 12/31/05)
7. Kate Foss  
371 E. Third Street  
Corning, NY 14830 (Term 1/1/02 through 12/31/05)
8. Cora Saxton  
Wayland, NY 14572 (Term 1/1/05 through 12/31/08)

**Chemical Dependency**

1. Molly Tweddell  
4 Ivy Lea Drive  
Wayland, NY 14572 (Term 1/1/04 through 12/31/07)
2. Robert Cole, M.D.  
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 1/1/05 through 12/31/08)
3. Tony Zajchenko  
Pathways, Inc.  
11174 Tannery Creek Road  
Corning, NY 14830 (Term 1/1/05 through 12/31/08)
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. 021-05**

Introduced by: P. Roche.

Seconded by: T. McIntyre.

**TITLE: 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, 2005 through December 31, 2005:

**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. David Hall, 61 Hidden Forest Homes, Painted Post, NY 14870
- 7. Patrick Rogers, Institute for Human Services, 6666 County Rte 11, Bath, NY 14810
- 8. Cora Saxton, 310 E. Naples St., Wayland, NY 14572
- 9. Rhonda Sweet, Bath National Bank, 323 W. Washington Blvd., Bath, NY 14810
- 10. Richard C. Tweddell, Sheriff, Public Safety Bldg., 7007 Rumsey St. Ext., Bath, NY 14810
- 11. Youth Representative (Vacant).

**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.**

**RESOLUTION NO. 022-05**

Introduced by: P. Roche.

Seconded by: R. Argentieri.

**TITLE: MEMORIALIZING THE GOVERNOR AND THE NEW YORK STATE LEGISLATURE RELATIVE TO TRADE ADJUSTMENT ACT FUNDING.**

**WHEREAS**, the Trade Adjustment Act (TAA) was enacted to assist employees, dislocated by foreign competition, to obtain training for new employment opportunities; and

**WHEREAS**, several local companies, including MT Display and Avonex, have laid off hundreds of workers; and

**WHEREAS**, those workers are eligible for TAA assistance; and

**WHEREAS**, only a limited number of these dislocated employees have been assisted thus far in obtaining TAA funded training.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature does hereby memorialize the Governor and the New York State Legislature to work with Workforce New York, the New York State Department of Labor, and other appropriate agencies to modify the policies and procedures relative to obtaining TAA assistance, and thereby streamline the process for said assistance; and be it further

**RESOLVED**, that the Steuben County Legislature does further memorialize the Governor and State Legislature to work with New York's elected federal representatives to assure that New York's TAA appropriation is sufficient to meet the needs of New York's dislocated workers; 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; NYS Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; NYS Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; US Senator Charles E. Schumer, 313 Hart Senate Office Bldg., Washington, DC 20510-3202; US Senator Hillary Rodham-Clinton, 476 Russell Senate Office Building, Washington, DC 20510; and US Congressman John R. Kuhl, Jr., 32 Denison Parkway West, Corning, NY 14830.

Mr. Roche explained, the Trade Adjustment Act funding is for those individuals that lose their jobs due to foreign competition and allows those individuals to obtain training for new employment opportunities.

Mr. Stachnik commented this is a great, proactive thing to do.

**Vote: Acclamation – Adopted.**

*Motion to adjourn regular session and reconvene in executive session pursuant to Public Officers' Law, Article 7§ 105.1.F. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation made by Mr. Nielsen. Seconded by Mr. Isaman and duly carried.*

*Motion to adjourn executive session and reconvene in regular session made by Mr. Stachnik. Seconded by Mr. McAllister and duly carried.*

*Motion to adjourn made by Mr. Gehl. Seconded by Mr. Creath and duly carried.*

**REGULAR MEETING**  
**Morning Session**  
**Bath, New York**  
**Monday, February 28, 2005**

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 28<sup>th</sup> day of February, 2005 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 for Legislator Isaman.

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

Chairman Roche asked Linda Page to come forward. Ms. Page is an employee in the County Clerk's Office. 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.

Chairman Roche asked Barb Yawger to come forward. Ms. Yawger is an employee in the Department of Social Services. Chairman Roche presented her with a Certificate of Appreciation and a 25-year pin in recognition of her 25 years of service to Steuben County.

Chairman Roche asked Sally MacDougal to come forward. Ms. MacDougal is an employee in the Department of Social Services. Chairman Roche presented her with a Certificate of Appreciation and a 25-year pin in recognition of her 25 years of service to Steuben County.

Chairman Roche asked Linda Tetor to come forward to make her presentation. Mrs. Tetor stated several years ago Office for the Aging across the state were given a computer software program, PDS, by the NY State Office for the Aging with which to track client information and eventually to be able to use to submit quarterly reports. Despite several long years of attempting to use this software, it was eventually scrapped, and counties were mandated to purchase a commercial product in its place. Locally, these were years of confusion and frustration for the entire staff.

During 2004, we selected and purchased replacement software, SAMS. Installation and training followed in the early summer. Because of the corrupt nature of the data in PDS, we were unable to migrate data from PDS to SAMS. Our staff has therefore been faced not only with learning a totally new computer system in a relatively short time, but with the overwhelming task of re-entering basic demographic data, complete assessments, service orders and service delivery records on literally thousands of consumers.

This task has been undertaken by and large with an upbeat, positive attitude and with a commitment to our department and the people that we serve that has been truly inspirational. The staff at OFA has always received high marks for teamwork, and their response to the challenge presented by SAMS is just one more excellent example of this TEAM in action.

An integral part of our team has been Janis Caparulo of the IT Department. She assisted in the selection, installation and training related to SAMS and continues to graciously respond to our requests for assistance as we fully implement this system. We are fully prepared to submit our first report to the state office later this month using this software, thanks to the fantastic work of the OFA Team including Janis Caparulo. These are great people to work with and they have definitely been shining stars while working as a team. Administering the work for the project was Shirley Chapman our Aging Services Assistant. Also, Janice Caparulo of the IT Department. They are always patient and pleasant. She would like to recognize them as the Team of the Month for the month of March. **CONGRATULATIONS!**

Chairman Roche opened the floor for comments by members of the public. There being no comments, the public comment period was closed.

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

Mr. Schwartz reported that a local Army Sergeant, Christopher M. Pusateri, was killed in Iraq. He thinks it would be appropriate for the County to send letters of condolence to the wife and parents. Chairman Roche asked him to bring it up at the end of the meeting as a 100 percent resolution.

Mr. Alger reported that he thinks it is important to raise an issue to the full Legislature regarding Medicaid. He suggested there is probably no more important an issue than the Governor's proposal to cap Medicaid. While we aren't 100 percent satisfied with his proposal, it is definitely a step in the right direction. The other issues that are contained in the State budget really are piling in relation to the potential takeover of revenues. In addition, the proposed State budget does have negative impacts on the Health Care Facility relating to the increase in assessment and other adjustments. They have estimated a \$186,000 loss for the Health Care Facility in the first year. They need to be aware of that.

#### **RESOLUTION NO. 023-05**

Introduced by G. Swackhamer.

Seconded by D. Baker.

**TITLE:           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**, the parcels listed in Schedule "B" pursuant to §1138 of the Real Property Tax Law shall be withdrawn from foreclosure proceedings, that the Treasurer be and the same hereby is directed to withdraw said parcels from the foreclosure proceedings and further shall make the requisite filings with the Clerk of the governing body of the tax district and with the County Clerk; and further following the above filings the delinquent tax liens shall be canceled due to lack of enforceability and further if it is determined that there is no practical method to enforce the collection of delinquent tax liens against said parcels and there shall be issued a certificate of cancellation on a form prescribed by the State Board and shall be further filed with the assessor, the assessing unit and the Director of Real Property Tax Services; and it is 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 Director of the Steuben County Real Property Tax Service Agency, the Steuben County Treasurer, and the Chairman of the Board of Assessors of the appropriate municipality.

SCHEDULE "A"

Resolution #     A-1      
Name     Larry Axtell      
Parcel #     332.00-01-032.122      
Municipality     Addison Town      
Disposition     Correction    

Resolution #     A-2      
Name     New York State c/o Steuben County Treasurer      
Parcel #     238.00-01-016.000      
Municipality     Cameron Town      
Disposition     Correction    

Resolution #     A-3      
Name     Roland E Stuart      
Parcel #     256.13-01-037.000      
Municipality     Cameron Town      
Disposition     Correction    

Resolution #     A-4      
Name     Thomas & Michelle Caulfield      
Parcel #     316.11-02-073.000      
Municipality     Erwin Town      
Disposition     Refund    

Resolution #     A-5      
Name     Sue Lucas & Dave Nichols      
Parcel #     021.00-01-060.110      
Municipality     Prattsburgh Town      
Disposition     Correction    

Resolution #     A-6      
Name     New York State c/o Steuben County Treasurer      
Parcel #     293.00-01-008.000      
Municipality     Rathbone Town      
Disposition     Correction    

Resolution #     A-7      
Name     Lewis F Knapp Family Trust      
Parcel #     348.00-01-001.100      
Municipality     Rathbone Town      
Disposition     Correction    

Resolution #     A-8      
Name     Vernon & Cheryl Farrand      
Parcel #     398.00-01-001.000      
Municipality     Troupsburg Town      
Disposition     Correction    

Resolution #     A-9      
Name     Village of Hammondsport      
Parcel #     118.00-01-046.200      
Municipality     Urbana Town      
Disposition     Correction

Resolution # A-10  
Name Village of Hammondsport  
Parcel # 118.00-01-061.000  
Municipality Urbana Town  
Disposition Correction

Resolution # A-11  
Name Robert Smith  
Parcel # 299.17-01-011.000  
Municipality Painted Post Village  
Disposition Correction

Resolution # A-12  
Name Lowell & Valerie Nobles  
Parcel # 299.13-03-026.000  
Municipality Painted Post Village  
Disposition Correction

Resolution # A-13  
Name Peter & Shirley Koseba  
Parcel # 178.00-01-022.100  
Municipality Bradford Town  
Disposition Apportionment

(NOW) Name Peter & Shirley Koseba  
Address 2103 Pleasure Dr, Holiday, FL 34691  
Parcel # 178.00-01-022.100  
Name Mary M Lisi  
Address 6339 Dennis Rd, Savona, NY 14879  
Parcel # 178.00-01-022.300

Resolution # A-14  
Name Ricky & Darlene Salvagin  
Parcel # 240.00-01-003.000  
Municipality Thurston Town  
Disposition Apportionment

(NOW) Name Ricky & Darlene Salvagin  
Address 53 Grove St, Savona, NY 14879  
Parcel # 240.00-01-003.100  
Name Samuel Share & Deborah Bump  
Address 5032 Starr Rd, Campbell, NY 14821  
Parcel # 240.00-01-003.200

Resolution # A-15  
Name Michael J Doyle  
Parcel # 063.00-01-005.110  
Municipality Pulteney Town  
Disposition Apportionment

(NOW) Name Michael J Doyle  
Address 54 Lake St, Hammondsport, NY 14840  
Parcel # 063.00-01-005.110  
Name Joseph Sheehy & Leslie Knipe  
Address 2530 Adams Court, Seaford, NY 11783  
Parcel # 063.00-01-005.150

Resolution #     A-16      
Name           Zora Longstreet            
Parcel #           028.00-01-034.000      
Municipality     Wayland Town            
Disposition           Apportionment        
(NOW) Name     Zora Longstreet Hoch      
          Address   77 Longvue Ave, Wexford, PA 14090    
          Parcel #   028.00-01-034.100      
          Name     Kelly E & Krow Neva      
          Address   62 Tomahawk Trl, Henrietta, NY 14467    
          Parcel #   028.00-01-034.200    

Resolution #     A-17      
Name           Leroy G & Patrica Riley      
Parcel #           409.00-01-039.300      
Municipality     Caton Town            
Disposition           Apportionment        
(NOW) Name     Leroy & Patrica Riley      
          Address   762 Hittown Rd, Pine City, NY 14871    
          Parcel #   409.00-01-039.310      
          Name     Tammy Sue Riley          
          Address   11720 Riley Rd, Pine City, NY 14871    
          Parcel #   409.00-01-039.320    

Resolution #     A-18      
Name           Joseph K & Audrey M Allen    
Parcel #           191.14-01-084.000      
Municipality     Savona Village            
Disposition           Correction          

Resolution #     A-19      
Name           GFS Energy Inc            
Parcel #           578.00-06-001.000      
Municipality     Canisteo Town            
Disposition           Correction          

Resolution #     A-20      
Name           James E & James D Asbury    
Parcel #           353.00-03-016.131      
Municipality     Corning Town            
Disposition           Correction          

Resolution #     A-21      
Name           Frederick A Griswold Jr      
Parcel #           093.00-02-005.200      
Municipality     Dansville Town            
Disposition           Refund              

Resolution #     A-22      
Name           Rathbun Farms Inc            
Parcel #           033.00-01-038.200      
Municipality     Prattsburgh Town            
Disposition           Correction

Resolution # A-23  
Name Harold Clinton  
Parcel # 238.00-01-020.100  
Municipality Cameron Town  
Disposition Apportionment  
(NOW) Name Harold R Clinton  
Address 4726 Saurbier Rd, Cameron, NY 14819  
Parcel # 238.00-01-020.100  
Name Eugene Asendorf  
Address 7 Grace Ct, Center Moriches, NY 11934  
Parcel # 238.00-01-020.200

Resolution # A-24  
Name Shirley & Phyllis Russell  
Parcel # 214.00-01-020.000  
Municipality Hartsville Town  
Disposition Correction

Resolution # A-25  
Name Shirley & Phyllis Russell  
Parcel # 214.00-01-020.000  
Municipality Hartsville Town  
Disposition Apportionment  
(NOW) Name Shirley D & Phyllis Russell  
Address 1783 Purdy Crk Rd, Hornell, NY 14843  
Parcel # 214.00-01-020.100  
Name Benjamin & Sandra Burdick  
Address 1785 Purdy Creek Rd, Hornell, NY 14843  
Parcel # 214.00-01-020.200

Resolution # A-26  
Name Thomas A Comstock Living Trust  
Parcel # 187.00-01-008.300  
Municipality Bath Town  
Disposition Correction

Resolution # A-27  
Name Pathways  
Parcel # 317.11-01-038.112  
Municipality Corning City  
Disposition Refund

Resolution # A-28  
Name Keith D & Lisa B Keukelaar  
Parcel # 126.07-01-009.000  
Municipality Howard Town  
Disposition Correction

Resolution # A-29  
Name Rathbun Farms Inc  
Parcel # 033.00-01-038.200  
Municipality Prattsburgh Town  
Disposition Refund

Resolution # A-30  
Name David G & Linda J VanDusen  
Parcel # 159.18-02-035.000  
Municipality Bath Town  
Disposition Correction

SCHEDULE "B"

Resolution # B-1  
Former Owner Dwayne Smith  
Parcel # 003.17-02-008.000  
Municipality Wayland Village  
Disposition IN CONSIDERATION OF PROPERTY REMEDIATION  
BY THE VILLAGE OF WAYLAND, THE COUNTY  
CANCELS THE TAX LIEN.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 024-05**

Introduced by P. Roche.

Seconded by R. Argentieri.

**TITLE: RECEIVING AND ACCEPTING THE FEBRUARY 28, 2005, 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 14, 2005**

1. Fortuna Energy, Inc. - Re: Notice of Intent - Natural Gas Gathering Pipeline - 1) Gillis/Harvey Extension to Maxwell Dominion Pipeline - in the Town of Caton, Steuben County, NY. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

**January 18, 2005**

1. Town of Erwin - Re: Workers' Compensation Liabilities - check in the amount of \$3,647.60 - representing third payment over 5-year period for outstanding Workers' Compensation liabilities. **Referred to: Administration Committee and Ed Castellana, Risk Manager.**

**January 20, 2005**

1. NYS Office of the State Comptroller - Re: Audit to be conducted of five self-insured counties in the region (Steuben County selected) that extend workers' compensation coverage to its municipalities to determine if the counties have adequate policies and procedures for processing the workers' compensation claims to ensure that only legitimate claims are paid and the costs related to these claims are contained/minimized. **Referred to: Administration Committee and Ed Castellana, Risk Manager.**
2. NYS Office of the State Comptroller - Re: Article 18-B of the County Law requires the State Comptroller to collect information necessary for the administration of the indigent Legal Services Fund and its payments to local governments. The ILSF 2004 Annual Report must be submitted to the State Comptroller by March 1, 2005 to ensure that Steuben County receives its share of the ILSF distribution. **Referred to: Public Safety & Corrections Committee and Byrum Cooper, Public Defender.**

### January 24, 2005

1. NYS Office of Temporary & Disability Assistance and NYS Office of Children & Family Services - Re: Summary of the new TANF Flexible Fund for Family Services with details about the proposal and a chart outlining the district specific allocations under the \$1 billion FFFS Program. **Referred to: Human Services and Kathryn Biehl, DSS Commissioner.**

### January 25, 2005

1. U.S. Senator Charles Schumer - Re: Transitional Housing Assistance Grants Program - provides funding to assist minors or adults and their dependents who are homeless or in need of housing assistance as a result of fleeing from situations involving domestic violence or for home emergency shelter services and other crisis intervention services are currently unavailable or insufficient. Application period closes 5:30 p.m., February 17<sup>th</sup>, 2005. **Referred to: Public Safety & Corrections Committee; Human Services Committee; A.I.P. Committee; John Tunney, District Attorney; Kathryn Biehl, DSS Commissioner; and Greg Heffner, Planning Director.**
2. NYS Department of Health - Re: Proposed Preventive Health & Health Services Block Grant Expenditure Plan for FFY 2005 (10/1/04-9/30/05). Requesting written comments prior to Public Hearing for scheduled for 2/9/05. **Referred to: Health & Education Committee and Vicki Fuerst, PHN Director.**

### January 26, 2005

1. Fortuna Energy, Inc. - Notice of Intent - Natural Gas gathering Pipeline 1) Drumm to SRA 3#1 - to construct a natural gas pipeline in the Town of Bradford, Steuben County and Town of Orange, Schuyler County. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
2. Senator George Winner and Assemblyman James Bacalles - Re: Letter notifying that funding in the amount of \$25,000 has been allocated to the Steuben County Probation Department to improve efficiency in operating the department. Their letter further commends Steuben's initiative and efforts. **Referred to: Public Safety & Corrections Committee and Frank Justice, Probation Director.**
3. NYS Department of Agriculture & Markets - Re: Response to Steuben County's request dated 12/6/04, review dates are extended for the following ag districts: #12 to 4/22/09 (renewal date of 4/27/08); #14 to 4/22/09 (renewal date of 8/20/08); #11 to 4/27/2010 (renewal date of 1/16/07); #4 to 1/15/2011 (renewal date of 1/6/2008); #3 to 1/15/2011 (renewal date of 11/30/07); #6 to 6/24/2012 (renewal date of 11/21/09); #18 to 6/24/2012 (renewal date of 1/15/2011); #13 to 6/24/2012 (renewal date of 8/20/08); and #23 to 4/23/2013 (renewal date of 5/23/2012). The extended review dates shall be deemed the creation date for purposes of subsequent reviews by the Steuben County Legislature. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
4. Commissioner, NYS Department of Labor - Re: Letter commending the County Legislature in recognizing the efforts of the Steuben County Department of Social Services Employment Unit, and stating that the innovation programs undertaken by the Employment Unit have served as models for social services districts across the State (Comprehensive Case-Management Team Approach and the Mobile Work Program). **Referred to: Human Services Committee and Kathryn Biehl, DSS Commissioner.**

### February 3, 2005

1. Amanda Gorton - Re: Letter regarding Official Department of Environmental Conservation Recommendations - requesting that SCIDA hold Ecogen, LLC, accountable to any DEC SEQR recommendations as they pertain to the proposed Prattsburgh/Italy Wind Farm. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
2. NYS Office of Homeland Security - Re: Steuben County has been awarded \$50,000 from the FY05 State Homeland Security Program and \$25,000 from the FY05 Law Enforcement Terrorism Prevention Program. Also requests designation of point of contact and SHSP and LETPP applications be returned by 2/25/05. **Referred to: Public Safety & Corrections Committee and Sheriff Tweddell.**

3. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$5,625 representing the December 2004 retained surcharge revenue for Steuben County from WROTB. **Referred to: Finance and Rules Committees and Larry Crossett, County Treasurer.**
4. NYS, Governor's Traffic Safety Committee, Department of Motor Vehicles - Re: Announcing the approval of the 2005 STOP-DWI Plan for Steuben County. **Referred to: Public Safety & Corrections Committee and Sheriff Tweddell.**
5. EMSTAR (Emergency Medical Services Training, Administration & Resources - formerly known as STREMS) - Quarterly Report, 4<sup>th</sup> Quarter, October - December 2004 and request for payment - \$1,406.25 - **Referred to: Public Safety & Corrections Committee and Health & Education Committee; Vicki Fuerst, PHN Director; and Mike Sprague, EMO Director.**

**February 7, 2005**

1. NYS Emergency Management Office - Re: Accepting "letters of Intent" for hazard mitigation projects as a result of the two recent major disaster declarations FEMA 1564-DR-NY (Severe Storms Flooding) and FEMA 1565-NY-NY (Tropical Depression Ivan). Deadline for submission of LOI is February 25, 2005. **Referred to: Public Safety & Corrections Committee and Mike Sprague, EMO Director.**

**February 8, 2005**

1. Onondaga County Executive - Re: Requesting Steuben County adopt memorializing resolutions: Memorializing the Governor and the Legislature of the State of New York to Enact Legislation Providing for Adequate Reimbursement for County Nursing Facilities and Memorializing the Governor and the Legislature of the State of New York to Enact Senate bill S1165 and Assembly Bill A1997 Regarding Enhanced Reimbursement for County Nursing Facilities. **Referred to: Health & Education Committee and John Zehr, HCF Administrator.**

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 025-05**

Introduced by P. Donnelly.

Seconded by D. Baker

**TITLE: PRESENTING LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2005, DESIGNATING THE COUNTY ADMINISTRATOR TO SERVE AS THE COUNTY AUDITOR.**

**WHEREAS**, by Resolution No. 181 duly adopted the 27<sup>th</sup> day of October 1986, the position of County Auditor was created; and

**WHEREAS**, designating the County Administrator to oversee that function and discharge those duties will enhance operational efficiencies resulting in reduced costs.

**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 2005, designating the County Administrator to serve as the County Auditor, as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2005.**

**A LOCAL LAW** for the year 2005 designating the County Administrator to serve as the County Auditor.

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

**SECTION 1: LEGISLATIVE INTENT**

It is the legislative intent of this Local Law to have the County Administrator oversee the functions of County Auditor.

**SECTION 2: COUNTY AUDITOR**

The County Administrator shall discharge the duties of County Auditor and shall receive no additional compensation therefore.

**SECTION 3: TERM OF OFFICE**

The initial term of office of the County Auditor shall end December 31, 2007. Thereafter, the term shall be four years co-terminus with the County Legislature as heretofore provided by Local Law and resolution of this Legislative body.

**SECTION 4: VACANCY**

In the event there is a vacancy in the office of County Administrator, there shall be a vacancy in the office of County Auditor.

**SECTION 5: EFFECTIVE DATE**

The within statute shall be effective thirty days following the reclassification of the existing position of Auditor to an appropriate title.

**BE IT FURTHER RESOLVED**, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on the 28th day of March, 2005, at 10:00 A.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York, and be it further

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

**RESOLVED**, a certified copy of this resolution shall be forwarded to the County Administrator, County Treasurer and the Personnel Officer.

Mr. Argentieri asked what happened with the former Auditor? Mr. Alger stated she has resigned as Auditor and took a job in the Office of Community Services as their Director of Administrative Services. Mr. Argentieri stated he doesn't think the County Administrator fits into this position. The position should be separate from the Administrator's Office as he believes this will cause many conflicts. He doesn't think the Office of the Auditor should be within the Administrator's jurisdiction. It should be a separate entity. Discussion followed.

***Mr. McIntyre moved to table the resolution and return it to the Administration Committee for review, seconded by Mr. Argentieri. Vote: Roll Call – Failed. No: Baker, Creath, Donnelly, Gehl, Jamison, Mayo, McAllister, Nichols, Nielsen, Roche, Stachnik, Swackhamer. Absent: Isaman.***

Mr. Stachnik stated initially he had the same reservations as Mr. Argentieri. However, the Administrator wouldn't be doing any of the clerical work with this position. There are enough checks and balances with the position that it will be okay.

Mr. Schwartz stated Mr. Alger is occupied with many major issues at this time and he thinks it is inappropriate to assign him another set of duties.

Mr. McAllister asked is there any conflict of interest with Mr. Alger serving as both the Auditor and Administrator? Mr. Ahrens stated no, the County Administrator can be given the responsibilities of any Department Head that is not elected.

Mr. McIntyre stated if this is approved, what happens to that position? Mr. Alger stated they would reclassify the current title of Auditor to a title that will actually perform the function.

Mr. Ahrens noted the effective date is 30 days following the reclassifying of the current position of Auditor. The work will not be handled by the County Administrator.

Mr. Swackhamer stated the position of Auditor checks the minutes for purchase approvals, compares the bill with the minutes and contract to make sure the amounts are the same, makes sure there's enough money in the department's budget and that the bill is paid correctly and on time. The Finance Committee has checked the balance of power and has no problem with this as purchase approvals come through many Standing Committees and then somebody checks what is authorized. We would still keep the outside auditors to make sure everything is done properly.

Mr. Argentieri stated he still thinks they need a separate and distinct entity to handle the auditing. The Rules Committee is supposed to do a monthly audit of various departments.

**Vote: Acclamation – Adopted. No: Argentieri, McIntyre, Schwartz, Walsh.**

#### **RESOLUTION NO. 026-05**

Introduced by H. Mayo.

Seconded by T. Schwartz.

**TITLE: AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR.**

**WHEREAS**, a Project for the replacement of BIN 2216900, Mulholland Road over Tioga River, Steuben County, PIN 6752.96 (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 Project by making a commitment of 100% of the non-Federal share of the costs of rehabilitation of BIN 2216900, Mulholland Road over Tioga River, Steuben County, PIN 6752.96.

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

**RESOLVE**, that the Steuben County Legislature hereby authorizes the County of Steuben to pay in the first instance 100% of the Federal and non-Federal share of the cost of Design, ROW Incidental, Right-of-Way Acquisition, Construction and Construction Inspection work for the Project or portions thereof; and be it further

**RESOLVED**, that the sum of \$3,625,000, which represents the final total adjusted agreement amount (\$4,245,000 had been appropriated under previous agreements), is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and be it further

**RESOLVED**, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the County of Steuben shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

**RESOLVED**, that the Chairman of the Steuben County Legislature be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Steuben with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and be it further

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

**RESOLVED**, this Resolution shall take effect immediately.

**Vote: Roll Call – Adopted.**

### **RESOLUTION NO. 027-05**

Introduced by G. Swackhamer.

Seconded by D. Baker.

**AUTHORIZING THE STEUBEN COUNTY TREASURER TO ISSUE A BUDGET NOTE IN THE AMOUNT OF \$500,000 FOR LODGING OF PRISONERS OUT OF COUNTY.**

**WHEREAS**, the Steuben County Jail is currently experiencing a severe overcrowded population; and

**WHEREAS**, the current estimated cost of out of County lodging is estimated at \$100,000 per month; and

**WHEREAS**, the 2005 County Budget contained an appropriation of \$50,000.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Treasurer is hereby authorized to issue a Budget Note in the amount of \$500,000; and be it further

**RESOLVED**, that the amount of \$500,000 is hereby appropriated to the 2005 Steuben County Jail Budget Account A 3150.424500 entitled "Lodging of Prisoners"; and be it further

**RESOLVED**, that the 2006 Steuben County Budget should contain the necessary appropriation to repay the Note, plus any interest costs; and be it further

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

Mr. McIntyre asked is this a one-time request or will it be ongoing? Mr. Alger stated we are finding ourselves with an unexpected jump in the number of inmates we have to house out. The Sheriff experienced as many as 50 inmates being boarded out in January. They are asking for this amount so the Sheriff doesn't have to come back repeatedly. They are in the process of requesting proposals for the expansion of the Public Safety Building. Presuming that they are able to select an architect, engineer and construction manager in the next couple months, they will probably request an additional housing unit be built. If approved, they will request a variance from the Commission of Corrections and that should reduce the number of inmates they need housed out.

Mr. McIntyre asked wouldn't it be easier to request a \$1 million bond now? Mr. Alger stated this authorizes the County Treasurer to issue a note and pay the bills. If they were going to the market right away, they should increase the amount, but they will wait until they absolutely need it, which will probably be closer to the end of the year.

Mr. Schwartz stated he doesn't understand the Alternatives to Incarceration review? Mr. Alger stated they have been working with a consultant to do an evaluation. The proposal they received from the consultant was higher than our purchasing policy allows us to receive for quotes, so they had to solicit Requests for Proposal. One of the issues they have with the jail is they have a high number of individuals awaiting disposition and trial. They aren't normally the ones eligible for ATI. They are trying to identify other programs that would have an impact on the population. Approximately 70 percent of the inmates are awaiting sentencing. They also want to take a look at the judicial system as a whole to see if there is something that can be done to make the processes smoother and quicker.

Chairman Roche stated there is an AdHoc Committee chaired by Dr. Baker to review this issue. Mr. Jamison asked are the ones awaiting sentencing County or local cases? Mr. Alger stated it is a mix. The ones that are easier to deal with are the justice court individuals.

Mr. Argentieri stated he disagrees with one item. The analytical process should be done before they decide to build another pod. Mr. Alger stated he understands Mr. Argentieri's concern but they have had 50 inmates boarded out and, had they built the entire jail initially, they wouldn't have had to house them out. Discussion followed.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 028-05**

Introduced by D. Baker.

Seconded by T. Schwartz.

**TITLE: AUTHORIZING THE PROBATION DEPARTMENT TO SUBMIT THEIR ALTERNATIVES TO INCARCERATION (ATI) PLAN AND TO ACCEPT FUNDS IN THE MAXIMUM AMOUNT AS ALLOWED BY THE STATE.**

**WHEREAS**, the Director of the Steuben County Probation Department requests permission to submit an application to the New York State Division of Probation and Correctional Alternatives in order to receive Alternatives To Incarceration ("ATI") program funding in the maximum amount allotted by the State; and

**WHEREAS**, said application has been presented before and approved by the local Alternatives to Incarceration Board.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Chairperson of the Steuben County Legislature be and the same hereby is authorized and directed to execute and submit an application to the New York State Division of Probation and Correctional Alternatives, 80 Wolf Road, 5<sup>th</sup> Floor, Albany, New York 12205, for receipt of grant funds in the maximum amount allotted for Alternatives to Incarceration Funding, for a term commencing January 1, 2005, and existing as long as "Alternatives" funds are available; and be it further

**RESOLVED**, that upon notification of the award of said grant funds, the Chairperson of the Steuben County Legislature be and the same hereby is authorized and directed to execute any and all grant documents on behalf of the County of Steuben relative to the above; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Director of Probation and the County Treasurer.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 029-05**

Introduced by D. Baker.

Seconded by T. Schwartz.

**AUTHORIZING THE PROBATION DEPARTMENT TO ACCEPT \$25,000 IN FUNDING FROM NEW YORK STATE TO HELP WITH HARDWARE AND SOFTWARE NEEDS.**

**WHEREAS**, the Steuben County Probation Department is in need of funds dedicated to the purpose of updating both hardware and software to improve efficiency in operating the department and meeting State requirements; and

**WHEREAS**, Assemblyman James G. Bacalles and Senator George H. Winner, Jr., have awarded funding in the amount of \$25,000 for the purposes stated above.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature authorizes acceptance of the \$25,000 and directs that these funds be utilized for updating hardware and software within the Steuben County Probation Department; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Director of Probation and the County Treasurer.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 030-05**

Introduced by D. Creath.

Seconded by T. McIntyre.

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

**WHEREAS**, Steuben County has been awarded \$219,480 by the Governor's Office of Small Cities, as part of the Community Development Block Grant ("CDBG") Small Cities Program; and

**WHEREAS**, the purpose of said grant is to fund activities by Steuben Churchpeople Against Poverty, Inc. to provide for the replacement of defective residential wells and septic systems for low and moderate-income residents of Steuben County.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature does hereby accept the CDBG Small Cities grant of \$219,480.00 from the Governor's Office of Small Cities; and be it further

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

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

**RESOLVED**, that the Steuben County Treasurer is hereby authorized to modify the 2005 Steuben County Budget to account for said grant; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Jeffrey Eaton, Executive Director, Steuben Churchpeople Against Poverty, 16 W. William Street, Bath, NY 14810; and Gregory P. Heffner, AICP, Steuben County Planning Director; and County Treasurer.

Mr. Schwartz asked is this the same program as Bishop Sheen's Housing Council? Mr. Heffner stated this is a grant they applied for last year. They have worked with SCAP for many years on the HOME Program. This grant is specifically for the replacement of failed wells and septic systems for low to medium income families.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 031-05**

Introduced by G. Swackhamer and R. Nichols.

Seconded by T. Schwartz.

**TITLE: ACCEPTING NEW HUD FEDERAL FUNDING FOR A TENANT ASSISTANCE GRANT ADMINISTERED BY STEUBEN CHURCHPEOPLE AGAINST POVERTY AND APPROPRIATING THESE FUNDS INTO MENTAL HEALTH CONTRACTS.**

**WHEREAS**, HUD has made available additional Federal funding for a Tenant Assistance Program administered by Steuben Churchpeople Against Poverty; and

**WHEREAS**, this grant program approves expenditures up to \$238,596 from November 19, 2004, to September 1, 2005, for this purpose; and

**WHEREAS**, \$77,162 of this funding has been expended in 2004 by the agency.

**NOW THEREFORE, BE IT**

**RESOLVED**, that this Steuben County Legislature hereby approves the acceptance of this \$238,596 from the Housing and Urban Development Agency of the Federal Government; and be it further

**RESOLVED**, that \$77,162 of these funds be appropriated into the Mental Health contracts A 432200-5-440-406 for 2004, and the balance of \$161,434 be appropriated for 2005; and be it further

**RESOLVED**, that the Steuben County Treasurer be and the same hereby is authorized and directed to accept \$238,596 from the Housing and Urban Development Agency of the Federal Government and apply the revenue to A 432200-4-449 0600 Federal HUD with \$77,162 in 2004 and \$161,434 in 2005; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the County Treasurer, the Director of Community Services and Jeffrey Eaton, Executive Director, Steuben Churchpeople Against Poverty, 16 W. William Street, Bath, NY 14810.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 032-05**

Introduced by P. Donnelly and G. Swackhamer.

Seconded by F. Gehl.

**TITLE: RETURNING TWO PART-TIME SENIOR CLERK POSITIONS IN THE BOARD OF ELECTIONS OFFICE TO FULL-TIME AND TRANSFERRING THE MONEY FROM THE CONTINGENT FUND.**

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

**WHEREAS**, by Resolution No. 186-03 duly adopted on October 27, 2003, two (2) full-time Senior Clerk positions in the Board of Elections Office were designated part-time; and

**WHEREAS**, it is necessary and desirable to return those positions to full-time status due to compliance with the Help America Vote Act (HAVA) and other pressing business.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the aforesaid two positions be and the same hereby are returned to full-time status; and be it further

**RESOLVED**, the sum of \$30,000, be and the same hereby is transferred from the Contingent Fund to the appropriate line item in the Board of Elections Office 2005 budget; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the County Treasurer, the Personnel Officer and the Board of Elections Commissioners.

Mr. Argentieri stated if he remembers correctly, during their budget sessions he recommended they do this exact same thing and he was told by Mr. Swackhamer that it would be setting a precedent. That was a few months ago, so apparently now it isn't setting a precedent.

Mr. Nichols stated at this point they haven't even purchased the machines so they can't start the training. Why not save some money and wait to increase their positions to full time?

Mr. Johnson stated they have always argued that they need these two people for other than the training. They are very behind in the work and they need to have them in place full time not just for HAVA, but for maintaining the work in the office.

Mr. McIntyre stated he thinks this is too soon and it should be delayed for six months. Mr. Johnson stated in October of 2003 they started arguing that they needed them full time. They attended every Administration Committee meeting requesting that they be placed at full time. They ended up having them there full time all last year as a result.

Mr. Swackhamer stated for clarification, he did make the comment about not taking the money out of the contingency fund but he's only one of five Finance Committee members and his name is on the resolution only because he is the Finance Committee Chair.

**Vote: Roll Call – Adopted. Yes: 7091; No: 2121; Absent: 660  
(No: McIntyre, Nichols, Schwartz, Swackhamer. Absent: Isaman)**

**P O S T P O N E D  
RESOLUTION NO. 033-05**

Introduced by P. Donnelly.

Seconded by D. Baker.

**TITLE: DESIGNATING THE STEUBEN COUNTY SHERIFF AS THE LICENSING OFFICER FOR THE ISSUANCE OF THE PISTOL PERMIT APPLICATIONS EFFECTIVE JULY 1, 2005.**

Pursuant to Article 5 of the County Law and Penal Law §400.00 of the State of New York.

**WHEREAS**, applications for pistol permits are currently provided by the Office of the County Clerk and thereafter referred to the Office of the Sheriff for an investigation; and

**WHEREAS**, certain efficiencies can be realized by having the application in the first instance provided by the Office of Sheriff.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Sheriff be and the same hereby is designated as the "licensing officer" for purposes of issuance of pistol permit applications; and be it further

**RESOLVED**, said designation shall be effective July 1, 2005; and be it further

**RESOLVED**, the Steuben County Sheriff shall promulgate written protocols for the coordination of pistol permit application processing in conjunction with the County Clerk, which protocols shall be filed with the Clerk of the Legislature; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Steuben County Sheriff; County Clerk; Honorable Marianne Furfure, Surrogate Court Judge; Honorable Peter C. Bradstreet, County Court Judge; Honorable Joseph W. Latham, Family Court Judge; William M. Deninger, Chief Clerk, Supreme Court; and Office of Court Administration, 25 Beaver Street, New York, NY 10004.

*Motion to postpone the resolution to the March 28, 2005, meeting made by Dr. Baker, seconded by Mr. Nichols and duly carried.*

**RESOLUTION NO. 034-05**

Introduced by D. Baker.

Seconded by R. Nielsen.

**TITLE: RECLASSIFICATION OF A KEY ENTRY OPERATOR POSITION, GRADE IV, TO A SUPERVISING DISPATCHER POSITION, GRADE XII, WITHIN THE E 911 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, the Public Safety & Corrections Committee and the Administration Committee have approved the reclassifications.

**NOW THEREFORE, BE IT**

**RESOLVED**, that effective with the adoption of this resolution, the following positions within the Steuben County E 911 Department are hereby reclassified as follows:

Key Entry Operator, Grade IV (\$19,611-\$27,687) to  
Supervising Dispatcher, Grade XII (\$22,810-\$30,763)

**AND BE IT FURTHER RESOLVED**, the 2005 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 Director of E 911, County Treasurer and the Personnel Officer.

Mr. Swackhamer asked why are they already reclassifying positions for this department when they aren't operational? Mr. Wixom stated they originally were authorized to have six Supervising Dispatcher positions. They recently realized that the 6<sup>th</sup> position was never approved.

**Vote: Roll Call – Adopted. Yes: 8761; No: 451; Absent: 660  
(No: Argentieri; Absent: Isaman)**

**RESOLUTION NO. 035-05**

Introduced by D. Stachnik and P. Donnelly.

Seconded by D. Creath.

**TITLE: RECLASSIFICATION OF A SENIOR SOCIAL WELFARE EXAMINER POSITION, GRADE X, TO DIRECTOR OF TEMPORARY & DISABILITY ASSISTANCE POSITION, GRADE F, WITHIN THE STEUBEN COUNTY DEPARTMENT OF SOCIAL SERVICES.**

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, the Human Services Committee and the Administration Committee have approved the reclassifications.

**NOW THEREFORE, BE IT**

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

Senior Social Welfare Examiner, Grade X (\$25,427-\$35,899) to  
Director of Temporary & Disability Assistance, Grade F (\$38,566-\$60,867)

**AND BE IT FURTHER RESOLVED**, the 2005 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 Commissioner of Social Services, the County Treasurer and the Personnel Officer.

Mr. Jamison asked what is the reason for this? Mr. Alger stated it is to reorganize the Temporary/Disability Assistance side of the department. It will provide more comprehensive supervision across the department.

**Vote: Roll Call – Adopted. Yes: 7058; No: 2154; Absent: 660.  
(No: Argentieri, Jamison, Schwartz, Walsh; Absent: Isaman)**

**RESOLUTION NO. 036-05**

Introduced by P. Roche.

Seconded by F. Gehl.

**TITLE: APPOINTING THE STEUBEN COUNTY REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE FINGER LAKES TOURISM ALLIANCE.**

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

**WHEREAS**, due to the reorganization of the Board of Directors of the Finger Lakes Tourism Alliance, Resolution No. 105-02 was adopted to reflect the change in criteria for appointment to a representative who is an owner or operator in a tourism-related business located within Steuben County, and

**WHEREAS**, the term of the current appointee has expired.

**NOW THEREFORE, BE IT**

**RESOLVED**, upon the recommendation of the Chairman of the Steuben County Legislature, Allen Fusco, Contractual Operator of the Holiday Inn, Corning-Painted Post, be and the same hereby is appointed as the Legislature's representative to serve on the Board of Directors of the Finger Lakes Tourism Alliance, for a term of three (3) years commencing January 1, 2005 through December 31, 2007; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named appointee and Alexa Gifford, Executive Director, Finger Lakes Tourism Alliance, 309 Lake Street, Penn Yan, NY 14527-1831.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 037-05**

Introduced by D. Baker.

Seconded by T. Schwartz.

**TITLE: APPOINTING THE MEMBERS OF THE STEUBEN COUNTY HAZARD MITIGATION PLANNING COMMITTEE.**

Pursuant to Section 302 of the Robert T. Stafford Act, the Disaster Mitigation Act of 2000 (Public Law 106-390 and 44 Code of Federal Regulations Part 201 and 206).

**WHEREAS**, the Disaster Mitigation Act of 2000 amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act by adding a new section, 322-Mitigation Planning; and

**WHEREAS**, Section 322 places new emphasis on mitigation planning and requires all local governments to have an approved All-Hazard Mitigation Plan; and

**WHEREAS**, Steuben County's local All-Hazard Mitigation Plan takes into consideration a multi-jurisdictional approach, combining the planning efforts of Steuben County and multiple municipalities; and

**WHEREAS**, in order to facilitate the planning process and to gain needed input, a planning committee must be established, and

**WHEREAS**, the Planning Committee should include members of the local government and other interested parties.

**NOW THEREFORE, BE IT**

**RESOLVED**, the following members are hereby endorsed to the Steuben County Hazard Mitigation Planning Committee by the Public Safety & Corrections Committee, as follows:

**MEMBERS**

Gregory Heffner County Mitigation Coordinator Steuben County Planning Dept. 3 E. Pulteney Sq. Bath, NY 14810	Michael Sprague, Director Steuben County Emergency Services 3 E. Pulteney Sq. Bath, NY 14810
Timothy D. Marshall, Deputy Director Steuben County Emergency Services 3 E. Pulteney Sq. Bath, NY 14810	Jeff Parker, Director Soil & Water Conservation District 415 W. Morris St. Bath, NY 14810

Janet Thigpen, Flood Recovery Specialist Southern Tier Central RP&D Board 145 Village Sq. Painted Post, NY 14870	Vince Spagnoletti, Commissioner Steuben County Public Works 3 E. Pulteney Sq. Bath, NY 14810
Thomas Sears, GIS Coordinator Steuben County Planning Department 3 E. Pulteney Sq. Bath, NY 14810	Gail Wechsler, Public Health Coordinator Steuben County Public Health Nursing 3 E. Pulteney Sq. Bath, NY 14810
Drew Westling Public Health Emergency Coordinator Steuben County Public Health 3 E. Pulteney Sq. Bath, NY 14810	Marvin Rethmel Code Enforcement Officer Steuben County Planning Department 3 E. Pulteney Sq. Bath, NY 14810
Candi Thompson Emergency Service Director Greater Steuben Red Cross 123 W. Market St. Corning, NY 14830	James Orme Fire Chief/Safety Officer Bath VA Medical Center 76 Veterans Drive Bath, NY 14810
Kathy Lunney, ER Nurse Manager Corning Hospital 176 Denison Pkwy E. Corning, NY 14830	Dona Rickard, Emergency Coordinator Davenport & Taylor State Route 54 Bath, NY 14810
Heather Reynolds, Planning Director City of Hornell 82 Main St. Hornell, NY 14843	Kenneth Isaman, Supervisor Town of Hornellsville PO Box 219 Arkport, NY 14807
Thomas Austin, Highway Superintendent Town of Campbell PO Box 311 Campbell, NY 14821	Ronald Hodge, Councilman Town of Corning 18 Ingersol St. Corning, NY 14830
Henry Mapes Kraft Foods Main St. Campbell, NY 14821	Victoria Fuerst, Director Steuben County Public Health Nursing 3 E. Pulteney Sq. 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 Steuben County Hazard Mitigation Planning Committee; and be it further

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

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 038-05**

Introduced by P. Roche.

Seconded by All Present.

**TITLE: MEMORIALIZING THE GOVERNOR AND THE NEW YORK STATE LEGISLATURE TO ENACT A CAP ON MEDICAID DURING THIS LEGISLATIVE SESSION.**

**WHEREAS**, Governor Pataki proposed a cap on the county share of Medicaid in his budget for fiscal year 2005-2006; and

**WHEREAS**, the New York State Assembly has proposed a cap on the county share of Medicaid in Assembly bill A1604; and

**WHEREAS**, the New York State Senate conducted hearings and convened a Special Task Force on Medicaid Reform last year; and

**WHEREAS**, the growth of local Medicaid costs are siphoning away the limited resources available to fund county budgets, thereby causing increased pressures on property taxpayers; and

**WHEREAS**, local taxpayers are currently funding a \$7 billion Medicaid local share that is growing at a double-digit rate, making Medicaid the largest and most volatile single expense in county budgets; and

**WHEREAS**, nationally, New York State counties fund 85% of all local Medicaid dollars raised to finance the non-Federal share of the Medicaid Program; and

**WHEREAS**, the 2005-2006 New York State Budget provides a unique window of opportunity for the Governor and members of the Senate and Assembly to come together and enact a cap on the local share of Medicaid that will lessen the burden on local real property taxes.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature calls upon the Governor and the New York State Legislature to reach agreement on a local Medicaid cap during the 2005-2006 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; Majority Leader, Senator Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Speaker of the Assembly, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, Jr., 802 Legislative Office Building, Albany, NY 12247; and Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; New York State Association of Counties, 111 Pine Street, Albany, NY 12207; 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. 039-05**

Introduced and Seconded by Legislators Argentieri, Baker, Creath, Donnelly, Gehl, Jamison, Mayo, McAllister, McIntyre, Nichols, Nielsen, Roche, Schwartz, Stachnik, Swackhamer and Walsh.

**TITLE: MEMORIALIZING THE STEUBEN COUNTY LEGISLATURE TO FORWARD LETTERS OF CONDOLENCE TO THE FAMILY OF ARMY SERGEANT CHRISTOPHER M. PUSATERI.**

**WHEREAS**, the Steuben County Legislature supports US troops serving at home and overseas, and

**WHEREAS**, several Steuben County residents are currently serving in the military, and

**WHEREAS**, one of those residents, Sgt. Christopher M. Pusateri, died February 16, 2005, while serving his country in Mosul, Iraq.

**NOW THEREFORE, BE IT**

**RESOLVED**, the members of this Steuben County Legislature wish to express its heartfelt condolences to the wife and family of Sgt. Christopher M. Pusateri, and be it further

**RESOLVED**, the members of this Steuben County Legislature respectfully move that this resolution be spread upon the minutes of this meeting and that the Clerk of the Legislature forward Letters of Condolence to Mrs. Christine Pusateri, his mother and stepfather, Brenda and Chester West of Corning; and to his father, Richard F. Pusateri of Florida, as an expression of the sympathy felt by this Legislature on the passing of their loved one.

**Adopted by Silent Affirmation.**

*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.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. Donnelly, Seconded By Mr. Nichols And Duly Carried.*

*Motion To Adjourn Executive Session and Reconvene In Regular Session Made by Mr. Mayo, Seconded by Dr. Baker And Duly Carried.*

#### **RESOLUTION NO. 040-05**

Introduced by D. Creath.

Seconded by D. Baker.

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

**WHEREAS**, said Steuben County Hall of Fame Committee has solicited nominations from citizens of Steuben County for the induction of 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 (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. Sarah Lyon Davenport. Sarah Lyon Davenport was born February 19, 1847 in Bath, NY. She was known as “The Grand Old Lady of Steuben County.” At the age of 32, she married John Davenport and became trustee of the family’s orphanage. In 1884, when she was 38, she was appointed to the New York State Charities Aid Association. In 1895 she was appointed to the New York State Prison Commission and was probably the first woman to serve on this commission. Her membership on the Prison Commission continued even as it was restructured in 1907 as the New York State Department of Corrections. She was the first woman to serve in this capacity. In addition, Mrs. Davenport served as a member of the Steuben County Board of Child Welfare, National Association for the Study of Epilepsy, Commission for the Care of the Insane, Board of Visitors for Willard State Hospital, American Prison Association, American Red Cross – Bath Chapter, National Society of the Daughters of Founders and Patriots, Daughters of the American Revolution – Baron Steuben Chapter and American Scenic and Historical Preservation Society.

2. Bessie M. Hille. Ms. Hille was born in 1887 near Bonny Hill in Bath. At an early age, Bess expressed an interest in religion and as a ten year old, an encounter with a missionary who had served in India shaped her life’s work – she wished to become a missionary. She was named Valedictorian of Haverling High School in 1905. That was followed by studies in religious education at Northfield Seminary in Massachusetts where she graduated in 1910. Much later she was to do post-graduate work at Columbia University, the University of Pennsylvania and Cornell University. In 1913 she sailed for China, where she learned the language and had her first assignment to the South Gate area of Shanghai, where she taught Christianity and performed settlement work for five years. This led to the founding of the Nantao Christina Institute. She also organized a Christian church in Shanghai that had gained 1,500 members by 1950. In 1943 Ms. Hille was taken prisoner of war for eight months and then was chosen as one of the 1,236 to be returned to the United States. In 1946 she returned to China to resume her missionary work and established schools for Chinese children. She served as missionary for 38 years. She returned to Bath where the Presbyterian Church became the focus of her life. In 1964 she moved to California to a retirement home for missionaries.

3. Elmer James (“Slim”) Faucett. Mr. Faucett was born March 15, 1891 on Irish Hill in Savona. The Curtiss Aeroplane Co. hired him as an apprentice blacksmith and he worked up to become a mechanic. His skills enabled him to be supervisor of the Curtiss workshop where he became involved with the production of the Curtiss Jenny. In 1916 he joined the Army and learned to fly. Upon his return to Curtiss, he piloted Flying Boats to Peru and became the chief service man for the Curtiss Compania Naticional Aeromacca. Peru became his home base. On September 11, 1922 Slim Faucett made the first flight over the Andes Mountains in a borrowed Curtiss Oriole. This was five years before Lindbergh's cross-Atlantic flight. By 1928 he had decided to establish his own airline. With the purchase of single engine planes from the U.S. and some U.S. pilots to fly them, he began his business. His airline was the first to maintain regular mail and passenger service and it was the inception of the Peruvian aircraft industry. In 1938 he developed an aircraft especially built for Peruvian flying conditions and this became the first plane manufactured in Peru. For this, Mr. Faucett received Peru’s Aviation Cross. During World War II, he was commissioned to fly natural rubber from Amazon forests. After the war, he was able to buy DC3’s and DC4’s to improve what had become Faucett Airline. This enterprise was still in operation in 1996. Mr. Faucett died in 1960.

4. Theodore (“Ted”) W. Markham. “Ted” Markham was not born in Steuben County, but has been active in County affairs since 1957. Tug Hill, Lewis County, NY was his birthplace. He received both his Bachelor’s and Master’s degrees from Cornell University, and began working for Cooperative Extension Programs in Wyoming County in 1946. He became the Steuben County Agent for the Cooperative Extension Programs in 1957 and he served in that capacity until his retirement in 1976. Mr. Markham and Dr. Konstantine Frank worked together to bring the culture of European grape varieties to New York State. Steuben County’s successful production of fine European type wines grown locally initiated a business of major economic importance to the Finger Lakes. When Ted and Dr. Frank began this development, there were only four large wineries in New York State. In 1962 he was the founder and administrator of Mossy Banks Park and Nature Center. He has also served on the Bath Shade Tree Committee from its inception in 1996 to today. He has also

introduced many new varieties of ornamental trees to our area. His arboreal interests persisted after his 1976 retirement for he established his Christmas Tree Plantation, an enterprise offering summer employment to students. Mr. Markham is also a 25-year member of the Rotary Club.

5. Lieutenant General Lemuel Mathewson – United States Army. Lieutenant General Mathewson was born in Bath in 1899. In 1917 he graduated from Haverling High School just as America was entering World War I. After attending West Point and graduating in the class of 1922, he served 19 years in the Army where he was based in Arizona, the Philippines and Oklahoma. In 1930 he attended the Centro de Studios Historicism in Madrid. He was a Major at the time of Pearl Harbor. In 1943, he was assigned to serve President Roosevelt as military aide delivering secret messages during the Italian campaign. In 1944, as an artillery officer, he participated in the Battle of the Bulge, the Liberation of France and the Germany Invasion to Elbe River. After World War II he served as Chief of Staff of the Caribbean Defense Command in Panama. Then he became Commander of the 11<sup>th</sup> Airborne Division at Fort Campbell, Kentucky. For two years he served as U.S. Commander of Berlin. After his retirement in 1958, Mathewson was called back to active duty for two years by President Eisenhower to serve as Chairman of the Organization of American States and then to serve on the Inter-American Defense Board from 1959 – 1961. He died in 1970 and is buried at West Point. During his career he received the Legion of Merit with two Oak-Leaf clusters, the Bronze Star, as well as medals from France, Belgium, Panama, Russia and Mexico.

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

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 141-05**

Introduced by P. Roche.

Seconded by P. Donnelly.

**TITLE: MATTERS PERTAINING TO THE SETTLEMENT OF CLAIMS.**

**Secretary's Note:** Item is to be reported out within five days contingent upon acceptance of the offer.

**Vote: Roll Call – Adopted. (Absent: Isaman and Stachnik)**

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

**REGULAR MEETING**  
**Morning Session**  
**Bath, New York**  
**Monday, March 28, 2005**

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 28<sup>th</sup> day of March, 2005 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 for Legislators Argentieri, Jamison, McAllister and McIntyre.

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

Chairman Roche asked Joe Baroody to come forward. Mr. Baroody is an employee in the Probation Department. Chairman Roche presented him with a Certificate of Appreciation and a 20-year pin in recognition of his 20 years of service to Steuben County.

Chairman Roche asked Frances Seeley to come forward. Ms. Seeley is an employee in the Department of Social Services. Chairman Roche presented her with a Certificate of Appreciation and a plaque in recognition of her retirement with 27 years of service to Steuben County.

Chairman Roche asked Gary Brockway to come forward. Mr. Brockway is an employee in the Department of Social Services. Chairman Roche presented him with a Certificate of Appreciation and a plaque in recognition of his retirement with 30 years of service to Steuben County. Mr. Brockway stated it seems like yesterday when he came in and retirement was so far away and now it is here. We haven't always shared the same opinions, but we have always done what was in the best interest and I thank you.

Mr. McCandless introduced this semester's student interns. He noted they started with 21, but now have 19 which consist of 11 ladies and 8 men. Three interns were unable to attend today's meeting. He thanked the Legislature for their support.

Dr. Amann, President of Corning Community College stated that he is here today to talk about the capital chargebacks. He introduced board members Don Creath, Eric Shultz and Al Johnson. Thank you for your support over our 50-year history. We are pleased to be here in Steuben and contributing to workforce development. Dr. Amann explained Corning Community College receives revenue from three sources; student tuition, State aid and the capital chargeback. State aid has been level over the last three years.

Dr. Amann stated under State Law, it was originally intended for the three sources of funding to be divided equally. The counties are strapped and the State is not forthcoming in increases, so the student portion is 45 percent. This is a trend that we would like to hold back from. Our student tuition is among the highest in the State. Last year we presented to the Legislature our Facilities Master Plan which included \$38 million in renovation and new construction. We are asking you to take a look once again at the capital portion of the chargeback. Corning Community College receives a \$200 per FTE chargeback rate. All 29 other community colleges are receiving \$300 per FTE. We lag a bit behind.

Dr. Amann stated the State set aside \$3.5 million for Corning Community College to do capital construction, but they require the college to earn an equal amount in order to access the State funding. We are asking you to consider a \$100 increase so that we could move on with our critical maintenance projects more rapidly. Chemung and Schuyler counties would be contributing \$100 as well if Steuben County supports this. Currently students coming out of the area are charged \$200. Students going from our region to another community college are charged \$300. We are looking for equity and parity among other community colleges. What we are proposing may result in \$600,000 per year that we would be able to draw down State money.

Mr. Carr distributed a handout depicting their budget and capital project status. He commented that the college's fiscal year ends August 31<sup>st</sup>. In the Governor's budget last year, funding was cut for community colleges and we have tried to hold our expenses to the 2004 levels. This proposal would take effect in September with the fall semester. This would be a \$60,000 expense for the County and would allow us to draw down \$90,000 from other community colleges and be able to draw down additional State dollars.

Mr. Schwartz commented it is important that you tell people that you partner with local industry. Dr. Amann stated we have seen a shift to more part-time students who tend to be adults that live in the community. Approximately 70 percent of our graduates reside in this community. We like to think of ourselves as an economic development tool for the County.

Mr. Isaman commented Mr. Swackhamer, Mr. Argentieri and I are really happy that Hornell has a presence. How many employees do you have? Dr. Amann replied between 300 – 320 and most of those live in Steuben County. Mr. Isaman asked do you have a pension system? Dr. Amann replied there are three different pension systems, one of which is the New York State Retirement System.

Mr. Gehl asked how many students do we have that are from out of this region that we are paying the \$200? Mr. Carr replied approximately 200 FTE's are coming from other counties in New York State. Mr. Gehl asked how many of our residents go out of county? Mr. Carr replied approximately the same percentage leave the region as come into the region.

Mr. Schwartz asked with the shortfall in NYS Retirement, does that affect the college as well and do you have to take that from your operating budget? Dr. Amann replied that was correct. Mr. Carr stated approximately one-third of the employees are in the NYS Retirement System.

The Deputy Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Authorizing the Transfer of \$150,000 from the Jail Reserve to a Fund for the Renovation of the Public Safety Building – Jail Expansion. Chairman Roche opened the floor for comments by members of the public. There being none, he declared the public hearing closed.

The Deputy 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 2005, Designating the County Administrator to serve as County Auditor. Chairman Roche opened the floor for comments by members of the public. There being none, he declared the public hearing closed.

*Motion approving the minutes of the February 28, 2005 meeting made by Mr. Schwartz, seconded by Dr. Baker and duly carried.*

Mr. Wixom announced that they have received the second grant from the State in the amount of \$729,902. We received \$462,812 from the first. Total grant money received is \$1,192,714.00. The State will pay for almost all of this phase.

Mr. Wixom informed the committee Positron is in town this week. There are a couple of items that are not functioning in the building, but we keep moving forward. The staff is training on the system and we are weeks away from turning on. He stated that he would like to ask the media for their help as there is a small percentage of people in the County who are using their old addresses. There are no fractional numbers left in the County and we need to educate our neighbors to use their correct address and post it. If they have any questions they need to call the 911 Center. We are talking about actual physical addresses, not mailing addresses. When someone calls 911, the first question we ask is what is the address where help is needed. The second question that is asked is what are the cross streets. We need to make sure that everyone is using his or her correct address. One thing people need to do is post their address and phone number by the telephone.

Mr. Alger stated you have all received a copy of the 2004 Composite Annual Report. If you have any questions let us know or contact the department. Mr. Alger stated that they have received proposals and will be doing interviews for the three phases of the Jail which will be the architectural firms, ATI (Alternatives to Incarceration) and construction managers. We are moving forward with that project.

**RESOLUTION NO. 039-05**

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**, 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     Sharon A Brewer      
Parcel #     363.08-01-004.200      
Municipality     Woodhull Town      
Disposition     Correction      
Resolution #     A-2      
Name     Bennett's Enterprises, Inc      
Parcel #     159.14-01-064.000      
Municipality     Bath Village      
Disposition     Correction      
  
Resolution #     A-3      
Name     Bennett's Enterprises, Inc      
Parcel #     159.10-02-016.000      
Municipality     Bath Village      
Disposition     Correction

Resolution # A-4  
Name Robert H & Vera G Young  
Parcel # 159.05-03-044.000  
Municipality Bath Village  
Disposition Correction

Resolution # A-5  
Name Chad Edwards  
Parcel # 123.00-01-035.120  
Municipality Fremont Town  
Disposition Refund

Resolution # A-6  
Name Kevin D Oliver  
Parcel # 079.00-01-004.000  
Municipality Dansville Town  
Disposition Refund

Resolution # A-7  
Name Mark Vellan  
Parcel # 306.00-01-025.200  
Municipality Jasper Town  
Disposition Refund

Resolution # A-8  
Name Michael Marton Jr  
Parcel # 384.00-01-045.110  
Municipality Tuscarora Town  
Disposition Refund

Resolution # A-9  
Name John M & Catherine Sluciak  
Parcel # 416.00-01-010.480  
Municipality Troupsburg Town  
Disposition Correction

SCHEDULE "B"

Resolution # B-1  
Former Owner James P & Denise Straight  
In Rem Index No. 86329, 2002 sale  
Parcel # 060.00-01-007.600  
Municipality Prattsburgh Town  
Grantee(s) James P Straight & Denise Straight,  
husband and wife, as tenants by the entirety  
Grantee(s) Address 11 Clifton Rd, Churchville, NY 14428  
Consideration \$1,862.98, together with \$121.00 recording fees

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 040-05**

Introduced by: P. Roche.

