

REGULAR MEETING
Morning Session
Bath, New York
Monday, January 22, 2007

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 22nd day of January, 2007 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members present except Legislators Argentieri, Gehl, Schwartz (late) and Swackhamer.

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

Chairman Roche asked Janice Pruden to come forward. Ms. Pruden 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 Suzanne Randall to come forward. Ms. Randall is an employee in the Treasurer's Office. Chairman Roche presented her with a Certificate of Appreciation and a plaque in recognition of her retirement following 32 years of service to Steuben County. ***Congratulations Suzanne!***

Mrs. Kane asked the following individuals to come forward: Cindy Ruest, Pat Kelly, Sandy Bailey, Cherri Tyler, Charlene Sanford, Nancy Cardona, Shuntay Whitson, Sheryl Hogan, Johnnie Sue Gaus, Bonnie Eaton, Jessica Moss, Cynthia Comfort, Jamie O'Brochta, Tasha Atwood, Lynda Ackerson, Ernie Crooks and Goldie Khork. Mrs. Kane stated these individuals comprise the Team of the Month for the month of February. She read the following nomination:

The members of "The Purple Gang" (Food Service Team) go above and beyond every single day in their jobs. Each member of this team keeps the residents at the heart of everything that they do. Just as important as their work ethic, teamwork and attitude are - is the fact that they regularly volunteer at the Health Care Facility specifically for the benefit of the residents. As Ms. Khork pointed out in her nomination of this team, on a Saturday evening she was catering a banquet for 40 people and before she could even ask for help, one member of the team, Charlene, volunteered to come in on her day off. Then Sheryl asked if she could come back after her shift to volunteer. Both ladies volunteered until after 9:00 p.m. For Halloween the facility dresses for the residents. All but one of our team dressed for the occasion. The team also purchases decorations for holidays and decorates the kitchen windows and the café. In September the facility holds "Farm Days". This is an event for the residents, families, staff and the public. Shauntay spent her day off running the children's games, Jessica purchased a cow girl outfit for her daughter to wear in the parade and Jamie purchased a cow outfit for her baby to be in the parade. Not to mention the purchase of these items, Jamie ended up making two trips to Howard to bring a red wagon and two children's riding tractors to the parade! In September, the facility holds a back to school fashion show and Sandy and Cindy's girls have been in every show. Members of our team frequently bring their children in on Christmas, Easter or other holidays to serve desserts to residents or decorate the facility for them. This is a wonderful group of folks who bring themselves into what they do every day and it certainly shows. Mrs. Kane noted that the nomination committee wanted to include Goldie as a member of this team also as she is certainly the "ringleader" of this gang. Goldie is known for volunteering tirelessly at the Health Care Facility, at Tyrtle Beach functions and for the United Way. ***CONGRATULATIONS!***

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

Frank Coccho, Mayor of Corning, stated my purpose for attending today is to watch our government in action. Also, I would like to know if and when the County will restore the bridge funding to the City of Corning. Thank you.

Jim Redner, East Corning, stated I was wondering if you would seriously consider raising the veterans' exemption. I believe the \$5,000 exemption has been on the books for a very long time. I believe it would be a good idea to at least consider it. Thank you.

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

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing upon Local Law Tentatively No. Seven for the Year 2006, Relative to residency requirements for the Office of Deputy Treasurer for the County of Steuben. Chairman Roche asked if there were any comments regarding this Local Law. There being none, the Public Hearing portion of the meeting was closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing upon Local Law Tentatively No. One for the Year 2007, Amending Local Law No. One of 2003, Relative to providing an exemption for real property owned by an enrolled volunteer firefighter or ambulance worker in an amount of ten percent, not to exceed \$3,000 of assessed full valuation. Chairman Roche asked if there were any comments regarding this Local Law. There being none, the Public Hearing portion of the meeting was closed.

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

Mr. McIntyre stated I'm in receipt of a copy of the Chairman's letter to the Rules Committee dated January 17th that concerns the shifting of their responsibilities to that of the Administration Committee. Your idea has merit, however, it is strongly felt that the Rules Committee should be the venue to study the whole committee structure system which, if you remember, years ago was highly recommended by Mr. Tom Hopper and Mr. Don Creath. The Legislature should not piece meal the process by restructuring one committee at a time. I highly recommend that the Rules Committee, who presently doesn't have much on their plate, be allowed to study the whole issue and make appropriate recommendations on a new possible committee structure once and for all. The Rules Committee would review whether our present committee system can be consolidated and present us with logical rationale to include the actual size and make up of the new committee itself. In my opinion, that would be in the best interest of the Legislature and our County Departments who have to deal with such consolidations within this Legislative body.

RESOLUTION NO. 001-07

Introduced by P. Roche.

Seconded by P. McAllister.

FILLING THE VACANCY CAUSED BY THE DEATH OF LEGISLATOR LLDON E. JAMISON.

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

WHEREAS, due to the death of Lldon E. Jamison on December 4, 2006, a vacancy has arisen for the office of Steuben County Legislator for District #9, and

NOW THEREFORE, BE IT

RESOLVED, that **Thomas J. Ryan of Canisteo, New York**, be and the same hereby is appointed to fill said vacancy effective immediately, said appointment to terminate December 31, 2007; and be it further

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

Mr. McAllister, Vice President of the Steuben County Republican Committee, stated on January 10th a meeting of the Steuben County Republican Committee was held for the purpose of putting forth a

recommendation to fill the vacancy of Steuben County Legislator, District 9. A quorum was present and a vote was held and Mr. Thomas Ryan was recommended.

Vote: Roll Call - Adopted.

Mr. Ryan was sworn in by the Honorable Joseph Latham with his wife holding the Ryan Family Bible.

RESOLUTION NO. 002-07

Introduced by P. Donnelly.

Seconded by D. Stachnik.

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 Rodney & Diane Hand
Parcel # 331.16-01-006.000
Municipality Addison Village
Disposition Correction

Resolution # A-2
Name Clifton & June Rounds
Parcel # 332.17-02-056.000
Municipality Addison Village
Disposition Correction (parcel split)

Resolution # A-3
Name Robert L Dominick
Parcel # 349.12-01-054.000
Municipality Addison Village
Disposition Correction

Resolution # A-4
Name John & Beverly Scanlon
Parcel # 296.00-01-012.110
Municipality Addison Town
Disposition Correction (parcel split)

Resolution # A-5
Name Kathryn A Biehl
Parcel # 159.05-04-077.000
Municipality Bath Village
Disposition Correction

Resolution # A-6
Name Julie A Rock
Parcel # 159.09-02-005.000
Municipality Bath Village
Disposition Correction

Resolution # A-7
Name Bruce R II & Darolene M Grant
Parcel # 159.13-04-037.000
Municipality Bath Village
Disposition Correction

Resolution # A-8
Name Robert P DeYoung, Jr & Rachel J Wood
Parcel # 159.14-01-054.113
Municipality Bath Village
Disposition Correction

Resolution # A-9
Name Anna & Norman Gerych & Beverly Grose
Parcel # 129.00-01-005.000
Municipality Bath Town
Disposition Correction (parcel split)

Resolution # A-10
Name Betty J Dyer Nichols
Parcel # 143.00-01-002.110
Municipality Bath Town
Disposition Correction (parcel split)

Resolution # A-11
Name Michael & Nicole Luckenbach
Parcel # 143.00-01-002.120
Municipality Bath Town
Disposition Correction (parcel split)

Resolution # A-12
Name Joseph Baran
Parcel # 146.00-01-002.114
Municipality Bath Town
Disposition Correction (parcel split)

Resolution # A-13
Name Richard & Norma George
Parcel # 157.00-01-025.000
Municipality Bath Town
Disposition Correction (parcel split)

Resolution # A-14
Name Jerry Rusak Estate & Thelma Rusak
Parcel # 173.00-01-026.211
Municipality Bath Town
Disposition Correction (parcel split)

Resolution # A-15
Name Sheradith Fultz
Parcel # 224.06-01-012.000
Municipality Campbell Town
Disposition Correction

Resolution # A-16
Name Sheradith Fultz
Parcel # 224.06-01-021.000
Municipality Campbell Town
Disposition Correction

Resolution # A-17
Name Ellen M Reilly & Girdon F Simmons
Parcel # 226.00-01-065.200
Municipality Campbell Town
Disposition Correction

Resolution # A-18
Name John G Sullivan
Parcel # 261.00-01-034.000
Municipality Campbell Town
Disposition Correction

Resolution # A-19
Name John G Sullivan
Parcel # 261.00-01-034.100
Municipality Campbell Town
Disposition Correction

Resolution # A-20
Name Stephen C Jones & Bonita Carpenter
Parcel # 261.00-01-034.200
Municipality Campbell Town
Disposition Correction (parcel split)

Resolution # A-21
Name Carl A & Patricia M Pipp
Parcel # 371.00-03-028.300
Municipality Caton Town
Disposition Correction

Resolution # A-22
Name Jennifer Frisbie
Parcel # 373.00-01-035.100
Municipality Caton Town
Disposition Correction

Resolution # A-23
Name Towner Living Trust
Parcel # 427.00-01-020.110
Municipality Caton Town
Disposition Correction (parcel split)

Resolution # A-24
Name Brian & Timothy McLean
Parcel # 299.00-01-013.000
Municipality Corning Town
Disposition Correction (parcel split)

Resolution # A-25
Name Martin S Swauger
Parcel # 065.00-01-037.120
Municipality Dansville Town
Disposition Correction

Resolution # A-26
Name John & Mary Frances Sullivan
Parcel # 280.00-01-002.120
Municipality Erwin Town
Disposition Correction (parcel split)

Resolution # A-27
Name Town of Erwin IDA
Parcel # 280.00-01-002.122
Municipality Erwin Town
Disposition Correction

Resolution # A-28
Name Byron L & Carol Paris
Parcel # 280.00-01-003.000
Municipality Erwin Town
Disposition Correction (parcel split)

Resolution # A-29
Name Town of Erwin IDA
Parcel # 280.00-01-003.200
Municipality Erwin Town
Disposition Correction

Resolution # A-30
Name Newbany Corp
Parcel # 298.00-01-021.120
Municipality Erwin Town
Disposition Correction

Resolution # A-31
Name Anthony & Helene Goffigan
Parcel # 298.17-01-028.000
Municipality Erwin Town
Disposition Correction (parcel split)

Resolution # A-32
Name Douglas & Laura Mann
Parcel # 316.00-01-060.100
Municipality Erwin Town
Disposition Correction (parcel split)

Resolution # A-33
Name Myron H Rider Est
Parcel # 095.00-01-006.000 & 095.00-01-033.000
Municipality Fremont Town
Disposition Correction (parcel split)

Resolution # A-34
Name Bruce W Brimmer, Sr
Parcel # 247.00-01-010.300
Municipality Hornby Town
Disposition Correction (parcel split)

Resolution # A-35
Name Russell & Jennifer Howe
Parcel # 264.00-01-001.000
Municipality Hornby Town
Disposition Correction (parcel split)

Resolution # A-36
Name Dean & Christina Brokaw
Parcel # 136.00-02-018.131
Municipality Hornellsville Town
Disposition Correction

Resolution # A-37
Name June K Rockwell
Parcel # 287.00-03-007.100
Municipality Jasper Town
Disposition Correction (parcel split)

Resolution # A-38
Name Robert Gardiner
Parcel # 324.00-01-001.120
Municipality Jasper Town
Disposition Correction (parcel split)

Resolution # A-39
Name Frederick H Schulte & Katherine J Wheat
Parcel # 037.00-01-023.000
Municipality Pulteney Town
Disposition Correction (address change)

Resolution # A-40
Name Jason J Tears
Parcel # 049.00-01-038.120
Municipality Pulteney Town
Disposition Correction

Resolution # A-41
Name Terry L Gibson
Parcel # 049.00-01-038.130
Municipality Pulteney Town
Disposition Correction

Resolution # A-42
Name Ralph & Ruth Kilsdonk
Parcel # 050.16-01-010.000
Municipality Pulteney Town
Disposition Correction

Resolution # A-43
Name Raymond Gingerich
Parcel # 311.00-01-032.100
Municipality Rathbone Town
Disposition Correction (parcel split)

Resolution # A-44
Name Towner Living Trust
Parcel # 368.00-01-035.300
Municipality Tuscarora Town
Disposition Correction (parcel split)

Resolution # A-45
Name Norman & Marie Painter
Parcel # 402.00-01-053.115
Municipality Tuscarora Town
Disposition Correction

Resolution # A-46
Name Dean E Beyer, Jr
Parcel # 091.14-01-014.000
Municipality Urbana Town
Disposition Correction

Resolution # A-47
Name Charles & Bonnie Ward
Parcel # 091.18-01-007.100
Municipality Urbana Town
Disposition Correction

Resolution # A-48
Name Mary E Jamison c/o Mrs Jeffery F Kath
Parcel # 118.11-01-003.000
Municipality Urbana Town
Disposition Correction

Resolution # A-49
Name Joy Goodsell
Parcel # 119.00-01-019.400
Municipality Urbana Town
Disposition Correction (parcel split)

Resolution # A-50
Name William Pionessa
Parcel # 401.00-01-016.200
Municipality Woodhull Town
Disposition Correction (parcel split)

Resolution # A-51
Name Brenda D Burnham
Parcel # 144.03-01-023.000
Municipality Bath Town
Disposition Correction

Resolution # A-52
Name Allen & Karole Badeau
Parcel # 191.13-01-007.120
Municipality Savona Village
Disposition Correction

Resolution # A-53
Name John Cole
Parcel # 297.00-01-011.227
Municipality Erwin Town
Disposition Correction

Resolution # A-54
Name Prattsburgh Railway Co
Parcel # 047.12-01-002.000
Municipality Prattsburgh Town
Disposition Correction (parcel split)

Vote: Roll Call - Adopted.

RESOLUTION NO. 003-07

Introduced by P. Donnelly.

Seconded by K. Isaman.

RECEIVING AND ACCEPTING THE JANUARY 22, 2007, 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 13, 2006

1. NYS Governor's Traffic Safety Committee, Department of Motor Vehicles - Re: Commissioner Naples announcing the approval of the 2007 STOP-DWI Plan for Steuben County. *Referred to: Public Safety & Corrections Committee and Sheriff Tweddell.*

December 14, 2006

1. NYS Emergency Management Office - Re: FEMA announcing the availability of funding from two flood mitigation programs for 2007: the Flood Mitigation Assistance Program and the Repetitive Flood Claims Program. *Referred to: Public Safety & Corrections Committee and Mike Sprague, EMO Director.*

December 27, 2006

1. NYS Office of Parks, Recreation & Historic Preservation - Re: Update on major issues with the Snowmobile Trail Fund, particularly the decrease in the number of registrations resulting in a decrease in revenue. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***
2. NYS Sheriffs' Association Institute, Inc. - Re: Contract with the Government Payment Services (GPS), a company that offers credit card bail payment programs to county jails throughout the State of New York. ***Referred to: Public Safety & Corrections Committee and Sheriff Tweddell.***

January 4, 2007

1. NYS Department of State, Secretary of State, Christopher Jacobs - Re: Announcing that the County's application to the Department of State for funding under the Shared Highway Municipal Services Incentive Grant Program was successful. The Steuben, Schuyler, Yates Counties Paint Striping Program will receive funding in the amount of \$292,368. ***Referred to: Public Works and Finance Committees; Vincent Spagnoletti, PW Commissioner; and Carol Whitehead, County Treasurer.***
2. NYS Sheriffs' Association Institute, Inc. - Re: The Association's endorsement of AT&T to counties and Steuben County's contract with AT&T, as the telephone company that could best improve services and also provide increased revenue to all counties for the jail inmate telephone systems. ***Referred to: Public Safety & Corrections Committee and Sheriff Tweddell.***

January 8, 2007

1. NYS Assemblyman, James Bacalles - Re: Letter to Peter White, Regional Director of the NYS Department of Transportation, regarding DOT's plan to abandon Hamilton Road in the Town of Erwin, and conveying all future maintenance of this road to the County. ***Referred to: Public Works Committee and Vincent Spagnoletti, PW Commissioner.***
2. U.S. Department of Housing & Urban Development - Re: Lead Hazard Reduction Demonstration Grant Program funding available. ***Referred to: Health & Education Committee and Vicki Fuerst, PHN Director.***

January 9, 2007

1. Empire Pipeline - Re: Empire Connector Project - next phase is right-of-way acquisition and later, construction. Landowners to be contacted for agreements and compensation. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

January 10, 2007

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$5,683 representing the November 2006 retained surcharge revenue for Steuben County from the WROTB. ***Referred to: Rules and Finance Committees and Carol Whitehead, County Treasurer.***

Vote: Acclamation - Adopted.

RESOLUTION NO. 004-07

Introduced by P. Donnelly.

Seconded by T. McIntyre.

FINAL ADOPTION OF 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.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on December 18, 2006, 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, and this Legislature by resolution,

preliminarily adopted said Local Law on December 18, 2006, making the final adoption of said Local Law subject to a Public Hearing to be held on January 22, 2007; 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 22, 2007, 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. Seven 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. 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.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on January 22, 2007 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. Seven 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 Steuben County Treasurer and the Personnel Officer.

Vote: Roll Call - Adopted.

RESOLUTION NO. 005-07

Introduced by D. Baker.

Seconded by K. Isaman.

FINAL ENACTMENT AND ADOPTION OF LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2007, AMENDING LOCAL LAW NO. ONE FOR 2003, RELATIVE TO PROVIDING AN EXEMPTION FOR REAL PROPERTY OWNED BY AN ENROLLED VOLUNTEER FIREFIGHTER OR AMBULANCE WORKER IN AN AMOUNT OF TEN PERCENT, NOT TO EXCEED \$3,000 OF ASSESSED FULL VALUATION.

Pursuant to Real Property Tax Law §466-a.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature by Certificate of Necessity signed January 10, 2007, County of Steuben Local Law Tentatively No. One for the Year 2007, amending Local Law No. One for 2003, relative to providing an exemption for certain volunteer firefighters and ambulance workers of ten percent of assessed real property exemption up to \$3,000 (full value); and

WHEREAS, in accordance with said Certificate of Necessity and Notice of Public Hearing, this Legislature of the County of Steuben did conduct a Public Hearing on the 22nd day of January 2007 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.

Please note: New Material is underlined
Deleted Material is bracketed []

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2007**

A LOCAL LAW amending Local Law No. One for 2003, providing an exemption for real property owned by an enrolled volunteer firefighter or ambulance worker in an amount of ten percent, not to exceed \$3,000 of assessed full valuation, and further providing said exemption for the balance of his or her life for those who accrue more than twenty years of active service.

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

SECTION 1. Legislative Intent. The legislature recognizes the role of the volunteer firefighters and ambulance workers in securing the safety and well being of our communities. The legislature hereby finds that it is in the best social and economic interests of the County of Steuben to encourage volunteerism for said purposes. To that end, by providing the following exemption it is the intent to so encourage volunteerism for our various fire and ambulance companies. It is the further intent of this Local Law to provide an additional lifetime exemption for volunteers who accrue more than twenty years of service within the County of Steuben. In addition thereto, Resolution No. 004-03 "Establishing the requisite criteria for eligibility shall be superceded by this law and its content incorporated herein, all to the extent as authorized by RPTL §466-a.

SECTION 2. Exemptions for certain volunteer firefighters and ambulance workers.

(a) Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in Steuben County shall be exempt from taxation to the extent of ten percent of the assessed value of such property for county purposes, exclusive of special assessments provided, however, that such exemption shall in no event exceed \$3,000 multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

(b) Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company,

fire department or incorporated voluntary ambulance service residing in such county unless:

(i) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(ii) the property is the primary residence of the applicant;

(iii) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(iv) the incorporated volunteer fire company or fire department and incorporated voluntary ambulance service has submitted to the Steuben County Director of Office of Emergency Services a complete list of enrolled members, with their respective dates of service for such incorporated voluntary fire company, or fire department, or incorporated voluntary ambulance service. The Steuben County Director of Office of Emergency Services shall then review all potential candidates and certify those that meet the necessary criteria to be eligible for this exemption; and such member has been a member for at least five years.

(c) In addition thereto, any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service pursuant to Section 2b(iv) of this Local Law, who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within Steuben County.

(d) Application for such exemption shall be filed with the assessor on or before the taxable status date on a form as prescribed by the state board.

(e) No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

SECTION 3. Effective Date. This act shall take effect immediately and shall apply to real property having a taxable status date on or after the first day of January 2007 next succeeding the date on which this act shall have become a law.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on January 22, 2007 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 2007, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the Office of the Steuben County Clerk, and one certified copy in the Office of the Secretary of State of the State of New York, and said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

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

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

Mr. Ahrens stated Real Property Tax Law allows, in addition to the original exemption, a lifetime exemption and that exemption is portable. The Public Safety and Corrections Committee held back on presenting this Local Law to you in hopes that there would be a more comprehensive package at the end of the State Legislative Session. When that didn't happen, the Committee decided to send this forward.

Mr. Ahrens stated because the taxable status date is March 1st, a Certificate of Necessity was sent to you in order for this local law to be presented and adopted at today's meeting. This will allow individuals to afford a timely application for these benefits.

Vote: Roll Call - Adopted.

RESOLUTION NO. 006-07

Introduced by D. Baker.

Seconded by D. Farrand.

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 Eliot Spitzer, 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. Alger stated I want to make a point on these incentives. You may recall our Memorialization to the IRS a few months ago requesting they change the rules on these incentives. Currently, the ruling includes this exemption as part of the individual's income. That is something we cannot lose sight of and we need to make sure people are aware of that. We need to focus on it at the Federal level to get that ruling changed.

Mr. Farrand noted that the individual has the opportunity to take the exemption on their property taxes or their income taxes. Also, the previous resolution allows them to claim the exemption even after they retire as a volunteer. Currently on the State level, the exemption is available only when they are an active member.

Vote: Roll Call - Adopted.

RESOLUTION NO. 007-07

Introduced by P. Donnelly.

Seconded by D. Baker.

AMENDING RESOLUTION 217-06 ADOPTED DECEMBER 18, 2006, AMENDING THE *ADMINISTRATIVE CODE* ESTABLISHING THE RATE OF CONTRIBUTION FOR HEALTH INSURANCE FOR COUNTY OFFICERS WITH A FIXED TERM OF OFFICE WHO DID NOT RECEIVE AN INCREASE IN SALARY FOR THE YEAR 2007.

WHEREAS, by Resolution 217-06, dated December 18, 2006, the rate of contribution for health insurance for management was increased; and

WHEREAS, for those officers with a fixed term of office who did not receive a salary increase for 2007, imposition of the higher rate of contribution constitutes a reduction in overall compensation during their term of office, and is contrary to the law.

NOW THEREFORE, BE IT

RESOLVED, the *Administrative Code* is amended to further read in addition to the previous amendment: "Those County Officers with a fixed term of office who received no salary increase for 2007 shall have their rate of contribution for health insurance established at the 2006 rate until such time as there occurs an increase in compensation."; and be it further

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

Mr. Schwartz asked do we have anybody who didn't receive a salary increase? Mr. Roche stated this would apply to two individuals, Mr. Ahrens and Mr. Tunney.

Vote: Roll Call - Adopted.

RESOLUTION NO. 008-07

Introduced by R. Nichols.

Seconded by D. Creath.

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

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

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

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

WHEREAS, it is necessary that a contract be entered into between the people of the State of New York; herein called the "State", and the Municipality be executed for such State Aid.

NOW THEREFORE, BE IT

RESOLVED, by the Steuben County Legislature as follows:

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

2. Vincent Spagnoletti, Commissioner, or his designee is directed and authorized as the official representative of the Municipality to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State.
3. The Municipality agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for its share of such costs.
4. The Municipality or Municipalities set forth their respective responsibilities by attached joint resolution relative to a joint program.

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

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

Vote: Roll Call - Adopted.

Mr. Roche stated the agenda listed one resolution under No. 9 and that is now split into four separate resolutions. Mr. Ahrens stated the Committee authorization was to have the County purchase the property. Due to title issues, the proposed purchase for one parcel is for a permanent easement as opposed to the land itself. NYSDOT is okay with this arrangement. He noted if they wish to delve further into the issue, they will have to adjourn into executive session as it would deal with the credit history of a particular individual.

Mr. Spagnoletti stated this is for the Saunders Road Bridge Project in Rathbone. They expect to build it this year and it requires a 5 percent local share.

Chairman Roche asked does anyone wish to discuss these resolutions in executive session? There were no requests for an executive session. Chairman Roche asked are there any further questions?

Mr. McAllister asked so instead of purchasing the property, we are purchasing an easement? Mr. Ahrens stated they are only purchasing an easement for one of the parcels.

RESOLUTION NO. 009-07

Introduced by R. Nichols.

Seconded by R. Nielsen.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ACCEPT THE DONATION OF 0.228 ACRES OF LAND IN THE TOWN OF RATHBONE FOR THE PURPOSE OF RECONSTRUCTING THE SAUNDERS ROAD BRIDGE AND APPROACHES.

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

WHEREAS, it is necessary that the Saunders Road bridge be replaced with realigned highway approaches; and

WHEREAS, it is necessary to acquire parcels of land to accommodate such realignment; and

WHEREAS, Ed and Lori Wade, the landowners, have agreed to donate the said 0.228 acres for \$0 with the County paying the survey and abstract costs; and

WHEREAS, the Public Works Committee of this Steuben County Legislature have approved the donation.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is authorized and directed to accept the donation of said parcel of land from Ed and Lori Wade at a cost of \$0; and be it further

RESOLVED, the County Attorney is authorized and directed to file all necessary forms to transfer title of 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, the County Auditor, the Real Property Tax Director, the Risk Manager, and Ed and Lori Wade, 11 Nichols Road, Addison, New York 14801.

Vote: Roll Call - Adopted.

RESOLUTION NO. 010-07

Introduced by R. Nichols.

Seconded by R. Nielsen.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO PURCHASE 1.074 ACRES OF LAND IN THE TOWN OF RATHBONE FOR THE PURPOSE OF RECONSTRUCTING THE SAUNDERS ROAD BRIDGE AND APPROACHES.

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

WHEREAS, it is necessary that the Saunders Road bridge be replaced with realigned highway approaches; and

WHEREAS, it is necessary to acquire parcels of land to accommodate such realignment; and

WHEREAS, Richard Risley, the landowner, has agreed to sell the said 1.074 acres for \$3,225.00 with the County paying the survey and abstract costs; and

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

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

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is authorized and directed to purchase said parcel of land from Richard Risley at a cost of \$3,225.00; and be it further

RESOLVED, the County Attorney is authorized and directed to file all necessary forms to transfer title of the property, at no expense, to the landowner; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the County Auditor, the Real Property Tax Director, the Risk Manager, and Richard Risley, 6289 Risley Road, Cameron Mills, New York 14820.

Vote: Roll Call - Adopted.

RESOLUTION NO. 011-07

Introduced by R. Nichols.

Seconded by R. Nielsen.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO PURCHASE A PERMANENT EASEMENT CONSISTING OF 0.236 ACRES OF LAND IN THE TOWN OF RATHBONE FOR THE PURPOSE OF RECONSTRUCTING THE SAUNDERS ROAD BRIDGE AND APPROACHES.

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

WHEREAS, it is necessary that the Saunders Road bridge be replaced with realigned highway approaches; and

WHEREAS, it is necessary to acquire parcels of land to accommodate such realignment; and

WHEREAS, Earle and Gayle Robbins, the landowners, have agreed to sell the said 0.236 acre permanent easement for \$1,010.00 with the County paying the survey and abstract costs; and

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

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

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is authorized and directed to purchase said permanent easement from Earle and Gayle Robbins at a cost of \$1,010.00; and be it further

RESOLVED, the County Attorney is authorized and directed to file all necessary forms to record the permanent easement 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, the County Auditor, the Real Property Tax Director, the Risk Manager, and Earle and Gayle Robbins, 3586 Saunders Road, Addison, New York 14801.

Vote: Roll Call - Adopted.

RESOLUTION NO. 012-07

Introduced by R. Nichols.

Seconded by R. Nielsen.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO PURCHASE 0.923 ACRES OF LAND IN THE TOWN OF RATHBONE FOR THE PURPOSE OF RECONSTRUCTING THE SAUNDERS ROAD BRIDGE AND APPROACHES.

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

WHEREAS, it is necessary that the Saunders Road bridge be replaced with realigned highway approaches; and

WHEREAS, it is necessary to acquire parcels of land to accommodate such realignment; and

WHEREAS, Otto and David Shaffer, the landowners, have agreed to sell the said 0.923 acres for \$1,400.00 with the County paying the survey and abstract costs; and

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

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

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is authorized and directed to purchase said parcel of land from Otto and David Shaffer at a cost of \$1,400.00; and be it further

RESOLVED, the County Attorney is authorized and directed to file all necessary forms to transfer title of 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, the County Auditor, the Real Property Tax Director, the Risk Manager, and Otto and David Shaffer, 101 Columbia Street, Apt. 308, Corning, New York 14830.

Vote: Roll Call - Adopted.

RESOLUTION NO. 013-07

Introduced by D. Baker.

Seconded by D. Creath.

AUTHORIZING THE STEUBEN COUNTY PROBATION DEPARTMENT TO ACCEPT FUNDING IN THE AMOUNT OF \$6,362.00 FOR THE ENHANCEMENT OF PROBATION SERVICES.

WHEREAS, the State of New York Legislature amended Section 995(7) of the Executive Law to include additional crimes requiring the collection of DNA samples; and

WHEREAS, this change in law created a retroactive pool of Probationers; and

WHEREAS, the New York State Division of Probation and Correctional Alternatives has allocated funds in the amount of \$6,362.00 for the Steuben County Probation Department for the collection of DNA from this retroactive pool of probationers.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept the \$6,362.00 as revenue and appropriate that amount to Training in Line Item No. 314000-5-407200 in the Steuben County 2007 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. 014-07

Introduced by D. Baker and P. Donnelly.

Seconded by D. Farrand.

AUTHORIZING THE STEUBEN COUNTY EMERGENCY MANAGEMENT OFFICE TO ACCEPT A GRANT IN THE AMOUNT OF \$29,617.80 TO SUPPORT EMERGENCY MANAGEMENT AND DISASTER PREPAREDNESS.

WHEREAS, the Legislature of the State of New York has appropriated grant funding in the amount \$29,617.80; and

WHEREAS, the Legislature of the State of New York identified this funding for the purposes of Disaster Preparedness and Emergency Response; and

WHEREAS, the County of Steuben has suffered numerous disasters in the past; and

WHEREAS, the County of Steuben is particularly susceptible to flooding.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben accepts the Preparedness Grant Funding; and be it further

RESOLVED, such funding shall be applied to the Office of Emergency Services' 2007 Budget for the purposes of Disaster Preparedness as directed by the grant; and be it further

RESOLVED, the Director of Emergency Services is directed to develop a budget for the implementation of said grant to be approved by the Public Safety & Corrections Committee; and be it further

RESOLVED, the Steuben County Treasurer be empowered to allocate such funding to the Office of Emergency Services budget in order to facilitate the funding of training as identified by the Director of Emergency Services; and be it further

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

Vote: Roll Call - Adopted.

RESOLUTION NO. 015-07

Introduced by P. Donnelly.

Seconded by R. Nielsen.

AUTHORIZING THE STEUBEN COUNTY BOARD OF ELECTIONS TO ACCEPT A GRANT IN THE AMOUNT OF \$48,436.00 FOR 251 FEDERAL TRAINING; \$11,634.00 FOR 261 HEALTH AND HUMAN SERVICES ACCESS IMPROVEMENT, AND \$24,218.00 FOR NEW YORK STATE ACCESS IMPROVEMENTS, AND AUTHORIZING AND DIRECTING THE COUNTY TREASURER TO APPROPRIATE SAID FUNDING TO THE PROPER FISCAL YEARS AND ACCOUNTS.

WHEREAS, the Board of Elections has been authorized to receive the following grants:

- (a) 251 Federal Training
NYS Contract # T002572
Local share 5%, reimbursement rate 95%
\$48,436.00
- (b) 261 Health and Human Services Access Improvement
NYS Contract # T002630
100% reimbursement
\$11,634.00
- (c) New York State Access Improvements
NYS Contract # T002688
100% reimbursement
\$24,218.00

WHEREAS, it is necessary and desirable to accept said grants and to appropriate same to the proper fiscal years and accounts.

NOW THEREFORE, BE IT

RESOLVED, the aforesaid grants be and the same hereby are accepted and County Administrator is authorized to execute necessary documents and contracts for said grants; and be it further

RESOLVED, that the Steuben County Treasurer be and the same hereby is authorized and directed to appropriate said grants to the proper fiscal years and accounts; 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.

RESOLUTION NO. 016-07

Introduced by D. Stachnik and P. Donnelly.

Seconded by R. Nichols.

AUTHORIZING THE TRANSFER OF FUNDS INTO THE DETENTION CENTER SPRINKLER CAPITAL PROJECT.

WHEREAS, the ongoing Capital Project for the Sprinkler System at the Detention Center will need additional funds.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to transfer the following:

GENERAL FUND:

Expenditure:

612300 5 440440	Glove House	-\$14,560.00
601000 5 290000	Machine & Equipment	-\$ 5,440.00

Revenue:

612300 4 3623200	Detention State	-\$ 7,280.00
601000 4 3610000	State Revenue	-\$ 2,720.00

Transfer Expense:

995000 5 936000	Transfer to Capital Projects	\$10,000.00
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CAPITAL PROJECT:

Expenditure:

6050H2 5 250000	Capital Project Detention	\$20,000.00
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Revenue:

6050H2 4 3623200	Detention Center (State)	\$10,000.00
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Transfer Revenue:

6050H2 4 5031900	Inter fund Transfer	\$10,000.00
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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. 017-07

Introduced by D. Stachnik and P. Donnelly.

Seconded by R. Nielsen.

AUTHORIZING THE CLOSING OF TWO CAPITAL PROJECTS AND TRANSFERRING THE BALANCES INTO THE DETENTION CENTER SPRINKLER CAPITAL PROJECT

WHEREAS, two capital projects have been completed and contain unexpended balances; and

WHEREAS, the ongoing Capital Project for the sprinkler system at the Detention Center will need additional funds.

NOW THEREFORE, BE IT

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

Close:

6050H1 5 250000	Detention Center Expansion	\$8,321.60
6050H3 5 250000	Detention Center Repairs	\$1,388.76

Transfer to:

6050H2 5 250000	Detention Center Sprinkler	\$9,710.36
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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. 018-07

Introduced by K. Isaman and D. Creath.

Seconded by D. Farrand.

DECLARATION OF INTENT TO CONTINUE TO MAINTAIN THE CURRENT HEALTH CARE FACILITY BUILDING AFTER THE NEW FACILITY IS FINISHED, AND AUTHORIZING REPLACEMENT OF THE ROOF.

WHEREAS, the construction of the new Health Care Facility requires that decisions about the future of the old facility must be made; and

WHEREAS, the Agriculture, Industry & Planning (A.I.P.) Committee has reviewed the options and are recommending the County continue to maintain the facility; and

WHEREAS, over the next several months, more detailed recommendations will be presented by the A.I.P. Committee; and

WHEREAS, the most critical maintenance item required by the facility is replacement of the existing roof; and

WHEREAS, the County is currently undertaking a project to replace the roof on the existing Jail and combining that project with the replacement of the Health Care Facility roof would result in savings to the County.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature declares its intent to continue to maintain the current Health Care Facility; and be it further

RESOLVED, the County Administrator and the A.I.P. Committee are authorized to retain an architectural/engineering firm to develop plans and estimates to bid the replacement of the Health Care Facility roof; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Chairman of the A.I.P. Committee; County Administrator; County Planning Director; and Health Care Facility Administrator.

Mr. McIntyre stated I applaud the Committees for their vision to utilize the facility. I think it is an excellent idea.

Mr. Nichols stated it is a good idea to keep it as long as it is going to be used for another purpose.

Mr. Creath stated whether or not we use the building or consider selling it, the best idea is to continue to maintain the building.

Mr. Isaman stated it is certainly an asset of the County and it certainly would cost less to maintain it as a building rather than as a health care facility.

Vote: Roll Call - Adopted.

RESOLUTION NO. 019-07

Introduced by P. McAllister.

Seconded by P. Donnelly.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO REPEAL THE SIX PERCENT TAX ON ALL PATIENTS AT HEALTH CARE FACILITIES, EXCLUDING MEDICARE PATIENTS.

WHEREAS, the State of New York has imposed a six percent (6%) tax on all patients at health care facilities, excluding Medicare patients, throughout the State of New York; and

WHEREAS, health care is something which should be provided to individuals free and independent of taxation; and

WHEREAS, such taxation is repugnant to the very well-being of our society and to the health maintenance of our citizens.

NOW THEREFORE, BE IT

RESOLVED, the Governor and the Legislature of the State of New York State be and the same hereby are memorialized to repeal the six percent (6%) tax on all patients at health care facilities, excluding Medicare patients, throughout the State of New York; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 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; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Francis L. Gehl, President, InterCounty Association of Western New York, c/o Steuben County Legislature, 3 East Pulteney Square, Bath, NY.

Vote: Acclamation - Adopted.

RESOLUTION NO. 020-07

Introduced by D. Baker.

Seconded by D. Farrand.

APPOINTING ADDITIONAL 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 individuals are hereby appointed as additional members of the Steuben County Fire Advisory Board for a term beginning January 1, 2007, and ending December 31, 2007:

NON-LEGISLATIVE MEMBERS

1. David Swan, 5373 McNutt Run Rd, Campbell, NY 14821 (*filling the unexpired term of Donald S. Merring*)
2. William Todd Hall, 117 Evergreen Dr, Painted Post, NY 14870(*filling the unexpired term of Graham Barnes*)
3. Evan Brown, 10 Pershing St, Corning, NY 14830 (*filling the unexpired term of Allen Pfitzenmaier*)

4. Tom Jamison, 4 Eleventh St, Canisteo, NY 14823
5. Robert VanSkiver, 29 Green Acres, Bath, NY 14810
6. Brian McCarthy, 3834 West Hill Rd, Painted Post, NY 14870

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 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.

Mrs. Kane announced that at 1:00 p.m. this afternoon in the Legislative Chambers, the County Treasurer and her deputy will be sworn in.

Mrs. Whitehead introduced the new Deputy County Treasurer, Tammy Hurd-Harvey.

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. Farrand, seconded by Mr. Nichols and duly carried.

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

**REGULAR MEETING
Morning Session
Bath, New York
Monday, February 26, 2007**

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 26th day of February, 2007 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members present except Legislators Argentieri, Baker and McIntyre.

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

Chairman Roche opened the floor for comments by members of the public. There being none, the public comment portion of the meeting was closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Authorizing and directing the Steuben County Treasurer to appropriate the amount of \$100,000 from the "Building Repair and Renovations Reserve" to a capital project entitled "Health Care Facility Roof Replacement". Chairman Roche asked if there were any comments regarding this public hearing. There being none, the Public Hearing was closed.

The minutes of the previous month's meeting were approved upon the motion of Mr. Gehl, seconded by Mr. Nielsen and duly carried.

RESOLUTION NO. 021-07

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 AES Creative Resources LP
Parcel # 337.00-03-038.200
Municipality Corning Town
Disposition Correction_(per Supreme Court Order)

Resolution # A-2
Name Pauline Root
Parcel # 332.09-01-001.121
Municipality Addison Village
Disposition Correction

Resolution # A-3
Name Michael Brown
Parcel # 186.00-01-003.000
Municipality Bath Town
Disposition Correction

Resolution # A-4
Name Ronald Webster
Parcel # 148.08-01-004.000
Municipality Bradford Town
Disposition Correction

Resolution # A-5
Name Skyline Farms, LLC
Parcel # 291.00-01-003.100
Municipality Cameron Town
Disposition Correction (per Supreme Court Order)

Resolution # A-6
Name Phillip J Zeh & Karen L Wheaton
Parcel # 017.14-01-005.200
Municipality Cohocton Town
Disposition Correction

Resolution # A-7
Name Rudolph & Joanne Cruser
Parcel # 057.00-02-018.100
Municipality Cohocton Town
Disposition Correction (parcel split)

Resolution # A-8
Name State of New York Mortgage Agency
Parcel # 025.00-01-022.220
Municipality Dansville Town
Disposition Correction

Resolution # A-9
Name Garth & Diane Hurlbut
Parcel # 079.00-01-023.111
Municipality Dansville Town
Disposition Correction (parcel split)

Resolution # A-10
Name Joyce Meyer
Parcel # 081.00-01-007.111
Municipality Dansville Town
Disposition Correction (parcel split)

Resolution # A-11
Name Maureen A Morrow
Parcel # 335.00-03-019.120
Municipality Erwin Town
Disposition Correction (parcel split)

Resolution # A-12
Name Raymond E Kring, Jr
Parcel # 107.00-01-030.210
Municipality Hornellsville Town
Disposition Correction (parcel split)

Resolution # A-13
Name Alan C Carson
Parcel # 107.16-01-018.000
Municipality Hornellsville Town
Disposition Correction

Resolution # A-14
Name John J George, Jr
Parcel # 149.00-01-016.000
Municipality Hornellsville Town
Disposition Correction

Resolution # A-15
Name Paul E & Terri Drake
Parcel # 149.00-01-023.000
Municipality Hornellsville Town
Disposition Correction

Resolution # A-16
Name Marian S Dennis
Parcel # 126.07-01-024.000
Municipality Howard Town
Disposition Correction

Resolution # A-17
Name Ervin Farmwald
Parcel # 290.00-01-013.110
Municipality Jasper Town
Disposition Correction

Resolution # A-18
Name William & Karen Baughman
Parcel # 398.00-01-017.000
Municipality Troupsburg Town
Disposition Correction

Resolution # A-19
Name William & Karen Baughman
Parcel # 398.00-01-018.000
Municipality Troupsburg Town
Disposition Correction

Resolution # A-20
Name William & Karen Baughman
Parcel # 398.00-01-017.000
Municipality Troupsburg Town
Disposition Correction (parcel split)

Resolution # A-21
Name David L Yates
Parcel # 146.00-02-012.100
Municipality Urbana Town
Disposition Correction

Resolution # A-22
Name Mark Powley
Parcel # 206.00-03-004.100
Municipality Campbell Town
Disposition Correction & Refund

Resolution # A-23
Name Eunice Duncan
Parcel # 197.15-03-069.000
Municipality Canisteo Village
Disposition Correction

Resolution # A-24
Name Scribner-Helgeson Living Trust
Parcel # 322.00-01-011.100
Municipality Greenwood Town
Disposition Correction (parcel split)

Resolution # A-25
Name John & Mary Ann Emo
Parcel # 195.00-01-001.000
Municipality Hartsville Town
Disposition Correction (parcel split)

Resolution # A-26
Name Joyce Meyer
Parcel # 082.00-01-018.100
Municipality Wayland Town
Disposition Correction (parcel split)

Resolution # A-27
Name Mary Ann Parmely
Parcel # 181.00-01-011.113
Municipality Hornellsville Town
Disposition Correction (parcel split)

Resolution # A-28
Name Mary Ann Parmely
Parcel # 181.00-01-011.400
Municipality Hornellsville Town
Disposition Correction (parcel split)

Resolution # A-29
Name William Hunt
Parcel # 224.00-02-014.100
Municipality Campbell Town
Disposition Correction

Resolution # A-30
Name William Hunt
Parcel # 242.00-02-025.000
Municipality Campbell Town
Disposition Correction

Resolution # A-31
Name Ervin Farmwald
Parcel # 290.00-01-013.111
Municipality Jasper Town
Disposition Correction

Resolution # A-32
Name Gar & Kay Ritz
Parcel # 034.00-01-042.000
Municipality Prattsburgh Town
Disposition Correction (parcel split)

Resolution # A-33
Name Gregory Davis
Parcel # 367.00-01-077.000
Municipality Tuscarora Town
Disposition Correction

Resolution # A-34
Name Domenica & Carmela Lattanzio
Parcel # 407.00-03-002.100
Municipality Caton Town
Disposition Correction (parcel split)

Resolution # A-35
Name Kevin W & Robin M Ott
Parcel # 159.13-03-016.000
Municipality Bath Village
Disposition Correction

Resolution # A-36
Name Carol Gridley
Parcel # 419.00-01-012.110
Municipality Woodhull Town
Disposition Correction

Vote: Roll Call - Adopted.

RESOLUTION NO. 022-07

Introduced by P. Donnelly.

Seconded by F. Gehl.

RECEIVING AND ACCEPTING THE FEBRUARY 26, 2007, 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 12, 2007

1. Fortuna Energy, inc. - Re: Notice of Intent to construct a natural gas gathering pipeline in the Town of Corning. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

January 16, 2007

1. Steuben County Republican Committee - Re: Letter advising that the Steuben County Republican Committee Members from Legislative District No. 9 at their meeting on January 10, 2007, have recommended Thomas Ryan as the candidate to fill the vacancy left by the untimely death of Lldon Jamison. *Referred to: Steuben County Legislature.*

January 17, 2007

1. NYS Department of Environmental Conservation, Division of Fish, Wildlife & Marine Resources - Re: NYSDEC is now soliciting applications for the State Wildlife Grants Program, for fish and wildlife bio-diversity conservation. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*
2. NYS Office for the Aging - Re: First Notification of Grant Award for the FFY 2007 Nutrition Services Incentive Program. *Referred to: Human Services Committee and Linda Tetor, OFA Director.*

January 29, 2007

1. Nixon Peabody LLP (Attorneys at Law) - Re: Petition of Canandaigua Power Partners, LLC, for an Order Granting a Certificate of Public Convenience and Necessity Pursuant to Section 68 of the Public Service Law, Approving Financing Pursuant to Section 69 of the Public Service Law, and Approving a Lightened Regulatory Regime - relating to the construction of an approximately 90 MW wind power generating facility in the Town of Cohocton, NY. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

February 2, 2007

1. Emergency Medical Services Training, Administration & Resources (formerly STREMS) - Fourth Quarter Report for 2006 and invoice for payment in the amount of \$1,406.25. *Referred to: Health & Education Committee; Victoria Fuerst, PHN Director; Public Safety & Corrections Committee; and Mike Sprague, EMO Director.*

February 5, 2007

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$4,978 representing the December 2006 retained surcharge revenue for Steuben County from the WROTBC. *Referred to: Finance and Rules Committees and Carol Whitehead, County Treasurer.*
2. S. Trentanelli, Corning City Chief of Police - Re: Letter on behalf of the Steuben County Chiefs of Police Association and Corning City Police Department commending Patty Baroody from the County's Office for Aging, for planning and arranging an excellent training session specifically for law enforcement on dealing with people with dementia and Alzheimer's disease. *Referred to: Human Services Committee and Linda Tetor, Director, OFA.*

3. Chairman, Schoharie County Board of Supervisors - Re: Letter to the Governor expressing Schoharie County's position that the Office of Real Property Services does not do a fair and responsible job of establishing the rates they develop, and urging the Governor to make ORPS more accountable and work in cooperation with the local assessors to give true values based on real information. *Referred to: Administration Committee; Donna Hatch, RPTSA Director and Carol Whitehead, County Treasurer.*

February 7, 2006

1. John Tunney, District Attorney - Re: Letter commending the Director and staff in the Information Technology Department for their competence and assistance. *Referred to: Administration Committee and Ken Peaslee, I.T. Director.*

Vote: Acclamation - Adopted.

RESOLUTION NO. 023-07

Introduced by G. Swackhamer.

Seconded by P. Donnelly.

REQUESTING LEGISLATION FOR AN EXTENSION AUTHORIZING AN ADDITIONAL ONE PERCENT SALES TAX FOR STEUBEN COUNTY FOR THE PERIOD COMMENCING DECEMBER 1, 2007 AND ENDING NOVEMBER 30, 2009.

Pursuant to Section 40 of the Municipal Home Rule Law.

WHEREAS, an increase in the rate of the Steuben County Sales and Use Tax from 3 percent to 4 percent for the period beginning December 1, 1992 through November 30, 2007 has heretofore been adopted; and

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

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

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

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby requests the New York State Legislature to adopt special legislation authorizing the Steuben County Legislature to establish an additional one percent sales tax for the period commencing December 1, 2007 through November 30, 2009; and be it further

RESOLVED, from said additional revenues for the period December 1, 2007 through November 30, 2008 the County of Steuben shall pay or cause to be paid to the City of Hornell the sum of \$550,000.00, to the City of Corning the sum of \$600,000.00 and in addition, the sum of \$750,000.00 to the towns and villages of the County of Steuben, based on their respective equalized full value; and be it further

RESOLVED, from said additional revenues for the period December 1, 2008 through November 30, 2009 the County of Steuben shall pay or cause to be paid to the City of Hornell the sum of \$550,000.00, to the City of Corning the sum of \$600,000.00 and in addition, the sum of \$750,000.00 to the towns and villages of the County of Steuben, based on their respective equalized full value; and be it further

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

Vote: Roll call - Adopted.

Yes: 7833, No: 513, Absent: 1526

No: Schwartz; Absent: Argentieri, Baker and McIntyre

RESOLUTION NO. 024-07

Introduced by P. Donnelly.

Seconded by R. Nielsen.

AMENDING RESOLUTION NO. 243-98 ADOPTED NOVEMBER 23, 1998, APPOINTING A DEFERRED COMPENSATION COMMITTEE FOR THE COUNTY OF STEUBEN.

