

ORGANIZATIONAL MEETING

Morning Session

Bath, New York, January 3, 2006

Pursuant to Section 151 of the County Law and the *Rules of Procedure* of the County Legislature adopted August 23, 1993, the Legislators from the several districts comprising the towns and cities of the County convened in the Legislative Chambers, Bath, New York, on Tuesday, the 6th day of January, 2006, at 10:00 A.M. for the purpose of organizing the County Legislature of Steuben County for the years 2006 and 2007 and for the transaction of such other business as would properly and lawfully come before the meeting.

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

The Deputy Clerk called the Roll and all members were present except Legislators Gehl and Stachnik.

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

Let it be noted that the Honorable Joseph Latham, County and Family Court Justice, administered the Oath of Office to all newly elected members of the Legislature immediately prior to the opening of the Organizational Meeting.

The Clerk called for nominations for a Temporary Chairman. Mr. McIntyre nominated Mr. Swackhamer for Temporary Chairman, seconded by Mr. McAllister. There being no further nominations the nominations were closed and Mr. Swackhamer was duly elected Temporary Chairman.

Temporary Chairman Swackhamer called for a Republican and Democratic caucus.

Motion to adjourn into a Republican and Democratic caucus made by Mr. Creath, seconded by Mr. McAllister and duly carried.

Temporary Chairman Swackhamer reconvened the Organizational Meeting of the Legislature.

Discussion was held concerning the vote for Minority Leader as Mr. Gehl is absent. The County Attorney ruled that the vote for Minority Leader could not be held until both Democratic members were present. ***This issue will be postponed until the next Legislative Meeting where both Democratic members of the Legislature are in attendance.***

Temporary Chairman Swackhamer called for nominations for Chairman of the Steuben County Legislature for 2006 and 2007. ***Dr. Baker nominated Philip Roche, seconded by Mr. Jamison.***

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

Motion to waive the casting of written ballots made by Dr. Baker, seconded by Mr. Creath and duly carried.

RESOLUTION NO. 001-06

Introduced by G. Swackhamer.

Seconded by D. Baker.

APPOINTING THE CHAIRMAN OF THE STEUBEN COUNTY LEGISLATURE FOR A TWO-YEAR TERM OF 2006 AND 2007.

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

WHEREAS, this Steuben County Legislature has on this 3rd day of January 2006, been duly organized and has in accordance with Section 151 of the County Law, duly selected County Legislator **Philip J. Roche** of Painted Post, New York, as Chairman of the Legislature for a two-year term commencing January 1, 2006.

NOW THEREFORE, BE IT

RESOLVED, **Philip J. Roche** of Painted Post, New York, be and the same hereby is appointed Chairman of the Legislature of Steuben County for a two-year term commencing January 1, 2006, and within twenty days he shall cause to be filed in the Office of the Steuben County Clerk an Oath of Office as such Chairman; and be it further

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

Mr. McIntyre stated as a Legislator for the last 12 years, and while reflecting on the past two years especially, I'm sadly disappointed with the leadership and lost opportunities that have surrounded the direction and decision making that ultimately affected the fine citizens of Steuben County. Unfortunately, it appears we will continue with two more years in a similar direction. I hope, honestly, I'm proven wrong, however I cannot vote to support this Chairman at this time.

Vote: Roll Call – Adopted. Yes: 8167; No: 562; Absent: 1143. (No: McIntyre. Absent: Gehl and Stachnik.)

Mr. Swackhamer asked Legislators Nielsen and Isaman to escort Chairman Roche to the chair.

Chairman Roche opened the floor for nominations for Vice Chair. *Mr. Jamison nominated Patrick Donnelly, seconded by Mr. Nielsen.*

Motion to close the nominations for Vice Chair made by Mr. Isaman, seconded by Mr. McAllister and duly carried.

RESOLUTION NO. 002-06

Introduced by P. Roche.

Seconded by L. Jamison.

APPOINTING THE VICE CHAIRMAN OF THE STEUBEN COUNTY LEGISLATURE FOR A TWO-YEAR TERM OF 2006 AND 2007.

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

WHEREAS, this Steuben County Legislature has on this 3rd day of January 2006, been duly organized and has in accordance with Section 151, Subdivision 3 of the County Law, duly selected County Legislator **Patrick F. Donnelly** of Bath, New York, as Vice Chairman of the Legislature for a two-year term commencing January 1, 2006.

NOW THEREFORE, BE IT

RESOLVED, **Patrick F. Donnelly** of Bath, New York be and the same hereby is appointed Vice Chairman of the Legislature of Steuben County for a two-year term commencing January 1, 2006, and within twenty days he shall cause to be filed in the Office of the Steuben County Clerk an Oath of Office as such Vice Chairman; and be it further

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

Vote: Roll Call – Adopted. Yes: 8167; No: 562; Absent: 1143. (No: McIntyre. Absent: Gehl and Stachnik.)

Chairman Roche stated rather than give a speech, I've prepared a written statement which I'll distribute at this time. It is truly a team effort between us, the County Administrator and employees. I truly believe we have accomplished a significant amount.

The following 2004-2005 Legislative Accomplishments was distributed to the Legislators:

As we begin 2006, it appears to be appropriate to recall the accomplishments of this Legislature over the past two years as well as the challenges facing this Legislature over the next two years.

Every Legislature has “made its mark” on Steuben County but I believe the actions of this Legislature over the past two years will have a profound impact on our County for years to come. None of these accomplishments would have been possible but for the teamwork of the Legislature, the County Administrator, the Department Heads and the County employees.

2004-2005 Accomplishments

- MEDICAID “CAP” – Steuben County participated in a successful state wide grass roots effort, including the Reform Medicaid sign in the parking lot of the County Office Building and a mass mailing. It is expected that this “cap”, together with the State takeover of the Family Health Plus program, will save the County \$2.5 million dollars in 2006.
- E-911 – After numerous delays, we are now utilizing cutting edge technology, including Pictometry and Phase II (cell phone locator) to provide emergency dispatch for police, fire and ambulance calls; over \$1 million of project paid by State grants
- HEALTH CARE FACILITY – The Legislature approved the construction of, and bonding for, a new 105 bed Health Care Facility. Occupancy is scheduled for late 2007.
- JAIL EXPANSION – The Legislature approved the construction of, and bonding for, a 120-bed expansion of the County Jail in response to Jail overcrowding. Occupancy is scheduled for *late 2007*.
- COUNTY LANDFILL – The Legislature authorized the expansion of the Bath Landfill resulting in sufficient capacity for the foreseeable future.
- NEW TRANSFER STATION – As a result of the changes to the Rt. 15 and Rt. 86 interchange, a new state of the art Transfer Station was constructed in Erwin at no cost to the County.
- TOBACCO SECURITIZATION – The Legislature elected to participate in two additional bond issuances that resulted in the County’s receipt of approximately \$8.2 million dollars. \$1 million dollars was added to the roads budget and the balance was utilized to reduce the borrowing for the Jail expansion.
- PUBLIC DEFENDER’S OFFICE – established a fulltime Public Defender’s Office in response to the State’s dramatic increase in Assigned Counsel rates
- ATI and CRIMINAL JUSTICE SYSTEM STUDY – commissioned a study by the Center for Governmental Research to reduce our jail population
- Developed 2006 BUDGET – implemented a focused budget process that resulted in the approval of a lean budget - 2.7% tax levy increase and a 3% decrease in the per \$1,000 tax rate.
- TWO UNION CONTRACTS – approved affordable increases and different health insurance program for County employees while not “busting the budget”
- MOBILE DATA TERMINALS – County funding placed cutting edge technology, including Pictometry, in every police car in the County
- CORNING COMMUNITY COLLEGE – approved an increase in the “capital chargeback” rate allowing much needed capital improvements at the College

2006-2007 Challenges

- MEDICAID REFORM – While the State has assumed much of the cost of the growth of Medicaid, it is expected that this extra burden will “trickle down” to the Counties in the form of increased state mandates and lower State financial assistance. The County must participate in the effort to implement true, cost-saving reforms on the State level. The County should investigate, and if appropriate, utilize technology to track programs for inefficiencies and fraud.
- HEALTH CARE FACILITY – The Legislature will oversee project construction and compliance with State requirements for an anticipated Fall 2007 opening of the new facility.
- FUTURE OF “OLD” HEALTH CARE FACILITY – determine the most efficient and cost effective use of the old facility.
- JAIL EXPANSION – oversee project construction for an anticipated Fall 2007 opening.

- HAVA (Help America Vote Act) – after State certification, the County must identify and purchase voting machines and plan for implementation, training, machine maintenance and storage in time for the 2008 elections.
- ECONOMIC DEVELOPMENT – develop a strategy for economic development of Agriculture, Industry and Tourism with limited budgetary funds.
- UNION CONTRACT – continue negotiations with the third bargaining unit
- ATI and CRIMINAL JUSTICE STUDY – review and implement Study recommendations as appropriate
- PRESCRIPTION DRUG LITIGATION – monitor and participate in this litigation as needed
- ROADS AND BRIDGES – develop a strategy to repair and maintain roads and bridges with limited budget funds

Looking at our past accomplishments it is clear to see that we've proven the positive impact that working together can bring about.

Chairman Roche stated in terms of committee assignments, anyone who is interested in serving on a particular committee, please feel free to give me a call or speak with Mrs. Kane.

Christine Kane, Clerk of the Legislature, administered the Oath of Office to Mr. Roche and Mr. Donnelly, the newly elected Chairman and Vice Chairman of the Legislature, respectively.

RESOLUTION NO. 003-06

Introduced by P. Roche.

Seconded by R. Argentieri.

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

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

RESOLVED, the aforesaid designation of **Gary D. Swackhamer** of Hornell, New York, be and the same hereby is accepted for filing, said designation to be for a two-year term commencing January 1, 2006; and be it further

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

Vote: Roll Call – Adopted.

P O S T P O N E D

RESOLUTION NO. 004-06

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

BE IT RESOLVED, Legislator _____ be and the same hereby is designated Minority Leader of the Steuben County Legislature; and be it further

RESOLVED, the aforesaid designation of _____ of _____, New York be and the same hereby is accepted for filing, said designation to be for a two-year term commencing January 1, 2006; and be it further

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

RESOLUTION NO. 005-06

Introduced by P. Roche.

Seconded by T. Schwartz.

RECOGNIZING THE AUTHORITY OF THE CHAIRMAN OF THE LEGISLATURE OF THE COUNTY OF STEUBEN TO APPOINT STANDING AND SPECIAL COMMITTEES FOR THE YEARS 2006 AND 2007.

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

RESOLVED, this Legislature does hereby recognize the authority of the Chairman of the Legislature of Steuben County to appoint such designated members of this Legislature as he shall select to the various standing and special committee positions for the years 2006 and 2007, which have heretofore been established and set up by the Steuben County Legislature and said Committees shall each consist of the same number of members as prescribed in the "Rules of Procedure" of the Steuben County Legislature until such Committee is abolished or changed by a majority vote of the Legislature membership pursuant to the "Rules of Procedure"; and be it further

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

RESOLVED, the Chairman of this Legislature, within thirty (30) days of his election to the Chairmanship, shall duly submit and file in the Office of the Clerk of this Legislature the Committees' roster appointed for the years 2006 and 2007; and the Clerk of the Legislature shall duly and properly furnish to each member of this Legislature a complete list of the said Committees' roster.

Vote: Roll Call – Adopted.

RESOLUTION NO. 006-06

Introduced by P. Roche.

Seconded by K. Isaman.

REGULATING THE PUBLICATION OF CERTAIN OFFICIAL MATTERS UNDER THE PROVISIONS OF SECTION 214, SUBDIVISION 2, OF THE COUNTY LAW OF THE STATE OF NEW YORK FOR THE YEARS 2006 AND 2007.

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

NOW THEREFORE, BE IT

RESOLVED, whenever this Legislature does not designate the particular newspaper or newspapers for the publication of a certain matter in a specific resolution, this resolution shall govern the officer or officers having the publication in charge for the years 2006 and 2007;

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

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

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

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

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 007-06

Introduced by G. Swackhamer.

Seconded by D. Creath.

DESIGNATION OF OFFICIAL NEWSPAPER BY THE REPUBLICAN MEMBERS OF THE LEGISLATURE OF STEUBEN COUNTY TO PUBLISH CONCURRENT RESOLUTIONS, TAX SALE NOTICES, TAX REDEMPTION NOTICES, ELECTION NOTICES AND THE OFFICIAL CANVAS, DULY EXECUTED JANUARY 3, 2006.

In pursuance of Section 214, Subdivision 1 of the County Law, we, the Republican members of the Steuben County Legislature, hereby designate the following official newspaper for the years 2006 and 2007:

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

The above-named designations are filed with the Clerk of this Legislature this 3rd day of January, 2006; and the Clerk is directed to forward certified copies to the Secretary of State at Albany, New York; the Steuben County Clerk; the Steuben County Treasurer; the Steuben County Board of Elections; and the above-named newspaper.

Dated: January 3, 2006

/s/ _____
DeWitt T. Baker, D.V.M.

/s/ _____
Robert. V. Nichols

/s/ _____
Donald B. Creath

/s/ _____
L. Ronald Nielsen

/s/ _____
Patrick Donnelly

/s/ _____
Philip J. Roche, Esq.

/s/ _____
Kenneth E. Isaman

/s/ _____
Thomas C. Schwartz

/s/ _____
Lldon E. Jamison

/s/ _____
David Stachnik

/s/ _____
Dan C. Farrand

/s/ _____
Gary D. Swackhamer

/s/ _____
Patrick McAllister

/s/ _____
John Walsh

Vote: Roll Call – Adopted.

P O S T P O N E D

RESOLUTION NO. 008-06

DESIGNATION OF OFFICIAL NEWSPAPER BY THE DEMOCRATIC MEMBERS OF THE LEGISLATURE OF STEUBEN COUNTY TO PUBLISH CONCURRENT RESOLUTIONS, TAX SALE NOTICES, TAX REDEMPTION NOTICES, ELECTION NOTICES AND THE OFFICIAL CANVAS, DULY EXECUTED JANUARY 3, 2006.

In pursuance of Section 214, Subdivision 1 of the County Law, we, the Democratic members of the Steuben County Legislature, hereby designate the following official newspaper for the years 2006 and 2007:

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

Election notices - *The Evening Tribune* of Hornell, New York.

Official election canvas - *The Evening Tribune* of Hornell, New York.

The above-named designations are filed with the Clerk of this Legislature this 3rd day of January, 2006; and the Clerk is directed to forward certified copies to the Secretary of State at Albany, New York; the Steuben County Clerk; the Steuben County Treasurer; the Steuben County Board of Elections; and the above-named newspaper.

Dated: January 3, 2006

/s/ _____
Richard A. Argentieri

/s/ _____
Francis L. Gehl

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

REGULAR MEETING
Morning Session
Bath, New York
Monday, January 23, 2006

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 23rd day of January, 2006 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 offered the Invocation and the Pledge of Allegiance was led by Mr. Schwartz.

Chairman Roche asked Theresa Bridge to come forward. Ms. Bridge 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 twenty years of service to the County.

Chairman Roche asked Linda Stebbins to come forward. Ms. Stebbins 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 twenty years of service to the County.

Chairman Roche asked Diane McAllister to come forward. Ms. McAllister 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 fifteen years of service to the County.

Chairman Roche asked Linda Griffin to come forward. Ms. Griffin is an employee in the Department of Special Children's Services. Chairman Roche presented her with a Certificate of Appreciation and a 25-year pin in recognition of her twenty-five years of service to the County.

Jeffrey Parker, Soil and Water Conservation District Manager, made the following Project Highlights Presentation:

Thank you for the opportunity to spend a few minutes with you today to bring to you the projects we did this year so you know what your appropriation is being used for. The streambank program has been in the County since 1978. This year we expended \$60,000 in County funding and almost \$21,000 in grant funding to help municipalities and landowners complete streambank stabilization projects. Another program we are involved in is the Finger Lakes Landowner Protection Alliance. We receive grant money through this alliance to complete mechanical weed harvesting projects in area lakes. We receive approximately \$55,000 per year for weed harvesting on Lake Salubria, the Keuka Lake swimming area and Smith Pond.

Mr. Parker stated with all of the disasters we've had the past few years, we've combined forces with the County's Department of Public Works to secure grant money for the Shared Services Program. Soil and Water completes most of the stream permits for DPW so they can use the gravel from the streams to complete streambank stabilization projects. This local program also allows us to maintain a hydroseeding program. They receive grant funding which is used for equipment maintenance and labor. Because we are able to cost-share the program, we are able to maintain our own equipment. It also allows them to provide assistance on materials to municipalities, the County DPW and the State DOT.

Mr. Parker stated Steuben County had three separate disasters declared in 2004. Through the Direct Public Assistance Program, Soil and Water assisted Federal Emergency Management (FEMA), the State Emergency Management Office (SEMO) and local applicants with 412 projects. He noted that he allows FEMA and SEMO representatives to set up in his office during this process. He reviews every project that comes through that process to make sure that DPW and local municipalities get their projects reviewed properly in order to secure them funding for the projects. He noted they are the only Soil and Water District in New York State that has qualified for FEMA disaster money. They are able to qualify for

FEMA funding because the Streambank Stabilization Project gives them the authority to obtain funds to do this type of work. We helped 31 municipalities in the County receive \$5,171,000 in disaster assistance. Soil and Water itself completed 97 projects totaling \$1,967,000. He noted they've had 8 declared disasters since 1994.

Mr. Parker stated we've also been successful in obtaining FEMA Hazard Mitigation Funding. This is the funding that is available after a major disaster that is used to prevent damage in the future. They received \$58,000 in funding for this purpose.

The Agricultural Environmental Management program is an environmental review of farms. We conduct a review of the farm as a whole, as well as their practices for water quality. We've completed 41 initial reviews and 34 landowners have begun the second part of the process. They've completed 22 plans on 1,517 acres; and have installed fencing, wells, pipeline and water facilities.

Mr. Parker stated some of the other programs they've received grant money for include the Rotational Grazing Program, which assists farmers with putting up better fences and wells; the NonAg Nonpoint Source program, which was depicted in the Governor's State of the State Address this year; the Upper Susquehanna River Flood Retention Program, done in conjunction with Chemung County; the Wetland Reserve Program, which turns unused wet vegetated areas into wildlife areas or wetlands; the Wildlife Habitat Incentive Program, where landowners are paid to maintain grass open areas for wildlife habitat; the Environmental Quality Incentive Program, which provides cost share assistance on best management practices to improve water quality; the Agricultural Management Assistance Program, which provides cost share assistance to landowners for fencing, animal trails and walkways, spring development and watering facilities.

Mr. Parker stated for 2005, the County provided \$187,426 in funding to the Soil and Water Conservation District. In addition, the district received \$1,065,144.58 in grant funding and \$286,700 in outside funding. With the County's total funding, he brought in an additional \$1.3 million. So we're bringing in \$7.21 for every County dollar. Discussion followed.

Mr. Parker noted that Harley Mayo had served on their board for 12 years and he recently received an award for his contributions to the Soil and Water Conservation District.

Mr. Isaman stated Jeff Parker and his staff are a huge benefit to our County. He is actually making presentations to other counties to show them how we are sharing services with the Department of Public Works. Chairman Roche thanked Mr. Parker 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. Twenty for the Year 2005, Providing that no exemption under Real Property Tax Law §487 be applicable within our jurisdiction with respect to any solar or wind energy system or farm waste energy system. Chairman Roche asked if there were any comments regarding this Local Law. There being none, the Public Hearing portion of the meeting was closed.

Steve Dombert, Hartsville, stated it is my understanding that this will allow the County the discretion to determine whether or not an entity producing wind power will be taxed. Mr. Roche explained that this local law simply removes the exemption. Mr. Dombert stated I just want to make sure that the County slows down and considers what we are doing. It is a complicated issue. We're getting little in benefits for these wind turbines. Mr. Roche stated the County doesn't have a role in the wind power issue. Mr. Dombert stated in Hartsville's case, we were told that there was no way to stop it but that isn't the case. I think the County is taking the right step. Please slow them down.

Larry Newhart, Hartsville, stated I'm very concerned about my property value due to these things. The turbine people and the town board have failed to address issues with me. I've been a resident for 30 years and my property value is going to plummet. It is a money grab and I'd feel differently if more people

would benefit from it. The only people that it will benefit are the leaseholders. Mr. Roche noted the County doesn't have a role in windfarms, it is up to the towns. This is just a taxing mechanism.

There being no further comments, Chairman Roche declared the public hearing closed.

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

Chairman Roche welcomed Mr. Farrand to the Legislature.

Chairman Roche announced the following items:

1. The Committee assignments have been released.
2. The NYSAC conference is next week and he'll report back to the Legislature at the next meeting.
3. Mr. Swackhamer is in Florida and sends his regards.
4. He has spoken with Mr. Gehl as well and he hopes to be back next month.

RESOLUTION NO. 009-06

Introduced by P. Donnelly.

Seconded by R. Argentieri.

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

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

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

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

SCHEDULE "A"

Resolution # A-1
Name Michael & Erica Siebert
Parcel # 242.00-01-002.130
Municipality Campbell Town
Disposition Correction

Resolution # A-2
Name Andrew Grodis
Parcel # 243.00-01-036.100
Municipality Campbell Town
Disposition Correction (parcel split)

Resolution # A-3
Name Dawn Dobson
Parcel # 243.00-01-036.000
Municipality Campbell Town
Disposition Correction (parcel split)

Resolution # A-4
Name Hope Cemetery Assoc
Parcel # 243.09-01-004.230
Municipality Campbell Town
Disposition Correction (parcel split)

Resolution # A-5
Name Virginia Chapman et al c/o Bertha V Phillips
Parcel # 260.00-01-009.210
Municipality Campbell Town
Disposition Correction

Resolution # A-6
Name Edward Clark & Anne Hemly
Parcel # 261.00-01-029.000
Municipality Campbell Town
Disposition Correction (parcel split)

Resolution # A-7
Name Edward Clark & Anne Hemly
Parcel # 261.00-01-029.110
Municipality Campbell Town
Disposition Correction (parcel split)

Resolution # A-8
Name William Freeman
Parcel # 261.00-01-029.120
Municipality Campbell Town
Disposition Correction (parcel split)

Resolution # A-9
Name William Freeman
Parcel # 261.00-01-029.130
Municipality Campbell Town
Disposition Correction (parcel split)

Resolution # A-10
Name Joseph Amoroso
Parcel # 159.06-02-045.000
Municipality Bath Village
Disposition Correction

Resolution # A-11
Name Sharon L Liguori
Parcel # 129.00-01-053.212
Municipality Bath Town
Disposition Correction (parcel split)

Resolution # A-12
Name Thomas O Prescott
Parcel # 145.00-03-002.000
Municipality Bath Town
Disposition Correction (parcel split)

Resolution # A-13
Name Timothy & Tara Coots
Parcel # 156.00-01-018.100
Municipality Bath Town
Disposition Correction (parcel split)

Resolution # A-14
Name Lynn & Donna King
Parcel # 157.00-01-050.000
Municipality Bath Town
Disposition Correction (parcel split)

Resolution # A-15
Name Mandy L Black
Parcel # 160.00-01-017.120
Municipality Bath Town
Disposition Correction

Resolution # A-16
Name Frederick V McAllister, et al
Parcel # 160.00-01-063.110
Municipality Bath Town
Disposition Correction

Resolution # A-17
Name City of Corning
Parcel # 299.16-02-048.310
Municipality Corning City
Disposition Correction

Resolution # A-18
Name Walter & Grace Maxwell
Parcel # 390.00-02-058.000
Municipality Caton Town
Disposition Correction

Resolution # A-19
Name Michael & Ann F Carey
Parcel # 409.00-01-005.000
Municipality Caton Town
Disposition Correction (parcel split)

Resolution # A-20
Name Howard Buchanan
Parcel # 298.12-01-003.000
Municipality Painted Post Village
Disposition Correction

Resolution # A-21
Name Marco & Lisa Wolf
Parcel # 299.13-04-042.000
Municipality Painted Post Village
Disposition Correction

Resolution # A-22
Name Noah M & Kimberly Zigas
Parcel # 298.18-01-027.000
Municipality Erwin Town
Disposition Correction

Resolution # A-23
Name Melissa J Morse
Parcel # 299.10-02-001.000
Municipality Erwin Town
Disposition Correction

Resolution # A-24
Name Ralph H Wilcox
Parcel # 316.11-01-038.000
Municipality Erwin Town
Disposition Correction

Resolution # A-25
Name Michael & Mary Lou Durso
Parcel # 136.18-03-014.200
Municipality North Hornell Village
Disposition Correction

Resolution # A-26
Name J B Wells
Parcel # 136.18-03-029.000/1
Municipality North Hornell Village
Disposition Correction

Resolution # A-27
Name David & Sharon Peck
Parcel # 058.00-01-016.100
Municipality Prattsburgh Town
Disposition Correction (parcel split)

Resolution # A-28
Name Amy Miller
Parcel # 407.00-01-011.110
Municipality Lindley Town
Disposition Correction (parcel split)

Resolution # A-29
Name Earl & Michael Coleman
Parcel # 357.00-01-028.000
Municipality West Union Town
Disposition Correction (parcel split)

Resolution # A-30
Name Terry & Judith Clark
Parcel # 392.00-01-023.000
Municipality West Union Town
Disposition Correction (parcel split)

Resolution # A-31
Name Bernard & Carol Lubberts
Parcel # 328.00-01-010.100
Municipality Woodhull Town
Disposition Correction

Resolution # A-32
Name Christopher & Kimberly Ogorzalek
Parcel # 093.00-01-029.121
Municipality Dansville Town
Disposition Correction (parcel split)

Resolution # A-33
Name Raymond & Doris Baker
Parcel # 196.00-01-025.120
Municipality Hartsville Town
Disposition Correction (parcel split)

Resolution # A-34
Name Dann C Messervey
Parcel # 153.00-01-010.000
Municipality Howard Town
Disposition Correction

Resolution # A-35
Name Dann C Messervey
Parcel # 153.00-01-010.000
Municipality Howard Town
Disposition Correction (parcel split)

Resolution # A-36
Name Joan Mason
Parcel # 153.00-01-027.132
Municipality Howard Town
Disposition Correction

Resolution # A-37
Name Diane Heflich
Parcel # 233.00-01-017.000
Municipality Thurston Town
Disposition Correction (parcel split)

Resolution # A-38
Name Diane Heflich
Parcel # 223.00-01-018.100
Municipality Thurston Town
Disposition Correction (parcel split)

Resolution # A-39
Name Dennis Rock
Parcel # 041.00-01-007.000
Municipality Wayland Town
Disposition Correction (parcel split)

Resolution # A-40
Name Daniel D & Sheri L Nobles
Parcel # 159.06-02-023.000
Municipality Bath Village
Disposition Correction

Resolution # A-41
Name Ronald & Rebecca Pitts
Parcel # 211.00-01-024.111
Municipality Hornby Town
Disposition Correction

Resolution # A-42
Name Harold R Clinton
Parcel # 238.00-01-020.100
Municipality Cameron Town
Disposition Correction (parcel split)

Resolution # A-43
Name Robert & Elizabeth Mast
Parcel # 098.00-01-040.200
Municipality Avoca Town
Disposition Correction (parcel split)

Resolution # A-44
Name Cathy Golda
Parcel # 158.16-01-073.000
Municipality Bath Village
Disposition Correction

Resolution # A-45
Name Winston Slayton
Parcel # 083.00-01-003.000
Municipality Cohocton Town
Disposition Correction (parcel split)

Resolution # A-46
Name Joan Ferris
Parcel # 378.16-01-031.000
Municipality Troupsburg Town
Disposition Correction

Resolution # A-47
Name William Hanrahan
Parcel # 107.19-01-075.110/10
Municipality Arkport Village
Disposition Correction

Resolution # A-48
Name Judith Barnett
Parcel # 107.19-01-075.110/14
Municipality Arkport Village
Disposition Correction

Resolution # A-49
Name Elaine Mess
Parcel # 107.19-01-075.110/26
Municipality Arkport Village
Disposition Correction

Resolution # A-50
Name Fay Vincent
Parcel # 107.19-01-075.110/27
Municipality Arkport Village
Disposition Correction

Resolution # A-51
Name Barbara Ruth Gottstine
Parcel # 349.08-02-059.000
Municipality Addison Village
Disposition Correction

Resolution # A-52
Name Paul Dgien & Regina Johnson
Parcel # 293.00-01-004.000
Municipality Rathbone Town
Disposition Correction

Resolution # A-53
Name Diane S & Steve M Rayboy
Parcel # 140.19-01-019.000
Municipality Howard Town
Disposition Correction

Resolution # A-54
Name Dana & Douglas Towner
Parcel # 101.00-01-012.100
Municipality Wheeler Town
Disposition Correction (parcel split)

Resolution # A-55
Name Russell & Darlene Robinson
Parcel # 099.19-01-001.200
Municipality Avoca Town
Disposition Correction (parcel split)

Resolution # A-56
Name Marie Boat & Fred Terwilliger
Parcel # 257.00-01-001.000
Municipality Cameron Town
Disposition Correction (parcel split)

Vote: Roll Call – Adopted.

RESOLUTION NO. 010-06

Introduced by P. Roche.

Seconded by D. Creath.

RECEIVING AND ACCEPTING THE JANUARY 23, 2006, 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 21, 2005

1. Empire State Pipeline - Re: Empire Connector Project - to construct a compressor station and approximately 78 miles of a 24" natural gas pipeline, through portions of Steuben County and other counties, and terminating at the interconnection with the proposed Millennium Phase I Pipeline at Columbia Gas Transmission Corporation's existing compressor station in the Town of Corning. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

January 3, 2006

1. State of New York, Governor's Traffic Safety Committee, Department of Motor Vehicles - Re: Announcement of the approval of the Steuben County 2006 STOP-DWI Plan. ***Referred to: Public Safety & Corrections Committee and Sheriff Tweddell.***
2. Chief Rouse, Village of Bath Police Department - Re: Letter to Sheriff Tweddell expressing his appreciation for the assistance from the Sheriff's Department on the 12/5/05 homicide in the Village of Bath. Letter states that the level of cooperation between the New York State Police, the County Sheriff's Department, and the Bath Police Department was exceptional. ***Referred to: Public Safety & Corrections Committee and Sheriff Tweddell.***
3. NYS Department of Environmental Conservation - Re: Successful applications for Water Quality Improvement funding from the NYSDEC for SFY 2003-04 and 2004-05 - Project #2005WQI7038 for \$21,500 and Project #2005WQI7034 for \$21,500 as submitted by the Steuben County Soil & Water Conservation District. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

January 5, 2006

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$5,779 representing the November 2006 retained surcharge revenue for Steuben County from WROTBC. ***Referred to: Finance and Rules Committees and Larry Crosssett, County Treasurer.***
2. Dan Farrand, County Legislator, District 10 - Re: Letter of Disclosure filed with Clerk of Legislature.

January 9, 2006

1. Steuben County League of Women Voters - Re: Endorsement of paper ballot/optical scan voting machines. ***Referred to: Administration Committee and Allan Johnson and Sharlene Thompson, Election Commissioners.***
2. Columbia Natural Resources, LLC - Re: Gray Pipeline #25483 and Nistock Pipeline #24468, Prattsburgh Township, Steuben County - proposed construction of two natural gas pipelines in above-mentioned towns - letter requests County's review of the proposed routes to determine if there are any County issues or permitting requirements associated with the proposed construction. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***
3. Fortuna Energy, Inc. - Re: Request to Amend Certificate of Environmental Compatibility and Public Need (NOI) dated 12/17/03, PSC Case #03-T-1588. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***
4. NYS Department of Environmental Conservation - Re: Announcing the availability of funds for water quality improvement projects. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

5. U.S. Department of Housing & Urban Development - Re: Audit Report for FY ending 12/31/04; Department of Housing & Urban Development, Steuben County, NY-County's response dated 12/13/05 found to be acceptable. *Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Larry Crossett, County Treasurer.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 011-06

Introduced by P. Donnelly.

Seconded by D. Stachnik.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. TWENTY FOR THE YEAR 2005, PROVIDING THAT NO EXEMPTION UNDER REAL PROPERTY TAX LAW §487 BE APPLICABLE WITHIN OUR JURISDICTION WITH RESPECT TO ANY SOLAR OR WIND ENERGY SYSTEM OR FARM WASTE ENERGY SYSTEM.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on December 19, 2005, County of Steuben Local Law Tentatively No. Twenty for the Year 2005, providing that no exemption under Real Property Tax Law §487 be applicable within our jurisdiction with respect to any solar or wind energy system or farm waste energy system, and this Legislature by resolution, preliminarily adopted said Local Law on December 19, 2005, making the final adoption of said Local Law subject to a Public Hearing to be held on January 23, 2006; 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 January 23, 2006, 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. Twenty 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. TWENTY FOR THE YEAR 2005**

A **LOCAL LAW** providing that no exemption under Real Property Tax Law §487 be applicable within our jurisdiction with respect to any solar or wind energy system or farm waste energy system.

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 provide no exemption from taxation as authorized in Real Property Tax Law §487.

SECTION 2: EXEMPTION FROM TAXATION

No exemption from taxation shall be applicable with respect to any solar or wind energy system or farm waste energy system.

SECTION 3: EFFECTIVE DATE:

This Local Law shall take effect immediately upon passage.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on January 23, 2006 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. Twenty 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 Office of Real Property Services, ATTN: Stephen Harrison, Esq., 16 Sheridan Avenue, Albany, NY 12210-2714; New York State Energy Research and Development Authority, 17 Columbia Circle, Albany, NY 12203-6399; Steuben County Industrial Development Agency, P.O. Box 3939, Bath, NY 14810; and Donna Hatch, Director Real Property Tax Service Agency.

Vote: Roll Call – Adopted. Abstained: 694 (McAllister)

RESOLUTION NO. 012-06

Introduced by P. Donnelly.

Seconded by D. Baker.

PRESENTING LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2006, REPEALING LOCAL LAW NO. 4 FOR THE YEAR 2002, “AUTHORIZING THE STEUBEN COUNTY REAL PROPERTY TAX COLLECTING OFFICER TO ITEMIZE THE MEDICAID PORTION OF THE COUNTY TAX BILL AS A SEPARATE LINE ITEM.”

WHEREAS, Local Law No. Four for the Year 2002, was enacted in order to assist the citizens of Steuben County to enable them to request a change of policy implementation with the State of New York; and

WHEREAS, the State of New York has responded to such requests; and

WHEREAS, it is no longer necessary and desirable to itemize the Medicaid portion of the County tax bill as a separate line item.

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 2006, authorizing the Steuben County Real Property Tax Collecting Officer to itemize the Medicaid portion of the County tax bill as a separate line item as follows:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2006**

A LOCAL LAW repealing Local Law No. Four for the Year 2002, “Authorizing the Steuben County Real Property Tax Collecting Officer to itemize the Medicaid portion of the County tax bill as a separate line item of the total amount of tax levied on each parcel on the County/Town tax bill.”

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 repeal Local Law No. Four for the Year 2002, "Authorizing the Steuben County Real Property Tax Collecting Officer to itemize the Medicaid portion of the County tax bill as a separate line item of the total amount of tax levied on each parcel on the County/Town tax bill."

SECTION 2: LOCAL LAW

Local Law No. Four for the Year 2002, be and the same hereby is repealed.

SECTION 3: EFFECTIVE DATE

This Local Law will take effect immediately upon passage.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on February 27, 2006 at 10:00 A.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York, and be it further

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 013-06

Introduced by P. Donnelly.

Seconded by R. Argentieri.

AMENDING RESOLUTION NO. 175-05 DATED NOVEMBER 28, 2005, 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 Resolution No. 175-05 duly adopted November 28, 2005, be amended to read as follows:

1. Lawrence Crossett, County Treasurer, is the representative authorized to act on behalf of the Municipality 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 cost of the Project and 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 be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer; Steve Orcutt, Department of Public Works, and Matthew P. Gillette, PE, Environmental Engineer, NYS Dept. of Environmental Conservation, Div. Of Environmental Remediation, Region 8, 6274 East Avon-Lima Road, Avon, NY 14414-9519.

Vote: Roll Call – Adopted.

RESOLUTION NO. 014-06

Introduced by D. Baker and P. Donnelly.

Seconded by K. Isaman.

AUTHORIZING THE TRANSFER OF \$5,100 FROM THE 2005 CONTINGENT FUND TO THE EMERGENCY COMMUNICATIONS BUDGET.

WHEREAS, the 2005 Emergency Communications Budget has insufficient funding within certain line items for the balance of the fiscal year.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to transfer from the 2005 Contingent Fund the amount of \$5,100 to the 2005 Emergency Communications budget for the following line items:

- Line item 364100 5 427 100 - \$ 600 Radio Maintenance
- Line item 364100 5 411 200 - \$4,000 Utilities
- Line item 364100 5 401 210 - \$ 300 Tower Phones
- Line item 364100 5 402 240 - \$ 200 Cellular Phone

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

Mr. McIntyre asked isn't there a fund set aside for emergency communications? Mr. Alger stated we had a budget for communications, but not an emergency fund. There wasn't enough money in the budget to cover these items.

Vote: Roll Call – Adopted.

RESOLUTION NO. 015-06

Introduced by D. Baker and P. Donnelly.

Seconded by K. Isaman.

AUTHORIZING THE TRANSFER OF \$40,000 FROM THE 2005 CONTINGENT FUND TO THE ASSIGNED COUNSEL LINE ITEM IN THE PUBLIC DEFENDER'S OFFICE.

WHEREAS, the 2005 Public Defender's Assigned Counsel line item is insufficient for the balance of the fiscal year.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to transfer from the 2005 Contingent Fund the amount of \$40,000 to the 2005 Public Defender's Assigned Counsel line item A1170-4232; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 016-06

Introduced by P. Donnelly.

Seconded by R. Argentieri.

AUTHORIZING THE TRANSFER OF \$4,500 FROM THE 2006 CONTINGENT FUND TO THE CONSULTANTS AND PROFESSIONALS LINE ITEM IN THE COUNTY TREASURER'S BUDGET.

WHEREAS, requests for proposals for auditing services resulted in three (3) proposals having been received; and

WHEREAS, Toski, Schaefer and Co., P.C. submitted a proposal in the amount of \$34,500 for the fiscal year ending December 31, 2005; and

WHEREAS, the 2006 Budget contains an amount of \$30,000.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Treasurer is hereby authorized to transfer the amount of \$4,500 from the Contingent Fund to account A 5 1325 421 100 entitled "Consultants and Professionals"; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 017-06

Introduced by D. Baker and P. Donnelly.

Seconded by K. Isaman.

AUTHORIZING THE TRANSFER OF \$20,000 FROM THE 2006 CONTINGENT FUND TO THE COMMUNICATIONS SYSTEM MAINTENANCE LINE ITEM FOR THE PURPOSE OF MAINTAINING THE COUNTYWIDE COMMUNICATIONS SYSTEM.

WHEREAS, the Communications System capital project was dissolved and the funding was placed in the Communications Capital Reserve Account; and

WHEREAS, the 2006 Emergency Communications Budget has no line item for the Countywide Communications System Maintenance for the fiscal year.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to transfer from the 2006 Contingent Fund the amount of \$20,000 to the 2006 Emergency Communications Budget, line item 364100 5 427 350 Communications System Maintenance; and be it further

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

Mr. Argentieri asked isn't it a little early in the year to be making transfers from the contingent fund? Mr. Alger stated this item is a result of changing the Communications Capital Project to a Reserve Fund. In

the process of doing that we weren't anticipating that there would have been maintenance items charged against that project in past years. As a result, we didn't include routine maintenance in their budget. Mr. Argentieri stated I'm just worried about the rest of the year.

Vote: Roll Call – Adopted.

RESOLUTION NO. 018-06

Introduced by P. Donnelly.

Seconded by R. Nichols.

TRANSFERRING THE BALANCE OF THE EMERGENCY EQUIPMENT LINE ITEM IN THE PURCHASING DEPARTMENT'S 2005 BUDGET TO THE COMPUTER CAPITAL PROJECT.

WHEREAS, there is a need to upgrade the County's computer equipment in several departments; and

WHEREAS, there remains a balance of \$183,896.00 in the 2005 Purchasing Department's Emergency Equipment Budget.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Treasurer is hereby authorized to transfer the amount of \$183,896.00 from Account 1345.298.999 Minor Equipment to the capital project entitled "EDP Equipment" Account 1680H1; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 019-06

Introduced by R. Nichols and P. Donnelly.

Seconded by R. Argentieri.

ACCEPTING AND APPROVING THE MANAGED ADDICTION TREATMENT SERVICES GRANT (MATS).

WHEREAS, a total of \$307,959.00 has been obtained to provide case management and treatment services to individuals identified as high users of Medicaid; and

WHEREAS, the funding includes \$161,536.50 from MATS grants, \$84,838.50 from DSS, and \$61,584.00 in revenues from treatment services.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature authorizes and directs the Steuben County Treasurer to appropriate the funds and anticipated revenues to the various line items as follows:

Revenues:

425000 4 3490300	\$63,286.50
425000 4 2801900	<u>21,095.50</u>
	\$84,382.00

Expenses:

425000 5 (Contractual Services) \$84,382.00

Revenues:

425000 4 1620200	\$61,584.00
425000 4 2801900	<u>30,993.00</u>
	\$92,577.00

Expenses:	425000 5 111000 (Personal Svcs.)	\$69,087.00
	425000 5 810000 (Fringes)	<u>23,490.00</u>
		\$92,577.00

Revenues:	425000 4 3490300	\$ 98,250.00
	425000 4 2801900	<u>32,750.00</u>
		\$131,000.00

Expenses:	425000 5 110000 (Personal Svcs.)	\$ 99,000.00
	425000 5 810000 (Fringes)	<u>32,000.00</u>
		\$131,000.00

AND BE IT FURTHER RESOLVED, the Steuben County Administrator is authorized and directed to execute the necessary documents to secure said grant funds; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Social Services, the Steuben County Administrator, the Steuben County Treasurer and the Director of Community Services.

Vote: Roll Call – Adopted.

RESOLUTION NO. 020-06

Introduced by D. Stachnik and P. Donnelly.

Seconded by D. Creath.

AUTHORIZING THE CLOSING OF THREE CAPITAL PROJECTS IN THE DEPARTMENT OF SOCIAL SERVICES.

WHEREAS, three capital projects which have been completed contain unexpended balances.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to close the following capital projects:

6010H2 5 250000	DSS Fraud/Legal Tracking	\$ 1,890.00
6010H3 5 250000	Sidney SQL Computer Project	\$ 1,417.40
6010H4 5 250000	Kinder Tracking Program	<u>\$ 201.00</u>
	TOTAL	\$ 3,508.40

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Commissioner of Social Services.

Vote: Roll Call – Adopted.

RESOLUTION NO. 021-06

Introduced by D. Stachnik and P. Donnelly.

Seconded by D. Creath.

ACCEPTING AND APPROPRIATING THE YOUTH ENGAGEMENT SERVICES PROGRAM ALLOCATION IN THE DEPARTMENT OF SOCIAL SERVICES.

WHEREAS, the State of New York Budget 2005-2006 provides \$4 million to fund the Youth Employment and Education Training Program; and

WHEREAS, the State of New York has allocated \$157,445 to Steuben County; and

WHEREAS, Steuben County is authorized to use the allocation to fund the Youth Engagement Services Program through Pro Action of Steuben/Yates, Inc.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben accepts the \$157,445 allocation from New York State and adjusts the 2006 Social Services Budget to reflect this additional funding; and be it further

RESOLVED, Steuben County accepts and appropriates these funds in the 2006 Steuben County Budget as follows:

Appropriations:

607000 5 446500	Preventive Services	\$157,445
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Revenues:

607000 5 436700	State Revenue-Purchase of Service	\$157,445
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AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Commissioner of Social Services.

Vote: Roll Call – Adopted.

RESOLUTION NO. 022-06

Introduced by D. Stachnik and P. Donnelly.

Seconded by R. Argentieri.

ACCEPTING AND APPROPRIATING THE CASE MANAGEMENT SAFETY NET DRUG AND ALCOHOL ALLOCATION.

WHEREAS, the State of New York Budget 2005-2006 provides \$1.5 million to fund a limited number of LDSS projects aimed at reducing temporary assistance expenditures for Safety Net clients; and

WHEREAS, the State of New York has allocated \$65,190 to Steuben County; and

WHEREAS, Steuben County is authorized to use the allocation to provide case management services to Safety Net clients.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben accepts the \$65,190 allocation from New York State and adjusts the 2006 Social Services Budget to reflect this additional funding; and be it further

RESOLVED, Steuben County accepts and appropriates these funds in the 2006 Steuben County Budget as follows:

Appropriations:

601500 5 446560	TANF Administration Drug & Alcohol	\$62,190
601000 5 298000	Machine & Equipment Minor	3,000

Revenues:

601500 5 364000	State Revenue – Safety Net	\$62,190
601000 5 364000	State Revenue – Safety Net	3,000

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

Vote: Roll Call – Adopted.

Motion to approve the appointment resolutions with one vote and waive the reading of the resolution titles made by Mr. McIntyre, seconded by Mr. Nielsen and duly carried.

RESOLUTION NO. 023-06

Introduced by P. Roche.

Seconded by T. McIntyre.

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, 2006 through December 31, 2008

1. Christopher Ellis, President CSEA
2. Patricio Jiminez, Employee, Public Defender's Office
3. April Cook, Employee, Department of Social Services

Term Commencing January 1, 2004 through December 31, 2006

1. Donald S. Lewis, President, Steuben County Deputy Sheriffs' Association (filling unexpired term of Eric Tyner)
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. Leon Woodworth, President, Steuben County Correction Officers, Dispatchers & Court Security Officers Unit (filling unexpired term of Nancy Steiniger)
2. Richard A. Argentieri, Legislator
3. David Stachnik, Legislator (filling the unexpired term of Philip J. Roche)

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 024-06

Introduced by D. Creath.

Seconded by T. McIntyre.

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

WHEREAS, the terms of office of certain members of the Agricultural and Farmland Protection Board have expired; and

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

NOW THEREFORE, BE IT

RESOLVED, that the following persons are appointed with terms commencing January 1, 2006 and ending December 31, 2009:

Kenneth Ward, MJ Ward and Son, Inc., PO Box 747, Bath NY 14810
Andrew Merry, 8507 Canaseraga Rd., Arkport NY 14807

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the appointed members, the Planning Department and the Chairman of the Agriculture and Farmland Protection Board, Mr. John H. Weaver, 7831 CR 13, Bath NY 14810.

Vote: Acclamation – Adopted.

RESOLUTION NO. 025-06

Introduced by R. Nichols.

Seconded by T. McIntyre.

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 1/1/06 through 12/31/09)
Bath, NY 14810
2. Vicki Fuerst
7863 Miller Road (Term 1/1/05 through 12/31/08)
Avoca, NY 14809
(filling unexpired term of Rose-Andree Feuchtwanger)
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 (Term 1/1/04 through 12/31/07)
Wayland, NY 14572
6. Ralph Schnell
30 Seneca Street (Term 1/1/06 through 12/31/09)
Hornell, NY 14843

7. Deborah Becher
2065 Purdy Creek Road
Hornell, NY 14843 (Term 1/1/06 through 12/31/09)
8. The Honorable Patrick Donnelly
Steuben County Legislator
301 Maple Heights
Bath, NY 14810 (Term 1/1/06 through 12/31/09)
9. Cora Saxton
310 E. Naples Street
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. Vicki Fuerst.
7863 Miller Road
Avoca, NY 14809 (Term 1/1/06 through 12/31/09)
(filling unexpired term of Rose-Andree Feuchtwanger)
3. Barbara Eskridge
P. O. Box 1404
Corning, NY 14830 (Term 1/1/06 through 12/31/09)
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 1/1/06 through 12/31/09)
6. Kathryn Biehl
3 E. Pulteney Square
Bath, NY 14810 (Term 1/1/06 through 12/31/09)
7. Kate Foss
371 E. Third Street
Corning, NY 14830 (Term 1/1/06 through 12/31/09)
8. Cora Saxton
310 E. Naple Street
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 1/1/06 through 12/31/09)
5. Frank Justice
3 E. Pulteney Square
Bath, NY 14843 (Term 1/1/06 through 12/31/09)
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 1/1/06 through 12/31/09)
2. Janis Conklin
1910 Demon Pond Road
Bath, NY 14810 (Term 1/1/05 through 12/31/08)
3. Tony Zajchenko
Pathways, Inc.
33 Denison Parkway West
Corning, NY 14830 (Term 1/1/05 through 12/31/08)
4. Bernard Burns
Steuben ARC
6838 Industrial Park Road
Bath, NY 14810 (Term 1/1/06 through 12/31/09)
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 1/1/06 through 12/31/09)

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby 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, certified copies of this resolution shall be forwarded to the above-listed appointees, the Director of Community Services and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 026-06

Introduced by P. Roche.

Seconded by T. McIntyre.

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

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

BE IT RESOLVED, the appointments of John Walsh, Legislator, District 7, and Robert V. Nichols, Legislator, District 11, by the Chairman of the Steuben County Legislature as Legislator representatives on the Board of Directors of the Cooperative Extension Association of Steuben County, for terms of two (2) years each beginning January 1, 2006, and ending December 31, 2007, be, and the same hereby are approved; and be it further

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 027-06

Introduced by P. Roche.

Seconded by T. McIntyre.

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

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

WHEREAS, the term of office of the Legislator member of the District Forest Practice Board, Region 8, has expired.

NOW THEREFORE, BE IT

RESOLVED, the Chairman of this Legislature hereby appoints L. Ronald Nielsen, Legislator, District 3, as Legislator member of the District Forest Practice Board, Region 8, for a term of two (2) years commencing January 1, 2006 through December 31, 2007, and not beyond his term of office as County Legislator; and be it further

RESOLVED, said member shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of his duties on the District Forest Practice Board; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 028-06

Introduced by P. Roche.

Seconded by T. McIntyre.

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, 2005.

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	01/01/06 – 12/31/08
Brian McCarthy, Painted Post	01/01/06 – 12/31/08
Vince Kelly, Hornell City Fire Chief	01/01/04 – 12/31/06

Volunteer Ambulance Representatives

Rick Andrews (Woodhull)	01/01/04 – 12/31/06
~Filling unexpired term of William Powley (Canisteo)	
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 01/01/06 – 12/31/08
Philip J. Roche, Esq., Legislative Chair 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, certified copies of this resolution shall be forwarded to the above-named appointees and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 029-06

Introduced by D. Creath.

Seconded by T. McIntyre.

APPOINTING MEMBERS TO THE STEUBEN COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL.

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

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

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

NOW THEREFORE, BE IT

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

MEMBERS

1. Lee Hersh, 5362 Duvall Rd, PO Box 449, Painted Post, NY 14870
2. Iva Putman, 4641 Stony Ridge Road, Campbell, NY 14821
3. Steve Stewart, 6155 Stewart Road, Bath NY 14810
4. Janet Thigpen, 4557 Dyke Road, Corning, NY 14830
5. Rachel Treichler, 7988 Van Amburg Rd., Hammondsport NY 14840

6. Bonnie Vance, 71 East Third Street, Corning, NY 14830
7. Miles Vance, 71 East Third Street, Corning, NY 14830

MEMBERS EX-OFFICIO

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

DESIGNATED OFFICERS

Chairperson - Janet Thigpen
Vice-chairperson – Lee Hersh

BE IT FURTHER RESOLVED, that all said appointees shall serve at the pleasure of the Steuben County Legislature for a term of two (2) years, January 1, 2006 through December 31, 2007; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above appointees; to Joe Hamm, NYS Department of Environmental Conservation, 6274 East Avon-Lima Road, Avon, NY, 14414; and the Steuben County Treasurer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 030-06

Introduced by P. Roche.

Seconded by T. McIntyre.

FILLING A VACANCY ON THE BOARD OF DIRECTORS OF THE FINGER LAKES TOURISM ALLIANCE, INC.

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, Inc., 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 current appointee is no longer eligible to serve in this capacity.

NOW THEREFORE, BE IT

RESOLVED, upon the recommendation of the Chairman of the Steuben County Legislature, Randy Lehman, Owner, Hickory Hill Family Camping Resort, 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, Inc., filling the unexpired three (3) year term of Allen A. Fusco, through December 31, 2007; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointee at 7531 County Route 13, Bath, NY 14810; Peggy Coleman, Executive Director, Steuben County Conference & Visitors' Bureau, Inc., 1 West Market Street, Baron Steuben Building, Suite 301, Corning, NY 14830; and Alexa Gifford, Executive Director, Finger Lakes Tourism Alliance, Inc., 309 Lake Street, Penn Yan, NY 14527-1831.

Vote: Acclamation – Adopted.

RESOLUTION NO. 031-06

Introduced by P. Roche.

Seconded by T. McIntyre.

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

BE IT RESOLVED, John L. Zehr be, and he hereby is, appointed by this Steuben County Legislature as the Steuben County Consumer Representative on the Finger Lakes Health Systems Agency Board of Directors and the Southern Tier Subarea Council for a term of two (2) years commencing January 1, 2006 and ending December 31, 2007; and be it further

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 032-06

Introduced by P. Roche.

Seconded by T. McIntyre.

APPOINTING REPRESENTATIVES TO THE FISH AND WILDLIFE MANAGEMENT ACT BOARD.

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

BE IT RESOLVED, upon the recommendation of the Chairman of the Steuben County Legislature, the following individuals are appointed to serve as members of the Fish and Wildlife Management Act Board for a term of two (2) years commencing on January 1, 2006, and ending December 31, 2007:

Steuben County Sportsman Representative: David Lannoye
49 Grant Street
Avoca, NY 14809

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

BE IT FURTHER RESOLVED, upon the recommendation of the Chairman of the Steuben County Legislature, the following individuals are appointed to serve as alternate members of the Fish and Wildlife Management Act Board for a term of two (2) years commencing January 1, 2006, and ending December 31, 2007, and that the alternate members are directed and authorized to attend any and all meetings of the Fish and Wildlife Management Act Board when authorized by the representative member who is unable to attend the meetings and that said alternate members shall have the same rights and obligations of the regularly-appointed representatives to said Board:

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

Alternate Legislative Representative: Terry Harrington
7857 County Route 77
Prattsburgh, NY 14873

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 033-06

Introduced by P. Roche.

Seconded by T. McIntyre.

APPOINTING MEMBERS TO THE HEALTH SERVICES ADVISORY BOARD OF THE STEUBEN COUNTY DEPARTMENT OF PUBLIC HEALTH AND NURSING SERVICES.

Pursuant to Section 357 of the Public Health Law of the State of New York.

WHEREAS, the Steuben County Health Services Advisory Board acts in an advisory capacity to the Steuben County Legislature which in turn acts as the County Board of Health; and

WHEREAS, a vacancy exists on the Steuben County Health Services Advisory Board; and

WHEREAS, the Health Services Advisory Board has recommended the following appointments:

HEALTH SERVICES ADVISORY BOARD

Steuben County Consumer	E. Beth Clark 221 East Steuben Street Bath, NY 14810	01/01/04-12/31/07 (Four year term)
Steuben County Legislator	The Honorable Francis L. Gehl 355 West First Street Corning, NY 14830	01/01/03-12/31/06 (Four year term)
Steuben County Provider	Marty Blumenstock, Executive Director Family Planning Center 160 Main Street Penn Yan, NY 14527	01/01/06-12/31/09 (Four year term)

NOW THEREFORE, BE IT

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

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 034-06

Introduced by P. Roche.

Seconded by T. McIntyre.

APPOINTING REPRESENTATIVES TO THE INTERCOUNTY ASSOCIATION OF WESTERN NEW YORK.

BE IT RESOLVED, from January 1, 2006 through December 31, 2007, this Steuben County Legislature does hereby designate the following as representatives of this Legislature to the InterCounty Association of Western New York:

1. **DEWITT T. BAKER, D.V.M.**, voting representative
2. **L. RONALD NIELSEN**, voting representative
3. **FRANCIS L. GEHL**, voting representative
4. **CHRISTINE KANE**, alternate voting representative
5. **MARK R. ALGER**, alternate voting representative

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 035-06

Introduced by R. Nichols.

Seconded by T. McIntyre.

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

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

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

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

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

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

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

NOW THEREFORE, BE IT

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

LOCAL EARLY INTERVENTION COORDINATING COUNCIL

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

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

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

Robert Anderson, Ph.D.
Steuben County
Office 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 Sq
Bath, NY 14810

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

Andrea Thompson
23 W. Academy Street
Canisteo, NY 14823

Vicki Fuerst, Director
Steuben County
Public Health & Nursing Services
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

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

Tammy Norton
7180 Old Whitney Road
Almond, NY 14804

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

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

Meg Morrison, OT
9937 Silsbee Road
Hammondsport, NY 14840

Amy Thomas
13 Skyline Drive
Corning, NY 14830-3237

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

Teardra Tohafjian
55 Lanphear Court
Corning, NY 14830

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

Stephanie Manning
448 West High Street
Painted Post, NY 14870

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, certified copies 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; County Treasurer; County Auditor; and to the Early Intervention Official/Administrative Officer of Special Children's Services.

Vote: Acclamation – Adopted.

RESOLUTION NO. 036-06

Introduced by P. Roche.

Seconded by T. McIntyre.

APPOINTING REPRESENTATIVES TO THE RESOURCE CONSERVATION AND DEVELOPMENT BOARD.

RESOLVED, that Lola J. Tears, be and hereby is appointed as one of Steuben County's Representatives on the Resource, Conservation and Development Project Board for a term of two (2) years, commencing January 1, 2006, and ending December 31, 2007; and be it further

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

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

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointees, the Clerks of the County Legislatures of the Counties of Chemung and Schuyler, the Steuben County Soil and Water Conservation District Office, 415 W. Morris Street, Bath, New York, and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 037-06

Introduced by P. Roche.

Seconded by T. McIntyre.

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

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

RESOLVED, the recommended appointments made by the Chairman of the Steuben County Legislature for membership on the Southern Tier Central Regional Planning and Development Board and set forth below are hereby approved, ratified and confirmed for two (2) year terms commencing January 1, 2006, ending December 31, 2007.

LEGISLATOR MEMBERS

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

REPRESENTATIVE OF STEUBEN COUNTY PLANNING BOARD

1. Gregory Heffner, Director, Steuben County Planning Department

MUNICIPAL OFFICIALS

1. Jim Goodling, Economic Development Director, City of Corning
2. Honorable Shawn Hogan, Mayor, City of Hornell

REGIONAL COMMERCE - BUSINESS REPRESENTATIVE

1. James W. Griffin, 40 Main St., Hornell, NY

REGIONAL AGRICULTURAL REPRESENTATIVE

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

AT-LARGE REPRESENTATIVE

1. Mark R. Alger, Steuben County Administrator

EX-OFFICIO MEMBERS

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

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 038-06

Introduced by P. Roche.

Seconded by T. McIntyre.

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

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

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

NOW THEREFORE, BE IT

RESOLVED, upon the recommendation of the Chairman of the Steuben County Legislature, Michael Sprague, Director, Office of Emergency Services, and Timothy Wixom, Coordinator, 911 Enhanced Department, be and the same hereby are, duly designated and appointed as Steuben County's representatives on the Southern Tier Regional Emergency Medical Services Council to serve at the pleasure of this Legislature commencing January 1, 2006 through December 31, 2007; and be it further

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 039-06

Introduced by P. Roche.

Seconded by T. McIntyre.

APPOINTING MEMBERS TO THE SOUTHERN TIER EXTENSION RAILROAD AUTHORITY.

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

WHEREAS, Article 5 of Title II-E of the Public Authorities Law creates the Southern Tier Extension Railroad Authority Act to continue and strengthen the system of railroads serving Allegany, Cattaraugus, Chautauqua and Steuben Counties through the creation of a regional, public benefit corporation; and

WHEREAS, Section 1349-C of the Act requires the establishment of the Southern Tier Extension Railroad Authority; and

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

WHEREAS, the term of office for one of the appointees has expired.

NOW THEREFORE, BE IT

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

Lldon E. Jamison
Steuben County Legislator
5360 Route 36, Box 121
Canisteo, NY 14823
Term: September 1, 2004 through August 31, 2007

James W. Griffin, Executive Director
Hornell Industrial Development Agency
40 Main Street
Hornell, NY 14843
Term: September 1, 2005 through August 31, 2008

Donald E. Davidsen, D.V.M.
68 Greenwood Street
Canisteo, NY 14823
Term: September 1, 2003 through August 31, 2006

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 040-06

Introduced by P. Roche.

Seconded by T. McIntyre.

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

Mary Shupp, Pinnacle State Park	01/01/05 – 12/31/07
Beth Duane, Marketing Manager, Corning Glass Museum	01/01/06 – 12/31/08
Cindy Weakland, Director of Public Programs & Groups Sales, Rockwell Museum	01/01/04 – 12/31/06
Joe Serphillips, Dr. Konstantine Frank Vinifera Wine Cellars	01/01/06 – 12/31/08

TERMS

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	01/01/06 – 12/31/08

Restaurants

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

Terry Kelley, Steuben Trust	01/01/06 – 12/31/08
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Travel Agency

Terry Lewis, Vice President, Covered Wagon & Finger Lakes Tours	01/01/06 – 12/31/08
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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	01/01/06 – 12/31/08
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County Legislators

DeWitt T. Baker, D.V.M.	01/01/06 – 12/31/08
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, certified copies of this resolution shall be forwarded to the above-named appointees and Peggy Coleman, Executive Director, Steuben County Conference and Visitors' Bureau, Inc., 1 West Market Street, Baron Steuben Building, Suite 301, Corning, New York, 14830.

Vote: Acclamation – Adopted.

RESOLUTION NO. 041-06

Introduced by P. Roche.

Seconded by T. McIntyre.

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, 2005.

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, 2006 through December 31, 2008

Michael J. Doyle, 54 Lake Street, Hammondsport, NY, 14840.

Douglas Malone, CFO, Five Star Bank, 44 Liberty Street, Bath, NY 14810.

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.

January 1, 2006 through December 31, 2007

Philip J. Roche, Esq., County Legislator, 145 West High Street, Painted Post, NY 14870.

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, certified copies 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. 042-06

Introduced by P. Roche.

Seconded by T. McIntyre.

APPOINTING MEMBERS TO THE REGIONAL HUMAN SERVICES COMMITTEE.

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

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

NOW THEREFORE, BE IT

RESOLVED, that the following list of staff of county agencies and County Legislators are hereby authorized in their fair and reasonable discretion and in relevant matters connected with human rights services to represent their agencies and the County on the Regional Human Services Committee:

SOCIAL SERVICES

Kathryn Biehl
Department of Social Services
Alternate: Teresa Stever-Gray

MENTAL HEALTH

Robert Anderson, Ph.D., Director
Office of Community Services

HOUSING PROGRAM

Betsy Gorman
Tri-County Housing Council

HEALTH

Victoria Fuerst, Director
Public Health & Nursing Services
Alternate: Kathy Gallant

AGING PROGRAM

Linda Tetor, Director
Office for the Aging

Nan Hammes
RSVP

HANDICAPPED

Helen Brutsman, Administrative Officer
Special Children's Services

EDUCATION

Chris Brown, Superintendent
Hammondsport Central School District

COUNTY PLANNING

Gregory P. Heffner
Director of Planning

POVERTY PROGRAM

David Hill
ProAction of Steuben and Yates
Alternate: Dawn Brucie

YOUTH

Gary Pruyne, Director
Youth Bureau

Joseph Weider
Kinship

STEBEN COUNTY LEGISLATOR

Francis L. Gehl

COOPERATIVE EXTENSION

Nancy Torp
Cornell Cooperative Extension, Steuben County

BE IT FURTHER RESOLVED, that said appointees shall serve at the Pleasure of the Legislature, for a two-year term commencing January 1, 2006, and not beyond December 31, 2007; 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 Regional Human Services Committee; and be it further

RESOLVED, certified copies of this resolution be forwarded to the above-named appointees, the County Auditor and to the Southern Tier Central Regional Planning and Development Board, 8 Denison Parkway East, Suite 310, Corning, NY 14830.

Vote: Acclamation – Adopted.

RESOLUTION NO. 043-06

Introduced by P. Roche.

Seconded by T. McIntyre.

APPOINTING MEMBERS TO THE STEUBEN COUNTY TRAFFIC SAFETY BOARD.

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

NOW THEREFORE, BE IT

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

JANUARY 1, 2004 TO DECEMBER 31, 2006

Paul Crowe	Hornell City Police Chief or designee
Rene Bouchard	District Superintendent, S/A BOCES, 6985 Technology Way, PO Box 586, Hornell, NY
Edward Castellana	Steuben County Risk Manager or designee
David Rouse	Bath Village Police Chief or designee
Michael Sprague	Director of Emergency Management or designee
John Tunney	Steuben County District Attorney or designee
Dan Farrand	6360 CR21, Addison, NY 14801
Joel Ordway	Chief Deputy, Steuben County Sheriff's Department
Designee	Steuben County Magistrate's Association

JANUARY 1, 2006 TO DECEMBER 31, 2008

Lawrence Crossett	Steuben County Treasurer or designee
Vincent Spagnoletti	Commissioner of Public Works or designee
Richard C. Tweddell	Steuben County Sheriff or designee
Gregory P. Heffner	Planning Director or designee
Sal Trentanelli	Corning City Police Chief
Lorellie Clark	Public Health and Nursing Services

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

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 044-06

Introduced by P. Roche.

Seconded by T. McIntyre.

APPOINTING THE LEGISLATIVE REPRESENTATIVE TO THE STEUBEN COUNTY JURY BOARD.

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

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

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

NOW THEREFORE, BE IT

RESOLVED, Lldon E. Jamison, Steuben County Legislator representing District 9, is hereby appointed as the Steuben County Legislative representative to the Steuben County Jury Board to serve for a two-year term commencing January 1, 2006 and ending December 31, 2007; and be it further

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 045-06

Introduced by P. Roche.

Seconded by T. McIntyre.

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 George Winner or designee
New York State Senator
105 E. Steuben Street
Bath, New York 14810

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

Honorable James Bacalles or designee
New York State Assemblyman
105 E. Steuben Street
Bath, New York 14810

EMERGENCY SERVICES REPRESENTATIVES

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

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

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

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

David Hopkins, Deputy Director, Alternate
9-1-1 Enhanced Department
3 East Pulteney Square
Bath, NY 14810

LAW ENFORCEMENT REPRESENTATIVES

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

David Cole, Alternate
Steuben County Undersheriff
P. O. 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

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

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

HOSPITAL REPRESENTATIVES

Allen Wells
Corning Hospital
176 Denison Parkway, E.
Corning, New York 14830

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

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

James Orme
Veterans Administration
Medical Center
Bath, New York 14810

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

INDUSTRIAL REPRESENTATIVES

Joe Kane, LEPC Vice-Chairman
Corning Incorporated
HP-ME-02-50
Corning, New York 14831

John Gray, Alternate
Corning Incorporated
HP-ME-02-50
Corning, New York 14831

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

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

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

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

Henry Mapes
Pollio Dairy
Main Street
Campbell, New York 14821

ENVIRONMENTAL REPRESENTATIVES

Chad Kehoe
NYS Department of Environmental Conservation
276 Sing Sing Road
Horseheads, New York 14845

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

NEW YORK STATE POLICE LIAISON

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

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

NEWS MEDIA REPRESENTATIVE

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

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

BE IT FURTHER RESOLVED, the above-named appointees shall serve at the pleasure of the Steuben County Legislature and shall receive no compensation other than necessary expenses incurred, including mileage and meals (with receipts); and be it further

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

Vote: Acclamation – Adopted.