Seconded by: D. Baker

**RECEIVING AND ACCEPTING THE MARCH 28, 2005, 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 14, 2005**

1. NYS Department of Taxation & Finance - Re: Electing or repealing the year-round exemption for clothing and footwear costing less than \$100 per item of clothing or pair of footwear (the year-round exemption). Referred to: Finance Committee and Larry Crossett, County Treasurer.
2. NYS Emergency Management Office - Re: Invitation for Steuben County to apply for assistance under the Emergency Management Performance Grant Program for FFY 2005. Tentative allocation for Steuben County is \$23,945. Referred to: Public Safety & Corrections Committee and Mike Sprague, EMO Director.
3. NYS Office of Parks, Recreation & Historic Preservation - Re: Wood Road Bridge, Campbell, NY - Recommended by State Review Board to the Commissioner of Parks, Recreation & Historic Preservation, and has listed the property on the State Register of Historic Places, and nomination will be forwarded to the Keeper of the National Register in Washington, DC. Referred to: A.I.P. Committee; Greg Heffner; Planning Director; and Twila O'Dell, Historian.

**February 18, 2005**

1. EMSTAR (Emergency Medical Services Training, Administration & Resources) (formerly STREMS, Inc.) - Re: Financial Audit Report for FFY 9/30/04. Referred to: Finance Committee; Larry Crossett, County Treasurer; Health & Education Committee; Vicki Fuerst, PHN Director; Public Safety & Corrections Committee; Mike Sprague, EMO Director; and filed with Clerk/Legislature.

**February 22, 2005**

1. NYS Public Service Commission - Re: Notice of Intention filed by Fortuna Energy, Inc., to construct a fuel gas transmission line, containing approximately 25,622 feet of 6" coated steel pipeline, located in the Town of Caton - Order granting Certificate of Environmental Compatibility and Public Need. Referred to: A.I.P. Committee and Greg Heffner, Planning Director.

**February 23, 2005**

1. Patrick F. McAllister, County Legislator - Re: Request for exemption of County taxes on Cohocton Village-owned property situated in the Town of Cohocton (Village water tank and new well system). Referred to: Finance Committee and Larry Crossett, County Treasurer.

**February 25, 2005**

1. Westchester County Executive - Re: New York Power Authority Economic Development Power Programs and eventual loss of below market power to manufacturers and businesses. Letter requests Steuben County to urge the Governor and legislative leaders to take action. Referred to: A.I.P. Committee and Greg Heffner, Planning Director.

**March 9, 2005**

1. New York State Electric & Gas Corporation - Re: Case 29211 Order requiring submittal of semi-annual inventory reports of PCB equipment in-service as of 12/31/04 and retired from service 7/1/04 through 12/31/04. Referred to: Public Safety & Corrections Committee and Mike Sprague, EMO Director.
2. New York State Department of State - Re: Final grant amount approved by the State of New York for Steuben County under the Wireless E911 Expedited Deployment Funding Grant Program, Round I, is \$462,812. Referred to: Public Safety & Corrections Committee and Tim Wixom, 911 Director.

**Vote: Acclamation – Adopted.**

**T A B L E D**

**RESOLUTION NO. 041-05**

Introduced by: P. Donnelly.

Seconded by: G. Swackhamer

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2005, DESIGNATING THE COUNTY ADMINISTRATOR TO SERVE AS THE COUNTY AUDITOR.**

**WHEREAS**, there has been duly presented to the members of the Steuben County Legislature on February 28, 2005, County of Steuben Local Law Tentatively No. One for the Year 2005, relative to designating the County Administrator to serve as the County Auditor, and this Legislature by resolution, preliminarily adopted said Local Law on February 28, 2005, making the final adoption of said Local Law subject to a Public Hearing to be held on March 28, 2005; and

**WHEREAS**, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on March 28, 2005, 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 the County of Steuben Local Law Tentatively No. One for the Year 2005, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2005.**

**A LOCAL LAW** for the year 2005 designating the County Administrator to serve as the County Auditor.

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

**SECTION 1: LEGISLATIVE INTENT**

It is the legislative intent of this Local Law to have the County Administrator oversee the functions of County Auditor.

**SECTION 2: COUNTY AUDITOR**

The County Administrator shall discharge the duties of County Auditor and shall receive no additional compensation therefore.

**SECTION 3: TERM OF OFFICE**

The initial term of office of the County Auditor shall end December 31, 2007. Thereafter, the term shall be four years co-terminus with the County Legislature as heretofore provided by Local Law and resolution of this Legislative body.

**SECTION 4: VACANCY**

In the event there is a vacancy in the office of County Administrator, there shall be a vacancy in the office of County Auditor.

**SECTION 5: EFFECTIVE DATE**

The within statute shall be effective thirty days following the reclassification of the existing position of Auditor to an appropriate title.

**AND BE IT FURTHER RESOLVED**, a Public Hearing on the within Local Law has been held on the 28th day of March 2005, at 10:00 A.M. at the Legislative Chambers, Village of Bath, New York; and be it further

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

**RESOLVED**, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. One for the Year 2005, 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 County Administrator, County Treasurer and Personnel Officer.

*Motion made by Mr. Donnelly to table discussion. Seconded by Mr. Gehl and duly carried.*

Secretary's Note: *This local law was never represented.*

#### **RESOLUTION NO. 042-05**

Introduced by: G. Swackhamer.

Seconded by: F. Gehl.

#### **REQUESTING THE ADOPTION OF SENATE BILL NO. S.2438 AND ASSEMBLY BILL NO. A.4846 EXTENDING THE ADDITIONAL ONE PERCENT (1%) SALES TAX FOR STEUBEN COUNTY.**

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

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

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

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

**WHEREAS**, the Steuben County Legislature had heretofore made an amended request for Home Rule legislation authorizing an additional one percent sales tax pursuant to Resolution No. 003-05 duly adopted January 24, 2005; and

**WHEREAS**, Senate Bill No. S.2438 and Assembly Bill No. A.4846 have been introduced authorizing the extension of the one percent (1%) sales tax relative to a home rule request for an extension of an additional one percent sales tax; and

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature hereby requests the New York State Legislature adopt special Home Rule legislation as presented in Senate Bill No. S.2438 and Assembly Bill No. A.4846, to authorize the Steuben County Legislature to extend the additional one percent (1%) sales tax; and be it further

**RESOLVED**, that the prior Resolution No. 003-05 duly adopted January 24, 2005, by the Steuben County Legislature is hereby amended to conform to Senate Bill No. S.2438 and Assembly Bill No. A.4846; and be it further

**RESOLVED**, that a certified copy of this resolution shall be forwarded to 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, George H. Winner, 802 Legislative Office Building, Albany, NY 12247; and N.Y.S. Assemblyman, James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248.

Mr. Alger commented this resolution is the second step of the municipal home rule request process. You are endorsing the bill introduced in the Senate and Assembly to extend the sales tax for an additional two years. This is the same 1 percent that we have had since 1994 and there are no changes proposed.

**Vote: Roll Call – Failed. (Yes: 6462; No: 1110; Absent: 2300)**

*(No: Schwartz, Walsh)*

**RESOLUTION NO. 043-05**

Introduced by: P. Donnelly/G. Swackhamer.

Seconded by: K. Isaman.

**REQUESTING THE ADOPTION OF SENATE BILL NO. S.3270 AND ASSEMBLY BILL NO. A.6367 FOR THE IMPOSITION OF ADDITIONAL MORTGAGE TAX.**

Pursuant to the Tax Law of the State of New York.

**WHEREAS**, unprecedented demands have been made upon the County's financial resources; and

**WHEREAS**, among those demands, needs for social services are particularly acute; and

**WHEREAS**, the County has heretofore requested the additional mortgage tax provided for in Tax Law §261 be authorized to be paid over to the County Treasurer to assist in meeting demands related to social services, pursuant to Resolution No. 163-04 duly adopted October 25, 2004; and

**WHEREAS**, the County has further requested amendment of Article 11 of the Tax Law to allow for an additional County tax on mortgages of twenty-five cents (\$.25) per \$100.00 of a mortgage, pursuant to Resolution No. 164-04 duly adopted October 25, 2004; and

**WHEREAS**, Senate Bill No. S.3270 and Assembly Bill No. A.6367 provide for an amendment of Tax Law §261 for payment over to the County Treasurer of the tax so generated pursuant thereto and an amendment adding a new section 253-i of the Tax Law authorizing an additional County mortgage tax of twenty-five cents (\$.25) per \$100.00 of a mortgage.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature hereby requests the New York State Legislature adopt special Home Rule legislation as presented in Senate Bill No. S.3270 and Assembly Bill No. A.6367 to authorize the mortgage tax generated pursuant to Tax Law §261 to be paid to the Treasurer of the County of Steuben, and amend the Tax Law by adding a new section 253-i allowing an additional County tax of twenty-five cents (\$.25) per \$100.00 of a mortgage; and be it further

**RESOLVED**, that a certified copy of this resolution shall be forwarded to 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, George H. Winner, 802 Legislative Office Building, Albany, NY 12247; and N.Y.S. Assemblyman, James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248.

**Vote: Roll Call – Failed. (Yes: 6462; No: 1110; Absent: 2300)**

*(No: Schwartz, Walsh)*

**RESOLUTION NO. 044-05**

Introduced by: H. Mayo.

Seconded by: R. Nichols.

**AUTHORIZATION TO PURCHASE 0.652± ACRES OF LAND ALONG COUNTY ROUTE 85 AND OBTAIN A TEMPORARY EASEMENT FOR 0.583± ACRES OF LAND ALONG THE SAME ROUTE FOR THE PURPOSE OF CONSTRUCTING A NEW BRIDGE AND APPROACH ROADWAY OVER THE TUSCARORA CREEK IN THE TOWN OF TUSCARORA.**

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 85 in the Town of Tuscarora in order to construct a new bridge over the Tuscarora Creek; and

**WHEREAS**, in order to do said improvement, the County is desirous of purchasing 0.652± acres of land along County Route 85 and also obtaining a temporary easement for 0.583± acres of land along the same route; and

**WHEREAS**, George A. Pavlick, Jr., who is the landowner for both parcels of land has agreed to sell the said 0.652± acre parcel for a price of \$550.00, and also grant the temporary easement for the said 0.583± acres for \$75.00; 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 one parcel of land, and obtain a temporary easement for the second parcel from George A. Pavlick, Jr. at a total cost of \$625.00; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Commissioner of Public Works, the County Auditor, the Director of Real Property Tax Service Agency, the Risk Manager, and George A. Pavlick, Jr., 1449 Bunker Hill Road, Addison, NY 14801.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 045-05**

Introduced by: H. Mayo.

Seconded by: K. Isaman.

**AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE CITY OF HORNELL.**

**WHEREAS**, Steuben County owns and operates a solid waste landfill facility (the “Facility”) located in the Town of Bath designed and permitted for the disposal of solid waste as defined in New York Environmental Conservation Law, Article 27, Title 7 6NYCRR Part 360; and

**WHEREAS**, the Facility is authorized to dispose of 500 tons per day of solid waste, and the Facility currently has excess disposal capacity within that daily limit of approximately 175 tons per day, and the Facility has an expected useful life of at least twenty-six (26) years with permitted expansion of the Facility by the Department of Environmental Conservation; and

**WHEREAS**, Steuben County is willing to make up to 4,100 tons per year of capacity available for the disposal of municipal solid waste from the City of Hornell or from those with whom Hornell contracts with for the disposal of solid waste; and

**WHEREAS**, the City of Hornell desires to contract with Steuben County to provide for the disposal of up to 4,100 tons per year of municipal solid waste at a rate of \$26.00/ton at the Facility for a period of six (6) months with provisions for renegotiating terms and conditions mutually agreed to by and of the parties hereto; and

**WHEREAS**, the parties are desirous of entering into an intergovernmental cooperation agreement for said purposes.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Public Works is hereby authorized to enter into an intergovernmental cooperation agreement with the City of Hornell for the disposal of municipal solid waste at the Steuben County Bath Landfill; and be it further

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

**Vote: Roll Call – Adopted. (Yes: 6967; No: 605; Absent: 2300)**  
*(No: Nielsen)*

**RESOLUTION NO. 046-05**

Introduced by: D. Baker/G. Swackhamer.

Seconded by: F. Gehl.

**AUTHORIZING THE TRANSFER OF \$150,000 FROM THE JAIL RESERVE TO A RESERVE FUND FOR THE RENOVATION OF THE PUBLIC SAFETY BUILDING FOR THE JAIL EXPANSION.**

**WHEREAS**, the Jail Ad Hoc Committee and the Public Safety Committee are currently studying the possibility of renovating and expanding the County Jail; and

**WHEREAS**, requests for proposals are being sought for construction management, architects and engineers and alternatives to incarceration, and

**WHEREAS**, it will be necessary for the firms to complete some work in order for the County to know the scale of the project.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Treasurer is hereby authorized to appropriate \$150,000 from the Steuben County Jail Reserve Fund to a capital project entitled "Renovation of the Public Safety Building-Jail Expansion"; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 047-05**

Introduced by: P. Donnelly/G. Swackhamer.

Seconded by: F. Gehl.

**AUTHORIZING THE SUM OF \$159,120 PER YEAR BE DETERMINED AS A NECESSARY, REASONABLE AND PROPER ALLOWANCE TO BE RECEIVED BY THE STEUBEN COUNTY CLERK'S OFFICE FOR THE PURPOSE OF ADMINISTERING MORTGAGE TAXES.**

**WHEREAS**, Section 262 of the Tax Law states that recording officers are entitled to receive for the County all necessary expenses for the purpose of administration of mortgage taxes in their office, an approved allowance by the State Tax Commission; and

**WHEREAS**, the State Tax Commission has approved the application of the Steuben County Clerk to increase the amount of retention as a reasonable and necessary allowance for such expense.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the sum of \$159,120 per year be, and the same hereby is, determined as a necessary, reasonable and proper allowance to be received by the Steuben County Clerk's Office for the purpose of administering mortgage taxes in the County Clerk's Office; and be it further

**RESOLVED**, that this resolution shall take effect immediately upon passage; and be it further

**RESOLVED**, that the sum of \$159,120 per year is hereby certified to the State Tax Commission as a reasonable and proper allowance for such expenses; and be it further

**RESOLVED**, two certified copies of this resolution shall be forwarded to the Steuben County Clerk for forwarding to the State Tax Commission, and one copy shall be forwarded to the County Treasurer.

Mr. Alger explained this is a calculated amount to administer the mortgage tax which comes from the already collected funds. This is what the County Clerk's current costs are for administering the program.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 048-05**

Introduced by: P. Donnelly.

Seconded by: D. Baker.

**INCREASING THE PETTY CASH FUND IN THE COUNTY CLERK'S OFFICE FROM \$200 TO \$350.**

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

**WHEREAS**, there is a need to increase the amount in the number of cash drawers for the purpose of making change and to provide each Clerk with their own drawer in the Steuben County Clerk's Office.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Treasurer is hereby authorized and directed to increase the petty cash fund in the Steuben County Clerk's Office by an additional \$150; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 049-05**

Introduced by: R. Nichols/G. Swackhamer.

Seconded by: D. Baker.

**INCREASING THE CORNING COMMUNITY COLLEGE CAPITAL CHARGEBACK \$100 PER FULL TIME EQUIVALENT STUDENT.**

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

**WHEREAS**, the current Corning Community College capital chargeback is set at \$200 per full time equivalent student; and

**WHEREAS**, in order to insure funds sufficient for capital contribution, it is necessary and desirable to increase said chargeback to the sum of \$300 per full time equivalent student.

**NOW THEREFORE, BE IT**

**RESOLVED**, the capital chargeback per full time equivalent student commencing with the fall semester of 2005 be and the same hereby is established at \$300 per full time equivalent student; and be it further

**RESOLVED**, the within resolution shall expire if the counties of Chemung and Schuyler do not pass reciprocal resolutions; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Dr. Floyd Amann, President of Corning Community College, One Academic Drive, Corning, NY 14830; Linda D. Palmer, Chemung County Legislature Clerk, John H. Hazlett Bldg., 203 Lake Street, PO Box 588, Elmira, NY 14902; and Gail M. Hughey, Schuyler County Legislature Clerk, 105 9<sup>th</sup> Street, Unit 8, Watkins Glen, NY 14891.

Mr. Nielsen asked is this the same as before where it needs to be passed by the other two counties? Chairman Roche stated that is correct. Schuyler County has adopted and Chemung County has not yet met.

Mr. Gehl stated as an alumnus, he would love to say yes, but with the current money crunch, he can't.

Mr. Schwartz stated having looked around campus and looking at the facility, they haven't had an ongoing program to upgrade their facilities. We have already invested millions of dollars and we need to preserve that place. The cost is \$144,000 annually. We are to a point where we have to protect it.

Mr. Stachnik commented if we perceive that times are rough and this would be an expense, then there is no better time to actually do this. Education is the engine that does drive. We have no choice but to approve.

Mr. Donnelly commented this is long overdue and badly needed.

**Vote: Roll Call – Adopted. (Yes: 7030; No: 542; Absent: 2300)**

*(No: Gehl)*

**RESOLUTION NO. 050-05**

Introduced by: D. Creath.

Seconded by: K. Isaman.

**AUTHORIZING THE STEUBEN COUNTY PLANNING DEPARTMENT TO SUBMIT AN APPLICATION TO THE COMMUNITY DEVELOPMENT BLOCK GRANT 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 rehabilitation of rental properties housing low and moderate income households; and

**WHEREAS**, said rehabilitation of rental properties is an eligible expenditure of CDBG funds; and

**WHEREAS**, SCAP proposes to establish a program whereby eligible rental property owners would receive a grant for 75% of the cost of the proposed rehabilitation; and

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

**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 rehabilitation of rental properties by 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. 051-05**

Introduced by: D. Creath/G. Swackhamer.

Seconded by: R. Nielsen.

**ACCEPTING A GRANT FROM THE DEPARTMENT OF AGRICULTURE AND MARKETS, AND AUTHORIZING THE STEUBEN COUNTY TREASURER TO TRANSFER THE REQUIRED CASH MATCH FROM THE CONTINGENT FUND.**

**WHEREAS**, the Steuben County Agricultural and Farmland Protection Board has been awarded a grant from the NYS Department of Agriculture and Markets; and

**WHEREAS**, said grant will provide funding for the production and promotion of a “Steuben County Guide to Farm Products”; and

**WHEREAS**, the promotion of Steuben County agriculture is a stated objective of the Steuben County Agricultural Expansion and Development Plan; and

**WHEREAS**, said grant will provide \$9,456 toward the total project cost of \$19,221; and

**WHEREAS**, the grant requires a 20% cash match (\$3,850) based on total project cost.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature does hereby accept the grant of \$9,456 from the NYS Department of Agriculture and Markets; and be it further,

**RESOLVED**, that the Steuben County Treasurer is hereby authorized to establish an appropriate budget item for said grant, and is further authorized to transfer \$3,850 from the Contingent Fund to an appropriate budget item to provide the required cash match; and be it further

**RESOLVED**, a certified copy of this resolution be forwarded to the Steuben County Treasurer; the Steuben County Planning Director; Thomas Tomsa, Executive Director, Cornell Cooperative Extension of Steuben County.

Mr. Ahrens commented as this is a new appropriation, it requires three-quarters of the weight of this body to pass. With four members absent, they count as no votes. Mr. Alger stated the Rules of Procedure require that appropriations from the contingent fund need three-quarters of the weighted vote. With four absent, if one person votes no, it carries with a simple majority, but would not carry three-quarters. In that case this would be carried over to next month's meeting and then would only require a simple majority.

Mr. Heffner explained this is a grant from Agriculture and Markets to allow us to continue implementing the Farmland Protection Plan that we had implemented years ago. There is nothing in the budget for this, so we need to take the funding from the contingent fund.

Chairman Roche stated this requires an extraordinary majority in order to pass.

**Vote: Roll Call – Adopted.**

### **RESOLUTION NO. 052-05**

Introduced by: D. Creath.

Seconded by: R. Nielsen.

#### **AUTHORIZING A PUBLIC HEARING ON LAND SUBMITTED FOR INCLUSION IN CERTIFIED AGRICULTURAL DISTRICTS DURING THE 2005 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 25<sup>th</sup> day of April 2005, at 10:00 a.m.; and be it further

**RESOLVED**, that the Clerk of this Legislature shall cause a Notice of said Public Hearing to be published and mailed in accordance with Section 303-b of the Agriculture and Markets Law; and be it further

**RESOLVED**, 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. 053-05**

Introduced by: D. Creath.

Seconded by: D. Baker.

#### **DESIGNATING THE STEUBEN COUNTY LEGISLATURE AS THE LOCAL GOVERNMENT SPONSOR FOR A SNOWMOBILE TRAILS GRANT-IN-AID APPLICATION.**

**WHEREAS**, the NYS Office of Parks, Recreation and Historic Preservation (“NYSOPRHP”) provides funding for the development and maintenance of snowmobile trails; and

**WHEREAS**, there is proposed the establishment of a Steuben County Federation of Snowmobilers, to coordinate the activities of Steuben County snowmobile clubs; and

**WHEREAS**, said Federation is desirous of applying to the NYSOPRHP Snowmobile Grant-in-Aid Program; and

**WHEREAS**, said applications must have a “Local Government Sponsor”; and

**WHEREAS**, said designation as “Local Government Sponsor” does not carry any liability or responsibility for Steuben County, its officials or employees.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature does hereby agree to act as the required “Local Government Sponsor” for said application; and be it further

**RESOLVED**, that the Chairman of the Steuben County Legislature is hereby authorized to sign said application on behalf of the Legislature; and be it further

**RESOLVED**, that the Steuben County Planning Department is hereby authorized to assist the Steuben County Federation of Snowmobilers in submitting said application; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Steuben County Planning Director; and to Robert Clark, Knight Settlement Rd., Bath, NY 14810.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 054-05**

Introduced by: R. Nichols/P. Donnelly.

Seconded by: T. Schwartz.

**RECLASSIFICATION OF A GRADE XII SOCIAL WORK ASSISTANT POSITION AND A VACANT GRADE V RECEPTIONIST POSITION TO A GRADE XIV PRINCIPAL SOCIAL WORK ASSISTANT POSITION AND GRADE XIII SENIOR SOCIAL WORK ASSISTANT POSITION, RESPECTIVELY, WITHIN THE OFFICE OF COMMUNITY SERVICES.**

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

**WHEREAS**, there are two positions in the Office of Community Services which are inappropriately titled and not consistent with the duties for said positions; and

**WHEREAS**, the Steuben County Personnel Officer, the Health and Education Committee and the Administration Committee have reviewed said positions within the Office of Community Services that require job title changes and have approved the recommended changes.

**NOW THEREFORE, BE IT**

**RESOLVED**, effective with the adoption of this resolution, the following positions in the Office of Community Services are hereby reclassified:

Social Work Assistant, Grade XII (\$27,973) to Principal Social Work Assistant, Grade XIV (\$30,184) and Receptionist, Grade V (\$20,392) to Senior Social Work Assistant, Grade XIII (\$29,332)

**AND BE IT FURTHER RESOLVED**, the 2004 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 and the Director of Community Services.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 055-05**

Introduced by: G. Swackhamer.

Seconded by: R. Nichols.

**ESTABLISHING THE DATES FOR THE REAL PROPERTY DELINQUENT TAX AUCTION AND THE LAST DATE FOR REPURCHASE.**

**WHEREAS**, the County of Steuben has commenced the annual delinquent real property tax in rem procedure; and

**WHEREAS**, it is desirable to establish the date of the County delinquent real property tax auction and the final repurchase date for parcels in said auction.

**NOW THEREFORE, BE IT**

**RESOLVED**, the 2005 delinquent real property tax auction shall be conducted on Wednesday, July 13, 2005, commencing at 10:00 A.M. at the Haverling High School, Bath, New York; and be it further

**RESOLVED**, the final date to repurchase parcels listed for auction prior thereto is Friday, July 8, 2005 by 5:00 P.M. with a 25% late fee, together with all other costs and fees associated therewith; and be it further

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

Mr. Schwartz asked are the books for sale? Mr. Crossett replied they will be in May. The list of properties for sale can also be found on the County website.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 056-05**

Introduced by: P. Roche.

Seconded by: T. Schwartz.

**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, and

**WHEREAS**, the term has expired for various members of the Board.

**NOW THEREFORE, BE IT**

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

**VOTING MEMBERS**

**Attractions**

**TERMS**

Vacancy	01/01/05 – 12/31/07
Beth Duane, Marketing Manager, Corning Museum of Glass	01/01/03 – 12/31/05
Cindy Weakland, Dir. of Public Programs & Groups Sales, Rockwell Museum	01/01/04 – 12/31/06
Joe Serpillips, Dr. Konstantin Frank Vinifera Wine Cellars	01/01/03 – 12/31/05

**Accommodations**

Jan Ebeling, General Manager, Radisson Hotel Corning	01/01/05 – 12/31/07
Fran Ambroselli, Owner, Villa Serendip Bed & Breakfast	01/01/05 – 12/31/07
Jim Heil, Vinehurst Inn, Hammondspport (filling unexpired term of Allen Fusco)	01/01/03 – 12/31/05

**Restaurants**

Robert Pfuntner, Pembroke Pines Media Group and Keuka Maid	01/01/04 – 12/31/06
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**Financial Representative**

Terry Kelley, Steuben Trust	01/01/03 – 12/31/05
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**Travel Agency**

Terry Lewis, Vice President, Covered Wagon & Finger Lakes Tours (filling unexpired term of Maureen McBride-Pierotti)	01/01/03 – 12/31/05
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**Campground**

Randy Lehman, Hickory Hill Camping Resort	01/01/04 – 12/31/06
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**Community-at-Large**

Allen Fusco (filling the unexpired term of William Hatch)	01/01/03 – 12/31/05
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**County Legislators**

DeWitt T. Baker, D.V.M.	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
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**BE IT FURTHER RESOLVED**, the above-named appointees shall serve without compensation other than necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Steuben County Conference and Visitors' Bureau Board of Directors; and be it further

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

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 057-05**

Introduced by: P. Roche.

Seconded by: T. Schwartz.

**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 members of the Steuben County Ethics Board it is necessary to reappoint and/or appoint the following:

**PROPOSED FOR APPOINTMENT BY THE MAJORITY LEADER**

Lola J. Tears, 47 Maple Street, Savona, NY 14879  
For a three (3) year term, January 1, 2005 through December 31, 2007.

**PROPOSED FOR APPOINTMENT BY THE MINORITY LEADER**

Joan Ebner, 8958 SR36, Arkport, NY 14807  
For a three (3) year term, January 1, 2005 through December 31, 2007.

**PROPOSED FOR APPOINTMENT BY THE CHAIRMAN OF THE LEGISLATURE**

Fred E. Lewis, 4268 Lake Road-A, Avoca, NY 14809.  
For a three (3) year term, January 1, 2005 through December 31, 2007.

**NOW THEREFORE, BE IT**

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

**RESOLVED**, that the Clerk of the Legislature is hereby authorized and directed to forward a certified copy of this resolution to the County Auditor and all members of the Steuben County Ethics Board.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 058-05**

Introduced by: D. Creath.

Seconded by: T. Schwartz.

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

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

**WHEREAS**, the following appointees have been recommended for appointment by the District's Board of Directors, the Soil and Water Conservation District, and the Agriculture, Industry & Planning Committee of the Steuben County Legislature for the term as indicated:

**Steve Hoeffner** 01/01/05 – 12/31/08  
14 Florence Street, Hornell, NY 14843

**William J. Phelps** 01/01/05 – 12/31/08  
1297 Sharps Hill Road, Arkport, NY 14807

**Andrew Merry** (filling unexpired term of Robert Bourgoine) 01/01/03 – 12/31/06  
8507 Canaseraga Road, 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. 059-05**

Introduced by: R. Nichols.

Seconded by: T. Schwartz.

**MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO REPEAL THE ASSESSMENT TAX ON NURSING HOME CASH RECEIPTS.**

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

**WHEREAS**, the New York State Legislature recently enacted the Health Care Reform Act of 2002 which imposes an assessment tax on nursing home cash receipts during the period April 1, 2002 through March 21, 2005; and

**WHEREAS**, the enactment of this Legislation has placed an undue burden on nursing homes across the State of New York.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature memorializes the New York State Legislature to repeal the Health Care Reform Act of 2002; 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, George H. Winner, 802 Legislative Office Building, Albany, NY 12247; N.Y.S. Assemblyman, James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; New York State Association of Counties, 111 Pine Street, Albany, NY 12207; Esther Leadley, President, Inter-County Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, NY 14020; and the Health Care Facility Administrator.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 060-05**

Introduced by: R. Nichols.

Seconded by: T. Schwartz.

**MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO ENACT SENATE BILL NO. S.1164 AND ASSEMBLY BILL NO. A.1997 TO AMEND SOCIAL SERVICES LAW TO INCREASE STATE REIMBURSEMENT FOR CARE, TREATMENT, MAINTENANCE AND NURSING SERVICES IN PUBLIC NURSING HOMES.**

**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 Governor and the Legislature of the State of New York to enact Senate Bill S.1164 and Assembly Bill No. A.1997; 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, George H. Winner, 802 Legislative Office Building, Albany, NY 12247; N.Y.S. Assemblyman, James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Esther Leadley, President, Inter-County Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, NY 14020.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 061-05**

Introduced by: D. Stachnik.

Seconded by: T. Schwartz.

**MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO SUPPORT THE COMMUNITY SERVICES BLOCK GRANT (CSBG) AND THE 56 COMMUNITY ACTION AGENCIES FOR LOW-INCOME COMMUNITIES IN THE STATE OF NEW YORK.**

**WHEREAS**, the Community Services Block Grant (CSBG) provides core funding for a network of 1,100 local organizations, including Community Action Agencies (CAA), to fight poverty and promote self-sufficiency for low-income individuals, families and communities in 96% of the nation's counties; and

**WHEREAS**, the CSBG supports programs for the neediest in our communities, targeted to individuals and families with incomes at or below the poverty line (\$15,670 for a family of 3 in 2004), including the working poor; and

**WHEREAS**, the CSBG assisted more than 13 million individuals in 6 million families, reaching as many as 27% of people in poverty in 2002 (the most recent year for which data has been reported); and

**WHEREAS**, the flexibility of the CSBG allows CAAs to provide a broad range of programs and services, such as affordable housing, health care, job development and placement, education, elderly services, energy assistance and homeless prevention, which are integrated into a comprehensive, systematic approach to fight poverty and promote self-sufficiency; and

**WHEREAS,**

- Vets Work! Initiative
- Senior Aides Program
- Wegmans Youth Apprenticeship Program
- Bath 1-Stop Career Search Center

- Employment Skills Enhancement Program
- Family Development Case Management Services
- Steuben Family Enrichment Collaborative
- Hornell Community & BOCES Summer Learning-Summer Feeding Programs
- YES! Careers – Youth Employment Skills
- YES! Summer – Youth Employment Skills

would not exist without CSBG support; and

**WHEREAS**, the tripartite boards of CAAs, with equal representation from the local private sector, local public sector, and low-income communities being served, define the roles of local CAA's, establish their priorities for serving the local communities, and design solutions to meet the needs of the low-income individuals and communities being served; and

**WHEREAS**, the CSBG provides resources to CAAs to serve as catalysts for engaging local partners, including government representatives, area citizens, local business, neighborhood civic groups, and the faith community, in rebuilding and strengthening the low-income communities in which they reside; and

**WHEREAS**, the CSBG leveraged almost \$9 billion in other federal, state, local and private resources in fiscal year 2002 for services administered by CAAs and their partners. Every CSBG dollar was matched by \$15.52 from all other sources with \$5 of that match coming from state, local and private resources.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature requests the Governor of the State of New York to work with the United States Congress to preserve the Community Services Block Grant as an independent program administered by the U.S. Department of Health and Human Services, and to provide an appropriation for fiscal year 2006, that meets if not exceeds the fiscal year 2005 level of \$636.6 million; 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, George H. Winner, 802 Legislative Office Building, Albany, NY 12247; N.Y.S. Assemblyman, James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; New York State Association of Counties, 111 Pine Street, Albany, NY 12207; Esther Leadley, President, Inter-County Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, NY 14020, and U. S. Congressman John R. Kuhl, Jr., 32 Denison Parkway West, Corning, NY 14830.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 062-05**

Introduced by: D. Creath.

Seconded by: T. Schwartz.

**MEMORIALIZING THE PRESIDENT AND THE U. S. CONGRESS TO REINSTATE FULL FUNDING FOR THE RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM**

**WHEREAS**, the Finger Lakes Resource Conservation and Development Council (“RC&D) (formerly the Sullivan Trail RC&D Council) has provided technical assistance in obtaining and administering financial support for numerous agricultural and natural resource related development activities in Steuben County; and

**WHEREAS**, said RC&D Council has been a valuable aid to the Steuben County Soil and Water Conservation District in obtaining funding for many projects, and

**WHEREAS**, among the many projects and programs initiated or assisted by the RC&D Council include agricultural tourism, use of native timber resources, erosion control in agriculture, streambank stabilization, flood control and rural fire protection, and the Venison Donation Program, to name just a few; and

**WHEREAS**, the President's proposed FY 2006 federal budget reduces the USDA Resource Conservation and Development Program allocation by 50%, specifically by eliminating all RC&D Councils which have existed for more than 20 years, thereby eliminating the Finger Lakes RC&D Council which serves Steuben County; and

**WHEREAS**, the Finger Lakes RC&D Council has been an integral part of the overall economic development effort of Steuben County, as well as the other five counties in the Finger Lakes RC&D region, including obtaining more than \$3.6 million in federal, state, and private grants, of which \$1,156,957 has been for projects within Steuben County; and

**WHEREAS**, the USDA has documented that for every dollar appropriated by Congress, local RC&D's have leveraged \$6.00 from other sources to support conservation and economic development activities in their communities.

**NOW THEREFORE BE IT**

**RESOLVED**, that the Steuben County Legislature does hereby memorialize the President and the Congress to continue to support the USDA Resource Conservation & Development Program, and to reinstate its appropriation of \$51,947,000 in FY 2006; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to President George W. Bush, the White House, Washington, D.C.; Hon. Charles E. Schumer, 229 Dirksen Senate Office Bldg., United States Senate, Washington, D.C. 20510; Hon Hillary Rodham-Clinton, The Guaranty Bldg., Suite 208,28 Church St., Buffalo, NY 14202; Hon. John R. Kuhl, Jr., 32 Denison Parkway West, Corning, NY 14830.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 063-05**

Introduced by: P. Roche.

Seconded by: T. Schwartz.

**MEMORIALIZING THE GOVERNOR AND THE STATE LEGISLATURE TO OPPOSE ANY PLANS WHICH CALL FOR COUNTIES TO OWN AND OPERATE VOTING MACHINES UNDER THE "HELP AMERICA VOTE ACT"**

**WHEREAS**, the "Help America Vote Act" ("HAVA") calls upon states to implement electronic voting systems; and

**WHEREAS**, bills have been presented to the Legislature which call for centralization and consolidation of all elections operations at the County level in spite of the fact that consolidation is not mandated by HAVA; and

**WHEREAS**, HAVA implementation, without the proposed consolidation, will place huge financial burdens on counties which are already experiencing severe financial crises due to State mandates and the State now wishes to impose a new State mandate at a time when counties do not have the means to support it; and

**WHEREAS**, Steuben County passed a resolution in opposition to centralization in July 2003; and

**WHEREAS**, the centralization is a mandate by New York State without any ongoing State revenues to fund the new costs.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature memorializes the Governor and the New York State Legislature to oppose any consolidation as it is not mandated by HAVA and will only increase the federal and state borne costs placed upon the backs of county government; and be it further

**RESOLVED**, that a certified copy of this resolution shall be forwarded to Governor George E. Pataki, Executive Chamber, State Capitol, Albany, New York 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, New York 12247; Senate Minority Leader, David A. Paterson, 907 Legislative Office Building, Albany, New York 12247; Assembly Majority Leader, Paul A. Tokasz, 926 Legislative Office Building, Albany, New York 12248; Assembly Minority Leader, Charles H. Nesbitt, 933 Legislative Office Building, Albany, New York 12248; Senator George H. Winner, Jr., 802 Legislative Office Building, Albany, New York 12247, Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, New York 12248; Senator John Flanagan, 817 Legislative Office Building, Albany, New York 12247; Senator Nicholas Spano, 509 Legislative Office Building, Albany, New York 12247; Senator Serphin Maltese, 413 Capitol, Albany, New York 12247; Senator George Maziarz, 915 Legislative Office Building, Albany, New York 12247; Senator John Sabini, 513 Legislative Office Building, Albany, New York 12247; Assemblyman Keith Wright, 749 Legislative Office Building, Albany, New York 12248; Assemblyman RoAnn Destito, 621 Legislative Office Building, Albany, New York 12248; Assemblyman Kevin Cahill, 557 Legislative Office Building, Albany, New York 12248; Assemblywoman Helene Weinstein, 831 Legislative Office Building, Albany, New York; Assemblyman William Barclay, 938 Legislative Office Building, Albany, New York 12248 and New York State Association of Counties, 111 Pine Street, Albany, New York 12207.

**Vote: Acclamation – Adopted.**

**A M E N D E D**

**RESOLUTION NO. 064-05**

Introduced by: P. Roche.

Seconded by: P. Donnelly.

**MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO ENACT A CAP ON MEDICAID DURING THIS LEGISLATIVE SESSION.**

**WHEREAS**, Governor Pataki proposed a cap on the county share of Medicaid in his budget for fiscal year 2005-2006; and

**WHEREAS**, the New York State Assembly has proposed a cap on the county share of Medicaid in Assembly bill A1604; and

**WHEREAS**, the New York State Senate conducted hearings and convened a Special Task Force on Medicaid Reform last year, and proposed a cap in the budget bill this year; and

**WHEREAS**, the growth of local Medicaid costs are siphoning away the limited resources available to fund county budgets, thereby causing increased pressures on property taxpayers; and

**WHEREAS**, local taxpayers are currently funding a \$7 billion Medicaid local share that is growing at a double-digit rate, making Medicaid the largest and most volatile single expense in county budgets; and

**WHEREAS**, nationally, New York State counties fund 85% of all local Medicaid dollars raised to finance the non-Federal share of the Medicaid Program; and

**WHEREAS**, it is crucial for cost containment measures to be initiated as part of the Medicaid reform solutions; and

**WHEREAS**, the 2005-2006 New York State Budget provides a unique window of opportunity for the Governor and members of the Senate and Assembly to come together and enact a cap on the local share of Medicaid that will lessen the burden on local real property taxes.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature calls upon the Governor and the New York State Legislature to reach agreement on a local Medicaid cap during the 2005-2006 Legislative Session; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Governor George E. Pataki, Executive Chamber, The State Capitol, Albany, NY 12224; Majority Leader, Senator Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Speaker of the Assembly, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, Jr., 802 Legislative Office Building, Albany, NY 12247; and Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Esther Leadley, President, Inter-County Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, NY 14020.

Mr. Gehl stated, as Chairman of the Subcommittee on Medicaid for InterCounty, he would like to thank the board for sending this off. He requested that this resolution be amended to include the following:

“WHEREAS, it is crucial for cost containment measures to be initiated as part of the Medicaid reform solutions”. Chairman Roche and Mr. Donnelly were in agreement.

Mr. Gehl stated that he would like to see this resolution introduced every month the way it reads now.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 065-05**

Introduced by: D. Baker.

Seconded by: F. Gehl.

**MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO ADOPT LEGISLATION ASSISTING IN THE INDUCEMENT AND RETENTION OF VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS.**

**WHEREAS**, the State of New York and the County of Steuben has experienced a dramatic reduction in the recruitment and retention of volunteer firefighters and ambulance workers; and

**WHEREAS**, the services rendered by said volunteers are invaluable to the protection and safety of our communities throughout our counties; and

**WHEREAS**, the tragedy of September 11, 2001, gives pause for all to recognize the need for these volunteers throughout our communities, county, state and our nation; and

**WHEREAS**, certain legislation containing various proposals to assist in inducing and retaining volunteers has been introduced, components of which have merit.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Governor and the Legislature of the State of New York is memorialized to adopt a legislative program to assist in the recruitment and retention of volunteers; and be it further

**RESOLVED**, the specific components of said legislation shall take into consideration the fiscal impact of same upon the counties of the State of New York, with input from the counties as to the final legislation; 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, George H. Winner, 802 Legislative Office Building, Albany, NY 12247; N.Y.S. Assemblyman, James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; New York State Association of Counties, 111 Pine Street, Albany, NY 12207; Esther Leadley, President, Inter-County Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, NY 14020, and U. S. Congressman John R. Kuhl, Jr., 32 Denison Parkway West, Corning, NY 14830.

**Vote: Acclamation – Adopted.**

Chairman Roche stated resolutions 042-05 and 043-05 have failed as the State requires that they be passed with two-thirds vote and they did not meet that requirement.

Mr. Schwartz stated he opposed those resolutions, but requests they be reconsidered.

*Motion to reconsider Resolution No. 042-05 made by Mr. Schwartz, seconded by Mr. Donnelly and duly carried.*

**RESOLUTION NO. 042-05**

Introduced by: G. Swackhamer.

Seconded by: F. Gehl.

**REQUESTING THE ADOPTION OF SENATE BILL NO. S.2438 AND ASSEMBLY BILL NO. A.4846  
EXTENDING THE ADDITIONAL ONE PERCENT (1%) SALES TAX FOR STEUBEN COUNTY.**

**Vote: Roll Call – Adopted.**

*Motion to reconsider Resolution No. 043-05 made by Mr. Schwartz, seconded by Mr. Isaman and duly carried.*

**RESOLUTION NO. 043-05**

Introduced by: P. Donnelly/G. Swackhamer.

Seconded by: K. Isaman.

**REQUESTING THE ADOPTION OF SENATE BILL NO. S.3270 AND ASSEMBLY BILL NO. A.6367 FOR THE  
IMPOSITION OF ADDITIONAL MORTGAGE TAX.**

**Vote: Roll Call – Adopted.**

*Motion to table discussions regarding pistol permits made by Dr. Baker, seconded by Mr. Nichols and duly carried.*

*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.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. Stachnik, seconded by Mr. Donnelly and duly carried.*

*Motion to adjourn executive session and reconvene in regular session made by Mr. Nielsen, seconded by Mr. Isaman and duly carried.*

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

**REGULAR MEETING**  
**Morning Session**  
**Bath, New York**  
**Monday, April 25, 2005**

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 25<sup>th</sup> day of April, 2005 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 for Legislator Nielsen.

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

Mrs. Kane asked George Sawyer to come forward. Mr. Sawyer is an employee in the Department of Social Services. Chairman Roche presented him with a Certificate of Appreciation and a 10-year pin in recognition of his 10 years of service to Steuben County.

Mrs. Kane asked Anne Roser to come forward. Ms. Roser is an employee in the Department of Special Children's Services. Chairman Roche presented her with a Certificate of Appreciation and a pin in recognition of her 15 years of service to Steuben County.

Mrs. Kane asked Arlene Butler to come forward. Ms. Butler is an employee in the Real Property Tax Service Agency. Chairman Roche presented her with a Certificate of Appreciation and a plaque in recognition of her retirement following 27 years of service to Steuben County.

Mrs. Kane asked Stanley Wraight to come forward. Mrs. Kane stated Stanley Wraight is a Court Security Officer. Deputy Wraight is the Employee of the Month for the month of May. He was nominated for the award by Court Security Officer Patricia Trowbridge, who is unable to be here this morning. Deputy Trowbridge cited in her nomination of Stanley that he is the epitome of a team player and a model that new staff can rely on. He also is very professional with the public whom he deals with every day. He goes above and beyond his job duties and works closely with all new employees assisting them in their use of the metal detectors. Stanley is quietly effective and assists the public and his fellow employees at ever opportunity. **CONGRATULATIONS!**

Mrs. Kane asked Anne Roser, Karen Dgien, Kim Gotshall, Linda Griffin, Joyce Stewart, Darlene Rook, Helen Brutsman and Dr. Dennis O'Connor to come forward. The Special Children's Services Team is the Team of the Month for the month of May. Dr. O'Connor, County Medical Director, and Helen Brutsman, Administrative Office of Special Children's Services nominated them for the award. These ladies were nominated as the Team of the Month for their outstanding performance by their attitude and cooperation. They touch the lives of children and their families every day and they are definitely a special group of individuals. They assist the families, helping them to access medical, financial and educational services for their physically, medically and developmentally disabled children. Every day is made interesting and challenging, as every child's case is unique with different needs and circumstances. They work with families from all walks of life and socio-economic backgrounds. On their own time and using their own money, they have delivered furniture, food and Christmas and Easter gifts. They have assisted families to locate jobs, babysitters, health insurance and many other services. The Department of Special Children's Services is very fortunate to have such dedicated, knowledgeable and caring employees. **CONGRATULATIONS!**

Chairman Roche asked Gary Pruyn to come forward to make his presentation. Mr. Pruyn stated April is Child Abuse Prevention Month. He stated they have held several different activities

throughout the month to show support of the prevention of child abuse. They have distributed over 1,000 blue ribbons in the blue ribbon campaign and approximately 300 to 400 people attended the Family Fling at Haverling High School. Today is the culmination of our month of activities. He introduced Sue Hooker, Hornell Concern for Youth, who will be presenting this year's Child Abuse Prevention Award.

Ms. Hooker stated the Steuben County Task Force for the Prevention of Child Abuse has annually been recognizing a person or organization for their efforts in child abuse prevention. Each award recipient goes beyond the call of duty in helping children. This year's recipient is the Family Focus Team: Ruth Goodwin, Bonnie Preston, Tom Buechner, Dick McMaster and Marian Rezelman. This group of professionals faces the most challenging cases day in and day out. Thanks to their help they are strengthening families and making a positive difference in struggling families. Team members focus on one strength at a time to help families move towards becoming confident and the kind of parent they always hoped to be. What they do results in a world of difference to the families. They truly go above and beyond. They are making a most positive difference one family at a time.

Mr. Pruyne presented a plaque to the Family Focus Team members for their outstanding effort in protecting children. He also presented them with personalized thank you notes, certificates and pens. **CONGRATULATIONS!**

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 parcels for inclusion in Steuben County Certified Agricultural Districts No. 1, No. 14, No. 17 and No. 23, during the 2005 annual thirty-day review period, to consider the recommendations of Agricultural and Farmland Protection Board and any proposed modifications of the District. Chairman Roche asked if there were any comments regarding these Agricultural Districts. There being no comments, Chairman Roche declared the public hearing closed.

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

Pat Eaton, Bath, stated she would like to comment on the proposed affiliation of Rural Metro with 911. I am totally opposed to it, as they are a private enterprise. He is requesting \$16,000 of taxpayer money to hook him up to the 911 center. I can't believe this board is entertaining such a request. If this goes through today, I will ask everyone to boycott 911.

There being no further comments, Chairman Roche declared the public comment portion of the meeting closed.

The minutes of the previous month's meeting were adopted upon the motion of Mr. Creath, seconded by Mr. Isaman and duly carried.

Judy Hunter, County Clerk, reported that over the weekend she was able to contact several of the Legislators regarding the Mortgage Distribution Report. For those she wasn't able to reach, she would like to provide them with an update. Last week she was able to produce a fairly correct mortgage distribution report from October 2004 through March 2005. As a result of this, a voucher was submitted to the Treasurer's Office for full payment to Cott. She noted she had informed Cott that she would do this once she could produce an accurate report.

Mrs. Hunter stated they entered into the contract with Cott expecting a long-lasting relationship. I contracted for an up and running system that would meet all New York State requirements on the day of installation. As you know, that did not happen. We've all worked very hard for the past 18 months to work with the system, its quirks and glitches. Adding to the staff's stress level has

been tech help that is not familiar with the New York State version. The cost for temporary hires and staff overtime in the County Clerk office was nearly \$38,000 in 2004. At this point, the inability to issue a proper refund is still an issue and I hope for a speedy resolution to that.

Timothy Wixom, E911 Director, reported that last week they worked 16-hour days from Wednesday through Friday to conduct live testing of the system. They successfully tested all three days. This week we will handle some cellular traffic to make sure the system is working correctly. As soon as the testing is done, we will have the formal announcement here in these Chambers to inform the public that 911 is online. After they go live, they will begin handling the seven digit emergency numbers.

Mark Alger, County Administrator, reported that he would like to review the State Budget, particularly the State's actions on Medicaid. The counties have for some time sought a cap on Medicaid growth. From our perspective, it has been growing at a rate of 20% a year. We obtained a controlled growth of 3.5% for 2006, 3.25% for 2007 and 3% thereafter. While we weren't successful in getting a hard cap, we did get a partial containment of our growth. Even with this we are facing most likely a \$900,000 increase in the local share of Medicaid for 2006. While not a complete fix, it certainly is better than a \$4 million increase. The controlled growth will allow us to plan for the increase in Medicaid, as well as the needs of the County. This isn't a perfect solution, but it is a much better position to be in than we were in the past.

Mr. Creath stated I wanted to bring to your attention the efforts that 911 has made in preserving County history. One issue in the Town of West Union is the constant theft of the signs for Salt Peter Road. They have since changed the name of the road. In Bath, a major misspelling was fixed. What used to be Ganesvoort, Gansvoort and Gansevoort on the street running between East Washington and East Steuben streets is now officially "Gansevoort". On Keuka Lake they corrected the discontinuity of the lake roads. In Tuscarora they dealt with the Glendenning Road/County Route 112 issue. In the City of Corning, the Mayor formed an AdHoc committee to name the alleys. At one point in time I had told the previous 911 Coordinator that I live in a barn on an alley and I would rather live in a carriage house on a lane. Every police officer knew that the alleys were alphabetical, starting on the riverside and going up the hill. The adhoc committee decided to name the alleys for prominent glassmakers and their glass processes. They are now working on a cross-referencing index so you can find the new address from the old one. I think we owe it to 911 to preserve some of the historical notes for the City of Corning and Steuben County.

Mr. Gehl announced that contrary to the recommendation of *The Leader*, the County would not be purchasing Indian Hills Golf Course.

#### **RESOLUTION NO. 066-05**

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**, 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 "C"; 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 Education of the appropriate School District, and the taxpayers.

SCHEDULE "A"

Resolution #     A-1      
Name     Thomas & Joyce Dewall      
Parcel #     231.00-01-018.100      
Municipality     Hartsville Town      
Disposition     Refund    

Resolution #     A-2      
Name     Michael C & Kevin Mertz      
Parcel #     221.00-01-013.000      
Municipality     Cameron Town      
Disposition     Correction    

Resolution #     A-3      
Name     Michael C & Kevin Mertz      
Parcel #     221.00-01-014.000      
Municipality     Cameron Town      
Disposition     Correction    

Resolution #     A-4      
Name     Cameron Christian Center c/o Stacy Jackson      
Parcel #     256.13-01-064.000      
Municipality     Cameron Town      
Disposition     Correction

Resolution # A-5  
Name New York State c/o Steuben Co Treasurer  
Parcel # 333.00-24-002.000  
Municipality Bath Town  
Disposition Correction

Resolution # A-6  
Name Delores H Drake  
Parcel # 242.00-01-002.141  
Municipality Campbell Town  
Disposition Correction

#### SCHEDULE "B"

Resolution # B-1  
Former Owner Steve L & Jill E Shepard  
In Rem Index No. 88508, 2003 sale  
Parcel # 280.13-01-026.000  
Municipality Erwin Town  
Grantee(s) Steve L Shepard & Jill E Shepard,  
husband and wife, as tenants by the entirety  
Grantee(s) Address 223 Main St, PO Box 59, Coopers Plains, NY 14827  
Consideration \$2,632.06, together with \$121.00 recording fees

#### SCHEDULE "C"

Resolution # C-1  
Name Rural Cable TV  
Parcel # 532.00-05-006.000  
Municipality Greenwood Town  
Disposition CANCELLATION OF ALL TAXES PURSUANT TO REAL PROPERTY TAX LAW §558.

Resolution # C-2  
Name Greenwood Cable Television  
Parcel # 532.00-06-081.000  
Municipality Greenwood Town  
Disposition CANCELLATION OF ALL TAXES PURSUANT TO REAL PROPERTY TAX LAW §558.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 067-05**

Introduced by P. Roche.

Seconded by K. Isaman.

**RECEIVING AND ACCEPTING THE APRIL 25, 2005, 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:

#### **Proclamations Issued for April 2005:**

Proclaiming April 2005 as "Child Abuse Prevention Month in Steuben County"

Proclaiming April 2005 as "Literacy Volunteers of America Awareness Month in Steuben County"

### March 11, 2005

1. Painted Post Kiwanis Club - Re: Letter to Governor and State representatives voicing their strong support for passage of a Medicaid Cap.

### March 14, 2005

1. NYS Office for the Aging - First Notification of Grant Award for the FFY 2005 Nutrition Services Incentive Program (\$67,997.51 for 10/1/04 - 9/30/05). **Referred to: Human Services Committee and Linda Teter, OFA Director.**
2. New York State Metropolitan Transportation Authority - Re: Proposed 2005-2009 Capital Plan submitted to the State for approval and funding - Plan outlines the infrastructure needs of our transportation network and economic benefit that it provides to communities throughout the entire state. MTA has also purchased rolling stock through contractors and subcontractors who employ thousands of New Yorkers. Letter requests Steuben County contact our State legislative representatives to underscore how important the MTA Capital Plan is the economic vitality of our county. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

### March 16, 2005

1. State of New York, Division of Criminal Justice Services - Re: Letter informing Steuben County will not be eligible to receive an allocation under the Juvenile Accountability Block Grant. **Referred to: Public Safety & Corrections Committee and Finance Committee, and Frank Justice, Probation Director.**
2. Town of Erwin - Re: Resolutions adopted by Town Board on 3/8/05 memorializing the Governor and New York State Legislature to enact a cap on the local share of Medicaid costs.
3. Mayor, Village of Painted Post - Re: Village Board of Trustees passed resolution on 3/14/05 for a Medicaid Cap.
4. Ontario County Board of Supervisors - Re: Resolution proclaiming May 2005 as Motorcycle Safety Awareness Month. **Referred to: Public Safety & Corrections Committee and Sheriff Tweddell.**

### March 17, 2005

1. Onondaga County Executive - Re: Requesting support of legislation to eliminate the "Double Medicaid Tax" on local governments, S.1164 and A.1997. This legislation would resolve the financial issues of all county-owned nursing homes, and would enable them to continue as valuable asset for our residents. Also, Onondaga County presents another proposal: to establish a separate cost-based rate structure for public nursing homes that would take into account the unique costs of a public facility and unique role that public nursing homes serve in their communities. **Referred to: Health & Education Committee and John Zehr, HCF Administrator.**

### March 21, 2005

1. NYS Department of Transportation - Re: Steuben County approved for funding for a Federal Section 5311 capital project (bus passenger transportation). Total project cost: \$152,500 (\$122,000 Federal share; \$15,250 State share; \$15,250 local share). **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

### March 25, 2005

1. Mayor, Village of Savona - Re: Letters to Governor and State representatives urging them to enact a Medicaid Cap this year.
2. Assemblyman Robert C. Oaks, 128<sup>th</sup> District (Cayuga, Oswego and Wayne Counties) - Re: Letter of response to Chairman Roche stating his strong support for relieving county property taxpayers of the growing costs of Medicaid and looking forward to its implementation as part of the 2005-06 New York State Budget.
3. Serphin Maltese, NYS Senator (Queens County) - Re: Letter of response to Chairman Roche regarding the Federal requirements of the Help America Vote Act and the issues surrounding the requirements.
4. Harris Beach, Attorneys at Law - Re: City of Hornell Industrial Development Agency and Maple City Retailing, LLC; Distribution of Form RP-412-1 and PILOT Agreement. **Referred to: Administration Committee and Finance Committee; Larry Crossett, County Treasurer; Donna Hatch, RPTSA Director; and Fred Ahrens, County Attorney.**

### March 28, 2005

1. Senator George H. Winner, Jr. - Letter to Chairman Roche acknowledging receipt of and support of resolution passed by the Steuben County Legislature opposing the consolidation of new voting machines at the county level, which is currently a responsibility maintained by towns, villages and cities.

### March 28, 2005 (Continued)

2. State of New York, Office of the State Comptroller - RE: Indigent Legal Services Fund - and notice that counties and NYC will receive payments from the ILSF by 3/31/05. Steuben County will receive \$191,427.80. **Referred to: Public Safety & Corrections Committee and Finance Committee; Byrum W. Cooper, Jr., Public Defender; Larry Crossett County Treasurer.**

### March 30, 2005

1. Fortuna Energy, Inc., Horseheads, NY - Re: Notice of Intent - to construct a natural gas pipeline in the Town of Hornby. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
2. NYS Senator Joseph L. Bruno, President Pro Tem and Majority Leader - Re: Letter of response to Chairman Roche, re: Legislation to bring New York State into full compliance with the Federal "Help America Vote Act of 2002."

### March 31, 2005

1. Steuben County Industrial Development Agency - Re: SCIDA and Wilkins Recreational Vehicles, Inc., - Proposed Straight Lease Transaction - public hearing: May 2, 2005 @ 1 p.m., Bath Municipal Building. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

### April 1, 2005

1. Steuben County Industrial Development Agency - Re: Resolutions to Governor and New York State Legislature in support of a Medicaid cap.
2. New York State Office for the Aging - Re: Long-Term Care Ombudsman Program Support Agreement for Steuben County has been approved and State aid application for the period 4/1/05 to 3/31/06 was also approved. Additionally, the application for Older Americans Act, Title VII funds, has been approved. **Referred to: Human Services Committee and Linda Tetor, OFA Director.**

### April 4, 2005

1. NYS Department of State - Re: Appalachian Regional Commission Program for FY 2006 - applications being accepted for funding. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

### April 5, 2005

1. Village of Wayland - Re: Letter to Governor Pataki and State representatives voicing their strong support for passage of a Medicaid cap.

### April 6, 2005

1. NYS Public Service Commission - Re: Notice of Pre-Hearing Conference on 4/29/05 at 1:00 P.M., Empire State Plaza, Albany, NY - concerning a facility proposed to be constructed by Fortuna Energy, Inc., (14,090' of 4" pipeline located in the Town of Bradford, Steuben County and Town of Orange, Schuyler County). **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
2. NYS Assemblyman James G. Bacalles - Re: Projections prepared by the Assembly Ways and Means staff regarding Local Government Savings Under Family Health Plus Takeover and also Local government Savings Under Medicaid Cap. **Referred to: Finance and Human Services Committees; Larry Crossett, County Treasurer; and Kathy Biehl, DSS Commissioner.**

**April 11, 2005**

1. NYS Office of Children & Family Services - Re: Notice of receipt of County's Resource Allocation Plan for 2005 and request for State aid. Requested funding of \$197,963 has been approved. **Referred to: Human Services and Finance Committees; Gary Pruyn, Youth Bureau Director; and Larry Crossett, County Treasurer.**

**April 18, 2005**

1. NYS Office of Parks, Recreation and Historic Preservation – Re: Notification of the Wood Road Bridge, Campbell, being listed on the National Register of Historic Places. **Referred to: Public Works and A.I.P. Committees; Vince Spagnoletti, Public Works Commissioner; and Twila O'Dell, County Historian.**
2. NYS Office of Children & Family Services – Re: Invitation to apply for peer-to-peer technical assistance for 2005 and 2006 by the Vera Institute of Justice's National Youth Justice Program. **Referred to: P.S.& C., Human Services and Health and Education Committees; Frank Justice, Probation Director; Kathy Biehl, Commissioner of Social Services; and Dr. Anderson, Office of Community Services.**

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 068-05**

Introduced by H. Mayo.

Seconded by T. Schwartz.

**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, CR 85 over the Tuscarora Creek, Steuben County, PIN 6753.74 (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, CR 85 over the Tuscarora Creek, Steuben County, PIN 6753.74.

**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 construction and construction inspection work for the Project or portions thereof; and be it further

**RESOLVED**, that the sum of \$2,220,000 is hereby appropriated and made available to cover the cost of participation in the above phases of the Project; and be it further

**RESOLVED**, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the County of Steuben shall convene as soon as possible to appropriate said excess amount immediately upon notification by the NYSDOT thereof; and be it further

**RESOLVED**, that the Chairperson of the Steuben County Legislature be and hereby is 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**, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project; and be it further

**RESOLVED**, this Resolution shall take effect immediately.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 069-05**

Introduced by H. Mayo.

Seconded by T. Schwartz.

#### **AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR.**

**WHEREAS**, a Project for the rehabilitation of BIN 2216570, Wood Road over Cohocton River, Steuben County, PIN 6752.99 ("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 Project by making a commitment of 100% of the Federal and non-Federal share of the costs of rehabilitation of BIN 2216570, Wood Road over the Cohocton River, Steuben County, PIN 6752.99.

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

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

**RESOLVED**, that the Steuben County Legislature hereby authorizes the County of Steuben to pay in the first instance 100% of the Federal and non-Federal share of the cost of design, right-of-way incidental, right-of-way acquisition, construction and construction inspection work for the Project or portions thereof; and be it further

**RESOLVED**, that the sum of \$1,255,000 has previously been appropriated and made available to cover the cost of participation in the above phase of the Project; and be it further

**RESOLVED**, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the County of Steuben shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

**RESOLVED**, that the Chairperson of the Steuben County Legislature be and hereby is authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Steuben with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and be it further

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

**RESOLVED**, this Resolution shall take effect immediately.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 070-05**

Introduced by H. Mayo and G. Swackhamer.