WHEREAS, the Rules and Regulations of the New York State Deferred Compensation Board require that a Deferred Compensation Committee be appointed; and

WHEREAS, the purpose of the Deferred Compensation Committee is to act on behalf of the County of Steuben with respect to their Deferred Compensation Plan; and

WHEREAS, there are currently three different bargaining units that represent County employees.

NOW THEREFORE, BE IT

RESOLVED, there hereby is established a Deferred Compensation Committee; and be it further

RESOLVED, the Committee shall be comprised of the following members:

1. County Administrator
2. County Treasurer
3. County Personnel Officer
4. Member of the Finance Committee
5. President of the Civil Service Employees' Association, Inc.
6. President of the Correction Officer/Dispatcher Civil Service Employees' Association, Inc.
7. President of the Deputies Association

RESOLVED, certified copies of this resolution shall be forwarded to each of the above-named members.

Vote: Roll Call - Adopted.

RESOLUTION NO. 025-07

Introduced by P. Donnelly.

Seconded by K. Isaman.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO APPROPRIATE THE AMOUNT OF \$100,000 FROM THE "BUILDING REPAIR AND RENOVATIONS RESERVE" TO A CAPITAL PROJECT ENTITLED "HEALTH CARE FACILITY ROOF REPLACEMENT".

WHEREAS, the Steuben County Legislature at the January 22, 2007 Board meeting, directed the replacement of the existing Health Care Facility roof; and

WHEREAS, the Public Safety & Corrections Committee has plans to replace the existing Jail roof; and

WHEREAS, it is desirable to design, bid and supervise the roof projects as part of a single project; and

WHEREAS, the County Administrator has recommended that the architectural firm of LaBella Associates, P.C., and the construction management firm, LPCiminelli, from the Jail roof replacement project, coordinate the design and replacement of both roofs.

NOW THEREFORE, BE IT

RESOLVED, that the sum of \$100,000 be appropriated from the Repair and Renovation Reserve to a project entitled, "Health Care Facility Roof Replacement"; and be it further

RESOLVED, that the County Administrator is authorized and directed to contract with LaBella Associates, P.C., and LPCiminelli, for the design and bidding of both roof replacements; and be it further

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

Mr. Nichols asked is it cheaper to renovate the building into an office building rather than tearing it down and building a new office building? If we spend this money, we're locked into this project. I'm not going to spend this kind of money on a roof for this building if we are going to tear it down.

Mr. Heffner stated he has an estimate from when they were discussing building an administration building and that figure was \$15 million. In addition, they had an estimate of \$1 million to tear down the existing building. It will cost \$8 million to renovate the existing building. Discussion followed.

Mr. Swackhamer asked wouldn't it be feasible to get an updated price on building a new office building? I can't see throwing this kind of money into a building that isn't efficient. The insulation is poor, the roof is poor and it doesn't have a cooling system. To me, spending money to get a new cost estimate is more logical than putting this money down to fix the roof. Renovating the old facility into an office building will be a money pit.

Mr. Roche asked would it be practical to have a study done to get an estimate for converting the building into an office building? Mr. Alger stated yes. The basic question you have to ask is whether or not you want to keep the building. If you are going to keep the building, you need to replace the roof. You could commission a study to see which is more productive.

Mr. Swackhamer asked could we have the roof patched to give us more time? Mr. Alger stated the roof is 20 years old and it was probably a 10-year roof. It leaks. You really need to replace it.

Mr. Gehl stated if we don't approve this today, it won't get done this year. Could we approve this and do the study at the same time? Mr. Alger stated I wouldn't advise that. Once we've gone through this part of the process, I think we are committed to replacing the roof.

Mr. Stachnik stated I love studies because it gives us the data to move forward. The new facility may not be ready until the beginning of next year. We may change our minds and decide to sell the building. A new roof would help sell it.

Mr. McAllister asked what was the offered price for the building a few years ago? Mr. Alger stated the building offer was \$1 million. Mr. Ahrens noted the full market value of the building was estimated at about \$2 million.

Mr. Farrand stated I think we should proceed with the roof replacement. We're adding employees and we are running out of space. I think we should get the roof done and save what we can in the building. Then if we decide to sell, we have something we can market.

Mr. Creath stated rehabilitating old buildings is a good reason to keep it open. The roof will preserve the structure and the cost to renovate office space is cheaper than building a new building.

Mr. Swackhamer stated I'm not arguing the cost of renovating versus building new, I'm saying that within 10 years the old building will cost us more than a new efficient building would that has been built to our standards. Tearing down and rejuvenating will be less costly in the beginning but what will it cost you down the road?

Vote: Roll Call – Adopted.

Yes: 7382, No: 964, Absent: 1526

No: Schwartz and Swackhamer; Absent: Argentieri, Baker and McIntyre.

Mr. McAllister asked to be listed as a sponsor of the next three resolutions and to consolidate them all into one vote.

Mr. Alger stated that is the proper thing to do as because any one of these resolutions fail, the project wouldn't be completed. Discussion followed.

RESOLUTION NO. 026-07

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

Seconded by F. Gehl.

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE OF THE STATE MULTI-MODAL PROGRAM-AID ELIGIBLE COSTS, OF A CAPITAL PROJECT, AND APPROPRIATING FUNDS THEREFORE.

WHEREAS, a Project for the Resurfacing and drainage of 0.6 miles of CR 39 in the Town of Cohocton, Steuben County, PIN 6MS222.30A (the "Project") is eligible for funding under Title 23 US Code, as amended, and New York State's Multi-Modal Program administered by the NYS Department of Transportation ("NYSDOT"); and

WHEREAS, the County of Steuben desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project.

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

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

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

RESOLVED, that the sum of \$331,000.00 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and it is further

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

RESOLVED, that the Chairperson of the Legislature of County of Steuben be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Multi-Modal Program Funding 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 Project costs and permanent funding of the local share of all Project costs; and it is 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 it is further

RESOLVED, that this Resolution shall take effect immediately.

Vote: Roll Call - Adopted.

RESOLUTION NO. 027-07

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

Seconded by F. Gehl.

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE COSTS OF THE PROJECT, AND APPROPRIATING FUNDS THEREFORE.

WHEREAS, a Project for the CR 39, SR 21 and SR 371 Drainage Improvements, Town of Cohocton, Steuben County, PIN 6084.36.301 (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 0% Federal funds and 100% 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 CR 39, SR 21 and SR 371 Drainage Improvements in the Town of Cohocton, Steuben County.

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

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

RESOLVED, that the Steuben County Legislature hereby authorizes the County of Steuben to pay in the first instance 100% of the non-federal share of the cost of Construction phase work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$870,000.00 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and it is further

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

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

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

RESOLVED, this Resolution shall take effect immediately.

Vote: Roll Call - Adopted.

RESOLUTION NO. 028-07

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

Seconded by F. Gehl.

AUTHORIZING THE TRANSFER OF \$345,000 FROM OUTSIDE FUNDING TO TOTAL APPROPRIATION FOR COUNTY ROUTE 39, STATE ROUTE 21 AND STATE ROUTE 371 DRAINAGE CAPITAL PROJECT.

WHEREAS, a Project for the CR 39, SR 21 and SR 371 Drainage Improvements, Town of Cohocton, Steuben County, PIN 6084.36.301 (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 0% Federal funds and 100% 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 CR 39, SR 21 and SR 371 Drainage Improvements in the Town of Cohocton, Steuben County; and

WHEREAS, the County of Steuben has entered into an agreement with NYSDOT to fund the local share of this Project; and

WHEREAS, the outside funding for this project has increased by \$345,000; and

WHEREAS, the Public Works and Finance Committees have approved the transfer of \$345,000 from Outside Funding to Total Appropriation for this 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 \$345,000 from Outside Funding to Total Appropriation for this 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. 029-07

Introduced by R. Nichols and G. Swackhamer.

Seconded by T. Schwartz.

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

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

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

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

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

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

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

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

WHEREAS, the New York State Department of Transportation 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 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 Commissioner of Public Works.

Vote: Roll Call - Adopted.

RESOLUTION NO. 030-07

Introduced by R. Nichols and G. Swackhamer.

Seconded by F. Gehl.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ACCEPT \$292,368 IN BUDGET INITIATIVE FUNDING FROM THE NEW YORK STATE DEPARTMENT OF STATE SHARED MUNICIPAL SERVICES INCENTIVE GRANT PROGRAM, AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) TO SECURE SAID FUNDING.

WHEREAS, bid prices for pavement striping are increasing significantly each year; and

WHEREAS, the cost of pavement striping by County forces will be less than private contractors using the 10% County funding; and

WHEREAS, the Public Works Department continues to enact and search for further cost cutting measures; and

WHEREAS, the Senator George Winner and Assemblyman James Bacalles have sponsored the Steuben/Yates/Schuyler County shared services initiative for a new striping truck and pickup with broom; and

WHEREAS, the New York State Department of State will administer said legislative item; and

WHEREAS, Steuben County, Yates County and Schuyler County Departments of Public Works will provide a total of 10% of the purchase cost funding.

NOW THEREFORE, BE IT

RESOLVED, that the Public Works Department is hereby authorized to enter into an agreement with New York State Department of State for said shared services grant; and be it further

RESOLVED, (3) certified copies of this resolution shall be forwarded to the Steuben County Commissioner of Public Works; the Yates County Commissioner of Public Works and Schuyler County Commissioner of Public Works.

Mr. Gehl thanked Mr. Spagnoletti and the Public Works Committee for having the forethought to go into this shared services program.

Vote: Roll Call - Adopted.

RESOLUTION NO. 031-07

Introduced by D. Creath.

Seconded by K. Isaman.

AUTHORIZING PUBLIC HEARING ON LAND SUBMITTED FOR INCLUSION IN CERTIFIED AGRICULTURAL DISTRICTS DURING THE 2007 ANNUAL THIRTY-DAY PERIOD

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

WHEREAS, the Steuben County Legislature established a required annual period from January 15 to February 15, 2007 for landowners to submit requests to add agricultural land to certified Agricultural Districts; and

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

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

NOW THEREFORE, BE IT

RESOLVED, that in accordance with Section 303-b of the Agriculture and Markets Law of the State of New York, a Public Hearing on this matter shall be held by this County Legislature on the 26th day of March, 2007, at 10:00 a.m.; and be it further

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

RESOLVED, certified copies of this resolution shall be forwarded to the Chairman of the County Agricultural and Farmland Protection Board; the Director of the Steuben County Planning Department; and James Grace, Cornell Cooperative Extension - Steuben County.

Vote: Roll Call - Adopted.

RESOLUTION NO. 032-07

Introduced by F. Gehl.

Seconded by D. Farrand.

AUTHORIZING THE DISTRICT ATTORNEY TO ACCEPT THE DONATION OF A USED VEHICLE FROM CHILSON-WILCOX FOR NARCOTICS INVESTIGATIONS.

WHEREAS, Chilson-Wilcox, Inc. of 660 Addison Road, Painted Post, New York 14870-8539 has generously offered a used vehicle for use by the District Attorney, said vehicle having a Vehicle Identification Number (VIN) ending with the last four numbers 6079, hereinafter "the vehicle"; and

WHEREAS, the County of Steuben wishes to avail itself of this generosity and accept the vehicle.

NOW THEREFORE, BE IT

RESOLVED, on behalf of the County of Steuben, in whose name the vehicle shall be titled, the District Attorney is authorized and directed to execute any and all requisite documentation to accommodate the transfer of the vehicle; and be it further

RESOLVED, the Office of the Risk Manager shall execute the necessary documentation for insurance purposes; and be it further

RESOLVED, the vehicle shall be listed as an asset assigned to the Office of the District Attorney on the County's inventory of assets by reference only to the last four digits of the VIN; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer; District Attorney; Office of the Risk Manager, and the Purchasing Director.

Vote: Roll Call - Adopted.

RESOLUTION NO. 033-07

Introduced by F. Gehl.

Seconded by D. Farrand.

APPROVING SUBMISSION BY THE STEUBEN COUNTY PROBATION DEPARTMENT OF THE ANNUAL ALTERNATIVE TO INCARCERATION PLAN AND EXPENDITURE OF FUNDS RECEIVED FOR THE PROGRAMS.

WHEREAS, the Steuben County Probation Department has prepared an application and plan to be submitted to the New York State Division of Probation & Correctional Alternatives for operation and funding of the Community Service Program, Pre-Trial Release Program, and the Alcohol and Substance Abuse Intervention Program; and

WHEREAS, this plan has been approved by the Steuben County Alternatives to Incarceration Board.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby approves of the submission of said plan and the expenditure of funds received toward the Alternative to Incarceration Programs; and be it further

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

Vote: Roll Call - Adopted.

RESOLUTION NO. 034-07

Introduced by P. Donnelly.

Seconded by R. Nielsen.

RECLASSIFICATION OF A VACANT COMPUTER OPERATOR POSITION, GRADE IX TO A NETWORK ADMINISTRATOR POSITION, GRADE XVI WITHIN THE INFORMATION TECHNOLOGY DEPARTMENT.

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

WHEREAS, a position exists within the Information Technology Department that is inappropriately titled and not consistent with the duties for said positions; and

WHEREAS, the Steuben County Personnel Officer 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 Information Technology Department is hereby reclassified:

Computer Operator, Grade IX (\$26,748 - \$37,763) to
Network Administrator, Grade XVI (\$36,883 - \$52,072)

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

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

Mr. Swackhamer asked why is this needed? Mr. Peaslee stated this is a 2nd shift position already and when we fill it, they would be working from 2:00pm to 10:00pm. The position will give us extended coverage. With the work that needs to be done on security and batches, the bulk of the personnel aren't here so it can be done more easily to keep the servers updated. I currently have the money in the budget because I have a retiree in that grade.

Vote: Roll Call - Adopted.

RESOLUTION NO. 035-07

Introduced by P. Roche.

Seconded by F. Gehl.

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
Beth Duane, Marketing Manager, Corning Glass Museum
Beth Harvey, Marketing & Communications Specialist, Rockwell Museum
Joe Serphillips, Dr. Konstantin Frank Vinifera Wine Cellars

TERMS

01/01/05 – 12/31/07
01/01/06 – 12/31/08
01/01/07 – 12/31/09
01/01/06 – 12/31/08

Accommodations

Jan Ebeling, General Manager, Radisson Hotel Corning
Jim Heil, Vinehurst Inn, Hammondspport

01/01/05 – 12/31/07
01/01/06 – 12/31/08

Yvonne Sloan, Halcyon Place Bed and Breakfast 01/01/05 – 12/31/07
Filling the unexpired term of Fran Ambroselli

Restaurants

Robert Pfuntner, Pembroke Pines Media Group and Keuka Maid 01/01/07 – 12/31/09

Professional Services Representative

Jeffrey A. James, Five Star Bank 01/01/06 – 12/31/08
Filling the unexpired term of Terry Kelley

Travel Agency

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

Campground

Randy Lehman, Hickory Hill Camping Resort 01/01/07 – 12/31/09

Community-at-Large

Allen Fusco 01/01/06 – 12/31/08

County Legislators

DeWitt T. Baker, D.V.M. 01/01/06 – 12/31/08
Kenneth E. Isaman 01/01/07 – 12/31/09

County Administrator Designee

Greg Heffner, Planning Director/Deputy County Administrator 01/01/07 – 12/31/09

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

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

Vote: Acclamation - Adopted.

RESOLUTION NO. 036-07

Introduced by P. Roche.

Seconded by F. Gehl.

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

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

BE IT RESOLVED, upon the recommendation of the Chairman of the Steuben County Legislature, the following individuals are appointed to serve as members of the Fish and Wildlife Management Act Board for a term of two (2) years commencing on January 1, 2007 through December 31, 2008:

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

Alternate Landowner Representative:

Michael Warren
7281 Horton Road
Hornell, NY 14843

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

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

Vote: Acclamation - Adopted.

RESOLUTION NO. 037-07

Introduced by P. Roche.

Seconded by F. Gehl.

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:

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	01/01/07-12/31/09 (Three 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. 038-07

Introduced by P. Roche.

Seconded by F. Gehl.

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 term of some board members expired December 31, 2006.

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, 2007 through December 31, 2009

Richard Weakland, President, Corning Property Management, MP-BH-03, Corning, NY 14831.

John Siranni, 10770 Hidden Meadow Trail, Corning, NY 14830.

January 1, 2005 through December 31, 2007

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

Michael L. Nisbet, 20 Bennett Street, Canisteo, NY 14823.

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. 039-07

Introduced by P. Roche.

Seconded by F. Gehl.

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

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

WHEREAS, the Chairman of the Steuben County Legislature has recommended that Dan C. Farrand, District 10, and Kenneth E. Isaman, District 6, be reappointed as the Legislative Representatives to the Soil and Water Conservation District Board of Directors.

NOW THEREFORE, BE IT

RESOLVED, that County Legislator Dan C. Farrand of District 10 and County Legislator Kenneth E. Isaman of District 6, be and they hereby are appointed members of the Board of Directors of the Steuben County Soil and Water Conservation District for a term of two (2) years commencing January 1, 2007, and not beyond December 31, 2008; and be it further

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

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

Vote: Acclamation - Adopted.

RESOLUTION NO. 040-07

Introduced by P. Roche.

Seconded by F. Gehl.

APPOINTING MEMBERS TO THE STEUBEN COUNTY TRAFFIC SAFETY BOARD.

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

NOW THEREFORE, BE IT

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

JANUARY 1, 2007 TO DECEMBER 31, 2009

Paul Crowe	Hornell City Police Chief or designee
Edward Castellana	Steuben County Risk Manager or designee
David Rouse	Bath Village Police Chief or designee
Timothy Marshall	Deputy Director of Emergency Management
John Tunney	Steuben County District Attorney or designee
Dan Farrand	P.O. Box 652, Bath, NY

Joel Ordway Chief Deputy, Steuben County Sheriff's Department
Cathy Rouse-Nicholson Steuben County Magistrate's Association Designee

JANUARY 1, 2006 TO DECEMBER 31, 2008

Carol Whitehead Steuben County Treasurer or designee
(filling unexpired term of Lawrence Crossett)
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, 2007 TO DECEMBER 31, 2009

Jack Fay Captain, New York State Police or designee

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

RESOLVED, 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, New York 12228.

Vote: Acclamation - Adopted.

RESOLUTION NO. 041-07

Introduced by P. Roche.

Seconded by F. Gehl.

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, 2007 through December 31, 2007.

1. Mark R. Alger, Steuben County Administrator, 3 E. Pulteney Square, Bath, NY 14810
2. Kathryn A. Biehl, Steuben County DSS Commissioner, 3 E Pulteney Square, Bath, NY 14810
3. Peter Bradstreet, Family Court Judge, 3 E. Pulteney Square, Bath, NY 14810
4. Amy L. Christensen, Southern Tier Legal Services, 104 E. Steuben Street, Bath, NY 14810
5. Robert Deuel, 6580 Mossy Bank Pk. Road, Bath, NY 14810
6. Megan Archer, 8205 County Route 70, Avoca, NY 14809 (youth)
7. David Hall, 61 Pine Drive, Painted Post, NY 14870
8. Brittney Ouderkirk, 7 Farnham Street, Addison, NY 14801 (youth)
9. Kris Pashley, Director, Corning Parks & Recreation, 8 Civic Cent. Plaza, Corning, NY 14830

10. Patrick Rogers, Director, Institute for Human Services, 6666 County Road 11, Bath, NY 14810
11. Cora Saxton, 310 E. Naples Street, Wayland, NY 14572
12. Rhonda Sweet, Five Star Bank, 44 Liberty Street, Bath, NY 14810
13. Milt VonHagn, 4 Mountainview Road, Bath, NY 14810
14. Marlaina White, 2464 Reservoir Hill Road, 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.

RESOLUTION NO. 042-07

Introduced by P. Roche.

Seconded by F. Gehl.

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 provision 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. Michael Stone, President CSEA (*filling unexpired term of Christopher Ellis*)
2. Brenda Campbell, Employee, Buildings and Grounds (*filling unexpired term of Ellsworth Parks*)
3. April Cook, Employee, Department of Social Services

Term Commencing January 1, 2007 through December 31, 2009

1. Donald S. Lewis, President, Steuben County Deputy Sheriffs' Association

2. Victoria Fuerst, Director, Public Health and Nursing Services
3. Muriel Brown, BS, RN, Health Care Facility

Term Commencing January 1, 2005 through December 31, 2007

1. James Towner, President, Steuben County Correction Officers, Dispatchers and Court Security Officers Unit
(filling unexpired term of Leon Woodworth)
2. Richard A. Argentieri, Legislator
3. David Stachnik, Legislator

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

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

ADVISORY COUNCIL TO THE AFFIRMATIVE ACTION COMMITTEE

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

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

AFFIRMATIVE ACTION OFFICER /EQUAL EMPLOYMENT OPPORTUNITY COUNSELOR

Nancy B. Smith

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

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

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

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

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

Vote: Acclamation - Adopted.

RESOLUTION NO. 043-07

Introduced by P. Roche.

Seconded by F. Gehl.

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

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

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

NOW THEREFORE, BE IT

RESOLVED, that the following persons are appointed with terms commencing January 1, 2007 and ending December 31, 2010:

William Brown, 2930 W. Waneta Lake Road, Hammondsport, NY 14840

Patricia Rice Gurecki, 126 W William Street, Bath NY 14810

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

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

Vote: Acclamation - Adopted.

RESOLUTION NO. 044-07

Introduced by P. Roche.

Seconded by F. Gehl.

FILLING A VACANCY ON 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, there is now a vacancy in the position of Legislative Representative to said Jury Board; and

WHEREAS, it is necessary to fill said vacancy left by the untimely passing of Legislative Representative, Lldon E. Jamison.

NOW THEREFORE, BE IT

RESOLVED, Patrick F. McAllister, Steuben County Legislator representing District 4, is hereby appointed as the Legislative Representative to the Steuben County Jury Board, filling the unexpired two-year term of Lldon E. Jamison 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. 045-07

Introduced by R. Nichols.

Seconded by D. Stachnik.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO RESTORE CRITICAL HIGHWAY AND BRIDGE FUNDING TO THE CONSOLIDATED HIGHWAY IMPROVEMENT PROGRAM (CHIPs).

WHEREAS, included in the 2007-2008 Executive Budget to the Legislature is a \$13,000,000 Capital Funding cut in the Consolidated Highway Improvement Program (CHIPs); and

WHEREAS, the CHIPs transportation program represents a successful state and local partnership delivering necessary funding to over 1,600 levels of local government; and

WHEREAS, these budget cuts strike at programs with proven records of accomplishment for sustaining transportation infrastructure, promoting motorist safety and sustaining construction and related jobs at the local government; and

WHEREAS, to fund these programs at lower levels is to permit the further deterioration of our transportation infrastructure so vital to the economic well being of the State of New York and to the safety and welfare of its citizens; and

WHEREAS, the local property tax base alone cannot sustain the investment needed at the local level; and

WHEREAS, Steuben County will stand to lose \$132,668 in CHIPs funding.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature strongly urges the State Legislature to restore this critical funding; and be it further

RESOLVED, the Steuben County Legislature strongly urges the Governor and the State Legislature to reauthorize the CHIPs Programs during the 2007 legislative session to the 2006/2007 level; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; and Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; New York State Association of Counties; and InterCounty Association of Western New York.

Mr. Spagnoletti stated the Executive Budget for 2007 has cut the funding for local governments, resulting in a reduction of \$133,000 to Steuben County. We are asking that funding be restored to last year's level.

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. Farrand, seconded by Mr. Nielsen and duly carried.

Motion to adjourn Executive Session and reconvene in Regular Session made by Mr. Swackhamer, seconded by Mr. Nichols and duly carried.

RESOLUTION NO. 046-07

Introduced by D. Creath.

Seconded by T. Schwartz.

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 is authorized to be composed of ten (10) persons representative of the people of Steuben County, has reviewed the nominations submitted and has recommended the names of five (5) persons to be inducted into said Hall of Fame this year.

NOW THEREFORE, BE IT

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

1. Alan Cocchetto – Resident of Arkport, retired Engineering Professor and volunteer Medical Director, married 23 years to Marlene, member of Alfred State University’s faculty. Professor Cocchetto became ill and was diagnosed with ME/CFS (Myalgic Encephalomyelitis and Chronic Fatigue Syndrome). As Medical Director, he pioneered use of “evidence-based Medicine”, leading to the discovery that an animal virus is responsible for causing this CFS Immune Dysfunction, as well as Muscular Dystrophy and some forms of Epilepsy. Professor Cocchetto is extremely supportive of the patient community of these diseases. The National CFIDS Foundation conducted its own research of viruses in Chronic Fatigue Syndrome. Professor Cocchetto, Medical Director, stated “Our own funded research first confirmed the lack of a vital protein, known as Stat-1, in the blood of patients with CFS. Stat-1 plays an indispensable role in immunity. Without this protein, patients are unable to effectively fight viral and bacterial infections.”

2. Thomas Dimitroff – Resident of Corning for 50 years, married to Celestia (Peetie) and the father of one son, Thomas Jr. Tom has been a teacher, student-teacher supervisor, wrestling coach, wrestling official and gymnastics coach in the Corning School System, together with holding offices in the Corning Teacher’s Association, NYS Teacher’s Association, Corning-Painted Post Historical Society, Corning Centennial Time Capsule, Friends of Carder Glass, The Rockwell Museum. His notable contributions as a writer and lecturer as co-author of “The Corning Painted Post Area 200 Years in Painted Post Country”; author of “The Finger Lakes Chronicle”, “The Andaste Inquirer”; acknowledgements and contributions given in “The Complete Cut & Engraved Glass of Corning”, “H.P. Sinclair, Jr., Glassmaker” – Volumes I and II; “Frederick Carder: Portrait of a Glassmaker” and “A Picture Postcard History of New York’s Elmira, Corning & Vicinity”. Whenever Tom involves himself with a project, he can be counted on to devote his full energy to completing it as thoroughly as possible states the Crystal City Yorkers, of which Tom was a Founder and Advisor.

3. William K. Kastner – A native of Steuben County, Bill is a resident of the Town of Bath, married to Bonnie for 45 years and is the father of three daughters, Janice, Betty and Tuesday. Bill made a name for himself in his service to his Country, having been in the USAF over 20 years, achieving the rank of Senior Master Sergeant. He was awarded the Purple Heart during the Vietnam Conflict, together with 10 other medals. Bill was recognized by the USAF as the Founder of the Military Police Museum at Lackland Air Force Base in Texas. Since his retirement from the service, Bill has served as Director of Steuben County Veteran's Service Agency and has been recognized for his outstanding service on behalf of Steuben County and New York Veterans. He has dedicated himself to community organizations as Commander of the County American Legion; Bath American Legion, Exalted Ruler of the Elks. Bill is also responsible for the expansion of the Bath National Cemetery; he made sure the War of 1812 Soldier's Repatriation from Canada to the United State was conducted in the greatest patriotic manner and insured their proper internment at the Bath National Cemetery, for which he has been recognized in the Congressional Record. In November 2006, Bill was inducted by Senator Winner into the NYS Hall of Fame for Veterans – the first Steuben County native to be chosen for this honor.

4. Louise K. Maloney – Born in Corning, New York, educated in Corning Schools and graduated from Elmira College in 1931. Married to Gilbert B. Maloney in 1937, mother of five children. Louise Moran Maloney devoted her life to helping people in need. Soft spoken and never aggressive or domineering, she led the staff of the Family Service Society and the Board of Directors in the development of a social services program that was a model for the State of New York. Her works and actions speak of a woman who was strong, determined, loved life, her Irish heritage, her children and her family. She was a Caseworker for the Steuben County Welfare Department in Bath in the 1950's and she retired as Executive Director of Family Service Society in 1973 (formerly known as Social Service Society). Her pioneering of devotion to helping the less fortunate is very much enforced by the staff at Family Service Society today...her influence set the mode for years.

5. Russell M. Tuttle – A resident of Hornellsville, educated in Hornellsville public school, Alfred Academy and the University of Rochester. He graduated the University of Rochester in 1862. He enlisted in the service and rose to the rank of Captain, having received many advancements during the Civil War. While in the Civil War, Russell kept a journal of experiences...this was found in a garage in Texas and was finally published in the Spring of 2006. Upon returning home, he married Ervilla Goodrich in Hornell and helped to found the Hornell Public Library. He purchased all of the books in the Library from its inception until his death in 1908. Being a journalist, he and Safford M. Thacher started the publication of the Canisteo Valley Times and later, Russell became the editor of the Morning Times. In 1884, Russell was one of the few speakers at the dedication of the monument to honor Civil War soldiers...the Grand Army of the Republic (GAR) was one of the few groups to which he belonged. This gentle man loved learning and shared his love of learning with all the public. He has a living history for all time.

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

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

Vote: Roll Call - Adopted.

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

REGULAR MEETING
Morning Session
Bath, New York
Monday, March 26, 2007

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, New York on Monday, the 26th day of March, 2007 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 Baker and Isaman.

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

Chairman Roche asked Mike Flint to come forward. Mr. Flint is an employee in Information Technology. Chairman Roche presented him with a Certificate of Appreciation and 25-year pin in recognition of his twenty-five years of service to the County.

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

Chairman Roche asked Carolyn Scaife to come forward. Mrs. Scaife is the Confidential Secretary to the County Administrator. Chairman Roche presented her with a Certificate of Appreciation and a plaque in recognition of her retirement following 34 years of service. Mrs. Scaife commented that she will miss almost everybody and that it has been a very interesting 34 years. Having Mr. Alger as her boss made it all worth while. ***Congratulations Carolyn!***

Mrs. Mori read the following nomination for Employee of the Month:

Sometimes, just about everything that can go wrong does go wrong. It's Murphy's Law and those are the times that you feel everyone is watching every move you make and writing down everything they could have done better than you, so it can all come back to haunt you at a later date. Have no fear, when the roof falls in, it will be your fault! These are trying times for someone near and dear to all of us. What some people in this position experience during their entire career, this person is experiencing in a matter of months. The Employee Recognition Committee has unanimously voted to name as the County's April Department Head of the Month, a person who everyone does watch every move he makes, and appreciates it, and wants to make public the fact that we marvel at the amount of knowledge stuffed into that tiny little head of his. The proof will be when the Health Care Facility is completed and they're all not behind bars! **CONGRATULATIONS MARK!**

Mr. Alger stated thank you. I would like you to know that I do what I have to do and beyond that, the person who deserves recognition is Carolyn Scaife. I have to find a replacement and that will be just about impossible. What I do is largely directed by what she schedules for me. She will be sorely missed as she has been here longer than me. We will miss her more than we can imagine. She is someone who has done an outstanding job and has really been there in every instance and every manner you can imagine over the past 30-year period. I don't deserve this recognition, but the person who assists me does. Beyond that, I'd recognize all of the department heads. I can only do what they help me do. He thanked Carolyn Scaife for all of her work.

Mr. McCandless introduced the 19 student interns to the Legislature.

Mr. Roche opened the floor to members of the public for comment.

Rosalie Nymczek, Bath, stated that she is here today representing the Unionville Preservation Society. She stated they are located in the Bath Township near the Turnpike Road, CR 10 and Mossy Bank. We have worked on beautification issues for the landfill with Mr. Spagnoletti and that has been very successful. We are also dedicated to road safety and we are responsible for getting the double lines put on CR 10. The Cameron Road has been declared a scenic route from Bath to Cameron and you will see this listed in the tourism guide. This is a real asset for our property values. Ms. Nymczek stated she is here to talk about hunter safety and she is very concerned and extremely upset about the proposed amendment to include rifle hunting during hunting season. She shared with the Legislature a personal incident which involved a bullet going through her house and commented that many homes have sprung up in the 25 years since she first moved to her current home. She urged the Legislature to ask for an exemption for Steuben County.

Frank Anastasio, Corning, stated that he is here today to discuss the adoption of voting machines. He prefaced his comments by saying we are in an age of crisis in confidence. The public is alarmed and is losing confidence in many institutions. It is incumbent upon this Board to choose a voting machine very carefully with as much facts as possible. He stated that he personally recommends the optical scanner.

Pat Eaton, Bath, stated she is opposed to the rifle hunting proposal. She realizes this is a State Law, but this body here can either support it or not. We don't need rifles in this County. The other issue that she would like to address is the use of the Health Care Facility. When she has inquired about this the response has been that you need more office space. Give some consideration to assisted care. We need assisted living in the County and we are desperate for it. This could be a big ease on the Medicaid budget. Give it your consideration.

Susan Multer, Horseheads, stated she is here today representing the Steuben County League of Women Voters. We never endorse a candidate or political party. We do take positions on issues and one issue is the voting machines. You can and should be informed and involved and influential in the decision to be made. She stated that the Steuben County League of Women Voters is in favor of the optical scanners. There are a number of concerns and arguments against the use of the optical scanners. For instance, some would argue that because New York State requires a full-face ballot, the print will be too small for everyone to read. The fact is that there will be larger print ballots available for those individuals that require it. Another argument is that there is a risk of fraud. Ms. Multer stated I trust the election inspectors and each election district to keep those ballots and carry them to the Board of Elections. I trust the commissioners to keep the ballot boxes locked unless and until there is a recount. There are concerns about the cost of the paper ballots. The cost of one ballot is as much as \$1.50 per ballot and that's what the vendors have told us. That's what the vendors will charge if we let them print the ballots. There are other states that send their ballots out to bid. Oklahoma pays \$.15 per ballot. The League of Women Voters has been pushing for this for two years. There are 19 organizations in New York State that are in favor of the optical scan. Ms. Multer commented that representatives from the League of Women Voters can come to the Legislative Meeting or committee meetings to answer any questions. We are respectfully encouraging you to ask the Elections Commissioners to come before you in your next meeting of Administration and Finance and ask them questions that are raised by what we are saying today so you can help them make the best decision.

Jacqueline O'Neil, Corning, stated she is here in support of the optical scanners for voting machines. As elected officials, you are aware of how important it is that we have our votes counted and counted accurately. The optical scanner feature is very important. I would urge all do haste for having our system in place and people trained to use those machines.

Greg Multer, Horseheads, stated he is here today as a representative for the League of Women Voters of Steuben County. He is in support of optical scan voting machines. Forty-three members of the New York City Council voted unanimously for a voting system counting ballots by optical scanner. He read an excerpt from the resolution that the New York City Council passed. Mr. Multer stated that he is hoping you will recommend using the same.

Wayne Wells, Cameron Mills, stated he is here today regarding the voting machines. He comes from a town that has 450 voters and a DRE machine may not handle our town. In talking about the potential costs, those may be far and above what the vendors have advertised. Too many times, the responsibility and accountability is passed to the higher levels of government. In our County, we the people make those decisions. There should not be any problems. Mr. Wells stated that he is appalled that New York State is not allowing us to continue with the lever machines. Then there is the option of choosing between two types of machines. The temptation is to look at the new technology and not go back to what this may end up costing us. Please make an informed decision.

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

The Deputy Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Relative to Parcels for Inclusion in Certified Agricultural Districts #10 and #17 During the Annual Thirty-Day Review Period. Chairman Roche asked if there were any comments regarding this Public Hearing. There being none, the Public Hearing portion of the meeting was closed.

The 2006 Composite Annual Report of Steuben County Departments was distributed to the Legislature.

Motion adopting the minutes of the February meeting made by Mr. McIntyre, seconded by Mr. Nielsen and duly carried.

Dr. Anderson stated that he would like to make a couple of comments about Mrs. Scaife's retirement. It is not often that he's stayed in the same place for as long as he has, but since he has been with the County for 22 years, the first person to make him feel welcome was Mrs. Scaife. He appreciates everything that she has done over the years and thanked her for her work.

Chairman Roche reminded the Legislature that the luncheon with the Youth Interns will be immediately following the meeting. Also, he asked the Legislators to please check meeting dates and times as there have been a few changes for April and May.

RESOLUTION NO. 047-07

Introduced by: Gary D. Swackhamer.

Seconded by: Patrick F. McAllister.

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 Corning Hotel Corporation
Parcel # 318.46-01-002.000, 318.46-01-003.120,
318.46-01-004.000, 318.46-01-007.000
Municipality Corning City
Disposition Refund (per Supreme Court Order)

Resolution # A-2
Name Glenn H & Patricia Stever
Parcel # 385.00-01-091.000
Municipality Tuscarora Town
Disposition Correction (parcel split)

Resolution # A-3
Name Land Enterprises Inc
Parcel # 372.00-01-039.114
Municipality Caton Town
Disposition Correction (parcel split)

Resolution # A-4
Name Raymond & Edna Guck
Parcel # 235.00-01-018.000
Municipality Canisteo Town
Disposition Correction

Resolution # A-5
Name Village of Arkport
Parcel # 107.00-01-011.200
Municipality Hornellsville Town
Disposition Correction

Resolution # A-6
Name Village of Arkport
Parcel # 107.00-01-013.000
Municipality Hornellsville Town
Disposition Correction

Vote: Roll Call – Adopted

RESOLUTION NO. 048-07

Introduced by: Patrick F. Donnelly.

Seconded by: Thomas J. Ryan.

RECEIVING AND ACCEPTING THE MARCH 26, 2007, 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 5, 2007

1. Ronald Gray, Department of the Treasury, Internal Revenue Service (Elmira Office) - Re: Letter advising of the outstanding service that is provided by Vicki Olin in the County Clerk's Office. *Referred to: Administration Committee and Judy Hunter, County Clerk.*

February 8, 2007

1. NYS Department of Transportation - Re: Wind power generating facility in the Town of Cohocton - applications required to be submitted for the transport of involved materials and equipment. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

February 20, 2007

1. NYS Department of Transportation - Re: Hamilton Street, Town of Erwin - ownership and maintenance responsibilities. *Referred to: Public Works Committee and Vincent Spagnoletti, Public Works Commissioner.*

February 22, 2007

1. NYS Office of Parks, Recreation & Historic Preservation - Re: 2006-2007 application for Snowmobile Trail Development & Maintenance Assistance has been approved for \$19,800. Grant will provide assistance in maintaining 99 miles of approved trails. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*
2. NYS Office of Parks, Recreation & Historic Preservation -Re: Rowe House, 11763 County Route 38, Wayland - to be considered by the State Review Board for nomination to the National & State Registers of Historic Places. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director; and Twila O'Dell, County Historian.*

February 23, 2007

1. NYS Office for the Aging - Re: Annual Implementation Plan for 2007-08 for Steuben County Office for the Aging approved. Additionally, applications for Older Americans Act Title III-B, Title III-C-1, Title III-C-2, Title III-D and Title III-E funds also approved. Also the application for State aid under the Expanded In-home Services for the Elderly Program, the Community Services for the Elderly Program, the Supplemental Nutrition Assistance Program, and the Congregate Services Initiative and Caregiver Resource Center Renewal Application for 4/1/07-3/31/08 has been approved. *Referred to: Human Services Committee and Linda Tetor, OFA Director.*

February 28, 2007

1. NYS Department of Health - Re: Plan submitted concerning licensed administrative coverage at the Steuben County Infirmery (Health Care Facility) is acceptable until May 24, 2007. *Referred to: Health & Education Committee; John Zehr, Supervising Administrator; and Raelen Melious, Acting Administrator.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 049-07

Introduced by: David Stachnik/Gary D. Swackhamer.

Seconded by: Thomas C. Schwartz.

ACCEPTING DONATED FUNDS IN THE AMOUNT OF \$6,552.00 FROM THE UNITED WAY OF THE SOUTHERN TIER.

WHEREAS, the United Way of the Southern Tier has awarded funds in the amount of \$6,552.00 to the Steuben County Department of Social Services; and

WHEREAS, Child Welfare Legislation enacted in 2002 permits counties to use privately donated funds to support their total claims for Preventive Services; and

WHEREAS, the Department of Social Services desires to use the funds to support the local share of funding for preventive services within Steuben County.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben accepts \$6,552.00 from the United Way of the Southern Tier, and adjusts the 2007 Department of Social Services' Budget to reflect this additional funding; and be it further

RESOLVED, Steuben County accepts these funds in the 2007 Budget as follows:

Revenues: 607000 42705000 Donations \$6,552.00

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.

**A M E N D E D
RESOLUTION NO. 050-07**

Introduced by: Gary D. Swackhamer.

Seconded by: Francis L. Gehl.

ESTABLISHING A CAPITAL PROJECT ENTITLED, "NICHOL INN REMEDIATION", APPROPRIATING \$113,788 IN NEW YORK STATE ASSISTANCE ENVIRONMENTAL RESTORATION PROGRAM GRANT FUNDS, AND TRANSFERRING \$12,643 FROM TAX ACQUIRED PROPERTY EXPENSE, GENERAL FUND ACCOUNT A 136400 5 413 400 TO FUND THE REQUIRED 10% LOCAL SHARE.

WHEREAS, the Nichol Inn property #037-20-1-12.000 in Pulteney has been sited as being in need of remediation by the New York State Department of Environment Conservation; and

WHEREAS, this project is anticipated to take more than one year to complete; and

WHEREAS, the County applied for a grant pursuant to Resolution No. 013-06 adopted January 23, 2006, and subsequently received an award of \$113,788.00 for this purpose; and

WHEREAS, the County is required to fund this project award with a 10% match.

NOW THEREFORE, BE IT

RESOLVED, the County Treasurer is hereby authorized and directed to establish a capital project account entitled, "Nichol Inn Remediation"; and be it further

RESOLVED, the County Treasurer is hereby authorized and directed to appropriate State grant funds of \$113,788.00 plus the County match of \$12,643.00 from Tax Acquired Property Expense Account A 136400 5413400 to said capital project account; and be it further

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

Mr. Swackhamer amended the resolution to read a County match of \$12,643.00 from the Tax Acquired Property Expense Account. Mr. Alger explained, some time ago the County acquired this property and in the course of reviewing the site, we determined there was a problem with it. We have been attempting to remediate the site for ten years. A year ago we made an application for a brownsfield cleanup. This resolution is accepting that grant to go forward with the cleanup.

Mr. Schwartz asked did we acquire this property from the tax sale? Mr. Alger replied yes. Mr. Schwartz asked is there anything in place to protect us from acquiring property in need of remediation? Mr. Alger replied this situation pointed out to us that we need to be very careful about the properties that we take. We review them prior to taking them. He commented that the Treasurer's Office should be congratulated on pursuing this grant along with Steve Orcutt of the Public Works Department.

Vote: Roll Call – Adopted.

RESOLUTION NO. 051-07

Introduced by: Robert V. Nichols.

Seconded by: Francis L. Gehl.

AUTHORIZATION TO ADD INCINERATOR ASH TO THE SOLID WASTE LEGAL NOTICE AND TO ESTABLISH THE TIPPING FEES.

WHEREAS, incinerator ash is a derivative of facilities that produce energy from Municipal Solid Waste; and

WHEREAS, the New York State Department of Environmental Conservation requires strict testing and 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 moisture content of ash provides for safe and easy use; and

WHEREAS, the high density of ash provides for increased revenues; and

WHEREAS, the Public Works Committee has approved the addition of the incinerator ash 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 incinerator ash 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. Schwartz asked is there a weight limit? Mr. Spagnoletti replied there is no weight limit. This material is used at the end of the day to cover the garbage. It is limited by our needs for it. We need about three loads a day which equates to 70 – 80 tons.

Mr. Nichols asked is this material tested by the Department of Environmental Conservation? Mr. Spagnoletti replied yes. We receive ours from Washington County and Warren County.

Mr. Alger commented we have some ability to determine how much of this to take. The Public Works Department has the ability to say they don't need any. Mr. Spagnoletti stated we say how much we want. Mr. Schwartz asked will that cut down on the cost to expand the landfill? Mr. Spagnoletti replied that with regard to extending the life of the landfill, he doesn't know that it makes much difference. At the end of the day we cover the garbage with either dirt or this material. It is better to use this as you don't have the cost of digging up the dirt.

Mr. Schwartz asked will this impact our ability to take gases from the landfill and use them as a biofuel? Mr. Spagnoletti replied this will not affect our ability to draw methane gas from the landfill and convert it to electricity.

Vote: Roll Call – Adopted.

RESOLUTION NO. 052-07

Introduced by: Robert V. Nichols/Gary D. Swackhamer.

Seconded by: Dan C. 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.

WHEREAS, a Project for the Bridge Replacement on County Route 73 over Tioga River, Steuben County, PIN 6754.07 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Steuben desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Bridge Replacement, BIN 3334460, County Route 73 over Tioga River in Steuben County.

NOW THEREFORE, the Steuben County Legislature, duly convened does hereby **RESOLVE**, that the Steuben County Legislature hereby approves the above-subject project; it is hereby further

RESOLVED, that the Steuben County Legislature hereby authorizes the County of Steuben to pay in the first instance 100% of the federal and non-federal share of the cost of PE/Design and right-of-way incidentals work for the Project or portions thereof; and be it further

RESOLVED, that the sum of \$305,000.00 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 Steuben County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, the Chairperson of the Steuben County Legislature of the County of Steuben be and the same hereby is authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Steuben with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations 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. 053-07

Introduced by: Donald B. Creath.

Seconded by: Thomas C. Schwartz.

APPROVING THE ADDITION OF AGRICULTURAL LANDS TO CERTIFIED AGRICULTURAL DISTRICTS.

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

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

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

WHEREAS, the Steuben County Agriculture and Farmland Protection Board has reviewed the matter, found the land to be viable for agricultural production, and submitted a report to this Legislature; and

WHEREAS, inclusion of these viable agricultural lands in certified agricultural districts will serve the public interest by helping to maintain the agricultural industry of Steuben County; and

WHEREAS, the Steuben County Legislature gave legal notice of and held the required public hearing of this matter on the 26th day of March, 2007 at 10:00 a.m.

NOW THEREFORE, BE IT

RESOLVED, that the following tax parcel shall be added to Agricultural District No. 10: 465600 290.00-01-004.000; and be it further

RESOLVED, that the following tax parcel shall be added to Agricultural District No. 17: 466000 059.00-01-023.100; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Chairman of the County Agricultural and Farmland Protection Board, Andrew Spencer, 8997 Burns Rd., Arkport NY 14807; the Director of the Steuben County Planning Department; James Grace, Cornell Cooperative Extension - Steuben County; and Patrick Hooker, Commissioner, New York State Department of Agriculture and Markets.

Vote: Roll Call – Adopted.

RESOLUTION NO. 054-07

Introduced by: Donald B. Creath.

Seconded by: Thomas C. Schwartz.

COMMENCING THE REVIEW PERIOD FOR AGRICULTURAL DISTRICT NO. 7

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

WHEREAS, owners of certain land in the Towns of Canisteo, Dansville, Fremont, Hartsville, Hornellsville and Howard did submit to the Steuben County Board of Supervisors proposals to create agricultural districts within specified areas of said Towns; and

WHEREAS, said proposals were filed with the Steuben County Board of Supervisors and the appropriate procedures were thereafter followed which led to the creation of said districts to be reviewed every eight years; and

WHEREAS, District No. 7 was most recently reviewed, consolidated with District No. 8, and certified in 2001; and

WHEREAS, it is anticipated that the Notice of Review from the State of New York, Department of Agriculture and Markets, will be forthcoming within the next 90 days, and that, pursuant to said Law, the necessary review of the Steuben County Agricultural District No. 7 will be required to commence thereafter; and

WHEREAS, it is in the best interests of the County to commence this review period at this time,

NOW THEREFORE, BE IT

RESOLVED, that the Review period of the said Agricultural District located in the Towns of Canisteo, Dansville, Fremont, Hartsville, Hornellsville and Howard, County of Steuben and State of New York commences effective upon filing of a Notice of Review with the office of the Steuben County Clerk, said Review period to be for a period of thirty (30) days; and be it further

RESOLVED, that the Clerk of this Legislature is hereby directed to file said Notice of Review in the Office of the Steuben County Clerk and provide notice of such review by publishing the "Notice" in the Corning Leader and Evening Tribune, which are two (2) newspapers having general circulation within the said District, and by posting such "Notice" in five (5) conspicuous places within the said district. Said "Notice" shall contain information as required in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York; and be it further

RESOLVED, that the Clerk of this Legislature shall file the necessary affidavits of publication and posting of such "Notice" with this County Legislature, and this Legislature shall receive any proposals for modification of said district which may be submitted by landowners or municipalities, within thirty (30) days of the filing of the Notice of Review in the Steuben County Clerk's Office; and be it further

RESOLVED, that upon termination of said thirty (30) day period such review and any proposed modifications shall be referred by this Legislature to the Steuben County Agricultural and Farmland Protection Board, which Board shall report to the Steuben County Legislature their recommendations concerning the review and proposed modifications, and thereafter the County Legislature shall hold a Public Hearing as required by Law; and be it further

RESOLVED, that the Clerk of this Legislature shall forward certified copies of this resolution to the Steuben County Clerk; Chairman, Steuben County Agricultural and Farmland Protection Board; the Director of the Steuben County Planning Department; and James Grace, Cornell Cooperative Extension.

Vote: Acclamation – Adopted.

RESOLUTION NO. 055-07

Introduced by: Patrick F. Donnelly.

Seconded by: Thomas J. McIntyre.

RECLASSIFICATION OF A TYPIST POSITION, GRADE IV TO AN ACCOUNT CLERK TYPIST POSITION, GRADE VI WITHIN THE PERSONNEL DEPARTMENT.

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

WHEREAS, a position exists within the Personnel Department that is inappropriately titled and not consistent with the duties for said position; and

WHEREAS, the Steuben County Personnel Officer 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 Personnel Department is hereby reclassified:

Typist, Grade IV (\$21,813 - \$30,792) to
Account Clerk Typist, Grade VI (\$23,607 - \$33,328)

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 and the County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 056-07

Introduced by: Philip J. Roche.