Motion To Adjourn Regular Session And Reconvene In Executive Session Pursuant To Public Officers' Law, Article 7§ 105.1.D. Discussions Regarding Proposed, Pending Or Current Litigation Made By Dr. Baker, Seconded by Mr. Nielsen and Duly Carried.

RESOLUTION NO. 046-06

Introduced by P. Roche.

Seconded by R. Argentieri.

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

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

WHEREAS, there has been filed the following claim:

In the matter of the claim of Donald McCaig, 5664 Merring Road, Addison, NY 14801, our File No. 14-2005 for loss of a leg; and

WHEREAS, the parties are desirous of entering into a stipulation settling the aforesaid claim.

NOW THEREFORE, BE IT

RESOLVED, the County does hereby ratify the settlement of the above-entitled claim in the amounts:

- The County of Steuben will pay the sum of \$350,000 on or before April 1, 2006.
 - The County of Steuben will pay the sum of \$250,000 on or before April 1, 2007.
 - The County of Steuben will pay the sum of \$125,000 on or before April 1, 2008.
- \$725,000

AND BE IT FURTHER RESOLVED, this settlement is subject to approval of a court of competent jurisdiction and this resolution is conditional upon same and shall be reported out within 5 days of said approval; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Pamela D. Gee, Esq., Davidson & O'Mara PC, 243 Lake Street, Elmira, NY 14901; Ed Castellana, Risk Manager; and Bradley Kammholz, Esq., The Kammholz Law Firm, 16 W. Main Street, Suite 200, Rochester, NY 14614.

Vote: Roll Call - Adopted.

Motion to Adjourn Executive Session and Reconvene in Regular Session Made by Mr. McAllister, Seconded by Mr. Creath and Duly Carried.

Motion to adjourn made by Mr. Nielsen, seconded by Mr. Walsh and Duly Carried.

REGULAR MEETING
Morning Session
Bath, New York
Monday, February 27, 2006

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 27th day of February, 2006 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 Creath and Gehl.

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

Mrs. Kane asked Karen Monroe and Carol Gamet to come forward. Ms. Monroe nominated Ms. Gamet for Employee of the Month for the Month of March. Ms. Monroe made the following presentation: Since my arrival here in Community Services in January 2005, I have received excellent support and cooperation from all involved in the administration of the department. I caught on early that one employee in particular was critical to the success of the department due to her knowledge and willingness to contribute wherever and whenever needed. That employee is Carol Gamet. Carol has been with the county since November 29, 2003, and has worked in Community Services except for one month spent in Public Works. She has become invaluable due to the experience and expertise she has attained in many areas. She is the “go to” person when anyone needs anything. If the support staff at the clinics need someone to fill in, call Carol. She can pitch in wherever help is needed. She happily fills in for a receptionist or financial representative whenever needed. When we have a problem with the billing computer system, call Carol. She was involved in the implementation of the system and knows more about the software than anyone else in the county. Her tenacity and problem solving skills enable her to solve most of our software issues. She is, and will continue to be, an invaluable resource during conversion to our new billing software, Anasazi. The experience she gained during the first software implementation will help us improve the results we attain from this one. Even though she vowed “never to go through that again”, she has eagerly pitched in to ensure our success with the new system. She has the ability to think outside the box. She can analyze any given situation and propose multiple possible solutions. She is a team player and we are blessed to have her on our team. **CONGRATULATIONS CAROL!**

Mrs. Kane asked Joanne Davis to come forward. Ms. Davis is an employee in the County Treasurer’s Office. Chairman Roche presented her with a Certificate of Appreciation and a 25-year pin in recognition of her twenty-five years of service to the County.

Mrs. Kane asked Judy Gressel to come forward. Ms. Gressel is an employee in the County Treasurer’s Office. Chairman Roche presented her with a Certificate of Appreciation and a 25-year pin in recognition of her twenty-five years of service to the County.

Mrs. Kane asked Karen Miller to come forward. Ms. Miller is an employee in the County Treasurer’s Office. Chairman Roche presented her with a Certificate of Appreciation and a 25-year pin in recognition of her twenty-five years of service to the County.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing upon Local Law Tentatively No. One for the Year 2006, Repealing Local Law No. Four for the Year 2002, “Authorizing the Steuben County Real Property Tax Collecting Officer to itemize the Medicaid portion of the County tax bill as a separate line item of the total amount of tax levied on each parcel on the County/Town tax bill”. Chairman Roche asked if there were any comments regarding this Local Law. There being none, the Public Hearing portion of the meeting was closed.

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. Stachnik, seconded by Mr. Swackhamer and duly carried.

Mr. Stachnik reported that he had received a letter from one of his constituents, Carol Kelly of Prattsburgh, praising the Legislature for allocating \$25,000 to the Finger Lakes SPCA. He noted based upon the glowing four-page letter and the various positive comments made to me the past few months, I believe we did the right thing in restoring those funds.

Mr. Nichols stated Deputy Sheriff Peter Knapp recently passed away following a courageous fight with cancer. Deputy Knapp would go out of his way to straighten out youth and get them back on the right track. He was a man who led people in the right direction and helped them out. I've heard that in his last days, several of those youth came to see him and thank him. Please remember Peter and his family. Calling hours are today in Addison.

Mr. Swackhamer thanked the staff and Legislators for filling in for him the past few months. I just had my arm rebuilt and hopefully that will be the last operation. Thank you for your patience.

RESOLUTION NO. 047-06

Introduced by G. Swackhamer.

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 Frederick J Tomb, Jr & Mary A Piazza
Parcel # 129.17-01-030.000
Municipality Bath Town
Disposition Correction

Resolution # A-2
Name David & Patricia Cardona
Parcel # 187.00-01-013.112
Municipality Bath Town
Disposition Correction (parcel split)

Resolution # A-3
Name Al Wordingham
Parcel # 033.00-01-004.200
Municipality Prattsburgh Town
Disposition Correction (parcel split)

Resolution # A-4
Name John Ellison
Parcel # 125.00-01-006.000
Municipality Howard Town
Disposition Correction (parcel split)

Resolution # A-5
Name Samuel H Shirey
Parcel # 349.07-01-067.000
Municipality Addison Village
Disposition Correction

Resolution # A-6
Name Robert & Michelle Strasburg
Parcel # 177.00-03-005.000
Municipality Bath Town
Disposition Correction (parcel split)

Resolution # A-7
Name Multiple Parcels within Addison School District
Parcel # Multiple
Municipality Addison Town & Village, Cameron Town, Erwin Town,
Rathbone Town, Thurston Town, Troupsburg Town,
Tuscarora Town & Woodhull Town
Disposition Correction

Resolution # A-8
Name Corning Natural Gas Corp
Parcel # 332.14-01-004.300
Municipality Addison Town
Disposition Correction

Resolution # A-9
Name Constance J Noone
Parcel # 304.19-01-007.000
Municipality Greenwood Town
Disposition Correction

Resolution # A-10
Name James V & Wendy Rexford
Parcel # 304.15-01-007.000
Municipality Greenwood Town
Disposition Correction

Resolution # A-11
Name Ronald & Dan Faulkner & Mary Ellen Dolan
Parcel # 122.00-03-040-110
Municipality Fremont Town
Disposition Correction (parcel split)

Resolution # A-12
Name Susan Black
Parcel # 078.00-01-034.220
Municipality Wayne Town
Disposition Refund

Resolution # A-13
Name William & Marlene Glover
Parcel # 152.00-01-037.000
Municipality Hornellsville Town
Disposition Refund & Correction

Resolution # A-14
Name Anthony J Fazzary
Parcel # 277.00-01-018.113
Municipality Thurston Town
Disposition Correction

Resolution # A-15
Name Harold & Beth Ann Clark
Parcel # 385.00-01-076.120
Municipality Tuscarora Town
Disposition Correction

Resolution # A-16
Name Frank Hilts
Parcel # 024.00-01-034.120
Municipality Pulteney Town
Disposition Correction

Resolution # A-17
Name Casondra L Pellett
Parcel # 189.00-01-034.000
Municipality Bath Town
Disposition Correction

Resolution # A-18
Name Arlee & Joyce VanSkiver
Parcel # 197.18-01-014.000
Municipality Canisteo Village
Disposition Correction

Resolution # A-19
Name Ralph S Yeoman
Parcel # 252.00-01-036.000
Municipality Canisteo Town
Disposition Correction (parcel split)

Resolution # A-20
Name Gary K & Carol T Rutkowski
Parcel # 158.12-03-017.000
Municipality Bath Village
Disposition Correction

Resolution # A-21
Name Sharon Biesecker & Judith Touseull
Parcel # 072.00-01-009.100
Municipality Wheeler Town
Disposition Correction (parcel split)

Resolution # A-22
Name Ricky & Darlene Salvagin
Parcel # 240.00-01-003.100
Municipality Thurston Town
Disposition Correction (parcel split)

Resolution # A-23
Name Douglas & Diane Baker c/o Richard Stratton
Parcel # 292.00-01-011.100
Municipality Cameron Town
Disposition Correction

Resolution # A-24
Name Richard & Betty Davis
Parcel # 241.03-01-018.000/2
Municipality Thurston Town
Disposition Correction

Resolution # A-25
Name Connie Dutcher
Parcel # 304.00-01-028.000
Municipality Greenwood Town
Disposition Correction (parcel split)

Resolution # A-26
Name Craig Vitale
Parcel # 362.00-01-015.000
Municipality Troupsburg Town
Disposition Correction (parcel split)

Resolution # A-27
Name Josephine Updyke
Parcel # 151.55-01-066.000
Municipality Hornell City
Disposition Correction

Resolution # A-28
Name Josephine Updyke
Parcel # 151.55-01-065.000
Municipality Hornell City
Disposition Correction

Resolution # A-29
Name Richard & Lorraine Warriner
Parcel # 304.15-01-019.100
Municipality Greenwood Town
Disposition Refund & Correction

Resolution # A-30
Name David Gebhart
Parcel # 376.00-01-005.000
Municipality West Union Town
Disposition Correction

Resolution # A-31
Name Ronald Bridge c/o Ira Ames
Parcel # 122.17-01-036.000
Municipality Hornellsville Town
Disposition Correction

Resolution # A-32
Name Bettye Hooker
Parcel # 122.00-01-040.000
Municipality Hornellsville Town
Disposition Correction

Resolution # A-33
Name Paul Brown
Parcel # 252.00-01-038.212
Municipality Canisteo Town
Disposition Correction

Resolution # A-34
Name Paul Brown
Parcel # 252.00-01-038.224
Municipality Canisteo Town
Disposition Correction

Resolution # A-35
Name Paul Brown
Parcel # 252.00-01-038.600
Municipality Canisteo Town
Disposition Correction

Resolution # A-36
Name Donna Mulhair
Parcel # 197.16-01-022.000
Municipality Canisteo Town
Disposition Correction

Resolution # A-37
Name Kelly Wheeler
Parcel # 236.00-01-030.112
Municipality Canisteo Town
Disposition Correction

SCHEDULE "B"

Resolution # B-1 _____
Name Bath Volunteer Fire Department, Inc _____
Parcel # 159.13-05-003.000 _____
Municipality Bath Village _____
Disposition CANCELLATION OF ALL TAXES PURSUANT
 TO REAL PROPERTY TAX LAW §558 SUBJECT
 TO CANCELLATION OF ALL OTHER EXISTING
 MUNICIPAL TAXES.

Resolution # B-2 _____
Name Bath Volunteer Fire Department, Inc _____
Parcel # 159.13-05-004.000 _____
Municipality Bath Village _____
Disposition CANCELLATION OF ALL TAXES PURSUANT
 TO REAL PROPERTY TAX LAW §558 SUBJECT
 TO CANCELLATION OF ALL OTHER EXISTING
 MUNICIPAL TAXES.

Resolution # B-3 _____
Name Bath Volunteer Fire Department, Inc _____
Parcel # 159.13-05-005.000 _____
Municipality Bath Village _____
Disposition CANCELLATION OF ALL TAXES PURSUANT
 TO REAL PROPERTY TAX LAW §558 SUBJECT
 TO CANCELLATION OF ALL OTHER EXISTING
 MUNICIPAL TAXES.

Resolution # B-4 _____
Name Bath Volunteer Fire Department, Inc _____
Parcel # 159.13-05-006.000 _____
Municipality Bath Village _____
Disposition CANCELLATION OF ALL TAXES PURSUANT
 TO REAL PROPERTY TAX LAW §558 SUBJECT
 TO CANCELLATION OF ALL OTHER EXISTING
 MUNICIPAL TAXES.

Vote: Roll Call – Adopted.

RESOLUTION NO. 048-06

Introduced by P. Roche.

Seconded by D. Baker.

RECEIVING AND ACCEPTING THE FEBRUARY 27, 2006, COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

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

January 17, 2006

1. U.S. Federal Energy Regulatory Commission – Re: Notice of Intent to Prepare an Environmental Assessment for the Proposed Amended Wyckoff Gas Storage Project and Request for Comments on Environmental Issues.
Referred to: A.I.P. Committee and Greg Heffner, Planning Director.

2. NYS Department of Environmental Conservation - Re: Announcement of the availability of funds for projects to eradicate aquatic invasive species from the waters and wetlands of New York State. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

January 23, 2006

1. Rita McCarthy, Erwin Town Manager - Re: Letter requesting a reduced fee of \$26 per ton for the Town to dispose of their dewatered sludge from their Waste Water Treatment Plant at the Bath Landfill (same fee as the City of Hornell). ***Referred to: Public Works Committee and Vincent Spagnoletti, Commissioner of Public Works.***
2. U.S. Federal Energy Regulatory Commission - Re: Notice of Intent to Prepare a Supplemental Environmental Impact State for the Proposed Millennium Phase I Project, Columbia Line A-5 Replacement Project, Empire Connector Project, Algonquin Ramapo Expansion Project, and Iroquois Market Access Project and Request for Comments on Environmental Issues. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

January 25, 2006

1. Steuben County Industrial Development Agency - Re: SEQR Lead Agency Designation Request - Proposed Renewable Biomass Power Plant Project - Town of Avoca, Steuben County, NY - Bell Independent Power Corp. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

January 26, 2006

1. Joel Giambra, Erie County Executive - Re: Seeking support for Governor Pataki's proposal to place an additional one-dollar tax on a pack of cigarettes. ***Referred to: Health & Education Committee and Vicki Fuerst, PH&NS Director.***

February 1, 2006

1. NYS Office of the State Comptroller - Re: Indigent Legal Services Fund Report for 2005 due to State Comptroller by March 1, 2006. Failure to submit report by deadline will result in the Public Defender's Office not receiving a distribution from the ILSF. ***Referred to: Public Safety & Corrections Committee; Byrum Cooper, Public Defender; and Larry Crossett, County Treasurer.***
2. NYS Office of Children & Family Services, Bureau of Compliance - Re: Monitoring Report on the Steuben County Youth Bureau, including observations and recommendations as they relate to agency operations. Report indicated a very favorable review. ***Referred to: Human Services Committee and Gary Pruyn, Youth Bureau Director.***

February 2, 2006

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$5,324 representing the December 2005 retained surcharge revenue for Steuben County from the WROTBC. ***Referred to: Finance and Rules Committees and Larry Crossett, County Treasurer.***

February 3, 2006

1. **LeBoeuf, Lamb, Greene & MacRae, LLP - Re: On behalf of Columbia Natural Resources, LLC and Chesapeake Appalachia, LLC, Verified Petitions of Columbia Natural Resources, LLC and Chesapeake Appalachia, LLC, for Approval of Transfer of Certificates of Environmental Compatibility and Public Need.** ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

February 6, 2006

1. Lawrence & Carol Bailey, Prattsburgh, NY - Re: Letter complimenting the County's Veterans' Service Director, Daniel McRae, for his thorough and outstanding job in assisting them with their compensation claim and information on medical help. ***Referred to: Human Services Committee and Daniel McRae, Veterans' Service Director.***
2. EMSTAR (Emergency Medical Services Training, Administration & Resources - Re: Fourth Quarter Report - October - December 2005 and payment request of \$1,406.25. ***Referred to: Health & Education Committee; Vicki Fuerst, PH&NS Director; Public Safety & Corrections Committee; and Mike Sprague, EMO Director.***

February 10, 2006

1. NYS Public Service Commission - Re: Notice of Intent filed by Fortuna Energy, Inc, for a Certificate of Environmental Compatibility and Public Need to Construct a Natural Gas Transmission Line in the Town of Corning, Steuben County - Petition to Amend Certificate Granted 12/5/03 - Order Granting Amendment of Certificate of Environmental Compatibility and Public Need. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

February 16, 2006

1. State of New York Coordinated Children's Services Initiative - Re: Announcement of statewide wraparound training and evaluation initiative. Will provide free, intensive, multi-year wraparound training, follow-up technical assistance, train-the-trainer sessions, and evaluation, to five selected counties. *Referred to: Human Services Committee; Kathryn Biehl, DSS Commissioner; Gary Pruyn, Youth Bureau Director; Health & Education Committee; Dr. Robert Anderson, Director of Community Services; Public Safety & Corrections Committee; and Frank Justice, Probation Director.*
2. EMSTAR (Emergency Medical Services Training, Administration & Resources - Re: STREMS, Inc., d.b.a. EMSTAR, Financial Audit Report for FY ending 9/30/05. *Referred to: Health & Education Committee; Vicki Fuerst, PH&NS Director; Public Safety & Corrections Committee; Mike Sprague, EMO Director; Stan Wraight, County Auditor and Larry Crossett County Treasurer. (Filed w/Clerk of Legislature).*

Vote: Acclamation – Adopted.

RESOLUTION NO. 049-06

Introduced by P. Donnelly.

Seconded by R. Argentieri.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2006, REPEALING LOCAL LAW NO. 4 FOR THE YEAR 2002, "AUTHORIZING THE STEUBEN COUNTY REAL PROPERTY TAX COLLECTING OFFICER TO ITEMIZE THE MEDICAID PORTION OF THE COUNTY TAX BILL AS A SEPARATE LINE ITEM".

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on January 23, 2006, County of Steuben Local Law Tentatively No. One for the Year 2006, Repealing Local Law No. Four for the Year 2002, "Authorizing the Steuben County Real Property Tax Collecting Officer to itemize the Medicaid portion of the County tax bill as a separate line item", and this Legislature by resolution, preliminarily adopted said Local Law on January 23, 2006, making the final adoption of said Local Law subject to a Public Hearing to be held on February 27, 2006; 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 February 27, 2006, 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 2006, 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 2006**

A LOCAL LAW repealing Local Law No. Four for the Year 2002, "Authorizing the Steuben County Real Property Tax Collecting Officer to itemize the Medicaid portion of the County tax bill as a separate line item of the total amount of tax levied on each parcel on the County/Town tax bill."

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 repeal Local Law No. Four for the Year 2002, "Authorizing the Steuben County Real Property Tax Collecting Officer to itemize the Medicaid portion of the County tax bill as a separate line item of the total amount of tax levied on each parcel on the County/Town tax bill."

SECTION 2: LOCAL LAW

Local Law No. Four for the Year 2002, be and the same hereby is repealed.

SECTION 3: EFFECTIVE DATE

This Local Law will take effect immediately upon passage.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on February 27, 2006 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 2006, 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 County Treasurer and Real Property Tax Service Agency Director.

Vote: Roll Call – Adopted.

RESOLUTION NO. 050-06

Introduced by P. Roche.

Seconded by P. Donnelly.

RATIFYING THE ACTS TAKEN FROM JANUARY 3, 2006 THROUGH JANUARY 23, 2006, INCLUSIVE, BY THE STANDING COMMITTEES THAT HELD MEETINGS.

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

WHEREAS, prior to the assignments of members of the Legislature to the various Standing Committees of the County of Steuben by the Chairman of the Legislature it was necessary and desirable for several standing committees, as previously composed, to conduct certain business as reflected by the minutes of their meetings held on the 3rd day of January 2006, through and including January 23, 2006.

NOW THEREFORE, BE IT

RESOLVED, the acts of the standing committees as composed and sitting on January 3, 2006 through January 23, 2006, inclusive, and as reflected by the aforesaid minutes be, and the same hereby are, ratified.

Mr. McIntyre asked why is this necessary? Mr. Ahrens stated assignments weren't made until the end of January so committees that weren't formed took actions. This ratifies the committees' actions.

Vote: Roll Call – Adopted.

RESOLUTION NO. 051-06

Introduced by R. Nichols.

Seconded by K. Isaman.

MODIFYING THE BATH LANDFILL TIPPING FEES FOR TIRES.

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

WHEREAS, the increased cost of fuel has raised the price that tire recyclers charge the County to recycle disposed tires; and

WHEREAS, the County's policy has been to keep the price charged to the public approximately equal to the County's processing cost; and

WHEREAS, Steuben County desires to keep its landfill fees competitive with private and public solid waste facilities in the Central New York area.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby authorize the Commissioner of Public Works to implement the following tipping fee for tires: 1) car, light trucks and tractor trailers - \$2.50 each; 2) truck/tractor tires - \$13.00; and 3) Truck load quantities \$200.00 per ton; and be it further

RESOLVED, the rates shall become effective March 6, 2006 upon the adoption of this resolution and remain in effect until further notice; and be it further

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

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 052-06

Introduced by R. Nichols.

Seconded by D. Baker.

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELL" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR.

WHEREAS, a Project for the replacement of BIN 2217610, Saunders Road over the Canisteo River, Town of Rathbone, Steuben County, PIN 6753.96 ("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 replacement of BIN 2217610, Saunders Road over the Canisteo River, Town of Rathbone, Steuben County, PIN 6753.96.

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

RESOLVE, that the County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED, that the County Legislature hereby authorizes the County of Steuben to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering, Design and ROW Incidentals work for the Project or portions thereof; and be it further

RESOLVED, that the sum of \$300,000 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 Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED, that the Chairperson of the 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. 053-06

Introduced by D. Baker.

Seconded by K. Isaman.

AUTHORIZING THE STEUBEN COUNTY PLANNING DEPARTMENT TO SUBMIT AN APPLICATION TO THE GOVERNOR'S OFFICE FOR SMALL CITIES FOR A COMMUNITY DEVELOPMENT BLOCK GRANT.

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

WHEREAS, Steuben Churchpeople Against Poverty (SCAP) is desirous of continuing its program of replacement of failing septic systems and private wells; and

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

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

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Planning Department is hereby authorized to submit an application to the Governor's Office for Small Cities for a Community Development Block Grant to provide funding for the septic system and well replacement program of SCAP; and be it further

RESOLVED, the Chairman of the Steuben County Legislature is hereby authorized to sign the application as the Chief Elected Official of Steuben County; and be it further

RESOLVED, that should said grant be awarded to Steuben County, the Steuben County Treasurer is hereby authorized to deposit said grant in the appropriate line item in the Steuben County Budget; and be it further

RESOLVED, that the Steuben County Planning Director is hereby authorized to sign all appropriate and necessary documents to implement said grant; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Planning Director, and to the Executive Director, Steuben County Churchpeople Against Poverty, 16 William Street, Bath, New York 14810.

Vote: Roll Call – Adopted.

RESOLUTION NO. 054-06

Introduced by D. Baker.

Seconded by R. Nielsen.

ACCEPTING A GRANT FROM THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION FOR SNOWMOBILE TRAIL DEVELOPMENT AND MAINTENANCE ASSISTANCE.

WHEREAS, Steuben County has been awarded a grant from the New York State Office of Parks, Recreation and Historic Preservation; and

WHEREAS, said grant will provide \$29,600.00 for the development and maintenance of Steuben County's 74 miles of snowmobile trails; and

WHEREAS, said Steuben County snowmobile clubs will perform trail development and maintenance, with no cost to the County.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature does hereby accept the grant of \$29,600.00 from the NYS Office of Parks, Recreation, and Historic Preservation; and be it further

RESOLVED, that the Steuben County Treasurer is hereby authorized to establish an appropriate budget item for said grant; and be it further

RESOLVED, that the Steuben County Planning Director is hereby authorized to sign all documents relative to the implementation of said grant; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 055-06

Introduced by D. Baker and P. Donnelly.

Seconded by D. Farrand.

AUTHORIZING THE SHERIFF TO MAKE AN APPLICATION WITH THE NEW YORK STATE DEPARTMENT OF STATE TO PARTICIPATE IN THE SHARED MUNICIPAL SERVICES INCENTIVE GRANT PROGRAM IN THE AMOUNT OF \$100,000 FOR A VEHICLE FOR THE CRITICAL INCIDENT RESPONSE TEAM.

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

WHEREAS, the New York State Department of State is making available grants of up to \$100,000 to cover costs of shared services among at least two municipalities; said grant requires a 10 percent local cash match; and

WHEREAS, the Steuben County Sheriff's Office Critical Incident Response Team is utilized by all law enforcement agencies in the County for critical incidents; and

WHEREAS, the current vehicle used by the Critical Incident Response Team is over 40 years old in and need of upgrading and repairs; and

WHEREAS, the Steuben County Sheriff's Office, the Steuben County District Attorney's Office, the City of Corning and the Village of Bath are in support of this resolution; and

WHEREAS, the Steuben County Administration, and Public Safety and Corrections Committees have reviewed said request within the Steuben County Sheriff's Office and have approved the application request.

NOW THEREFORE, BE IT

RESOLVED, the Sheriff along with his designee is authorized to apply for a grant of up to \$100,000 to replace the current Command Vehicle used by the Steuben County Critical Incident Response Team; and be it further.

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

Mr. Argentieri asked is the \$100,000 solely for the vehicle? Sheriff Tweddell stated this is to purchase a used vehicle and upgrade it for our needs. If we were to purchase a new one for this purpose, it would cost between \$300,000 and \$400,000.

Vote: Roll Call – Adopted.

Chairman Roche stated the next resolution requires a unanimous vote of all present to be considered.

RESOLUTION NO. 056-06

Introduced by R. Nichols and P. Donnelly.

Seconded by D. Stachnik.

UPGRADING THE POSITION OF BRIDGE PROJECT/QUALITY CONTROL TECHNICIAN FROM GRADE XII TO GRADE XIV, AND DOWNGRADING HIGHWAY CONSTRUCTION/QUALITY CONTROL TECHNICIAN, FROM GRADE XV TO GRADE XIV WITHIN THE PUBLIC WORKS DEPARTMENT.

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

WHEREAS, two positions in the Public Works Department are inappropriately graded and not consistent with the duties for said positions; and

WHEREAS, the Personnel Officer, the Administration Committee and the Public Works Committee have approved the adjustment in grades; and

WHEREAS, *The Rules of Procedure* of the County Legislature require an extraordinary majority to approve the aforesaid position that results in an upgrade or downgrade;

NOW THEREFORE, BE IT

RESOLVED, with the adoption of this resolution, subject to the approval of the Union, the following positions within the Public Works Department are hereby re-graded as follows:

Bridge Project/Quality Control Technician, Grade XII (\$29,688-\$41,912) to Grade XIV (\$31,965-\$45,126)
Highway Construction/ Quality Control Technician, Grade XV (\$33,542-\$47,351) to Grade XIV (\$31,965-\$45,126)

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

Mr. Swackhamer asked for an explanation of this resolution. Mr. Spagnoletti stated since we abolished the Right of Way Agent position, the Bridge Quality Control Technician has taken on utility permits for the entire County and right of way releases for all of the bridges. Also, they are doing the computer design of bridges and box culverts in the winter. The job has increased in the scope of what was originally described.

Mr. Swackhamer objected to the consideration of this resolution; therefore, it was not considered.

RESOLUTION NO. 057-06

Introduced by D. Stachnik and P. Donnelly.

Seconded by R. Argentieri.

RECLASSIFICATION OF A CLERK POSITION, GRADE IV TO A RECORDS CLERK POSITION, GRADE V 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 Personnel Officer, 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:

Clerk, Grade IV (\$21,075 - \$29,754)
Records Clerk, Grade V (\$21,880 - \$30,891)

AND BE IT FURTHER RESOLVED, the 2006 Job Classification and Salary Schedule is hereby amended to reflect the above-stated changes; and be it further

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

**Vote: Roll Call – Adopted. Yes: 7824; No: 451; Absent: 1597.
(No: Swackhamer; Absent: Creath, Gehl, Schwartz)**

Chairman Roche stated the next two resolutions require an extraordinary majority of 15 votes or a unanimous vote of those present.

RESOLUTION NO. 058-06

Introduced by D. Baker and P. Donnelly.

Seconded by D. Stachnik.

WAIVING RULE 16B OF THE RULES OF PROCEDURE AND CREATING THREE GRADE XI, DEPUTY SHERIFF BUILDING SECURITY DEPUTY POSITIONS WITHIN THE SHERIFF'S DEPARTMENT.

WHEREAS, the New York State Office of Court Administration has requested the Sheriff to add three Grade XI, Deputy Sheriff Building Security Deputy positions; and

WHEREAS, it is necessary and desirable to create three Grade XI, Deputy Sheriff Building Security Deputy positions; and

WHEREAS, the funding for said positions is currently available within the Court budget; and

WHEREAS, Rule 16B of the *Rules of Procedure* of the County Legislature requires an extraordinary majority to create the aforesaid positions as a result of said request not having been anticipated for the year 2006.

NOW THEREFORE, BE IT

RESOLVED, Rule 16B of the *Rules of Procedure* be and the same hereby is waived; and be it further

RESOLVED, there be and the same hereby is created, three Grade XI, Deputy Sheriff Building Security Deputy positions within the Sheriff's Department:

(3) Deputy Sheriff Building Security Deputy positions
Grade XI (\$25,664-\$34,664) annually

AND BE IT FURTHER RESOLVED, the County Treasurer is authorized and directed to appropriate \$107,779 to the Sheriff's Court Security Budget to fund said positions; and be it further

RESOLVED, that revenues of \$107,779 be anticipated from the New York State Office of Court Administration to the Sheriff's Court Security budget to offset the full cost of said positions; and be it further

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

Sheriff Tweddell stated these positions are for the Court Security Division. It would place an armed deputy in each of the courtrooms and the Office of Court Administration's 7th Judicial District would fund the positions. He noted it would also allow him to reduce the cost of inmate transports.

Mr. Nichols asked are they paying their benefits too? Sheriff Tweddell stated they pay for everything except their weapons.

Mr. McIntyre stated if the funding goes away, the positions should go away.

Mr. Argentieri asked is there a reason why they won't pay for the guns? Sheriff Tweddell stated he has no idea. They pay for the gun training, but they won't pay for the gun.

Mr. Swackhamer asked how much would this save us in inmate transport costs? Sheriff Tweddell stated if he has 4 inmates that have to go to court, I have 2 officers bring them over and one sits with them in lockup while the other officer escorts them to the courtrooms. This would allow him to use a part time officer to

watch them in lockup and the other officer could go back to the jail. He stated County court generally ties up 2 full-time employees for up to 4 or 5 hours a day.

Mr. Argentieri asked do they leave their firearms with you or do they take them home? Sheriff Tweddell stated the peace officers with guns leave them in the lockup but Deputy Sheriffs are allowed to take their weapons home.

Vote: Roll Call – Adopted.

RESOLUTION NO. 059-06

Introduced by D. Baker and P. Donnelly.

Seconded by D. Stachnik.

WAIVING RULE 16B OF THE RULES OF PROCEDURE RELATIVE TO ONE VACANT DEPUTY SHERIFF BUILDING SECURITY DEPUTY POSITION, GRADE XI, TO FOUR PART-TIME DEPUTY SHERIFF BUILDING SECURITY POSITIONS, GRADE XI WITHIN THE SHERIFF'S OFFICE.

WHEREAS, it is necessary to separate one full-time Deputy Sheriff Building Security position into four part-time Deputy Sheriff Building Security positions; and

WHEREAS, Rule 16B of the *Rules of Procedure* of the County Legislature requires an extraordinary majority to create the aforesaid positions as a result of said request not having been anticipated for the year 2006.

NOW THEREFORE, BE IT

RESOLVED, Rule 16B of the *Rules of Procedure* be and the same hereby is waived; and be it further

RESOLVED, that one vacant full-time Deputy Sheriff Building Security position is hereby separated into four part-time Deputy Sheriff Building Security positions, Grade XI within the Sheriff's Department:

- (1) Deputy Sheriff, Grade XI (\$25,664-\$34,664) to
- (4) Part Time Deputy Sheriffs, Grade XI @ \$12.34/hour

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

Sheriff Tweddell stated when a person takes the test and is eligible to come onto the job, within 6 months they have to attend the academy. I currently have two full-time deputies at the academy. We are paying them 6 months of full-time wages while they are there. Discussion followed.

Mr. Argentieri asked what kind of an impact would these positions have on our budget? I'm not objecting, but I'm concerned with the direction we are headed.

Mr. Stachnik stated the Sheriff's made an excellent point. I would be derelict in my duty if I didn't support it.

Mr. Argentieri stated that as a fiduciary of the County, I would be remiss if I didn't ask the question.

Vote: Roll Call – Adopted.

RESOLUTION NO. 060-06

Introduced by P. Roche.

Seconded by R. Argentieri.

FILLING A VACANCY ON THE STEUBEN COUNTY ETHICS BOARD.

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

WHEREAS, a vacancy has occurred on the Steuben County Ethics Board; and

WHEREAS, it is necessary to fill said vacancy.

NOW THEREFORE, BE IT

RESOLVED, the following individual is hereby appointed to serve as a member of the Steuben County Ethics Board:

PROPOSED FOR APPOINTMENT BY THE MAJORITY LEADER

Thomas W. Reed, Esq., 2 W. Market Street, Corning, NY 14830

Filling the unexpired term of Charles Chase through December 31, 2006.

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 061-06

Introduced by P. Roche.

Seconded by R. Argentieri.

APPOINTING MEMBERS TO THE STEUBEN COUNTY YOUTH BOARD.

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

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

NOW THEREFORE, BE IT

RESOLVED, the following individuals are hereby appointed and designated as members of the Steuben County Youth Board for a term commencing on January 1, 2006 through December 31, 2006.

1. Mark R. Alger, Steuben County Administrator, 3 E. Pulteney Sq., Bath, NY 14810
2. Kathryn A. Biehl, Steuben County DSS Commissioner, 3 E Pulteney Sq., Bath, NY 14810
3. Peter C. 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. Carlos Garcia, 8514 County Rte. 113, Hammondsport NY 14840 (youth)
7. David Hall, 61 Hidden Forest Homes, Painted Post, NY 14870
8. Brittney Ouder Kirk, 7 Farnham St., Addison, NY 14801 (youth)
9. Kris Pashley, Director, Corning Parks & Recreation, 8 Civic Cent. Plz., Corning, NY 14830
10. Patrick Rogers, Director, Institute for Human Services, 6666 County Rd. 11, Bath, NY 14810
11. Cora Saxton, 310 E. Naples St., Wayland, NY 14572
12. Rhonda Sweet, Five Star Bank, 44 Liberty St., Bath, NY 14810
13. Milt VonHagn, 4 Mountainview Rd., Bath, NY 14810
14. Marlaina White, 2464 Reservoir Hill Rd., Addison, NY 14801 (youth)

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

RESOLVED, certified copies of this resolution shall be forwarded to the above named designees; Lydia Dzus, NYS Office of Children & Family Services, Youth Development, 259 Monroe Ave., Room 309, Rochester, NY 14607; the Steuben County Auditor, and the Steuben County Youth Bureau Director.

Vote: Acclamation – Adopted.

Motion to adjourn regular session and reconvene in executive session pursuant to Public Officers' Law, Article 7§ 105.1.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. Isaman, seconded by Mr. Donnelly and duly carried.

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

RESOLUTION NO. 062-06

Introduced by P. Roche.

Seconded by R. Argentieri.

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

WHEREAS, the Steuben County Legislature 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. Henry Louis Drummer – Henry Louis Drummer was born on September 23, 1866. His primary duty was serving as the Florist, and later Superintendent, of the New York State Soldiers' and Sailors' Home, which is now the V.A. He served in that capacity for 48 years from 1884 to 1932. His responsibilities included serving as a florist, managing 350 acres of gardens, ponds, an apple orchard, and general landscaping. By 1887, he was in charge of a huge greenhouse containing the 40,000 plants destined to be put into the outdoor flowerbeds. Mr. Drummer also maintained the National Cemetery. This property of 10 acres was five years old in 1884 when he began to supervise its development. He laid out the plots, corrected faulty drainage and saw the property grow to 20 acres harboring 2,420 graves by 1909. In the early 1900's he was inspired to teach children to appreciate all that nature has to offer. With the thought that children

could take up focused nature studies and exhibit the results at the Steuben County Agricultural Fair, he devised 113 classes for competition, raised funds for prizes and provided free seeds for the children's projects. Mr. Drummer was also appointed to be Manager of the Department of Nature Study Work. Thanks to Mr. Drummer's vision, children's exhibits at county fairs are an expected feature today.

2. Sally Nuttall Patchin – Sally Nuttall Patchin was born in 1874 in Philadelphia, PA and after her marriage in 1902, came to Patchinville, NY. Many collectors of handcrafted artistic articles favor the baskets, ceramic vessels and tin ware decorated by Ms. Patchin and her associates. Her first painted baskets were made as gifts for friends and she responded to increasing demand by establishing a studio behind her home. She enlisted the help of talented young women to help fill the large orders that she was shipping by rail to distant cities. These painters worked with patterns and on utilitarian baskets and ceramics supplied by Ms. Patchin. She had organized a virtual cottage industry. In 1913 Ms. Patchin organized the Patchinville Parent's Club, which eventually evolved into becoming the first branch of the New York Home Bureau. Ms. Patchin also served on the Wayland School Board of Education for 42 years, was the first vice-president of the Wayland Free Library when it was organized in 1913 and served as Town Historian for 30 years. In 1993, she became a subject in the files of The National Museum of Women in the Arts and an exhibition of her wares was organized by the Wayland Historical Society to complete the requirements for inclusion in the museum's research resources.

3. William Pullman – William Pullman, was born December 17, 1953 in Hornell, NY. In 1979 he received a MBA Degree in Directing from U. Mass-Amherst. He gained a position at Montana State University as a teacher and eventually was appointed Chairman of their Theatre Department. In 1988 he had a minor part in "The Accidental Tourist" and he continued playing in live theatre, especially in the Los Angeles Theatre Productions. In 1993 he played leading man in "The Last Seduction." In 1995 he starred in "While You Were Sleeping" and "Casper", however, his career was highlighted by his role in "Independence Day", the most popular film of 1996. Mr. Pullman has the good fortune to have parts written for him to play both in live theatre and in films. For the new production of "The Virginian" he both directed and played the leading man. In 2002, Mr. Pullman starred on Broadway in Edward Albee's "The Goat, or Who is Sylvia?". That play won the 2002 Tony Award, the New York Drama Critic's Circle Award, the Drama Desk Award and the Outer Critics Circle Award.

4. Theodore M. Sprague – Theodore M. Sprague was born May 14, 1924 in Corning, NY. He graduated from Corning Free Academy in 1941. During World War II he served in the Army Air Corps as a 2nd Lieutenant and pilot of B29's and B17's. He then attended Cornell University graduating in 1949 and joined his father's firm. Mr. Sprague's civic commitments were primarily focused to make his city a better place, especially Market Street. He was instrumental in the founding and development of many of the salient organizations which changed Corning from a dingy factory town to a national tourist attraction. In 1966 he was the co-founder of Three Rivers Development Corporation and in 1974 was the co-founder and Board Member of the Market Street Restoration Agency. His interests and involvements extended beyond the City of Corning. He became a student athlete while at Cornell and was a rower and runner. In 1974 he was the originator of the Wineglass Marathon and in 1992 was on the American Rowing Association and was National Champion.

5. William Titus Smith – Senator William T. Smith was born on January 1, 1916 in Corning, NY. His early schooling was in Big Flats and Corning Free Academy. He finished his schooling at Cornell University where he graduated from the New York State College of Agriculture in 1938. In 1961, he was a farmer in Big Flats when he became exasperated at the federal farm subsidy program. In 1955 he planted more acres of corn than the program allowed and, as a result, he was fined \$500 for non-compliance. In 1961, he was paid for not planting all the corn allotted to his farm, only 104 acres planted on the 206 allocated acres. He received a subsidy of \$6,712 for his non-action. Senator Smith took that subsidy and bought himself a four-door Cadillac. He had a sign made which read "Thank you J.F.K./Thank you Orville Freeman, U.S. Secretary of Agriculture/Thank You! (if you voted for them)/ We Didn't/We bought this car with Money/We received for NOT growing corn. He attached this sign to the trunk of his new Cadillac and drove to Washington, D.C. where he garnered a fair amount of national publicity with his stunt. He ran for New York State Senate in 1961 and remained in office until his retirement in 1986. Much of his legislative career centered on driving while drunk issues as one of his children was killed by a drunk driver. In 1981 he was the author of the New York State STOP DWI Program which required fine money paid by drunk drivers be channeled to the home counties. Senator Smith served as Chairman of the bi-partisan Senate Special Task Force on Drunk Driving, in 1982 he received the First Annual Service Award from the NYS Association of Traffic Safety Boards, in 1982 President Reagan appointed Senator

Smith to his Commission on Drunk Driving and in 1983 he was elected to the Students Against Drunk Driving Board of Directors.

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.

Mr. Schwartz recommended that in the future they limit the number of recipients to three.

Vote: Roll Call – Adopted.

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

REGULAR MEETING
Morning Session
Bath, New York
Monday, March 27, 2006

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 27th day of March, 2006 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 Jamison.

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

Chairman Roche asked County Attorney Frederick Ahrens to come forward. Chairman Roche presented Mr. Ahrens with a Certificate of Appreciation in recognition of 25 years of service to Steuben County.

Mrs. Kane asked Ken Peaslee, Chris Bowes and Terrie Dunn to come forward. Mr. Peaslee nominated Mr. Bowes and Mrs. Dunn for Team of the Month for the Month of April. Mr. Peaslee made the following presentation: Over the past nine months, Terrie Dunn and Chris Bowes have been working as a team on reducing the County phone bill. Even though this is their full time job, I have asked them to work even harder on analyzing hundreds of the County phone circuits. This requires a lot of time researching bills, interfacing with various department heads, and contacting many different telephone company representatives. They always have a very professional attitude and are well respected not only by County personnel, but staff at the various phone companies they interface with. Once a circuit is found, it has to be tested and verified before it can be shut down. Once the phone company turns off the circuit, the wiring for that circuit has to be removed. While this additional project has been very time consuming, they have managed to keep up with their other assignments, always maintaining a positive attitude. Chris and Terrie have exemplified teamwork for this project and others that they have worked together on. When an issue arises they work together to find the positive cooperative solution which always benefits the County. To date, Chris and Terrie have shut down 23 circuits saving the County \$7,391 a month, resulting into an annual savings of \$88,702 in County cost. **CONGRATULATIONS CHRIS AND TERRIE!**

Richard McCandless introduced this semester's Youth In Government Interns. He stated this is the 22nd year for the program and over 800 students have participated. This semester we have 20 students participating. He introduced each of the interns and also introduced his wife, Janet McCandless, who has been assisting him.

James Sherron, Executive Director of the Steuben County Industrial Development Agency, stated approximately 9 years ago I came to this group asking that consideration be given to transferring the title of the Steuben County Farm to the IDA. After some discussion, the County conveyed the property to SCIDA with some covenants. The covenants we agreed upon were good for the partnership. Some of the covenants included that it will not egress from State Route 54 by only having entrances to the property from CR113. We didn't want car dealerships or restaurants. We were looking for commercial business where up to ten percent of the floor space could be for retail and twenty percent of the floor space could be for storage as long as it was related to the business. We made application to Empire State Development and it has been listed in the inventory for New York State. Over time we've had some interested parties in the property. Currently, we have an organization called Smart Systems that is looking to expand their operation in the Bath area. They came to me in November 2005 to see if there was any assistance that we could give them. We've been in discussion with them and they want to build a 35,000 square foot facility. They meet the covenants of the agreement and they will begin construction of the facility in a couple of months. He noted they selected McGuire as the contractor.

Mr. Argentieri asked how many of the 99 acres will they occupy? Mr. Sherron stated 10 acres. He displayed a map showing the location of the new facility, as well as the floor plan. Discussion followed.

Mr. Argentieri asked what is our investment? Mr. Sherron stated we would sign a PILOT agreement with them. We may go for some assistance through a Small Cities Block Grant as well.

Mr. Schwartz asked how are their benefits and wages? Mr. Sherron stated they are starting employees at \$9 to \$10/hour. Mr. Roche added that the majority of the jobs would be skilled mechanics. Mr. Schwartz stated there's no doubt we need the jobs but people can't live on minimum wage. If we are going to give them a break, I'd like to know how much they pay for wages and benefits.

Mr. Argentieri asked what happens with the remaining acreage? Mr. Roche stated that SCIDA is only conveying 10 acres. The remaining 89 acres will remain subject to the original agreement.

Mr. Ahrens noted there is a resolution on the agenda relative to economic development where we can fully discuss this project in executive session.

Mr. McIntyre stated I'm pleasantly surprised that we finally have someone willing to use this property. I was beginning to think we should take it back.

Mr. Nichols asked will the electric company be NYSEG? Mr. Sherron stated yes. Mr. Nichols stated that could be a problem. Mr. Sherron stated many of the interested parties pulled out due to that fact. He noted that this group doesn't use a considerable amount of electricity.

Mr. Stachnik stated it took 9 years, but congratulations.

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

Frank Coccho, Mayor of City of Corning, stated he's here as a concerned taxpayer and a former labor leader. I'd like to express my appreciation to Mr. Schwartz for his concern on the wages and benefits. More legislators at all levels should be as concerned with such issues.

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

Motion approving the minutes of the previous month's meeting made by Mr. McIntyre, seconded by Mr. Nielsen and duly carried.

Mr. Gehl stated I would like to thank everyone for their prayers, cards and concerns during my recent surgery. I would also like to thank the Clerk of the Legislature's Office for keeping everyone abreast of my progress. The poinsettias you sent were the talk of my hospital floor. My room was the only one decorated on the whole floor. Thank you all. I appreciate your concern.

Mr. McIntyre stated at the Wayne Town Board meeting this past Tuesday, it was brought to my attention that there are some concerns about 911. Apparently some of the calls going to 911 are not of an emergency nature. Why people are calling 911 asking about road conditions and the weather, I don't know, but I think it is inappropriate.

Mr. Isaman stated all of the legislators should have received a letter from me about a presentation at the Arkport Central School regarding an alternative look at wind power in Steuben County. He noted Tom Golisano is making the presentation.

Mr. Alger announced that on your desk is the Composite Annual Report. Please take a look at it and, if you have any questions, let me know or call the department head.

Mr. Alger announced that we are in need of an Insurance Committee Meeting immediately following the Legislative Meeting.

RESOLUTION NO. 063-06

Introduced by G. Swackhamer.

Seconded by D. Stachnik.

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 Eleanor Glenn
Parcel # 037.00-02-050.000
Municipality Pulteney Town
Disposition Correction__ (parcel split)

Resolution # A-2
Name Jeffrey Prescott
Parcel # 241.03-01-022.000
Municipality Thurston Town
Disposition Correction__ (parcel split)

Resolution # A-3
Name Thomas E & Jean Ann Preset
Parcel # 259.00-01-010.113
Municipality Thurston Town
Disposition Refund & Correction

Resolution # A-4
Name Harold Prisella, et al
Parcel # 185.00-01-001.127
Municipality Howard Town
Disposition Refund

Resolution # A-5
Name Lyndon & Evonne Beiler
Parcel # 410.00-01-005.110
Municipality West Union Town
Disposition Correction

Resolution # A-6
Name Gary & Penny Temple
Parcel # 237.00-01-007.000
Municipality Cameron Town
Disposition Correction

Resolution # A-7
Name Mark & Sarah Allison
Parcel # 384.00-01-029.135
Municipality Tuscarora Town
Disposition Correction

SCHEDULE "B"

Resolution # B-1
Former Owner Richard P MaCool
In Rem Index No. 88508, 2003 sale
Parcel # 151.05-01-059.000
Municipality Hornellsville Town
Grantee(s) Richard P MaCool & Susan M MaCool,
husband and wife, as tenants by the entirety
Grantee(s) Address 7065 Parish Rd, Hornell, NY 14843
Consideration \$6,435.01, together with \$121.00 recording fees

Resolution # B-2
Former Owner Kenneth Tolhurst
In Rem Index No. 88508, 2003 sale
Parcel # 151.55-03-003.000
Municipality Hornell City
Grantee(s) City of Hornell
Grantee(s) Address PO Box 627, Hornell, NY 14843
Consideration \$6,178.95, together with \$118.00 recording fees

Resolution # B-3
Former Owner Kenneth Tolhurst
In Rem Index No. 88508, 2003 sale
Parcel # 151.55-03-004.100
Municipality Hornell City
Grantee(s) City of Hornell
Grantee(s) Address PO Box 627, Hornell, NY 14843
Consideration \$8,314.91, together with \$118.00 recording fees

Vote: Roll Call - Adopted.

RESOLUTION NO. 064-06

Introduced by P. Roche.

Seconded by D. Stachnik.

RECEIVING AND ACCEPTING THE MARCH 27, 2006, 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 22, 2006

1. County of Onondaga, Office of the County Executive, Nicholas J. Pirro - Re: Urging counties to encourage their State representatives to support proposed initiatives (developed by Onondaga County) to preserve all county-owned nursing facilities as they are affected by ongoing operating deficits, particularly due to Medicaid reimbursement rates. ***Referred to: Health & Education Committee and John Zehr, HCF Administrator.***
2. NYS Public Service Commission - Re: Notice of Public Statement and Evidentiary Hearings on Corning Natural Gas Corporation's Request to Increase Gas Rates and a Proceeding Concerning Corning's Acts and Practices. ***Referred to: A.I.P. Committee; Greg Heffner Planning Director; and Dennis Abbey, Director, Weights & Measures.***

February 23, 2006

1. Governor's Office for Small Cities (NYS Housing Trust Fund Corporation) - Re: Small Cities Project #: 1115ED446-03 - Comprehensive Monitoring Report. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

February 27, 2006

1. Fortuna Energy, Inc. - Re: Request to Amend PSC Case Numbers 02-T-0334, 00-T-0261, 01-T-1106, 01-T-1768, 04T-0745, 04-T-0114, 05-T-0089, 05-T-1087 to install a new Natural Gas Compression Facility, Meter Site and related facilities and pipeline. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***
2. NYS Office of Homeland Security - Re: FFY 2006 Homeland Security funding and the Statewide implementation of the Federally mandated National Incident Management System. ***Referred to: Public Safety & Corrections Committee; Greg Heffner, Planning Director; and Mike Sprague, EMO Director.***
3. Steuben County Industrial Development Agency - Re: Wind Farm Prattsburgh, LLC - NYSDEC appointed SCIDA as lead agency under the SEQRA for review of the project, for the construction of a wind power generation (project) to be located in the Town of Prattsburgh, Steuben County, and the Town of Italy, Yates County. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

March 1, 2006

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$5,427 representing the January 2006 retained surcharge revenue for Steuben County from the WROTBC. ***Referred to: Rules and Finance Committees; and Larry Crossett, County Treasurer.***
2. Steuben County Industrial Development Agency - Re: Paragon Wind power Project - Final Scoping Document for the preparation of a Draft Environmental Impact Statement. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

March 3, 2006

1. NYS Association of Counties - Re: Resolution in Support of Preserving Counties' Role in the Future of Off-Track Betting. ***Referred to: Rules and Finance Committees and Larry Crossett, County Treasurer.***
2. NYS Legislative Commission on Rural Resources - Re: New State Legislation that Requires Training for Members of County, City, Town and Village Planning Boards (S.6316/A.9259). ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

March 6, 2006

1. U.S. Senator Charles Schumer - Re: Letter announcing that the Executive Office of the President, Office of National Drug Control Policy and the Substance Abuse and Mental Health Services Administration are currently accepting applications for funding under the Drug Free Communities Support Program. Application period closes on April 10, 2006. ***Referred to: Health & Education, Human Services, and Public Safety & Corrections Committees; Dr. Robert Anderson, Director, Community Services; Gary Pruyn, Director, Youth Bureau; Kathryn Biehl, DSS Commissioner; Sheriff Tweddell; and Frank Justice, Director, Probation Department.***

March 7, 2006

1. NYS Office for the Aging - Re: Annual Implementation Plan for 2006-08 for Steuben County has been approved. Application for Older Americans Act, Title III-B, Title III-C-1, Title III-C-2, Title III-D and Title III-E funds have been approved. Also, application for State aid under the Expanded In-Home Services for the Elderly Program, Community Services for the Elderly Program, the Supplemental Nutrition Assistance Program, Community Resource Center, and the Congregate Services Initiative for 4/1/06-3/31/07 approved. *Referred to: Human Services Committee and Linda Tetor, Director, OFA.*

March 9, 2006

1. U.S. Senator Charles Schumer - Re: Letter announcing applications being accepted under the Community Action for A Renewed Environment (CARE) Program, which provides funding to for county governments to form collaborative partnerships to develop a comprehensive understanding of the sources of risk from toxic and environmental pollutants, set priorities and identify and carry out projects to reduce these risks through collaborative action at the local level. Proposals must be submitted to the EPA by April 10, 2006. *Referred to: Health & Education and A.I.P. Committees; Vicki Fuerst, PHN Director; and Greg Heffner, Planning Director.*
2. NYS Department of Environmental Conservation - Re: Grant programs available funded through the NYS Environmental Protection Fund, the 1996 Clean Water/Clean Air Bond Act and the Federal Land & Water Conservation Fund. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

March 10, 2006

1. NYS Office for the Aging - Re: First Notification of Grant Award for the FFY 2006 Nutrition Services Incentive Program. *Referred to: Human Services Committee and Linda Tetor, Director, OFA.*

March 13, 2006

1. Fortuna Energy, Inc. - Re: Notice of Intent - Natural Gas Gathering Pipeline (Stuart #1 to Eolin 4" Pipeline), Town of Corning, NY. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director. (Maps filed w/Planning)*
2. NYS Department of Motor Vehicles - Re: Biennial Report: Handicapped Parking Education Programs - due to the State DMV on or before 4/1/06, as required by the Vehicle & Traffic Law, §1203-g(3)(b). *Referred to: Public Safety & Corrections Committee and Sheriff Tweddell.*
3. NYS Electric & Gas - Re: Case 29211 Order Requiring Submittal of Semiannual Inventory of Reports of PCB Equipment. *Referred to: Public Safety & Corrections Committee and Michael Sprague, EMO Director.*

March 14, 2006

1. Fortuna Energy, Inc. - Re: Request to Amend PSC Case Number 04-T-0315 to install a new Natural Gas Compression Facility in the Town of Lindley, NY. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

Vote: Acclamation - Adopted.

RESOLUTION NO. 065-06

Introduced by P. Roche.

Seconded by F. Gehl.

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

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

RESOLVED, the aforesaid designation of **Richard A. Argentieri** of Hornell, New York be and the same hereby is accepted for filing, said designation to be for a two-year term commencing January 1, 2006; and be it further

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

Vote: Roll Call - Adopted.

RESOLUTION NO. 066-06

Introduced by R. Argentieri.

Seconded by F. Gehl.

DESIGNATION OF OFFICIAL NEWSPAPER BY THE DEMOCRATIC MEMBERS OF THE LEGISLATURE OF STEUBEN COUNTY TO PUBLISH CONCURRENT RESOLUTIONS, TAX SALE NOTICES, TAX REDEMPTION NOTICES, ELECTION NOTICES AND THE OFFICIAL CANVAS, DULY EXECUTED MARCH 27, 2006.

In pursuance of Section 214, Subdivision 1 of the County Law, we, the Democratic members of the Steuben County Legislature, hereby designate the following official newspaper for the years 2006 and 2007:

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

The above-named designations are filed with the Clerk of this Legislature this 27th day of March 2006; and the Clerk is directed to forward certified copies to the Secretary of State at Albany, New York; the Steuben County Clerk; the Steuben County Treasurer; the Steuben County Board of Elections; and the above-named newspaper.

Dated: March 27, 2006

/s/ _____
Richard A. Argentieri

/s/ _____
Francis L. Gehl

Vote: Roll Call - Adopted.

RESOLUTION NO. 067-06

Introduced by P. McAllister.

Seconded by T. Schwartz.

PRESENTING AN AMENDMENT TO THE *RULES OF PROCEDURE OF THE STEUBEN COUNTY LEGISLATURE RELATIVE TO RULE 8 – PROCEDURE ON ADOPTION OF RESOLUTIONS, LEGALIZING ACTS AND LOCAL LAWS.*

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

RESOLVED, the following amendment to the *Rules of Procedure* is hereby presented for consideration by the Legislature and shall lay on the table until the next regular meeting April 24, 2006, or such other date should the next regular Legislative meeting be moved.

KEY: New material is underlined.
Old material is in brackets [].

8. PROCEDURE ON ADOPTION OF RESOLUTIONS, LEGALIZING ACTS AND LOCAL LAWS...

Following presentation of a Local Law by the full Legislature or by a standing committee of the Legislature, said Local Law shall be laid upon the desks of members of the Legislature (proposed Local Laws shall be deemed laid on the desk of a member of the Legislature when deposited in the Legislator's mail box maintained by the Steuben County Legislature) at least seven calendar days, exclusive of Sunday, and mailed to each member of the Legislature in postpaid properly addressed and securely closed envelopes at least ten calendar days, exclusive of Sunday, prior to final passage unless the Chairman of the Legislature shall have certified as to the necessity for its immediate passage and such Local Law be passed by the affirmative vote of two-thirds of the total voting weight of the Legislature. Simultaneously with the

placement and mailing of the proposed Local Law to members of the Legislature, a public hearing shall be set by the Clerk of the Legislature relative to the adoption of said proposed Local Law for the next scheduled meeting of the Legislature and in no case sooner than the seven or ten calendar days as previously stated.

BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to the Clerk of the Legislature.

Vote: Acclamation - Adopted.

RESOLUTION NO. 068-06

Introduced by P. McAllister.

Seconded by R. Argentieri.

PRESENTING AN AMENDMENT TO THE *RULES OF PROCEDURE OF THE STEUBEN COUNTY LEGISLATURE RELATIVE TO RULE 17 – RELATIVE TO BUDGET ADOPTION PROCESS.*

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

RESOLVED, the following amendment to the *Rules of Procedure* is hereby presented for consideration by the Legislature and shall lay on the table until the next regular meeting April 24, 2006, or such other date should the next regular Legislative meeting be moved.

KEY: New material is underlined.
Old material is in brackets [].

The Budget Officer shall comply with all statutory provisions relative to the presentation of the Tentative Budget and adoption of the Final Budget. [At a date and time other than the regular monthly meeting of the Steuben County Legislature and at a date and time other than and prior to the adoption of the Annual Budget there shall be convened by the Chairman of the Legislature a Budget Workshop.] In addition there shall be filed by the Budget Officer an Annual Budget Message with the filing of the Tentative Budget.

There shall be convened by the Chairman of the Legislature a Budget Workshop.
The format for the Budget Workshop shall be as follows:

- (1) Presentation of the Budget Message by the Budget Officer.
- (2) Analysis of the budgetary impact of proposed personnel changes including
 - a) Personnel changes pursuant to Rule 16B.
 - b) Personnel changes due to non-16B activities including retirements, consolidations, position eliminations or other facts.
 - c) Net impact on numbers of positions.
 - d) Net dollar impact of collective bargaining agreements.
 - e) Net dollar impact due to management salary increases (including public officers). Any salary of a public officer or officers necessitating the presentation of a local law or laws shall be prepared at the direction of the Administration Committee at or before its November committee meeting and forthwith presented to each member of the Legislature. Said Local Law or Laws shall be published and posted. Presentation for final adoption shall be made at the Budget Workshop following the public hearing on said local law or laws.
 - f) Total budgetary impact of all combined personnel changes.
- (3) Impact of funding for Capital Projects and Debt Service.
- (4) Discussion of other issues of budgetary concern to legislators.

Changes to the proposed budget approved in the budget workshop shall be incorporated into the budget prior to the full meeting of the Legislature scheduled subsequently for public hearing and budget approval.

At a [date and] time other than the regular monthly meeting of the Legislature and the Budget Workshop Meeting, the Chairman shall convene a separate meeting for a public hearing on the Annual Budget together with resolutions customary and necessary for the adoption of the Annual County Budget.

BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to the Clerk of the Legislature.

Mr. Schwartz asked what part of the budget process are we changing? Mr. McAllister stated that currently the budget workshop has to be on a separate day from the regular Legislative Meeting. This change will allow both meetings to occur on the same day.

Vote: Acclamation - Adopted.

RESOLUTION NO. 069-06

Introduced by P. Donnelly.

Seconded by D. Baker.

FIXING THE COMPENSATION OF ELECTION INSPECTORS, POLL CLERKS, AND ELECTION COORDINATORS FOR THEIR SERVICES ON DAYS OF ELECTION AND MATTERS PRELIMINARY OR RELATING THERETO, AND APPORTIONING THE EXPENSES CONNECTED WITH THE ELECTION TO THE CITIES AND TOWNS.

Pursuant to Election Law §§3-420 and 3-226.

WHEREAS, Election Law §3-420 requires that the County pay for the services of election inspectors, poll clerks, election coordinators and persons appointed to act in their place in the event of an absence; and

WHEREAS, Election Law §3-420 further requires the County to fix the amount of compensation; and

WHEREAS, Election Law §3-226(1) provides the County the option to apportion to a city and town the types of expenses connected with elections and matters preliminary or relating thereto that were previously incurred by towns and cities prior to this year.

NOW THEREFORE, BE IT

RESOLVED, compensation on a per diem basis is established as follows:

Inspectors:

Primary Election:	\$ 80.00
General Election:	130.00
Yearly test:	25.00 plus mileage at the rate established by the CBA between the County of Steuben and the CSEA for the General Unit.
Machine Inspector:	5.00

Custodians:

\$75.00 per machine set up	
Machine representatives:	\$10.00 per person per machine; and be it further

RESOLVED, an additional rate of \$20.00/hour shall be paid to custodians for any duties outside County Elections, e.g., testing of equipment on a quarterly basis; and be it further

RESOLVED, all of the types of expenses connected with elections and matters preliminary or relating thereto incurred in the year of 2005 and all succeeding years by towns and cities shall be apportioned to a city and town; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Election Commissioners, County Treasurer and all City and Town Clerks.

Mr. Isaman asked what is the reasoning for this resolution? Mr. Alger stated this is due to the Help America Vote Act (HAVA). The commissioners have developed these rates based upon what other counties are doing. At this point these are best estimate and they may need to be updated in the future. The expenses will be charged back to the cities and towns through their tax levy.

Mr. Nichols stated speaking as a Town Supervisor, when you submit your town budget and send it to the county, these costs are added onto it. So when you publish the tax increase, it may be higher than that.

Mr. Isaman asked are the towns responsible for getting these people? Mr. Alger stated the town technically was responsible for getting the custodians, etc. They won't be responsible for that anymore, our election commissioners will be. We've asked the towns to continue working with us on that and hopefully they will.

Mr. Creath stated \$5 per inspection for the machine inspectors seems pretty low. Mr. Roche stated it is based upon the number of machines.

Mr. Schwartz stated if the county is responsible for the people and the job is the same thing, why do municipalities pay different amounts? Mr. Alger stated they wouldn't anymore. These fees are countywide.

Mr. McAllister stated each county sets its own fee? Chairman Roche asked the commissioners to explain this.

Mr. Johnson stated the figures are from the District 5 Election Committee. This is what most of the counties in our area are charging.

Mr. Nichols asked has the State made a decision on the machines yet? Mr. Johnson stated no. Discussion followed.

Vote: Roll Call - Adopted.

RESOLUTION NO. 070-06

Introduced by D. Creath and G. Swackhamer.

Seconded by R. Argentieri.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO APPROPRIATE REVENUES IN THE AMOUNT OF \$30,000 FROM OFFICE OF COURT ADMINISTRATION TO A CAPITAL PROJECT ENTITLED "NEW PUBLIC ADDRESS SYSTEMS PROJECT".

WHEREAS, the Agriculture, Industry and Planning Committee and the Finance Committee have approved the recommendations from the County Administrator and the County Superintendent of Buildings and Grounds to do the "New Public Address Systems Project" in Courtrooms A & B, Bath, NY; and

WHEREAS, it is necessary to appropriate funds to complete the project; and

WHEREAS, funds are available in the Repair & Renovations Reserve Account.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to anticipate revenues of \$30,000 from Office of Court Administration, a capital project entitled "New Public Address Systems Project"; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Superintendent of Buildings and Grounds.

Vote: Roll Call - Adopted.

RESOLUTION NO. 071-06

Introduced by D. Stachnik and G. Swackhamer.

Seconded by R. Argentieri.

ACCEPTING AND APPROPRIATING THE CHILD ABUSE REVIEW TEAM (CART) GRANT.

WHEREAS, the New York State Office of Children and Family Services has awarded Steuben County Department of Social Services the Child Abuse Review Team (CART) Grant; and

WHEREAS, The New York State Office of Children and Family Services has approved Steuben County's Plan and Budget to expend said funds.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben accepts the \$25,000.00 and adjusts the 2006 Social Services Budget to reflect this additional funding; and be it further

RESOLVED, Steuben County accepts and appropriates these funds in the 2006 Steuben County Budget as follows:

Revenues:

601000 43689200 Child Abuse Review Grant	\$17,055.00
607000 43689200 Child Abuse Review Grant	<u>\$ 7,945.00</u>
	\$25,000.00

Expenditures:

601000 5298000 Minor Equipment	\$ 8,250.00
601000 5406000 Supplies	\$ 1,038.00
607000 5446620 Child Abuse Review Team	<u>\$ 7,945.00</u>
	\$17,233.00

Personal Services and Fringe Benefits Totaling \$7,767.00 have been previously appropriated in the 2006 Budget.

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

Vote: Roll Call - Adopted.

RESOLUTION NO. 072-06

Introduced by P. Donnelly and G. Swackhamer.

Seconded by K. Isaman.

AUTHORIZING THE TRANSFER OF \$6,500 FROM THE MOTOR POOL MAJOR EQUIPMENT ACCOUNT TO THE ERGONOMIC CORRECTIONS CAPITAL PROJECT.

WHEREAS, the County of Steuben recognizes there exists a need for ergonomically correct equipment; and

WHEREAS, there is a surplus of \$6,500 in the Motor Pool Major Equipment account; and

WHEREAS, the Administration Committee and the Finance Committee have recommended the transfer.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to transfer \$6,500:

From	164000-5-290000	\$6,500	Motor Pool Major Equipment Account
To	1710H1-5-250000	\$6,500	Ergonomic Corrections Capital Project

and be it further

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

Mr. Isaman asked is this a new capital project? Mr. Alger stated this was created several years ago to assist departments in purchasing equipment and furniture to avoid situations that would cause repetitive motion.