Seconded by R. Nichols.

**AUTHORIZING THE TRANSFER OF \$500,000 FROM THE BATH LANDFILL EXPANSION CAPITAL PROJECT TO THE BATH LANDFILL MAJOR EQUIPMENT ACCOUNT TO PURCHASE EQUIPMENT LOST IN THE DECEMBER 2004 LANDFILL FIRE.**

**WHEREAS**, a fire at the Bath Landfill on December 28, 2004, destroyed a compactor, track loader and trackhoe excavator; and

**WHEREAS**, this equipment is necessary to operate the Bath Landfill; and

**WHEREAS**, the funding to replace this equipment is available in the Bath Landfill Expansion Capital Project.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Treasurer is hereby authorized to transfer \$500,000 from the Bath Landfill Expansion Account HL 6201 5 220000 to the Bath Landfill Major Equipment Account EL 816062 5 290 000; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the County Treasurer, the Commissioner of Public Works and the Risk Manager.

Mr. Argentieri asked will this make the account short in the future? Also, what is the status of the insurance claim on the fire? Mr. Spagnoletti stated the expansion project construction is done and we are anticipating a \$750,000 surplus in the project.

Mr. Ahrens stated the fire claim is in various stages. The Risk Manager has been in contact with the carrier and they are working on values and figures. We will be meeting with the carrier in the next few weeks. Mr. Argentieri stated I just wanted the public to know that we're on top of this.

Mr. McIntyre stated he would like it noted that we lost this money over an administrative oversight or lack of performance. I'm displeased that more of a disciplinary nature didn't happen regarding this issue.

Mr. McAllister asked have steps been taken to make sure something like this doesn't happen again? Mr. Alger stated Mr. Castellana and Mr. Spagnoletti are working on a comprehensive review of each of the items in each shop to make sure everything is covered.

Mr. Schwartz asked are we going to make sure we have adequate fire alarm systems in the shops? Mr. Spagnoletti stated we are going to analyze each shop for fire alarms as well as our procedures this summer.

Mr. Schwartz asked is there anything on the market that would directly hook the alarms to the 911 center? Mr. Wixom stated Mr. Partridge is working on a list of all county-owned buildings to determine how many alarms they would need and how much it would cost. They are working on it.

**Vote: Roll Call – Adopted. Yes: 8157; No: 1110; Absent: 605  
No: Schwartz; Walsh. Absent: Nielsen.**

**RESOLUTION NO. 071-05**

Introduced by H. Mayo and G. Swackhamer.

Seconded by R. Nichols.

**AUTHORIZING THE PURCHASE OF HIGHWAY EQUIPMENT, AND AUTHORIZING THE ISSUANCE OF \$517,000 BONDS OF SAID COUNTY TO PAY THE COST THEREOF.**

**WHEREAS**, the Highway Department equipment fleet is in need of replacement due to age and increased maintenance; and

**WHEREAS**, new equipment is required to provide safe, efficient and cost effective delivery of services.

**NOW THEREFORE, BE IT**

**RESOLVED**, this Legislature does hereby find and determine the object or purpose for the issuance is the acquisition of machinery and apparatus for construction and maintenance having the following description, quantity, estimated maximum cost and period of probable usefulness:

<u>Item</u>	<u>Quantity</u>	<u>Total Cost</u>	<u>Period of probable usefulness</u>
Tandem Dump Trucks (\$135,000/truck)	3	\$405,000	15 years
Front End Loader	1	\$112,000	15 years

;and be it further

**RESOLVED**, the Steuben County Treasurer be and the same hereby is authorized and directed to issue a Bond not to exceed \$517,000; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Commissioner of Public Works, the County Treasurer and the Risk Manager.

Mr. Swackhamer stated we've starved this department of equipment so much for the past 4 or 5 years, we thought bonding would be the best option to purchase much needed equipment. It has been 10 or 15 years since we bonded for equipment. Mr. McIntyre stated I'm glad to see this chambers is working towards the bonding issue, which he's suggested the past couple years.

Mr. Schwartz asked Mr. Ahrens could this be an open-end municipal bond to purchase from in the future? Mr. Ahrens stated no. Mr. Schwartz stated maybe we should increase the amount of the bond for future purposes. Chairman Roche stated you have to have a specific item in order to use a bond.

Mr. Argentieri asked does the bond period coincide with the useful life of this equipment? Mr. Ahrens stated the bond period will be less than the useful life of the equipment. It can be less than, it just cannot exceed.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 072-05**

Introduced by H. Mayo and G. Swackhamer.

Seconded by R. Nichols.

**AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO CLOSE THE H9999 OTHER PROJECTS ACCOUNT AND TRANSFER THE ACCOUNT BALANCE TO A NEW CAPITAL PROJECT ENTITLED "HIGHWAY SHOP FLOOR DRAIN REMEDIATION".**

**WHEREAS**, the EPA has reviewed the floor drainage in three Steuben County highway shops; and

**WHEREAS**, the EPA has notified Steuben County that the floor drains must drain into holding tanks;  
and

**WHEREAS**, Steuben County intends to install drain tanks to handle the drainage; and

**WHEREAS**, there is not now funding available for this project; and

**WHEREAS**, funding is available in the H9999, Other Projects Account.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature does hereby authorize the County Treasurer to close the H9999 Other Projects Account and transfer the account balance of \$22,684.41 to a new capital project, HS 9903 Highway Shop Floor Drain Remediation; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 073-05**

Introduced by D. Creath and G. Swackhamer.

Seconded K. Isaman.

**AUTHORIZING THE STEUBEN COUNTY TREASURER TO TRANSFER FUNDS FROM THE CONTINGENT FUND TO PROVIDE FOR AN ADDITIONAL BUS RUN BETWEEN BATH AND CORNING.**

**WHEREAS**, the Steuben County Transit System is operated by First Transit, Inc.; and

**WHEREAS**, there is a need to increase the frequency of trips between Bath and Corning; and

**WHEREAS**, First Transit has determined that the net operating cost for an additional bus, after considering all available revenues, will be \$24,233.00 annually; and

**WHEREAS**, First Transit will acquire an additional bus, using Federal capital funding assistance allocated for Steuben County; and

**WHEREAS**, the additional bus will not begin service on the Bath-Corning route prior to June 1, 2005;  
and

**WHEREAS**, the resulting cost for June through December, 2005 will be approximately \$14,200.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature does hereby authorize the transfer of \$14,200 from the Contingent Fund to A563000 Bus Operations Account; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Gregory P. Heffner, AICP, Planning Director; and to Bradley Thomas, Region Vice President, First Transit, Inc., 17 Aviation Drive, Suite 201, Horseheads, NY 14845.

Mr. Argentieri asked is an additional bus run needed? Mr. Heffner stated we currently have about 3,000 riders per month, which is down considerably without this additional run. He noted he has received several animated e-mails and phone calls requesting an additional run.

Mr. Schwartz applauded Mr. Creath for introducing this resolution. It is definitely needed for those who cannot afford a car.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 074-05**

Introduced by D. Creath and G. Swackhamer.

Seconded by T. Schwartz.

**AUTHORIZING THE TRANSFER OF \$12,500 FROM THE CONTINGENT FUND TO PURCHASE A NEW TRUCK FOR THE DEPARTMENT OF WEIGHTS AND MEASURES.**

**WHEREAS**, the Steuben County Department of Weights and Measures has received a replacement truck bid for \$96,134; and

**WHEREAS**, a Capital Project established several years ago only has \$84,000 available.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Treasurer is hereby authorized to transfer the amount of \$12,500 from the Contingent Fund to a Capital Project entitled "Weight and Measures - New Truck"; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Steuben County Department of Weights and Measures; the County Treasurer and the Risk Manager.

Swackhamer stated we budgeted for this for the past 5 years but prices have increased due to the price of steel.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 075-05**

Introduced by D. Creath.

Seconded by R. Nichols.

**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 25<sup>th</sup> day of April, 2005 at 10:00 a.m.

**NOW THEREFORE, BE IT**

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

466400 276.00-01-002.112  
466400 276.00-01-015.000  
462800 310.00-02-002.000; and be it further

**RESOLVED**, that the following tax parcel shall be added to Agricultural District No. 14: 462489 204.00-03-029.112; and be it further

**RESOLVED**, that the following tax parcel shall be added to Agricultural District No. 17: 462489 157.00-01-006.200; and be it further

**RESOLVED**, that the following tax parcel shall be added to Agricultural District No. 23: 466800 362.00-01-018.000; 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 Director of the Steuben County Planning Department; James Grace, Cornell Cooperative Extension - Steuben County; Nathan Rudgers, Commissioner, New York State Department of Agriculture and Markets.

**Vote: Roll Call – Adopted.**

*Motion to adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.F. The Medical, Financial, Credit or Employment History of a Particular Person or Corporation, or Matters Leading to the Appointment, Employment, Promotion, Demotion, Discipline, Suspension, Dismissal or Removal of a Particular Person or Corporation made by Dr. Baker, seconded by Mr. Donnelly and duly carried.*

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

**RESOLUTION NO. 076-05**

Introduced by P. Donnelly.

Seconded by D. Creath.

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

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

**WHEREAS**, there currently exists a vacancy in the office of County Auditor; and

**WHEREAS**, it is necessary to fill said vacancy for the balance of the term commencing May 9, 2005, through December 31, 2007; and

**WHEREAS**, a diligent search for eligible candidates has been conducted by the Administration Committee of the Steuben County Legislature, the County Administrator and the Personnel Officer; and

**WHEREAS**, it has been recommended by the Administration Committee that Stanley Wraight of Bath, NY, be appointed as Steuben County Auditor for the balance of the term commencing May 9, 2005, through December 31, 2007.

**NOW THEREFORE, BE IT**

**RESOLVED**, Stanley Wraight of Bath, NY, is hereby appointed as the County Auditor of the County of Steuben for the balance of the term commencing May 9, 2005, through December 31, 2007; and be it further

**RESOLVED**, that as County Auditor, he shall be compensated at an annual salary of \$33,000 (Grade C of the Management Salary Plan); and be it further

**RESOLVED**, that as County Auditor, he shall have a probationary term of not less than eight nor more than 26 weeks; and be it further

**RESOLVED**, the Oath of Office for County Auditor shall be filed in the Steuben County Clerk's Office; and be it further

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

Mr. Argentieri stated I believe it is very important that this individual review each and every department as to their expenditures on a regular basis. I think we should hire from outside of the County. We need somebody who has the guts and wisdom to do this.

Mr. Stachnik stated this individual has a clean track record and meets the requirements of the job.

Mr. Schwartz noted this person will have to serve a probationary period.

Mr. Alger stated Mr. Wraight has the qualifications and background for this position. I believe he will do an excellent job for us.

**Vote: Roll Call – Adopted. Yes: 8816; No: 451; Absent: 605.  
No: Argentieri. Absent: Nielsen.**

**RESOLUTION NO. 077-05**

Introduced by D. Baker.

Seconded by R. Argentieri.

**AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO AN AGREEMENT FOR ARCHITECTURAL/ENGINEERING SERVICES FOR THE STEUBEN COUNTY JAIL EXPANSION PROJECT.**

**WHEREAS**, the Jail AdHoc Committee has solicited proposals from architectural/engineering firms for the Steuben County Jail Expansion Project; and

**WHEREAS**, the Jail AdHoc Committee has conducted interviews and requested further information from several firms; and

**WHEREAS**, the County has been vigorously pursuing options for capacity expansion which will necessitate the services of an architectural firm for design services; and

**WHEREAS**, the Jail AdHoc Committee has recommended that the firm LaBella Associates from Rochester, NY, be retained to provide the required architectural/engineering services.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Administrator is hereby authorized to enter into an agreement for architectural services for the Steuben County Jail Expansion Project with the firm LaBella Associates from Rochester, NY; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named firm; the County Administrator; the Steuben County Sheriff; and Alan Croce, Chairman/Commissioner NYS Commission of Corrections, Four Tower Place, Stuyvesant Plaza, Albany, NY 12203-3764.

Mr. Alger stated the County is faced with an unexpected growth in the population of the jail as a result of a number of issues. We've seen an unprecedented increase in the number of individuals in our facility due to violations of parole. When you look at the population as a whole, there is a direct impact on our housing costs.

Mr. Alger stated one thing that is hard to get a handle on is the population of inmates awaiting trial. One of the things the third resolution does is obtain a firm to review the current practices and procedures in alternatives to incarceration, as well as the court system. You can do that through a variety of means and, by using a consultant, we will be able to pull together the players of the system to more positively impact the outcome of how people are moved through the system. We'd rather see them serve their sentence after they are adjudicated rather than having them sentenced to time served.

Mr. Alger stated we have a Jail Reserve and those funds are sufficient to cover the initial costs associated with the project and to fund the ATI study. What we anticipate the outcome of the construction management and architectural services will be a more comprehensive view of the expansion of the jail. Initially we need to get estimates on the cost of the construction.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 078-05**

Introduced by D. Baker.

Seconded by G. Swackhamer.

**AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO AN AGREEMENT FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE STEUBEN COUNTY JAIL EXPANSION PROJECT.**

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

**WHEREAS**, the Jail AdHoc Committee has solicited proposals from various construction management firms for the Steuben County Jail Expansion Project; and

**WHEREAS**, the Jail AdHoc Committee has conducted interviews and requested further information from several firms; and

**WHEREAS**, the Jail AdHoc Committee has been vigorously pursuing options for construction management services to ensure adherence to budget and schedule requirements and permit timely decision-making in order to achieve a quality cost-effective jail facility; and

**WHEREAS**, the construction management firm will work in concert with the architectural firm commencing with pre-construction or design phase and extend through the commissioning of the jail facility, and will evaluate alternative approaches to construction, thereby providing and adding value to the new jail facility; and

**WHEREAS**, the Jail AdHoc Committee has recommended that the firm LPCiminelli from Buffalo, NY, be retained to provide the required construction management services.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Administrator is hereby authorized to enter into an agreement for construction management services for the Steuben County Jail Expansion Project with the firm LPCiminelli from Buffalo, NY; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named firm; the County Administrator; the Steuben County Sheriff; and Alan Croce, Chairman/Commissioner NYS Commission of Corrections, Four Tower Place, Stuyvesant Plaza, Albany, NY 12203-3764.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 079-05**

Introduced by D. Baker.

Seconded by R. Argentieri.

**AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO AN AGREEMENT FOR THE RETENTION OF CONSULTING SERVICES FOR ALTERNATIVES TO INCARCERATION.**

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

**WHEREAS**, the County of Steuben is desirous of retaining consulting services for alternatives to incarceration; and

**WHEREAS**, the vigorous pursuit of said alternatives has proven in the past to avoid costly housing of inmates; and

**WHEREAS**, the Jail AdHoc Committee has interviewed consultants for said purpose and has recommended the retention of the Center for Governmental Research from Rochester, NY.

**NOW THEREFORE, BE IT**

**RESOLVED**, the County Administrator is authorized to enter into an agreement with the Center for Governmental Research from Rochester, NY, for the retention of consulting services for alternatives to incarceration; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named firm; the County Administrator; the Steuben County Sheriff and the Probation Director.

**Vote: Roll Call – Adopted.**

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

**SPECIAL MEETING**  
**Morning Session**  
**Bath, New York**  
**Wednesday, May 18, 2005**

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Wednesday, the 18<sup>th</sup> day of May, 2005 at 9:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll Call and all members present except for Legislators Argentieri, Baker, and Creath.

Mr. Nichols led the invocation and the Pledge of Allegiance was led by Mr. Schwartz.

Mr. Roche announced today the Employee Wellness Fair is being held in the hallway and all are invited to attend. He explained that today's agenda has been broken down into components as there are several presentations. There will be no vote taken today. The committees will discuss this in June and it will be brought to the June Legislative meeting if appropriate.

Mr. Zehr introduced Mark Lyons from SWBR Architects, John Kropski from Freed Maxick & Battaglia and Mike Flannery from the Pike Company. Mr. Zehr stated that during May and June of 2002 they contracted with Pike Construction Management and SWBR Architects. We received approval of the CON in December 2002 to construct and replace the existing 105 bed nursing facility. In May 2003 the Legislature adopted a resolution to abandon the construction of a new facility and in December of that year an RFP was sent out for privatization of the facility with a deadline of March 15<sup>th</sup>. Due to the lack of a response, that deadline was extended to April 15<sup>th</sup>. One response, for \$1.6 million was received. In May 2004 the Legislature gave approval to pursue an extension of the CON. Confirmation for the construction start extension was received in June 2004 and the new start construction date was set for March 2006 with completion to be September 2007. Also in June we acquired the services of Freed, Maxick and Battaglia, P.C. to evaluate the proposal of the bid received. The Legislature voted in July 2004 not to sell the facility. During August of 2004 we extended the contract with Freed, Maxick and Battaglia to include a review and update of the original CON. A presentation of those results was given at the Health & Education Committee in December of 2004. In January 2005 we received approval to amend prior contracts with SWBR and Pike.

Mr. Lyons stated when we were working on the design in 2002, the site of the replacement facility was to the east of the existing facility on the triangular parcel. When we first came back we asked the Department of Health if they would entertain us building on a different site. They said we could, however, we would need a new CON. The Department of Health is now mandating a 25 percent equity requirement for counties rather than the 10 percent required under our CON. The decision was to keep the replacement facility on the site we had picked for 2002 so the County could take advantage of the 10 percent equity requirement. The new building is no longer attached to the existing nursing home. In 2002 we had talked about reusing space in the existing building and that is no longer a condition of this project. This will be a three-story building with the ground floor being the main entrance. The first floor will consist of three units with a center core for dinning and more living space. The second floor is smaller and there will be a rooftop on the west side of the building. This feature is there so that if you plan on building on in the future and adding additional beds, you would have that ability to put on an addition. A 120-bed facility is actually the most efficient, however our current CON limits us to 105 beds. Mr. Lyons explained with regard to the proposed room plans, one of the things that has changed is the code mandated spaces for resident rooms as well as marketplace demand. You can offer the residents greater living spaces and improve their quality of care. The toilet rooms are much larger, whichand generally results in a reduction in worker's compensation claims, as there is more room to maneuver and help residents.

Mr. Lyons informed the Legislature that there have been adjustments to the 2003 project. With regard to cost increases we have seen construction cost inflation of 8 – 10 percent per year as well as higher interest rates on project financing. We have implemented cost decreases including the deletion of the therapy

pool and support spaces and one of the three elevators that were included in the original design. The overall building has been condensed slightly. Previously we were trying to oversize the rooms and we have decreased those slightly. They are not at the minimum size, but they are fairly close. There has been an overall 12 percent reduction in total square footage. We also have simplified the building geometry, which cuts down on the construction costs. Another cost decrease was the adjustments made to the site work. In 2002 we were trying to maintain the same floor elevation of the existing facility. Now, we are able to lift the building up slightly and that saves on the earthwork costs. This is a fairly significant savings.

Mr. Isaman commented that he doesn't remember discussions about decreasing the building size. Is the new building going to be partially on the side of the existing building? Mr. Lyons replied the new building will be on the east of the current facility. He stated that during their presentation in 2003, they talked about the options for the existing facility which included independent living apartments, county offices, leaving the building vacant, and demolition. With regard to the option of keeping the status quo, there are numerous maintenance issues that need to be addressed including a new roof and new boilers. Also, the building would need to be rid of asbestos and would need a fire sprinkler system. Currently, the facility is not required to retrofit the sprinkler system.

Mr. Lyon reviewed the total project cost for a new nursing facility in 2002 versus 2005. In 2002 the total project cost was \$16,563,249 and in 2005 the total cost is \$19,404,000. Mr. Stachnik commented the interest rate is still considered favorable as compared to the past. Mr. Swackhamer asked do these figures include the interest rates? Mr. Lyon replied there is a higher financing cost because the interest has gone up and we are financing more construction costs. Mr. Nichols asked is the interest rate on \$3 million considered the soft costs? Mr. Lyon replied that was correct. Construction costs consists of brick and mortar. The soft costs include architecture, engineering, attorney fees, insurance, interest and financing.

Mr. Kropski explained project costs normally include interim interest, which is interest paid on financing during the construction period. Once the project is finished, the bonds are issued and the normal interest on the bonds is not included. Mr. McIntyre asked where does the option for the existing Health Care Facility get added in? Mr. Kropski replied that portion will be discussed later in the presentation. Mr. McIntyre asked why are you not connecting the new facility to the current facility? Mr. Lyon replied in 2002, Mr. Blumenstock had talked about using the old facility as a contingency. Mr. McIntyre asked was that taken off the table? Mr. Lyon replied we are just planning for an eventuality. Mr. Donnelly asked bond anticipation notes run during the construction period? Mr. Alger replied once we make the decision we will go to market bond and you will have the cost of the bonding.

Mr. Kropski stated objectively we try to look at the future in terms of what the operation would look like after construction when you would be going through the rebasing. The project costs are based on 2005 costs and prices. The project costs are higher than what the Medicaid cap is for reimbursement purposes and the Medicaid cap is based on 105 beds, even though there will be 107 beds (2 of which will be respite beds). There is \$15 million that Medicaid will approve. There is \$3.75 million that has to be paid some way. Scenario #1 is that the County would contribute the \$3.75 million. Mr. Schwartz asked in your comparison of 2002 versus 2005, where did you get your figures for the inflation rates? They don't jive with the national inflation rates. Mr. Lyon replied we engaged The Pike Company to update the estimates that they did at the end of 2002. Mr. Flannery stated that they are just finishing up with Livingston County who just built a \$40 million facility. We tracked the prices. Our department does \$1.6 billion in estimating throughout the year and we track those trends. We are averaging between 8 – 10 percent inflation on how the bids are returned and the cost of steel. Mr. Stachnik commented building commodities increased faster than the CPI. Do you see a slow down in that? Mr. Flannery replied we have seen some leveling off this year in the bid rates. Mr. McIntyre asked does your cost estimate include an update of the cost of equipment, etc.? Mr. Lyon replied yes. Mr. Kropski explained your contribution would be used as the first dollars in for construction and then they would kick in the funding of \$15.6 million. Scenario #2 is that the project would be 100 percent financed at a cost of \$19.7 million.

Mr. Kropski stated that some major assumptions they are making about revenue is that the rebasing will occur in 2008 after the Certificate of Occupancy is received and the rebasing will increase annual revenue

by slightly more than \$1,000,000. They are anticipating that third party revenue rates will increase 2 percent per year and that private rates will grow 5 percent in 2006 -2008 and 3 percent in 2009 – 2010. The new facility will allow for improved productivity to handle more higher acuity residents and outpatient rehab services. There is an opportunity for revenue there that with the proper facility and therapist, you would be able to handle.

Mr. Stachnik commented five years ago a presentation was made that depicted demographics and need. At that time, it showed that was a great need. Mr. Kropski commented those needs have probably gone up a little bit. Mr. Ahrens asked how is the rebasing rate calculated? Mr. Kropski replied there is a ceiling and you would be at the ceiling. Mr. Isaman stated you are basing the number on a 107-bed facility. If we could get 120 beds, did you do any numbers for that? Mr. Kropski replied they did not do numbers for a 120-bed facility. Mr. Lyons commented with the 25 percent equity requirement, the State wanted to control Medicaid costs. They are encouraging nursing homes to reduce their size across the State.

Mr. Schwartz asked how can you justify that with all of the baby boomers? Mr. Lyons replied he couldn't argue with the New York State logic. They are simply looking at the dollar and cents cost. Mr. Schwartz commented the government is trying to drive the investment in Medicaid to the private sector. Mr. Zehr stated that New York State is giving the presentation of over bedding. There are certain regions in the State that are predicting growth. This County will need 99 more beds. Down the road, if and when the need is there, we would have the capacity to build on.

Mr. McIntyre commented the design we have now allows for building on. It will cost as much to add on as to build. Mr. Isaman asked if you add a second story, does that give us the same efficiency as if we built it now? Mr. Lyon replied it will cost more in construction dollars, but it will give you better operating efficiency. Mr. Isaman asked in your design, will that be built in? Mr. Lyon replied yes. Mr. Nichols commented with regard to the boiler system, will that be built large enough as well as the kitchen to accommodate if you build on? Mr. Lyon replied yes.

Mr. Donnelly asked how long has it been since the State approved an increase in beds? Mr. Alger replied we didn't look at 120 beds as at this point we would have to submit a new CON and the equity requirement would be 25 percent. Extra beds are a future decision and that would be under the 25 percent contribution. This CON now is probably the County's last opportunity to do this with the maximum amount of State participation. This will not inflate the cap beyond 2006. This is the best position you can be in for construction with the CON at this point. Mr. Kropski commented timing is everything. The question is can you handle in the new facility, higher acuity residents and we have estimated that you can and will. You have an opportunity to open up an outpatient center. That will add approximately \$170,000 in new revenue. We did not include any change in the payor mix. Mr. Zehr stated Medicare pays based on the services received. The maximum they pay is \$300 and we are at \$280 or a little under.

Mr. Schwartz asked when you take in a patient and they have a medical prescription plan, do you use it? Mr. Zehr replied we will be addressing that in January 2006. There is not a whole lot of solid information that we can go on, but we can remove the medication costs out of our rate. We are doing it where we can. Mr. Kropski stated in their estimates they used a payor mix of 83 percent Medicaid. We are predicting that your occupancy rate will be 97 percent.

Mr. Kropski stated the major assumptions with regard to expenses is that there will be a 2.5 percent wage increase during 2006 – 2008 and there will be a 41 percent and 42 percent fringe rate in 2008 and 2010 respectively. Other expenses will increase 2 percent annual and the utility expenses will increase due to new building codes regarding ventilation. The bond interest rate will be 5.5 percent. Mr. Kropski stated that with Scenario #1 where you do bond financing at the cap, we are not predicting any one-time spike in revenue. In 2008 estimated revenues will be \$9.8 million, estimated expenses will be \$10.2 million and there will be a deficit of \$428,000. The original 2002 CON showed a deficit of \$440,000. Scenario #2 which is bond financing at the total project cost, the 2008 estimated revenues would be \$9.8 million, estimated expenses would be \$10.3 million and the deficit would be \$562,000. In 2010 the deficit would be \$638,000.

Mr. McAllister asked if your estimates are figured conservatively, it is likely to run more than that? Mr. Zehr replied those figures are really geared around what happens with wages. Mr. Stachnik commented those wages may well increase whether we build a building or not. Mr. Kropski stated the rebasing does have an impact on the bottom line.

Mr. Alger stated there are four options with regard to the Health Care Facility and there are a lot of considerations with today's presentation. The first option is to close the facility up front. He doesn't believe that is the consensus among the members that is a direction they want to go in today. It is an option. The second option is the sale or lease of the facility. We attempted to do this last year. We could look at that again. We could look at an organization, corporation or other way of operation for the facility. Last year we were not successful in getting a proposal that the entire Board was comfortable with. The third option is to continue operation of the existing facility. In the presentation we included our best guesses for what the facility needs today. The roof needs replacing and the building is 40 years old and needs upgrading. The cost to renovate would be \$5.5 - \$6 million. The fourth option is new construction. There is a lot to be said. We've attempted to show the Legislature the pros and cons of what the building will do for you. It will get you rebased. There will be a positive impact on operations. There are the unknowns. Wages could drive the deficit higher. When you look at building a new facility you are looking at \$3.7 million for the local cost of construction. You could build new for what it would cost to renovate. There are a lot of ifs and unknowns. Mr. Alger stated this is the last opportunity we will have for the CON to be done at the most favorable reimbursement rate. We can do it at the lower rate because the CON is already in the works. You can add beds now or later. We attempted to make ourselves as flexible as possible looking into the future. You will have a higher equity contribution, but you will gain the efficiency in operation by doing that. It is a difficult choice. You know going in that you are going to face operating deficits. There will be a different form of the IGT that will be smaller, about \$150,000 or maybe \$300,000 which will be additional reimbursement. There was a discussion about public facilities across the State. Many counties are faced with huge operating deficits compared to us. We do have a surplus and it closed last year with \$5.4 million. What's going to happen is unknown. There are a significant number of public facilities in the State that are operated by counties. We are in a better position than most. The other thing in our favor is we do have some flexibility with where we stand with operational costs. We could use the surplus to offset deficits in the future.

Mr. McAllister asked assuming we build new and it runs an operating deficit more than projected, can we sell the facility without having to reimburse the State? Mr. Kropski replied there is no requirement for a refund to the State.

Mr. Isaman stated in 2008 you projected a 12 percent per year increase in the deficit. Does that continue out? Mr. Kropski replied that he would say yes. Wage increase in excess of the inflation rate is a trend that would continue and the deficit will grow.

Mr. Stachnik commented new construction will generate rebasing. Renovating will not draw the same rebasing, correct? Mr. Lyon replied correct. It would need to be a significant renovation. However, the Department of Health will not tell you what significant renovation is.

Mr. Nielsen asked with regard to the last two options, to continue operation or to build new, how long will the State allow us to operate until we are not meeting the standards because of the infrastructure of the rooms? Mr. Zehr replied recently we went through a Department of Health survey. The types of doors we have now will all have to be transitioned in 2006. Also the smoke fire barriers have to be done. He commented that with regard to the discussion earlier about the baby boomers, we have to be able to operate effectively in an environment to be competitive with other facilities out there. Mr. Nielsen commented in time, that will drive us out of the business in the current facility.

Mr. Gehl stated that last Friday, InterCounty met at the Cattaraugus County nursing facility. He stated that he, Mr. Nielsen and Mrs. Chapman toured the facility, which is only a little over a year old, and it was very impressive. This the second county run facility that they are operating. It is amazing. They are making out better.

Mr. Mayo asked are the private operators in the County making money or losing money? Mr. Zehr replied that he would have to come back with an answer to that question. Mr. Mayo stated that he thinks we should know that there are facilities making money and look at what they are doing that allows them to make money. Are we competing with the private sector? Mr. Zehr replied there are a lot of variables involved. We have a different mission at the County, which is that we take individuals that nobody else will. He stated that he has worked closely with his staff and Mr. Alger so that we are more in line with the competitive environment. We have increased our rehab services and are offering outpatient services as well. Methodologically, we are moving in the direction that other facilities are probably already at, but we are getting there.

Mr. McIntyre stated with 105 beds there is no change in the numbers. He complimented Mr. Zehr on how he has increased the capacity. This is County operated and we should take care of folks that can't afford to be anywhere else. The change in philosophy goes against that. Mr. Zehr replied our private pay census in general is lower than others. We want to take care of those who have no place to go. Our mission is to accept those patients. We are the safety net of the County. He doesn't foresee changing that. However, there are people who will need short-term rehab and we can attract them to the facility and enhance our reimbursement and provide those services.

Mr. Nielsen commented that his understanding is that the private business can change ownership overnight, sell and get rebased. We can't do that. Mr. Zehr replied that is correct.

Mr. Roche commented that in surveys done in the past, our labor costs and fringe costs are significantly higher than private entities.

Mr. Isaman asked if we close the facility, would private industry come in and build a new 105-bed facility and be profitable? Mr. Alger replied who knows. There are so many factors that could influence that. There is not a good answer to that question. At the current time with the State in bed reduction, it would be difficult for anyone to come in with a CON and get it approved. Mr. Kropski commented that New York State's requirement of 25 percent equity will have a big effect.

Mr. Schwartz asked in the future if someone was in a different financial situation, would anyone ever be interested in coming in to build? There was someone that wanted to build a 200-bed facility in Erwin.

Mr. Jamison asked could we close the facility. Mr. Zehr replied yes. It would be a process over a period of time and we would work closely with the Department of Health to make sure the residents were appropriately and safely placed elsewhere. Mr. Stachnik commented we still have legal responsibility to take care of the people there now. Mr. Zehr stated we will still have responsibility on the Medicaid portion to support individuals who are on Medicaid. Mr. McAllister commented there are a great majority of Medicaid patients. If we don't build and get out of the business and they go elsewhere, we still pay? Mr. Zehr replied yes. Our Medicaid share is 10 percent. Mr. Donnelly asked if they go someplace else and their rate is higher, then our share could go higher? Mr. Zehr replied that was correct.

Mr. Nielsen asked could a private pay agency come in, purchase the facility, the CON and then move it to another county? Mr. Zehr replied yes, with Department of Health approval.

Mr. Nichols commented if we stay in the business it will cost us \$3.7 million to build new and if we stay in the current facility it will cost \$6 - \$7 million. The decision is to close, sell or build new for \$3.75 million or stay in the current facility for \$6 - \$7 million, is that correct? If our intention is to stay in the business, you almost have to build new. You have to build now or it will cost you more.

Mr. Schwartz asked if we sold the facility, does the money in the reserve fund come back to the General Fund? Mr. Alger replied it is his understanding that it probably would. Mr. Schwartz stated it would reduce the workforce. Mr. Alger stated if you sold the facility you would be gaining the reserve fund and you would have 150 less employees.

Mr. Isaman stated we must pay 10 percent for other people in different facilities. He stated that he would like that number. Mr. Alger stated we know that number and he will get it to the committee for their meeting.

Mr. McIntyre commented that he thinks the money in the reserve fund could be put toward the expenses of the old facility and it would be a wash. Mr. Nichols stated it's still money. You either double the amount you're spending or cut it in half

Mr. Ahrens informed the Board that new construction requires a bond inducement and that takes an extraordinary majority of two-thirds of the Legislature.

Mr. McIntyre asked what will we do with the other building? Mr. Alger replied it depends on what you decide to do with it. You could use it for office space, invest in it or turn it into assisted living. It will cost between \$1 - \$1.3 million to demolish it. Whatever you do with the new facility, if you don't tear down the old, it would be a new venture. Mr. McIntyre commented it will be an albatross. Mr. Alger stated this is an issue that needs to be addressed.

Mr. Walsh asked has there been talk about moving the facility to take advantage of the Bath utility rates? Mr. Roche replied if we moved the facility, we would lose the 90 – 10 reimbursement rate.

Mr. Isaman stated you have made changes in the design of the building. Could you give us more details? Mr. Lyon replied the biggest thing is we took the therapy pool out and there is less square footage on the ground floor. We also made the rooms slightly smaller and that resulted in a 12 percent reduction in the overall square footage.

Mr. Schwartz asked with Scenario #1 if we took the \$3.75 million contribution out of the surplus, could we use the excess to refurbish the old facility? Could we build the new facility and take the remainder of the surplus for the assisted living facility? Mr. Roche replied there is a \$4 - \$5 million reserve and after the contribution there would be \$1 million left and then the costs to change over to a residential facility. Mr. Alger stated that he doesn't know how that balance sheet would look opening an assisted living facility. It may generate revenue. We haven't done that analysis because the new facility is what we have been focusing on. That is an analysis that needs to be done. Mr. Roche stated if we decide to build new, that would be a separate project.

Mr. Nielsen asked do we own the building? Mr. Alger replied we own it. If we reuse it for public purposes, then he doesn't think you would have a problem with the State. If you turned it into, for example, a mall, then you would have problems.

Mr. Zehr commented that the assisted living movement is very tenuous and there is not a lot of support at the State level. As people age out and age healthier there will be that need. That population will need alternative living, but not necessarily nursing homes. The renovation cost is based on renovating it to nursing home codes. If you change it to office space, there would be different codes that probably would not be as expensive to renovate.

Mr. Nichols commented you took out the therapy pool. Will that inhibit us from taking care of rehab patients? Mr. Zehr replied it would help if we had it, however, it won't turn the tide if we don't have it. We are seeing less whirlpool and related services. The facilities that have the therapy pools have found that those are underutilized.

Mr. McIntyre commented there will be a portion of the new building that will have a flat roof. What will be the cost to replace it? Mr. Lyon replied if you go with a rubber roof those typically have a 10 – 20 year life span. The more expensive systems have 30 – 50 year life spans. The cost would probably be about \$8 per square foot. Mr. McIntyre commented in ten years you would be putting another \$2 million into a new roof.

Mr. Schwartz asked with regard to rehab services, would you be allowed to send individuals to other facilities? Mr. Zehr replied that is possible. We could accept anyone or take anyone in for rehab. Mr. Roche thanked Mr. Lyon, Mr. Kropski, Mr. Flannery, Mr. Zehr and Mr. Alger for their presentation. Mr. Nichols stated that he would like to thank Mr. Roche for calling a special meeting so that everyone could be here to listen to the presentation.

Mr. McIntyre informed the Board that Campbell Town Justice, Raymond Calhoun passed away Monday. Calling hours will be today from 2 p.m. – 4 p.m. and 6 p.m. – 8 p.m. at Carpenter's Funeral Home in Campbell. The funeral will be Thursday at 10:00 a.m. at St. Joseph's Church in Campbell.

*Motion to adjourn made by Mr. Schwartz. Seconded by Mr. McAllister and duly carried.*

Respectfully Submitted by:

Amanda L. Chapman  
Senior Stenographer  
Steuben County Legislature

**REGULAR MEETING**  
**Morning Session**  
**Monday, May 23, 2005**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 23<sup>rd</sup> day of May, 2005 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 for Legislators Argentieri, Baker, Creath and Swackhamer.

Mr. McIntyre offered the Invocation and the Pledge of Allegiance was led by Mr. McAllister.

Mrs. Kane asked Laurie Kemp to come forward. Ms. Kemp is an employee in the Department of Social Services. Chairman Roche presented her with a Certificate of Appreciation and a 15-year pin in recognition of her 15 years of service to Steuben County.

Mrs. Kane asked Sheila Moon to come forward. Ms. Moon is an employee in the Department of Social Services. 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. Ms. Moon noted that she actually has 23 years of service as she had previously worked 13 years, left service and then returned again to work for the County.

Chairman Roche opened the floor for comments by members of the public. There being none, he closed the Public Comment portion of the meeting.

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

**REPORTS OF COUNTY OFFICERS**

Mr. Spagnoletti stated they are finishing work on the new transfer station. At this time I would like to recognize two individuals who made this possible. He asked Glenn Meteer, NYSDOT Real Estate Officer, and Peter White, NYSDOT Regional Director to come forward. With their assistance we were able to obtain a property transfer and secure Federal funding from the Highway Administration to pay for the new transfer station. Mr. Meteer thanked Mr. Spagnoletti for his help, as it enabled them to fulfill a mandate from the Federal Highway Administration.

Mr. Mayo stated the cooperation we have received from the State of New York for this project has been nothing but 100 percent and we appreciate that.

Mr. Biehl stated three years ago the NYS Association of Personnel Officers and Civil Service Administrators held their annual training conference at the Radisson in Corning. They liked it so much, that they are coming back this year on June 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup>. He invited the Legislators to stop in if they are in the area.

Mr. Wixom stated last Wednesday we took over the 7 digit emergency numbers. In addition, Nextel Wireless went Phase 2 on Saturday. They are now handling all 7 digit emergency numbers with the exception of Hornell City Police, Hornell City Fire Department and the Bath Village Police. I appreciate everyone's help and support. Since we've started we've taken approximately 6,500 calls. He noted that Sprint starts their Phase 2 testing this Thursday. Discussion followed.

Mr. Alger introduced Stanley Wraight, the new County Auditor.

Chairman Roche stated he asked John Clifford to give the Legislature an update on the Western Regional Off-Track Betting Corporation (WROTBC).

Mr. Clifford stated it is a pleasure and honor to be here this morning. In 1974 Steuben County and 18 other counties had the opportunity to make an investment. On February 1, 1974, Steuben County loaned the WROTBC \$22,880 to cover start-up costs and form the corporation. Since that time, Steuben County has received a return on their original investment over 219 times. During the period of 1974 through 2004, Steuben County has earned profit distributions from WROTBC totaling \$5,007,202.

Mr. Clifford stated WROTBC employs 10 people in Steuben County and has paid wages and fringe benefits totaling \$9,335,647. This money has primarily benefited the local economy. They have 39 branches, 2 of them in Steuben County. They originally had 3 branches in Steuben County, but they closed the Bath office last year. However, they are currently investigating putting in an easy bet terminal in Bath. He noted OTB participation hasn't been as great as it was back in the 1970's due to the several other gambling options, such as the NYS Lottery, legalized bingo and reservation casinos. Last week they opened the Batavia Gaming Center. The second floor of Batavia Downs is now filled with video lottery terminals. They opened to a crowd of 3,000 people. This spells good news for Steuben County and the other counties that participate in the WROTBC. The Board of Directors for WROTBC consists of 17 individuals from 15 counties and 2 major cities. They meet once per month in Batavia. He noted they have live racing again at Batavia Downs in August. Things are going quite well.

Mr. Schwartz asked are they going to open Tioga Raceway? Mr. Clifford stated that isn't a WROTBC operation, but it will be opening.

Mr. Stachnik stated last summer he spent a day at Saratoga Raceway. They have the video lottery terminals (VLTs) and it was amazing how many people didn't pay attention to the live racing as they were too busy playing the VLTs. Mr. Clifford stated people have too many things to occupy their time now rather than going to live horse racing. In fact, the makeup of people at the track betting on live horse racing is 57 years of age and older. Discussion followed. Chairman Roche thanked Mr. Clifford for his presentation.

Mr. Gehl announced last Saturday was EchoTaps and one of our Department Heads, Jim Gleason, participated in the event. He stated there were 866 people playing Taps at the same time.

#### **RESOLUTION NO. 080-05**

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**, 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     Gary Hammond      
Parcel #     098.00-01-001.000      
Municipality     Avoca Town      
Disposition     Correction    

Resolution #     A-2      
Name     Hyatt Clair Hatch      
    Am Legion Post No 776      
Parcel #     017.15-02-053.000      
Municipality     Cohocton Town      
Disposition     Refund    

Resolution #     A-3      
Name     Kiva Project      
Parcel #     197.11-03-048.000      
Municipality     Canisteo Village      
Disposition     Correction    

Resolution #     A-4      
Name     Kiva Project      
Parcel #     197.11-03-017.000      
Municipality     Canisteo Village      
Disposition     Correction    

Resolution #     A-5      
Name     Hornell Holdings, LP %Jane Karlsten      
Parcel #     136.00-01-025.200      
Municipality     Hornellsville Town      
Disposition     Correction    

Resolution #     A-6      
Name     Guy & Virginia Hallgren      
Parcel #     281.00-03-005.000      
Municipality     Erwin Town      
Disposition     Refund

SCHEDULE "B"

Resolution # B-1  
Former Owner John J Mosko  
In Rem Index No. 88508, 2003 sale  
Parcel # 151.00-02-041.000  
Municipality Hornellsville Town  
Grantee(s) John J Mosko Est & Agnes M Mosko  
Grantee(s) Address 2033 Cty Rd 50, Arkport, NY 14807  
Consideration \$379.94, together with \$211.00 recording fees

Resolution # B-2  
Former Owner Michael D Olena  
In Rem Index No. 88508, 2003 sale  
Parcel # 213.00-01-030.200  
Municipality Hartsville Town  
Grantee(s) Michael D Olena  
Grantee(s) Address 226 E Filbert St, E Rochester, NY 14445  
Consideration \$4,642.64, together with \$121.00 recording fees

Resolution # B-3  
Former Owner Lewis Martin  
In Rem Index No. 88508, 2003 sale  
Parcel # 276.11-01-039.000  
Municipality Thurston Town  
Grantee(s) Lewis Martin  
Grantee(s) Address 6281 CR 100, Addison, NY 14801  
Consideration \$5,741.64, together with \$121.00 recording fees

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 081-05**

Introduced by P. Roche.

Seconded by F. Gehl.

**RECEIVING AND ACCEPTING THE MAY 23, 2005, 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:

**Proclamations Issued:**

- Proclaiming the week of April 25<sup>th</sup>, 2005, as Administrative Professionals Week in Steuben County.

**April 15, 2005**

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 First Amendment to PILOT Agreement. **Referred to: Administration Committee; Donna Hatch, RPTSA Director; Larry Crossett, County Treasurer; and Fred Ahrens, County Attorney.**

**April 18, 2005**

1. NYS Office of Parks, Recreation & Historic Preservation - Re: Wood Road Bridge, Campbell, NY - has been listed on the national Register of Historic Places. **Referred to: A.I.P. and Public Works Committees; Twila O'Dell, Historian; Greg Heffner; Planning Director; and Vincent Spagnoletti, Public Works Commissioner.**
2. NYS Office of Children & Family Services - Re: Peer-to-Peer technical assistance to be provided during 2005 and 2006 by the Vera Institute of Justice's National Youth Justice Program. The focus of the assistance will be on local use of detention and identifying ways of reducing reliance on detention. **Referred to: Public Safety & Corrections Committee; Human Services Committee; Health & Education Committee; Frank Justice; Probation Director; Kathryn Biehl, DSS Commissioner; and Dr. Robert Anderson, Community Services Director.**

**April 26, 2005**

1. Bath Village Board - Re: Resolution urging the Governor and State Legislature to reach agreement on a local Medicaid cap during 2005-2006 Legislative Session.
2. Woodhull Town Supervisor - Re: Letter on behalf of Town of Woodhull residents urging the Governor and State Legislature to pass a Medicaid cap.

**May 3, 2005**

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$6,606 representing the March 2005 retained surcharge revenue for Steuben County from the WROTB. **Referred to: Finance and Rules Committees; and Larry Crossett, County Treasurer.**

**May 5, 2005**

1. EMSTAR (Emergency Medical Services Training, Administration & Resources - Re: First Quarter 2005 Report and payment request of \$1,406.25. **Referred to: Health & Education Committee and Public Safety & Corrections Committee; Vicki Fuerst, PHN Director; and Mike Sprague, EMO Director.**

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 082-05**

Introduced by P. Donnelly.

Seconded by R. Nichols.

**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, 2004, to the 31st day of March, 2005, 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**, a certified copy of this resolution shall be forwarded to the County Treasurer, the Director of Real Property Tax Service, and the Steuben County Clerk:

**MORTGAGE TAX APPORTIONMENT**

The amount of money in your hands on March 31, 2005, which was received by you from the County Clerk as taxes paid to her upon the real property mortgages filed in her office since October 1, 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 \$559,106.81.

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 - 5/2005**

<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	4,410.61	ADDISON	1,968.02	<b>6,378.63</b>
AVOCA	10,015.84	AVOCA	1,615.97	<b>11,631.81</b>
		BATH (1)	12,180.09	
BATH	41,001.86	SAVONA (2)	1,187.28	<b>54,369.23</b>
BRADFORD	3,317.74			<b>3,317.74</b>
CAMERON	2,793.96			<b>2,793.96</b>
CAMPBELL	15,952.89			<b>15,952.89</b>
CANISTEO	14,332.85	CANISTEO	4,751.74	<b>19,084.59</b>
CATON	13,410.28			<b>13,410.28</b>
COHOCTON	12,110.23	COHOCTON	1,734.55	<b>13,844.78</b>
CORNING CITY	49,952.27			<b>49,952.27</b>
		RIVERSIDE (1)	1,652.23	
CORNING TOWN	37,752.49	S CORNING (2)	2,887.07	<b>42,291.79</b>
DANSVILLE	7,910.23			<b>7,910.23</b>
ERWIN	81,162.72	PAINTED POST	7,245.31	<b>88,408.03</b>
FREMONT	5,006.91			<b>5,006.91</b>
GREENWOOD	1,605.31			<b>1,605.31</b>
HARTSVILLE	2,694.91			<b>2,694.91</b>
HORNBY	8,341.61			<b>8,341.61</b>
HORNELL CITY	33,560.32			<b>33,560.32</b>
		ALMOND (1)	30.47	
		ARKPORT (2)	1,434.87	
HORNELLSVILLE	16,398.61	V N HORNELL (3)	1,618.10	<b>19,482.05</b>
HOWARD	4,955.49			<b>4,955.49</b>
JASPER	2,967.53			<b>2,967.53</b>
LINDLEY	9,187.48			<b>9,187.48</b>
PRATTSBURGH	12,922.05			<b>12,922.05</b>
PULTENEY	17,901.08			<b>17,901.08</b>
RATHBONE	3,939.48			<b>3,939.48</b>
THURSTON	5,343.53			<b>5,343.53</b>
TROUPSBURG	6,493.06			<b>6,493.06</b>
TUSCARORA	4,709.65			<b>4,709.65</b>
URBANA	33,519.37	HAMMONDSPORT	3,391.12	<b>36,910.49</b>
WAYLAND	16,293.51	WAYLAND	3,893.14	<b>20,186.65</b>
WAYNE	19,204.23			<b>19,204.23</b>
WEST UNION	1,194.59			<b>1,194.59</b>
WHEELER	6,592.58			<b>6,592.58</b>
WOODHULL	6,561.58			<b>6,561.58</b>
	<b>513,516.85</b>		<b>45,589.96</b>	<b>559,106.81</b>

The foregoing shall be your sufficient warrant for the payment of said sums as above directed.

DATED: May 23, 2005.  
Bath, New York

STEUBEN COUNTY LEGISLATURE

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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 23, 2005.  
Bath, New York

\_\_\_\_\_  
Christine Kane, Clerk  
Steuben County Legislature

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 083-05**

Introduced by P. Donnelly.

Seconded by R. Nielsen.

**AMENDING THE CASH INVESTMENT POLICIES OF THE COUNTY OF STEUBEN.**

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

**BE IT FURTHER RESOLVED**, that the authorized depositories for the County of Steuben as contained in the County's Investment Policy, adopted 12/23/85, are amended as follows:

Bank of America	\$30,000,000.00
Bath National Bank	\$20,000,000.00
Steuben Trust Company	\$15,000,000.00
J.P. Morgan Chase	\$40,000,000.00
Community Bank	\$15,000,000.00
First State Bank	\$10,000,000.00
Chemung Canal Trust	\$10,000,000.00
M&T	\$10,000,000.00

**FOR INVESTMENTS ONLY**

Cooperative Liquid Assets Securities	\$ 5,000,000.00
Morgan-Stanley	\$10,000,000.00
North Fork Bank – Mattituck, NY	\$10,000,000.00
Park Avenue Bank – New York, NY	\$10,000,000.00
Partners Trust Bank – Utica, NY	\$10,000,000.00
BPD Bank – New York, NY	\$10,000,000.00

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

Mr. McIntyre asked what is the resolution about? Mr. Crossett stated sometimes they need to update their list of authorized depositories for County funds. Most of these are name changes. However, there are 4 new financial institutions added to the list for investment purposes only. Mr. Donnelly stated these are secured by government bonds up to the amount of our deposits.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 084-05**

Introduced by P. Donnelly.

Seconded by T. Schwartz.

**CLOSING THE REAL PROPERTY TAX SERVICE AGENCY'S OFFICE RENOVATION CAPITAL PROJECT AND TRANSFERRING THE FUND BALANCE TO THE NAD83 CONVERSION CAPITAL PROJECT.**

**WHEREAS**, the Administration Committee did approve in 2003, a Capital Project in the Real Property Tax Service Agency for a Tax Map NAD83 Conversion Project; and

**WHEREAS**, requests for proposals are being sought for the scope of services identified in the Tax Map NAD83 Conversion Project; and

**WHEREAS**, the Administration and Finance Committees have approved closing the Office Renovation Capital Project and transferring all funds to the NAD83 Conversion Capital Project.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Treasurer be and the same hereby is authorized and directed to transfer the balance of the Office Renovation Capital Project of \$28,671.70 to the NAD83 Conversion Capital Project account; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 085-05**

Introduced by K. Isaman and P. Donnelly.

Seconded by T. Schwartz.

**AUTHORIZING THE TRANSFER OF \$6,000 FROM THE WILSON AVENUE PARKING LOT CAPITAL PROJECT TO THE CIVIL DEFENSE PARKING LOT CAPITAL PROJECT.**

**WHEREAS**, the Agriculture, Industry and Planning Committee and the Finance Committee have approved the recommendations from the County Administrator and the County Superintendent of Buildings and Grounds to repair the Civil Defense Center parking lot; and

**WHEREAS**, it is necessary to appropriate additional funds to complete the project; and

**WHEREAS**, funds are available in the Wilson Avenue Parking Lot Capital Project Account HB2401.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Treasurer be and the same hereby is authorized and directed to appropriate the sum of \$6,000 from the Wilson Avenue Parking Lot Capital Project Account HB2401, to the Civil Defense Parking Lot Capital Project; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the County Treasurer and the Superintendent of Buildings and Grounds.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 086-05**

Introduced by K. Isaman and P. Donnelly.  
Gehl.

Seconded by F.

**ACCEPTING A GRANT PURSUANT TO SECTION 5311, TITLE 49, UNITED STATES CODE, TO PURCHASE TWO BUSES, AND AUTHORIZING THE CHAIRMAN OF THE STEUBEN COUNTY LEGISLATURE TO SIGN ALL NECESSARY DOCUMENTS FOR SAID PURCHASE.**

**WHEREAS**, the County of Steuben has been approved for a grant of funds by the New York State Department of Transportation, pursuant to Section 5311, Title 49, United States Code, for the purchase of two (2) thirty (30) foot buses, and

**WHEREAS**, the County of Steuben and the State of New York are entering into an Agreement which authorizes the purchase of said buses and payment of the Federal and State shares for the purchases, hereinafter referred to as the "Project"; and

**WHEREAS**, the agreement between the County of Steuben and First Transit, Inc. authorizes First Transit, Inc. to purchase buses on behalf of the County of Steuben; and

**WHEREAS**, said agreement also requires First Transit, Inc. to provide the ten-percent (10%) local match required for the Section 5311 Grant.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Chairman of the Steuben County Legislature is hereby authorized to sign any and all agreements between the County of Steuben and the State of New York for the above-named Project; and be it further

**RESOLVED**, that the Chairman of the Steuben County Legislature is further authorized to sign any and all agreements between the County of Steuben and any third party contractors necessary to complete the Project, if appropriate; and be it further

**RESOLVED**, that the County of Steuben certifies through this resolution that the estimated local share of 10% of the total project cost, as described in the Federal Section 5311 Project Application, is committed to this Project; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Steuben County Planning Director, and to Bradley A. Thomas, First Transit, Inc., 17 Aviation Drive, Horseheads, New York 14845.

Mr. Schwartz asked would they be using the bid process to make the purchase? Mr. Heffner stated yes, in fact there are several counties going into this process together to obtain a better price. He noted there is no County funding involved.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 087-05**

Introduced by K. Isaman and P. Donnelly.

Seconded by T. Schwartz.

**TRANSFERRING \$3,066 FROM THE CONTINGENT FUND TO FIREFIGHTERS EMERGENCY MEDICAL SERVICES TRAINING.**

**WHEREAS**, the County of Steuben has identified the need for Volunteer Firefighters and Emergency Medical Providers training in order to deliver Fire and Emergency Medical Services ("EMS") 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 depends on well-trained volunteer fire and EMS service.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Office of Emergency Services has requested additional funding to address the current unmet needs of the State Fire & EMS Training Program; and be it further

**RESOLVED**, the Public Safety & Corrections Committee and Finance Committee have unanimously approved the request to transfer \$3,066 from the Contingent Fund to provide additional training for firefighters and EMS personnel; and be it further

**RESOLVED**, that these funds be transferred from the Contingent Fund, and the Steuben County Treasurer is authorized and directed to make the necessary budget amendments and transfers to allocate such funding to the Office of Emergency Services budget in order to facilitate the funding of training as identified by the Director of Emergency Services; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 088-05**

Introduced by P. Roche.

Seconded by F. Gehl.

**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**

**Term**

Mary Shupp, Pinnacle State Park

01/01/05 – 12/31/07

**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 her 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., 1 West Market Street, Suite 301, 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.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. Schwartz, seconded by Mr. Stachnik and duly carried.*

*Motion settling an unidentified EEOC Claim in the amount of \$18,500 in exchange for resignation of the employee and universal release; said amount to be paid to Attorney Christine Agola, of Rochester, attorney for the claimant, details of paid settlement to remain confidential and not available to FOIL entitlements without Federal Court and/or EEOC release; details of the settlement are on deposit with the County Attorney's Office; authorizing the transfer of \$7,175 in back pay from the Public Health and Nursing Services' Personal Services line item to the Claims and Judgements line item; subject to the execution of release within five days made by Mr. Roche, seconded by Mr. Gehl. Vote: Roll Call – Adopted. Yes: 7402; No: 513; Absent: 1957. No: Schwartz; Absent: Argentieri, Baker, Creath and Swackhamer.*

*Motion to adjourn executive session and reconvene in regular session made by Mr. Schwartz, seconded by Mr. Nielsen and duly carried.*

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

**REGULAR MEETING**  
**Morning Session**  
**Monday, June 27, 2005**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 27<sup>th</sup> day of June, 2005 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.

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

Mrs. Kane asked Cynthia Perkins to come forward. Ms. Perkins is an employee in the Department of Motor Vehicles. 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 Janice Caparulo to come forward. Ms. Caparulo is an employee in the Information Technology Department. Chairman Roche presented her with a Certificate of Appreciation and a 15-year pin in recognition of her 15 years of service to Steuben County.

Mrs. Kane asked Judy Brill to come forward. Ms. Brill is an employee in the Information Technology Department. Chairman Roche presented her with a Certificate of Appreciation and a 15-year pin in recognition of her 15 years of service to Steuben County.

Chairman Roche stated I received a letter from the Steuben County Coalition of Food Pantries that they would like entered into the record:

We would like to thank you for the money allocated to us over the past several years in the form of lines of credit at the Food Bank of the Southern Tier. In 2003, there were 18 food pantries in the County receiving the grants. In 2004, the number increased to 19 and to 20 in 2005.

To illustrate how the grant money was used, we served a total of 39,468 adults, children and elderly during the year of 2003, and that number more than doubled to 82,177 in 2004. Some asked for help only once or twice during the year while others came every month. June 7, 2005, has been designated National Hunger Awareness Day, but we know that hunger is with us every day. Please take some time out of your busy schedules to visit any of our pantries and see for yourself the face of hunger. It could be any of us. Again, we are deeply grateful for your continuing financial support without which many of us would be unable to meet the nutritional requirements of those who come to us in need.

Respectfully,

Sue McMindes, Steuben County Rural Ministry  
Josephine Dibble, Bradford Food Pantry  
Carol Meniham, Corning Community Food Pantry  
Marilyn Simms, Hornell Gospel Tabernacle Food Pantry  
Beth Wasson, Corning Community Food Pantry  
Kim Snyder, Pantry of Angels  
Kelly Schoener, Pantry of Angels  
Carol Preston, LightHouse Food Pantry, Avoca UMC  
Linda Kressly, Loaves & Fishes Pantry, Hammondsport Churches  
Janet Lambert, Painted Post Food Pantry  
Joan Candleamer, Painted Post Food Pantry

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

Phoebe Hughes, Health Care Facility resident, stated I'm here to remind you that I know you'll have to raise taxes no matter what you do, but it would be raising taxes as much for the facility in its current condition as you will if you build new. We have a wonderful bunch of people in the Health Care Facility and I'm proud to be there. We've given up so many things to be there and many people will end up there in the end. Thank you.

Marie VanSkiver, Health Care Facility resident, stated the nursing home is a business and we need business in Steuben County. A lot of the people that come and call on their loved ones in our home spend money. They take them to lunch and buy clothes for them. We need a new building because the one we have isn't as equipped as it should be. I have a private room and the girls have to put blankets along my windows because the wind blows through during the colder months. Thank you.

Jerry Dartt, former Steuben County Sheriff, stated a week ago on June 9<sup>th</sup> I ended up in the hospital in Hornell. The next morning I was put on a ventilator and didn't know where I was or who I was. I couldn't talk for 4 days but then we started looking for places to go for rehab. There were three places I could go, and I chose the Health Care Facility. I've been there for one week and the rehab is working tremendously. I've gained a lot so far and will gain more. There are 105 people out there and there are many people who come to see their loved ones and their families. I think it is important that the facility is carried on.

Sally MacDougal, CSEA President, stated I'm here today to speak on behalf of the employees at the Health Care Facility. This will probably be the last time I address this board as effective July 1<sup>st</sup>, Christopher Ellis will be the new CSEA President. I hope you will show him the same respect you have shown me. A new Health Care Facility will benefit not only the employees, but the residents and community as well. Thank you.

There being no further comments, Chairman Roche declared the Public Comment portion of the meeting closed.

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

### **REPORTS OF COUNTY OFFICERS**

John Zehr, Health Care Facility Administrator, stated I received notice last week that the Department of Health has recognized the fact that the reimbursement for County-owned facilities needs to be fixed. I've been informed that Steuben County will receive \$400,000 from the disadvantaged funds pool for 2005 and at least \$200,000 for 2006.