Seconded by: Francis L. Gehl.

SETTING THE DATE OF THE MAY 2007 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 May 2007, on Tuesday, May 29, 2007 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. 057-07

Introduced by: Francis L. Gehl

Seconded by: Richard A. Argentieri.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO RESTORE STATE AID TO LOCAL PROBATION DEPARTMENTS TO MAINTAIN AND IMPROVE LOCAL PROBATION SERVICES.

WHEREAS, New York State Executive Law 246, which outlines state reimbursement for probation services, states... "2. State aid shall be granted to the City of New York and the respective counties outside New York only to the extent of reimbursing fifty per centum of the approved expenditures incurred by the County or City in maintaining and improving local probation services"; and

WHEREAS, over the past two decades, local reimbursement for probation services has decreased from 46.5% to lower than 20%; and

WHEREAS, also during this period of time, the state has increased unfunded mandates on Probation, such as: interim supervision, DNA collections, longer probation sentences for sexual offenders, required advances in technology, ignition interlock, Sexual Offender change in address notifications, and community service for DWI offenders; and

WHEREAS, counties have been forced to assume a greater proportion of probation costs resulting in layoffs, reduction in services and/or increasing property taxes; and

WHEREAS, counties firmly believe that effective probation services historically have proven to reduce reliance on incarceration and placements, as evidenced by the 63,000 felonS and the 43,000 juveniles currently receiving services, thereby providing a substantial savings to the state.

NOW THEREFORE BE IT

RESOLVED, the Steuben County Legislature joins the New York State Association of Counties in:

1. Supporting the restoration of state aid to local probation departments to a full 50% of expenditures incurred by counties or City of New York in maintaining and improving local probation services; and
2. Requiring that any new public safety mandate imposed pursuant to State law, regulation, or executive order that imposes additional duties upon local probation departments, or directly increases the population of offenders subject to the jurisdiction of any such department, be fully funded by the State.

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to: Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 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; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Francis L. Gehl, President, InterCounty Association of Western New York, c/o Steuben County Legislature, 3 East Pulteney Square, Bath, NY; to the Director of Probation and the County Treasurer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 058-07

Introduced by: Philip J. Roche.

Seconded by: Thomas C. Schwartz.

MEMORIALIZING THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO AMEND STATE LAW TO MANDATE THE PAYMENT OF CLAIMS BY HEALTH INSURERS FOR SERVICES PROVIDED UNDER THE EARLY INTERVENTION PROGRAM.

WHEREAS, Title II-A of Article 25 of the Public Health Law mandates that counties pursue revenue streams including third party reimbursement prior to seeking State Aid for Early Intervention Program services; and

WHEREAS, in spite of amendments to the statute in 2002 designed to assure municipalities facilitated access to such funding, reimbursement from private health insurance for costly Early Intervention services remains difficult, labor intensive and is a counter-productive process which has proven to cost more than anticipated benefits to municipalities; and

WHEREAS, to date, municipalities have met with overwhelming resistance from private health insurance companies when presented with claims for reimbursement from counties for their expenditures related to the delivery of services to eligible infants and toddlers with disabilities; and

WHEREAS, counties with a high saturation of health maintenance organizations are routinely met with rejection of reimbursement due to the incompatibility of the Early Intervention Program's inclusive list of therapies and services covered under the law and the philosophy governing managed health care; and

WHEREAS, since July 1993, when services under New York State's Early Intervention Program began, the cost per child, the number of recipients and the administrative duties required of counties have risen dramatically; and

WHEREAS, many counties report that the costs related to the Early Intervention Program have grown far more rapidly and have outpaced growth in the Preschool Special Education Program (Section 4410 of the State Education Law); and

WHEREAS, counties and the City of New York billed over \$97 million to commercial insurers in 2005, and fully 70 percent of reconciled commercial insurance claims were denied; and

WHEREAS, in New York State, 44 percent of children in Early Intervention had commercial insurance, yet commercial insurance paid for only 1 percent of Early Intervention costs; and

WHEREAS, in Steuben County, a total of \$132,282 was billed to commercial insurers in 2005, but only \$29,267.67 of the claims were reimbursed; and

WHEREAS, it is in the best interest of State and local taxpayers to administer this program in the most cost effective manner possible, as required in statute; and

WHEREAS, municipalities must have appropriate access to all available funding streams and reimbursement mechanisms, including private health insurance, in order to relieve the current burden on taxpayers.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature calls for an amendment to State Law to mandate the payment of claims by health insurers for services provided under the Early Intervention Program; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 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; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Francis L. Gehl, President, InterCounty Association of Western New York, c/o Steuben County Legislature, 3 East Pulteney Square, Bath, NY.

Vote: Acclamation – Adopted.

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

REGULAR MEETING
Morning Session
Bath, New York
Monday, April 23, 2007

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, New York on Monday, the 23rd day of April, 2007 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members present except Legislators Argentieri, Donnelly and Ryan.

Chairman Roche requested a moment of silence in honor of the victims of the Virginia Tech shootings.

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

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

James Hall, Cohocton, stated he is a member of a group called the Cohocton Wind Watch. There has been much discussion lately regarding empire zones. The empire zone regulations have a major flaw as it allows developers to circumvent their fair share of their project costs. We hope you enter into a fair and equitable taxation for any developments in Steuben County.

Frank Coccho, Corning City Mayor, stated on April 4th, he sent a letter to the County regarding renewing the bridge funding for the cities. The City has retained an engineering company to complete an inventory of the bridges and we will forward those results to you.

Eleanor Sample, Hammondsport, stated she met with the County Administrator to discuss having the County pay for the various ways that County residents need to quit smoking. She took two individuals to see a hypnotist in order to quit smoking. She stated she paid for the hypnotist out of her own pocket and she's here today to present that bill to the County.

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

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Relative to authorizing and directing the Steuben County Treasurer to appropriate the amount of \$775,000 from the "Building Repair and Renovations Reserve" to a capital project entitled "Health Care Facility Roof Replacement". Chairman Roche opened the floor for comments regarding this Public Hearing. There being no comments, Chairman Roche declared the public hearing closed.

Chairman Roche asked Betty Nichols to come forward. Ms. Nichols is an employee in the Department of Social Services. Chairman Roche presented her with a Certificate of Appreciation in recognition of her retirement following 22 years of service to Steuben County. Ms. Nichols stated I've enjoyed my association with support collection all these years. I have mixed feelings about this but I am going to be 75 this fall and I think it is time to retire.

Mrs. Kane asked Denis Oliver, Dan McRae and Linda Muller to come forward. Joseph Conte, Brian Wray, Charles Hughes and Neil White nominated the Veterans' Service Office for Team of the Month. Mrs. Kane read the following nomination:

The staff at the Veterans' Service Office, more often than not, go out of their way to assist the veterans. They each show a tremendous amount of kindness, respect and concern when dealing with Veterans and their families. You're welcomed with a warm smile and made to feel that your questions or request are of serious interest to them. It is not uncommon to go in asking for one thing and the staff realizes you or your family are eligible for other veteran benefits and they handle all of the paperwork, background

information and research to make it happen for you. They work with tenacity to ensure that those properly entitled have brighter tomorrows. Their work with widows of World War II veterans is second to none! This team takes time, with the patience of Job, to assist often elderly and/or confused survivors complete with mile-high paperwork for a survivor's pension. They walk you through the entire process explaining in understandable terms every detail in a quite complicated process. The staff truly goes above and beyond in all that they do. They have made it possible for the widows of Steuben County Veterans to continue to live with dignity due to a meager VA pension. These ladies of often 90 plus years could never have done it without the "above and beyond" advice, guidance, follow-up, special calls, extra work and overflowing compassion of the Veterans Service Team. This team truly cares and it shows. Whether it be an American Legion event, a VA Center Celebration, a Veterans Saturday workshop, a community Veterans Day activity or an outreach program, this team is out there working to make sure that our veterans receive every available benefit. It doesn't matter to them if it's at night or on a weekend, they're there. Having to deal with this office and it's employees has always been a very pleasant experience and we would like them publicly acknowledged for their work for us. **CONGRATULATIONS!**

Mr. McRae stated I was really taken back and surprised when we received this nomination. On behalf of my staff I'd like to say thank you very much.

Mrs. Biehl and Mr. Pruyn came forward to present the Child Abuse Prevention Award on behalf of the Task Force for the Prevention of Child Abuse and the Steuben County Youth Bureau.

Mrs. Biehl stated this award is presented annually during the month of April, which is Child Abuse Prevention Month. The award recognizes an individual or program. This year's recipients are the staff of The Net - Domestic Abuse Program, a division of Steuben Churchpeople Against Poverty. They are: Marcia Ribble, Sally Diez, Candace Dockstader, Robert Griftl and Tina Yarrison. She noted that children are often the silent victims of domestic violence. Mrs. Biehl read the nomination, which was submitted by Sherry Jelliff.

Mrs. Biehl offered her own personal thanks to the organization. Mr. Pruyn presented them with the plaque/award.

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

Mr. McIntyre stated as a retired marine and somebody who has served in combat, I was appalled by Harry Reid's comments about the war being lost in Iraq. It is a bad message to send to our troops and it is an outrage that people make comments like this about our country.

Mr. Creath announced that the Hall of Fame is holding the annual awards luncheon this Saturday. Tickets are available through the County Historian's Office and are also available at the door.

RESOLUTION NO. 059-07

Introduced by G. Swackhamer.

Seconded by T. McIntyre.

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, pursuant to §1138 of the Real Property Tax Law, the parcels listed in Schedule "B" having heretofore been withdrawn from foreclosure proceedings without reinstatement, and it being hereby determined that there is no practical method to enforce the collection of delinquent tax liens against said parcels, and it being hereby further determined that there is no practical method to enforce the collection of delinquent tax liens arising hereafter against said parcels; now therefore the delinquent tax liens are hereby cancelled, and there shall be issued forthwith a certificate of prospective cancellation, and the Treasurer shall file a copy of the certificate with the assessor of the respective assessing unit in which said parcels are located and with the Director of Real Property Tax Services, and upon the filing as directed such parcels shall become and be exempt from taxation, 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 Director of the Steuben County Real Property Tax Service Agency, the Steuben County Treasurer, and the Chairman of the Board of Assessors of the appropriate municipality.

SCHEDULE "A"

Resolution # A-1
Name Scribner Helgerson Living Trust
Parcel # 322.00-01-012.000
Municipality Greenwood Town
Disposition Correction (parcel split)

Resolution # A-2
Name Bt-Newyo Inc
Parcel # 107.00-01-050.200
Municipality Hornellsville Town
Disposition Correction (per Supreme Court Order)

SCHEDULE "B"

Resolution # B-1
Former Owner Lee Oil Co, Inc
Parcel # 339.00-01-033.000
Municipality West Union Town
Disposition Delinquent tax liens cancelled and certificate of prospective cancellation issued.

Resolution # B-2
Former Owner Lee Oil Co, Inc
Parcel # 339.00-01-026.100
Municipality West Union Town
Disposition Delinquent tax liens cancelled and certificate of prospective cancellation issued.

Resolution # B-3
Former Owner Lee Oil Co, Inc
Parcel # 339.00-01-005.000
Municipality West Union Town
Disposition Delinquent tax liens cancelled and certificate of prospective cancellation issued.

Vote: Roll Call - Adopted.

RESOLUTION NO. 060-07

Introduced by F. Gehl.

Seconded by T. Schwartz.

RECEIVING AND ACCEPTING THE APRIL 23, 2007, COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

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

March 22, 2007

1. David Hill, Executive Director, ProAction of Steuben & Yates, Inc. - Letter stating interest in use of the kitchen facilities in the existing Health Care Facility as a central food preparation site for the Senior Nutrition Program after the new Health Care Facility is constructed and operational. ***Referred to: A.I.P. Committee and Gregory Heffner, Planning Director.***

March 23, 2007

1. NYS Supreme Court, Appellate Division, Fourth Department, Rochester, NY - Re: Renovations to Presiding Justice Scudder's Chambers. ***Referred to: A.I.P. Committee, Gregory Heffner, Planning Director; and William Partridge, Superintendent, Buildings & Grounds Department.***

March 26, 2007

1. Nixon Peabody, LLP - Re: Case 07-E-0138 Petition of Canandaigua Power Partners for an Order Granting a Certificate of Public Convenience and Necessity Pursuant to Section 68 of the Public Service Law; Response to Comments on Petition. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

March 30, 2007

1. Nixon Peabody, LLP - Re: Case 07-E-0138 Petition of Canandaigua Power Partners for an Order Granting a Certificate of Public Convenience and Necessity Pursuant to Section 68 of the Public Service Law; Revised Response to Comments on Petition. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

April 2, 2007

1. New York State Comptroller's Office - Re: Audit and Report entitled Steuben County and City of Hornell Industrial Development Agencies' Project Approval, Evaluation and Monitoring Efforts. ***Referred to: Filed with the Clerk of the Legislature's Office.***
2. Steuben County Industrial Development Agency - Re: 2006 Annual Report. ***Referred to: Filed with the Clerk of the Legislature's Office.***
3. NYS Office for the Aging - Re: Notifications of Grant Awards for the EISEP, CSE and SNAP Programs. ***Referred to: Human Services and Finance Committees; Linda Tetor, Director, Office for the Aging; and Carol Whitehead, County Treasurer.***
4. NYS Office for Small Cities - Re: Approval of Request for Release of Funds; Small Cities Project Number: 1115HR154-06. ***Referred to: A.I.P. and Finance Committees; Gregory P. Heffner, Planning Director; and Carol Whitehead, County Treasurer.***
5. NYS Office for Small Cities - Re: Conditional Certificate of Completion; Small Cities Project Number: 1115HR122-04. ***Referred to: A.I.P. Committee and Gregory P. Heffner, Planning Director.***

April 3, 2007

1. NYS Department of State - Re: Contract Extension Request Package for Contract #C911093. ***Referred to: PS&C Committee and Timothy Wixom, E911 Director.***

2. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$5,334 representing the February 2007 retained surcharge revenue for Steuben County from the WROTBC. *Referred to: Finance and Rules Committee and Carol Whitehead, County Treasurer.*

April 4, 2007

1. Cornell Cooperative Extension of Steuben County - Re: Request for funding from Steuben County to publish the Steuben County Farm Product Guide in the amount of \$2,584. *Referred to: A.I.P. and Finance Committees; Gregory P. Heffner, Planning Director, and Carol Whitehead, County Treasurer.*

April 12, 2007

1. Nixon Peabody, LLP - Re: Joint Petition of Canandaigua Power Partners, LLC and Canandaigua Power Partners II, LLC, for a Declaratory Ruling that a Proposed 40 MW Wind Energy Facility located in the Town of Cohocton, NY, is an Alternate Energy Production Facility under Public Service Law Section 2(2-b). *Referred to: A.I.P. Committee and Gregory P. Heffner, Planning Director.*
2. NYS Department of State - Re: Appalachian Regional Commission Program for FY 2008. *Referred to: A.I.P. Committee and Gregory P. Heffner, Planning Director.*
3. Village of Bath Police Department, Chief Rouse - Re: Requesting the VA Healthcare Network of Upstate New York include checking the NCIC records when determining a veterans' eligibility for benefits. *Referred to: Human Services and PS&C Committee; Daniel McRae, Veterans' Service Agency; and Richard Tweddell, Steuben County Sheriff.*

Vote: Acclamation - Adopted.

RESOLUTION NO. 061-07

Introduced by F. Gehl and G. Swackhamer.

Seconded by D. Baker.

REQUESTING THE ADOPTION OF SENATE BILL NO. S-4170A AND ASSEMBLY BILL NO. A-7112A EXTENDING THE ADDITIONAL ONE PERCENT (1%) SALES TAX FOR STEUBEN COUNTY.

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

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

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

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

WHEREAS, the Steuben County Legislature heretofore requested Home Rule legislation authorizing an additional one percent sales tax pursuant to Resolution No. 023-07 duly adopted February 26th, 2007; and

WHEREAS, the Finance Committee subsequently approved increasing the cities shares to \$610,000 and \$650,000, respectfully for Hornell and Corning; and

WHEREAS, Senate Bill No. S-4170A and Assembly Bill No. A-7112A have been introduced authorizing the extension of the one percent sales tax relative to a home rule request for an extension of an additional one percent sales tax; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby requests the New York State Legislature adopt special Home Rule legislation as presented in Senate Bill No. S-4170A and Assembly Bill No. A-7112A, to authorize the Steuben County Legislature to extend the additional one percent sales tax; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Attorney General Andrew Cuomo; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 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; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Francis L. Gehl, President, InterCounty Association of Western New York, c/o Steuben County Legislature, 3 East Pulteney Square, Bath, NY.

Mr. Schwartz stated he cannot support this resolution because people cannot afford this tax.

Mr. Stachnik noted that this is a continuation of the same sales tax we've had since 1993. It is not a new tax.

Vote: Roll Call - Adopted.

Yes-7710; No-513; Absent-1649. (No: Schwartz. Absent: Argentieri, Donnelly and Ryan)

RESOLUTION NO. 062-07

Introduced by F. Gehl.

Seconded by T. McIntyre.

PRESENTING LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2007, AMENDING LOCAL LAW NO. THIRTEEN FOR THE YEAR 1996, PROVIDING MAXIMUM EXEMPTION ALLOWABLE TO \$12,000, \$8,000 AND \$40,000 FOR SERVICES DURING A DESIGNATED PERIOD OF WAR, SERVICES IN A COMBAT ZONE, AND FOR DISABILITY, RESPECTIVELY.

Pursuant to New York State Real Property Tax Law Section 458-a.

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Two for the Year 2007, amending Local Law No. Thirteen for the Year 1996, providing maximum exemption allowable to \$12,000, \$8,000 and \$40,000 for services during a designated period of war, services in a combat zone, and for disability, respectively, as follows:

COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2007

A LOCAL LAW amending Local Law No. Thirteen for the Year 1996, providing maximum exemption allowable to \$12,000, \$8,000 and \$40,000 for services during a designated period of war, services in a combat zone, and for disability, respectively.

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

SECTION 1: LEGISLATIVE INTENT

It is the legislative intent of the within Local Law to exercise the option relative to limitations of the exemption of taxation as provided in Real Property Tax Law Section 458-a(2) (d) (ii) so as to permit the maximum exemption allowable in Real Property Tax Law Section 458-a(2), Paragraphs "a", "b" and "c" to be limited to \$12,000, \$8,000 and \$40,000, respectively.

SECTION 2: ELECTION OF LIMITATIONS REDUCING THE MAXIMUM EXEMPTION

The maximum exemption allowable in Paragraphs "a", "b" and "c" of subdivision 2 of the Real Property Tax Law Section 458-a be and the same hereby are established at \$12,000, \$8,000 and \$40,000, respectively.

SECTION 3: EFFECTIVE DATE

The within Local Law shall be effective immediately upon passage subject to Real Property Tax Law Section 458-a(4).

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on May 29, 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 County Treasurer and the Director of Real Property Tax Services Agency.

Mr. Schwartz asked for an explanation. Mrs. Hatch distributed copies of a chart listing the current exemption and the proposed exemption. The Alternative Veterans' Exemption was started because veterans weren't receiving very much assistance after they came out of the service. This allows a 15% exemption for veterans who served during a specific period of war. There are specific dates during which a veteran would have had to serve. If a veteran served during those periods of time, they would be eligible for a 15% exemption. The combat zone is an additional exemption worth 10% against their assessment. Also, if a veteran were disabled, they would receive 50% of the disability rating. The limit at that time was \$40,000 of the full value. Today, the residential full value is falling around \$87,000. Therefore, the Administration Committee is recommending to allow the rate equivalent to a \$80,000 full value assessment. This would allow veterans to receive the full benefit under this new limit.

Mr. McIntyre stated even if we pass this at the county level, the towns would need to adopt it separately if they wanted it to apply to the town tax. Discussion followed.

Mr. Schwartz asked how many towns offer this exemption? Mrs. Hatch stated not all of them offer it and the ones that do offer various forms of it. Mr. Schwartz stated I think it's a travesty that all of the towns in Steuben County do not provide this exemption.

Mr. Nichols noted that this would shift the amount of taxes to those that are non-veterans.

Mr. Isaman stated it has been awhile since they have increased this exemption. What's your recommendation to review this exemption more often? Mrs. Hatch stated she believes they should review them periodically.

Vote: Acclamation - Adopted.

RESOLUTION NO. 063-07

Introduced by F. Gehl.

Seconded by D. Creath.

PRESENTING LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2007, AMENDING LOCAL LAW NO. TEN FOR THE YEAR 2005, RELATIVE TO PERSONS WITH DISABILITIES, AND ALLOWING THE SLIDING SCALE INCOME LIMIT OPTION.

Pursuant to Real Property Tax Law §459-c and §§110 and 20 of the General Municipal Law.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Three for the Year 2007, amending Local Law No. Ten for the Year 2005, relative to persons with disabilities, and allowing the sliding scale income limit option, as follows:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2007**

A LOCAL LAW amending Local Law No. Ten for the Year 2005, relative to persons with disabilities, and allowing the sliding scale income limit option.

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

SECTION 1: LEGISLATIVE INTENT

It is the purpose of this Local Law to amend Local Law No. Ten for the Year 2005, to provide the sliding scale option authorized by Real Property Tax Law Section 459-C-(1)(b).

SECTION 2: AMENDMENT OF LOCAL LAW NO. TEN FOR THE YEAR 2005 - SECTION 4.D.1

Local Law No. Ten for the Year 2005, Section 4.D.1 be and the same hereby is amended to read as follows:

"If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$22,500, the sliding scale options authorized in Real Property Tax Law Section 459-C-(1)(b) shall be applicable.

SECTION 3: EFFECTIVE DATE

The within Local Law shall be effective immediately upon passage and applicable the next tax year following.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on May 29, 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 County Treasurer and the Director of Real Property Tax Services Agency.

Vote: Acclamation - Adopted.

RESOLUTION NO. 064-07

Introduced by F. Gehl.

Seconded by D. Baker.

PRESENTING LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2007, AMENDING LOCAL LAW NO. NINE FOR THE YEAR 2005, RELATIVE TO SENIOR CITIZENS, AND ALLOWING THE SLIDING SCALE INCOME LIMIT OPTION.

Pursuant to Real Property Tax Law §459-c and §§110 and 20 of the General Municipal Law.

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 2007, amending Local Law No. Nine for the Year 2005, relative to senior citizens, and allowing the sliding scale income limit option, as follows:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2007**

A LOCAL LAW amending Local Law No. Nine for the Year 2005, relative to senior citizens, and allowing the sliding scale income limit option.

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

SECTION 1: LEGISLATIVE INTENT

The purpose of this Local Law is to amend Local Law No. Nine for the Year 2005, to provide the sliding scale option authorized in Real Property Tax Law Section 467(1)(b)(1).

SECTION 2: AMENDMENT OF LOCAL LAW NO. NINE FOR THE YEAR 2005

Local Law No. Nine for the Year 2005 be and the same hereby is amended to read as follows:

"If the income of the owner or the combined income of the owners for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$22,500, the sliding scale option authorized by Real Property Tax Law Section 467(1)(b)(1) shall be applicable.

SECTION 3: EFFECTIVE DATE

The within Local Law shall be effective immediately upon passage and applicable the next tax year following.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on May 29, 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 County Treasurer and the Director of Real Property Tax Services Agency.

SLIDING SCALE OPTION FOR SENIOR CITIZENS AND DISABILITY EXEMPTIONS:

Sliding Scale Exemption Option - Percent of Exemption Decreases When The Income Increases By Increments as follows:

Income Ceiling From	% of Exemption	Income Ceiling To	Increment Amount	Accrued Increment
	50	\$22,500		
\$22,500	45	\$23,500	\$1,000	\$1,000
\$23,500	40	\$24,500	\$1,000	\$2,000
\$24,500	35	\$25,500	\$1,000	\$3,000
\$25,500	30	\$26,400	\$ 900	\$3,900
\$26,400	25	\$27,300	\$ 900	\$4,800
\$27,300	20	\$28,200	\$ 900	\$5,700
\$28,200	15	\$29,100	\$ 900	\$6,600
\$29,100	10	\$30,000	\$ 900	\$7,500
\$30,000	5	\$30,900	\$ 900	\$8,400

Vote: Acclamation - Adopted.

RESOLUTION NO. 065-07

Introduced by R. Nichols.

Seconded by R. Nielsen.

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 (SAUNDERS ROAD), AND APPROPRIATING FUNDS THEREFORE.

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

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

RESOLVED, that the sum of \$2,788,800.00 is hereby appropriated of which, \$305,000.00 has been previously appropriated for Design and \$2,483,800.00 is now appropriated for Construction and Construction Inspection, and made available to cover the cost of participation in the above phases of the Project; and be it further

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

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

RESOLVED, certified copies 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. 066-07

Introduced by R. Nichols and G. Swackhamer.

Seconded by D. Stachnik.

AUTHORIZING THE TRANSFER OF FUNDS FROM THE COUNTY ROUTE 110 CAPITAL PROJECT TOTAL APPROPRIATION TO THE SAUNDERS ROAD CAPITAL PROJECT TOTAL APPROPRIATION.

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 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; and

WHEREAS, the County of Steuben has entered into an agreement with NYSDOT to fund the local share of the project; and

WHEREAS, the total cost of construction and construction inspection is greater than the amount budgeted for these phases of work in the 2007 budget; and

WHEREAS, the Public Works and Finance Committees of the Steuben County Legislature have approved the transfer of \$5,000.00 from the County Route 110 Capital Project County Share Appropriation to the Saunders Road Capital Project County Share Appropriation, representing the 5% County share of the additional cost of the project.

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

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

RESOLVE, that the County Legislature approves the transfer of \$5,000.00 from the County Route 110 Capital Project County Share Appropriation to the Saunders Road Capital Project County Share Appropriation, representing the 5% County share of the additional cost of the project; 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. 067-07

Introduced by D. Baker and G. Swackhamer.

Seconded by T. McIntyre.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO APPROPRIATE THE AMOUNT OF \$775,000 FROM THE "BUILDING REPAIR AND RENOVATIONS RESERVE" TO A CAPITAL PROJECT ENTITLED "HEALTH CARE FACILITY ROOF PROJECT".

WHEREAS, the Steuben County Legislature at the January 22, 2007 Board meeting, directed the replacement of the existing Health Care Facility roof.

NOW THEREFORE, BE IT

RESOLVED, that the sum of \$775,000 be appropriated from the Repair and Renovation Reserve to a project entitled, "Health Care Facility Roof Replacement"; and be it further

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

**Vote: Roll Call - Adopted. Yes-7772; No-451; Absent-1647
(No: Swackhamer; Absent: Argentieri, Donnelly and Ryan)**

RESOLUTION NO. 068-07

Introduced by P. Roche.

Seconded by D. Creath.

REAPPOINTING MEMBERS TO THE STEUBEN COUNTY ETHICS BOARD.

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

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

PROPOSED FOR APPOINTMENT BY THE MAJORITY LEADER

Thomas W. Reed, Esq., 2 W. Market Street, Corning, NY 14830
For a three (3) year term, January 1, 2007 through December 31, 2009.

PROPOSED FOR APPOINTMENT BY THE MINORITY LEADER

Clark Maloney, 30 West Sixth Street, Corning, New York 14830
For a three (3) year term, January 1, 2007 through December 31, 2009.

PROPOSED FOR APPOINTMENT BY THE CHAIRMAN OF THE LEGISLATURE

Christine Kane, 28 Mechanic Street, Prattsburgh, New York 14873
For a three (3) year term, January 1, 2007 through December 31, 2009.

Thomas H. Hopper, Jr., P.O. Box 80, Addison, New York 14801
For a three (3) year term, January 1, 2007 through December 31, 2009.

NOW THEREFORE, BE IT

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

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

Vote: Acclamation - Adopted.

RESOLUTION NO. 069-07

Introduced by P. McAllister.

Seconded by K. Isaman.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO SUPPORT ASSEMBLY BILL NO. A-3202, RELATIVE TO SEX CRIMES COMMITTED AGAINST CHILDREN WITH THE AID OF A COMPUTER.

WHEREAS, since the mid-1990's, the United States of America has led international efforts to bring attention to sex offenses committed against children, which included the passage of the *Sex Crimes Against Children Prevention Act of 1995*; and

WHEREAS, throughout the years, New York State and municipalities contained within have enacted policies and laws that assist in preventing and deterring crimes against children under the age of 18; and

WHEREAS, New York State has passed laws to penalize sex offenders, enhance the ability of law enforcement to monitor convicted sex offenders, and further educate the public on protecting their children; and

WHEREAS, even under the most stringent of environments, child predators are driven to commit crimes against minors, by any means available to them, often with little or no regard for the consequences their actions create both for them and their victims; and

WHEREAS, the means by which these child predators often perpetrate these crimes against minors involves computers, computer devices, the internet and other networks, which grant a distinct anonymity to the offender toward the victim; and

WHEREAS, it is necessary for government to continue its role in protecting children, the most vulnerable population, through the passage of strong legislation that will enhance law enforcement's ability to investigate and prosecute crimes against such population as well as increase the penalties against the convicted offenders; and

WHEREAS, New York State is currently considering legislation as proposed in 2006 in the Assembly, with similar legislation proposed in the Senate that creates a new offense of "a computer sex crime against a child", and increases penalties for such offenses; and

WHEREAS, a Program Bill sponsored by then Attorney General Eliot Spitzer establishes the criteria set forth in the aforementioned legislation currently being considered by the New York Legislature.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature supports all levels of government continuing diligent efforts toward preventing child sexual predators from carrying out their crimes against children under the age of 18; and be it further

RESOLVED, that the Steuben County Legislature does hereby go on record in full support of the proposed New York State legislation strengthening the law and increasing penalties to those who perpetrate a computer sex crime against a child; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Attorney General Andrew Cuomo; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY

12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 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; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Francis L. Gehl, President, InterCounty Association of Western New York, c/o Steuben County Legislature, 3 East Pulteney Square, Bath, NY.

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. Stachnik and duly carried.

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

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

REGULAR MEETING
Morning Session
Bath, New York
Tuesday, May 29, 2007

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, New York on Tuesday, the 29th day of May, 2007 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members present except Legislator Stachnik.

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

Chairman Roche asked Teresa Roe to come forward. Ms. Roe is an employee in the County Clerk's Office. Chairman Roche presented her with a Certificate of Appreciation in recognition of 25 years of service to Steuben County.

Chairman Roche asked Betty Orcutt to come forward. Ms. Orcutt is an employee in the Purchasing Department/Mailroom. Chairman Roche presented her with a Certificate of Appreciation and plaque in recognition of her retirement following 25 years of service to Steuben County. Ms. Orcutt stated it has been a pleasure working for the County. It was a good experience and I enjoyed it.
CONGRATULATIONS BETTY!

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

Patricia Eaton, Bath, stated I feel that the old health care facility building should be used for assisted living for the elderly who are living in their homes but need assistance. Many are going into nursing homes that cost an exorbitant amount of money. This could be a shared service with other counties and you should give this careful consideration. I would like professionals to come in and look to see what type of service could be in there. We need it desperately so please have it evaluated. You owe it to the people. Think about the people who desperately need it. Chairman Roche thanked Mrs. Eaton for her comments.

Susan Multer, League of Women Voters, stated I would like to invite all of you Legislators and staff to a movie entitled "Bought and Sold" at 7:00 p.m. on Thursday night at the Dormann Library. It is regarding voting machines. We think the difference between the voting systems is critical to our democracy. She distributed a flyer regarding the movie. She also distributed copies of a report from an Election Commissioner from Schenectady who witnessed first hand the technical support required for a DRE in a school election first hand. Your involvement in this issue is important. A third handout lists the proposed rules and regulations from the NYS Board of Elections. The issue is how many voters can one machine serve. The State is proposing that one DRE could serve 550 active voters. I think that figure is unrealistic and way too high. I'm not an expert but their proposed regulation is fascinating because they are also proposing one scanner for 4,000 voters in one day. Discussion followed. Chairman Roche thanked Ms. Multer for her comments.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Relative to Local Law Tentatively No. Two for the Year 2007, Amending Local Law No. Thirteen for the Year 1996, Providing maximum exemption allowable to \$12,000, \$8,000 and \$40,000 for services during a designated period of war, services in a combat zone and for disability, respectively. Chairman Roche opened the floor for comments regarding this Public Hearing. There being no comments, Chairman Roche declared the public hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Relative to Local Law Tentatively No. Three for the Year 2007, Amending Local Law No. Ten for the Year 2005, Relative to persons with disabilities, and allowing the sliding scale income limit option. Chairman Roche opened the floor for comments regarding this Public Hearing. There being no comments, Chairman Roche declared the public hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Relative to Local Law Tentatively No. Four for the Year 2007, Amending Local Law No. Nine for the Year 2005, Relative to senior citizens, and allowing the sliding scale income limit option. Chairman Roche opened the floor for comments regarding this Public Hearing. There being no comments, Chairman Roche declared the public hearing closed.

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

Mr. Gehl announced that Steuben County would be hosting a meeting of the InterCounty Association of Western New York this month on June 15th at the Waterfront Restaurant. Registration is at 9:30 a.m. It would be a wonderful show of support if you were all able to attend.

Tim Wixom, E911 Director, announced that on May 11, 2007, E911 became 2 years old. When we started taking in calls in 2005, we became the first agency ever to take Phase 2 911 calls from day one. To this day, no other center has been able to take Phase 2 calls on day one. We're above the national standard on answering calls. He provided a brief description of what happens when they take in a 911 call. In the first 2 years, we answered 249,000 calls and we have only had 40 questions or concerns about how we handled a call. I think we have a great system but technically, 911 is responsible from the time we get the call until the time we dispatch the agency. We also have mobile data terminals installed in every law enforcement vehicle. This is a huge safety benefit to the officers. We're conducting a 90-day pilot program where we are sending a paramedic to every call that involves an injury. We're also working with the agencies to get the listings changed in the telephone books. He distributed copies of the educational materials they have been handing out. He noted they provide speakers to any social event where they are requested.

Mr. Ryan asked are all cell phones Phase 2 capable? Mr. Wixom stated no, Verizon is the best carrier with Phase 2 capability in the area.

Mr. Creath asked do you mind if people call for a phone check with their cell phones? Mr. Wixom stated no, as long as we're not busy. The best time for people to call for a phone check is from 9 a.m. to 5 p.m. during the workweek. They can call 664-2991 to see if dispatch has time to conduct the check. Discussion followed.

Chris Wilkins, Vice President of DePaul Addiction Services, stated last Thursday the VA Health System, DePaul Addiction Services, Steuben County DSS and the Office of Community Services collaborated with the private sector (Time Warner) to create a crisis detoxification service tailored to meet the needs of our Veterans and those who serve in the Armed Forces. It is the first of its kind in the Nation where men and women who desperately need the services can access them. It exists for the 60,000 to 70,000 individuals who carry battle scars on the inside. It operates at a fraction of the Medicaid cost. When we established it, it seemed only right that it existed in Steuben County. If you are suffering and if you've served, we will be there for you. An important part of this story is the fact that we've named this unit the Anderson Detoxification Center in honor of Dr. Robert Anderson for his tireless dedication to the veterans and residents of Steuben County. Imagine that at near the twilight of your career, there are thousands who would look at you and say, "You saved my life." He asked Dr. Anderson to come forward and he presented him with a glass plaque recognizing his service to the community and recognizing the dedication on May 24th of the Anderson Detoxification Center at the Veterans' Administration Medical Center in Bath.

Dr. Anderson stated this service is one of a kind. I appreciate the fact that Mr. Wilkins was kind enough to dedicate this center to me, but please look at it as a symbol to everyone who works for the public. We've been able to put everything together. I appreciate the fact that you have trusted me for 20 years to be the Director of Community Services in this County and to establish this type of service that will be a benefit to Steuben County and surrounding areas. **CONGRATULATIONS ROBERT!**

RESOLUTION NO. 070-07

Introduced by G. Swackhamer.

Seconded by R. Argentieri.

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

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

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

RESOLVED, as it appears to be in the best interest of the County to sell the properties listed on Schedule "B" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof, and be it further

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

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

SCHEDULE "A"

Resolution # A-1
Name Susan E Griffeth
Parcel # 037.20-01-010.000
Municipality Pulteney Town
Disposition Refund

Resolution # A-2
Name Deborah Ordiway
Parcel # 166.14-01-029.000
Municipality Hornell City
Disposition Refund

SCHEDULE "B"

Resolution # B-1
Former Owner Ronald F & April G Wilson
In Rem Index No. 93123, 2005 sale
Parcel # 349.08-01-033.000
Municipality Addison Village
Grantee(s) Ronald F Wilson & April G Wilson, husband and wife, as tenants by the entirety
Grantee(s) Address 110 Upson Rd, Horseheads, NY 14845
Consideration \$4,073.60, 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.

Vote: Roll Call - Adopted.

RESOLUTION NO. 071-07

Introduced by P. Roche.

Seconded by D. Baker.

RECEIVING AND ACCEPTING THE MAY 29, 2007, 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 23, 2007

1. NYS Office for the Aging – Re: Notification of Grant Award for Federal Fiscal Year 2007 for the Nutrition Services Incentive Program. *Referred to: Human Services and Finance Committees; Linda Tetor, Director, Office for the Aging; and Carol Whitehead, County Treasurer.*

April 25, 2007

1. Governor Eliot Spitzer – Re: Executive Order creating a Commission on Local Government Efficiency and Competitiveness and requesting counties to identify a major merger, consolidation, shared service or smart growth initiative for 2007. *Referred to: Gregory P. Heffner, Planning Director.*

April 26, 2007

1. City of Hornell – Re: Resolution Adopted by City Council on April 23, 2007 asking for reinstatement of Steuben County's Municipal Bridge Aid to the cities of Hornell and Corning. *Referred to: Public Works and Finance Committee; and Vince Spagnoletti, Commissioner, Public Works.*

April 27, 2007

1. NYS Unified Court System – Re: Request for further information regarding how the County determines eligibility for assignment of counsel for those who indicate the need for free representation. *Referred to: Public Safety & Corrections Committee; Byrum Cooper, Public Defender, Gregory P. Heffner, Planning Director, and Frederick H. Ahrens, Jr., Law Department.*

April 30, 2007

1. NYS Department of Taxation and Finance – Re: New York State Sales Tax Medicaid Intercept Option. *Referred to: Administration and Finance Committees; Kathryn Biehl, Commissioner of Department of Social Services; Carol Whitehead, County Treasurer and Frederick H. Ahrens, Jr., Law Department.*
2. New York State Association of Counties – Re: New York State Peak-Load Reduction Program and requesting a liaison be identified to implement electric reduction measures in county-run facilities. *Referred to: Agriculture, Industry & Planning Committee; Gregory P. Heffner, Planning Director and William J. Partridge, Superintendent, Buildings & Grounds.*
3. NYS Department of Environmental Conservation and NYS Office of Parks, Recreation and Historic Preservation – Re: Notification of availability applications for grant programs that program funding to local governments and other eligible recipients for projects that protect and enhanced New York State's natural and cultural resources and environmental infrastructure. *Referred to: Agriculture, Industry & Planning Committee; and Gregory P. Heffner, Planning Director.*
4. The American Legion, Washington, D.C. Office – Re: Letter to Dennis Oliver for successfully completing the American Legion's continuing accreditation examination for accredited American Legion representatives. *Referred to: Human Services Committee; Daniel McRae, Veteran's Services and Robert F. Biehl, Personnel Officer.*

May 1, 2007

1. Fortuna Energy, Inc. – Re: Notice of Intent to construct a natural gas gathering pipeline in the Towns of Big Flats and Southport, Chemung County, New York and in the Town of Caton, Steuben County, New York. *Referred to: Agriculture, Industry & Planning Committee; and Gregory P. Heffner, Planning Director.*

May 2, 2007

1. Emergency Medical Services Training, Administration & Resources (EMSTAR) – Re: 2007 First Quarter Report and Payment Request for \$1,406.25. *Referred to: Health & Education and Public Safety & Corrections Committees; Vicki Fuerst, Director, Public Health & Nursing Services and Michael Sprague, Director, Emergency Management Office.*
2. Steuben County Industrial Development Agency – Re: Wind Farm Prattsburgh Notice of Acceptance of Final Environmental Impact Statement. *Referred to: Agriculture, Industry & Planning Committee; and Gregory P. Heffner, Planning Director.*

May 3, 2007

1. Western Regional Off-Track Betting Corporation – Re: March 2007 retained surcharge revenue for Steuben County in the amount of \$6,462. *Referred to: Finance and Rules Committees; and Carol Whitehead, County Treasurer.*

May 7, 2007

1. NYS Emergency Management Office – Notification of applications for Local Emergency Management Performance Grant for Federal Fiscal Year 2007. *Referred to: Public Safety & Corrections and Finance Committees; Michael Sprague, Director, Emergency Management Office and Carol Whitehead, County Treasurer.*

May 8, 2007

1. NYS Department of Environmental Conservation – Re: Water Quality Improvement Funding in the amount of \$38,997 for Project No. B_2006WQ19004. *Referred to: Agriculture, Industry & Planning Committee and Gregory P. Heffner, Planning Director.*
2. NYS Department of Environmental Conservation – Re: Water Quality Improvement Funding in the amount of \$30,845 for Project No. B_2006WQ19005. *Referred to: Agriculture, Industry & Planning Committee and Gregory P. Heffner, Planning Director.*
3. NYS Department of Environmental Conservation – Re: Water Quality Improvement Funding in the amount of \$21,250 for Project No. B_2006WQ19071. *Referred to: Agriculture, Industry & Planning Committee and Gregory P. Heffner, Planning Director.*

May 9, 2007

1. Frontier Communications Solutions – Re: Responses to a letter sent by Enhanced 911 Department on April 20, 2007 outlining various concerns. *Referred to: Public Safety & Corrections Committee and Timothy Wixom, Director, Enhanced 911.*

Vote: Acclamation - Adopted.

RESOLUTION NO. 072-07

Introduced by P. Donnelly.

Seconded by All Legislators.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2007, AMENDING LOCAL LAW NO. THIRTEEN FOR THE YEAR 1996, PROVIDING MAXIMUM EXEMPTION ALLOWABLE TO \$12,000, \$8,000 AND \$40,000 FOR SERVICES DURING A DESIGNATED PERIOD OF WAR, SERVICES IN A COMBAT ZONE, AND FOR DISABILITY, RESPECTIVELY.

Pursuant to New York State Real Property Tax Law Section 458-a.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on April 23, 2007, County of Steuben Local Law Tentatively No. Two for the Year 2007, amending Local Law No. Thirteen for the Year 1996, providing maximum exemption allowable to \$12,000, \$8,000 and \$40,000 for services during a designated period of war, services in a combat zone, and for disability, respectively, and this Legislature by resolution, preliminarily adopted said Local Law on April 23, 2007 making the final adoption of said Local Law subject to a Public Hearing to be held on May 29, 2007; 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 May 29, 2007 at 10:00 A.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing.

NOW THEREFORE, BE IT

RESOLVED, that the County of Steuben Local Law Tentatively No. Two for the Year 2007, as hereinafter set forth be and the same hereby is finally adopted, to wit:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2007**

A LOCAL LAW amending Local Law No. Thirteen for the Year 1996, providing maximum exemption allowable to \$12,000, \$8,000 and \$40,000 for services during a designated period of war, services in a combat zone, and for disability, respectively.

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

SECTION 1: LEGISLATIVE INTENT

It is the legislative intent of the within Local Law to exercise the option relative to limitations of the exemption of taxation as provided in Real Property Tax Law Section 458-a(2) (d) (ii) so as to permit the maximum exemption allowable in Real Property Tax Law Section 458-a(2), Paragraphs “a”, “b” and “c” to be limited to \$12,000, \$8,000 and \$40,000, respectively.

SECTION 2: ELECTION OF LIMITATIONS REDUCING THE MAXIMUM EXEMPTION

The maximum exemption allowable in Paragraphs “a”, “b” and “c” of subdivision 2 of the Real Property Tax Law Section 458-a be and the same hereby are established at \$12,000, \$8,000 and \$40,000, respectively.

SECTION 3: EFFECTIVE DATE

The within Local Law shall be effective immediately upon passage subject to Real Property Tax Law Section 458-a(4).

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on May 29, 2007 at 10:00 A.M. at the Legislative Chambers, Village of Bath, New York; and be it further

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

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Two for the Year 2007, 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, the Real Property Tax Service Agency Director and the Veterans' Services Agency.

Vote: Roll Call - Adopted.

RESOLUTION NO. 073-07

Introduced by P. Donnelly.

Seconded by All Legislators.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2007, AMENDING LOCAL LAW NO. TEN FOR THE YEAR 2005, RELATIVE TO PERSONS WITH DISABILITIES, AND ALLOWING THE SLIDING SCALE INCOME LIMIT OPTION.

Pursuant to Real Property Tax Law §459-c and §§110 and 20 of the General Municipal Law.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on April 23, 2007, County of Steuben Local Law Tentatively No. Three for the Year 2007, amending Local Law No. Ten for the Year 2005, relative to persons with disabilities, and allowing the sliding scale income limit option, and this Legislature by resolution, preliminarily adopted said Local Law on April 23, 2007 making the final adoption of said Local Law subject to a Public Hearing to be held on May 29, 2007; 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 May 29, 2007 at 10:00 A.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing.

NOW THEREFORE, BE IT

RESOLVED, that the County of Steuben Local Law Tentatively No. Three for the Year 2007, as hereinafter set forth be and the same hereby is finally adopted, to wit:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2007**

A **LOCAL LAW** amending Local Law No. Ten for the Year 2005, relative to persons with disabilities, and allowing the sliding scale income limit option.

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

SECTION 1: LEGISLATIVE INTENT

It is the purpose of this Local Law to amend Local Law No. Ten for the Year 2005, to provide the sliding scale option authorized by Real Property Tax Law Section 459-C-(1)(b).

SECTION 2: AMENDMENT OF LOCAL LAW NO. TEN FOR THE YEAR 2005 - SECTION 4.D.1

Local Law No. Ten for the Year 2005, Section 4.D.1 be and the same hereby is amended to read as follows:

"If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$22,500, the sliding scale options authorized in Real Property Tax Law Section 459-C-(1)(b) shall be applicable."

SECTION 3: EFFECTIVE DATE

The within Local Law shall be effective immediately upon passage and applicable the next tax year following.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on May 29, 2007 at 10:00 A.M. at the Legislative Chambers, Village of Bath, New York; and be it further

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

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Three for the Year 2007, 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 the Director of Real Property Tax Services Agency.

Vote: Roll Call - Adopted.

RESOLUTION NO. 074-07

Introduced by P. Donnelly.

Seconded by All Legislators.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2007, AMENDING LOCAL LAW NO. NINE FOR THE YEAR 2005, RELATIVE TO SENIOR CITIZENS, AND ALLOWING THE SLIDING SCALE INCOME LIMIT OPTION.

Pursuant to Real Property Tax Law §467 and §§110 and 20 of the General Municipal Law.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on April 23, 2007, County of Steuben Local Law Tentatively No. Four for the Year 2007, amending Local Law No. Nine for the Year 2005, relative to senior citizens, and allowing the sliding scale income limit option, and this Legislature by resolution, preliminarily adopted said Local Law on April 23, 2007 making the final adoption of said Local Law subject to a Public Hearing to be held on May 29, 2007; 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 May 29, 2007 at 10:00 A.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing.

NOW THEREFORE, BE IT

RESOLVED, that the County of Steuben Local Law Tentatively No. Four for the Year 2007, 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 2007**

A **LOCAL LAW** amending Local Law No. Nine for the Year 2005, relative to senior citizens, and allowing the sliding scale income limit option.

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

SECTION 1: LEGISLATIVE INTENT

The purpose of this Local Law is to amend Local Law No. Nine for the Year 2005, to provide the sliding scale option authorized in Real Property Tax Law Section 467(1)(b)(1).

SECTION 2: AMENDMENT OF LOCAL LAW NO. NINE FOR THE YEAR 2005

Local Law No. Nine for the Year 2005 be and the same hereby is amended to read as follows:

"If the income of the owner or the combined income of the owners for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$22,500, the sliding scale option authorized by Real Property Tax Law Section 467(1)(b)(1) shall be applicable."

SECTION 3: EFFECTIVE DATE

The within Local Law shall be effective immediately upon passage and applicable the next tax year following.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on May 29, 2007 at 10:00 A.M. at the Legislative Chambers, Village of Bath, New York; and be it further

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

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Four for the Year 2007, 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 the Director of Real Property Tax Services Agency.

Mr. Alger stated the assessed value is the equalized full value for that municipality so it is equalized across the entire county to make it uniform.

Vote: Roll Call - Adopted.

**SLIDING SCALE OPTION FOR SENIOR CITIZENS AND DISABILITY EXEMPTIONS:
(Resolutions No. 073-07 and 074-07)**

Sliding Scale Exemption Option - Percent of Exemption Decreases when The Income Increases By Increments as follows:

Income Ceiling From	% of Exemption	Income Ceiling To	Increment Amount	Accrued Increment
	50	\$22,500		
\$22,500	45	\$23,500	\$1,000	\$1,000
\$23,500	40	\$24,500	\$1,000	\$2,000
\$24,500	35	\$25,500	\$1,000	\$3,000
\$25,500	30	\$26,400	\$ 900	\$3,900
\$26,400	25	\$27,300	\$ 900	\$4,800
\$27,300	20	\$28,200	\$ 900	\$5,700
\$28,200	15	\$29,100	\$ 900	\$6,600
\$29,100	10	\$30,000	\$ 900	\$7,500
\$30,000	5	\$30,900	\$ 900	\$8,400

RESOLUTION NO. 075-07

Introduced by P. Donnelly.