Vote: Roll Call - Adopted.

RESOLUTION NO. 073-06

Introduced by R. Nichols and G. Swackhamer.

Seconded by K. Isaman.

AUTHORIZING THE TRANSFER OF \$56,824.62 FROM THE REHABILITATION LEACHATE LOADOUT CAPITAL PROJECT TO THE BATH LANDFILL AND ERWIN TRANSFER STATION MAJOR EQUIPMENT LINE ITEMS FOR THE PURCHASE OF TWO SKID-STEER LOADERS.

WHEREAS, the 2006 major equipment list has been amended to add two skid-steer loaders; and

WHEREAS, the Landfill Enterprise fund is eligible for 50% NYSDEC reimbursement; and

WHEREAS, the Public Works Committee has approved the purchase of two skid-steer loaders to replace one loader at the Bath Landfill and one loader at the Erwin Transfer Station; and

WHEREAS, a new technology was found to reduce the Leachate Plant repair cost from \$75,000 to \$6,000; and

WHEREAS, the Public Works Committee and Finance Committee have approved the transfer of \$56,824.62 from the Rehabilitation Leachate Loadout Capital Project to the Bath Landfill and the Erwin Transfer Station Major Equipment line items.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to transfer \$56,824.62 from EL/HL7301.5.250.000 Rehabilitation Leachate Loadout Capital Project to HL816062.5.290.000 Bath Landfill Major Equipment \$28,412.31 and 816069.5.290.000 Erwin Transfer Station Major Equipment \$28,412.31; and be it further

RESOLVED, the Commissioner of Public Works is authorized to proceed with the purchase of the skid- steer loaders; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works, Risk Manager and County Treasurer.

Vote: Roll Call - Adopted.

RESOLUTION NO. 074-06

Introduced by R. Nichols and G. Swackhamer.

Seconded by R. Argentieri.

AUTHORIZING THE TRANSFER OF \$75,855 FROM THE WAYLAND TRANSFER STATION MAJOR EQUIPMENT LINE ITEM TO THE BATH LANDFILL MAJOR EQUIPMENT LINE ITEM FOR THE PURCHASE OF A VACUUM TANK TRAILER.

WHEREAS, the Landfill Division had a vacuum tank trailer on the 2005 Major Equipment list; and

WHEREAS, the 2005 sole bid was rejected due to non-conformance per the delivery time; and

WHEREAS, the Landfill Division must re-bid the vacuum tank trailer in 2006; and

WHEREAS, the 2006 Bath Landfill Major Equipment list has been amended to include the purchase of a vacuum tank trailer; and

WHEREAS, the Public Works Committee has approved the purchase of the vacuum tank trailer; and

WHEREAS, the Public Works Committee and Finance Committee have approved the transfer of \$75,855 from the Wayland Transfer Station Major Equipment line item to the Bath Landfill Major Equipment line item.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to transfer \$75,855 from 816069.5.290.000 Wayland Transfer Station Major Equipment to 816062.5.290.000 Bath Landfill Major Equipment; and be it further

RESOLVED, the Commissioner of Public Works is authorized to proceed with the purchase of the vacuum tank trailer; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works, Risk Manager and County Treasurer.

Mr. McAllister stated taking that from the Wayland Transfer Station indicates that it was something they needed in Wayland. Will this affect the functionality of the transfer station? Mr. Spagnoletti stated the transfer trailer at Wayland is in poor shape but the vacuum tank trailer is needed more.

Vote: Roll Call - Adopted.

RESOLUTION NO. 075-06

Introduced by R. Nichols and G. Swackhamer.

Seconded by K. Isaman.

ACCEPTING \$50,000 IN BUDGET INITIATIVE FUNDING TOWARDS TWO D5 BULLDOZERS, AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) TO SECURE SAID FUNDING.

WHEREAS, our two D4 bulldozers were bought in 1990 and have over 11,000 hours on each of them; and

WHEREAS, these bulldozers are vital to road, channel and flooding construction and maintenance; and

WHEREAS, each bulldozer is in need of at least \$20,000 in repairs to remain operable; and

WHEREAS, two (2) new bulldozers will cost a total of \$268,000; and

WHEREAS, the budget cuts have prevented the timely replacement of these two (2) bulldozers; and

WHEREAS, Senator Winner and Assemblyman Bacalles have sponsored a budget initiative for Steuben County in the amount of \$50,000 to help pay for two (2) new bulldozers; and

WHEREAS, the Steuben County Department of Public Works has provided the remainder of the funding; and

WHEREAS, the New York State Department of Transportation (NYSDOT) will administer said Legislative item.

NOW THEREFORE, BE IT

RESOLVED, that the Public Works Department is hereby authorized to enter into an agreement with the New York State Department of Transportation (NYSDOT) for said budget initiative; and be it further

RESOLVED, that the Commissioner of Public Works is hereby authorized and directed to execute this agreement and to sign all related documents; and be it further

RESOLVED, three (3) certified copies of this resolution shall be forwarded to the Public Works Commissioner.

Mr. Argentieri asked does this mean we are going to purchase the dozers and how much more do we have to pay? Mr. Spagnoletti stated we will buy the dozers and we have adjusted our major equipment account to fund the extra cost of \$268,000.

Vote: Roll Call - Adopted.

RESOLUTION NO. 076-06

Introduced by R. Nichols.

Seconded by K. Isaman.

RELATIVE TO THE STATE ENVIRONMENTAL QUALITY REVIEW PROCESS FOR THE BATH LANDFILL EQUIPMENT BUILDING REPLACEMENT

WHEREAS, the replacement of the Bath Landfill equipment storage building is an unlisted action under the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Steuben County Legislature is the only involved agency with respect to the SEQRA review of said replacement; and

WHEREAS, the Steuben County Legislature may implement an uncoordinated review of said replacement; and

WHEREAS, the Commissioner of Public Works and staff are authorized to undertake such activities as may be necessary, including the preparation and filing of documents, analyses, and public notices, and to assist the County Legislature in fulfilling its obligations under SEQRA and applicable environmental requirements; and

WHEREAS, the Steuben County Commissioner of Public Works and staff have completed the Short Environmental Assessment Form (EAF) dated March 10, 2006, which EAF identified the areas of environmental concern and thoroughly analyzed the identified areas of environmental concern to determine if this proposed action may have a significant adverse environmental impact; and

WHEREAS, the Steuben County Legislature has determined that no significant adverse environmental impacts were found; and

WHEREAS, the Steuben County Commissioner of Public Works and staff have recommended a Negative Declaration in the form annexed hereto.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby adopt and issue the aforesaid Negative Declaration for the above titled project; and be it further

RESOLVED, three (3) certified copies of this resolution shall be forwarded to the Commissioner of Public Works.

Vote: Roll Call - Adopted.

RESOLUTION NO. 077-06

Introduced by R. Nichols.

Seconded by T. Schwartz.

AUTHORIZATION TO ADD AUTO FLUFF TO THE SOLID WASTE LEGAL NOTICE AND TO ESTABLISH THE TIPPING FEES.

WHEREAS, auto fluff is the shredded upholstery of automobiles; and

WHEREAS, the New York State Department of Environmental Control (NYSDEC) approves the use of this material as an alternate daily cover material, thus reducing the amount of soil that must be excavated from the site to cover garbage; and

WHEREAS, the landfill previously received this material under the processed construction debris designation at \$10.00/ton; and

WHEREAS, the market price for auto fluff has been increasing; and

WHEREAS, the landfill receives this material from out of county; and

WHEREAS, the Public Works Committee has approved the addition of the auto fluff designation to the legal notice at a tipping fee of \$12.00/ton.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is authorized to add the auto fluff designation to the Solid Waste Legal Notice at the tipping fee of \$12.00/ton; and be it further

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

Mr. Argentieri stated he read that some of the automobiles contain asbestos. Do we have an assurance that there isn't asbestos? Mr. Spagnoletti stated the material has to be tested by NYSDEC specifications. He noted they accept asbestos in the landfill.

Vote: Roll Call - Adopted.

RESOLUTION NO. 078-06

Introduced by R. Nichols.

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 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 an additional period of nine (9) 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, Mayor Shawn Hogan and David Oakes, City Engineer, PO Box 627, 82 Main Street, Hornell, NY 14843.

Mr. McIntyre asked why is this contract only for 9 months? Mr. Spagnoletti stated we expect that we will be raising the rates in 2007 on the other municipal garbage contracts so we are going to leave their rate the same until 2007.

Vote: Roll Call - Adopted. Yes: 8674; No: 605; Absent: 593. (No: Nielsen; Absent: Jamison)

RESOLUTION NO. 079-06

Introduced by D. Creath.

Seconded by K. Isaman.

REAFFIRMING THE COMMITMENT OF STEUBEN COUNTY TO FURTHER FAIR HOUSING.

WHEREAS, Steuben County is a recipient of grants from the Community Development Block Grant Small Cities program funded by the U.S. Department of Housing and Urban Development, and implemented in New York State by the Governor's Office for Small Cities; and

WHEREAS, the Small Cities grant regulations require that recipients affirmatively further fair housing in their communities; and

WHEREAS, the furtherance of fair housing is implemented by a Fair Housing Officer, whose duties are specified in the Steuben County Fair Housing Plan; and

WHEREAS, the Steuben County Planning Department is the lead agency for the Steuben County Small Cities Community Development Block Grant program; and

WHEREAS, said department has the technical expertise necessary to affirmatively further fair housing in the County through the publication of materials, placement of legal advertisements and other actions deemed necessary to affirmatively further fair housing in Steuben County.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature does hereby reaffirm its commitment to affirmatively further fair housing in Steuben County; and be it further

RESOLVED, that the Steuben County Planning Director, or his designee, is hereby appointed to the position of Fair Housing Officer; and be it further

RESOLVED, a certified copy of this resolution shall be distributed Gregory P. Heffner, AICP, Planning Director.

Vote: Roll Call - Adopted.

Chairman Roche stated the next resolution requires 15 affirmative votes in order to be considered. He asked is there any objection to this resolution being considered? There being none, he noted this requires a $\frac{3}{4}$ majority of the weighted vote in order to pass.

RESOLUTION NO. 080-06

Introduced by R. Nichols and P. Donnelly.

Seconded by F. Gehl.

UPGRADING THE POSITION OF BRIDGE PROJECT/QUALITY CONTROL TECHNICIAN FROM GRADE XII TO GRADE XIV, AND DOWNGRADING THE VACANT POSITION OF HIGHWAY CONSTRUCTION/QUALITY CONTROL TECHNICIAN, FROM GRADE XV TO GRADE XIV WITHIN THE PUBLIC WORKS DEPARTMENT.

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

WHEREAS, two positions in the Public Works Department are inappropriately graded and not consistent with the duties for said positions and it is desired to lower the vacant Highway Construction/Quality Control Technician position before it is filled; and

WHEREAS, the Personnel Officer, the Administration Committee and the Public Works Committee have approved the adjustment in grades; and

WHEREAS, *The Rules of Procedure* of the County Legislature require an extraordinary majority to approve the aforesaid position that results in an upgrade or downgrade.

NOW THEREFORE, BE IT

RESOLVED, with the adoption of this resolution, subject to the approval of the Union, the following positions within the Public Works Department are hereby re-graded as follows:

Bridge Project/Quality Control Technician, Grade XII (\$29,688-\$41,912) to Grade XIV (\$31,965-\$45,126)
Vacant Highway Construction/Quality Control Technician, Grade XV (\$33,542-\$47,351) to Grade XIV (\$31,965-\$45,126)

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

Vote: Roll Call - Adopted.

RESOLUTION NO. 081-06

Introduced by P. McAllister.

Seconded by D. Stachnik.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO INCLUDE COUNTIES ON ANY COMMITTEES THAT PROPOSE CHANGES TO THE FINANCIAL AND OPERATIONAL RELATIONSHIP BETWEEN THE COUNTIES AND OFF TRACK BETTING CORPORATION.

WHEREAS, the State’s contract with the New York Racing Association to run Aqueduct, Belmont and Saratoga racetracks is expiring at the end of 2007; and

WHEREAS, New York State leaders have caused an Ad Hoc Committee on the Future of Racing (“the Committee”) to assist in developing the Request for Proposal (RFP) process for companies wishing to bid on operating the state’s thoroughbred racing franchise; and

WHEREAS, the Committee has stated that one of the Requests for Proposals (RFP’s) could merge the current Off Track Betting Corporation (“OTB”) structure into the racing franchise operations, which would impact the financial and operational relationship that counties have with OTBs; and

WHEREAS, over the past 30 years, 43 counties have received more than \$3 billion in revenue from New York’s OTB Corporations that have been used to offset local tax increases; and

WHEREAS, this revenue has already decreased as a result of the introduction of Video Lottery Terminals (“VLTs”), and policy changes that have shifted more and more OTB revenues away from counties; and

WHEREAS, counties are more than by-standers in any decision which affects OTBs and horse racing in New York State.

NOW THEREFORE, BE IT

RESOLVED, that Steuben County believes counties must be represented on any committee that proposes changing the financial and operational relationship between counties and OTB Corporations; and be it further

RESOLVED, that the counties’ stake in the future of horse racing and OTB Corporations in New York State be preserved; 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; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, David A. Paterson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Paul A. Tokasz, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Charles H. Nesbitt, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and InterCounty Association of Western New York.

Vote: Acclamation - Adopted.

RESOLUTION NO. 082-06

Introduced by P. McAllister.

Seconded by All Legislators Present.

MEMORIALIZING THE PRESIDENT AND U.S. CONGRESS AND THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO CONSIDER LEGISLATION THAT WILL RESTRICT GOVERNMENTAL EXERCISE OF THE POWER OF EMINENT DOMAIN FROM ACQUIRING PRIVATE PROPERTY FOR PRIVATE USE.

WHEREAS, by decision decided June 23, 2005, the U.S. Supreme Court narrowly approved, in a 5-4 decision, a taking of property by the City of New London, in Kelo, et. al. v. City of New London, et. al.; and

WHEREAS, said decision is perilously bordering upon taking of private property to confer a benefit on a particular private party; and

WHEREAS, as was so aptly stated by Justice O'Connor, with whom Chief Justice Renquist and Justices Scalia and Thomas joined in their dissent:

“Over two centuries ago, just after the “Bill of Rights was ratified, Justice Chase wrote:

An ACT of the Legislature (for I cannot call it a law) contrary to the great first principles of the social compact, cannot be considered a rightful exercise of legislative authority... A few instances will suffice to explain what I mean... [A] law that takes property from A. and gives it to B: It is against all reason and justice, for a people to entrust a Legislature with SUCH powers; and, therefore, it cannot be presumed that they have done it. *Calder v. Bull*, 3 Dall. 386, 388 (1798) (emphasis deleted).

Today the Court abandons this long-held, basis limitation on government power.”

NOW THEREFORE, BE IT

RESOLVED, this Legislature does hereby memorialize the President and U.S. Congress and the governor and the Legislature of the State of New York to consider legislation that will restrict governmental exercise of the power of eminent domain from acquiring private property for private use; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to President George W. Bush, 1600 Pennsylvania Avenue, Washington, DC; U. S. Senator Charles E. Schumer, 313 Hart Senate Office Bldg., Washington, DC 20510-3202; U. S. Senator Hillary Rodham-Clinton, 476 Russell Senate Office Building, Washington, DC 20510; U. S. Congressman John R. Kuhl, Jr., 22 Buell Street, Bath, NY 14810; 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; and N.Y.S. Assemblyman, James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248.

Mr. Argentieri stated he sent a letter to Senator Schumer, Congressman Kuhl, Senator Clinton, Assemblyman Bacalles and Senator Winner asking that this decision be overruled. He stated out of all of them, Congressman Kuhl is the only one that answered my letter.

Mr. Schwartz stated this is an incremental part of the constitution and it is wrong for them to give this land away to private investors. This is an important issue and needs to be introduced in the State Legislature as well.

Mr. Argentieri asked that Congressman Kuhl's letter be included in the minutes. The letter reads as follows:

Dear Mr. Argentieri:

Thank you for contacting me with your concerns about eminent domain. I understand your concerns, and agree that this is an issue that needs reevaluating. You may be interested in knowing about two pieces of legislation on this matter that I support.

H.R. 4128, the Private Property Rights Protection Act of 2005, purports to protect private property rights by prohibiting any state or political subdivision from exercising its power of eminent domain for economic development if that state or political subdivision receives federal economic development funds during the fiscal year; provides that such a state or political subdivision is not ineligible for such funds if it returns all real property that was improperly taken and replaces or repairs any property that was destroyed or damaged; and prohibits the federal government from exercising its power of eminent domain for economic development.

This bill recently passed the House by a recorded vote of 376-38. You will be pleased to know that, based on the egregious ruling on the Supreme Court and its assault on person property rights, I voted in favor of this bill.

You may also be interested in knowing that I have cosponsored H.R. 3083, the Protection of Homes, Small Businesses, and Private Property Act of 2005. This bill, introduced on June 28, 2005, protects homes, small businesses, and other private property rights, by declaring that the power of eminent domain shall be available only for public use, which shall not be construed to include economic development and applies such limitation to all exercises of eminent domain by the federal government or by state and local governments through the use of federal funds.

Once again, thank you for contacting me on this issue. I hope that you will continue to share your thoughts with me in the future.

Sincerely,

s/John R. Kuhl, Jr.

Vote: Acclamation - Adopted.

RESOLUTION NO. 083-06

Introduced by D. Creath.

Seconded by K. Isaman.

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

Dennis Acomb
10498 CR46, Dansville, NY 14437

01/01/06 – 12/31/09

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, certified copies of this resolution shall be forwarded to the above-named appointees; the County Auditor; Steuben County Soil & Water Conservation District, and Peter J. Degnan, Esq., 35 Glen Street, Alfred, NY 14802.

Vote: Acclamation - Adopted. (Swackhamer opposed)

RESOLUTION NO. 084-06

Introduced by D. Creath.

Seconded by R. Nichols.

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, vacancies have occurred due to two members resigning.

NOW THEREFORE, BE IT

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

Through December 31, 2006

John Siranni, 10770 Hidden Meadow Trail, Corning, NY 14830 (filling the unexpired term of Jane P. Karlsten)

Through December 31, 2007

Michael L. Nisbet, 20 Bennett Street, Canisteo, NY 14823 (filling the unexpired term of Ellsworth Beckman)

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, 8 Denison Parkway East, Suite 310, Corning, NY 14830; John F. Leyden, Esq., Counsel to said Agency, 110 N. Main Street, Wayland, NY, 14572; and the County Auditor.

Vote: Acclamation - Adopted.

Motion to adjourn regular session and reconvene in executive session pursuant to Public Officers' Law, Article 7§ 105.1.H. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof made by Mr. McIntyre, seconded by Mr. McAllister and duly carried.

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

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

REGULAR MEETING
Morning Session
Bath, New York
Monday, April 24, 2006

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 24th day of April, 2006 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 Argentieri.

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

Chairman Roche asked Kathryn Borden to come forward. Ms. Borden is an employee in the Department of Social Services. Chairman Roche presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

Chairman Roche asked Linda Herrington to come forward. Ms. Herrington is an employee in the Risk Manager's Office. Chairman Roche presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

Chairman Roche asked Carol Whitehead and Lawrence Crossett to come forward. Chairman Roche presented Ms. Whitehead and Mr. Crossett with a plaque and Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada. Steuben County's Comprehensive Annual Financial Report was judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the document. Chairman Roche stated this is not the first year that our Treasurer's Office has been nationally recognized for its exemplary work in this area. All of us here in Steuben County government are well aware of the excellent work this department does, but it's nice to know that they're recognized nationally.
CONGRATULATIONS!

Chairman Roche asked Richard McCandless to come forward. Mr. McCandless stated last week the Bath Rotary presented awards for Outstanding Office Professional. While she was not present at the luncheon, today I would like to present a Certificate to Christine Kane, Clerk of the Legislature.
CONGRATULATIONS!

Chairman Roche asked Kathryn Biehl to come forward for her presentation. Mrs. Biehl stated the month of May is National Foster Care Month. We have 48 certified foster homes in Steuben County. They share their homes and hearts with foster children. All children deserve the love of a family and foster families provide this for our children. Foster families are committed to the children they serve. On May 25th, the Department of Social Services is hosting a recognition dinner for our foster parents. Throughout the year we host many events and we are able to do this through your support. She thanked County Administrator Mark Alger and the Legislature for their support.

Mrs. Biehl stated the Department of Social Services often partners with the Youth Bureau. This is a very positive experience. Last year we hosted the "Annual Day in the Country" for our foster families. The event took place at Watson Homestead and at this event, each foster family designed a quilt square. The squares were then put together in a quilt. I would like to thank Gary Pruyn, DSS Deputy Commissioner Teresa Stever-Gray, Jack Roche, Shelly Bentley, David Paine, Judy Schuck and all of the caseworkers, in particular, Lorraine Lowery. She noted Ms. Lowery has been with us for 16 years. She is responsible for the recruiting and training of foster parents. Ms. Lowery saw this project through from start to finish. With us here today are two students from Campbell-Savona High School who helped us with this project.

Mrs. Biehl stated finally, I would like to recognize, Diane Devour. She has been a foster parent since 1972. She has cared for 72 foster kids and adopted 5. Ms. Devour was very involved with the quilt project. They presented the foster family quilt to the Steuben County Legislature. She noted the quilt would be hung in the stairwell of the County Office Building. Chairman Roche thanked the group on behalf of the Legislature.

Chairman Roche stated we will now present the Child Abuse Prevention Award.

Mrs. Biehl stated good morning and thank you for the opportunity to speak today. I'm here on behalf of the Steuben County Task Force for the Prevention of Child Abuse. Each year we present the Child Abuse Prevention Award to an individual or team in Steuben County. The winner has been chosen for recognition because of his or her outstanding willingness to go above and beyond normal expectations in helping the youth in our community to improve their own lives. This year the recipient is someone well known to everyone in this room. It was quite a challenge to make this work without giving the result away. She asked Gary Pruyn to join her at the podium.

Mrs. Biehl stated Gary Pruyn was nominated to be the recipient of this award by several members of the Task Force. Anyone who heard of this nomination was overwhelmingly in favor of the decision to present Gary with this award. In fact, everyone was quite astonished that he has not yet been the recipient.

I am sure that most of what I can stand here and say about Gary is already well known to the people in this room. Here is a brief summary of Gary's life and the reason he is receiving this award. Gary has been the Director of the Steuben County Youth Bureau for the past 16 years. He received his BS Degree from Kansas State University. He served for 7 years in the US Air Force as a Captain. He and his wife, Elaine, reside in Hammondsport with their two children, Katherine and John. He owns the Toban Boarding Farm and has for 23 years.

Here is just a partial list of the activities that Gary has been affiliated with in the community: Turtle Beach, Jack Lisi Award, Summer Learning Experience, Student Recognition Program, 4-H, Boy Scouts, Family Fling, Youth Service Worker Award, Bath Rotary, Student tours of the County Facilities, Youth in Government Intern Program, Child Abuse Prevention Award, Community and Church Volunteer, Hammondsport School Board Trustee from 1993 to 1998, Horse Shows and events with his family. Gary also oversees numerous contracted programs for youth in Steuben County including such programs as Police Counseling, Teen Tutoring and Youth Mediation, to name just a few.

I don't know where we and the children of Steuben County would be without Gary's knowledge, undying energy and endless commitment. I have been watching and working with Gary for only a short time and am always amazed and impressed with the genuineness and sincerity with which he interacts with any child that he comes into contact with. It is easy to see that he truly enjoys these activities and contacts. He always has an inspiring story to tell that reflects his caring and concern about our children. We would be hard pressed to find another individual who has the same passion as Gary Pruyn. It is my distinct pleasure to present the 2006 Child Abuse Prevention Award to Mr. Gary Pruyn. **CONGRATULATIONS GARY!**

Gary stated this is really sneaky. I thank you very much. I'm speechless. Kids are so full of energy and life and smiles, it is a pleasure to help them have a good time. My work with the county and citizens isn't done alone. It is the support you give us. It is a partnership effort. Thank you very much. Chairman Roche thanked Gary for everything he does.

John Clifford, Western Regional Off-Track Betting Board Member, stated last month the Legislature approved Resolution No. 20-019 which spoke to an issue where the Governor should have a hands-off attitude concerning OTB. Recently, the Governor appointed a committee to oversee the New York Racing Association (NYRA). He stated NYRA has never turned a profit and has been ripe with allegations of misappropriation of funds. In addition, last year the Governor gave NYRA \$30 million. No other organization has received this type of funding. The Chairman of the Task Force is Bernadette Castro and she recently stated that the Task Force should also look at OTB's.

Mr. Clifford stated the Western Regional Off-Track Betting Corporation (WROTBC) was started in 1974. The then Board of Supervisors was asked to support the corporation and they said yes. On February 1, 1974, Steuben County loaned WROTBC \$22,880 to cover start-up costs. This loan was repaid the following year with interest. To this day Steuben County receives funds from WROTBC. The original loan has been paid 219 times.

Mr. Clifford stated the AdHoc Committee looking into OTB's has determined that they should be brought under the State's umbrella. Currently, New York State receives \$1,250,000 in taxes every month from WROTB and the County receives approximately \$6,000 per month. WROTBC owns their own real estate while other OTB's rent their facilities. In fact, both branches in Steuben County are owned by WROTB. We have approximately \$35 million in assets and your corporation paid for them. For the State to look at taking over WROTBC is unconscionable as it is owned by the counties. Thank you for passing that resolution. Please take this to whatever groups you can to keep them from taking it over. Batavia Downs, while small, still generates a considerable amount of income.

Mr. McAllister stated he sees the potential for the counties to be cut out of any funding through WROTB if it is put under the State's umbrella. Mr. Clifford stated they would receive a one-time payment to satisfy the fixed assets the County owns in the facility, but that would be it.

Mr. Gehl asked Mr. Clifford if he would attend the May12th meeting of the InterCounty Association of Western New York to explain this issue. The meeting is being held in Corning. Mr. Clifford stated he'd be happy to be there.

Mr. Jamison asked can the State just take this over? Mr. Clifford stated they can do anything they want to do, but hopefully they won't prevail. Chairman Roche thanked Mr. Clifford 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 authorizing and directing the Steuben County Treasurer to appropriate the amount of \$6,685 from the "Building Repair and Renovations Reserve" to a capital project entitled exterior preparation and painting of the Human Services Building and \$950 from the "Building Repair and Renovations Reserve" to a capital project entitled sealing and striping of the County Office Building parking lot. Chairman Roche asked if there were any comments regarding this Public Hearing. There being none, the Public Hearing portion of the meeting was closed.

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

Dr. Anderson reported that May is also Mental Health Month. In conjunction with this, we are celebrating the 40-year anniversary of the Department of Mental Health. In January of 1966, the Board of Supervisors took occasion to enter into a contract with the NYS Office of Mental Health and they started what is now known as Community Services on a budget of \$58,000. One of the things that has happened over the years is residents of Steuben County are now able to access one of the premiere health delivery services in the State of New York. This is due to the dedication and commitment of the Board of Supervisors and the Legislature. When we started this project, the Legislature saw fit to make sure that your constituents were able to access the finest quality services available and do it locally. You have dedicated funds and allowed us to hire staff that is excellent. I am personally very grateful to each of you that you have continued to support these services for those who are unable to get them for themselves. We are having an Open House on Wednesday, May 3rd at 12:30 p.m.

Dr. Anderson stated we've also started our planning process to include more public meetings this year. I would like to mention Mr. Swackhamer who took a real risk 18 years ago by letting me do what I wanted to do. He, as Chair of the Health and Education Committee, agreed to let us take advantage of the change in the tide that was going on in mental health services by letting us provide the services locally. I know there have been times Mr. Swackhamer has questioned his wisdom in doing that, but the constituents and residents of Steuben County have been grateful. We receive many positive letters regarding this. Thank you and please join us on May 3rd.

Mr. Schwartz stated last year I suggested removing the County sales tax from gasoline. I was told then that it would be impractical to do so at \$2.00/gallon. The price is now over \$3.00/gallon. Therefore, I will be sending a letter to all Legislators asking them to review the facts and figures and consider removing the state and county tax on gasoline. If we don't remove the tax from the price of gasoline, we will need another community program. I don't think many people realize the impact this is going to have when the price goes up to \$5.00. We need to do something.

RESOLUTION NO. 085-06

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, 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 John & Teresa Lyons
Parcel # 296.00-01-009.100
Municipality Addison Town
Disposition Correction

Resolution # A-2
Name State of New York
Parcel # 333.00-30-002.000
Municipality Campbell Town
Disposition Correction

SCHEDULE "B"

Resolution # B-1
Former Owner Benjamin Burleson
In Rem Index No. 86329, 2002 sale
Parcel # 142.00-01-023.120
Municipality Bath Town
Grantee(s) Benjamin Burleson
Grantee(s) Address 5050 Middle Rd, Bath, NY 14810
Consideration \$4,444.58, together with \$121.00 recording fees

Resolution # B-2
Former Owner David L & Mercedes Stiles
In Rem Index No. 84256, 2001 sale
Parcel # 166.26-01-054.000
Municipality Hornell City
Grantee(s) Mark A Clark & Joanne G Clark,
husband and wife, as tenants by the entirety
Grantee(s) Address 67 Catherine St, Hornell, NY 14843
Consideration \$50.00, together with \$208.00 recording fees

Vote: Roll Call - Adopted.

RESOLUTION NO. 086-06

Introduced by P. Roche.

Seconded by K. Isaman.

RECEIVING AND ACCEPTING THE APRIL 24, 2006, 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:

- Proclamation Declaring the Month of May 2006, as "Mental Health Awareness Month" in Steuben County.

March 15, 2006

1. Franklin County Legislature - Re: Requesting all counties' support for credit against personal income tax for volunteer firefighters and volunteer ambulance corps. ***Referred to: Public Safety & Corrections Committee and Mike Sprague, EMO Director.***
2. NYS Public Service Commission - Re: Case 05-G-1359 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Corning Natural Gas Corporation for Gas Service; Case 05-G-1268 - Proceeding on Motion of the Commission as to the Acts, Practices and Adequacy of Service of Corning Natural Gas Corporation (Tracks 2-4). ***Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Dennis Abbey, Director, Weights & Measures.***

March 16, 2006

1. New York State Emergency Management Office - Re: Invitation to apply for assistance under the Emergency Management performance Grant for FFY 2006 - for reimbursement of personnel and administrative expenses for the County's Emergency Management Office - allocation is \$23,692 for Steuben County. ***Referred to: Public Safety & Corrections Committee and Mike Sprague, EMO Director.***
2. NYS Division of Criminal Justice Services - Re: New subdivision 4 added to Social Services Law, §413, relative to recognizing the signs of a clandestine methamphetamine laboratory and the associated dangers, for mandated reporters (the County) of child abuse or maltreatment incidents. ***Referred to: Public Safety & Corrections Committee; Sheriff Tweddell, Tim Wixom, 911 Director; Frank Justice, Probation Director; Mike Sprague,***

EMO Director; Coroners; Health & Education Committee; Dr. Robert Anderson, Director, Community Services; Vicki Fuerst, PHN Director; Helen Brutsman, Special Children's Services; Human Services Committee; Kathryn Biehl, DSS Commissioner; Gary Pruyn, Director, Youth Bureau.

March 17, 2006

1. NYS Association of Counties - Re: Effective September 1st, 2006, administrative order will require local governments to finance and implement all prosecutorial duties relating to traffic infraction cases, including plea-bargaining in local courts. This action will require county district attorney offices to assume responsibility for a significant caseload without corresponding State aid. NYSAC urges counties to send letters of opposition regarding this administrative order to Governor Pataki. ***Referred to: Public Safety & Corrections Committee and John Tunney, District Attorney.***
2. Governor George E. Pataki - Re: Letter to County Administrator and County Legislators thanking them for their thoughtful expressions of sympathy and concern during the Governor's recent hospital stay.

March 20, 2006

1. U.S. Environmental Protection Agency - Re: Letter to encourage the county to participate in the ENERGY STAR Change a Light, Change the World Program. ***Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Bill Partridge, Superintendent, Buildings & Grounds Department.***
2. NYS Public Service Commission - Re: Case 05-G-1359 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Corning Natural Gas Corporation for Gas Service; and Case 05-G-1268 - Proceeding on Motion of the Commission as to the Acts, Practices and Adequacy of Service of Corning Natural Gas Corporation (Tracks 2-4). ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

March 27, 2006

1. NYS Department of State, Division of Code Enforcement and Administration - Re: Petition of Mark E. Kuvvka (LaBella Associates, P.C.), for a Variance to the NYS Uniform Fire Prevention & Building Code relative to a request for a "standard response" sprinkler system as regards the Jail Expansion Project. Variance granted. ***Referred to: Public Safety & Corrections Committee and Sheriff Tweddell.***

March 30, 2006

1. Onondaga County Executive - Re: Letter asking counties to send letters to urge the Governor to support the realistic financial plan to sustain county nursing homes as proposed by the NYS Senate and Assembly. ***Referred to: Health & Education Committee and John Zehr, HCF Administrator.***
2. Stephen Acquario, Executive Director, NYS Association of Counties - Re: Asking counties to urge the Governor to support the revised Medicaid reimbursement methodology and a new grant program that benefits county-operated nursing facilities. This methodology would update or "rebase" nursing home reimbursement rates from the current 1983 base year to 2002 over a three-year period. ***Referred to: Health & Education Committee and John Zehr, HCF Administrator.***

March 31, 2006

1. New York State Canal Corporation - Re: Announcing that tolls for recreational boating on the New York State Canal System for the 2006 navigational season have been eliminated. Governor Pataki proposed and the Canal Corporation approved the elimination of tolls for 2006 as part of a pilot program to improve boater access and expand tourism on the State's Canals. Boaters do not need to purchase a pass this season to travel along the waterway. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***
2. NYS Office of Temporary & Disability Assistance - Re: ABAWD (Able-Bodied Adult Without Dependents) limited to three months of food stamp benefits in a 36-month period unless the individual is working or participating in certain employment and training activities. Federal statute authorizes the ABAWD requirements to be waived in civil jurisdictions within a state which are determined to meet or exceed certain unemployment rates. Steuben County DSS accepted the waiver for the current period, and therefore, not eligible for a waiver for the next waiver period. ***Referred to: Human Services Committee and Kathryn Biehl, DSS Commissioner.***

April 6, 2006

1. NYS Department of State, NYS DEC, and NYS Office of Parks, Recreation & Historic Preservation - Re: Announcement of the availability of grant applications for several programs that provide funding to protect and enhance NY's natural and cultural resources and environmental infrastructure. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

April 11, 2006

1. NYS Department of State - Re: Appalachian Regional Commission Program for FY 2007 - applications submitted no later than June 9, 2006. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

April 12, 2006

1. NYS Public Service Commission - Re: Notice of Public Statement Hearings on Proposals for NYS Electric & Gas Corporation's Electric Rates. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*
2. Fortuna Energy, Inc. - Re: Supplement to Request to Amend - PSC Case #04-T-0315 to install a new Natural Gas Compression facility (Town of Lindley). *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

April 13, 2006

1. NYS Office for the Aging - Re; Revised Notification of Grant Award and modified budget pages 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 Tetor, OFA Director.*

Vote: Acclamation - Adopted.

RESOLUTION NO. 087-06

Introduced by G. Swackhamer.

Seconded by F. Gehl.

APPROPRIATING \$5,230.11 IN TOBACCO FUNDS TO A CAPITAL PROJECT ENTITLED "EDP EQUIPMENT".

WHEREAS, Steuben County received \$5,230.11 in additional residual payments; and

WHEREAS, the Steuben County Finance Committee has recommended that the additional funds be used for the purchase of computer equipment.

NOW THEREFORE, BE IT

RESOLVED, the \$5,230.11 aforementioned be and the same hereby is appropriated to a capital project entitled "EDP Equipment"; and be it further

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

Vote: Roll Call - Adopted.

RESOLUTION NO. 088-06

Introduced by D. Creath and G. Swackhamer.

Seconded by D. Stachnik.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO APPROPRIATE \$6,685.00 FROM THE "REPAIR AND RENOVATIONS RESERVE" TO THE CAPITAL PROJECT ENTITLED "HUMAN SERVICES BUILDING – EXTERIOR PAINTING."

WHEREAS, it is necessary to appropriate funds to increase the budget amount of \$20,000.00 adopted on December 1, 2005 to \$26,685.00 for the 117 E. Steuben Street, Bath, NY – Exterior Painting Capital Project; and

WHEREAS, funds are available within the Buildings and Grounds Department's "Repair and Renovations Reserve".

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to appropriate the sum of \$6,685.00 from the "Repair and Renovations Reserve" to the 117 E. Steuben Street, Bath, NY – Exterior Painting Capital Project; and be it further

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

Vote: Roll Call - Adopted.

RESOLUTION NO. 089-06

Introduced by D. Creath and G. Swackhamer.

Seconded by T. McIntyre.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO APPROPRIATE \$950.00 FROM THE "REPAIR AND RENOVATIONS RESERVE" TO THE CAPITAL PROJECT ENTITLED "SEALING AND STRIPING – STEUBEN COUNTY OFFICE BUILDING PARKING LOT".

WHEREAS, it is necessary to appropriate funds to increase the budget amount of \$5,000.00 adopted on December 1, 2005 to \$5,950.00 for the Sealing & Striping Capital Project at 3 E. Pulteney Square, Bath, NY; and

WHEREAS, funds are available within the Buildings and Grounds Department's "Repair and Renovations Reserve".

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to appropriate the sum of \$950.00 from the "Repair and Renovations Reserve" to the Sealing & Striping at 3 E. Pulteney Square, Bath, NY; and be it further

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

Vote: Roll Call - Adopted.

RESOLUTION NO. 090-06

Introduced by D. Baker and G. Swackhamer.

Seconded by R. Nichols.

AUTHORIZING THE STEUBEN COUNTY PROBATION DEPARTMENT TO ACCEPT A GRANT IN THE AMOUNT OF \$19,428.00 FOR THE PROBER-WEB SOFTWARE SYSTEM.

WHEREAS, the New York State Division of Probation & Correctional Alternatives notified the Probation Department of the availability of Grant funds for the Prober-Web software; and

WHEREAS, the Prober-Web software will be the required case management tool for Probation in the State of New York and no further funding opportunities will be forthcoming; and

WHEREAS, with this knowledge and permission of each relevant Legislative Committee, the Probation Department submitted a Grant for these funds; and

WHEREAS, Steuben County has been awarded the amount of \$19,428.00.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept the \$19,428.00 as revenue and appropriate that amount to Line Item No. 314000 4 338 9700 in the Steuben County 2006 Budget; and be it further

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

Vote: Roll Call - Adopted.

RESOLUTION NO. 091-06

Introduced by P. Donnelly and G. Swackhamer.

Seconded by D. Creath.

AUTHORIZING AN INCREASE IN THE EXISTING PETTY CASH ACCOUNT FOR THE STEUBEN COUNTY MOTOR VEHICLE DEPARTMENT BY AN ADDITIONAL \$50.00 BRINGING THE TOTAL TO \$600.00 IN THE CORNING BRANCH OFFICE.

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

WHEREAS, the addition of a transaction processing station in the Corning branch of the Steuben County Motor Vehicle Department has created a need to increase the amount of Petty Cash for the Corning branch office of the Steuben County Motor Vehicle Department; and

WHEREAS, Petty Cash is for the purpose of making change and providing each Clerk with their own cash drawer.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to increase the Steuben County Motor Vehicle Department's Petty Cash fund by an additional \$50.00 bringing the total to \$600.00 in the Corning branch office; and be it further

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

Vote: Roll Call - Adopted.

Chairman Roche asked if anyone had any objections to voting on the next four resolutions as one and waiving the reading of the resolutions. There were no objections.

RESOLUTION NO. 092-06

Introduced by P. Roche.

Seconded by R. Nichols.

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

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

WHEREAS, the Steuben County Farm Bureau has recommended that **Ernest Swift of Howard** be appointed to the Soil and Water Conservation District Board of Directors, and

WHEREAS, the Chairman of the Steuben County Legislature has recommended that **Dan C. Farrand, District 10**, be appointed to fill the Legislative Representative vacancy on the Soil and Water Conservation District Board of Directors.

NOW THEREFORE, BE IT

RESOLVED, that **Ernest Swift, DBA Swift Farms of Howard** be appointed to the Soil and Water Conservation District Board of Directors for a term of three years from January 1, 2006, through December 31, 2008; and be it further

RESOLVED, that **Dan C. Farrand of District 10** be appointed to fill the unexpired term of Harley R. Mayo as Legislative Representative to the Soil and Water Conservation District Board of Directors through December 31, 2006; 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 Soil and Water Conservation District Board of Directors; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Ernest Swift, 5737 Oak Hill Road, Bath, NY 14810; Legislator Dan Farrand; Richard Stewart, President, Steuben County Farm Bureau, 6526 McBeth Road, Canisteo, NY 14823; Steuben County Soil and Water Conservation District Office, 415 W. Morris Street, Bath, NY 14810; and the County Auditor.

Vote: Acclamation - Adopted.

RESOLUTION NO. 093-06

Introduced by P. Roche.

Seconded by R. Nichols.

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

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

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

NOW THEREFORE, BE IT

RESOLVED, **John Meyer of Joseph L. Meyer & Sons, Inc.**, is hereby appointed as the Steuben County representative on the Board of Directors of the Genesee Valley Regional Market Authority for a term of two (2) years from January 1, 2006 through December 31, 2007, and be it further

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

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointee at 9260 State Route 21, Cohocton, NY 14826; the County Auditor; and to William J. Mulligan, Jr., Administrator, Genesee Valley Regional Market Authority, 900 Jefferson Road, Rochester, NY, 14623.

Vote: Acclamation - Adopted.

RESOLUTION NO. 094-06

Introduced by P. Roche.

Seconded by R. Nichols.

FILLING A VACANCY ON THE SOUTHERN TIER REGIONAL EMERGENCY MEDICAL SERVICES COUNCIL.

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

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

WHEREAS, the Steuben County Legislature appointed two representatives to serve on the Southern Tier Regional Emergency Medical Services Council by Resolution No. 038-06; and

WHEREAS, it has been determined that one of the appointees does not meet the residency requirement set forth by Article 30 and Article 30A of the Public Health Law of the State of New York.

NOW THEREFORE, BE IT

RESOLVED, upon the recommendation of the Chairman of the Steuben County Legislature, David Hopkins, Deputy Director, 911 Enhanced Department, be and the same hereby is duly designated and appointed to fill the unexpired term of Timothy Wixom, Director, 911 Enhanced Department, as one of Steuben County's representatives on the Southern Tier Regional Emergency Medical Services Council to serve at the pleasure of this Legislature through December 31, 2007, and be it further

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

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

Vote: Acclamation - Adopted.

RESOLUTION NO. 095-06

Introduced by P. Roche.

Seconded by R. Nichols.

APPOINTING MEMBERS TO THE STEUBEN COUNTY FIRE ADVISORY BOARD.

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

RESOLVED, the following persons are hereby appointed members of the Steuben County Fire Advisory Board for a term of 2 years, commencing January 1, 2006 and ending December 31, 2007:

LEGISLATIVE MEMBER

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

NON-LEGISLATIVE MEMBERS

2. John Ford, 4 Mills Avenue, Painted Post, NY 14870
3. Keith Jordan, 1582 County Route 103, Woodhull, NY 14898
4. Vince Kelly, 108 Broadway, Hornell, NY 14843
5. Graham Barnes, 232 Beartown Road, Painted Post, NY 14870
6. Joseph Dick, 306 First Street, Hornell, NY 14843
7. Michael Sprague, Director of Emergency Management, Bath, NY 14810
8. Steven Monroe, 1 Corning Boulevard, Corning, NY 14830
9. William Fries, 7344 Fish Hatchery Road, Bath, NY 14810
10. Douglas Heinemann, 8425 Jacobs Ladder Road, Avoca, NY 14809
11. Richard C. Tweddell, Sheriff, Public Safety Building, Bath, NY 14810
12. Tim Marshall, Deputy Director Emergency Management, Bath, NY 14810
13. Chris Lasnick, 12669 West Lake Road, Hammondsport, NY 14840
14. Donald Merring, 17 East Main Street, Canisteo, NY 14823
15. Allen Pfitzenmaier, RD #3, Hornell, NY 14843

16. J. David Sawyer, P.O. Box 11, Woodhull, NY 14898
17. Johnny Yarka, 4508 County Route 10, Cameron, NY 14819
18. Larry Day, Pres., County Fire Chiefs Association, 9623 CR 87, Hammondsport, NY 14840
19. Timothy Wixom, E911 Director, Bath, NY 14810
20. David Hopkins, E911 Deputy Director, Bath, NY 14810

EX-OFFICIO MEMBERS

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

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

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

Vote: Acclamation - Adopted.

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. McAllister, seconded By Mr. Donnelly and duly carried.

Motion to adjourn executive session and reconvene in regular session made by Mr. Gehl, seconded by Mr. Jamison and duly carried.

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

REGULAR MEETING
Morning Session
Bath, New York
Monday, May 22, 2006

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 22nd day of May, 2006 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. McAllister.

Chairman Roche asked Paula Parker to come forward. Ms. Parker is an employee in the Department of Social Services. Chairman Roche presented her with a Certificate of Appreciation and a pin in recognition of her 20 years of service to Steuben County.

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

Frank Haftl, Cameron Mills, stated I'm here today in regard to the Legislators' pay raise. I know it won't be addressed this month, but I might not be here next month to make my comments. It was stated in the newspaper that you haven't had a raise since 1999. As a Legislator, do you consider this a civic contribution or are you in it for personal gain? I took the liberty of breaking down your salary into dollars per hour. You are paid \$792/month. I allowed for an average of 3 hours per month for the monthly board meeting and 3 hours for committee meetings, of which some of you serve on two. If you also attend Town Board meetings, you can add another 3 hours. If you attend 15 hours worth of meetings, it breaks down to \$52/hour. If you miss a meeting, that's \$66/hour. The more you miss, the more you get paid. You need to remember this is a part time job. I was Cameron Town Supervisor in the 1980's and I received \$500 per year. I worked many hours but I never asked for a raise. It was my civic contribution. This is my feeling and many citizens share the same feeling. 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 meeting made by Mr. McIntyre, seconded by Mr. Nielsen and duly carried.

Sheriff Tweddell announced that the Steuben County Sheriff's Department will be holding the First Annual Charity Concert on Saturday, May 27th from 5pm - 8pm at the Steuben County Fairgrounds. Tickets are on sale \$8 in advance, \$10 at the door. The concert is being held to benefit the Steuben County food banks.

Mr. Wixom reported that on May 11th the 911 system turned one year old. Over the past year they answered 125,000 incoming 911 calls. With this anniversary date, agencies now have the ability to shut off their 7-digit emergency numbers. I would like to thank the following departments for their assistance during this project: Planning, Vince Spagnoletti and the Bridge Crew, Law Department, Personnel Department, and Sheriff Tweddell, who became my mentor.

Mr. Nichols asked what about if the emergency number has been printed in the local phone books? Mr. Wixom stated that is part of the public education that we are doing. We will be sending home flyers through the schools to let them know that all emergency calls need to go to 911. It is everybody's responsibility to make sure everyone knows to dial 911.

Mr. Ahrens introduced Andrew Roby, of Canisteo. He is a second year law student and will be interning for the Law Department this summer.

Chairman Roche announced that the Governor has signed the Legislation enacting the gasoline sales tax cap. The County has the option of capping its' sales tax as well. Therefore, he is scheduling a Special Legislative Meeting on Tuesday, June 13th at 12:00 p.m.

Linda Tetor, OFA Director, stated with the advent of Medicare Part D, the department went into overdrive. We hired part-time help but everyone in the office took on extra duties to offer assistance. We have contacted over 1,500 older people and 1,200 have been counseled either over the phone or in person. I would like to commend the entire staff of the OFA and, in particular, Mike Keane, Supervisor; Nancy Caron; Lynn Decher; Ray Cotter; Marie Dartt-Bentley; Thomas Dewert; Kathy Russell; Alan DeWolfe and Jennifer Koehler.

Mr. Alger stated I would like to report that the bids for the jail expansion came in well under budget. The bids for the Health Care Facility will be opened on June 1st so, shortly, we'll know where we stand financially on both projects.

Chairman Roche announced that Schuyler County has issued a challenge to Steuben County. They would like us to vie for the "Chairman's Cup" against them and other contiguous counties. He noted that Mr. Spagnoletti is in charge of building the boat so contact him if you are interested.

RESOLUTION NO. 096-06

Introduced by G. Swackhamer.

Seconded by K. Isaman.

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

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

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

RESOLVED, as it appears to be in the best interest of the County to sell the properties listed on Schedule "B" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof; and be it further

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

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

SCHEDULE "A"

Resolution # A-1
Name City of Corning
Parcel # 299.16-02-048.310
Municipality Corning City
Disposition Correction

SCHEDULE "B"

Resolution # B-1
Former Owner Bonnie B Covell
In Rem Index No. 90918, 2004 sale
Parcel # 117.00-01-037.000
Municipality Urbana Town
Grantee(s) Bonnie B Covell
Grantee(s) Address 7191 Mitchellsville Hill Rd, Bath, NY 14810
Consideration \$906.62, together with \$211.00 recording fees

Resolution # B-2
Former Owner Clarence Vanmarrum
In Rem Index No. 90918, 2004 sale
Parcel # 013.00-01-030.300
Municipality Wayland Town
Grantee(s) Clarence Vanmarrum
Grantee(s) Address PO Box 215, Dansville, NY 14437-0215
Consideration \$2,308.07, together with \$121.00 recording fees

Resolution # B-3
Former Owner Howard Scotchmer
In Rem Index No. 88508, 2003 sale
Parcel # 078.12-01-019.000
Municipality Wayne Town
Grantee(s) Town of Wayne
Grantee(s) Address PO Box 182, Wayne, NY 14893
Consideration \$1,541.15, together with \$208.00 recording fees

Vote: Roll Call - Adopted.

RESOLUTION NO. 097-06

Introduced by P. Roche.

Seconded by D. Baker.

RECEIVING AND ACCEPTING THE MAY 22, 2006, COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

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

April 11, 2006

1. NYS Public Service Commission - Re: Notice of intention filed by Fortuna Energy, Inc., to Construct a Fuel Gas Transmission Line, Containing Approximately 7,425 ft. of 4-inch Plastic Pipeline, Located in the Town of Corning - Order Granting Certificate of Environmental Compatibility and Public Need. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

April 14, 2006

1. NYS Department of Transportation - Re: Request to develop and forward project proposals for the 1st round of funding within the Safe, Accountable, Flexible, Efficient Transportation Equity Act, known as SAFTEA-LU. ***Referred to: Public Works and A.I.P. Committees; Vince Spagnoletti, PW Commissioner; and Greg Heffner, Planning Director.***

April 17, 2006

1. NYS Department of Transportation - Re: Request to Modify Capital Application for the County's Section 5311 grant cannot be entertained at this late date for double funding of the grant, however, approval is granted to purchase one (1) larger bus. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
2. Putnam County Legislature - Re: Resolution requesting the State of NY to overhaul its education system to better provide for further relief in the financial burden on our residential home owners, by shifting their present portion of the cost of education to another revenue source. **Referred to: Health & Education Committee.**
3. Onondaga County Executive, Nicholas Pirro - Re: Letter encouraging counties to contact their State representatives urging them to override the Governor's vetoes or ensure that additional negotiations include provisions in the final budget for the proposed Medicaid nursing home reimbursement methodology and the State grants to public nursing facilities (vetoed by the Governor). **Referred to: Health & Education Committee and John Zehr, HCF Administrator.**

April 21, 2006

1. NYS Office for the Aging - Re: Notifications of Grant Award for Annual Implementation Plan, and Applications for State Aid under the Title III-B, III-C-1, III-C-2, III-D and III-E programs for 1/1/06 through 12/31/06. **Referred to: Human Services Committee and Linda Tetor, OFA Director.**
2. NYS Office for the Aging - Re: Notification of Grant Award and approved application for the State Pharmaceutical Assistance Program, for 10/1/05 through 9/30/06. **Referred to: Human Services Committee and Linda Tetor, OFA Director.**
3. NYS Department of Public Service - Case 05-G-1359 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules & Regulations of Corning Natural Gas Corporation for Gas Service; Case 05-G-1268 - Proceeding on Motion of the Commission as to the Acts, Practices and Adequacy of Service of Corning Natural Gas Corporation; Case 04-G-1032 - Petition of Corning Natural Gas Corporation for Permission to Defer for Future Recovery Costs Remaining After Sale of Appliance business, Filed in C 9218. **Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Dennis Abbey, Director, Weights & Measures.**

April 25, 2006

1. NYS Department of Transportation - Re: Federal Section 5311 Operating Assistance Projects for Steuben County - PIN 6793.41.404-2004; PIN 6794.44.404-2005; and PIN 6795.47.404-2006 - grant applications approved in the amounts of \$43,400 for 2005 and \$47,700 for 2006. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
2. NYS Department of Taxation & Finance - Re: Enactment of local law/resolution for Election of Year-Round Clothing and Footwear Exemption for June 1, 2006. **Referred to: Finance Committee and Larry Crossett, County Treasurer.**

April 26, 2006

1. Town of Erwin, Rita McCarthy, Town Manager - Re: Requesting the County's proportional support of expenses associated with the Dresser-Rand tax certiorari case seeking a 50% reduction in assessed value. County's share for environmental consultant is \$1,033.44 and \$2,807.31 for appraisal costs. **Referred to: Finance Committee and Larry Crossett, County Treasurer.**

April 28, 2006

1. Town of Erwin Industrial Development Agency - Re: Offer to purchase property at 344 Victory Highway, Painted Post, NY - in the amount of \$6,290. **Referred to: A.I.P. and Finance Committees; Greg Heffner, Planning Director; and Larry Crossett, County Treasurer.**
2. NYS Office of Children & Family Services - Re: Steuben County's Resource Allocation Plan for 2006 and request for State aid in the amount of \$195,753 has been approved. **Referred to: Human Services Committee and Gary Pruyn, Director, Youth Bureau.**
3. NYS Emergency Management Office - Re: NYSEMO now accepting Letters of Intent for a new mitigation program recently announced by FEMA. Provides funding to reduce or eliminate the long-term risk of flood damage to structures insured under the National Flood Insurance Program. **Referred to: Public Safety & Corrections Committee and Mike Sprague, EMO Director.**

May 1, 2006

1. Fortuna Energy, Inc. - Re: Request to Supplement Notice of Intent - PSC Case #04-T-0315 to install a new Natural Gas Compression Facility - Town of Lindley. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

May 3, 2006

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$6,665 representing the March 2006 retained surcharge revenue for Steuben County from the WROTB. *Referred to: Rules and Finance Committees; and Larry Crossett, County Treasurer.*
2. Fortuna Energy, Inc. - Re: Notice of Intent - Natural Gas Gathering Pipeline - 4" BJ Hartman to Gillis 4" Pipeline - Town of Caton. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*
3. Emergency Medical Services Training, Administration & Resources (EMSTAR) - 2006 First Quarterly Report and Payment Request for \$1,406.25. *Referred to: Health & Education Committee; Vicki Fuerst, PHN Director; Public Safety & Corrections Committee; and Mike Sprague, EMO Director.*

May 4, 2006

1. NYS Department of Labor - Re: NYSDOL has completed review of the Chemung/Schuyler/Steuben Addendum to its Comprehensive Three-Year Local Plan, and is deemed approved. *Communication officially logged.*

May 8, 2006

1. NYS Department of Family Assistance - Re: Combined two sources of TANF funds, the SFY 2006-07 Flexible Fund for Family Services and the New York Works Compliance Fund - allocation for Steuben County is \$5,152,800. The Summer Youth Employment Program for our district is \$200,937. The SFY 2006-07 ChildCare Block Grant allocation for Steuben County is \$1,832,674. *Referred to: Human Services and Finance Committees; Kathryn Biehl, DSS Commissioner; and Larry Crossett, County Treasurer.*
2. NYS Division of Criminal Justice Services - Re: Audit of Domestic Abuse Review Team program within the District Attorney's Office - Audit findings reveals deficiencies in time reporting. *Referred to: Public Safety & Corrections and Finance Committees; John Tunney, District Attorney; and Larry Crossett, County Treasurer.*

Vote: Acclamation - Adopted.

RESOLUTION NO. 098-06

Introduced by P. McAllister.

Seconded by R. Argentieri.

FINAL ADOPTION OF AN AMENDMENT TO THE RULES OF PROCEDURE OF THE STEUBEN COUNTY LEGISLATURE RELATIVE TO RULE 8 – PROCEDURE ON ADOPTION OF RESOLUTIONS, LEGALIZING ACTS AND LOCAL LAWS.

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

RESOLVED, the following amendment to the *Rules of Procedure* was presented for consideration by the Legislature on March 27, 2006:

KEY: New material is underlined.
Old material is in brackets [].

9. PROCEDURE ON ADOPTION OF RESOLUTIONS, LEGALIZING ACTS AND LOCAL LAWS...

Following presentation of a Local Law by the full Legislature or by a standing committee of the Legislature, said Local Law shall be laid upon the desks of members of the Legislature (proposed Local Laws shall be deemed laid on the desk of a member of the Legislature when deposited in the Legislator's mail box maintained by the Steuben County Legislature) addressed and securely closed envelopes at least ten calendar days, exclusive of Sunday, prior to final passage unless the

Chairman of the Legislature shall have certified as to the necessity for its immediate passage and such Local Law be passed by the affirmative vote of two-thirds of the total voting weight of the Legislature. Simultaneously with the placement and mailing of the proposed Local Law to members of the Legislature, a public hearing shall be set by the Clerk of the Legislature relative to the adoption of said proposed Local Law for the next scheduled meeting of the Legislature and in no case sooner than the seven or ten calendar days as previously stated.

BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to all Department Heads.

Vote: Roll Call - Adopted.

RESOLUTION NO. 099-06

Introduced by P. McAllister.

Seconded by R. Nielsen.

FINAL ADOPTION OF AN AMENDMENT TO THE *RULES OF PROCEDURE OF THE STEUBEN COUNTY LEGISLATURE* RELATIVE TO RULE 17 – *RELATIVE TO BUDGET ADOPTION PROCESS.*

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

RESOLVED, the following amendment to the *Rules of Procedure* was presented for consideration by the Legislature on March 27, 2006:

KEY: New material is underlined.
Old material is in brackets [].

The Budget Officer shall comply with all statutory provisions relative to the presentation of the Tentative Budget and adoption of the Final Budget. [At a date and time other than the regular monthly meeting of the Steuben County Legislature and at a date and time other than and prior to the adoption of the Annual Budget there shall be convened by the Chairman of the Legislature a Budget Workshop.] In addition there shall be filed by the Budget Officer an Annual Budget Message with the filing of the Tentative Budget.

There shall be convened by the Chairman of the Legislature a Budget Workshop.
The format for the Budget Workshop shall be as follows:

- (1) Presentation of the Budget Message by the Budget Officer.
- (2) Analysis of the budgetary impact of proposed personnel changes including
 - a) Personnel changes pursuant to Rule 16B.
 - b) Personnel changes due to non-16B activities including retirements, consolidations, position eliminations or other facts.
 - c) Net impact on numbers of positions.
 - d) Net dollar impact of collective bargaining agreements.
 - e) Net dollar impact due to management salary increases (including public officers). Any salary of a public officer or officers necessitating the presentation of a local law or laws shall be prepared at the direction of the Administration Committee at or before its November committee meeting and forthwith presented to each member of the Legislature. Said Local Law or Laws shall be published and posted. Presentation for final adoption shall be made at the Budget Workshop following the public hearing on said local law or laws.
 - f) Total budgetary impact of all combined personnel changes.
- (3) Impact of funding for Capital Projects and Debt Service.
- (4) Discussion of other issues of budgetary concern to legislators.

Changes to the proposed budget approved in the budget workshop shall be incorporated into the budget prior to the full meeting of the Legislature scheduled subsequently for public hearing and budget approval.

At a [date and] time other than the regular monthly meeting of the Legislature and the Budget Workshop Meeting, the Chairman shall convene a separate meeting for a public hearing on the Annual Budget together with resolutions customary and necessary for the adoption of the Annual County Budget.

BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to all Department Heads.

Vote: Roll Call - Adopted.

RESOLUTION NO. 100-06

Introduced by R. Nichols.

Seconded by K. Isaman.

DECLARING 6.29 ACRES OF COUNTY PROPERTY ON STATE ROUTE 415 IN THE TOWN OF ERWIN AS NO LONGER NECESSARY.

Pursuant to Section 215(5) of the County Law of the State of New York.

WHEREAS, the County owns a parcel of real property in the Town of Erwin, consisting of 6.29 acres (hereinafter "subject premises"); and

WHEREAS, said real property is no longer necessary for public use, nor is needed for County purposes; and

WHEREAS, the County is desirous of selling same.

NOW THEREFORE, BE IT

RESOLVED, that the above subject premises be and the same hereby are found to be no longer necessary for public use; and be it further

RESOLVED, the aforesaid property shall be sold to the Town of Erwin for \$6,290 plus closing costs relative to Local Law Tentatively No. Two for the Year 2006; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works, County Treasurer; Director of Real Property Tax Service Agency; the Risk Manager; Thomas Tammaro, Town Supervisor and Rita McCarthy, Town Manager, 117 West Water Street, Painted Post, NY 14870.

Vote: Roll Call - Adopted. Yes: 9421; No: 451 (Argentieri)

RESOLUTION NO. 101-06

Introduced by R. Nichols.

Seconded by K. Isaman.

PRESENTING LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2006, AUTHORIZING THE SALE OF 6.29 ACRES OF COUNTY-OWNED PROPERTY TO THE TOWN OF ERWIN INDUSTRIAL DEVELOPMENT AGENCY.

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 described as Parcel ID: 280.19-01-086.000; and

WHEREAS, the County is desirous of conveying said property to the Town of Erwin Industrial Development Agency.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature, Local Law Tentatively No. Two for the Year 2006, authorizing the sale of 6.29 Acres of County-owned property to the Town of Erwin Industrial Development Agency.

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2006**

A **LOCAL LAW** authorizing the sale of 6.29 acres of County-owned property to the Town of Erwin Industrial Development Agency.

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 \$6,290.00; plus advertising costs and transaction costs, to convey to the Town of Erwin Industrial Development Agency, Parcel ID: 280.19-01-086.000, the following tract of land:

All that piece or parcel of property, being a portion of Section 280.19, Block 01, Parcel 086.000 as shown on the official tax map, situate in the Town of Erwin, Steuben County, State of New York.

SECTION 2: The within statute shall be construed as an offer to convey to, and an option to purchase the subject premises by the Town of Erwin Industrial Development Agency. Failure or refusal to furnish consideration on or before December 31, 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.

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 June 26, 2006 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 Director of the Real Property Tax Service Agency and the Town of Erwin Industrial Development Agency.

Mr. Schwartz asked is anyone else interested in this property? Mr. Ahrens stated we weren't even aware that we owned it. It has an acre and a half of useable land. The Administration Committee deemed the price fair.

Vote: Acclamation - Adopted. (Opposed: Argentieri and Schwartz.)

RESOLUTION NO. 102-06

Introduced by P. Donnelly.

Seconded by D. Baker.

AUTHORIZING AND DIRECTING THE ADJUSTMENT OF THE MANAGEMENT SALARY GRID.

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

WHEREAS, the Management Salary Grid was last adjusted in 2000; and

WHEREAS, Steuben County wishes to keep its management salaries competitive; and

WHEREAS, the Administration Committee has recommended a ten percent increase in the salary ranges.

NOW THEREFORE, BE IT

RESOLVED, the Management Salary Grid shall be adjusted by ten percent; and be it further

RESOLVED, the Management Salary Grid shall be adjusted annually by the same percentage as the CSEA Salary Grid; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to all Department Heads.

**PROPOSED 2006
MANAGEMENT SALARY SCHEDULE
GRADE LEVEL AND SALARY**

GRADE	MINIMUM	MID-LEVEL	MAXIMUM
B	\$ 28,973	\$ 37,504	\$46,035
C	31,873	41,088	50,304
D	35,060	45,199	55,338
E	38,566	50,455	62,343
F	42,423	54,689	66,954
G	46,662	60,159	73,655
H	51,327	66,173	81,019
I	56,462	72,857	89,252
J	62,108	80,070	98,032

Vote: Roll Call - Adopted.

RESOLUTION NO. 103-06

Introduced by D. Baker.

Seconded by P. McAllister.

REQUESTING LEGISLATION AMENDING REAL PROPERTY TAX LAW SECTION 466-a “VOLUNTEER INCENTIVE LEGISLATION” TO INCREASE THE REAL PROPERTY TAX EXEMPTION FROM \$3,000 TO \$5,000, AND TO DECREASE THE ELIGIBILITY SERVICE TIME FROM FIVE YEARS SERVICE TO TWO YEARS SERVICE.

WHEREAS, Real Property Tax Law Section 466-a provides a Real Property Tax exemption for Volunteer Firefighters and Ambulance Workers of 10% of the assessed value not to exceed \$3,000; and

WHEREAS, said statute also requires an eligibility for such exemption, and requires the applicant to be a member of a volunteer fire or ambulance company for five years service; and

WHEREAS, as an inducement to encourage volunteer efforts, it is desirable to increase the assessed valuation to a sum not to exceed \$5,000 and to reduce the number of years of service from five years service to two years service.

NOW THEREFORE, BE IT

RESOLVED, it is respectfully requested that the Governor and the Legislature adopt an amendment to the Real Property Tax Law Section 466-a, so as to provide an exemption not to exceed \$5,000 and to reduce the number of years of service in a fire or ambulance company from five years service to two years service; 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; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and the Director of Real Property Tax Service Agency.

Mr. Swackhamer asked is there anything we are doing for the non-property owners? Mr. Alger stated the county isn't but the State has instituted an income tax exemption.

Mr. Farrand stated the Fire Advisory Board is currently working on other ways to help the non-property owning volunteers. Mr. Schwartz noted the State is also considering a break on school tuition.

Vote: Roll Call - Adopted.

RESOLUTION NO. 104-06

Introduced by P. Donnelly.

Seconded by T. Schwartz.

AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS.

Pursuant to Section 261 (2) of the Tax Law of the State of New York.

RESOLVED, that the apportionment of tax on mortgages in the County of Steuben collected by the County Clerk from the 1st day of October, 2005, to the 31st day of March, 2006, pursuant to provisions of Section 261 (2) of the Tax Law, as made by the Clerk of this Legislature be and the same hereby is ratified and confirmed, and the statement of such apportionment in compliance with the provisions of said Law, filed with the County Treasurer of this County, is hereby and in all things ratified and confirmed and such statement shall be to the County Treasurer a sufficient Warrant for the payment by him of the various sums as apportioned for the various purposes as designed by Law; and be it further

RESOLVED, that the Clerk of this Legislature shall forward certified copies of this resolution to the Steuben County Treasurer, the Steuben County Real Property Tax Service Agency, and the Steuben County Clerk:

MORTGAGE TAX APPORTIONMENT

The amount of money in your hands on March 31, 2006, which was received by you from the County Clerk as taxes paid to him upon the real property mortgages filed in his office since October 1, 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 \$621,073.48.