### **RESOLUTION NO. 089-05**

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**, a certified copy 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     James & Barbara Heckman      
Parcel #     325.12-01-044.000      
Municipality     Jasper Town      
Disposition     Refund    

Resolution #     A-2      
Name     NYS DEC      
Parcel #     027.00-02-014.112      
Municipality     Wayland Town      
Disposition     Correction    

Resolution #     A-3      
Name     Gary & Betty Williams      
Parcel #     381.00-01-023.000      
Municipality     Woodhull Town      
Disposition     Refund    

Resolution #     A-4      
Name     Raymond Conner      
Parcel #     401.00-01-009.000      
Municipality     Woodhull Town      
Disposition     Refund    

SCHEDULE "B"

Resolution #     B-1      
Former Owner     Fred Wizeman      
In Rem Index No.     88508, 2003 sale      
Parcel #     152.00-01-002.200      
Municipality     Hornellsville Town      
Grantee(s)     Fred Wizeman      
Grantee(s) Address     6921 Upper Glen Ave, Hornell, NY 14843      
Consideration     \$5,586.36, together with \$121.00 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 Rosemary Nichols  
In Rem Index No. 88508, 2003 sale  
Parcel # 278.00-03-011.000  
Municipality Campbell Town  
Grantee(s) Rosemary Nichols  
Grantee(s) Address PO Box 221, Bath, NY 14810-0221  
Consideration \$943.93, together with \$211.00 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 Blades Living Trust (Kiva Project)  
In Rem Index No. 84256, 2001 sale  
Parcel # 197.11-03-017.000  
Municipality Canisteo Village  
Grantee(s) Kiva Project  
Grantee(s) Address PO Box 260, Woodhull, NY 14898  
Consideration \$2,320.76, together with \$211.00 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 Blades Living Trust (Kiva Project)  
In Rem Index No. 84256, 2001 sale  
Parcel # 197.11-03-048.000  
Municipality Canisteo Village  
Grantee(s) Kiva Project  
Grantee(s) Address PO Box 260, Woodhull, NY 14898  
Consideration \$709.10, together with \$211.00 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 Theodore Everman  
In Rem Index No. 88508, 2003 sale  
Parcel # 026.00-03-001.200  
Municipality Wayland Town  
Grantee(s) Theodore F Everman & Amy S Everman,  
husband and wife, as tenants by the entirety  
Grantee(s) Address 10321 Goose Creek Rd, Dansville, NY 14437  
Consideration \$1,155.46, together with \$211.00 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 Eladio Martinez  
In Rem Index No. 88508, 2003 sale  
Parcel # 053.00-03-002.127  
Municipality Wayland Town  
Grantee(s) Dale A Lane  
Grantee(s) Address 263 Lake St, Penn Yan, NY 14527  
Consideration \$1,290.40, together with \$121.00 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 Richard G & Dorothy Angel  
In Rem Index No. 88508, 2003 sale  
Parcel # 116.00-02-034.000  
Municipality Urbana Town  
Grantee(s) Richard G Angel & Dorothy Angel  
Grantee(s) Address c/o Beverly Robinson, PO Box 86, Cocoa, FL 32923  
Consideration \$3,014.50, together with \$121.00 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. 090-05**

Introduced by P. Roche.

Seconded by D. Baker.

#### **RECEIVING AND ACCEPTING THE JUNE 27, 2005, COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.**

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

##### **May 9, 2005**

1. NYS Department of Taxation & Finance - Re: Imposition of sales and compensating use taxes regarding election or rejection of two new weekly exemption periods for clothing and footwear costing less than \$110 per item of clothing or pair of footwear. First new exemption week begins 8/30/05 through 9/5/05, and second exemption week begins 1/30/06 through 2/5/06. **Referred to: Finance Committee and Larry Crossett, County Treasurer.**

##### **May 13, 2005**

1. Wayland Town Board - Re: Letters to Governor and State Legislature voicing their strong support for passage of a Medicaid cap, and stating further that residents of Steuben County can no longer bear this burden.

##### **May 16, 2005**

1. State of New York Executive Chamber, Director of Criminal Justice - Re: State appropriation to pay a portion of the cost incurred by counties for prosecution and defense for hearings on registered sex offenders designated risk level 2 or level 3. District Attorney's Office and Public Defender's Office both to receive \$10,013 in payments. **Referred to: Public Safety & Finance Committees; John Tunney, District Attorney; Byrum Cooper, Public Defender; and Larry Crossett, County Treasurer.**

**May 17, 2005**

1. NYS Department of Health - Re: Legislation authorizing the DOH to apply for a Medicaid waiver for enhanced nursing home transition and diversion activities. **Referred to: Health & Education Committee and John Zehr, HCF Administrator.**

**May 20, 2005**

1. Senate Minority Leader, David A. Paterson - Re: Letter to Chairman Roche regarding the need for cost-cutting reform of the State's Medicaid Program and for local property tax relief. **Referred to: Human Services Committee and Kathryn Biehl, DSS Commissioner.**

**May 23, 2005**

1. NYS Office of Temporary & Disability Assistance - Re: Notice of County's allocation of \$166,890 for the Temporary Assistance for Needy Families (TANF) Summer Youth Employment Program for 2005. **Referred to: Human Services Committee and Kathryn Biehl, DSS Commissioner.**

**May 26, 2005**

1. Senator Mary Lou Rath - Re: Letter to Chairman Roche regarding the need for reform of the State's Medicaid Program. **Referred to: Human Services Committee and Kathryn Biehl, DSS Commissioner.**

**June 6, 2005**

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$6,738 representing the April 2005 retained surcharge revenue for Steuben County from the WROTBC. **Referred to: Rules and Finance Committees and Larry Crossett, County Treasurer.**

**June 13, 2005**

1. The League of Women Voters of New York State - Re: Request that Steuben County support precinct-based optical scan voting systems with accessible marking devices to replace lever voting machines currently in use in the State. **Referred to: Administration Committee and Sharlene Thompson and Allan Johnson, Election Commissioners.**
2. NYS Emergency Management Office - Re: Steuben County's application for participation in the FFY 2005 Local Emergency Management Performance Grant has been approved - final award to Steuben County is \$23,692. **Referred to: Public Safety & Corrections Committee and Mike Sprague, EMO Director.**
3. Bruce and Donna Scott, Naples, NY - Re: Letter to the SCIDA expressing opposition to the creation of wind farms on the hillsides surrounding Prattsburgh and Italy, NY. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 091-05**

Introduced by P. Donnelly and G. Swackhamer.

Seconded by All Legislators.

**PRESENTING COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2005, AMENDING LOCAL LAW NO. TWO FOR THE YEAR 2002, TO INCREASE THE INCOME LEVEL FOR WHICH AN OWNER OR OWNERS MAY QUALIFY FOR REAL PROPERTY EXEMPTIONS FROM \$19,500 PER ANNUM TO \$22,500 PER ANNUM INCOME, RELATIVE TO SENIOR CITIZENS.**

Pursuant to Real Property Tax Law §467 and §§10 and 20 of the General Municipal Law.

**WHEREAS**, the Administration and Finance Committees of the Steuben County Legislature have recommended increasing the income level of an owner or owners of real estate who are sixty-five (65) years or older who qualify for partial real property tax exemption; and

**WHEREAS**, the aforesaid income level was established by Local Law No. Two for the Year 2002 at \$19,500 and the Administration and Finance Committees of the Steuben County Legislature have recommended an increase to \$22,500.

**NOW THEREFORE, BE IT**

**RESOLVED**, there is hereby presented to each member of this County Legislature County of Steuben Local Law Tentatively No. Two for the Year 2005, amending Local Law No. Two for the Year 2002, to increase the income level for which an owner or owners may qualify for real property exemptions from \$19,500 per annum income to \$22,500 per annum income, relative to Senior Citizens, as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. TWO OF THE YEAR 2005**

**A LOCAL LAW** amending Local Law No. Two for the Year 2002 to increase the income level for which an owner or owners may qualify for real property exemptions from \$19,500 per annum income to \$22,500 per annum income for Senior Citizens.

**BE IT ENACTED** by the Legislature of the County of Steuben, as follows:

**SECTION 1: LEGISLATIVE INTENT**

The purpose of this Local Law is to amend Local Law No. Two for the Year 2002, Section 2, to provide an increase in the income of qualified owners from \$19,500 per annum to \$22,500 per annum income.

**SECTION 2: AMENDMENT OF LOCAL LAW NO. TWO FOR THE YEAR 2002 - SECTION 2**

Local Law No. Two for the Year 2002, Section 2, be and the same hereby is, amended to read as follows:

"If the income of the owner or the combined income of the owners for the income tax year immediately preceding the date of making application for exemption exceeds the sum of [Nineteen Thousand Five Hundred (\$19,500) Dollars] Twenty-two Thousand Five Hundred (\$22,500) Dollars."

**NOTE:** Old Law is in brackets [ ] and deleted;  
Matter underlined is new.

**SECTION 3. EFFECTIVE DATE**

The within Local Law shall be effective immediately upon passage and applicable the next tax year following.

**AND BE IT FURTHER RESOLVED**, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on the 25<sup>th</sup> day of July 2005 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 Director, Real Property Tax Service Agency.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 092-05**

Introduced by R. Nichols and G. Swackhamer.

Seconded by R. Nielsen.

**AUTHORIZING THE CONSTRUCTION OF A NEW HEALTH CARE FACILITY IN AND FOR THE COUNTY OF STEUBEN, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$19,710,000, AND AUTHORIZING THE ISSUANCE OF \$19,710,000 BONDS OF SAID COUNTY TO PAY THE COST THEREOF.**

**WHEREAS**, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act (“SEQRA”), have been performed and SEQRA materials are on file in the Office of the Clerk of the County Legislature, where they may be inspected during normal business hours; and

**WHEREAS**, it is now desired to authorize the financing of such capital project.

**NOW THEREFORE, BE IT**

**RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Steuben, New York, as follows:

Section 1. The construction of a new Health Care Facility in and for the County of Steuben, New York, adjacent to the existing facility on County-owned land, including grading and improvement of the site, original furnishings, equipment, machinery, apparatus and appurtenances, as well as incidental costs and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$19,710,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$19,710,000 bonds of said County hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 11(a) of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said County of Steuben, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the County Treasurer, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in full in *The Leader* and *The Evening Tribune*, the official newspapers of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.; and it is further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the County Treasurer, County Administrator and the Administrator of the Health Care Facility.

Mr. Schwartz stated I don't believe in putting any of the residents out on the street. I've taken a hard look at this. We are now a state of socialism and welfare. We're driving out our citizens by the busload. I am shocked to see the for sale signs in the City of Corning. I feel that we've made some real fiduciary blunders in the county. We didn't accept an offer to sell the landfill and now Chemung County is pouncing on the same offer. The question is affordability. We have to look at what we can afford. I'm looking at the fact that our census in 2010 will show us that we've lost 10,000 people. Well, there are still 90,000 people in the County that are struggling to pay their taxes for 100 residents of the Health Care Facility. If we're going to be in this business, why not build a 300 bed facility for three counties to share? The simple fact of the matter is the people aren't in favor of building a new facility. The people cannot afford any more tax burden. We have no industry or jobs left in the county and we're taxing people to death.

Mr. Gehl stated I attended the Whitehouse Conference on Aging and they are preparing for the baby boomers coming in. In the year 2030 there will be 10 million people in the United States 85 years of age and older, and 70 million people 65 years of age and older. I do plan on voting yes for the jail but when we can spend \$12 to \$15 million on the jail with no state reimbursement and then come up with a \$19 million bill for the Health Care Facility where we only pay \$3.75 million, it is a logical choice. We'll have to pay for the residents either way no matter where they are.

Mr. Isaman stated I've been bothered by spending \$19 million for an organization that serves 100 people. However, after talking to many people, I've determined that I want to vote yes. We need to take the time to allow Mr. Zehr and his staff to do the things that haven't been done in New York State. They've done so many good things out there and I think they can do more.

Mr. Stachnik stated we have to face the fact that one way or another, we still have to pay the bill for those residents. Will we lose money with a new facility? Probably. But will we lose more if we don't do anything? Absolutely. We want our seniors to reside in dignity and we want to retain key employees.

Mr. Nichols stated I'm in favor of this. I've changed my mind over the last two years since we've acquired a new Health Care Facility Administrator. With the right management and staff, I believe we can keep the losses at a minimum. The goal is no losses and Mr. Zehr is running the facility like it is a business. I feel it creates jobs and it is the right thing to do.

Mr. Schwartz stated Corning, Inc., cuts immediately when they are at a deficit. This is government doing the same job as a private company at a higher cost.

Mr. Gehl stated the Health Care Facility residents have paid taxes to the County all of their lives. There are several residents at the jail that have never paid taxes to the County and we're going to build them a new facility.

Mr. McIntyre stated I've thought long and hard about this as well. The residents deserve the best that we can give them. However, I've felt that we have mismanaged opportunities in these chambers. We've had an offer to privatize the facility and it was turned down. Why we didn't follow through with that, who knows. The building we have right now is only 38 years old, but it needs some fixing. We have money in the reserve fund that we can use to adequately do that. To build another building with the same number of beds and still lose money is ridiculous. We're still going to have the building if we build a new one. It is going to cost us \$12 million to renovate the old one when 2 years ago, it was only going to cost \$5 million? It's crazy that the cost has more than doubled. Discussion followed.

Mr. Stachnik stated as far as fiscal mismanagement, in 1994 we missed the opportunity to bond for the replacement of the facility. The opportunity to build two years ago was delayed as well and the price went up again. What will it cost us to delay this again?

Mr. Gehl stated there is no doubt that blunders have been made in this room. This Board has always tripped over dollars to save pennies.

**Vote: Roll Call – Adopted. Yes: 8346; No: 1526 (Argentieri, McIntyre and Schwartz.)**

#### **RESOLUTION NO. 093-05**

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 \$698,500 (\$675,000 previously appropriated plus \$23,500 for this supplemental agreement) is hereby appropriated and made available to cover the cost of participation in the above phases of the Project; and it is further

**RESOLVED**, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the County of Steuben shall convene as soon as possible to appropriate said excess amount immediately upon 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 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.

**Vote: Roll Call – Adopted. Yes: 9421; No: 451 (Swackhamer)**

**RESOLUTION NO. 094-05**

Introduced by H. Mayo.

Seconded by T. McIntyre.

**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 2005-2006. 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 2005-2006, and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 095-05**

Introduced by R. Nichols and G. Swackhamer.

Seconded T. Schwartz.

**AUTHORIZING THE ESTABLISHMENT OF THE COMMUNITY SERVICES BILLING SOFTWARE CAPITAL PROJECT AND AUTHORIZING THE STEUBEN COUNTY TREASURER TO TRANSFER FUNDS FOR SAID PROJECT.**

**WHEREAS**, the Office of Community Services is in need of a new software system to handle their billing and reimbursement; and

**WHEREAS**, the Health and Education Committee has approved a contract with Anasazzi in the amount \$240,457 for this purpose; and

**WHEREAS**, there is \$150,000 available in Information Technology's Mainframe Replacement Capital Project; and

**WHEREAS**, the Office of Community Services has unanticipated revenue available in OMH Federal Salary Sharing funding.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the County Treasurer be and the same hereby is authorized and directed to create a capital project entitled: "Community Services Billing Software" Capital Project for \$240,457 Account 4310H-5250-000; and be it further

**RESOLVED**, that the Steuben County Treasurer is further authorized and directed to transfer:

\$150,000 from Information Technology's Mainframe Replacement Capital Project, Account 1680H2-5-250.000, and

\$90,457 in unanticipated revenue from OMH Federal Salary Sharing Account 4310H1 4-4490.000 into "Community Services Billing Software" Capital Project for \$240,457 Account 4310H-5250-000; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the County Treasurer, the Director of Community Services and the Information Technology Director.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 096-05**

Introduced by D. Stachnik and P. Donnelly.

Seconded by R. Nielsen.

**RECLASSIFICATION OF A VACANT CASE SUPERVISOR GRADE XVI POSITION, TO AN ASSISTANT DIRECTOR OF SOCIAL SERVICES MANAGEMENT GRADE E POSITION, WITHIN THE STEUBEN COUNTY DEPARTMENT OF SOCIAL SERVICES.**

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, the Steuben County Administration Committee, and the Steuben County Human Services Committee have approved the reclassification.

**NOW THEREFORE, BE IT**

**RESOLVED**, that effective with the adoption of this resolution the following position within the Department of Social Services is hereby reclassified as follows:

Case Supervisor Grade XVI (\$33,748 to \$47,644) to  
Assistant Director of Social Services Management Grade E (\$35,056 to \$56,675)

**BE IT FURTHER RESOLVED**, the County Job Classification and Salary Schedule are hereby amended to reflect the above-stated changes; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the County Treasurer, County Administrator, Personnel Officer and Commissioner of Social Services.

**Vote: Roll Call – Adopted. Yes: 9421; No: 451 (Argentieri)**

**RESOLUTION NO. 097-05**

Introduced by D. Creath.

Seconded by K. Isaman.

**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 2005-2006 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., 1 West Market Street, Suite 301, Corning, NY 14830.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 098-05**

Introduced by P. Donnelly.

Seconded by G. Swackhamer.

**AUTHORIZING THE STEUBEN COUNTY PURCHASING DIRECTOR TO PARTICIPATE IN A MULTI-COUNTY BID PROCESS FOR THE PURCHASE OF BUSES.**

**WHEREAS**, it is in the public interest for government entities to obtain goods and services of maximum quality at the most economical price; and

**WHEREAS**, all participating government entities would benefit from a program designed to purchase those items that are in common use under the umbrella of a cooperative single-bid procedure; and

**WHEREAS**, pursuant to Article 5-A of the General Municipal Law, Sections 119-m and 119-o, municipal corporations are authorized to enter into cooperative purchase agreements; and

**WHEREAS**, several counties which contract with First Transit, Inc. for the operation of public transportation services are desirous of participating in a cooperative single-bid procedure; and

**WHEREAS**, Steuben County contracts with First Transit, Inc. and is desirous of participating in the proposed cooperative single-bid procedure; and

**WHEREAS**, Chenango County will act as lead county in the bid process; and

**WHEREAS**, it is necessary for Steuben County to enter into a cooperative agreement with Chenango County to participate in the proposed cooperative bid.

**NOW THEREFORE BE IT**

**RESOLVED**, that the Steuben County Legislature does hereby authorize the Steuben County Purchasing Director to enter into a cooperative bidding agreement with Chenango County for the purpose of soliciting bids for buses to be used by First Transit, Inc. in the Steuben County Transit System; and be it further

**RESOLVED**, that following the bid solicitation and award, the buses will be purchased using Federal Section 5311 Capital Funds, previously awarded to Steuben County, and a local share provided by First Transit, Inc.; and be it further

**RESOLVED**, a certified copy of this resolution shall be distributed to Joe Richards, 5 Court Street, Norwich, New York 13815; James Gleason, Steuben County Purchasing Director; and Gregory P. Heffner, AICP, Planning Director.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 099-05**

Introduced by G. Swackhamer.

Seconded by K. Isaman.

**APPROVING AN AMENDMENT TO THE RESIDUAL CERTIFICATE ISSUED BY THE STEUBEN TOBACCO ASSET SECURITIZATION CORPORATION.**

**WHEREAS**, the County of Steuben (the “County”) has previously entered into a Purchase and Sale Agreement with the Steuben Tobacco Asset Securitization Corporation (the “LDC”) dated as of October 15, 2000 (the “Purchase and Sale Agreement”) pursuant to which the County sold its rights, title and interest in and to the Tobacco Settlement Revenues (as defined in such Agreement); and

**WHEREAS**, the LDC issued its Tobacco Settlement Asset-Backed Bonds, Series 2000 (the “Series 2000 Bonds”) pursuant to an Indenture with Manufacturer’s and Traders Trust Company, as Trustee, dated as of December 1, 2000 (the “Indenture”) to fund the purchase of the Tobacco Settlement Revenues from the County; and

**WHEREAS**, the LDC has also issued a Residual Certificate pursuant to the Indenture and deposited same into a statutory trust established under the laws of the State of Delaware designated Steuben TASC Residual Trust (the “Residual Trust”) and caused an undivided beneficial interest in the Residual Trust to be conveyed to the County (the “Beneficial Interest”); and

**WHEREAS**, the County’s Beneficial Interest in the Residual Trust includes the right to receive all Tobacco Settlement Revenues in excess of the amounts necessary to pay the principal of and interest on the Series 2000 Bonds, the expenses of the LDC, the expenses of the Indenture Trustee for the Series 2000 Bonds and any amounts necessary to maintain the reserve funds required to be maintained by the Indenture; and

**WHEREAS**, a rating downgrade of RJ Reynolds Tobacco Holdings, Inc. as well as an increase in market share of non-participating tobacco manufacturers has resulted in Trapping Events under the Indenture; and

**WHEREAS**, as a result of such Trapping Events the County has not received any payments from the Residual Trust since 2002 and it is unlikely that the County would receive any residual payments over the next several years as a result of the likely continuation of at least one of these Trapping Events; and

**WHEREAS**, it is proposed that the LDC refund the Series 2000 Bonds by the issuance of new bonds (the “Series 2005 Bonds) providing for an up front payment to the County of the residual payments which would otherwise be trapped; and

**WHEREAS**, in order to secure present generations a portion of the benefits intended to be conferred by the Tobacco Settlement Revenues, it is necessary or desirable for the County to authorize an amendment to the Residual Trust and Residual Certificate, as well as the Purchase and Sale Agreement.

**NOW THEREFORE, BE IT**

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

Section 1. An amendment to the Residual Certificate (to provide for payment thereunder from Tobacco Settlement Revenues only when the Series 2005 Bonds are no longer outstanding), is hereby authorized in exchange for the delivery to or upon the order of the County of the net proceeds of the Series 2005 Bonds after (A) payment of an amount sufficient to legally defease the Series 2000 Bonds, (B) payment of all costs, fees, credit and liquidity enhancements, costs of issuance, and other expenses of the LDC and (C) the funding of all reserves funds, debt service accounts for the payment of capitalized interest, and other pledged funds which may be necessary or desirable in connection with the issuance of the Series 2005 Bonds. Any related necessary or advisable amendments to the Purchase and Sale Agreement are also authorized.

Section 2. The Chairman of the County Legislature and the County Treasurer, or either of them, is hereby further authorized to execute and deliver, on behalf of the County, such other agreements, instruments or authorizations, including amendments to the Purchase and Sale Agreement, as may be contemplated by, or necessary or advisable to consummate or otherwise give full effect to, this resolution, and which are deemed necessary or desirable to effectuate the transactions contemplated by this resolution and to perform all acts and do all things required or contemplated to be performed or done by this ordinance or by any agreement, instrument or authorization approved, contemplated or authorized hereby.

Section 3. The County hereby pledges to and agrees with the LDC and the holders of any bonds, notes and other obligations (hereinafter the “Bonds”) of the LDC including without limitation the Series 2005 Bonds that the County will not limit or alter the rights of the LDC to fulfill the terms of its agreements with the holders of the Bonds or in any way impair the rights and remedies of such holders or the security for the Bonds until the Bonds, together with the interest thereon and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully paid and discharged. The Legislature further hereby delegates to the County Treasurer or his designee(s) the power to make, ratify and confirm such pledge to and agreement with the LDC and the holders of its Bonds to be made or enforced. The LDC is hereby authorized to include in any agreement with or for the benefit of the holders of its Bonds the pledges and agreements made by this Legislature and by the County Treasurer on behalf of the County pursuant to this Section.

Section 4. This resolution shall take effect immediately.

Chairman Roche stated this resolution came up very quickly. He asked Mr. Alger to explain it.

Mr. Alger stated about a week ago, we received a fax from NYSAC stating that they were pursuing a second bond issue for the tobacco securitization in order to take advantage of the market rates. By doing a reissue, we would capture additional funding for the County. Within the original context of the tobacco bonds were trapping events and we’ve experienced two of them since the issue. The rating for RJ Reynolds went down and that triggered a trapping event. The second trapping event was due to an increase in the nonparticipating manufacturers' percentage of the market. Trapping events prevent us from receiving residual funds. Instead, the residual funds are placed and held in a residual trust.

Mr. Alger stated NYSAC is asking the counties to re-enter the market and reissue the bonds. What we are foregoing is the residual payments in the future. They may be significant in the future, but we also don’t know if we’ll ever get them because of the trapping events. Discussion followed.

Mr. Ahrens stated we structured this settlement in 2000 with a Master Settlement Agreement. The agreement was with the 3 major tobacco companies and if any of those companies fell in their bond rating, it triggers a trapping event. There was a study done by the Wharton School of Business regarding projected cigarette sales and their projections have proven to be correct. There are a number of events that could happen in the future that could make this go sour. He noted there is a third fund that serves as a safety net for default. The residual fund is not that safety net. Nobody knows what the future will bring but this is a substantial sum of money that would be available to you right away.

Mr. Nichols asked what happens to the residual trust funds?

Mr. Alger stated they are held until the potential for occurrence has been resolved. So if RJ Reynolds stock went back up, the trapping event would cease and the funds would be released to the County.

Mr. Schwartz stated these are unplanned funds for the County to be placed in the general fund.

Chairman Roche stated no, these funds would have to be used for capital projects or debt defeasance.

Mr. Schwartz asked what about for smoking cessation? Do we have a specific use in mind for this?

Chairman Roche stated this came about so quickly, we haven't had time to discuss the possibilities.

Mr. Alger stated initially it will be put into a capital fund until the Legislature determines what to do with it. We're not sure when we'll receive the funds. We're one of 9 counties eligible to do this because of the timing and because our tobacco securitization funds were used to pay off debt. Discussion followed.

Mr. Creath stated we made the right decision when we securitized the tobacco settlement. The settlement is a boondoggle and it may unravel someday. If we sit around and wait for the future potential earnings, they may not be there. Let's take the money now.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 100-05**

Introduced by D. Stachnik and T. McIntyre.

Seconded by All Legislators.

#### **MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO DESIGNATE THAT PORTION OF NEW YORK STATE ROUTE 36 NORTH OF HORNELL TO THE LIVINGSTON COUNTY LINE AS “PEARL HARBOR VETERANS MEMORIAL HIGHWAY”.**

**WHEREAS**, Steuben County and the State of New York are proud to have Pearl Harbor veterans residing within its borders who have served with merit and distinction during World War II; and

**WHEREAS**, it is desirable and appropriate to recognize the contributions made by the veterans of Pearl Harbor, and to dedicate that section of New York State Route 36 located within the County of Steuben, from North Hornell to the Livingston County line, and to memorialize said dedication with appropriate plaques.

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

**RESOLVED**, the State of New York be and the same hereby is memorialized to dedicate that section of New York State Route 36 located within the County of Steuben, from North Hornell to the Livingston County line, to be known as the “Pearl Harbor Veterans Memorial Highway”; 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; NYS Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; NYS Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; and to Daniel McRae, Veterans' Service Director.

**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. Donnelly, seconded by Mr. Nielsen and duly carried.*

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

*Motion to adjourn made by Mr. Mayo, seconded by Mr. Nichols and duly carried.*

**REGULAR MEETING**  
**Morning Session**  
**Monday, July 25, 2005**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 25<sup>th</sup> day of July, 2005 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 Legislator Donnelly.

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

Mrs. Kane asked Veronica Olin to come forward. Ms. Olin is an employee in the County Clerk's Office. 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 Deborah Stanford to come forward. Ms. Stanford 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 Lori Longwell to come forward. Ms. Longwell is an employee in the Department of Social Services. Chairman Roche presented her with a Certificate of Appreciation and a 25-year pin in recognition of her 25 years of service to Steuben County.

Mrs. Kane asked Alice Sutton to come forward. Ms. Sutton is an employee in the Department of Social Services. Chairman Roche presented her with a Certificate of Appreciation and a 25-year pin in recognition of her 25 years of service to Steuben County.

Mrs. Kane asked Pamela Paine and Julie Dluzak to come forward. Mrs. Kane stated Ms. Dluzak, MSW, is a Staff Social Worker in the Office of Community Services. Ms. Dluzak is the Employee of the Month for the month of August. She was nominated for the award by Pamela Paine, Ph.D., Program Coordinator in the Office of Community Services. Dr. Paine read the following nomination: Over the last year, I have been the recipient of numerous positive comments about Ms. Dluzak's work from Glove House Detention Center staff, other County Departments and Bath Haverling School staff. I have been advised that Ms. Dluzak has 'gone above and beyond the call of duty' on many occasions. She has made herself available to respond to crisis situations in the Detention Center, school and clinic locations as needed, even when that involved her staying after hours or going to a work location where she was not scheduled to work that day. She has also provided consultation in behavior management to staff at the Detention Center on a day when she was not typically working in that location. Ms. Dluzak has been the most productive Child and Family Services Program staff member over the last 6 months, as measured by Units of Service provided. Ms. Dluzak represents a significant asset to Steuben County. **CONGRATULATIONS!**

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 2005, amending Local Law No. Two for the Year 2002, to increase the income level for which an owner or owners may qualify for real property exemptions from \$19,500 per annum income to \$22,500 per annum income for Senior Citizens. 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 opened the floor for comments by members of the public.

Frank Haftl, Cameron Mills, stated my primary reason for coming today was to listen, but then I read the article about the jail in the paper and I have a few questions. The cost for the jail is going to be \$1.3 million a year for 20 years. That doesn't include the other expenses, such as personnel and the cost of maintenance. You are currently spending \$600,000 a year to board them out. There is no guarantee on

how many inmates you are going to have over the next 20 years. The numbers could decrease. I'd rather pay \$600,000 per year to board them out instead of \$1.3 million. You are also building a new Health Care Facility. Other counties are having the same problem with inmate population. Why not get together with those other counties and have a regional facility? This County can't afford it alone. With past experiences involving overhead, we all know this number isn't going to be a true figure. Thank you.

Alice Russell (no town stated) asked why aren't we using our inmates for work programs in the County? Chairman Roche stated there was previously an inmate work program. That is something we can check into.

Stephanie Mehlenbacher, Soil and Water Conservation District, stated she would like to remind everyone that there will be a meeting for Upper Susquehanna stakeholders in Steuben County. The Environmental Protection Agency is letting us know we are part of the Chesapeake Bay Watershed and they say we are polluting it. It is an attempt by them to reduce the amount of pollutants. The meeting will be held Friday at the Wayland American Legion from 10:00 a.m. to 1:00 p.m. and lunch will be served afterwards. If you are coming, please let them know. Mr. Isaman stated Jeff Parker is requesting as many legislators be there as possible.

Eleanor Sample, Hammondsport, stated I would like to know why you are not using the tobacco money to help people quit smoking. People can afford to pay for their cigarettes but then have to go to the food pantry. I work at the Sugarcreek in Hammondsport and there are people using food stamp cards to get cash to buy cigarettes. I think it is wonderful that you have money for 911, but I think you should think about the children losing their parents to cigarettes. I can't believe you aren't addressing the problem. I can't believe we can't follow how people are spending their food stamp money either. It is robbery in regards to our taxpayers. Thank you.

There being no further comments, Chairman Roche closed the public comment portion of the meeting.

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

Lawrence Crossett, County Treasurer, announced that the Schedule C of the Tax Resolution displays the results of the County Tax Auction. There were 94 parcels sold for \$623,100. The taxes owed on these properties is \$296,635 for a net gain of \$326,465.

Linda Tetor, Office for Aging Director, stated Medicare Part D will take effect for Medicare recipients of all ages. It is very complex so Offices for the Aging across the State have received special funding for outreach education centers throughout the County so individuals can come get the information and apply to the program that best meets their needs. She stated EPIC will also be receiving funding. She noted this will allow us to transition people from the State prescription program to Medicare Part D. If you have any questions, please let me know.

Mr. McIntyre announced I have officially changed my party enrollment to that of the Conservative Party. I have submitted and requested such a change with the Steuben County Board of Elections and they have acknowledged the new party enrollment by letter and stated under New York State Law that this change will not become effective until seven days after the 2005 General Elections. In my personal discussion with Conservative Party Chairman, Donald Gwinner, he was pleased with my actions and indicated he would be delighted to work as moderates to strike a balance of restraint in County Government, with a tempered and softened approach to alleviate some of the burdens being placed onto the citizens and taxpayers of Steuben County. As a Conservative, I strongly believe we must keep within bounds the sound management of taxpayers assets and dollars, which I feel have not been fully respected or represented within this chamber. On many occasions I have found we have lost control of spending and our reasoning has not been the soundest on so many of these issues, that the County reserves are vanishing and lost opportunities for revenue abound.

Mr. Gehl announced that the Western InterCounty Association will be meeting on Friday, August 19, 2005, at Lakeside Restaurant in Pulteney. We would like as many Legislators in attendance as possible.

Mr. Alger stated he wanted to take a moment to discuss the proposed jail expansion project. The history of the current facility started with studies being conducted in the early 1990's to evaluate the old jail. There was much discussion on what to do with the old facility and they began the construction planning in 1992. The cost of the project was \$15.6 million for 142 beds. There was an additional 48 bed pod designed but not constructed. The cost of the pod was projected at \$2 million. The site was laid out for a 250 bed facility at the time. Over the last 10 years, we've increased the jail's capacity, working with the Commission of Corrections, to 150 beds. We've done double bunking and we just received a variance for an additional 12 beds. The total inhouse capacity is now 175.

Mr. Alger stated the problem we are now facing is the population has been increasing. Over the last 6 months we've averaged 14 to 18 inmates housed out at other facilities. They are currently at \$400,000 in expenses for housing inmates out of County this year. They've also seen a loss of revenues as well. We've seen growth in the State inmate population in our facilities while the State has been decreasing the number of their beds. If an individual is on parole and commits a crime, they are incarcerated in our facility and sometimes the parole hearing doesn't occur until their time has been fully served. Other causes of the growth range from an increase in the number of drug crimes to changes in domestic violence laws. There is no one thing that can be tied directly to the increase in population.

Mr. Alger stated from the time we became certified to house outside inmates, we've generated \$4.1 million in revenue. Since the overcrowding began in 2004, we have spent \$300,000 in 2004 and we're at \$400,000 currently in 2005. The new variance will save approximately \$365,000. You can see we've had a net swing of \$1 million in revenue to expenses. The housing out costs represent what the actual cost of housing an inmate in is. Please keep in mind that the Commission of Corrections has an 85 percent rule. This means the facility shouldn't be at more than 85 percent capacity. So we shouldn't have more than 138 inmates at any given time. If the Commission chose to enforce that rule, you would have additional inmates to house out and that cost would be even more significant. It is an ongoing issue.

Mr. Alger stated one of the resolutions to the problem that we've discussed is a study being conducted by the Center for Governmental Research (CGR). There is no question that additional space is needed. The question is what does the future hold? We really need to look at the entire system. CGR is doing a start to finish review of the court system and how to impact that. The population at our facility has generally been 78 percent pretrial inmates. This means the system is delaying the trial and we are housing them prior to their trial. If we can change that, it might help the growth of the system. We need to see what we can do to help that. It is my opinion that this study is as important as the facility itself. We need to make some systemic changes to the process.

Mr. Alger stated the Commission has an important role. Last year we had an individual come and meet with the Public Safety and Corrections Committee and the Agriculture, Industry and Planning Committee to review our statistics and what they saw as our current need. Ultimately, housing out inmates is not a solution in the view of the Commission. It is a short term fix to the problem. They are the regulators to your facility. One question we face is what will the facility look like to them in terms of employees. They have initially stated that two posts will be needed with the addition but they won't provide us with a firm answer on staffing until they come in and review the addition after it is completed. As far as other related staff, you may need part time help in the medical unit and an additional maintenance worker. At the current rate, the salaries would be \$462,000 for the 2 posts and the others would be in addition to that. Staffing is important as operations will cost you as much long term as anything. If we are currently operating below peak, you have an ability to house in inmates from other facilities. There is no direct reimbursement for the facility, but you can increase revenues by housing in inmates. Any additional capacity we have above our own needs would be used to house in other inmates. That is one way to bring in revenue to support the facility. This isn't a point that I would use to base your decision on, because 15 years from now you may be nearing or at full capacity. However, it will help you short term in covering operating and capital costs for the facility.

Mr. Schwartz stated the State is dumping their early parolees on us and we have to take them. That is what is causing the overcrowding. I think it is time for us to sue the State.

Mr. Alger stated typically when someone is a parole violator they come in on an unrelated charge. What automatically happens is parole violates them. While they are waiting for disposition on the other charge, they also have the parole violation which continues until they have their parole hearing. That is why we end up housing them. So there isn't a simple answer.

Sheriff Tweddell noted that the New York State Sheriffs' Association have enacted a lawsuit against the State to change that.

Mr. Schwartz asked would it behoove us to have another County judge to expedite trials? Mr. Alger stated parole violators go before a parole board and the number of County Judges is at the discretion of the State. The study will tell us if that is an issue. Also, some of the inmates are from the Town Justice Court level. The study is very important in identifying the problem. We are very aggressive in this County on Alternatives to Incarceration programs. If we have pretrial detainees in the jail and we have a pretrial release program that they qualify for, they are released.

Mr. McIntyre stated he's comfortable with the addition as it is necessary. However, the State has given us a difficult time on the staffing issue in the past. I think we are looking at increasing our staffing a lot more than the projected \$462,000.

Mr. Alger stated it is a critical issue but we won't get a firm decision by the Commission until they review the plans and review the completed construction. We need to make sure we do everything we can to minimize the need for additional staffing.

Mr. Isaman asked are we looking at the beds regionally? I'm afraid there would be a lull of 1-4 years before our projections may be true for housing in inmates because of all of the new facilities going up around us. Mr. Alger stated the Sheriff has built a very good relationship with the U.S. Marshalls and there are currently Federal detainees that they would like to send us. You are correct, there is capacity being added in County facilities across the State, but they are doing that because they are seeing the same issues as we are. Ultimately, they may have excess now but it may increase in the future.

Sheriff Tweddell noted that there are 580 Federal inmates that they don't have facilities for. My staff has worked very hard with the Federal Government. If I had the room, I could put 100 federal inmates in our facility tomorrow.

Mr. Alger introduced Mark Kukupka from LaBella Associates. Mr. Kukupka stated first they needed to determine the space needs. They interviewed the Sheriff's Office and went through the entire facility space by space to determine the needs. As you accommodate another 100 beds, we had to look at impacts to the kitchen, laundry, booking, visiting and centralized controls. Many of the areas however, will not be impacted. As we did our programming, we broke it into net square footage and gross square footage. We also broke it down into additions and new. Because we haven't done floor plans yet, you have to accommodate for wall thicknesses. Based upon their calculations, the total gross square footage of the new addition is 45,406. That is the number LP Ciminelli used to provide you with an estimate. Discussion followed.

Mr. Kukupka reviewed a handout of the lower level floor plan depicting the existing renovation areas and addition work. This is what the Construction Manager based the estimate on.

Mr. Alger stated when we retained the consultants, we charged them with reviewing the entire facility to fully accommodate our needs with the new addition. We also wanted them to look at planning for future expansion if there was an additional need. Discussion followed.

Kyle Tuttle, LP Ciminelli, distributed copies of the estimate of construction cost. We took all the data that Labella gathered to come up with these figures. This is a conceptual cost estimate of new construction and

renovation areas. We've used appropriate contingencies for design construction and developed a soft cost estimate. We took actual construction costs from other facilities they are currently working on. The estimated cost of the facility is \$15.8 million. He discussed the estimated cost with Mr. Alger and Mr. Kukulka and they decided to round the number up to \$16 million.

Mr. McIntyre stated that at the Public Safety and Corrections Committee meeting, he had mentioned the need to replace the roof on the current facility. Has that figure been included in this project?

Mr. Tuttle stated they have not engineered that aspect of the project. Mr. McIntyre stated he'd like it to be part of the projected cost. Discussion followed.

Mr. Schwartz stated this will be a 3.5 percent real property tax increase not including the operational costs. So basically this will be a 5 percent tax increase without revenues to offset the cost.

Mr. Alger stated there is no question that it will be an impact on the tax levy. The only offset you will have is the housing in of inmates. However, it wouldn't fully offset the cost.

Mr. Schwartz stated I think it is time for this Legislature to seriously consider selling our landfill again because we need to generate revenue.

Mr. Gehl asked how many beds will be in this addition? Mr. Alger stated we would build the maximum number of beds allowed with the ability to double bunk. So it will be about 120 beds.

Mr. Stachnik stated he views this project as a way to assure the safety of the citizens of Steuben County. It is a good investment.

Mr. Swackhamer stated the Finance Committee reviewed the amortization schedules this morning. One of the schedules included using the tobacco funds to offset construction costs. After much discussion, the Committee is recommending the financing of \$16 million for 15 years. Discussion followed.

Mr. Argentieri stated all the rhetoric today on making money on federal prisoners is just that. The income generated will be expended through more staffing. It won't be self-sustaining. I'm tempted to say no because we are being treated like we don't know that it is going to cost us money. I just want to be treated a little more intelligently and be told that this is going to cost us money and stop talking about the revenues.

Chairman Roche stated it is going to cost us money. The revenues will help, but it won't be a break-even proposition.

Mr. Swackhamer stated he has also stated in the past two Finance Committee meetings that this will cost us money. Discussion followed.

Chairman Roche thanked Mr. Kukulka and Mr. Tuttle for their presentation.

#### **RESOLUTION NO. 101-05**

Introduced by G. Swackhamer.

Seconded by D. Creath.

#### **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 13, 2005, 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 Education of the appropriate School District, and the taxpayers.

SCHEDULE "A"

Resolution #     A-1      
Name     Penny L Lamb      
Parcel #     185.00-01-030.124      
Municipality     Howard Town      
Disposition     Correction    

Resolution #     A-2      
Name     Shannon R & Jill Levee      
Parcel #     044.00-01-007.113      
Municipality     Cohocton Town      
Disposition     Refund    

SCHEDULE "B"

Resolution #     B-1      
Former Owner     Joel T Damboise      
In Rem Index No.     88508, 2003 sale      
Parcel #     017.08-01-050.000      
Municipality     Cohocton Town      
Grantee(s)     Joel Damboise      
Grantee(s) Address     21 Cohocton St, N Cohocton, NY 14808-9715      
Consideration \$3,065.63, together with \$121.00 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 Leon H Covell  
In Rem Index No. 86329, 2002 sale  
Parcel # 130.00-01-053.000  
Municipality Urbana Town  
Grantee(s) Leon H Covell  
Grantee(s) Address 7191 Mitchellsville Hill Rd, Bath, NY 14810  
Consideration \$5,964.19, together with \$121.00 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 Lorie Gerstel  
In Rem Index No. 88508, 2003 sale  
Parcel # 064.08-01-028.000  
Municipality Wayne Town  
Grantee(s) Lorie Gerstel & Dian Gerstel  
Grantee(s) Address 78 E 1<sup>st</sup> St, Corning, NY 14830  
Consideration \$348.15, together with \$211.00 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 Lorie Gerstel  
In Rem Index No. 88508, 2003 sale  
Parcel # 064.08-01-036.000  
Municipality Wayne Town  
Grantee(s) Lorie Gerstel & Dian Gerstel  
Grantee(s) Address 78 E 1<sup>st</sup> St, Corning, NY 14830  
Consideration \$8,258.56, together with \$121.00 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 Victoria Keeler  
In Rem Index No. 88508, 2003 sale  
Parcel # 049.00-01-009.200  
Municipality Pulteney Town  
Grantee(s) Robert Keeler  
Grantee(s) Address 8565 Jacobs Ladder, Avoca, NY 14809-9410  
Consideration \$513.14, together with \$211.00 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 Kevin B & Debbie K Ladd  
In Rem Index No. 86329, 2002 sale  
Parcel # 299.20-01-067.000  
Municipality Corning City  
Grantee(s) B Kevin Ladd & Debbi K Ladd,  
                  husband and wife, as tenants by the entirety  
Grantee(s) Address 106 Griffith St, Corning, NY 14830  
Consideration \$10,104.83, together with \$121.00 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 Edward W Kish  
In Rem Index No. 88508, 2003 sale  
Parcel # 317.11-02-044.000  
Municipality Corning City  
Grantee(s) Edward W Kish & Margaret M Kish,  
                  husband and wife, as tenants by the entirety  
Grantee(s) Address 294 W Second St, Corning, NY 14830  
Consideration \$5,128.57, together with \$121.00 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 Clifford Miles  
In Rem Index No. 88508, 2003 sale  
Parcel # 276.00-01-017.100  
Municipality Rathbone Town  
Grantee(s) Clifford E Miles  
Grantee(s) Address 3559 County Rte 2, Addison, NY 14801  
Consideration \$19,639.66, together with \$121.00 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 Dennis R Flint  
In Rem Index No. 88508, 2003 sale  
Parcel # 345.00-01-022.000  
Municipality Woodhull Town  
Grantee(s) Dennis R Flint  
Grantee(s) Address 2723 St Rte 248, PO Box 706, Greenwood,  
                          NY 14839-0706  
Consideration \$4,137.81, together with \$121.00 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 Glenn R McCaig  
In Rem Index No. 88508, 2003 sale \_\_\_\_\_  
Parcel # 328.00-03-020.000  
Municipality Rathbone Town  
Grantee(s) Glenn R McCaig & Pamela J McCaig,  
                  husband and wife, as tenants by the entirety  
Grantee(s) Address 2261 Potter Rd, Addison, NY 14801  
Consideration \$4,908.01, together with \$121.00 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 Enoch X Conger  
In Rem Index No. 88508, 2003 sale \_\_\_\_\_  
Parcel # 024.00-01-036.200  
Municipality Pulteney Town  
Grantee(s) Enoch X Conger  
Grantee(s) Address 8715 Armstrong Rd, Prattsburgh, NY 14873  
Consideration \$6,574.15, together with \$121.00 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-12  
Former Owner Everett Wargo Jr Trust  
In Rem Index No. 88508, 2003 sale \_\_\_\_\_  
Parcel # 098.00-01-007.200  
Municipality Avoca Town  
Grantee(s) Everett S Wargo Jr  
Grantee(s) Address 4010 Co Rd 6, Avoca, NY 14809  
Consideration \$4,187.71, together with \$121.00 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 Michael W Cole  
In Rem Index No. 88508, 2003 sale \_\_\_\_\_  
Parcel # 275.00-01-001.112  
Municipality Rathbone Town  
Grantee(s) Michael W Cole  
Grantee(s) Address 5749 County Rte 119, Cameron Mills, NY 14820  
Consideration \$5,151.05, together with \$211.00 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 Josephine V Aranda  
In Rem Index No. 88508, 2003 sale  
Parcel # 299.75-01-067.000  
Municipality Corning City  
Grantee(s) Josephine V Aranda  
Grantee(s) Address 33 W Hazel St, Apt 1, Corning, NY 14830  
Consideration \$5,024.16, together with \$121.00 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 Randall Robertson  
In Rem Index No. 88508, 2003 sale  
Parcel # 253.00-01-016.000  
Municipality Canisteo Town  
Grantee(s) Randall Robertson & Suzanne K Robertson,  
husband and wife, as tenants by the entirety  
Grantee(s) Address 4448 County Rte 21, Cameron, NY 14819  
Consideration \$13,233.18, together with \$121.00 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 Albert Goltry  
In Rem Index No. 88508, 2003 sale  
Parcel # 318.18-03-076.000  
Municipality South Corning Town  
Grantee(s) Albert Goltry  
Grantee(s) Address 63 Glen Ave, Corning, NY 14830  
Consideration \$804.73, together with \$121.00 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 Roy Elliott  
In Rem Index No. 88508, 2003 sale  
Parcel # 161.00-01-029.120  
Municipality Bath Town  
Grantee(s) Roy Elliott  
Grantee(s) Address PO Box 651, Savona, NY 14879-0651  
Consideration \$9,393.40, together with \$121.00 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 Constance Tregillus  
In Rem Index No. 88508, 2003 sale  
Parcel # 035.00-01-022.100  
Municipality Prattsburgh Town  
Grantee(s) Constance Tregillus  
Grantee(s) Address 22 Meadow Ridge Trl, Durango, CO 81301  
Consideration \$2,749.33, together with \$121.00 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 William G Moogan  
In Rem Index No. 88508, 2003 sale  
Parcel # 253.00-01-003.000  
Municipality Canisteo Town  
Grantee(s) William G Moogan & William G Moogan II  
Grantee(s) Address 696 SR 244, Alfred Station, NY 14803  
Consideration \$2,079.56, together with \$211.00 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 Mark A Allington  
In Rem Index No. 86329, 2002 sale  
Parcel # 299.14-04-005.000  
Municipality Corning Town  
Grantee(s) Mark A Allington Est & Angela K Allington Wilcox  
Grantee(s) Address 3415 Fenderson St Ext, Painted Post, NY 14870  
Consideration \$2,611.25, together with \$121.00 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 Michael S Weise  
In Rem Index No. 88508, 2003 sale  
Parcel # 104.00-01-001.120  
Municipality Urbana Town  
Grantee(s) Michael S Weise & John W Weise  
Grantee(s) Address 3538 W Walworth Rd, Macedon, NY 14502  
Consideration \$1,096.64, together with \$121.00 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 Martha A Heidrich  
In Rem Index No. 88508, 2003 sale  
Parcel # 316.08-01-021.000  
Municipality Erwin Town  
Grantee(s) Martha A Heidrich  
Grantee(s) Address PO Box 292, Odessa, NY 14869  
Consideration \$15,734.74, together with \$211.00 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 Kenneth Quick  
In Rem Index No. 88508, 2003 sale  
Parcel # 217.00-01-002.000  
Municipality Canisteo Town  
Grantee(s) Kenneth Quick & Nancy Quick,  
husband and wife, as tenants by the entirety  
Grantee(s) Address 3754 County Rte 119, Canisteo, NY 14823  
Consideration \$2,875.74, together with \$121.00 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 Roy B Herrick  
In Rem Index No. 88508, 2003 sale  
Parcel # 388.00-01-015.100  
Municipality Lindley Town  
Grantee(s) Roy B Herrick  
Grantee(s) Address 1006 River Rd, Lindley, NY 14858  
Consideration \$6,963.69, together with \$121.00 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 Walter H Mix  
In Rem Index No. 86329, 2002 sale  
Parcel # 151.56-02-059.000  
Municipality Hornell City  
Grantee(s) Walter H Mix  
Grantee(s) Address 26 Maplewood Ave, N Hornell, NY 14843  
Consideration \$5,732.98, together with \$121.00 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 Sheila King  
In Rem Index No. 88508, 2003 sale  
Parcel # 118.09-02-089.000  
Municipality Hammondsport Town  
Grantee(s) Sheila King  
Grantee(s) Address 51 Davis Ave, Hammondsport, NY 14840  
Consideration \$6,713.24, together with \$121.00 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 Warren Dean Stuart  
In Rem Index No. 88508, 2003 sale  
Parcel # 336.10-02-001.100  
Municipality South Corning Town  
Grantee(s) Warren Dean Stuart  
Grantee(s) Address 20 River Rd, Corning, NY 14830  
Consideration \$28,483.45, together with \$211.00 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 Diana Cwikla Marquez  
In Rem Index No. 88508, 2003 sale  
Parcel # 159.14-02-003.000  
Municipality Bath Village  
Grantee(s) Diana Cwikla Marquez  
Grantee(s) Address 6780 St Rte 415 S, Bath, NY 14810  
Consideration \$3,040.65, together with \$121.00 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 William & Nancy Congdon  
In Rem Index No. 88508, 2003 sale  
Parcel # 244.01-01-010.120  
Municipality Campbell Town  
Grantee(s) William Congdon & Nancy Congdon,  
husband and wife, as tenants by the entirety  
Grantee(s) Address 4769 Clifford Dobson Dr, Painted Post, NY 14870  
Consideration \$4,905.88, together with \$121.00 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 James M Burdick  
In Rem Index No. 88508, 2003 sale  
Parcel # 317.11-01-003.000  
Municipality Corning City  
Grantee(s) James M Burdick  
Grantee(s) Address 396 Sunset Dr, Corning, NY 14830  
Consideration \$3,308.38, together with \$121.00 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-31  
Former Owner David M Sisson  
In Rem Index No. 88508, 2003 sale  
Parcel # 100.00-02-035.000  
Municipality Avoca Town  
Grantee(s) David M Sisson & Brian M Sisson  
Grantee(s) Address PO Box 955, Bath, NY 14810  
Consideration \$256.76, together with \$211.00 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-32  
Former Owner Kenneth Dupuy (NOW Tiger Relocation Co)  
In Rem Index No. 88508, 2003 sale  
Parcel # 151.19-03-021.000  
Municipality Hornell City  
Grantee(s) Tiger Relocation Co  
Grantee(s) Address c/o Ocwen Loan Servicing LLC,  
1661 Worthington Rd, Ste 100, Centrepark West,  
West Palm Beach, FL 33409  
Consideration \$7,947.68, together with \$121.00 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 Jack H Corwin II & Nicole S Varner  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 331.20-01-027.000  
Municipality Addison Village  
Highest Bidder Donald R Stiker & Betsy A Stiker,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 5 Park Place, Addison, NY 14801  
Consideration \$11,500.00, together with \$118.00 recording fees  
Second Highest Bidder Cornerstone Homes Inc  
Second Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830



Resolution # C-6  
Former Owner Jean Clark  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 100.00-02-032.000  
Municipality Avoca Town  
Highest Bidder Joy E Goodsell  
Highest Bidder's Address 74 W Lamoka Ave, Savona, NY 14879  
Consideration \$100.00, together with \$208.00 recording fees  
Second Highest Bidder N/A  
Second Highest Bidder's Address \_\_\_\_\_

Resolution # C-7  
Former Owner Sandra J Hollenbeck  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 114.00-01-038.000  
Municipality Avoca Town  
Highest Bidder Joy E Goodsell  
Highest Bidder's Address 74 W Lamoka Ave, Savona, NY 14879  
Consideration \$50.00, together with \$208.00 recording fees  
Second Highest Bidder N/A  
Second Highest Bidder's Address \_\_\_\_\_

Resolution # C-8  
Former Owner George Kapp Est % Myrtle Kapp  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 191.18-01-073.000  
Municipality Savona Village  
Highest Bidder Steven S Pilgrim  
Highest Bidder's Address PO Box 393, Savona, NY 14879  
Consideration \$14,000.00, together with \$118.00 recording fees  
Second Highest Bidder Carlton Gleason  
Second Highest Bidder's Address 120 W William, Apt 2, Bath, NY 14810

Resolution # C-9  
Former Owner Charles & Donna Stratton  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 146.00-01-026.200  
Municipality Bath Town  
Highest Bidder Bernice Bryson  
Highest Bidder's Address 7436 Walnut Grove Ln, Zebulon, NC 27597  
Consideration \$450.00, together with \$208.00 recording fees  
Second Highest Bidder Juhi Inc  
Second Highest Bidder's Address 132 Montfort Dr, Belle Mead, NJ 08502

Resolution # C-10  
Former Owner Emil William Mylius  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 146.00-01-034.200  
Municipality Bath Town  
Highest Bidder Cornerstone Homes Inc  
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830  
Consideration \$8,750.00, together with \$118.00 recording fees  
Second Highest Bidder Carlton Gleason  
Second Highest Bidder's Address 120 W William St, Apt 2, Bath, NY 14810

Resolution # C-11  
Former Owner Billy R & Janis Campbell % Audrey Kahabka  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 159.18-02-021.000  
Municipality Bath Town  
Highest Bidder Carlton F Gleason Sr  
Highest Bidder's Address 120 W William St, Bath, NY 14810  
Consideration \$6,000.00, together with \$208.00 recording fees  
Second Highest Bidder Donald Thompson  
Second Highest Bidder's Address 50 Denwood Terrace, Bath, NY 14810

Resolution # C-12  
Former Owner Norman & Laura Overstrom  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 178.00-01-016.000  
Municipality Bradford Town  
Highest Bidder Norman Frey & Virginia Frey,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 4737 Olin Rd, Woodhull, NY 14898  
Consideration \$21,000.00, together with \$118.00 recording fees  
Second Highest Bidder Deborah Cantineri  
Second Highest Bidder's Address 403 Church St, Odessa, NY 14869

Resolution # C-13  
Former Owner Ray & Lillian Patterson % Beverly Bro  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 237.00-01-044.000  
Municipality Cameron Town  
Highest Bidder Cornerstone Homes Inc  
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830  
Consideration \$9,000.00, together with \$118.00 recording fees  
Second Highest Bidder Randy Schultz  
Second Highest Bidder's Address 2575 County Rte 1, Addison, NY 14801

Resolution # C-14  
Former Owner David J & Janice K Stark  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 225.03-01-011.000  
Municipality Campbell Town  
Highest Bidder William C Taylor & Pamela D Sears  
Highest Bidder's Address RR 2 Box 614 Marsh Rd, Lawrenceville, PA 16929  
Consideration \$16,500.00, together with \$118.00 recording fees  
Second Highest Bidder Cameron Dunlap III  
Second Highest Bidder's Address 417 W Lake Rd, Hammondsport, NY 14840

Resolution # C-15  
Former Owner Bill C Earl  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 242.07-01-005.000  
Municipality Campbell Town  
Highest Bidder Carla S Nichols & Cailey Zyla  
Highest Bidder's Address 107 E Lamoka Ave, Savona, NY 14879  
Consideration \$50.00, together with \$208.00 recording fees  
Second Highest Bidder N/A  
Second Highest Bidder's Address \_\_\_\_\_

Resolution # C-16  
Former Owner David Michael Sisson  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 244.00-01-013.000  
Municipality Campbell Town  
Highest Bidder Wagner Lumber Company  
Highest Bidder's Address 4060 Gaskill Road, Owego, NY 13827  
Consideration \$700.00, together with \$208.00 recording fees  
Second Highest Bidder Thomas Murray  
Second Highest Bidder's Address 320 Fish Hill Rd, Bradford, NY 14815

Resolution # C-17  
Former Owner Richard Kinne Sr  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 197.11-03-020.200  
Municipality Canisteo Village  
Highest Bidder Martin Woodard & Sharon Woodard,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 26 Greenwood St, Canisteo, NY 14823  
Consideration \$3,750.00, together with \$118.00 recording fees  
Second Highest Bidder Darcy McCoombs  
Second Highest Bidder's Address Box 1001, Woodridge, NY 12789

Resolution # C-18  
Former Owner David Generalli  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 197.10-01-008.000  
Municipality Canisteo Town  
Highest Bidder Freeland Development  
Highest Bidder's Address 6 Fourth St, Canisteo, NY 14823  
Consideration \$550.00, together with \$208.00 recording fees  
Second Highest Bidder Juhi Inc  
Second Highest Bidder's Address 132 Montfort Dr, Belle Mead, NJ 08502

Resolution # C-19  
Former Owner Stephen Peters & Frederick Seidel  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 234.00-01-031.122  
Municipality Canisteo Town  
Highest Bidder Daniel L Eaton  
Highest Bidder's Address 74 W Lamoka Ave, Savona, NY 14879  
Consideration \$9,500.00 together with \$208.00 recording fees  
Second Highest Bidder Frederick Lang  
Second Highest Bidder's Address 27 Main St, Hornell, NY 14843

Resolution # C-20  
Former Owner Lester & Emma Clements  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 056.09-01-011.000  
Municipality Cohocton Village  
Highest Bidder Dale L Sturm  
Highest Bidder's Address PO Box 24, Cohocton, NY 14826  
Consideration \$1,100.00, together with \$208.00 recording fees  
Second Highest Bidder Carlton Gleason  
Second Highest Bidder's Address 120 W William St, Apt 2, Bath, NY 14810

Resolution # C-21  
Former Owner Barbara & William Early  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 017.15-01-039.000  
Municipality Cohocton Town  
Highest Bidder Cornerstone Homes Inc  
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830  
Consideration \$8,000.00, together with \$118.00 recording fees  
Second Highest Bidder Noel Bilby  
Second Highest Bidder's Address 3437 County Rte 3, Addison, NY 14801

Resolution # C-22  
Former Owner John D Smiley  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 318.18-02-037.000  
Municipality South Corning Village  
Highest Bidder Scott E Woodard  
Highest Bidder's Address 11032 River Rd, Corning, NY 14830  
Consideration \$7,000.00, together with \$118.00 recording fees  
Second Highest Bidder Cornerstone Homes Inc  
Second Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830

Resolution # C-23  
Former Owner Gene W Lauterborn  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 13, 2005  
Parcel # 336.10-02-043.000  
Municipality South Corning Village  
Highest Bidder Cornerstone Homes Inc  
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830  
Consideration \$32,000.00, together with \$118.00 recording fees  
Second Highest Bidder Cameron Dunlap III  
Second Highest Bidder's Address 417 W Lake Rd, Hammondsport, NY 14840

Resolution # C-24  
Former Owner John E & Hazel Knapp % Gordon Knapp  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 299.12-01-049.000  
Municipality Corning Town  
Highest Bidder Aaron L Flint  
Highest Bidder's Address 10501 Windfield St, Corning, NY 14830  
Consideration \$4,250.00, together with \$208.00 recording fees  
Second Highest Bidder Baird Fisher  
Second Highest Bidder's Address 690 Hillside Ave, Rochester, NY 14610

Resolution # C-25  
Former Owner Anthony & Josephine Ruocco % Samuel Ruocco  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 317.00-03-083.000  
Municipality Corning Town  
Highest Bidder Jesse Glosser  
Highest Bidder's Address 220 Park Ave, Corning, NY 14830  
Consideration \$1,100.00, together with \$208.00 recording fees  
Second Highest Bidder Wayne Cavalier  
Second Highest Bidder's Address 335 W Third St, Corning, NY 14830



Resolution # C-30  
Former Owner John A & Tammy S Foote  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 319.00-01-075.000  
Municipality Corning Town  
Highest Bidder Donald D Morse III  
Highest Bidder's Address PO Box 404, Corning, NY 14830  
Consideration \$2,000.00, together with \$208.00 recording fees  
Second Highest Bidder George Eddy  
Second Highest Bidder's Address 3863 Pine Hill Rd, Corning, NY 14830

Resolution # C-31  
Former Owner Darryl & Barbara Leonard  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 336.13-01-006.000  
Municipality Corning Town  
Highest Bidder Thomas A Timmerman & Karen M Timmerman,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 2691 Bailey Crk Rd, Corning, NY 14830  
Consideration \$300.00, together with \$208.00 recording fees  
Second Highest Bidder N/A  
Second Highest Bidder's Address \_\_\_\_\_

Resolution # C-32  
Former Owner Joseph A Black  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 299.20-03-051.000  
Municipality Corning City  
Highest Bidder George V Eddy & Leonard N Tostanoski  
Highest Bidder's Address 3895 West Rd, Corning, NY 14830  
Consideration \$1,200.00, together with \$208.00 recording fees  
Second Highest Bidder Donald Morse III  
Second Highest Bidder's Address PO Box 404, Corning, NY 14830