Seconded by R. Argentieri.

PRESENTING LOCAL LAW TENTATIVELY NO. FIVE FOR 2007, RELATIVE TO THE ADMINISTRATION AND OPERATION OF THE STEUBEN COUNTY WORKERS' COMPENSATION SELF-INSURANCE PLAN, TO PROVIDE FOR THE APPORTIONMENT OF COSTS AND OPERATION OF THE STEUBEN COUNTY SELF-INSURANCE PLAN, AND REPEALING LOCAL LAW NO. THREE FOR THE YEAR 1992.

Pursuant to Sections 65 and 66 of the Workers' Compensation Law of the State of New York.

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Five for the Year 2007, relative to the administration and operation of the Steuben County Workers' Compensation Self-Insurance, to provide for the apportionment of costs and operation of the Steuben County Self-Insurance plan, and repealing Local Law No. Three for the Year 1992, as follows:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. FIVE OF THE YEAR 2007**

A local law, relative to the administration and operation of the Steuben County Workers' Compensation Self-Insurance Plan, to provide for the apportionment of costs and operation of the Steuben County Self-Insurance plan, and repealing Local Law No. Three for the Year 1992.

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

SECTION 1: LEGISLATIVE INTENT

It is the intent of the within legislation to repeal Local Law No. Three for the Year 1992 and to provide for the apportionment of costs to the participants in and the maintenance and operation of the Steuben County Self-Insurance Plan through the enactment of these Rules & Regulations.

Said apportionment shall be a combination of past claims history, assessed full valuation and payroll costs.

SECTION 2: APPORTIONMENT OF COSTS TO PLAN PARTICIPANTS

Following the preparation of the annual estimate of projected amounts necessary for the ensuing calendar year, pursuant to Workers' Compensation Law §67, the share of the amounts chargeable to each participant shall be made in the

following manner: 42.5% of such projected cost share shall be apportioned based on the proportion that the full aggregate valuation of the taxable real property of the participant bears to the aggregate full valuation of all participants; 42.5% shall be apportioned based on the proportion that the full aggregate payroll of the participant bears to the full aggregate payroll of all participants; and, the final 15.0% shall be apportioned among the participants based on the proportion of the full value of claims paid over the preceding three (3) years of each participant bears in proportion to the full aggregate value of all claims paid by all participants over that same period of time.

SECTION 3: PREPARATION OF THE APPORTIONMENT OF COSTS

Annually, the Administration Committee of the Steuben County Legislature shall review and adjust the apportionment of costs to each participant based on percentage of full valuation, experience and payroll. Said review and adjustment shall then be presented to the County Legislature for final adoption by resolution filing and approving the table of apportionment.

SECTION 4: ENTRY AND WITHDRAWAL OF PARTICIPANTS

Entry into the Plan by an eligible municipality shall be made by service upon the Administrator of a certified copy of the local resolution or legalizing act authorizing same on or before March 31st of each calendar year for the ensuing calendar year. Withdrawal by an eligible municipality from the Plan shall be made by service of a certified copy of the local resolution or legalizing act withdrawing from the Plan on or before March 31st of each calendar year for the ensuing calendar year. Any withdrawal from the Plan shall require payment of the withdrawing municipality's equitable share of the outstanding liabilities of the Plan as of the date of the withdrawal. Payment of said sum shall be made in a lump sum or periodic payments as determined by the Administrator of the Plan upon the advice and consent of the Administration Committee of the Steuben County Legislature.

SECTION 5. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this title or its application to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this title to its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 6. EFFECTIVE DATE

This local law shall take effect immediately.

AND BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on June 25, 2007 at 10:00 A.M. at the Legislative Chambers, Village of Bath, New York; and be it further

RESOLVED, that 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 Administrator and the Administrator of the Steuben County Self-Insurance Plan.

Vote: Acclamation - Adopted.

RESOLUTION NO. 076-07

Introduced by P. Donnelly.

Seconded by F. Gehl.

REQUESTING THE ADOPTION OF SENATE BILL NO. S-4798 AND ASSEMBLY BILL NO. A-7656 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.

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

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, requiring 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 to two years service.

WHEREAS, the Steuben County Legislature had heretofore made a request for Home Rule legislation authorizing the increased assessed valuation to a sum not to exceed \$5,000 and to reduce the number of years of service from five years to two years service by Resolution No. 103-06 duly adopted May 22nd, 2006; and

WHEREAS, Senate Bill No. S-4798 and Assembly Bill No. A-7656 have been introduced authorizing the increased assessed valuation to a sum not to exceed \$5,000 and to reduce the number of years of service from five years to two years service; and

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

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby requests the New York State Legislature adopt special Home Rule legislation as presented in Senate Bill No. S-4798 and Assembly Bill No. A-7656, to authorize the amendment of 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; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Attorney General Andrew Cuomo; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 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; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Francis L. Gehl, President, InterCounty Association of Western New York, c/o Steuben County Legislature, 3 East Pulteney Square, Bath, NY.

Mr. Swackhamer asked are we doing anything for the volunteers who are non-property owners? Mr. Alger stated there is a State income tax exemption that they can opt to use instead of this exemption. He noted that the IRS is considering the exemption as income. Steps are being taken at the Federal level to change that and I believe that eventually it will be cleared up. Mr. Farrand noted that the Fire Advisory Board has been addressing that issue for the non-property owners and hopefully will be proposing something to the Legislature in the future.

Vote: Roll Call - Adopted.

RESOLUTION NO. 077-07

Introduced by R. Nichols.

Seconded by K. Isaman.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ENTER INTO A STATE ASSISTANCE CONTRACT WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR A LANDFILL GAS COLLECTION AND TREATMENT SYSTEM.

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

WHEREAS, the Commissioner of Public Works is authorized and directed as the official representative of Steuben County to act in connection with any application between the Municipality and the New York State Department of Environmental Conservation for funding a Landfill Gas Collection and Treatment System; and

WHEREAS, gas collection pipes are required to be installed in Cell 1 and future Cells 2, 3 and 4 at a cost of approximately \$500,000.00; and

WHEREAS, an electrical plant by a private developer could cost \$3,700,000.00 and possibly be eligible for this funding; and

WHEREAS, the Department of Environmental Conservation has funding available to reimburse the cost up to \$2,000,000.00 to construct, expand and maintain the Landfill Gas Collection and Treatment System; and

WHEREAS, Steuben County wants to be listed and eligible for possible funding needs.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works is hereby directed to sign the contract for State Assistance Payments for municipal landfill gas collection and treatment system; and be it further

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

Mr. Swackhamer asked wouldn't selling the electricity back into the grid raise the cost to the taxpayers?
Mr. Spagnoletti stated this resolution is only to put us on the DEC list to receive funding for the building.
Mr. Alger stated while this grant is anticipated to have enough money to do that, we haven't made a final determination on using it to generate electricity. Regardless, we are mandated to install the gas collection system and this funding will cover the cost of that system.

Vote: Roll Call - Adopted.

RESOLUTION NO. 078-07

Introduced by R. Argentieri and G. Swackhamer.

Seconded by F. Gehl.

ACCEPTING AND APPROPRIATING STATE FUNDS IN THE AMOUNT OF \$18,921.00.

WHEREAS, Child Welfare Legislation enacted in 2002 permits counties to use donated or in-kind funds to support their total claims for preventive services; and

WHEREAS, the Steuben County Department of Social Services desires to contract with the Village of Bath Police Department to secure preventive services in the Bath School District; and

WHEREAS, the Village of Bath Police Department has committed to funding the local share of these preventive services.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben accepts \$18,921.00 in State funds and adjusts the Department of Social Services' 2007 Budget to reflect this additional funding; and it is further

RESOLVED, Steuben County accepts and appropriates these funds in the 2007 Steuben County Budget as follows:

Expenditures:

607000 5446500	Preventive Services	\$18,921.00
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Revenues:

607000 4367000	State Revenues	\$18,921.00
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AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Social Services and the County Treasurer.

Mr. Schwartz asked for an explanation of this resolution. Mrs. Biehl stated the County draws down 65 percent of the total cost of this program in State funding. This particular program pays for a school resource officer for 10 months in the Haverling School District. The Village of Bath pays for the local match. She noted this particular funding covers the cost of the position for 4 months of 2007. Discussion followed.

Vote: Roll Call - Adopted.

RESOLUTION NO. 079-07

Introduced by G. Swackhamer.

Seconded by R. Argentieri.

AUTHORIZING THE STEUBEN COUNTY TREASURER TO TRANSFER \$487,928.00 FROM THE WORKERS' COMPENSATION INSURANCE RESERVE TO COVER WORKERS' COMPENSATION BOARD CLAIMS FOR FISCAL YEARS 2005 AND 2006.

WHEREAS, the 2006 Budget for Workers' Compensation contains insufficient funds to fund amounts due to the Workers Compensation Board Claims relative to Fiscal Years 2005 and 2006.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to transfer \$487,928.00 from the Workers' Compensation Insurance Reserve to the following line item:

<u>From:</u>	MS 3 863 0000	\$487,928.00	Insurance Reserve
<u>To:</u>	171006 5 410 336	\$ 374,913.00	
	171006 5 410 337	\$ 103,891.00	
	171006 5 410 338	<u>\$ 9,124.00</u>	
		\$ 487,928.00	

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

Vote: Roll Call - Adopted.

RESOLUTION NO. 080-07

Introduced by P. Donnelly and G. Swackhamer.

Seconded by R. Nielsen.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO TRANSFER \$2,584.00 FROM THE CONTINGENT FUND TO THE STEUBEN COUNTY COOPERATIVE EXTENSION 2007 BUDGET.

WHEREAS, the Steuben County Farm Product Guide has been depleted, and requires reprinting.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to transfer from the Contingent Fund the amount of \$2,584.00 to the 2007 Cooperative Extension Office budget as follows:

From	A199000 5 499 000	\$2,584.00	Contingent Fund
To	A875000 5 440200	\$2,584.00	Cooperative Extension

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and Thomas Tomsa, Executive Director, Cornell Cooperative Extension.

Mr. McIntyre asked for an explanation of this resolution. Mr. Alger stated some time ago the County funded the Farm Product Guide and Cooperative Extension distributed it. They have requested we fund the cost for printing the guide again. It is a guide of the location of various farm products available in Steuben County.

Mr. Creath noted that the Agriculture, Industry and Planning Committee has reviewed and approved this transfer. In addition, we will be requesting the Steuben County Conference and Visitors' Bureau to include the cost of this guide in their future budgets.

Vote: Roll Call - Adopted. Yes-8820, No-451, Absent-601. (No: Argentieri, Absent: Stachnik)

RESOLUTION NO. 081-07

Introduced by D. Baker and G. Swackhamer.

Seconded by F. Gehl.

AUTHORIZING THE STEUBEN COUNTY DISTRICT ATTORNEY TO ACCEPT A GRANT IN THE AMOUNT OF \$8,894.00 FOR RECRUITMENT AND RETENTION OF ASSISTANT DISTRICT ATTORNEYS.

WHEREAS, the Legislature of the State of New York has appropriated grant funding in the amount of \$8,894.00, and has identified this funding for the purposes of recruitment and retention of Assistant District Attorneys.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept the \$8,894.00 as revenue and appropriate that amount to Salaries and Wages in Line Item No. 116500-5-1100000 in the Steuben County 2007 Budget; and be it further

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

Mr. Schwartz asked would this be viewed as a wage increase? Mr. Alger stated no, we are considering this a one-time bonus.

Vote: Roll Call - Adopted. Yes-8369; No-902; Absent-601. (No: Argentieri and Swackhamer, Absent: Stachnik)

RESOLUTION NO. 082-07

Introduced by P. Donnelly.

Seconded by K. Isaman.

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, 2006, to the 31st day of March, 2007, 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 her 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 May 7, 2007, which was received by you from the County Clerk as taxes paid to her upon the real property mortgages filed in her office since October 1, 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 \$625,078.46.

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 - 05/2007

<u>TOWN & CITIES</u>	<u>TOWN/CITY AMT DUE</u>	<u>VILLAGES</u>	<u>VILLAGES AMT DUE</u>	<u>TOTAL AMT DUE</u>
ADDISON	8,640.20	ADDISON	3,941.95	12,582.15
AVOCA	9,928.81	AVOCA	1,729.40	11,658.21
		BATH (1)	12,699.94	
BATH	43,587.95	SAVONA (2)	1,247.78	57,535.67
BRADFORD	3,227.42			3,227.42
CAMERON	4,495.31			4,495.31
CAMPBELL	18,705.97			18,705.97
CANISTEO	9,381.92	CANISTEO	3,097.48	12,479.40
CATON	14,259.77			14,259.77
COHOCTON	10,090.30	COHOCTON	1,428.79	11,519.09
CORNING CITY	65,826.67			65,826.67
		RIVERSIDE (1)	2,135.03	
CORNING TOWN	52,154.15	S CORNING (2)	3,504.34	57,793.52
DANSVILLE	10,445.86			10,445.86
ERWIN	73,515.01	PAINTED POST	6,153.78	79,668.79
FREMONT	3,839.57			3,839.57
GREENWOOD	2,797.87			2,797.87
HARTSVILLE	3,352.39			3,352.39
HORNBY	8,314.65			8,314.65
HORNELL CITY	32,146.69			32,146.69
		ALMOND (1)	46.94	
		ARKPORT (2)	2,052.52	
HORNELLSVILLE	23,373.14	V N HORNELL (3)	2,323.97	27,796.57

HOWARD	9,387.09			9,387.09
JASPER	7,612.93			7,612.93
LINDLEY	9,155.70			9,155.70
PRATTSBURGH	11,648.47			11,648.47
PULTENEY	24,436.34			24,436.34
RATHBONE	6,664.86			6,664.86
THURSTON	7,358.04			7,358.04
TROUPSBURG	7,593.50			7,593.50
TUSCARORA	6,551.33			6,551.33
URBANA	32,711.58	HAMMONDSPORT	2,798.95	35,510.53
WAYLAND	14,191.41	WAYLAND	3,374.77	17,566.18
WAYNE	26,532.74			26,532.74
WEST UNION	3,570.23			3,570.23
WHEELER	4,736.04			4,736.04
WOODHULL	8,308.91			8,308.91
Total	578,542.82		46,535.64	\$625,078.46

Foregoing shall be your sufficient warrant for the payment of said sums as above directed.

DATED at Bath, New York, May 29, 2007.

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 29, 2007.

Christine Kane, Clerk

Vote: Roll Call - Adopted.

RESOLUTION NO. 083-07

Introduced by G. Swackhamer.

Seconded by P. Donnelly.

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

WHEREAS, the County of Steuben has commenced the annual Delinquent Real Property Tax In-Rem procedure pursuant to Article 11 of the New York State Real Property Law; and

WHEREAS, it is desirable to establish the date of the County Delinquent Real Property Tax Auction and the final repurchase date for parcels in said auction.

NOW THEREFORE, BE IT

RESOLVED, the 2007 Delinquent Real Property Tax Auction shall be conducted on July 18, 2007, commencing at 10:00 A.M. at the Haverling High School, Bath, New York; and be it further

RESOLVED, the final date to repurchase parcels listed for auction prior thereto is July 13, 2007 with a 25% late fee on all taxes due, together with all other costs and fees associated therewith; and be it further

RESOLVED, that the County by action of the Finance Committee reserves the right to retain title on any parcel by denying the option to repurchase; and be it further

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

Vote: Roll Call - Adopted.

Motion to adjourn Regular Session and reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.F. Matters Leading To The Appointment, Employment, Promotion, Demotion, Discipline, Suspension, Dismissal Or Removal Of A Particular Person Made By Mr. Argentieri, seconded by Mr. Nielsen and duly carried.

Motion to adjourn Executive Session and reconvene in Regular Session made by Mr. Schwartz, seconded by Mr. McIntyre and duly carried.

RESOLUTION NO. 084-07

Introduced by R. Argentieri.

Seconded by D. Baker.

APPOINTING THE HEALTH CARE FACILITY ADMINISTRATOR AND SETTING THE SALARY.

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

WHEREAS, it is the recommendation of the Steuben County Legislature to fill the vacancy in the position of Health Care Facility Administrator with the appointment of David McCarroll of Middleport, NY, effective June 4th, 2007; and

WHEREAS, it is the recommendation of the Health and Education Committee to set the salary of the Health Care Facility Administrator at \$73,000 per annum (Management Grade H).

NOW THEREFORE, BE IT

RESOLVED, that the salary of the Administrator of the Steuben County Health Care Facility shall be established at the annual compensation of \$73,000 effective June 4th, 2007; and be it further

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

Vote: Roll Call - Adopted.

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

**SPECIAL MEETING
Morning Session
Bath, New York
Tuesday, June 12, 2007**

The County Legislature of the County of Steuben, convened in Special Session in the Legislative Chambers, Bath, NY on Tuesday, the 12th day of June, 2007, at 10:50 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll Call and all members present except for Legislators Argentieri, Baker, McAllister and Stachnik.

Mr. Swackhamer led the invocation and Mr. Ryan 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.

RESOLUTION NO. 085-07

Introduced by P. Roche.

Seconded by D. Creath.

REQUESTING THE ADOPTION OF SENATE BILL NO. S6123 AND ASSEMBLY BILL NO. A9047 WHICH ARE TECHNICAL AMENDMENTS TO STEUBEN COUNTY'S REQUESTED SALES TAX HOME RULE LEGISLATION.

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

WHEREAS, in the course of preparation of the County's Home Rule Request for an extension of the additional 1% sales tax several words were inadvertently dropped from the Bills; and

WHEREAS, the impact of the errors would eliminate the Villages shares of the 1% sales tax; and

WHEREAS, it was never intended for such a result to occur; and

WHEREAS, it is necessary to adopt a technical amendment to the original request to correct the omission.

NOW, THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby request the adoption of technical amendment bills Senate Bill No. S6123 and Assembly Bill No. A9047 to correct this oversight; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Attorney General Andrew Cuomo; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247 and Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248.

Mr. Alger stated late Friday afternoon I received a phone call from the State Division of Budget indicating they had questions about the Bill. They realized that three words had somehow been dropped from the Bill in the drafting stage. This particular piece of legislation you are voting on today would reinsert those words into the legislation. So, this is a technical amendment to the bill.

Vote: Roll Call - Adopted.

Mr. Alger and Chairman Roche thanked everyone for changing their schedules in order to attend today's meeting.

The meeting was adjourned upon the motion of Mr. McIntyre, seconded by Mr. Nielsen and duly carried.

REGULAR MEETING
Morning Session
Bath, New York
Monday, June 25, 2007

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, New York on Monday, the 25th day of June, 2007 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 McAllister, McIntyre (late), Nielsen, and Schwartz (late).

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

Chairman Roche asked Carol Hawkins to come forward. Ms. Hawkins is an employee in the Department of Social Services. Chairman Roche presented her with a Certificate of Appreciation in recognition of her 20 years of service to Steuben County.

Chairman Roche asked Rebecca Bauter to come forward. Ms. Bauter is an employee in the Department of Probation and Correctional Alternatives. Chairman Roche presented her with a Certificate of Appreciation in recognition of her 15 years of service to Steuben County.

Chairman Roche asked Cheryl Crocker to come forward. Ms. Crocker is an employee in the Department of Probation and Correctional Alternatives. Chairman Roche presented her with a Certificate of Appreciation in recognition of her 25 years of service to Steuben County.

Chairman Roche asked LouAnna Rowe to come forward. Ms. Rowe is a Mobile Work Crew Supervisor in the Department of Social Services. He presented her with a Certificate of Appreciation and a plaque in recognition of her retirement following 37 years of service to Steuben County. **CONGRATULATIONS LOUANNA!**

Chairman Roche asked Deb Pierce to come forward. Ms. Pierce is an employee in the Office of Community Services. He presented her with a Certificate of Appreciation and a plaque in recognition of her retirement following 38 years of service to Steuben County. Ms. Pierce stated I've had a wonderful career with Mental Health. I'm thankful for the many opportunities my job provided me and I'll miss the people I work with. **CONGRATULATIONS DEB!**

Ristiina Wigg, Southern Tier Library System, provided the Legislature with a mid-year report. The funds Steuben County contributes provides libraries with telecommunications support. The money is divided among the 17 libraries and reading centers and they work together to serve the residents of the County. They are helping children become lifelong readers.

Rita Finley, Pulteney Library, stated Pulteney is a small town and we consider our library our community center. Because it is a small community, entertainment is sparse. Your funding is very important to us. The funding helps us provide children's programs, adult reading programs, workshops and internet access, among other things. The residents and summer lake visitors are drawn to the library. In the past 10 years, I've seen the library grow and it is only done through your funding. Thank you.

Jenny Peer, Howard Library, stated we are chartered to serve 1,400 residents and 400 seasonal visitors. Our funding enables us to provide the best possible service and it provides telecommunications to our community. We have many adults who come in and use our services. At Howard, we believe change is the only constant. We continually challenge the status quo. We have a newsletter sent to over 800 members. We offer quality preschool programming. In addition, we recognized the need to provide a structured after school program. The program was an overwhelming success and we have a waiting list. Libraries like ours are dedicated to provide lifelong learning opportunities. It is the one constant that is free and available to everyone. Thank you so much.

Carol Berry, Dormann Library, stated thank you for your support. The Dormann Library has noticed a 25% increase in computer use over the same time last year. There's always something going on at the library. Right now we are in an exploratory process of looking at downloadable library books. This would enable users to download books onto an I-pod, MP3 player or a cell phone. Thank you for your support.

Mr. Stachnik noted that the Pulteney Library was honored as one of the best small area libraries in the nation.

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.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Relative to Local Law Tentatively No. Five for the Year 2007, relative to the administration and operation of the Steuben County Workers' Compensation Self-Insurance Plan, to provide for the apportionment of costs and operation of the Steuben County Self-Insurance Plan, and repealing Local Law No. Three for the Year 1992. Chairman Roche opened the floor for comments regarding this Public Hearing. There being no comments, Chairman Roche declared the public hearing closed.

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

Judy Hunter, County Clerk, reported that last Wednesday one of my employees was suddenly in need of medical assistance and I had to call 911. I just wanted to commend Tim Wixom for providing me with the education beforehand so that I knew what to expect when I made that call. I understood the questions that were forthcoming and they remained on the phone with me the entire time until the ambulance arrived. I hope Mr. Wixom continues with the public education.

Chris Kane, Clerk of the Legislature, announced that Jeanne Underhill is retiring after 23 years of service in the County Treasurer's Office. They will be holding a reception for her on July 12th from 2-4pm. All Legislators are invited to attend.

Chairman Roche announced there will be a tour of the jail expansion immediately after the meeting.

Mark Alger, County Administrator, introduced David McCarroll, the new Administrator of the Health Care Facility. He also introduced Yvonne Erway, who he recently hired as his Confidential Secretary.

RESOLUTION NO. 086-07

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, 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 Gordon Gustin
Parcel # 300.00-01-007.000
Municipality Corning Town
Disposition Refund

Resolution # A-2
Name Donald & Ruth Keck
Parcel # 319.12-01-038.000
Municipality Corning Town
Disposition Correction

Resolution # A-3
Name Mary Bell
Parcel # 099.10-01-016.000
Municipality Avoca Town
Disposition Correction

Resolution # A-4
Name Dorothy Mehlenbacher
Parcel # 118.13-01-020.000
Municipality Urbana Town
Disposition Correction

Resolution # A-5
Name James Heil
Parcel # 131.06-01-025.000
Municipality Urbana Town
Disposition Correction

Resolution # A-6
Name Daniel Wood
Parcel # 317.00-03-058.000
Municipality Corning Town
Disposition Refund & Correction

Resolution # A-7
Name Brett Cochran
Parcel # 086.00-01-052.110
Municipality Wheeler Town
Disposition Refund

Resolution # _____ A-8 _____
Name _____ James K Ross _____
Parcel # _____ 086.00-01-052.110 _____
Municipality _____ Wheeler Town _____
Disposition _____ Correction _____

SCHEDULE "B"

Resolution # _____ B-1 _____
Former Owner _____ Michael V Stefanski _____
In Rem Index No. 93123, 2005 sale _____
Parcel # _____ 368.00-01-007.200 _____
Municipality _____ Tuscarora Town _____
Grantee(s) _____ Michael V Stefanski _____
Grantee(s) Address _____ 35 Fairway Ln, Horseheads, NY 14845-9337 _____
Consideration \$2,629.94, together with \$121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # _____ B-2 _____
Former Owner _____ Edwin Abbey Sr & Edwin Abbey Jr _____
In Rem Index No. 93123, 2005 sale _____
Parcel # _____ 318.15-01-013.200 _____
Municipality _____ Corning Town _____
Grantee(s) _____ Edwin Abbey Sr & Edwin Abbey Jr _____
Grantee(s) Address _____ 2937 Main St, Corning, NY 14830-3508 _____
Consideration \$4,075.98, together with \$121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # _____ B-3 _____
Former Owner _____ Harvey Drake Jr _____
In Rem Index No. 93123, 2005 sale _____
Parcel # _____ 217.07-01-015.000 _____
Municipality _____ Canisteo Town _____
Grantee(s) _____ Harvey Drake Jr _____
Grantee(s) Address _____ 3583 County Rte 119, Canisteo, NY 14823 _____
Consideration \$973.25, together with \$121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # _____ B-4 _____
Former Owner _____ Darlene Ellis _____
In Rem Index No. 93123, 2005 sale _____
Parcel # _____ 349.12-01-007.000 _____
Municipality _____ Addison Village _____
Grantee(s) _____ Darlene Ellis _____
Grantee(s) Address _____ 5 Nichols Rd, Addison, NY 14801 _____
Consideration \$1,957.87, together with \$121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # B-5
Former Owner Michael McCartney & Kelly McCartney
In Rem Index No. 90918, 2004 sale
Parcel # 318.18-01-003.000
Municipality South Corning Town
Grantee(s) Michael McCartney & Kelly McCartney,
husband and wife, as tenants by the entirety
Grantee(s) Address 310 Park Avenue, Corning, NY 14830
Consideration \$8,053.05, 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 # B-6
Former Owner Joseph Johnson & Mary Catherine Johnson
In Rem Index No. 93123, 2005 sale
Parcel # 060.00-01-010.000
Municipality Prattsburgh Town
Grantee(s) Joseph Johnson & Mary Catherine Johnson,
husband and wife, as tenants by the entirety
Grantee(s) Address 424 Paul Rd, Rochester, NY 14624
Consideration \$3,127.58, 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. 087-07

Introduced by P. Donnelly.

Seconded by R. Argentieri.

RECEIVING AND ACCEPTING THE JUNE 25, 2007, 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 11, 2007

1. Fortuna Energy, Inc. – RE: Notice of Intent to construct a natural gas gathering pipeline in the Town of Caton, Steuben County. ***Referred to: Agriculture, Industry & Planning Committee; and Gregory P. Heffner, Planning Director.***
2. NYS Division of Criminal Justice Services - Re: Byrne Grant Contract for \$12,500. 00. ***Referred to: Public Safety & Corrections and Finance Committees; Carol Whitehead, Treasurer; and Richard C. Tweddell, Sheriff.***
3. NYS Department of Health - Re: Extension of the plan of administration coverage at the Steuben County Health Care Facility through August 24, 2007. ***Referred to Administration and Health & Education Committee; Robert F. Biehl, Personnel Officer; Raelen Melious, Acting Health Care Facility Administrator; and John Zehr, Supervising Health Care Facility Administrator.***

May 14, 2007

1. NYS Office of the Aging - Re: Notification of Grant Award for Older Americans Act Title Vii in the amount of \$10,737.00. ***Referred to: Human Services and Finance Committees; Linda Tetor, Office of the Aging Director; And Carol Whitehead, Treasurer.***

2. NYS Department of Transportation - Re: First Quarter SFY 2007-2008 State Transit Operating Assistance (STOA) Payments. **Referred to Agriculture, Industry & Planning and Finance Committees; Gregory P. Heffner, Planning Director; and Carol Whitehead, Treasurer.**
3. Susquehanna River Basin Commission – Re: Adoption of 2007 Annual Water Resources Program; available on Commission web site at <http://www.srbc.net/water-resources2007.htm>. **Referred to Agriculture, Industry & Planning Committee; and Gregory P. Heffner, Planning Director.**

May 21, 2007

1. Michael Burgess, New York State Office of 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 1/1/07 through 12/31/07. **Referred to: Human Services Committee and Linda Teter, OFA Director.**

May 30, 2007

1. Steuben Department of Public Works – RE: Notifications of availability for 50% of the funding through a grant from the New York State Department of Environmental Conservation to purchase a Haul All M Class Model 16 Multi Purpose Collection truck. **Referred to: Public Works Committee; Vince Spagnoletti, Public Works; Jim Gleason, Purchasing.**

May 31, 2007

1. New York State Department of Environmental Conservation – RE: Notifications of availability of funds for projects to eradicate terrestrial and aquatic invasive species from the lands, waters and wetlands of New York State. **Referred to: Jeff Parker, Soil & Water Conservation District and Gregory P. Heffner, Planning Director.**

June 4, 2007

1. NYS Public Service Commission - Re: Notice of intention filed by Fortuna Energy, Inc., to construct a Fuel Gas Transmission Line, Containing Approximately 9,565 ft. of 4-Inch Coated Steel Pipeline, located in the Towns of Big Flats and Southport, Chemung County and the Town of Caton, Steuben County. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
2. NYS Division of Criminal Justice Services – Re: Contract #AP07078049, Aid to Prosecution-Grant Contract between NYS Division of Criminal Justice Services and Steuben County. **Referred to: Public Safety & Corrections Committee and Finance Committee; John Tunney, District Attorney; and Carol Whitehead, County Treasurer.**
3. Steuben County Industrial Development Agency - Re: WindFarm Prattsburgh, LLC WindFarm Project Application #010 Re: The Finding Statement adopted by the Steuben County IDA at their meeting held on May 30, 2007 as the Lead Agency under SEQRA. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

June 5, 2007

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 Resources Center); and SNAP (Supplemental Nutrition Assistance) for 4/1/07 to 3/31/08. **Referred to: Human Services Committee and Linda Teter, OFA Director.**

June 6, 2007

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$5,881 representing the April 2007 retained surcharge revenue for Steuben County from the WROTB. **Referred to: Finance and Rules Committees and Carol Whitehead, County Treasurer.**
2. The Assembly State of New York – Re: Response Letter to concerns on how the civil confinement process may financially impact Steuben County. **Referred to: Public Safety & Corrections Committee; Byrum Cooper, Public Defender; and Richard C. Tweddell, Sheriff.**

June 8, 2007

1. The Arc of Steuben – Re: Formal notification of the interest and intent of the Steuben County Chapter, NYSARC, Inc. (The Arc of Steuben) to establish a community residential home in the Town of Erwin. **Referred to: Health & Education Committee and Dr. Robert Anderson, Director of Community Services.**

2. HMI Mechanical Systems, Inc. – Re: Contract 305-HVAC Warranty Certification – Renovations Area “C”. *Referred to: Public Safety and Correction Committee; and Richard C. Tweddell, Sheriff.*

June 11, 2007

1. NYS Office of Homeland Security – Re: Agreement under the Federal Domestic Preparedness Equipment Program. *Referred to: Public Safety and Corrections Committee and Michael Sprague, Emergency Management Director.*
2. NYS Office for the Aging - Re: State (LTCOP) Long-Term Care Ombudsman Program Support Agreement allocations for 4/1/07-3/31/08. *Referred to: Human Services Committee and Linda Tetor, Director, OFA.*
3. NYS Public Service Commission - Re: Order Granting Certificate of Environmental Compatibility and Public Need issued and effective June 7, 2007 for CASE 07-T-0538 (Notice of Intention filed by Fortuna Energy Inc. to Construct a Fuel Gas Transmission Line in the Town of Caton, Steuben County). *Referred to: Agriculture, Industry & Planning Committee; and Gregory P. Heffner, Planning Director.*
4. Steuben County Soil & Water Conservation District – Re: Cold Brook – Inlet to Keuka Lake Restoration Project. *Referred to: Agriculture, Industry & Planning Committee; and Gregory P. Heffner, Planning Director.*
5. Campbell-Savona Central School – Re: Declaring CSCS Board of Education as the Lead Agency for the purpose of undertaking an Environmental Quality Review on the proposed Capital Project at the Savona Elementary School. (Purchase property located at 78 East Lamoka Avenue, Savona, New York). *Referred to: Agriculture, Industry & Planning Committee; and Greg Heffner, Planning Director.*

June 14, 2007

1. NYS Department of State – Re: 2006-2007 Shared Municipal Services Incentive (SMSI) Program Grant with Steuben, Schuyler, Yates (Paint Striping Program) Contract Number, C-068855 *Referred to: Public Works Committee; and Vincent Spagnoletti, Public Works.*
2. NYS Department of Criminal Justice Services – RE: Grant Contract DCJS#RR06110219 Steuben County STEPS/Road to Recovery Program, *Referred to: Public Safety & Corrections Committee; and John Tunney, District Attorney.*

Vote: Acclamation - Adopted.

RESOLUTION NO. 088-07

Introduced by P. Donnelly.

Seconded by R. Nichols.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. FIVE FOR 2007, RELATIVE TO THE ADMINISTRATION AND OPERATION OF THE STEUBEN COUNTY WORKERS' COMPENSATION SELF-INSURANCE PLAN, TO PROVIDE FOR THE APPORTIONMENT OF COSTS AND OPERATION OF THE STEUBEN COUNTY SELF-INSURANCE PLAN, AND REPEALING LOCAL LAW NO. THREE FOR THE YEAR 1992.

Pursuant to Sections 65 and 66 of the Workers' Compensation Law of the State of New York.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on May 29, 2007 County of Steuben Local Law Tentatively No. Five for the Year 2007, relative to the administration and operation of the Steuben County Workers' Compensation Self-Insurance to provide for the apportionment of costs and operation of the Steuben County Self-Insurance Plan, and repealing Local Law No. Three for the Year 1992, and this Legislature by resolution, preliminarily adopted said Local Law on May 29, 2007 making the final adoption of said Local Law subject to a Public Hearing to be held on June 25, 2007; 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 25, 2007 at 10:00 A.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing.

NOW THEREFORE, BE IT

RESOLVED, that the County of Steuben Local Law Tentatively No. Five for the Year 2007, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. FIVE OF THE YEAR 2007**

A local law, relative to the administration and operation of the Steuben County Workers' Compensation Self-Insurance Plan, to provide for the apportionment of costs and operation of the Steuben County Self-Insurance Plan, and repealing Local Law No. Three for the Year 1992.

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

SECTION 1: LEGISLATIVE INTENT

It is the intent of the within legislation to repeal Local Law No. Three for the Year 1992 and to provide for the apportionment of costs to the participants in and the maintenance and operation of the Steuben County Self-Insurance Plan through the enactment of these Rules & Regulations.

Said apportionment shall be a combination of past claims history, assessed full valuation and payroll costs.

SECTION 2: APPORTIONMENT OF COSTS TO PLAN PARTICIPANTS

Following the preparation of the annual estimate of projected amounts necessary for the ensuing calendar year, pursuant to Workers' Compensation Law §67, the share of the amounts chargeable to each participant shall be made in the following manner: 42.5% of such projected cost share shall be apportioned based on the proportion that the full aggregate valuation of the taxable real property of the participant bears to the aggregate full valuation of all participants; 42.5% shall be apportioned based on the proportion that the full aggregate payroll of the participant bears to the full aggregate payroll of all participants; and, the final 15.0% shall be apportioned among the participants based on the proportion of the full value of claims paid over the preceding three (3) years of each participant bears in proportion to the full aggregate value of all claims paid by all participants over that same period of time.

SECTION 3: PREPARATION OF THE APPORTIONMENT OF COSTS

Annually, the Administration Committee of the Steuben County Legislature shall review and adjust the apportionment of costs to each participant based on percentage of full valuation, experience and payroll. Said review and adjustment shall then be presented to the County Legislature for final adoption by resolution filing and approving the table of apportionment.

SECTION 4: ENTRY AND WITHDRAWAL OF PARTICIPANTS

Entry into the Plan by an eligible municipality shall be made by service upon the Administrator of a certified copy of the local resolution or legalizing act authorizing same on or before March 31st of each calendar year for the ensuing calendar year. Withdrawal by an eligible municipality from the Plan shall be made by service of a certified copy of the local resolution or legalizing act withdrawing from the Plan on or before March 31st of each calendar year for the ensuing calendar year. Any withdrawal from the Plan shall require payment of the withdrawing municipality's equitable share of the outstanding liabilities of the Plan as of the date of the withdrawal. Payment of said sum shall be made in a lump sum or periodic payments as determined by the Administrator of the Plan upon the advice and consent of the Administrative Committee of the Steuben County Legislature.

SECTION 5. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this title or its application to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this title to its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 6. EFFECTIVE DATE

This local law shall take effect immediately.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on June 25, 2007 at 10:00 A.M. at the Legislative Chambers, Village of Bath, New York; and be it further

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

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Five for the Year 2007, 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 Administrator and the Administrator of the Steuben County Self-Insurance Plan.

Mr. Alger noted that there are fairly large swings in the apportionment in both directions. It's not quite the perfect solution and you may hear from some towns about this. We will continue to monitor it.

Vote: Roll Call - Adopted.

RESOLUTION NO. 089-07

Introduced by P. Donnelly.

Seconded by D. Baker.

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 2008.

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, 2007 for the Budget Year 2008.

NOW THEREFORE, BE IT

RESOLVED, that the estimated cost (Budget for 2008), 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 2008 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, 2008

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, 2008 and ending December 31, 2008, pursuant to Section 67, Paragraph 1 of the Workers' Compensation Law.

APPROPRIATED BUDGET FOR 2008

Medical & Hospital Payments	Item # 172006-5-410-300	\$ 475,000.00
Compensation Awards	Item # 172006-5-410-310	\$ 850,000.00
Administration Salary	Item # 171006-5-110-0000	\$ 48,000.00
Computer	Item # 171006-5-290-020	\$ 0.00
Equipment	Item # 171006-5-298-090	\$ 300.00
Telephone	Item # 171006-5-402-990	\$ 300.00
Copying	Item # 171006-5-403-800	\$ 200.00
Membership Dues	Item # 171006-5-404-100	\$ 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	\$ 52,000.00
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	\$ 4,800.00
Social Security	Item # 171006-5-830-000	\$ 3,675.00
Workers' Compensation	Item # 171006-5-840-000	\$ 800.00
Group Medical	Item # 171006-5-860-000	\$ 12,000.00
Contributed Reserve	Item # 171006-5-901-000	\$ 0.00
	<i>BUDGET TOTAL</i>	<i>\$2,000,757.00</i>
	INTEREST EARNINGS	-150,000.00
	<i>REFUND CURRENT YEAR EXPENSE</i>	<i>-200,000.00</i>
	TRANSFER FROM FUND BALANCE	0.00
	TOTAL TO BE APPORTIONED	<u>\$1,650,757.00</u>

Vote: Roll Call - Adopted.

RESOLUTION NO. 090-07

Introduced by P. Donnelly.

Seconded by D. Baker.

FILING THE TABLE OF APPORTIONMENT RELATIVE TO THE SHARES OF THE PARTICIPATING MEMBERS OF THE STEUBEN COUNTY SELF-INSURANCE WORKERS' COMPENSATION PLAN FOR 2008.

Pursuant to Article 5 of the Workers' Compensation Law of the State of New York.

WHEREAS, on June 25, 2007 this Steuben County Legislature had filed and approved the estimated cost for Fiscal Year 2008 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 2008, 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 2008 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 2008; and be it further

RESOLVED, that any participating member may elect to pay its share directly 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, 2007, 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, the Director of the Steuben County Real Property Tax Service Agency, and 38 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.

2008
TABLE OF APPORTIONMENT
\$1,650,757

<u>MUNICIPALITY</u>	<u>CLASS</u>	<u>AMOUNT</u>
STEUBEN COUNTY	I	\$1,041,188
ADDISON	I	\$ 9,066
AVOCA	I	\$ 11,553
BATH	I	\$ 54,198
BRADFORD	I	\$ 4,183
CAMERON	I	\$ 4,915
CAMPBELL	I	\$ 18,209
CANISTEO	I	\$ 13,604
CATON	I	\$ 12,471
COHOCTON	I	\$ 30,750
DANSVILLE	I	\$ 9,743
FREMONT	I	\$ 5,934
GREENWOOD	I	\$ 5,898
HARTSVILLE	I	\$ 4,773
<u>MUNICIPALITY</u>	<u>CLASS</u>	<u>AMOUNT</u>
HORNBY	I	\$ 8,708
HORNELLSVILLE	I	\$ 23,875
HOWARD	I	\$ 11,056
JASPER	I	\$ 32,102
LINDLEY	I	\$ 9,508
PRATTSBURGH	I	\$ 37,109
PULTENEY	I	\$ 22,020
RATHBONE	I	\$ 29,251
THURSTON	I	\$ 7,289
TROUPSBURG	I	\$ 8,809
TUSCARORA	I	\$ 7,625
WAYLAND	I	\$ 19,402
WEST UNION	I	\$ 4,520
WHEELER	I	\$ 8,341
WOODHULL	I	\$ 25,026
TOWNS TOTAL		\$439,938
ADDISON	I	\$ 23,193
ARKPORT	I	\$ 4,667
AVOCA	I	\$ 4,603
BATH	I	\$ 80,186
CANISTEO	I	\$ 10,823
COHOCTON	I	\$ 4,074
NORTH HORNELL	I	\$ 4,613
PAINTED POST	I	\$ 26,133
WAYLAND	I	\$ 11,339
VILLAGES TOTAL		\$169,631

Vote: Roll Call - Adopted.

RESOLUTION NO. 091-07

Introduced by P. Donnelly.

Seconded by D. Baker.

DESIGNATING A DEFERRED COMPENSATION PROGRAM FOR STEUBEN COUNTY.

WHEREAS, Steuben County established a Deferred Compensation Plan on March 24, 1986, which was made available to all eligible County employees and elected officials pursuant to Federal legislation permitting such Plans; and

WHEREAS, certain substantial tax benefits accrue to employees and elected officials participating in said Deferred Compensation Plan; and

WHEREAS, such benefits act as incentives to Steuben County employees to voluntarily set aside and invest portions of their current income to meet their future financial requirements and supplement their County retirement and Social Security at no cost to the County; and

WHEREAS, the County's current contract is with the International City Management Association ("ICMA") Retirement Corporation; and

WHEREAS, the Deferred Compensation Committee recommends continuation of our agreement with the ICMA Retirement Corporation; and

WHEREAS, this Plan is established pursuant to rules and regulations as promulgated by the New York State Deferred Compensation Board.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby selects ICMA Retirement Corporation's Program and its attendant investment options as the Steuben County Deferred Compensation Plan for the voluntary participation of all eligible County employees and elected officials; and be it further

RESOLVED, the County Administrator is hereby authorized to take the necessary steps to submit the required documents to obtain the New York State Deferred Compensation Board and the New York State Civil Service Commission approval of said Plan, and facilitate adoption of the Plan by the Steuben County Legislature; and be it further

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

Mr. Argentieri asked for an explanation. Mr. Alger stated we solicited a request for proposals for a deferred compensation program and received 4 from various companies. A team of individuals evaluated the proposals and viewed the presentations. This group agreed to stay with the current provider, International City Management Association Retirement Corporation. With this program, employees can contribute a portion of their salary to a fund that builds tax-free.

Vote: Roll Call - Adopted.

RESOLUTION NO. 092-07

Introduced by R. Nichols and G. Swackhamer.

Seconded by T. McIntyre.

ACCEPTING A BUDGET INITIATIVE FOR \$100,000.00 FUNDING TOWARDS ONE EXCAVATOR, AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO SECURE SAID FUNDING.

WHEREAS, excavators are important for roadside ditching, drainage and maintenance; and

WHEREAS, an excavator is included in the 2007 Major Equipment list and will cost approximately \$155,000; and

WHEREAS, Senator Winner and Assemblyman Bacalles sponsored a budget initiative for Steuben County in the amount of \$100,000 to help pay for a new excavator, and the Steuben County Department of Public Works will provide the remainder of the funding from the existing 2007 Major Equipment fund; and

WHEREAS, the New York State Department of Transportation 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 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, certified copies of this resolution shall be forwarded to the County Treasurer, the Risk Manager and three (3) certified copies of this resolution shall be forwarded to the Commissioner of Public Works.

Vote: Roll Call - Adopted.

RESOLUTION NO. 093-07

Introduced by R. Nichols and G. Swackhamer.

Seconded by F. Gehl.

AUTHORIZING AND DIRECTING THE COMMISSIONER OF PUBLIC WORKS TO APPLY FOR A GRANT WHICH WOULD FUND 50 PERCENT OF THE PURCHASE COST OF TWO RECYCLING SKID STEER LOADERS.

WHEREAS, the Steuben County Department of Public Works Solid Waste Division has purchased two skid steer loaders for \$56,824.62; and

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects, including funding 50 percent for recycling equipment purchases; and

WHEREAS, Steuben County (hereinafter referred to as "the Municipality") has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between the people of the State of New York (hereinafter referred to as the "State") and the Municipality be executed for such State Aid.

NOW THEREFORE, BE IT

RESOLVED, that the filing of an application for a grant of \$28,412.31 for the purchase of two skid steer recycling loaders in the form required by the State, in conformity with the applicable laws of the State of New York, including all understanding and assurances contained in said application is hereby authorized; and be it further

RESOLVED, that Vincent Spagnoletti, Commissioner of Steuben County Department of Public Works, is directed and authorized as the official representative of the Municipality, to act in connection with the application and to provide such additional information as may be required, and to sign the resulting contract if or when said application is approved by the State; and be it further

RESOLVED, five (5) certified copies of this resolution shall be forwarded to the New York State Department of Environmental Conservation, Albany, New York 12233-7253, together with a completed application; and be it further

RESOLVED, that this resolution shall take effect immediately.

Vote: Roll Call - Adopted.

RESOLUTION NO. 094-07

Introduced by D. Stachnik and G. Swackhamer.

Seconded by F. Gehl.

ACCEPTING AND APPROPRIATING FUNDS AWARDED BY THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES FOR IMPROVING STAFF RATIOS FOR CHILD PROTECTIVE SERVICES.

WHEREAS, the New York State Office of Children and Family Services (OCFS) has awarded \$47,005.00 to the Steuben County Department of Social Services; and

WHEREAS, the County of Steuben desires to use these funds to improve the caseload size of child protective caseworkers that investigate reports of child abuse and maltreatment; and

WHEREAS, the New York State OCFS has authorized these funds to pay overtime to existing staff and purchase new technology to reduce overdue safety assessments and report determinations; and

WHEREAS, the County of Steuben desires to use a portion of these funds to purchase 9 laptop computers to be used by the child protective caseworkers.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben accepts \$47,005.00 and adjusts the 2007 Social Services Budget to reflect this additional funding; and be it further

RESOLVED, Steuben County accepts and appropriates these funds in the 2007 Steuben County Budget as follows:

Expenditures:

601000 5190652	Overtime	\$25,002.00
601000 5830000	Social Security	11,478.00
601000 5406000	Supplies	1,219.00
1680HI 5250026	Computers	<u>9,306.00</u>
		\$47,005.00

Revenues:

601000 43610000	State Administration Funds	\$37,699.00
1680HI 43610000	State Administration Funds	<u>9,306.00</u>
		\$47,005.00

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. 095-07

Introduced by D. Stachnik and G. Swackhamer.

Seconded by F. Gehl.

ACCEPTING AND APPROPRIATING DONATED FUNDS IN THE AMOUNT OF \$5,907.00 FROM THE UNITED WAY OF THE SOUTHERN TIER; \$2,000.00 FROM ST. THOMAS EPISCOPAL CHURCH OF BATH; \$4,800.00 FROM THE COMMUNITY FOUNDATION, AND \$23,598.00 IN STATE FUNDS.

WHEREAS, the United Way of the Southern Tier has awarded funds to the Steuben County Department of Social Services; and

WHEREAS, the St. Thomas Episcopal Church of Bath and The Community Foundation have committed to donating funds to Steuben County Department of Social Services; and

WHEREAS, Child Welfare Legislation enacted in 2002, permits counties to use donated funds to support their total claims for Preventive Services; and

WHEREAS, the Commissioner of Social Services has determined to use these funds to support and contract with ProAction's Steuben County Family Enrichment Collaborative to fund the Bath Family Resource Center.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben accepts \$12,707.00 in donated funds and \$23,598.00 in State funds and adjusts the 2007 Social Services Budget to reflect this additional funding; and be it further

RESOLVED, Steuben County accepts and appropriates these funds in the 2007 Steuben County Budget as follows:

Expenditures:			
607000 5446500	Preventive Services		\$36,305.00
Revenues:			
607000 43670000	State Revenues		\$23,598.00
607000 42705000	Donated Funds		<u>12,707.00</u>
			\$36,305.00

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. 096-07

Introduced by D. Stachnik, K. Isaman and G. Swackhamer.

Seconded by R. Argentieri.