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 - 5/2006

<u>TOWN & CITIES</u>	<u>TOWN/CITY AMT DUE</u>	<u>VILLAGES</u>	<u>VILLAGES AMT DUE</u>	<u>TOTAL AMT DUE</u>
ADDISON	8,504.83	ADDISON	3,450.17	11,955.00
AVOCA	7,020.61	AVOCA	1,124.65	8,145.26
		BATH (1)	10,738.67	
BATH	36,529.87	SAVONA (2)	1,043.32	48,311.86
BRADFORD	3,911.11			3,911.11
CAMERON	6,589.30			6,589.30
CAMPBELL	19,774.00			19,774.00
CANISTEO	9,827.57	CANISTEO	3,256.99	13,084.56
CATON	12,804.12			12,804.12
COHOCTON	11,499.55	COHOCTON	1,647.15	13,146.70
CORNING CITY	61,078.15			61,078.15
		RIVERSIDE (1)	1,465.40	
CORNING TOWN	36,423.72	S CORNING (2)	2,396.03	40,285.15
DANSVILLE	9,458.31			9,458.31
ERWIN	98,721.87	PAINTED POST	8,561.32	107,283.19
FREMONT	5,761.91			5,761.91
GREENWOOD	3,582.92			3,582.92
HARTSVILLE	5,000.68			5,000.68
HORNBY	10,116.96			10,116.96
HORNELL CITY	39,703.84			39,703.84
		ALMOND (1)	39.28	
		ARKPORT (2)	1,789.50	
HORNELLSVILLE	20,419.53	V N HORNELL (3)	2,018.67	24,266.98
HOWARD	8,118.03			8,118.03
JASPER	6,368.99			6,368.99
LINDLEY	8,671.40			8,671.40
PRATTSBURGH	8,151.55			8,151.55
PULTENEY	37,079.12			37,079.12
RATHBONE	2,442.57			2,442.57
THURSTON	9,104.83			9,104.83
TROUPSBURG	4,255.07			4,255.07
TUSCARORA	4,087.87			4,087.87
URBANA	34,447.98	HAMMONDSPORT	3,461.91	37,909.89
WAYLAND	17,039.50	WAYLAND	4,070.13	21,109.63
WAYNE	15,636.03			15,636.03
WEST UNION	1,018.02			1,018.02
WHEELER	6,265.54			6,265.54
WOODHULL	6,594.94			6,594.94
	576,010.29		45,063.19	621,073.48

Foregoing shall be your sufficient warrant for the payment of said sums as above directed.

DATED at Bath, New York, May, 22, 2006.

STEUBEN COUNTY LEGISLATURE

By: Philip J Roche, Chairman

I, Christine Kane, Clerk of the County Legislature of Steuben County, DO HEREBY CERTIFY, that the foregoing apportionment of Mortgage Tax, pursuant to Law, is correct.

DATED: May 22, 2006

Christine Kane, Clerk
Steuben County Legislature

Mr. Isaman asked if they are down this year? Mrs. Hunter stated we are up approximately \$60,000 for the same time period last year but we are down from the fall figures.

Vote: Roll Call - Adopted.

RESOLUTION NO. 105-06

Introduced by P. Donnelly.

Seconded by D. Creath.

AMENDING THE INVESTMENT POLICIES OF THE COUNTY OF STEUBEN.

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

BE IT FURTHER, that the authorized depositories for the County of Steuben shall be amended to include:

Key Bank
Buffalo, New York

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

Mr. Creath asked do they have a branch in Steuben County? Mr. Crossett stated they do not, but they have very competitive rates.

Vote: Roll Call - Adopted. Yes: 8137; No: 1735 (Isaman, McIntyre, Schwartz)

RESOLUTION NO. 106-06

Introduced by P. Donnelly.

Seconded by D. Baker.

EXEMPTING THE PROPERTIES COMMONLY KNOWN AND DESIGNATED AS CHAMPLIN BEACH PARK IN THE TOWN OF URBANA AND MOSSY BANK PARK IN THE TOWN OF BATH FROM TAXATION BY THE COUNTY OF STEUBEN.

Pursuant to Real Property Tax Law Section 406(2).

WHEREAS, those properties commonly known and designated as Champlin Beach Park in the Town of Urbana, owned by the Village of Hammondsport (Parcel ID# 118.00-01-061.000) and Mossy Bank Park in the Town of Bath, owned by the Village of Bath (Parcel ID# 173.00-01-0054.000), are currently subject to County taxation; and

WHEREAS, said parks are open and available to members of the public at no cost; and

WHEREAS, said parks represent a valuable asset for the entire County of Steuben; and

WHEREAS, it is desirable to exempt same from taxation for County tax purposes.

NOW THEREFORE, BE IT

RESOLVED, that the aforesaid parcels be and same hereby are exempt from County taxation; and be it further

RESOLVED, said exemption shall terminate in the event fees are charged for usage of the facilities and/or the County adopts a subsequent resolution; and be it further

RESOLVED, the effective date of said exemption shall be March 1, 2006; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Mayor Emery Cummings, 15 Lake Street, Hammondsport, NY 14840; Mayor David G. Wallace, 110 Liberty Street, Bath, NY 14810; the County Treasurer, and the Real Property Tax Director.

Mr. McAllister asked are other parks exempt from taxation? Chairman Roche stated these are the only two parks that are owned by villages that are located outside of village limits.

Mr. Swackhamer asked why didn't this come to the Finance Committee for review and how does it affect the County tax levy? Mr. Alger stated these generally have gone through the Administration Committee. Mrs. Hatch stated the total County tax for 2006 is \$5,700 and that equates to a 0.01 percent affect on the County levy.

Vote: Roll Call - Adopted.

RESOLUTION NO. 107-06

Introduced by K. Isaman and P. Donnelly.

Seconded by G. Swackhamer.

RECLASSIFICATION OF A PHYSICAL THERAPIST POSITION, GRADE XVIII, TO DIRECTOR OF REHABILITATION SERVICES, MANAGEMENT POSITION, GRADE "H" WITHIN THE STEUBEN COUNTY HEALTH CARE FACILITY.

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

WHEREAS, a position exists within the Steuben County Health Care Facility 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 Health Care Facility is hereby reclassified:

Physical Therapist, Grade XVIII (\$47,008-\$66,364) to
Director of Rehabilitation Services, Management, Grade H (\$46,661-\$73,654)

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, the County Treasurer and the Health Care Facility Administrator.

Vote: Roll Call - Adopted.

RESOLUTION NO. 108-06

Introduced by K. Isaman and P. Donnelly.

Seconded by D. Creath.

RECLASSIFICATION OF A SOCIAL WORKER ASSISTANT POSITION, GRADE XII, TO NURSING CASE MANAGER FOR SHORT-TERM REHABILITATION SERVICES POSITION, GRADE "K" WITHIN THE STEUBEN COUNTY HEALTH CARE FACILITY.

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

WHEREAS, a position exists within the Steuben County Health Care Facility 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 Health Care Facility is hereby reclassified:

Social Worker Assistant, Grade XII (\$29,688-\$41,912) to
Nursing Case Manager for Short-term Rehabilitation Services, Grade K (\$41,925-\$50,310)

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, the County Treasurer and the Health Care Facility Administrator.

Vote: Roll Call - Adopted.

RESOLUTION NO. 109-06

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 DEPUTIES ASSOCIATION OF THE COUNTY OF STEUBEN FOR THE YEARS 2007, 2008 AND 2009.

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 Deputies Association of the County of Steuben, the bargaining unit for all full-time sworn law enforcement employees in the Sheriff's Office, as to recommended proposals for terms and working conditions for these employees for the years 2007, 2008 and 2009; and

WHEREAS, the Association has accepted in whole the aforesaid proposals.

NOW THEREFORE, BE IT

RESOLVED, the proposed Agreement, as recommended by the respective negotiating committees, duly adopted by the members of the said Association on April 21, 2006, covering the years 2007, 2008 and 2009 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 Association for the fiscal years 2007, 2008 and 2009, 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 Deputies Association; 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 Deputies Association, 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 the Deputies Association, 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 employees included in said Deputies Association bargaining unit as to the terms and conditions of employment for the years 2007, 2008 and 2009; and be it further

RESOLVED, 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, the County Attorney, the Personnel Officer, the Clerk of the Legislature, the County Treasurer and to the President of the Deputies Association of the County of Steuben.

Vote: Roll Call - Adopted.

RESOLUTION NO. 110-06

Introduced by T. Schwartz.

Seconded by All Legislators.

MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO ADOPT THE "RESPECT FOR AMERICA'S FALLEN HERO'S ACT".

WHEREAS, legislation has been introduced to amend Chapter 24 of Title 38 of the U.S. Code which would prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and Arlington National Cemetery; and

WHEREAS, said legislation pays respect to the men and women who have given the ultimate sacrifice for the benefit of our freedom and country; and

WHEREAS, this Legislature wishes to state for the record its passionate support of said legislation.

NOW THEREFORE, BE IT

RESOLVED, the President and Congress of the United States be and the same hereby are memorialized to adopt the "Respect for America's Fallen Hero's Act", to amend Chapter 24 of Title 38 of the U.S. Code; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to President George W. Bush, 1600 Pennsylvania Avenue, Washington, DC; US Senator Charles E. Schumer, 313 Hart Senate Office Bldg., Washington, DC 20510-3202; US Senator Hillary Rodham-Clinton, 476 Russell Senate Office Building, Washington, DC 20510; US Congressman John R. Kuhl, Jr., 22 Buell Street, Bath, NY 14810; US Congressman Mike Rogers, 133 Cannon House Office Building, Washington, DC 20515; and US Congressman J. Dennis Hastert, 235 Cannon House Office Building, Washington, DC 20515.

Mr. Schwartz stated this prohibits people from protesting an hour before and an hour after a burial at National Cemeteries.

Vote: Acclamation - Adopted.

RESOLUTION NO. 111-06

Introduced by P. Roche.

Seconded by R. Nichols.

REAPPOINTING PATRICIA F. FINNERTY TO THE CORNING COMMUNITY COLLEGE REGIONAL BOARD OF TRUSTEES.

Pursuant to Chapter 552 of the Laws of the State of New York of 1984.

WHEREAS, by resolution duly adopted the 30th day of May, 1997, Patricia F. Finnerty of Bath, New York, was appointed to the Regional Board of Trustees for Corning Community College for a term to expire June 30, 2006; and

WHEREAS, the Chairman of the Legislature has recommended Patricia F. Finnerty for reappointment to the Regional Board of Trustees for a term commencing July 1, 2006, and expiring June 30, 2013.

NOW THEREFORE, BE IT

RESOLVED, Patricia F. Finnerty, be and the same hereby is reappointed as Trustee of the Corning Community College Board of Trustees for the above term; and be it further

RESOLVED, said member shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of her duties on the Corning Community College Regional Board of Trustees; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Dr. Floyd Amann, President of Corning Community College, 1 Academic Drive, Corning, New York 14830, and to the above-named appointee at 7389 Wildflower Way, Bath, NY 14810.

Vote: Acclamation - Adopted.

RESOLUTION NO. 112-06

Introduced by P. Roche.

Seconded by K. Isaman.

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, one of the members has tendered their resignation.

NOW THEREFORE, BE IT

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

VOTING MEMBERS

Attractions

Beth Harvey, Marketing & Communications Specialist, Rockwell Museum

Filling the unexpired term of Cindy Weakland

TERMS

04/13/06 - 12/31/06

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 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 appointee and Peggy Coleman, Executive Director, Steuben County Conference and Visitors' Bureau, Inc., 1 West Market Street, Baron Steuben Building, Suite 301, Corning, New York, 14830.

Vote: Acclamation - Adopted.

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

**SPECIAL MEETING
Morning Session
Bath, New York
Tuesday, June 13, 2006**

The County Legislature of the County of Steuben, convened in Special Session in the Legislative Chambers, Bath, NY on Tuesday, the 13th day of June, 2006, at 12:00 p.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll Call and all members present except for Legislators Jamison and McAllister.

Mr. Swackhamer led the invocation and Mr. Stachnik led the Pledge of Allegiance.

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

**L O S T
RESOLUTION NO. 113-06**

Introduced by T. Schwartz.

Seconded by R. Argentieri.

ELECTING A CENTS PER GALLON RATE OF SALES AND COMPENSATING USE TAXES ON MOTOR FUEL AND DIESEL MOTOR FUEL, IN LIEU OF THE PERCENTAGE RATE OF SUCH TAXES, PURSUANT TO THE AUTHORITY OF 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. Resolution No. 321 as enacted in 1967, as amended, is amended by adding a new section 4-B to read as follows:

Section 4-B. Cents per gallon rate of sales and compensating use taxes on motor fuel and diesel motor fuel.

Notwithstanding any provision of this enactment to the contrary, in lieu of the percentage rate of sales and compensating use taxes imposed on receipts from the retail sale of and consideration given or contracted to be given for, or for the use of, motor fuel and diesel motor fuel, such taxes shall be imposed at a rate of cents per gallon of such motor fuel or diesel motor fuel, in the manner prescribed by subdivision (m) of section 1111 of the New York Tax Law, provided that, for purposes of calculating the cents per gallon rate of tax, such receipts or consideration shall be limited to two (2) dollars per gallon of either such fuel. Provided that, if the average price of such fuels changes as described in such subdivision (m) of section 1111 of the Tax Law, the Commissioner of Taxation and Finance shall adjust the cents per gallon tax rate on such fuels in the manner prescribed in such subdivision (m) of section 1111 of the Tax Law.

SECTION 2. This resolution shall take effect July 1, 2006.

Mr. Alger asked are there any questions regarding the gas sales tax memo? He noted the impact is spelled out.

Mr. Gehl asked if we pass this we will be losing \$1.2 million from here on out? Mr. Alger stated assuming the gas prices remain above the \$2/gallon level we will lose that on an annual basis.

Mr. McIntyre stated Steuben County has been mindful of taxes on fuels in the past. In fact, we don't charge tax on home heating fuel. We lose \$4 million annually on that but we've always given consideration to the homeowner. Approximately 25% of the revenues we receive from the sales tax on gas come from non-county residents and to ask the taxpayers of the County to absorb 100% of that sales tax loss is too much. Therefore, I'm against this resolution.

Mr. Swackhamer stated the Finance Committee voted against endorsing this resolution. Sales tax is the fairest tax and if we remove it, it will go onto the property tax.

Mr. Farrand stated he contacted his towns and they conducted a straw poll of their town boards. The towns receive revenue from sales and property tax. They desire to keep the sales tax on gas. Therefore, I strongly oppose this resolution.

Mr. Stachnik stated every day in the pharmacy I see between 300 and 400 people. Since this became public I have not had one person voice their consent to removing this tax. They don't want it added to the property tax.

Mr. Schwartz stated it is a fact that we are going to cut taxes and spending. We tax and spend too much. It is time to go on a diet. The quote came from Mr. Hatch. Sales tax is the most regressive tax in the nation. Taxation is a criminal activity and the worse thing in the state is an elected official. You have an opportunity to help the poor people. We don't have mass transit and we don't get our fair share back in chips funding for our roads. We are the highest taxed state in the nation because of our social programs. We cannot go back and revisit this sales tax issue. We are making revenue up to the \$2.00 level and everything above that we would be losing 4 cents per gallon. We always hold the property owner the hostage. It has to stop. We overtax the people in this county. I serve people who are trying to make a living off of minimum wage and you can't give them 4 cents per gallon?

Mr. Isaman stated the agricultural groups are affected. The gasoline they use is tax exempt and if we remove this tax, it would go onto their property tax.

Mr. Creath stated my constituents have told me to not mess with their property tax. I can't vote for this. We've reached an austere budget mentality in the county. The spending will be fixed at the minimum level and then we have to look at revenue sources. It doesn't make sense to take the money out of one pocket and pay it back from another.

Mr. Nichols stated he has talked to people in his district and he only had one person in favor of withdrawing the gas tax and he owns a gas station. I didn't find support in my district. The county is trying to keep people in their homes and this is one way to do it.

Mr. Argentieri stated I wasn't sure how I was going to vote on this when I got here. It has been suggested that the loss of revenue in sales tax would have to go onto property taxes. It is upsetting to think that we have to legislate under those conditions. I think that perhaps my vote will have to go to support Mr. Schwartz.

Vote: Roll Call – Lost.

Yes: 964; No: 7621; Absent: 1287.

(Noes: Baker, Creath, Donnelly, Farrand, Gehl, Isaman, McIntyre, Nichols, Nielsen, Roche, Stachnik, Swackhamer and Walsh; Absent: Jamison and McAllister)

RESOLUTION NO. 114-06

Introduced by G. Swackhamer.

Seconded by F. Gehl.

REQUESTING THE ADOPTION OF SENATE BILL NO. S.6448-B AND ASSEMBLY BILL NO. A.9554-B 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 Section 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, for the year 2005, Section 253-i of the Tax Law authorizing an additional County mortgage tax of twenty-five (\$.25) per \$100.00 of a mortgage has been adopted; and

WHEREAS, Senate Bill No. S.6448-B and Assembly Bill No. A.9554-B necessitates additional legislation to establish a sunset date for said statute, which is deemed necessary and established as December 1, 2008.

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.6448-B and Assembly Bill No. A.9554-B to authorize a sunset date of Tax Law Section 253-i; 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, James Tedisco, 933 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.

Mr. Alger stated we were contacted by our State Representatives to support this. As part of the agreement last year on the enactment of the mortgage tax, it was agreed that this year they would include a sunset date of December 1, 2008. The bills were drafted and introduced in the respective houses. As part of the process, we are required to endorse it. The date is the only change in the bills. Discussion followed.

Mr. McIntyre stated I'm opposed to putting a sunset date on it. Why not just leave it alone? Mr. Alger stated it was part of the agreement when the Governor originally signed it.

Mr. Schwartz asked does it remove all of the mortgage tax or just the \$0.25 tax on the sunset date? Mr. Alger stated just the additional \$0.25 tax.

Mr. Donnelly asked are there any repercussions if we don't approve this? Chairman Roche stated they could terminate the tax altogether tomorrow if they chose to.

Vote: Roll Call - Adopted.

Yes: 8023; No: 562; Absent: 1287

(No: McIntyre. Absent: Jamison and McAllister)

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

REGULAR MEETING
Morning Session
Bath, New York
Monday, June 26, 2006

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 26th day of June, 2006 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 Stachnik.

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

Mrs. Kane asked Vicki Olin and Wendy Jordan (County Clerk's Office) to come forward. Ms. Olin and other staff members (Sue Cleland, Linda Page, Marie Stewart, Eileen Wood) nominated Ms. Jordan for Employee of the Month. Ms. Olin read the following nomination: Wendy continuously performs above and beyond her normal call of duty. When the department is shorthanded, Wendy is usually the first employee called upon to help out. Her knowledge and willingness to lend a hand wherever and whenever needed is truly an asset to the department. One of Wendy's past job responsibilities was being the pistol permit clerk. The department now has a new pistol permit clerk, but whenever that employee is not in the office, Wendy is always willing to help cover for that position. Other past job responsibilities in the County Clerk's office required her to do filming and now scanning. Even though she has been promoted and is in a different job title now, one of her many responsibilities has been to train new staff hired for these previous positions that she's held. Many of these new staff members have made comments that Wendy has made their new employment with the County a positive experience. The main telephone number into the County Clerk's office used to ring to a Typist upstairs who would answer the call and assist the caller with a question or request. When changes occurred in the office, the main telephone number was transferred downstairs to Wendy's area. Wendy has since been one of the two people responsible for answering this telephone and assisting customers in between performing her duties of Recording Clerk. We joke in our office that her nickname is "Wendy Many Chairs", as some days she does not know what chair she will be sitting in. She is one of the few staff members who have an all-around working knowledge of every department in this office. Wendy is well respected by her coworkers and always has a pleasant attitude and is very understanding when dealing with customers. She is a team player and the County Clerk's office is very fortunate to have her as a member of their team.
CONGRATULATIONS WENDY!

Mrs. Kane asked John Zehr and Reverend Richard Doud to come forward. Mr. Zehr presented Reverend Doud with a Certificate of Appreciation and thanked him for the compassionate friendship which he has shown to the residents and their families at the Steuben County Health Care Facility for the past 9 1/2 years. Reverend Doud stated the job is important to the people of the Health Care Facility. Thank you very much.

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 2006, Authorizing the sale of 6.29 acres of County-owned property to the Town of Erwin Industrial Development Agency. Chairman Roche asked if there were any comments regarding this Local Law. There being none, the Public Hearing portion of the meeting was closed.

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

Frank Haftl, Cameron, stated I came here today to do battle with you on the proposed salary increase for Legislators, but I'm happy to say it won't happen today. I would also like to congratulate you on your wise decision to not lower the gas tax.

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

Motion adopting the minutes of the previous month's meetings made by Mr. Donnelly, seconded by Dr. Baker and duly carried.

Chairman Roche stated many Legislators were hoping to vote on the Legislative salary increases today. It was my understanding that the issue was going back through Administration Committee but that was incorrect. As a result, the item it isn't on today's agenda. I apologize for the oversight.

Chairman Roche asked Shannan O'Brien to come forward. Shannan O'Brien was crowned the 2006-2007 Steuben County Dairy Princess April 13th at the Steuben County Dairy Pageant. Shannan is the daughter of Kerry and Elizabeth O'Brien of Greenwood. The O'Briens milk 60 Holstein cows and farm approximately 600 acres. Shannan is 17 years old and a junior at Canisteo-Greenwood High School. She has been a member of the student council, Academic All Stars, chorus, and National Honor Society. Shannan has been on the honor roll and received the Math Student of the month award. Shannan served as a Steuben County Dairy Ambassador last year. Shannan's future plans include becoming a licensed nurse practitioner and continuing to help on the family dairy farm. Royalty runs in the O'Brien family, as Shannan will follow in the footsteps of her older sister Megan, the 2005 Dairy Princess. Chairman Roche presented Shannan with a Certificate of Appreciation, County pin and a hat.

RESOLUTION NO. 115-06

Introduced by G. Swackhamer.

Seconded by R. Argentieri.

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

RESOLVED, as it appears to be in the best interest of the County to sell the properties listed on Schedule "A" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof; and be it further

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

RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s).

SCHEDULE "A"

Resolution # A-1
Former Owner Jereme Wensel
In Rem Index No. 90918, 2004 sale
Parcel # 077.00-01-020.200
Municipality Pulteney Town
Grantee(s) Sylvia M Flink
Grantee(s) Address 358 Preble St, S Portland, ME 04106
Consideration \$905.09, 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 # A-2
Former Owner James Shutt
In Rem Index No. 90918, 2004 sale
Parcel # 166.06-03-005.000
Municipality Hornell City
Grantee(s) James Shutt
Grantee(s) Address 26 Franklin St Apt 101, Hornell, NY 14843
Consideration \$1,105.61, 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 # A-3
Former Owner Stephanie Ann Blair
In Rem Index No. 88508, 2003 sale
Parcel # 021.00-01-036.200
Municipality Prattsburgh Town
Grantee(s) NRLL East LLC
Grantee(s) Address 1 Mauchly, Irvine, CA 92618
Consideration \$1,149.36, 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 # A-4
Former Owner Nedra M Keller
In Rem Index No. 90918, 2004 sale
Parcel # 295.00-01-023.212
Municipality Addison Town
Grantee(s) Nedra M Keller
Grantee(s) Address 47 Loyalist Ave, Rochester, NY 14624
Consideration \$1,585.43, 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 # A-5
Former Owner George Jackson Sr Estate
In Rem Index No. 86329, 2002 sale
Parcel # 043.17-01-065.000
Municipality Cohocton Village
Grantee(s) George Jackson Sr Estate
Grantee(s) Address c/o 24 Maple Ave, PO Box 23, Cohocton, NY 14826
Consideration \$4,613.18, 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 # _____ A-6 _____
Former Owner ___ James C Gillis (now Jason D Johnson) _____
In Rem Index No. 90918, 2004 sale _____
Parcel # _____ 151.56-03-055.000 _____
Municipality ___ Hornell City _____
Grantee(s) _____ Jason D Johnson _____
Grantee(s) Address _40 E Washington St Apt 101, Hornell, NY 14843
Consideration \$1,158.85, 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 # _____ A-7 _____
Former Owner ___ Terry E Groves & Robin M Groves Est _____
In Rem Index No. 88508, 2003 sale _____
Parcel # _____ 142.00-01-015.120 _____
Municipality ___ Bath Town _____
Grantee(s) _____ Terry E Groves & Robin M Groves Est _____
Grantee(s) Address _5301 Hwy 66, Loris, SC 29569 _____
Consideration \$6,691.35, 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 # _____ A-8 _____
Former Owner ___ Mortgage Electronic Reg Systems _____
In Rem Index No. 90918, 2004 sale _____
Parcel # _____ 122.00-03-042.000 _____
Municipality ___ Fremont Town _____
Grantee(s) _____ Mortgage Electronic Registration Systems _____
Grantee(s) Address _PO Box 961233, Ft Worth, TX 76161-0233 _____
Consideration \$1,274.35, 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 # _____ A-9 _____
Former Owner ___ Fred Price _____
In Rem Index No. 90918, 2004 sale _____
Parcel # _____ 074.00-01-012.112 _____
Municipality ___ Wheeler Town _____
Grantee(s) _____ Fred Price _____
Grantee(s) Address _6688 Stickney Rd, Prattsburgh, NY 14873 _____
Consideration \$983.03, 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 # A-10
Former Owner Gary W & Patricia Norton
In Rem Index No. 90918, 2004 sale
Parcel # 151.17-01-028.000
Municipality Hornell City
Grantee(s) Gary W Norton & Patricia Norton,
husband and wife, as tenants by the entirety
Grantee(s) Address 29 Hill St, Hornell, NY14843
Consideration \$4,928.16, 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 # A-11
Former Owner Peter J Caruso
In Rem Index No. 90918, 2004 sale
Parcel # 318.45-02-079.100
Municipality Corning City
Grantee(s) Peter J Caruso
Grantee(s) Address 16 E Second St, Corning, NY 14830
Consideration \$6,526.95, 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. 116-06

Introduced by P. Roche.

Seconded by D. Baker.

RECEIVING AND ACCEPTING THE JUNE 26, 2006, 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 12, 2006

1. Steuben County Industrial Development Agency - Re: Public Hearing regarding the Automated Cells & Equipment, Inc., on 6/13/06 at 1:30 p.m., at Erwin Town Hall, Painted Post, NY. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
2. Steuben County Industrial Development Agency - Re: Public Hearing regarding T & K Realty, LLC, on 6/13/06 at 2:00 p.m., at Erwin Town Hall, Painted Post, NY. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

May 15, 2006

1. Harris Beach, Attorneys at Law - Re: City of Hornell Industrial Development Agency and Trikeenan Tileworks, Inc., of new York: Distribution of Form RP-412-1 and PILOT Agreement. **Referred to: Administration & Finance Committees; Donna Hatch, RPTSA Director; Larry Crossett, County Treasurer; and Fred Ahrens, County Attorney.**

May 16, 2006

1. Letter of Resignation from Donald R. Davidsen as a member of the Southern Tier Extension Railroad Authority, effective May 12, 2006.

May 17, 2006

1. NYS Public Service Commission - Re: Comprehensive Plan for Corning Natural Gas Approved - Plan includes \$1.4 million credit to customers - designed to ensure safe, reliable service and improve company operations. **Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Dennis Abbey, Director, Weights & Measures.**

May 18, 2006

1. NYS Division of Criminal Justice Services - Re: Contract #C-038024, Aid to Prosecution, AP-03, and Contract #C048024, Aid to Prosecution, AP-04 - Re: Final reports summarizing the results of the fiscal audit of the aforementioned contracts. **Referred to: Public Safety & Corrections Committee and Finance Committee; John Tunney, District Attorney; and Larry Crossett, County Treasurer.**

May 19, 2006

1. Steuben County Industrial Development Agency - Re: Public Hearing, June 19, 2006 @ 2:30 p.m., @ Jasper Town Hall - re: Wyckoff Gas Storage Company, LLC. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
2. NYS Public Service Commission - Re: Case 04-T-0315 - Notice of Intention of Belden & Blake for a Certificate of Environmental Compatibility and Public Need for the Construction of Approximately 19,500 feet of 6-inch Natural Gas Pipeline in the Towns of Caton and Lindley - Petition of Fortuna Energy, Inc., to Amend the Certificate of Environmental Compatibility and Public Need to Allow Construction of a Gas Compressor and Related Structures on an Existing Pipeline Facilities and the Cancellation of the Amendment of this Order that was issued on 6/9/04, which concerned the addition of a Compressor Station located in the Town of Caton, Steuben County, and was never built. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

May 24, 2006

1. NYS Department of Environmental Conservation - Re: Development process of the Keuka Lowlands Unit Management Plan being prepared by NYS DEC, comprised of 5,929 acres on five parcels of State land in Steuben and Schuyler Counties (Birdseye Hollow State Forest, Moss Hill State Forest, Mt. Washington State Forest, Cold Brook Wildlife Management Area, and Waneta-Lamoka Wildlife Management Area). Unit Management Plan is two-fold: 1) to define management goals and objectives for State land, and 2) to prepare a ten-year plan of action to achieve those objectives. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

May 30, 2006

1. NYS Office for the Aging - Re: Long-Term Care Ombudsman Program Support Agreement approved, and application for State aid under the State LTCOP for 4/1/06 to 3/31/07 also approved. Application for Older Americans Act Title VII funds approved also. **Referred to: Human Services Committee and Linda Teter, Director, OFA.**

June 1, 2006

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$6,184 representing the April 2006 retained surcharge revenue for Steuben County from the WROTB. **Referred to: Finance and Rules Committees and Larry Crossett, County Treasurer.**

June 5, 2006

1. NYS Office for the Aging - Re: Official notifications of Grant Award for CSE (Community Services for the Elderly); CSI (Congregate Services Initiative); EISEP (Expanded In-Home Services for the Elderly); CRC (Caregiver Resource Center); and SNAP (Supplemental Nutrition Assistance) for 4/1/06 to 3/31/07. **Referred to: Human Services Committee and Linda Teter, OFA Director.**
2. NYS Public Service Commission - Re: Notice of Intention filed by Fortuna Energy, Inc., to construct a fuel gas transmission line, containing approximately 1,800 feet of 4" 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.**

June 8, 2006

1. NYS Office for the Aging - Re: County is eligible to receive up to \$52,000 for the initial contract year (10/1/06-9/30/07) for the Point of Entry system for long-term care services. Application is due by June 23, 2006. **Referred to: Human Services Committee; Kathryn Biehl, DSS Commissioner; and Linda Teter, OFA Director.**

2. NYS Office for the Aging - Re: Official Notification of Grant Award and approved Application for the Retired Senior Volunteer Program for 4/1/06 through 3/31/07. Level of award is \$11,632. **Referred to: Human Services Committee and Linda Teter, OFA Director.**
3. City of Hornell Industrial Development Agency - Re: Proposed Straight Lease Transaction with XYLON, LLC and Hornell I.D.A. Public Hearing scheduled for July 10, 2006 at 10:00 a.m., at the Chamber Building, 40 Main Street, Hornell, NY. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

Vote: Acclamation - Adopted.

RESOLUTION NO. 117-06

Introduced by R. Nichols.

Seconded by P. Donnelly.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2006, AUTHORIZING THE SALE OF 6.29 ACRES OF COUNTY-OWNED PROPERTY TO THE TOWN OF ERWIN INDUSTRIAL DEVELOPMENT AGENCY.

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

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on May 22, 2006, County of Steuben Local Law Tentatively No. Two for the Year 2006, authorizing the sale of 6.29 Acres of County-owned property to the Town of Erwin Industrial Development Agency, and this Legislature by resolution, preliminarily adopted said Local Law on May 22, 2006, making the final adoption of said Local Law subject to a Public Hearing to be held on June 26, 2006, 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 June 26, 2006 at 10:00 A.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum.

NOW THEREFORE, BE IT

RESOLVED, County of Steuben Local Law Tentatively No. Two for the Year 2006, as hereafter set forth be and the same hereby is finally adopted, to wit:

COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2006

A **LOCAL LAW** authorizing the sale of 6.29 acres of County-owned property to the Town of Erwin Industrial Development Agency.

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 \$6,290; plus advertising costs; and transaction costs, to convey to the Town of Erwin Industrial Development Agency, Parcel ID: 280.19-01-086.000, the following tract of land:

All that piece or parcel of property, being a portion of Section 280.19, Block 01, Parcel 086.000 as shown on the official tax map, situate in the Town of Erwin Industrial Development Agency, Steuben County, State of New York.

SECTION 2: The within statute shall be construed as an offer to convey to, and an option to purchase the subject premises by the Town of Erwin Industrial Development Agency. Failure or refusal to furnish consideration on or before December 31, 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.

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 Director of the Real Property Tax Service Agency, the Risk Manager and the Town of Erwin Industrial Development Agency.

Mr. Argentieri asked what is the IDA doing with the land? Chairman Roche stated it will be used as a buffer zone for the airport and also adjoins the roadway into the airport.

Mr. Nichols stated the property is off the driveway into the airport and it is brush land between the driveway and the creek.

Vote: Roll Call - Adopted.

RESOLUTION NO. 118-06

Introduced by D. Creath.

Seconded by K. Isaman.

CONSENT TO GRANT SANITARY SEWER EASEMENT UPON LANDS FORMERLY OWNED BY STEUBEN COUNTY COMMONLY REFERRED TO AS THE "COUNTY FARM" PROPERTY.

WHEREAS, the owner of the service station business on the east side of NYS Route 54, north of County Route 113 desires to connect to sanitary sewers; and

WHEREAS, the sanitary sewer main runs within the lands formerly known as the "County Farm" property, west of the Bath-Hammondsport Railroad right-of-way; and

WHEREAS, the said lands were conveyed to the Steuben County Industrial Development Agency ("IDA") to facilitate the promotion of economic development; and

WHEREAS, the said service station owner will require an easement across the "County Farm" property to connect to the sanitary sewer main line; and

WHEREAS, the Steuben County Legislature considers the access to public sanitary sewer beneficial to economic interests and indeed will promote economic development.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature consents to the grant of an easement to benefit the property upon which is located a service station business on the east side of NYS Route 54, north of County Route 113 on the following conditions:

1. That the Steuben County IDA approves such grant of an easement; and
2. A map produced by a licensed land surveyor acceptable to the Steuben County Law Department showing the easement is produced and delivered in respect of such grant; and be it further

RESOLVED, the Steuben County Administrator be and the same hereby is authorized to execute the consent deemed appropriate and effective by the Steuben County Law Department; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to James Sherron, Executive Director, Steuben County IDA, 7234 Route 54, PO Box 3939, Bath, NY 14810; the Director of the Real Property Tax Service Agency and the Steuben County Administrator.

Mr. McIntyre asked how extensive is the easement? Mr. Heffner stated it is on the corner of the property and doesn't affect the development of the property.

Vote: Roll Call - Adopted.

RESOLUTION NO. 119-06

Introduced by R. Nichols.

Seconded by T. Schwartz.

MODIFYING LANDFILL TIPPING FEES.

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

WHEREAS, the County has been continually decreasing the tipping fees since the 1994 rate of \$62.00/ton for both the landfill and transfer stations; and

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

WHEREAS, the present fee at Bath Landfill is \$36.00/ton and \$50.00/ton at Erwin, Hornell and Wayland Transfer Stations, and the bag fee is \$1.50; and

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

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby authorize the Commissioner of Public Works to implement a fee of \$38.00/ton for bulk loads at Bath Landfill and \$52.00/ton at Erwin, Hornell and Wayland Transfer Stations, and the bag fee of \$2.00/bag; and be it further

RESOLVED, the modifications shall become effective July 1, 2006, and remain in effect until further notice; and be it further

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

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

Mr. Argentieri asked does the increase apply to waste coming from outside of the county? Mr. Spagnoletti stated this doesn't address out-of-county garbage. That is being done through separate agreements.

Mr. Argentieri asked is the out-of-county garbage more or less expensive than in-county garbage? Mr. Spagnoletti stated the out-of-county garbage is less than in-county garbage with the exception of the City of Hornell, who pays the least.

Vote: Roll Call - Adopted. Yes: 8674; No: 597; Absent: 601. (No: Walsh; Absent: Stachnik)

RESOLUTION NO. 120-06

Introduced by R. Nichols.

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 THEREFORE, RELATIVE TO COUNTY ROUTE 85 OVER TUSCARORA CREEK, TOWN OF TUSCARORA.

WHEREAS, a Project for the replacement of BIN 3334110, CR 85 over Tuscarora Creek, Town of Tuscarora, Steuben County, PIN 6753.49 (the "Project") is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the non-federal funds for right-of-way incidentals work and construction for the Project shall be comprised of 15% Marchiselli funding and 5% County funding; 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 the Project.

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

RESOLVE, that the County Legislature hereby approves the Project; and it is hereby further

RESOLVED, the 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, final design, right-of-way incidentals work and construction for the Project; and be it further

RESOLVED, that the sum of \$698,500 has previously been 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 of the cost of the Project exceed the amount appropriated above, the County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED, that the Chairperson of the 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 NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of the Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, 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. 121-06

Introduced by R. Nichols.

Seconded by D. Farrand.

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 THEREFORE, RELATIVE TO SAUNDERS ROAD OVER THE CANISTEO RIVER, TOWN OF RATHBONE.

WHEREAS, a Project for the replacement of BIN 2217610, Saunders Road over the Canisteo River, Town of Rathbone, Steuben County, PIN 6753.96 (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 non-federal funds for preliminary engineering, final design and right-of-way incidentals work for the Project shall be comprised of 15% Marchiselli funding and 5% County funding; 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 the Project.

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

RESOLVE, that the County Legislature hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the County Legislature hereby authorizes the County of Steuben to pay in the first instance 100% of the federal and non-federal share of the cost of preliminary engineering, design, and right-of-way incidentals work for the Project; and be it further

RESOLVED, that the sum of \$305,000 (representing an additional \$5,000 to the previously appropriated amount of \$300,000) 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 of the cost of the Project exceeds the amount appropriated above, the County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED, the Chairperson of the 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 therefore 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. 122-06

Introduced by R. Nichols and G. Swackhamer.

Seconded by K. Isaman.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO CLOSE THE LANDFILL “LINDLEY FENCE/PAINT” CAPITAL PROJECT IN THE AMOUNT OF \$32,717.22, AND TRANSFER SAID AMOUNT TO THE “LINDLEY-GIBSON ROAD” CAPITAL PROJECT.

WHEREAS, the Gibson Road has been damaged by heavy truck traffic into Steuben County’s Lindley landfill; and

WHEREAS, the County assured the town that it would rebuild the road upon the closing of the landfill; and

WHEREAS, the Public Works Committee has approved the reconstruction of the Lindley-Gibson Road in the Town of Lindley; and

WHEREAS, the Public Works Committee and Finance Committee have approved the transfer of \$32,717.22 from the Lindley Fence/Paint Capital Project to the Lindley-Gibson Road Capital Project.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to transfer \$32,717.22 from Lindley Fence/Paint Project (6401) to Lindley-Gibson Road Capital Project (6404); and be it further

RESOLVED, the Commissioner of Public Works is authorized to proceed with the Lindley-Gibson Road reconstruction project; and be it further

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

Mr. Argentieri asked why are we transferring this money? Mr. Spagnoletti stated we had previously agreed with the Town of Lindley that we would maintain the road to the Lindley Landfill until the landfill was capped. The landfill is now capped so we need to fix the road as per the agreement.

Mr. Gehl stated Elroy Young (Former Town Supervisor) wanted that road fixed and Mr. Argentieri and I voted in favor of it back in the 1980’s.

Mr. Nichols noted that the citizens of Lindley constantly remind him that they did not forget that the road would be fixed before it is turned back over to the town. Discussion followed.

Vote: Roll Call - Adopted. Yes: 8820; No: 451; Absent: 601. (No: Argentieri. Absent: Stachnik)

RESOLUTION NO. 123-06

Introduced by R. Nichols and G. Swackhamer.

Seconded by R. Nielsen.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO CLOSE SEVERAL LANDFILL CAPITAL PROJECTS IN THE AMOUNT OF \$62,316.11, AND TRANSFER SAID AMOUNT TO THE “BATH EQUIPMENT SHOP” CAPITAL PROJECT.

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

WHEREAS, the Equipment Shop that was destroyed by fire in December 2004 at the Bath Landfill is being replaced; and

WHEREAS, the Public Works Committee and the Finance Committee have approved the closing of Transfer Station Renovation (9902) - \$219.80; Rehabilitation Leachate Loadout (7301) - \$18,175.38; Erwin Transfer Scales (6905) - \$2,764.00; Erwin Engineering Study (6902) - \$20,691.81; Lindley-Gibson Cap Design (6402) - \$1,924.05; Bath Re-permit/Turnpike Road (6203) - \$10,000.00; and Bath Scrap Metal Area (6202) - \$8,541.07 capital projects, and transferring the sum of \$62,316.11 to the Bath Equipment Shop (6207).

NOW THEREFORE, BE IT

RESOLVED, the County Treasurer be and the same hereby is authorized and directed to transfer the above sums; and be it further

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

Mr. Argentieri asked what are these transfers for? Mr. Spagnoletti stated the bid to rebuild the equipment shop came in at \$424,000 and we have \$380,000 in the project. They need more money to build it.

Vote: Roll Call - Adopted.

RESOLUTION NO. 124-06

Introduced by R. Nichols and G. Swackhamer.

Seconded by R. Argentieri.

AUTHORIZING THE TRANSFER OF \$5,000.00 FROM THE COUNTY ROUTE 85 BRIDGE CAPITAL PROJECT TO THE SAUNDERS ROAD CAPITAL PROJECT TO FUND AN INCREASE IN THE RIGHT-OF-WAY INCIDENTALS PHASE OF THE PROJECT.

WHEREAS, a Project for the replacement of BIN 2217610, Saunders Road over the Canisteo River, Town of Rathbone, Steuben County, PIN 6753.96 (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 non-federal funds for preliminary engineering, final design and right-of-way incidentals phase of the Project shall be comprised of 15% Marchiselli funding, and 5% County funding; and

WHEREAS, the County of Steuben has entered into an agreement with NYSDOT to fund the local share of this Project; and

WHEREAS, the right-of-way incidentals phase of this project and agreement with NYSDOT has increased \$5,000; and

WHEREAS, there is \$5,000 available in the County Route 85 Bridge Capital Project; and

WHEREAS, the Public Works and Finance Committees have approved the transfer of \$5,000 from the County Route 85 Bridge Capital Project to the Saunders Road Bridge Capital Project.

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

RESOLVE, that the County Legislature hereby approves the Project; and be it further

RESOLVED, that the County Legislature approves the transfer of \$5,000 from the County Route 85 Bridge Capital Project to the Saunders Road Bridge Capital Project; and be it further

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

Vote: Roll Call - Adopted.

RESOLUTION NO. 125-06

Introduced by R. Nichols.

Seconded by R. Nielsen.

AUTHORIZING THE ACCEPTANCE FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION, AND IMMEDIATE CONVEYANCE TO THE VILLAGE OF AVOCA, OF A PARCEL OF LAND LYING WITHIN THE BOUNDARY OF NEW YORK STATE ROUTE 415 IN THE VILLAGE OF AVOCA.

WHEREAS, the Village of Avoca desires to acquire a certain parcel (the "Parcel") on New York State Route 415 currently within the existing highway boundary; and

WHEREAS, the County of Steuben appears in the historical chain of title to the Parcel; and

WHEREAS, the New York State Department of Transportation desires to abandon the Parcel so that title thereto resolves in the Village of Avoca.

NOW THEREFORE, BE IT

RESOLVED, the three-party transaction involving the New York State Department of Transportation, the County, and the Village of Avoca, whereby the New York State Department of Transportation shall convey to the County and the County shall immediately thereafter convey to the Village of Avoca, all that Parcel of land shown on the "Location Map Proposed Transfer of Right-of-Way New York State Route 415. Village of Avoca, Steuben County, PIN 6037.14", labeled Right-of-Way to be transferred, is hereby authorized subject to the following conditions:

1. Receipt of a Phase I Environmental Site Assessment deemed acceptable by the Commissioner of Public Works, indicating no recognized environmental conditions at the property, and
2. Appropriate approval by the State of New York, and
3. Appropriate approval by the Village of Avoca, and
4. All fees and transfer expenses arising out of the transaction shall be to the account of the Village of Avoca; and be it further

RESOLVED, the Commissioner of Public Works is authorized to execute and deliver all documents as may be necessary on behalf of the County; and be it further

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

Vote: Roll Call - Adopted.

RESOLUTION NO. 126-06

Introduced by G. Swackhamer.

Seconded by D. Creath.

MODIFYING THE 2006 STEUBEN COUNTY BUDGET TO APPROPRIATE FUNDS IN THE AMOUNT OF \$154,346.00 FOR THE PURCHASE OF A BUS, AND TO ANTICIPATE AN EQUAL AMOUNT OF REVENUE.

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 one (1) thirty (30) foot bus; and

WHEREAS, the County of Steuben and the State of New York have entered into an Agreement which authorizes the purchase of said bus and payment of the Federal and State shares for the purchase, 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, the Steuben County Treasurer is hereby authorized to modify the 2006 Steuben County Budget to account for the purchase of one (1) bus in the amount of \$154,346.00, and to anticipate a like amount of revenue, \$152,500.00 from the State of New York, and \$1,846.00 from First Transit, Inc.; and be it further

RESOLVED, the Steuben County Planning Director is hereby authorized to sign any and all documents necessary to complete the Project, as appropriate; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Planning Director, and Bradley A. Thomas, First Transit, Inc., 17 Aviation Drive, Horseheads, NY 14845.

Vote: Roll Call - Adopted.

RESOLUTION NO. 127-06

Introduced by P. Roche.

Seconded by F. Gehl.

APPOINTING AN ADDITIONAL MEMBER TO THE STEUBEN COUNTY FIRE ADVISORY BOARD.

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

RESOLVED, the following individual is hereby appointed as an additional member of the Steuben County Fire Advisory Board for a term of 2 years, commencing January 1, 2006 and ending December 31, 2007:

NON-LEGISLATIVE MEMBER

1. Michael Gilman, PO Box 274, Cohocton NY 14826

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

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

Vote: Acclamation - Adopted.

RESOLUTION NO. 128-06

Introduced by P. Roche.

Seconded by F. Gehl.

APPOINTING MEMBERS TO THE SOUTHERN TIER EXTENSION RAILROAD AUTHORITY.

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

WHEREAS, Article 5 of Title II-E of the Public Authorities Law creates the Southern Tier Extension Railroad Authority Act to continue and strengthen the system of railroads serving Allegany, Cattaraugus, Chautauqua and Steuben Counties through the creation of a regional, public benefit corporation; and

WHEREAS, Section 1349-C of the Act requires the establishment of the Southern Tier Extension Railroad Authority; and

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

WHEREAS, the term of one of the members has expired and another member has resigned.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature does hereby appoint/reappoint the following individuals to serve as members of the Southern Tier Extension Railroad Authority for the terms as indicated:

Seth M. Corwin
48 Hillside Place
Hornell, NY 14843

Term: through August 31, 2006 (filling unexpired term of Donald Davidsen)

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

Term: September 1, 2005 through August 31, 2008

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

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

Vote: Acclamation - Adopted.

Motion to adjourn Regular Session and reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.D. Discussions regarding proposed, pending or current litigation; 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. Swackhamer, seconded by Mr. Donnelly and duly carried.

Motion to adjourn Executive Session and reconvene in Regular Session made by Mr. Gehl, seconded by Mr. Nielsen and duly carried.

RESOLUTION NO. 129-06

Introduced by T. Schwartz.

Seconded by D. Creath.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY ATTORNEY TO INITIATE AN ACTION FOR DECLARATORY RELIEF.

WHEREAS, an ambiguity exists in the Collective Bargaining Agreement (“CBA”) between the County of Steuben and the CSEA, Inc. relative to the existence of a statute of limitations; and

WHEREAS, it is desirable to resolve said ambiguity through the initiation of an action for declaratory judgement in Supreme Court, Steuben County.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Attorney be and the same hereby is directed to initiate a proceeding in Supreme Court, Steuben County for declaratory relief seeking an interpretation of the CBA relative to the statute of limitations, if any, applicable to an employee with fifteen (15) years of service or more; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Attorney.

Vote: Roll Call - Adopted. Yes: 8049; No: 1222; Absent: 601. (No: Farrand and Walsh; Absent: Stachnik)

Motion to adjourn made by Mr. Jamison, seconded by Mr. Isaman and duly carried.

REGULAR MEETING
Morning Session
Bath, New York
Monday, July 24, 2006

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 24th day of July, 2006 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. Argentieri.

Mrs. Kane asked Kathy Beebe to come forward. Mrs. Beebe is an employee in the Information Technology Department. Chairman Roche presented her with a Certificate of Appreciation and a pin in recognition of her 25 years of service to Steuben County.

Mrs. Kane stated it's not very often that we receive multiple nominations for the same person for Employee of the Month. She asked Judy Brill and Linda Herrington to come forward. Mrs. Brill was one of the individuals that nominated Linda Herrington for Employee of the Month for the month of August. The other nomination came from Amanda Chapman. Mrs. Brill read the following nomination: Linda has always been a dedicated and professional worker who is always willing to help others. In light of Ed Castellana's recent extended absence from the office, Linda has really stepped up to the plate and kept the Risk Manager's Office running smoothly. Through all of the stress of learning new tasks she has always been there with a smile, a laugh and most importantly - chocolate! I think Linda is a prime example of what an employee of the month should be and I am proud to call her my friend.

Mrs. Kane read the following nomination submitted by Amanda Chapman: Linda started with the County in 1996 as a Typist in Special Children's Services. In 2000 she accepted a split position between the Office of the County Administrator and Risk Manager, as a Senior Typist. When the position in the Risk Manager's Office became full-time, she accepted that position. Linda is an extraordinarily dedicated employee. In addition to helping employees fill out various Workman's Compensation Forms, recording complaints from residents about damage to their vehicles due to road conditions, broken windshields, etc., keeping track of who needs to take Defensive Driving, checking every employee to see if they require drug testing, for example those individuals who hold CDL licenses, communicating with our insurance carriers, helping department heads to secure certificates of insurance for their contractors and various other day-to-day tasks that are just too numerous to mention, she also handles the County's Motor Pool, which brings her into contact with not only all Department Heads, but many employees. I have always found her to be very accommodating when dealing with her. Anyone who uses the South Conference Room knows Linda. She'll help you move furniture around, make phone calls and do just about anything to help you. Even before the County Flower Project was officially kicked off, Linda was volunteering to assist putting flowers around the County Bell. Linda consistently puts 100 percent into everything she does. Anyone who knows Linda, knows that she is always smiling and always willing to help out wherever necessary. That has never been more evident than now, as the Risk Manager is currently on unexpected, extended leave and Linda, without hesitation, is handling the duties of the office in his absence. For these reasons, I believe that Linda is more than deserving of being recognized as this month's employee of the month. **CONGRATULATIONS LINDA!**

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

Frank Haftl, Cameron, stated he is here to speak about the proposed salary increase for Legislators. He stated Legislators are eligible for County health insurance and they pay \$53 per year for a single policy and \$106 per year for a family policy. The rest is paid for by the taxpayers. There are people on the outside who pay much more than that for health insurance. If you want to give up your health insurance and get a raise, then that's something that could probably be worked out. I would like to suggest the formation of an oversight committee from the private sector that decides on your raises. I'm against your

raise but all I can do is state that and justify why you shouldn't get one, because ultimately you vote on it. We know that the Sheriff's Department's deputies have been trying to get a raise. The reason it came about is because of the high turnover. I don't see a high turnover for County Legislators. I found out when comparing salaries with other counties that Chemung County Legislators receive \$10,661/year but they also pay \$970 annually for their family health insurance. In St. Lawrence County, they pay \$2,500 per year for a family policy and \$1,800 per year for individuals. I think you guys have a good thing going. It seems like this year there has been a lot of taxes doled out between the administrative heads and labor. I'll be back next month because I have issues other than this. I hope your wisdom is in the right direction on this issue.

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

Peggy Coleman, Executive Director, Steuben County Conference and Visitors' Bureau, stated I am here today to present you with the results of the strategic tourism and marketing survey.

Ms. Coleman stated we conducted this survey in 2001 and then again in 2005. Some notable findings include: Inquiries from marketing efforts have increased and the cost per inquiry has decreased. The conversion rate from inquire to actual visitation has improved dramatically. Trip satisfaction has improved. Length of stay has increased. Visitation to attractions from SCCVB inquirers increased. The CVB has restructure for more effective and efficient work. Aggressive e-marketing is paying off. Lodging inventory and occupancy are flat with low occupancy and there is an aging hotel/motel inventory of limited service properties. Tourism revenues and lodging tax collections have increased. Increases in leisure tourism are offsetting losses in business travelers. Reliable indicators have revealed that the investment in tourism marketing is working but increased investment is critically needed.

Ms. Coleman stated that currently our organization has 4 full time and 1 part time staff. We were one of the first destinations to create a regional marketing position. If you look at our budget, we have three sources of income: room tax, New York State matching grants (\$72,000) and the cooperative marketing program. The CVB has grown 11 percent and the room tax collections have grown 35 percent. However, please note that at one point during the 5 years, the room tax increased from 3 to 4 percent.

Ms. Coleman stated the economic impact in tax relief for our county is very important. Tourism expenditures grew over \$25 million while the population in the county remained flat. Therefore, the tax relief per household in Steuben County due to travel and tourism increased from \$174.93 to \$219.02.

Ms. Coleman stated lodging tax revenue has seen limited growth. The survey revealed the low occupancy rates. We do have some lodging partners that take the winter off. Their room inventory stays in our counts so when they go from 100 to 0 occupancy, it affects everyone. She noted there is 24 percent rate of walk-ins and that is a very high figure. Randall travel Marketing did a complete analysis of the room tax collections and the percentage of non-taxable revenue. They discovered that 8.5% of the occupancy is non-taxable. If you calculate the 4% room tax and total revenue, that is \$2.5 million higher than what was submitted on the local level. If you back out the 8.5% non-taxable it brings the revenue to \$17,329,299.

Ms. Coleman reviewed the inquiry survey, sources for trip planning chart, average daily expenditures per travel party and trip priorities while in Steuben. She noted that for every \$1 spent by tourists, the County is seeing a return of \$15.87. She stated Randall Travel Marketing is recommending the County increase funding to the SCCVB through occupancy tax revenues to fund increased advertising.

Mr. Argentieri asked the occupancy rate is down? Ms. Coleman stated the rate is flat across the year based on 2005 numbers. However, according to the STR report on collections, we were 7% higher in the first quarter and then 4% higher the second quarter. Mr. Argentieri asked is the room tax rate a deterrent? Ms. Coleman stated no, our rate is fairly low compared to other areas of the state.

Mr. Stachnik stated the initial mission statement was to partner with the Finger Lakes Association to get tourists to the area. Then, with the development of Finger Lakes Wine Country, the texture changed. Do you think there is a duplication of effort? Ms. Coleman stated in New York State there are 11 vacation

regions and ours is the Finger Lakes region. About 7 years ago, a sub-region was created through a private/public relationship that included Corning Enterprises, Steuben, Schuyler and Chemung initially, then Yates later. When the organization was formed, the goal was to not have duplication of efforts. Whether there is duplication now or not? I believe there is. The Finger Lakes Tourism Alliance focuses on international, group tourism, leisure visitors and public relations. The Finger Lakes Wine Country focuses on international, leisure visitors and public relations.

Ms. Coleman thanked the Legislature for taking the time to listen.

Victoria Fuerst, Public Health Nursing Director, introduced Karen Travis, RN, who provided the Legislature with a presentation on Pandemic Flu. Ms. Travis stated there are three types of flu: seasonal (epidemic), avian (bird) and pandemic. She explained the symptoms associated with influenza and the means of transmission, which is predominately droplet spread but can be contact and airborne as well. The burden of seasonal influenza is that it occurs worldwide, causing considerable morbidity and mortality each year. She noted influenza viruses A and B cause epidemics.

Ms. Travis stated avian flu carries the same symptoms as a head cold. It carries the proteins Hemagglutinin (5) and Neuraminidase (1), therefore the strain is designated as H5N1. The H5N1 strain of avian influenza is present in birds in many countries across several continents, Asia, Middle East, Africa and Europe. She stressed that the bird flu is not the same as a pandemic flu. She stated some human cases of avian influenza have occurred after close contact with infected birds. However, there is no sustained person to person transmission.

Ms. Travis stated a pandemic is a global influenza outbreak caused by a brand new flu virus. Because it is a new virus, few or no people would be immune. In addition, it would easily transmit from person to person and many people would get sick in every part of the world. No one knows when the next pandemic will occur and the next pandemic may not be caused by the bird flu. However, health experts tell us that we need to take measures to prepare just as we need to be prepared for other emergencies such as an ice storm or flood. Public Health emergency preparedness is a shared responsibility between many different governments and agencies. Public Health maintains constant communication with the Centers of Disease Control and New York State Department of Health.

Ms. Travis stated as individuals, you should make good hygiene a habit now. Practice respiratory hygiene, cough etiquette and hand hygiene to stop the spread of germs. Some community-based infection control strategies include social distancing, cancellation of public events, closure of schools and workplaces, and closure of recreational facilities. Work or School-Based infection control strategies include good hygiene, stay away from work or school if ill, encouraging self-reporting of illness, active screening for illness in staff/students and send staff/students home if ill.

Ms. Travis stated businesses, school systems, community infrastructure providers and other employers should develop plans for continuity of essential operations and modified operation with a significantly reduced workforce. She stated 25 to 30 percent of people may become ill during a six to eight week outbreak. An additional ten percent of the workforce may be absent due to illness of a family member. Others may stay home to prevent themselves from becoming infected. Employers should consider cross training for key personnel/jobs.

Ms. Travis stated overall, individuals need to be prepared for any emergency. You should have a two to three week supply of food, water, medications (including acetaminophen), blankets, batteries, etc. on hand. Plan to care for yourself, your family and your neighbors. If those of us who can are prepared for emergencies, then emergency workers can concentrate on helping those who can't prepare. Thank you.

Motion adopting the minutes of the previous month's meeting made by Mr. McIntyre, seconded by Mr. Donnelly and duly carried.

Mr. Creath reported that the September AIP Committee will be held on Monday, September 11th at 11:00 a.m. Dr. Baker stated the Public Safety & Corrections Committee will also meet that day at 9:30 a.m.

Mr. Crossett reported that Resolution No. 1 includes the County Tax Auction. They sold 66 parcels in the auction for a net gain of \$321,000.

Mr. Alger reported that the groundbreaking for the Health Care Facility is scheduled for today at Noon.

RESOLUTION NO. 130-06

Introduced by G. Swackhamer.

Seconded by K. Isaman.

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

RESOLVED, as it appears to be in the best interest of the County to sell the properties listed on Schedule "A" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof, and be it further

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

RESOLVED, the Steuben County Treasurer is further authorized and directed to convey those parcels sold at the Delinquent Tax Auction held on July 12, 2006, contained in Schedule "B", and he is further authorized and directed, in the event of a default by the highest bidder by failure to make full payment within thirty (30) days from the date hereof, and be it further

RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s); and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, the Clerk of the Board of Education of the appropriate School District, and the taxpayers.