Resolution # C-33  
Former Owner Aleine McKinney % Michael Holleran  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 317.07-02-004.000  
Municipality Corning City  
Highest Bidder Carl Beyor  
Highest Bidder's Address 10 Conley Court, Bath, NY 14810  
Consideration \$900.00, together with \$208.00 recording fees  
Second Highest Bidder Juhi Inc  
Second Highest Bidder's Address 132 Montfort Dr, Belle Mead, NJ 08502

Resolution # C-34  
Former Owner Douglas C Jr & Joann N Henyan  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 317.16-03-006.000  
Municipality Corning City  
Highest Bidder Norman Frey & Virginia Frey,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 4737 Olin Rd, Woodhull, NY 14898  
Consideration \$30,000.00, together with \$118.00 recording fees  
Second Highest Bidder Lawrence Anderson  
Second Highest Bidder's Address 24 Edwards St, Patchogue, NY 11772

Resolution # C-35  
Former Owner David M Sisson  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 317.43-01-022.000  
Municipality Corning City  
Highest Bidder Wayne A Cavalier, Michael W Cavalier & Anthony J Cavalier  
Highest Bidder's Address 335 W Third St, Corning, NY 14830  
Consideration \$350.00, together with \$208.00 recording fees  
Second Highest Bidder Steven Pilgrim  
Second Highest Bidder's Address PO Box 393, Savona, NY 14879

Resolution # C-36  
Former Owner David M Sisson  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 317.43-01-023.000  
Municipality Corning City  
Highest Bidder Wayne A Cavalier, Michael W Cavalier & Anthony J Cavalier  
Highest Bidder's Address 335 W Third St, Corning, NY 14830  
Consideration \$400.00, together with \$208.00 recording fees  
Second Highest Bidder Juhi Inc  
Second Highest Bidder's Address 132 Montfort Dr, Belle Mead, NJ 08502

Resolution # C-37  
Former Owner David Michael Sisson  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 317.52-01-028.000  
Municipality Corning City  
Highest Bidder Wayne A Cavalier, Michael W Cavalier & Anthony J Cavalier  
Highest Bidder's Address 335 W Third St, Corning, NY 14830  
Consideration \$100.00, together with \$208.00 recording fees  
Second Highest Bidder N/A  
Second Highest Bidder's Address \_\_\_\_\_

Resolution # C-38  
Former Owner Robert W Townsend  
In Rem Index No. 78446, 1998 sale  
Date of Auction July 13, 2005  
Parcel # 318.14-03-028.000  
Municipality Corning City  
Highest Bidder Carl Beyor  
Highest Bidder's Address 10 Conley Court, Bath, NY 14810  
Consideration \$8,750.00, together with \$118.00 recording fees  
Second Highest Bidder Wendy Johnson  
Second Highest Bidder's Address 19 Balcom Ave, Corning, NY 14830

Resolution # C-39  
Former Owner Carlton B Robbins  
In Rem Index No. N/A, 1993 sale  
Date of Auction July 13, 2005  
Parcel # 318.47-01-032.000  
Municipality Corning City  
Highest Bidder Doris M Parmelee  
Highest Bidder's Address 13291 Tower Rd, Unionville, VA 22567-3047  
Consideration \$2,500.00, together with \$118.00 recording fees  
Second Highest Bidder Wendy Johnson  
Second Highest Bidder's Address 19 Balcom Ave, Corning, NY 14830

Resolution # C-40  
Former Owner Michelle Wilson  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 13, 2005  
Parcel # 318.54-02-037.000  
Municipality Corning City  
Highest Bidder Jesse Glosser  
Highest Bidder's Address 220 Park Ave, Corning, NY 14830  
Consideration \$2,600.00, together with \$118.00 recording fees  
Second Highest Bidder Doris M Parmelee  
Second Highest Bidder's Address 13291 Tower Rd, Unionville, VA 22567-3047

Resolution # C-41  
Former Owner Steuben Custom Homes Inc  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 13, 2005  
Parcel # 298.06-01-032.000  
Municipality Erwin Town  
Highest Bidder Steven D Rowe  
Highest Bidder's Address 2504 Morrcrest Drive, Corning, NY 14830  
Consideration \$20,500.00, together with \$208.00 recording fees  
Second Highest Bidder Charstan Easling  
Second Highest Bidder's Address 518 Princeton Way, Fairfield, CA 94533

Resolution # C-42  
Former Owner Michael F & Susan M Turturro  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 285.00-01-006.300  
Municipality Greenwood Town  
Highest Bidder Richard Lyle, Robin Lyle, David Lyle, Thomas Lyle,  
& \*Timothy Lyle  
Highest Bidder's Address \*1833 Glenbrook Ave, Lancaster, PA 17603  
Consideration \$13,000.00, together with \$118.00 recording fees  
Second Highest Bidder Norman Fairbanks  
Second Highest Bidder's Address 6654 Byron Holley Rd, Byron, NY 14422

Resolution # C-43  
Former Owner Harry Goldstein % Oscar Goldstein  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 305.00-01-014.000  
Municipality Greenwood Town  
Highest Bidder Leo J Waters & Judy A Waters,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 2060 St Rte 417, Greenwood, NY 14839  
Consideration \$2,500.00, together with \$118.00 recording fees  
Second Highest Bidder Kayla Warner  
Second Highest Bidder's Address 2035 Banks Hlwy, Greenwood, NY 14839

Resolution # C-44  
Former Owner Ralph H Gee  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 263.00-01-022.000  
Municipality Hornby Town  
Highest Bidder Kelly L Taylor  
Highest Bidder's Address 3950 Mormon Hollow, Corning, NY 14830  
Consideration \$20,000.00, together with \$118.00 recording fees  
Second Highest Bidder George Eddy  
Second Highest Bidder's Address 3863 Pine Hill Rd, Corning, NY 14830

Resolution # C-45  
Former Owner Lavern & Kathleen Phenes  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 282.00-01-031.000  
Municipality Hornby Town  
Highest Bidder William C Taylor & Pamela D Sears  
Highest Bidder's Address RR 2 Box 614 Marsh Rd, Lawrenceville, PA 16929  
Consideration \$26,000.00, together with \$118.00 recording fees  
Second Highest Bidder Cornerstone Homes Inc  
Second Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830



Resolution # C-50  
Former Owner Frank Collalto  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 182.00-02-004.200  
Municipality Hornellsville Town  
Highest Bidder John Fiamingo & Barbara Fiamingo,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 1048 Industrial Pk Rd, Hornell, NY 14843  
Consideration \$5,750.00, together with \$118.00 recording fees  
Second Highest Bidder Luther Stevens  
Second Highest Bidder's Address 45 N Hornell St, Canisteo, NY 14823

Resolution # C-51  
Former Owner Robt Jr & Mary Alice Ganz  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 13, 2005  
Parcel # 151.09-01-036.000  
Municipality Hornell City  
Highest Bidder Cashflow Finders USA, LLC  
Highest Bidder's Address 6127 N Railroad Ave, Conesus, NY 14435  
Consideration \$21,000.00, together with \$208.00 recording fees  
Second Highest Bidder Daniel Kerr  
Second Highest Bidder's Address 39 E Washington St, Hornell, NY 14843

Resolution # C-52  
Former Owner Mary Alice Ganz  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 13, 2005  
Parcel # 151.13-01-015.000  
Municipality Hornell City  
Highest Bidder Steven L Hurlburt  
Highest Bidder's Address 158 Dye St, Hornell, NY 14843  
Consideration \$500.00, together with \$208.00 recording fees  
Second Highest Bidder Daniel Eaton  
Second Highest Bidder's Address 74 W Lamoka Ave, Savona, NY 14879

Resolution # C-53  
Former Owner James A Main  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 151.15-01-050.000  
Municipality Hornell City  
Highest Bidder David Lampila  
Highest Bidder's Address 109 Dennis Ave, Hornell, NY 14843  
Consideration \$500.00, together with \$208.00 recording fees  
Second Highest Bidder Jerome S Oconnor & Nancy Brink-Oconnor  
Second Highest Bidder's Address 121 Bennett St, Hornell, NY 14843



Resolution # C-58  
Former Owner Anna L Pierce Estate  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 151.15-01-086.000  
Municipality Hornell City  
Highest Bidder John J Lyng & Barbara F Lyng,  
husband and wife, as tenants by the entirety  
Consideration \$850.00, together with \$208.00 recording fees  
Second Highest Bidder Steven Graham  
Second Highest Bidder's Address 275 Grand St, Hornell, NY 14843

Resolution # C-59  
Former Owner Ben Francis Coal Estate  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 151.15-01-087.000  
Municipality Hornell City  
Highest Bidder Steven P Graham  
Highest Bidder's Address 147 Terry St, Hornell, NY 14843  
Consideration \$1,000.00, together with \$208.00 recording fees  
Second Highest Bidder John Lyng  
Second Highest Bidder's Address 45 Center St, Hornell, NY 14843

Resolution # C-60  
Former Owner Lynn B Rodgers et al  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 151.15-01-097.000  
Municipality Hornell City  
Highest Bidder Jerome S Oconnor & Nancy Brink-Oconnor,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 121 Bennett St, Hornell, NY 14843  
Consideration \$2,400.00, together with \$208.00 recording fees  
Second Highest Bidder Norman & Virginia Frey  
Second Highest Bidder's Address 4737 Olin Rd, Woodhull, NY 14898

Resolution # C-61  
Former Owner Robert & Mary Snyder  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 151.17-01-023.000  
Municipality Hornell City  
Highest Bidder Richard E Flaitz & Dolores C Flaitz,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 13 Hill St, Hornell, NY 14843  
Consideration \$2,200.00, together with \$208.00 recording fees  
Second Highest Bidder Norman & Virginia Frey  
Second Highest Bidder's Address 4737 Olin Rd, Woodhull, NY 14898



Resolution # C-66  
Former Owner Mortgage Electronic Regist Sys  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 166.09-01-037.000  
Municipality Hornell City  
Highest Bidder Lang Agency Inc  
Highest Bidder's Address 27 Main St, Hornell, NY 14843  
Consideration \$9,000.00, together with \$118.00 recording fees  
Second Highest Bidder Noel Bilby  
Second Highest Bidder's Address 3437 County Rte 3, Addison, NY 14801

Resolution # C-67  
Former Owner Walter & Margo Vosburg  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 166.26-01-044.000  
Municipality Hornell City  
Highest Bidder Daniel L Eaton  
Highest Bidder's Address 74 W Lamoka Ave, Savona, NY 14879  
Consideration \$5,000.00, together with \$118.00 recording fees  
Second Highest Bidder George Eddy  
Second Highest Bidder's Address 3863 Pine Hill Rd, Corning, NY 14830

Resolution # C-68  
Former Owner Richard D Briggs  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 166.26-03-006.000  
Municipality Hornell City  
Highest Bidder Freeland Development  
Highest Bidder's Address 6 Fourth St, Canisteo, NY 14823  
Consideration \$9,000.00, together with \$118.00 recording fees  
Second Highest Bidder Daniel Eaton  
Second Highest Bidder's Address 74 W Lamoka Ave, Savona, NY 14879

Resolution # C-69  
Former Owner Howard E Bellaire, Jr  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 166.34-02-009.000  
Municipality Hornell City  
Highest Bidder Peter Grantham & Teresa Grantham,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address PO Box 68, Hornell, NY 14843  
Consideration \$900.00, together with \$208.00 recording fees  
Second Highest Bidder Steven Graham  
Second Highest Bidder's Address 275 Grand St, Hornell, NY 14843

Resolution # C-70  
Former Owner Penny L Lamb  
In Rem Index No. 76933, 1996 sale  
Date of Auction July 13, 2005  
Parcel # 185.00-01-030.124  
Municipality Howard Town  
Highest Bidder Keith A Plank & Frances M Plank,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 3878 CR 14, Canisteo, NY 14843  
Consideration \$5,000.00, together with \$208.00 recording fees  
Second Highest Bidder John Kenny  
Second Highest Bidder's Address 6571 Walker Rd, Canisteo, NY 14823

Resolution # C-71  
Former Owner Richard T Bouck  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 325.08-01-059.000  
Municipality Jasper Town  
Highest Bidder Michael VanSickles  
Highest Bidder's Address PO Box 58, Jasper, NY 14855-0058  
Consideration \$600.00, together with \$208.00 recording fees  
Second Highest Bidder Thomas Adams  
Second Highest Bidder's Address PO Box 85, Jasper, NY 14855

Resolution # C-72  
Former Owner O & E Briglin  
In Rem Index No. 82183, 2000 sale  
Date of Auction July 13, 2005  
Parcel # 007.00-01-035.000  
Municipality Prattsburgh Town  
Highest Bidder Jeremy E Years & Jennifer L Years,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 6110 Grimble Rd, Canandaigua, NY 14424  
Consideration \$1,900.00, together with \$208.00 recording fees  
Second Highest Bidder Juhi Inc  
Second Highest Bidder's Address 132 Montfort Dr, Belle Mead, NJ 08502

Resolution # C-73  
Former Owner Gerald L & Barbara Bernard  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 008.00-01-015.130  
Municipality Prattsburgh Town  
Highest Bidder Dean E Guando  
Highest Bidder's Address 15 St John Pl, N Babylon, NY 11704  
Consideration \$4,500.00, together with \$208.00 recording fees  
Second Highest Bidder Kay Cadigan  
Second Highest Bidder's Address 6210 Dillenbeck Rd, Prattsburgh, NY 14873

Resolution # C-74  
Former Owner Rodger W Worden  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 047.00-01-091.100  
Municipality Prattsburgh Town  
Highest Bidder Jeanette M Henry  
Highest Bidder's Address 15 E Academy St, Canisteo, NY 14823  
Consideration \$250.00, together with \$208.00.00 recording fees  
Second Highest Bidder Joy Goodsell  
Second Highest Bidder's Address PO Box 1272, Savona, NY 14879

Resolution # C-75  
Former Owner Sarah Caward & Myrtle Campbell  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 047.08-02-086.000  
Municipality Prattsburgh Town  
Highest Bidder Donald W Presher & Rosamonde K Presher,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address PO Box 293, Prattsburgh, NY 14873  
Consideration \$100.00, together with \$208.00 recording fees  
Second Highest Bidder N/A  
Second Highest Bidder's Address \_\_\_\_\_

Resolution # C-76  
Former Owner Robert A Wright  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 077.00-01-020.120  
Municipality Pulteney Town  
Highest Bidder John J Lyng & Barbara F Lyng,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 53 Center St, Hornell, NY 14843  
Consideration \$11,250.00, together with \$208.00 recording fees  
Second Highest Bidder Steven Rowe  
Second Highest Bidder's Address 2531 Morrcrest Dr, Corning, NY 14830

Resolution # C-77  
Former Owner Timothy J Abbey  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 312.00-01-026.220  
Municipality Rathbone Town  
Highest Bidder George V Eddy & Leonard N Tostanoski  
Highest Bidder's Address 3895 West Rd, Corning, NY 14830  
Consideration \$2,100.00, together with \$118.00 recording fees  
Second Highest Bidder Kayla Warner  
Second Highest Bidder's Address 2035 Banks Hlwy, Greenwood, NY 14839

Resolution # C-78  
Former Owner Buck Run Hunt Club Inc & % Howard Reals  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 329.00-01-002.200  
Municipality Rathbone Town  
Highest Bidder Thomas Mangel & Jerry Hagg  
Highest Bidder's Address 4541 Ridge Rd, Lockport, NY 14094  
Consideration \$10,000.00, together with \$118.00 recording fees  
Second Highest Bidder Noel Bilby  
Second Highest Bidder's Address 3437 County Rte 3, Addison, NY 14801

Resolution # C-79  
Former Owner Wilbur Kloner  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 347.00-02-030.000  
Municipality Rathbone Town  
Highest Bidder Daniel L Eaton  
Highest Bidder's Address 74 W Lamoka Ave, Savona, NY 14879  
Consideration \$3,000.00, together with \$208.00 recording fees  
Second Highest Bidder Noel Bilby  
Second Highest Bidder's Address 3437 County Rte 3, Addison, NY 14801

Resolution # C-80  
Former Owner Lewis Martin  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 276.11-01-040.000  
Municipality Thurston Town  
Highest Bidder Angela Toscano  
Highest Bidder's Address 1447 Arden Ave, Staten Island, NY 10312  
Consideration \$10,500.00, together with \$208.00 recording fees  
Second Highest Bidder Joseph Pelych  
Second Highest Bidder's Address 11 Pearl St, Hornell, NY 14843

Resolution # C-81  
Former Owner John & Debra Dixon  
In Rem Index No. 82183, 2000 sale  
Date of Auction July 13, 2005  
Parcel # 276.11-01-041.000  
Municipality Thurston Town  
Highest Bidder Kenneth P Simolo & David M Simolo  
Highest Bidder's Address 3960 Drum Rd, Cohocton, NY 14826  
Consideration \$14,750.00, together with \$118.00 recording fees  
Second Highest Bidder Daniel Kerr  
Second Highest Bidder's Address 39 E Washington St, Hornell, NY 14843

Resolution # C-82  
Former Owner John W Dixon  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 276.11-01-045.000  
Municipality Thurston Town  
Highest Bidder Beverly A Lawrence  
Highest Bidder's Address 4212 Crittenden Rd, Akron, NY 14001-9516  
Consideration \$4,750.00, together with \$118.00 recording fees  
Second Highest Bidder Richard Shutes  
Second Highest Bidder's Address 3825 County Rte 2, Addison, NY 14801

Resolution # C-83  
Former Owner Robert D & Patti L Warner  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 002.16-01-039.000  
Municipality Wayland Village  
Highest Bidder Terry M Kelley  
Highest Bidder's Address PO Box 452, Wayland, NY 14572  
Consideration \$33,000.00, together with \$118.00 recording fees  
Second Highest Bidder Kenneth Simolo & David Simolo  
Second Highest Bidder's Address 3960 Drum Rd, Cohocton, NY 14826

Resolution # C-84  
Former Owner Toni Adriance  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 002.20-03-005.000  
Municipality Wayland Village  
Highest Bidder Donald E Rauber & Donna Werth  
Highest Bidder's Address 2656 State Rte 21 N, Wayland, NY 14572  
Consideration \$23,000.00, together with \$208.00 recording fees  
Second Highest Bidder George Eddy  
Second Highest Bidder's Address 3863 Pine Hill Rd, Corning, NY 14830

Resolution # C-85  
Former Owner Roy E Inscho  
In Rem Index No. 86329, 2002 sale  
Date of Auction July 13, 2005  
Parcel # 015.05-02-006.000  
Municipality Wayland Village  
Highest Bidder Kenneth P Simolo & David M Simolo  
Highest Bidder's Address 3960 Drum Rd, Cohocton, NY 14826  
Consideration \$10,250.00, together with \$118.00 recording fees  
Second Highest Bidder Noel Bilby  
Second Highest Bidder's Address 3437 County Rte 3, Addison, NY 14801



Resolution # C-90  
Former Owner Frederick A Smith  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 105.00-03-037.120  
Municipality Wayne Town  
Highest Bidder Juhi Inc  
Highest Bidder's Address 132 Montfort Dr, Belle Mead, NJ 08502  
Consideration \$700.00, together with \$208.00 recording fees  
Second Highest Bidder Ralph Weaver  
Second Highest Bidder's Address 2894 Himrod Rd, Penn Yan, NY 14527

Resolution # C-91  
Former Owner David M Sisson  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 075.00-01-004.000  
Municipality Wheeler Town  
Highest Bidder Ralph P Bellucco Jr  
Highest Bidder's Address 410 Tanton Way, Apt D, Webster, NY 14580  
Consideration \$50.00, together with \$208.00 recording fees  
Second Highest Bidder N/A  
Second Highest Bidder's Address \_\_\_\_\_

Resolution # C-92  
Former Owner Michael T Williams  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 116.00-01-013.120  
Municipality Wheeler Town  
Highest Bidder Timothy Parmelee & Amy Parmelee,  
husband and wife, as tenants by the entirety  
Highest Bidder's Address 18 Mountview Rd E, Bath, NY 14810  
Consideration \$18,500.00, together with \$208.00 recording fees  
Second Highest Bidder Barbara Towner  
Second Highest Bidder's Address PO Box 10, Addison, NY 14801

Resolution # C-93  
Former Owner Steuben County  
Date of Auction July 13, 2005  
Parcel # 043.13-01-010.000  
Municipality Cohocton Village  
Highest Bidder Nearly Organic Farms  
Highest Bidder's Address PO Box 504, Arkport, NY 14807  
Consideration \$1,800.00, together with \$118.00 recording fees  
Second Highest Bidder Thomas Reed II  
Second Highest Bidder's Address 221 Washington St, Corning, NY 14830

Resolution # C-94  
Former Owner Bill C Earl  
In Rem Index No. 88508, 2003 sale \_\_\_\_\_  
Date of Auction July 13, 2005  
Parcel # 197.11-02-057.000  
Municipality Canisteo Village  
Grantee(s) Kenneth Cole  
Grantee(s) Address 1960 Belle Haven Rd, Canisteo, NY 14823  
Consideration \$100.00, together with \$208.00 recording fees

**Vote: Roll Call – Adopted.**

### RESOLUTION NO. 102-05

Introduced by P. Roche.

Seconded by T. McIntyre.

### RECEIVING AND ACCEPTING THE JULY 25, 2005, 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 17, 2005**

1. Governor's Office for Small Cities - Re: Semi-Annual Progress Report for Grant No. 1115HR122-04 - County of Steuben Well & Septic Repairs - Progress Report must be submitted by July 15, 2005. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
2. Governor's Office for Small Cities - Re: Semi-Annual Progress Report for Grant No. 1115ED446-03 - County of Steuben - Asst. Transportation & Transit Associates, LLC and for Grant Administration. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

#### **June 20, 2005**

1. Clinton County Legislature - Resolution "Urging the Governor and the NYS Legislature to Enact Measures Restricting Convicted Sexual Offenders from Living Near Places Where Children Congregate." **Referred to: Public Safety & Corrections Committee; John Tunney, District Attorney; Byrum Cooper, Public Defender; and Sheriff Tweddell.**

#### **July 5, 2005**

1. NYS Department of Environmental Conservation - Re: Notice of special series addressing New York State's water infrastructure that includes wastewater treatment, control of storm water, provision of water supplies, and protection from destructive floods and coastal erosion. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

#### **July 6, 2005**

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$8,116 representing the May 2005 retained surcharge revenue for Steuben County from the WROTBC. **Referred to: Rules and Finance Committees; and Larry Crossett, County Treasurer.**

#### **July 11, 2005**

1. State of New York Public Service Commission - Re: Application of the Town of Howard for Waiver of Certain Provisions of 9 NYCRR Part 594 of the Commission's Rules with regard to cable television franchising. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
2. State of New York Public Service Commission - Re: Notice of Educational Forums and Public Statement Hearings on Proposals of Verizon and MCI to Merge and of SBC and AT&T to Merge. **Referred to: Administration Committee and Ken Peaslee, I.T. Director.**

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 103-05**

Introduced by P. McAllister and G. Swackhamer.

Seconded by All Legislators.

**FINAL ADOPTION OF COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2005, AMENDING LOCAL LAW NO. TWO FOR THE YEAR 2002, TO INCREASE THE INCOME LEVEL FOR WHICH AN OWNER OR OWNERS MAY QUALIFY FOR REAL PROPERTY EXEMPTIONS FROM \$19,500 PER ANNUM TO \$22,500 PER ANNUM INCOME, RELATIVE TO SENIOR CITIZENS.**

Pursuant to Real Property Tax Law §467 and §§10 and 20 of the General Municipal Law.

**WHEREAS**, there has been duly presented to the members of the Steuben County Legislature on June 25, 2005, County of Steuben Local Law Tentatively No. Two for the Year 2005, amending Local Law No. Two for the Year 2002, to increase the income level for which an owner or owners may qualify for Real Property Exemptions from \$19,500 per annum to \$22,500 per annum income, relative to Senior Citizens, and this Legislature by resolution, preliminarily adopted said Local Law on June 27, 2005, making the final adoption of said Local Law subject to a Public Hearing to be held on July 25, 2005; 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 July 25, 2005, 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 the County of Steuben Local Law Tentatively No. Two for the Year 2005, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. TWO OF THE YEAR 2005**

A **LOCAL LAW** amending Local Law No. Two for the Year 2002 to increase the income level for which an owner or owners may qualify for real property exemptions from \$19,500 per annum income to \$22,500 per annum income for Senior Citizens.

**BE IT ENACTED** by the Legislature of the County of Steuben, as follows:

**SECTION 1: LEGISLATIVE INTENT**

The purpose of this Local Law is to amend Local Law No. Two for the Year 2002, Section 2, to provide an increase in the income of qualified owners from \$19,500 per annum to \$22,500 per annum income.

**SECTION 2: AMENDMENT OF LOCAL LAW NO. TWO FOR THE YEAR 2002 - SECTION 2**

Local Law No. Two for the Year 2002, Section 2, be and the same hereby is, amended to read as follows:

"If the income of the owner or the combined income of the owners for the income tax year immediately preceding the date of making application for exemption exceeds the sum of [Nineteen Thousand Five Hundred (\$19,500) Dollars] Twenty-two Thousand Five Hundred (\$22,500) Dollars."

**NOTE:** Old Law is in brackets [ ] and deleted;  
Matter underlined is new.

**SECTION 3. EFFECTIVE DATE**

The within Local Law shall be effective immediately upon passage and applicable the next tax year following.

**AND BE IT FURTHER RESOLVED**, a Public Hearing on the within Local Law has been held on July 25, 2005 at 10:00 A.M. at the Legislative Chambers, Village of Bath, New York; and be it further

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

**RESOLVED**, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Two for the Year 2005, 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 Director Real Property Tax Agency.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 104-05**

Introduced by P. McAllister and G. Swackhamer.

Seconded by All Legislators.

**PRESENTING COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2005, AMENDING LOCAL LAW NO. THREE OF 2002, TO INCREASE THE INCOME LEVEL FOR WHICH AN OWNER OR OWNERS MAY QUALIFY FOR REAL PROPERTY EXEMPTIONS FROM \$19,500 PER ANNUM TO \$22,500 PER ANNUM INCOME, RELATIVE TO PERSONS WITH DISABILITIES.**

Pursuant to Real Property Tax Law §459-c and §§10 and 20 of the General Municipal Law.

**WHEREAS**, the Administration and Finance Committees of the Steuben County Legislature have recommended increasing the income level of an owner or owners of real estate owned by persons with disabilities who qualify for a partial real estate tax exemption; and

**WHEREAS**, the aforesaid income level was established by Local Law No. Three for the Year 2002 at \$19,500 and the Administration and Finance Committees of the Steuben County Legislature have recommended an increase to \$22,500.

**NOW THEREFORE, BE IT**

**RESOLVED**, there is hereby presented to each member of this County Legislature of the County of Steuben Local Law Tentatively No. Three for the Year 2005, amending Local Law No. Three for the Year 2002, to increase the income level for which an owner or owners may qualify for real property exemptions from \$19,500 per annum to \$22,500 per annum relative to persons with disabilities, as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2005**

A **LOCAL LAW** amending Local Law No. Three for the Year 2002 to increase the income level for which an owner or owners may qualify for real property exemptions from \$19,500 per annum to \$22,500 per annum income, relative to persons with disabilities.

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

**SECTION 1: LEGISLATIVE INTENT**

It is the purpose of this Local Law to amend Local Law No. Three for the Year 2002, to provide an increase in income of qualified persons from \$19,500 per annum to \$22,500 per annum.

**SECTION 2: AMENDMENT OF LOCAL LAW NO. THREE FOR THE YEAR 2002 – SECTION 4.D.1**

Local Law No. Three for the Year 2002, Section 4.D.1, be and the same hereby is, amended to read as follows: “If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of [Nineteen Thousand Five Hundred (\$19,500) Dollars] Twenty-two Thousand Five Hundred (\$22,500).”

**NOTE:** Old Law is in brackets [ ] and deleted;  
Matter underlined is new.

**SECTION 3. EFFECTIVE DATE**

The within Local Law shall be effective immediately upon passage and applicable the next tax year following.

**BE IT FURTHER RESOLVED**, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on the 22nd day of August 2005 at 10:00 A.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York; and be it further

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

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

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 105-05**

Introduced by D. Baker.

Seconded by D. Creath.

**ADOPTING AND RATIFYING THE ENVIRONMENTAL ASSESSMENT FORM AND NEGATIVE DECLARATION FOR THE CONSTRUCTION OF AN ADDITION TO THE EXISTING STEUBEN COUNTY JAIL, IN COMPLIANCE WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA).**

**WHEREAS**, it has been determined that the construction of an addition to the existing Steuben County Jail constitutes an Unlisted Action under the State Environmental Quality Review Act (“SEQRA”); and

**WHEREAS**, an Environmental Assessment Form has been completed and dated July 8, 2005, which describes the proposed addition to the Steuben County Jail and evaluates the potential environmental impacts of the addition; and

**WHEREAS**, it has been determined that said addition will not have any significant negative impacts on the environment.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature does hereby adopt a Negative Declaration, Notice of Determination of Non-Significance, for the addition to the Steuben County Jail; and be it further

**RESOLVED**, a certified copy of this resolution, and a copy of the Negative Declaration, shall be filed with the Clerk of the Steuben County Legislature.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 106-05**

Introduced by D. Baker and G. Swackhamer.

Seconded by K. Isaman.

**AUTHORIZING THE CONSTRUCTION OF AN ADDITION TO THE EXISTING STEUBEN COUNTY JAIL IN AND FOR THE COUNTY OF STEUBEN, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$16,000,000, AND AUTHORIZING THE ISSUANCE OF \$16,000,000 BONDS OF SAID COUNTY TO PAY THE COST THEREOF.**

**BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Steuben, New York, as follows:

Section 1. The construction of an addition to the existing Steuben County jail in and for the County of Steuben, New York, including site improvements, as well as original furnishings, equipment, machinery, apparatus and other incidental costs and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$16,000,000.

Section 2. The project has been determined to be an "Unlisted Action" for purposes of the State Environmental Quality Review Act which will not result in any significant adverse environmental effects.

Section 3. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$16,000,000 bonds of said County hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said County of Steuben, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the County Treasurer shall deem best for the interests of the County.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, and also including the consolidation with other issues, shall be determined by the County Treasurer. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the County Treasurer shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution, which takes effect immediately, shall be published in summary form in *The Leader* and *The Evening Tribune*, the official newspapers, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

Mr. Nichols stated one of the reasons the Finance Committee recommended a 15 year bond is because of the rate of the population increase. We may be faced with building another addition in 15 years.

Mr. McIntyre stated he is a little uncomfortable about approving this without having the whole picture.

Mr. Alger stated we would all feel more comfortable if we had bids for this facility. However, that's why we hire consultants to determine the estimate and if they are comfortable with the numbers, we need to be.

Mr. Kukupka stated we have jail data and it appears that the \$16 million will be enough for the project based upon our past experience and the trends. Mr. Tuttle concurred.

Chairman Roche stated we will still be in control of this project. The bond market is very volatile right now. If we wait 3 or 4 months, the interest rates could be very much higher.

Mr. Stachnik stated 11 years ago the late Lynn Morse tried to convince us to build the pod we are talking about building right now. It would have been much cheaper to build it then.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 107-05**

Introduced by H. Mayo.

Seconded by T. Schwartz.

**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 3334320, CR 110 over the Canisteo River, Steuben County, PIN 6753.24 (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 purpose of this agreement is to allow reimbursement of additional Marchiselli monies, thereby reducing Steuben County's share of the total Project cost to 5%; 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 3334320, CR 110 over the Canisteo River, Steuben County, PIN 6753.24.

**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, right-of-way acquisition and construction work for the Project or portions thereof; and be it further

**RESOLVED**, that the sum of \$2,280,000 has been previously appropriated and made available to cover the cost of participation in the above phases of the Project; and be it further

**RESOLVED**, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the County of Steuben shall convene as soon as possible to appropriate said excess amount immediately upon notification by the NYSDOT thereof; and be it further

**RESOLVED**, that the Chairperson of the Steuben County Legislature be and the same 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**, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

**RESOLVED**, this Resolution shall take effect immediately.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 108-05**

Introduced by H. Mayo.

Seconded by T. Schwartz.

**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, CR 85 over the Tuscarora Creek, Steuben County, PIN 6753.74 (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 purpose of this agreement is to allow reimbursement of additional Marchiselli monies, thereby reducing Steuben County's share of the construction portion of the Project cost to 5%; 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, CR 85 over the Tuscarora Creek, Steuben County, PIN 6753.74.

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

**RESOLVED**, 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 construction and construction inspection work for the Project or portions thereof; and be it further

**RESOLVED**, that the sum of \$2,220,000 has been previously appropriated and made available to cover the cost of participation in the above phases of the Project; and be it further

**RESOLVED**, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the County of Steuben shall convene as soon as possible to appropriate said excess amount immediately upon notification by the NYSDOT thereof; and be it further

**RESOLVED**, that the Chairperson of the Steuben County Legislature be and the same 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 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. 109-05**

Introduced by H. Mayo.

Seconded by D. Baker.

**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 FOR THE YEARS 2005, 2006, AND 2007.**

**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.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 110-05**

Introduced by H. Mayo.

Seconded by R. Nichols.

**AUTHORIZING THE FILING OF AN APPLICATION FOR A MUNICIPAL WASTE REDUCTION AND/OR RECYCLING PROJECT AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE.**

**WHEREAS**, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects, including funding 50 percent of the Capital Project: Loading Dock and Scrap Metal/Tire Storage Area completed in 2004 at the Bath Landfill; and

**WHEREAS**, Steuben County (hereinafter referred to as “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 referred to as the “State”) and the Municipality be executed for such State Aid.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the filing of an application for a grant to fund 50 percent of the Capital Project: Loading Dock and Scrap Metal/Tire Storage Area required by the State, in conformity with the applicable laws of the State of New York, including all understanding and assurances contained in said application, is hereby authorized; and be it further

**RESOLVED**, that Vincent Spagnoletti, Commissioner of Steuben County Department of Public Works, 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 or when said application is approved by the State; and be it further

**RESOLVED**, that the Municipality agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project; and be it further

**RESOLVED**, five (5) certified copies of this resolution shall be forwarded to the New York State Department of Environmental Conservation, Albany, New York 12233-7253, together with a completed application; and be it further

**RESOLVED**, that this resolution shall take effect immediately.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 111-05**

Introduced by H. Mayo.

Seconded by R. Nielsen.

**AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO APPLY FOR A GRANT WHICH WOULD FUND 50 PERCENT OF THE RECYCLING COORDINATOR’S SALARY FOR THE YEARS 2005, 2006, AND 2007.**

**WHEREAS**, the Steuben County Recycling Coordinator educates the Public in recycling as well as, coordinating the County programs; and

**WHEREAS**, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects, including funding 50 percent of the Recycling Coordinator’s (herein referred to as the “Manager”) salary; and

**WHEREAS**, Steuben County (hereinafter referred to as “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 referred to as the “State”) and the Municipality be executed for such State Aid.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the filing of an application for a grant to fund 50 percent of the Manager’s salary in the form required by the State , in conformity with the applicable laws of the State of New York, including all understanding and assurances contained in said application is hereby authorized; and be it further

**RESOLVED**, that Vincent Spagnoletti, Commissioner of Steuben County Department of Public Works, 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 or when said application is approved by the State; and be it further

**RESOLVED**, five (5) certified copies of this resolution shall be forwarded to the New York State Department of Environmental Conservation, Albany, New York 12233-7253, together with a completed application; and be it further

**RESOLVED**, that this resolution shall take effect immediately.

**Vote: Roll Call – Adopted.**

### **RESOLUTION NO. 112-05**

Introduced by H. Mayo.

Seconded by T. Schwartz.

### **AUTHORIZING THE COMMISSIONER OF THE STEUBEN COUNTY DEPARTMENT OF PUBLIC WORKS TO EXECUTE A REVISED 2004/2005 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 2004/2005 winter was severe; and

**WHEREAS**, the cost of fuel was high; and

**WHEREAS**, the 2004/2005 Municipal Snow and Ice Agreement with the State of New York must be revised to reflect expenditures on State roads plowed/treated and a fuel adjustment; and

**WHEREAS** the original contract amount was for \$609,038.02 and the final amount was \$613,367.61; and

**WHEREAS**, the fuel adjustment of 12.4% increases the contract an additional \$25,275.53; and

**WHEREAS**, the Public Works Committee has recommended that the Snow and Ice Agreement for 2004/2005 be revised.

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

**RESOLVED**, the Steuben County Legislature does hereby authorize and direct the execution of a revised 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 revised agreement for 2004/2005 will increase from \$609,038.02 to \$638,643.14; and be it further

**RESOLVED**, four (4) certified copies of this resolution shall be forwarded, as needed by the Commissioner of Public Works, for processing of this matter.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 113-05**

Introduced by H. Mayo and G. Swackhamer.

Seconded by R. Nichols.

**AUTHORIZING THE COMMISSIONER OF STEUBEN COUNTY DEPARTMENT OF PUBLIC WORKS TO ACCEPT A GRANT WHICH FUNDS 100% OF THE OCCUPATIONAL, SAFETY, AND HEALTH ADMINISTRATION (OSHA) TRAINING FOR THE DEPARTMENT OF PUBLIC WORKS EMPLOYEES.**

**WHEREAS**, the Department of Public Works recognizes that there is a need for continually educating and training department employees in the area of occupational health and safety; and

**WHEREAS**, the Department of Public Works has applied for and received a grant from the New York State Occupational Safety and Health Hazard Abatement Board; and

**WHEREAS**, Steuben County (hereinafter referred to as 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 accept the grant under these laws; and

**WHEREAS**, it is necessary that a contract by and between the people of the State of New York (herein referred to as 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 acceptance of the grant 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 grant 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 grant and to provide such additional information as may be required and to sign the resulting contract for said grant.
3. The Municipality agrees to fund the entire cost to the sum of \$75,775.00 for Safety and Health Employee Training Program and will be reimbursed by the State for 100 percent of such costs.

**RESOLVED**, this resolution shall take effect immediately; and

**BE IT FURTHER RESOLVED**, that the Steuben County Treasurer is authorized to accept the revenues into account 4.3389.500 OSHA Training and appropriate \$65,275.00 into account 501000.5.407.200 Training and \$10,500.00 into account 816061.5.407.200 Training; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 114-05**

Introduced by P. McAllister.

Seconded by F. Gehl.

**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 2006.**

Pursuant to Article 5 of the Workers' Compensation Law of the State of New York.

**WHEREAS**, an estimate of the cost is to be filed with this County Legislature on or before August 15, 2005 for the Budget Year 2006.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the estimated cost (Budget for 2006), 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 2006 Steuben County Budget; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Steuben County Treasurer 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, 2006**

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, 2006 and ending December 31, 2006, pursuant to Section 67, Paragraph 1 of the Workers' Compensation Law.

**APPROPRIATED BUDGET FOR 2006**

Medical & Hospital Payments	Item # 172006-5-410-300	\$ 464,451.38
Compensation Awards	Item # 172006-5-410-310	\$ 818,610.44
Administration Salary	Item # 171006-5-110-0000	\$ 46,860.00
Computer	Item # 171006-5-290-020	\$ 0.00
Equipment	Item # 171006-5-298-090	\$ 300.00
Telephone	Item # 171006-5-402-990	\$ 300.00
Copying	Item # 171006-5-403-800	\$ 200.00
Membership Dues	Item # 171006-5-404-100	\$ 300.00
Postage	Item # 171006-5-405-100	\$ 600.00
Office Supplies	Item # 171006-5-406-000	\$ 350.00
Conferences	Item # 171006-5-407-200	\$ 1,500.00
Safety Training	Item # 171006-5-407-310	\$ 2,000.00
Insurance	Item # 171006-5-410-100	\$ 175.00
Excess Workers' Compensation	Item # 171006-5-410-320	\$ 115,000.00
Workers' Compensation VF60	Item # 171006-5-410-331	\$ 18,000.00
Workers' Compensation VA60	Item # 171006-5-410-332	\$ 3,000.00
Workers' Compensation 151	Item # 171006-5-410-335	\$ 50,000.00
Workers' Compensation 15-8	Item # 171006-5-410-336	\$ 165,000.00
Workers' Compensation 25A	Item # 171006-5-410-337	\$ 48,000.00
Workers' Compensation IDP	Item # 171006-5-410-338	\$ 14,000.00
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	\$ 20,000.00
Vol Firemen's Physicals	Item # 171006-5-420-050	\$ 600.00
Consultant Fees	Item # 171006-5-423-310	\$ 500.00
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	\$ 5,000.00
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	\$ 5,500.00
Social Security	Item # 171006-5-830-000	\$ 4,700.00
Workers' Compensation	Item # 171006-5-840-000	\$ 800.00
Group Medical	Item # 171006-5-860-000	\$ 12,000.00
Contributed Reserve	Item # 171006-5-901-000	\$ 0.00
<b>BUDGET TOTAL</b>		<b>\$1,895,439.82</b>

<i>TOWN OF ERWIN LIABILITIES</i>	-3,647.60
<b>LESS INTEREST EARNINGS</b>	<b>-70,000.00</b>
<b>TRANSFER FROM FUND BALANCE</b>	<b>-473,775.22</b>
<b>TOTAL TO BE APPORTIONED</b>	<b><u>\$1,348,017.00</u></b>

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 115-05**

Introduced by P. McAllister.

Seconded by D. Baker.

**FILING THE TABLE OF APPORTIONMENT RELATIVE TO THE SHARES OF THE PARTICIPATING MEMBERS OF THE STEUBEN COUNTY SELF-INSURANCE WORKERS' COMPENSATION PLAN FOR 2006.**

Pursuant to Article 5 of the Workers' Compensation Law of the State of New York.

**WHEREAS**, on July 27, 2005 this Steuben County Legislature had filed and approved the estimated cost for Fiscal Year 2006 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 2006, 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 2006 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 2006; 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, 2005, 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.

**2006**  
**TABLE OF APPORTIONMENT**  
**\$1,348,017.00**

<u>MUNICIPALITY</u>	<u>CLASS</u>	<u>AMOUNT</u>
STEUBEN COUNTY	I	<b>\$ 658,513.17</b>
ADDISON	I	\$ 6,451.76
AVOCA	I	\$ 12,334.80
BATH	I	\$ 43,691.99
BRADFORD	I	\$ 10,636.00
CAMERON	I	\$ 16,301.00
CAMPBELL	I	\$ 26,057.20
CANISTEO	I	\$ 9,312.00
CATON	I	\$ 18,122.26
COHOCTON	I	\$ 24,728.23
DANSVILLE	I	\$ 15,769.71
FREMONT	I	\$ 18,462.41
GREENWOOD	I	\$ 16,634.69
HARTSVILLE	I	\$ 4,897.86
HORNBY	I	\$ 18,074.54
HORNELLSVILLE	I	\$ 21,576.47
HOWARD	I	\$ 18,994.70
JASPER	I	\$ 15,180.15
LINDLEY	I	\$ 14,092.61
PRATTSBURGH	I	\$ 26,503.54
PULTENEY	I	\$ 19,599.19
RATHBONE	I	\$ 8,747.36
THURSTON	I	\$ 18,047.28
TROUPSBURG	I	\$ 20,017.73
TUSCARORA	I	\$ 19,018.26
WAYLAND	I	\$ 12,732.75
WEST UNION	I	\$ 11,081.56
WHEELER	I	\$ 7,748.53
WOODHULL	I	\$ 19,797.60
<b>TOWNS TOTAL</b>		<b>\$ 474,612.18</b>
ADDISON	I	\$ 24,591.28
ARKPORT	I	\$ 10,486.70
AVOCA	I	\$ 12,758.68
BATH	I	\$ 65,762.96
CANISTEO	I	\$ 22,867.06
COHOCTON	I	\$ 14,570.63
NORTH HORNELL	I	\$ 10,928.58
PAINTED POST	I	\$ 24,478.35
WAYLAND	I	\$ 28,447.41
<b>VILLAGES TOTAL</b>		<b>\$ 214,891.65</b>

**Note: Roll Call – Adopted.**

**RESOLUTION NO. 116-05**

Introduced by D. Baker and G. Swackhamer.

Seconded by D. Stachnik.

**ACCEPTING LEGISLATIVE INITIATIVE FUNDING FOR THE STEUBEN COUNTY VOLUNTEER FIRE TRAINING PROGRAM.**

**WHEREAS**, the County of Steuben has identified a shortage of trained volunteer firefighters and emergency medical providers; and

**WHEREAS**, the County has a need to train new and experienced firefighters annually; and

**WHEREAS**, the funding allocated to the New York State Office of Fire Prevention and Control (“OFP&C”) training program will only allow for new firefighters annually; and

**WHEREAS**, the County of Steuben Office of Emergency Services has requested additional funding to address the current unmet needs of the State Fire & EMS Training Program; and

**WHEREAS**, Senator George H. Winner, Jr. and Assemblyman James G. Bacalles have notified the Steuben County Office of Emergency Services that \$10,000 has been allocated through a New York State Legislative Initiative for the Steuben County Volunteer Fire Training Program.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature does hereby accept the \$10,000 and authorizes the Steuben County Treasurer to allocate said funding to the Office of Emergency Services budget for Budget Year 2005 in order to facilitate the funding of training as identified by the Director of Emergency Services; and be it further

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

Chairman Roche stated he’d like to thank Assemblyman Bacalles and Senator Winner for making this possible.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 117-05**

Introduced by D. Stachnik and G. Swackhamer.

Seconded by R. Nielsen.

**ESTABLISHMENT OF MEDICARE OUTREACH, EDUCATION AND ASSISTANCE PROGRAM WITHIN THE STEUBEN COUNTY OFFICE FOR THE AGING.**

**WHEREAS**, the Centers for Medicare and Medicaid Services, the New York State Office for the Aging, and the New York State Department of Health have designated Offices for the Aging to educate and assist older New Yorkers in participating in the new Part D Medicare prescription drug coverage benefit under the Medicare Modernization Act of 2003; and

**WHEREAS**, New York State has made special State Pharmaceutical Assistance Program funds available to the Steuben County Office for the Aging to maximize participation of EPIC enrollees in the new Medicare prescription drug coverage; and

**WHEREAS**, the Steuben County Office for the Aging will receive initial grant funding for this program in the amount of \$50,000 for the period April 1, 2005 through September 30, 2005 and additional funding for the period October 1, 2005 through September 30, 2006 also in the amount of \$50,000.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature does hereby accept these grants to establish the Medicare Outreach, Education and Assistance Program within the Steuben County Office for the Aging; and be it further

**RESOLVED**, that the Chairman of the Legislature and the Director of the Office for the Aging, as appropriate, are hereby authorized to sign all documents necessary to accept and administer said grants; and be it further

**RESOLVED**, that the Office for the Aging is hereby authorized to carry out all activities necessary to administer said grant; and be it further

**RESOLVED**, that the Steuben County Treasurer is hereby authorized to modify the 2005 Steuben County budget to account for said grants in accordance with properly approved Budget Adjustment Requests; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to Linda Tetor, Director of the Office for the Aging and to the County Treasurer.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 118-05**

Introduced by H. Mayo and P. McAllister.

Seconded by R. Nielsen.

**RECLASSIFICATION OF A VACANT DISTRICT SUPERVISOR, GRADE XV POSITION TO A HIGHWAY ENGINEER, MANAGEMENT GRADE G POSITION WITHIN THE STEUBEN COUNTY DEPARTMENT OF PUBLIC WORKS.**

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

**WHEREAS**, there is a position in the Steuben County Department of Public Works which is inappropriately titled and not consistent with the duties for said position; and

**WHEREAS**, the Steuben County Personnel Officer and the Public Works Committee have reviewed said position within the Steuben County Department of Public Works 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 Department of Public Works is hereby reclassified:

District Supervisor, Grade XV (\$31,715-\$44,772) to  
Highway Engineer, Management, Grade G (\$42,420-\$66,959)

**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 Commissioner of Public Works.

Mr. Argentieri asked how much is this going to cost? Mr. Spagnoletti stated the immediate cost is \$22,000.

Mr. McIntyre stated we have an engineer for our bridges and I think it is valuable to have an engineer for the roads as well.

**Vote: Roll Call – Adopted.**

**Yes: 8670; No: 597; Absent: 605. (No: Walsh; Absent: Donnelly)**

Mr. Argentieri asked are we making any progress on the \$500,000 loss due to the fire? Chairman Roche stated Mr. Ahrens is working on it and he is not here today.

*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. McAllister 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. Nichols, seconded by Mr. Isaman and duly carried.*

**REGULAR MEETING**  
**Morning Session**  
**Monday, August 22, 2005**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 22<sup>nd</sup> day of August, 2005 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 Legislators Stachnik and Swackhamer.

Chairman Roche offered the Invocation and the Pledge of Allegiance was led by Mr. Schwartz.

Mrs. Kane stated last year we started the Employee of the Year Award. The recipient of this award is selected randomly and employees who have been Employee of the Month during the past year are eligible for this. She asked Mr. Argentieri to draw a name. Mrs. Kane announced that Kimberly Stone from the Department of Social Services is this year's winner. Ms. Stone was the November 2004 Employee of the Month. **CONGRATULATIONS! Mr. McIntyre asked that Ms. Stone be present at next month's meeting for recognition.**

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

Joe Cavallaro, Corning, introduced himself and announced that he is running for Legislator in District 2 for the Republican Party.

*Motion adopting the minutes of the July meeting made by Mr. Schwartz, seconded by Mr. McAllister and duly carried.*

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. Three for the Year 2005, amending Local Law No. Three for the Year 2002 to increase the income level for which an owner or owners may qualify for real property exemptions from \$19,500 per annum income to \$22,500 per annum income, relative to persons with disabilities. Chairman Roche asked if there were any comments regarding this Local Law. There being no comments, Chairman Roche declared the public hearing closed.

Mr. Alger commented there have been discussions regarding Medicaid and a lot of discussion about Verify New York and a recent article about a program being developed in Chemung County. There has been a lot of activity and discussion about expenditures of Medicaid. The New York State Association of Counties (NYSAC) is in the process of working through a process with Verify New York which would result in demonstrations in a number of counties. At this point, there is no reason for Steuben County to jump in and do this ourselves, but we may be asked to be one of the counties to demonstrate and we have indicated that we will participate. At the same time, it is worth our while to talk about the Salient Corporation program to see if we can use that here. The Legislation contained an opportunity for counties to identify, through a project, savings for both the State and the counties and we could return one half of those savings. We would reap the benefit of any savings available.

Chairman Roche announced immediately following the Board Meeting, there will be an Insurance Committee meeting.

Mr. Schwartz asked is there a tracking system that Chemung County is implementing where they can account for every penny of Medicaid spending? Mr. Alger replied they sort tracking data using a computer program and do a statistical analysis and identify anything unusual. The computer program kicks out items that aren't within the norm of the program. Verify New York look at over 5,000 different factors.

Mr. McIntyre commented that he appreciates the Clerk of the Legislature keeping us updated about Mr. Swackhamer. Do we have any fund in the flower fund to do something? Mrs. Kane replied we haven't decided what we will be doing. The flower fund is a little low and she stated that she would accept any donations. She will let everyone know what we decide to do for Gary.

#### RESOLUTION NO. 119-05

Introduced by: P. Donnelly.

Seconded by: K. Isaman.

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

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

**RESOLVED**, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, the Clerk of the Board of Education of the appropriate School District, and the taxpayers.

#### SCHEDULE "A"

Resolution # A- 1  
Former Owner Howard Scotchmer % Ella Scotchmer  
In Rem Index No. 88508, 2003 sale  
Date of Auction July 13, 2005  
Parcel # 078.12-01-019.000  
Municipality Wayne Town  
Grantee(s) Town of Wayne, highest bidder, and  
Daniel Eaton, second highest bidder, respectively  
Grantee(s) Address PO Box 182, Wayne, NY 14893, and  
74 W Lamoka Ave, Savona, NY 14879, respectively  
Disposition RESCISSION OF PRIOR OFFER TO SELL DUE  
TO NEWLY DISCOVERED INFORMATION THAT  
WILL AFFECT VALUE.

**Vote: Roll Call – Adopted.**

#### RESOLUTION NO. 120-05

Introduced by: P. Roche.

Seconded by: R. Argentieri.

#### RECEIVING AND ACCEPTING THE AUGUST 22, 2005, 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 8, 2005**

1. NYS Department of Transportation - Re: Future maintenance of Hamilton Street in the Town of Erwin. ***Referred to: Public Works Committee and Vincent Spagnoletti, Commissioner, Public Works.***

**July 28, 2005**

1. Harris Beach, Attorneys at Law - Re: BLW Properties, LLC - Distribution of Form RP-412-a and PILOT (Payment in Lieu of Tax) Agreement for Construction of RV Sales and Service Center. *Referred to: Administration & Finance Committees; Larry Crossett, County Treasurer; Donna Hatch, RPTSA Director; and Fred Ahrens, County Attorney.*

**July 29, 2005**

1. Finger Lakes Health Systems Agency - Re: Letter requesting inclusion on the County Budget for 2006 in the amount of \$24,682. *Referred to: Health & Education and Finance Committees; John Zehr, HCF Administrator; and Larry Crossett, County Treasurer.* Financial Statements as of 3/31/05 and Independent Auditors' Report by Bonadio & Co., LLP, Certified Public Accountants - *Filed w/Clerk of Legislature.*

**August 1, 2005**

1. Emergency Medical Services Training, Administration & Resources - Re: April - June 2005 Second Quarterly Report and payment request in the amount of \$1,406.25. *Referred to: Health & Education and Public Safety & Corrections Committees; Vicki Fuerst, PHN Director; and Mike Sprague, EMO Director.*

**August 3, 2005**

1. NYS Office of Children & Family Services - Re: Steuben County has been selected to receive detention assistance from the Vera Institute of Justice's national Youth Justice Program. *Referred to: Human Services Committee; Kathryn Biehl, DSS Commissioner; and Frank Justice, Probation Director.*
2. NYS Association of Counties - Re: Letter to NYS Education Department regarding the State Education Department and the State Division of the Budget that are in the process of formulating a rate methodology to replace the one currently used in the Preschool Special Education Program, expressing concern that counties have not been part of the process that developed this methodology. *Referred to: Health & Education Committee and Helen Brutsman, Administrative Officer, Special Children's Services.*

**August 4, 2005**

1. NYS Executive Department, Division of the Budget - Re: Letter to Chairman Roche in response to his letter regarding discussions about a multi-year rate setting methodology for special education programs. Letter states that the Division of the Budget has not approved any changes to the current rate setting methodology. *Referred to: Health & Education Committee and Helen Brutsman, Administrative Officer, Special Children's Programs.*

**August 5, 2005**

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$6,818 representing the June 2005 retained surcharge revenue for Steuben County from WROTBC. *Referred to: Finance and Rules Committees and Larry Crossett, County Treasurer.*

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 121-05**

Introduced by: P. Donnelly.

Seconded by: All Present.

**FINAL ADOPTION OF COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2005, AMENDING LOCAL LAW NO. THREE OF 2002, TO INCREASE THE INCOME LEVEL FOR WHICH AN OWNER OR OWNERS MAY QUALIFY FOR REAL PROPERTY EXEMPTIONS FROM \$19,500 PER ANNUM TO \$22,500 PER ANNUM INCOME, RELATIVE TO PERSONS WITH DISABILITIES.**

Pursuant to Real Property Tax Law §459-c and §§10 and 20 of the General Municipal Law.

**WHEREAS**, there has been duly presented to the members of the Steuben County Legislature on July 25, 2005, County of Steuben Local Law Tentatively No. Three for the Year 2005, amending Local Law No. Three of 2002, to increase the income level for which an owner or owners may qualify for real property exemptions from \$19,500 per

annum to \$22,500 per annum income, relative to persons with disabilities, and this Legislature by resolution, preliminarily adopted said Local Law on July 25, 2005, making the final adoption of said Local Law subject to a Public Hearing to be held on August 22, 2005; and

**WHEREAS**, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on August 22, 2005 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 the County of Steuben Local Law Tentatively No. Three for the Year 2005, 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 2005**

A **LOCAL LAW** amending Local Law No. Three for the Year 2002 to increase the income level for which an owner or owners may qualify for real property exemptions from \$19,500 per annum to \$22,500 per annum income, relative to persons with disabilities.

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

**SECTION 1: LEGISLATIVE INTENT**

It is the purpose of this Local Law to amend Local Law No. Three for the Year 2002, to provide an increase in income of qualified persons from \$19,500 per annum to \$22,500 per annum.

**SECTION 2: AMENDMENT OF LOCAL LAW NO. THREE FOR THE YEAR 2002 – SECTION 4.D.1**

Local Law No. Three for the Year 2002, Section 4.D.1, be and the same hereby is, amended to read as follows:

“If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of [Nineteen Thousand Five Hundred (\$19,500) Dollars] Twenty-two Thousand Five Hundred (\$22,500) Dollars.”

**NOTE:** Old Law is in brackets [ ] and deleted;  
Matter underlined is new.

**SECTION 3. EFFECTIVE DATE**

The within Local Law shall be effective immediately upon passage and applicable the next tax year following.

**AND BE IT FURTHER RESOLVED**, a Public Hearing on the within Local Law has been held on August 22, 2005, at 10:00 A.M. at the Legislative Chambers, Village of Bath, New York; and be it further

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

**RESOLVED**, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Three for the Year 2005, 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 Director of Real Property Tax Service Agency.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 122-05**

Introduced by: P. Donnelly.

Seconded by: T. Schwartz.

**PRESENTING COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2005, REQUESTING THE EXTENSION FOR THE IMPOSITION OF ADDITIONAL MORTGAGE TAX OF TWENTY-FIVE CENTS (\$.25) PER ONE HUNDRED DOLLARS (\$100.00) OF MORTGAGE PROCEEDS.**

Pursuant to New York State Tax Law Section 253-i.

**WHEREAS**, the Administration and Finance Committees of the Steuben County Legislature have requested the imposition of a County Recording Tax on obligations secured by a mortgage; and

**WHEREAS**, the County of Steuben has adopted Tax Law Section 253-i, for the imposition of a County Recording Tax on obligations secured by a mortgage; and

**WHEREAS**, said additional tax revenues will lessen the burden on the real property tax levy.

**NOW THEREFORE, BE IT**

**RESOLVED**, there is hereby presented to each member of this County Legislature of the County of Steuben Local Law Tentatively No. Four for the Year 2005, for the imposition of a County Recording Tax on obligations secured by a mortgage, as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2005**

**A LOCAL LAW** for the imposition of a County Recording Tax on obligations secured by a mortgage.

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

**SECTION 1:**

In accordance with Section 253-i of the New York State Tax Law, Steuben County, does hereby adopt a local law imposing in such county a tax of twenty-five cents (\$.25) for each \$100.00 and each remaining major fraction thereof of principal debt or obligation which is or under any contingency which may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within such county and recorded on or after the date upon which such tax takes effect and a tax of twenty-five cents (\$.25) on such mortgage if the principal debt or obligation which is or by any contingency which may be secured by such mortgage is less than one hundred dollars (\$100.00).

**SECTION 2:**

The taxes imposed under the authority of this local law shall be administered and collected in the same manner as the taxes imposed under subdivision 1 of Section 253 and paragraph (b) of subdivision 1 of Section 255 of the New York State

Tax Law. Except as otherwise provided in this local law, all the provisions of the New York State Tax Law relating to or applicable to the administration and collection of the taxes imposed by such subdivisions shall apply to the taxes imposed under the authority of this local law with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in this local law except to the extent that any provision is either inconsistent with a provision of this local law or not relevant to the tax authorized by this local law. For purposes of this local law, any reference in the New York State Tax Law to the tax or taxes imposed by this local law shall be deemed to refer to a tax imposed pursuant to this local law, and any reference to the phrase “within this state” shall be read as “within Steuben County”, unless a different meaning is clearly required.

**SECTION 3:**

Where the real property covered by the mortgage subject to the tax imposed pursuant to the authority of this local law is situated in this state, but within and without the county imposing such tax, the amount of such tax due and payable to such county shall be determined in a manner similar to that prescribed in the opening paragraph of section 260 of the New York State Tax Law which concerns real property situated in two or more counties. Where such property is situated both within such county and without the state, the amount due and payable to such county shall be determined in the manner prescribed in the second undesignated paragraph of such Section 260 which concerns property situated within and without the state. Where real property is situated within and without the county imposing such tax, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this local law.

**SECTION 4:**

A tax imposed pursuant to the authority of this local law shall be in addition to the taxes imposed by Section 353 of the New York State Tax Law.

**SECTION 5:**

Notwithstanding any provision of the New York State Tax Law to the contrary, the balance of all moneys paid to the recording officer of the County of Steuben during each month upon account of the tax imposed pursuant to the authority of this local law, after deducting the necessary expenses of his or her office as provided in Section 262 of this article, except taxes paid upon mortgages which under the provisions of this local law or Section 260 of the New York State Tax Law are first to be apportioned by the Commissioner, shall be paid over by such officer on or before the 10<sup>th</sup> day of each succeeding month to the Treasurer of Steuben County and, after the deduction by such Treasurer of the necessary expenses of his or her office provided in Section 262 of the New York State Tax Law shall be deposited in the General Fund of the County of Steuben for expenditure on any county purpose. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this local law or Section 260 of the New York State Tax Law are first to be apportioned by the Commissioner, shall be paid over by the recording officer receiving the same as provided by the determination of the Commissioner.

**SECTION 6:**

This local law provides for the imposition of a mortgage tax for a period of three (3) years from the date of its enactment. Nothing in Section 253-i of the New York State Tax Law shall prohibit the adoption and enactment of local laws, pursuant to the provisions of Section 253-i of the New York State Tax Law, upon the expiration of any other local law adopted pursuant to Section 253-i of the New York State Tax Law.