ACCEPTING AND APPROPRIATING DONATED FUNDS IN THE AMOUNT OF \$47,853.00 FROM HORNELL CENTRAL SCHOOL DISTRICT, AND \$88,871.00 FROM STATE FUNDS.

WHEREAS, the Hornell Central School District has donated \$47,853.00 in funds to the Steuben County Department of Social Services; and

WHEREAS, Child Welfare Legislation enacted in 2002, permits counties to use privately donated funds to support their total claims for preventive services; and

WHEREAS, the Department of Social Services desires to use the funds to contract with the Steuben County Office of Community Services to provide preventive services in the Hornell Central School District.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben accepts \$47,853.00 from the Hornell Central School District and \$88,871.00 in State Funding and adjusts the 2007 Social Services Budget to reflect this additional funding; and be it further

RESOLVED, Steuben County accepts these funds in the 2007 Steuben County budget as follows:

Expenditures:			
607000 54465000	Preventive Services		\$136,724.00
Revenues:			
607000 42705000	Donations		\$ 47,853.00
607000 43670000	State Revenues		<u>88,871.00</u>
			\$136,724.00

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. 097-07

Introduced by K. Isaman and P. Donnelly.

Seconded by F. Gehl.

RECLASSIFICATION OF A SENIOR SOCIAL WORK ASSISTANT POSITION, GRADE XIII TO STAFF SOCIAL WORKER POSITION, GRADE XV, AND RECLASSIFICATION OF A PRINCIPAL SOCIAL WORK ASSISTANT POSITION, GRADE XIV TO STAFF SOCIAL WORKER POSITION, GRADE XV WITHIN THE STEUBEN COUNTY COMMUNITY SERVICES DEPARTMENT.

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

WHEREAS, two positions exist within the Steuben County Office of Community Services that are inappropriately titled and not consistent with the duties of said positions; and

WHEREAS, the Steuben County Personnel Officer, the Health and Education Committee and the Administration Committee have reviewed and approved the recommended changes for said positions.

NOW THEREFORE, BE IT

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

Senior Social Work Assistant, Grade XIII (\$32,175-\$45,423) to
Staff Social Worker, Grade XV (\$34,716-\$49,012)

Principal Social Work Assistant, Grade XIV (\$33,084-\$46,707)
Staff Social Worker, Grade XV (\$34,716-\$49,012)

AND BE IT FURTHER RESOLVED, the 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 Director of Community Services, the County Treasurer, and the Personnel Officer.

Vote: Roll Call - Adopted.

RESOLUTION NO. 098-07

Introduced by P. Donnelly.

Seconded by T. McIntyre.

RECLASSIFICATION OF AN ASSISTANT COUNTY ATTORNEY POSITION, MANAGEMENT GRADE E, TO A SENIOR ASSISTANT COUNTY ATTORNEY POSITION, MANAGEMENT GRADE G, WITHIN THE STEUBEN COUNTY LAW DEPARTMENT.

WHEREAS, a position exists within the Steuben County Law Department that is inappropriately titled and not consistent with the duties of said position; and

WHEREAS, the Steuben County Personnel Officer and the Administration Committee have reviewed and approved the recommended changes for said position.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Steuben County Law Department is hereby reclassified:

Assistant County Attorney, Management Grade E (\$39,916-\$64,525) to
Sr. Assistant County Attorney, Management Grade G (\$48,295-\$76,233)

AND BE IT FURTHER RESOLVED, the 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 County Attorney, the County Treasurer, and the Personnel Officer.

Vote: Roll Call - Adopted.

RESOLUTION NO. 099-07

Introduced by D. Creath.

Seconded by T. McIntyre.

COMMENCING THE REVIEW PERIOD FOR AGRICULTURAL DISTRICT NO. 5

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

WHEREAS, owners of certain land in the Towns of Avoca, Cohocton, Dansville, Fremont, Prattsburgh, and Wayland did submit to the Steuben County Board of Supervisors a proposal to create an agricultural district within the specified areas of said Towns; and

WHEREAS, said proposal was filed with the Steuben County Board of Supervisors and the appropriate procedures were thereafter followed which led to a certification of the creation of said district effective May 5, 1976; and

WHEREAS, it is anticipated that the Notice of Review from the State of New York, Department of Agriculture and Markets will be forthcoming from said Department of Agriculture and Markets within the next 90 days, and that, pursuant to said Law, the procedure for the necessary review of the Steuben County Agricultural District No. 5 will be required to commence thereafter; and

WHEREAS, it is in the best interests of the County to commence this review period at this time.

NOW THEREFORE, BE IT

RESOLVED, that the Review period of the said Agricultural District located in the Towns of Avoca, Cohocton, Dansville, Fremont, Prattsburgh, and Wayland, County of Steuben and State of New York commences effective upon

filing of a Notice of Review with the office of the Steuben County Clerk, said Review period to be for a period of thirty (30) days; and be it further

RESOLVED, that the Clerk of this Legislature is hereby directed to file said Notice of Review in the Office of the Steuben County Clerk and provide notice of such review by publishing the "Notice" in the Corning Leader and Evening Tribune, which are two (2) newspapers having general circulation within the said District, and by posting such "Notice" in five (5) conspicuous places within the said district. Said "Notice" shall contain information as required in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York; and be it further

RESOLVED, that the Clerk of this Legislature shall file the necessary affidavits of publication and posting of such "Notice" with this County Legislature, and this Legislature shall receive any proposals for modification of said district which may be submitted by landowners or municipalities, within thirty (30) days of the filing of the Notice of Review in the Steuben County Clerk's Office; and be it further

RESOLVED, that upon termination of said thirty (30) day period such review and any proposed modifications shall be referred by this Legislature to the County Planning Board and Steuben County Agricultural and Farmland Protection Board, which Boards shall report to the Steuben County Legislature their recommendations concerning the review and proposed modifications, and thereafter the County Legislature shall hold a Public Hearing as required by Law; and be it further

RESOLVED, certified copies of this resolution shall forwarded to the Steuben County Clerk; Andrew Spencer, Chairman, Steuben County Agricultural and Farmland Protection Board, 8997 Burns Rd., Arkport NY 14807; Director, Steuben County Planning Department; and James Grace, Cornell Cooperative Extension.

Vote: Acclamation - Adopted.

RESOLUTION NO. 100-07

Introduced by P. McAllister and P. Donnelly.

Seconded by D. Baker.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK IN OPPOSITION TO SENATE BILL NO. S3560-B AND ASSEMBLY BILL A08191, REQUIRING A WRITTEN NOTICE OF FINALITY OF A GOVERNMENTAL DECISION TO COMMENCE PROCEEDINGS PURSUANT TO ARTICLE 78 OF THE CPLR.

WHEREAS, Senate Bill No. S3560-B and Assembly Bill No. A08191, if passed, would toll the four month statute of limitations and extend same to two years under New York Civil Practice Law and Rules (CPLR) §217 for commencing an Article 78 proceeding against a body or officer, until and unless the determination of the body or officer is accompanied by a written notice specifically stating that the determination is subject to review and informing the petitioner of the period within which to bring the challenge; and

WHEREAS, the Bills have very serious consequences for counties as well as other governmental entities at all levels within the State; consequences such as deterioration of credibility of governmental institutions, elimination of finality of decisions, and depriving citizens of reliability of government actions; and

WHEREAS, the Bills will toll the four month statute of limitations under CPLR §217 for commencing an Article 78 proceeding for two years, until and unless the determination is accompanied by a written notice specifically stating that the determination is subject to review and informing the petitioner of the period within which to bring the challenge; and

WHEREAS, the toll that would result from the absence of such a notice will impact governmental decision-making by removing the certainty that has long been generated by the passage of the present four month statute of limitations for Article 78 proceedings; and

WHEREAS, the Bills could extend unreasonably the time to bring Article 78 proceedings to challenge determinations made by governmental bodies or officers and the prospect of proceedings being commenced years down the road, long after a government and its citizens have relied upon the passage of time to begin (and sometimes

substantially complete) its projects, rely on budgetary calculations, or move on to the next steps in a long-term initiative, is daunting and serves the public poorly; and

WHEREAS, contrary to the arguments in favor of the proposed legislation the effect of the Bills would be to increase confusion in this area rather than decrease it.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature does hereby go on record in opposition of Senate Bill No. S3560-B and Assembly No. A08191, which, if passed, would toll the four month statute of limitations under CPLR §217 for commencing an Article 78 proceeding up to two years until and unless the determination of the body or officer is accompanied by a written notice specifically stating that the determination is subject to review and informing of the period within which to bring the challenge; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Attorney General Andrew Cuomo; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 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; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207.

Mr. Ahrens stated the InterCounty Association of Western New York unanimously adopted this same resolution. It would require a municipality to notify a petitioner that they have a right to commence an Article 78 proceeding. If they notify them of this right, the petitioner would have up to 2 years to initiate a proceeding. They currently have 4 months. We need finality to governmental actions. I urge you all to vote in favor of opposition to this Bill. Discussion followed.

Vote: Acclamation - Adopted.

RESOLUTION NO. 101-07

Introduced by D. Baker.

Seconded by D. Creath.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO REVISE THE INDIGENT LEGAL SERVICES FUND PROGRAM MAINTENANCE OF EFFORT REQUIREMENTS.

WHEREAS, the Indigent Legal Services Fund Program's maintenance of effort requirement penalizes counties for cost saving innovations in the provision of Legal Services to the Indigent; and

WHEREAS, it is likely a county switching from an Assigned Counsel program to a Public Defender system for Indigent Defense may temporarily fail to meet the maintenance of effort requirements; and

WHEREAS, cost of staffing a Public Defender Office will likely provide a more stable system than an Assigned Counsel plan paying hourly rates; and

WHEREAS, the current program rules eliminate reimbursement from the Indigent Legal Services Fund if the maintenance of effort requirement is not met; and

WHEREAS, the Steuben County Legislature urges the alteration of this policy to one which proportionally reduces the assistance from the Indigent Legal Services Fund when the maintenance of effort is not met.

NOW THEREFORE BE IT

RESOLVED, the Steuben County Legislature urges the Governor and the New York State Legislature to revise the Indigent Legal Services Fund to proportionally reduce the aid should the County fail to meet the maintenance of effort requirement; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Attorney General Andrew Cuomo; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 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; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Francis L. Gehl, President, InterCounty Association of Western New York, c/o Steuben County Legislature, 3 East Pulteney Square, Bath, NY.

Vote: Acclamation - Adopted.

RESOLUTION NO. 102-07

Introduced by R. Argentieri.

Seconded by T. Schwartz.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO SUPPORT ASSEMBLY BILL NO. A8775 THE “NEW YORK STATE PROPERTY TAXPAYER PROTECTION ACT”.

WHEREAS, the tremendously high property tax burden on New York State families and businesses is one of the most important issues facing our community today, with the sheer cost of living in New York State forcing many residents and businesses to leave, thus slowing the economic engine of the state; and

WHEREAS, seniors are struggling to maintain their homes, and businesses are facing immense challenges to create and retain jobs; and

WHEREAS, New Yorkers face the highest property taxes in the nation, and when measured as a percentage of home value, nine of the top 10 property tax rates in the entire country belong to counties in New York State; and

WHEREAS, the “New York State Property Taxpayer Protection Act” (Assembly Bill No. A8775), puts forth new and innovative ideas for property tax reform that relieve municipalities and school districts of unfunded mandates, reduce county Medicaid costs, strengthen financial accountability over school tax dollars, promote local government efficiency, encourage local option insurance pooling and limit the amount school districts can raise annually through local tax levies to four percent or the rate of inflation, whichever is less; and

WHEREAS, the “New York State Property Taxpayer Protection Act” is a step in the right direction to fix New York State’s broken property tax system.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature urges the State to act now to thwart the detrimental effects that high property taxes are having on local government, and urges the immediate passage and chaptering of the “New York State Property Taxpayer Protection Act” which will help local governments reinvigorate New York’s economy by providing incentives for people and businesses to move and stay here; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Attorney General Andrew Cuomo; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative

Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 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; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Francis L. Gehl, President, InterCounty Association of Western New York, c/o Steuben County Legislature, 3 East Pulteney Square, Bath, NY.

Mr. Schwartz commended Mr. Argentieri for bringing this issue before the Legislature. Population is dropping across the State.

Mr. Argentieri stated it is protection for the citizens and it holds the line on taxes. It mandates the State to pay for what they do instead of placing the cost on the counties.

Mr. Swackhamer asked was this sent to all municipalities? Chairman Roche stated a mailing was sent out to everyone by the Assembly Minority.

Vote: Acclamation - Adopted.

RESOLUTION NO. 103-07

Introduced by P. Roche.

Seconded by T. Schwartz.

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 2007-2008 as the official tourism promotion agency for Steuben County for the purpose of the New York State Grants Program.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Conference and Visitors' Bureau be and the same hereby is designated by the Steuben County Legislature to make application for and receive grants on behalf of the County of Steuben pursuant to the New York State Tourism Promotion Act; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Peggy Coleman, Executive Director, Steuben County Conference and Visitors' Bureau, Inc., 1 West Market Street, Suite 301, Corning, NY 14830.

Vote: Roll Call - Adopted.

RESOLUTION NO. 104-07

Introduced by P. Roche.

Seconded by D. Creath.

FILLING A VACANCY ON 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 May 24, 2001, Vernon J. Patterson of Painted Post, New York, was appointed to the Regional Board of Trustees for Corning Community College for a term to expire June 30, 2010; and

WHEREAS, Vernon J. Patterson has submitted his resignation to said Board effective June 1, 2007; and

WHEREAS, the Chairman of the Legislature has recommended John W. Kelley for appointment to the Regional Board of Trustees to fill the unexpired term of Vernon J. Patterson through June 30, 2010.

NOW THEREFORE, BE IT

RESOLVED, that John W. Kelley be and the same hereby is appointed as Trustee of the Corning Community College Board of Trustees effective immediately through June 30, 2010; and be it further

RESOLVED, said member shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of his duties on the Corning Community College Regional Board of Trustees; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Dr. Floyd Amann, President of Corning Community College, 1 Academic Drive, Corning, New York 14830, and to the above-named appointee at 242 Fairview Ave, Painted Post, NY 14870.

Vote: Acclamation - Adopted.

The meeting was adjourned upon a motion by Mr. Stachnik, seconded by Mr. Schwartz and duly carried.

REGULAR MEETING
Morning Session
Bath, New York
Monday, July 23, 2007

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, New York on Monday, the 23rd day of July, 2007 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 Schwartz and Swackhamer (late).

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

Chairman Roche asked Birdie Martin to come forward. Ms. Martin 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 Debra Noce to come forward. Ms. Noce is an employee in the County Clerk's Office. 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 asked David Collson to come forward. Mr. Collson is an employee in the Probation Department. Chairman Roche presented him with a Certificate of Appreciation and a pin in recognition of his 20 years of service to Steuben County.

Mrs. Kane stated that even though he isn't at the meeting this morning, Dale Campbell, a Steuben County Deputy Sheriff, has reached 40 years of service with the County, and he isn't retiring!
CONGRATULATIONS DALE!

Chairman Roche asked Lucille Hess to come forward. He presented her with a Certificate of Appreciation and a plaque in recognition of her retirement following 37 years of service to the county in the Department of Social Services. Ms. Hess stated I do not know what life will be like without the Department of Social Services, but I'm going to give it a try. **CONGRATULATIONS LUCY!**

Chairman Roche opened the floor for comments by members of the public. There being none, he closed the public comment portion of the meeting.

The minutes of the previous month's meetings were adopted upon the motion of Mr. McIntyre, seconded by Mr. Nielsen and duly carried.

Mrs. Whitehead announced that the delinquent tax auction yielded \$459,000 in gross proceeds. She noted that the County had taken deed on 81 parcels and they had only 44 that ended up being sold, which is a record low.

Jeffrey Parker, Executive Director of the Steuben County Soil and Water Conservation District, stated I'm here today to ask for the Legislature's support of a resolution on dam safety. He introduced Scott Rodabough, NYS Department of Conservation.

Mr. Parker stated for many years, the Soil and Water Conservation District has been involved in dam construction. For many years we've been called to check on old, large structures. We have a number of structures, called marsh dams, that were built by the DEC. Marsh dams have fairly low embankments and, because of their age, we are experiencing embankment failures and pipe failures.

Mr. Parker stated currently there aren't any state or federal programs that would help pay for the repair of these structures. He noted that private property owners currently own these structures and many of them probably don't realize that they are responsible for their repair.

Mr. Parker stated according to dam safety regulations, repair or replacement of these structures have to be designed by a private engineer and built by contractors and the total expense is on the landowner. For instance, we have a structure in Whitesville that will cost \$25,000 for the engineering and about \$100,000 for construction.

Mr. Parker stated the Soil and Water Conservation District Board is requesting that the Legislature approve a resolution memorializing New York State to fund the repair and replacement of these marsh dams. He noted that if they lose these structures, the County would have less flood protection. Mr. Rodabough noted that there are State regulations that will more or less highlight the issues that are out there and place more responsibility on the landowners. From my perspective, we'd like to work with the County and get some of these projects taken care of. Discussion followed.

Mr. Sprague stated he concurs with what Mr. Parker is saying and we also have serious concerns about this. Many of these rural ponds are used for rural water supply and many of our volunteer fire departments rely on them. If it becomes cost prohibitive for landowners to repair or replace these dams, they will lose some of these ponds.

Mr. Isaman asked how many ponds are affected? Mr. Rodabough stated there are 208 dams in the County.

Mr. Nielsen asked would the landowner be responsible for the flood damage if the dam let go? Mr. Parker stated yes, the liability and burden would fall upon the landowner.

Mr. Farrand asked does this involve all ponds? Mr. Parker stated it involves ponds with a dyke height of 6 feet and 3 million gallons of water or 15 feet and 1 million gallons of water.

Mr. Parker stated we're hoping this resolution would make the State Legislature aware of the issue and would consider developing a program to handle it because it is more than landowners can handle.

Mr. Donnelly asked what age are the dams that they are having a problem with and were they built through State program funds? Mr. Parker stated most of them were built in the 1950's and 1960's. He has been trying to determine if they were built through the State programs. He noted most of them were done through the marsh dam program.

Dr. Baker asked were these dams built at the request of the landowners or the State? Mr. Parker stated we are finding that both instances have occurred. For example, there is one in Addison that was actually built by County and Soil and Water District equipment, but it was built for flood control on the landowner's property. The marsh dams were all built by DEC, and the landowners were probably requested to do so by DEC, but nothing was recorded on the deeds. Chairman Roche thanked Mr. Parker for his presentation.

RESOLUTION NO. 105-07

Introduced by G. Swackhamer.

Seconded by R. Argentieri.

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

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

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

RESOLVED, as it appears to be in the best interest of the County to sell the properties listed on Schedule "B" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof; and be it further

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

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

SCHEDULE "A"

Resolution # A-1
Name City of Hornell
Parcel # 151.72-01-053.000
Municipality Hornell City
Disposition Correction

Resolution # A-2
Name City of Hornell
Parcel # 151.80-01-029.000
Municipality Hornell City
Disposition Correction

Resolution # A-3
Name Daniel Deline & Cecelia Majors
Parcel # 076.00-01-024.140
Municipality Pulteney Town
Disposition Correction (parcel split)

Resolution # A-4
Name Richard A Gerych
Parcel # 129.00-01-035.200
Municipality Bath Town
Disposition Correction (parcel split)

SCHEDULE "B"

Resolution # B-1
Former Owner Richard Henshaw
In Rem Index No. 93123, 2005 sale
Parcel # 031.00-01-011.120
Municipality Cohocton Town
Grantee(s) Richard Henshaw
Grantee(s) Address 3258 Norway Rd, Holly, NY 14470-9332
Consideration \$2,265.31, together with \$211.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # B-2
Former Owner Daniel Scott & Shelley Scott
In Rem Index No. 90918, 2004 sale
Parcel # 299.14-01-004.000
Municipality Corning Riverside
Grantee(s) Daniel Scott & Shelley Scott, husband and wife, as tenants by the entirety
Grantee(s) Address 33 Fenderson St, Painted Post, NY 14870
Consideration \$4,613.78, 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 # B-3
Former Owner Michael Bianco & Marcia E Bianco
In Rem Index No. 90918, 2004 sale
Parcel # 151.19-03-009.000
Municipality Hornell City
Grantee(s) Michael Bianco & Marcia E Bianco,
husband and wife, as tenants by the entirety
Grantee(s) Address PO Box 487, Moss Beach, CA 94038
Consideration \$8,478.58, together with \$121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # B-4
Former Owner Michael D Olena
In Rem Index No. 93123, 2005 sale
Parcel # 213.00-01-030.200
Municipality Hartsville Town
Grantee(s) Michael D Olena
Grantee(s) Address 1634 Lehigh Station Rd, Henrietta, NY 14467
Consideration \$6,529.83, together with \$121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # B-5
Former Owner Donald B Snyder
In Rem Index No. 93123, 2005 sale
Parcel # 190.04-01-020.000
Municipality Bath Town
Grantee(s) Donald B Snyder
Grantee(s) Address 7938 Dusenberry Rd, Bath, NY 14810
Consideration \$3,289.18, together with \$121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # B-6
Former Owner Salvatore Croce
In Rem Index No. 90918, 2004 sale
Parcel # 019.00-02-022.000
Municipality Prattsburgh Town
Grantee(s) Salvatore Croce
Grantee(s) Address 61 Images Way, Rochester, NY 14626
Consideration \$3,533.30, 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 # B-7
Former Owner Marcus E Fairbrother Jr
In Rem Index No. 93123, 2005 sale
Parcel # 085.13-01-032.000
Municipality Avoca Town
Grantee(s) Marcus E Fairbrother Jr
Grantee(s) Address 4517 County Route 105, Avoca, NY 14809-9707
Consideration \$3,858.65, together with \$121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # B-8
Former Owner Gerald F Beitz & Cherilyn Beitz
In Rem Index No. 93123, 2005 sale
Parcel # 078.67-01-050.000
Municipality Wayne Town
Grantee(s) Gerald F Beitz & Cherilyn Beitz,
husband and wife, as tenants by the entirety
Grantee(s) Address 242 Albemarle St, Rochester, NY 14613
Consideration \$1,111.59, together with \$121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # B-9
Former Owner Cherilyn Beitz & Gerald Beitz
In Rem Index No. 93123, 2005 sale
Parcel # 078.67-01-052.100
Municipality Wayne Town
Grantee(s) Cherilyn Beitz & Gerald Beitz,
husband and wife, as tenants by the entirety
Grantee(s) Address 242 Albemarle St, Rochester, NY 14613
Consideration \$899.30, together with \$211.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # B-10
Former Owner Kenneth Quick & Nancy Quick
In Rem Index No. 93123, 2005 sale
Parcel # 217.00-01-009.200
Municipality Canisteo Town
Grantee(s) Kenneth Quick & Nancy Quick,
husband and wife, as tenants by the entirety
Grantee(s) Address 3754 County Route 119, Canisteo, NY 14823
Consideration \$1,677.74, together with \$121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # B-11
Former Owner John Sistarelli & Shirley Sistarelli
In Rem Index No. 93123, 2005 sale
Parcel # 197.11-04-055.000
Municipality Canisteo Village
Grantee(s) John Sistarelli & Shirley Sistarelli,
husband and wife, as tenants by the entirety
Grantee(s) Address 1922 CR 63, Greenwood, NY 14839
Consideration \$6,458.50, together with \$121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # B-12
Former Owner Joseph Howard & Jessica Howard
In Rem Index No. 93123, 2005 sale
Parcel # 197.11-05-068.000
Municipality Canisteo Village
Grantee(s) Joseph Howard & Jessica Howard,
as tenants in common
Grantee(s) Address 22 Orchard St, Canisteo, NY 14823
Consideration \$9,011.19, together with \$121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # B-13
Former Owner Beth Ann Hurley
In Rem Index No. 93123, 2005 sale
Parcel # 234.00-01-057.000
Municipality Canisteo Town
Grantee(s) Bethann Hurley
Grantee(s) Address 430 Garnsey Rd, Fairport, NY 14450
Consideration \$1,018.93, together with \$211.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # B-18
Former Owner Donald Walburn & Janet Walburn
In Rem Index No. 93123, 2005 sale
Parcel # 078.16-01-052.000
Municipality Wayne Town
Grantee(s) Donald Walburn & Janet Walburn,
husband and wife, as tenants by the entirety
Grantee(s) Address 565 Clark St, Waverly, NY 14892
Consideration \$939.71, together with \$211.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # B-19
Former Owner Lloyd Garnsey & Joseph Torchia (now Kevin D Stuart Sr)
In Rem Index No. 93123, 2005 sale
Parcel # 254.00-03-015.300
Municipality Cameron Town
Grantee(s) Kevin D Stuart Sr
Grantee(s) Address 5218 Old Store Rd, Canisteo, NY 14823
Consideration \$876.04, 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 # B-20
Former Owner Creed Beckhorn & Melissa Beckhorn
In Rem Index No. 93123, 2005 sale
Parcel # 403.00-01-003.200
Municipality Tuscarora Town
Grantee(s) Creed Beckhorn & Melissa Beckhorn,
husband and wife, as tenants by the entirety
Grantee(s) Address 7627 County Route 112, Addison, NY 14801
Consideration \$3,621.04, 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 # B-21
Former Owner Margaret A Pearce Estate
In Rem Index No. 93123, 2005 sale
Parcel # 187.00-01-037.000
Municipality Bath Town
Grantee(s) Margaret A Pearce Estate
Grantee(s) Address 27 Elm St, Canisteo, NY 14823
Consideration \$2,348.66, together with \$211.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # B-22
Former Owner Paul M Brannan & Melodie Brannan-Palmiter
In Rem Index No. 93123, 2005 sale
Parcel # 093.00-02-048.000
Municipality Dansville Town
Grantee(s) Paul M Brannan & Melodie Brannan-Palmiter,
husband and wife, as tenants by the entirety
Grantee(s) Address 8653 St Rte 36, Arkport, NY 14807
Consideration \$15,549.38, together with \$121.00 recording fees
Any and all liens and/or judgments filed against the party of the
second part, which had not been satisfied prior to the County
obtaining title, will be reinstated with the recording of this deed.

Resolution # B-23
Former Owner David K Rice & Beverly Rice (now Richard A Rice)
In Rem Index No. 93123, 2005 sale
Parcel # 166.26-01-049.000
Municipality Hornell City
Grantee(s) Richard A Rice
Grantee(s) Address 6855 Plaza Drive, Apt 1, Niagara Falls, NY 14217
Consideration \$9,688.69, together with \$121.00 recording fees
Any and all liens and/or judgments filed against the party of the
second part, which had not been satisfied prior to the County
obtaining title, will be reinstated with the recording of this deed.

Resolution # B-24
Former Owner Thelma R Gerow
In Rem Index No. 90918, 2004 sale
Parcel # 091.00-01-038.100/2 (now 091.00-01-038.100)
In Rem Index No. 93123, 2005 sale
Parcel # 091.00-01-038.100
Municipality Wayne Town
Grantee(s) Thelma R Gerow
Grantee(s) Address Attn: Esther Rider, 9364 Grove Springs Rd,
Hammondsport, NY 14840
Consideration \$5,024.90, together with \$121.00 recording fees
Any and all liens and/or judgments filed against the party of the
second part, which had not been satisfied prior to the County
obtaining title, will be reinstated with the recording of this deed.

Resolution # B-25
Former Owner Steven Clair
In Rem Index No. 90918, 2004 sale
Parcel # 197.11-04-043.000
Municipality Canisteo Village
Grantee(s) Steven Clair
Grantee(s) Address 7 Green St, Canisteo, NY 14823
Consideration \$7,554.76, together with \$121.00 recording fees
Any and all liens and/or judgments filed against the party of the
second part, which had not been satisfied prior to the County
obtaining title, will be reinstated with the recording of this deed.

Resolution # B-26
Former Owner William Odell & Terry Odell
In Rem Index No. 90918, 2004 sale
Parcel # 252.00-01-045.000
Municipality Canisteo Town
Grantee(s) William Odell & Terry Odell
Grantee(s) Address 4220 St Rte 36, Canisteo, NY 14823-1606
Consideration \$3,748.69, together with \$121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # B-27
Former Owner John D Turner (now Village of South Corning)
In Rem Index No. 93123, 2005 sale
Parcel # 336.10-01-043.000
Municipality South Corning Village
Grantee(s) Village of South Corning
Grantee(s) Address 1 Clark St, Corning, NY 14830
Consideration \$2,891.15, together with \$211.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # B-28
Former Owner Blue Moon Capital (now City of Hornell)
In Rem Index No. 93123, 2005 sale
Parcel # 166.10-02-071.000
Municipality Hornell City
Grantee(s) City of Hornell
Grantee(s) Address 82 Main St, PO Box 627, Hornell, NY 14843
Consideration \$867.34, together with \$211.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # B-29
Former Owner Penny L Newburey (now City of Hornell)
In Rem Index No. 93123, 2005 sale
Parcel # 166.11-04-027.000
Municipality Hornell City
Grantee(s) City of Hornell
Grantee(s) Address 82 Main St, PO Box 627, Hornell, NY 14843
Consideration \$4,951.24, together with \$121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # B-30
Former Owner Blue Moon Capital, LLC_(now City of Hornell)_
In Rem Index No. 93123, 2005 sale
Parcel # 166.26-02-033.000
Municipality Hornell City
Grantee(s) City of Hornell
Grantee(s) Address 82 Main St, PO Box 627, Hornell, NY 14843
Consideration \$1,793.51, together with \$211.00.00 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. 106-07

Introduced by P. Donnelly.

Seconded by K. Isaman.

RECEIVING AND ACCEPTING THE JULY 23, 2007, 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 15, 2007

1. NYS Department of Environmental Conservation – RE: Resources to help municipalities understand and manage their water supplies. ***Referred to: Agriculture, Industry & Planning Committee; and Greg Heffner, Planning Director.***
2. NYS Emergency Management Office – RE: Accepting Letters of Intent for the Hazard Mitigation Grant Program as a result of the recent major disaster declaration FEMA 1692-DR-NY (Severe Storms, and Inland and Coastal Flooding). ***Referred to: Public Safety & Corrections Committee; and Mike Sprague, EMO Director.***
3. NYS Department of Health – RE: Survey Report on the Steuben County Infirmary (Article 28 and Medicare/Medicaid). ***Referred to: Health & Education Committee; and Dave McCarroll, HCF Administrator.***

June 18, 2007

1. NYS Office for the Aging – RE: Official Notification of Grant Award and approved application for the Retired and Senior Volunteer Program (RSVP) for the period of April 1, 2007 through March 31, 2008. ***Referred to: Human Services Committee; and Linda Tetor, OFA Director.***
2. NYS Senate – RE: United States Internal Revenue Service is accepting applications for funding under the Clean Renewable Energy Bond Program. ***Referred to: Agriculture, Industry & Planning Committee; and Greg Heffner, Planning Director.***
3. NYS Office for the Aging – RE: Notification of Grant Award & Approved Application for the Transportation Program (April 1, 2007 through March 31, 2008). ***Referred to: Human Services Committee; and Linda Tetor, OFA Director.***
4. NYS Office for the Aging – RE: Notification of Grant Award & Approved Application for the Long Term Care Insurance Education and Outreach Program (LTCIEOP) (April 1, 2007 through March 31, 2008). ***Referred to: Human Services Committee; and Linda Tetor, OFA Director.***

June 20, 2007

1. Raulli & Sons, Inc. – Re: Contract 202 Structural Steel Warranty Certification – Renovations Area “C” (Public Safety Building Project). ***Referred to: Public Safety and Correction Committee; and Richard C. Tweddell, Sheriff.***

June 22, 2007

1. NYSAC – Re: Policy Brief on NYS Population Growth Estimates entitled “The Population Shuffle, the latest US Census population estimates and how they impact counties”. ***Referred to: Agricultural, Industry & Planning Committee; and Greg Heffner, Planning Director.***

June 25, 2007

1. NYS Division of Criminal Justice Services – Re: Contract #LG06068628, Municipal Command Post Grant between NYS Division of Criminal Justice Services and Steuben County. **Referred to: Public Safety & Corrections Committee; Finance Committee; Richard C. Tweddell, Sheriff; and Carol Whitehead, County Treasurer.**

June 29, 2007

1. Hornell City School District – Re: Declaring Hornell City School District Board of Education as the Lead Agency for the purpose of undertaking an Environmental Quality Review on the proposed Capital Project #57-18-00-01-0-012-005 at property located at North Hornell School, Avondale Avenue, North Hornell, New York. **Referred to: Agriculture, Industry & Planning Committee; and Greg Heffner, Planning Director.**
2. Hornell City School District – Re: Declaring Hornell City School District Board of Education as the Lead Agency for the purpose of undertaking an Environmental Quality Review on the proposed Capital Project #57-18-00-01-5-021-001 (New Bus Depot) at property located at (Elsenheimer Chevrolet) 7288 Seneca Road, North Hornell, New York. **Referred to: Agriculture, Industry & Planning Committee; and Greg Heffner, Planning Director.**

July 3, 2007

1. Harris Beach, PLLC (Attorneys) - Re: Steuben County Industrial Development Agency and Automatic Cells & Equipment, Inc.: Distribution of Form RP-412a and PILOT Agreement. **Referred to: Finance and Administration Committees; Carol Whitehead, County Treasurer; Donna Hatch, RPTSA Director; and Frederick H. Ahrens, Jr., County Attorney.**

July 5, 2007

1. Bath NY Coalition - Re: Large Retailers & Rural Economic Development (Proposed Wal-Mart in Bath, NY). **Referred to: Agriculture, Industry & Planning Committee; and Greg Heffner, Planning Director.**
2. NYS Department of Health & Environmental Facilities Corporation - Re: “Drinking Water State Revolving Funds” - Draft Intended Use Plan - Funding: 10/1/07-9/30/08. **Referred to: Agriculture, Industry & Planning Committee; and Greg Heffner, Planning Director.**
3. New York State Commission on Local Government Efficiency & Competitiveness.- Re: Response Letter on Steuben County Initiatives. **Referred to: Finance and Administration Committees.**

July 6, 2007

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$7,561 representing the May 2007 retained surcharge revenue for Steuben County from the WROTB. **Referred to: Rules and Finance Committees and Carol Whitehead, County Treasurer.**
2. Harris Beach, PLLC (Attorneys) - Re: City of Hornell Industrial Development Agency and Gray Manufacturing Industries, L.L.C.: Distribution of Form RP-412a and PILOT (payment in lieu of taxes) Agreement. **Referred to: Finance and Administration Committees; Carol Whitehead, County Treasurer; Donna Hatch, RPTSA Director; and Fred Ahrens, County Attorney.**
3. Chemung County Executive, Thomas Santulli, – Re: Letter in response to possible relocation of Corning Community College’s Criminal Justice Program. **Referred to: Steuben County Legislature.**

July 9, 2007

1. NYS Department of Health – Re: Plan of Correction received and is acceptable for the Standard Survey Report that was completed at the Steuben County Infirmery (Medicare provider #335309/Survey Exit Date 6/1/2007). **Referred to: Health & Education Committee; and Dave McCarroll, HCF Administrator.**
2. Governor’s Office for Small Cities - Re: Semi-Annual Project Status Report for Grant #1115HR154-06 (DUE July 31, 2007). **Referred to: Agriculture, Industry & Planning Committee; and Greg Heffner, Planning Director.**
3. Campbell-Savona Central School - Re: Proposed Project #57-06-03-04-0-003-013 will not have a significant environmental impact (negative declaration). **Referred to: Agriculture, Industry & Planning Committee; and Greg Heffner, Planning Director.**
4. Multi-State Information Sharing and Analysis Center (MS-ISAC) – Re: Enhancing State and Local Government cyber security preparedness. **Referred to: Administration Committee; and Ken Peaslee, IT Director.**

July 10, 2007

1. Southern Tier Library System – Re: Request to fund Southern Tier Libraries in the amount of \$118,000 in 2008. **Referred to: Health & Education Committee; Agriculture, Industry & Planning Committee; Greg Heffner, Planning Director; and Carol Whitehead, County Treasurer.**

July 11, 2007

1. NYS Office for the Aging – Re: Notification of Grant Award and approved application for the Health Insurance Information, Counseling and Assistance Program (HIICAP) effective 4/1/2007 through 3/31/2008. *Referred to: Human Services Committee and Linda Tetor, OFA Director.*

Vote: Acclamation - Adopted.

RESOLUTION NO. 107-07

Introduced by R. Nichols and G. Swackhamer.

Seconded by K. Isaman.

AUTHORIZING THE APPROPRIATION OF FUNDING FROM THE NEW YORK STATE SHARED SERVICES PROGRAM AND FROM SCHUYLER AND YATES COUNTIES FOR THE PURCHASE OF A PAVEMENT STRIPING TRUCK, PICKUP TRUCK AND BROOM.

WHEREAS, the New York State Shared Services program has approved 90% funding for a shared services pavement striping truck, pickup truck and broom; and

WHEREAS, Steuben, Yates and Schuyler Counties have agreed to share equally in the remaining 10% of the cost; and

WHEREAS, the County of Steuben desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the cost of the Project.

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

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

RESOLVED, that the Steuben County Legislature hereby authorizes the County of Steuben to pay in the first instance 100% of the non-federal share of the cost; and be it further

RESOLVED, that the sum of \$314,024.86 is hereby appropriated to 513000 5 290000 Major Equipment-Highways; \$292,368 is hereby appropriated to 999902 4 00089500 State Shared Services; Schuyler County: \$10,828.43 is hereby appropriated to 999902 4 2222000 and Yates County: \$10,828.43 is hereby appropriated to 999902 4 2222000; and be it further

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

RESOLVED, that this Resolution shall take effect immediately.

Mr. Swackhamer stated he's willing to give this program a try but he hopes that they will keep an eye on the cost as it normally is cheaper to have a private contractor do this type of work.

Vote: Roll Call - Adopted.

RESOLUTION NO. 108-07

Introduced by R. Nichols.

Seconded by R. Nielsen.

AUTHORIZING AND DIRECTING THE COMMISSIONER OF PUBLIC WORKS TO APPLY FOR A GRANT WHICH WOULD FUND 50 PERCENT OF THE PURCHASE COST OF A RECYCLING TRUCK.

WHEREAS, the Steuben County Department of Public Works Solid Waste Division has purchased a recycling truck for \$97,999.71; and

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects, including funding 50 percent for recycling equipment purchases; and

WHEREAS, Steuben County (hereinafter referred to as “the Municipality”) has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between the people of the State of New York (hereinafter referred to as the “State”) and the Municipality be executed for such State Aid.

NOW THEREFORE, BE IT

RESOLVED, that the filing of an application for a grant of \$48,999.85 for the purchase of a recycling truck in the form required by the State, in conformity with the applicable laws of the State of New York, including all understanding and assurances contained in said application is hereby authorized; and be it further

RESOLVED, that Vincent Spagnoletti, Commissioner of Steuben County Department of Public Works, is directed and authorized as the official representative of the Municipality, to act in connection with the application and to provide such additional information as may be required, and to sign the resulting contract if or when said application is approved by the State; and be it further

RESOLVED, five (5) certified copies of this resolution shall be forwarded to the New York State Department of Environmental Conservation, Albany, New York 12233-7253, together with a completed application; and be it further

RESOLVED, that this resolution shall take effect immediately.

Vote: Roll Call - Adopted.

RESOLUTION NO. 109-07

Introduced by D. Baker and G. Swackhamer.

Seconded by R. Argentieri.

AUTHORIZING THE STEUBEN COUNTY SHERIFF TO ACCEPT A GRANT IN THE AMOUNT OF \$90,000 TO PURCHASE A CRITICAL INCIDENT RESPONSE TEAM VEHICLE.

WHEREAS, the Steuben County Sheriff’s Office has been awarded funding from Senator George Winner and Assemblyman James Bacalles in the amount of \$90,000 towards the purchase of a command vehicle; and

WHEREAS, it has been established that this command vehicle would be used for emergencies arising within Steuben County, as a command post for the Sheriff’s Critical Incident Response Team and the District Attorney’s Drug Initiative; and

WHEREAS, the Steuben County Sheriff’s Office is desirous of expanding its services to the surrounding law enforcement agencies; and

WHEREAS, the Critical Incident Response Team would have a moving command center to assist these agencies; and

WHEREAS, the Steuben County Public Safety and Corrections and Finance Committees have approved the acceptance of this funding.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept \$90,000 as revenue and appropriate that amount to Major Equipment, Line Item No. 311000 5 290 000 in the Steuben County 2007 Budget; and be it further

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

Vote: Roll Call - Adopted.

RESOLUTION NO. 110-07

Introduced by D. Baker and G. Swackhamer.

Seconded by R. Argentieri.

AUTHORIZING THE STEUBEN COUNTY SHERIFF TO ACCEPT \$15,000 IN GRANT FUNDING FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR THE CHILD SAFE ID PROGRAM.

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

WHEREAS, the New York State Division of Criminal Justice Services is making available a grant of \$15,000 to cover costs of purchasing and installing equipment to expand the Operation Safe Child Program; and

WHEREAS, the Steuben County Sheriff's Office has a similar program already in place; and

WHEREAS, the current equipment and program is over 6 years old and in need of upgrading; and

WHEREAS, this funding will enhance the current program already in place by the Steuben County Sheriff's Office.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept \$15,000 as revenue and appropriate that amount to Major Equipment, Line Item No. 311000 5 290 000 in the Steuben County 2007 Budget; and be it further

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

Mr. McIntyre commended the Sheriff's Department for helping to protect the children of Steuben County.

Vote: Roll Call - Adopted.

RESOLUTION NO. 111-07

Introduced by D. Baker and G. Swackhamer.

Seconded by R. Nielsen.

AUTHORIZING THE STEUBEN COUNTY PROBATION DEPARTMENT TO ACCEPT FUNDING OF; PART A: UP TO \$37,700 FOR THE ENHANCED SUPERVISION OF LEVEL 2 AND 3 SEXUAL OFFENDERS AND PART B: UP TO \$8,700 TO BE EMPLOYED TOWARDS THE USE OF POLYGRAPH TESTING OF LEVEL 2 AND 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 for the "Enhanced Supervision and Polygraph Testing of level 2 and 3 sexual offenders"; and

WHEREAS, Enhanced Supervision of these offenders is considered in the best interest of the residents of Steuben County.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept \$37,700 as revenue and appropriate that amount in line item No. 314000-43310150 of the Steuben County 2007 Budget; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept \$8,700 as revenue and appropriate that amount to line item No. 314000-43310450 and to create an expenditure line item No. 314000-5424340 in the Steuben County 2007 Budget; and be it further

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

Mr. Argentieri stated he would like it noted that the letter we received from the Chairman informed us that the State may have a \$3 billion budget gap this year, yet they are giving us these grant funds.

Vote: Roll Call - Adopted.

RESOLUTION NO. 112-07

Introduced by K. Isaman.

Seconded by P. Donnelly.

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

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

WHEREAS, upon review of the cost study of 2006 and based upon cost and visit projections for 2007, the Medicare and Medicaid cost limits, as well as the estimated 2007 Medicaid Rates, it has been determined that an adjustment to the rates will be necessary to establish customary charges for services rendered during 2007; and

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

WHEREAS, the Steuben County Health and Education Committee has approved the following rates: Skilled Nursing \$150/visit, Physical Therapy \$125/visit, Occupational Therapy \$125/visit, Speech Therapy/Audiology \$125/visit, Medical Social Services \$125/visit, Nutritionist \$125/visit, Home Health Aide \$55.00/hour or \$80.00/visit, Personal Care Aide \$50.00/visit, and Homemaker \$50.00/visit.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby grant authorization to the Steuben County Public Health and Nursing Services to adjust the customary charges for services rendered based upon the 2006 cost study and that these rates will become effective August 1, 2007; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to William Hoogland, Deputy Regional Director, New York State Health Department, 335 E. Main St., Rochester, New York, 14604; the County Treasurer, and the Director of Public Health and Nursing Services.

Vote: Roll Call - Adopted.

RESOLUTION NO. 113-07

Introduced by P. Donnelly and K. Isaman.

Seconded by F. Gehl.

RECLASSIFICATION OF A REGISTERED PROFESSIONAL NURSE, GRADE XII POSITION, TO A SPECIAL CHILDREN'S SERVICE COORDINATOR, GRADE XIII POSITION, WITHIN THE SPECIAL CHILDREN'S SERVICES DEPARTMENT.

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

WHEREAS, a position exists within the Special Children's Services Department that is inappropriately titled and not consistent with the duties for said position; and

WHEREAS, the Steuben County Personnel Officer and the Administration and Health & Education 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 Special Children's Services Department is hereby reclassified:

Registered Professional Nurse, Grade XII (\$30,727-\$43,379)
Special Children's Service Coordinator, Grade XIII (\$32,175-\$45,423)

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 County Treasurer; Personnel Officer and the Administrative Officer of Special Children's Services Department.

Vote: Roll Call - Adopted.

RESOLUTION NO. 114-07

Introduced by D. Baker.

Seconded by D. Stachnik.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO OFFER LEGISLATION FOR THE BENEFIT OF THE VOLUNTEERS INCENTIVE PROGRAM WHICH WOULD PERMIT VOLUNTEERS TO PURCHASE VEHICLES THROUGH THE OFFICE OF GENERAL SERVICES.

WHEREAS, Emergency Response Personnel are being asked to commit more of their time and energy to training requirements, fundraising and response; and

WHEREAS, Emergency Response Personnel are required to supply their own personal transportation in order to respond to emergency calls; and

WHEREAS, the purchase of a vehicle is one of the most significant purchases an emergency responder will commit to; and

WHEREAS, encouraging volunteers for fire, ambulance, and related services is essential to the safety and well-being of the people of the State of New York; and

WHEREAS, incentives for such volunteers must be meaningful; and

WHEREAS, General Municipal Law Section 104 currently authorizes political sub-divisions within the State of New York to make purchases through the Office of General Services utilizing a mass bid process, thus resulting in substantial savings on the procurement of commodities including, but not limited to vehicles; and

WHEREAS, the Steuben County Fire Advisory Board has recommended that Emergency Response volunteers be allowed to purchase their vehicles through the Office of General Services.

NOW THEREFORE, BE IT

RESOLVED, that the Governor and the Legislature of the State of New York be and the same hereby are memorialized to enact legislation authorizing Emergency Response volunteers to be allowed to purchase their vehicles through the Office of General Services; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 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; and the Director of the Emergency Management Office.

Vote: Acclamation - Adopted.

RESOLUTION NO. 115-07

Introduced by D. Creath.

Seconded by All Legislators.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO PROVIDE FUNDING FOR ACTIVITIES RELATED TO THE ASSESSMENT AND REHABILITATION OF HAZARD CLASS DAMS.

WHEREAS, numerous private landowners in Steuben County have ponds which were built in the 1950's and 1960's and were created using dams designed by the Soil Conservation Service (now the Natural Resource Conservation Service) to act as flood control structures; and

WHEREAS, many of these dams are now in need of major repairs, and current regulations require that an engineer do a dam assessment, design the proper repairs, and supervise construction, at a significant cost to the landowner; and

WHEREAS, the Steuben County Soil and Water Conservation District assists landowners with pond construction issues, but cannot fulfill the current requirements for engineering services; and

WHEREAS, failure to provide proper repairs and maintenance of these dams will result in a loss of important flood control structures for Steuben County.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature does hereby memorialize the Governor and the Legislature of the State of New York to identify an appropriate funding source, and establish a program which can be administered by County Soil and Water Conservation Districts, to assist landowners in meeting the current regulations for dam repairs and maintenance; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, State Capitol, Albany, NY 12224; Assemblyman James Bacalles, 439 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, Jr.; 814 Legislative Office Building, Albany, NY 12247; Jeffrey Parker, Soil and Water Conservation District, 415 West Morris Street, Bath, NY 14810; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Francis L. Gehl, President, InterCounty Association of Western New York, c/o Steuben County Legislature, 3 East Pulteney Square, Bath, NY.

Vote: Acclamation - Adopted.

**A M E N D E D
RESOLUTION NO. 116-07**

Introduced by D. Baker and K. Isaman.

Seconded by D. Stachnik.

MEMORIALIZING THE PRESIDENT AND THE BOARD OF TRUSTEES OF CORNING COMMUNITY COLLEGE IN OPPOSITION TO THE RELOCATION OF THE CRIMINAL JUSTICE PROGRAM FROM STEUBEN COUNTY TO CHEMUNG COUNTY.

WHEREAS, Corning Community College is a regional community college, serving students from the counties of Chemung, Schuyler, and Steuben; and

WHEREAS, the Corning Community College Criminal Justice Program and the Southern Tier Police Academy are currently co-located at the Corning Community College Goff Road facility, in East Corning, Steuben County; and

WHEREAS, this location provides an accessible, central location for students from all three counties served by the College; and

WHEREAS, the Chemung County Executive has suggested that the Criminal Justice Program and the Police Academy be relocated to the City of Elmira; and

WHEREAS, the Chair of New York State Law Enforcement Training Zone 12 has stated that the Zone 12 Coordinators are in strong opposition to moving the Police Academy.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature does hereby memorialize the President and Board of Trustees of Corning Community College to maintain the Criminal Justice Program in its current location at the Goff Road facility; and be it further

RESOLVED, certified copies of this resolution be forwarded to Dr. Floyd Amann, President, Corning Community College, 1 Academic Drive, Corning, NY 14830; and William N. Ellison, Chair, Board of Trustees, Corning Community College, 1 Academic Drive, Corning, NY 14830.