SCHEDULE "A"

Resolution # A-1
Former Owner Tammy L Giardina
In Rem Index No. 90918, 2004 sale
Parcel # 333.00-01-009.000
Municipality Erwin Town
Grantee(s) Tammy L. Giardina & Roger White
Grantee(s) Address 4 Beeman Hollow Rd, Painted Post, NY 14870
Consideration \$3,302.04, 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 # A-2
Former Owner Holly A Faulise
In Rem Index No. 88508, 2003 sale
Parcel # 317.60-01-037.000
Municipality Corning City
Grantee(s) Holly A Faulise
Grantee(s) Address 223 Chestnut St, Apt 1, Corning, NY 14830
Consideration \$18,053.78, 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 # A-3
Former Owner Diana Kubiak
In Rem Index No. 90918, 2004 sale
Parcel # 166.33-02-023.000
Municipality Hornell City
Grantee(s) Diana Kubiak
Grantee(s) Address PO Box 231, Arkport, NY 14807
Consideration \$15,950.20, 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 # A-4
Former Owner Sheryl R Harnas
In Rem Index No. 90918, 2004 sale
Parcel # 034.20-01-026.000
Municipality Prattsburgh Town
Grantee(s) Sheryl R Harnas
Grantee(s) Address 8965 Fleet Rd, Hammondsport, NY 14840
Consideration \$2,920.09, 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 # A-5
Former Owner Mary Smalley
In Rem Index No. 88508, 2003 sale
Parcel # 034.20-01-027.000
Municipality Prattsburgh Town
Grantee(s) Mary Smalley
Grantee(s) Address c/o Tom Harnas, 8965 Fleet Rd, Hammondsport, NY 14840
Consideration \$2,021.66, 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 # A-6
Former Owner Leonard A Moretti & Suzanne C Simms
In Rem Index No. 90918, 2004 sale
Parcel # 158.00-01-009.000
Municipality Bath Town
Grantee(s) Leonard A Moretti & Suzanne C Simms
Grantee(s) Address PO Box 82, Bath, NY 14810-0082
Consideration \$9,797.48, 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 # A-7
Former Owner Robert Haak Jr
In Rem Index No. 90918, 2004 sale
Parcel # 120.00-01-016.220
Municipality Wayne Town
Grantee(s) Robert Haak Jr
Grantee(s) Address 91 Timberbrook Ln, Penfield, NY 14526
Consideration \$5,256.36, 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 # A-8
Former Owner Waldo R Preston (now Robert M Dates)
In Rem Index No. 90918, 2004 sale
Parcel # 336.10-03-006.000
Municipality Corning Town
Grantee(s) Robert M Dates
Grantee(s) Address 2751 Bailey Creek Rd, Corning, NY 14830
Consideration \$4,549.86, 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 # A-9
Former Owner Thomas K Barner (now Darlene M Barner)
In Rem Index No. 90918, 2004 sale
Parcel # 300.13-01-001.000
Municipality Corning Town
Grantee(s) Darlene M Barner
Grantee(s) Address 60 Ashland Dr, Painted Post, NY 14870
Consideration \$4,845.69, 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 # A-10
Former Owner Stevie F George
In Rem Index No. 90918, 2004 sale
Parcel # 067.00-01-016.121
Municipality Dansville Town
Grantee(s) Stevie F George
Grantee(s) Address 2520 Hann Rd, Wayland, NY 14572
Consideration \$429.24, 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 # A-11
Former Owner Robin Farrell
In Rem Index No. 90918, 2004 sale
Parcel # 243.00-01-058.120
Municipality Campbell Town
Grantee(s) Robin Farrell Est
Grantee(s) Address c/o Jereme Wensel, Adm, 4388 Tannery Rd,
Campbell, NY 14821-9733
Consideration \$6,020.12, 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 # A-12
Former Owner The Masaschi Group Inc
In Rem Index No. 90918, 2004 sale
Parcel # 151.72-01-019.000
Municipality Hornell City
Grantee(s) The Masaschi Group Inc
Grantee(s) Address Attn: Thomas Masaschi, 620 Park Ave, Ste 185,
Rochester, NY 14607
Consideration \$1,855.48, 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 # A-13
Former Owner Fred Drewery Est
In Rem Index No. 90918, 2004 sale
Parcel # 178.00-01-010.000
Municipality Bradford Town
Grantee(s) Fred Drewery Est
Grantee(s) Address c/o Richard Brotz, 6484 Monterey Sexton Hollow Rd, Savona, NY 14879
Consideration \$25,114.51, 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 # A-14
Former Owner Daniel J Bulkley Jr
In Rem Index No. 90918, 2004 sale
Parcel # 228.03-01-019.000
Municipality Hornby Town
Grantee(s) Daniel J Bulkley Jr & Kathleen A Bulkley,
 husband and wife, as tenants by the entirety
Grantee(s) Address 5030 Cty Rte 41, Beaver Dams, NY 14812
Consideration \$2,492.77, 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 # A-15
Former Owner Thomas L & Debra K Hann
In Rem Index No. 90918, 2004 sale
Parcel # 034.20-02-005.120
Municipality Prattsburgh Town
Grantee(s) Thomas L Hann & Debra K Hann,
 husband & wife, as tenants by the entirety
Grantee(s) Address 10833 Fairgrounds Rd, Prattsburgh, NY 14873
Consideration \$4,669.73, 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 # A-16
Former Owner Barbara Boardman
In Rem Index No. 88508, 2003 sale
Parcel # 003.17-01-021.000
Municipality Wayland Village
Grantee(s) Barbara Boardman
Grantee(s) Address 11 South Main St, Wayland, NY 14572
Consideration \$3,903.63, 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 # A-17
Former Owner Wayne G & Martha J Swartz
In Rem Index No. 90918, 2004 sale
Parcel # 337.00-02-029.110 & 337.00-02-029.120
Municipality Corning Town
Grantee(s) Wayne G Swartz & Martha J Swartz,
 husband and wife, as tenants by the entirety
Grantee(s) Address 2492 Brown Hollow Rd, Corning, NY 14830
Consideration \$7,519.34, 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 # A-18
Former Owner Linda Farnham (now Scott A Graves)
In Rem Index No. 90918, 2004 sale
Parcel # 244.00-01-014.000
Municipality Campbell Town
Grantee(s) Scott A Graves
Grantee(s) Address 4880 Meads Creek Rd, Painted Post, NY 14870
Consideration \$3,053.02, 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 # A-19
Former Owner Raymond W & Kimberly S Rinaldi
In Rem Index No. 90918, 2004 sale
Parcel # 197.11-04-053.000
Municipality Canisteo Village
Grantee(s) Raymond W Rinaldi & Kimberly S Rinaldi,
husband and wife, as tenants by the entirety
Grantee(s) Address 5 Park Ave, Canisteo, NY 14823
Consideration \$5,430.05, 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 # A-20
Former Owner Marg & Clem Cavalier
In Rem Index No. 90918, 2004 sale
Parcel # 317.12-01-003.000
Municipality Corning City
Grantee(s) Marg Cavalier & Clem Cavalier
Grantee(s) Address c/o Kathleen Mitchell, 284 Sunset Dr, Corning, NY 14830
Consideration \$6,762.63, 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 # A-21
Former Owner Joyce A Tillotson
In Rem Index No. 86329, 2002 sale
Parcel # 405.00-01-015.000
Municipality Lindley Town
Grantee(s) Joyce A Tillotson
Grantee(s) Address RR 2 Box 394, Gillett, PA 16925-9578
Consideration \$3,136.15, 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 # A-22
Former Owner Gail I Rosekrans
In Rem Index No. 90918, 2004 sale
Parcel # 119.00-03-005.000
Municipality Wayne Town
Grantee(s) Gail I Rosekrans Est
Grantee(s) Address 9260 Fleet Rd, Hammondsport, NY 14840
Consideration \$14,513.47, 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 # A-23
Former Owner Gail I Rosekrans
In Rem Index No. 90918, 2004 sale
Parcel # 120.00-01-001.000
Municipality Wayne Town
Grantee(s) Gail I Rosekrans Est
Grantee(s) Address 9260 Fleet Rd, Hammondsport, NY 14840
Consideration \$3,866.29, 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 # A-24
Former Owner Reserve Capital Corp
In Rem Index No. 90918, 2004 sale
Parcel # 265.17-01-015.000
Municipality Hornby Town
Grantee(s) Reserve Capital Corp
Grantee(s) Address PO Box 90, Harpursville, NY 13787
Consideration \$3,456.16, 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 # A-25
Former Owner Daniel L Grinols
In Rem Index No. 90918, 2004 sale
Parcel # 060.00-01-033.120
Municipality Prattsburgh Town
Grantee(s) Daniel L Grinols
Grantee(s) Address 10040 Flaherty Rd, Prattsburgh, NY 14873
Consideration \$7,489.35, 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 # A-26
Former Owner Yvonne R HerrNeckar (now Paul J HerrNeckar)
In Rem Index No. 90918, 2004 sale
Parcel # 151.80-01-040.000
Municipality Hornell City
Grantee(s) Paul J HerrNeckar
Grantee(s) Address 6370 Honey Run Rd, Hornell, NY 14843
Consideration \$1,219.60, 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 # A-27
Former Owner Robert J Lee
In Rem Index No. 90918, 2004 sale
Parcel # 166.10-05-017.000
Municipality Hornell City
Grantee(s) Robert J Lee
Grantee(s) Address 36 Pine St, Hornell, NY 14843
Consideration \$12,188.36, 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 # A-28
Former Owner John Ellison
In Rem Index No. 90918, 2004 sale
Parcel # 125.00-01-006.100
Municipality Howard Town
Grantee(s) John Ellison
Grantee(s) Address 7811 Co Rte 70, Avoca, NY 14809
Consideration \$2,760.55, 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 # A-29
Former Owner Diane L Butler
In Rem Index No. 90918, 2004 sale
Parcel # 349.12-01-050.000
Municipality Addison Village
Grantee(s) Diane L Butler
Grantee(s) Address 44 Upper Farnham St, Addison, NY 14801
Consideration \$14,457.66, 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 # A-30
Former Owner Virginia K Leon Est
In Rem Index No. 88508, 2003 sale
Parcel # 159.00-01-052.200
Municipality Bath Town
Grantee(s) Virginia K Leon Estate
Grantee(s) Address 7789 Bishopville Rd, Hornell, NY 14843
Consideration \$7,316.96, 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 # A-31
Former Owner Oliverio F Vega & Aurora Cecelia Vega
In Rem Index No. 90918, 2004 sale
Parcel # 159.14-03-014.000
Municipality Bath Town
Grantee(s) Oliverio F Vega & Aurora Cecelia Vega,
husband and wife, as tenants by the entirety
Grantee(s) Address PO Box 764, Suffern, NY 10901-0764
Consideration \$16,553.78, 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 # A-32
Former Owner John A & Tammy S Foote
In Rem Index No. 88508, 2003 sale
Parcel # 319.00-01-075.000
Municipality Corning Town
Grantee(s) John A Foote & Tammy S Foote,
husband and wife, as tenants by the entirety
Grantee(s) Address 10640 Beals Rd, Cohocton, NY 14826
Consideration \$2,724.88, 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 # A-33
Former Owner Charles & Carol Lucas
In Rem Index No. 90918, 2004 sale
Parcel # 344.00-01-013.110
Municipality Jasper Town
Grantee(s) Charles Lucas & Carol Lucas,
husband and wife, as tenants by the entirety
Grantee(s) Address 4441 St Rte 417, Woodhull, NY 14898
Consideration \$4,620.04, 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 # A-34
Former Owner David E Hatch Sr & Leslie A Amador
In Rem Index No. 90918, 2004 sale
Parcel # 384.00-01-030.000
Municipality Tuscarora Town
Grantee(s) David E Hatch Sr & Leslie A Amador
Grantee(s) Address 739 Sprague Rd, Addison, NY 14801
Consideration \$5,282.30, 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 # A-35
Former Owner Richard J Kelly
In Rem Index No. 90918, 2004 sale
Parcel # 136.00-01-010.200 (Current # 136.00-01-010.100)
Municipality Hornellsville Town
Grantee(s) Richard J Kelly & Ernestine Kelly
Grantee(s) Address 1086 Riverside Dr, Hornell, NY 14843
Consideration \$333.16, 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 # A-36
Former Owner Bilbat Radio Inc
In Rem Index No. 90918, 2004 sale
Parcel # 166.18-01-032.210
Municipality Hornellsville Town
Grantee(s) Bilbat Radio Inc
Grantee(s) Address PO Box 726, Hornell, NY 14843
Consideration \$4,243.24, 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 # A-37
Former Owner Bilbat Radio Inc
In Rem Index No. 90918, 2004 sale
Parcel # 181.00-01-022.000
Municipality Hornellsville Town
Grantee(s) Bilbat Radio Inc
Grantee(s) Address PO Box 726, Hornell, NY 14843
Consideration \$3,386.16, 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 # A-38
Former Owner Stephen L Ellison
In Rem Index No. 90918, 2004 sale
Parcel # 125.00-01-006.200
Municipality Howard Town
Grantee(s) Stephen L Ellison
Grantee(s) Address 7783 County Route 70, Avoca, NY 14809
Consideration \$6,840.64, 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 # A-39
Former Owner David M Mckie
In Rem Index No. 90918, 2004 sale
Parcel # 034.20-02-004.000
Municipality Prattsburgh Town
Grantee(s) David M Mckie Est
Grantee(s) Address c/o Thomas L Hann Sr & Debra K Hann, 10833 Fairgrounds Rd, Prattsburgh, NY 14873
Consideration \$380.43, 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 # A-40
Former Owner Dagmar Strihavka & Monica Strihavka
In Rem Index No. 90918, 2004 sale
Parcel # 166.25-02-053.000
Municipality Hornell City
Grantee(s) City of Hornell
Grantee(s) Address 82 Main St, PO Box 627, Hornell, NY 14843
Consideration \$7,270.95, together with \$118.00 recording fees

Resolution # A-41
Former Owner Aaron C Kautz
In Rem Index No. 88508, 2003 sale
Parcel # 166.26-02-035.000
Municipality Hornell City
Grantee(s) City of Hornell
Grantee(s) Address 82 Main St, PO Box 627, Hornell, NY 14843
Consideration \$4,452.35, together with \$118.00 recording fees

Resolution # A-42
Former Owner Aaron C Kautz
In Rem Index No. 90918, 2004 sale
Parcel # 166.26-02-036.000
Municipality Hornell City
Grantee(s) City of Hornell
Grantee(s) Address 82 Main St, PO Box 627, Hornell, NY 14843
Consideration \$985.64, together with \$208.00 recording fees

Resolution # A-43
Former Owner Chas Stewart & Hadsell Stewart
In Rem Index No. 90918, 2004 sale
Parcel # 166.34-01-038.000
Municipality Hornell City
Grantee(s) City of Hornell
Grantee(s) Address 82 Main St, PO Box 627, Hornell, NY 14843
Consideration \$1,992.65, together with \$118.00 recording fees

SCHEDULE "B"

Resolution # B-1
Former Owner Eduardo R Sanchez & Miguel R DeLeon
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 113.07-01-027.200
Municipality Avoca Village
Highest Bidder Christy Armenta
Highest Bidder's Address 108 May St, Bath, NY 14810
Consideration \$4,000.00, together with buyer's premium & recording fees
Second Highest Bidder Diana E Evans
Second Highest Bidder's Address 211 Johnson Place, Pt Monmouth, NJ 07758-1657

Resolution # B-2
Former Owner Arlene M Bates & Carl W Walls et al
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 158.16-01-045.000
Municipality Bath Village
Highest Bidder Charles Harris Crosson
Highest Bidder's Address 7935 Central Park Circle, Alexandria, VA 22309
Consideration \$7,000.00, together with buyer's premium & recording fees
Second Highest Bidder David Bergstresser
Second Highest Bidder's Address 175 Seneca St, Penn Yan, NY 14527

Resolution # B-3
Former Owner Windsong Mountain II LLC
In Rem Index No. 88508, 2003 sale
Date of Auction July 12, 2006
Parcel # 129.00-01-081.200
Municipality Bath Town
Highest Bidder Houle Property Group LLC
Highest Bidder's Address PO Box 442, Mendon, NY 14506
Consideration \$16,250.00 together with buyer's premium & recording fees
Second Highest Bidder Mark Obrien
Second Highest Bidder's Address 5499 Nipher Rd, Bath, NY 14810
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 Robert T Houle
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 143.00-01-60.000
Municipality Bath Town
Highest Bidder Houle Property Group LLC
Highest Bidder's Address PO Box 442, Mendon, NY 14506
Consideration \$10,250.00, together with buyer's premium & recording fees
Second Highest Bidder Charles Cagle
Second Highest Bidder's Address 18 River St, PO Box 344, Avoca, NY 14809
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 Robert Todd Houle
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 143.00-01-064.000
Municipality Bath Town
Highest Bidder Cornerstone Homes
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830
Consideration \$8,2000.00, together with buyer's premium & recording fees
Second Highest Bidder Robert Houle
Second Highest Bidder's Address PO Box 442, Mendon, NY 14506

Resolution # B-6
Former Owner Luella Parker
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 134.00-01-022.000
Municipality Bradford Town
Highest Bidder Christy Armenta
Highest Bidder's Address 108 May St, Bath, NY 14810
Consideration \$7,000.00, together with buyer's premium & recording fees
Second Highest Bidder Joy Goodsell
Second Highest Bidder's Address PO Box 1272, Savona, NY 14879

Resolution # B-7
Former Owner Billy Jo Cagle
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 134.20-01-035.000
Municipality Bradford Town
Highest Bidder Resham Mangat
Highest Bidder's Address 2 Hanover Rd, Apt 1603, Brampton, ON L6S 4H9
Consideration \$6,750.00, together with buyer's premium & recording fees
Second Highest Bidder David Bergstresser
Second Highest Bidder's Address 175 Seneca St, Penn Yan, NY 14527

Resolution # B-8
Former Owner Jeremy L York & Lynette M York
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 192.00-01-002.000
Municipality Bradford Town
Highest Bidder Cornerstone Homes
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830
Consideration \$12,000.00, together with buyer's premium & recording fees
Second Highest Bidder Scott E Woodard
Second Highest Bidder's Address 11032 River Rd, Corning, NY 14830

Resolution # B-9
Former Owner Charles R & Christine Lewis
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 206.00-03-010.300
Municipality Campbell Town
Highest Bidder George V Eddy & Leonard N Tostanoski,
tenants in common
Highest Bidder's Address 3863 Pinehill Rd, Corning, NY 14830
Consideration \$16,500.00, together with buyer's premium & recording fees
Second Highest Bidder Cornerstone Homes
Second Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830

Resolution # B-10
Former Owner Billie A & Gerald Mehlenbacher
In Rem Index No. 88508, 2003 sale
Date of Auction July 12, 2006
Parcel # 242.00-02-025.000
Municipality Campbell Town
Highest Bidder William J Hunt
Highest Bidder's Address PO Box 140, Campbell, NY 14821
Consideration \$600.00, together with buyer's premium & recording fees
Second Highest Bidder Christopher J Klee
Second Highest Bidder's Address 38 Harris Hill Rd, Elmira NY 14903

Resolution # B-11
Former Owner Bill C Earl
In Rem Index No. 88508, 2003 sale
Date of Auction July 12, 2006
Parcel # 242.07-01-005.000
Municipality Campbell Town
Highest Bidder Randy O Shakoore
Highest Bidder's Address 5 Hedgerow Avenue, Brampton, ON L6Y 3C4
Consideration \$500.00, together with buyer's premium & recording fees
Second Highest Bidder Stephen L Snyder
Second Highest Bidder's Address 6018 Unionville Rd, Bath, NY 14810

Resolution # B-12
Former Owner Cynthia Cole
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 197.07-01-006.000
Municipality Canisteo Village
Highest Bidder Thomas Corujo & W Scott Baumann,
with right of survivorship
Highest Bidder's Address 2 N Hornell St, Canisteo, NY 14823
Consideration \$1,200.00, together with buyer's premium & recording fees
Second Highest Bidder Doris Feltmate
Second Highest Bidder's Address Box 32, Canso, NS B0H 1H0

Resolution # B-13
Former Owner Leon L & Maxine E Claypool
In Rem Index No. 88508, 2003 sale
Date of Auction July 12, 2006
Parcel # 197.11-01-002.000
Municipality Canisteo Village
Highest Bidder Cornerstone Homes
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830
Consideration \$15,500.00, together with buyer's premium & recording fees
Second Highest Bidder C K Wilkins
Second Highest Bidder's Address 12 Burd Ave, Canisteo, NY 14823

Resolution # B-14
Former Owner Eugene Clark
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 371.00-03-018.000
Municipality Caton Town
Highest Bidder Mark Saginario
Highest Bidder's Address 2014 Davis Rd, Corning, NY 14830
Consideration \$7,500.00, together with buyer's premium & recording fees
Second Highest Bidder Leonard Tostanoski
Second Highest Bidder's Address 3895 West Rd, Corning, NY 14830

Resolution # B-15
Former Owner Velma Emerson
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 390.00-01-001.200
Municipality Caton Town
Highest Bidder Gregson Taylor & Mu Fan Wang
Highest Bidder's Address 55 Kingsbridge Garden Circle, Apt 1403,
Mississauga, ON L5R 1Y1
Consideration \$800.00, together with buyer's premium & recording fees
Second Highest Bidder Randy Shakoor
Second Highest Bidder's Address 5 Hedgerow Ave, Brampton, ON L6Y 3C4

Resolution # B-16
Former Owner Robert Thomas
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 390.11-01-021.000
Municipality Caton Town
Highest Bidder William J Thompson
Highest Bidder's Address 219 Victory Highway, Painted Post, NY 14870
Consideration \$26,000.00, together with buyer's premium & recording fees
Second Highest Bidder Christopher J Klee
Second Highest Bidder's Address 38 Harris Hill Rd, Elmira, NY 14903

Resolution # B-17
Former Owner Clifford Criss
Tax Sale Date October 3, 1986
Date of Auction July 12, 2006
Parcel # 409.00-01-006.000
Municipality Caton Town
Highest Bidder Joy E Goodsell
Highest Bidder's Address 74 W Lamoka Ave, Savona, NY 14879
Consideration \$1,100.00, together with buyer's premium & recording fees
Second Highest Bidder Michael Gomes
Second Highest Bidder's Address 9 Spadina Ave #612, Toronto, ON M5V 3V5

Resolution # B-18
Former Owner Michael W Oldfield
In Rem Index No. 84256, 2001 sale
Date of Auction July 12, 2006
Parcel # 042.16-01-018.000
Municipality Cohocton Village
Highest Bidder Mohammed V Ahmed & Ayesha Ahmed,
husband and wife, as tenants by the entirety
Highest Bidder's Address 318 E Washington St, Bath, NY 14810
Consideration \$40,000.00, together with buyer's premium & recording fees
Second Highest Bidder Christopher J Klee
Second Highest Bidder's Address 38 Harris Hill Rd, Elmira, NY 14903

Resolution # B-19
Former Owner Michael W & Annabel Holbrook
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 017.14-01-005.200
Municipality Cohocton Town
Highest Bidder Phillip J Zeh & Karen L Wheaton
Highest Bidder's Address PO Box 116, Atlanta, NY 14808
Consideration \$900.00, together with buyer's premium & recording fees
Second Highest Bidder Keith J Holbrook
Second Highest Bidder's Address 26 West Ave, PO Box 243, Atlanta, NY 14808

Resolution # B-20
Former Owner Gerald R Parrillo
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 318.18-03-065.000
Municipality South Corning Village
Highest Bidder John V Pawlak, Wilda J Pawlak & Joseph L Pawlak
Highest Bidder's Address 1665 NW Old Fanninn Road, Trenton, FL 32626
Consideration \$20,000.00, together with buyer's premium & recording fees
Second Highest Bidder Judith Eddy
Second Highest Bidder's Address 2 Tuxill Ave, Corning, NY 14830

Resolution # B-21
Former Owner Sandra L Bryce
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 299.12-01-051.000
Municipality Corning Town
Highest Bidder Basit A Naseeb
Highest Bidder's Address 15B Canal St, Big Flats, NY 14814
Consideration \$200.00, together with buyer's premium & recording fees
Second Highest Bidder Keith Dewey
Second Highest Bidder's Address 126 W Washington Blvd, Bath, NY 14810

Resolution # B-22
Former Owner Josephine Ruocco
In Rem Index No. 88508, 2003 sale
Date of Auction July 12, 2006
Parcel # 317.00-03-083.000
Municipality Corning Town
Highest Bidder Michael R Melo
Highest Bidder's Address 1507 Alpine Lane, Pickering, ON L1X 2N1
Consideration \$1,600.00, together with buyer's premium & recording fees
Second Highest Bidder Donald Stuckey Jr
Second Highest Bidder's Address 365 E 3rd St, Corning, NY 14830

Resolution # B-23
Former Owner Bailey Creek Mobile Park/Furney Lon
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 336.13-01-015.000
Municipality Corning Town
Highest Bidder Turning Stone Properties LLC
Highest Bidder's Address PO Box 110, Bath, NY 14810
Consideration \$6,000.00, together with buyer's premium & recording fees
Second Highest Bidder Amin U Khan
Second Highest Bidder's Address 7 Dreamland E, Painted Post, NY 14870

Resolution # B-24
Former Owner Reuben Dickson
In Rem Index No. 88508, 2003 sale
Date of Auction July 12, 2006
Parcel # 299.20-02-061.000
Municipality Corning City
Highest Bidder George V Eddy & Leonard N Tostanoski,
tenants in common
Highest Bidder's Address 3863 Pine Hill Rd, Corning, NY 14830
Consideration \$26,000.00, together with buyer's premium & recording fees
Second Highest Bidder Cornerstone Homes
Second Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830

Resolution # B-25
Former Owner Charles B Zubaly
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 317.12-01-015.000
Municipality Corning City
Highest Bidder Mary L Fernandes & Louise M Fernandes
Highest Bidder's Address 186 Sunset Dr, Corning, NY 14830
Consideration \$20,000.00, together with buyer's premium & recording fees
Second Highest Bidder Glenford L Rose Jr
Second Highest Bidder's Address 11216 River Rd, Corning, NY 14830

Resolution # B-26
Former Owner John & Paula Olson
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 317.16-01-050.000
Municipality Corning City
Highest Bidder Donald E Stuckey Jr
Highest Bidder's Address 365 E 3rd St, Corning, NY 14830
Consideration \$23,000.00, together with buyer's premium & recording fees
Second Highest Bidder Charles Crosson
Second Highest Bidder's Address 7935 Central Park Circle, Alexandria, VA 22309

Resolution # B-27
Former Owner David M Sisson
In Rem Index No. 88508, 2003 sale
Date of Auction July 12, 2006
Parcel # 317.43-01-023.000
Municipality Corning City
Highest Bidder Basit A Naseeb
Highest Bidder's Address 15B Canal St, Big Flats, NY 14814
Consideration \$1,800.00, together with buyer's premium & recording fees
Second Highest Bidder Michael R Melo
Second Highest Bidder's Address 1507 Alpine Lane, Pickering, ON L1X 2N1

Resolution # B-28
Former Owner David M Sisson
In Rem Index No. 88508, 2003 sale
Date of Auction July 12, 2006
Parcel # 317.52-01-028.000
Municipality Corning City
Highest Bidder Resham Mangat
Highest Bidder's Address 2 Hanover Rd, Apt 1603, Brampton, ON L6S 4H9
Consideration \$200.00, together with buyer's premium & recording fees

Resolution # B-29
Former Owner Michelle Wilson
In Rem Index No. 86329, 2002 sale
Date of Auction July 12, 2006
Parcel # 318.54-02-037.000
Municipality Corning City
Highest Bidder Christy Armenta & Humberto Armenta
Highest Bidder's Address 108 May St, Bath, NY 14810
Consideration \$2,000.00, together with buyer's premium & recording fees
Second Highest Bidder Christopher J Klee
Second Highest Bidder's Address 38 Harris Hill Rd, Elmira, NY 14903

Resolution # B-30
Former Owner Michael W O'dell
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 080.00-01-023.000
Municipality Dansville Town
Highest Bidder Diana E Evans
Highest Bidder's Address 211 Johnson Pl, Pt Monmouth, NJ 07758-1657
Consideration \$32,000.00, together with buyer's premium & recording fees
Second Highest Bidder Michael Gates
Second Highest Bidder's Address 11763 Lewis Rd, Naples, NY 14512

Resolution # B-31
Former Owner Anthony Imperatrice
In Rem Index No. 88508, 2003 sale
Date of Auction July 12, 2006
Parcel # 269.00-01-002.000
Municipality Greenwood Town
Highest Bidder Dean L Groff
Highest Bidder's Address 250 Hurler Rd, Westfield, PA 16950
Consideration \$73,000.00, together with buyer's premium & recording fees
Second Highest Bidder John & Barbara Lyng
Second Highest Bidder's Address 45 Center St, Hornell, NY 14843

Resolution # B-32
Former Owner John F Gerlinger
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 304.11-01-040.000
Municipality Greenwood Town
Highest Bidder Sam K Koehler
Highest Bidder's Address 191 Slaght Rd, Andover, NY 14806
Consideration \$9,500.00, together with buyer's premium & recording fees
Second Highest Bidder Roderick C Ford 2nd
Second Highest Bidder's Address 1 Creekside Dr, PO Box 716,
Greenwood, NY 14839

Resolution # B-33
Former Owner Joseph Monti et al
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 231.00-01-038.000
Municipality Hartsville Town
Highest Bidder Dean E Guando
Highest Bidder's Address 15 St Johns Place, N Babylon, NY 11704-1612
Consideration \$5,000.00, together with buyer's premium & recording fees
Second Highest Bidder Kevin R Maine
Second Highest Bidder's Address 2548 Burt Hill Rd, Canisteo, NY 14823

Resolution # B-34
Former Owner Mark A Marsh
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 247.00-01-015.000
Municipality Hornby Town
Highest Bidder Edward P Fratarcangelo & Sarah J Fratarcangelo,
husband and wife, as tenants by the entirety
Highest Bidder's Address 4833 Ober Creek Rd, Beaver Dams, NY 14812
Consideration \$1,050.00, together with buyer's premium & recording fees
Second Highest Bidder Judith Eddy
Second Highest Bidder's Address 2 Tuxill Ave, Corning, NY 14830

Resolution # B-35
Former Owner John Trussell
In Rem Index No. 88508, 2003 sale
Date of Auction July 12, 2006
Parcel # 247.00-01-084.121
Municipality Hornby Town
Highest Bidder Joseph C Divens & April K Divens, husband and wife, as tenants by the entirety
Highest Bidder's Address 11511 Taft Rd, Corning, NY 14830
Consideration \$5,250.00, together with buyer's premium & recording fees
Second Highest Bidder Leonard Tostanoski
Second Highest Bidder's Address 3895 West Rd, Corning, NY 14830

Resolution # B-36
Former Owner Elizabeth Manwaring
In Rem Index No. 78446, 1998 sale
Date of Auction July 12, 2006
Parcel # 264.00-01-017.200
Municipality Hornby Town
Highest Bidder Sharon M Eddy
Highest Bidder's Address 3863 Pine Hill Rd, Corning, NY 14830
Consideration \$6,000.00, together with buyer's premium & recording fees
Second Highest Bidder Stephen L Snyder
Second Highest Bidder's Address 6018 Unionville Rd, Bath, NY 14810

Resolution # B-37
Former Owner Margaret Didas
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 136.18-03-033.000
Municipality North Hornell Village
Highest Bidder Ariel Esnal
Highest Bidder's Address 46 Berwick Crescent, Richmond Hill, ON L4C 0C3
Consideration \$1,500.00, together with buyer's premium & recording fees
Second Highest Bidder Anthia Murray
Second Highest Bidder's Address 1507 Alpine Lane, Pickering, ON L1X 2N1

Resolution # B-38
Former Owner Donald & Diane Olds
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 150.12-01-014.000
Municipality Hornellsville Town
Highest Bidder L Edward Ellington
Highest Bidder's Address 960 State Route 21, Hornell, NY 14843
Consideration \$3,500.00, together with buyer's premium & recording fees
Second Highest Bidder Charles Ray
Second Highest Bidder's Address 14 Old Field Court, E William St Ext, Bath, NY 14810

Resolution # B-39
Former Owner Jacob G & Mary Lantz
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 151.00-02-009.100
Municipality Hornellsville Town
Highest Bidder Joy E Goodsell
Highest Bidder's Address 74 W Lamoka Ave, Savona, NY 14879
Consideration \$4,000.00, together with buyer's premium & recording fees
Second Highest Bidder Charles Ray
Second Highest Bidder's Address 14 Old Field Court, E William St Ext, Bath, NY 14810

Resolution # B-40
Former Owner Kim E & Helen R Decker
In Rem Index No. 88508, 2003 sale
Date of Auction July 12, 2006
Parcel # 151.05-01-046.000
Municipality Hornellsville Town
Highest Bidder Charles D Ray
Highest Bidder's Address 14 Old Field Court, E William St Ext, Bath, NY 14810
Consideration \$2,500.00, together with buyer's premium & recording fees
Second Highest Bidder John Bean
Second Highest Bidder's Address 25 N Main St, Fairport, NY 14450

Resolution # B-41
Former Owner E L Shaffer Inc
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 151.13-01-060.000
Municipality Hornell City
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 \$5,700.00, together with buyer's premium & recording fees
Second Highest Bidder Joy Goodsell
Second Highest Bidder's Address PO Box 1272, Savona, NY 14879

Resolution # B-42
Former Owner Maria Rork Estate
In Rem Index No. 88508, 2003 sale
Date of Auction July 12, 2006
Parcel # 151.15-01-088.000
Municipality Hornell City
Highest Bidder Steven P Graham
Highest Bidder's Address 147 Terry St, Hornell, NY 14843
Consideration \$1,600.00, together with buyer's premium & recording fees
Second Highest Bidder Ariel Eugenid Esnal
Second Highest Bidder's Address 46 Berwick Crescent, Apt 52,
Richmond Hill, ON L4C 0C3

Resolution # B-43
Former Owner Ellen Nehill
In Rem Index No. 88508, 2003 sale
Date of Auction July 12, 2006
Parcel # 151.15-01-098.000
Municipality Hornell City
Highest Bidder Jerome S O'Connor & Nancy Brink O'Connor,
husband and wife, as tenants by the entirety
Highest Bidder's Address 121 Upper Bennett St, Hornell, NY 14843
Consideration \$1,300.00, together with buyer's premium & recording fees
Second Highest Bidder David Lampila
Second Highest Bidder's Address 109 Dennis Ave, Hornell, NY 14843

Resolution # B-44
Former Owner Hiram Orcutt
In Rem Index No. 88508, 2003 sale
Date of Auction July 12, 2006
Parcel # 151.15-01-099.000
Municipality Hornell City
Highest Bidder Jerome S O'Connor & Nancy Brink O'Connor,
husband and wife, as tenants by the entirety
Highest Bidder's Address 121 Upper Bennett St, Hornell, NY 14843
Consideration \$1,100.00, together with buyer's premium & recording fees
Second Highest Bidder David Lampila
Second Highest Bidder's Address 109 Dennis Ave, Hornell, NY 14843

Resolution # B-45
Former Owner Eleanor L Eldridge
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 151.19-02-047.000
Municipality Hornell City
Highest Bidder Cornerstone Homes
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830
Consideration \$14,000.00, together with buyer's premium & recording fees
Second Highest Bidder Patricia Decola
Second Highest Bidder's Address 39 11th St, W Keansburg, NJ 07734

Resolution # B-46
Former Owner D A Evingham & L Craft
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 151.56-02-055.000
Municipality Hornell City
Highest Bidder Cornerstone Homes
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830
Consideration \$18,500.00, together with buyer's premium & recording fees
Second Highest Bidder John & Barbara Lyng
Second Highest Bidder's Address 53 Center St, Hornell, NY 14843

Resolution # B-47
Former Owner Jerald C & Yvonne HerrNeckar
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 151.80-01-076.000
Municipality Hornell City
Highest Bidder J & S Maintenance
Highest Bidder's Address 99 Steuben St, Hornell, NY 14843
Consideration \$16,000.00, together with buyer's premium & recording fees
Second Highest Bidder Rosalind D'Cruz
Second Highest Bidder's Address 10 Lockridge Ave, Unionville, ON L3R 7S5

Resolution # B-48
Former Owner Herbert C Malick
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 166.05-01-075.100
Municipality Hornell City
Highest Bidder Mark L Freeland
Highest Bidder's Address 10 Blaine St, Hornell, NY 14843
Consideration \$2,500.00, together with buyer's premium & recording fees
Second Highest Bidder Michael Gates
Second Highest Bidder's Address 11763 Lewis Rd, Naples, NY 14512

Resolution # B-49
Former Owner Bruce A Golden
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 166.06-07-018.000
Municipality Hornell City
Highest Bidder E P Apple Properties LLC
Highest Bidder's Address 35 11th Street, W Keansburg, NJ 07734
Consideration \$22,000.00, together with buyer's premium & recording fees
Second Highest Bidder Dale Murray
Second Highest Bidder's Address 68 Elm St, Hornell, NY 14843

Resolution # B-50
Former Owner L J Sanford & L Platz
In Rem Index No. 86329, 2002 sale
Date of Auction July 12, 2006
Parcel # 166.25-03-013.100
Municipality Hornell City
Highest Bidder Mary Ellen Schenck
Highest Bidder's Address 68 Elm St, Hornell, NY 14843
Consideration \$14,000.00, together with buyer's premium & recording fees
Second Highest Bidder Ariel Esnal
Second Highest Bidder's Address 46 Berwick Crescent, Apt 52,
Richmond Hill, ON L4C 0C3

Resolution # B-51
Former Owner Sue L Gibbs & Maureen Simpson
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 308.00-01-030.000
Municipality Jasper Town
Highest Bidder Noel R Bilby & Doris I Bilby,
husband and wife, as tenants by the entirety
Highest Bidder's Address 3437 County Route 3, Addison, NY 14801
Consideration \$6,500.00, together with buyer's premium & recording fees
Second Highest Bidder Stephen L Snyder
Second Highest Bidder's Address 6018 Unionville Rd, Bath, NY 14810

Resolution # B-52
Former Owner Mickey Heffner
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 389.00-01-012.000
Municipality Lindley Town
Highest Bidder Judith K Eddy
Highest Bidder's Address 36 Tuxill Ave, Corning, NY 14830
Consideration \$7,500.00, together with buyer's premium & recording fees
Second Highest Bidder Rosalind D'Cruz
Second Highest Bidder's Address 10 Lockridge Ave, Unionville, ON L3R 7S5

Resolution # B-53
Former Owner Chang Ki Lee
In Rem Index No. 86329, 2002 sale
Date of Auction July 12, 2006
Parcel # 061.00-01-026.000
Municipality Prattsburgh Town
Highest Bidder Dean E Guando
Highest Bidder's Address 15 St Johns Place, N Babylon, NY 11704-1612
Consideration \$32,000.00, together with buyer's premium & recording fees
Second Highest Bidder Esat Tashkent
Second Highest Bidder's Address 11 Topino Lane, Bloomingburgh, NY 12721

Resolution # B-54
Former Owner Lori Loss
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 011.00-01-007.100
Municipality Pulteney Town
Highest Bidder Cornerstone Homes
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830
Consideration \$22,000.00, together with buyer's premium & recording fees
Second Highest Bidder Robert Catlin
Second Highest Bidder's Address 4435 Chaplin Rd, Penn Yan, NY 14527

Resolution # B-60
Former Owner Gerald C & Chris Conklin
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 078.12-01-012.000
Municipality Wayne Town
Highest Bidder New Market Products Co Inc
Highest Bidder's Address 9671 Back St, PO Box 135, Wayne, NY 14893
Consideration \$4,000.00, together with buyer's premium & recording fees
Second Highest Bidder Anthia Murray
Second Highest Bidder's Address 1507 Alpine Lane, Pickering, ON L1X 2N1

Resolution # B-61
Former Owner Lemuel Silliman
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 078.16-01-011.000
Municipality Wayne Town
Highest Bidder Michael F Vogt
Highest Bidder's Address 12871 W Lake Rd, Hammondsport, NY 14840
Consideration \$13,000.00, together with buyer's premium & recording fees
Second Highest Bidder Christopher J Klee
Second Highest Bidder's Address 38 Harris Hill Rd, Elmira, NY 14903

Resolution # B-62
Former Owner John Adams Jr
In Rem Index No. 84256, 2001 sale
Date of Auction July 12, 2006
Parcel # 106.00-01-060.000
Municipality Wayne Town
Highest Bidder Ariel Esnal
Highest Bidder's Address 46 Berwick Crescent, Apt 52, Richmond Hill,
ON L4C 0C3
Consideration \$4,500.00, together with buyer's premium & recording fees
Second Highest Bidder Patricia Decola
Second Highest Bidder's Address 39 11th St, W Keansburg, NJ 07734

Resolution # B-63
Former Owner Shiloh Holiness Church
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 120.00-01-027.000
Municipality Wayne Town
Highest Bidder Stephen J Weckelman & Debra F Weckelman,
husband and wife, as tenants by the entirety
Highest Bidder's Address 340 E Elm St, Penn Yan, NY 14527-1348
Consideration \$26,000.00, together with buyer's premium & recording fees
Second Highest Bidder Joy Goodsell
Second Highest Bidder's Address PO Box 1272, Savona, NY 14879

Resolution # B-64
Former Owner Mary Louise Ohargan
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 339.00-01-015.100
Municipality West Union Town
Highest Bidder James Kessler
Highest Bidder's Address 6174 Balmy Ct, Boynton Beach, FL 33437
Consideration \$16,000.00, together with buyer's premium & recording fees
Second Highest Bidder Pamela Speed
Second Highest Bidder's Address 9 Lakeview Ct, Carolina Shores, NC 28467

Resolution # B-65
Former Owner Dennis G Blount
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 339.00-01-036.200
Municipality West Union Town
Highest Bidder Mark A Stephens
Highest Bidder's Address 16 Graves St, Brockport, NY 14420
Consideration \$1,750.00, together with buyer's premium & recording fees
Second Highest Bidder Joy Goodsell
Second Highest Bidder's Address PO Box 1272, Savona, NY 14879

Resolution # B-66
Former Owner Byron Cerrillo & Eugénias Cerrillo Je
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 340.00-01-005.110
Municipality West Union Town
Highest Bidder Cornerstone Homes
Highest Bidder's Address 11801 Harrington Dr, Corning, NY 14830
Consideration \$21,750.00, together with buyer's premium & recording fees
Second Highest Bidder Mark Bauman
Second Highest Bidder's Address 98 Mexico Rd, Oley, PA 19547

Resolution # B-67
Former Owner Roberta Herrington
In Rem Index No. 90918, 2004 sale
Date of Auction July 12, 2006
Parcel # 401.00-01-023.200
Municipality Woodhull Town
Highest Bidder Paul R Harrison
Highest Bidder's Address 3125 W Lake Rd, Bradford, NY 14815
Consideration \$4,000.00, together with buyer's premium & recording fees
Second Highest Bidder Stephen L Snyder
Second Highest Bidder's Address 6018 Unionville Rd, Bath, NY 14810

Vote: Roll Call - Adopted.

RESOLUTION NO. 131-06

Introduced by P. Roche.

Seconded by K. Isaman.

RECEIVING AND ACCEPTING THE JULY 24, 2006, 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 26, 2006

1. Steuben County Industrial Development Agency - Re: Proposed Steuben Wind Development Project, Airtricity, Inc. Towns of Hartsville and Hornellsville, SEQR Final Scope for Draft Environmental Impact Statement.
Referred to: A.I.P. Committee and Greg Heffner, Planning Director.
2. Donald Brewer, Keuka College - Re: Letter expressing the College's appreciation to Frank Justice, Probation Director, for the outstanding job he did in instructing the criminal justice class on the role of Probation and how it functions in the criminal justice system, and stating further that Mr. Justice is a great asset to Steuben County.
Referred to: Public Safety & Corrections Committee and Frank Justice, Probation Director.

June 28, 2006

1. Steuben County Industrial Development Agency - Re: Wind Farm Prattsburgh Draft Environmental Service List and Statement. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

June 29, 2006

1. NYS Public Service Commission - Re: Hearings on the Proposed Acquisition of Corning Natural Gas Corporation - July 13, 2006 at 1:30 p.m., Pine City and 7:00 p.m., Painted Post, NY. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

July 5, 2006

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$7,862 representing the May 2006 retained surcharge revenue for Steuben County from the WROTBC. *Referred to: Finance and Rules Committees; and Larry Crossett, County Treasurer.*

July 6, 2006

1. NYS Office for the Aging - Re: Notification of Grant Award and approved application for the Long-Term Care Insurance Education & Outreach Program for 4/1/06-3/31/07. *Referred to: Human Services Committee and Linda Tetor, OFA Director.*

July 12, 2006

1. Rita McCarthy, Erwin Town Manager - Re: Requesting the County pay its proportional share of expenses (\$417.08) associated with the Dresser-Rand tax certiorari case. *Referred to: Finance Committee and Larry Crossett, County Treasurer.*

Vote: Acclamation - Adopted.

RESOLUTION NO. 132-06

Introduced by D. Baker and P. Donnelly.

Seconded by D. Stachnik.

PRESENTING LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2006, AMENDING LOCAL LAW NO. EIGHT FOR THE YEAR 1993, AS AMENDED, ESTABLISHING THE CORONERS' ENTITLEMENT TO COMPENSATION.

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

BE IT RESOLVED, that there hereby is presented to each member of the Steuben County Legislature, Local Law Tentatively No. Three for the Year 2006, amending Local Law No. Eight for the Year 1993, as amended, establishing the Coroners' entitlement to compensation, to wit:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2006**

Amending Local Law No. Eight of the Year 1993, as amended, establishing the Coroners' entitlement to compensation.

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

SECTION 1. LEGISLATIVE INTENT: It is the intent of the within Local Law to amend Local Law No. Eight of the Year 1993, as amended, to provide for an increase in the basic compensation for coroners of One Hundred Dollars (\$100.00) to Two Hundred Dollars (\$200.00) plus necessary expenses, in each case.

SECTION 2. AMENDMENT OF LOCAL LAW NO. EIGHT FOR THE YEAR 1993: Local Law No. Eight for the Year 1993, be and the same, hereby is amended to read as follows:

SECTION 2.1: A basic compensation of [One Hundred Dollars (\$100.00)] Two Hundred Dollars (\$200.00) plus necessary expenses in each case for all postmortem examinations (including, but not limited to participation at autopsies), investigations, statements, decisions or other report and for the filing thereof.

NOTE: Old law is in brackets [] and deleted;
New matter is underlined.

SECTION 3: EFFECTIVE DATE: The within Local Law shall be effective with respect to cases occurring on or after September 1, 2006.

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 28th day of August 2006, 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 Auditor, the Personnel Officer and the Director of Emergency Management.

Vote: Acclamation - Adopted. (Opposed: Schwartz, Argentieri, Swackhamer)

RESOLUTION NO. 133-06

Introduced by R. Nichols and G. Swackhamer.

Seconded by T. Schwartz.

AUTHORIZING THE STEUBEN COUNTY DEPARTMENT OF PUBLIC WORKS TO ACCEPT \$75,000.00 IN FUNDING FROM THE NEW YORK STATE MULTI-MODAL PROGRAM.

WHEREAS, there is a section of County Road 2, the Cranberry Lake Road in the Towns of Addison and Rathbone, that is in poor condition; and

WHEREAS, Senator Winner and Assemblyman Bacalles have obtained \$75,000.00 from the New York State Multi-Modal Program to help fund the reconstruction of 2.0 miles of County Route 2.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby approves the acceptance of this funding of \$75,000.00 from the New York State Multi-Modal Program; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept \$75,000.00 from the New York State Multi-Modal Program into the Multi-Modal State Aid Account 999901-4-3505-000 and appropriate said funds into the Department of Public Works Road Construction Fund Account #D-5112-00-5-250-000; and be it further

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

Vote: Roll Call - Adopted.

RESOLUTION NO. 134-06

Introduced by P. Donnelly.

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 2007.

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, 2006 for the Budget Year 2007.

NOW THEREFORE, BE IT

RESOLVED, that the estimated cost (Budget for 2007), a copy 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 2007 Steuben County Budget; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Treasurer and the Administrator of the Steuben County Self-Insurance Workers' Compensation Plan.

STEUBEN COUNTY SELF-INSURANCE PLAN
ANNUAL ESTIMATE OF EXPENSES
FISCAL YEAR BEGINNING JANUARY 1, 2007

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, 2007 and ending December 31, 2007, pursuant to Section 67, Paragraph 1 of the Workers' Compensation Law.

APPROPRIATED BUDGET FOR 2007

Medical & Hospital Payments	Item # 172006-5-410-300	\$ 376,000.00
Compensation Awards	Item # 172006-5-410-310	\$ 657,400.00
Administration Salary	Item # 171006-5-110-0000	\$ 46,900.00
Computer	Item # 171006-5-290-020	\$ 6,700.00
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	\$ 500.00
Postage	Item # 171006-5-405-100	\$ 500.00
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	\$ 150.00
Excess Workers' Compensation	Item # 171006-5-410-320	\$ 100,000.00
Workers' Compensation VF60	Item # 171006-5-410-331	\$ 17,000.00
Workers' Compensation VA60	Item # 171006-5-410-332	\$ 3,000.00
Workers' Compensation 151	Item # 171006-5-410-335	\$ 65,000.00
Workers' Compensation 15-8	Item # 171006-5-410-336	\$ 193,000.00
Workers' Compensation 25A	Item # 171006-5-410-337	\$ 70,489.00
Workers' Compensation IDP	Item # 171006-5-410-338	\$ 19,000.00
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	\$ 500.00
Consultant Fees	Item # 171006-5-423-310	\$ 500.00
Expert Witness	Item # 171006-5-423-310	\$ 5,000.00

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	\$ 25,000.00
Third Party Administrator	Item # 171006-5-444-400	\$ 60,000.00
Motor Pool	Item # 171006-5-450-999	\$ 250.00
Mileage	Item # 171006-5-471-000	\$ 200.00
Meals & Expenses	Item # 171006-5-472-000	\$ 1,000.00
Other Expenses	Item # 171006-5-499-000	\$ 4,000.00
NYS Retirement	Item # 171006-5-810-000	\$ 4,690.00
Social Security	Item # 171006-5-830-000	\$ 2,814.00
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	<u>\$ 100,000.00</u>

BUDGET TOTAL **\$1,821,786.00**

INTEREST EARNINGS -3,647.00

REFUND CURRENT YEAR EXPENSE **-150,000.00**

LESS INTEREST EARNINGS **-65,000.00**

TRANSFER FROM FUND BA -201,201.00

TOTAL TO BE APPORTIONED **\$1,401,938.00**

Vote: Roll Call - Adopted.

RESOLUTION NO. 135-06

Introduced by P. Donnelly.

Seconded by F. Gehl.

FILING THE TABLE OF APPORTIONMENT RELATIVE TO THE SHARES OF THE PARTICIPATING MEMBERS OF THE STEUBEN COUNTY SELF-INSURANCE WORKERS' COMPENSATION PLAN FOR 2007.

Pursuant to Article 5 of the Workers' Compensation Law of the State of New York.

WHEREAS, on July 24, 2006 this Steuben County Legislature had filed and approved the estimated cost for Fiscal Year 2007 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 2007, has caused a Table of Apportionment to be developed.

NOW THEREFORE, BE IT

RESOLVED, that the Table of Apportionment for the participating members of the Steuben County Self-Insurance Plan for Workers' Compensation for the Year 2007 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 2007; and be it further

RESOLVED, that 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 no later than October 1, 2006, otherwise the respective share will be levied upon the taxable real property comprising the territory of such member; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben 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.

**2007
TABLE OF APPORTIONMENT
\$1,401,938.00**

<u>MUNICIPALITY</u>	<u>CLASS</u>	<u>AMOUNT</u>
STEUBEN COUNTY	I	\$ 676,549.95
ADDISON	I	\$ 6,790.97
AVOCA	I	\$ 12,983.83
BATH	I	\$ 46,479.18
BRADFORD	I	\$ 11,315.14
CAMERON	I	\$ 17,527.69
CAMPBELL	I	\$ 27,720.23
CANISTEO	I	\$ 9,905.97
CATON	I	\$ 19,075.75
COHOCTON	I	\$ 26,030.12
DANSVILLE	I	\$ 16,599.61
FREMONT	I	\$ 17,583.61
GREENWOOD	I	\$ 17,510.83
HARTSVILLE	I	\$ 5,210.51
HORNBY	I	\$ 19,025.58
HORNELLSVILLE	I	\$ 22,953.78
HOWARD	I	\$ 19,755.55
JASPER	I	\$ 16,322.02
LINDLEY	I	\$ 14,375.20
PRATTSBURGH	I	\$ 27,897.61
PULTENEY	I	\$ 19,345.12
RATHBONE	I	\$ 9,305.67
THURSTON	I	\$ 18,997.24
TROUPSBURG	I	\$ 21,071.79
TUSCARORA	I	\$ 20,019.96
WAYLAND	I	\$ 13,240.80
WEST UNION	I	\$ 11,588.35
WHEELER	I	\$ 8,242.83
WOODHULL	I	\$ 20,839.18
TOWNS TOTAL		\$ 497,714.12
ADDISON	I	\$ 25,886.56
ARKPORT	I	\$ 11,038.28
AVOCA	I	\$ 13,719.45
BATH	I	\$ 69,226.83
CANISTEO	I	\$ 24,327.54
COHOCTON	I	\$ 15,667.03
NORTH HORNELL	I	\$ 11,503.37
PAINTED POST	I	\$ 26,041.86
WAYLAND	I	\$ 30,263.01
VILLAGES TOTAL		\$ 227,673.93

Vote: Roll Call - Adopted.

RESOLUTION NO. 136-06

Introduced by D. Baker.

Seconded by T. Schwartz.

AUTHORIZING THE DISTRICT ATTORNEY TO ENTER INTO AN AGREEMENT WITH FINGER LAKES PARALEGAL SERVICES.

WHEREAS, the District Attorney has experienced staff turnover during the past several months; and

WHEREAS, to assure continuity of programs and to facilitate the transition to newly hired staff, it is desirable to retain the services of Ms. Pamela Aini, formerly employed by the District Attorney, now currently working for Finger Lakes Paralegal Services; and

WHEREAS, the District Attorney has requested assistance in training of one day per week for four to five weeks; and

WHEREAS, additionally, the District Attorney desires to contract with Finger Lakes Paralegal Services for management of the forfeiture account through this calendar year reporting period.

NOW THEREFORE, BE IT

RESOLVED, the District Attorney is authorized to enter into an agreement with Finger Lakes Paralegal Services for training up to five days and for management of the forfeiture account through the current reporting year; and be it further

RESOLVED, said contract shall terminate January 31, 2007; and be it further

RESOLVED, said contract shall not exceed \$2,500.00 for the term specified; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to John C. Tunney, District Attorney; County Treasurer; and County Auditor.

Vote: Roll Call - Adopted.

RESOLUTION NO. 137-06

Introduced by D. Baker and P. Donnelly.

Seconded by F. Gehl.

RECLASSIFICATION OF A SENIOR CLERK POSITION, GRADE VI, TO PRINCIPAL CLERK POSITION, GRADE VIII, WITHIN THE STEUBEN COUNTY SHERIFF'S DEPARTMENT.

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

WHEREAS, a position exists within the Steuben County Sheriff's Department that is inappropriately titled and not consistent with the duties for said position; and

WHEREAS, the Steuben County Personnel Officer, the Public Safety and Corrections 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 Sheriff's Department is hereby reclassified:

Senior Clerk, Grade VI (\$22, 809-\$32,199) to
Principal Clerk, Grade VIII (\$24,787-\$34,991)

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, the County Treasurer, and the Steuben County Sheriff.

Mr. Argentieri asked how much will this cost the County? Sheriff Tweddell stated \$410 per year. The person who is going into this position is at the top of the pay scale for Grade VI.

Mr. Swackhamer requested that somebody from the Personnel Office be here on days when there are personnel issues on the agenda.

Vote: Roll Call - Adopted.

RESOLUTION NO. 138-06

Introduced by D. Creath.

Seconded by D. Stachnik.

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 2006-2007 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. 139-06

Introduced by D. Stachnik.

Seconded by R. Argentieri.

MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO AMEND THE REAUTHORIZATION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM AS PART OF THE DEFICIT REDUCTION ACT OF 2005.

WHEREAS, legislation has been introduced to reauthorize the Temporary Assistance for Needy Families Program, as part of the Deficit Reduction Act of 2005 with a renewed focus on work requirements; and

WHEREAS, said legislation effective October 1, 2006, narrowly defines and restricts acceptable work participation activities and further imposes fiscal penalties on local district Departments of Social Services for failure to meet established participation rates; and

WHEREAS, the definition of “Job-Search” and “Job Readiness Training”, has been redefined and now limits mental health, drug/alcohol and physical rehabilitative services as an allowable activity in this category, restricting participation to six weeks per federal fiscal year; and

WHEREAS, the definition of Community Services has been narrowly defined to include only structured activities that benefit a community through a public or non-profit organization; and

WHEREAS, the definition of Education Directly Related to Employment has been amended allowing only one year of education that will lead to employment upon completion of said year; and

WHEREAS, New York State has been required to prepare monitoring techniques that allow for daily monitoring of activities, allowing for only actual hours of participation, and allowing for only ten excused absences in a calendar year, no more than two in a calendar month; and

WHEREAS, adherence to these specified regulations and others, will result in reduced participation rates and significant fiscal penalties for Steuben County Department of Social Services and taxpayers in Steuben County; and

WHEREAS, the Steuben County Legislature wishes to state for the record, their dissatisfaction with the proposed regulations.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature urges action by the President and the Congress to amend the Reauthorization of the Temporary Assistance for Needy Families Program as part of the Deficit Reduction Act of 2005; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to President George W. Bush, 1600 Pennsylvania Avenue, Washington, DC; U. S. Senator Charles E. Schumer, 313 Hart Senate Office Bldg., Washington, DC 20510-3202; U. S. Senator Hillary Rodham-Clinton, 476 Russell Senate Office Building, Washington, DC 20510; and U. S. Congressman John R. Kuhl, Jr., 22 Buell Street, Bath, NY 14810.

Vote: Acclamation - Adopted.

RESOLUTION NO. 140-06

Introduced by D. Creath.

Seconded by T. McIntyre.

MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO ENDORSE FURTHER RESEARCH INTO ALTERNATIVE FUEL SOURCES, SUCH AS ETHANOL AND BUTANOL.

WHEREAS, alternative fuels manufactured from US-grown agricultural products will reduce our Nation’s reliance on high cost, imported petroleum that negatively impacts our working families and our National Security; and

WHEREAS, alternative fuel production would provide new markets for commodities grown by our struggling American Farmers without whom this Country could not feed itself; and

WHEREAS, the manufacture of alternative fuels such as ethanol and butanol would create jobs in rural America thus revitalizing rural economies throughout the United States; and

WHEREAS, the use of alternative fuels will reduce emissions that harm the environment.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby memorialize the President and the Congress of the United States to endorse further research into alternative fuel sources such as ethanol and butanol; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to President George W. Bush, 1600 Pennsylvania Avenue, Washington, DC; U. S. Senator Charles E. Schumer, 313 Hart Senate Office Bldg., Washington, DC 20510-3202; U. S. Senator Hillary Rodham-Clinton, 476 Russell Senate Office Building, Washington, DC 20510; and to U. S. Congressman John R. Kuhl, Jr., 22 Buell Street, Bath, NY 14810; Senator Saxby Chambliss, Chairman, Agriculture, Nutrition, and Forestry Committee, 416 Russell Senate Office Building, Washington DC 20510; Senator Pete Domenici, Chairman, Energy and Natural Resources Committee, 328 Hart Senate Office Building, Washington DC 20510; Senator James M. Inhofe, Chairman, Environment and Public Works Committee, 453 Russell Senate Office Building, Washington DC 20510; Congressman Bob Goodlatte, Chairman, House Committee on Agriculture, 2240 Rayburn House Office Building, Washington DC 20515; Congressman Joe Barton, Chairman, House Committee on Energy and Commerce, 2109 Rayburn House Office Building, Washington DC 20515; and Congressman Richard W. Pombo, Chairman, House Committee on Resources, 1324 Longworth House Office Building, Washington DC 20515.

Vote: Acclamation - Adopted.

**LOST
RESOLUTION NO. 141-06**

Introduced by P. Donnelly.

Seconded by G. Swackhamer.

ESTABLISHING THE ANNUAL SALARIES FOR STEUBEN COUNTY LEGISLATORS AT \$10,500.00 PER ANNUM, AND THE CHAIRMAN OF THE STEUBEN COUNTY LEGISLATURE AT \$17,000.00 PER ANNUM.

WHEREAS, the salaries proposed to be fixed and paid in the Notice of Hearing on the Tentative Budget for the Year 2006 dated November 16, 2005, set the Legislators' salaries for the Year 2006 at \$10,500.00, and \$17,000.00 for the Chairman of the Steuben County Legislature; and

WHEREAS, the Administration Committee has reviewed said proposed salaries as proper annual compensation for Steuben County Legislators and the Chairman of the Steuben County Legislature.

NOW THEREFORE, BE IT

RESOLVED, that the annual compensation for the Steuben County Legislators shall be \$10,500.00, and \$17,000.00 for the Chairman of the Steuben County Legislature; and be it further

RESOLVED, that said annual rates of compensation shall be effective for the pay period commencing July 24, 2006, and shall continue for the Year 2006; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer, the Personnel Officer and members of the Steuben County Legislature.

Motion by Mr. Donnelly to table this issue until the 2007 Budget Process, seconded by Mr. McAllister. Roll Call - Fails. Yes: 4385. No: 5487. (No: Argentieri, Baker, Gehl, Isaman, Jamison, McIntyre, Nielsen, Schwartz, Swackhamer and Walsh)

Mr. Schwartz stated this has gone on long enough. It would be in our best interest to just vote this down today and be done with it. They can review it again next year through the budget process.

Mr. Argentieri stated the people on the Legislature work hard and deserve it. Those who criticize the increase should get their feet wet and put themselves in our shoes.

Vote: Roll Call - Lost. Yes: 1715; No: 8157.

(No: Argentieri, Creath, Donnelly, Farrand, Jamison, McAllister, McIntyre, Nichols, Nielsen, Roche, Schwartz, Stachnik, Swackhamer and Walsh)

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

REGULAR MEETING
Morning Session
Bath, New York
Monday, August 28, 2006

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 28th day of August, 2006 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 with the exception of Legislator Jamison.

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

Mrs. Kane asked Kimberley Stone to come forward. Ms. Stone is an employee in the Department of Social Services. Chairman Roche presented her with a Certificate of Appreciation and a pin in recognition of her 25 years of service to Steuben County.

Mrs. Kane asked Sue McLaughlin and Melissa Loza to come forward. Ms. Loza nominated Ms. McLaughlin for Employee of the Month for the month of September. Ms. Loza read the following nomination: I feel that Sue goes above and beyond what is required of her. Over the past few months, she has taken the time to do quite a few things. Sue offers to meet with myself and other employees to walk us through the different aspects of the Public Defender Software and to answer any questions we have about how to generate certain reports and search for specific information. She has come up with suggestions and new ideas for forms we can use to gather data (she has actually created a word document for this purpose and has set it up on all of our computers as a shortcut – we have now implemented this and it has solved a problem our department has been having for close to two years now!) Sue has met repeatedly with Elaine Brown (who prepares our monthly, quarterly and annual reports) to help streamline the gathering of data she needs and to format our reports to fit the changing requirements.

In summary, I feel that Sue McLaughlin is doing a great job. She is always there to answer any questions that come up and offers to meet and go over any problems. I feel that she has gone beyond simply completing what is “required” of her and really cares about our problems and questions are solved and fit our needs. She is an asset to Steuben County and the Information Technology Department and should be recognized for her excellent work. **CONGRATULATIONS SUE!**

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

Frank Haftl, Cameron, stated that he would like to apologize for The Leader for their misquoting of what he said at last month’s Board Meeting. He stated that he was not attacking your performance, but was giving you a comparison of other counties and what their legislators are getting. Mr. Haftl stated that he had explored running for your position last fall and he got more than enough signatures for the petition. He did not make it on the ballot. He did go around and ask the public what their issues were and 90 percent told him they were concerned about taxes and the roads. If you read the paper last week, you saw that there were three to four pages of taxes that hadn’t been paid and his name was amongst them. That gives you an indication of the concerns of the people. Mr. Haftl stated he wanted to run for this job because it is a good part-time job, and a good salary and fringe benefit and he could probably quit his regular job.

Mr. Haftl stated with regard to the roads, we have 600 plus miles of roads in the County. At the rate we are going we are never going to be able to maintain them with the current budget and the cost of materials going up. He would suggest raising the sales tax by one cent and put that revenue as a dedicated fund for the highway department for resurfacing and repair. Also, he would suggest that the County take out a bond, as the interest would be cheaper than the materials. This would also have to be strictly dedicated to the highway department. When you get to a point where you can retain the roads, then you could rescind the increase in the sales tax. This is something that we must, we must, we must do. When you travel the back and main roads, you will see that they need to be taken care of. Mr. Haftl stated the other thing is

the gas tax. We have 600 plus miles of roads and people in the County are driving more than people in other counties and they are spending more in gas. We could get a kickback from that.

Being no further comments by members of the public, Chairman Roche declared the public comment period 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. Three for the Year 2006, Amending Local Law No. Eight for the Year 1993, as amended, establishing the Coroner's entitlement to compensation. Chairman Roche asked if there were any comments regarding this Local Law. There being none, the Public Hearing portion of the meeting was closed.

Mr. Stachnik introduced Jean Jensen and Ron VanOrmer from Steuben ARC. They are here today to give a brief presentation about the services they provide and also to tell us about their capital campaign. Ms. Jensen informed the Legislature that they began their Together We Soar Capital Campaign in December 2004. The campaign was officially announced on June 14, 2004. The capital campaign goal is \$1.35 million, which is funded through private donations by individual, business and foundation sources. The total cost of the project is \$4.5 million. They have secured a short-term loan for construction through Key Bank and at the completion of the project, they will be bonded through NYSARC. She explained the project expansion will double the size of their current facility to 40,000 square feet. The expansion will be the first certified Leadership in Energy and Environmental Design (LEED) office building in Steuben County. They will also be renovating the original structure. With the completion of this project, they will be able to improve their services by consolidating them to one location.

Mr. Isaman asked do you have 350 employees in addition to your volunteers? Ms. Jensen replied they have 350 paid employees and 50 volunteers.

Dr. Amann, President, Corning Community College stated that he is here today to give his annual presentation and overview of their budget. He stated that he is pleased to announce that next year they will be celebrating their 50th anniversary. The Corning Community College Board of Trustees is made up of 14 members; 6 from Steuben County, 5 from Chemung County, 2 from Schuyler County and 1 student. Dr. Amaan commented that their enrollment has grown over the last several years. They anticipate having 6,000 students during the 2006-2007 school year. He commented that they have four large facilities, three of which are located in Steuben County on Goff Road, the Business Development Center and the Spencer Hill Campus. Dr. Amaan stated that when they look at career graduates, 72 percent are employed full-time and of those, 38 percent are employed in Steuben County.

Tom Carr, Vice President, stated we have two sources of funding, operations and capital. Our fiscal year ends on August 31, 2006 and our enrollment is 3,450 FTE's. In our budget, we have 300 full-time employees of which 171 reside in the County and we pay \$8 million in salary alone. We did add faculty members to our Nursing, Biology and English programs. Our expenditures are on target.

Mr. Carr explained for the 2007 budget, enrollment will decrease slightly to 3,400 FTE's and there will be a tuition increase of \$50.00 per semester, which is still below the statewide average. We do have a State Aid increase of \$175.00 per FTE which was passed by both the Legislature and the Governor. We have an operating chargeback increase of 4 percent, which equates to \$2,439 per FTE. Other expenditures will be held to the 2006 levels and does not include the salaries and fringe benefits. Mr. Carr reviewed their capital projects. He commented that the Elmira Center is a project of the Chemung County IDA and once that is complete, they will turn that back over to the college.

Dr. Amaan thanked the Legislature for their continued support. He hopes that the college is a good steward of the facilities and budget and that they have maintained academic quality and preparation of the students.

Mr. Schwartz commented that he recently walked through the campus and the facility looks good.

Mr. McIntyre asked with regard to sporting programs in college, Elmira is quite a draw for hockey. Do you envision expanding your sports program? Dr. Amaan replied we have an outstanding program at the Associate's level. We have added inter-collegiate golf as a sport at the college and we have also talked about adding lacrosse, but that is fairly expensive. Our physical education facility is in dire need of renovation as it was built in 1960. We have placed that as a higher priority on our master plan.

Mr. Crossett introduced Andrea Mannino and Carl Schiefen from Excellus who are here to give a presentation on an optional plan for retirees.

Ms. Mannino stated they are looking at a plan for Medicare retirees which is the Medicare Blue PPO plan which is subsidized by Medicare. All claims go to the PPO. This plan is different from the plan the retirees are currently on as they will be responsible for more co-pays. There will be a \$200 co-payment for inpatient visits. She distributed a handout that summarized the benefits of the plan. The rates have been put together for 2006 and will expire December 31, 2006 and are subject to change. The rates given to you are designed by region. The County would be able to offer the \$5 - \$15 - \$20 drug co-payment plan and the rates vary between the regions. The premium rates for the Southern Tier is \$131.42; \$153.29 for Syracuse area and \$167.73 for the Rochester area.

Ms. Mannino stated currently your retirees have a \$322.00 per month premium and if they have 25 years or more, the County contributes 50 percent and anyone that has 20 years, the County contributes 25 percent. If you average those costs together and if the Medicare Blue PPO was put into force, your retirees would have a \$151.81 per month premium. That is a savings of \$171.19 per month based on the premium itself. From the retiree's perspective, that are saving \$85.60 per month if they contribute 50 percent of the cost and they are saving \$128.89 per month if they are contributing 75 percent of the cost. There would be a cost savings to the County of \$30,814 which is a pretty substantial amount on premium annually.

Ms. Mannino stated the main concern with changing was what benefits they would be losing. We can't take away any of the traditional Medicare benefits that they receive. We are adding benefits on top of what they would currently receive under Medicare.

Chairman Roche asked this is an optional program that each individual retiree can elect to go to the new program or to stay with their current program? Ms. Mannino replied that was correct. Currently there are 180 retirees in the County. They have the option of opting out, but at no point can they opt back in. The retiree has to live in the service area at least six months out of the year.

Mr. Creath asked does this switch primary insurance from Blue Cross? Ms. Mannino replied Excellus becomes the primary insurance. Instead of claims going to Medicare, we are processing the claims.

Mr. Stachnik asked how many times could an individual access services will outside the area? Ms. Mannino replied there is no limit to the out-of-area coverage. They have the choice to go, but they will be subject to a \$25 co-pay. The safety net about emergencies is they have a \$50 co-pay and then if they are admitted, they have the \$200 co-pay. Our insurance is competitive as we have a \$200 co-pay for inpatient up to a maximum of two per year, meaning they only pay the co-pay twice per year. United Health charges \$195 per day inpatient.

Mr. Crossett stated we have 180 retirees that are eligible for Medicare. The proposal is not to change the contribution. We will continue to make our contribution to this new plan or their current plan.

Mr. Donnelly asked with the prescription drugs not being covered out-of-area, could an individual get them through the mail and take advantage of the in-service area? Ms. Mannino replied with in-network pharmacies we do have mail order and 90-supply.

Mr. McAllister commented it is hard for people to compare plans. Is someone going to explain this to the people who are eligible? Is someone going to explain that if they opt out they can never go back? Ms. Mannino replied we have offered and sold this plan to several groups and it has run very smoothly. If you

choose this plan, we will come out and sit with the retirees and tell them exactly what will happen and answer questions. We will let them know they have the option to opt out.

Mr. McIntyre asked if we approve the plan, when do you anticipate starting the meetings? Mrs. Smith replied we have meetings set up for September. Ms. Mannino stated if we wanted we could make October 1st the effective date or November 1st. We have already set up dates to hold informational meetings. September 19th will be one-on-one meetings.

Mr. Schwartz asked what are we paying Excellus to do this? Mr. Crossett replied we would pay them the same as we do for the current plan.

Motion approving the minutes of the July 24, 2006 meeting made by Mr. Schwartz, seconded by Mr. Isaman and duly carried.

ANNOUNCEMENTS

Mr. Creath announced that he is passing around a "Get Well" card for Mr. Jamison if anyone wants to sign it.

Mr. Nichols announced that due to the Labor Day Holiday, the September meeting of the Public Works Committee will be held on Thursday, September 7, 2006 at 9:00 a.m.

Mr. Alger announced that the presentation for the automated elections system for tomorrow has been cancelled due to illness and will be rescheduled.

RESOLUTION NO. 142-06

Introduced by: G. Swackhamer.

Seconded by: K. Isaman.

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

RESOLVED, as it appears to be in the best interest of the County to sell the properties listed on Schedule "A" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a Quit Claim Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof; and be it further

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

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

RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s); and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, the Clerk of the Board of Education of the appropriate School District, and the taxpayers.

SCHEDULE "A"

Resolution # A-1
Former Owner Pedro Cartello, Pietro & Minnie Cartella, whose property was foreclosed by tax deeds recorded February 28, 1945 and thereafter appropriated by the County of Steuben for Flood Control purposes by deeds dated August 5, 1959. This conveyance to be made by Quit Claim Deed executed by the Treasurer.
Date of Tax Sale February 18, 1942
Parcel # 166.25-04-019.000
Municipality Hornell City
Grantee(s) City of Hornell
Grantee(s) Address 82 Main St, PO Box 627, Hornell, NY 14843
Consideration \$0 "as is".

SCHEDULE "B"

Resolution # B- 1
Former Owner Michael W O'dell
In Rem Index No. 90918, 2004 sale
Date of Tax Sale July 12, 2006
Parcel # 080.00-01-023.000
Municipality Dansville Town
Grantee(s) Diana E Evans, highest bidder, and Michael Gates, second highest bidder, respectively
Grantee(s) Address 211 Johnson Pl, Pt Monmouth, NJ 07758-1657, and 11763 Lewis Rd, Naples, NY 14512, respectively
Disposition RESCISSION OF PRIOR OFFER TO SELL FOR FAILURE TO PERFORM.