**SECTION 7:**

This local law imposing a tax pursuant to the authority of Section 253-i of the New York State Tax Law or repealing or suspending such a tax shall take effect only on the 1<sup>st</sup> day of a calendar month. Such a local law shall not be effective unless a certified copy thereof is mailed by registered or certified mail to the New York State Department of Taxation and Finance at its office in Albany at least thirty (30) days prior to the date the local law shall take effect. Certified copies of any local law described in this section shall also be filed with the County Clerk of the County of Steuben, the Secretary of State and the State Comptroller within (5) days after the date it is duly enacted.

**SECTION 8.**

This local law shall take effect on December 1, 2005.

**BE IT FURTHER RESOLVED**, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on the 26<sup>th</sup> day of September 2005 at 10:00 A.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York; and be it further

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

**RESOLVED**, a certified copy of this resolution shall be forwarded to the New York State Department of Taxation and Finance, Attention: Andrew S. Eristoff, Commissioner, W. Averell Harriman State Office Bldg. Campus, Albany, NY 12227; Alan G. Hevesi, Comptroller of the State of New York, 110 State Street, Albany, NY 12236; Judith Hunter, County Clerk; and to Lawrence Crossett, County Treasurer.

Mr. Alger commented last year during the budget process we proposed this. The County has formally requested from the State, authorization to impose the tax. Resolution No. 5 is retaining the exemption that occurred in 1969. Both resolutions are budget related. We had to wait for the State Legislature and the Governor to sign the Legislation. This resolution will impose a \$.25 per \$100.00 of value of mortgage that is filed. We are anticipating revenue of \$600,000 - \$700,000. He commented that we have \$360,000 included in the 2005 budget funds from these taxes. We anticipated doing this last year.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 123-05**

Introduced by: P. Donnelly.

Seconded by D. Baker.

**AMENDING AND REPEALING THE SUSPENSION OF THE ADDITIONAL TWENTY-FIVE CENTS (\$.25) PER ONE HUNDRED DOLLARS (\$100.00) TAX UPON RECORDING OF MORTGAGES IN STEUBEN COUNTY.**

**WHEREAS**, Chapter 350, New York State Laws of 1969, amended Sections 253, 261 and 263 of the Tax Law of the State of New York to require the collection of an additional mortgage tax on certain mortgages recorded after July 1, 1969, in every County in the State; and

**WHEREAS**, Chapter 350 of the Laws of 1969, raised the fifty cent (\$.50) per one hundred dollars (\$100.00) mortgage fee to seventy-five cents (\$.75) per one hundred dollars (\$100.00) on one and two family dwellings mortgages over the first \$10,000.00 of the mortgage, and the exclusion of the initial \$10,000.00 of the mortgage, does not apply to a property which is not a one or two family dwelling; and

**WHEREAS**, the counties are authorized to suspend the collection of the additional tax by resolution, which resolution was duly adopted June 16, 1969 and May 18, 1970, and until such time as the May 18, 1970 resolution is amended and repealed; and

**WHEREAS**, said additional tax was heretofore payable to the State of New York and by amendment to Subdivision 1 of Section 261 of the Tax Law is authorized to be paid to the Steuben County Treasurer for deposit in the General Fund; and

**WHEREAS**, collection of said additional mortgage tax will ease the burden on the levy of real property taxes.

**NOW THEREFORE, BE IT**

**RESOLVED**, the suspension of the additional mortgage tax authorized by Tax Law Sections 261 and 253 be and the same hereby are amended and repealed; and be it further

**RESOLVED**, this resolution and additional tax shall take effect on mortgages recorded on the first day of the third month succeeding the month of the adoption of this resolution; and be it further

**RESOLVED**, the Clerk of this Legislature shall cause a certified copy of this resolution to be mailed by registered or certified mail to the New York State Department of Taxation and Finance at its office in Albany, NY at least sixty (60) days prior to the effective date and shall cause a certified copy to be filed with the New York State Comptroller within five (5) days of adoption; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the New York State Department of Taxation and Finance, Attention: Andrew S. Eristoff, Commissioner, W. Averell Harriman State Office Bldg. Campus, Albany, NY 12227; Alan G. Hevesi, Comptroller of the State of New York, 110 State Street, Albany, NY 12236; Judith Hunter, County Clerk; and to Lawrence Crossett, County Treasurer.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 124-05**

Introduced by: D. Baker/P. Donnelly.

Seconded by: R. Nielsen.

**PRESENTING COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2005, ESTABLISHING THE “STEUBEN COUNTY EMERGENCY MANAGEMENT OFFICE”.**

**WHEREAS**, by Resolution No. 183-84 duly adopted May 21, 1984, the “Office of Disaster Preparedness/Civil Defense” was reorganized and renamed the “Steuben County Emergency Management Office” in recognition of the changes in duties and responsibilities associated with the prevention of response to all man-made and natural disasters; and

**WHEREAS**, by Resolution No. 19-87 duly adopted January 26, 1987, the position of the Director of Emergency Management Office was placed in the Management Salary Plan; and

**WHEREAS**, the events following September 11, 2001, have underscored the needs and responsibilities for the Director and the Deputy Director of the Emergency Management Office, by and through grant procurements and administration of enhanced fire and disaster response training and coordination, including coordination of and assistance in mutual aid.

**NOW THEREFORE, BE IT**

**RESOLVED**, there is hereby presented to each member of this County Legislature of the County of Steuben Local Law Tentatively No. Five for the Year 2005, Establishing the “Steuben County Emergency Management Office”, as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2005**

**A LOCAL LAW** establishing the “Steuben County Emergency Management Office”.

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

## **SECTION 1: LEGISLATIVE INTENT**

It is the intent of this Local Law to amend Resolutions 183-84 and 19-87, in recognition of the heightened need for emergency preparedness to place the Director of Emergency Management Office in the unclassified Civil Service and the Deputy Director in the exempt class of Civil Service.

## **SECTION 2: DIRECTOR OF EMERGENCY MANAGEMENT OFFICE AND DEPUTY DIRECTOR OF EMERGENCY MANAGEMENT OFFICE**

The Director of the Emergency Management Office is the department head of the Emergency Management Office and appoints all members of said department including but not limited to the Deputy Director. The Deputy Director shall serve as the alter ego to and in his place and stead.

## **SECTION 3: CLASSIFICATION**

The position of Director of the Emergency Management Office shall be placed in the unclassified Civil Service and the Deputy Director shall be placed in the exempt class.

## **SECTION 4: QUALIFICATION**

(a) Director of the Emergency Management Office shall meet the following minimum qualifications:

1. Graduation from a regionally accredited or New York State registered college or university with a Bachelor's Degree and three years of experience in an occupation which shall have involved the preparation of personnel and equipment in readiness to respond to disasters, military actions, or fires, one year of which must have been in a supervisory capacity and have involved the use of emergency communications systems and technology; or
2. Graduation from a regionally accredited or New York State registered college or university with an Associate's Degree and five years of experience in an occupation which shall have involved the preparation of personnel and equipment in readiness to respond to disasters, military actions, or fires, two years of which must have been in a supervisory capacity and have involved the use of emergency communications systems and technology; or
3. Graduation from high school or possession of a high school equivalency diploma and seven years of experience in an occupation which shall have involved the preparation of personnel and equipment in readiness to respond to disasters, military actions, or fires, three years of which must have been in a supervisory capacity and have involved the use of emergency communications systems and technology; or
4. An equivalent combination of training and experience as defined by the limits of (1), (2), and (3) above, as well as, such other qualifications deemed appropriate by the Personnel Officer.

(b) Deputy Director of the Emergency Management Office shall meet the following minimum requirements:

1. Graduation from a regionally accredited or New York State registered college or university with a Bachelor's Degree and one year of full-time experience or its part-time/volunteer equivalent in an occupation which shall have involved the preparation of personnel and equipment in readiness to respond to disasters, military actions, or fires; or
2. Graduation from a regionally accredited or New York State registered college or university with an Associate's Degree and three years of full-time experience or its part-time/volunteer equivalent in an occupation which shall have involved the preparation of personnel and equipment in readiness to respond to disasters, military actions, or fires, one year of which must have been in a supervisory capacity and have involved the use of emergency communications systems and technology; or

3. Graduation from high school or possession of a high school equivalency diploma and five years of full-time experience or its part-time/volunteer equivalent in an occupation which shall have involved the preparation of personnel and equipment in readiness to respond to disasters, military actions, or fires, two years of which must have been in a supervisory capacity and have involved the use of emergency communications systems and technology; or
4. An equivalent combination of training and experience as defined by the limits of (1), (2), and (3) above, as well as, such other qualifications as deemed appropriate by the Personnel Officer.

#### **SECTION 5: EFFECTIVE DATE**

The within Local Law shall be effective immediately upon passage.

**BE IT FURTHER RESOLVED**, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on the 26<sup>th</sup> day of September 2005 at 10:00 A.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York; and be it further

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

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Director of the Emergency Management Office, Deputy Director of the Emergency Management Office and the Personnel Officer.

Mr. Schwartz asked why should we do this? Mr. Alger explained this was a request from the New York State Civil Service Commission as relates to the status of the Deputy Director. We need to adopt a Local Law that would allow us to appoint that individual in a classification that would allow us to not have that individual have to take a test to maintain the position.

Mr. Argentieri asked why not take the test? Mr. Alger replied we have had a person in that position for seven years and we have found that individual to be qualified. The County has believed this position should have been an unclassified position from the beginning. The State never made a final determination. Now we are at the point in order to proceed, we have to undertake a Local Law.

Chairman Roche commented this allows the department head to hire the person who is most qualified.

**Vote: Acclamation – Adopted (Mr. Argentieri Opposed)**

#### **RESOLUTION NO. 125-05**

Introduced by: P. Donnelly

Seconded by: K. Isaman.

**EXTENDING THE INCREASE OF THE RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK.**

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

Section 1. The first sentence of section two of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax.

On and after March 1, 1972, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing December 1, 1992 and ending November 30, 2007, there is hereby imposed and there shall be paid an additional tax of one percent upon:

Section 2. Subdivision (g) of section three of Resolution 321 as enacted in 1967, as amended, is amended to read as follows:

(g) With respect to the additional tax of one percent imposed for the period commencing December 1, 1992, and ending November 30, 2007, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to December 1, 1992, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to August 1, 1992, and the reference in said subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 1992. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 1992 any transaction, which may not be subject to the additional tax, imposed effective on that date.

Section 3. Section four of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

#### SECTION 4. Impositions of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after December 1, 1992, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2007, the tax shall be at the rate of four percent, and on and after December 1, 2007, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2007, the tax shall be at the rate of four percent, and on and after December 1, 2007, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2007, the tax shall be at the rate of four percent, and on and after December 1, 2007, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal

property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2007, the tax shall be at the rate of four percent, and on and after December 1, 2007, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2007, the tax shall be at the rate of four percent, and on and after December 1, 2007, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

Section 4. Subdivision (k) of section six of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed, by Sections 2 and 4, respectively, of this resolution for the period commencing December 1, 1992, and ending November 30, 2007.

Section 5. Subdivision one of section eleven of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

(1) (A) In respect to the use of property used by the purchaser in this County prior to March 1, 1972.

(B) With respect to the additional tax of one percent imposed for the period beginning December 1, 1992, and ending November 30, 2007, in respect to the use of property used by the purchaser in this County prior to December 1, 1992.

Section 6. Subdivision (d) of section fourteen of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

(d) Notwithstanding any provision of law or this resolution to the contrary, of the net collections received from the additional one percent rate of sales and compensating use taxes imposed, respectively, by sections two and four of this resolution during the period beginning December 1, 2003 and ending November 30, 2007, the County shall annually pay or cause to be paid to the City of Hornell the sum of five hundred fifty thousand dollars (\$550,000.00), to the City of Corning the sum of six hundred thousand dollars (\$600,000.00), and the sum of seven hundred fifty thousand dollars (\$750,000.00) to the towns and villages of the County on the basis of the ratio which the full valuation of real property in each town or village bears to the aggregate full valuation of real property in all of the towns and villages in such area. The remainder of the net collections received from such additional one percent rate of sales and compensating use taxes imposed for such periods shall be set aside for County purposes and shall be available for any County purpose.

Section 7. This resolution shall take effect December 1, 2005.

Mr. Alger stated this is a simplified version as we asked the State if there were things that were redundant and they cleaned up some of the language. In general, this resolution is for the extension of the current 1

percent sales tax. There are no changes in the allocations. This is a reauthorization under the current conditions.

Mr. Schwartz asked when is the tax free exemption coming up? Mrs. Kane replied that will be August 30<sup>th</sup> through September 5<sup>th</sup>.

Mr. Alger commented with regard to tax free week, since we have always participated, in order not to participate, then we would need to take action.

Mr. Argentieri asked for an explanation of Section 5.D? Mr. Alger replied previously this referred to the shares for all the municipalities and they were defined. Rather than repeating history, we only included the shares that are the same in prior legislation.

**Vote: Roll Call – Adopted.**

### **RESOLUTION NO. 126-05**

Introduced by: F. Gehl.

Seconded by: D. Creath.

### **ESTABLISHING A LONG-TERM CARE INSURANCE RESOURCE CENTER FOR STEUBEN COUNTY OFFICE FOR THE AGING.**

**WHEREAS**, the New York State Department of Health, the New York State Office for the Aging, and the Department of Insurance have established a Long Term Care Insurance Education and Outreach Program for the purpose of informing and educating the general public about the need for long term care insurance; and

**WHEREAS**, this legislation requires the establishment of a Long Term Care Insurance Resource Center within each Office for the Aging; and

**WHEREAS**, the New York State Office for the Aging will make grants to Offices for the Aging of \$50,000 in state fiscal year 2005-2006, and \$50,000 in state fiscal year 2006-2007, for the establishment of these Centers.

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

**RESOLVED**, that the Steuben County Legislature does hereby accept these grants to establish the Long Term Care Insurance Resource Center; and be it further

**RESOLVED**, that the Steuben County Office for the Aging will establish said Long Term Care Insurance Resource Center that will meet all of the requirements as established by the New York State Office for the Aging for operation of this Center; and be it further

**RESOLVED**, that the Chairman of the Legislature and the Director of the Office for the Aging, as appropriate, are hereby authorized to sign all documents necessary to accept and administer said grants, and be it further

**RESOLVED**, the Steuben County Treasurer is hereby authorized to modify the Steuben County budget to account for funds to be expended under this grant during 2005 in accordance with properly approved Budget Adjustment Requests; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Director of the Office for the Aging and to the County Treasurer.

Mr. McIntyre asked why do we need this? Mr. Alger replied we are responding to the Department of Health's request to implement a new program. There was a lively debate in the Finance Committee. The intent of this program is to educate the public, particularly seniors, who are in a position of considering long-term care insurance or sheltering their estate from Medicaid. We are trying to encourage people,

rather than sheltering through a trust to purchase long-term care insurance. Long-term care insurance has a specific set of criteria and after three years of care, the individual would then be eligible for Medicaid.

Mr. McIntyre asked why should the County or the State get involved in family matters? Mr. Alger replied we are encouraging people to do this. We are doing this because one of the largest shares of the Medicaid program is long-term care. If this insurance were more widespread, our share of Medicaid would probably go down. People have been instructed by financial advisors and attorneys to shelter their assets so that the costs for long-term care are borne by Medicaid instead of the family. The original intent was that Medicaid was for the indigent. We are trying to encourage people who have more to purchase insurance.

Mr. McIntyre asked do we have to staff this? Mr. Alger replied we will be entering into a contract with the Institute of Human Services to provide information through outreach and they would employ a person to do that throughout the County.

Mr. Argentieri commented that he is not against long-term care insurance, but he is opposed to the attempt to put the burden back on the residents. It is a lot cheaper to shelter assets than to take out long-term care insurance. He doesn't think that it is fair that we attempt to use propaganda or publicity to encourage people to take out long-term care insurance rather than doing a trust. If you can do something for less money, why do you want to spend more money?

Mr. Creath commented that he supports this resolution. This puts the burden on the families and the individuals with the resources to pay for their own healthcare. This has an economic impact on the County and the tax rates. We are simply disseminating information.

Mr. McAllister asked is this totally funded by grants and we won't be spending tax dollars in this regard? Chairman Roche replied that was correct. This is intended to be an educational program not a sales program. This may not be appropriate for everyone.

**Vote: Roll Call – Adopted. Yes: 7807. No: 1013. Absent: 1052  
(No: Argentieri, McIntyre. Absent: Stachnik, Swackhamer)**

#### **RESOLUTION NO. 127-05**

Introduced by: H. Mayo/P. Donnelly.

Seconded by: R. Nichols.

#### **AUTHORIZING THE TRANSFER OF \$25,000 TO THE LINDLEY-GIBSON ROAD CAPITAL PROJECT.**

**WHEREAS**, Gibson Road has been damaged by heavy truck traffic into Steuben County's Lindley landfill; and

**WHEREAS**, the County assured the town that we would rebuild the road upon closing of the landfill; and

**WHEREAS**, the Public Works Committee has approved the reconstruction of Gibson Road, in the Town of Lindley; and

**WHEREAS**, the Public Works Committee and Finance Committee have approved the transfer of \$25,000 from the Lindley Fence Capital Project to the Lindley-Gibson Road Capital Project.

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

**RESOLVED**, the Steuben County Treasurer is hereby authorized to transfer \$25,000 from HL6401.5.250.000 Lindley Fence to HL6404.5.250.000 Lindley-Gibson Road; and be it further

**RESOLVED**, the Commissioner of Public Works is authorized to proceed with the Gibson Road Reconstruction Project; and be it further

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

Mr. Nichols explained this is capital funding to build the Gibson Road from CR #5 to the old county landfill. The County agreed when they closed the landfill to build a decent road. Supervisor Young, years ago, was part of the deal. He was expecting the road to be built as the County agreed to thirty years ago. When the road is done it will be turned back over to the Town of Lindley and the County will no longer maintain it.

Mr. Argentieri asked what is the traffic count? Mr. Spagnoletti replied it is 50 – 100 cars per day.

Mr. Alger stated this is one of the things we did years ago. The County assumed responsibility of that road to the landfill. Now we are relinquishing our responsibility back to the Town and we will restore the road to a condition that is acceptable and they will take it back.

**Vote: Roll Call – Adopted.**

### **RESOLUTION NO. 129-05**

Introduced by: H. Mayo.

Seconded by: R. Nichols.

### **MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK IN SUPPORT OF THE PASSAGE OF THE TRANSPORTATION BOND ACT DULY ADOPTED AND SUBJECT TO VOTER APPROVAL IN THE UPCOMING GENERAL ELECTION.**

**RESOLVED**, that the Steuben County Legislature hereby recognizes the central importance of a proposed \$2.9 billion Transportation Bond Act to the implementation of New York State's five-year, \$35.8 billion transportation plan; and be it further

**RESOLVED**, that the Steuben County Legislature recognizes that New York State's proposed five-year transportation plan, which seeks to fund state and local infrastructure needs through the year 2010, is essential to the development, maintenance and improvement of the region's infrastructure; and be it further

**RESOLVED**, that the Steuben County Legislature understands that the proposed plan will address a range of state and local transportation needs, including aviation, rail, canals and highway and bridge projects, and will include the distribution of \$350 million in state multi-modal funds to localities for the express purpose of funding local highway and bridge projects subject to the adoption of a memorandum of understanding between the New York State Legislature and Governor George E. Pataki; and be it further

**RESOLVED**, that a key component in facilitating the full and effective implementation of New York's five-year transportation plan, including the distribution of \$350 million in multi-modal funds, requires voter approval this November of the proposed \$2.9 billion Transportation Bond Act; and be it further

**RESOLVED**, that the Steuben County Legislature urges all Steuben County voters to fully support the proposed Transportation Bond Act, which will appear on the November 2006 general election ballot, acknowledging that the approval of such bond act is vital to the distribution of local transportation funding.

Mr. Argentieri asked what is in this bond? Mr. McIntyre replied every one of the towns will receive money on this issue and he encourages everyone in the public and the members of the Legislature to support this. We need this money to work on the roads.

Mr. Nichols commented County Route #15 in the Town of Lindley has been designated in this bond.

Mr. Argentieri stated he is not objecting to the bond issue, however, he doesn't want there to be any pork barrel funding. Mr. Schwartz stated a lot of municipalities don't have the money to take care of the roads and the State needs to help them.

**Vote: Acclamation – Adopted.**

*Motion made by Mr. Schwartz, seconded by Mr. McAllister and duly carried 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.*

**RESOLUTION NO. 128-05**

Introduced by: P. Donnelly.

Seconded by: L. Nielsen.

**AUTHORIZING THE EXECUTION OF AN AGREEMENT REGARDING THE TERMS AND CONDITIONS OF PUBLIC EMPLOYMENT BETWEEN THE COUNTY OF STEUBEN AND THE STEUBEN COUNTY LOCAL #851 OF THE CIVIL SERVICE EMPLOYEES' ASSOCIATION, INC., FOR THE YEARS 2005, 2006 and 2007.**

Pursuant to the provisions of the New York State Public Employees' Fair Employment Act known as the "Taylor Law" and Section 205 of the County Law of the State of New York.

**WHEREAS**, the negotiating committee for the Steuben County Legislature has, for several months, been meeting with the negotiating committee of the Steuben County Local #851 of the Civil Service Employees' Association, Inc. (CSEA), the bargaining unit for Correction Officers, Dispatchers and Court Security Officers as to recommended proposals for terms and working conditions for County employees for the years 2005, 2006 and 2007; and

**WHEREAS**, the CSEA has accepted in whole the aforesaid recommended proposals.

**NOW THEREFORE, BE IT**

**RESOLVED**, the proposed Agreement, as recommended by the respective negotiating committees, having heretofore been approved by the members of the said CSEA covering the years 2005, 2006 and 2007 be, and the same hereby is, duly ratified, confirmed and adopted; and be it further

**RESOLVED**, the Chairman of the Steuben County Legislature is hereby authorized and empowered, for and on behalf of this Legislature and the County of Steuben, to execute a final and complete agreement regarding the terms and conditions of public employment between the County and the Steuben County Local #851 of the Civil Service Employees' Association, Inc., for the fiscal years 2005, 2006 and 2007, which agreement shall be drafted by the County Attorney in accordance with the proposed agreement, and upon its approval by the Administration Committee of the Steuben County Legislature and its prior approval and execution by the President of the Steuben County Local #851 of the Civil Service Employees' Association, Inc.; and be it further

**RESOLVED**, when said final agreement is properly and duly executed as above stated, the original agreement shall be properly filed in the Office of the Clerk of the Legislature and a duplicate original shall be delivered to the President of the Steuben County Local #851 of the Civil Service Employees' Association, Inc., and an additional copy shall be filed with the Public Employees' Relations Board; and be it further

**RESOLVED**, upon the filing of said agreement with the Clerk of the Legislature, President of CSEA, the Steuben County Treasurer and the Steuben County Personnel Officer, the same shall be, and hereby is, confirmed, ratified and approved as the entire agreement between the County of Steuben and the County employees included in said Employees' Association bargaining unit as to the terms and conditions of employment for the years 2005, 2006 and 2007; and be it further

**RESOLVED**, that the Steuben County Treasurer be and the same hereby is authorized and directed to appropriate sufficient funds for the above salaries to the appropriate line items; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the County Administrator, County Attorney, County Personnel Officer, Clerk of the Legislature, County Treasurer and to the President of the Steuben County Local #851 of the Civil Service Employees' Association, Inc.

Mr. Argentieri commented that he will support this, but it will cost the County \$400,000. We should tread very carefully on any more expenditures because the County is heading for disaster.

**Vote: Roll Call – Adopted.**

*Motion to adjourn made by Mr. Isaman, seconded by Mr. McAllister and duly carried.*

**REGULAR MEETING**  
**Morning Session**  
**Monday, September 26, 2005**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 26<sup>th</sup> day of September, 2005 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 Legislator Swackhamer.

Mr. Schwartz offered the Invocation and the Pledge of Allegiance was led by Mr. Argentieri.

Mrs. Kane asked Joyce Mehlenbacher to come forward. Ms. Mehlenbacher is retiring from the County Clerk's Office after 16 years of service. Chairman Roche presented her with a Certificate of Appreciation and a County watch in recognition of her retirement from Steuben County.

Mrs. Kane asked Michelle Mills to come forward. Ms. Mills 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 Kimberly Stone to come forward. Chairman Roche stated last month Ms. Stone was selected Employee of the Year for 2005. He presented her with a Certificate of Appreciation in honor of this recognition.

Chairman Roche opened the floor for comments by members of the public. There being no comments, the public comment portion of the meeting was closed.

Chairman Roche asked Ken Peaslee to begin the presentation regarding the United Way Fund Drive. Mr. Peaslee introduced Ron Hatch of the United Way. Mr. Hatch thanked the Legislature for their time and thanked those who've donated in the past. We invest the dollars you entrust us with to several agencies in the community. We pay a great deal of attention to continuous learning programs. We pull together public and private partnerships, such as community care centers. This year we've opened 2 community care centers, one in Elmira and one in Corning. They provide medical services for the underinsured. We're optimistic to create another in Bath within the year. We think it is a way of creating an impact in the communities. The operating costs are paid for through a grant from Excellus Blue Cross/Blue Shield. Also, to help families become self-sufficient, we have forged a partnership with 13 public and private agencies to recruit volunteers to help families file their taxes in order to access the earned income credit. They prepare taxes for families for free. We have set our fund drive goal this year at \$4,150,000. It has been a very rocky time economically for the past two or three years. We believe that for the agencies we raise money for, we need to push the goal out and we need your help with that. We received word from the Corning Foundation that they are increasing their gift from \$350,000 to \$375,000. However, the additional \$25,000 is a match that we can only draw down on if we can raise the money through leadership gifts, which is a donation of \$500 or more. We invite you to join us in pursuing our goals. ***Chairman Roche thanked Mr. Hatch for his presentation.***

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. Four for the Year 2005, Requesting the extension for the imposition of additional mortgage tax of twenty-five cents (\$.25) per one hundred dollars (\$100.00) of mortgage proceeds. Chairman Roche asked if there were any comments regarding this Local Law. There being no comments, Chairman Roche 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 Local Law Tentatively No. Five for the Year 2005, Establishing the "Steuben County Emergency Management Office". Chairman Roche asked if there were any comments regarding this 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. Schwartz, seconded by Mr. Nielsen and duly carried.*

Mr. Schwartz stated at every meeting we do the Pledge of Allegiance. I have a flag with me today that was flown in my honor above the Multi-National Forces Headquarters in Iraq. My son-in-law had the flag flown on July 29<sup>th</sup> and the Lieutenant General of the United States Army signed a certificate attesting to that fact. Thank you to everyone who prayed for my son-in-law while he was overseas.

Mr. Mayo introduced Sandy Dennison who is running for Steuben County Legislator of District 10.

Chairman Roche announced that at the New York State Association of Counties Conference, Mr. Gehl received an award for the work he has done in getting the Medicaid Cap Legislation approved. The award was a personally signed copy of the legislation along with the pen the Governor used to sign the Bill into law. Chairman Roche presented Mr. Gehl with a framed picture of him receiving the award at the NYSAC Conference.

#### **RESOLUTION NO. 130-05**

Introduced by P. Donnelly.

Seconded by T. McIntyre.

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

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

SCHEDULE "A"

Resolution #     A-1      
Name     Thomas Edwards & Judith Edwards      
Parcel #     354.00-01-005.200      
Municipality     Corning Town      
Disposition     Refund    

SCHEDULE "B"

Resolution #     B-1      
Former Owner     Bill C Earl      
In Rem Index No.     88508, 2003 sale      
Date of Tax Sale     July 13, 2005      
Parcel #     242.07-01-005.000      
Municipality     Campbell Town      
Grantee(s)     Carla S Nichols & Cailey Zyla, highest bidder,  
                    and N/A, second bidder, respectively      
Grantee(s) Address     107 E Lamoka Ave, Savona, NY 14879      
Disposition     RESCISSION OF PRIOR OFFER TO SELL FOR  
                    FAILURE TO PERFORM.    

Resolution #     B-2      
Former Owner     Anthony & Josephine Ruocco % Samuel Ruocco      
In Rem Index No.     88508, 2003 sale      
Date of Tax Sale     July 13, 2005      
Parcel #     317.00-03-083.000      
Municipality     Corning Town      
Grantee(s)     Jesse Glosser, highest bidder, and Wayne Cavalier,  
                    second highest bidder, respectively      
Grantee(s) Address     220 Park Ave, Corning, NY 14830, and 335 W Third  
                            St, Corning, NY 14830, respectively      
Disposition     RESCISSION OF PRIOR OFFER TO SELL FOR  
                    FAILURE TO PERFORM.    

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 131-05**

Introduced by P. Roche.

Seconded by T. Schwartz.

**RECEIVING AND ACCEPTING THE SEPTEMBER 26, 2005, 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 18, 2005**

1. NYS Department of Taxation & Finance - Re: Exempting residential solar energy systems equipment and the service of installing the systems from local sales and compensating use taxes. **Referred to: Finance Committee; Larry Crossett, County Treasurer and Fred Ahrens, County Attorney.**

### August 19, 2005

1. NYS Office of Parks, Recreation & Historic Preservation - Re: Downtown Hornell Historic District - 82-117 Main Street and 8-50 Seneca Street, Hornell, 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, County Historian.**

### August 24, 2005

1. NYS Office for the Aging - Re: Notification of Grant Award for the Title VII Long-Term Care Ombudsman Program for 1/1/05 through 12/31/05 (provides an additional allocation of \$3,000 to purchase Synergy's Ombuds Manager software as modified for use in NYS). **Referred to: Human Services Committee and Linda Teter, OFA Director.**

### August 25, 2005

1. Finger Lakes SPCA, Inc. - Re: 2006 budget request for \$25,000. **Referred to: A.I.P. and Finance Committees; Greg Heffner, Planning Director; and Larry Crossett, County Treasurer.**

### September 2, 2005

1. Steuben County Industrial Development Agency - Re: Public Hearing 10/3/05 at 11:00 a.m. at Erwin Town Hall, Painted Post, NY - for the 736 Addison Road LLC project - consisting of (I) the acquisition by the Agency of fee title to or a leasehold interest in approximately 65 acre parcel of land located on NYS Rt. 471, Town of Erwin and any existing improvements located thereon; (ii) the construction and equipping on the land of an approximately 400,000-600,000 square foot warehouse, distribution and light assembly facility and related improvements for leasing to and operation by Corning, Inc.; and (iii) the acquisition in and around the improvements of certain items of machinery, equipment and other tangible personal property with the land and the improvements, the "Facility." **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
2. Western Regional Off-Track Betting Corporation - Check in the amount of \$6,749 representing the July 2005 retained surcharge revenue for Steuben County from the WROTBC. **Referred to: Rules and Finance Committees; and Larry Crossett, County Treasurer.**
3. State of NY, Executive Chamber, Director of Criminal Justice - Re: Announcement of FFY 2005 Violence Against Women Program Request for Proposals. **Referred to: Public Safety & Corrections Committee and John Tunney, District Attorney.**
4. NYSEG - Re: Natural gas Emergency Response Training - offered by NYSEG at no cost. **Referred to: Public Safety & Corrections Committee; Tim Wixom, 911 Director; Sheriff Tweddell; and Mike Sprague, EMO Director.**

### September 6, 2005

1. Fortuna Energy, Inc. - Re: Notice of Intent to construct a Natural Gas Gathering Pipeline - 1) Mayes #1 to Drumm Pipeline - Town of Bradford. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
2. State of NY, Executive Chamber, Director of Criminal Justice - Re: Announcement of the Year 2005 Motor Vehicle Theft and Insurance Fraud Prevention Demonstration Program Request for Proposals. **Referred to: Public Safety & Corrections Committee; Sheriff Tweddell; and Ed Castellana, Risk Manager.**
3. NYS Office for the Aging - Re: Second and final Notification of Grant Award for the FFY 2005 Nutrition Services Incentive Program. **Referred to: Human Services Committee and Linda Teter, OFA Director.**

4. State of New York, Public Service Commission - Re: Notice of Educational Forums and Public Statement Hearings on the Commission's Examination of Issues Related to the Competitive Provision of Telecommunications Services - Case 05-C-0616 - Proceeding on Motion of the Commission to Examine Issues Related to the transition to Intermodal Competition in the Provision of Telecommunications Services. **Referred to: Administration Committee and Ken Peaslee, I.T. Director.**

**September 12, 2005**

1. NYS Office for the Aging - Re: Revised Notifications of Grant Award and annual Implementation Plan budget pages for the Title III-B, III-C, Title III-C-2, Title III-D, and Title III-E programs for 1/1/05 through 12/31/05; and revised Notifications of Grant Award and Annual Implementation Plan budget pages for the EISEP, CSE, CSI and SNAP program for 4/1/05 through 3/31/06. **Referred to: Human Services Committee and Linda Teter, OFA Director.**

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 132-05**

Introduced by P. Donnelly.

Seconded by D. Baker.

**FINAL ADOPTION OF COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2005, REQUESTING THE EXTENSION FOR THE IMPOSITION OF ADDITIONAL MORTGAGE TAX OF TWENTY-FIVE CENTS (\$.25) PER ONE HUNDRED DOLLARS (\$100.00) OF MORTGAGE PROCEEDS.**

**WHEREAS**, there has been duly presented to the members of the Steuben County Legislature on August 22, 2005, County of Steuben Local Law Tentatively No. Four for the Year 2005, relative to the imposition of a County Recording Tax on obligations secured by a mortgage, and this Legislature by resolution, preliminarily adopted said Local Law on August 22, 2005, making the final adoption of said Local Law subject to a Public Hearing to be held on September 26, 2005; and

**WHEREAS**, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on September 26, 2005, 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 the County of Steuben Local Law Tentatively No. Four for the Year 2005, 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 2005**

**A LOCAL LAW** for the imposition of a County Recording Tax on obligations secured by a mortgage.

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

**SECTION 1:**

In accordance with Section 253-i of the New York State Tax Law, Steuben County, does hereby adopt a local law imposing in such county a tax of twenty-five cents (\$.25) for each \$100.00 and each remaining major fraction thereof of principal debt or obligation which is or under any contingency which may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within such county and recorded on or after the date upon which such tax takes effect and a tax of twenty-five cents (\$.25) on such mortgage if the principal debt or obligation which is or by any contingency which may be secured by such mortgage is less than one hundred dollars (\$100.00).

## **SECTION 2:**

The taxes imposed under the authority of this local law shall be administered and collected in the same manner as the taxes imposed under subdivision 1 of Section 253 and paragraph (b) of subdivision 1 of Section 255 of the New York State Tax Law. Except as otherwise provided in this local law, all the provisions of the New York State Tax Law relating to or applicable to the administration and collection of the taxes imposed by such subdivisions shall apply to the taxes imposed under the authority of this local law with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in this local law except to the extent that any provision is either inconsistent with a provision of this local law or not relevant to the tax authorized by this local law. For purposes of this local law, any reference in the New York State Tax Law to the tax or taxes imposed by this local law shall be deemed to refer to a tax imposed pursuant to this local law, and any reference to the phrase "within this state" shall be read as "within Steuben County", unless a different meaning is clearly required.

## **SECTION 3:**

Where the real property covered by the mortgage subject to the tax imposed pursuant to the authority of this local law is situated in this state, but within and without the county imposing such tax, the amount of such tax due and payable to such county shall be determined in a manner similar to that prescribed in the opening paragraph of section 260 of the New York State Tax Law which concerns real property situated in two or more counties. Where such property is situated both within such county and without the state, the amount due and payable to such county shall be determined in the manner prescribed in the second undesignated paragraph of such Section 260 which concerns property situated within and without the state. Where real property is situated within and without the county imposing such tax, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this local law.

## **SECTION 4:**

A tax imposed pursuant to the authority of this local law shall be in addition to the taxes imposed by Section 253 of the New York State Tax Law.

## **SECTION 5:**

Notwithstanding any provision of the New York State Tax Law to the contrary, the balance of all moneys paid to the recording officer of the County of Steuben during each month upon account of the tax imposed pursuant to the authority of this local law, after deducting the necessary expenses of his or her office as provided in Section 262 of this article, except taxes paid upon mortgages which under the provisions of this local law or Section 260 of the New York State Tax Law are first to be apportioned by the Commissioner, shall be paid over by such officer on or before the 10<sup>th</sup> day of each succeeding month to the Treasurer of Steuben County and, after the deduction by such Treasurer of the necessary expenses of his or her office provided in Section 262 of the New York State Tax Law shall be deposited in the General Fund of the County of Steuben for expenditure on any county purpose. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this local law or Section 260 of the New York State Tax Law are first to be apportioned by the Commissioner, shall be paid over by the recording officer receiving the same as provided by the determination of the Commissioner.

## **SECTION 6:**

This local law provides for the imposition of a mortgage tax for a period of three (3) years from the date of its enactment. Nothing in Section 253-i of the New York State Tax Law shall prohibit the adoption and enactment of local laws, pursuant to the provisions of Section 253-i of the New York State Tax Law, upon the expiration of any other local law adopted pursuant to Section 253-i of the New York State Tax Law.

**SECTION 7:**

This local law imposing a tax pursuant to the authority of Section 253-i of the New York State Tax Law or repealing or suspending such a tax shall take effect only on the 1<sup>st</sup> day of a calendar month. Such a local law shall not be effective unless a certified copy thereof is mailed by registered or certified mail to the New York State Department of Taxation and Finance at its office in Albany at least thirty (30) days prior to the date the local law shall take effect. Certified copies of any local law described in this section shall also be filed with the County Clerk of the County of Steuben, the Secretary of State and the State Comptroller within (5) days after the date it is duly enacted.

**SECTION 8:**

This local law shall take effect on November 1, 2005.

**AND BE IT FURTHER RESOLVED**, a Public Hearing on the within Local Law has been held on September 26, 2005, 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. Four for the Year 2005, 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**, certified copies of this resolution shall be forwarded to the New York State Department of Taxation and Finance, Attention: Andrew S. Eristoff, Commissioner, W. Averell Harriman State Office Bldg. Campus, Albany, NY 12227; Alan G. Hevesi, Comptroller of the State of New York, 110 State Street, Albany, NY 12236; Judith Hunter, County Clerk; and to Lawrence Crossett, County Treasurer.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 133-05**

Introduced by D. Baker and P. Donnelly.

Seconded T. Schwartz.

**FINAL ADOPTION OF COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2005, ESTABLISHING THE “STEUBEN COUNTY EMERGENCY MANAGEMENT OFFICE”.**

**WHEREAS**, there has been duly presented to the members of the Steuben County Legislature on August 22, 2005, County of Steuben Local Law Tentatively No. Five for the Year 2005, relative to establishing the “Steuben County Emergency Management Office”, and this Legislature by resolution, preliminarily adopted said Local Law on August 22, 2005, making the final adoption of said Local Law subject to a Public Hearing to be held on September 26, 2005; and

**WHEREAS**, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on September 26, 2005 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 the County of Steuben Local Law Tentatively No. Five for the Year 2005, 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 2005**

A **LOCAL LAW** establishing the “Steuben County Emergency Management Office”.

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

**SECTION 1: LEGISLATIVE INTENT**

It is the intent of this Local Law to amend Resolutions 183-84 and 19-87, in recognition of the heightened need for emergency preparedness to place the Director of Emergency Management Office in the unclassified Civil Service and the Deputy Director in the exempt class of Civil Service.

**SECTION 2: DIRECTOR OF EMERGENCY MANAGEMENT OFFICE AND DEPUTY DIRECTOR OF EMERGENCY MANAGEMENT OFFICE**

The Director of the Emergency Management Office is the department head of the Emergency Management Office and appoints all members of said department including but not limited to the Deputy Director. The Deputy Director shall serve as the alter ego to and in his place and stead.

**SECTION 3: CLASSIFICATION**

The position of Director of the Emergency Management Office shall be placed in the unclassified Civil Service and the Deputy Director shall be placed in the exempt class.

**SECTION 4: QUALIFICATION**

(a) Director of the Emergency Management Office shall meet the following minimum qualifications:

1. Graduation from a regionally accredited or New York State registered college or university with a Bachelor’s Degree and three years of experience in an occupation which shall have involved the preparation of personnel and equipment in readiness to respond to disasters, military actions, or fires, one year of which must have been in a supervisory capacity and have involved the use of emergency communications systems and technology; or
2. Graduation from a regionally accredited or New York State registered college or university with an Associate’s Degree and five years of experience in an occupation which shall have involved the preparation of personnel and equipment in readiness to respond to disasters, military actions, or fires, two years of which must have been in a supervisory capacity and have involved the use of emergency communications systems and technology; or
3. Graduation from high school or possession of a high school equivalency diploma and seven years of experience in an occupation which shall have involved the preparation of personnel and equipment in readiness to respond to disasters, military actions, or fires, three years of which must have been in a supervisory capacity and have involved the use of emergency communications systems and technology; or

4. An equivalent combination of training and experience as defined by the limits of (1), (2), and (3) above, as well as, such other qualifications deemed appropriate by the Personnel Officer.
- (b) Deputy Director of the Emergency Management Office shall meet the following minimum requirements:
1. Graduation from a regionally accredited or New York State registered college or university with a Bachelor's Degree and one year of full-time experience or its part-time/volunteer equivalent in an occupation which shall have involved the preparation of personnel and equipment in readiness to respond to disasters, military actions, or fires; or
  2. Graduation from a regionally accredited or New York State registered college or university with an Associate's Degree and three years of full-time experience or its part-time/volunteer equivalent in an occupation which shall have involved the preparation of personnel and equipment in readiness to respond to disasters, military actions, or fires, one year of which must have been in a supervisory capacity and have involved the use of emergency communications systems and technology; or
  3. Graduation from high school or possession of a high school equivalency diploma and five years of full-time experience or its part-time/volunteer equivalent in an occupation which shall have involved the preparation of personnel and equipment in readiness to respond to disasters, military actions, or fires, two years of which must have been in a supervisory capacity and have involved the use of emergency communications systems and technology; or
  4. An equivalent combination of training and experience as defined by the limits of (1), (2), and (3) above, as well as, such other qualifications as deemed appropriate by the Personnel Officer.

#### **SECTION 5: EFFECTIVE DATE**

The within Local Law shall be effective immediately upon passage.

**AND BE IT FURTHER RESOLVED**, a Public Hearing on the within Local Law has been held on September 26, 2005, 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. Five for the Year 2005, 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**, certified copies of this resolution shall be forwarded to the Director of Emergency Management Office, Deputy Director of Emergency Management Office and the Personnel Officer.

Mr. Argentieri stated Item 4 in both Section 4 (a) and 4 (b) states that the Director and Deputy Director of the Emergency Management Office shall meet "an equivalent combination of training and experience as defined by the limits of (1), (2), and (3) above, as well as, such other qualifications deemed appropriate by the Personnel Officer. I'm wondering what the other qualifications might be.

Mr. Biehl stated whatever the Legislature would like. Mr. Argentieri stated the position qualifications should be defined and written for both the Director and Deputy Director. The entire resolution is a bit vague when it is such an important office. Discussion followed.

*Motion to table the resolution and refer it back to the Administration and Public Safety and Corrections Committees made by Mr. Argentieri, seconded by Mr. Schwartz. Vote on Motion: Roll Call – Motion Fails. Yes-2665; No-6756; Absent-451. No: Baker, Creath, Donnelly, Isaman, Jamison, Mayo, McAllister, Nichols, Nielsen, Roche, Stachnik. Absent: Swackhamer.*

Mr. McIntyre asked shouldn't the Legislature decide what the experience qualification should be? Mr. Ahrens stated the Personnel Officer discharges the duties of the Civil Service Commission. Depending on what circumstances surround your County, you can determine what type of experience the position would need. It isn't a definitive set of circumstances.

Mr. Schwartz asked would it be appropriate to make a motion to amend the qualifications to read "upon the recommendation of the Legislature"? Mr. Ahrens stated the Civil Service Commission is a statutory department and the Personnel Officer has the authority to act on their behalf.

Mr. Stachnik stated the Personnel Officer would be more familiar with labor issues than we are and I'm comfortable leaving the decision in his hands.

Mr. Donnelly stated the Legislature ultimately appoints the Director and we can exercise our voice at that time and I'm comfortable with that.

**Vote: Roll Call – Adopted.**

***Yes-8970; No-451; Absent-451. No: Argentieri; Absent: Swackhamer.***

#### **RESOLUTION NO. 134-05**

Introduced by P. Donnelly.

Seconded by D. Baker.

**APPROPRIATING \$6,030,731.12 IN TOBACCO FUNDS; \$5 MILLION FOR THE JAIL EXPANSION, AND \$1,030,731.12 TO THE DEPARTMENT OF PUBLIC WORKS.**

**WHEREAS**, by Resolution No. 099-05, duly adopted June 27, 2005, an amendment was authorized to the Residual Certificate issued by the Steuben Tobacco Asset Securitization Corporation (the Local Development Corporation or "LDC"); and

**WHEREAS**, the LDC did refund the Series 2000 Bonds by the issuance of new bonds, "Series 2005 Bonds"; and

**WHEREAS**, the re-issuance results in an up front payment of the residual payments, which would be otherwise tapped due to the downgrade of R. J. Reynolds Tobacco Holdings, Inc., and an increase in market share of non-participating tobacco manufacturers; and

**WHEREAS**, said re-issuance resulted in the realization of a lump sum net payment to Steuben County of \$6,030,731.12; and

**WHEREAS**, it is necessary and desirable to designate the programs for which said sum shall be appropriated.

**NOW THEREFORE, BE IT**

**RESOLVED**, the \$6,030,731.12 as aforementioned, be and the same hereby is appropriated as follows:

\$5,000,000.00 Public Safety Building – Jail Expansion, and the balance \$1,030,731.12 to those projects designated by the Commissioner of Public Works “Black/Top/Recycling Projects” dated June 14, 2005, totaling \$1,035,000, the \$4,268.88 difference to be funded from an appropriate account; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Steuben County Treasurer; Steuben County Administrator, Steuben County Sheriff and the Commissioner of Public Works.

Mr. Schwartz stated the appropriation to Public Works is far too low as we have a lot of road work that needs to be done. Mr. Argentieri stated he would like assurance that this is a legal use of these funds.

Mr. Ahrens stated I conferred with Bond Counsel and they have approved the expenditures. It is actually controlled by rulings of the IRS and they look for bricks and mortar-type projects. They don't look to use these sums to meet operating expenses. Because we are using the majority of the funds for the jail expansion, we were able to include the expenditure for the roads. They are perfectly legal.

Mr. McIntyre stated initially I questioned the amount allocated for the Highway Department but at this point I'm satisfied. I will be disgruntled, however, if their 2006 budget is reduced because of this allocation, because our roads are in need of repair.

Mr. Creath stated the cost of not doing the roads is higher than the cost of the interest that we'll be paying on the jail. The cost of asphalt is increasing and will continue to increase. I think we're shortchanging the road repairs. ***Motion to amend the resolution to increase the allocation by \$1 million, seconded by Mr. McIntyre.***

Mr. Ahrens stated amending the resolution will not be legal according to Bond Counsel. ***Motion and second withdrawn.*** Discussion followed.

Mr. Schwartz stated there has to be other areas within the budget where we could allocate the money from that would meet the criteria.

Chairman Roche stated this allocation has nothing to do with the 2006 budget. Discussion followed.

Mr. Schwartz stated it would be in the best interest of the County to have the Finance Committee look at a separate bond to use for road repair.

Mr. Mayo asked Mr. Spagnoletti to explain the road projects they will be completing with these funds. Mr. Spagnoletti stated they will use the funds to reconstruct CR66, CR73, CR14, CR119, CR76 and CR121. These roads will be recycled and have an inch and a half of blacktop on top. They will have a 15 year life. We picked them based upon need and high traffic volume. Mr. Ahrens stated the list of roads was prepared by the Commissioner and has the approval of Bond Counsel.

Mr. Nichols stated the key to this whole appropriation is to not take \$1 million out of the Public Works Department's 2006 capital projects. This shouldn't substitute any funding in their budget. Discussion followed.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 135-05**

Introduced by P. Donnelly.

Seconded by T. Schwartz.

**PROVIDING EXEMPTIONS FROM SALES AND COMPENSATING USE TAXES FOR RECEIPTS FROM SALES OF, AND CONSIDERATION GIVEN OR CONTRACTED TO BE GIVEN FOR, OR FOR THE USE OF, PROPERTY AND SERVICES EXEMPT FROM STATE SALES AND COMPENSATING USE TAXES PURSUANT TO SUBDIVISION (ee) OF SECTION 1115 OF THE NEW YORK TAX LAW, PURSUANT TO THE AUTHORITY OF ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK RELATIVE TO RESIDENTIAL SOLAR ENERGY SYSTEMS AND INSTALLATION SERVICES.**

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

**SECTION 1.** Section six (6) of Resolution No. 321 of 1967, as amended, is amended by adding a new subdivision (m) to read as follows:

(m) Receipts from sales of and consideration given or contracted to be given for, or for the use of, property and services exempt from State sales and compensating use taxes pursuant to subdivision (ee) of Section 1115 of the New York Tax Law shall also be exempt from sales and compensating use taxes imposed in this jurisdiction.

**SECTION 2.** This resolution shall take effect December 1, 2005, and shall apply to sales made, services rendered and uses occurring on and after that date in accordance with the applicable transitional provisions in Sections 1106, 1216 and 1217 of the New York Tax Law.

**AND BE IT RESOLVED**, certified copies of this resolution shall be forwarded to the County Treasurer; County Attorney; Director of Real Property Tax Service Agency; Steuben County Clerk; Steuben County Planning Director; Secretary of State, Attention: Randy A. Daniels, Department of State, 41 State Street, Albany, NY 12231; NYS Department of State, Attention: State Records and Law Bureau, 41 State Street, Albany, NY 12231; and Office of State Comptroller, Attention: Legal Services, 110 State Street, Albany, NY 12236.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 136-05**

Introduced by H. Mayo.

Seconded by R. Argentieri.

**AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO EXTEND THE INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE CITY OF HORNELL.**

**WHEREAS**, Steuben County owns and operates a solid waste landfill facility (the “Facility”) located in the Town of Bath designed and permitted for the disposal of solid waste as defined in New York Environmental Conservation Law, Article 27, Title 7 6NYCRR Part 360; and

**WHEREAS**, the Facility is authorized to dispose of 500 tons per day of solid waste, and the Facility currently has excess disposal capacity within that daily limit of approximately 175 tons per day, and the Facility has an expected useful life of at least twenty years with permitted expansion of the Facility by the Department of Environmental Conservation; and

**WHEREAS**, Steuben County is willing to make up to 4,100 tons per year of capacity available for the disposal of municipal solid waste from the City of Hornell or from those with whom Hornell contracts with for the disposal of solid; and

**WHEREAS**, the City of Hornell desires to contract with Steuben County to provide for the disposal of up to 4,100 tons per year of municipal solid waste at a rate of \$26.00/ton at the Facility for an additional period of six

(6) months with provisions for renegotiating terms and conditions mutually agreed to by and of the parties hereto; and

**WHEREAS**, the parties are desirous of extending the current intergovernmental cooperation agreement for said purposes.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Public Works is hereby authorized to extend the current intergovernmental cooperation agreement with the City of Hornell for the disposal of municipal solid waste at the Steuben County Bath Landfill; and be it further

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

**Vote: Roll Call – Adopted.**

***Yes-8816; No-605; Absent-451; No-Nielsen; Absent-Swackhamer.***

**RESOLUTION NO. 137-05**

Introduced by H. Mayo and P. Donnelly.

Seconded by T. McIntyre.

**AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO SIGN AN AGREEMENT TO RECEIVE \$40,000 FROM NEW YORK STATE FOR PARTIAL ROADWORK RELATIVE TO COUNTY ROUTE 123.**

**WHEREAS**, one mile of County Route 123 in the Town of Jasper was recycled in 2005; and

**WHEREAS**, the life of this section of County Route 123 can be extended to 15 years with a hot mix blacktop overlay; and

**WHEREAS**, Legislator Mayo requested funding from Senator Winner and Assemblyman Bacalles to install this hot mix blacktop overlay, with Senator Winner and Assemblyman Bacalles approving the funding in a letter dated September 9, 2005.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Treasurer is authorized to transfer \$40,000 from State Aid Member Line Item No. 999901-4-3089300 to Permanent Improvements Line Item 511200-5-250000; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Steuben County Treasurer and the Commissioner of Public Works.

Mr. Argentieri asked what's the total cost of the project? Mr. Spagnoletti stated \$50,000 so he will find \$10,000 in the capital fund to pay the balance of the cost.

**Vote: Roll call – Adopted.**

***Yes-8761; No-0; Absent-1111; Absent-Isaman, Swackhamer.***

**RESOLUTION NO. 138-05**

Introduced by D. Baker and P. Donnelly.

Seconded by R. Nichols.

**AUTHORIZING AN APPROPRIATION OF \$18,346 FROM THE CONTINGENT FUND FOR THE STEUBEN COUNTY JAIL GENERATOR.**

**WHEREAS**, the generator at the Steuben County Public Safety Building is in need of repair.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Treasurer is hereby authorized to transfer \$18,346.00 from the Contingent Fund to the Equipment Maintenance and Repair line item in the 2005 Jail Budget; and be it further

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

Mr. Argentieri asked was there any advance warning that the generator was going to fall apart? Mr. Alger stated their inspections are quarterly or semi-annually. Unfortunately the Sheriff was not informed of repairs that were needed to the generator.

Mr. Argentieri stated what's upsetting to me is that somebody should be held accountable for this. Sheriff Tweddell stated I am accountable for this and there are procedures in place now so that it will not happen again. Discussion followed.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 139-05**

Introduced by D. Baker and P. Donnelly.

Seconded by R. Nichols.

**AUTHORIZING THE PERSONNEL OFFICER TO CONTRACT WITH PEOPLE SYSTEMS FOR UNEMPLOYMENT SERVICES TO BE PAID FROM THE CONTINGENT FUND IN THE AMOUNT OF \$1,900.**

**WHEREAS**, the Steuben County Administration and Finance Committees have recommended entering into an agreement with People Systems for the administration of unemployment insurance claims, including, but not limited to:

1. Audit of all claims during benefit period;
2. Confer with the appropriate state agency on behalf of the employer;
3. Review of eligibility determinations.

**WHEREAS**, the total cost of this agreement is \$950 per quarter, plus \$950 set up fee.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Personnel Officer is hereby authorized to sign an agreement with People Systems; and be it further

**RESOLVED**, that the Steuben County Treasurer is hereby authorized to appropriate \$1,900 from the Contingent Fund to an appropriate line item in the 2005 Personnel Budget; and be it further

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

Mr. Argentieri asked what does this group do? Mr. Biehl stated they help with the administration of unemployment claims. They estimate that they can save us \$20,000 a year for a cost of \$5,000. Currently the claims are sent to the State and they pay them. All we get is monthly and quarterly reports. We have no idea if they are paying the claims right or not and we get charged dollar for dollar for the claims.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 140-05**

Introduced by P. Donnelly.

Seconded by T. Schwartz.

#### **AUTHORIZING THE DIRECTOR OF REAL PROPERTY TAX SERVICE AGENCY TO EXECUTE A CONTRACT FOR A DIGITAL TAX-MAP CONVERSION PROJECT.**

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

**WHEREAS**, the Administration Committee and the Director of Real Property Tax Service Agency solicited requests for proposal for a Digital Tax Map Conversion to NAD83 and Geodatabase project; and

**WHEREAS**, the James W. Sewal Company submitted a proposal under cover letter dated June 16, 2005; and

**WHEREAS**, the Administration Committee has recommended the execution of a contract with James W. Sewal Company for said purposes and for the purchase of necessary hardware and software.

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

**RESOLVED**, the Director of Real Property Tax Service Agency be and the same hereby is authorized and directed to execute a contract for Digital Tax Map conversion to NAD83 and Geodatabase with James W. Sewal Company for the amount of \$61,000; and be it further

**RESOLVED**, that it is further authorized that additional hardware and software shall be purchased in the amount of \$100,150.00 to carry on with the digital tax map maintenance and updating of the Geographic Information Systems database both during and after the completion of the project; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Steuben County Treasurer, the Director of Real Property Tax Service Agency and James W. Sewal Company, Attn: John Trimmer, 150 North Main Street, Suite 400, Elmira, NY 14901.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 141-05**

Introduced by D. Baker.

Seconded by T. Schwartz.

#### **ABOLITION OF THE STEUBEN COUNTY LOCAL CONDITIONAL RELEASE COMMISSION AND REMOVING THE SECTION “PAROLE COMMISSION” FROM THE STEUBEN COUNTY BUDGET.**

**WHEREAS**, Steuben County under Article 5 of the County Law has in existence a Local Conditional Release Commission in accordance with Article 12 of the New York State Correctional Law; and

**WHEREAS**, Article 12 of the New York State Correctional Law and related sections of the New York State Penal Law requiring each County to maintain a Local Conditional Release Commission sunsets on September 1, 2005; and

**WHEREAS**, all powers and duties of the Local Conditional Release Commission have been transferred to the New York State Division of Parole as of September 1, 2005; and

**WHEREAS**, there is neither a statutory nor practical purpose to maintain the Local Conditional Release Commission.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature hereby abolishes the Local Conditional Release Commission and directs that the "Parole Commission" section of the budget be removed resulting in a net savings of approximately \$4,000.00; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 142-05**

Introduced by D. Baker.

Seconded by R. Argentieri.

**DESIGNATION OF THE "NATIONAL INCIDENT MANAGEMENT SYSTEM" ("NIMS") AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE COUNTY OF STEUBEN.**

**WHEREAS**, the President of the United States in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System which would provide a consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively and efficiently to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity; and

**WHEREAS**, the collective input and guidance from all Federal, State, local, and tribal homeland security partners has been, and will continue to be, vital to the effective implementation and utilization of a comprehensive NIMS; and

**WHEREAS**, it is necessary and desirable that all Federal, State, local, and tribal emergency agencies and personnel coordinate their efforts to effectively provide the highest levels of incident management; and

**WHEREAS**, HSPD-5 requires Federal departments and agencies to make adoption of the NIMS by State, tribal, and local organizations a condition for Federal preparedness assistance beginning in fiscal year 2005; and

**WHEREAS**, to facilitate the most efficient and effective incident management it is critical that Federal, State, local, and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

**WHEREAS**, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

**WHEREAS**, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the State, including current emergency management training programs; and

**WHEREAS**, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature, by virtue of the authority vested in it under the laws of the State of New York, does hereby establish the National Incident Management System (NIMS) as Steuben County's standard for incident management; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to Clerk of the Legislature; Director of E 911; Director of Emergency Management and the County Administrator.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 143-05**

Introduced by T. McIntyre.

Seconded by All Legislators.

**MEMORIALIZING THE GOVERNOR AND THE ATTORNEY GENERAL OF THE STATE OF NEW YORK IN SUPPORT OF THEIR EFFORTS IN CURTAILING PRICE GOUGING OF GASOLINE SALES AND REQUESTING MONITORING OF SAME IN THE COUNTY OF STEUBEN.**

**WHEREAS**, Governor George E. Pataki and Attorney General Eliot Spitzer announced on September 1, 2005, that the State Gasoline Price Stability Task Force is closely monitoring retail gasoline prices, and any gas wholesalers or retailers violating New York's price gouging law will face severe penalties; and

**WHEREAS**, in addition, the State Consumer Protection Board has a toll-free hotline to receive consumer complaints about excessive gas prices that may be attributable to price gouging; and

**WHEREAS**, as stated by the Governor, "price gouging is a serious crime that imposes harmful financial burdens on individuals and families who are forced to pay higher prices"; and

**WHEREAS**, Attorney General Eliot Spitzer has pledged that his "...office will pursue those who attempt to illegally profit and seek severe penalties from those who are found to have violated the law"; and

**WHEREAS**, New Yorkers who believe they have been charged excessive prices for gasoline are encouraged to call the toll-free hotline at 1-800-214-4372; complaints also can be registered via the Consumer Protection Board's website, [www.nysconsumer.gov](http://www.nysconsumer.gov); and

**WHEREAS**, under the New York State General Business Law, price gouging has occurred if "the amount charged represents a gross disparity between the price of the goods or services...and their value measured by the price at which such consumer goods or services were sold or offered by sale"; violations of this law are punishable by civil penalties of up to \$10,000, and where appropriate, restitution to the aggrieved consumers; and

**WHEREAS**, high gasoline prices are disproportionately the case in the County of Steuben and as such warrants special review.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Governor and Attorney General of the State of New York are to be commended in their efforts to fight gasoline price gouging; and be it further

**RESOLVED**, the Gasoline Price Stability Task Force is requested to monitor gasoline prices within the County of Steuben; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to Governor George E. Pataki, Executive Chamber, State Capitol, Albany, NY 12224; Attorney General, Eliot Spitzer, State Capitol, Albany, NY 12224-0341; and Chairwoman, Teresa A. Santiago, NYS Consumer Protection Board, Attn: Gasoline Price Gouging Complaint, 5 Empire State Plaza Suite 2102, Albany, NY 12223-1556.

Mr. McIntyre thanked Mr. Ahrens for drafting this resolution for him. He noted there is an 800 number in the text of the resolution that consumers can call if they want to report price gouging. If a consumer suspects price gouging, they should take a picture of the pump showing the price and send it to the State Attorney General with the station's name and the owner's name.

**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. Schwartz, seconded by Mr. McAllister 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. Nichols, seconded by Mr. Stachnik and duly carried.*

**REGULAR MEETING**  
**Morning Session**  
**Monday, October 24, 2005**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 24<sup>th</sup> day of October, 2005 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 Legislators Gehl and Swackhamer.

Mr. Nichols provided the Invocation and the Pledge of Allegiance was led by Mr. Stachnik.