Mr. Creath stated the final authority to relocate the police academy rests with the Regional 12 Coordination Committee. In addition, the college has no definite proposal from Chemung County to relocate the police academy to Chemung County. The CCC President cannot, and will not, make that decision. Therefore, I think this resolution is inappropriate as it is addressed to the wrong party. As a college trustee, I also abstain from voting.

Chief Rouse stated it is a good marriage for the police academy and criminal justice program to be under one roof. Right now the facility is more centrally located for many of the agencies than it would be if it were moved into Chemung County. Steuben County is almost 1,000 square miles larger than Chemung County. Currently, individuals living in the western part of Steuben County have roughly an hour travel time to Corning while students residing in Chemung County have only a half-hour travel time to the Goff Road facility. If the facility were moved to Chemung County, the travel time would be even longer for those individuals from Western Steuben County. Discussion followed.

Motion to amend the resolution by removing "and the southern tier police academy" from both the title and first resolved made by Mr. Donnelly, seconded by Mr. Stachnik and duly carried.

Vote: Acclamation - Adopted.

Motion to adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.F. The Medical, Financial, Credit Or Employment History Of A Particular Person Or Corporation, Or Matters Leading To The Appointment, Employment, Promotion, Demotion, Discipline, Suspension, Dismissal Or Removal Of A Particular Person Or Corporation and 105.1.H. The Proposed Acquisition, Sale Or Lease Of Real Property Or The Proposed Acquisition Of Securities, Or Sale Or Exchange Of Securities Held By Such Public Body, But Only When Publicity Would Substantially Affect The Value Thereof made by Mr. Argentieri, seconded by Mr. McAllister and duly carried.

Motion to adjourn Executive Session and reconvene in Regular Session made by Mr. Donnelly, seconded by Mr. Nielsen and duly carried.

RESOLUTION NO. 117-07

Introduced by P. Donnelly.

Seconded by F. Gehl.

APPOINTING THE STEUBEN COUNTY RISK MANAGER AND SETTING THE SALARY.

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

WHEREAS, there exists a vacancy for the position of Steuben County Risk Manager, and

WHEREAS, it is necessary to fill such vacancy, and

WHEREAS, the Administration Committee of the Steuben County Legislature, in accordance with its responsibility, has diligently conducted a search for eligible candidates, and

WHEREAS, the Administration Committee has recommended that Lewis Eason of Bath, New York, be appointed as the Steuben County Risk Manager, and

WHEREAS, it is the recommendation of the Administration Committee to set the salary of the Risk Manager at \$56,000 per annum (Management Grade F).

NOW THEREFORE, BE IT

RESOLVED, that Lewis Eason of Bath, New York, is hereby appointed as Steuben County Risk Manager, effective July 23, 2007, at a salary of \$56,000 per annum; and be it further

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

Mr. Eason stated I look forward to serving Steuben County. I think it'll be a very nice experience.

Vote: Roll Call - Adopted.

RESOLUTION NO. 118-07

Introduced by P. Roche.

Seconded by K. Isaman.

AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE REQUISITE DOCUMENTATION FOR THE PURCHASE OF 7575 AIRPORT ROAD, TOWN OF HORNELLSVILLE, NEW YORK.

WHEREAS, the County of Steuben has presented a Purchase Offer for 7575 Airport Road, Town of Hornellsville, (the "subject parcel") from the SERVU Federal Credit Union of 10 Taylor Street, Hornell, New York ("SERVU"); and

WHEREAS, it is necessary and desirable to authorize the purchase of the subject premises; and

WHEREAS, repairs are needed to the subject premises in the amount of \$28,200; and

WHEREAS, the sum of \$270,000 is proper and appropriate for the purchaes, which together with the above repairs totals \$298,200, said repairs to be effected by SERVU.

NOW THEREFORE, BE IT

RESOLVED, the County Administrator is authorized to execute the requisite paperwork for said purchase and repair consistent with this Resolution and cause the sum of \$5,000 be paid as a binder; and be it further

RESOLVED, the total sum shall be appropriated from the Contingent Fund; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer, County Administrator, County Attorney and the SERVU Federal Credit Union, 10 Taylor Street, Hornell, NY 14843.

Vote: Roll Call - Adopted. Yes-8908; No-451; Absent-513. (No-Argentieri; Absent-Schwartz)

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

REGULAR MEETING
Morning Session
Bath, New York
Monday, August 27, 2007

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, New York on Monday, the 27th day of August, 2007 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 Baker and Stachnik.

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

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

Frank Haftl, Jr., of Cameron Mills commented that he has heard that your opinion of me is that I'm grandstanding. My being here is exercising my constitutional rights. In the three minutes that I'm allotted to present my issue, I cannot ask question and I cannot be put on the agenda. Gradually you are losing contact with the people you are supposed to be representing.

Mr. Haftl continued, changes need to be made and this is the right time to do it. You need to change your meetings from days to evenings. You also need to do away with health insurance for Legislators. The opportunity for doing this is now as you Legislators are retiring and new people are coming in. At some point you could phase out the health insurance. If you are here to represent people and control spending, then give the Legislators \$2,000 more for the salary and lose the insurance. That would save the County and the taxpayers' money. Another issue is going to a County Executive. Also, why have 17 Legislators? Why not 11? All of these things are affecting us. Our taxes are going up. These are things that should be looked into. I'm not here to agitate you. I'm doing what I have to do and trying to share my issues.

Lee Hersh, Painted Post stated he is here today in support of choosing the paper ballot optical scanner voting system. This system will be easier for the voters and easier for the workers to explain. It is less expensive for the counties to purchase because fewer scanners would be needed than DRE's. They would be less expensive to implement with regard to training, storage, etc. The paper ballots cost as little as \$.15, as was the case with the State of Oklahoma. The scanners are not new technology. There have been many problems with the DRE's in New Mexico, Florida and they are now replacing their systems with the optical scanner system. The other plus is the optical scanner is only performing one function, which is counting. The DRE's are performing four different functions. These are very strong points that support the choice of the optical scanner voting system.

Chairman Roche thanked everyone for their comments and declared the public comment portion of the meeting closed.

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

Mrs. Hatch distributed a packet of information regarding the NYS 2007 STAR middle class property tax rebate program. She commented that she wanted the Legislators to be aware of what is going on. The school tax relief program was adopted in 1997. The first STAR program was adopted in 1998 and the first tax rebate was issued in 2006. Now we have the middle class STAR rebate program and this is anticipated to be in place for 2007, 2008 and 2009.

Mrs. Hatch stated the packet contains information on how to file for your STAR rebate. The applications for all taxpayers' basic STAR exemption will be mailed this week. In addition to the Enhanced STAR rebate, checks will be going out to the senior citizens. All people need to file the exemption to get their rebate. The applications need to be filed by November 30, 2007. Mrs. Hatch explained on the application there is a number that is the STAR number that will be attached to your specific application.

All of this information is available on the State web site. The rebate is based upon your income. With the Enhanced STAR program, senior citizens do not have to file as they will automatically receive their rebate check.

Mr. Alger stated the reason that we are presenting this information to you today is because we want to make sure that you understand that this is not the same as in the past. If people don't file the form, they will not get the rebate. We need to make sure that people do not lose that form as they have a unique identifying number. This is an entirely different program.

Mr. Gehl asked what is the age different between the basic STAR program and the Enhanced STAR program? Mrs. Hatch replied with the Enhanced STAR program the owner has to be 65 or older.

Mr. Isaman requested the Election Commissioners come forward so they could discuss election procedures. He asked with regard to election inspections, are the town clerks gone? Mr. Johnson replied yes. We will contact the inspectors, etc. Ms. Thompson stated the town clerks will pick up the bags and bring them back. Mr. Johnson explained we still use the town clerks to help, but it is no longer their responsibility.

Mr. Nichols asked do you purchase the supplies for the inspectors? Mr. Johnson replied yes. Ms. Thompson commented we send them a letter asking if they need supplies.

Mr. Ryan stated that on behalf of the Village of Canisteo, we would like to acknowledge Mr. Spagnoletti and his crew for the outstanding job they did helping us out Saturday night and Sunday following the storm. Kudos to the Department of Public Works and the Emergency Management Office. It was unbelievable the number of people that showed up to help. Thank you.

Chairman Roche stated the United Way campaign is winding down and we are behind last year's goal.

RESOLUTION NO. 119-07

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, the Steuben County Treasurer is further authorized and directed to convey those parcels sold at the Delinquent Tax Auction held on July 18, 2007, contained in Schedule "B", and she is further authorized and directed, in the event of a default by the highest bidder by failure to make full payment within thirty (30) days, to convey those parcels to the second highest bidder, and said transfers made pursuant hereto be and the same hereby are ratified; and be it further

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

SCHEDULE "A"

Resolution # A-1
Name Mark Cavallaro
Parcel # 280.14-01-020.000/4
Municipality Erwin Town
Disposition Correction

Resolution # A-2
Name Susannah G Brockway
Parcel # 113.07-01-054.100/1
Municipality Avoca Town
Disposition Correction & Refund

SCHEDULE "B"

Resolution # B-1
Former Owner Paul J Toyne
In Rem Index No. 90918, 2004 sale
Date of Auction July 18, 2007
Parcel # 331.20-01-026.000
Municipality Addison Village
Highest Bidder Donald R Stiker
Highest Bidder's Address 5 Park Place, Addison, NY 14801
Consideration \$5,000.00, together with buyer's premium & recording fees
Second Highest Bidder Charles Cagle
Second Highest Bidder's Address 18 River St, Avoca, NY 14809

Resolution # B-2
Former Owner David L Putnam Jr
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 349.08-03-072.000
Municipality Addison Village
Highest Bidder Alisha S K Lawson & William R Grist,
husband and wife, as tenants by the entirety
Highest Bidder's Address 100 Steuben St, Addison, NY 14801
Consideration \$13,000.00, together with buyer's premium & recording fees
Second Highest Bidder William L Thomas
Second Highest Bidder's Address 77 W Fifth St, Corning, NY 14830

Resolution # B-3
Former Owner Robert F Boorman
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 113.08-01-022.000
Municipality Avoca Village
Highest Bidder Matthew W Allen & Lynn D Allen,
husband and wife, as tenants by the entirety
Highest Bidder's Address 9447 Middle Rd, Hammondsport, NY 14840
Consideration \$11,000.00, together with buyer's premium & recording fees
Second Highest Bidder Ronda Nicholson
Second Highest Bidder's Address 5598 Michigan Hlw Rd, Avoca, NY 14809

Resolution # B-4
Former Owner Carl L Lewis
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 114.00-01-025.200
Municipality Avoca Town
Highest Bidder Dale A Lane & Mitchell A Lehman
Highest Bidder's Address 263 Lake St, Penn Yan, NY 14527
Consideration \$2,600.00, together with buyer's premium & recording fees
Second Highest Bidder Minnie Joy Haines (Avoca Farms Ltd)
Second Highest Bidder's Address PO Box C, Avoca, NY 14809

Resolution # B-5
Former Owner Fay Faucett & Nancy Faucett
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 175.00-01-009.141
Municipality Bath Town
Highest Bidder Joy Goodsell
Highest Bidder's Address 74 W Lamoka Ave, Savona, NY 14879
Consideration \$100.00, together with buyer's premium & recording fees
Second Highest Bidder N/A
Second Highest Bidder's Address _____

Resolution # B-6
Former Owner Mary J Pond & Richard J Detter
In Rem Index No. 90918, 2004 sale
Date of Auction July 18, 2007
Parcel # 178.00-01-004.200
Municipality Bradford Town
Highest Bidder Terry L Towner & Barbara A Towner & Towner Living Trust
husband and wife, as tenants by the entirety
Highest Bidder's Address PO Box 10, Addison, NY 14801
Consideration \$67,000.00, together with buyer's premium & recording fees
Second Highest Bidder David Folmar
Second Highest Bidder's Address 4819 Savona-Campbell Rd, Campbell, NY 14821

Resolution # B-7
Former Owner Kevin Calkins & Theresa Calkins
In Rem Index No. 88508, 2003 sale
Date of Auction July 18, 2007
Parcel # 192.00-01-012.150
Municipality Bradford Town
Highest Bidder Deborah K Cantineri
Highest Bidder's Address 403 Church St, Odessa, NY 14869-9704
Consideration \$22,000.00, together with buyer's premium & recording fees
Second Highest Bidder James Baker
Second Highest Bidder's Address 319 Wataugua Ave, Corning, NY 14830

Resolution # B-8
Former Owner Arthur Ames & Doreen M Ames
In Rem Index No. 90918, 2004 sale
Date of Auction July 18, 2007
Parcel # 202.00-01-010.300
Municipality Cameron Town
Highest Bidder Daniel L Eaton
Highest Bidder's Address 74 W Lamoka Ave, Savona, NY 14879
Consideration \$1,000.00, together with buyer's premium & recording fees
Second Highest Bidder J C Overhiser
Second Highest Bidder's Address 5517B Savona-Campbell Rd, Savona, NY 14879

Resolution # B-9
Former Owner Robin Karen Murat
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 203.00-01-014.000
Municipality Cameron Town
Highest Bidder Walter Loncosky
Highest Bidder's Address 4258 County Rte 14, Canisteo, NY 14823
Consideration \$22,000.00, together with buyer's premium & recording fees
Second Highest Bidder Charles Cagle
Second Highest Bidder's Address 18 River St, Avoca, NY 14809

Resolution # B-10
Former Owner Rosa B & Chester C Robinson
In Rem Index No. 90918, 2004 sale
Date of Auction July 18, 2007
Parcel # 243.00-01-049.200
Municipality Campbell Town
Highest Bidder Mitchell Birdsall & Barbara Birdsall,
husband and wife, as tenants by the entirety
Highest Bidder's Address 8982 State Rte 415, Campbell, NY 14821
Consideration \$10,000.00, together with buyer's premium & recording fees
Second Highest Bidder Charles Cagle
Second Highest Bidder's Address 18 River St, Avoca, NY 14809

Resolution # B-11
Former Owner Michael Kundratic
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 244.00-01-012.000
Municipality Campbell Town
Highest Bidder Darrell John Hoad
Highest Bidder's Address 5568 Wolf Run Rd, Campbell, NY 14821
Consideration \$1,500.00, together with buyer's premium & recording fees
Second Highest Bidder Noel Bilby
Second Highest Bidder's Address 3437 County Rte 3, Addison, NY 14801

Resolution # B-12
Former Owner Maxine Wolcott
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 182.19-01-018.000
Municipality Canisteo Village
Highest Bidder Ronald M Eason
Highest Bidder's Address 86 N Main St, Hornell, NY 14843
Consideration \$6,000.00, together with buyer's premium & recording fees
Second Highest Bidder William L Thomas
Second Highest Bidder's Address 77 W Fifth St, Corning, NY 14830

Resolution # B-13
Former Owner Joseph K Sharp & Tammy L Sharp
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 197.11-05-004.000
Municipality Canisteo Village
Highest Bidder Cornerstone Homes Inc
Highest Bidder's Address 11801 Herrington Dr, Corning, NY 14830
Consideration \$16,000.00, together with buyer's premium & recording fees
Second Highest Bidder Michael Fishkin
Second Highest Bidder's Address 4084 Depot St, Cameron, NY 14819

Resolution # B-14
Former Owner Dianne Forshee
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 197.15-01-015.000
Municipality Canisteo Village
Highest Bidder L yng Properties Inc
Highest Bidder's Address PO Box 274, Hornell, NY 14843
Consideration \$22,500.00, together with buyer's premium & recording fees
Second Highest Bidder Charles Cagle
Second Highest Bidder's Address 18 River St, Avoca, NY 14809

Resolution # B-15
Former Owner Betty Ordway Wilson, Attn: Robert J Wilson
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 197.12-02-001.000
Municipality Canisteo Town
Highest Bidder Corey Brewer
Highest Bidder's Address 2949 County Rte 31, Greenwood, NY 14839
Consideration \$2,600.00, together with buyer's premium & recording fees
Second Highest Bidder Baird Fisher
Second Highest Bidder's Address 690 Hillside Ave, Rochester, NY 14610

Resolution # B-16
Former Owner David C Delaney & Georgia Delaney
In Rem Index No. 90918, 2004 sale
Date of Auction July 18, 2007
Parcel # 197.18-02-012.000
Municipality Canisteo Town
Highest Bidder Larry D Stephens
Highest Bidder's Address 5287 Rte 248, Canisteo, NY 14823
Consideration \$15,000.00, together with buyer's premium & recording fees
Second Highest Bidder Dale Chapin
Second Highest Bidder's Address 9044 West Rd, Campbell, NY 14821

Resolution # B-17
Former Owner Winifred P & Norma M Hargrove
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 318.18-02-083.000
Municipality South Corning Village
Highest Bidder Cornerstone Homes Inc
Highest Bidder's Address 11801 Herrington Dr, Corning, NY 14830
Consideration \$17,000.00, together with buyer's premium & recording fees
Second Highest Bidder Leonard N Tostanoski
Second Highest Bidder's Address 3895 West Rd, Corning, NY 14830

Resolution # B-18
Former Owner Robert T Houle
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 299.11-02-011.000
Municipality Corning City
Highest Bidder Cornerstone Homes Inc
Highest Bidder's Address 11801 Herrington Dr, Corning, NY 14830
Consideration \$11,000.00, together with buyer's premium & recording fees
Second Highest Bidder Dennis J Nichols
Second Highest Bidder's Address 5514 Wolf Run Rd, Campbell, NY 14821

Resolution # B-19
Former Owner James H & Theresa H Leet
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 299.20-03-045.000
Municipality Corning City
Highest Bidder George V Eddy & Leonard N Tostanoski
Highest Bidder's Address 3863 Pine Hill Rd, Corning, NY 14830
Consideration \$20,000.00, together with buyer's premium & recording fees
Second Highest Bidder Jeffrey Horton
Second Highest Bidder's Address 8848 County Rte 4, Campbell, NY 14821

Resolution # B-20
Former Owner Paul Sheerer
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 299.68-01-022.000
Municipality Corning City
Highest Bidder Andrea J Haradon
Highest Bidder's Address 3069B Spencer Hill Rd, Corning, NY 14830
Consideration \$1,000.00, together with buyer's premium & recording fees
Second Highest Bidder Paul O'Brien
Second Highest Bidder's Address 15 Park Lane, Big Flats, NY 14814

Resolution # B-21
Former Owner James E Seibert
In Rem Index No. 90918, 2004 sale
Date of Auction July 18, 2007
Parcel # 299.68-01-033.000
Municipality Corning City
Highest Bidder Ryan Christopher Burrell
Highest Bidder's Address 3 David St, Corning, NY 14830
Consideration \$4,250.00, together with buyer's premium & recording fees
Second Highest Bidder William L Thomas
Second Highest Bidder's Address 77 W Fifth St, Corning, NY 14830

Resolution # B-22
Former Owner James E Seibert
In Rem Index No. 90918, 2004 sale
Date of Auction July 18, 2007
Parcel # 299.68-01-034.000
Municipality Corning City
Highest Bidder Mary E Durkin
Highest Bidder's Address 4 David St, Corning, NY 14830
Consideration \$4,750.00, together with buyer's premium & recording fees
Second Highest Bidder Joan Tarca
Second Highest Bidder's Address 751 E Lake Rd, Penn Yan, NY 14527

Resolution # B-23
Former Owner David Sisson
In Rem Index No. 88508, 2003 sale
Date of Auction July 18, 2007
Parcel # 317.43-01-022.000
Municipality Corning City
Highest Bidder Nicholas D Pelham
Highest Bidder's Address 6075 County Rte 11, Bath, NY 14810
Consideration \$200.00, together with buyer's premium & recording fees
Second Highest Bidder N/A
Second Highest Bidder's Address _____

Resolution # B-24
Former Owner Ruth Hall & Frederick K Hall
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 279.16-01-008.000
Municipality Erwin Town
Highest Bidder Durwood E Heffner & Lucy A Heffner & Larry E Heffner,
husband and wife, as tenants by the entirety
Highest Bidder's Address 276 Main St, Painted Post, NY 14870
Consideration \$12,000.00, together with buyer's premium & recording fees
Second Highest Bidder Robert Davenport
Second Highest Bidder's Address 1423 Church Hill Rd, Greenwood, NY 14839

Resolution # B-25
Former Owner Leo F Halm & Blanche Halm
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 280.17-01-026.000
Municipality Erwin Town
Highest Bidder Richard L Anderson & Carolyn L Anderson,
husband and wife, as tenants by the entirety
Highest Bidder's Address 117 Mountainview, Painted Post, NY 14870
Consideration \$3,250.00, together with buyer's premium & recording fees
Second Highest Bidder J C Overhiser
Second Highest Bidder's Address 5517B Savona-Campbell Rd, Savona, NY 14879

Resolution # B-26
Former Owner Michael & Wilhelmina Burris
In Rem Index No. 90918, 2004 sale
Date of Auction July 18, 2007
Parcel # 335.00-03-010.200
Municipality Erwin Town
Highest Bidder C J Easling & Margaret E Easling,
husband and wife, as tenants by the entirety
Highest Bidder's Address 518 Princeton Way, Fairfield, CA 94533-1346
Consideration \$8,000.00, together with buyer's premium & recording fees
Second Highest Bidder Baird Fisher
Second Highest Bidder's Address 690 Hillside Ave, Rochester, NY 14610

Resolution # B-27
Former Owner Gerald L Alderman
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 096.00-01-024.111
Municipality Fremont Town
Highest Bidder Cornerstone Homes Inc
Highest Bidder's Address 11801 Herrington Dr, Corning, NY 14830
Consideration \$27,000.00, together with buyer's premium & recording fees
Second Highest Bidder William L Thomas
Second Highest Bidder's Address 77 W Fifth St, Corning, NY 14830

Resolution # B-28
Former Owner Frederick J & Mary E Muller
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 196.00-01-033.000
Municipality Hartsville Town
Highest Bidder Janum Land Bank, LLC
Highest Bidder's Address 132 Montfort Dr, Belle Mead, NJ 08502
Consideration \$750.00, together with buyer's premium & recording fees
Second Highest Bidder C Przygoda
Second Highest Bidder's Address 5597 Vanfleet Rd, Painted Post, NY 14870

Resolution # B-29
Former Owner Geo L & Nancy Sanford
In Rem Index No. 90918, 2004 sale
Date of Auction July 18, 2007
Parcel # 151.05-01-037.000
Municipality Hornellsville Town
Highest Bidder Daniel L Eaton
Highest Bidder's Address 74 W Lamoka Ave, Savona, NY 14879
Consideration \$4,750.00, together with buyer's premium & recording fees
Second Highest Bidder Dale Chapin
Second Highest Bidder's Address 9044 West Rd, Campbell, NY 14821

Resolution # B-30
Former Owner Mildred M Morse
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 151.19-02-041.000
Municipality Hornell City
Highest Bidder Daniel L Eaton
Highest Bidder's Address 74 W Lamoka Ave, Savona, NY 14879
Consideration \$5,000.00, together with buyer's premium & recording fees
Second Highest Bidder Michael Fishkin
Second Highest Bidder's Address 4084 Depot St, Cameron, NY 14819

Resolution # B-31
Former Owner John J Generalli
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 166.05-01-008.000
Municipality Hornell City
Highest Bidder Kristen O'Brien
Highest Bidder's Address 7637 Rte 415, Bath, NY 14810
Consideration \$700.00, together with buyer's premium & recording fees
Second Highest Bidder Ronald M Eason
Second Highest Bidder's Address 86 N Main St, Hornell, NY 14843

Resolution # B-32
Former Owner Frederick J & Mary E Muller
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 166.06-02-010.300
Municipality Hornell City
Highest Bidder James M Argentieri
Highest Bidder's Address 249 High St, Hornell, NY 14843
Consideration \$50.00, together with buyer's premium & recording fees
Second Highest Bidder N/A
Second Highest Bidder's Address _____

Resolution # B-33
Former Owner Steuben County
Date of Auction July 18, 2007
Parcel # 166.34-02-018.000
Municipality Hornell City
Highest Bidder William L Thomas
Highest Bidder's Address 77 W Fifth St, Corning, NY 14830
Consideration \$21,000.00, together with buyer's premium & recording fees
Second Highest Bidder Jeffrey Horton
Second Highest Bidder's Address 8848 County Rte 4, Campbell, NY 14821

Resolution # B-34
Former Owner Edward J Frattare
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 020.00-01-038.120
Municipality Prattsburgh Town
Highest Bidder Jack D Jones
Highest Bidder's Address 6154 Rte 53N, Prattsburgh, NY 14873
Consideration \$15,000.00, together with buyer's premium & recording fees
Second Highest Bidder Michael R Wall
Second Highest Bidder's Address 10221 Deal Rd, N Ft Myers, FL 33917

Resolution # B-35
Former Owner Joseph Salerno
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 023.00-01-037.000
Municipality Pulteney Town
Highest Bidder Eugene T Tully & Jane M Tully,
husband and wife, as tenants by the entirety
Highest Bidder's Address 319 Ware Rd, Newnan, GA 30263
Consideration \$3,000.00, together with buyer's premium & recording fees
Second Highest Bidder Mitchell Lehman
Second Highest Bidder's Address 2798 Coates Rd, Penn Yan, NY 14527

Resolution # B-36
Former Owner Linda L Williams
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 257.00-03-005.200
Municipality Thurston Town
Highest Bidder Cornerstone Homes Inc
Highest Bidder's Address 11801 Herrington Dr, Corning, NY 14830
Consideration \$16,000.00, together with buyer's premium & recording fees
Second Highest Bidder James Baker
Second Highest Bidder's Address 319 Watauga Ave, Corning, NY 14830

Resolution # B-37
Former Owner Larue Allen
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 384.00-01-019.000
Municipality Tuscarora Town
Highest Bidder William L Thomas
Highest Bidder's Address 77 W Fifth St, Corning, NY 14830
Consideration \$900.00, together with buyer's premium & recording fees
Second Highest Bidder Amos Bockus
Second Highest Bidder's Address 1426 Glendenning Crk Rd, Painted Post, NY 14870

Resolution # B-38
Former Owner Waldemar Wisniewski
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 104.00-01-001.550
Municipality Urbana Town
Highest Bidder Michael R Wall
Highest Bidder's Address 1122 N Tamiami Trl #41, North Fort Myers, FL 33903-53
Consideration \$9,000.00, together with buyer's premium & recording fees
Second Highest Bidder Daniel R Peterson
Second Highest Bidder's Address PO Box 481, Savona, NY 14879

Resolution # B-39
Former Owner Elwood & Joyce Hilligus
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 117.00-02-070.000
Municipality Urbana Town
Highest Bidder Darrell John Hoad II
Highest Bidder's Address 5568 Wolf Run Rd, Campbell, NY 14821
Consideration \$1,300.00, together with buyer's premium & recording fees
Second Highest Bidder Paul O'Brien
Second Highest Bidder's Address 15 Park Lane, Big Flats, NY 14814

Resolution # B-40
Former Owner Shannon & Heather Sage
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 003.13-01-030.000
Municipality Wayland Village
Highest Bidder Timothy P O'Connor
Highest Bidder's Address 8 Pine St, Wayland, NY 14572
Consideration \$25,000.00, together with buyer's premium & recording fees
Second Highest Bidder Charles Cagle
Second Highest Bidder's Address 18 River St, Avoca, NY 14809

Resolution # B-41
Former Owner David & Jacqueline Rogers
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 003.17-02-012.000
Municipality Wayland Village
Highest Bidder Dale A Lane & Mitchell A Lehman
Highest Bidder's Address 263 Lake St, Penn Yan, NY 14527
Consideration \$11,500.00, together with buyer's premium & recording fees
Second Highest Bidder Michael Horton
Second Highest Bidder's Address 9037 State Rte 415, Campbell, NY 14821

Resolution # B-42
Former Owner James & Lisa Leisenring
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 028.00-01-032.200
Municipality Wayland Town
Highest Bidder Kristen O'Brien
Highest Bidder's Address 7637 Rte 415, Bath, NY 14810
Consideration \$1,300.00, together with buyer's premium & recording fees
Second Highest Bidder Eugene Tully c/o Jim Insinga
Second Highest Bidder's Address 65 Baldwin, Binghamton, NY 13903

Resolution # B-43
Former Owner Concetta Curreri
In Rem Index No. 93123, 2005 sale
Date of Auction July 18, 2007
Parcel # 078.59-01-037.000
Municipality Wayne Town
Highest Bidder Leanne M Bushart
Highest Bidder's Address 4 Laurentian Dr, Palmyra, NY 14522
Consideration \$11,000.00, together with buyer's premium & recording fees
Second Highest Bidder Joan Tarcza
Second Highest Bidder's Address 751 East Lake Rd, Penn Yan, NY 14527

Vote: Roll Call – Adopted.

RESOLUTION NO. 120-07

Introduced by: P. Donnelly.

Seconded by: T. Schwartz.

RECEIVING AND ACCEPTING THE AUGUST 27, 2007, 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, 2007

1. Steuben County Industrial Development Agency - Re: Public Hearing regarding renovations to the Development Building at Sullivan Park, on 8/16/07 at 1:00 p.m., at Erwin Town Hall, Painted Post, NY. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*
2. NYS Office of Children & Family Services - Re: Steuben County's Resource Allocation Plan (RAP) for 2007 and request for State aid in the amount of \$199,568 has been approved. *Referred to: Human Services Committee and Gary Pruyn, Director, Youth Bureau.*
3. Fortuna Energy – Re: Notice of Intent to construct a natural gas gathering pipeline in the Towns of Caton and Lindley, NY (Deyo Road 6" Riser to FEI Ryers Creek Compressor). *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

July 16, 2007

1. NYS Public Service Commission - Re: Case 07-E-0479 – Notice seeking public comment on the terms of a joint proposal concerning the provision of fixed price commodity service by New York State Electric & Gas Corporation. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*
2. Great Lakes Commission – Re: Local Government Survey on how much municipalities are spending to protect and restore the Great Lakes and St. Lawrence River basin ecosystem (submit completed survey by August 24, 2007). *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

July 20, 2007

1. NYS Department of Environmental Conservation – Re: Notice of enforcement action against Hakes C & D Disposal, Inc. for violation of Article(s) 17 and 27 of the ECL which occurred at the Hakes C & D Debris Landfill located in the Town of Campbell, County of Steuben. (Failure to operate in accordance with approved plans and discharge of leachate to waters of the State) *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

July 23, 2007

1. NYS Department of Health – Re: Preliminary Estimate of the State Fiscal Year 2006-2007 Medicaid Local Share Cap Reconciliation (April 1, 2006 – March 31, 2007). *Referred to: Human Services and Finance Committees; Kathryn Biehl, DSS Commissioner; and Carol Whitehead, County Treasurer.*
2. Empire State Development – Re: Request for Proposal, Restoring New York, Round Two (public release of a request for funding proposals and application which will be posted on Empire State Development's website at www.nylovesbiz.com/restoreny). *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*
3. New York State Commission on Local Government Efficiency & Competitiveness. – Re: Informing that several state agencies will provide assistance to pursue the following initiatives: (1) Coordination of weights and measures services with Schuyler and Yates counties (2) Implementation of the 211 information and referral system. *Referred to: Finance and Administration Committees.*

July 25, 2007

1. Schuyler County Legislature, Public Safety/Criminal Justice Committee – Re: Letter expressing opposition to the proposal of having the Corning Community College Criminal Justice Complex and the Southern Tier Police Academy moved from its location on Goff Road in Corning, NY. *Referred to: Steuben County Legislature.*
2. NYS Department of Health – RE: Notification of requirement to make survey reports and the Nursing Home Survey Profile Summary available to residents and their representatives (Steuben County Infirmity Survey: Exit Date 6/1/07, Review of Plan of Correction 7/6/07, Date of Allegation of Compliance 7/12/07). *Referred to: Health & Education Committee; and Dave McCarroll, HCF Administrator.*

3. 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.**

July 26, 2007

1. Steuben County Industrial Development Agency - Re: Public Hearing regarding Canandaigua Power Partners, LLC., on August 23, 2007 at 10:00 a.m., at Atlanta-North Cohocton "Hatch Hose" Fire Hall, 32 University Avenue, Atlanta, NY. **Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.**

July 30, 2007

1. NYS Office of Parks, Recreation and Historic Preservation - Re: 30% payment voucher for the 2006-2007 snowmobile trail development and maintenance assistance program. **Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.**
2. NYSAC – Re: A Webinar is scheduled for Thursday, August 16, 2007 @ 10:00am on "Why Counting Counts: Preparing for the 2010 Census". **Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.**

August 2, 2007

1. Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$10,117 representing the June 2007 retained surcharge revenues (\$6,281) and the municipality's share of the 2nd quarter 2007 net revenues (\$3,836). **Referred to: Finance and Rules Committees and Carol Whitehead, County Treasurer.**
2. Southern Tier Central Regional Planning & Development Board – Re: Participation in the Local Update of Census Addresses Program (LUCA). **Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.**

August 6, 2007

1. Finger Lakes SPCA, Inc. – Re: Request for 2008 funding in the amount of \$39,000. **Referred to: A.I.P. and Finance Committees; Greg Heffner, Planning Director; and Carol Whitehead, County Treasurer.**
2. NYS Department of State – Re: Notification of additional funding opportunity from the 2006-2007 Shared Municipal Service Incentive (SMSI) awards program (submission deadline is 4:00pm on October 1, 2007). **Referred to: Administration Committee.**

August 7, 2007

1. Southern Tier Central Regional Planning & Development Board – Re: Requesting \$85,000 from Steuben County for STCRP&DB's support in 2008. **Referred to: A.I.P. and Finance Committees; Greg Heffner, Planning Director; and Carol Whitehead, County Treasurer.**
2. Empire Pipeline – Re: Status on the Empire Connector Project. **Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.**

August 8, 2007

1. Steuben County Community Services – Re: Termination of the Unicare Billing System effective August 21, 2007. **Referred to: Health & Education Committee; and Ken Peaslee, IT Director.**
2. Hornell Area Humane Society – Re: Letter commending the Sheriff's office for the professionalism shown in handling the Jones-Abbott case as well as to express their disappointment in the comments made by the animal cruelty investigator. **Referred to: Public Safety & Corrections Committee.**
3. Corning Community College – Re: Notification that there are no present plans under consideration by the administration or the Regional Board of Trustees to move the CCC Criminal Justice Complex. **Referred to: Steuben County Legislature.**

August 13, 2007

1. Corning Incorporated – Re: Public Notice on the (BCP) Brownfield Cleanup Program submission (All public comments must be submitted by September 14, 2007). *Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.*
2. NYS Public Service Commission – Re: Case 07-T-0818 - Notice granting the Certificate of Environmental Compatibility and Public Need to Fortuna Energy, Inc. for the construction of a fuel gas transmission line containing approximately 24,920 feet of 6-inch coated steel pipeline, located in the towns of Caton and Lindley, Steuben County. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*
3. US Census Bureau – Re: Request for help in the 2010 Decennial Census Local Update of Census Addresses (LUCA) Program. *Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.*

August 16, 2007

1. National Education Association – Re: Elementary & Secondary Education Act (No Child Left Behind), requesting letters to be sent to Representative John ‘Randy’ Kuhl asking for much-needed changes to the law. *Referred to: Health & Education Committee; Kathryn Biehl, DSS Commissioner; and Helen Brutsman, Special Children Services.*
2. NYS Workers’ Compensation Board – Re: Documents to clarify the Workers’ Compensation Law (WCL) Sections 57 and 220(8) which requires the heads of all municipal and State entities to ensure that businesses applying for permits, licenses or contracts have appropriate workers’ compensation and disability benefits insurance coverage. As well as a copy of the General Municipal Law Section 125 that requires all applicants to provide proof of workers’ compensation compliance when applying for a building permit. *Referred to: Administration Committee; Greg Heffner, Planning Director; and Lew Eason, Risk Manager.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 121-07

Introduced by: G. Swackhamer.

Seconded by: P. Donnelly.

EXTENDING THE INCREASE OF THE RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK.

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

Section 1. The first sentence of section two of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax.

On and after March 1, 1972, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing December 1, 1992 and ending November 30, 2009, there is hereby imposed and there shall be paid an additional tax of one percent upon:

Section 2. Subdivision (g) of section three of Resolution 321 as enacted in 1967, as amended, is amended to read as follows:

(g) With respect to the additional tax of one percent imposed for the period commencing December 1, 1992, and ending November 30, 2009, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to December 1, 1992, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to August 1, 1992, and the reference in said subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 1992. Nothing herein shall be deemed to exempt from tax at the rate

in effect prior to December 1, 1992 any transaction, which may not be subject to the additional tax, imposed effective on that date.

Section 3. Section four of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

SECTION 4. Impositions of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after December 1, 1992, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2009, the tax shall be at the rate of four percent, and on and after December 1, 2009, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2009, the tax shall be at the rate of four percent, and on and after December 1, 2009, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2009, the tax shall be at the rate of four percent, and on and after December 1, 2009, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2009, the tax shall be at the rate of four percent, and on and after December 1, 2009, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2009, the tax shall be at the rate of four percent, and on and after December 1, 2009, the tax shall be

at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

Section 4. Subdivision (k) of section six of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed, by Sections 2 and 4, respectively, of this resolution for the period commencing December 1, 1992, and ending November 30, 2009.

Section 5. Paragraph (B) of Subdivision one of section eleven of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning December 1, 1992, and ending November 30, 2009, in respect to the use of property used by the purchaser in this County prior to December 1, 1992.

Section 6. Subdivision (d) of section fourteen of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

(d) Notwithstanding any provision of law or this resolution to the contrary, of the net collections received from the additional one percent rate of sales and compensating use taxes imposed, respectively, by sections two and four of this resolution during the period beginning December 1, 2007 and ending November 30, 2009, the County shall annually pay or cause to be paid to the City of Hornell the sum of six hundred ten thousand dollars (\$610,000.00), to the City of Corning the sum of six hundred fifty thousand dollars (\$650,000.00), and the sum of seven hundred fifty thousand dollars (\$750,000.00) to the towns and villages of the County, on the basis of the ratio which the full valuation of real property in each town or village bears to the aggregate full valuation of real property in all of the towns and villages in such area. The remainder of the net collections received from such additional one percent rate of sales and compensating use taxes imposed during such period shall be set aside for County purposes and shall be available for any County purpose.

Section 7. This resolution shall take effect December 1, 2007.

Vote: Roll Call – Adopted. Yes: 8245, No: 513. (No – T. Schwartz; Absent – D. Baker, D. Stachnik)
RESOLUTION NO. 122-07

Introduced by: R. Nichols.

Seconded by K. Isaman.

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, FOR THE REPLACEMENT OF BIN 3334460, COUNTY ROUTE 73 OVER THE TIOGA RIVER, TOWN OF LINDLEY, STEUBEN COUNTY, PIN 6754.07 AND APPROPRIATING FUNDS THEREFORE.

WHEREAS, a Project for the replacement of BIN 3334460, County Route 73 over the Tioga River, Town of Lindley, Steuben County, PIN 6754.07 (the "Project") is eligible for funding under Title 23 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 3334460, County Route 73 over the Tioga River, Town of Lindley, Steuben County, PIN 6754.07.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature, duly convened does hereby approve the above-subject Project; and be it further

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

RESOLVED, that the amended sum of \$325,000.00 (of which, \$305,000.00 has been previously appropriated) is hereby appropriated and made available to cover the cost of participation in the above phases of the Project; and the County of Steuben will issue a check payable to the New York State Department of Transportation for the sum of \$5,000.00 covering the cost of the non-Federal share of and for the Administration of the Right of Way Incidentals and Acquisition phase of the project by New York State Department of Transportation; 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 Steuben County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

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

RESOLVED, certified copies 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. 123-07

Introduced by: R. Nichols.

Seconded by F. Gehl.

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 FOR THE REPLACEMENT OF BIN 2217610, SAUNDERS ROAD OVER THE CANISTEO RIVER, TOWN OF RATHBONE, STEUBEN COUNTY, PIN 6753.96 AND APPROPRIATING FUNDS THEREFORE.

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, BE IT

RESOLVED, that the Steuben County Legislature, duly convened does hereby approve the above-subject Project; and be it further

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

RESOLVED, that the amended sum of \$2,910,000.00 (of which, \$2,788,800.00 has been previously appropriated) 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 Steuben County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

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

RESOLVED, certified copies 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. 124-07

Introduced by: R. Nichols/G. Swackhamer.

Seconded by J. Walsh.

AUTHORIZING THE CLOSING OF FIVE (5) COMPLETED FEDERAL-AID BRIDGE PROJECTS AND CREATING AN "UNDESIGNATED FUTURE BRIDGE PROJECTS" ACCOUNT.

WHEREAS, the following five (5) Federal-Aid Bridge Projects have been completed:

5120H1	South Street, Addison
5120H2	County Route 11, Bath
5120H3	Wood Road, Campbell
5120H4	Mulholland Road, Erwin
5120H5	County Route 110, Rathbone; and

WHEREAS, it would be desirable to transfer the total balance from these five (5) projects to an "Undesignated Future Bridge Projects" account.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature, duly convened does hereby close these five (5) listed Federal-Aid Bridge Projects; and be it further

RESOLVED, that an "Undesignated Future Bridge Projects" Account 5120HO 45031900 is hereby created; and be it further

RESOLVED, that the total balance of \$232,045.69 from these five (5) listed Federal-Aid Bridge Projects, is hereby transferred to 5120 HO 45031900; 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. 125-07

Introduced by F. Gehl/G. Swackhamer.

Seconded by R. Nielsen.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO TRANSFER \$30,000 FROM THE DWI RESERVE FUND TO THE SHERIFF DEPARTMENT'S MAJOR EQUIPMENT ACCOUNT FOR THE PURCHASE OF A NEW CRITICAL INCIDENT RESPONSE TEAM VEHICLE.

WHEREAS, the current vehicle utilized by the Steuben County Sheriff's Office Critical Incident Response Team (CIRT) is a 1967 Bronco Fire and Rescue Vehicle acquired from the Village of Arkport on February 17, 2000; and

WHEREAS, the current vehicle is 40 years old and repair parts are expensive or not available; and

WHEREAS, funding was secured from Senator Winner and Assemblyman Bacalles in the amount of \$90,000 to assist in the purchase of a new CIRT vehicle; and

WHEREAS, a new CIRT vehicle was located on the State bid and the cost is \$120,000 or \$30,000 more than anticipated; and

WHEREAS, the current STOP-DWI Reserve Fund has sufficient funds to cover the \$30,000 deficit; and

WHEREAS, the Governor's Traffic Safety Committee has authorized the use of funds from the STOP-DWI Reserve for this purpose.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to transfer \$30,000 from the STOP-DWI Reserve Fund to the following line item:

From:	A 3 889 3315	\$30,000	DWI Reserve Fund
To:	331500 5 290 000	\$30,000	Major Equipment Account

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 126-07

Introduced by: F. Gehl/G. Swackhamer.

Seconded by: R. Argentieri.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO TRANSFER \$38,250.00 FROM THE CONTINGENT FUND TO THE STEUBEN COUNTY EMERGENCY MANAGEMENT DEPARTMENT.

WHEREAS, the 2007 Emergency Management Office Budget included grant revenue within the operating budget; and

WHEREAS, the grant expenses were not included within the 2007 Emergency Management Office Budget; and

WHEREAS, at the direction of the Finance Committee, the Treasurer's Office has reviewed the 2007 Emergency Management Budget; and

WHEREAS, the Treasurer's Office has set up a grants tracking process within the Emergency Management budgets; and

WHEREAS, the 2007 Budget contains insufficient appropriations to cover costs for the remainder of this year.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to transfer from the Contingent Fund the amount of \$38,250.00 to the 2007 Emergency Management Contractual Expense Account as follows:

From	A199000 5 499 000	\$38,250.00	Contingent Fund
To	364000 5 400 000	\$38,250.00	EMO Contractual Expense Account

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

Mr. Swackhamer commented that during much of the 2007 budget, the grants, income and expenditures were messed up. They were spending more than they were receiving. Hopefully between the Treasurer, the Finance Committee and the Emergency Management Office, this should not happen again.

Vote: Roll Call – Adopted. Yes: 8196, No: 562. (No – T. McIntyre; Absent – D. Baker, D. Stachnik)

RESOLUTION NO. 127-07

Introduced by: R. Argentieri/P. Donnelly.

Seconded by T. Schwartz.

RECLASSIFICATION OF AN ACCOUNT CLERK POSITION, GRADE V TO AN ACCOUNT CLERK TYPIST POSITION, GRADE VI 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 of said position; and

WHEREAS, the Steuben County Personnel Officer and the Human Services and Administration Committees have reviewed and approved the recommended changes for that 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:

Account Clerk, Grade V (\$22,646 to \$31,972) to
Account Clerk Typist, Grade VI (\$23,607-\$33,328)

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

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 128-07

Introduced by: R. Argentieri/P. Donnelly.

Seconded by D. Creath.

RECLASSIFICATION OF A CASE MANAGEMENT AIDE POSITION, GRADE IV TO A SR. CASEWORKER POSITION, GRADE XIV 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 of said position; and

WHEREAS, the Steuben County Personnel Officer and the Human Services and Administration Committees have reviewed and approved the recommended changes for that 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:

Case Management Aide, Grade IV (\$21,813-\$30,792) to
Sr. Caseworker, Grade XIV (\$33,084-\$46,707)

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

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 129-07

Introduced by: P. Donnelly.

Seconded by: T. McIntyre.

REAPPOINTING THE DIRECTOR OF THE REAL PROPERTY TAX SERVICE AGENCY.

Pursuant to Sections 204 and 205 of the County Law and Section 1530 of the Real Property Tax Law of the State of New York.

WHEREAS, the County Administrator and Administration Committee have recommended that DONNA P. HATCH be reappointed as the Director of the Steuben County Real Property Tax Service Agency.

NOW THEREFORE, BE IT

RESOLVED, that **DONNA P. HATCH** is hereby reappointed Director of the Steuben County Real Property Tax Service Agency for a six year term expiring on October 1, 2013; and be it further

RESOLVED, that as Director of the Steuben County Real Property Tax Service Agency, she shall be paid at the rate of pay and salary established for the position at Grade F of the 2007 Management Salary Plan; and be it further

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

Mr. McIntyre stated that in his fourteen years on the Board, he has observed many wonderful department heads and Donna Hatch is the finest example of going above and beyond. She is an exemplary employee and he highly recommends her reappointment.

Mr. Isaman asked why is her reappointment done separately? Mr. Alger replied she has a six-year term.

Mr. Schwartz asked why is her term six years? Mr. Alger replied it is statutory.

Vote: Roll Call – Adopted.

RESOLUTION NO. 130-07

Introduced by: R. Argentieri.

Seconded by: All Legislators.

MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO EXTEND OR ELIMINATE THE TANF 60-MONTH TIME LIMIT.

WHEREAS, with continued economic constraints there continues to be a need for benefits to those families reaching the 60-month TANF (Temporary Assistance to Needy Families) cap; and

WHEREAS, the 60-month cap on benefits does not allow assistance for those facing additional hardship beyond this benchmark; and

WHEREAS, New York State continues to provide financial benefits for those individuals reaching the 60-month time limit; and

WHEREAS, New York State requires Counties to pay 50% of the cost of these benefits; and

WHEREAS, historically the TANF program represented 75% of the social services caseload but with the cap, the percentage has fallen to 50%; and

WHEREAS, the federal government has a financial responsibility for those individuals who continue to need assistance; and

WHEREAS, the Steuben County Legislature wishes to express the financial strain this additional responsibility imposes on the State of New York and Steuben County; and

WHEREAS, New York State's Social Service system's fiscal impact is severely impacting the economy of upstate New York's local governments.

NOT THEREFORE, BE IT

RESOLVED, the Steuben County Legislature urges action by the President and the United States Congress to expand, eliminate or take over fiscal responsibility of those individuals reaching the 60-month time limit; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to President George W. Bush, 1600 Pennsylvania Avenue, Washington, DC; Senator Charles E. Schumer, 313 Hart Senate Office Bldg., Washington, DC 20510-3202; Senator Hillary Rodham-Clinton, 476 Russell Senate Office Building, Washington, DC 20510; and Congressman John R. Kuhl, Jr., 22 Buell Street, Bath, NY 14810.

Mr. Schwartz stated if the program is not expanded, we will pay millions of dollars for people that use up their five years. It is essential that the federal government expand the time limit. We are picking up the entire amount.

Vote: Acclamation – Adopted.

RESOLUTION NO. 131-07

Introduced by R. Argentieri.

Seconded by: All Legislators.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO FULLY ASSUME THE LOCAL SHARE OF MEDICAID COSTS.

WHEREAS, since the enactment of the Medicaid Program, the State of New York has required the local government to pay a disabling share of the State's Medicaid program; and

WHEREAS, New York State regulates the entire Medicaid system leaving the County governments with no authority and little support to manage, control or reduce their Medicaid costs; and

WHEREAS, the County share of Medicaid continues to impose fiscal constraints on County governments, limiting resources needed to maintain roads, bridges and infrastructure necessary for the health and welfare of the county; and

WHEREAS, the annual 3% growth rate under the Medicaid cap continues to require increasing local tax dollars at an unmanageable rate.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature urges the Governor and the Legislature of the State of New York to county taxpayers with real property tax relief by assuming the non-Federal share of Medicaid; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 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; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Francis L. Gehl, President, InterCounty Association of Western New York, c/o Steuben County Legislature, 3 East Pulteney Square, Bath, NY.