Vote: Roll Call – Adopted. Yes: 8315. No: 964. Absent: 593
(No: Argentieri, Schwartz; Absent: Jamison)

RESOLUTION NO. 143-06

Introduced by: P. Roche.

Seconded by: D. Stachnik.

RECEIVING AND ACCEPTING THE AUGUST 28, 2006, COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

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

July 13, 2006

1. Allegany County Board of Legislators - Re: Resolution Memorializing the State Legislature to Cause Corridor Studies to be Done of the Extension Southerly of State Route 408 and the Extension of State Route 243. Requesting support by this county. ***Referred to: A.I.P. and Public Works Committees; Greg Heffner, Planning Director; and Vincent Spagnoletti, P.W. Commissioner.***

July 14, 2006

1. Empire Pipeline - Re: New in-service date for the Empire Connector Project - now to be November 2008. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

July 18, 2006

1. NYS Division of Criminal Justice Services - Re: Contract #553136 - Domestic Violence Review Team for 2003 - final report summarizing the results of the fiscal audit of said Federal grant award contract between the Steuben County District Attorney's office and the NYS DCJS; and Contract #C-553137 - Domestic Violence Review Team for 2004 and 2005 - final report summarizing the results of the fiscal audit of said Federal grant award contract between the Steuben County District Attorney's office and the NYS DCJS. ***Referred to: Public Safety & Corrections Committee; John Tunney, District Attorney; and Lawrence Crossett, County Treasurer.***

July 19, 2006

1. New York State Office of Homeland Security - Re: Award to Steuben County of \$27,800 from the FY06 State Homeland Security Program (SHSP), and \$24,800 from the FY06 Law Enforcement Terrorism Prevention Program (LETPP). Applications must be submitted by August 18, 2006. ***Referred to: Public Safety & Corrections Committee; Sheriff Tweddell; Mike Sprague, EMO Director; Tim Wixom, 911 Director; (and Greg Heffner, Planning Director (Coordinator)).***

July 27, 2006

1. Harris Beach, PLLC (Attorneys) - Re: T & K Realty, LLC - Payment in Lieu of Tax Agreement - Existing vacant building to be rehabilitated and refurbished for use by Birnie Transportation Services as part of its school bus maintenance, repair, etc. - Town of Erwin. ***Referred to: Finance and Administration Committees; Lawrence Crossett, County Treasurer; Donna Hatch, RPTSA Director; and Fred Ahrens, County Attorney.***
2. Southern Tier Central Regional Planning & Development Board - Re: Requesting \$85,000 from Steuben County for STCRP&DB's support in 2007. ***Referred to: A.I.P. and Finance Committees; Greg Heffner, Planning Director; and Lawrence Crossett, County Treasurer.***

July 28, 2006

1. Steuben County Industrial Development Agency - Re: Lead Agency Designation: Determination of Significance, Positive Declaration; Draft Scoping Document Available, re: Proposed Howard Wind Power Project. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

July 31, 2006

1. NYS Department of Health - Re: Payment to our DSS district to reconcile the amount the County paid under the estimated Medicaid cap for 1/1/06 to 6/30/06 and the amount due under the final Medicaid cap for the State FY2005-06 (\$210,891) and 2006-07 (\$218,077). ***Referred to: Human Services and Finance Committees; Kathryn Biehl, DSS Commissioner; and Lawrence Crossett, County Treasurer.***

August 1, 2006

1. EMSTAR (Emergency Medical Services Training, Administration & Resources) - Re: 2nd Quarter Report and payment request for \$1,406.25 for EMS support services. ***Referred to: Health & Education and Public Safety & Corrections Committees; Vicki Fuerst, PH&NS Director; and Mike Sprague, EMO Director.***

August 4, 2006

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$6,170 representing the June 2006 retained surcharge revenue for Steuben County from WROTBC. ***Referred to: Rules and Finance Committees and Lawrence Crossett, County Treasurer.***
2. Governor's Office for Small Cities - Re: Monitoring review to be conducted on 8/14/06 for 2004 grant, Project #1115HR122-04. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

August 18, 2006

1. Finger Lakes SPCA, Inc. - Re: Request for 2007 funding in the amount of \$25,000. ***Referred to: A.I.P. and Finance Committees; Greg Heffner, Planning Director; and Lawrence Crossett, County Treasurer.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 144-06

Introduced by: D. Baker/P. Donnelly.

Seconded by F. Gehl.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2006, AMENDING LOCAL LAW NO. EIGHT FOR THE YEAR 1993, AS AMENDED, ESTABLISHING THE CORONERS' ENTITLEMENT TO COMPENSATION.

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

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on July 24, 2006, County of Steuben Local Law Tentatively No. Three for the Year 2006, establishing the Coroners' entitlement to compensation, and this Legislature by resolution, preliminarily adopted said Local Law on July 24, 2006, making the final adoption of said Local Law subject to a Public Hearing to be held on August 28, 2006, 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 August 28, 2006, at 10:00 A.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum.

NOW THEREFORE, BE IT

RESOLVED, County of Steuben Local Law Tentatively No. Three for the Year 2006, as hereafter set forth be, and the same hereby is, finally adopted, to wit:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2003**

Amending Local Law No. Eight of the Year 1993, as amended, establishing the Coroners' entitlement to compensation.

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

SECTION 1. LEGISLATIVE INTENT: It is the intent of the within Local Law to amend Local Law No. Eight of the Year 1993, as amended, to provide for an increase in the basic compensation for coroners of One Hundred Dollars (\$100.00) to Two Hundred Dollars (\$200.00) plus necessary expenses, in each case.

SECTION 2. AMENDMENT OF LOCAL LAW NO. EIGHT FOR THE YEAR 1993: Local Law No. Eight for the Year 1993, be and the same, hereby is amended to read as follows:

SECTION 2.1: A basic compensation of [One Hundred Dollars (\$100.00)] Two Hundred Dollars (\$200.00) plus necessary expenses in each case for all postmortem examinations (including, but not limited to participation at autopsies), investigations, statements, decisions or other report and for the filing thereof.

NOTE: Old law is in brackets [] and deleted;
New matter is underlined.

SECTION 3: EFFECTIVE DATE: The within Local Law shall be effective with respect to cases occurring on or after September 1, 2006.

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; the County Auditor; the Personnel Officer; Director of Emergency Management and all County Coroners.

Mr. McIntyre asked what is the impact on the County, as far as the increase is concerned? Mr. Alger replied the current salary in the budget is \$22,500 for all of the coroners. Last year we spent a total of \$18,000 for all of them. We have trended this forward and the impact would be around \$18,000 - \$20,000.

Mr. McIntyre asked how long has it been since they had a raise? Mr. Alger replied 1993 was their last increase.

Vote: Roll Call – Adopted. Yes: 7753. No: 1526. Absent: 593.
(No: Argentieri, McIntyre, Schwartz; Absent: Jamison)

RESOLUTION NO. 145-06

Introduced by: P. Donnelly.

Seconded by: R. Nielsen.

REALLOCATING ATTORNEY JOB TITLES IN THE COUNTY OF STEUBEN TO THE STEUBEN COUNTY MANAGEMENT SALARY GRID.

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

WHEREAS, it has been deemed appropriate to place the various Attorney job titles of Steuben County back into the Management Salary Grid; and

WHEREAS, the Steuben County Administrator, Personnel Officer and the Administration Committee have approved and recommended this change.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Management Salary Grid is amended as follows:

<u>TITLE</u>	<u>GRADE</u>	<u>SALARY RANGE</u>
County Attorney	L	\$75,149 - \$118,624
Public Defender	I	\$56,462 - \$ 89,252
Assistant District Attorney (1 st)	H	\$51,327 - \$ 81,019
Deputy County Attorney	H	
Senior Assistant District Attorney	G	\$46,662 - \$ 73,655
Senior Assistant Public Defender	G	
Senior Assistant County Attorney	G	
Felony Assistant Public Defender	G	
Assistant District Attorney	E	\$38,566 - \$ 62,343
Assistant County Attorney	E	
Entry Level Attorney	D	\$35,060 - \$ 55,338
Attorney Trainee	C	\$31,873 - \$ 50,304

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Personnel Officer; County Treasurer; County Attorney; District Attorney; and Public Defender.

**2006
MANAGEMENT SALARY SCHEDULE
GRADE LEVEL AND SALARY**

GRADE	MINIMUM	MID-LEVEL	MAXIMUM
B	\$28,973	\$ 37,504	\$ 46,035
C	31,873	41,088	50,304
D	35,060	45,199	55,338
E	38,566	50,455	62,343
F	42,423	54,689	66,954
G	46,662	60,159	73,655
H	51,327	66,173	81,019
I	56,462	72,857	89,252
J	62,108	80,070	98,032
K	68,318	88,078	107,839
L	75,149	96,886	118,624

Mr. Alger stated what we are doing is placing the attorneys back into the Management Salary Plan. Currently, they are under their own schedule. This does not change any individual salary currently. It would impact future recruitment.

Mr. Gehl asked why were they out of the Management Salary Plan and now why are they coming back in? Mr. Alger replied at the time, there was a desire to move them to a grade to reflect recruitment difficulties at that time. We reviewed the Management Salary Plan overall and they were not included. The discussion was that they should be reintegrated back in for uniformity.

Mr. McIntyre stated it doesn't have an impact right now. Every one of these individuals has their range adjusted and couldn't that impact us greatly? Mr. Alger replied next year their adjustments will be done in accordance with the Management Salary Plan. They will get whatever range is determined by the Administration Committee. Their current salaries are within these ranges.

Mr. McAllister asked are the grades being recommended equal to what they had? Mr. Alger replied overall they are. The lower levels may have been lower. We previously did not have a Grade L, but are placing that in there. The intent is to positively affect recruitment abilities.

**Vote: Roll Call – Adopted. Yes: 7753. No: 1526. Absent: 593.
(No: Argentieri, McIntyre, Schwartz; Absent: Jamison)**

RESOLUTION NO. 146-06

Introduced by: P. Donnelly.

Seconded by T. Schwartz.

PROVIDING OPTIONAL HEALTH INSURANCE COVERAGE FOR STEUBEN COUNTY RETIREES RECEIVING MEDICARE.

WHEREAS, Steuben County pays a certain portion of the retirees' health insurance premium based on years of service with Steuben County; and

WHEREAS, the Excellus Medicare Advantage Plan may provide, in some cases, a more economically advantageous program to retirees enrolled in Medicare; and

WHEREAS, the County Administrator, Personnel Officer and Administration Committee have recommended and approved this plan for optional coverage at the retirees' election.

NOW THEREFORE, BE IT

RESOLVED, the County Treasurer may enter into an agreement with Excellus of Central New York to provide coverage to retirees receiving Medicare on an optional basis; and be it further

RESOLVED, the County's contribution toward retirees' health insurance premiums will continue at the level as provided by the Collective Bargaining Agreements; and be it further

RESOLVED, if retirees opt to take the alternative coverage, they may not return to the original Steuben County Health Insurance Plan; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Personnel Officer.

Mr. Alger stated there are two points that he would like to make. The first is that this is an optional program being presented to retirees to give them this option. The second is from their perspective, the resolution calls to continue equivalent contributions that they would have received if they stayed with the current plan. We are not trying to push this plan, but we are offering an opportunity that we think may save them money.

Dr. Baker asked when does a decision on this have to occur? Mr. Alger replied there will be a window from the presentation to review. Anyone who retires or is eligible would have the same opportunity to review as we go into the future.

Mr. Isaman asked if the retirees choose this, they must stay with it forever? Mr. Alger replied yes. If they opt in, they are no longer a member of our group and can no longer come back to our group in the future.

Mr. Gehl commented that point has to be made loud and clear.

Mr. Isaman asked what happens ten years from now if the cost of the coverage triples? Mr. Roche commented either plan could triple.

Mr. Stachnik commented that he thinks the plan is worthwhile and the marketplace will govern the costs.

Mr. Schwartz stated in the private sector many corporations are opting out of all medical programs for retirees. Does the County have the right to opt out? Mr. Roche replied the County is not opting out of any program.

Mr. Schwartz asked do we have the option to opt out? Mr. Alger replied under the labor agreement, you have an obligation based on years of service. You don't have the option to opt out as it would have to be negotiated out of the contract.

Mr. Isaman asked the retirees are currently paying \$322.00 per month? Mr. Alger replied currently the premium for a single policy is \$322.00. Mr. Isaman asked if we pay half of the premium and in five years if the total cost is \$400 per month, is the County going to pay \$200 for the retirees that opt for this? Mr. Alger replied we are obligated by the agreement to offer that percentage.

Mr. Swackhamer asked what is the family plan? Mr. Alger replied usually the retiree will purchase two single policies. Right now for a married couple, we pay half of one of the single policies and the retiree is responsible for the half of their policy and the full cost of the policy for their spouse.

Mr. Gehl asked what happens if the spouse is not 65? Do we still carry that individual until they turn 65? Mr. Alger replied if they have insurance now, we would have to continue it.

Mr. Isaman asked we have 180 retirees on the plan plus spouses? Mrs. Whitehead replied we have 180 retiree policies which could be single policies or two single policies or a single policy on Medicare and one regular policy.

Mr. Argentieri commented that he is abstaining from the vote as he does not have enough information.

**Vote: Roll Call – Adopted. Yes: 7351. No: 1477. Absent: 593. Abstained: 451
(No: Baker, Schwartz, Swackhamer; Absent: Jamison; Abstain: Argentieri)**

RESOLUTION NO. 147-06

Introduced by: D. Creath/G. Swackhamer.

Seconded by R. Argentieri.

AUTHORIZING AND DIRECTING THE TRANSFER OF \$5,000 FROM THE OFFICE RENOVATIONS CAPITAL PROJECT TO THE 18 EAST MORRIS STREET 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 Superintendent of Buildings and Grounds to repair the 18 East Morris Street Parking Lot, Bath, New York; and

WHEREAS, it is necessary to appropriate additional funds to complete the project, and there are funds available in the Office Renovations Capital Project Account HB0105.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to appropriate the sum of \$5,000 from the Office Renovations Capital Project Account HB0105, to the 18 East Morris Street Parking Lot Capital Project Account HB0802; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Superintendent of Buildings and Grounds.

**Vote: Roll Call – Adopted. Yes: 9279. Absent: 593.
(Absent: Jamison)**

RESOLUTION NO. 148-06

Introduced by: P. Roche.

Seconded by D. Stachnik.

REAPPOINTING A MEMBER TO THE SOUTHERN TIER EXTENSION RAILROAD AUTHORITY.

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

WHEREAS, Article 5 of Title II-E of the Public Authorities Law creates the Southern Tier Extension Railroad Authority Act to continue and strengthen the system of railroads serving Allegany, Cattaraugus, Chautauqua and Steuben Counties through the creation of a regional, public benefit corporation; and

WHEREAS, Section 1349-C of the Act requires the establishment of the Southern Tier Extension Railroad Authority; and

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

WHEREAS, the term of one of the members has expired.

NOW THEREFORE, BE IT

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

Seth M. Corwin
48 Hillside Place
Hornell, NY 14843

Term: September 1, 2006 through August 31, 2009

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

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

Mr. Nichols asked do we only appointment one member? Mr. Alger replied no, there are others. This is just appointing a member whose term was expiring.

Vote: Acclamation – Adopted.

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

REGULAR MEETING
Morning Session
Monday, September 25, 2006
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 25th day of September, 2006 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 Jamison and Schwartz.

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

Legislator Farrand asked Christopher Hadley forward. Mr. Farrand stated Mr. Hadley attends Jasper-Troupsburg Senior High School and he was chosen to represent New York State as a National Scholar at the 2006 National Young Leaders Conference. He noted this is an honor given to only a fraction of one percent who possess the drive and determination to emerge as the world's future leaders. He presented Mr. Hadley with a Certificate of Appreciation.

Mr. Hadley thanked everyone who made donations so that he was able to attend the conference. He stated there were many bright individuals at the conference. He stated everyone had great questions and it put his mind at ease, as the future is bright with minds like that.

Mrs. Kane asked Leanne Dwyer to come forward. Ms. Dwyer is an employee in the Department of Social Services. Chairman Roche presented her with a Certificate of Appreciation and a pin in recognition of her 25 years of service to Steuben County.

Mrs. Kane asked Sharon Wheeler to come forward. Ms. Wheeler is an employee in the Department of Social 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 Dr. Robert Anderson and Paul McKinley to come forward. She stated Mr. McKinley was nominated for Employee of the Month by his co-workers: David Morsch, Susan Clark, Kimberly Stedman, Judy Cardamone and Don Lewis. She noted that his co-workers were unable to be here today to make the presentation so she asked Dr. Anderson to fill in. Dr. Anderson read the following nomination: Paul is known in his department for his unwavering commitment to his clients with severe mental illness and for maintaining the highest standard of professionalism, competency and a friendly attitude toward his clients and fellow teammates. Daily, Paul goes above and beyond the requirements of his job to insure his clients receive high quality services, not only provided by the County's program, but by ancillary services. Paul advocates vigorously for the rights and needs of the clients he serves and is the first to speak up for their needs. He's also the last to rest when they are in need of housing, medication, direct treatment or any services which are deemed to be in the client's best interests. Paul has organized, chauffeured, supervised and led an outing to a local museum so that our clients could have access to an exhibit of fine art and photographs. He's also overseen the collection and display of client artwork, poetry and stories to be exhibited at a recent event. As co-workers of Paul, we see this daily but hope that wider recognition will let others know the high quality work and effort that he puts in day in and day out.
CONGRATULATIONS PAUL!

Chairman Roche opened the floor for comments by members of the public. There being none, he declared the public comment portion of the meeting closed.

Chairman Roche stated everyone in this room was impacted by the events of September 11th. Shortly after the event many individuals from Steuben County volunteered to travel to New York City to assist with the clean up. On the 5th anniversary, each County was asked to send two volunteers to attend a service to recognize volunteers' efforts. Painted Post Police Chief Donald Yost, and Nancy Cook from the Red

Cross, represented Steuben County. Both of these individuals spent significant hours in New York City assisting with the clean up. Chief Yost is here today to make a presentation. Chief Yost thanked everyone for the opportunity to return to New York City. The Governor provided me with a flag that was flown over the site of the World Trade Center on September 20, 2006, and I would like to present the flag to the County Legislature. Chairman Roche thanked Chief Yost on behalf of the Legislature.

Ken Peaslee, Information Technology Director, stated he is here today representing the United Way. Last year I ran the campaign in the County Office Building and I appreciate your support. We collected \$25,000 last year and our goal this year is \$28,000. He introduced Donna Chiaramonte of the United Way, who thanked the Legislature for the opportunity to speak. She stated there's a packet in front of you and there area a few items I'd like you to see. There is a 5-year history on the giving to Steuben County. I want to thank those of you who have given in the past. For those of you who haven't, I'd like you to consider it. The employee beneficiary report shows the number of employees within the County who have utilized United Way services. There are over 200 of them. There is also a graph that shows what we raise in the County and what is given back to the County in help. Please do what you think you can. Thank you for this opportunity.

Mr. Peaslee asked John Zehr to talk about his campaign. Mr. Zehr stated the Health Care Facility was fortunate enough to be selected as pacesetter this year. We held several events during the week to encourage people to donate. Last year we had 10 people contribute for a total of \$1,040. This year they had 40 people contribute for a total of \$4,617. Chairman Roche stated we Legislators should serve as examples to our employees. I'm asking that every Legislator show their support and make a pledge. Thank you.

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

RESOLUTION NO. 149-06

Introduced by G. Swackhamer.

Seconded by K. Isaman.

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

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

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

RESOLVED, as it appears to be in the best interest of the County to sell the properties listed on Schedule "B" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof; and be it further

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

RESOLVED, the Steuben County Treasurer is further authorized and directed to 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 Harry & Dianne Gosper
Parcel # 277.00-02-011.110
Municipality Addison Town
Disposition Correction (parcel split)

Resolution # A-2
Name Grace Gear
Parcel # 136.05-01-023.220/94
Municipality Hornellsville Town
Disposition Correction

SCHEDULE "B"

Resolution # B-1
Former Owner Herbert C Malick
In Rem Index No. 90918, 2004 sale
Parcel # 166.05-01-075.100
Municipality Hornell City
Grantee(s) City of Hornell
Grantee(s) Address 82 Main St, PO Box 627, Hornell, NY 14843
Consideration \$118.00 recording fees

SCHEDULE "C"

Resolution # C-1
Former Owner Herbert C Malick
In Rem Index No. 90918, 2004 sale
Date of Tax Sale July 12, 2006
Parcel # 166.05-01-075.100
Municipality Hornell City
Grantee(s) Mark L Freeland, highest bidder, and Michael Gates,
second highest bidder, respectively
Grantee(s) Address 10 Blaine St, Hornell, NY 14843, and
11763 Lewis Rd, Naples, NY 14512, respectively
Disposition RESCISSION OF PRIOR OFFER TO SELL FOR
FAILURE TO PERFORM.

Resolution # C- 2
Former Owner Billy Jo Cagle
In Rem Index No. 90918, 2004 sale _____
Date of Tax Sale July 12, 2006
Parcel # 134.20-01-035.000
Municipality Bradford Town
Grantee(s) Resham Mangat, highest bidder, and David Bergstresser,
second highest bidder, respectively
Grantee(s) Address 2 Hanover Rd, Apt 1603, Brampton, ON L6S 4H9, and
175 Seneca St, Penn Yan, NY 14527, respectively
Disposition RESCISSION OF PRIOR OFFER TO SELL FOR
FAILURE TO PERFORM.

Vote: Roll Call - Adopted.

RESOLUTION NO. 150-06

Introduced by P. Roche.

Seconded by D. Baker.

RECEIVING AND ACCEPTING THE SEPTEMBER 25, 2006, 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 10, 2006

1. NYS Division of Criminal Justice Services - Re: Notification that County's application for SFY 2005/06 Operation IMPACT Tools Fund was not approved for funding. *Referred to: Public Safety & Corrections Committee and Sheriff Tweddell.*

August 21, 2006

1. Village of Hammondsport - Re: Resolution adopted by the Village Board to discontinue collecting sales tax revenue from Steuben County. *Referred to: Administration and Finance Committees and Lawrence Crossett, County Treasurer.*

2. Hornell City Industrial Development Agency - Re: Alstom Transportation, Inc. - Public Hearing 9/22/06 at 10:00 a.m., @ the Hornell I.D.A. office, 40 Main Street, Hornell, NY. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

August 22, 2006

NYS Office for the Aging - Re: Notification of Grant Award and approved application for the Health Insurance Information, Counseling and Assistance Program (HIICAP) for 4/1/06 through 3/31/07. *Referred to: Human Services Committee and Linda Teter, OFA Director.*

August 30, 2006

1. Governor Pataki, State of New York - Re: Steuben County awarded a \$301,525 Community Development Block Grant through the Governor's Office for Small Cities 2006 competitive funding round. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

September 1, 2006

1. NYS Office for the Aging - Re: Summary of findings from the Annual Evaluation of the Steuben County Office for the Aging. *Referred to: Human Services Committee and Linda Teter, OFA Director.*

September 5, 2006

1. Western Regional Off-Tracking Betting Corporation - Re: Check in the amount of \$6,040 representing the July 2006 retained surcharge revenue for Steuben County from WROTBC. *Referred to: Finance and Rules Committees and Lawrence Crossett, County Treasurer.*

September 6, 2006

1. NYS Department of State - Re: Notification that the application submitted for the Mobile Command Post under the 2005-06 Shared Municipal Services Incentive Grant Program and the application submitted for the Shared Service Track Excavator under the 2005-06 Shared Municipal Services Incentive Grant Program were not funded. *Referred to: Public Safety & Corrections Committee; Sheriff Tweddell; Public Works Committee; and Vincent Spagnoletti, Public Works Commissioner.*

September 8, 2006

1. NYS Department of State - Re: Announcing that applications are now being accepted for the 2006-2007 Shared Municipal Services Incentive Awards Program. *Referred to: Public Works Committee; Public Safety & Corrections Committee; Vincent Spagnoletti, Commissioner of Public Works; Sheriff Tweddell; and Mike Sprague, EMO Director.*

September 11, 2006

1. NYS Office for the Aging - Re: Second and final Notification of Grant Award for the FFY 2206 Nutrition Services Incentive Program. *Referred to: Human Services Committee and Linda Tetor, OFA Director.*

2. Finger Lakes Health Systems Agency - Re: Funding request in the amount of \$24,682 for 2007 and copy of audited financial statements as of March 31, 2006 and the 2006-07 operating budget. *Referred to: Health & Education Committee; Finance Committee; Lawrence Crossett, County Treasurer and John Zehr, HCF Administrator.*

Vote: Acclamation - Adopted.

RESOLUTION NO. 151-06

Introduced by P. Donnelly.

Seconded by K. Isaman.

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 CHARGEBACKS 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 chargebacks for the next tax levy; for Towns, the chargebacks will be added to the town tax levy and tax rate and for Cities, the chargeback 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, certified copies of this resolution shall be forwarded to the County Treasurer, the Director of Real Property Tax Service Agency and to each Town and City.

**RPS V4 CHARGEBACKS FOR 1/1/07 TAX
LEVY**

.rpsv4chargeback

09/07/2006

<i>Swis</i>	<i>Municipality</i>	<i>Parcel Count</i>	<i>ORPS License Fee</i>	<i>County Support Fee</i>	<i>Total Chargeback</i>
4603	Corning City	4,338	\$1,000	\$200	\$1,200
4606	Hornell City	3,860	\$850	\$200	\$1,050
4620	Addison	1,247	\$650	\$200	\$850
4622	Avoca	1,311	\$650	\$200	\$850
4624	Bath	4,924	\$1,000	\$200	\$1,200
4626	Bradford	524	\$550	\$200	\$750
4628	Cameron	760	\$550	\$200	\$750
4630	Campbell	1,597	\$650	\$200	\$850
4632	Canisteo	2,009	\$800	\$200	\$1,000
4634	Caton	1,216	\$650	\$200	\$850
4636	Cohocton	1,745	\$650	\$200	\$850
4638	Corning Town	3,212	\$850	\$200	\$1,050
4640	Dansville	1,204	\$650	\$200	\$850
4642	Erwin	3,188	\$850	\$200	\$1,050
4644	Fremont	729	\$550	\$200	\$750
4646	Greenwood	698	\$550	\$200	\$750
4648	Hartsville	562	\$550	\$200	\$750
4650	Hornby	956	\$550	\$200	\$750
4652	Hornellsville	2,247	\$800	\$200	\$1,000
4654	Howard	1,119	\$650	\$200	\$850
4656	Jasper	835	\$550	\$200	\$750
4658	Lindley	977	\$550	\$200	\$750
4660	Prattsburgh	1,768	\$650	\$200	\$850
4662	Pulteney	1,646	\$650	\$200	\$850
4664	Rathbone	748	\$550	\$200	\$750
4666	Thurston	948	\$550	\$200	\$750
4668	Troupsburg	795	\$550	\$200	\$750
4670	Tuscarora	851	\$550	\$200	\$750
4672	Urbana	1,959	\$650	\$200	\$850
4674	Wayland	2,186	\$800	\$200	\$1,000
4676	Wayne	1,554	\$650	\$200	\$850
4678	West Union	518	\$550	\$200	\$750
4680	Wheeler	1,004	\$650	\$200	\$850
4682	Woodhull	1,172	\$650	\$200	\$850
		54,407	\$22,550	\$6,800	\$29,350

<i>ORPS License Fee Schedule</i>	
<i># of Parcels</i>	<i>Fee</i>
0-500	\$500
501-1000	\$550
1001-2000	\$650
2001-3000	\$800
3001-4000	\$850
4001-6000	\$1,000

Steuben County
Real Property Tax Service Agency
3 E. Pulteney Square
Bath, New York 14810
Donna P. Hatch, Director

Vote: Roll Call - Adopted.

RESOLUTION NO. 152-06

Introduced by G. Swackhamer.

Seconded by D. Stachnik.

AUTHORIZING AND DIRECTING THE PAYMENT OF \$10,432.04 TO THE FINGER LAKES SPCA, INC., FOR THE TREATMENT AND DISPOSAL OF DISEASED AND DEAD ANIMALS AT THE IMPERATRICE FARM.

Pursuant to County Law Section 224(4).

WHEREAS, the Finger Lakes SPCA, Inc., has experienced inordinate, unanticipated operating expenses beyond its control due to rendering assistance to enforcement officials in the treatment and disposal of diseased and dead animals at the property formerly known as the Anthony Imperatrice farm; and

WHEREAS, the County relies upon the Finger Lakes SPCA, Inc., for assistance in cases of animal cruelty; and

WHEREAS, the Finger Lakes SPCA, Inc., makes a valuable contribution to the community; and

WHEREAS, the County deems it appropriate and necessary to ensure the economic viability of the association to make a one-time contribution to the Finger Lakes SPCA, Inc.

NOW THEREFORE, BE IT

RESOLVED, the County Treasurer shall pay the amount of \$10,432.04 to the Finger Lakes SPCA, Inc., 7315 State Route 54, Bath, New York 14810 (the "Association"); and be it further

RESOLVED, said sum shall be made forthwith upon the tender of a memorandum receipt, signed by the principal officer of the Association, acknowledging and agreeing to the provisions of this resolution; and be it further

RESOLVED, said sum shall be in consideration of the extraordinary efforts and expenditure of resources in the response by the Association to the conditions on the Imperatrice farm resulting from animal cruelty, and to the proceedings conducted by law enforcement and prosecution officials in the enforcement of animal cruelty laws; and be it further

RESOLVED, upon payment of the contribution contemplated by this resolution, the amounts paid to the Steuben County Probation Department as restitution to the Association by or in respect of the probationer, Imperatrice, shall be paid to the County entirely, until such time as such restitution shall accumulate to the amount of the contribution made; and be it further

RESOLVED, said sum is to be appropriated by the County Treasurer from the Real Property Tax Auction proceeds; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Honorable Peter C. Bradstreet; the County Treasurer; the Director of Probation and the Finger Lakes SPCA, Inc., 7315 State Route 54, Bath, New York 14810.

Mr. Ahrens stated this is a rare occurrence and the SPCA was hoping to settle the restitution issue through the sale of the property. Unfortunately, the County had already placed a lien on the property. The County received \$70,000 for the property and the net on that was \$68,000 after the back taxes were paid. In addition, the probationer will be paying restitution back over the course of time so we will be receiving some revenues back on this one-time payment to the SPCA. Discussion followed.

Vote: Roll Call - Adopted.

RESOLUTION NO. 153-06

Introduced by R. Nichols.

Seconded by R. Nielsen.

AUTHORIZING AND DIRECTING THE CHAIRMAN OF THE STEUBEN COUNTY LEGISLATURE TO EXECUTE AN EXTENSION OF THE PRATTSBURGH-COHOCTON LANDFILL LEASE UNTIL SEPTEMBER 30, 2011.

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

WHEREAS, by resolution duly adopted April 19, 1976, the Chairman of the Steuben County Board of Supervisors was authorized to execute a lease for land in the Town of Prattsburgh as a landfill site for such property then known as the Cohocton-Prattsburgh Landfill; and

WHEREAS, said lease was for a term of 5 years, subject to renewals through September 30, 2006; and

WHEREAS, the parties are desirous of extending the lease for an additional 5 year-period, with the County's option to renew up to a period of 10 years.

NOW THEREFORE, BE IT

RESOLVED, that the aforesaid lease is renewed and extended for an additional term of 5 years, until September 30, 2011 with an option to renew up to a period of 10 years; and be it further

RESOLVED, that the Chairman of the Steuben County Legislature be, and the same hereby is, authorized and directed to execute an agreement for an extension of renewal of the aforesaid lease; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works; Jack Zigenfus, Cohocton Town Supervisor, 6 Main Street, Cohocton, NY 14826 and J. Harold McConnell, Prattsburgh Town Supervisor, PO Box 427, Prattsburgh, NY 14873.

Vote: Roll Call - Adopted.

RESOLUTION NO. 154-06

Introduced by R. Nichols.

Seconded by K. Isaman.

DECLARING 0.722 ACRES OF COUNTY PROPERTY ON COUNTY ROUTE 11 AT THE INTERSECTION WITH EAGLE VALLEY ROAD IN THE TOWN OF BATH, AS NO LONGER NECESSARY.

Pursuant to Section 215(5) of the County Law of the State of New York.

WHEREAS, the County owns a parcel of real property in the Town of Bath, consisting of 0.722 acres (hereinafter "subject premises") as mapped and described on a survey prepared by Jeffrey J. Gilbert, PLS, dated June 19, 2006; and

WHEREAS, said real property is no longer necessary for public use, nor is needed for County purposes; and

WHEREAS, the County is desirous of selling same in the County public auction.

NOW THEREFORE, BE IT

RESOLVED, that the above subject premises be and the same hereby are found to be no longer necessary for public use; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works; County Treasurer; Director of Real Property Tax Service Agency; Risk Manager; and Fred Muller, Jr., Bath Town Supervisor.

Vote: Roll Call - Adopted.

RESOLUTION NO. 155-06

Introduced by R. Nichols and G. Swackhamer.

Seconded by T. McIntyre.

ACCEPTING AN ADDITIONAL \$50,000 IN BUDGET INITIATIVE FUNDING TOWARD THE PURCHASE OF TWO (2) BULLDOZERS AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR SAME.

WHEREAS, on March 27, 2006, the Steuben County Legislature accepted \$50,000 in Budget Initiative Funding for the two (2) D5 bulldozers for the Public Works Department; and

WHEREAS, Senator Winner and Assemblyman Bacalles have sponsored an additional Budget Initiative of \$50,000.00, bringing the total State funding to \$100,000.00; and

WHEREAS, the two (2) bulldozers will cost approximately \$268,000.00; and

WHEREAS, Steuben County has provided the remainder of the funding.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Public Works Department is hereby authorized to enter into an agreement with the New York State Department of Transportation for said Budget Initiative; and be it further

RESOLVED, the additional grant in the amount of \$50,000 is hereby accepted; and be it further

RESOLVED, the Steuben County Treasurer is hereby authorized to anticipate the additional \$50,000 in revenue and appropriate the total \$100,000 in grant funds to the Steuben County Public Works Department's Major Equipment for 2006; and be it further

RESOLVED, the Commissioner of Public Works is hereby authorized and directed to execute all necessary documents or agreements; and be it further

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

Vote: Roll Call - Adopted.

RESOLUTION NO. 156-06

Introduced by R. Nichols and G. Swackhamer.

Seconded by R. Argentieri.

AUTHORIZING THE TRANSFER OF \$50,000 FROM THE MT. WASHINGTON COLD STORAGE BUILDING CAPITAL PROJECT TO THE SALT STORAGE BUILDING CAPITAL PROJECT.

WHEREAS, the bridge crew at the Rathbone Bridge Shop will start plowing County roads during the 2006/2007 winter season; and

WHEREAS, a salt storage building is required at the Rathbone Bridge Shop to enable efficient snowplowing operations; and

WHEREAS, the Public Works Department does not have sufficient funds in the Salt Storage Building Capital Project; and

WHEREAS, the Salt Storage building at the Rathbone Bridge shop is deemed to be a higher priority than the funded Mt. Washington Cold Storage Building.

NOW THEREFORE, BE IT

RESOLVED, that \$50,000 be transferred from the Mt. Washington Cold Storage Building Capital Project, HS0703 5 250 000; to the Salt Storage Shed Capital Project, HS9000 5 250 000; and be it further

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

Vote: Roll Call - Adopted.

RESOLUTION NO. 157-06

Introduced by R. Nichols.

Seconded by D. Creath.

AUTHORIZING THE COMMISSIONER OF THE STEUBEN COUNTY DEPARTMENT OF PUBLIC WORKS TO EXECUTE A REVISED SNOW AND ICE AGREEMENT BETWEEN THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND THE COUNTY OF STEUBEN AND TO EXTEND THE AGREEMENT THROUGH THE 2007-2008 SNOW SEASON.

WHEREAS, the NYSDOT Commissioner and the Municipality have entered into an Agreement No. D014728 entitled "Indexed Lump Sum Snow and Ice Agreement between the New York State Department of Transportation and the Municipality of County of Steuben", dated January 11, 2006; and

WHEREAS, the term of the said Agreement is for a period of three (3) years commencing July 1, 2005 and the said Agreement provides that the parties may at the end of each year of the term of the Agreement extend such term for an additional year; and

WHEREAS, the present term of the Agreement, as extended, expires June 30, 2008; and

WHEREAS, Section 7 of the said Agreement provides that the NYSDOT Commissioner shall furnish the Municipality with a suitable map for each term of the Agreement, or for any extended term thereof, modified to show the changes, if any, to the State Highways affected by this Agreement; and

WHEREAS, Section 9 of the said Agreement provides for an annual update of the estimated expenditure to be determined by the NYSDOT Commissioner subject to the provisions of Section 9 at the time for extension of the Agreement; and

WHEREAS, Section 9 of the said Agreement also provides for an adjustment to the actual payment amount based on the intensity and severity of the winter season.

NOW THEREFORE, BE IT

RESOLVED, in consideration of the mutual covenants and benefits between the parties:

1. The aforementioned "Indexed Lump Sum Snow and Ice Agreement between New York State Department of Transportation and the Municipality" is hereby extended for a period of one (1) year; now to expire on June 30, 2009, unless further extended.
2. The State Highways or parts thereof affected by this Agreement are as delineated on the attached map, agreed upon by the NYSDOT Commissioner and the Municipality, which shall be effective for the remainder of the term of the Agreement commencing July 1, 2008, unless changed by future agreement between the NYSDOT Commissioner and the Municipality.

3. All the terms and conditions of the original contract remain in effect except as follows. The indexed lump sum estimated expenditure specified in Section 9 of the aforementioned Agreement shall be \$2,960.1323 per lane miles for 213.54 lane miles for a total of \$632,106.66 for the 2006/2007 season and for the remainder of the term of the Agreement commencing July 1, 2006, unless changed by future update.

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

Vote: Roll Call - Adopted.

RESOLUTION NO. 158-06

Introduced by D. Baker.

Seconded by R. Argentieri.

AUTHORIZING THE STEUBEN COUNTY PROBATION DEPARTMENT TO ACCEPT FUNDING OF \$24,000 ALLOCATED BY THE NEW YORK STATE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR THE PURPOSE OF “ENHANCED SUPERVISION OF LEVEL 3 SEXUAL OFFENDERS”.

WHEREAS, the New York State Division of Probation and Correctional Alternatives notified the Steuben County Probation Department of the availability of funds of up to \$24,000 for the “enhanced supervision of Level 3 sexual offenders”; and

WHEREAS, said funds will be received at a rate of up to \$4,000 annually; and

WHEREAS, there is no requirement for matching funds from County sources; and

WHEREAS, the Steuben County Probation Department presently operates under the guidelines required to receive these funds.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to receive these funds; and be it further

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

Mr. McAllister asked what would this money be used for? Mr. Justice stated this money is being provided for supervision we are already doing on level 3 offenders. The money is based upon the number of level 3's we already have up to \$24,000.

Mr. Gehl asked how many do we have in the County? Mr. Justice stated we are responsible for 8 at this time. Mr. Gehl asked there are more in the county than that? Mr. Justice stated yes. Mr. Isaman asked what does that mean? Mr. Justice stated it means that the County is not supervising them. They have gone to prison, served their time and are off parole. The supervision period stops after their parole period. There's a group out there that isn't being supervised by anyone but they are still required to register and report to the local police agencies. Mr. Gehl asked does the Sheriff's Department know who they are? Mr. Justice stated yes, I believe they do.

Mr. Peaslee noted that the County website has a list of sex offenders listed under the Sheriff's webpage.

Vote: Roll Call - Adopted.

RESOLUTION NO. 159-06

Introduced by D. Creath.

Seconded by G. Swackhamer.

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

WHEREAS, Steuben County has been awarded \$301,525.00 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 \$301,525.00 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 2006 Steuben County Budget to account for said grant; and be it further

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

Mr. Farrand asked Mr. Heffner to notify all of the towns regarding the extension of this program. He stated many people have applied for this in the past so if the town supervisors are aware that it will be continuing, they can make sure their constituents are aware of it as well.

Vote: Roll Call - Adopted.

RESOLUTION NO. 160-06

Introduced by P. Donnelly.

Seconded by K. Isaman.

RESCINDING RESOLUTION NO. 536 ADOPTED DECEMBER 18, 1978, ENTITLED: “AUTHORIZING THE STEUBEN COUNTY TREASURER TO MAKE PAYROLL DEDUCTIONS FROM COUNTY EMPLOYEES FOR LIFE INSURANCE PREMIUM PAYMENTS FOR FAMILY PROTECTION PLAN OFFERED BY TRAVELERS INSURANCE COMPANY”.

WHEREAS by Resolution No. 536 duly adopted December 18, 1978, Travelers Insurance Company was permitted to be the agent for the promotion and deliverance of a Family Protection Plan of Whole Life Insurance for County officers and employees who elect to do so; and

WHEREAS, said resolution further authorized the County Treasurer to deduct wages of the participating employees, and directed payment of the same to Travelers Insurance; and

WHEREAS, it no longer appears to be appropriate to provide one insurance carrier with a preferential treatment for said purposes.

NOW THEREFORE, BE IT

RESOLVED, that Resolution No. 536 duly adopted December 18, 1978, be and the same hereby is rescinded; and be it further

RESOLVED, the County Treasurer shall remain authorized to deduct from current participating employees the sums currently being deducted for said Family Protection Plan purposes, but shall not be authorized to make new deductions for any other employees for said plan; and be it further

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

Mr. Donnelly stated in 1978 there was an agreement for Travelers to come in and solicit employees. It isn't right to have one company have that privilege. Mr. Argentieri asked so this bars any insurance company from having payroll deductions in the County? Mr. Alger stated except those that are currently approved through the union. He noted that the County would continue these deductions for current participating employees; they just won't make new deductions. Discussion followed.

Vote: Roll Call - Adopted.

RESOLUTION NO. 161-06

Introduced by D. Baker.

Seconded by R. Argentieri.

MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO EXCLUDE FROM INCOME AND EMPLOYMENT TAXES AND WAGE WITHHOLDING, PROPERTY TAX REBATES, AND OTHER BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS.

WHEREAS, legislation has been introduced in the House of Representatives H.R. 1406, The Volunteer Responder Incentive Protection Act, to amend the Internal Revenue Code of 1986 to exclude benefits to Volunteer Firefighters and Emergency Service Workers on a National level; and

WHEREAS, this bill will exclude from income and employment taxes and wage withholding, property tax rebates and other incentives for members of volunteer fire departments and emergency medical service organizations; and

WHEREAS, volunteer firefighters and emergency medical workers play an important role in communities throughout the country; and

WHEREAS, there is a need to reward those members of the public that give generously of their time to become members of volunteer fire and ambulance agencies; and

WHEREAS, as the number of volunteer fire and emergency medical responders is becoming less, there is a greater need to provide support to those serving our nation in this capacity; and

WHEREAS, tax breaks and other financial incentives show volunteers that they are appreciated for the hard work they do, and encourages the recruitment and retention of volunteer fire and EMS workers; and

WHEREAS, the Steuben County Legislature wishes to state for the record, their support with the proposed legislation.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature urges affirmative action by the President and the Congress to pass Bill H.R. 1405, the Volunteer Responder Incentive Protection Act; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to President George W. Bush, 1600 Pennsylvania Avenue, Washington, DC; U. S. Senator Charles E. Schumer, 313 Hart Senate Office Bldg., Washington, DC 20510-3202; U. S. Senator Hillary Rodham-Clinton, 476 Russell Senate Office Building, Washington, DC 20510; and U. S. Congressman John R. Kuhl, Jr., 22 Buell Street, Bath, NY 14810.

Mr. Gehl stated he couldn't believe that volunteers are taxed on these incentive benefits. He wholeheartedly supports this legislation.

Mr. Swackhamer stated not only do they volunteer their time, but it costs them a lot of money. I don't understand why we aren't helping them more. If the County can help them more, we should look into that.

Vote: Acclamation - Adopted.

RESOLUTION NO. 162-06

Introduced by D. Baker.

Seconded by R. Argentieri.

MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO SUPPORT BILL H.R. 5608, THE VOLUNTEER FIREFIGHTER AND EMERGENCY MEDICAL SERVICE INCENTIVE ACT OF 2006.

WHEREAS, legislation has been introduced in the House of Representatives to provide incentive support to Volunteer Firefighters and Emergency Service Workers on a National level; and

WHEREAS, the bill will allow for a \$2,000 refundable federal tax credit to active members of volunteer fire departments and emergency medical service organizations; and

WHEREAS, volunteer firefighters and emergency medical workers play an important role in communities throughout the country; and

WHEREAS, there is a need to reward those members of the public that give generously of their time to become members of volunteer fire and ambulance agencies; and

WHEREAS, as the number of volunteer fire and emergency medical responders is becoming less, there is a greater need to provide support to those serving our nation in this capacity; and

WHEREAS, tax breaks and other financial incentives show volunteers that they are appreciated for the hard work they do, and encourages the recruitment and retention of volunteer fire and EMS workers; and

WHEREAS, the Steuben County Legislature wishes to state for the record, their support with the proposed legislation.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature urges affirmative action by the President and the Congress to pass Bill H.R. 5608, the Volunteer Firefighter and Emergency Medical Service Incentive Act of 2006; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to President George W. Bush, 1600 Pennsylvania Avenue, Washington, DC; U. S. Senator Charles E. Schumer, 313 Hart Senate Office Bldg., Washington, DC 20510-3202; U. S. Senator Hillary Rodham-Clinton, 476 Russell Senate Office Building, Washington, DC 20510; and U. S. Congressman John R. Kuhl, Jr., 22 Buell Street, Bath, NY 14810.

Vote: Acclamation - Adopted.

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

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

Motion to Adjourn made by Mr. Nichols, seconded by Mr. Creath and duly carried.

REGULAR MEETING
Morning Session
Monday, October 23, 2006
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY, on Monday, the 23rd day of October, 2006 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 Jamison and Schwartz.

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

Mrs. Kane asked Sue Golden to come forward. Ms. Golden is an employee in the Information Technology Department. Chairman Roche presented her with a Certificate of Appreciation and a pin in recognition of over 20 years of service to Steuben County.

Mr. McCandless stated this is the 23rd year for the Youth in Government Program and we have had 854 students complete the program. This session we have 19 students participating and 18 of them are seniors. He introduced all of the interns and provided a brief profile of each.

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

Frank Haftl, Cameron, stated I'm here today to comment on the Legislature's pay increase. I'm against the statement in the resolution regarding the health care contribution because you didn't include what the actual cost is of the health care benefits you are receiving. I'd be in favor of a \$4,000 raise if you gave up your healthcare benefits completely. Now, you are proposing a \$2,000 pay raise with a 6 percent insurance premium. How is that different from a \$1,000 raise without increasing your contribution? I think there should be an oversight committee established with members from the private sector to determine what your salary should be. I wanted to make my voice heard that this is a part time job and your health insurance benefits give you full time pay.

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

Motion approving the minutes of the previous month's meeting made by Mr. McIntyre, seconded by Mr. Isaman and duly carried.

Mr. Creath announced that there would be a Hall of Fame Committee meeting today at 1:00 p.m. The County Historian is currently accepting nominations to the Hall of Fame and you can contact her for a nomination form.

Mr. Swackhamer announced that the Legislative Budget Workshop will be held on November 15, 2006, at 10:00 a.m. The regular November Legislative meeting will be held at 3:00 p.m. on November 27th and the public hearing on the budget will be held the same day at 6:30 p.m. If the 2007 Budget is not adopted following the Public Hearing on November 27th, it will be represented at a special Legislative Meeting on December 7th for approval.

Mrs. Kane announced that Nancy Smith, Deputy Personnel Officer, recently sent you information about the flexible spending program. If you have any questions she will be available today following the meeting.

Mr. Nichols stated he'd like to thank the Public Works Department for their hard work on the highways this year. He stated Commissioner Spagnoletti, Bryce Foster and Phil Hink should also be commended for working with the crews. We've received positive feedback from residents. Their challenging roads this

year were County Route 106 and County Route 2. They did a great job and I'd like to thank them for their team effort. I would also like to thank the bridge crew as well.

Mr. Peaslee announced that the United Way Fund Drive closed this past Friday. Their goal was \$28,000 and, after our first tally, we are at \$30,400.

Chairman Roche announced they would need a brief executive session following today's meeting.

Majority Leader Swackhamer requested a Republican caucus. A Republican Caucus was held in the Legislative Committee Conference Room. Following the caucus, Chairman Roche called the meeting back to order.

Mr. Gehl announced that on Wednesday this week there will be voting machines on display at the Civil Defense Center from 1:00 p.m. to 6:00 p.m. Chairman Roche noted that the display is open to the public.

RESOLUTION NO. 163-06

Introduced by G. Swackhamer.

Seconded by K. Isaman.

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

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

RESOLVED, the Steuben County Treasurer is authorized and directed to convey those parcels sold at the County Surplus Auction held on September 28, 2006, contained in Schedule "B", and he is further authorized and directed, in the event of a default by the highest bidder by failure to make full payment within thirty (30) days, to convey those parcels to the second highest bidder, and said transfers made pursuant hereto be and the same hereby are ratified, and be it further

RESOLVED, the Steuben County Treasurer is further authorized and directed to convey the parcel sold at the County Surplus Auction held on September 28, 2006, contained in Schedule "C", pursuant to Resolution No. 154-06 of September 25, 2006 declaring the parcel no longer necessary for public use, 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 that parcel to the second highest bidder, and said transfer made pursuant hereto be and the same hereby is ratified, and be it further

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

SCHEDULE "A"

Resolution # A-1
Former Owner Robert C & Colleen T Burns
In Rem Index No. 90918, 2004 sale
Date of Tax Sale July 12, 2006
Parcel # 103.00-01-043.000
Municipality Urbana Town
Grantee(s) Wesley D MacDonald, highest bidder, and
Steven S Pilgrim, second highest bidder, respectively
Grantee(s) Address 6176 County Route 119, Apt. 1, Cameron, NY 14819,
and 5 Main St, PO Box 393, Savona, NY 14879, respectively
Disposition RESCISSION OF PRIOR OFFER TO SELL FOR
FAILURE TO PERFORM.

Resolution # A-2
Former Owner Harry Earl Bentley
Parcel # 334.00-01-050.000/2
Municipality Erwin Town
Disposition CANCELLATION OF ALL TAXES PURSUANT
TO REAL PROPERTY TAX LAW §558.

SCHEDULE "B"

Resolution # B-1
Former Owner Michael W O'dell
In Rem Index No. 90918, 2004 sale
Date of Auction September 28, 2006
Parcel # 080.00-01-023.000
Municipality Dansville Town
Highest Bidder Jill K Michielsen
Highest Bidder's Address 9430 County Route 9, Cohocton, NY 14826
Consideration \$17,000.00, together with buyer's premium & recording fees
Second Highest Bidder Robert Henry
Second Highest Bidder's Address PO Box 591, Macedon, NY 14502

Resolution # B-2
Former Owner Billy Jo Cagle
In Rem Index No. 90918, 2004 sale
Date of Auction September 28, 2006
Parcel # 134.20-01-035.000
Municipality Bradford Town
Highest Bidder Tricia L Gerhart
Highest Bidder's Address 29 Maine St, Bath, NY 14810
Consideration \$3,750.00, together with buyer's premium & recording fees
Second Highest Bidder David Mendez
Second Highest Bidder's Address PO Box 456, 7622 Main St, Bradford, NY 14815

SCHEDULE "C"

Resolution # C-1
Former Owner County of Steuben
Date of Auction September 28, 2006
Parcel # N/A
Municipality Bath Town
Highest Bidder Dennis J Nichols
Highest Bidder's Address 5514 Wolf Run Rd, Campbell, NY 14821
Consideration \$1,000.00, together with buyer's premium & recording fees
Second Highest Bidder Michael J Saxton
Second Highest Bidder's Address 8420 Jacobs Ladder Rd, Avoca, NY 14809

Vote: Roll Call - Adopted.

RESOLUTION NO. 164-06

Introduced by P. Donnelly.

Seconded by D. Creath.

RECEIVING AND ACCEPTING THE OCTOBER 23, 2006, 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 28, 2006

1. NYS Office for the Aging - Re: Notification of Grant Award and approved application for the Weatherization Referral and Packaging Program for 8/06 through 7/07. ***Referred to: Human Services Committee and Linda Teter, OFA Director.***

September 15, 2006

1. Hornell City Industrial Development Agency - Re: Gray Manufacturing Industries, L.L.C. Project - Public Hearing 10/19/06 @ 10:00 a.m., @ Hornell City I.D.A. office. (Renovation and upgrading of the existing improvements to provide for additional work areas and office space in furtherance of the company's current manufacturing operations for the supply of components and technical services to the rail transit and locomotive industry). ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

September 18, 2006

1. NYS Office for the Aging - Re: Revised Notification of Grant Award and budget pages for the Health Insurance, Information, Counseling and Assistance Program (HIICAP) for 4/1/06 - 6/30/07. ***Referred to: Human Services Committee and Linda Teter, OFA Director.***
2. NYS Department of State - Re: Local Enhanced Wireless 911 Program - Steuben County eligible to apply for reimbursement of certain costs associated with the provision of Wireless 911 services - allocation from the 2006-07 budget for costs incurred from 4/1/06 through 3/31/09 is \$57,807. ***Referred to: Public Safety & Corrections Committee; Tim Wixom, 911 Director; and Lawrence Crosssett, County Treasurer.***

September 25, 2006

1. Steuben County Industrial Development Agency - Re: SCIDA and Corning Property Management Corporation - Renovation of Development Building at Sullivan Park. Public Hearing - 10/24/06 at 1:00 p.m. at the Erwin Town Hall. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

September 27, 2006

1. CASA (Court Appointed Special Advocates for Children) - Re: Requesting \$5,000 to provide advocacy services for abused and neglected children in Family Court. **Referred to: Human Services Committee and Kathryn Biehl, DSS Commissioner.**
2. Harris Beach, PLLC - Re: City of Hornell Industrial Development Agency and Xylon, L.L.C.: Distribution of Form RP-412-1 and PILOT (payments in lieu of taxes) Agreement. **Referred to: Administration and Finance Committees; Donna Hatch, RPTSA Director; Lawrence Crossett, County Treasurer; and Fred Ahrens, County Attorney.**

September 29, 2006

1. NYS Office for the Aging - Re: Follow-up regarding the Single Audit Report for Steuben County for the period ending 12/31/05. **Referred to: Human Services Committee; Linda Tetor, OFA Director; and Lawrence Crossett, County Treasurer.**

October 2, 2006

1. Allan Johnson, Election Commissioner - Certification for Democratic Election Commissioner filed w/Clerk of Legislature.

October 3, 2006

1. Harris Beach, PLCC - Re: T & K Realty, LLC - Payment-in-Lieu-of-Tax Agreement with Abatement Schedule. **Referred to: Administration and Finance Committees; Donna Hatch, RPTSA Director; Lawrence Crossett, County Treasurer; and Fred Ahrens, County Attorney.**
2. Robert V. Nichols, Steuben County Legislator, District #11 - Re: Correspondence to Chairman Roche indicating abstention on voting on the issue of the County considering a landfill gas to energy project, due to his membership on the Board of the Steuben Rural Electric Cooperative. **Copy of letter filed w/Clerk of Legislature.**

October 4, 2006

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$6,075 representing the August 2006 retained surcharge revenue for Steuben County from the WROTBC. **Referred to: Rules and Finance Committees; Lawrence Crossett, County Treasurer.**
2. State of New York, Office of the Lieutenant Governor and Secretary of State - Re: Quality Communities Grant Program now offered through the Environmental Protection Fund. Submission deadline for applications is 11/17/06. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

October 10, 2006

1. NYS Office for the Aging - Re: Notifications of Grant Award for funding Steuben County's FFY 2006 III-B, III-C, III-C-2, III-D and III-E Programs. **Referred to: Human Services Committee and Linda Tetor, OFA Director.**
2. NYS Emergency Management Office - Re: Notice that Steuben County's application for participation in the FFY06 Local Emergency Management Performance Grant has been approved - final award to Steuben County is \$24,661. **Referred to: Public Safety & Corrections Committee and Mike Sprague, EMO Director.**
3. Steuben County Industrial Development Agency - Re: Sullivan Park Development Building Renovation - Inducement Resolution for sales tax exemption on the project. **Referred to: Finance and Administration Committees and Lawrence Crossett, County Treasurer.**

October 12, 2006

1. Yates County Legislature - Re: Resolution Supporting a Grant Application to the NYS Department of State Shared Municipal Services Incentive Grant Program for a Pavement Marking Truck and Support Vehicle under Category Number Two, Shared Highway Services Incentive Award. **Referred to: Public Works Committee; Vincent Spagnoletti, Public Works Commissioner; and Fred Ahrens, County Attorney.**

October 13, 2006

1. Schuyler County Legislature - Re: Resolution Supporting a Grant Application to the NYS Department of State Shared Municipal Services Incentive Grant Program for a Pavement Marking Truck and Support Vehicle under Category Number Two, Shared Highway Services Incentive Award. **Referred to: Public Works Committee; Vincent Spagnoletti, Public Works Commissioner; and Fred Ahrens, County Attorney.**

Vote: Acclamation - Adopted.

RESOLUTION NO. 165-06

Introduced by G. Swackhamer.

Seconded by R. Nielsen.

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 2007, 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 2007 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, 2006.

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 2007, shall be filed with the Clerk of this County Legislature on or before November 15, 2006, 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 2007, as herein filed, shall be held on the November 27, 2006, 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 County Treasurer.

Vote: Acclamation - Adopted.

RESOLUTION NO. 166-06

Introduced by R. Nichols.

Seconded by D. Farrand.

AUTHORIZING AN INTERMUNICIPAL AGREEMENT WITH SCHUYLER AND YATES COUNTIES, AND AUTHORIZING AN APPLICATION TO THE NEW YORK STATE DEPARTMENT OF STATE FOR A SHARED SERVICES INCENTIVE GRANT TO FUND THE PURCHASE OF ROAD STRIPING VEHICLES AND EQUIPMENT.

WHEREAS, the counties of Steuben, Schuyler, and Yates have the power and authority to contract for the purpose of acquiring, funding, and exchanging or borrowing of machinery and equipment, with or without operators, with other municipalities; and

WHEREAS, it is hereby determined that the counties of Steuben, Schuyler, and Yates have a continuing need to perform paint striping of county highways located in each respective jurisdiction; and

WHEREAS, it is hereby determined that by jointly acquiring, maintaining, and operating road striping vehicles, machinery and equipment, the counties of Steuben, Schuyler, and Yates may avoid the necessity of individually purchasing such special purpose and unique highway vehicles, machinery and equipment, thereby saving the taxpayers money; and

WHEREAS, it is the intent of this Legislature that the County enter into an Intermunicipal Shared Services Incentive Agreement for the acquisition, maintenance, and operation of road striping vehicles and equipment with Schuyler and Yates counties; and

WHEREAS, it is the intent of this Legislature that it is essential to the acquisition of the road striping vehicle and equipment, and entering into an Intermunicipal Shared Services Incentive Agreement that a New York State Department of State Shared Municipal Services Incentive Grant be obtained; and

WHEREAS, it is the intent of this Legislature that Steuben County by its Commissioner of Public Works be the lead agency in the application of a New York State Department of State Shared Municipal Services Incentive Grant on behalf of the counties of Steuben, Schuyler, and Yates.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works of the County of Steuben is hereby directed to make application as lead agency for the counties of Steuben, Schuyler, and Yates for a New York State Department of State Shared Municipal Services Incentive Grant on behalf of the counties of Steuben, Schuyler, and Yates, in respect of the acquisitions, operation and maintenance of road striping vehicles and equipment; and be it further

RESOLVED, upon receipt of the New York State Department of State Shared Municipal Services Incentive Grant, the County Administrator of Steuben County is hereby authorized to sign on behalf of the County of Steuben, a New York State Department of State Shared Municipal Services Incentive Agreement for the acquisition, maintenance, and operation of road striping vehicles and equipment; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Administrator, Mark R. Alger; Steuben County Attorney, Frederick H. Ahrens, Jr.; Steuben County Commissioner of Public Works, Vincent Spagnoletti; Schuyler County Administrator, Timothy M. O'Hearn, 105 Ninth Street, Unit 37, Watkins Glen, NY 14891; Schuyler County Attorney, James P. Coleman, 105 Ninth Street, Unit 5, Watkins Glen, NY 14891; Schuyler County Highway Superintendent, Gregory Matthews, 810 South Decatur Street, Watkins Glen, NY 14891; Yates County Administrator, Sarah Purdy, County Building, 417 Liberty Street, Penn Yan, NY 14527; Yates County Attorney, Ms. Bernetta A. Bourcy, 415 Liberty Street, Penn Yan, NY 14527; and Yates County Highway Superintendent, David Hartman, 939 Route 14A, Penn Yan, NY 14527.

Vote: Roll Call - Adopted.

RESOLUTION NO. 167-06

Introduced by G. Swackhamer.

Seconded by D. Creath.

ESTABLISHING A CAPITAL PROJECT ENTITLED, "ELECTIONS VOTING MACHINES" AND TRANSFERRING \$33,884.00 FROM THE CONTINGENT FUND TO SAID CAPITAL PROJECT.

WHEREAS, the New York State Legislature has mandated counties assume responsibility for the supervision of elections; and

WHEREAS, the Federal "*Help America Vote Act*" (*HAVA*) requires a 5% match for the purchase of new voting machines; and

WHEREAS, the New York State Legislature established the fund to pay for the 5% match but failed to appropriate any funds to the account; and

WHEREAS, the New York State Board of Elections has set forth a timetable to replace the existing voting machines which will require payment of the 5% local match prior to the adoption of the next New York State Budget.

NOW THEREFORE, BE IT

RESOLVED, due to the failure of the New York State Legislature and the Governor to properly address the *Help America Vote Act*, Steuben County must appropriate the 5% match for the new voting machines; and be it further

RESOLVED, the County Treasurer is hereby authorized and directed to establish a capital project account entitled, "Elections Voting Machines," and transfer \$33,884.00 from the Contingent Fund to said capital project account:

From: A199000 5 499 000	\$33,884.00	Contingent Fund
To: A995000 5 936 000	\$33,884.00	Elections Voting Machines

and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Elections Office; County Treasurer; the Honorable George H. Winner, Jr., NYS Senator, 105 E. Steuben Street, Bath, NY; and the Honorable James G. Bacalles, NYS Assemblyman, 105 E. Steuben Street, Bath, NY.

Mr. Swackhamer stated once again we have been duped by the State because they failed to appropriate the five percent match in this year's budget. The County is required to purchase the machines but the State is required to pay the 5 percent match. Again, New York State has failed to follow through on one of their promises so I'm not sure how I will vote on this resolution.

Mr. Alger recommended they approve this resolution. The problem we face is that the lever machines cannot be used in next year's election. In order to draw the federal funds of 95 percent, a local share needs to be appropriated. We were under the impression that the State would pay for the match, but they failed to appropriate the funds in their budget. If we don't appropriate the 5 percent share, the County won't receive the 95 percent in Federal funding. Regardless, the County is responsible for purchasing the machines.

Mr. Stachnik stated this may not be a final determination by the State. Thank you Mr. Alger for your common sense approach to this. This is simply something we have to do.

Mr. McIntyre asked that copies of this resolution be distributed to our State representatives.

Vote: Roll Call - Adopted.

RESOLUTION NO. 168-06

Introduced by P. Donnelly.

Seconded by K. Isaman.

ESTABLISHING THE 2007 ANNUAL SALARY AND HEALTH INSURANCE CONTRIBUTION RATE FOR COUNTY LEGISLATORS AND THE CHAIRMAN OF THE COUNTY LEGISLATURE.

WHEREAS, the salaries proposed to be fixed and paid in the Notice of Hearing on the Tentative Budget for the Year 2007 dated November 15, 2006, sets each Legislator's salary for the Year 2007 at \$11,500.00 and \$18,000.00 for the Chairman of the County Legislature; and

WHEREAS, the Administration Committee on October 10, 2006 reviewed and recommended said proposed salaries as proper annual compensation for County Legislators and the Chairman of the County Legislature.

NOW THEREFORE, BE IT

RESOLVED, that the annual compensation for the County Legislators shall be \$11,500.00 per annum and \$18,000.00 per annum for the Chairman of the County Legislature; and be it further

RESOLVED, that the health insurance contribution rate for County Legislators and the Chairman for 2007 and 2008 shall be six percent (6%) and seven percent (7%) respectively, of the policy premium and shall be updated annually thereafter by the Administration Committee; and be it further

RESOLVED, that said annual rates of compensation shall be effective commencing January 1, 2007; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Administrator, County Treasurer, Personnel Officer, Clerk of the Legislature, and members of the Steuben County Legislature.

Mr. McIntyre stated I'm glad to see this resolution includes a health insurance contribution so Legislators are paying their fair share.

Mr. Swackhamer asked for an amendment to the resolution to include that if the health insurance premium increases, then the salary should increase accordingly. Discussion followed. Mr. Swackhamer withdrew his amendment.

**Vote: Roll Call - Adopted. Yes: 7753; No: 1013; Absent: 1106
(No: McIntyre, Argentieri; Absent: Jamison, Schwartz)**

RESOLUTION NO. 169-06

Introduced by P. Donnelly.

Seconded by F. Gehl.

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 2006, for the budget year of 2007, for the Marsh Ditch Watershed Protection District shall be held on the November 27, 2006 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. (Swackhamer Opposed)

RESOLUTION NO. 170-06

Introduced by: P. Donnelly.

Seconded by R. Nichols.

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 2006, for the budget year of 2007 for the Upper Five Mile Creek Watershed Protection District shall be held on the November 27, 2006 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. 171-06

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 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 2006, for the budget year of 2007, for the Waneta/Lamoka Lakes' Protection and Rehabilitation District shall be held on the November 27, 2006 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 Real Property Tax Service Agency, and the County Treasurer.

Vote: Acclamation - Adopted.

RESOLUTION NO. 172-06

Introduced by P. Roche.

Seconded by D. Stachnik.

DIRECTING THE CLOSING OF ALL STEUBEN COUNTY OFFICES ON FRIDAY, NOVEMBER 24, 2006.

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 24, 2006.

NOW THEREFORE, BE IT

RESOLVED, that this County Legislature declares November 24, 2006 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 24, 2006; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Clerk; County Treasurer; Clerk of the Legislature; Sheriff; and the Commissioner of Public Works.

Vote: Acclamation - Adopted.

RESOLUTION NO. 173-06

Introduced by P. Roche.

Seconded by D. Baker.

SETTING THE TIME FOR THE NOVEMBER 2006 MEETING OF THE STEUBEN COUNTY LEGISLATURE.