Mrs. Kane asked Anne Collson to come forward. Mrs. Collson is an employee in the Law Department. Chairman Roche presented her with a Certificate of Appreciation and a 15-year pin in recognition of her 15 years of service to Steuben County.

Chairman Roche asked Jim Hope to come forward. As many of you know, Jim Hope has been a part of the Historians Office for many years. Recently Mr. Hope was awarded the Franklin D. Roosevelt Local Government Historian's Professional Achievement Award by the Association of Public Historians of New York State. We all know how valuable Mr. Hope has been to Steuben County. He has set the standard for historians and genealogists. We appreciate everything he has done. Mr. Hope stated I've really enjoyed doing this work. I've had a lot of good help along the way. Thank you. ***Chairman Roche announced there would be a small reception for Mr. Hope in the foyer after the meeting. CONGRATULATIONS JIM!***

Chairman Roche asked Mr. McCandless to introduce the Youth in Government Interns. Mr. McCandless stated this is the 22<sup>nd</sup> year of the program with over 800 students having participated. This semester we have 23 students. Mr. McCandless introduced each of the students.

Chairman Roche opened the floor for comments by members of the public. There being no comments, the public comment portion of the meeting was closed.

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

Mr. Mayo introduced Dan Farrand, who is running for County Legislator in District 10. Mr. Farrand introduced his wife Darlene and thanked her for her support. Mr. Farrand stated if he's elected in November, he hopes he can continue the high standard that Mr. Mayo has set during his tenure as Legislator.

Mr. McIntyre announced that he was sad to learn that Bill Kastner had a severe heart attack this morning. Please keep him in your prayers.

Chairman Roche announced that the County received a donation of an 1856 map, which is now hanging in the Chairman's office. Please feel free to stop in and take a look.

**RESOLUTION NO. 144-05**

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

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

SCHEDULE "A"

Resolution #     A-1      
Name     Augustine & Mary Tranello      
Parcel #     038.00-01-042.220      
Municipality     Dansville Town      
Disposition     Refund    

SCHEDULE "B"

Resolution #     B-1      
Former Owner     Michelle Wilson      
In Rem Index No.     86329, 2002 sale      
Date of Tax Sale     July 13, 2005      
Parcel #     318.54-02-037.000      
Municipality     Corning City      
Grantee(s)     Jesse Glosser, highest bidder, and Doris M Parmelee,  
                    second highest bidder, respectively      
Grantee(s) Address     220 Park Ave, Corning, NY 14830, and 13291 Tower  
                            Rd, Unionville, VA 22567-3047, respectively      
Disposition     RESCISSION OF PRIOR OFFER TO SELL FOR  
                            FAILURE TO PERFORM.

Resolution # B-2  
Former Owner John A & Tammy S Foote  
In Rem Index No. 88508, 2003 sale \_\_\_\_\_  
Date of Tax Sale July 13, 2005  
Parcel # 319.00-01-075.000  
Municipality Corning Town  
Grantee(s) Donald D Morse III, highest bidder, and  
George Eddy, second highest bidder, respectively  
Grantee(s) Address PO Box 404, Corning, NY 14830, and  
3863 Pine Hill Rd, Corning, NY 14830, respectively  
Disposition RESCISSION OF PRIOR OFFER TO SELL FOR  
FAILURE TO PERFORM.

**Vote: Roll Call – Adopted.**

### **RESOLUTION NO. 145-05**

Introduced by P. Roche.

Seconded by D. Stachnik.

### **RECEIVING AND ACCEPTING THE OCTOBER 24, 2005, 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 19, 2005**

1. NYS Department of State - Re: Local Enhanced Wireless 911 Program - allocation for costs incurred from 4/1/05 through 3/31/08 is \$58,530. **Referred to: Public Safety & Corrections Committee and Tim Wixom, 911 Director.**
2. Governor's Office for Small Cities - Re: Project #1115HR36-05 - New York State Small Cities Community Development Block Grant - application cannot be funded at this time. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
3. NYS Electric & Gas - Re: Case 29211 Order Requiring Submittal of Semi-annual Inventory Reports of PCB Equipment - 1/1/05-6/30/05. **Referred to: Public Safety & Corrections Committee and Mike Sprague, EMO Director.**

#### **September 20, 2005**

1. NYS Office for the Aging - Re: 2004 Single Audit Report - due by 9/30/05. **Referred to: Human Services Committee and Linda Teter, OFA Director.**

#### **September 22, 2005**

1. NYS Office for the Aging - Re: Notification of Grant Award and approved application for the Long-Term Care Insurance Education and Outreach Program for 4/1/05 through 3/31/06. **Referred to: Human Services Committee and Linda Teter, OFA Director.**

#### **September 30, 2005**

1. Keuka Lake Association - Re: Proposal to develop a Uniform Docks & Moorings Law for Keuka Lake. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

**October 4, 2005**

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$6,569 representing the August 2005 retained surcharge revenue for Steuben County from the WROTB. **Referred to: Rules and Finance Committees; and Larry Crossett, County Treasurer.**

**October 7, 2005**

1. NYS Department of Health & Environmental Facilities Corporation - Re: Drinking Water State Revolving Fund - Final Intended Use Plan - Funding Period October 1, 2005 to September 30, 2006. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

**October 11, 2005**

1. Lt. Governor Mary Donohue, State of New York - Re: State Budget to provide financial assistance from the Environmental Protection Fund in the amount of \$3 million for a new Quality Communities Grant Program for: 1) Intermunicipal Growth Program; 2) Community Growth Program; 3) Community Center Program; 4) Community Open Space Program; and 5) the Mountain Communities Program. Application deadline is 12/5/05. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
2. NYS Public Service Commission - Re: Case 05-T-1087 - Notice of Intention filed by Fortuna Energy, Inc., to construct a Fuel Gas Transmission Line, containing approximately 3,715 ft. of 4" coated steel pipeline, located in the Town of Bradford - Order granting Certificate of Environmental Compatibility and Public Need. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
3. NYS Department of Transportation - Re: Federal Section 5311 operating assistance allocations for the non-urbanized area public transportation program for the 2005 and 2006 fiscal years - Steuben County's allocations are: 2005 - \$43,400; 2006 - \$44,700. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
4. NYS Office for the Aging - Re: Notifications of Grant Award for funding for FFY 2005 III-B, III-C, III-C-2, III-D and III-E programs. **Referred to: Human Services Committee and Linda Teter, OFA Director.**
5. NYS Office for the Aging - Re: Notification of Grant Award and approved application for the Weatherization Referral and Packaging Program for 8/1/05-7/31/06. **Referred to: Human Services Committee and Linda Teter, OFA Director.**
6. NYS Office for the Aging - Re: Notification of Grant Award and approved application for the State Pharmaceutical Assistance Program for 4/1/05-9/30/05. **Referred to: Human Services Committee and Linda Teter, OFA Director.**

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 146-05**

Introduced by P. Donnelly.

Seconded by D. Baker.

**ELECTING TO PARTICIPATE IN THE 25-YEAR OPTION OF THE NYS RETIREMENT PLAN AND SOCIAL SECURITY LAW, ARTICLE 14-B, SECTION 551(e) FOR THE SHERIFF, UNDERSHERIFF AND CERTAIN DEPUTY SHERIFFS.**

**BE IT RESOLVED**, that the Steuben County Legislature of the County of Steuben does hereby elect to assume the entire additional cost required to provide additional 1/60's for service after twenty five years, provided in Section 551(e) under Article 14-B, of the Retirement and Social Security Law, for its Sheriff, Undersheriff and certain Deputy Sheriffs whose duties include at least 50 percent criminal law enforcement, pursuant to Chapter 165 of the Laws of 1995; and be it further

**RESOLVED**, that the effective date of this plan is January 1, 2006; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to NYS and Local Retirement Employees Retirement System, Attention: Alan G. Hevesi, State Comptroller, 110 State Street, Albany, NY 12244; the Steuben County Personnel Officer; the Steuben County Sheriff; and the Steuben County Treasurer.

Mr. McIntyre asked why are we doing this?

Mr. Alger stated when the Legislature approved the contract, this was one of the provisions. This resolution puts that provision into effect.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 147-05**

Introduced by P. Donnelly.

Seconded by D. Creath.

**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 2006, 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 2006 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, 2005.

**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 2006, shall be filed with the Clerk of this County Legislature on or before November 15, 2005, 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 2006, as herein filed, shall be held on the 1<sup>st</sup> day of December, 2005, at 6:30 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 Steuben County Treasurer.

**Vote: Acclamation – Adopted.**

#### **RESOLUTION NO. 148-05**

Introduced by H. Mayo and P. Donnelly.

Seconded by T. Schwartz.

**AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO TRANSFER \$8,000 TO THE NORTH COHOCTON DRAINAGE CAPITAL PROJECT.**

**WHEREAS**, County Route 39 and State Route 21 in Cohocton have poor storm water drainage causing excessive water in the roads and residents' yards; and

**WHEREAS**, the County, State and Town are working together to fund the \$1,470,000 project to rebuild all of County Route 39 and install storm drains on the State and County roads; and

**WHEREAS**, \$8,000 is required to be added to the existing \$60,000 fund to complete final design and bid documents; and

**WHEREAS**, final design and bid documents will aid in obtaining funding for the County portion of the project; and

**WHEREAS**, the County will not proceed with the project without significant outside funding; and

**WHEREAS**, the Public Works Committee and Finance Committee have approved the transfer of \$2,972.07 from 5112H1 250 000 County Route 56 Capital Project and \$5,027.93 from HS9902 250 000 Fire Suppression Capital Project to 5112H2 250 000 North Cohocton County Route 39 Drainage Capital Project.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Treasurer is hereby authorized to transfer \$2,972.07 from 5112H1 250 000 County Route 56 Capital Project and \$5,027.93 from HS9902 250 000 Fire Suppression Capital Project to 5122H2 250 000 North Cohocton County Route 39 Drainage Capital Project; and be it further

**RESOLVED**, the Commissioner of Public Works is authorized to proceed with final design and preparation of bid documents; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Commissioner of Public Works and Steuben County Treasurer.

Mrs. Kane stated the Commissioner of Public Works has requested an amendment to the resolution.

Mr. Spagnoletti stated in the second Whereas, the figure should be \$1,470,000, not \$1,250,000. He received updated information last week, but this doesn't affect the transfer at all. We are proceeding with getting almost all of the funding from the State or else they won't proceed with this project.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 149-05**

Introduced by H. Mayo and P. Donnelly.

Seconded by R. Nichols.

**AUTHORIZING THE STEUBEN COUNTY TREASURER TO CREATE A CAPITAL PROJECT ACCOUNT ENTITLED, "BATH LANDFILL EQUIPMENT SHOP", IN THE AMOUNT OF \$188,000.**

**WHEREAS**, a fire at the Bath Landfill on December 28, 2004, destroyed the equipment storage and repair shop; and

**WHEREAS**, this building is necessary for the proper and efficient operation of the Bath Landfill; and

**WHEREAS**, there is \$188,000 available in the Bath Landfill Insurance Recoveries account; and

**WHEREAS**, the Public Works Committee and Finance Committee have approved the transfer of \$188,000 from 816099 268 000 Bath Landfill Insurance Recoveries account to HL6207 250 000 Bath Landfill Equipment Shop.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Treasurer is hereby authorized to create and transfer funds in the amount of \$188,000, to a capital project account entitled, "HL6207 250 000 Bath Landfill Equipment Shop", from account 816099 268 000 Bath Landfill Insurance Recoveries; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Steuben County Treasurer; the Commissioner of Public Works, and the Risk Manager.

Mr. Argentieri asked has there been any progress on the insurance recovery for this fire? Mr. Alger stated the building and equipment was all covered by insurance.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 150-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

#### **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 2005, for the budget year of 2006, for the Marsh Ditch Watershed Protection District shall be held on the 1<sup>st</sup> day of December, 2005 at 6:30 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. 151-05**

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 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 2005, for the budget year of 2006 for the Upper Five Mile Creek Watershed Protection District shall be held on the 1<sup>st</sup> day of December, 2005 at 6:30 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. 152-05**

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 2005, for the budget year of 2006, for the Waneta/Lamoka Lakes' Protection and Rehabilitation District shall be held on the 1<sup>st</sup> day of December, 2005 at 6:30 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 District, 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; Director of Steuben County Real Property Tax Service Agency, and the Steuben County Treasurer.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 153-05**

Introduced by R. Nichols and P. Donnelly.

Seconded by T. Schwartz.

**RECLASSIFICATION OF A STAFF SOCIAL WORKER POSITION, GRADE XV TO A "BUILDING INDEPENDENCE FOR THE LONG TERM" (BILT) COORDINATOR POSITION, GRADE XVIII WITHIN THE STEUBEN COUNTY OFFICE OF COMMUNITY SERVICES.**

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

**WHEREAS**, a position exists within the Steuben County Office of Community Services that is inappropriately titled and not consistent with the duties for said position; and

**WHEREAS**, the Steuben County Personnel Officer, the Health and Education Committee and the Administration Committee have reviewed and approved the recommended change for said position.

**NOW THEREFORE, BE IT**

**RESOLVED**, effective with the adoption of this resolution, the following position in the Steuben County Office of Community Services is hereby reclassified:

Staff Social Worker, Grade XV (\$31,715-\$44,772) to  
"Building Independence for the Long Term" (BILT) Coordinator, Grade XVIII (\$52,693-\$63,233)

**AND BE IT FURTHER RESOLVED**, the Job Classification and Salary Schedule is hereby amended to reflect the above-stated change; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Steuben County Personnel Officer; the Steuben County Treasurer and the Director of Community Services.

Mr. Argentieri stated in lieu of the budget with a possible 10 percent tax increase, I think we should hold off on this increase. I don't think it is the right time to upgrade this position.

Mr. Alger stated the position as it is constituted, and the change in the grade, is supported by outside funding so there is very little county funding involved. In terms of the budget, there is no impact on the budget.

Mr. Stachnik stated I urge Mr. Argentieri to support this position. If the money isn't spent in this County, they'll just give it to another County.

**Vote: Roll Call – Adopted. Yes: 8428; No: 451; Absent: 993. (No: Argentieri. Absent: Gehl, Swackhamer)**

### **RESOLUTION NO. 154-05**

Introduced by P. Roche.

Seconded by T. Schwartz.

### **DIRECTING THE CLOSING OF ALL STEUBEN COUNTY OFFICES ON FRIDAY, NOVEMBER 25, 2005.**

Pursuant to Section 206-a of the County Law and the current agreement between the County of Steuben and the Civil Service Employees' Association, Inc.

**WHEREAS**, the County of Steuben, by contractual agreement with the employees of Steuben County has declared the day after Thanksgiving day to be a holiday for all employees, with the exception of the County Clerk, the County Treasurer, the Clerk of this Legislature, and the Sheriff's Office; 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 Steuben County on the day after Thanksgiving, November 25, 2005.

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

**RESOLVED**, that this County Legislature declares November 25, 2005 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 25, 2005; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Steuben County Clerk; Steuben County Treasurer; Clerk of the Legislature; Steuben County Sheriff; and the Commissioner of Public Works.

**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.E. Collective negotiations pursuant to Article Fourteen of the Civil Service Law made by Dr. Baker, seconded by Mr. McAllister and duly carried.*

*Motion to adjourn executive session and reconvene in regular session made by Mr. Mayo, seconded by Mr. Argentieri and duly carried.*

**RESOLUTION NO. 155-05**

Introduced by T. Schwartz.

Seconded by D. Creath.

**ACCEPTING THE APPOINTMENT OF AN AD HOC COMMITTEE CHARGED WITH THE RESPONSIBILITY TO RECOMMEND A SETTLEMENT OF THE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION.**

**WHEREAS**, the County of Steuben has initiated litigation relative to fraudulent and misleading schemes that are alleged to have overcharged the Medicaid Program, W.D. N.Y. Case No. 05-CV-6223, Consolidated Civil Action No. 01-CV-12257-PBS, Mass. Dist.; and

**WHEREAS**, it is necessary and advisable to charge an Ad Hoc Committee with the responsibility of making a recommendation for settlement of the claims of the County of Steuben together with related relief; and

**WHEREAS**, the Chairman of the Steuben County Legislature has offered the following to constitute said committee:

- Philip J. Roche, Chairman
- Gary D. Swackhamer, Chairman, Finance Committee
- Patrick F. Donnelly, Vice Chairman, Finance Committee
- David R. Stachnik, Chairman, Human Services Committee
- Mark R. Alger, County Administrator
- Lawrence Crossett, Steuben County Treasurer; and it is further recommended
- Frederick H. Ahrens, Jr., Steuben County Attorney shall serve as staff to said committee.

**NOW THEREFORE, BE IT**

**RESOLVED**, said appointments be and the same hereby are accepted together with the charge placed thereon said committee; and be it further

**RESOLVED**, certified copies of this resolution shall be sent to the above-named committee members.

*Motion to adjourn made by Mr. Jamison, seconded by Mr. Isaman and duly carried.*

**SPECIAL MEETING**  
**Morning Session**  
**Tuesday, November 15, 2005**  
**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 Tuesday, the 15<sup>th</sup> day of November, 2005, 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, Gehl, Schwartz and Stachnik.

Mr. Swackhamer offered the invocation and the Pledge of Allegiance was lead by Mr. Isaman.

Chairman Roche opened the floor to comments from members of the public.

Scott Mazzo stated I've stood here for 6 years urging you to fund the animal control program. I'm the Animal Control Officer for the Finger Lakes SPCA. For 6 years I've dealt with all of the problems that nobody else wants to deal with. It's not just about animals, it's about people as well. This year the funding from outside sources has decreased. Last year I researched the law and found a way for the County to save \$15,000 by using licensing fees so as not to burden taxpayers. However, licensing fees alone aren't enough to operate this program. I'm one person who handles hundreds of complaints. I back up officers when they need help and help numerous people around the County. The program needs an additional \$10,000 to continue operation. Before this program was started, animals died horribly. If we don't get that money, the program will no longer be able to operate. Animals will again die horribly. Over these last 6 years I've saved the County at least \$80,000 to \$90,000. If the Sheriff or State Police have a seizure, they'll have to call in an outside agency and they aren't going to do it for free. The seizures will be charged back to the County. I would like to continue doing my job. That's all I'm asking. I hope my work has proven itself and you'll reinstate that funding. It is beneficial to the people of this County. Chairman Roche thanked Mr. Mazzo for his comments.

Sheriff Tweddell stated Scott Mazzo is an invaluable resource for law enforcement in this County. He has the expertise in that field that we lack. In the past year we utilized him to help us serve a warrant on an individual who owned a pitbull. We needed him to subdue the pitbull so officers could pass to serve the warrant. He has handled two rattlesnakes and even an alligator. The dog wardens in the County call on him as well. When it comes to the removal of animals, he has the contacts to get it done without it costing the County any additional money. Chairman Roche thanked Sheriff Tweddell for his comments.

There being no further comments by members of the public, Chairman Roche declared the public comment portion of the meeting closed.

Mr. Alger announced that the main CSEA unit approved the proposed contract last night.

Mr. Swackhamer thanked everyone for their cards, prayers and thoughts during the past 4 months. It helped get me through.

County Administrator Mark Alger presented the following 2006 Budget Message:

I appear today to present the Tentative 2006 Steuben County Budget. This budget marks a change in the State/County relationship on the single largest line item the budget contains, Medicaid, with the State's imposition of a limited growth "cap." The cap limits growth in 2006 to 3.5% of the base year. The base year calculation at this time is not complete and will not be final until July 2006. Until that time, we will be using estimates developed by the State and our local DSS finance staff. The budgetary impact is significant. This is the first year we have not seen 19-20% growth in the local share of Medicaid in five years.

The other areas with significant changes include the Jail, due to the overcrowding and the expansion; Public Works' increases, and the Public Defender. Further impacts include Corning Community chargebacks, Sheriff's Department, Probation, Special Children's Services, the 911 Center, and the STOP-DWI Program. These programs are being impacted by cuts in revenues or State mandated program expansions. We have included an estimate for salary impacts for the union employees even though contracts are not yet finalized.

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, are to be commended. I would also like to recognize the committee chairmen for their assistance, Pat Donnelly, Dave Stachnik, Harley Mayo, Don Creath, Doc Baker and Bob Nichols, who all contributed to the success of the process. I would point out the key roles the County Treasurer, Larry Crossett, the 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. I want to once again acknowledge the efforts of the Commissioners of Social Services and Public Works, Kathy Biehl and Vince Spagnoletti. Every county department has cooperated to arrive at this budget. I can assure the Legislature that 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, and cost increases impacting our ability to operate, i.e., the gasoline price escalation. In addition, we have increased funding for Public Works to improve roads, equipment and bridges.

We began in early 2005 to prepare for the 2006 Budget. I suggest we continue early budget discussions and closely monitor 2006 expenditures. An early start on budget discussions provides direction to 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 how we view each expenditure. Budget information and management are an ongoing team effort. The department heads are key to its success. This year the budget provides for a 2½ to 3½% salary increase for managers. The total cost is \$130,236 or 0.3% 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 five years of very difficult budgets, and with their help we have limited the Medicaid Program's impact. With Medicaid growth limited, we are seeing the positive changes managers are making.

### **Budget Goals**

The Budget Goals that have been established for 2006 are as follows:

1. Minimize any property tax increase through careful review of expenditures and maximizing alternative revenues.
2. Provide increased funding for Public Works' equipment and projects.
3. Adequately fund Jail operations to reflect the inmate population and housing-out inmate 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. We are continuing to focus on maintaining the core services of the County. While we have budgeted for some equipment purchases and capital projects, expenditures are still below prior years.

### **Total Budget**

The total proposed budget for 2006 is \$149,345,083 that represents an increase of \$2,250,858 or a 1½% increase in total expenditures.

The Total County budgets for the past five years are as follows:

	2002	\$132,687,638
	2003	\$133,888,420
	2004	\$143,465,777
	2005	\$147,094,225
2006 (Proposed)		\$149,345,083

The average increase in expenditures between 2002 and 2005 is 3.5%. The 1½% increase anticipated from 2005 to 2006 is less than the average and reflects tightening of expenditures and reduction in the County share of Medicaid. We have continued to limit increases in most programs. The notable exceptions this year are Public Works and the Jail. There is limited new funding provided for capital projects.

### **MAJOR CHANGES BY DEPARTMENT**

#### **Highways**

The total proposed budget for transportation stands at \$19,009,047 compared to \$16,324,835 in 2005. There is an increase of \$2,684,212 or 16.5% in budgeted expenditures with a County cost increase of \$2,100,756 or 18.7%. The Finance Committee is proposing that we budget \$750,000 next year to replace key pieces of equipment. We are beginning to see the impacts of delayed equipment replacement. My recommendation is that only replacement equipment be purchased in 2006. The budget contains \$500,000 in capital projects and \$25,000 in small equipment requests for the Highway Division.

#### **Department of Social Services**

The total 2006 County cost for the Department of Social Services decreased largely as a result of Medicaid decreasing \$2.2 million. However, other reductions in some of the other large programs resulted in a total decrease of \$2,691,913 in the Social Services' budget.

Between the Medicaid cap and program reductions, we are seeing the most favorable Social Services budget in recent years. The reductions in this budget are what have allowed the Public Works budget to grow.

The Medicaid cap, while a soft cap, does provide needed relief from this mandated program growth. The program still represents \$19,720,000 in local expenditures for 2006. We will not know until next July what the base year for the cap will be. That calculation is critical to our future Medicaid expenditure growth. If the number remains as we have currently estimated, \$19,720,000, we will see an annual increase of \$592,000 every year. That represents approximately a 2% tax levy increase every year for Medicaid. If the number is higher, the percentage is higher. If the number is lower, the percentage will be correspondingly reduced.

It is of great importance that residents are informed that Medicaid has not gone away; its growth has merely been slowed. Medicaid still represents the single, largest line item in the County Budget, consuming almost half the County tax levy and growing 3% per year forever. Another way of looking at the cost is that Medicaid represents almost 90% of the sales tax collections in any given year. As a result, counties including Steuben, continue to call for Medicaid reform and management improvement. Our focus must shift to what can be done to more effectively manage the Medicaid caseload and programs.

I would also note that the major programs, TANF and SafetyNet, are being reduced, based upon current caseload and projections. With these changes, the Social Services' budget is having a positive impact on the 2006 Budget.

## **Sheriff and Jail**

The other remaining budgetary impact this year relates to the Jail overcrowding we experienced in 2004 and 2005. The overcrowding has resulted in expenditures of \$513,640 through October of this year for out-of-county housing of inmates. We have budgeted \$400,000 for out-of-county housing for inmates in 2006. With the decision to move forward with the Jail addition, we have obtained a variance increasing capacity by 12 beds. That alone will save approximately \$350,000 in out-of-county inmate housing expenses in 2006. We have also budgeted the bond repayment for the Jail addition. The total borrowing was significantly reduced by the additional Tobacco Settlement Funds received in 2005. A total of \$8.1 million of the \$16 million project will need to be borrowed.

## **SUMMARY**

The 2006 Tentative Budget continues to provide necessary funds for operations next year. Funding has been included to cover housing-out inmates from the Jail and the needed increases in funds for Public Works' operations. Equipment purchases have been increased with the Finance Committee recommending \$750,000 for several key Public Work's equipment needs. Capital projects funding is increased to \$500,000 for Public Works' projects including a bridge design, fire suppression system, spill prevention, etc. Community College expenses are up \$300,000 or 9.6%. Probation and District Attorney's costs are up as a result of a cut in STOP-DWI funding. Special Children's Services' cost is up \$95,000. 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 2006. The Health Care Facility deficit is up \$65,000 before adding in the debt service for the new facility, which is approximately \$1.4 million. Once the facility is between 70-75% complete, we will be given an interim rate, taking the building costs into account. The Landfill budget anticipates an \$82,000 deficit. Both the Landfill and the Health Care Facility deficits are funded from the fund balances within the Enterprise Funds.

## **COUNTY REVENUES**

### **Sales Tax**

The 2005 sales tax receipts are up over 2004 collections. As a result, we have anticipated an additional \$1 million in sales tax for 2006. While the local economy is not robust, the sales tax collections continued to increase in 2005.

Budgeted sales tax revenues for the last five years are as follows:

	2002	\$20,000,000
	2003	\$20,000,000
	2004	\$21,000,000
	2005	\$21,500,000
2006 (Estimated)		\$22,500,000

### **Fund Balance**

The County's Fund Balance has stabilized in the past two years. We remain below previous levels but we have also appropriated less. The Tentative Budget projects the continuation of a 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 2006.

### **Other Revenues**

The 2006 Budget does contain approximately \$240,000 in anticipated revenue from the imposition of the proposed mortgage tax, which represents an anticipated total of \$600,000 in annual collections.

Additionally, with the increases in interest rates, our interest earnings have increased. We have anticipated a \$400,000 increase for 2006.

### **Real Property Taxes**

The implementation of the Medicaid limited growth cap is enabling the County to focus on Public Works for the first time in a number of years. The increase in Public Works is larger than the increase in the tax levy. The tax levy is proposed to increase 2.6% with a decrease of 3% in the full value tax rate.

The property tax collections for the last five years are as follows:

2002	\$28,770,184
2003	\$32,473,970
2004	\$35,981,477
2005	\$39,407,242
2006 (Proposed)	\$40,465,052

### **CONCLUSION**

The decline in Social Services' program costs and limited cap on Medicaid combine to have the most positive impact on the county budget in recent years. After over five years of suffering from the uncontrolled growth of Medicaid, the County is able to reverse the funding trend and place more emphasis on our Public Works' needs.

Additionally, the proposed budget accommodates the needs of the Sheriff for housing-out inmates and the construction of the Jail addition. In 2005 we authorized an additional \$500,000 for housing-out inmates, and it appears that may not be enough. In considering this issue, the impact of the variance we have received will be significant. We are budgeting \$400,000 for out-of-county housing for inmates, which when considered with the variance, equates to \$750,000 in total.

The limited cap on Medicaid is a crucial element of the 2006 Budget. Since the cap will not be final until July of 2006, we can only rely on the budget estimates provided by the State and reviewed by our DSS staff. We are being conservative in developing the budget estimate for 2006. Many influences on the final cap calculation make projections difficult. However, what I can say with confidence is the cap will reduce next year's county contribution for Medicaid. In July 2006 we will know what Medicaid will cost annually.

As in past years, I am focusing the closing of the Budget Message on the economic climate and opportunities for future economic development. We live in a global economy. Many of us would like to think what happens in Steuben County is independent of outside influences, but it is not. The price of gasoline in the past year serves to highlight the world influence here. The international impact of China's economic expansion and demand for raw materials and energy cannot be overlooked. We must continue to focus our efforts on the things we can control. We need to provide an environment that is competitive with other areas in the country, and to work with the economic development agencies to bring new opportunities and jobs to our county. With improved employment opportunities, we will see positive impacts on the entire community.

Finally, we must continue our efforts to control costs and improve services. The demand for services far exceeds our ability to fund them, and consequently, we need to continue to improve how and what we do every day. We proved last year with Medicaid that with a united voice we can accomplish a great deal. Let's not forget that accomplishment.

Chairman Roche thanked Mr. Alger for his presentation.

Mr. Swackhamer asked 90 percent of our sales tax goes where? Mr. Alger stated it would be enough to fund Medicaid. Mr. Swackhamer stated, so what used to be used to bring down property taxes now funds Medicaid? Mr. Alger stated essentially that is the case.

Chairman Roche stated we'll now go on to the General Orders of the Day.

*Motion by Mr. Swackhamer to address the resolutions with one vote and to waive the reading of the resolutions, seconded by Mr. McIntyre and duly carried.*

### **RESOLUTION NO. 156-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

### **PRESENTING LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2005 ESTABLISHING THE ANNUAL SALARY OF THE CLERK OF THE LEGISLATURE OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2006.**

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 for the Year 2006, which individuals are presently serving mid-term; and

**WHEREAS**, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Six for the Year 2005, establishing the annual salary of the Clerk of the Legislature of the County of Steuben for the fiscal year 2006.

### **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 2005, establishing the annual salary of the Clerk of the Legislature of the County of Steuben as follows:

### **COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2005**

**A LOCAL LAW** establishing the annual salary of the Clerk of the Legislature of the County of Steuben for the Fiscal Year 2006.

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 2006, the annual salary of the Clerk of the Legislature of the County of Steuben is hereby established for the Fiscal Year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
Clerk of the Legislature	\$ 47,973.00	\$ 49,652.00

**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 Special Legislative Meeting on the 1st day of December, 2005, at 6:30 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**, certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer, and the Clerk of the Legislature.

**Vote: Acclamation – Adopted.** (McIntyre opposed.)

#### **RESOLUTION NO. 157-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

#### **PRESENTING LOCAL LAW TENTATIVELY NO. SEVEN FOR THE YEAR 2005 ESTABLISHING THE ANNUAL SALARY OF THE PERSONNEL OFFICER OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2006.**

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 for the Year 2006, which individuals are presently serving mid-term; and

**WHEREAS**, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Seven for the Year 2005, establishing the annual salary of the Personnel Officer of the County of Steuben for the Fiscal Year 2006.

**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 2005, establishing the annual salary of the Personnel Officer of the County of Steuben as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. SEVEN FOR THE YEAR 2005**

A **LOCAL LAW** establishing the annual salary of the Personnel Officer of the County of Steuben for the Fiscal Year 2006.

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 2006, the annual salary of the Personnel Officer of the County of Steuben is hereby established for the Fiscal Year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
Personnel Officer	\$ 73,765.00	\$ 76,347.00

**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 Special Legislative Meeting on the 1st day of December, 2005, at 6:30 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**, certified copies of this resolution shall be forwarded to the County Treasurer and the County Personnel Officer.

**Vote: Acclamation – Adopted.** (McIntyre opposed.)

**RESOLUTION NO. 158-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**PRESENTING LOCAL LAW TENTATIVELY NO. EIGHT FOR THE YEAR 2005 ESTABLISHING THE ANNUAL SALARY OF THE REAL PROPERTY TAX DIRECTOR OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2006.**

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 for the Year 2006, which individuals are presently serving mid-term; and

**WHEREAS**, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Eight for the Year 2005, establishing the annual salary of the Real Property Tax Director of the County of Steuben for the Fiscal Year 2006.

**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 2005, establishing the annual salary of the Real Property Tax Director of the County of Steuben as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. EIGHT FOR THE YEAR 2005**

**A LOCAL LAW** establishing the annual salary of the Real Property Tax Director of the County of Steuben for the Fiscal Year 2006.

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 2006, the annual salary of the Real Property Tax Director of the County of Steuben is hereby established for the Fiscal Year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
Real Property Tax Director	\$ 57,478.00	\$ 59,490.00

**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 Special Legislative Meeting on the 1st day of December, 2005, at 6:30 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,** certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer, and Director of Real Property Tax Service Agency.

**Vote: Acclamation – Adopted.** (McIntyre opposed.)

**RESOLUTION NO. 159-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**PRESENTING LOCAL LAW TENTATIVELY NO. NINE FOR THE YEAR 2005 ESTABLISHING THE ANNUAL SALARY OF THE COMMISSIONER OF SOCIAL SERVICES OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2006.**

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 for the Fiscal Year 2006, which individuals are presently serving mid-term; and

**WHEREAS**, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Nine for the Year 2005, establishing the annual salary of the Commissioner of Social Services of the County of Steuben for the Fiscal Year 2006.

**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 2005, establishing the annual salary of the Commissioner of Social Services of the County of Steuben as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. NINE FOR THE YEAR 2005**

**A LOCAL LAW** establishing the annual salary of the Commissioner of Social Services of the County of Steuben for the Fiscal Year 2006.

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 2006, the annual salary of the Commissioner of Social Services of the County of Steuben, is hereby established for the Fiscal Year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
Commissioner of Social Services	\$ 71,991.00	\$ 74,511.00

**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 Special Legislative Meeting on the 1st day of December, 2005, at 6:30 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**, certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer, and Commissioner of Social Services.

**Vote: Acclamation – Adopted.** (McIntyre opposed.)

**RESOLUTION NO. 160-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**PRESENTING LOCAL LAW TENTATIVELY NO. TEN FOR THE YEAR 2005 ESTABLISHING THE ANNUAL SALARY OF THE COUNTY TREASURER OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2006.**

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 for the Year 2006, which individuals are presently serving mid-term; and

**WHEREAS**, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Ten for the Year 2005, establishing the annual salary of the County Treasurer of the County of Steuben for the Fiscal Year 2006.

**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 2005, establishing the annual salary of the County Treasurer of the County of Steuben as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. TEN FOR THE YEAR 2005**

**A LOCAL LAW** establishing the annual salary of the County Treasurer of the County of Steuben for the Fiscal Year 2006.

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 2006, the annual salary of the County Treasurer of the County of Steuben, is hereby established for the Fiscal Year 2006 as follows, to wit:

<b><u>TITLE</u></b>	<b><u>2005 SALARY</u></b>	<b><u>2006 SALARY</u></b>
County Treasurer	\$ 68,347.00	\$ 70,397.00

**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 Special Legislative Meeting on the 1st day of December, 2005, at 6:30 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**, certified copies of this resolution shall be forwarded to the County Treasurer and Personnel Officer.

**Vote: Acclamation – Adopted.** (McIntyre opposed.)

#### **RESOLUTION NO. 161-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

#### **PRESENTING LOCAL LAW TENTATIVELY NO. ELEVEN FOR THE YEAR 2005 ESTABLISHING THE ANNUAL SALARY OF THE COUNTY ADMINISTRATOR OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2006.**

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 for the Year 2006, which individuals are presently serving mid-term; and

**WHEREAS**, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Eleven for the Year 2005, establishing the annual salary of the County Administrator of the County of Steuben for the Fiscal Year 2006.

**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 2005, establishing the annual salary of the County Administrator of the County of Steuben as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. ELEVEN FOR THE YEAR 2005**

A **LOCAL LAW** establishing the annual salary of the County Administrator of the County of Steuben for the Fiscal Year 2006.

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 2006, the annual salary of the County Administrator of the County of Steuben is hereby established for the Fiscal Year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
County Administrator	\$ 86,000.00	\$ 89,010.00

**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 Special Legislative Meeting on the 1st day of December, 2005, at 6:30 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**, certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer, and County Administrator.

**Vote: Acclamation – Adopted.** (McIntyre opposed.)

**RESOLUTION NO. 162-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**PRESENTING LOCAL LAW TENTATIVELY NO. TWELVE FOR THE YEAR 2005 ESTABLISHING THE ANNUAL SALARY OF THE COMMISSIONER OF PUBLIC WORKS OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2006.**

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 for the Year 2006, which individuals are presently serving mid-term; and

**WHEREAS**, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Twelve for the Year 2005, establishing the annual salary of the Commissioner of Public Works of the County of Steuben for the Fiscal Year 2006.

**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 2005, establishing the annual salary of the Commissioner of Public Works of the County of Steuben as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. TWELVE FOR THE YEAR 2005**

**A LOCAL LAW** establishing the annual salary of the Commissioner of Public Works of the County of Steuben for the Fiscal Year 2006.

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 2006, the annual salary of the Commissioner of Public Works of the County of Steuben, is hereby established for the Fiscal Year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
Commissioner of Public Works	\$ 74,999.00	\$ 77,249.00

**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 Special Legislative Meeting on the 1st day of December, 2005, at 6:30 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,** certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer, and Commissioner of Public Works.

**Vote: Acclamation – Adopted.** (McIntyre opposed.)

**RESOLUTION NO. 163-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**PRESENTING LOCAL LAW TENTATIVELY NO. THIRTEEN FOR THE YEAR 2005 ESTABLISHING THE ANNUAL SALARY OF THE SHERIFF OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2006.**

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 for the Year 2006, which individuals are presently serving mid-term; and

**WHEREAS,** said Administration Committee has recommended County of Steuben Local Law Tentatively No. Thirteen for the Year 2005, establishing the annual salary of the Sheriff of the County of Steuben for the Fiscal Year 2006.

**NOW THEREFORE, BE IT**

**RESOLVED**, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Thirteen for the Year 2005, establishing the annual salary of the Sheriff of the County of Steuben as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. THIRTEEN FOR THE YEAR 2005**

A **LOCAL LAW** establishing the annual salary of the Sheriff of the County of Steuben for the Fiscal Year 2006.

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 2006, the annual salary of the Sheriff of the County of Steuben is hereby established for the Fiscal Year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
Sheriff	\$ 67,127.00	\$ 69,141.00

**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 Special Legislative Meeting on the 1st day of December, 2005, at 6:30 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**, certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer, and Sheriff.

**Vote: Acclamation – Adopted.** (McIntyre opposed.)

**RESOLUTION NO. 164-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**PRESENTING LOCAL LAW TENTATIVELY NO. FOURTEEN FOR THE YEAR 2005 ESTABLISHING THE ANNUAL SALARY OF THE COMMISSIONERS OF ELECTIONS OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2006.**

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 for the Year 2006, which individuals are presently serving mid-term; and

**WHEREAS**, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Fourteen for the Year 2005, establishing the annual salary of the Commissioners of Elections of the County of Steuben for the Fiscal Year 2006.

**NOW THEREFORE, BE IT**

**RESOLVED**, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Fourteen for the Year 2005, establishing the annual salary of the Commissioners of Elections of the County of Steuben as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. FOURTEEN FOR THE YEAR 2005**

**A LOCAL LAW** establishing the annual salary of the Commissioners of Elections of the County of Steuben for the Fiscal Year 2006.

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 2006, the annual salary of the Commissioners of Elections of the County of Steuben is hereby established for the Fiscal Year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
Commissioners of Elections		
Democratic Commissioner	\$11,210.00	\$11,546.00
Republican Commissioner	\$11,210.00	\$11,546.00

**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 Special Legislative Meeting on the 1st day of December, 2005, at 6:30 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**, certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer, and Commissioners of Elections, Sharlene Dennis and Allan Johnson.

**Vote: Acclamation – Adopted.** (McIntyre opposed.)

**RESOLUTION NO. 165-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**PRESENTING LOCAL LAW TENTATIVELY NO. FIFTEEN FOR THE YEAR 2005 ESTABLISHING THE ANNUAL SALARY OF THE COUNTY ATTORNEY OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2006.**

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 for the Year 2006, which individuals are presently serving mid-term; and

**WHEREAS**, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Fifteen for the Year 2005, establishing the annual salary of the County Attorney of the County of Steuben for the Fiscal Year 2006.

**NOW THEREFORE, BE IT**

**RESOLVED**, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Fifteen for the Year 2005, establishing the annual salary of the County Attorney of the County of Steuben as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. FIFTEEN FOR THE YEAR 2005**

A **LOCAL LAW** establishing the annual salary of the County Attorney of the County of Steuben for the Fiscal Year 2006.

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 2006, the annual salary of the County Attorney of the County of Steuben is hereby established for the Fiscal Year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
County Attorney	\$116,219.00	\$119,800.00

**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 Special Legislative Meeting on the 1st day of December, 2005, at 6:30 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**, certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer, and County Attorney.

**Vote: Acclamation – Adopted.** (McIntyre opposed.)

**RESOLUTION NO. 166-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**PRESENTING LOCAL LAW TENTATIVELY NO. SIXTEEN FOR THE YEAR 2005 ESTABLISHING THE ANNUAL SALARY OF THE PUBLIC DEFENDER OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2006.**

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 for the Year 2006, which individuals are presently serving mid-term; and

**WHEREAS**, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Sixteen for the Year 2005, establishing the annual salary of the Public Defender of the County of Steuben for the Fiscal Year 2006.

**NOW THEREFORE, BE IT**

**RESOLVED**, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Sixteen for the Year 2005, establishing the annual salary of the Public Defender of the County of Steuben as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. SIXTEEN FOR THE YEAR 2005**

**A LOCAL LAW** establishing the annual salary of the Public Defender of the County of Steuben for the Fiscal Year 2006.

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 2006, the annual salary of the Public Defender of the County of Steuben is hereby established for the Fiscal Year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
Public Defender	\$ 65,000.00	\$ 66,950.00

**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 Special Legislative Meeting on the 1st day of December, 2005, at 6:30 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,** certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer, and Public Defender.

**Vote: Acclamation – Adopted.** (McIntyre opposed.)

#### **RESOLUTION NO. 167-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

#### **PRESENTING LOCAL LAW TENTATIVELY NO. SEVENTEEN FOR THE YEAR 2005 ESTABLISHING THE ANNUAL SALARY OF THE COUNTY CLERK OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2006.**

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 for the Year 2006, which individuals are presently serving mid-term; and

**WHEREAS**, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Seventeen for the Year 2005, establishing the annual salary of the County Clerk of the County of Steuben for the Fiscal Year 2006.

**NOW THEREFORE, BE IT**

**RESOLVED**, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Seventeen for the Year 2005, establishing the annual salary of the County Clerk of the County of Steuben as follows:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. SEVENTEEN FOR THE YEAR 2005**

A **LOCAL LAW** establishing the annual salary of the County Clerk of the County of Steuben for the Fiscal Year 2006.

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 2006, the annual salary of the County Clerk of the County of Steuben is hereby established for the Fiscal Year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
County Clerk	\$ 46,253.00	\$ 47,409.00

**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 Special Legislative Meeting on the 1st day of December, 2005, at 6:30 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**, certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer, and County Clerk.

**Vote: Acclamation – Adopted.** (McIntyre opposed.)

## BUDGET WORKSHOP

Chairman Roche asked Mr. Swackhamer do you have any comments on the budget as Chair of the Finance Committee? Mr. Swackhamer stated he believes Mr. Alger has covered it very well.

Chairman Roche asked are there any comments on or recommended changes to the budget?

Mr. McIntyre stated he salutes the efforts of the Finance Committee and Mr. Swackhamer on the proposed budget. I would like some clarification on some of these items.

Mr. McIntyre referred to Page 15, County Auditor. He stated only 36 percent of the budget has been spent to date and I was wondering why? Mr. Alger stated the maintenance in lieu of rent hasn't been charged back yet so when you look through the budgets, that's what makes the difference in each one.

Mr. McIntyre referred to Page 16, County Treasurer. Why is the Audit line item increasing so dramatically? Mr. Alger stated we've had a 5-year agreement with the current auditors and that is expiring. We will have to issue an RFP and that will no doubt increase the cost because of the change in the audit process.

Mr. Swackhamer noted that at the last audit, the auditors stated they spent more time on the requirements of the State and Federal governments. He let us know what time was spent on the items so we would expect it to increase considerably.

Mr. McIntyre referred to Page 24, Motor Vehicles. Why has the Temporary Hire line item decreased so much? Mr. Alger stated they have had an individual in and out of various positions in that department throughout the last several years. That is one of the ways we have covered that department. This year we funded a zero-based position within the budget and that is why it is affecting the total.

Mr. McIntyre referred to Page 26, Law Department. The total appropriations from 2004 to date compared to the projected cost for 2006 reflects a significant change in County cost. Why is there such a dramatic change? Mr. Alger stated the revenues have changed on the chargebacks. It relates to the methodology for the chargebacks to DSS. Some of the line items have been adjusted for next year as well. The decrease is a direct result of the chargebacks to DSS. Mr. Ahrens stated Commissioner Biehl's Finance Deputy pointed out that the chargebacks weren't done appropriately in past years. The change affected it in a positive way.

Mr. McIntyre referred to Page 29, Personnel Department. The total appropriations have increased considerably. Why is that? Mr. Alger stated the County has become responsible for some items it wasn't responsible for in the past. Essentially, the County is now responsible for the City of Hornell's Civil Service. In addition, there's a possibility we'll be responsible for BOCES next year. There is a new position funded in the budget for that just in case we do become responsible for that next year.

Mr. McIntyre referred to Page 37, Central Communications. The County cost has decreased, why is that? Mr. Alger stated we've been focusing on the relative cost of our central communications. The Finance Committee requested a thorough analysis of the chargebacks and that was incorporated into the budget as it resulted in a net reduction of \$120,000.

Mr. McIntyre referred to Pages 40 and 41, Information Technology. Is that the same philosophy in this budget as well? Mr. Alger stated they have revenues associated with services provided to other departments. We've also transitioned from the old mainframe operation to a PC based system, which has brought about the savings.

Mr. McIntyre referred to Page 89, Tobacco Awareness. Is this money being used as it was intended? Mr. Alger stated these funds were set aside originally after the payments were made from the initial tobacco settlement. We've continued to fund it for education. The Public Health Nursing Director has noted that

the programs are effective. I would personally like to see this amount increased, but it can't be done with tobacco funds due to the original agreement. We would have to fund it some other way.

Mr. McIntyre referred to Page 163, Youth Agency Contracts. One of the programs we're involved with very much in Steuben County is CASA. We have 3 courts and all assign various cases to community people to assist in determining if a youth needs certain assistance. The Judges use this program very much. We have 37 active cases in Steuben County. Over the last 2 or 3 years, the Youth Bureau has been given funding for the administration of this program from Chemung and Schuyler. The program is based in this County, but we don't provide any funding for it. I think it would be appropriate to help fund this program.

*Motion to increase the Youth Agency Contracts budget by \$5,000 to fund the CASA program made by Mr. McIntyre, seconded by Mr. Creath for discussion.*

Mr. Alger stated the Youth Board annually requests applications for funding. The Youth Board itself has not selected that program to be funded.

Mr. Creath asked Mr. Ahrens for his comments regarding this issue. Mr. Ahrens stated CASA serves as intermediaries for individuals involved in Family Court.

Mr. McIntyre stated the other counties have seen fit to support this program and I think we should too. Discussion followed.

Mr. Isaman asked why hasn't the Youth Board funded this program? He would like to know why that is.

*Motion to table the appropriation until the Special Legislative Meeting on December 1<sup>st</sup> so they can hear from the Youth Board about why they do not fund this program, made by Mr. Isaman, seconded by Mr. McAllister. Vote: Roll Call – Approved. (McIntyre and Walsh opposed.) Issue tabled until December 1, 2005.*

Mr. Alger will contact the Youth Board regarding CASA and have a response for the December 1<sup>st</sup> meeting.

Mr. McIntyre referred to Page 177, Agriculture and Livestock - Cornell Cooperative Extension.

Mr. McIntyre stated I received the following letter from an individual in the Town of Wayne:

I recently learned that Cooperative Extension has purchased at least two apartment buildings in Bath. These are not for poor people. These buildings make money. I thought that the taxpayers of Steuben County supported Cooperative Extension and that the County Legislature gives them a large amount of money each year just to make ends meet. I would like to know how they have enough left over to go buy buildings. Are they hiding money? I wish the Legislature would give us taxpayers all enough extra money to go buy apartment buildings that make extra money. This sounds like another scam at the taxpayers' expense, especially us elderly on fixed incomes. Please check on this.

Mr. McIntyre stated he asked Mr. Alger to forward this to Chairman Roche and Mr. Donnelly, who was Acting Finance Chair at the time. Mr. Alger responded that he learned that Cooperative Extension does own apartment buildings. They had indicated that it was an investment to assist in budgeting and alleviate the need to count on County funding.

Mr. McIntyre stated there has been no change in the money allocated to Cornell Cooperative Extension. If they are making money on these apartment buildings, maybe they shouldn't be getting as much funding from the County.

Mr. Nichols asked Mr. Tomsa, Executive Director of Cornell Cooperative Extension, to respond to the inquiry. Mr. Tomsa introduced Paul Wolcott, President of the Board of Directors of Cornell Cooperative Extension. Mr. Tomsa stated it is true that we own two buildings in the Village of Bath. It is a common

revenue generating item for private not-for-profit organizations. He distributed an information packet to the Legislators. He stated this is one strategy of several that we've implemented over the past 2 years to become more self-sufficient. Please keep in mind that our appropriation is still over \$50,000 less than it was two years ago. If you recall, last year we were asked to do anything we could to become less expensive to the County. We took that request seriously. We have not had to lay anyone off or cut services because we have implemented revenue generating programs such as this. We're hoping to become totally self-sufficient but I don't know if that will ever happen.

Mr. Tomsa stated we are in a unique situation. County Law 224 allows Cooperative Extensions to operate as quasi-government agencies. At the same time, we can be not-for-profit. If we have the ability to generate revenue and, in doing so, save taxpayer dollars, then we have the responsibility to do that.

Mr. McIntyre stated I applaud your intent to be less dependent on County funds. There was no change this year but do you anticipate requesting less funding next year? Mr. Tomsa stated they hope to.

Mr. Donnelly asked does CCE pay real property taxes on those buildings? Mr. Tomsa stated yes because their primary use is to generate revenue.

Mr. McIntyre thanked Mr. Tomsa for his honesty and his comments.

Mr. Wolcott reminded everyone that there is a long standing relationship between government and the Land Grant Institute. Cooperative Extension's goal is to educate people. The money the County invests comes back many, many times. We try to run it as a business and the last thing you do is use your revenue to operate. The money was generated to be used to make us self-sufficient. We help people help themselves. We appreciate your effort and wish for continued funding.

Mr. McIntyre referred to Page 227, Fiscal Services. The County cost from 2004 to 2006 has increased tremendously. Why is that? Mr. Alger stated there is a cash assessment that nursing homes are required to pay back to the State. That is the increase.

Dr. Baker referred to Page 72, Animal Safety. We reduced the appropriation to the Finger Lakes Humane Society the past 2 years. I think it is a great program with great benefits. I think it is a mistake to decrease that funding.

*Motion to increase the appropriation to the Finger Lakes Humane Society by \$10,000 bringing the total funding amount to \$25,000; said funding to come from the General Fund made by Dr. Baker, seconded by Mr. McIntyre for discussion.*

Mr. Creath stated the dog tag fees support this program. Are there ways we can generate more revenue from those fees? Can we increase the fees for animal licensing? Also, where do the fines go for the violators? Mr. Alger stated the fees go to the town courts that levy the fines. The fees for dog licenses are set by the State. I don't know if we have the ability to increase that fee. We can check the Ag and Markets Law, but at this point we can't impose an additional fee.

Mr. Creath asked who is in charge of enforcement? Mr. Alger stated the towns are responsible for that and they do a good job.

Mr. Nichols asked Mr. Mazzo do you receive funds from PETA or the Farm Sanctuary? Mr. Mazzo stated they do not receive funding from PETA and the Farm Sanctuary funded us last year but won't be funding us in 2006.

Mr. Isaman stated you write tickets and go to court. How many tickets do you write each year? Mr. Mazzo stated over the past 5 years I've made about 100 arrests. If a fine is imposed, the surcharge goes to the State and whatever is left goes to the town court.

Mr. Creath asked the County Attorney to research whether or not we can allocate animal control fines to the County for the use of animal control. The fines should be recycled for use of animal control. Mr.

Alger noted those funds go to the towns to support the cost of their dog wardens. Mr. Nichols stated they would be taking revenues from the towns and he doesn't feel that is appropriate. Mr. Ahrens stated he would check to see if they could issue an additional licensing fee on cats and dogs.

*Vote on previous motion: Roll Call – Adopted.*

Chairman Roche asked are there any more comments or changes to the proposed budget? There being none, he declared the Budget Workshop closed.

Mr. Spagnoletti announced that they would be holding a bridge opening for the CR85 Bridge at 2:00 p.m. on Friday, November 18, 2005. They will have a ribbon cutting and coffee and cookies will be served. Everyone is invited to attend.

*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. McAllister, and Duly Carried.*

*Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mr. Nichols, seconded by Mr. Nielsen and Duly Carried.*

*Motion to Adjourn made by Mr. Nielsen, seconded by Mr. Jamison and Duly Carried.*

**REGULAR MEETING**  
**Morning Session**  
**Monday, November 28, 2005**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 28<sup>th</sup> day of November, 2005 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 Legislators Argentieri and Gehl.

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

Chairman Roche asked Dr. Anderson to come forward. Dr. Anderson introduced Dr. Chun who has been serving Steuben County as a psychiatrist for more than 30 years. It is very rare for a County organization to have a psychiatrist who has been around as long as Dr. Chun. We've been very fortunate and we will miss him. The service he has given us over time has been incredible.

Dr. Chun stated thank you for this recognition and for your local support in the operation of mental health. Over the past 30 years I've seen a diverse population in the mental health system. I hope you will continue to find a way in this changing health care system to make mental health more successful, especially for low income individuals.

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

Martha Weale, Addison, stated I've been here before to speak with you. I think you've been polite and listened, but I don't think you've heard the message. I read in the paper a few years ago that you were really going to do something about welfare fraud. I've spoken to the director, gave her an individual's name to be investigated and it wasn't taken care of. Later on, I met with the same individual regarding the same person, and it still wasn't taken care of. The last time I was here I brought you an article that stated Mayor Bloomberg was able to reduce the number of welfare recipients. I told you that if you couldn't send an employee down to find out how they are doing that, then I would go. I've spoken to my Legislator about this, and I don't want to mention names, but I expect you to do something. Step one would be to not pass Resolution No. 10. Look at the Director of Social Services position and see if this position is honestly worthy of an adjustment upwards. I implore you to do something about it; today before you pass the budget for 2006. Thank you for listening.

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

Mrs. Hatch stated she has placed on everyone's desk a spreadsheet regarding the equalization rates based upon assessments. This information summarizes Resolution No. 18. The spreadsheet shows the impact to each taxing unit in the County. It allows you to see the entire picture before you adopt the budget. She reviewed the spreadsheet for the Legislature. Discussion followed.

Mr. Alger stated I feel it is necessary to mention the fact that it was reported in the press that we will have a tax increase for 2006. The report we do on our tax levy is a reflection of the change in the levy and this year that is a 2.7% increase. However, many of the counties adjacent to us talk about the tax rate. In the initial presentation of our budget, our tax rate will decrease by 3%. I think it is important that when comparing our budget to Chemung County, they are virtually the same. I just wanted to make that note.

Chairman Roche announced that Legislator Gehl had heart surgery recently and is recovering well at home.

**RESOLUTION NO. 168-05**

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

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

**SCHEDULE "A"**

Resolution #     A-1      
Name     Dean & Susan Milliman      
Parcel #     021.00-01-020.100      
Municipality     Prattsburgh Town      
Disposition     Refund    

Resolution #     A-2      
Name     Joan Mason      
Parcel #     153.00-01-027.132      
Municipality     Howard Town      
Disposition     Refund    

**SCHEDULE "B"**

Resolution #     B-1      
Former Owner     David M Sisson      
In Rem Index No.     88508, 2003 sale      
Date of Tax Sale     July 13, 2005      
Parcel #     317.43-01-022.000      
Municipality     Corning City      
Grantee(s)     Wayne A Cavalier, Michael W Cavalier & Anthony  
                    J Cavalier, highest bidder, and Steven Pilgrim, second  
                    highest bidder, respectively      
Grantee(s) Address     335 W Third St, Corning, NY 14830, and PO  
                            Box 393, Savona, NY 14879, respectively      
Disposition     RESCISSION OF PRIOR OFFER TO SELL FOR  
                            FAILURE TO PERFORM.

Resolution # B-2  
Former Owner David M Sisson  
In Rem Index No. 88508, 2003 sale  
Date of Tax Sale July 13, 2005  
Parcel # 317.43-01-023.000  
Municipality Corning City  
Grantee(s) Wayne A Cavalier, Michael W Cavalier & Anthony  
J Cavalier, highest bidder, and Juhi Inc, second  
highest bidder, respectively  
Grantee(s) Address 335 W Third St, Corning, NY 14830, and 132  
Montfort Dr, Belle Mead, NJ 08502, respectively  
Disposition RESCISSION OF PRIOR OFFER TO SELL FOR  
FAILURE TO PERFORM.

Resolution # B-3  
Former Owner David M Sisson  
In Rem Index No. 88508, 2003 sale  
Date of Tax Sale July 13, 2005  
Parcel # 317.52-01-028.000  
Municipality Corning City  
Grantee(s) Wayne A Cavalier, Michael W Cavalier & Anthony  
J Cavalier, highest bidder  
Grantee(s) Address 335 W Third St, Corning, NY 14830  
Disposition RESCISSION OF PRIOR OFFER TO SELL FOR  
FAILURE TO PERFORM.

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 169-05**

Introduced by P. Roche.

Seconded by D. Baker.

#### **RECEIVING AND ACCEPTING THE NOVEMBER 28, 2005, 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 14, 2005**

1. Empire Pipeline - Re: Empire Connector Project - have asked the Federal Energy Regulatory Commission to provide its determination on the project application in the spring of 2006 and if approval is granted, construction on the project could commence in the spring of 2007. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

#### **October 24, 2005**

1. NYS Office for the Aging - Re: Review and evaluation of the Steuben Area Agency on Aging's compliance with applicable laws and regulations for program activities and service delivery systems for the period of 4/1/05-3/31/06. Review included analysis of the Self-Evaluation, fieldwork reports by State office staff, CAARS reports, the Four-Year Plan and subsequent updates, etc. ***Referred to: Human Services Committee and Linda Tetor, OFA Director.***

### October 27, 2005

1. NYS Department of Public Service - Re: Action taken 10/27/05 by the NYS Public Service Commission with respect to Corning Natural Gas Corporation. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

### October 28, 2005

1. Steuben County Industrial Development Agency - Re: Ecogen LLC - Proposed Straight Lease Transaction with Steuben County Industrial Development Agency - public hearing to be held 11/29/05 @ 4:30 p.m., at Prattsburgh Central School Cafetorium - the project consisting of (1) the acquisition by the Agency of title to or a leasehold interest in various parcels of land located within Steuben County; (2) the construction and equipping on the land of a wind energy generation facility consisting of approximately 53 wind turbine generating units, one or more substations, access roads, power collection cabling, towers, foundations and related improvements and equipment; and (3) the acquisition of an installation in and around the improvements of certain additional items of equipment and personal property necessary for the operation of the wind energy generation facility. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
2. EMSTAR (Emergency Medical Services Training, Administration & Resources - formerly known as STREMS) Re: 2005 EMS Support Services, 3<sup>rd</sup> Quarter - \$1,406.25 payment request. **Referred to: Health & Education Committee; Vicki Fuerst, PH&NS Director; Public Safety & Corrections Committee; and Mike Sprague, EMO Director.**

### October 31, 2005

1. Herkimer County Legislature - Re: Resolution "Urging New York State to Use an Asset Test to Determine the Eligibility of HEAP Applicants." **Referred to: Human Services Committee; Kathryn Biehl, DSS Commissioner; and Linda Tetor, OFA Director.**

### November 4, 2005

1. NYS Office of Children & Family Services -Letter commending Steuben County for its planning and response to the new PINS law and its development of new procedures to provide additional diversion services to youth and families in need. Also informs the county that the Memorandum of Understanding for Cooperative Diversion Procedures Between the Probation Department and Local Department of Social Services, a requirement of the Annual Plan Update, has been approved with the exception of the provision in that MOU for the use of Electronic Monitoring. Approval will be issued separately. **Referred to: Human Services Committee; Kathryn Biehl, DSS Commissioner; Gary Pruyn, Youth Bureau Director; Public Safety & Corrections Committee; and Frank Justice, Probation Director.**

### November 7, 2005

1. NYS Department of Health - Re: Interim report from Governor Pataki's Health Care Reform Working Group, containing comprehensive recommendations concerning reform of New York State's long-term care system. **Referred to: Health & Education Committee and John Zehr, HCF Administrator.**
2. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$5,457 representing the September 2005 retained surcharge revenue for Steuben County from WROTBC.
3. NYS Public Service Commission - Re: Case 03-C-0922 - Proceeding on Motion of the Commission to Examine Telephone Network Reliability - Notice Soliciting Comments. **Referred to: Administration Committee and Ken Peaslee, I.T. Director.**

### November 9, 2005

1. NYS Department of Taxation & Finance - Re: Counties and cities of less than one million that impose sales and compensating use taxes about electing or repealing the year-round exemption for clothing and footwear costing less than \$110 per item of clothing or pair of footwear. **Referred to: Finance Committee and Larry Crossett, County Treasurer.**

2. NYS Department of Environmental Conservation - Re: Administering the Brownfield Cleanup Program - Accepting public comments concerning application by Hornell Site Development, LLC for Hornell Waste Material @ Shawmut yards/Seneca Street, Hornell, NY - Comments should be submitted by 12/8/05 to NYS DEC, Avon, NY. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 170-05**

Introduced by H. Mayo.