Mr. Schwartz stated Medicaid is \$18.5 million and we can't afford that burden.

Vote: Acclamation – Adopted.

RESOLUTION NO. 132-07

Introduced by: R. Nichols.

Seconded by: K. Isaman.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO APPROVE SENATE BILL NO. S03272 AND ASSEMBLY BILL NO. A6069 IN RELATION TO RETURNABLE BEVERAGE CONTAINERS.

WHEREAS, the original bottle bill adopted in 1982 has been successful in keeping billions of bottles out of our landfills and off the roadways; and

WHEREAS, it is time to strengthen the bottle bill by including the 5 cent deposit for additional categories of containers such as those used for fruit juice, water and sports drinks; and

WHEREAS, the County of Steuben supports the passing of the "Bigger Better Bottle Bill" to reduce litter, which would help prevent contamination of crops which hurts animals that ingest broken pieces of plastic or glass, and to keep the roadsides clean; and

WHEREAS, the "Bigger Better Bottle Bill" would require the beverage industry to return unclaimed deposits to the State to be used for environmental programs such as land preservation, recycling and water quality; and

WHEREAS, the Steuben County Department of Public Works and the Public Works Committee of the Steuben County Legislature are in support of the "Bigger Better Bottle Bill".

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature, duly convened does hereby express its support for an expanded bottle bill as a means to increase recycling, reduce litter on roadsides, parks and other public places, as well as to reduce the number of containers that are in landfills; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 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; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Francis L. Gehl, President, InterCounty Association of Western New York, c/o Steuben County Legislature, 3 East Pulteney Square, Bath, NY.

Mr. Swackhamer asked what is happening to the surplus? Mr. Spagnoletti replied when people don't redeem the bottles, the distributors keep that money and that total was \$91 million for last year.

Mr. Swackhamer asked are we adding to the State's coffers? Mr. Spagnoletti replied the law will not allow that to happen anymore. The \$.05 goes to the State to be used for recycling funds.

Mr. Schwartz asked why would the container organizations and distributors be penalized by State law when the State first implemented it on them? Mr. Spagnoletti replied if you want to recycle, there will be costs associated with that. They do pay the grocery stores \$.02 and that will now go to 3 ½ cents. That is the price you pay to keep the roads clean and get off energy dependence. You get more recycling and cleaner roads. It's the people's money and it's coming back to them. Mr. Spagnoletti commented that currently we recycle #2 plastics and next we will be including #1 plastics.

Mr. Argentieri commented the money should be returned to the counties. Is there anything we can do about that? Mr. Spagnoletti replied the money is returned to the counties for recycling programs. That's what the State has said.

Mr. Nichols commented this will help keep what we are finding on the roads and in the fields from showing up because there is not a nickel on them. We need this to clean up our roadsides and country side. Yes, it does cost a little money, but we do need to clean up after ourselves and become less dependent on foreign energy.

Vote: Acclamation – Adopted. (No – D. Farrand, T. Schwartz; Absent – D. Baker, D. Stachnik)

RESOLUTION NO. 133-07

Introduced by: R. Nichols.

Seconded by: K. Isaman.

ADOPTION OF CONTRACT WITH WIND FARM DEVELOPER FOR COUNTY ROAD AND RIGHT-OF-WAY PROTECTION, AND ESTABLISHMENT OF COUNTY POLICY.

WHEREAS, Wind Farm developers, such as, UPC Wind Management, LLC, ("Developer") are developing Wind Farms in several towns in Steuben County, in particular the Towns of Cohocton and Prattsburgh; and

WHEREAS, wind farm development involves substantial hauling and heavy vehicle traffic to construction sites and staging areas; and

WHEREAS, such hauling and traffic must occur upon and over County Roads and Rights-of-Way, thereby subjecting them to damage and degradation more rapidly than anticipated periods of probable usefulness would dictate; and

WHEREAS, the Developer has agreed to compensate the County in respect to the damage and degradation caused by the hauling and traffic utilized in the prosecution of the wind farm development; and

WHEREAS, the Developer and County have developed a Road Use and Repair Agreement to establish the foregoing principles and bind the parties thereto.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is hereby authorized to execute Road Use and Repair Agreements on the form attached hereto relative to the Wind Farm Development Projects with UPC Wind Management LLC; and be it further

RESOLVED, the County Legislature authorizes the Public Works Committee to review and approve future Road Use and Repair Agreements for any other Wind Farm Developments; 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 does this indicate our position on wind farms? Mr. Alger replied no.

Mr. English explained, if a wind farm goes in and they use County roads to haul materials for construction, this agreement is a policy that would get the wind farm developers to reimburse the County for extraordinary damages to the roads. This does not say we approve or disapprove of the development.

Vote: Roll Call – Adopted.

Motion to adjourn made upon the motion of Mr. McIntyre, seconded by Mr. Nielsen and duly carried.

REGULAR MEETING
Morning Session
Bath, New York
Monday, September 24, 2007

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, New York on Monday, the 24th day of September, 2007 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 Baker and Nielsen.

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

Chairman Roche asked Rae Wilson to come forward. Ms. Wilson is an employee in the Probation Department. Chairman Roche presented Ms. Wilson with a pin and a certificate in recognition of her 15 years of service to Steuben County.

Chairman Roche asked Deb Pomeroy to come forward. Ms. Pomeroy is an employee in the Real Property Tax Service Agency. Chairman Roche stated I have had the opportunity to work closely with Debbie over the years. She does a great job and I will miss her. He presented her with a plaque and a Certificate of Appreciation in honor of her retirement following 34 years of service to Steuben County. Ms. Pomeroy stated I never thought I would have been here this long. It's been a pleasure working for the County. I've met a lot of nice people and made a lot of great friends. **CONGRATULATIONS DEBBIE!**

Chairman Roche opened the floor for comments from members of the public. There being none, he declared the Public Comment portion of the meeting closed.

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

Mr. Creath announced that the October Agriculture, Industry and Planning Committee meeting has been moved to Friday, October 5th at 11:00 a.m.

Mr. Swackhamer announced that the Finance Committee Budget Workshops will begin immediately following the October Finance Committee meeting. A memo advising you of the dates has already been distributed.

Mr. Alger reported that the Commission of Corrections met last week to review the completed jail expansion. They have approved the maximum capacity for the addition. This allows us 98 additional beds bringing the total capacity to 262. He extended his congratulations to the Sheriff and the Public Safety and Corrections Committee. Mr. Alger noted that we received the capacity that we asked for without double bunking in the larger cells. If needed, we could gain an additional 120 beds.

RESOLUTION NO. 134-07

Introduced by P. Donnelly.

Seconded by D. Stachnik.

RECEIVING AND ACCEPTING THE SEPTEMBER 24, 2007, 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 17, 2007

1. Steuben County Industrial Development Agency - Re: Public Hearing regarding Canandaigua Power Partners, LLC, on 9/18/07 at 10:00 a.m., at the Avoca Town Hall, 3 Chase Street, Avoca, NY. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

August 20, 2007

1. Harris Beach, PLLC (Attorneys) - Re: Steuben County Industrial Development Agency and Empire State Pipeline/Empire Pipeline, Inc. Distribution of Form RP-412a and PILOT (payment in lieu of taxes) Agreement. ***Referred to: Finance and Administration Committees; Carol Whitehead, County Treasurer; Donna Hatch, RPTSA Director; and Fred Ahrens, County Attorney.***

August 21, 2007

1. Fortuna Energy, Inc. – Re: Notice of Intent to construct a natural gas gathering pipeline in the Town of Thurston, Steuben County. ***Referred to: A.I.P. Committee; and Gregory P. Heffner, Planning Director.***

August 22, 2007

1. NYS Unified Court System. – Re: 2007-2008 Steuben County Court Facilities Budget in the amount of \$172,994 (Renewal Process). ***Referred to: Bill Partridge, Superintendent of Building & Grounds; and Carol Whitehead, Treasurer.***

August 23, 2007

1. Nixon Peabody LLP, Attorneys at Law – Re: Case 07-E Petition of Canandaigua Power Partners II, LLC for an order approving financing pursuant to section 69 of the Public Service Law and approving a lightened regulatory regime. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

August 24, 2007

1. Pulteney Volunteer Ambulance Corps, Nancy Snyder – Re: Letter in support of having a Steuben County Emergency Medical Services Coordinator as well as a request for the position to be funded. ***Referred to: Administration; Finance; Public Safety & Correction Committees and Mike Sprague, EMO Director.***

August 27, 2007

1. NYS Office of State Comptroller – Re: Notification of exit conference along with a draft of the preliminary findings on the Self-Insured Workers' Compensation plan (for the period of January 1, 2001 through March 31, 2005) is scheduled for Thursday, August 30, 2007 @ 10:00 a.m. ***Referred to: Administration Committee; Lew Eason, Risk Manager; Carol Whitehead, Treasurer; and Fred Ahrens, County Attorney.***
2. NYS Department of Education – Re: Notification of Local Government Records Management (digitization of land records) grant in the amount of \$70,962 effective 7/1/07 through 6/30/08 (Project # 0580088650). ***Referred to: Administration Committee; Ken Sherer, Records Manager; Carol Whitehead, Treasurer; and Judy Hunter, County Clerk.***
3. NYS Office for the Aging – Re: Letter summarizing the findings for the Annual Evaluation of the Steuben County Office for the Aging that was on conducted on August 9, 2007. ***Referred to: Human Services Committee; and Linda Tetor, OFA Director.***
4. NYS Division of Criminal Justice Services – Re: Aid to Defense #AD07078011 grant contract in the amount of \$11,441.00 for the period of 4/1/2007 through 3/31/2008. ***Referred to: Public Safety & Correction Committee; Byrum Cooper, Public Defender; and Carol Whitehead, Treasurer.***

August 28, 2007

1. NYS Department of Education – Re: Notification of Local Government Records Management (Geographic Information System) grant in the amount of \$31,000 effective 7/1/07 through 6/30/08 (Project # 0580088039). ***Referred to: A.I.P. Committee; Ken Sherer, Records Manager; Carol Whitehead, Treasurer; and Tom Sears, GIS Coordinator.***

August 30, 2007

1. Corning Community College – Re: Notification of the new county chargeback rate (\$2,490 per Fte) and an estimate of the total chargebacks (Jan-Dec 2008 Operating 2,936,288/Capital 356,035). **Referred to: Health & Education Committee; Finance Committee; and Carol Whitehead, Treasurer.**

August 31, 2007

1. NYS Office for Small Cities – Re: Single Audit Act Compliance: notification of single audit to be submitted to the Office for Small cities within 9 months of the County's fiscal end date. **Referred to: Finance Committee; Carol Whitehead, Treasurer; and Greg Heffner, Planning Director.**

September 4, 2007

1. Dresser-Rand – Re: Request to forward any updated and/or new local environmental regulations to the attention of Leon Tuttle, Health, Safety & Environmental Manager at 100 Chemung Street, Painted Post, N.Y. 14870. **Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Fred Ahrens, County Attorney.**
2. NYS Department of State – Re: Information on the availability of funding for the 2007-2008 Shared Municipal Services Incentive (SMSI) Grant Program as well as a invitation to attend one of the series of regional conferences to assist in understanding and applying for the (SMSI) grant. **Referred to: Finance and Administration Committees.**
3. NYSAC – Re: 2008 County membership dues for NYSAC will be \$8,331. This reflects a cost of living adjustment of 3 percent over the current year's dues to cover rising operational expenses. **Referred to: Finance Committee; and Carol Whitehead, Treasurer.**

September 5, 2007

1. Steuben County Board of Elections - Re: Letter of resignation from Alan Johnson, Democratic Commissioner of Elections effective December 31, 2007. **Referred to: Administration Committee; Legislator Fran Gehl; and Legislator Rich Argentieri.**
2. Steuben County Industrial Development Agency – Re: Meeting notice for Canandaigua Power Partners II, LLC, on October 25, 2007 @ 12:00 p.m., located at 7234 Route 54 North, Bath, NY to consider the approval of all the documents necessary in connection with the construction and equipping of thirty-five (35) wind turbines which consists of approximately 4,800 acres of leased land, within the Towns of Cohocton and Avoca, Steuben County. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
2. Southern Tier Central Regional Planning & Development Board – Re: Workshop focusing on the 2010 Census LUCA (Local update of Census Addresses) program on September 11, 2007 @ 9:00 a.m. in the Town of Corning (Town Hall). **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

September 7, 2007

1. Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$6,128 representing the July 2007 retained surcharge revenue for Steuben County from the WROTB. **Referred to: Rules and Finance Committees and Carol Whitehead, County Treasurer.**
2. NYS Office for the Aging - Re: Notification of Grant Award and approved application for the Weatherization Referral and Packaging (WRAP) Program for August 1, 2007 through July 31, 2008. **Referred to: Human Services Committee and Linda Tetor, OFA Director.**
3. NYS Department of Environmental Conservation Division of Lands and Forests – Re: Keuka Highlands Unit Management Plan (request for individual and group concerns in the plan's development). **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

September 10, 2007

1. Rural Health Community Systems, Inc. – Re: A request to have a unified policy development as well as a central point of contact for the various constituencies in the emergency services field. **Referred to: Administration; Finance; Public Safety & Correction Committees and Mike Sprague, EMO Director.**

September 11, 2007

1. NYS Division of Housing and Community Renewal – Re: New York State’s 2008 Annual Action Plan/Public Comment Period Announcement and Public Hearing Notice (subject to a 30-day public comment period from September 10, 2007 through October 10, 2007). ***Referred to: Greg Heffner, Planning Director.***
2. New York State Office of Homeland Security – Re: Award to Steuben County of \$108,000 from the FY07 State Homeland Security Program (SHSP), and \$80,000 from the FY07 Law Enforcement Terrorism Prevention Program (LETPP). Applications must be submitted by October 31, 2007. ***Referred to: Public Safety & Corrections Committee; Sheriff Tweddell; Mike Sprague, EMO Director; Tim Wixom, 911 Director; and Greg Heffner, Planning Director.***

September 12, 2007

1. Hornell City School District – Re: Declaring Hornell City School Board of Education (effective September 4, 2007) as the Lead Agency for the purpose of undertaking an Environmental Quality Review on the proposed Capital Project #57-18-00-01-5-021-001/Bus Maintenance and Storage Garage Facility. (property located at 1 Park Avenue, Hornell, New York). In accordance with SEQR, the proposed project would be classified as either a “Type I” or “Unlisted” activity. ***Referred to: Agriculture, Industry & Planning Committee; and Greg Heffner, Planning Director.***
2. Hornell City School District – Re: Declaring Hornell City School Board of Education (effective September 4, 2007, amending the resolution approved on July 2, 2007) as the Lead Agency for the purpose of undertaking an Environmental Quality Review on the proposed Capital Project #57-18-00-01-0-012-005/North Hornell School. In accordance with SEQR, the proposed project would be classified as either a “Type I” or “Unlisted” activity. ***Referred to: Agriculture, Industry & Planning Committee; and Greg Heffner, Planning Director.***
3. Hornell City School District – Re: Declaring Hornell City School Board of Education (effective September 4, 2007) as the Lead Agency for the purpose of undertaking an Environmental Quality Review on the proposed Capital Project #57-18-00-01-5-003-012/Hornell Intermediate School of property located at 71 Buffalo Street, Hornell, New York). In accordance with SEQR, the proposed project would be classified as either a “Type I” or “Unlisted” activity. ***Referred to: Agriculture, Industry & Planning Committee; and Greg Heffner, Planning Director.***
4. Steuben County Industrial Development Agency – Re: Meeting notice for Canandaigua Power Partners, LLC, on October 25, 2007 @ 12:00 p.m., located at 7234 Route 54 North, Bath, NY to consider the approval of all the documents necessary in connection with the construction and equipping of thirty-five (35) wind turbines which consists of approximately 4,800 acres of leased land, within the Towns of Cohocton and Avoca, Steuben County. (Corrected version to replace letter dated September 4, 2007) ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***
5. Steuben County Industrial Development Agency – Re: Meeting notice for Canandaigua Power Partners II, LLC, on October 25, 2007 @ 12:00 p.m., located at 7234 Route 54 North, Bath, NY to consider the approval of all the documents necessary in connection with the construction and equipping of fifteen (15) wind turbines which consists of approximately 2,560 acres of leased land, within the Town of Cohocton, Steuben County. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***

September 13, 2007

1. New York State Association of Counties – Re: Middle Class STAR Rebate Program Information Webinar is scheduled for Thursday, September 27, 2007 at 11:00 a.m. ***Referred to: Administration Committee and Donna Hatch, Real Property Tax Service Director.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 135-07

Introduced by P. Donnelly.

Seconded by K. Isaman.

AUTHORIZING THE EXECUTION OF A BOUNDARY LINE AGREEMENT RELATIVE TO PROPERTY REMAINING UNUSED AFTER THE COMPLETION OF STATE HIGHWAY CONSTRUCTION ON NEW YORK STATE ROUTE 54 IN THE TOWN OF URBANA.

WHEREAS, the County acquired the title to a certain parcel or parcels of land in the Town of Urbana, for the purpose of highway construction which resulted in the construction of New York State Route 54, by Deed recorded in the Steuben County Clerk's Office on September 28, 1932; and

WHEREAS, after the completion of New York State Route 54 there remains a parcel being a narrow strip of steeply banked land; and

WHEREAS, it has been disclosed by instrument survey of adjacent land that the steps and patio of the improvement on adjacent land encroach upon the land of the County up to approximately 15 feet; and

WHEREAS, the owner of the adjacent land has requested that the County execute a boundary line agreement that clearly establishes the property line and authorizes said owner to maintain such steps and patio in their present location assuming all liability therefore; and

WHEREAS, the County is amenable to permitting the encroachment to remain in its present location so long as the adjacent owner assumes all liability and responsibility therefore.

NOW THEREFORE, BE IT

RESOLVED, the County Administrator shall be and is hereby authorized to execute a boundary line agreement establishing the property line of certain County property on New York State Route 54, at its intersection with East Lake Road in the Town of Urbana, permitting an encroachment of steps and patio by the adjacent property owner immediately to the northeast to remain, and providing for the assumption of all responsibility and liability for said encroaching improvements by the adjacent property owner; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 136-07

Introduced by R. Nichols.

Seconded by D. Creath.

AUTHORIZING THE EXECUTION OF A POWER TRANSMISSION LINE LEASE AGREEMENT PROVIDING FOR THE CONSTRUCTION OF A TRANSMISSION LINE WITH SUPPORT TOWERS ACROSS LANDS OF STEUBEN COUNTY OPERATED BY THE STEUBEN COUNTY PUBLIC WORKS DEPARTMENT HIGHWAY DIVISION IN THE TOWN OF COHOCTON.

WHEREAS, Canandaigua Power Partners, LLC, a Delaware limited liability company, having an office and mailing address c/o UPC Wind Management, LLC, 100 Wells Avenue, Suite 201, Newton, MA 02459, is constructing a Wind Farm operation in the Town of Cohocton, which will generate electricity which must be transmitted to the utility; and

WHEREAS, the path of the approved and preferred transmission line encounters lands of Steuben County which is operated by the Department of Public Works Highway Division; and

WHEREAS, the path of the transmission line and the minimum height of the transmission wires have been specified and defined to the satisfaction of Steuben County, thereby imposing little or no interference with County operations or activities conducted on its property.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works shall be and is hereby authorized to execute a Transmission Line Lease Agreement with Canandaigua Power Partners, LLC, a Delaware limited liability company, having an office and mailing address c/o UPC Wind Management, LLC, 100 Wells Avenue, Suite 201, Newton, MA 02459, permitting the construction and maintenance of a transmission line and necessary towers on lands of Steuben County on New York State Route 415 in the Town of Cohocton; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works and Canandaigua Power Partners, LLC, c/o UPC Wind Management, LLC, 100 Wells Avenue, suite 201, Newton, MA 02459.

Mr. Argentieri asked what exactly is this for?

Mr. Nichols stated when they build the windmills in Cohocton, they need a power source. They are requesting authorization to run their power lines across County property to the windmills. Basically, they will be setting the poles on our property and we will receive a fee from them for this authorization.

Mr. Argentieri stated is it an indication that we support wind power? Mr. Nichols stated we took no side on the wind power issue.

Vote: Roll Call – Adopted. Yes: 8303; No: 451; Absent: 1118. (No: Argentieri; Absent: Baker and Nielsen)

RESOLUTION NO. 137-07

Introduced by R. Nichols and G. Swackhamer.

Seconded by F. Gehl.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO TRANSFER \$204,562.51 TO THE BATH LANDFILL EQUIPMENT SHOP CAPITAL PROJECT.

WHEREAS, the landfill division used a 72' x 48' wooden pole barn built in 1989 as an equipment maintenance and repair shop; and

WHEREAS, that wooden pole barn was destroyed by fire on December 28, 2004; and

WHEREAS, that pole barn was more suited to be used as a cold storage building; and

WHEREAS, the landfill operation has grown from 63,000 to a 120,000 tons per year; and

WHEREAS, the 150 years of life remaining at the Bath landfill site warrants a building that is safe, built to code, and reasonable for people to work productively in; and

WHEREAS, the Commissioner of Public Works recommended construction of a 70' x 100' pre-engineered metal building that is commonly used for this type of work and is warranted for a landfill operation of this size; and

WHEREAS, this recommendation was approved by the Public Works Committee; and

WHEREAS, the metal building has been erected and is the most economical and appropriate structure and furthers the financial economies and safety measures of the Public Works Department; and

WHEREAS, fire insurance paid \$248,000 for the old and inadequate pole barn but the cost of an adequate and economical basic metal building built to code is \$900,000; and

WHEREAS, the remaining interior, mechanical, HVAC and electrical work require funding to complete the project; and

WHEREAS, the Public Works and Finance Committees of the Steuben County Legislature have authorized the transfer of the funds to the Bath Landfill Maintenance Building Capital Project.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to transfer/appropriate the following to EL6207.5250000 totaling \$204,562.51:

- \$3,921.80 from HL6404.5250000 Lindley-Rebuild Road Project
- \$76,489.80 from 816069.5290000 Major Equip-Erwin Transfer-Refuse Trailer
- \$50,000.00 from 816062.5290000 Major Equip-Bath Landfill 80,000 lbs. Truck Lift
- \$74,150.91 from HL6207.42680000 Bath Landfill Project Insurance Recoveries

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 how did we run short on this project?

Mr. Spagnoletti stated the insurance money we received for the building fire was \$248,000 and the total cost of this building is \$900,000. When I recommended to the Committee that we build a metal building, I said I didn't want to fund the project all at one time. So we did the first stage of building the metal building and concrete floor with money we had. The remaining interior work that needs to be done, Stage Two, includes bids totaling \$343,000. I found the money within the Departmental Budget to cover the expense. Discussion followed.

Vote: Roll Call – Adopted.

RESOLUTION NO. 138-07

Introduced by R. Nichols and G. Swackhamer.

Seconded by K. Isaman.

ACCEPTING A BUDGET INITIATIVE FOR \$100,000 FUNDING INTO STATE AID AND APPROPRIATING IT TO THE MAJOR EQUIPMENT ACCOUNT TOWARDS ONE EXCAVATOR, AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO SECURE SAID FUNDING.

WHEREAS, Rubber Tired Excavators are important for roadside ditching, drainage and maintenance; and

WHEREAS, a Rubber Tired Excavator is included in the 2007 Major Equipment list and will cost approximately \$155,000; and

WHEREAS, Senator Winner and Assemblyman Bacalles sponsored a budget initiative for Steuben County in the amount of \$100,000; and

WHEREAS, it is necessary to accept a budget initiative of \$100,000 into State Aid 999902.43089.300 and also appropriate it to the Major Equipment Account 513000.5290000 to pay for a new excavator; and

WHEREAS, the Steuben County Department of Public Works will provide the remaining \$56,087 of the funding from the existing 2007 Major Equipment fund; and

WHEREAS, the New York State Department of Transportation will administer said Legislative initiative.

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 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, the Steuben County Treasurer is authorized and directed to make the necessary budget adjustments and transfer; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 139-07

Introduced by D. Creath and G. Swackhamer.

Seconded by R. Argentieri.

ACCEPTING A LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND GRANT FROM THE NYS EDUCATION DEPARTMENT.

WHEREAS, the Steuben County Planning Department has been awarded a Local Government Records Management Improvement Fund Grant of \$31,000 by the New York State Education Department; and

WHEREAS, the purpose of said grant is to fund a Geographic Information Systems Needs Assessment.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby accept the Local Government Records Management Improvement Fund Grant of \$31,000 from the NYS Education Department; and be it further

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

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

RESOLVED, the Steuben County Treasurer is hereby authorized to modify the 2007 Steuben County Budget to account for said grant; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 140-09

Introduced by P. Donnelly and G. Swackhamer.

Seconded by R. Argentieri.

ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$70,962 FOR DIGITIZATION OF LAND RECORDS IN THE STEUBEN COUNTY CLERKS OFFICE.

WHEREAS, the Steuben County Clerk has been notified the County has been awarded a grant to digitize land records; and

WHEREAS, it is desirable to accept the grant to improve operations and ease of use of the records.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby accepts the Record Management Grant in the amount of \$70,962; be it further

RESOLVED, the County Administrator is authorized to execute all documents necessary to facilitate receipt of the grant; and be it further

RESOLVED, the Steuben County Treasurer is authorized and directed to make the necessary budget adjustments and transfers to appropriate the grant funding; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Administrator; County Clerk; and the County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 141-07

Introduced by P. Donnelly.

Seconded by F. Gehl.

DIRECTING THE DIRECTOR OF STEUBEN 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 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 the 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 1/1/08 TAX LEVY

Proposed .rpsv4chargeback						09/24/07 (revised)		ORPS License Fee Schedule	
Swis	Municipality	Parcel Count	ORPS License Fee	County Support Fee	Total Chargeback				
4603	Corning City	4,321	\$1,500	\$200	\$1,700			Number of Parcels	Fee
4606	Hornell City	3,855	\$1,300	\$200	\$1,500			0-500	\$750
4620	Addison	1,268	\$1,000	\$200	\$1,200			501-1000	\$850
4622	Avoca	1,340	\$1,000	\$200	\$1,200			1001-2000	\$1,000
4624	Bath	5,005	\$1,500	\$200	\$1,700			2001-3000	\$1,200
4626	Bradford	534	\$850	\$200	\$1,050			3001-4000	\$1,300
4628	Cameron	788	\$850	\$200	\$1,050			4001-6000	\$1,500
4630	Campbell	1,595	\$1,000	\$200	\$1,200				
4632	Canisteo	2,024	\$1,200	\$200	\$1,400				
4634	Caton	1,261	\$1,000	\$200	\$1,200				
4636	Cohocton	1,785	\$1,000	\$200	\$1,200				
4638	Corning Town	3,253	\$1,300	\$200	\$1,500				
4640	Dansville	1,248	\$1,000	\$200	\$1,200				
4642	Erwin	3,224	\$1,300	\$200	\$1,500				
4644	Fremont	748	\$850	\$200	\$1,050				
4646	Greenwood	699	\$850	\$200	\$1,050				
4648	Hartsville	573	\$850	\$200	\$1,050				
4650	Hornby	970	\$850	\$200	\$1,050				
4652	Hornellsville	2,410	\$1,200	\$200	\$1,400				
4654	Howard	1,159	\$1,000	\$200	\$1,200				
4656	Jasper	862	\$850	\$200	\$1,050				
4658	Lindley	1,003	\$1,000	\$200	\$1,200				
4660	Prattsburgh	1,847	\$1,000	\$200	\$1,200				
4662	Pulteney	1,659	\$1,000	\$200	\$1,200				
4664	Rathbone	758	\$850	\$200	\$1,050				
4666	Thurston	974	\$850	\$200	\$1,050				
4668	Troupsburg	861	\$850	\$200	\$1,050				
4670	Tuscarora	880	\$850	\$200	\$1,050				
4672	Urbana	1,960	\$1,000	\$200	\$1,200				
4674	Wayland	2,233	\$1,200	\$200	\$1,400				
4676	Wayne	1,581	\$1,000	\$200	\$1,200				
4678	West Union	527	\$850	\$200	\$1,050				
4680	Wheeler	1,024	\$1,000	\$200	\$1,200				
4682	Woodhull	1,124	\$1,000	\$200	\$1,200				
		55,353	\$34,700	\$6,800	\$41,500				

Steuben County
 Real Property Tax Service Agency
 3 E. Pulteney Square
 Bath, New York 14810
 Donna P. Hatch, Director

Mr. McAllister asked who sets these rates? Mrs. Hatch stated the New York State Office of Real Property Services sets the rate and the fee is based upon the number of parcels in each town and city.

Vote: Roll Call – Adopted.

RESOLUTION NO. 142-07

Introduced by K. Isaman and G. Swackhamer.

Seconded by D. Creath.

AUTHORIZING AN INCREASE IN THE EXISTING SUPPORTIVE CASE MANAGER PETTY CASH ACCOUNT FOR STEUBEN COUNTY OFFICE OF COMMUNITY SERVICES FROM \$225 PER CASE MANAGER TO \$500 PER CASE MANAGER FOR CLIENT EXPENSES.

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

WHEREAS, Community Services receives wrap funding for supportive case managers to purchase food, clothing, emergency heating, etc. for clients; and

WHEREAS, Community Services has four supportive case managers and they have found that the existing \$225.00 is inadequate to meet the needs of their clients; and

WHEREAS, the turnaround time before they are reimbursed is about two weeks; and

WHEREAS, when the case managers reach their \$225 limit, they must wait for the account to be replenished, so the client may go without something or case managers, on occasion use their own money and are reimbursed; and

WHEREAS, by increasing the amount will prevent this situation.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to increase the Steuben County Office of Community Services Supportive Case Manager Petty Cash fund by an additional \$1,100, bringing the total to \$2,000; and be it further

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

Mr. Argentieri asked, over the years, how many times have the funds been completely used in the petty cash fund?

Dr. Chapman, Office of Community Services, stated usually the money is gone within the first two weeks of the month. The Case Managers turn in their receipts to get reimbursed, but because of the turn-around time for reimbursement, they go one or two weeks without funds. In some cases, against our wishes and recommendation, they use their own money. The reason we selected \$500 is because that currently is the amount available to our Intensive Case Managers and that dollar amount seems to work fine.

Mr. McIntyre asked what is this money used for? Dr. Chapman stated emergency purchases for clients such as food, clothing, etc.

Vote: Roll Call – Adopted.

RESOLUTION NO. 143-07

Introduced by D. Stachnik and G. Swackhamer.

Seconded by F. Gehl.

ACCEPTING AND APPROPRIATING FUNDS AWARDED BY THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES TOWARDS THE DEVELOPMENT OF A CHILD ADVOCACY CENTER.

WHEREAS, the New York State Office of Children and Family Services ("OCFS") has authorized funds to purchase furniture, equipment, computer, craft supplies and books to furnish for center to be located in Bath; and

WHEREAS, OCFS has authorized a portion of these funds to support the program Coordinator's and Typist's salary and fringe benefits.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben accepts \$30,700.00 and authorizes the Steuben County Treasurer to make necessary Budget adjustments and transfer to the 2007 Social Services Budget; and be it further

RESOLVED, Steuben County accepts and appropriates these funds in the 2007 Steuben County Budget as follows:

Revenues

601000 43610000 State Administration Funds \$30,700.00

Expenditures

601000 52980000 Equipment \$20,000.00

601000 54601000 Supplies \$ 700.00

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. 144-07

Introduced by P. Donnelly.

Seconded by K. Isaman.

RECLASSIFICATION OF A PERSONNEL CLERK GRADE X POSITION, TO A SENIOR PERSONNEL TECHNICIAN GRADE XV POSITION WITHIN THE STEUBEN COUNTY PERSONNEL AND CIVIL SERVICE OFFICE.

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

WHEREAS, a position exists within the Steuben County Personnel and Civil Service Office that is inappropriately titled and not consistent with the duties for said position; and

WHEREAS, the Steuben County Personnel Officer 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 Personnel and Civil Service Office is hereby reclassified:

Personnel Clerk Grade X (\$28,012-\$39,545) to
Sr. Personnel Technician Grade XV (\$34,716-\$49,012)

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 and the County Treasurer.

Mr. Biehl stated we used to have this position in our office. We have picked up the civil service administration of Corning Community College and that has pushed us to the point where we really need to have this position back now.

Vote: Roll Call – Adopted. Yes: 8303; No: 451; Absent: 1118. (No: Argentieri; Absent: Baker and Nielsen)

RESOLUTION NO. 145-07

Introduced by K. Isaman and P. Donnelly.

Seconded by F. Gehl.

RECLASSIFICATION OF A PRINCIPAL CLERK GRADE VIII POSITION, TO A SENIOR ACCOUNT CLERK TYPIST GRADE X POSITION WITHIN THE OFFICE OF PUBLIC HEALTH NURSING SERVICES.

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

WHEREAS, a position exists within the Office of Public Health Nursing Services that is inappropriately titled and not consistent with the duties of said position; and

WHEREAS, the Steuben County Personnel Officer and the Health and Education and Administration Committees have reviewed and approved the recommended changes for that position.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Office of Public Health Nursing Services is hereby reclassified:

Principal Clerk, Grade VIII (\$25,655-\$36,217) to
Senior Account Clerk Typist, Grade X (\$29,012-\$39,545)

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

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 146-07

Introduced by K. Isaman and P. Donnelly.

Seconded by F. Gehl.

RECLASSIFICATION OF TWO ALCOHOL SUBSTANCE ABUSE COUNSELORS GRADE XIII POSITIONS TO TWO SENIOR ALCOHOL SUBSTANCE ABUSE COUNSELORS GRADE XIV POSITIONS WITHIN THE STEUBEN COUNTY OFFICE OF COMMUNITY SERVICES.

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

WHEREAS, two positions exists within the Office of Community Services that are inappropriately titled and not consistent with the duties of said positions; and

WHEREAS, the Steuben County Personnel Officer and the Health and Education and Administration Committees have reviewed and approved the recommended changes for the positions.

NOW THEREFORE, BE IT

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

(2) Alcohol Substance Abuse Counselors, Grade XIII (\$32,175-\$45,423) to
(2) Senior Alcohol Substance Abuse Counselors, Grade XIV (\$33,084-\$46,707)

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

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

Vote: Roll Call – Adopted. Yes: 8303; No: 451; Absent: 1118. (No: Argentieri; Absent: Baker and Nielsen)

RESOLUTION NO. 147-07

Introduced by F. Gehl and P. Donnelly.

Seconded by K. Isaman.

CREATING ONE PROBATION OFFICER GRADE XIII POSITION WITHIN THE STEUBEN COUNTY PROBATION DEPARTMENT.

WHEREAS, it is necessary, by virtue of State mandates regarding the enhanced supervision of Sexual Offenders, to create one position of a Probation Officer within the Steuben County Probation Department; and

WHEREAS, the Director of Probation has requested to add one Probation Officer position to the existing staff; and

WHEREAS, it is necessary and desirable for the Legislature to authorize the creation of said position.

NOW THEREFORE BE IT

RESOLVED, there be and the same hereby is created the position of one Probation Officer in the Steuben County Probation Department; and be it further

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

Mr. Justice stated we've been required by the State to provide enhanced supervision. Our current caseloads are 66 per Probation Officer. In order to provide enhanced supervision, that number has to be lower to achieve the proper caseload. If we don't add this position, the caseloads will be back to 80 cases per officer. Our caseloads continue to climb and we cannot provide the supervision that Level II and III sex offenders require.

Mr. Roche asked Mr. Ahrens to provide his legal opinion as to this position not going through the 16B process. Mr. Ahrens stated because the position is mandated by the State, 16B does not apply. Discussion followed.

Vote: Roll Call – Adopted.

RESOLUTION NO. 148-07

Introduced by K. Isaman.

Seconded by R. Nichols.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO PROHIBIT THE STATE FROM RETROACTIVE RECONCILIATION OF PRESCHOOL RATES BEYOND A PERIOD OF TWO YEARS.

WHEREAS, Steuben County was recently notified of preschool handicapped children's program rate reconciliation which were retroactive to 2001-2002 school year; and

WHEREAS, the reconciliation total in excess of \$1,100,000 in total dollars; and

WHEREAS, the local share will approach \$445,500; and

WHEREAS, there appears to be no close out for the rate reconciliation leaving the County open to even further retroactive rate adjustments; and

WHEREAS, it is irresponsible for the State Education Department not to act in a more timely matter.

NOW THEREFORE, BE IT

RESOLVED, that the Governor Spitzer and the New York State Legislature are urged to pass Legislation prohibiting rate adjustments and reconciliation beyond a (2) two year period; and be it further

RESOLVED, that the Legislation require the establishment of an interim rate within 60 sixty days of a program start up; and be it further

RESOLVED, that said interim rate shall be the final rate if no adjustment is made within (2) two years; and be it further

RESOLVED, that rate reconciliation be limited to a reasonable percentage if the interim rate; not to exceed 15%; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; and Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; Stephen Acquario, Executive Director, NYSAC, 111 Pine Street, Albany, NY 12207; and Francis L. Gehl, President, InterCounty Association of Western New York.

Mr. Alger stated the issue on this resolution is two-fold. First, this is a program we are required to pay for and we have no control over it. We were just told this summer that we owe \$1.1 million in retroactive rate adjustments/reconciliations and our share is around \$400,000. The frustrating part is that the adjustment goes back to 2001 and they also told us they may need to adjust those rates again. I have been told by Mrs. Brutsman that there has been no rate for several of the programs for the past 2 years. Therefore, we are always behind the 8-ball with this program. This resolution requires the State to establish a rate within 60 days and further states the rate should be reconciled within 2 years. They are reasonable assumptions for these programs. These are the issues we have placed in this resolution.

Mr. Alger stated the Preschool program is NYSAC's number one issue this year and the Governor has established a task force to study the program. They will be reporting to him soon. Some of the recommendations include a cap on the county's share of the cost. That'll help in the future. The cost will then become a state school district cost rather than a county cost.

Mr. Schwartz asked why doesn't the cost get paid for by the school district? Mr. Alger stated the case initially went through family court and, because of that, it became a county cost. It is a required, mandated program.

Mr. Swackhamer stated I don't think the wording in the resolution is strong enough. How do we develop a budget when the State can go back and charge for something that happened back in 2001? It is indescribable what they are trying to do to counties. If they can do it with this program, what will stop them from doing it with other programs? It isn't reasonable and I have no idea how the State came up with such an item. I think the resolution should be more strongly worded.

Chairman Roche stated that is why NYSAC has made this their number one priority.

Mr. Donnelly asked are we accruing a liability for those programs that don't have a rate attached so we at least have funds set aside? Mr. Alger stated no because we don't have the rates.

Vote: Acclamation – Adopted.

RESOLUTION NO. 149-07

Introduced by D. Creath.

Seconded by R. Argentieri.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO ENACT LEGISLATION TO AUTHORIZE COUNTIES TO ENTER INTO SHARED SERVICES AGREEMENTS FOR WEIGHTS AND MEASURES SERVICES.

WHEREAS, the New York State Agriculture and Markets Law requires the sealer of Weights and Measures to be a resident of the County in which the services are provided; and

WHEREAS, it is desirable to enable Counties to enter into shared services agreements to provide Weights and Measures services to improve the efficiency and effectiveness of local services; and

WHEREAS, Steuben, Schuyler and Yates counties have been exploring possible shared services agreements for provision of Weights and Measures services; and

WHEREAS, the current law would prohibit such agreements.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature requests the Agriculture and Markets Law be amended to provide an exception to the residency requirement for those Counties participating in Inter Governmental Municipal Shared Services agreements provided the Sealer is a resident of one of the participating counties; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Attorney General Andrew Cuomo; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; and Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; Schuyler County Legislature, c/o Stacy Husted, Clerk, 105 Ninth Street, Unit 6, Watkins Glen, NY 14891; and Yates County Legislature, c/o Connie Hayes, Clerk, County Office Building, 417 Liberty Street, Penn Yan, NY 14527.

Mr. Alger stated we were asked to submit to the Governor's office some shared service issues that they could address. We have the need and ability to share Weights and Measures inspections. State law requires the Sealer to be a resident of the County. We are asking that they allow counties to share this position as long as the Sealer is a resident of one of the counties.

Mr. Argentieri stated that office has great responsibility and the consumer needs to be enlightened as to what to pay attention to when they are making a purchase because if they don't, they are going to get taken.

Mr. Swackhamer asked will this cut down on the amount of time that our staff will work in our County? Mr. Alger stated no, the other counties only have part time employees. Discussion followed.

Mr. Farrand noted that they allowed this with the shared Real Property Tax Office for Chemung and Schuyler. They had to change the law for that as well.

Vote: Acclamation – Adopted.

Mr. Ahrens stated something arose this morning that needed to be expedited by the Legislature if they agree to entertain the resolution. He noted it is a conveyance of a parcel of property. ***There were no objections to the presentation of the following resolution.***

RESOLUTION NO. 150-07

Introduced by G. Swackhamer.

Seconded by R. Argentieri.

AUTHORIZING THE CONVEYANCE OF PARCEL 318.13-04-001.000, 230 CHEMUNG STREET, CORNING, NEW YORK TO PETER J. GRANT & DOROTHY E. GRANT FOR THE AMOUNT OF OUTSTANDING TAXES, FEES, AND COSTS.

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to convey the above parcel for the amount of outstanding taxes, fees, and costs in the amount of \$11,799.14 plus \$121.00 filing fee; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, and Peter J. & Dorothy E. Grant, 230 Chemung Street, Corning, NY 14830.

Vote: Roll Call – Adopted.

Motion To Adjourn Regular Session And Reconvene In Executive Session Pursuant To Public Officers' Law, Article 7§ 105.1.C. Information Relating To Current Or Future Investigation Or Prosecution Of A Criminal Offense Which Would Imperil Effective Law Enforcement If Disclosed; 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. McIntyre, seconded by Mr. Donnelly and duly carried.

Motion to adjourn Executive Session and reconvene in Regular Session made by Mr. Gehl, seconded by Mr. Creath and duly carried.

RESOLUTION NO. 151-07

Introduced by R. Argentieri.

Seconded by T. Schwartz.

MATTERS PERTAINING TO THE SETTLEMENT OF CLAIMS BY OR AGAINST STEUBEN 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 Marlene R. Shaul and Lawrence Shaul, 78 Cohocton Street, Corning, NY 14830, our File No. 09-2000 for injuries suffered in a fall; 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 which the County of Steuben will pay the sum of \$17,000, and does hereby waive any lien for medical services it has for the Steuben County Department of Social Services; 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; Lew Eason, Risk Manager; County Treasurer; and Scott J. Learned, Esq., Learned, Reilly & Learned, 449 East Water Street, PO Box 1308, Elmira, NY 14902-1308.

Vote: Roll Call – Adopted.

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

REGULAR MEETING
Morning Session
Bath, New York
Monday, October 22, 2007

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, New York on Monday, the 22nd day of October, 2007 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 Baker and Isaman.

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

Chairman Roche asked Lynette Champlain to come forward. Ms. Champlain is an employee in the Probation Department. Chairman Roche presented Ms. Champlain with a pin and a certificate in recognition of her 25 years of service to Steuben County.

Chairman Roche asked Mary Ellen Johnson to come forward. Ms. Johnson is an employee in the Department of Social Services. Chairman Roche presented Ms. Johnson with a pin and a certificate in recognition of her 25 years of service to Steuben County.

Chairman Roche asked Sara Nardone to come forward. Ms. Nardone is an employee in the Telephonic Communications Department. Chairman Roche presented Ms. Nardone with a pin and a certificate in recognition of her 10 years of service to Steuben County.

Chairman Roche asked Terri Dunn to come forward. Ms. Dunn is an employee in the Telephonic Communications Department. Chairman Roche presented Ms. Dunn with a pin and a certificate in recognition of her 20 years of service to Steuben County.

Chairman Roche asked Carole Rought to come forward. Ms. Rought is the Confidential Secretary to the County Attorney. He presented her with a Certificate of Appreciation in honor of her retirement following 9 years of service to Steuben County. **CONGRATULATIONS CAROLE!**

Richard McCandless introduced this semester's student interns. He stated this is the 24th year of the Youth in Government Program with almost 900 students participating. He thanked the outgoing Legislators for their support of the program.

Chairman Roche opened the floor for comments by members of the public. There being no comments, he 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. Argentieri and duly carried.

Judy Hunter, County Clerk, stated she'd like to update the Legislators regarding Governor Spitzer's Executive Order authorizing the issuance of licenses to illegal immigrants. She stated this new policy affects all 51 county clerks who oversee local DMV offices. It includes an expanded list of documents allowable for proof of identity. Applicants still need to provide adequate proof of identity. However, if they cannot provide a social security number or letter of ineligibility, they must provide a valid foreign passport but a visa stamp is not required. New equipment will be provided to local DMV offices to authenticate security features on identification documents. This includes a scanning workstation. There will be specially trained staff in Albany to review these documents, which could take up to 4 to 6 weeks before the person could obtain a driver's license. There will be a special process to compare photos to ensure that persons cannot obtain more than one driver's license.

Mrs. Hunter stated this policy will be implemented in phases. Phase 1 includes persons in the system that previously applied for or held a license but were blocked from renewing or holding a valid driver's license due to lacking a social security number. Phase II includes approximately 300,000 to 500,000 new applicants and will begin in April 2008. Under Phase I, there are 3 groups that were blocked since 2003. The first group includes people who can renew because their license has expired less than 2 years. There are 14 of these individuals in Steuben County. Group 2 includes people who need to be retested because their license expiration was more than 2 years. There are 163 of these individuals in Steuben County. Group 3 includes those individuals with renewals through 2011. There are 201 of these individuals in Steuben County.

Mrs. Hunter stated the New York State Association of County Clerks held a meeting on October 4th where our questions were fielded by the DMV Commissioner and legal staff. After the session, our association adopted a resolution in opposition to this new policy. I have some concerns that I have discussed with our County Attorney. I'm concerned that this will not only place me in violation of the Vehicle and Traffic Law, but the Federal Immigration and Nationality Act as well. Because New York is a motor/voter State, another concern is the ability of illegal immigrants to register to vote. To address that concern, the Commissioner issued a procedure change so that the motor/voter field couldn't be filled in if a social security card wasn't presented. The Commissioner has since rescinded this change. I plan to work with our Board of Elections so that hopefully they can subject the motor/voter registration applications to more scrutiny because we will no longer be able to do that.

Mrs. Kane reminded the Legislators that they are having lunch with the student interns today immediately following the meeting.

Mrs. Kane announced that Lola Tears is currently a resident in the Health Care Facility. Please stop in to see her or send her a card.

Mrs. Kane announced that today is the kickoff of the County's Adopt a Service Member Program. She placed a memo and list of items they are collecting on the Legislators' desks.

RESOLUTION NO. 152-07

Introduced by G. Swackhamer.

Seconded by Mr. Argentieri.

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, 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 Charles Doty
Parcel # 112.00-01-004.000
Municipality Avoca Town
Disposition Correction & Refund

Resolution # A-2
Name Robert & Darla J Roote
Parcel # 126.00-02-008.112
Municipality Avoca Town
Disposition Correction & Refund

Vote: Roll Call – Adopted.

RESOLUTION NO. 153-07

Introduced by P. Roche.

Seconded by F. Gehl.

RECEIVING AND ACCEPTING THE OCTOBER 22, 2007, COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

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

September 17, 2007

1. 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 2007-08 budget for costs incurred from 4/1/07 through 3/31/10 is \$56,359. ***Referred to: Public Safety & Corrections Committee; Tim Wixom, 911 Director; and Carol Whitehead, County Treasurer.***
2. United States Senate – Re: U.S. Environmental Protection Agency (EPA) is currently accepting applications for funding under the Brownfield's Assessment and Cleanup Cooperative Agreements Program. The deadline for the application period is Friday, October 12, 2007. ***Referred to: A.I.P. Committee and Greg Heffner, Planning Director.***
3. NYSEG – Re: Notification of Natural Gas Emergency Response Training is being offered at no cost through New York State Electric & Gas by contacting Dominic Daniels at (585) 335-9058 Ext. 321. ***Referred to: Public Safety and Corrections Committee; Mike Sprague, EMO Director; Sheriff Tweddell; Vince Spagnoletti, Public Work Commissioner; Bill Partridge, Building & Grounds.***

September 24, 2007

1. Seneca County Board of Supervisors – Re: Request for endorsement on the collection of taxes on sales of motor fuel and cigarettes by Indian enterprise to non-Indians as well as to oppose negotiation with the Cayuga Indian Nation for a Class III casino over the objection of Seneca and Cayuga counties. ***Referred to: Steuben County Legislature***
2. NYS Office for the Aging – Re: Notification that the 2006 Single Audit Report and the §320 (e) (2) letter are due by 9/30/2007. ***Referred to: Human Services Committee and Linda Teter, OFA Director.***
3. NYS Office for the Aging – Re: Notification of the third and final notification of Grant award (NGA) for the federal fiscal year 2007 (FFY 2007) Nutrition Services Incentive Program (NSIP)
Referred to: Human Services Committee and Linda Teter, OFA Director.