BE IT RESOLVED, the regular meeting of the Steuben County Legislature be, and the same hereby is, established for November 2006, on Monday, November 27, 2006, at 3:00 P.M. in the Legislative Chambers, 3 East Pulteney Square, Bath, New York, and be it further

RESOLVED, the date and time of any Public Hearings arising by virtue of the within meeting which are inconsistent with this resolution be and the same hereby are amended to reflect the date and time above-stated, and be it further

RESOLVED, the Clerk of this Legislature shall forward the necessary, proper and legal notice of the above meeting to all County Legislators and department heads of the County of Steuben.

Vote: Acclamation - Adopted.

Motion to adjourn Regular Session and reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.D. Discussion regarding proposed, pending or current litigation made by Mr. 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. Stachnik and duly carried.

RESOLUTION NO. 174-06

Introduced by R. Argentieri.

Seconded by P. Donnelly.

IN THE MATTER OF IN RE TEXTILE RENTAL SERVICES LITIGATION, CIRCUIT COURT OF BARBOUR COUNTY ALABAMA (CLAYTON DIVISION) CASE NO. CV-05-0019.

WHEREAS, the County of Steuben is a member of the class of plaintiffs in the above litigation; and

WHEREAS, the County is desirous of resolving said litigation and to receive the discount certificates.

NOW THEREFORE, BE IT

RESOLVED, the County Attorney is authorized to execute the requisite documentation to release and discharge all Settling Defendants from all claims and the County of Steuben to receive the appropriate discount certificates; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Attorney; and In Re Textile Rental Services Litigation Settlement, PO Box 1856, Fairbault, MN 55021-7111.

Motion to waive the roll call vote requirement made by Chairman Roche, seconded by Mr. Donnelly and duly carried.

Vote: Acclamation - Adopted.

RESOLUTION NO. 175-06

Introduced by R. Argentieri.

Seconded by K. Isaman.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY ATTORNEY TO EXECUTE A RELEASE WITH THE AMERICAN INTERNATIONAL GROUP, INC. ("AIG") FOR THE SUM OF \$36,403.90.

WHEREAS, the New York Attorney General (the "Attorney General") and the Superintendent of Insurance of the State of New York (the "Superintendent") have been conducting an investigation into certain insurance industry practices; and

WHEREAS, said investigations have discovered potential claims for excess casualty bid rigging or excess steering allocations; and

WHEREAS, AIG has entered into a settlement agreement with the Attorney General and a Stipulation with the Superintendent to resolve a number of outstanding claims; and

WHEREAS, a settlement excess casualty fund for settlement of said claims has been established by AIG in an amount of \$375 million; and

WHEREAS, the share belonging to the County of Steuben is in the amount of \$36,403.90; and

WHEREAS, it is necessary and desirable to resolve said claim.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Attorney be and the same hereby is authorized and directed to execute a release with the AIG excess casualty settlement in the amount of \$36,403.90; and be it further

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

Motion to waive the roll call vote requirement made by Chairman Roche, seconded by Mr. Donnelly and duly carried.

Vote: Acclamation - Adopted.

Motion to adjourn made by Mr. Gehl, seconded by Mr. Stachnik 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 Wednesday, the 15th day of November, 2006, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members present except Legislators Creath, Jamison and Stachnik.

Mr. Swackhamer offered the invocation and the Pledge of Allegiance was led by Mr. Schwartz.

Chairman Roche opened the floor to comments from members of the public.

Ristiina Wigg, Southern Tier Library System, stated I brought some information for you and I apologize if this is tardy information. I have distributed copies of the 2007 funding request, as well as new information showing the cost of information technology services, 2001 revenues and budgets and 2005 revenues and budgets. Steuben County has a variety of communities, some well off and some with limited resources. If you compare what was spent against what was received in local tax support, there is a large difference. Libraries are always looking for different ways to raise funds. She noted the budget is a snapshot of a particular year so there may be one-time funds received at different points in time.

Mr. Donnelly stated doesn't a portion of individual phone bills go towards the libraries? Mrs. Wigg stated that yes it does. Mr. Donnelly asked why is there such a large increase in technology services? Mrs. Wigg stated the usage has increased.

Lisa Gilliland, Corning Southeast Steuben Library, stated she attended the Finance Committee meeting and she remembers Mr. Swackhamer requesting the budget information. She apologized for not getting it to them sooner. We know the past four or five years have been difficult for the County so we do thank you for the support. We have asked for an increase in funding due to the increase in the number of people who use our libraries. She provided the Legislature with some examples of how County money is used by the libraries. She noted that more people use our computers so that increases the wear and tear on the computers. Our public expects their library to provide a variety of materials. In years past we've spoken to you about connectivity. Our fees will increase in 2007 and the library aid covers the cost of those fees. With an increase in the cost share fees, there will be less left over for some of those other items these libraries need. Without your support, we would be forced to purchase fewer books and materials and wouldn't be able to replace computers that need to be replaced. Thank you again for listening this morning and again, I apologize for not getting those numbers to you.

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

PRESENTATION OF THE BUDGET MESSAGE

INTRODUCTION

I appear today to present the Tentative 2007 Steuben County Budget. This budget continues the change initiated last year with the State/County relationship on the single largest line item the budget contains, Medicaid, with the State's continuation of a limited growth "cap." The cap limits growth in 2007 to 3.25% of the base year. For 2007, we have reduced the Medicaid line item \$1.2 million from 2006. The budget also continues a renewed commitment to Public Works funding. For the second year, we are increasing Public Works' local share of the budget more than the tax increase. This year another \$2.8 million has been added. Including the \$1 million in tobacco funds, a total of \$6.8 million in additional funding has been appropriated to Public Works in two years. Other areas with significant changes include the Jail, due to the opening of the new cell blocks and the criminal justice system improvements, community college chargebacks, Sheriff's Department, Probation, and Special Children's Services. These programs are being impacted by

State mandated program expansions, especially Special Children's and Pre-School and Early Intervention Programs, which are up \$400,000 for next year, and now represent the fastest growing mandated service.

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 John Walsh, 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, Ken Isaman, Don Creath, Doc Baker and Bob Nichols, 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.

We began in early 2006 to prepare for the 2007 Budget. I suggest we continue early budget discussions and closely monitor 2007 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 is an ongoing team effort. The department heads are key to its success. This year the budget provides for a 3½ to 4½% salary increase for managers. The total cost is approximately \$175,638 or 0.4% of the tax levy. The department heads are the individuals making the day-to-day decisions on how to save or how to improve operations. We have gone through five years of very difficult budgets, and with their help we have limited the impact from the Medicaid Program. With Medicaid cap in place, we are seeing the positive changes managers are having.

Budget Goals

The Budget Goals that have been established for 2007 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 funding required to implement the recommendations in the CGR Study.

Once again you will note there are very limited program initiatives. We are continuing to focus on maintaining the core services of the County. While we have budgeted for equipment purchases and capital projects, expenditures are still below prior years.

Total Budget

The total proposed budget for 2007 is \$164,889,796, representing an increase of \$15,534,713 in total expenditures. I would point out approximately half, \$7 million, is a result of new accounting requirements for the County's distribution of sales tax to the towns and villages. We now have to show their share as an expense and revenue in our budget.

Total County budgets for the past five years are as follows:

2003	\$133,888,420
2004	\$143,465,777
2005	\$147,094,225
2006	\$149,355,083
2007 (Proposed)	\$164,889,796

The average increase in expenditures between 2003 and 2006 is 3.5%. The increase anticipated from 2006 to 2007 is more than the average, and reflects the expanded funding for Public Works and the additional appropriation of sales tax for the towns. While we have continued to limit increases in most programs, the notable exceptions again this year are Public Works and the Jail. There is limited new funding provided for capital projects. The details are outlined in the Appendix.

MAJOR CHANGES BY DEPARTMENT

Highways

The total proposed budget for transportation stands at \$21,962,287 compared to \$19,359,047 in 2006, an increase in County cost of \$2,773,680 or 20.67%. The Finance Committee is proposing that we budget \$900,000 next year to replace key pieces of equipment and \$25,000 in small equipment funding. We are seeing the impacts of delayed equipment replacement. My recommendation again for 2007, is that only replacement equipment be purchased. The budget contains \$3,920,410 in capital projects with a local share of \$518,000 for the Highway Division. The capital projects represent replacement of a bridge, and engineering and design of another, as well as the County share of the County Route 39/State Route 21 drainage project. The capital projects increase accounts for a significant portion of the total budget increase. Last year, we only had a local share of \$60,000 and a total of \$518,000 in capital project expense for Public Works.

Department of Social Services

The total 2007 County cost for the Department of Social Services decreased largely as a result of Medicaid decreasing \$1.22 million. However, other increases in some of the other programs resulted in a net decrease of \$158,000 in the Social Services' budget.

Between the Medicaid cap and program reductions, we are again seeing a favorable Social Services budget. The continued moderation has enabled us to increase 2007 funding for Public Works.

The Medicaid cap, while a soft cap, does provide needed relief from this mandated program growth. The program still represents \$18,500,000 in local expenditures for 2007. We will continue to see growth in Medicaid at a rate of almost \$500,000 per year in future budgets. Medicaid, while controlled, will still represent the single largest line-item in the County budget.

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. Both candidates for Governor are calling for reductions in the Medicaid Program through better management and fraud detection.

I would also note several changes in the major welfare programs. TANF is being reduced, while SafetyNet is being increased, based upon current caseload and projections. The SafetyNet Program will grow as a result of the shift of two-parent households from TANF to SafetyNet, a result of the new Federal participation rate requirements. That is an increase in the County share to 50% for those households. The penalties under the new Federal participation regulations will be significant as we go forward

Sheriff and Jail

The other remaining budgetary impact this year relates to the Jail expansion anticipated to be completed in 2007. We have budgeted \$200,000 for out-of-county housing for inmates in 2007. We continue to benefit from the Variance obtained last year to increase capacity by 12 beds, and the savings of approximately \$350,000 in out-of-county inmate housing expenses. We have budgeted the bond repayment for the Jail addition, as well as additional staff for opening the new facility in the last quarter of 2007. This will allow the Sheriff to hire and train staff once the facility is completed and turned over to the County late next year. New staff will not be started until that time.

COUNTY REVENUES

Sales Tax

The 2006 sales tax receipts are up over 2005 collections, despite the third quarter reduction. As a result, we have anticipated an additional \$1 million in sales tax for 2007. While the local economy is not robust, the sales tax collections continued to gradually increase in 2006. The 2007 revenues will be dampened by the repayment of the Corning, Inc.,

overpayment. This will cost the County approximately \$140,000 per quarter for six quarters, which started the third quarter of 2006.

Budgeted sales tax revenues for the last five years are as follows:

2003	\$20,000,000
2004	\$21,000,000
2005	\$21,500,000
2006	\$22,500,000
2007 (Estimated)	\$23,500,000

Fund Balance

The County's Fund Balance has stabilized in the past two years. We remain below previous levels but we are also appropriating less money. The Tentative Budget projects the continuation of a limited General Fund balance appropriation of \$2 million.

Other Revenues

The 2007 Budget contains approximately an increase of \$600,000 in anticipated revenue from the imposition of the mortgage tax, which represents a total of \$1,200,000 in annual collections. Additionally, with the increases in interest rates, our interest earnings have increased. We have anticipated a \$500,000 increase for 2007.

Real Property Taxes

The implementation of the Medicaid limited growth cap is enabling the County to again provide Public Works with a significant increase for 2007. The increase in Public Works is larger than the increase in the tax levy. The tax levy is proposed to increase 2.09% with a decrease of 4.8% in the full value tax rate, while the Public Works' budget will increase 20.67% or approximately \$2.8 million.

The property tax collections for the last five years are as follows:

2003	\$32,473,970
2004	\$35,981,477
2005	\$39,407,242
2006	\$40,475,052
2007 (Proposed)	\$41,322,313

CONCLUSION

For the second year, the Public Works Department has been the major focus of the upcoming budget. Last year, Public Works received \$3 million more in the County budget, along with \$1 million in off budget tobacco funds. The proposal for 2007 is an additional \$2.8 million in the County budget. These two years bring the Public Works' budget closer to the funding level of the late 1990's prior to the rapid growth of Medicaid. Additionally, the Public Works equipment account is increased to \$900,000. With the payment for the bond issued two years ago, we are spending over \$1.1 million for equipment next year. Once again, I strongly recommend we focus on replacement equipment and not expansion of the fleet. We still are not at a level where our equipment is up to par.

The 2007 Budget accommodates the opening of the Jail expansion in the final quarter of 2007. It also provides funds for out-of-County housing of inmates next year until the expansion is complete. The construction project is progressing well and will enable the County to benefit from housing inmates from other counties into the future.

Another very important provision within the budget is implementation of the recommendations by the Center for Governmental Research contained in their Alternatives to Incarceration & Criminal Justice System Study Report. The positions in the Probation Department and the District Attorney's Office are key elements of the Study's recommendations. With these additional staff, the criminal justice system can be more closely coordinated. The benefit to the County is the reduction of non-sentenced inmates in the Jail, which in turn, will enable the expanded facility to

house out-of-county inmates, but more importantly, forestall further expansion. These efforts are of crucial importance to controlling the growth of the Jail population.

Social Service programs have stabilized and resulted in a net decrease for 2007. Medicaid has been reduced to more accurately reflect the cap and the 3.25% growth for 2007. Steuben County actually received a Medicaid "credit" after the final base year calculations were completed. A total of over \$428,000 was credited to the County after the State adjustment of the 2005-06 and 2006-07 State fiscal years. Additionally, we have reduced the TANF Program for 2007 based upon caseload and the shift of two-parent households to SafetyNet. However, with that shift we have increased SafetyNet for 2007 from \$3.2 million to \$3.6 million. Both programs' budgets are tight for 2007. It is likely they will both need to be increased for 2008. Medicaid will also be going up approximately \$500,000 for 2008. The point here being this may be the last year we do not see an increase in the Department of Social Services' programs.

The Special Children's Services' programs continue to be a concern. We have increased each for next year. Pre-School Education is up almost \$300,000 total, with a local share of \$110,000, while the Early Intervention Program is up an additional \$100,000 total with a local share of \$45,000. This is the latest uncontrolled State mandated cost in the County Budget. With little attention, the Pre-School Education Program has gone from \$2.7 million in 2001 to \$3.55 million in 2007 for a 28.5% increase. The Early Intervention Program has increased from \$964,000 in 2001 to \$1,187,000 in 2007 for a 23% increase. These two programs will continue to grow and their share of available funds will continue to increase.

Finally, with the third quarter sales tax showing a decline, the status of our economy is brought into focus. While it is practically impossible to determine what has caused the decline, some obvious concerns exist. There needs to be more focus on the economy and what we can do to help stimulate local growth. I believe we need to once again examine the County's role and review the possibility of renewing our commitment of funds to economic development projects. However, we must be careful to put in place a mechanism to measure the job growth the funds are intended to spur. As a result, I am asking the Planning Director to review the Economic Development Fund criteria and policies, and report to the A.I.P. Committee in the first half of 2007. Upon review by the County Legislature, consideration can be given to funding the EDF for 2008.

The 2007 Budget is a sound fiscal plan offering a reasonable approach to the 2007 funding needs. It does not meet all of our requests but it provides adequate funds for our programs. We have again significantly increased funding for Public Works and provided funding for the Jail Expansion Project. The total budget is up significantly because of the accounting requirements for sales tax payments to the towns. The tax levy is up \$847,261 or approximately 2%, while the tax rate decreased 4.8%.

Thank you.

Mark R. Alger

County Administrator / Budget Officer

Mr. Alger recognized outgoing Treasurer, Larry Crossett, who has been with the County since 1971. Mr. Swackhamer stated I'd also like to thank Mr. Crossett, and the new Treasurer, Carole Whitehead. They always run things a little conservatively and that's the way we like it.

Mr. Alger stated Mrs. Whitehead will be a great addition to the County as Treasurer.

Mr. Schwartz asked could we tax the gas wells in the County? Mr. Alger stated there is a well head tax and it is based on production. Mr. Schwartz asked are we getting as much as the other states? Mr. Alger stated knowing the State of New York, I can't imagine that we aren't getting as much as the other states are, but I will check into that.

Mr. Alger stated the economy of the County is doing all right, but I believe we need to ask the Planning Department to review the economic development fund requirements. I suggest that over the next few months we have Mr. Heffner bring forth a review of the criteria of the program and see what we may or may not want to do in Steuben County.

Mr. Gehl stated we found out last month that an outfit in Livingston County had been looking to locate their company in Steuben County but couldn't negotiate with NYSEG. I think we should stay vigilant on NYSEG about these outfits that want to come into the County.

Mr. Schwartz stated I agree with Mr. Gehl. Many of these systems have been in existence for 30 or 40 years and they are charging ridiculous delivery charges. I believe it is time to stand up to these corporations. You're getting charged more for the same lines that have been here for 30 years. Discussion followed.

Mr. Farrand announced that former Veterans' Service Agency Director, William Kastner, has been inducted into the New York Senate Hall of Fame for Veterans. They made plaques available to the Kastners and they have agreed to have one hung in the Veterans' Office.

Mr. McIntyre stated I appreciate what Mr. Farrand did personally to make this happen and he would also like to see the award hung in the main building where everybody can see it.

Vice Chairman Donnelly stated Chairman Roche had to step away for a moment so I'll be running the meeting for now.

RESOLUTION NO. 176-06

Introduced by Mr. Donnelly.

Seconded by Mr. Isaman.

PRESENTING LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2006 ESTABLISHING THE ANNUAL SALARIES OF CERTAIN ELECTED OR APPOINTED OFFICIALS AND DEPARTMENT HEADS OF THE COUNTY OF STEUBEN WHO HAVE A FIXED TERM OF OFFICE FOR THE FISCAL YEAR 2007.

Pursuant to Sections 200, 201 and 214 of the County Law and Sections 10, 20 and 24 of the General Municipal Law of the State of New York.

WHEREAS, pursuant to the Steuben County Management Evaluation and Salary Plan, as revised, Management employees, with the exception of elected positions, had performance evaluations conducted; and

WHEREAS, pursuant to the Plan, all salary adjustments for Management employees are based upon the reviews conducted pursuant to said Plan; and

WHEREAS, the Administration Committee has approved salaries for all Management employees, except Legislators, based upon performance evaluations; and

WHEREAS, the Administration Committee has reviewed and studied the evaluations pursuant to the Plan concerning the salaries of certain elected or appointed officials of the County of Steuben who have a fixed term of office for the Fiscal Year 2007, which individuals are presently serving mid-term; and

WHEREAS, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Four for the Year 2006, establishing the annual salaries of such appointed officials for the Fiscal Year 2007.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Four for the Year 2006, establishing the annual salaries of certain elected or appointed officials and department heads of the County of Steuben who have a fixed term of office for the Fiscal Year 2007, as follows:

COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2006

A **LOCAL LAW** establishing the annual salaries of certain elected or appointed officials and department heads of the County of Steuben who have a fixed term of office for the Fiscal Year 2007.

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 2007, the annual salaries of the certain appointed and department officials of the County of Steuben who have fixed terms of office, are hereby established for the Fiscal Year 2007 as follows, to wit:

<u>TITLE</u>	<u>2006 SALARY</u>	<u>2007 SALARY</u>
Clerk of the Legislature	\$ 49,652.00	\$ 52,386.00
Commissioner, Public Works	\$ 77,249.00	\$ 81,225.00
Commissioner, Social Services	\$ 74,511.00	\$ 78,364.00
County Administrator	\$ 89,010.00	\$ 96,500.00
County Auditor	\$ 35,000.00	\$ 37,075.00
County Clerk	\$ 47,409.00	\$ 49,805.00
Director, Real Property Tax	\$ 59,490.00	\$ 62,667.00
Personnel Officer	\$ 76,347.00	\$ 80,283.00
Public Defender	\$ 66,950.00	\$ 70,128.00
Sheriff	\$ 69,141.00	\$ 72,406.00

SECTION 3: Should the above positions become vacant and subsequently filled by one other than the present incumbent, the salary shall in that instance be set by the Legislature prior to filling said vacancy.

SECTION 4: This Local Law shall become effective, subject to a permissive referendum, forty-five (45) days after the date of its final adoption and on the date it is duly filed in the Office of the Secretary of State of the State of New York and in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the Steuben County Legislature, a Public Hearing shall be held at the Special Legislative Meeting on November 27, 2006, 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 all appointed and elected officials mentioned above.

Mr. McIntyre stated I was disappointed that there was an amended agenda when we came in today and how all of the salaries are included in one resolution. I have issues with 2 or 3 of these recommended salaries. How can we separate them out? Mr. Ahrens stated you could make an amendment to individual salaries, which will amend the resolution. It is no different than having separate local laws.

Mr. McIntyre stated the County Clerk's salary is one of the lowest managerial salaries. We continue to leave that office in a state where they can't assist the public efficiently. They do more for the public than any other office. *Motion to increase the County Clerk's salary to \$51,850, seconded by Mr. Schwartz.* Discussion followed.

Mr. Schwartz stated a few years ago we held a vote whereby the salaries would be handled with separate resolutions. Why are we changing that now? Did the Finance Committee amend the rules? Mr. Ahrens stated that vote was not generic for future years, it was for that year only. Considerable discussion followed.

Mr. McIntyre stated the next salary is for the Public Defender. *Motion to decrease the Public Defender's salary to \$68,950, seconded by Mr. Schwartz.*

Mr. McIntyre stated I see a substantial increase for the County Administrator. We gave a large increase to him last year because we felt he was underpaid, but this seems quite significant. I know there are people who feel that should be higher, too, so I would like to discuss this issue.

Mr. Schwartz stated I think it is sad when you pay your County Administrator far less than your County Attorney. Regardless of what Mr. Ahrens feels, the Law Department has expanded considerably and I don't believe it is justified. He gets raise after raise after raise and it's too much.

Mr. McIntyre asked what is the percentage increase for the County Administrator? Mr. Swackhamer stated 4.5%.

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. Swackhamer, seconded by Mr. Gehl and duly carried.

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

Mr. Roche resumed the Chair.

Mr. Roche stated there has been a *motion by Mr. McIntyre to change the County Clerk's salary to \$51,805, seconded by Mr. Schwartz. Vote: Roll Call - Motion Fails. Yes: 2892, No: 5244, Absent: 1736. (No: Argentieri, Baker, Donnelly, Gehl, Isaman, McAllister, Nielsen, Roche and Swackhamer. Absent: Creath, Jamison and Stachnik)*

Mr. Roche stated there has been a *motion by Mr. McIntyre to change the Public Defender's salary to \$68,950, seconded by Mr. Schwartz. Vote: Roll Call - Motion Fails. Yes: 4525, No: 3611, Absent: 1736. (No: Argentieri, Baker, Donnelly, Farrand, McAllister, Roche. Absent: Creath, Jamison and Stachnik)*

Motion by Mr. Argentieri to reduce all of the salaries by \$1,000 with the exception of the County Auditor and increasing the County Clerk's salary to \$51,805, seconded by Mr. McIntyre. Vote: Roll Call - Motion Fails. Yes: 3343,

No: 4793, Absent: 1736. (No: Baker, Donnelly, Gehl, Isaman, McAllister, Nielsen, Roche and Swackhamer. Absent: Creath, Jamison and Stachnik)

Vote: Acclamation – Adopted. (Opposed: McIntyre, Argentieri and Schwartz)

RESOLUTION NO. 177-06

Introduced by P. Donnelly.

Seconded by K. Isaman.

PRESENTING LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2006 ESTABLISHING THE ANNUAL SALARY OF THE COUNTY ATTORNEY OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2007.

Pursuant to Sections 200, 201 and 214 of the County Law and Sections 10, 20 and 24 of the General Municipal Law of the State of New York.

WHEREAS, pursuant to the Steuben County Management Evaluation and Salary Plan, as revised, Management employees, with the exception of elected positions, had performance evaluations conducted; and

WHEREAS, pursuant to the Plan, all salary adjustments for Management employees are based upon the reviews conducted pursuant to said Plan; and

WHEREAS, the Administration Committee has approved salaries for all Management employees, except Legislators, based upon performance evaluations; and

WHEREAS, the Administration Committee has reviewed and studied the evaluations pursuant to the Plan concerning the salaries of certain elected or appointed officials of the County of Steuben for the Fiscal Year 2007, which individuals are presently serving mid-term; and

WHEREAS, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Five for the Year 2006, establishing the annual salary of the County Attorney of the County of Steuben for the Fiscal Year 2007.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Five for the Year 2006, establishing the annual salary of the County Attorney of the County of Steuben as follows:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2006**

A LOCAL LAW establishing the annual salary of the County Attorney of the County of Steuben for the Fiscal Year 2007.

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 2007, the annual salary of the County Attorney of the County of Steuben is hereby established for the Fiscal Year 2007 as follows, to wit:

<u>TITLE</u>	<u>2006 SALARY</u>	<u>2007 SALARY</u>
County Attorney	\$119,800.00	\$123,000.00

SECTION 3: In no event shall the annual salary for the County Attorney exceed the annual compensation established by the Laws of the State of New York for the District Attorney for the County of Steuben.

SECTION 4: 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 5: This Local Law shall become effective, subject to a permissive referendum, forty-five (45) days after the date of its final adoption and on the date it is duly filed in the Office of the Secretary of State of the State of New York and in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the Steuben County Legislature, a Public Hearing shall be held at the Special Legislative Meeting on November 27, 2006, 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.

Mr. McAllister stated I don't think there's any doubt that with Mr. Ahrens' experience, he's saved the County money over the years.

Vote: *Acclamation – Adopted. (Opposed: Argentieri, Gehl, McIntyre and Schwartz)*

BUDGET WORKSHOP

No Action Taken.

Motion to adjourn made by Dr. Baker, seconded by Mr. Argentieri and duly carried.

REGULAR MEETING
Afternoon Session
Monday, November 27, 2006
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 27th day of November, 2006 at 3:00 p.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 Jamison and Schwartz.

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

Chairman Roche asked Lawrence Crossett to come forward. He presented Mr. Crossett with a Certificate of Appreciation and a plaque in honor of his retirement following over 34 years of service to Steuben County. **CONGRATULATIONS LARRY!**

Chairman Roche asked Sandy Eckhoff to come forward. He presented Mrs. Eckhoff with a Certificate of Appreciation and a plaque in honor of her retirement following 28 years of service to Steuben County. **CONGRATULATIONS SANDY!**

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

Ristiina Wigg, Southern Tier Library System, stated I have provided you with the additional information as requested by Legislator Donnelly at the last meeting. I'm available if you have any questions.

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

Motion adopting the minutes of the previous month's meetings made by Mr. Creath, seconded by Mr. McAllister and duly carried.

Donna Hatch, Real Property Tax Service Director, reported that copies of the table of equalization were distributed to all County Legislators prior to today's meeting. I wanted to make sure nobody had any questions about Resolutions 15 and 16, adopting the table of equalization rates. These tables are so you can see the entire picture before you adopt a change to the proposed 2007 budget.

RESOLUTION NO. 178-06

Introduced by G. Swackhamer.

Seconded by D. Creath.

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

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

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

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

SCHEDULE "A"

Resolution # A-1
Name Richard Brownell
Parcel # 107.19-01-075.110/34
Municipality Arkport Village
Disposition Correction

Resolution # A-2
Name Fennichia (now Hookers Enterprises)
Parcel # 136.05-01-023.220/26
Municipality Hornellsville Town
Disposition Correction

Resolution # A-3
Name Margaret Kurtz (now Sharon Postelli)
Parcel # 136.05-01-023.220/34
Municipality Hornellsville Town
Disposition Correction

Resolution # A-4
Name Green Acres Trl Pk Inc % Knapp
Parcel # 136.05-01-023.220/63
Municipality Hornellsville Town
Disposition Correction

Vote: Roll Call - Adopted.

RESOLUTION NO. 179-06

Introduced by P. Donnelly.

Seconded by K. Isaman.

RECEIVING AND ACCEPTING THE NOVEMBER 27, 2006, 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 16, 2006

1. Governor's Office for Small Cities (NYS Housing Trust Fund Corporation) - Re: Certificate of Completion - Small Cities Project #1115ED446-03 - County of Steuben grant closeout packet. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

October 18, 2006

1. Republican Committee of Steuben County, William O. Hatch, Chairman - Re: Correspondence dated 10/17/06 stating that the Steuben County Republican Committee is recommending Sharlene J. Thompson for reappointment as Steuben County Election Commissioner for a two-year term.

October 23, 2006

1. NYS Department of Transportation - Re: Request for Federal Section 5311 Capital Applications - for vehicles and other equipment to be purchased within the next two years. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***
2. NYS Department of Health & Environmental Facilities Corporation - Re: "Drinking Water State Revolving Funds" - Final Intended Use Plan - Funding: 10/1/06-9/30/07. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

October 25, 2006

1. Steuben County Industrial Development Agency - Re: 2005 Audited Financial Statement and Investment Report for the Steuben County Industrial Development Agency and the projected 2006-07 Budget. *Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Lawrence Crossett, County Treasurer.*
2. NYS Office of the Medicaid Inspector General - Re: NRC Audit #03M041008 - 2000-01 Rate Period - MMIS #00355679 - notification that HCF should receive a check in the amount of \$119,064 within 2-3 weeks. Refund is per the Revised Notice of Rate Changes dated October 18, 2006. *Referred to: Health & Education and Finance Committees; John Zehr; HCF Administrator; and Lawrence Crossett, County Treasurer.*
3. NYS Department of Labor, Workforce New York - Re: The WIA Title 1-B Program PY 2005 Annual Report data submitted by the Chemung-Schuylers-Steuben Local Workforce Investment Board indicates the area achieved all 17 WIA negotiated performance measures for PY 2005. The Chemung-Schuylers-Steuben Local Workforce Investment Area is eligible for a WIA Title 1-B incentive grant in the amount up to \$184,114.

October 30, 2006

1. Ziff, Weiermiller, Hayden & Mustico, LLP - Relative to County Route 119, Cameron, NY. *Referred to: Public Works Committee; Vincent Spagnoletti, PW Commissioner; and Fred Ahrens, County Attorney.*

November 1, 2006

1. Emergency Medical Services Training, Administration & Resources (EMSTAR) - Re: 3rd Quarterly Report for July-September 2006 and payment request in the amount of \$1,406.25. *Referred to: Health & Education Committee; Public Safety & Corrections Committee; Vicki Fuerst, PHN Director; and Mike Sprague, EMO Director.*

November 2, 2006

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$5,594 representing the September 2006 retained surcharge revenue for Steuben County from the WROTBC. *Referred to: Finance and Rules Committees and Lawrence Crossett, County Treasurer.*

Vote: Acclamation - Adopted.

RESOLUTION NO. 180-06

Introduced by D. Creath.

Seconded by K. Isaman.

PRESENTING LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2006, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE.

Pursuant to Article 18 of the Executive Law of the State of New York.

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Six for the Year 2006, providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code, as follows:

**COUNTY OF STEUBEN COUNTY
LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2006**

A **LOCAL LAW** providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code.

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

SECTION 1: PURPOSE AND INTENT

This local law shall provide for administration and enforcement of the New York State Uniform Fire Prevention and Building Code (Uniform Code) by the County of Steuben for work performed on County property, and in municipalities

which have opted out of enforcement of the Uniform Code. This local law is adopted pursuant to Section 10 of Article 2 of the Municipal Home Rule Law.

SECTION 2: PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

SECTION 3: CODE ENFORCEMENT OFFICER, DUTIES AND POWERS

- A. The office of Code Enforcement Officer is hereby created and shall be administered by an appointee of the Steuben County Legislature. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time constraints prescribed by law, obtain such training as the State of New York shall require for code enforcement officials. The Code Enforcement Officer shall be under the general supervision of the Steuben County Planning Director.
- B. In the absence of a Code Enforcement Officer, or in the case of his inability to act for any reason, the Chairperson of the Steuben County Legislature shall have the power, with the consent of the Steuben County Legislature, to designate a person to act on behalf of the Code Enforcement Officer and to exercise all the powers conferred upon him by this local law.
- C. The Chairperson of the Steuben County Legislature, with the approval of the Steuben County Legislature, may appoint one inspector or more, as the need may appear, to act under the supervision and direction of the Code Enforcement Officer and to exercise any portion of the powers and duties of the Code Enforcement Officer as directed by him.
- D. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code and the provisions of this local law, including receiving building permit applications, reviewing plans and specifications, conducting inspections, issuing permits for the erection, alteration, relocation, addition, repair and/or demolition of buildings and structures, issuing certificates of occupancy, collecting fees as set forth by the Agriculture, Industry and Planning Committee of the Steuben County Legislature and maintaining and filing all records necessary for the administration of the office to the satisfaction of the Steuben County Legislature. The Code Enforcement Officer is authorized to pursue administrative actions and in consultation with the County Attorney, legal action as necessary to abate conditions not in compliance with the New York State Uniform Fire Prevention and Building Code, or this local law.
- E. The Code Enforcement Officer shall have the authority to issue appearance tickets in accordance with Section 150 of the Criminal Procedure Law of New York State.

SECTION 4: BUILDING PERMIT

- A. Permits Required.
 - 1. Except as hereinafter provided, no person, firm, corporation, association or partnership shall commence the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, or install a solid fuel burning heating appliance, chimney or flue in any dwelling unit, without first having obtained a permit from the Code Enforcement Officer.
 - 2. No permit shall be required for:
 - a) construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool or storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88m²);
 - b) installation of fences, which are not part of an enclosure surrounding a swimming pool;
 - c) construction of retaining walls unless such walls support or surcharge or impound Class I, II or IIA liquids;

- d) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- e) installation of partitions or movable cases less than 5'-9" in height;
- f) painting, wallpapering, tiling, carpeting, or other similar finish work;
- g) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- h) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- i) repairs, provided that such repairs do not involve:
 - (1) the removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component;
 - (2) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;
 - (3) the enlargement, alteration, replacement or relocation of any building system;
 - (4) the removal from service of all or part of a fire protection system for any period of time.
- j) nonresidential farm buildings, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes.

B. Application for a permit.

1. An application for a building permit shall request sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code and shall require a submission of the following information and documentation:
 - a) a description of the proposed work;
 - b) the tax map number and the street address;
 - c) the occupancy classification of any affected building or structure;
 - d) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
 - e) at least two (2) sets of construction documents (drawings and/or specifications) that define the scope of the proposed work.
2. Construction documents shall not be accepted as part of an application for a building permit unless such documents:
 - a) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;
 - b) indicate with sufficient clarity and detail the nature and extent of the work proposed;

- c) substantiate that the proposed work will comply with the Uniform Code and the State Energy Conservation Construction Code.
 - d) where applicable, include a site plan that shows any existing and proposed structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the structures and the lot lines.
3. Applications for a building permit or for an amendment thereto shall be examined to ascertain whether the proposed construction is in substantial conformance with the requirements of the Uniform Code.
 - a) The Code Enforcement Officer shall stamp, sign and date all accepted construction documents. One set of accepted construction documents shall be retained by the Code Enforcement Officer. One set shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Officer.
 4. The building permit shall contain a statement directing that all work shall be performed in accordance with the construction documents submitted and accepted as part of the application and shall include the directive that the Code Enforcement Officer shall be notified immediately in the event of changes occurring during construction.
 5. Building permits shall expire twelve (12) months from the date of issuance. Permits shall become invalid unless the work authorized is commenced within twelve (12) months following the date of issuance. Building permits may be renewed provided that the work has commenced in such a manner as to be ongoing and upon payment of the appropriate fee.
 6. Building permits which are issued in error because of incorrect, inaccurate or incomplete information, or when the work for which the permit was issued violates the Uniform Code, shall be revoked or suspended until such time as the permit holder demonstrates that all work completed and all work proposed shall be in compliance with applicable provisions of the code.
 7. Building permits shall be visibly displayed at the work site to remain visible until the project has been completed.

SECTION 5: FEES

- A. A fee schedule shall be established, and changed as needed, by resolution of the Agriculture, Industry and Planning Committee of the Steuben County Legislature. Such fees may be charged for the issuance of permits, permit renewals, certificates of occupancy, certificates of compliance, temporary certificates of occupancy, operating permits and for fire safety inspections.

SECTION 6: CONSTRUCTION INSPECTIONS

- A. Permitted work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer. It shall be the responsibility of the owner, applicant, or his agent to notify the Code Enforcement officer when construction work is ready for inspection.
 1. If entrance to make an inspection is refused or cannot be obtained, the Steuben County Legislature, after being notified by the inspector of the situation, may apply for an order to make an inspection to any court of competent jurisdiction.
- B. The following elements of the construction process shall be inspected as determined by the Code Enforcement Officer to be applicable:
 1. work site prior to the issuance of a permit;
 2. footing and foundation;
 3. preparation for concrete slab;

4. framing;
 5. building systems, including under grounds and rough in;
 6. fire resistant construction;
 7. fire resistant penetrations;
 8. solid fuel burning heating appliances, chimneys, flues or gas vents;
 9. energy code compliance; and
 10. a final inspection after all work authorized by the building permit has been completed.
- C. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code. Construction work not in compliance with code provisions shall be required to remain exposed until it has been brought into compliance with the code, been re-inspected, and been found satisfactory as completed.

SECTION 7: STOP WORK ORDERS

- A. The Code Enforcement Officer is authorized to issue stop work orders to halt work that is determined to be contrary to provisions of the Uniform Code, or is being conducted in a dangerous or unsafe manner, or is being performed without obtaining a required permit. A stop work order shall state the reason for its issuance and the conditions, which must be satisfied before work will be permitted to resume.

SECTION 8: CERTIFICATE OF OCCUPANCY, CERTIFICATE OF COMPLIANCE AND TEMPORARY CERTIFICATE

- A. No building erected subject to the New York State Uniform Fire Prevention and Building Code shall be used or occupied, except to the extent authorized hereunder, until a certificate of occupancy has been issued.
- B. No building similarly enlarged, extended, or altered, or upon which work has been performed which requires the issuance of a building permit shall be occupied or used after the completion of the alteration or work unless a certificate of occupancy or a certificate of compliance has been issued.
- C. No change shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy authorizing the change has been issued.
- D. A certificate of occupancy or a certificate of compliance shall be preceded by an inspection of the building, structure or work. Where applicable, the Code Enforcement Officer may require a written statement of structural observations and/or a final report of special inspections, prepared in accordance with the provisions of the Uniform Code, to be received prior to the issuance of the certificate. Also, where applicable, flood hazard certifications, prepared in accordance with the provisions of the Uniform Code shall be received prior to the issuance of the certificate.
- E. A certificate of occupancy or certificate of compliance shall contain the following information:
1. the building permit number, if any;
 2. the date of issuance of the permit, if any;
 3. the name, address and tax map number of the property;
 4. if the certificate is not applicable to an entire structure, a description of that portion of the structure for which the certificate is issued;

5. the use and occupancy classification of the structure;
 6. the type of construction of the structure;
 7. the assembly occupant load of the structure, if any;
 8. if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
 9. any special conditions imposed in connection with the issuance of the building permit; and
 10. the signature of the official issuing the certificate and the date of issuance.
- F. A temporary certificate of occupancy may be issued if the building or structure or a designated portion of a building or structure is sufficiently complete that it may be put to the use for which it is intended.
1. A temporary certificate shall not be issued unless:
 - a) the structure or portions thereof may be occupied safely;
 - b) any fire and smoke-detecting or fire protection equipment which has been installed is operational; and
 - c) all required means of egress from the structure have been provided.
 2. A temporary certificate shall list the items, which remain uncompleted. The Code Enforcement Official may place special conditions on temporary certificates as necessary to insure safety and to protect the interest of the Town/Village.
 3. The effectiveness of a temporary certificate shall be limited to a specified period of time as determined by the Code Enforcement Officer, but in no event longer than six (6) months, during which the permit holder shall undertake to bring the structure into full compliance with applicable provisions of the Uniform Code.
 4. A temporary certificate of occupancy may, at the discretion of the Code Enforcement Official and upon payment of an additional fee as specified for a temporary certificate of occupancy, be renewed.
- G. A certificate of occupancy or certificate of compliance issued in error or on the basis of incorrect information shall be suspended or revoked if the relevant deficiencies are not corrected within period of time specified by the Code Enforcement Officer.

SECTION 9: OPERATING PERMITS

- A. The Code Enforcement Officer shall issue operating permits for conducting the activities or using the categories of buildings listed below:
1. manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4), of the Fire Code of New York State (see 19 NYCRR Part 1225);
 2. hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
 3. use of pyrotechnic devices in assembly occupancies;
 4. buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

5. buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by Steuben County Legislature resolution.
- B. Parties who propose to undertake the types of activities or operate the types of buildings listed in paragraph (A) of this subdivision shall be required to obtain an operating permit prior to commencing such operation. An application for an operating permit shall be provided by the Code Enforcement Officer and shall contain sufficient information to permit a determination that quantities, material, and activities conform to the requirements of the Uniform Code. Tests or reports necessary to verify conformance shall be required as determined by the Code Enforcement Officer.
 - C. An inspection of the premises shall be conducted prior to the issuance of an operating permit.
 - D. A single operating permit may apply to more than one hazardous activity as determined by the Code Enforcement Officer.
 - E. Operating permits for areas of public assembly shall be limited to one year. Operating permits for all other occupancies as noted in paragraph (A) shall be for not more than three years or shall coincide with the schedule of inspections as required by Section 11 of this law.
 - F. Where activities do not comply with applicable provisions of the Uniform Code, an operating permit shall be revoked or suspended.

SECTION 10: FIRE PREVENTION, PROPERTY MAINTENANCE INSPECTIONS

- A. Fire prevention and property maintenance inspections.
 1. Fire safety inspections of buildings or structures having areas of public assembly shall be performed at least once in every twelve (12) months.
 2. Fire safety inspections of buildings or structures being occupied as dormitories shall be performed at least once in every twelve (12) months.
 3. Fire safety inspections of all other buildings, uses and occupancies (except one- or two-family dwellings) shall be inspected at least once in every thirty-six (36) months.
 4. An inspection of a building or dwelling unit may also be performed at any other time upon:
 - a) The request of the owner, authorized agent, or tenant,
 - b) Receipt of a written statement alleging conditions or activities failing to comply with the Uniform Code exists; or
 - c) Other reasonable and reliable information that such a violation exists.
- B. All such inspections shall be performed by the Code Enforcement Officer or his duly authorized deputies.

SECTION 11: NOTIFICATION REGARDING FIRE OR EXPLOSION

- A. The chief of any fire department providing fire fighting services for a property within any municipality in which the County of Steuben enforces the Uniform Code, shall notify the Code Enforcement Official of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent, (optional) or any fire the origin of which has been traced to the electrical system of any building or structure.

SECTION 12: COMPLAINTS

- A. Bona fide complaints which assert that conditions or activities fail to comply with the Uniform Code or with local laws, ordinances or regulations adopted for administration and enforcement of the Uniform Code, shall be investigated by the Code Enforcement Officer. The process for responding to such complaints shall include:

1. provisions for inspection of the conditions and/or activities alleged to be in violation of the code or this law;
2. written notification to any offending party and the property owner of any violation, with a period of time as determined by the Code Enforcement Officer to cause any such violations to be corrected;
3. written notification to the Steuben County Planning Director that a complaint has been received and a violation notice has been issued;
4. upon abatement of a violation, an inspection shall be performed by the Code Enforcement Officer to ensure that the violation has been corrected, and a final written report shall be filed with the complaint.

SECTION 13: VIOLATIONS

- A. Upon determination that a violation of the Uniform Code or this local law exists in, on, or about any building or premises, the Code Enforcement Officer shall order in writing the remedying of the condition. Such order shall state the specific provision of the Uniform Code which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by notification by registered mail.
- B. In addition to those penalties prescribed by State Law, any person, firm or corporation who violates any provision of the Uniform Code or any rule or regulation of this local law, or the terms or conditions of any Certificate of Occupancy issued by the Code Enforcement Officer, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Steuben County Legislature on its own initiative or at the request of the Code Enforcement Officer.
- C. Alternatively or in addition to an action to recover the civil penalties provided by subsection (B), the Steuben County Legislature may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code or the terms or conditions of any Certificate of Occupancy issued by the Code Enforcement Officer.

SECTION 14: RECORDS AND REPORTS

- A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by him, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by him with the consent of the Steuben County Legislature, and notices and orders issued. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto shall be retained for at least the minimum period so required by State Law and regulation.
- B. The Code Enforcement Officer shall annually submit to the Steuben County Planning Director a written report and summary of all business conducted by the Code Enforcement Officer, including approvals, permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made, and appeals or litigation pending or concluded.
- C. The Code Enforcement Officer shall annually submit to the Secretary of State on behalf of the Steuben County Legislature, on a form prescribed by the Secretary, a report of its activities relative to administration and enforcement of the Uniform Code.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on December 18, 2006 at 10:00 A.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York, and be it further

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

set forth for the Public Hearing, with proof of posting and publication to be filed in the Office of the Clerk of the Legislature, and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Planning Director.

Vote: Acclamation - Adopted.

RESOLUTION NO. 181-06

Introduced by R. Nichols.

Seconded by K. Isaman.

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 165 tons per day, and the Facility has an expected useful life of at least eighteen (18) 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 \$27.00/ton at the Facility for an additional period of one (1) year 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, certified copies of this resolution shall be forwarded to the Commissioner of Public Works, Mayor Shawn Hogan and David Oakes, City Engineer, PO Box 627, 82 Main Street, Hornell, New York 14843.

Vote: Roll Call - Adopted.

RESOLUTION NO. 182-06

Introduced by R. Nichols and G. Swackhamer.

Seconded by R. Argentieri.

AUTHORIZING THE TRANSFER OF \$64,091.59 FROM VARIOUS LANDFILL DIVISION COMPUTER AND EQUIPMENT LINE ITEMS TO VARIOUS LANDFILL CONTRACTUAL ACCOUNTS.

WHEREAS, the Bath Landfill Parts and Repairs account requires more funding due to steel cost increases; and

WHEREAS, the Bath Landfill and Leachate Treatment Plant pipeline cleaning was more extensive than anticipated; and

WHEREAS, funding was transferred from these accounts to pay for insurance reimbursable fire damage, tools and supplies; and

WHEREAS, various Landfill Division equipment accounts required less funding than anticipated due to one very low bid and deleting one piece of equipment; and

WHEREAS, the Public Works Committee and Finance Committee have approved the transfer of \$64,091.59 from various Landfill Division Computer and Equipment Line Items to various Landfill Contractual Accounts.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to transfer:

\$703.00 from 816061.5.295.020 Landfill Administration Computers;
\$8987.20 from 816062.5.290.000 Bath Landfill Major Equipment;
\$1,000.00 from 816062.5.295.020 Bath Landfill Computer;
\$6,300.03 from 816062.5.298.000 Bath Landfill Minor Equipment;
\$31,050.00 from 816070.5.290.000 Hornell Transfer Station Major Equipment
\$14,145.00 from 816071.5.290.000 Wayland Transfer Station Major Equipment;
\$1,906.36 from 816073.5.298.000 Leachate Treatment Plant Minor Equipment;

to 816061.5.406.000 Landfill Administration Office Supplies \$2,000.00;
to 816062.5.413.000 Bath Landfill Repair & Maintenance Building & Property \$20,000.00;
to 816062.5.451.300 Bath Landfill Parts & Repairs \$22,091.59;
to 816073.5.413.000 Leachate Treatment Plant Repair & Maintenance Building & Property \$20,000.00; and be it further

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

Vote: Roll Call - Adopted.

RESOLUTION NO. 183-06

Introduced by D. Baker and G. Swackhamer.

Seconded by T. McIntyre.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO TRANSFER \$35,300 FROM THE CONTINGENT FUND TO THE STEUBEN COUNTY SHERIFF'S 2006 BUDGET.

WHEREAS, the 2006 Sheriff's Office budget line items for fuel charge backs, operation of vehicles, telephone charge backs, copying and postage contain insufficient funds for the balance of Year 2006.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to transfer from the Contingent Fund, the amount of \$35,300 to the 2006 Sheriff's Office Budget as follows:

\$24,500 to Vehicle Fuel Chargeback line item 5 450 990
\$ 1,400 to Operation of Vehicles line item 5450 000
\$ 5,500 to Telephone Chargebacks line item 5 402 990
\$ 1,500 to Copying line item 5 403 800
\$ 2,400 to Postage line item 5 405 100
\$35,300

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Sheriff's Office and the County Treasurer.

Vote: Roll Call - Adopted.

RESOLUTION NO. 184-06

Introduced by D. Creath and G. Swackhamer.

Seconded by R. Argentieri.

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

WHEREAS, four capital projects have been completed, two of which contain unexpended balances which were originally funded from the Repair and Renovations Reserve.

NOW THEREFORE, BE IT

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

HB 0107 5 250000 Sealing & Striping COB	\$	39.80
HB 1004 5 250000 Ext. Painting of 117 E. Steuben St.	\$	0.00
HB 6002 5 250000 Seal/Strip Hornell Parking Lot	\$	250.00
HB 0108 5 250000 Public Address System Courtroom A&B	\$	0.00
TOTAL	\$	289.80

AND BE IT FUTHER RESOLVED, the unexpended balances, plus interest, shall be transferred to the Repair and Renovations Reserve Fund; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Superintendent of Buildings and Grounds.

Vote: Roll Call - Adopted.

RESOLUTION NO. 185-06

Introduced by D. Creath.

Seconded by D. Stachnik.

SUPPORTING A QUALITY COMMUNITIES PROGRAM GRANT APPLICATION ENTITLED "KEUKA LAKE LOOKING AHEAD: AN INTERMUNICIPAL LAND USE ACTION PLAN".

WHEREAS, the New York State Quality Communities grant program is available for projects to encourage the formation of partnerships to address environmental, land use and economic development opportunities; and

WHEREAS, the Keuka Lake Association (KLA) and the eight Steuben and Yates County municipalities of the Keuka Watershed Improvement Cooperative (KWIC) have worked in partnership to protect Keuka Lake for nearly 15 years; and

WHEREAS, the KLA and KWIC have identified the need to address land use issues in the watershed; and

WHEREAS, Yates County, Steuben County, the KLA and KWIC, see the need to prepare an Intermunicipal Land Use Action Plan for Keuka Lake; and

WHEREAS, Cornell Cooperative Extension, Cornell University Local Government Program, Pace University Land Use Law Center, Finger Lakes Resource Conservation and Development Council and Genesee Finger Lakes Regional Planning Council will partner with Yates County, Steuben County, KLA and KWIC to implement the program; and

WHEREAS, Cornell Cooperative Extension-Yates County will serve as the project contact and manager.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature supports the application of the New York State Quality Communities grant titled: "*Keuka Lake Looking Ahead: An Intermunicipal Land Use Action Plan*"; and be it further

RESOLVED, a certified copy of this resolution be forwarded to Peter Landre, Cornell Cooperative Extension-Yates County, 417 Liberty St., Penn Yan, New York 14527.

Mr. Gehl asked what does this do? Mr. Heffner stated this would give us more standard land use regulations. Discussion followed.

Vote: Acclamation - Adopted. (Mr. Argentieri opposed.)

RESOLUTION NO. 186-06

Introduced by P. Donnelly.

Seconded by K. Isaman.

AMENDING RESOLUTION NO. 193-90 DATED OCTOBER 22, 1990, "ESTABLISHING HOURS OF WORK PER PAY PERIOD FOR ELECTED AND APPOINTED OFFICIALS FOR RETIREMENT REPORTING PURPOSES".

WHEREAS, the New York State Employees' Retirement System rules and regulations specify that it is necessary to establish a standard workday for certain elected and appointed officials for retirement reporting purposes.

NOW THEREFORE, BE IT

RESOLVED, that for purposes of retirement reporting only, the standard workday shall be six (6) hours for the following positions:

Chairman of Legislature
Legislators
Public Defender
Assistant Public Defender (P.T.)
District Attorney
Assistant District Attorney (P.T.)
Election Commissioners (2)
County Clerk
County Treasurer
Sheriff
Historian
Medical Director – SCS
Jail Physician
County Coroners (4)
Medical Director – HCF
Physician – Alcohol Abuse (P.T.)

AND BE IT FURTHER RESOLVED, that all previous resolutions regarding retirement reporting are hereby amended and be it further

RESOLVED, certified copies of this resolution shall be forwarded to County Treasurer and Personnel Officer.

Mr. Donnelly clarified that this resolution simply updates a previously-approved resolution by cleaning up the job titles.

Vote: Roll Call - Adopted.

RESOLUTION NO. 187-06

Introduced by P. Donnelly.

Seconded by R. Argentieri.

AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS.

Pursuant to Section 261 (2) of the Tax Law of the State of New York.

RESOLVED, that the apportionment of tax on mortgages in the County of Steuben collected by the County Clerk from the 1st day of April, 2006, to the 30th day of September, 2006, pursuant to provisions of Section 261 (2) of the Tax Law, as made by the Clerk of this Legislature be and the same hereby is ratified and confirmed, and the statement of such apportionment in compliance with the provisions of said Law, filed with the County Treasurer of this County, is hereby and in all things ratified and confirmed and such statement shall be to the County Treasurer a sufficient Warrant for the payment by him of the various sums as apportioned for the various purposes as designed by Law; and be it further

RESOLVED, that the Clerk of this Legislature shall forward certified copies of this resolution to the Steuben County Treasurer, the Steuben County Real Property Tax Service Agency, and the Steuben County Clerk:

MORTGAGE TAX APPORTIONMENT

The amount of money in your hands on September 30, 2006, 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, 2006, 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 \$757,629.77.

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 - 11/2006

<u>TOWN & CITIES</u>	<u>TOWN/CITY AMT DUE</u>	<u>VILLAGES</u>	<u>VILLAGES AMT DUE</u>	<u>TOTAL AMT DUE</u>
ADDISON	13,294.35	ADDISON	6,065.33	19,359.68
AVOCA	8,267.22	AVOCA	1,439.99	9,707.21
		BATH (1)	17,598.43	
BATH	60,400.23	SAVONA (2)	1,729.07	79,727.73
BRADFORD	3,105.76			3,105.76
CAMERON	4,830.74			4,830.74
CAMPBELL	14,087.73			14,087.73
CANISTEO	13,393.26	CANISTEO	4,421.84	17,815.10
CATON	14,335.48			14,335.48
COHOCTON	9,504.33	COHOCTON	1,345.82	10,850.15
CORNING CITY	104,518.07			104,518.07
		RIVERSIDE (1)	2,030.20	
CORNING TOWN	49,593.14	S CORNING (2)	3,332.27	54,955.61
DANSVILLE	10,697.02			10,697.02
ERWIN	139,752.24	PAINTED POST	11,698.35	151,450.59
FREMONT	3,017.47			3,017.47
GREENWOOD	3,843.78			3,843.78
HARTSVILLE	3,368.06			3,368.06
HORNBY	14,846.53			14,846.53
HORNELL CITY	34,750.48			34,750.48
		ALMOND (1)	44.51	
		ARKPORT (2)	1,946.35	
HORNELLSVILLE	22,164.14	V N HORNELL (3)	2,203.76	26,358.76
HOWARD	10,768.82			10,768.82
JASPER	5,399.50			5,399.50
LINDLEY	8,292.81			8,292.81
PRATTSBURGH	12,315.27			12,315.27
PULTENEY	22,560.67			22,560.67
RATHBONE	6,224.99			6,224.99
THURSTON	4,820.06			4,820.06
TROUPSBURG	7,297.05			7,297.05
TUSCARORA	10,077.47			10,077.47
URBANA	18,709.25	HAMMONDSPORT	1,600.85	20,310.10
WAYLAND	25,400.19	WAYLAND	6,040.26	31,440.45
WAYNE	20,231.22			20,231.22
WEST UNION	1,695.96			1,695.96
WHEELER	7,231.80			7,231.80
WOODHULL	7,337.65			7,337.65
	696,132.74		61,497.03	757,629.77

Foregoing shall be your sufficient warrant for the payment of said sums as above directed.

DATED at Bath, New York, November 27, 2006.

STEBEN COUNTY LEGISLATURE
S/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 27, 2006.

S/Christine Kane, Clerk, Steuben County Legislature

Vote: Roll Call - Adopted.

RESOLUTION NO. 188-06

Introduced by P. Donnelly.

Seconded by K. Isaman.

DIRECTING THE DIRECTOR OF THE COUNTY REAL PROPERTY TAX SERVICE AGENCY TO ADD OMITTED TAXES AND/OR PRO-RATED OMITTED TAXES ON EXEMPT PARCELS.

Pursuant to Sections 553 and 558 of the Real Property Tax Law of the State of New York.

RESOLVED, the report of the Steuben County Treasurer of 2006 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. 189-06

Introduced by P. Donnelly.

Seconded by D. Creath.

DIRECTING THE LEVY OF RETURNED UNPAID SCHOOL TAXES FOR THE YEAR 2006.

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 2006" 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. 190-06

Introduced by P. Donnelly.

Seconded by D. Baker.

DIRECTING THE LEVY OF RETURNED UNPAID VILLAGE TAXES FOR THE YEAR 2006.

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 2006" 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. 191-06

Introduced by P. Donnelly.

Seconded by D. Baker.

DIRECTING THE LEVY OF THE SHARE OF THE ESTIMATED COST OF WORKERS' COMPENSATION IN ACCORDANCE WITH THE 2007 REPORT OF THE ADMINISTRATOR AND COMMITTEE.

Pursuant to Article 5 of the Workers' Compensation Law of the State of New York.

WHEREAS, on July 24, 2006, 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 24, 2006, there was received and filed with this County Legislature a Table of Apportionment for the Fiscal Year 2007, 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 2007 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 2007 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 2007 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. 192-06

Introduced by P. Donnelly.

Seconded by R. Nielsen.

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 2007; 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 also be forwarded to the Steuben County Treasurer and the Director of Real Property Tax Service Agency.

TABLE OF COUNTY EQUALIZATION RATES STEBEN COUNTY	
	11/06/2006
MUNICIPALITY	2006 COUNTY RATE FOR 2007 TAX LEVY
CITY OF CORNING	100.00
CITY OF HORNELL	82.40
ADDISON	100.00
AVOCA	100.00
BATH	55.00
BRADFORD	100.00
CAMERON	67.02
CAMPBELL	3.41
CANISTEO	69.82
CATON	67.00
COHOCTON	50.00
CORNING TOWN	100.00
DANSVILLE	100.00
ERWIN	100.00
FREMONT	100.00
GREENWOOD	4.25
HARTSVILLE	45.99
HORNBY	100.00
HORNELLSVILLE	75.00
HOWARD	61.92
JASPER	4.90
LINDLEY	3.98
PRATTSBURGH	100.00
PULTENEY	68.00
RATHBONE	100.00
THURSTON	5.09
TROUPSBURG	65.19
TUSCARORA	4.96
URBANA	100.00
WAYLAND	75.00
WAYNE	63.00
WEST UNION	80.00
WHEELER	71.43
WOODHULL	100.00

Vote: Roll Call - Adopted.

RESOLUTION NO. 193-06

Introduced by P. Donnelly.

Seconded by D. Creath.

FILING THE REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2007 BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2006.

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 2007, 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. 194-06

Introduced by P. Roche.

Seconded by R. Nielsen.

SETTING THE DATE OF THE DECEMBER 2006 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 2006, on Monday, December 18, 2006, at 10:00 A.M. in the Legislative Chambers, 3 East Pulteney Square, Bath, New York, and be it further

RESOLVED, the date and time of any Public Hearings arising by virtue of the within meeting which are inconsistent with this resolution be and the same hereby are amended to reflect the date and time above-stated, and be it further

RESOLVED, the Clerk of this Legislature shall forward the necessary, proper and legal notice of the above meeting to all County Legislators and department heads of the County of Steuben.

Vote: Acclamation - Adopted.

RESOLUTION NO. 195-06

Introduced by P. Donnelly.

Seconded by D. Creath.

REAPPOINTING THE REPUBLICAN COMMISSIONER OF ELECTIONS OF THE COUNTY OF STEUBEN FOR A TERM COMMENCING JANUARY 1, 2007.

Pursuant to Section 3-204 of the Election Law of the State of New York.

WHEREAS, William O. Hatch, Chairman of the County Committee of the Republican Party of the County of Steuben, has in pursuance of law, made, signed, and filed with the Clerk of the County Legislature, in proper form, his certification that Sharlene Thompson, residing in Canisteo, County of Steuben and State of New York, is a suitable and qualified person to be reappointed as a Commissioner of Elections.

NOW THEREFORE, BE IT

RESOLVED, Sharlene Thompson, residing in Canisteo, Steuben County, New York, be and is hereby reappointed a Commissioner of Elections in and for the County of Steuben for a term of two (2) years commencing January 1, 2007 and terminating December 31, 2008; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointee at 14 Taylor Street, Canisteo, NY 14823; William O. Hatch, P.O. Box 98, Canisteo, New York 14823; the County Clerk; the Personnel Officer; and the Clerk of the Steuben County Board of Elections.

Vote: Roll Call - Adopted. Yes: 8204, No: 562, Absent: 1106 (No: McIntyre, Absent: Jamison and Schwartz)

RESOLUTION NO. 196-06

Introduced by P. Donnelly.

Seconded by R. Argentieri.

REAPPOINTING THE DEMOCRATIC COMMISSIONER OF ELECTIONS OF THE COUNTY OF STEUBEN FOR A TERM COMMENCING JANUARY 1, 2007.

Pursuant to Section 3-204 of the Election Law of the State of New York.

WHEREAS, Shawn Hogan, Chairman of the County Committee of the Democratic Party of the County of Steuben, has in pursuance of law, made, signed, and filed with the Clerk of the County Legislature, in proper form, his certification that Allan C. Johnson, residing in the Village of Bath, County of Steuben and State of New York, is a suitable and qualified person to be reappointed as a Commissioner of Elections.

NOW THEREFORE, BE IT

RESOLVED, that Allan C. Johnson, residing in the Village of Bath, Steuben County, New York, be and is hereby reappointed a Commissioner of Elections in and for the County of Steuben for a term of two (2) years commencing January 1, 2007 and terminating December 31, 2008; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointee at 5 Mountview Road West, Bath, New York, 14810; to Shawn Hogan, P.O. Box 627, 82 Main Street, Hornell, New York, 14843; the Steuben County Clerk; Personnel Officer, and to the Clerk of the Steuben County Board of Elections.

Vote: Roll Call - Adopted.

RESOLUTION NO. 197-06

Introduced by P. Roche.

Seconded by R. Argentieri.

APPOINTING AN ADDITIONAL MEMBER TO THE STEUBEN COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL.

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

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

WHEREAS, the Chairman of the Steuben County Legislature recommends the appointment of an additional member to the Environmental Management Council.

NOW THEREFORE, BE IT

RESOLVED, that the following appointment is hereby made to said Environmental Management Council:

**Pauline Burnes
PO Box 811
Hornell, NY 14843**

BE IT FURTHER RESOLVED, that all said appointees shall serve at the pleasure of the Steuben County Legislature effective immediately through December 31, 2007; and be it further

RESOLVED, said member shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of her duties on the Environmental Management Council; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointee; Joe Hamm, NYS Department of Environmental Conservation, 6274 East Avon-Lima Road, Avon, NY, 14414; the Planning Director and the County Auditor.

Vote: Acclamation - Adopted.

Chairman Roche stated the next resolution was not on the agenda. There were no objections to the consideration of the resolution.

RESOLUTION NO. 198-06

Introduced by D. Baker and G. Swackhamer.

Seconded by F. Gehl.

AUTHORIZING ACCEPTANCE OF THE WIRELESS 911 EXPEDITED DEPLOYMENT GRANT.

WHEREAS, the New York State Department of State has awarded \$729,902 to the Steuben County E911 Department which is already budgeted in the E911 Project; and

WHEREAS, the purpose of said funding is to purchase hardware and software for the E911 Phase II Wireless portion of the system.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County E911 Department is hereby authorized to accept said grant funding for the purpose of purchasing hardware and software for the E911 System; and be it further

RESOLVED, the Steuben County Treasurer is hereby authorized to appropriate the amount of \$729,902 to the Steuben County E911 Startup Project 3020H3-5250000, and to estimate revenues from the New York State Department of State in the same amount and allocate the County's share within the project; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the E911 Director and County Treasurer.

Mr. McAllister asked does the County have to provide matching funds? Mr. Wixom stated the County's share would be \$81,099. He noted that the total grant funds they have received so far through this program total \$1,192,714.

Mr. McAllister asked what would the money be used for? Mr. Wixom stated most of this funding is for the reimbursement of money already spent.

Vote: Roll Call - Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.H. The Proposed Acquisition, Sale Or Lease Of Real Property Or The Proposed Acquisition Of Securities, Or Sale Or Exchange Of Securities Held By Such Public Body, But Only When Publicity Would Substantially Affect The Value Thereof Made By Dr. Baker, seconded by Mr. Nielsen and duly carried.

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

RESOLUTION NO. 199-06

Introduced by R. Nichols and G. Swackhamer.

Seconded by P. McAllister.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO PURCHASE 2.5± ACRES OF LAND AND BUILDING ALONG TURNPIKE ROAD FOR THE PURPOSE OF MAINTAINING A BUFFER FOR THE STEUBEN COUNTY BATH LANDFILL IN THE TOWN OF BATH, AND PROVIDING A FACILITY FOR THE HIGHWAY ENGINEER.

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 2.5± acres along Turnpike Road; and

WHEREAS, the parcel contains a building suitable for the testing and analysis responsibilities of the Highway Engineer; and

WHEREAS, Richard L. and Dolores M. Ellison, the landowners, have agreed to sell the said 2.5± acres and building for \$35,000.00 with the County paying the survey, abstract, and other closing costs; and

WHEREAS, the Finance Committee has approved the purchase price and the transfer of funds necessary to complete the purchase from Account #816099-4 2130 100 (hauling fees) to Account #816062-5 210 000 (BLF Land); and

WHEREAS, the Public Works Committee of the 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 and building from Richard L. and Dolores M. Ellison at a cost of \$35,000.00; and be it further

RESOLVED, the County Treasurer is authorized and directed to transfer \$35,000.00 plus \$2,000.00 closing costs from Account #816099-4 2130 100 (hauling fees) to Account #816062-5 210 000 (BLF Land); and be it further

RESOLVED, the County Attorney is authorized and directed to perform all necessary actions and to file all necessary forms to transfer title to the property at no expense to the landowners; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works; County Treasurer; County Auditor; Real Property Tax Director; Risk Manager; and Richard L. and Dolores M. Ellison, 37213 Pepper Dr., Zephyrhills, FL 33542.

Vote: Roll Call - Adopted. Yes: 8315, No: 451, Absent: 1106 (No: Argentieri, Absent: Jamison and Schwartz)

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

SPECIAL MEETING
Evening Session
Legislative Chambers, Bath, New York
Monday, November 27, 2006

The County Legislature of the County of Steuben convened in Special Session in the Legislative Chambers, Bath, New York, on Monday, November 27, 2006, at 6:30 p.m. and was called to order by the Chairman of the Legislature, Philip J. Roche.

Roll Call and all members present except Legislators Argentieri, Jamison and Schwartz.

Mr. Swackhamer provided the invocation and Mr. McIntyre led the group in the Pledge of Allegiance.