Seconded by R. Nielsen.

**PRESENTING LOCAL LAW TENTATIVELY NO. EIGHTEEN FOR THE YEAR 2005, RELATIVE TO THE PARCEL OF LAND ALONG STATE HIGHWAY 54A IN THE TOWN OF URBANA FOR PROPERTY OWNER PATRICIA C. SHUART.**

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 Highway 54A, also known as S.H. No. 8077 described in Map 146C, Parcel No. 172 dated January 6, 2004; and

**WHEREAS**, the County is desirous of conveying said right-of-way to the adjacent owner 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. Eighteen for the Year 2005, relative to the parcel of land along State Highway 54A in the Town of Urbana for property owner Patricia C. Shuart.

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. EIGHTEEN FOR THE YEAR 2005**

A **LOCAL LAW** relative to the parcel of land along State Highway 54A in the Town of Urbana for property owner Patricia C. Shuart.

**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 Patricia C. Shuart, the following tract of land:

All that piece or parcel of land, over which New York State Department of Transportation jurisdictional rights are to be conveyed to the County of Steuben, designated as Parcel 172, being a portion of Section 104.15-1-no lot no. of the official tax map, situate in the Town of Urbana, County of Steuben and State of New York as shown on this map 146C and described as follows:

PARCEL NO. 172

Beginning at a capped iron pin on the southerly highway boundary line of Hammondsport-Branchport PT.1 S.H. 8077, by virtue of Parcel 4 of the September 14, 1921 Highway Map, a copy of which is on file in the Office of the N.Y.S.D.O.T. at Hornell, at the intersection of said boundary line with the division line between the property of Patricia C. Shuart as recorded in Liber 1653 Page 342 (reputed owner) on the west and the property of Patricia

C. Shuart as recorded in Liber 1495 Page 178 (reputed owner) on the east, said point being 45.24 feet southerly measured at right angles from station 56+48.29 of the hereinafter described 1972 survey baseline; thence North 39°18'41" East a distance of 30.54 feet into and through the land used for highway purposes to a capped iron pin being 44.07 feet southerly measured at right angles from station 56+78.81 of said baseline; thence North 58°48'58" East a distance of 19.32 feet into and through the land used for highway purposes to a capped iron pin at the intersection of said highway boundary line with the division line between the property of Leon F. Murphy (reputed owner) on the east and the property of Patricia C. Shuart (reputed owner) on the west; said capped iron pin being 49.81 feet southerly measured at right angles from station 56+97.26 of said baseline; thence the following two (2) courses and distances along said 1921 highway boundary; 1) South 34°41'17" West a distance of 18.39 feet to a capped iron pin being 52.00 feet southerly measured at right angles from station 56+79.00 of said baseline; 2) South 53°55'36" West a distance of 31.44 feet to the point of beginning, being 193.735 square feet, more or less.

Being a portion of the property to be acquired by Steuben County by Virtue of Parcel 4 for construction of S.H. 8077, September 14, 1921.

Subject to the easement rights of others as their interest may appear affecting the area shown on the above map and designated as overhead utility.

The reference survey baseline recovered and calculated in 2003 a portion of the 1972 survey baseline for the reconstruction of the Hammondsport-Branchport, PT 1 State Highway No. 8077 as shown on the map and plan on file in the Office of the State Department of Transportation and described as follows:

Beginning at station 56+19.48; thence North 41°31'09" East to station 60+00.00.

All bearing are referred to True North at 76°35'00" meridian of west longitude.

All of the above shown on Map No. 146C, Parcel No. 172, dated January 6, 2004 and filed in the Office of the New York State Department of Transportation.

Consent to the conveyance of the property above described, by the County of Steuben, is hereby given pursuant to Section 65 of the Highway Law.

**SECTION 2:** The within statute shall be construed as an offer to convey to, and an option to purchase the subject premises by Patricia C. Shuart. Failure or refusal to furnish consideration on or before July 1, 2006. 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.

**AND 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 19th day of December, 2005, at 10:00 A.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 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 Kayla Biltucci, RES II, Liaison Officer, NYSDOT, 107 Broadway, Hornell, NY 14843.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 171-05**

Introduced by H. Mayo and P. McAllister.

Seconded by T. Schwartz.

**PRESENTING LOCAL LAW TENTATIVELY NO. NINETEEN FOR THE YEAR 2005, RELATIVE TO THE PARCEL OF LAND ALONG STATE ROUTES 15/21, IN THE TOWN OF WAYLAND FOR PROPERTY OWNERS RICHARD C. AND STACEY L. BAIRD.**

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 Routes 15/21, also known as S.H.1200 described on Map No. 2C, Parcel No. 29 dated March 5, 2002; and

**WHEREAS**, the County is desirous of conveying said right-of-way to the adjacent owner 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. Nineteen for the Year 2005, relative to the parcel of land along State Highways 15/21 in the Town of Wayland for property owners Richard C. and Stacey L. Baird.

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. NINETEEN FOR THE YEAR 2005**

A **LOCAL LAW** relative to the parcel of land along State Routes 15/21 in the Town of Wayland for property owners Richard C. and Stacey L. Baird

**BE IT ENACTED** by 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 Richard C. and Stacey L. Baird, the following tract of land:

All that tract or parcel of land hereinafter designated as Parcel No. 29, situate in the Town of Wayland, County of Steuben, State of New York as shown on the accompanying map and bounded and described as follows:

Beginning at a point on the southeasterly boundary of the Cohocton-Wayland, Pt. 2, State Highway No. 1200, by virtue of Map No. 25.5, at the intersection of said boundary with the division line between the property of Richard C. and Stacey L. Baird (reputed owners) on the north and the property of Timothy T. Baroody and Alice J. Baer (reputed owners) on the south, said point also being 51.20' easterly, measured at right angles, from station H 393+13.09± of the hereafter described survey baseline; thence through the lands provided by Steuben County by virtue of said map:

1) N 86 49'31"W on a projection of said division line, a distance of 1.71' to a point on the westerly boundary of said map, said point being 49.5' easterly, measured at right angles, from station H 393+13.27±; thence

- 2) N 2 57'00"W, a distance of 200.00' along said boundary to a point, said point being 37.55' northwesterly, measured at right angles, from station H 391+09.86; thence through said lands provided by Steuben County the following two (2) courses;
- 3) N 83 44'01"E, a distance of 99.68' to a point being 4.53' northerly, measured at right angles, from station H 390+30.52; thence
- 4) S 66 10'35"E, a distance of 143.84' to a point 60.07' southerly, measured at right angles, from station H 389+02.01, said point being an angle point in the highway boundary and the northwesterly corner of the boundary of Parcel No. 75 of Map 35 for the Genesee Expressway, Wayland-Dansville; thence along the southerly boundary of Map 25.5, being the present highway boundary, the following three (3) courses;
- 5) S 87 10'37"W, a distance of 97.99 to a point, said point being 60.00' southerly, measured at right angles, from station H 390+00.00; thence
- 6) S 48 57'15"W, a distance of 142.35' to a point, said point being 55.00' southeasterly, measured at right angles, from station H 392+25.00; thence
- 7) S 13 53'24"W, a distance of 55.94' to the POINT OF BEGINNING; being 0.397 acre, more or less

Being a portion of the property provided by Steuben County by virtue of Map 25.5, which was completed on November 7, 1930; a copy of which is on file in the Department of Transportation Office in Hornell, New York.

SUBJECT to the easement rights of others as their interests appear to affect Parcel 29 and those of municipal and public utilities in existence or of record.

The above-mentioned survey baseline is a portion of the 1930 survey baseline for the construction of the Cohocton-Wayland, Pt. 2 County Highway No. 1200 as calculated in 2002 and as shown on the map and plan on file in the Office of the State Department of Transportation and described as follows:

Beginning at Station H 388+52; thence S 87°08'00"W to Station H 390+85; thence S 28°53'00"W to Station H 392+64.2; thence S 2°57'00"E to Station H 394+00.

Consent to the conveyance of the property above described, by the County of Steuben, is hereby given pursuant to Section 65 of the Highway Law.

**SECTION 2:** The within statute shall be construed as an offer to convey to, and an option to purchase the subject premises by Richard C. and Stacey Baird. Failure or refusal to furnish consideration on or before July 1, 2006 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.

**AND 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 19th day of December, 2005, at 10:00 A.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 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 Kayla Biltucci, RES II, Liaison Officer, NYSDOT, 107 Broadway, Hornell, NY 14843.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 172-05**

Introduced by G. Swackhamer.

Seconded by D. Creath.

**APPROPRIATING \$14,000 FROM THE CONTINGENT FUND TO THE LAW DEPARTMENT GRIEVANCE EXPENSE LINE ITEM.**

**WHEREAS**, unanticipated arbitrations and grievances have led to extraordinary expenses on behalf of the County of Steuben; and

**WHEREAS**, the funding for said expenses has proven insufficient for the Year 2005.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Treasurer is hereby authorized and directed to transfer \$14,000 from the Contingent Fund to the following line item:

From A199000 5 499 000	\$14,000	Contingent Fund
To A142000 5 423 500	\$14,000	Grievance Expense

and be it further

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

**Vote: Roll Call – Adopted.**

Mr. Nichols stated the State has increased the cash receipts assessment tax from 5% to 6%.

*Motion to amend Resolution No. 173-05 by changing the 5 percent New York State Cash Receipts Assessment to 6 percent made by Mr. Nichols, seconded by Mr. Schwartz and duly carried.*

**A M E N D E D  
RESOLUTION NO. 173-05**

Introduced by R. Nichols and G. Swackhamer.

Seconded by K. Isaman.

**INCREASING PRIVATE PAY RATES FOR BOTH SEMI-PRIVATE AND PRIVATE ROOMS AT THE STEUBEN COUNTY HEALTH CARE FACILITY EFFECTIVE JANUARY 1, 2006, TOGETHER WITH THE 6 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 \$215 to \$220 per day and the private room rate from \$225 to \$230 per day together with the 6 percent New York State Cash Receipts Assessment; and

**WHEREAS**, the Health and Education Committee and Finance Committee have approved this increase.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Health Care Facility is hereby authorized to implement these changes effective January 1, 2006; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the County Treasurer and the Administrator of the Health Care Facility.

**Vote: Roll Call – Adopted. Yes: 8428; No: 451; Absent: 993 (No: Swackhamer; Absent: Argentieri and Gehl)**

**RESOLUTION NO. 174-05**

Introduced by G. Swackhamer.

Seconded by K. Isaman.

**ESTABLISHING A CAPITAL RESERVE FUND FOR THE STEUBEN COUNTY COMMUNICATIONS SYSTEM.**

Pursuant to General Municipal Law 6-d.

**WHEREAS**, it is prudent and desirable to establish a capital reserve fund for the Steuben County Communications System; and

**WHEREAS**, it is anticipated that there will arise from time to time, expenditures of a type not recurring annually; and

**WHEREAS**, by Resolution No. 131-96 dated June 24, 1996, a capital project entitled "County Radio Communications Update" was established; and

**WHEREAS**, this resolution required annual appropriations of \$250,000, up to a maximum of \$5,000,000.

**NOW THEREFORE, BE IT**

**RESOLVED**, that there is hereby created a capital reserve for the Steuben County Communications System; and be it further

**RESOLVED**, that the balance of the "County Radio Communications Update" in the amount of \$728,000, plus current year-to-date interest earnings are hereby authorized to be transferred to the capital reserve account; and be it further

**RESOLVED**, that the monies in the reserve be appropriated only for the replacement of equipment or other capital improvements to the Steuben County Communications System; and be it further

**RESOLVED**, that such reserve funds shall be deposited in one or more of the banks or trust companies, deposited in the manner provided by law as a depository of the funds of the County of Steuben; and be it further

**RESOLVED**, that all monies invested in the manner provided in Section 6-F of the General Municipal Law shall accrue to such reserve; and be it further

**RESOLVED**, that the maximum amount of such reserve shall be \$1.5 million ; and be it further

**RESOLVED**, that Resolution No. 131-96 dated June 24, 1996 is hereby rescinded; and be it further

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

Mr. Alger stated in 1996 we established a County Radio Communications Update Capital Project by resolution that stated \$250,000 would be appropriated annually unless a separate resolution is passed not to appropriate it. It has been recommended that we establish a Capital Reserve and transfer the remaining funds from the Communications Capital Project into the capital reserve. We'd also like to eliminate the requirement of the annual appropriation. Discussion followed.

**Vote: Roll Call – Adopted. Yes: 8317; No: 562; Absent: 993. (No: McIntyre; Absent: Argentieri and Gehl)**

### **RESOLUTION NO. 175-05**

Introduced by G. Swackhamer.

Seconded by K. Isaman.

### **AUTHORIZING A STATE ASSISTANCE ENVIRONMENTAL RESTORATION PROGRAM APPLICATION PURSUANT TO THE CLEAN WATER/CLEAN AIR BOND ACT OF 1996.**

**WHEREAS**, Steuben County, herein called the “Municipality”, after thorough consideration of the various aspects of the environmental problem with Parcel No. 03720-1-12.000, in the Town of Pulteney, NY, and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the “Project”, is desirable, is in the public interest, and is required in order to implement the Project; and

**WHEREAS**, Article 56 of the Environmental Conservation Law authorizes State Assistance to municipalities for environmental restoration projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith.

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

**RESOLVED**, that:

1. Lawrence Crossett, County Treasurer, is the representative authorized to act on behalf of the Municipality’s in all matters related to State Assistance under ECL Article 56, Title 5. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality’s governing body in all matters related to the Project and to State Assistance;
2. That the Municipality agrees that it will fund its portion of the estimated cost in the amount of \$13,440 for the Project; that funds will be available to initiate the Project’s field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this resolution shall be forwarded to the Albany office of the New York State Department of Environmental Conservation together with the application for State Assistance;
4. That this authorization shall take effect immediately; and it is further

**RESOLVED**, certified copies of this resolution shall be forwarded to the County Treasurer and Steve Orcutt, Department of Public Works.

Mr. Alger stated we obtained this parcel through the tax sale process and, unfortunately, it had environmental problems. It has a gasoline contamination. We are pursuing some State assistance to clean up the site by asking them to allow us to do a more detailed study and funding to assist us in doing so.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 176-05**

Introduced by D. Creath.

Seconded by T. Schwartz.

**AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR SECTION 5311 ANNUAL OPERATING ASSISTANCE FOR PUBLIC TRANSPORTATION.**

**WHEREAS**, Section 5311 of Title 49, United States Code, provides federal financial assistance for public transportation in rural and small urban areas by way of a formula grant program administered by the States; and

**WHEREAS**, Steuben County is submitting a request to the New York State Department of Transportation for such federal aid for operating assistance for a Project to provide for fixed route and demand response public mass transportation service on a continuing basis in Steuben County, for the fiscal years 2005 and 2006; and

**WHEREAS**, Steuben County and the State of New York have entered into a continuing Agreement for a ten-year period which authorizes the undertaking of the Project and payment of the Federal Share, identified as State Contract No. C003650.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature does hereby authorize the Planning Director to sign the annual grant application for such Section 5311 funds; and be it further

**RESOLVED**, that the Planning Director is authorized to act on behalf of Steuben County to progress and complete the above-named Project; and be it further

**RESOLVED**, that the Planning Director is authorized to sign any contracts or agreements between Steuben County and any third party subcontractor necessary to complete the public transportation Project; and be it further

**RESOLVED**, certified copies of this resolution shall be distributed to Gregory P. Heffner, AICP, Steuben County Planning Director; and to Ms. Stephanie Mielnik, Program Manager, Rural Section, Passenger Transportation Division, NYSDOT, State Campus, Building 4, Room 134, Albany, NY 12232-0414.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 177-05**

Introduced by D. Stachnik and P. Donnelly.

Seconded by T. Schwartz.

**RECLASSIFICATION OF A VACANT CASEWORKER POSITION, GRADE XII TO AN ASSISTANT DIRECTOR OF SOCIAL SERVICES POSITION, GRADE E WITHIN THE STEUBEN COUNTY DEPARTMENT OF SOCIAL SERVICES.**

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

**WHEREAS**, a position exists within the Steuben County Department of Social Services that is inappropriately titled and not consistent with the duties for said position; and

**WHEREAS**, the Steuben County Personnel Officer, the Human Services Committee and the Administration Committee have reviewed and approved the recommended change for said position.

**NOW THEREFORE, BE IT**

**RESOLVED**, effective with the adoption of this resolution, the following position in the Steuben County Department of Social Services is hereby reclassified:

Caseworker, Grade XII (\$32,910-\$39,490) to  
Assistant Director of Social Services, Grade E (\$35,056-\$56,675)

**AND BE IT FURTHER RESOLVED**, the Job Classification and Salary Schedule is hereby amended to reflect the above-stated change; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Personnel Officer, County Treasurer, and the Commissioner of Social Services.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 178-05**

Introduced by R. Nichols and P. Donnelly.

Seconded by T. Schwartz.

**RECLASSIFICATION OF A STAFF SOCIAL WORKER POSITION, GRADE XV TO A PSYCHOLOGY INTERN POSITION, GRADE XVI WITHIN THE STEUBEN COUNTY OFFICE OF COMMUNITY SERVICES.**

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

**WHEREAS**, a position exists within the Steuben County Office of Community Services that is inappropriately titled and not consistent with the duties for said position; and

**WHEREAS**, the Steuben County Personnel Officer, the Health and Education Committee and the Administration Committee have reviewed and approved the recommended change for said position.

**NOW THEREFORE, BE IT**

**RESOLVED**, effective with the adoption of this resolution, the following position in the Steuben County Office of Community Services is hereby reclassified:

Staff Social Worker, Grade XV (\$37,312-\$44,772) to  
Psychology Intern, Grade XVI (\$39,704-\$47,644)

**AND BE IT FURTHER RESOLVED**, the Job Classification and Salary Schedule is hereby amended to reflect the above-stated change; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Personnel Officer, County Treasurer, and the Director of Community Services.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 179-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**AUTHORIZING THE 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, 2005, to the 30th day of September, 2005, 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 Director of Real Property Tax Service Agency, and the Steuben County Clerk:

**MORTGAGE TAX APPORTIONMENT**

The amount of money in your hands on September 30, 2005, which was received by you from the County Clerk as taxes paid to her upon the real property mortgages filed in her office since April 1, 2005, 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 \$737,626.36.

You are therefore commanded to pay the various towns and cities the amount placed opposite the name of said towns and cities and pay over to the various village officers the amount hereinafter stated to be the distributive amounts due said districts for village purposes, as follows:

**MORTGAGE TAX DISTRIBUTION - 11/2005**

<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	7,305.98	ADDISON	2,963.84	<b>10,269.82</b>
AVOCA	5,670.16	AVOCA	908.32	<b>6,578.48</b>
		BATH (1)	13,896.22	
BATH	47,270.94	SAVONA (2)	1,350.09	<b>62,517.25</b>
BRADFORD	3,852.36			<b>3,852.36</b>
CAMERON	5,589.26			<b>5,589.26</b>
CAMPBELL	13,152.11			<b>13,152.11</b>
CANISTEO	10,949.32	CANISTEO	3,628.76	<b>14,578.08</b>
CATON	18,713.73			<b>18,713.73</b>
COHOCTON	10,752.91	COHOCTON	1,540.20	<b>12,293.11</b>
CORNING CITY	66,312.34			<b>66,312.34</b>
		RIVERSIDE (1)	1,527.80	
CORNING TOWN	37,974.50	S CORNING (2)	2,498.05	<b>42,000.35</b>
DANSVILLE	12,682.00			<b>12,682.00</b>
ERWIN	72,013.95	PAINTED POST	6,245.17	<b>78,259.12</b>
FREMONT	4,514.41			<b>4,514.41</b>
GREENWOOD	2,210.46			<b>2,210.46</b>
HARTSVILLE	5,213.94			<b>5,213.94</b>
HORNBY	14,138.20			<b>14,138.20</b>
HORNELL CITY	139,563.81			<b>139,563.81</b>
		ALMOND (1)	56.14	
		ARKPORT (2)	2,557.10	
HORNELLSVILLE	29,178.34	V N HORNELL (3)	2,884.57	<b>34,676.15</b>
HOWARD	8,240.76			<b>8,240.76</b>
JASPER	4,622.28			<b>4,622.28</b>
LINDLEY	17,331.93			<b>17,331.93</b>
PRATTSBURGH	14,319.20			<b>14,319.20</b>
PULTENEY	26,628.72			<b>26,628.72</b>
RATHBONE	3,414.73			<b>3,414.73</b>
THURSTON	6,799.15			<b>6,799.15</b>
TROUPSBURG	4,725.98			<b>4,725.98</b>
TUSCARORA	7,482.19			<b>7,482.19</b>

URBANA	29,392.19	HAMMONDSPORT	2,953.82	<b>32,346.01</b>
WAYLAND	23,068.02	WAYLAND	5,510.13	<b>28,578.15</b>
WAYNE	16,600.41			<b>16,600.41</b>
WEST UNION	2,917.52			<b>2,917.52</b>
WHEELER	7,804.36			<b>7,804.36</b>
WOODHULL	8,699.99			<b>8,699.99</b>
	689,106.15		48,520.21	<b>737,626.36</b>

Foregoing shall be your sufficient warrant for the payment of said sums as above directed.

DATED at Bath, New York, November 28, 2005.

STEUBEN COUNTY LEGISLATURE

\_\_\_\_\_  
By: Philip J. Roche, Esq., 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 28, 2005.

\_\_\_\_\_  
Christine Kane, Clerk  
Steuben County Legislature

**Vote: Roll Call – Adopted.**

*Motion to address the next six resolutions with one vote and waiving the reading of the resolutions made by Mr. McIntyre, seconded by Mr. Schwartz and duly carried.*

**RESOLUTION NO. 180-05**

Introduced by P. Donnelly.

Seconded by T. Schwartz.

**DIRECTING THE DIRECTOR OF THE COUNTY REAL PROPERTY TAX SERVICE AGENCY TO ADD OMITTED TAXES AND/OR PRORATED 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 2005 omitted taxes, and/or pro-rated omitted taxes on exempt parcels be and hereby is received and filed, and the Director of the County Real Property Tax Service Agency is hereby directed to levy the amounts thereof upon the parcels in accordance with said report; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 181-05**

Introduced by P. Donnelly.

Seconded by T. Schwartz.

**DIRECTING THE LEVY OF RETURNED UNPAID SCHOOL TAXES FOR THE YEAR 2005.**

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 2005” be and the same hereby is received and filed; and be it further

**RESOLVED**, the Director of the Steuben County Real Property Tax Service Agency be and hereby is directed to levy the amounts set forth in said report upon the respective parcels therein listed; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 182-05**

Introduced by P. Donnelly.

Seconded by T. Schwartz.

**DIRECTING THE LEVY OF RETURNED UNPAID VILLAGE TAXES FOR THE YEAR 2005.**

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 2005” be and the same hereby is received and filed; and be it further

**RESOLVED**, the Director of the Steuben County Real Property Tax Service Agency be and the same hereby is directed to levy the amounts set forth in said report upon the respective parcels therein listed; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 183-05**

Introduced by P. Donnelly.

Seconded by T. Schwartz.

**DIRECTING THE LEVY OF THE SHARE OF THE ESTIMATED COST OF WORKERS’ COMPENSATION IN ACCORDANCE WITH THE 2005 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 25, 2005, 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 2006; and

**WHEREAS**, on July 25, 2005, there was received and filed with this County Legislature a Table of Apportionment for the Fiscal Year 2006, 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 2006 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 2006

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 2006 Table of Apportionment previously filed with this Legislature provides; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Steuben 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. 184-05**

Introduced by P. Donnelly.

Seconded by T. Schwartz.

**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 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 2006; 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**, certified copies of this resolution shall be forwarded to the Steuben County Treasurer and the Director of Real Property Tax Service Agency.

TABLE OF COUNTY EQUALIZATION RATES STEUBEN COUNTY	
MUNICIPALITY	2005 COUNTY RATE FOR 2006 TAX LEVY
CITY OF CORNING	100.00
CITY OF HORNELL	88.34
ADDISON	100.00
AVOCA	100.00
BATH	55.00
BRADFORD	100.00
CAMERON	75.00

10/27/2005

CAMPBELL	3.49
CANISTEO	74.39
CATON	71.14
COHOCTON	50.00
CORNING TOWN	100.00
DANVILLE	100.00
ERWIN	100.00
FREMONT	100.00
GREENWOOD	4.25
HARTSVILLE	50.00
HORNBY	100.00
HORNELLSVILLE	88.10
HOWARD	64.33
JASPER	4.90
LINDLEY	4.22
PRATTSBURGH	100.00
PULTENEY	83.00
RATHBONE	100.00
THURSTON	5.40
TROUPSBURG	71.00
TUSCARORA	5.50
URBANA	80.00
WAYLAND	78.00
WAYNE	77.60
WEST UNION	86.00
WHEELER	78.00
WOODHULL	100.00

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 185-05**

Introduced by P. Donnelly.

Seconded by T. Schwartz.

**FILING THE REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2006, BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2005.**

Pursuant to Title 2 of Article 8 of the Real Property Tax Law of the State of New York.

**WHEREAS**, Title 2 of Article 8 requires the County to determine the total full valuation of taxable real property for all cities and towns within the County by dividing the taxable assessed value of taxable real property of the city or town plus the amount of assessed value partially exempt from County taxation pursuant to Real Property Tax Law Section 458 and 458 A (Veterans), Section 460 (Clergy), Section 464 (Volunteer Firemen's Association) and at County option Section 467 (Senior Citizens) by the corresponding County Equalization rate.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Report of County Equalization for the Year 2006, 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. 186-05**

Introduced by P. Donnelly.

Seconded by T. Schwartz.

**AUTHORIZING THE EXECUTION OF AN AGREEMENT REGARDING THE TERMS AND CONDITIONS OF PUBLIC EMPLOYMENT BETWEEN THE COUNTY OF STEUBEN AND THE STEUBEN COUNTY LOCAL #1000 OF THE CIVIL SERVICE EMPLOYEES' ASSOCIATION, INC., FOR THE YEARS 2005, 2006, 2007 AND 2008.**

Pursuant to the provisions of the New York State Public Employees' Fair Employment Act known as the "Taylor Law" and Section 205 of the County Law of the State of New York.

**WHEREAS**, the negotiating committee for the Steuben County Legislature has, for several months, been meeting with the negotiating committee of the Steuben County Local #1000 of the Civil Service Employees' Association, Inc. (CSEA), the bargaining unit for County employees, excepting the Sheriff's Department, as to recommended proposals for terms and working conditions for County employees for the years 2005, 2006, 2007 and 2008; and

**WHEREAS**, the CSEA has accepted in whole the aforesaid recommended proposals.

**NOW THEREFORE, BE IT**

**RESOLVED**, the proposed Agreement, as recommended by the respective negotiating committees, having heretofore been approved by the members of the said CSEA covering the years 2005, 2006, 2007 and 2008, be and the same hereby is duly ratified, confirmed and adopted; and be it further

**RESOLVED**, the Chairman of the Steuben County Legislature is hereby authorized and empowered, for and on behalf of this Legislature and the County of Steuben, to execute a final and complete agreement regarding the terms and conditions of public employment between the County and the Steuben County Local #1000 of the Civil Service Employees' Association, Inc., for the fiscal years 2005, 2006, 2007 and 2008, which agreement shall be drafted by the County Attorney in accordance with the proposed agreement, and upon its approval by the Administration Committee of the Steuben County Legislature and its prior approval and execution by the President of the Steuben County Local #1000 of the Civil Service Employees' Association, Inc.; and be it further

**RESOLVED**, when said final agreement is properly and duly executed as above stated, the original agreement shall be properly filed in the Office of the Clerk of the Legislature and a duplicate original shall be delivered to the President of the Steuben County Local #1000 of the Civil Service Employees' Association, Inc., and an additional copy shall be filed with the Public Employees' Relations Board; and be it further

**RESOLVED**, upon the filing of said agreement with the Clerk of the Legislature, President of CSEA, the filing of the same with the Steuben County Treasurer and the Steuben County Personnel Officer, the same shall be, and hereby is, confirmed, ratified and approved as the entire agreement between the County of Steuben and the County employees included in said Employees' Association bargaining unit as to the terms and conditions of employment for the years 2005, 2006, 2007 and 2008; and be it further

**RESOLVED**, that the Steuben County Treasurer be and the same hereby is authorized and directed to appropriate sufficient funds for the above salaries to the appropriate line items; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the County Administrator, County Attorney, County Personnel Officer, Clerk of the Legislature, County Treasurer and to the President of the Steuben County Local #1000 of the Civil Service Employees' Association, Inc.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 187-05**

Introduced by P. Roche.

Seconded by P. Donnelly.

**SETTING THE DATE FOR THE DECEMBER 2005 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 2005, on Monday, December 19, 2005 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 the Legislature shall forward the necessary, proper and legal notice of the above meeting to all Steuben County Legislators and department heads of the County of Steuben.

**Vote: Acclamation – Adopted.**

*Motion to adjourn made by Dr. Baker, seconded by Mr. Isaman and duly carried.*

**SPECIAL MEETING**  
**Evening Session**  
**Bath, New York**  
**Thursday, December 1, 2005**

The County Legislature of the County of Steuben convened in Special Session in the Legislative Chambers, Bath, New York, on Thursday the 1<sup>st</sup> day of December, 2005, at 6:30 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, Gehl, Schwartz and Swackhamer.

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

Chairman Roche stated the first public hearing will be on the salaries of public officers. Then we will have a public hearing on the special districts. The final public hearing will be on the 2006 budget.

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 Laws Tentatively No. Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen and Seventeen of the Year 2005, Establishing the annual salary of certain County officials of the County of Steuben for the Fiscal Year 2006. Chairman Roche asked if there were any comments regarding these Local Laws.

Hal Bailey, Savona, stated I believe these salaries are excessive, especially the ones over \$50,000 per year. That is excessive for a public servant. Many people in the private sector don't make that amount of money. I urge you to reconsider some of the salary increases.

There being no further comments, Chairman Roche 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 Hearings upon the Notice of Completion and Filing of the Assessment Roll for the Marsh Ditch Watershed Protection District, the Upper Five Mile Creek Watershed Protection District and the Lamoka/Waneta Lakes Rehabilitation District. Chairman Roche asked if there were any comments regarding these special districts. 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 for the Fiscal Year Beginning January 1, 2006. Chairman Roche asked if there were any comments regarding this public hearing.

Amy Miller, Executive Director of CASA, stated we came to this County in 2003 and last year we served 62 children in 32 cases. It is a savings of over \$40,000 to Steuben County. I encourage you to include an appropriation for CASA in your 2006 budget. All of your Family Court Judges are in support of this program and utilize our volunteers regularly.

Cindy Schammel, Savona Free Library, stated thank you for continuing to fund our libraries. We're able to do more with your money because we all share our materials. Thank you, we really appreciate it.

Ristiina Wigg, Southern Tier Library System, stated I echo Ms. Schammel's comments. On behalf of all library users and the 17 libraries, thank you for your funding. Thank you so much.

Hal Bailey, Savona, stated I noticed that Chemung County has lowered their County taxes this year and I am trying to understand why Steuben County hasn't done the same. I urge you to see if you couldn't decrease the budget and cut back on some items. Be considerate of those who cannot pay their taxes.

Ira Hale, Bath, stated I work for Buildings and Grounds and I've noted that in the 2006 budget there is funding for two cleaner positions. I'd like to thank you for funding those positions as they are well needed. Also, I would like to state that I hope that anyone that comes in as a new legislator is paying the 15 percent for their insurance just like any new employee hired after 1998 pays. These positions are part time so there's a question of whether you should be allowed benefits but, if so, you should pay the same amount as employees.

There being no further comments, public hearing was closed.

### **BUDGET WORKSHOP**

Mr. McIntyre stated we had an item that was tabled at the November 15<sup>th</sup> budget workshop to include \$5,000 in additional funding to the Youth Agency contracts for CASA. I would like to address that issue again.

*Motion to include an additional \$5,000 in the Youth Agency contracts budget for CASA made by Mr. McIntyre, seconded by Mr. Walsh for discussion.*

Mr. Isaman stated he'd like more of an explanation on this program and why the Youth Board didn't fund the program.

Mr. Pruyne introduced Cora Saxton, Youth Board Chair. He stated Ms. Saxton was at the meeting when we considered CASA's application for funding. She would be the best to explain. Ms. Saxton stated the process we go through reviews the goals of the programs requesting funding and we developed a rating system. From that rating system we reviewed the program and did the ratings and then discussed them. We then assigned a point value as to whether the program met the Youth Board's objectives. At the time we reviewed the program, they weren't a close fit for our service plan. In fact, it scored the lowest of all the programs on the rating plan. The concern we had is the dollars for our programs are dwindling and, in looking at getting another program added, it wasn't something that seemed a wise economic choice.

Mr. Pruyne stated two years ago we did a joint planning process for Steuben County. We developed it in conjunction with DSS and we developed a set of goals dealing with children, youth and family services. That gives us some direction as to where we want to put our funding. Discussion followed.

Mr. McIntyre stated CASA volunteers look at the child only, not the family. The Judges support this program. Schuyler and Chemung counties fund this program, why don't we? I'm not trying to take away from other programs as this would be additional funding. Mr. Pruyne noted that he spoke with the Youth Bureau Director in Schuyler County and was told that the Legislature there chose not to put the funding through the Youth Bureau because, as with us, it didn't fit into their plan of services. The Legislature chose to fund it separate from the Youth Bureau. As for Chemung County, they funded the program, but for three years only.

Mr. McAllister asked would this be a duplication of services? Ms. Miller stated our program is unduplicated in all three counties. The law guardians represent the legal aspect of the family court while CASA has close contact with the children to monitor and insure that the needs of the children don't fall through the cracks.

Mr. Pruyne noted the rating system we used has nothing to do with duplication of services. It is designed using the 10 principles of youth development. CASA has very few of those principles in their program, such as youth empowerment and prevention. It's a great program, it just doesn't fit into our plan. Discussion followed.

Mr. Isaman asked Ms. Miller how are you funded? Ms. Miller stated through the United Way and local foundations. We were able to start in the County with a National CASA grant. We work in three counties and our total budget is \$122,000.

Mr. Stachnik stated since this is being funded by 2 other counties, is there a measure of outcome regarding your services? Ms. Miller stated we track children served in each County and we provide the courts with reports. Discussion followed.

*Motion to amend the previous motion to provide the funding for CASA from the Contingent Fund made by Mr. Stachnik, seconded by Mr. Schwartz for discussion.*

Mr. Pruyn stated what we look at for outcomes is a change in behavior or attitude in a young person and that is where it didn't fit into our plan. Discussion followed.

Mr. Nichols asked does the court system fund you? Ms. Miller stated they receive some funding from the Office of Court Administration. Mr. Nichols stated maybe they should be the ones completely funding it. Ms. Miller stated they partially fund the program as long as we match the grant.

Mr. Donnelly stated I want to address the request to amend the motion to fund the program from the Contingent Fund. As Mr. Swackhamer has stated in the past, the Contingent Fund is not a piggy bank to be raided early in the budget process. If you want to fund it it should be added to the tax levy.

*Motion to amend the funding for CASA be provided from the Contingent Fund withdrawn.*

Mr. Creath stated I'm the Legislative Representative on the Youth Board and I'm torn on this issue. I see it as a necessary program but I don't think it fits into the Youth Board's agenda. If we fund this, can we put it under another department? Mr. Alger stated if you are going to fund it, it should go under the Youth Bureau because they can monitor the program. Discussion followed.

Chairman Roche stated if we include it in the Youth Bureau's budget, Mr. McIntyre is proposing to set it aside to be allocated to CASA, not redistributed to another program.

Mr. Isaman asked is this well supported by our judiciary? Mr. Alger stated it is my understanding that the program was created by judicial edict. They wanted it statewide. There is no statutory authority for it, however. Ms. Miller stated in 1979, a judge was overwhelmed and started the program in Washington. It was started in Chemung County in 1989.

Mr. Creath stated if this helps one child it's worth \$5,000.

**Vote: Roll Call – Fails. Yes: 4184; No: 3731; Absent: 1957. (No: Baker, Donnelly, McAllister, Nichols, Roche and Stachnik. Absent: Argentieri, Gehl, Schwartz and Swackhamer)**

Chairman Roche stated the first 12 resolutions deal with salaries of County Officers.

*Motion to address the first twelve resolutions with one vote and waive the reading of said resolutions made by Mr. McIntyre, seconded by Mr. Nielsen and duly carried.*

#### **RESOLUTION NO. 188-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

#### **FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2005, ESTABLISHING THE ANNUAL SALARY OF THE CLERK OF THE LEGISLATURE OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2006.**

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, 2005, County of Steuben Local Law Tentatively No. Six for the Year 2005, establishing the annual salary of the Clerk of the

Legislature of the County of Steuben for fiscal year 2006, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2005, making the final adoption of said Local Law subject to a Public Hearing to be held on December 1, 2005, 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 1st day of December, 2005 at 6:30 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum.

**NOW THEREFORE, BE IT**

**RESOLVED**, that County of Steuben Local Law Tentatively No. Six for the Year 2005, 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 2005**

A **LOCAL LAW** establishing the annual salary of the Clerk of the Legislature of the County of Steuben for the fiscal year 2006.

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 2006, the annual salary of the Clerk of the Legislature of the County of Steuben is hereby established for the fiscal year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
Clerk of the Legislature	\$ 47,973.00	\$ 49,652.00

**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.

**Vote: Roll Call – Adopted. Yes: 6163; No: 1752; Absent: 1957.**  
**(No: Jamison, McIntyre and Walsh; Absent: Argentieri, Gehl, Schwartz and Swackhamer)**

**RESOLUTION NO. 189-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. SEVEN FOR THE YEAR 2005, ESTABLISHING THE ANNUAL SALARY OF THE PERSONNEL OFFICER OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2006.**

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, 2005, County of Steuben Local Law Tentatively No. Seven for the Year 2005, establishing the annual salary of the Personnel Officer of the County of Steuben for fiscal year 2006, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2005, making the final adoption of said Local Law subject to a Public Hearing to be held on December 1, 2005, 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 1st day of December, 2005 at 6:30 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum.

**NOW THEREFORE, BE IT**

**RESOLVED**, that County of Steuben Local Law Tentatively No. Seven for the Year 2005, 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 2005**

**A LOCAL LAW** establishing the annual salary of the Personnel Officer of the County of Steuben for the fiscal year 2006.

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 2006, the annual salary of the Personnel Officer of the County of Steuben is hereby established for the fiscal year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
Personnel Officer	\$ 73,765.00	\$ 76,347.00

**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 County Treasurer and the Personnel Officer.

**Vote: Roll Call – Adopted. Yes: 6163; No: 1752; Absent: 1957.  
(No: Jamison, McIntyre and Walsh; Absent: Argentieri, Gehl, Schwartz and Swackhamer)**

**RESOLUTION NO. 190-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. EIGHT FOR THE YEAR 2005, ESTABLISHING THE ANNUAL SALARY OF THE REAL PROPERTY TAX DIRECTOR OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2006.**

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, 2005, County of Steuben Local Law Tentatively No. Eight for the Year 2005, establishing the annual salary of the Real Property Tax Director of the County of Steuben for fiscal year 2006, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2005, making the final adoption of said Local Law subject to a Public Hearing to be held on December 1, 2005, 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 1st day of December, 2005 at 6:30 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum.

**NOW THEREFORE, BE IT**

**RESOLVED**, that County of Steuben Local Law Tentatively No. Eight for the Year 2005, 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 2005**

A **LOCAL LAW** establishing the annual salary of the Real Property Tax Director of the County of Steuben for the fiscal year 2006.

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 2006, the annual salary of the Real Property Tax Director of the County of Steuben is hereby established for the fiscal year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
Real Property Tax Director	\$ 57,478.00	\$ 59,490.00

**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 Director of Real Property Tax Service Agency.

**Vote: Roll Call – Adopted. Yes: 6163; No: 1752; Absent: 1957.**  
**(No: Jamison, McIntyre and Walsh; Absent: Argentieri, Gehl, Schwartz and Swackhamer)**

**RESOLUTION NO. 191-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. NINE FOR THE YEAR 2005, ESTABLISHING THE ANNUAL SALARY OF THE COMMISSIONER OF SOCIAL SERVICES OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2006.**

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, 2005, County of Steuben Local Law Tentatively No. Nine for the Year 2005, establishing the annual salary of the Commissioner of Social Services of the County of Steuben for fiscal year 2006, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2005, making the final adoption of said Local Law subject to a Public Hearing to be held on December 1, 2005, 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 1st day of December, 2005 at 6:30 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum.

**NOW THEREFORE, BE IT**

**RESOLVED**, that County of Steuben Local Law Tentatively No. Nine for the Year 2005, 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 2005**

A **LOCAL LAW** establishing the annual salary of the Commissioner of Social Services of the County of Steuben for the fiscal year 2006.

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 2006, the annual salary of the Commissioner of Social Services of the County of Steuben, is hereby established for the fiscal year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
Commissioner of Social Services	\$ 71,991.00	\$ 74,511.00

**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 Commissioner of the Department of Social Services.

**Vote: Roll Call – Adopted. Yes: 6163; No: 1752; Absent: 1957.**  
**(No: Jamison, McIntyre and Walsh; Absent: Argentieri, Gehl, Schwartz and Swackhamer)**

### **RESOLUTION NO. 192-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

### **FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. TEN FOR THE YEAR 2005, ESTABLISHING THE ANNUAL SALARY OF THE COUNTY TREASURER OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2006.**

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, 2005, County of Steuben Local Law Tentatively No. Ten for the Year 2005, establishing the annual salary of the County Treasurer of the County of Steuben for fiscal year 2006, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2005, making the final adoption of said Local Law subject to a Public Hearing to be held on December 1, 2005, 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 1st day of December, 2005 at 6:30 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum.

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

**RESOLVED**, that County of Steuben Local Law Tentatively No. Ten for the Year 2005, 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 2005**

**A LOCAL LAW** establishing the annual salary of the County Treasurer of the County of Steuben for the fiscal year 2006.

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 2006, the annual salary of the County Treasurer of the County of Steuben, is hereby established for the fiscal year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
County Treasurer	\$ 68,347.00	\$ 70,397.00

**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.

**Vote: Roll Call – Adopted. Yes: 6163; No: 1752; Absent: 1957.**  
**(No: Jamison, McIntyre and Walsh; Absent: Argentieri, Gehl, Schwartz and Swackhamer)**

**RESOLUTION NO. 193-05**

Introduced P. Donnelly.

Seconded by K. Isaman.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. ELEVEN FOR THE YEAR 2005, ESTABLISHING THE ANNUAL SALARY OF THE COUNTY ADMINISTRATOR OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2006.**

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, 2005, County of Steuben Local Law Tentatively No. Eleven for the Year 2005, establishing the annual salary of the County Administrator of the County of Steuben for fiscal year 2006, and this Legislature by resolution, preliminarily adopted said

Local Law on November 15, 2005, making the final adoption of said Local Law subject to a Public Hearing to be held on December 1, 2005, 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 1st day of December, 2005 at 6:30 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum.

**NOW THEREFORE, BE IT**

**RESOLVED**, that County of Steuben Local Law Tentatively No. Eleven for the Year 2005, 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 2005**

A **LOCAL LAW** establishing the annual salary of the County Administrator of the County of Steuben for the fiscal year 2006.

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 2006, the annual salary of the County Administrator of the County of Steuben is hereby established for the fiscal year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
County Administrator	\$ 86,000.00	\$ 89,010.00

**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**, certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer and County Administrator.

**Vote: Roll Call – Adopted. Yes: 6163; No: 1752; Absent: 1957.**  
**(No: Jamison, McIntyre and Walsh; Absent: Argentieri, Gehl, Schwartz and Swackhamer)**

**RESOLUTION NO. 194-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. TWELVE FOR THE YEAR 2005, ESTABLISHING THE ANNUAL SALARY OF THE COMMISSIONER OF PUBLIC WORKS OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2006.**

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, 2005, County of Steuben Local Law Tentatively No. Twelve for the Year 2005, establishing the annual salary of the Commissioner of Public Works of the County of Steuben for fiscal year 2006, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2005, making the final adoption of said Local Law subject to a Public Hearing to be held on December 1, 2005, 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 1st day of December, 2005 at 6:30 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum.

**NOW THEREFORE, BE IT**

**RESOLVED**, that County of Steuben Local Law Tentatively No. Twelve for the Year 2005, 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 2005**

**A LOCAL LAW** establishing the annual salary of the Commissioner of Public Works of the County of Steuben for the fiscal year 2006.

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 2006, the annual salary of the Commissioner of Public Works of the County of Steuben, is hereby established for the fiscal year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
Commissioner of Public Works	\$ 74,999.00	\$ 77,249.00

**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, Personnel Officer and the Commissioner of Public Works.

**Vote: Roll Call – Adopted. Yes: 6163; No: 1752; Absent: 1957.**  
**(No: Jamison, McIntyre and Walsh; Absent: Argentieri, Gehl, Schwartz and Swackhamer)**

**RESOLUTION NO. 195-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. THIRTEEN FOR THE YEAR 2005, ESTABLISHING THE ANNUAL SALARY OF THE SHERIFF OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2006.**

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, 2005, County of Steuben Local Law Tentatively No. Thirteen for the Year 2005, establishing the annual salary of the Sheriff of the County of Steuben for fiscal year 2006, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2005, making the final adoption of said Local Law subject to a Public Hearing to be held on December 1, 2005, 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 1st day of December, 2005 at 6:30 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum.

**NOW THEREFORE, BE IT**

**RESOLVED,** that County of Steuben Local Law Tentatively No. Thirteen for the Year 2005, as hereinafter set forth be and the same hereby is finally adopted, to wit:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. THIRTEEN FOR THE YEAR 2005**

A **LOCAL LAW** establishing the annual salary of the Sheriff of the County of Steuben for the fiscal year 2006.

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 2006, the annual salary of the Sheriff of the County of Steuben is hereby established for the fiscal year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
Sheriff	\$ 67,127.00	\$ 69,141.00

**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**, certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer and the Sheriff.

**Vote: Roll Call – Adopted. Yes: 6163; No: 1752; Absent: 1957.**  
**(No: Jamison, McIntyre and Walsh; Absent: Argentieri, Gehl, Schwartz and Swackhamer)**

**RESOLUTION NO. 196-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. FOURTEEN FOR THE YEAR 2005, ESTABLISHING THE ANNUAL SALARY OF THE COMMISSIONERS OF ELECTIONS OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2006.**

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, 2005, County of Steuben Local Law Tentatively No. Fourteen for the Year 2005, establishing the annual salary of the Commissioners of Elections of the County of Steuben for fiscal year 2006, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2005, making the final adoption of said Local Law subject to a Public Hearing to be held on December 1, 2005, 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 1st day of December, 2005 at 6:30 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum.

**NOW THEREFORE, BE IT**

**RESOLVED**, that County of Steuben Local Law Tentatively No. Fourteen for the Year 2005, as hereinafter set forth be and the same hereby is finally adopted, to wit:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. FOURTEEN FOR THE YEAR 2005**

**A LOCAL LAW** establishing the annual salary of the Commissioners of Elections of the County of Steuben for the fiscal year 2006.

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 2006, the annual salary of the Commissioners of Elections of the County of Steuben is hereby established for the fiscal year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
Commissioners of Elections		
Democratic Commissioner	\$11,210.00	\$11,546.00
Republican Commissioner	\$11,210.00	\$11,546.00

**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**, certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer and Commissioners of Elections.

**Vote: Roll Call – Adopted. Yes: 6163; No: 1752; Absent: 1957.  
(No: Jamison, McIntyre and Walsh; Absent: Argentieri, Gehl, Schwartz and Swackhamer)**

**RESOLUTION NO. 197-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. FIFTEEN FOR THE YEAR 2005, ESTABLISHING THE ANNUAL SALARY OF THE COUNTY ATTORNEY OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2006.**

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, 2005, County of Steuben Local Law Tentatively No. Fifteen for the Year 2005, establishing the annual salary of the County Attorney of the County of Steuben for fiscal year 2006, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2005, making the final adoption of said Local Law subject to a Public Hearing to be held on December 1, 2005, 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 1st day of December, 2005 at 6:30 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum.

**NOW THEREFORE, BE IT**

**RESOLVED**, that County of Steuben Local Law Tentatively No. Fifteen for the Year 2005, as hereinafter set forth be and the same hereby is finally adopted, to wit:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. FIFTEEN FOR THE YEAR 2005**

**A LOCAL LAW** establishing the annual salary of the County Attorney of the County of Steuben for the fiscal year 2006.

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 2006, the annual salary of the County Attorney of the County of Steuben is hereby established for the fiscal year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
County Attorney	\$116,219.00	\$119,800.00

**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, Personnel Officer and County Attorney.

**Vote: Roll Call – Adopted. Yes: 6163; No: 1752; Absent: 1957.**  
**(No: Jamison, McIntyre and Walsh; Absent: Argentieri, Gehl, Schwartz and Swackhamer)**

**RESOLUTION NO. 198-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. SIXTEEN FOR THE YEAR 2005, ESTABLISHING THE ANNUAL SALARY OF THE PUBLIC DEFENDER OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2006.**

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, 2005, County of Steuben Local Law Tentatively No. Sixteen for the Year 2005, establishing the annual salary of the Public Defender of the County of Steuben for fiscal year 2006, and this Legislature by resolution, preliminarily adopted said Local

Law on November 15, 2005, making the final adoption of said Local Law subject to a Public Hearing to be held on December 1, 2005, 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 1st day of December, 2005 at 6:30 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum.

**NOW THEREFORE, BE IT**

**RESOLVED**, that County of Steuben Local Law Tentatively No. Sixteen for the Year 2005, as hereinafter set forth be and the same hereby is finally adopted, to wit:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. SIXTEEN FOR THE YEAR 2005**

**A LOCAL LAW** establishing the annual salary of the Public Defender of the County of Steuben for the fiscal year 2006.

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 2006, the annual salary of the Public Defender of the County of Steuben is hereby established for the fiscal year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
Public Defender	\$ 65,000.00	\$ 66,950.00

**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**, certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer and Public Defender.

**Vote: Roll Call – Adopted. Yes: 6163; No: 1752; Absent: 1957.**  
**(No: Jamison, McIntyre and Walsh; Absent: Argentieri, Gehl, Schwartz and Swackhamer)**

**RESOLUTION NO. 199-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. SEVENTEEN FOR THE YEAR 2005, ESTABLISHING THE ANNUAL SALARY OF THE COUNTY CLERK OF THE COUNTY OF STEUBEN FOR FISCAL YEAR 2006.**

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, 2005, County of Steuben Local Law Tentatively No. Seventeen for the Year 2005, establishing the annual salary of the County Clerk of the County of Steuben for fiscal year 2006, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2005, making the final adoption of said Local Law subject to a Public Hearing to be held on December 1, 2005, 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 1st day of December, 2005 at 6:30 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum.

**NOW THEREFORE, BE IT**

**RESOLVED**, that County of Steuben Local Law Tentatively No. Seventeen for the Year 2005, as hereinafter set forth be and the same hereby is finally adopted, to wit:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. SEVENTEEN FOR THE YEAR 2005**

A **LOCAL LAW** establishing the annual salary of the County Clerk of the County of Steuben for the fiscal year 2006.

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 2006, the annual salary of the County Clerk of the County of Steuben is hereby established for the fiscal year 2006 as follows, to wit:

<u>TITLE</u>	<u>2005 SALARY</u>	<u>2006 SALARY</u>
County Clerk	\$ 46,253.00	\$ 47,409.00

**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,** certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer and County Clerk.

**Vote: Roll Call – Adopted. Yes: 6163; No: 1752; Absent: 1957.**  
**(No: Jamison, McIntyre and Walsh; Absent: Argentieri, Gehl, Schwartz and Swackhamer)**

**RESOLUTION NO. 200-05**

Introduced by P. Donnelly.

Seconded by D. Creath.

**FINAL ADOPTION OF THE ANNUAL COUNTY BUDGET FOR THE FISCAL YEAR 2006 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 2006.**

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 2006 were duly filed with the Clerk of the County Legislature on or before November 15, 2005, 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 1st day of December 2005 commencing at 6:30 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 2006; 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 2006 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 2006; 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, 2006 or thereafter in the Year 2006, 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 2006:

<u>Department/Project</u>	<u>Total Appropriation</u>
County Clerk – Book and document restoration	\$ 32,500.00
Bldgs. & Grounds	58,000.00
Info. Technology – Computer Project	176,205.00
Public Works	500,000.00
	420,000.00
Landfill	
	4,000.00
Parks	
	112,250.00
Real Property Tax Agency – NAD83 Conversion	
	<b>\$545,750.00</b>
<b>TOTAL</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 2005 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, 2006, 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, 2007, 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 2005 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 2006 Steuben County Budget with the New York State Comptroller in accordance with State Finance Law, Section 54-a; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; County Treasurer; and Gary Swackhamer, Chairman, Finance Committee.

Mr. McIntyre stated I realize the tremendous effort that has gone into this budget but is it really at the lowest level possible? I think about the devastating impact that a tax increase will have on fixed income folks who can't keep up with the many drains on their wallet just to exist. I can't honestly say we've done all we can to bring it to a lower level. Has the county or our departments really suffered? Have they absorbed increased responsibility? I feel the income and the economy is tough and we must do more than ever and lead by example in this County. To do more is important and I think we need to show leadership. Therefore, I cannot support this budget.

Mr. Stachnik stated this is a wonderful budget and I wholeheartedly support it. Perhaps in future years we could raise more income by attracting industry and make these budgets more palatable.

**Vote: Roll Call – Adopted. Yes: 6756; No: 1159; Absent: 1957.**  
**(No: McIntyre, Walsh; Absent: Argentieri, Gehl, Schwartz and Swackhamer)**

### **RESOLUTION NO. 201-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**AMENDING THE STEUBEN COUNTY BUDGET FOR THE FISCAL YEAR 2006, 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 2006, AND PROVIDING FOR THE RAISING OF THE TAXES REQUIRED BY THE COUNTY BUDGET, AS AMENDED, FOR THE FISCAL YEAR 2006, AND ADOPTING THE APPROPRIATION RESOLUTION FOR THE FISCAL YEAR 2006.**

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 2006, 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 2006, 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 2006 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 2006 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 2006 to be raised by taxes amounting to the sum of \$20,755,052 and reduced by anticipation of the sales tax credit in the amount of \$7,065,442 and shall further appropriate the amount of \$19,720,000 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, 2005 and filed with the Clerk of the Legislature on November 15, 2005 for the Year 2006, 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 2006; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 202-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**APPROVING AND CREATING THE FUNDED 16 (B) POSITIONS CONTAINED IN THE TENTATIVE 2006 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 various committees; and

**WHEREAS**, all of these positions are funded in the 2006 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 following departments:

<b><u>Dept./Position</u></b>	<b><u>Number</u></b>	<b><u>Grade</u></b>	<b><u>Salary</u></b>
<b><u>Community Services</u></b>			
Staff Social Worker	1	15	\$33,542.00 - \$47,351.00
Alcohol & Substance Abuse Counselor	2	13	\$31,087.00 - \$43,888.00
Account Clerk Typist	1	6	\$22,809.00 - \$32,199.00
<b><u>Law Department</u></b>			
Assistant County Attorney	1/2	L5	\$35,000.00 - \$55,000.00

**AND BE IT FURTHER RESOLVED**, certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer, Director of Community Services and County Attorney.

Mr. McIntyre asked what is the need for the half-time Assistant County Attorney position? Mr. Ahrens stated this is a current half-time position that would be going to full time, if approved. The additional cost would amount to \$3,000 to bring the person to a full time basis. We are reimbursed 73% by DSS. This person is dedicated to support collection and fraud prevention. The Commissioner and I are confident that this position will pay for itself many times over. To acquire an additional half time attorney for collection purposes makes very good sense and that is what this position does.

**Vote: Roll Call – Adopted. Yes: 7353; No: 562; Absent: 1957  
(No: McIntyre. Absent: Argentieri, Gehl, Schwartz and Swackhamer)**

**RESOLUTION NO. 203-05**

Introduced by P. Donnelly.

Seconded by K. Isaman.

**APPROVING AND CREATING THE ZERO-BASED 16 (B) POSITIONS CONTAINED IN THE TENTATIVE 2006 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 zero-based positions were approved by the various committees; and

**WHEREAS**, all of these positions are zero-based in the 2006 budget as listed; and

**WHEREAS**, it is necessary for the Legislature to authorize the said positions.

**NOW THEREFORE, BE IT**

**RESOLVED**, the following positions are hereby created and zero-based for the Departments listed:

<b><u>Department/Position</u></b>	<b><u>Number</u></b>	<b><u>Grade</u></b>	<b><u>Salary</u></b>
<b><u>Community Services</u></b>			
Staff Psychologist	1	19	\$54,889.00 - \$77,490.00
Staff Social Worker	3	15	\$33,542.00 - \$47,351.00
Principal Social Worker Assistant	1	14	\$31,965.00 - \$45,126.00
Alcohol & Substance Abuse Counselor	4	13	\$31,087.00 - \$43,888.00
Senior Social Worker Assistant	1	13	\$31,087.00 - \$43,888.00
Receptionist	1	5	\$21,880.00 - \$30,891.00
<b><u>Office for the Aging</u></b>			
Caseworker	1	12	\$29,688.00 - \$41,912.00
<b><u>Social Services</u></b>			
Senior Social Welfare Examiner	1	10	\$27,065.00 - \$38,211.00

**AND BE IT FURTHER RESOLVED**, certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer, Director of Community Service, Commissioner of Social Services and Director of Office for the Aging.

**Vote: Roll Call – Adopted. Yes: 7353; No: 562; Absent: 1957**  
**(No: McIntyre. Absent: Argentieri, Gehl, Schwartz and Swackhamer)**

*Motion to address the next six resolutions with one vote and waive the reading of said resolutions made by Mr. Nielsen, seconded by Mr. Nichols and duly carried.*

#### **RESOLUTION NO. 204-05**

Introduced by P. Donnelly.

Seconded by R. Nielsen.

#### **COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2005 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 2005, 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 2006, 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 1st day of December, 2005, at 6:30 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 1st day of December 2005, 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 2005 for the Marsh Ditch Watershed Protection District in the Towns of Dansville and Hornellsville in the County of Steuben and State of New York be and the same hereby is approved as completed and filed in the office of the Steuben County Real Property Tax Service Agency; and be it further

**RESOLVED**, the Director of Steuben County Real Property Tax Service Agency and the Steuben County Treasurer shall see to the proper procedure for the levy and collection of the appropriate taxes on the several real properties situate and benefited within said Water Protection District; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; County Treasurer; the Attorney for said District; and President of the Board of Directors of the said Water Protection District.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 205-05**

Introduced by P. Donnelly.

Seconded by R. Nielsen.

**ACCEPTING THE 2006 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 2006; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; Attorney for the Protection District; and the President of the Administrative Board of the Marsh Ditch Watershed Protection District.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 206-05**

Introduced by P. Donnelly.

Seconded by R. Nielsen.

**COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2005 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 2005 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 2006 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 1st day of December, 2005 at 6:30 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 1st day of December 2005, 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 2005 for the Upper Five Mile Creek Watershed Protection District in the Towns of Prattsburgh, Wheeler and Urbana in the County of Steuben and State of New York, be and the same hereby is, approved as completed and filed in the Office of the Steuben County Real Property Tax Service Agency; and be it further

**RESOLVED**, the Director of Steuben County Real Property Tax Service Agency and the Steuben County Treasurer shall see to the proper procedure for the levy and collection of the appropriate taxes on the several real properties situate and benefited within said Water Protection District; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; County Treasurer; Attorney for said District; and President of the Board of Directors of the said Water Protection District.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 207-05**

Introduced by P. Donnelly.

Seconded by R. Nielsen.

**DIRECTING THE LEVY OF THE UPPER FIVE MILE CREEK WATERSHED PROTECTION DISTRICT TAXES DUE JANUARY 2006.**

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 2006, 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**, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; Attorney for the Protection District; and the President of the Administrative Board of the Upper Five Mile Creek Watershed Protection District.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 208-05**

Introduced by P. Donnelly.

Seconded by R. Nielsen.

**COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2005 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 2005 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 2006 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 1st day of December 2005 at 6:30 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 1st day of December 2005, 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 2005 for the Lamoka/Waneta Lakes' Protection and Rehabilitation Districts in the Towns of Wayne and Bradford in the County of Steuben and State of New York be and the same hereby is approved as completed and filed in the Office of the Steuben County Real Property Tax Service Agency; and be it further

**RESOLVED**, the Director of the Steuben County Real Property Tax Service Agency and the Steuben County Treasurer shall see to the proper procedure for the levy and collection of the appropriate taxes on the several real properties situate and benefited within said Lakes' Protection and Rehabilitation Districts; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; County Treasurer; 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. 209-05**

Introduced by P. Donnelly.

Seconded by R. Nielsen.

**DIRECTING THE LEVY OF THE LAMOKA/WANETA LAKES' PROTECTION AND REHABILITATION DISTRICT TAXES DUE JANUARY 2006.**

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 2006, 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**, certified copies 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.**

**RESOLUTION NO. 210-05**

Introduced by P. Donnelly.

Seconded by D. Baker.

**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.**

*Motion to adjourn made by Mr. Stachnik, seconded by Mr. McAllister and duly carried.*