Mr. Roche explained that the first 5 public hearings are on specific items. The last public hearing is on the budget. If any members of the public wish to address any of the particular issues, you're free to do so.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting for the Public Hearing upon Local Law Tentatively No. Four for the Year 2006, Establishing the annual salaries of certain elected or appointed officials and department heads of the County of Steuben who have a fixed term of office for the Fiscal Year 2007. Chairman Roche asked if anyone wished to address the Legislature relative to the Public Hearing.

Hal Bailey, Savona, I've been coming to these meetings for 19 years. There are 11 salary increases being proposed here today. I've added up what they are going to cost this year and came up with almost \$45,000. Over 10 years, that's \$400,000. Over the next 20 years, these salary increases are a better part of \$1 million. I've spoken against these increases before over the years. I realize there's not much chance of you heeding me and not approving them, but I would like to point out that I'm aware of what's going on and I sometimes wonder if the Legislature is aware of the implications of what they do. These increases are quite expensive over the years, down the road. I encourage you to look down the road with everything you do, not just with these salary increases. Thank you very much.

Joe Duffy, Hornell, stated I'm not begrudging anybody a raise because that's what people are all about. The figures only show the salaries, it doesn't include the insurance and pension benefits. All of these things add up. This is Steuben County, not the city. Maybe we should put a cap on our salaries and if they want to make a big salary, then they can go to the big city.

Ira Hale, Canisteo, stated I saw these salaries in the newspaper this morning. I commend the Finance Committee for putting more money into the highway department but I think you should take these salary increases and put that money into the highway department, too. It would be better served, as it is something every taxpayer would benefit from in the future.

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 for Posting for the Public Hearing upon Local Law Tentatively No. Five for the Year 2006, Establishing the annual salary of the County Attorney of the County of Steuben for the Fiscal Year 2007. Chairman Roche asked if anyone wished to address the Legislature relative to the Public Hearing. There being none, he declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing upon the Notice of Completion and Filing of the Assessment Roll for the year 2006 for the Marsh Ditch Watershed Protection District in the Towns of Dansville and Hornellsville. Chairman Roche asked if anyone wished to address the Legislature relative to the Public Hearing. There being none, he declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing upon the Notice of Completion and Filing of the Assessment Roll for the year 2006 for the Upper Five Mile Creek Watershed Protection District in the Towns of Prattsburgh, Wheeler and Urbana. Chairman Roche asked if anyone wished to address the Legislature relative to the Public Hearing. There being none, he declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing upon the Notice of Completion and Filing of the Assessment Roll for the year 2006 for the Lamoka/Waneta Lakes' Protection and Rehabilitation District in the Towns of Wayne and Bradford. Chairman Roche asked if anyone wished to address the Legislature relative to the Public Hearing. There being none, he declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing upon the Tentative Budget of said County for the fiscal year 2007. Chairman Roche asked if anyone wished to address the Legislature relative to the Public Hearing.

Donald Chapman, Village of Bath, stated the Legislature has a tendency to fund non-profit organizations. You are using taxpayers' money to fund them and some of them aren't doing their job, the SPCA in particular. If you call the SPCA about a questionable animal, they tell people to capture it. Isn't that their job? I've also had the experience where I've called the animal control officer at least 10 times and he never called me back. I contacted Legislator Nielsen, and he called as well. They never called him back either. These people receive our tax money and they can't take two minutes to make a phone call.

Ristiina Wigg, Southern Tier Library System, stated I sent you information about the cost of the information technology services. I have also provided you with another document that shows the budget and receipts from the libraries in Steuben County. The amount of money libraries receive depends on each local community. All of these libraries are linked together through funding. She read a letter of support from a home-schooling mother of 8 from Hornell to the Legislature. Please reinstate the funding to the libraries at the 2002 level. Thank you.

Lisa Gilliland, Southeast Steuben Library in Corning, stated I think it is important that you know that every month thousands use the libraries throughout the county. It is Steuben County funding that allows us to have the connectivity to each other, not only for the libraries for the public users. Our municipalities support our local libraries, but at different levels. Even with this limited funding, we need to find ways to pay for materials costs and technology costs. The funds we receive from Steuben County pay the cost share, and anything left over pays for materials and new computers. We appreciate all that you've done for us for many years now.

Sandra Connelly, Prattsburgh Library, stated libraries provide several types of materials to the public. We pay \$16,000 for utilities, personnel and administrative costs. The remaining \$6,000 pays for materials and programs.

Karen Deutsch, Wayland, stated over the years, we've been able to provide services worth \$1.6 million. All of our programs are free and we had over 36,000 people attend programs in 2005. In Wayland, we have 11 computers. Computers are very important in this day and age and our budgets do provide for being able to provide these materials. However, as technology costs increase, are budgets shrink.

Kathy Plank, Prattsburgh Library, stated please put more money into our budget as all our costs have risen.

Wayne Wells, Cameron, stated I'm here to offer some opinions on my research into the voting machines and what aspects of these machines may affect the budget and our quality of voting. I understand that some of the money for the machines has been withdrawn and the potential for choosing optical scanning will affect the budget down the road. The optical scanners cost \$1,400 apiece as opposed to the \$6,000

each for the DRE's. I realize you are not in charge of selecting the machines but you do have political influence. Optical scanners aren't subject to tampering as the DRE machines are. Whatever influence you have on the Elections Commissioners, I encourage you to use it and urge them to purchase the optical scanners.

Ira Hale, Canisteo, commended Mr. Swackhamer and the Finance Committee on the budget. I remember last year when Mr. Swackhamer told the nonprofits that there wasn't any more money to give them. We've put the highway department on the backburner for too many years. I would like to have the highway department's funding restored to last year's level. Please take a serious look at the nonprofit organizations and consider using that money for the highway department instead. I understand libraries need money to operate, but we need good roads to get back and forth to work. Please look at the different budget areas, make some cuts and put it in the Public Works' budget. Thank you.

Hal Bailey, Savona, stated I'm looking for a budget with no increase. Thank you.

There being no further comments, Chairman Roche declared the Public Hearing closed.

BUDGET WORKSHOP

Motion to add \$80,000 to the Public Works Budget under Surface Treatments (511000.5.460.100) made by Mr. Nichols, seconded by Mr. Isaman for discussion.

Mr. Swackhamer noted that the Public Works Budget wasn't reduced this year, they are receiving more than they received last year.

Mr. McAllister stated we have about 3 times the amount of county roads as most other counties. My understanding is that over the years, to accommodate the increases in Medicaid, the roads have suffered. I think any extra funding we could give them would help.

Mr. Farrand stated that in talking with Mr. Spagnoletti, I asked him to break down the road mileage for each district. My district alone has 130 miles of county road. Only one other town has about the same amount and that's the Town of Bath. Many of my constituents would rather have a tax increase added to the budget if it meant smoothing out their roads. We need to start putting extra into the Public Works budget. I'd rather see more than \$80,000 but it is better than getting nothing.

Mr. Swackhamer stated he doesn't mind putting money back into that budget, but you need to know that he's already getting \$3 million more than he did last year, so he's not getting "nothing".

Mr. Farrand stated 13% of the roads in this County are in poor shape and 68% of those poor roads are in my district. I apologize to Mr. Swackhamer, I wasn't criticizing the Finance Committee.

Mr. Stachnik stated I don't foresee a problem with continuing to cut expenses. I do see, however, that we need to increase revenue. I believe we need to consider restarting the economic development fund.

Mr. Gehl stated I agree that we need to add more money to the Public Works budget.

Vote: Roll call – Adopted.

Mr. Creath stated, as you know I'm a great supporter of the libraries, but their funding request is a little unrealistic at this time.

Motion to increase the STLS funding by \$15,000 for a total budget of \$90,000 made by Mr. Creath, seconded by Mr. Stachnik for discussion.

Mr. Creath stated we have carefully nurtured the Southern Tier Library System into a system that is used by several thousand citizens. We are in an information age and computers help people find and keep jobs.

Mr. Stachnik stated if somebody is hungry, you don't provide them with fish but with the tools to fish for themselves.

Mr. Gehl stated he was against their initial request but I'm in agreement with an additional \$15,000.

Vote: Roll Call – Adopted.

RESOLUTION NO. 200-06

Introduced by P. Donnelly.

Seconded by K. Isaman.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2006, ESTABLISHING THE ANNUAL SALARIES OF CERTAIN ELECTED OR APPOINTED OFFICIALS AND DEPARTMENT HEADS OF THE COUNTY OF STEUBEN WHO HAVE A FIXED TERM OF OFFICE FOR THE FISCAL YEAR 2007.

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, 2006, County of Steuben Local Law Tentatively No. Four for the Year 2006, establishing the annual salaries of certain elected or appointed officials and department heads of the County of Steuben who have a fixed term of office for the fiscal year 2007, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2006, making the final adoption of said Local Law subject to a Public Hearing to be held on November 27, 2006, and also subject to a permissive referendum; and

WHEREAS, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on November 27, 2006 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. Four for the Year 2006, 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 2006

A LOCAL LAW establishing the annual salaries of certain elected or appointed officials and department heads of the County of Steuben who have a fixed term of office for the Fiscal Year 2007.

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 2007, the annual salaries of certain elected or appointed officials and department heads of the County of Steuben who have a fixed term of office is hereby established for the Fiscal Year 2007 as follows, to wit:

<u>TITLE</u>	<u>2006 SALARY</u>	<u>2007 SALARY</u>
Clerk of the Legislature	\$ 49,652.00	\$ 52,386.00
Commissioner, Public Works	\$ 77,249.00	\$ 81,225.00
Commissioner, Social Services	\$ 74,511.00	\$ 78,364.00
County Administrator	\$ 89,010.00	\$ 96,500.00
County Auditor	\$ 35,000.00	\$ 37,075.00
County Clerk	\$ 47,409.00	\$ 49,805.00
Director, Real Property Tax	\$ 59,490.00	\$ 62,667.00
Personnel Officer	\$ 76,347.00	\$ 80,283.00
Public Defender	\$ 66,950.00	\$ 70,128.00
Sheriff	\$ 69,141.00	\$ 72,406.00

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, the Personnel Officer and the above named employees.

Mr. McIntyre stated I'm not pleased that all of these salaries are included in one resolution. I cannot support this particular resolution because of that reason.

Vote: Roll Call – Adopted. Yes: 7753, No: 562, Absent: 1557
(No: McIntyre, Absent: Argentieri, Jamison and Schwartz)

RESOLUTION NO. 201-06

Introduced by P. Donnelly.

Seconded by K. Isaman.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2006, ESTABLISHING THE ANNUAL SALARY OF THE COUNTY ATTORNEY OF THE COUNTY OF STEUBEN FOR THE FISCAL YEAR 2007.

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, 2006, County of Steuben Local Law Tentatively No. Five for the Year 2006, establishing the annual salary of the County Attorney of the County of Steuben for the Fiscal Year 2007, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2006, making the final adoption of said Local Law subject to a Public Hearing to be held on November 27, 2006, and also subject to a permissive referendum, and

WHEREAS, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on November 27, 2006, 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. Five for the Year 2006, 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 2006**

A **LOCAL LAW** establishing the annual salary of the County Attorney of the County of Steuben for the Fiscal Year 2007.

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 2007, the annual salary of the County Attorney of the County of Steuben is hereby established for the Fiscal Year 2007 as follows, to wit:

<u>TITLE</u>	<u>2006 SALARY</u>	<u>2007 SALARY</u>
County Attorney	\$119,800.00	\$ 123,000.00

SECTION 3: In no event shall the annual salary for the County Attorney exceed the annual compensation established by the Laws of the State of New York for the District Attorney for the County of Steuben.

SECTION 4: 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 5: 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: 7211, No: 1104, Absent: 1557
(No: Gehl, McIntyre. Absent: Argentieri, Jamison and Schwartz)

RESOLUTION NO. 202-06

Introduced by G. Swackhamer.

Seconded by R. Nielsen.

FINAL ADOPTION OF THE ANNUAL COUNTY BUDGET FOR THE FISCAL YEAR 2007 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 2007.

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 2007 were duly filed with the Clerk of the County Legislature on or before November 15, 2006, and appropriate action taken thereupon and fixing the date, time and place for holding the required public hearings; and

WHEREAS, the duly advertised Public Hearings on the Tentative Budget and for the Watershed Protection Districts were opened, held and completed on November 27, 2006, 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 2007; 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 2007 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 2007; 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, 2007 or thereafter in the Year 2007, 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 2007:

<u>Department/Project</u>	<u>Total Appropriation</u>
Buildings and Grounds	\$ 107,000
County Clerk	22,000
Emergency Services (Radio Project)	40,000
Information Technology	340,800
	4,225,000
<i>Public Works</i>	
	450,000
<i>Solid Waste</i>	
	4,000
<i>Copier Project</i>	
	6,000
<i>Telecommunications Project</i>	
	\$5,194,800
TOTAL	

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 2006 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, 2007, 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, 2008, 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 2006 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 2007 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.

Dr. Baker asked what is the new percentage of tax increase with the changes made today? Mr. Alger stated the total tax increase is 2.23% and there is a 4% decrease in the tax rate.

Vote: Roll Call - Adopted. Yes: 7753, No: 562, Absent: 1557
(No: McIntyre. Absent: Argentieri, Jamison and Schwartz)

RESOLUTION NO. 203-06

Introduced by G. Swackhamer.

Seconded by K. Isaman.

AMENDING THE STEUBEN COUNTY BUDGET FOR THE FISCAL YEAR 2007, 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 2007, AND PROVIDING FOR THE RAISING OF THE TAXES REQUIRED BY THE COUNTY BUDGET, AS AMENDED, FOR THE FISCAL YEAR 2007, AND ADOPTING THE APPROPRIATION RESOLUTION FOR THE FISCAL YEAR 2007.

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, the Legislature, by resolution on even date herewith, has adopted a Budget for the Fiscal Year 2007, 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 2007, as previously adopted on even date herewith, is hereby amended to provide that the amount for non-property taxes be applied to the Towns' share of the County tax levy so that the Sales taxes anticipated shall be used to reduce real property taxes on a part-County basis, and hereby directing that the anticipation of Sales tax credit is to be applied on a part-County basis against the County-wide tax levy; and be it further

RESOLVED, other than the amendment, as set forth in the above paragraph of this resolution, the Steuben County Budget for the Fiscal Year 2007 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 2007 County Budget be and hereby are appropriated for the objects and purposes enumerated therein; and be it further

RESOLVED, the total appropriation required in the Steuben County Budget for the Fiscal Year 2007 to be raised by taxes amounting to the sum of \$41,417,313 and reduced by anticipation of the sales tax credit in the amount of \$7,384,610 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, 2007; 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, 2006 and filed with the Clerk of the Legislature on November 15, 2006 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 2007; 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. 204-06

Introduced by P. Donnelly and G. Swackhamer.

Seconded by R. Nielsen.

APPROVING AND CREATING THE FUNDED 16 (B) POSITIONS CONTAINED IN THE TENTATIVE 2007 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 2007 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:

<u>Dept./Position</u>	<u>Number</u>	<u>Grade</u>	<u>Salary</u>
<u>Community Services</u>			
Community Mental Health Nurse (RN)	1	18	\$48,654 - \$68,690
Typist	1	4	\$21,813 - \$30,792
<u>County Clerk</u>			
Senior Typist	1	6	\$23,607 - \$33,328
<u>District Attorney</u>			
Assistant District Attorney	1	E	\$38,566 - \$62,343
Assistant District Attorney (PT)	.5	E	\$38,566 - \$62,343
<u>Probation</u>			
Probation Officer Trainee	3	12	\$30,727 - \$43,379
<u>Sheriff</u>			
Corrections Officer	15	10	\$24,746 - \$31,983
Registered Professional Nurse	1	12	\$30,727 - \$43,379
Maintenance Person	1	7	\$24,604 - \$34,736

Public Works

Work Relief On-Site Supervisor	1	8	\$25,655 - \$36,217
Jr. Bridge Worker	2	9	\$26,748 - \$37,763

Department of Social Services

Social Welfare Examiner	7	8	\$25,655 - \$36,217
Sr. Social Welfare Examiner	1	10	\$28,012 - \$39,545
Long-Term Care coordinator	1	16	\$36,883 - \$52,072
Fraud Investigator	2	11	\$29,281 - \$41,338
Typist	2	4	\$21,813 - \$30,792

Veterans' Services

Veterans' Service Assistant	1	8	\$25,655 - \$36,217
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Youth Bureau

Assistant Youth Programs Administrator	1	16	\$36,883 - \$52,072
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AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Personnel Officer.

Vote: Roll Call - Adopted. Yes: 7302, No: 1013, Absent: 1557
(No: McIntyre and Swackhamer. Absent: Argentieri, Jamison and Schwartz)

RESOLUTION NO. 205-06

Introduced by P. Donnelly and G. Swackhamer.

Seconded by K. Isaman.

APPROVING AND CREATING THE ZERO-BASED 16 (B) POSITIONS CONTAINED IN THE TENTATIVE 2007 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 2007 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:

<u>Department/Position</u>	<u>Number</u>	<u>Grade</u>	<u>Salary</u>
<u>Public Defender - Conflicts Office</u>			
Department Head	1	H	\$51,327 - \$81,019
Sr. Assistant Attorney	2	G	\$46,662 - \$73,655
Typist	2	4	\$21,813 - \$30,792
<u>Appeals Office</u>			
Assistant Attorney (PT)	.5	E	\$38,566 - \$62,343

Public Works

Jr. Bridge Worker	2	9	\$26,748 - \$37,763
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Department of Social Services

Social Welfare Examiner	1	8	\$25,655 - \$36,217
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AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Personnel Officer.

Vote: Roll Call - Adopted. Yes: 7753, No: 562, Absent: 1557
(No: McIntyre. Absent: Argentieri, Jamison and Schwartz)

RESOLUTION NO. 206-06

Introduced by P. Donnelly.

Seconded by K. Isaman.

COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2006 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 2006, 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 2007, has been completed and properly filed with the Steuben County Real Property Tax Service Agency at its office in the Steuben County Office Building, 3 East Pulteney Square in the Village of Bath, New York for review and inspection by the public and interested parties; and

WHEREAS, proper notice of the completion and filing of said assessment roll, and also proper notice that the Public Hearing on the assessment roll would be held by the County Legislature of the County of Steuben in the Legislative Chambers of the County Office Building in the Village of Bath, New York on November 27, 2006, 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 November 27, 2006, 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 2006 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 Water Protection District Board of Directors.

Vote: Roll Call - Adopted. Yes: 7864, No: 451, Absent: 1557
(No: Swackhamer. Absent: Argentieri, Jamison and Schwartz)

RESOLUTION NO. 207-06

Introduced by P. Donnelly.

Seconded by D. Creath.

ACCEPTING THE 2007 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 2007; 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 Marsh Ditch Watershed Protection District Board.

Vote: Roll Call - Adopted. Yes: 7864, No: 451, Absent: 1557
(No: Swackhamer. Absent: Argentieri, Jamison and Schwartz)

RESOLUTION NO. 208-06

Introduced by P. Donnelly.

Seconded by F. Gehl.

COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2006 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 2006 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 2007 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 27th day of November, 2006, 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 27th day of November 2006, 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 2006 for the Upper Five Mile Creek Watershed Protection District in the Towns of Prattsburgh, Wheeler and Urbana in the County of Steuben and State of New York, be and the same hereby is, approved as completed and filed in the Office of the Steuben County Real Property Tax Service Agency; and be it further

RESOLVED, the Director of Steuben County Real Property Tax Service Agency and the Steuben County Treasurer shall see to the proper procedure for the levy and collection of the appropriate taxes on the several real properties situate and benefited within said Water Protection District; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; County Treasurer; and President of the Water Protection District Board.

Vote: Roll Call - Adopted.

RESOLUTION NO. 209-06

Introduced by P. Donnelly.

Seconded by F. Gehl.

DIRECTING THE LEVY OF THE UPPER FIVE MILE CREEK WATERSHED PROTECTION DISTRICT TAXES DUE JANUARY 2007.

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 2007, 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; and the President of the Upper Five Mile Creek Watershed Protection District Board.

Vote: Roll Call - Adopted.

RESOLUTION NO. 210-06

Introduced by P. Donnelly.

Seconded by T. McIntyre.

COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2006 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 2006 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 2007 has been completed and properly filed with the Steuben County Real Property Tax Service Agency at its office in the Steuben County Office Building, 3 East Pulteney Square in the Village of Bath, New York for review and inspection by the public and interested parties; and

WHEREAS, proper notice of the completion and filing of said assessment roll and also proper notice that the Public Hearing on the assessment roll would be held by the County Legislature of the County of Steuben in the Legislative Chambers of the County Office Building in the Village of Bath, New York on November 27, 2006, 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 November 27, 2006, 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 2006 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.

Mr. McIntyre thanked Mr. Ahrens for everything he did in getting this district set up.

Vote: Roll Call - Adopted.

RESOLUTION NO. 211-06

Introduced by P. Donnelly.

Seconded by D. Baker.

DIRECTING THE LEVY OF THE LAMOKA/WANETA LAKES' PROTECTION AND REHABILITATION DISTRICT TAXES DUE JANUARY 2007.

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 2007, 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. 212-06

Introduced by P. Donnelly.

Seconded by F. Gehl.

DIRECTING THE DIRECTOR OF THE COUNTY REAL PROPERTY TAX SERVICE AGENCY TO ADD ROLLBACK TAXES ON CONVERTED AGRICULTURAL AND HORTICULTURAL PARCELS.

Pursuant to Section 483 (7) of the Real Property Tax Law of the State of New York.

WHEREAS, certain parcels have in prior years received an exemption from taxation on structures and buildings essential to the operation of agricultural and horticultural lands and a conversion to non-agricultural and non-horticultural use has occurred, and

WHEREAS, the assessor has filed the report to the County Treasurer requesting the amount of rollback taxes to be added to the 2007 County and town Tax Levy.

NOW THEREFORE, BE IT

RESOLVED, that the Director of the County Real Property Tax Service Agency is hereby directed to ad the amount of rollback taxes to the 2007 County and Town tax levy, and be it further

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

Mr. McIntyre asked what does this mean? Mrs. Hatch stated when an agricultural building is converted, we have to add those county taxes back in.

Vote: Roll Call - Adopted. Yes: 7753, No: 562, Absent: 1557
(No: McIntyre. Absent: Argentieri, Jamison and Schwartz)

Motion to adjourn made by Dr. Baker, seconded by Mr. Isaman and duly carried.

REGULAR MEETING
Morning Session
Monday, December 18, 2006
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 18th day of December, 2006 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 Stachnik.

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

IN MEMORIAM

LLDON (“TINY”) JAMISON

1931 - 2006

The death of our former colleague, Lldon (“Tiny”) Jamison, who passed away on December 4th, 2006, is acknowledged by this Legislature with deep sadness.

Tiny was born on March 7th, 1931 to Lldon and Fanny Rowley Jamison. In 1952 he married Myrtle Sabin.

Mr. Jamison served with distinction as a member of the Steuben County Legislature as the District 9 representative from 2000 until his death. During his tenure on the Legislature he served as a member of the Public Safety and Corrections Committee, Rules Committee, Health and Education Committee and Agriculture, Industry and Planning Committee. In 2004 he was appointed Vice Chairman of the Public Safety and Corrections Committee, which position he held until his death.

A 1949 graduate of Canisteo Central School, Tiny served in the United States Army. He later operated his farm on the Willow Bend Road while working for a brief period for Corning Glass and served as the Chief of Police for the Village of Canisteo from 1956 until 1966. Later he became the Chief of Police for the Village of Alfred, serving in that position from 1967 until his retirement in 1993.

Tiny was a member of the Canisteo Civic Club, the Canisteo Rotary Club, the Western New York Chief Association, the New York State Chief Association, the Canisteo American Legion, Board of the Southern Tier Extension Rail Authority, the Canisteo Alumni Association, Canisteo Historical Society and the Steuben County Republican Committee.

Tiny will be remembered as a member of the Legislature who had a wit that always kept things light. He was a dedicated public servant who was generous to his community with his time, talents and support. He had an abiding faith in the goodness of people and worked tirelessly to bring out the best in everyone he came into contact with.

Members of the Steuben County Legislature recall Tiny’s great sense of humor, even in the most difficult of times.

The members of this Steuben County Legislature respectfully move that the above “Memoriam” be spread upon the minutes of this meeting and that the Clerk of the Legislature forward a copy of this Memoriam to Mrs. Myrtle Jamison and to their children: Jeffrey of Livonia, Bruce of Canisteo and Terry of Churchville, as an expression of the sympathy felt by this Legislature on the passing of their loved one.

Adopted by rising silent affirmation.

Mrs. Kane asked Joanne Woodard to come forward. Ms. Woodard is an employee of the Department of Social 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 the following individuals to come forward: Mike Flint, Betty Green, Dawn Champaign, Deb Zansitis, Bridget Dickinson, Vicki Presler, Pat Novitskey, Lisa Hamilton, Susan Baker, Trish Everet, Rosemary Powers, Kristin Clark, Ruth Walters, Kathy Robinson, Cathy Baker, Belinda Learn, Carol Gamet, Nancy Yoder and Karen Monroe. This group of individuals is known as the Anasazi Team and they are the Team of the Month for the Month of January. They were nominated under the category of Outstanding Performance for working tirelessly, with great attitude and teamwork, during the changing of the billing software in the Office of Community Services.

Karen Monroe stated it took a lot of teamwork to get the system running so smoothly. I was impressed with the commitment and effort this group put forward. **CONGRATULATIONS!**

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

Tom Ryan, Canisteo, wanted to introduce himself. He stated I'm interested in the position created by Mr. Jamison's death. I'm here to listen and observe, not talk.

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

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing upon Local Law Tentatively No. Six for the Year 2006, Providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code. Chairman Roche asked if there were any comments regarding this Local Law. There being no comments, Chairman Roche declared the public hearing closed.

Traditional Fruitcake Presentation

Mr. Alger stated it is always a pleasure to receive the fruitcake, as you all know, and this year will be no different. It is always a difficult task to pick somebody to receive this. You always need to think about what has been going on over the past year to determine who is worthy of receiving it. This tradition began in 1991, so it has been around for a long time. This year's recipient has assisted in many of the team activities we have had taking place over the past several years. They have assisted us with discussions of payroll, accounting, health systems and phone systems. These systems require a considerable amount of technical experience. One of the most important agencies we have in the County is the Information Technology Department. Therefore, I bestow upon the IT Director, Ken Peaslee, the honor of the fruitcake. I urge you not to eat it.

Mr. Peaslee stated thank you. I really don't know what to say about this honor, probably the least the better. **CONGRATULATIONS KEN!**

Motion adopting the minutes of the previous month's meetings made by Mr. Argentieri, seconded by Mr. McAllister and duly carried.

Dr. Anderson stated I wanted to thank you, and those who served before you, for having the foresight for beginning and then supporting mental health services in Steuben County. Thank you for all that you've done for this department and the constituents who received our services over the past 40 years.

Mrs. Whitehead stated last month Larry Crossett was recognized for his service of 34 years. Today, I'd like to highlight some portions of his years of service. She provided the Legislature with a history of Larry's service to the County. She noted that he was instrumental in beginning the Installment Payment of

Taxes program, which allowed several Steuben County residents to keep their homes rather than lose them to the County for failure to pay taxes. She stated that Larry always kept the needs of the taxpayer foremost in his mind. **GOOD LUCK LARRY!**

Mr. Crossett stated it has been a pleasure. I've been lucky to have a terrific staff, they are very professional and they have made my job much easier. I really appreciate the nice words.

RESOLUTION NO. 213-06

Introduced by G. Swackhamer.

Seconded by K. Isaman.

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

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

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

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

SCHEDULE "A"

Resolution # A-1
Name New York State of % Steuben County Treasurer_
Parcel # 238.00-01-016.000
Municipality Cameron Town
Disposition Correction

Resolution # A-2
Name New York State of % Steuben County Treasurer_
Parcel # 293.00-01-008.000
Municipality Rathbone Town
Disposition Correction

Resolution # A-3
Name New York State of % Steuben County Treasurer_
Parcel # 333.00-64.003.000
Municipality Rathbone Town
Disposition Correction

Vote: Roll Call - Adopted.

RESOLUTION NO. 214-06

Introduced by P. Donnelly.

Seconded by K. Isaman.

RECEIVING AND ACCEPTING THE DECEMBER 18, 2006, COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

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

November 17, 2006

1. NYS Department of Public Service - Re: Joint petition of Corning Natural Gas Corporation and C&T Enterprises for Authorization under Sections 69,70 & 110 of the Public Service Law to transfer ownership of stock of CNG Corp., to C&T Enterprises - Recommendation: The Commission should adopt on a permanent basis the provisions of its Order issued 8/24/06. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*
2. NYS Office for the Aging - Re: Notification of Grant Award and approved application for the Transportation Program for 4/1/06 through 3/31/07. *Referred to: Human Services Committee and Linda Tetor, OFA Director.*

November 20, 2006

1. Rensselaer County Legislature - Re: Resolution adopted by their Legislature "Urging the Federal Government to Change the Threshold on the Tax Placed on Social Security Income" and urging all counties to support this legislation. *Referred to: Rules Committee.*

November 21, 2006

1. NYS Emergency Management Office - Re: Pre-Disaster Mitigation FY 2007 Competitive Grant Program. *Referred to: Public Safety & Corrections Committee and Mike Sprague, EMO Director.*

December 4, 2006

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$4,826 representing the October 2006 retained surcharge revenue for Steuben County from the WROTBC. *Referred to: Rules and Finance Committees and Larry Crosssett, County Treasurer.*

December 11, 2006

1. NYS Public Service Commission - Re: Order granting Certificate of Environmental Compatibility and Public Need and approving environmental management and construction standards and practices as regards the Notice of Intention filed by Fortuna Energy, Inc., to construct a fuel gas transmission line, containing approximately 7,225' of 4" coated steel pipeline located in the Town of Bradford. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

Vote: Acclamation - Adopted.

RESOLUTION NO. 215-06

Introduced by D. Creath.

Seconded by D. Farrand.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2006, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE.

Pursuant to Article 18 of the Executive Law of the State of New York.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on November 27, 2006, County of Steuben Local Law Tentatively No. Six for the Year 2006, relative to providing for the administration and

enforcement of the New York State Uniform Fire Prevention and Building Code, and this Legislature by resolution, preliminarily adopted said Local Law on November 27, 2006, making the final adoption of said Local Law subject to a Public Hearing to be held on December 18, 2006; 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 December 18, 2006, at 10:00 A.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law Tentatively No. Six for the Year 2006, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

**COUNTY OF STEUBEN COUNTY
LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2006**

A **LOCAL LAW** providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code.

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

SECTION 1: PURPOSE AND INTENT

This local law shall provide for administration and enforcement of the New York State Uniform Fire Prevention and Building Code (Uniform Code) by the County of Steuben for work performed on County property, and in municipalities which have opted out of enforcement of the Uniform Code. This local law is adopted pursuant to Section 10 of Article 2 of the Municipal Home Rule Law.

SECTION 2: PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

SECTION 3: CODE ENFORCEMENT OFFICER, DUTIES AND POWERS

- A. The office of Code Enforcement Officer is hereby created and shall be administered by an appointee of the Steuben County Legislature. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time constraints prescribed by law, obtain such training as the State of New York shall require for code enforcement officials. The Code Enforcement Officer shall be under the general supervision of the Steuben County Planning Director.
- B. In the absence of a Code Enforcement Officer, or in the case of his inability to act for any reason, the Chairperson of the Steuben County Legislature shall have the power, with the consent of the Steuben County Legislature, to designate a person to act on behalf of the Code Enforcement Officer and to exercise all the powers conferred upon him by this local law.
- C. The Chairperson of the Steuben County Legislature, with the approval of the Steuben County Legislature, may appoint one inspector or more, as the need may appear, to act under the supervision and direction of the Code Enforcement Officer and to exercise any portion of the powers and duties of the Code Enforcement Officer as directed by him.
- D. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code and the provisions of this local law, including receiving building permit applications, reviewing plans and specifications, conducting inspections, issuing permits for the erection, alteration, relocation, addition, repair and/or demolition of buildings and structures, issuing certificates of occupancy, collecting fees as set forth by the Agriculture, Industry and Planning Committee of the Steuben County Legislature and maintaining and filing all records

necessary for the administration of the office to the satisfaction of the Steuben County Legislature. The Code Enforcement Officer is authorized to pursue administrative actions and in consultation with the County Attorney, legal action as necessary to abate conditions not in compliance with the New York State Uniform Fire Prevention and Building Code, or this local law.

- E. The Code Enforcement Officer shall have the authority to issue appearance tickets in accordance with Section 150 of the Criminal Procedure Law of New York State.

SECTION 4: BUILDING PERMIT

A. Permits Required.

1. Except as hereinafter provided, no person, firm, corporation, association or partnership shall commence the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, or install a solid fuel burning heating appliance, chimney or flue in any dwelling unit, without first having obtained a permit from the Code Enforcement Officer.
2. No permit shall be required for:
 - a) construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool or storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88m²);
 - b) installation of fences, which are not part of an enclosure surrounding a swimming pool;
 - c) construction of retaining walls unless such walls support or surcharge or impound Class I, II or IIA liquids;
 - d) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - e) installation of partitions or movable cases less than 5'-9" in height;
 - f) painting, wallpapering, tiling, carpeting, or other similar finish work;
 - g) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
 - h) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
 - i) repairs, provided that such repairs do not involve:
 - (1) the removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component;
 - (2) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;
 - (3) the enlargement, alteration, replacement or relocation of any building system;
 - (4) the removal from service of all or part of a fire protection system for any period of time.

- j) nonresidential farm buildings, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes.

B. Application for a permit.

1. An application for a building permit shall request sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code and shall require a submission of the following information and documentation:
 - a) a description of the proposed work;
 - b) the tax map number and the street address;
 - c) the occupancy classification of any affected building or structure;
 - d) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
 - e) at least two (2) sets of construction documents (drawings and/or specifications) that define the scope of the proposed work.
2. Construction documents shall not be accepted as part of an application for a building permit unless such documents:
 - a) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;
 - b) indicate with sufficient clarity and detail the nature and extent of the work proposed;
 - c) substantiate that the proposed work will comply with the Uniform Code and the State Energy Conservation Construction Code.
 - d) where applicable, include a site plan that shows any existing and proposed structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the structures and the lot lines.
3. Applications for a building permit or for an amendment thereto shall be examined to ascertain whether the proposed construction is in substantial conformance with the requirements of the Uniform Code.
 - a) The Code Enforcement Officer shall stamp, sign and date all accepted construction documents. One set of accepted construction documents shall be retained by the Code Enforcement Officer. One set shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Officer.
4. The building permit shall contain a statement directing that all work shall be performed in accordance with the construction documents submitted and accepted as part of the application and shall include the directive that the Code Enforcement Officer shall be notified immediately in the event of changes occurring during construction.
5. Building permits shall expire twelve (12) months from the date of issuance. Permits shall become invalid unless the work authorized is commenced within twelve (12) months following the date of issuance. Building permits may be renewed provided that the work has commenced in such a manner as to be ongoing and upon payment of the appropriate fee.

6. Building permits which are issued in error because of incorrect, inaccurate or incomplete information, or when the work for which the permit was issued violates the Uniform Code, shall be revoked or suspended until such time as the permit holder demonstrates that all work completed and all work proposed shall be in compliance with applicable provisions of the code.
7. Building permits shall be visibly displayed at the work site to remain visible until the project has been completed.

SECTION 5: FEES

- A. A fee schedule shall be established, and changed as needed, by resolution of the Agriculture, Industry and Planning Committee of the Steuben County Legislature. Such fees may be charged for the issuance of permits, permit renewals, certificates of occupancy, certificates of compliance, temporary certificates of occupancy, operating permits and for fire safety inspections.

SECTION 6: CONSTRUCTION INSPECTIONS

- A. Permitted work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer. It shall be the responsibility of the owner, applicant, or his agent to notify the Code Enforcement officer when construction work is ready for inspection.
 1. If entrance to make an inspection is refused or cannot be obtained, the Steuben County Legislature, after being notified by the inspector of the situation, may apply for an order to make an inspection to any court of competent jurisdiction.
- B. The following elements of the construction process shall be inspected as determined by the Code Enforcement Officer to be applicable:
 1. work site prior to the issuance of a permit;
 2. footing and foundation;
 3. preparation for concrete slab;
 4. framing;
 5. building systems, including under grounds and rough in;
 6. fire resistant construction;
 7. fire resistant penetrations;
 8. solid fuel burning heating appliances, chimneys, flues or gas vents;
 9. energy code compliance; and
 10. a final inspection after all work authorized by the building permit has been completed.
- C. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code. Construction work not in compliance with code provisions shall be required to remain exposed until it has been brought into compliance with the code, been re-inspected, and been found satisfactory as completed.

SECTION 7: STOP WORK ORDERS

- A. The Code Enforcement Officer is authorized to issue stop work orders to halt work that is determined to be contrary to provisions of the Uniform Code, or is being conducted in a dangerous or unsafe manner, or is being performed without obtaining a required permit. A stop work order shall state the reason for its issuance and the conditions, which must be satisfied before work will be permitted to resume.

SECTION 8: CERTIFICATE OF OCCUPANCY, CERTIFICATE OF COMPLIANCE AND TEMPORARY CERTIFICATE

- A. No building erected subject to the New York State Uniform Fire Prevention and Building Code shall be used or occupied, except to the extent authorized hereunder, until a certificate of occupancy has been issued.
- B. No building similarly enlarged, extended, or altered, or upon which work has been performed which requires the issuance of a building permit shall be occupied or used after the completion of the alteration or work unless a certificate of occupancy or a certificate of compliance has been issued.
- C. No change shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy authorizing the change has been issued.
- D. A certificate of occupancy or a certificate of compliance shall be preceded by an inspection of the building, structure or work. Where applicable, the Code Enforcement Officer may require a written statement of structural observations and/or a final report of special inspections, prepared in accordance with the provisions of the Uniform Code, to be received prior to the issuance of the certificate. Also, where applicable, flood hazard certifications, prepared in accordance with the provisions of the Uniform Code shall be received prior to the issuance of the certificate.
- E. A certificate of occupancy or certificate of compliance shall contain the following information:
 - 1. the building permit number, if any;
 - 2. the date of issuance of the permit, if any;
 - 3. the name, address and tax map number of the property;
 - 4. if the certificate is not applicable to an entire structure, a description of that portion of the structure for which the certificate is issued;
 - 5. the use and occupancy classification of the structure;
 - 6. the type of construction of the structure;
 - 7. the assembly occupant load of the structure, if any;
 - 8. if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
 - 9. any special conditions imposed in connection with the issuance of the building permit; and
 - 10. the signature of the official issuing the certificate and the date of issuance.
- F. A temporary certificate of occupancy may be issued if the building or structure or a designated portion of a building or structure is sufficiently complete that it may be put to the use for which it is intended.
 - 1. A temporary certificate shall not be issued unless:
 - a) the structure or portions thereof may be occupied safely;

- b) any fire and smoke-detecting or fire protection equipment which has been installed is operational;
and
 - c) all required means of egress from the structure have been provided.
- 2. A temporary certificate shall list the items, which remain uncompleted. The Code Enforcement Official may place special conditions on temporary certificates as necessary to insure safety and to protect the interest of the Town/Village.
 - 3. The effectiveness of a temporary certificate shall be limited to a specified period of time as determined by the Code Enforcement Officer, but in no event longer than six (6) months, during which the permit holder shall undertake to bring the structure into full compliance with applicable provisions of the Uniform Code.
 - 4. A temporary certificate of occupancy may, at the discretion of the Code Enforcement Official and upon payment of an additional fee as specified for a temporary certificate of occupancy, be renewed.
- G. A certificate of occupancy or certificate of compliance issued in error or on the basis of incorrect information shall be suspended or revoked if the relevant deficiencies are not corrected within period of time specified by the Code Enforcement Officer.

SECTION 9: OPERATING PERMITS

- A. The Code Enforcement Officer shall issue operating permits for conducting the activities or using the categories of buildings listed below:
- 1. manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4), of the Fire Code of New York State (see 19 NYCRR Part 1225);
 - 2. hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
 - 3. use of pyrotechnic devices in assembly occupancies;
 - 4. buildings containing one or more areas of public assembly with an occupant load of 100 persons or more;
and
 - 5. buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by Steuben County Legislature resolution.
- B. Parties who propose to undertake the types of activities or operate the types of buildings listed in paragraph (A) of this subdivision shall be required to obtain an operating permit prior to commencing such operation. An application for an operating permit shall be provided by the Code Enforcement Officer and shall contain sufficient information to permit a determination that quantities, material, and activities conform to the requirements of the Uniform Code. Tests or reports necessary to verify conformance shall be required as determined by the Code Enforcement Officer.
- C. An inspection of the premises shall be conducted prior to the issuance of an operating permit.
- D. A single operating permit may apply to more than one hazardous activity as determined by the Code Enforcement Officer.

- E. Operating permits for areas of public assembly shall be limited to one year. Operating permits for all other occupancies as noted in paragraph (A) shall be for not more than three years or shall coincide with the schedule of inspections as required by Section 11 of this law.
- F. Where activities do not comply with applicable provisions of the Uniform Code, an operating permit shall be revoked or suspended.

SECTION 10: FIRE PREVENTION, PROPERTY MAINTENANCE INSPECTIONS

- A. Fire prevention and property maintenance inspections.
 - 1. Fire safety inspections of buildings or structures having areas of public assembly shall be performed at least once in every twelve (12) months.
 - 2. Fire safety inspections of buildings or structures being occupied as dormitories shall be performed at least once in every twelve (12) months.
 - 3. Fire safety inspections of all other buildings, uses and occupancies (except one- or two-family dwellings) shall be inspected at least once in every thirty-six (36) months.
 - 4. An inspection of a building or dwelling unit may also be performed at any other time upon:
 - a) The request of the owner, authorized agent, or tenant,
 - b) Receipt of a written statement alleging conditions or activities failing to comply with the Uniform Code exists; or
 - c) Other reasonable and reliable information that such a violation exists.
- B. All such inspections shall be performed by the Code Enforcement Officer or his duly authorized deputies.

SECTION 11: NOTIFICATION REGARDING FIRE OR EXPLOSION

- A. The chief of any fire department providing fire fighting services for a property within any municipality in which the County of Steuben enforces the Uniform Code, shall notify the Code Enforcement Official of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent, (optional) or any fire the origin of which has been traced to the electrical system of any building or structure.

SECTION 12: COMPLAINTS

- A. Bona fide complaints which assert that conditions or activities fail to comply with the Uniform Code or with local laws, ordinances or regulations adopted for administration and enforcement of the Uniform Code, shall be investigated by the Code Enforcement Officer. The process for responding to such complaints shall include:
 - 1. provisions for inspection of the conditions and/or activities alleged to be in violation of the code or this law;
 - 2. written notification to any offending party and the property owner of any violation, with a period of time as determined by the Code Enforcement Officer to cause any such violations to be corrected;
 - 3. written notification to the Steuben County Planning Director that a complaint has been received and a violation notice has been issued;
 - 4. upon abatement of a violation, an inspection shall be performed by the Code Enforcement Officer to ensure that the violation has been corrected, and a final written report shall be filed with the complaint.

SECTION 13: VIOLATIONS

- A. Upon determination that a violation of the Uniform Code or this local law exists in, on, or about any building or premises, the Code Enforcement Officer shall order in writing the remedying of the condition. Such order shall state the specific provision of the Uniform Code which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by notification by registered mail.
- B. In addition to those penalties prescribed by State Law, any person, firm or corporation who violates any provision of the Uniform Code or any rule or regulation of this local law, or the terms or conditions of any Certificate of Occupancy issued by the Code Enforcement Officer, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Steuben County Legislature on its own initiative or at the request of the Code Enforcement Officer.
- C. Alternatively or in addition to an action to recover the civil penalties provided by subsection (B), the Steuben County Legislature may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code or the terms or conditions of any Certificate of Occupancy issued by the Code Enforcement Officer.

SECTION 14: RECORDS AND REPORTS

- A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by him, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by him with the consent of the Steuben County Legislature, and notices and orders issued. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto shall be retained for at least the minimum period so required by State Law and regulation.
- B. The Code Enforcement Officer shall annually submit to the Steuben County Planning Director a written report and summary of all business conducted by the Code Enforcement Officer, including approvals, permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made, and appeals or litigation pending or concluded.
- C. The Code Enforcement Officer shall annually submit to the Secretary of State on behalf of the Steuben County Legislature, on a form prescribed by the Secretary, a report of its activities relative to administration and enforcement of the Uniform Code.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on December 18, 2006 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. Six for the Year 2006, 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 Planning Director.

Vote: Roll Call - Adopted.

RESOLUTION NO. 216-06

Introduced by P. Donnelly.

Seconded by F. Gehl.

PRESENTING LOCAL LAW TENTATIVELY NO. SEVEN FOR THE YEAR 2006, RELATIVE TO RESIDENCY REQUIREMENTS FOR THE OFFICE OF DEPUTY TREASURER FOR THE COUNTY OF STEUBEN.

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

RESOLVED, there is hereby presented to each member of this Steuben County Legislature of the County of Steuben Local Law Tentatively No. Seven for the Year 2006, relative to residency requirements for the Office of Deputy Treasurer for the County of Steuben, as follows:

COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. SEVEN FOR THE YEAR 2006

A LOCAL LAW relative to residency requirements for the Office of Deputy Treasurer for the County of Steuben.

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

SECTION 1: LEGISLATIVE INTENT

It is the intent of the within Local Law to modify the qualifications to hold the Office of Deputy Treasurer, by dispensing with the requirement that they reside in the County of Steuben.

SECTION 2: QUALIFICATIONS OF OFFICE

In the County of Steuben, no provision of law, New York State or otherwise, requiring a person to be a resident of the political subdivision or municipal corporation of the State for which he/she shall be chosen or within which his/her official functions are required to be exercised, shall prevent a person from holding the Office of Deputy Treasurer for the County of Steuben, provided that such person resides in the State of New York and in a county contiguous to the County of Steuben.

SECTION 3: EFFECTIVE DATE

This Local Law shall become 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 January 22, 2007, at 10:00 A.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York; and be it further

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

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

Mr. Farrand asked if they could discuss this next resolution in Executive Session regarding personnel. There being no objection, Chairman Roche stated they would address this resolution at the end of the meeting.

Secretary's Note: *The following vote was taken after an Executive Session was held at the end of the meeting.*

Vote: Acclamation - Adopted. (No: Farrand)

RESOLUTION NO. 217-06

Introduced by P. Donnelly.

Seconded by R. Argentieri.

AMENDING THE ADMINISTRATIVE CODE PART XV, SECTION 2(2) RELATIVE TO HEALTH INSURANCE FOR COUNTY MANAGEMENT AND CONFIDENTIALS.

WHEREAS, the *Administrative Code* sets forth the health insurance contribution rates for management and confidential employees; and

WHEREAS, the Administration Committee is recommending the contribution rates be changed.

NOW THEREFORE, BE IT

RESOLVED, that the health insurance contribution rate for County Management and Confidentials shall be six percent (6%) for 2007 and seven percent (7%) for 2008 of the policy premium and shall be reviewed annually thereafter by the Administration Committee; and be it further

RESOLVED, Part XV, Section 2, Health Insurance, #2 of the *Administrative Code* is hereby amended to read "The County shall pay the full premium cost except that each employee who enrolls shall pay six percent (6%) for 2007 and seven percent (7%) for 2008 of the policy premium and the contribution rate shall be reviewed annually thereafter by the Administration Committee"; and be it further

RESOLVED, said contribution rate shall be effective commencing January 1, 2007; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Administrator, the County Treasurer and all Management and Confidential employees.

Mr. Donnelly stated this resolution just incorporates the action we took last month regarding health insurance contributions into the *Administrative Code*.

Vote: Roll Call - Adopted.

RESOLUTION NO. 218-06

Introduced by P. Donnelly.

Seconded by K. Isaman.

APPROVING THE STATEMENT OF TAXES DUE, THE TOWN AND COUNTY TAX RATES, THE COMPLETED TAX ROLLS, LEVYING THE COUNTY AND TOWN TAXES UPON THE SEVERAL TAX DISTRICTS THEREIN, DIRECTING THE EXECUTION OF WARRANTS FOR THE COLLECTION OF THE TAXES EXTENDED THEREON, AND DIRECTING DELIVERY OF THE COMPLETED TAX ROLLS, WITH ATTACHED WARRANTS TO THE SEVERAL COLLECTORS OF TAXES FOR COLLECTION THEREOF.

Pursuant to Sections 900, 902, 904 and 1330 of the Real Property Tax Law and Section 361 of the County Law of the State of New York.

WHEREAS, this County Legislature pursuant to Section 361 of the County Law of the State of New York, is deemed to have passed a budget for Fiscal Year 2007, and also by prior resolution duly adopted, made appropriations for the conduct of the County government for the Fiscal Year 2007; and

WHEREAS, the County Real Property Tax Service Director has prepared the statement of taxes due January 1, 2007, for all towns and cities showing the respective real property tax levies and tax rates; and

WHEREAS, upon the tax rolls of the several tax districts, the several taxes have been duly extended as provided by Law and said completed tax rolls have been laid before this County Legislature for its approval.

NOW THEREFORE, BE IT

RESOLVED, the said statement of taxes due January 1, 2007, tax rates and tax rolls for the taxes for the Year 2007 extended on the several assessment valuations of parcels of land of the several tax districts for County and Town purposes be approved as so completed; that the taxes so extended upon the tax rolls in the several amounts extended against each parcel of property upon the said rolls are hereby determined to be the taxes due thereon as set forth therein; and be it further

RESOLVED, there be annexed to each of said rolls a tax warrant in the form prepared by the Clerk of the Legislature and heretofore laid before this Legislature for its approval, as provided by Section 904 of the Real Property Tax Law; that such Warrants shall be in the respective amounts heretofore authorized to be levied upon each of said rolls; that the several Warrants be signed by the Chairman and Clerk of this Legislature, under the Seal of the Legislature; and that the said rolls with the said Warrants annexed thereto be forthwith delivered to the respective collectors of the several tax districts in the County; and be it further

RESOLVED, the Warrant shall designate the amount payable to the County Treasurer and the amount payable to the Supervisor, and shall constitute the authority of such collectors of taxes to collect and receive the several amounts thereof to be paid over to the respective County Treasurer and Supervisor on or before April 1, 2007; and be it further

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

Vote: Roll Call - Adopted.

RESOLUTION NO. 219-06

Introduced by K. Isaman.

Seconded by R. Nielsen.

INCREASING PRIVATE PAY RATES FOR BOTH SEMI-PRIVATE AND PRIVATE ROOMS AT THE STEUBEN COUNTY HEALTH CARE FACILITY EFFECTIVE JANUARY 1, 2007, 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 \$220 to \$225 per day and the private room rate from \$230 to \$235 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, 2007; 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.

Mr. Gehl asked what's the 6 percent cash receipts assessment? Mr. Zehr stated it is the tax that the State has placed on each room. The County collects the 6 percent for the State. At this time, it only affects those residents who are private pay or have insurance. It is the State's assessment on top of what we charge.

Mr. Swackhamer stated I'm opposed to this because it is a tax. It is only charged to the private pay individuals, so they are singling out the people who have worked hard to save the money at the end.

Mr. Argentieri stated in lieu of what Mr. Swackhamer has stated, could we table this issue and approve a memorializing resolution to the State asking them to remove the cash assessment?

Chairman Roche stated this resolution is only to increase the County's rate. The State assessment is not included in this resolution.

Mr. Swackhamer stated the State continues to raise the tax on private pay individuals and it isn't right.

Mr. Nichols asked if we don't charge it, who pays for it? Mr. Alger stated the County does.

Mr. Argentieri stated a \$5 increase is minimal. What does this increase do for the County? Mr. Zehr stated it has been a long-term practice to increase the room rate to accommodate for inflation. He noted that the facility has the choice between passing the cash assessment onto the residents or absorbing it into their costs.

Mr. Argentieri asked how does this increase impact the County? Mr. Zehr stated it keeps us in pace with other facilities for the private pay rate. We're around the 50th percentile as far as what we charge. We don't have a large private pay residency right now so this increase might bring in approximately \$12,000 for the year.

Mr. Schwartz stated to tax people who are in a health care facility is criminal.

Vote: Roll Call - Adopted. (Yes: 5049, No: 3629, Absent: 1194)

No: Argentieri, Baker, Gehl, McIntyre, Schwartz, Swackhamer and Walsh. Absent: Stachnik

RESOLUTION NO. 220-06

Introduced by P. Donnelly and G. Swackhamer.

Seconded by D. Baker.

AUTHORIZING THE TRANSFER OF \$16,935.00 FROM THE 2006 CONTINGENT FUND TO THE BOARD OF ELECTIONS SOFTWARE ACCOUNT FOR SOFTWARE IMPLEMENTATION AND MAINTENANCE.

WHEREAS, the 2006 County Budget for Board of Elections expenses contains insufficient funds for the balance of the Fiscal Year to cover the cost for new software.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to transfer \$16,935.00 from the Contingent Fund to the following line item:

<u>From</u>	A199000 5 499 000	\$16,935.00	Contingent Fund
<u>To</u>	A145000 5 408 200	\$16,935.00	Software Account

and be it further

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

Vote: Roll Call - Adopted. (Yes: 8227, No: 451, Absent: 1194)
No: Swackhamer. Absent: Stachnik.

RESOLUTION NO. 221-06

Introduced by P. Donnelly and G. Swackhamer.

Seconded by R. Argentieri.

AUTHORIZING THE COUNTY OF STEUBEN TO ENTER INTO A FIVE YEAR AGREEMENT FOR CONSULTING AND ACTUARIAL SERVICES RELATIVE TO GASB 45, AND ALSO TO TRANSFER \$20,000.00 FROM THE 2006 CONTINGENT FUND TO THE TREASURER'S OFFICE FOR YEAR ONE EXPENSES THEREOF.

WHEREAS, the County of Steuben is required to comply with GASB Statement No. 45: "Accounting and Financial Reporting by Employers for Post-Employment Benefits Other Than Pensions"; and

WHEREAS, the New York State Association of Counties (NYSAC) advertised for Request for Qualifications on behalf of the Counties and they selected Milliman and negotiated enhancements and a bulk discount; and

WHEREAS, the 2006 County Budget for Treasurer's Office contains insufficient funds to cover the cost of consulting and actuarial services for one year.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben is authorized to enter into a Five Year Consulting Services Agreement with Milliman for consulting and valuation services in the amount of \$94,000 payable as follows:

Year 1	\$20,000
Year 2	\$ 7,500
Year 3	\$28,500
Year 4	\$ 8,000
Year 5	<u>\$30,000</u>
TOTAL	\$94,000

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

<u>From</u>	199000 5 499 000	\$20,000.00	Contingent Fund
<u>To</u>	132500 5 421 100	\$20,000.00	Consultants - Professionals

and be it further

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

Mr. Argentieri asked is GASB45 mandated? Mr. Alger stated yes. In the first year, our budget is large enough that we have to take into account the requirements. Therefore, the County has to place the projected value of retiree benefits on the books as a liability. This resolution authorizes the County to

participate in a program that NYSAC put together. This is something we have to do. We have to place a value on the retirees' benefits.

Mr. Swackhamer stated this would possibly affect our bond rating because it will be shown as a liability. Mr. Alger noted that our participation rate is better than other municipalities that offer free retiree benefits.

Mr. Isaman asked is this the only requirement of GASB45? Mr. Alger stated that is the primary objective. I'm sure you've seen all of the large corporations go through and remove the post-employment benefits for their retirees. This is the government side of that same movement. The repercussions will ultimately be the same.

Mr. Creath stated we have the obligation to fund these benefits using the actuarial approach, which will help us manage the planning of these benefits.

Dr. Baker asked why does the cost of the contract fluctuate so much from year to year? Mr. Alger stated every other year they do a complete study and they do an adjustment in the interim years.

Mr. Alger stated at this point, you are not required to fund these benefits. However, there is an expectation that over time, you will begin to fund it. Therefore, the first year you don't have to fund it but you may want to show a plan to provide funding for those post-employment benefits over time.

Mr. Schwartz asked does this mean that retiree benefits are guaranteed? Mr. Alger stated the County's labor agreement provides for the County paying up to half the cost of a single insurance policy for employees. In the past, we contributed \$30 towards their health insurance. We now provide 50 percent of a single policy based upon 25 years of service or 25 percent of a single policy based upon 15 years of service. Certainly this is going to put before us an issue that will be very important in future negotiations. If the labor agreement changes and we no longer provide that benefit, the value will only apply to those who have retired under the current contract.

Vote: Roll Call - Adopted. (Yes: 8165, No: 513, Absent: 1194)
No: Schwartz. Absent: Stachnik.

RESOLUTION NO. 222-06

Introduced by D. Baker and P. Donnelly.

Seconded by T. McIntyre.

RECLASSIFICATION OF AN ACCOUNT CLERK TYPIST POSITION, GRADE VI, TO SENIOR ACCOUNT CLERK POSITION, GRADE VIII, WITHIN THE STEUBEN COUNTY PROBATION DEPARTMENT.

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

WHEREAS, a position exists within the Steuben County Probation Department that is inappropriately titled and not consistent with the duties for said position; and

WHEREAS, the Steuben County Personnel Officer, the Public Safety & Corrections and Administration Committees 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 Probation Department is hereby reclassified:

Account Clerk Typist, Grade VI (\$23,607-\$33,328) to
Senior Account Clerk, Grade VIII (\$25,655-\$36,217)

AND BE IT FURTHER RESOLVED, the 2007 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 Probation.

Vote: Roll Call - Adopted.

RESOLUTION NO. 223-06

Introduced by D. Baker.

Seconded by F. Gehl.

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

Pursuant to Chapters 907 and 908, Laws of 1984.

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

WHEREAS, there is a requirement that said Board exists in order for the County to procure funding for certain Alternative to Incarceration Programs.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature appoints the following persons to the Steuben County Alternatives to Incarceration Advisory Board for a three-year term commencing January 1, 2007 through December 31, 2009:

Honorable Peter C. Bradstreet (Chairman)
County Court Judge

David Collson
Victim Representative
5935 County Route 11
Bath, NY 14810

Honorable Marianne Furfure
Surrogate Court Judge

Honorable Joseph Latham
County & Family Court Judge

Frank Justice
Director of Probation

Mark R. Alger
Steuben County Administrator

Robert Griffo-The Net
16 W. Williams Street
Bath, New York 14810

John C. Tunney, Esq.
Steuben County District Attorney

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

Dewitt T. Baker, D.V.M.
Chairman Public Safety & Corrections Committee

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

Honorable Cathy P. Rouse-Nicholson
Wheeler Town Justice
5600 Michigan Hollow Rd.
Avoca, NY 14809

Byrum Cooper, Esq.
Steuben County Public Defender

Diane J. Argentieri, Supervisor
Steuben County Probation Department
Joseph Baroodi, Supervisor
Steuben County Probation Department

Eugene Greeley, Supervisor
Steuben County Probation Department

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

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

Vote: Acclamation - Adopted.

RESOLUTION NO. 224-06

Introduced by K. Isaman.

Seconded by F. Gehl.

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 (the "Act") 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

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

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

Patricia Hurd Disabilities Mgr.
NYS EI Administrator
NYS Dept. of Health
584 Delaware Avenue
Buffalo, NY 14202

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

Dennis W. O'Connor, MD
PO Box 23
10595 West Lake Road
Hammondsport, NY 14840

Judy Schuck
Steuben County DSS
Bath, NY 14810

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

Andrea Thompson
23 W. Academy Street
Canisteo, NY 14823

Vicki Fuerst, Director
Steuben County
Public Health & Nursing Services
Bath, NY 14810

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

Karen Dgien
3606 County Route 70A
Hornell, NY 14843

Ellen Langendorfer
9 Maple Street
Bath, NY 14810

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

Kenneth E. Isaman
1148 County Route 58
Arkport, NY 14807

Tammy Norton
7180 Old Whitney Road
Almond, NY 14804

Kathryn Biehl
Steuben County DSS
Bath, NY 14810

John Lyke
Steuben ARC
6838 Industrial Park Road
Bath, NY 14810

Meg Morrison, OT
9937 Silsbee Road
Hammondsport, NY 14840

Amy Thomas
13 Skyline Drive
Corning, NY 14830-3237

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

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

Marie Lynn Sweet
Parent Advocate
121 Big Tree Street
Livonia, NY 14487

Kim Gotshall
37 Tuscarora Street
Addison, NY 14801

Carrie Cain
9050 County Route 46
Arkport, NY 14807

Elizabeth Buckley
5304 Wolf Run Road
Campbell, NY 14821

Stephanie Manning
448 West High Street
Painted Post, NY 14870

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, certified copies 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; County Auditor; and to the Early Intervention Official/Administrative Officer of Special Children's Services.

Vote: Acclamation - Adopted.

**A M E N D E D
RESOLUTION NO. 225-06**

Introduced by P. Roche.

Seconded by F. Gehl.

APPOINTING A MEMBER TO THE CORNING COMMUNITY COLLEGE REGIONAL BOARD OF TRUSTEES.

Pursuant to Chapter 552 of the Laws of the State of New York of 1984.

WHEREAS, by resolution duly adopted the 24th day of February, 2003, Althea O. Roll of Corning, New York, was appointed to the Regional Board of Trustees for Corning Community College for a term to expire January 27, 2012; and

WHEREAS, Althea O. Roll has submitted her resignation to said Board; and

WHEREAS, the Chairman of the Legislature has recommended Donald B. Creath for appointment to the Regional Board of Trustees to fill the unexpired term of Althea O. Roll through January 27, 2012.

NOW THEREFORE, BE IT

RESOLVED, that Donald B. Creath be and the same hereby is appointed as Trustee for Corning Community College Board of Trustees effective immediately through January 27, 2012; and be it further

RESOLVED, said member shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of his duties on the Corning Community College Regional Board of Trustees; and be it further

RESOLVED, that the Steuben County Legislature would like to sincerely thank Althea O. Roll for her many years of dedicated service to both the Corning Community College Board of Trustees and the citizens of Steuben County; and

RESOLVED, certified copies of this resolution shall be forwarded to Dr. Floyd Amann, President of Corning Community College, 1 Academic Drive, Corning, New York 14830; Althea O. Roll at 5 South Elm Street, Corning, NY 14830; and to the above-named appointee at 86 Cintra Lane East, Corning, NY 14830.

Motion to amend the resolution to include a paragraph thanking Mrs. Roll for her dedication to the college and Steuben County made by Mr. Schwartz, seconded by Mr. McAllister and duly carried.

Vote: Acclamation - Adopted.

RESOLUTION NO. 226-06

Introduced by R. Argentieri.

Seconded by F. Gehl.

MEMORIALIZING THE GOVERNOR, GOVERNOR-ELECT AND THE LEGISLATURE OF THE STATE OF NEW YORK OPPOSING THE RATE INCREASE INSTITUTED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES (OCFS) FOR STATE TRAINING SCHOOL PLACEMENTS.

WHEREAS, the Steuben County Department of Social Services has just received notice of a rate increase of 51% based on 2004 costs, for Office of Children and Family Services ("OCFS") State Training School Placements for the calendar year 2006; and

WHEREAS, all counties have been notified that we will receive five (5) years of retroactive bills dating back to January 1, 2001; and

WHEREAS, due to these rate increases, there will be a significant shortfall in the Steuben County Department of Social Services' 2007 Budget.

NOW THEREFORE, BE IT

RESOLVED, that consistent with the recommendation made by the New York Public Welfare Association and Inter-County Association of Western New York, Steuben County joins with other counties in responding to this irresponsible rate adjustment by asking the State to take the following actions:

1. Forgive counties their retroactive payments from January 2001 through December 31, 2005;
2. Provide counties with the option of a gradual rate increase over a period of two years to pay for the 2006 rate increase; and
3. Require 120 days advance notice of rate increases for OCFS facilities, such as the 120 days notice and notification requirement consistent with local budgeting time frames; and be it further

RESOLVED, that Steuben County Legislature urges the New York State Association of Counties to file a lawsuit against New York State due to the inequity of the rate increases; 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; Governor-Elect Eliot Spitzer; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, David A. Paterson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Paul A. Tokasz, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Charles H. Nesbitt, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; Assemblyman, James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; NYS Office of Children and Family Services, 3rd Floor, 259 Monroe Square, Rochester, NY 14607; New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and the InterCounty Association of Western New York.

Vote: Acclamation - Adopted.

RESOLUTION NO. 227-06

Introduced by D. Baker and F. Gehl.

Seconded by All Legislators.

MEMORIALIZING THE GOVERNOR, GOVERNOR-ELECT AND THE LEGISLATURE OF THE STATE OF NEW YORK TO ENACT LEGISLATION REINSTATING THE DEATH PENALTY FOR PERSONS CONVICTED OF MURDERING POLICE, PEACE OFFICERS AND CORRECTIONAL OFFICERS IN THEIR LINE OF DUTY, AND TO ADOPT SAME CONSISTENT WITH THE CONSTITUTIONS OF THE STATE OF NEW YORK AND THE UNITED STATES OF AMERICA.

WHEREAS, the New York State statute opposing the death penalty for murder of police, peace officers and correctional officers in the line of duty was stricken as unconstitutional; and

WHEREAS, recent developments have revealed that indeed such a penalty does serve as a deterrent effect with regard to criminals committing murder; and

WHEREAS, it is necessary and desirable to re-institute the death penalty for those individuals who commit said act of murder.

NOW THEREFORE, BE IT

RESOLVED, that the Governor, Governor-Elect and Legislature of the State of New York be and the same hereby are memorialized to enact the death penalty for the murder of police, peace officers and correctional officers as defined by statute committed during the line of duty and to do so in conformity with the Constitutions of the State of New York and the United States of America; 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; Governor-Elect Eliot Spitzer; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, David A. Paterson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Paul A. Tokasz, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Charles H. Nesbitt, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and the InterCounty Association of Western New York.

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

Motion to adjourn Executive Session and reconvene in Regular Session made by Mr. Gehl, seconded by Mr. Donnelly and duly carried.

RESOLUTION NO. 228-06

Introduced by P. Roche.

Seconded by P. Donnelly.

AUTHORIZING AND DIRECTING THE COUNTY ATTORNEY TO CAUSE AN ACTION AT LAW TO BE INITIATED TO RECOVER AND/OR OBTAIN EXCESS WORKERS' COMPENSATION COVERAGE FROM THE CARRIER, "SAFETY NATIONAL".

WHEREAS, the County of Steuben has negotiated a settlement dated March 14, 2006, in the matter of the claims of Donald and Michaelleen McCaig; and

WHEREAS, the excess carrier, Safety National, has failed or refused to acknowledge said coverage; and

WHEREAS, it is necessary and desirable to initiate an action at law to adjudicate the respective rights and responsibilities by and between the parties.

NOW THEREFORE, BE IT

RESOLVED, the County Attorney be and the same hereby is authorized and directed to cause the initiation of an action at law against Safety National to adjudicate the rights and responsibilities between the excess carrier, Safety National, and the County of Steuben; and be it further

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

Vote: Roll Call - Adopted.

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