September 25, 2007

1. Ironworkers Local 33 – Re: Request to have their letter read and entered into the official minutes of the next Cohocton, Prattsburgh, and Avoca Town Board meeting minutes as well as the Steuben County IDA meeting on September 27, 2007. The letter stresses concerns with the Ironworkers Local 33 not having the opportunity to work on the wind farm project and asking to table the request for a PILOT for any projects that UPC or their subsidiaries are planning until the matter is resolved. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

September 27, 2007

1. Finger Lakes Health Systems Agency – Re: Funding request in the amount of \$24,682 for 2008 and a copy of the audited financial statements as of March 31, 2007. **Referred to: Health & Education Committee; Finance Committee; Carol Whitehead, County Treasurer and David McCarroll, HCF Administrator.**
2. NYS Public Service Commission – Re: Case 07-E0301 Joint Petition of Advocates for Prattsburgh and Cohocton Windwatch for a declaratory ruling concerning Ecogen LLC's Wind Project. (Ruling issued and effective September 24, 2007). **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

September 28, 2007

1. NYS Office for Small Cities – Re: Project Completion 12 Month Notice (#1115HR154-06) indicating September 30, 2008 is the date of completion with a balance of \$233,700.00 in unexpended grant funds. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**
2. Bath Volunteer Ambulance Corps. – Re: Request to purchase three (3) MDT's for use within their rigs. **Referred to: Public Safety and Correction Committee; Tim Wixom, E911 Director; Mike Sprague, EMO Director; and Sheriff Tweddell.**

October 1, 2007

1. NYS Department of Health - Re: Final State Fiscal Year 2006-2007 Medicaid Local Share Cap Reconciliation (April 1, 2006 to March 31, 2007). The district achieved a savings of \$1,717,421 under the cap, therefore no refund is due. **Referred to: Human Services and Finance Committees; Kathryn Biehl, DSS Commissioner; and Carol Whitehead, County Treasurer.**

October 2, 2007

4. Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$6,236 representing the August 2007 retained surcharge revenue for Steuben County from the WROTB. **Referred to: Rules and Finance Committees and Carol Whitehead, County Treasurer.**

October 3, 2007

1. NYS Department of Labor – Re: Workforce Investment Act (WIA) PY 2006 Incentive Grant Eligibility Notification. The Chemung-Schuyler-Steuben Local Workforce Investment Area is eligible for a WIA Title 1-B incentive grant in the amount up to \$57,811.00. (The Incentive Grant Plan is due to the New York State Department of Labor by October 26, 2007.)

October 4, 2007

1. United State Senate – Re: Institute of Museum and Library Services (IMLS) is currently accepting applications for funding under the 2008 Museums for America Grant Program. Applications are due by Thursday, November 1, 2007. **Referred to: A.I.P. Committee; Greg Heffner, Planning Director; Twila O'Dell, Historian; and Carol Whitehead, County Treasurer.**
2. Iron Workers Local 33 – Re: Request for a response from the M. A. Mortenson Company of hiring local iron workers for the Cohocton and Prattsburgh, NY Wind Projects. **Referred to: A.I.P. Committee and Greg Heffner, Planning Director.**

3. NYS Department of State – Re: State is soliciting grant applications under Title 11 of the Environmental Protection Fund to prepare or implement Local Waterfront Revitalization Programs. Applications must be postmarked by November 30, 2007. *Referred to: A.I.P. Committee and Greg Heffner, Planning Director.*

October 9, 2007

1. Law Firm of Susan Betzjtomir, J.D. – Re: Interest in providing conflict defender services by contract to the County of Steuben in the amount of \$400,000 (Four Hundred Thousand) per year, beginning January 1, 2008. *Referred to: Public Safety & Correction Committee; Byrum W. Cooper, Jr., Public Defender; and Frederick H. Ahrens, Jr., County Attorney.*
2. NYS Office of Homeland Security – Re: 2007 fully executed Weapons of Mass Destruction Equipment Grant Contract on equipment provided to Steuben County by New York State pursuant to the Federal Domestic Preparedness Equipment Program. *Referred to: Public Safety & Correction Committee; Finance Committee; Michael Sprague, EMO Director and Carol Whitehead, County Treasurer.*
3. United States Senate – Re: The Institute of Museum and Library Services (IMLS) is currently accepting applications for funding under the 2008 Laura Bush 21st Century Library Program. All applications are due by Monday, December 17, 2007. *Referred to: Health & Education Committee; and Carol Whitehead, County Treasurer.*
4. NYS Department of Transportation – Re: Response letter to return jurisdiction of roads and highways to the proper municipalities. *Referred to: Public Works Committee; Administration Committee; Vincent Spagnoletti, Public Works Commissioner and Frederick H. Ahrens, Jr., County Attorney.*
5. City of Hornell, Industrial Development Agency – Re: Request for an acceptance of distribution of real estate taxes on the Lowe's Project. *Referred to: A.I.P. Committee; Finance Committee; Administration Committee; Greg Heffner, Planning Director; Frederick H. Ahrens, Jr., County Attorney; Donna Hatch, RPTSA Director; and Carol Whitehead, County Treasurer.*

October 10, 2007

1. NYS Office of the State Comptroller – Re: Report of the examination on Steuben County's Self-Insured Workers' Compensation Plan (January 1, 2001 through March 31, 2005). A written response on the audit findings (filing & notification) is required within ninety days. *Referred to: Administration Committee; Christine Kane, Clerk of Legislature; and Lew Eason, Risk Manager.*

October 11, 2007

1. NYS Office for the Aging – Re: Revised notification of Grant Award (NGAs) and Annual Implementation Plan budget pages for the Title III-B, Title III-C-1, Title III-2, Title III-D and Title III-E programs sponsored by Steuben County for the period of January 1, 2006 through December 31, 2006. In addition, revised Notifications of Grants and Annual Implementation plan budget pages for EISEP, CSE, CSI, and SNAP programs for the period of April 1, 2006 through March 31, 2007. *Referred to: Human Services Committee and Linda Tetor, OFA Director.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 154-07

Introduced by P. McAllister.

Seconded by T. McIntyre.

PRESENTING COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2007, AMENDING LOCAL LAW NO. SIX OF 1999, PROVIDING FOR THE CONTINUITY OF OFFICE OF THE CHAIRMAN OF THE LEGISLATURE IN THE EVENT OF A DISASTER OR EMERGENCY.

Pursuant to Executive Law §27.

WHEREAS, Executive Law Article 2-B regulates "State and Local Natural and Man-made Disaster Preparedness"; and

WHEREAS, pursuant to Executive Law §24, the Chief Executive of a County may proclaim a local state of emergency, in the County of Steuben the Chairman of the Legislature is the Chief Executive; and

WHEREAS, Executive Law §27 authorizes a county to provide by local law for its continuity and that of its elective and appointive officers, when in the event of a disaster and the emergency conditions caused thereby, any of such officers are unable to discharge the powers and duties of the office or are absent from the political subdivision; and

WHEREAS, in addition to absence or disability of the Chief Executive, there exists a vacancy in said office effective midnight of an election year until the organizational meeting is held and/or a Chairman and Vice Chairman are elected.

NOW THEREFORE, BE IT

RESOLVED, there is presented to each member of this County Legislature, County of Steuben Local Law Tentatively No. Six for the Year 2007, pursuant to Executive Law §27, as follows:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2007**

A **LOCAL LAW** amending Local Law No. Six of 1999, providing for the continuity of office of the Chairman of the Legislature in the event of a disaster or emergency.

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

SECTION 1. LEGISLATIVE INTENT. It is the legislative intent to provide the continuity of the county and its Chief Executive in the event of absence, disability or vacancy in office pursuant to Executive Law §27, in the event of a natural or man-made disaster causing an emergency.

SECTION 2. ORDER OF SUCCESSION. In the event of the absence, disability or vacancy in office of the Chairman of the Legislature, the order of succession as Chief Executive of the county for purposes of disasters causing emergencies is as follows:

(a) The Chairman, or the immediate former Chairman of the Legislature following midnight of December 31 in an election year until such time as a Chairman is elected, if said former Chairman is elected to office as a County Legislator.

(b) The Vice Chairman in the event of an absence or disability of the Chairman, or the immediate former Vice chairman who is elected to office, if no former Chairman is in office.

(c) [The Majority Leader or immediate former Majority Leader, subject to the terms of subdivision (a) and (b).] **The County Administrator.**

(d) [The Minority Leader or immediate former Minority Leader, subject to the terms and conditions of subdivision (a) and (b).] **The Deputy County Administrator.**

[(e) The County Administrator.]

(e) **The Director of Emergency Management.**

SECTION 3. SURVIVAL OF SUBORDINATE OFFICER'S SERVICE. The removal of a disability, absence or vacancy of an officer higher on the list or order of succession as provided to an office shall not terminate the service in such office of an individual lower on such list or order of succession who is temporarily filling such office.

SECTION 4. EFFECTIVE DATE. The within resolution shall be effective [immediately] upon filing with the Secretary of State following final adoption.

[] Old Material
Bold and underlined - New

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on the November 26, 2007, at 3:00 P.M. in the Legislative Chambers, Village of Bath, New York; and be it further

RESOLVED, the Clerk of this 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 each County Legislator, the County Administrator, and the Director of Emergency Management.

Vote: Acclamation – Adopted.

RESOLUTION NO. 155-07

Introduced by P. Donnelly.

Seconded by R. Argentieri.

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 2008, 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 2008 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, 2007.

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 2008, shall be filed with the Clerk of this County Legislature on or before November 15, 2007, 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 2008, as herein filed, shall be held on November 26, 2007, at 6:00 P.M. in the Legislative Chambers, Bath, New York, and the Clerk of this Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 359 of the County Law in the two official newspapers of the County; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 156-07

Introduced by F. Gehl and G. Swackhamer.

Seconded by R. Argentieri.

AUTHORIZING THE ACCEPTANCE OF A GIFT OF \$2,700 FROM CORNING INCORPORATED FOR THE PURCHASE OF SPECIALIZED EQUIPMENT.

WHEREAS, Steuben County has identified the risks associated with the affects of hazardous materials incidents and terrorism; and

WHEREAS, Steuben County has developed a planning group specifically to address the issues related to the response to hazardous materials and weapons of mass destruction; and

WHEREAS, Steuben County has identified the potential vulnerability throughout the County to these types of incidents; and

WHEREAS, Steuben County has recognized the need for additional equipment for the County's First Responders; and

WHEREAS, Steuben County has recognized the need for the County's First Responders to work together as a coordinated team; and

WHEREAS, Corning Incorporated has offered to assist County First Responders with needed hazardous materials rehabilitation equipment; and

WHEREAS, Corning Incorporated has provided a gift in the amount of \$2,700 for the purchase of specialized rehabilitation equipment to include rehabilitation chairs, and cool mist fans for the County hazardous materials response trailers.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Chairman be authorized to accept this gift in the amount of \$2,700 for the purchase of the said specialized equipment; and be it further

RESOLVED, this Legislature extends its heartfelt thanks to Corning Incorporated for its generosity and responsibility as a corporate member of our community; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized to appropriate such revenue to the appropriate accounts within the budget of the Steuben County Office of Emergency Management for the purpose of fulfilling the aforementioned purchase; and be it further

RESOLVED, certified copies of this resolution shall be forward to Mr. Matthew Snyder, Emergency Services Supervisor, Corning Incorporated, Sullivan Park, SP-TG-01, Corning, NY 14831; the County Treasurer and the Director of Emergency Management.

Vote: Roll Call – Adopted.

RESOLUTION NO. 157-07

Introduced by F. Gehl and G. Swackhamer.

Seconded by D. Creath.

AUTHORIZING THE ACCEPTANCE OF \$27,800 FOR THE FISCAL YEAR 2006 STATE HOMELAND SECURITY PROGRAM.

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

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

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

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

WHEREAS, the New York State Office of Homeland Security is responsible for the assignment of administration of grant allocations provided by the Federal Government; and

WHEREAS, the New York State Office of Homeland Security has awarded Steuben County with Federal Fiscal Year 2006 grant funding in the amount of \$27,800 under the Homeland Security Grant Program (HSGP) to support First Responder Exercises and Training.

NOW THEREFORE, BE IT

RESOLVED, the County Administrator be authorized to enter into an Agreement with New York State Office of Homeland Security to accept funding in the amount of \$27,800 for implementation of the Homeland Security Grant Program to support first responder training and exercises; and be it further

RESOLVED, the County Administrator and Director of Emergency Management are authorized and directed to execute the requisite documentation to effectuate this grant and agreement; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized to establish a revenue account for the purpose of accepting the grant funding from the Federal Government and the New York State Office of Homeland Security; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized to appropriate such revenue to the appropriate accounts within the budget of the Steuben County Office of Emergency Management for the purpose of fulfilling the aforementioned grant; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 158-07

Introduced by F. Gehl and G. Swackhamer.

Seconded by R. Argentieri.

AUTHORIZING THE ACCEPTANCE OF \$108,000 FOR THE FISCAL YEAR 2007 STATE HOMELAND SECURITY PROGRAM.

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

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

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

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

WHEREAS, the New York State Office of Homeland Security is responsible for the assignment of administration of grant allocations provided by the Federal Emergency Management Agency (FEMA); and

WHEREAS, the New York State Office of Homeland Security has awarded Steuben County with Federal Fiscal Year 2007 grant funding in the amount of \$108,000 under the State Homeland Security Program (SHSP) to support First Responder Exercises and Training.

NOW THEREFORE, BE IT

RESOLVED, the Chairman of Steuben County Legislature be authorized to enter into an Agreement with New York State Office of Homeland Security to accept funding in the amount of \$108,000 for implementation of the State Homeland Security Program to support first responder training and exercises; and be it further

RESOLVED, the County Administrator and Director of Emergency Management are authorized and directed to execute the requisite documentation to effectuate this grant and agreement; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized to establish a revenue account for the purpose of accepting the grant funding from the Federal Emergency Management Agency and the New York State Office of Homeland Security; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized to appropriate such revenue to the appropriate accounts within the budget of the Steuben County Office of Emergency Management for the purpose of fulfilling the aforementioned grant; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 159-07

Introduced by D. Creath.

Seconded by F. Gehl.

AUTHORIZING A PUBLIC HEARING ON THE EIGHT-YEAR REVIEW OF AGRICULTURAL DISTRICT NO. 5.

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

WHEREAS, the Agricultural District No. 5, located in the Towns of Avoca, Cohocton, Dansville, Fremont, Prattsburgh, and Wayland, Steuben County, New York was certified on May 5, 1976; and

WHEREAS, pursuant to said Law said District is now being reviewed; and

WHEREAS, the Clerk of the Legislature did file a copy of the Notice of Review in the Steuben County Clerk's office and did properly publish and have posted the thirty day (30) Notice as required by Law, and the affidavits of publication and posting of the Notice of Review of the Agricultural District having been received and filed on behalf of this Legislature; and

WHEREAS, upon completion of the thirty day review period, any and all proposals filed were referred to the Steuben County Planning Board and the Steuben County Agricultural and Farmland Protection Board and said Boards did file written reports with this County Legislature containing their recommendations and any proposed modifications concerning the same. Said reports being hereby approved, ratified, and confirmed by this County Legislature.

NOW THEREFORE, BE IT

RESOLVED, that in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York, a Public Hearing on the review of said Agricultural District together with any modification thereof set forth in the report of the Agricultural and Farmland Protection Board shall be held by this County Legislature at the Legislative Chambers at 3 East Pulteney Square, in the Village of Bath, New York, on November 26, 2007, at 3:00 p.m.; and be it further

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

RESOLVED, certified copies of this resolution shall be forwarded to the Chairman of the County Agricultural and Farmland Protection Board, Andrew Spencer 8997 Burns Rd., Arkport NY 14807; the Director of the Steuben County Planning Department; and James Grace, the County Cooperative Extension Agent.

Vote: Acclamation – Adopted.

RESOLUTION NO. 160-07

Introduced by P. Donnelly.

Seconded by R. Argentieri.

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 2007, for the Budget Year of 2008, for the Marsh Ditch Watershed Protection District shall be held on the November 26, 2007 at 6:00 P.M. in the Legislative Chambers, County Office Building, East Pulteney Square in the Village of Bath, New York and the Clerk of the Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 270 of the County Law in the two official newspapers of the County, and the Clerk is further directed to forward a certified copy of this resolution to the Attorney for the Watershed District, to the President of the Board of Managers for said Watershed District, to the Director of Real Property Tax Service Agency, and the County Treasurer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 161-07

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 2007, for the Budget Year of 2008 for the Upper Five Mile Creek Watershed Protection District shall be held on the November 26, 2007 at 6:00 P.M. in the Legislative Chambers, County Office Building, East Pulteney Square in the Village of Bath, New York and the Clerk of the Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 270 of the County Law in the two official newspapers of the County, and the Clerk is further directed to forward a certified copy of this resolution to the Attorney for the Watershed District, to the President of the Board of Managers for said Watershed District, to the Director of Real Property Tax Service Agency, and the County Treasurer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 162-07

Introduced by P. Donnelly.

Seconded by R. Nielsen.

FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE 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 2007, for the Budget Year of 2008, for the Waneta/Lamoka Lakes' Protection and Rehabilitation District shall be held on the November 26, 2007 at 6:00 P.M. in the Legislative Chambers, County Office Building, East Pulteney Square in the Village of Bath, New York and the Clerk of the Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 270 of the County Law in the two official newspapers of the County, and the Clerk is further directed to forward a certified copy of this resolution to the Attorney for the 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.

Mr. Swackhamer asked are they planning more weed control for this district?

Mr. Ahrens stated to the best of my knowledge, no. There was great success on Lamoka Lake, but there wasn't enough of the indigenous aquatic species left to warrant application to Waneta Lake.

Vote: Acclamation – Adopted.

RESOLUTION NO. 163-07

Introduced by G. Swackhamer.

Seconded by P. Donnelly.

APPROVING THE PILOT AGREEMENT FOR THE LOWE'S PROJECT AS PROPOSED BY THE CITY OF HORNELL INDUSTRIAL DEVELOPMENT AGENCY.

WHEREAS, the City of Hornell Industrial Development Agency (CHIDA) by correspondence dated September 28, 2007 from James W. Griffin, Executive Director City of Hornell Industrial Development Agency to Mark R. Alger, Steuben County Administrator has set forth a proposal for distribution of payment in lieu of taxes (PILOT) payments with regard to the Lowe's Project to be located in a proposed annexed portion to the City of Hornell currently in the Village of North Hornell and Town of Hornellsville; and

WHEREAS, upon reviewing the proposal the County finds two factors distinguishing it from other PILOT's; first as a retail establishment significant sales tax will be generated annually for the County; and second, the payments from the 20-year PILOT agreement exceed what would have been received in the absence of the PILOT; and

WHEREAS, said proposal provides for payment of one-half of the PILOT payments to be made to the Village of North Hornell and Town of Hornellsville where said land is currently located and said PILOT payments are estimated to be in the amount of \$160,000; and

WHEREAS, the remaining one-half is said to be distributed as follows:

County of Steuben	24%	Receiving an estimated \$ 38,400
School	44%	Receiving an estimated \$ 70,400
City of Hornell	32%	Receiving an estimated <u>\$ 51,200</u>
		\$160,000

; and

WHEREAS, said proposal provides for greater payments to the taxing municipalities than the standardize exemption under Real Property Tax Law §485b and is thus in the County's best interest to participate under said proposal.

NOW THEREFORE, BE IT

RESOLVED, that this Legislature does approve the proposal for the distribution of PILOT payments in accordance with the letter of September 28, 2007 entitling the County of Steuben to 24% of one-half of the PILOT payment; and be it further

RESOLVED, that the County Administrator is authorized to execute the requisite documentation to facilitate said approval; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to County Administrator; County Treasurer; Director of Real Property Tax Agency; and James W. Griffin, Executive Director Hornell IDA, 40 Main Street, Hornell, NY 14843.

Mr. Nichols asked is it true that the Town of Hornellsville won't receive any of the sales tax?

Mr. Alger stated the sales tax is either split with the towns or split with the cities. The issue is not the PILOT, the issue is the location.

Mr. Swackhamer stated the amount the County will receive increases to about \$50,000 with a 5 percent increase over 20 years. He noted that's just for the PILOT payment. The anticipated sales tax, conservatively, would be \$100,000.

Mr. Donnelly stated so, basically, when the property was annexed into the city, the sales tax went with it? Mr. Alger stated that is correct.

Mr. Alger stated in regards to the sales tax collections, the original 3 percent tax is split between the county and municipalities 50/50. If the sales tax is collected in the city, it is split between the city and county. Outside of the cities, it is split between the other municipalities and the county.

Vote: Roll Call – Adopted. Yes-8005; Absent-1173; Abstained-694.
Mr. McAllister abstained as he is the Town Attorney for Hornellsville.

RESOLUTION NO. 164-07

Introduced by P. Roche.

Seconded by R. Argentieri.

DIRECTING THE CLOSING OF ALL STEUBEN COUNTY OFFICES ON FRIDAY, NOVEMBER 23, 2007.

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 23, 2007.

NOW THEREFORE, BE IT

RESOLVED, that this County Legislature declares November 23, 2007 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 23, 2007; 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. 165-07

Introduced by P. Roche.

Seconded by F. Gehl.

SETTING THE TIME FOR THE NOVEMBER 2007 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 2007, on Monday, November 26, 2007, 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.

RESOLUTION NO. 166-07

Introduced by R. Nichols.

Seconded by D. Stachnik, D. Creath, P. Donnelly,
D. Farrand, F. Gehl, P. McAllister, T. McIntyre, R. Nielsen,
P. Roche, T. Ryan, T. Schwartz, G. Swackhamer, and J. Walsh.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO SUPPORT THE REMOVAL OF COUNTIES FROM THE 4410 PRESCHOOL SPECIAL EDUCATION PROGRAM.

WHEREAS, Steuben County has determined that it is in the best interest of children with special needs, service providers, school districts and real property taxpayers that the Preschool Special Education Program in New York State must be carefully examined and altered to remove counties completely from the fiscal, contractual, and programmatic responsibilities of the program; and

WHEREAS, section 4410 of the New York State Education Law as adopted in 1989 resulted in a significant fiscal commitment on the part of counties and the city of New York while declining them fiscal oversight of the program; and

WHEREAS, changes to the program in 1989 assured counties a phased in State share of 75% of the preschool program, but later revoked this commitment as part of the 1990 Deficit Reduction Package, reducing the State's share retroactively to 50%, causing counties to cover sizable deficits in their own budgets for that fiscal year; and

WHEREAS, in 1994-1995 the State committed to a phased-in local contribution of 69.5% over a two-year budget cycle, only to revert to a 59.5% share in the 1995-1996 negotiated State budget; and

WHEREAS, the reimbursement methodology which governs the preschool program is a cost-based tuition reimbursement system that rewards high costs and increased spending, rather than encouraging quality service at the most reasonable cost; and

WHEREAS, this methodology has proven to be unaccountable and precludes counties from actively managing or controlling costs that directly impact their budgets, while decisions made by school districts, under authority granted them by State Education Department (SED), have little bearing on their own bottom-line; and

WHEREAS, Chapter 23 of the Laws of 1989 established the Preschool Program for Children with Handicapping Conditions-Educational Program as 4410 of the Education Law, this chapter included a provision to reduce the county portion to 25% by the 1993-94 school year; and

WHEREAS, succeeding statutes, beginning with the Deficit Reduction Act of 1990, have reneged on State statutory assurances of increased State fiscal participation in the program and the State has consistently resorted to balancing the State Budget by decreasing the State's portion of the program costs; and

WHEREAS, this mandated program has grown exponentially in cost, from \$96 million in 1989 to over \$1 billion in 2007-08; and

WHEREAS, the uncontrolled growth of this State mandate continues to increase the burden on local real property taxpayers; and

WHEREAS, Chapter 57 of the Laws of 2007 created a Temporary Task Force on Preschool Special Education consisting of 15 members representing school districts, providers, counties and State agencies, and co-chaired by the State Education Department and the Division of Budget; and

WHEREAS, as part of their ongoing deliberations, the Temporary Task Force on Preschool Special Education has identified that the complete removal of counties from the fiscal, contractual, and programmatic responsibilities of the

program would reduce administrative costs, eliminate unnecessary administrative obstacles, smooth the transition from preschool to school-aged programs, correct the misalignment between decision makers and payers, provide providers with more timely payment, and eliminate duplicative/conflicting reporting.

NOW THEREFORE BE IT

RESOLVED, that Steuben County supports the removal of counties from the Preschool Special Education Program; and be it further

RESOLVED, that Steuben County urges the Governor to develop and include a proposal in his 2008-09 Executive Budget that completely removes counties from the fiscal, contractual, and programmatic responsibilities of the Preschool Special Education Program by 2013; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Attorney General Andrew Cuomo; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 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; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Francis L. Gehl, President, InterCounty Association of Western New York, c/o Steuben County Legislature, 3 East Pulteney Square, Bath, NY.

Mr. Donnelly asked what has the cost of this program been over the past few years?

Mr. Alger stated between the 2 programs, we're seeing about a \$500,000 increase in local share. These two programs rival Medicaid in increases. If this program isn't capped or changed, it will outstrip the Medicaid increase.

Mr. Stachnik noted this is NYSAC's number one priority for this year.

Mr. Nichols stated it is always easy for the State to start these programs and pass on paying the bill.

Mr. Alger stated this program started back in the 70's. Originally it was part of the Family Court Act but in 1989 they removed it from Family Court.

Mr. Donnelly stated the County has no control on the determination of eligibility, we just pay the bill. Mr. Alger stated that is correct; no control over participants or the rate of pay.

Mr. Argentieri stated this is a needed program and we should be very careful before we try to eliminate it.

Mr. Roche stated we're not trying to eliminate or curtail the program; we just want to put the funding where it belongs, which is with the State (who sets the rates) or the schools (who determine eligibility).

Mr. Swackhamer stated back before the change in 1989, the County could challenge the need of the participant in Family Court. Now we have no way to challenge it. Originally, the State was going to pick up 75 percent of the program cost, but they never did.

Mr. Schwartz stated I adamantly believe that this should be paid for by the schools rather than the county.

Mr. Alger stated Governor Spitzer established a task force and they are coming back with recommendations. The task force consisted of members of the schools, participants in the program, and county and state agencies. They are all in concert with the recommendation, which is transfer the

responsibility to the school and cap the cost to the counties. We are not trying to eliminate it, just shift the cost to the group that has control over it.

Vote: Acclamation – Adopted. Opposed: Argentieri.

RESOLUTION NO. 167-07

Introduced by P. Donnelly.

Seconded by R. Nielsen.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK IN OPPOSITION TO THE POLICY ALLOWING ILLEGAL ALIENS TO OBTAIN A VALID NEW YORK STATE DRIVER'S LICENSE AND NEW YORK STATE NON-DRIVER IDENTIFICATION.

WHEREAS, Governor Spitzer has announced an Executive Order that directs the issuance of New York State Drivers' Licenses to illegal immigrants; and

WHEREAS, a New York State Driver's License has become a key item of identification, not only in this State, but nationwide; and

WHEREAS, this change will create unneeded confusion in the identification value of a New York State Driver's License and Non-driver Identification to government agencies, Boards of Election, law enforcement and the general public; and

WHEREAS, Section 502 of the Vehicle and Traffic Law requires that applicants for drivers' licenses produce a Social Security number; and

WHEREAS, the proposed policy change would be in direct violation of that statute, and provide a change in the standards governing the issuance of drivers' licenses in New York without that change being approved by both the New York State Assembly and the New York State Senate; and

WHEREAS, this attempt to allow the issuance of New York State drivers' licenses to illegal immigrants may represent a threat to our State's security, is in violation of existing law, and is an attempt to circumvent the law without following appropriate Legislative Procedures.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature opposes this unilateral action taken by the Governor of the State of New York and urges the Governor to reconsider this plan; and be it further

RESOLVED, the Steuben County Legislature supports efforts by its elected representatives and the New York State Association of County Clerks in opposition to this proposal; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Attorney General Andrew Cuomo; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 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; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; Francis L. Gehl, President, InterCounty Association of Western New York, c/o Steuben County Legislature, 3 East Pulteney Square, Bath, NY; and to the Steuben County Clerk.

Mr. Gehl stated the InterCounty Association of Western New York met last Friday and the group wanted to pass this resolution, but the representative from NYSAC stated it would be best to hold off until after the election because the issue may go away. I would like to see this resolution postponed until next month because the Governor could make us pay for it in the end.

Motion to postpone until the November 26th meeting made by Mr. Gehl, seconded by Mr. Stachnik. Yes-3498; No-5201; Absent-1173. Motion to postpone fails. (No: Argentieri, Creath, Farrand, McIntyre, Nichols, Roche, Ryan, Schwartz, and Walsh. Absent: Baker and Isaman.

Mr. McIntyre stated if a person obtains a driver's license through the DMV, can't they also use that driver's license to obtain a pistol permit? Mrs. Hunter stated that a driver's license is a valid form of identification for a pistol permit.

Mr. McIntyre stated if an illegal alien applies for a driver's license, wouldn't you notify the proper authorities? Mrs. Hunter stated that is correct, if I know for certain that they are illegal.

Sheriff Tweddell stated the Governor is a former prosecutor and illegal aliens are now "undocumented immigrants". There is a possibility that if an undocumented immigrant were stopped on the highway, no further check would occur if they can produce a driver's license. You can take your driver's license to a gun shop and they can be issued a handgun or long gun. This also allows them to get on an airplane. If they produce a valid driver's license the red flags don't pop up. If you aren't eligible for a social security card, you can apply for a driver's license with a passport. They are already into getting the illegal passports. This is going to be a legal nightmare. Discussion followed.

Mr. Schwartz stated it is a constitutional question. The Governor cannot usurp Constitutional Law. The way to end all of this nonsense would be for the Federal government to withhold Federal highway dollars from New York State. This is an insult that he would do this.

Mr. Donnelly stated given that InterCounty has recommended we sit on this for a month, can we withdraw this resolution?

Mr. McIntyre stated I respect the advice of InterCounty, but I think we should lead by example.

Mr. Nichols stated I understand InterCounty wants to postpone this out of fear of retaliation by the Governor. I think we should stand up for what's right regardless.

Mr. Schwartz stated I view this as a national security issue. Have the Clerks' issued a formal complaint to the Attorney General's office? Mrs. Hunter stated at our October meeting, the President of our association said that they would contact the Attorney General's office.

Mr. Creath stated 3 out of 4 New Yorkers can drive, buy guns, and vote. The only thing I can see from the Governor's standpoint is to have a way to entrap these individuals. Discussion followed.

Mr. Nielsen stated he was at the InterCounty meeting last Friday and Governor Spitzer's representative was there. I need to support what NYSAC recommended and what InterCounty has agreed to do.

Mr. Schwartz stated Assemblyman Bacalles made the statement that the Governor's office is costing us projects in the Southern Tier. We need to have the guts to stand up for the little guy.

Vote: Acclamation – Adopted. Opposed: Nielsen, Gehl, Stachnik and Donnelly.

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

SPECIAL MEETING
Morning Session
Thursday, November 15, 2007
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, 2007, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members present except Legislators Argentieri, Baker, Donnelly, Isaman and Stachnik.

Mr. Swackhamer offered the invocation and the Pledge of Allegiance was led by Mr. Creath.

Chairman Roche opened the floor to comments from members of the public.

Scott Mazzo, Finger Lakes SPCA, stated I'm here today to request you add back into the budget the increase that was requested by the Finger Lakes SPCA. Most of the complaints for dog control come through our office and this year's complaints are 156 higher than last year. A lot of my job is to educate. You would think the number of complaints would go down because of the education I am providing. However, the worse the economy, the meaner people get so my complaints increase. I'm performing a required function. If I don't do it, it will fall onto law enforcement. I think over the past 8 years, my function has been proven time and time again. This is a much needed program and sometimes it takes a little more money to keep it going. Please increase their budget so we can continue doing what we are doing.

Carol Kelly, Prattsburgh, stated my husband and I have done volunteer work for the SPCA for the past 10 years. I'm asking for your continued support in helping to fund its work. I thank you for your \$25,000 allocation last year. The number of complaints has increased significantly this year, which means higher costs. They operate on a shoe string budget and need all the support they can get. Vicki Mosgrove has persevered over the years with the funding she receives. Some of the cases I have known about haunt me. Sometimes these animals can be saved and sometimes not. We're thankful to Scott Mazzo for acting on these reports. His position is an avenue to intervene when possible and break the chain of abuse. I would think it would be logical to continue to support this program. Because he is an officer of the court, if he investigates an animal cruelty problem he can see the situation of the family and children and make a report of neglect, if necessary. Officer Mazzo has the full support of the Sheriff's Department. Please continue your full support in this year and in the future.

Karen Doucette, DVM, Wayne, stated I'm a practicing veterinarian in the Finger Lakes area and I'm Vice President of the SPCA Board of Directors. I first met Scott Mazzo four years ago. We see animals there that he has rescued. Through the past 4 years I've seen many animals brought in. Where would these animals be without Officer Mazzo and the SPCA? They would be suffering and dying in silence. I would like to comment on a very important point, I've seen the connection between animal abuse and child abuse. Our community, both human and animal, benefits from the education Officer Mazzo provides. Please increase the funding to \$39,000 to offset the increase in gas and services. Thank you.

Bonnie Covell, Bath, stated I'm a volunteer at the SPCA and have been for 9 years. I started home schooling my son and we decided to get out into the community once a week. We got involved with the SPCA and have been there ever since. I've seen some of these animals come in and it is wonderful to see the way they transform into a family pet after being subjected to neglect and abuse. I see progress with this program and the spay and neuter program. Many people cannot afford to spay or neuter their animals and this program helps take care of that for them. Thank you.

Sheriff Tweddell stated the time and money Officer Mazzo saves law enforcement in the County is a great benefit. It is hard to find dog wardens during certain hours of the day so they automatically call

Officer Mazzo. I'm amazed that he is only putting in 55 hours a week because I hear him on the radio every evening taking care of complaints. We don't have the facilities to take care of these animals or even get them in our cars safely. With this program, all we have to do is call Officer Mazzo and he responds. Thank you.

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

Chairman Roche introduced Legislators-Elect Joseph Hauryski, Randy Weaver and Larry Crossett.

Mr. Alger, County Administrator, presented the following 2008 Budget Message:

PRESENTATION OF BUDGET MESSAGE

INTRODUCTION

I appear today to present the Tentative 2008 Steuben County Budget. This budget continues the change initiated in 2006 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 2008 to 3.0% of the base year. For 2008, we have increased the Medicaid line item \$500,000 from 2007. 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 \$2.75 million has been appropriated for Public Works. Including the \$1 million in tobacco funds, a total of \$9.6 million in additional funding has been appropriated to Public Works in three years. Other areas with significant changes include the Jail, due to the opening of the new cell blocks, Special Children's Services, Department of Social Services Programs; and the Department of Public Works capital projects. These programs are being impacted by State mandated program expansions, especially Special Children's Pre-School and Early Intervention Programs, which are up \$600,000 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, 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 2007 to prepare for the 2008 Budget. I suggest we continue early budget discussions and closely monitor 2008 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 \$164,644 or 0.39% 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. With the Medicaid cap in place, we are seeing the positive changes managers are having.

Budget Goals

The Budget Goals that have been established for 2008 are as follows:

1. Reduce tax rate for 2008.
2. Minimize any property tax impact through careful review of expenditures and maximizing alternative revenues.
3. Provide increased funding for Public Works' equipment and projects.
4. Adequately fund Jail operations to reflect the opening of the new housing units.
5. Provide sufficient funds for State mandated Medicaid and Social Services' programs.
6. Provide funding for two Budget Initiatives, one for Highway Paving and the second for Workforce Development.

2008 Budget Initiatives

First, in an effort to bolster the County Roads Program, we are recommending the one-time appropriation of \$1.5 Million in fund balance as a special budget initiative to boost the County's 2008 investment in construction to \$6 million. The \$1.5 million is being placed in a special capital project for paving County roads. The funding will allow additional recycling and paving to preserve and enhance several key highways. The Public Works Commissioner will be providing a detailed list of the projects to the Public Works and Finance Committees.

The second is a one-time appropriation of \$500,000 into the Economic Development Fund to be used for Workforce Development and enhancement of the County's Department of Social Services participation rates. The objective is two-fold to create a program to move Department of Social Services clients into employment and establish a program to provide training in demand occupations. We are being told by employers they are experiencing difficulty in recruiting for a variety of positions. This initiative will be an attempt to address both issues.

Total Budget

The total proposed budget for 2008 is \$180,880,633, representing an increase of \$15,895,837 in total expenditures. The areas of increase include your enterprise funds, particularly Landfill, up 50.1%; Highways up 18.5%; Education up 11.7%; and Public Safety up 10.2%. While not a large percentage increase, the 4% increase in Economic Assistance represents a significant County cost increase.

The County budgets for the past five years are as follows:

2004	\$143,465,777
2005	\$147,094,225
2006	\$149,355,083
2007	\$164,889,796
2008 (Proposed)	\$180,880,633

The average increase in expenditures between 2004 and 2008 is 5.85%. The increase anticipated from 2007 to 2008 is more than the average, and reflects the expanded funding for Public Works and the increase in appropriations for Special Children Services and Department of Social Services. While we have continued to limit increases in most programs, these are the notable exceptions this year. There are also significant increases in capital projects for Public Works. The details are outlined in the Appendix.

MAJOR CHANGES BY DEPARTMENT

Highways

The total proposed budget for transportation stands at \$25,669,617 compared to \$22,042,287 in 2007, an increase of 16.5%, with a County cost increase of \$1,249,081. The first of two budget initiatives is a \$1.5 million paving capital project which is on top of the increases in the usual operating budget. The Finance Committee is proposing that we budget \$1,200,000 next year to replace key pieces of equipment and \$46,000 in small equipment funding. My recommendation again for 2008, is that only replacement equipment be purchased. The budget contains \$10,774,748 in capital projects with a local share of \$160,000 for the Highway Division, plus \$6.5 million for Bath Landfill capital and expansion. The landfill expansion will require a bond resolution be adopted at a future date. The Highway capital projects represent replacement of a bridge, and engineering and design of another, as well as the Phase II Environmental Study for Cameron Mills; Fire Suppression & Spill Prevention. The capital projects increase accounts for a significant portion of the total budget increase.

Department of Social Services

The total 2008 County cost for the Department of Social Services increased in various programs a total of \$649,534. The Medicaid appropriation has increased from \$18.5 million to \$18.7 million for 2008; however we have anticipated reserves which will result in a decrease of \$500,000 in cost. This will be the last year Medicaid will not impact the tax levy. Next year we will see the 3% increase which translates to a budget impact of approximately \$500,000.

I would also note several changes in the major welfare programs. TANF and SafetyNet are increased, based upon current caseload and projections, to \$1.7 million and \$1.8 million, respectively. Additionally, we have only recently been informed of a court decision which will increase our costs in these programs. The Finance Committee made adjustments in the programs to accommodate the impact.

The second budget initiative of \$500,000 is targeted to impact our participation rates. If the County fails to meet the federal participation rates, the budgetary impact will be approximately \$500,000 in year 1 and increasing. The intent of the initiative is to devote resources and effort to meeting the participation rates. In addition, we are working with the Workforce Development staff to secure private sector employment for these individuals. The details of the program are not finalized. As the program is formulated further presentations and approvals will be needed.

Sheriff and Jail

The other remaining budgetary impacts this year relates to the Jail expansion becoming fully operational in 2008. We have reduced the budget by \$200,000 for out-of-county housing for our inmates. We have budgeted the bond repayment for the Jail addition, as well as additional staff cost for opening the new housing units. We have increased anticipated revenues for housing federal and out-of-County inmates by \$572,000. The increase is the equivalent of an additional 20 inmates housed in the new units. The anticipated revenues were established to cover the additional cost of staffing for the new expansion. We should be able to generate more revenue than what has been anticipated, but we wanted to be sure we can accommodate the increase.

Health Care Facility

The 2008 budget marks several impending changes for the Health Care Facility. The first most obvious, is the move to the new facility. The new facility is anticipated to be ready to occupy in early 2008. With the

move, comes a host of changes. The construction has already triggered the repayment of the bond. The 2007 budget contained an additional \$1.4 million for repayment and as in 2007; the 2008 budget contains \$1.4 million for debt service. Additionally, with the changes in the reimbursement system recently implemented by the State and the transition to the new facility, the revenues for the facility are in a state of flux. There was no anticipated reimbursement in the 2007 budget for the capital component. We are estimating capital component into the rate for 2008. Additionally, we do not have a new operating rate for the new facility and won't have until sometime in late 2009. Unfortunately, all of these unknowns are impacting the facility as the fund balance has dwindled. The net result is we are exhausting the fund balance to offset the 2008 budget. Which at this point, leaves us with uncertainty for the 2009 budget. We will likely not know the actual rates before the 2010 budget is being presented. So over the next two years we are going to be doing our best to estimate rates but we should expect to see deficits in 2008, 2009 and 2010. With that said, we will likely be looking for the general fund to support the operations at least until the transition is complete and the rates are set.

COUNTY REVENUES

Sales Tax

The 2007 sales tax receipts are up over 2006 collections, as a result of a strong third quarter. As a result, we have anticipated an additional \$950,000 in sales tax for 2008. While the local economy is not robust, the sales tax collections have continued to gradually increase in 2007. The increase takes into consideration the \$140,000 per quarter recovery we are paying. Additionally, the cities, Corning and Hornell, will be receiving an additional \$110,000 in 2008 from the County's additional 1% sales tax making their share nearly half that collected in the Cities.

Budgeted sales tax revenues for the last five years are as follows:

2004	\$21,000,000
2005	\$21,500,000
2006	\$22,500,000
2007	\$23,500,000
2008 (Estimated)	\$24,450,000

Fund Balance

The County's Fund Balance has stabilized in the past several years. The Tentative Budget projects the continuation of a limited General Fund balance appropriation of \$2 million. The stability of the fund balance will enable some additional appropriations in 2008. Two budget initiatives are being proposed as part of the 2008 budget. Budget initiatives are special one-time appropriations which will likely not be funded in future years.

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 2008. The increase in Public Works is once again larger than the increase in the tax levy. The tax levy is proposed to increase 2.7% with a decrease of 2.5% in the full value tax rate.

The property tax collections and average full value rate for the last five years are as follows:

	<u>Tax Levy</u>	<u>Rate Per Thousand</u>
2004	\$35,981,477	\$9.73
2005	\$39,407,242	\$10.29
2006	\$40,475,052	\$9.99
2007	\$41,322,313	\$9.54
2008 (Proposed)	\$42,571,089	\$9.30

CONCLUSION

For the second year, the Public Works Department has been the major focus of the upcoming budget. Last year, Public Works received \$2.8 million more in the County budget. The proposal for 2008 is an additional \$1.25 million in the County budget and initiative Funding for a \$1.5 million Paving Capital Project. As a result of the initiative funding, Public Works will have \$6 million for County Road System Capital Improvements. That represents the largest single year appropriation in recent times for County road projects. Additionally, the Public Works equipment account is increased to \$1,200,000. With the payment for the bond issued two years ago, we are spending over \$1.3 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 existing equipment is up to par and should not be expanding the long term replacement costs.

The 2008 Budget accommodates the opening of the Jail expansion. We have anticipated housing in enough inmates to cover our additional operational costs. The expansion project went remarkably smoothly, and all indications are so will the transition to the larger facility. The new facility offers the county a total of 260 beds for housing inmates, that can be increased another 24 beds with double bunking in the new housing units in the future.

Social Service programs are increasing and resulted in a net increase of approximately \$649,534 for 2008. Medicaid has been increased to more accurately reflect the cap and the 3.0% growth for 2008. We have increased both the TANF Program and SafetyNet for 2008 to \$3.7 and \$3.8 million respectively. Both programs' budgets are tight for 2008. It is likely they will also need to be increased for 2009. Medicaid will also be going up approximately \$500,000 for 2009. The point is this will be the last year we do not see significant increases 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 \$923,000 total, with a local share increase of \$430,390, while the Early Intervention Program is up an additional \$320,444 total with a local share of \$175,222. The total program costs are up \$1,243,444 for 2008 with the local share increasing over \$600,000. 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 \$4.475 million in 2008 for a 65.7% increase. The Early Intervention Program has increased from \$964,000 in 2001 to \$1,507,566 in 2008 for a 56% increase. These two programs will continue to grow and their share of available funds will continue to increase. If no changes are made, they will begin to take money from other local programs, particularly public works.

The 2008 Budget is a sound fiscal plan offering a reasonable approach to the 2008 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 opening of the Jail Expansion. The tax levy is up \$1,153,776 or approximately 2.7%, while the tax rate decreased 2.5%.

Thank you.

Mark R. Alger

County Administrator / Budget Officer

Mr. Creath stated people always ask why Chemung County can reduce their tax rates. The reason is they pass their community college chargebacks along to the towns. If we did that, we could reduce our taxes by 8 percent.

Mr. Gehl stated I think the people who put the budget together this year did an excellent job and I'd like to congratulate them.

Mr. Alger announced that there is a tour scheduled for 1:30 p.m. today for those Legislators who are interested in seeing the new Health Care Facility.

Chairman Roche announced that the Budget Workshop is being held today. This is one of three opportunities to make changes to the proposed budget.

RESOLUTION NO. 168-07

Introduced by F. Gehl.

Seconded by G. Swackhamer.

PRESENTING LOCAL LAW TENTATIVELY NO. SEVEN FOR THE YEAR 2007, 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 2008.

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 2008, which individuals are presently serving mid-term; and

WHEREAS, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Seven for the Year 2007, establishing the annual salaries of such appointed officials for the Fiscal Year 2008.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Seven for the Year 2007, 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 2008, as follows:

COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. SEVEN FOR THE YEAR 2007

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 2008.

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 2008, the annual salaries of the certain elected or appointed officials and department heads of the County of Steuben who have a fixed term of office are hereby established for the Fiscal Year 2008 as follows, to wit:

<u>TITLE</u>	<u>2007 SALARY</u>	<u>2008 SALARY</u>
Commissioner, Public Works	\$ 81,225.00	\$ 84,880
Commissioner, Social Services	\$ 78,364.00	\$ 81,890
Commissioners of Elections	\$ 13,046.00	\$ 13,633
County Administrator	\$ 96,500.00	\$101,000
County Treasurer	\$ 76,000.00	\$ 79,040
Director, Real Property Tax	\$ 62,667.00	\$ 65,487
Personnel Officer	\$ 80,283.00	\$ 83,896
Sheriff	\$ 72,406.00	\$ 75,302

SECTION 3: Should any of the above positions become vacant and subsequently filled by one other than the present incumbent, the salary shall in that instance be set by the Legislature prior to filling said vacancy.

SECTION 4: This Local Law shall become effective, subject to a permissive referendum, forty-five (45) days after the date of its final adoption and on the date it is duly filed in the Office of the Secretary of State of the State of New York and in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the Steuben County Legislature, a Public Hearing shall be held at the Special Legislative Meeting on November 26, 2007, at 6:00 P.M. or such other date and time that may be adjourned, at Steuben County Offices, 3 East Pulteney Square, Bath, New York 14810, and the Local Law is subject to a permissive referendum of the qualified electors of the County of Steuben by filing of a legal petition within forty-five (45) days after its final adoption, with the Clerk of the Legislature of the County of Steuben protesting such Local Law; and be it further

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

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer, and all appointed and elected officials mentioned above.

Mr. McIntyre asked what is the rate of adjustment on the salaries? Mr. Alger stated this contains both evaluated and non-evaluated personnel. The elected officials received a 4 percent increase and the other officials who are evaluated received between 3.5 and 4.5 percent, depending on their evaluation.

Vote: Acclamation – Adopted.

BUDGET WORKSHOP

Mr. Schwartz stated I think the County needs to have a countywide assessment. There is no equity or fairness to the homeowner. We have no way to calculate the sales tax on gasoline and we don't have the growth and development that Chemung County has. I think it's appropriate to say paying for the lame and lazy has become a farce. The people paying the bill can't afford anything for themselves because they are paying the way for others.

Mr. McIntyre stated it bothers me that 5 of our Legislators aren't here. I don't know if it is fair to the process to make adjustments to the budget at this time because of that. Chairman Roche stated I would hope that we would have everybody here on the 26th.

Mr. McIntyre stated we have heard much discussion on the SPCA in the County. Based upon this discussion, I recommend increasing their budget by \$10,000.

Motion increasing the budget for the Finger Lakes SPCA by \$10,000 made by Mr. McIntyre, seconded by Mr. Gehl for discussion.

Mr. Alger stated for information purposes, the Finger Lakes SPCA's 2008 budget was increased by \$4,000. However, the amount in the budget is less than requested.

Mr. Gehl stated I have many constituents that thank me every year for increasing this because it is needed.

Mr. Creath stated I can support this amendment as it is a worthwhile project. Whenever we can help volunteer organizations support the community, it is a good thing.

Mr. Nichols stated we've raised it \$4,000. So they are already getting more than they did last year.

Mr. Farrand stated you need to look at what has been happening recently. You're seeing an increase in animal violence and I think it is worthwhile to continue this program.

Mr. McAllister asked is there any way to pass this cost back onto the towns? Mr. Roche stated no, the revenue was already intercepted from the towns through the dog license fees.

Mr. Nichols stated we complain about how the State dumps their costs onto us; we shouldn't dump our costs onto the towns.

Mr. Swackhamer stated didn't we turn the revenue over to them from the sale of a property this year too? Mr. Ahrens stated they had incurred an extraordinary expense in an animal abuse case and we used the proceeds from the sale to cover that expense.

Mr. McAllister stated if the Dog Control Officer isn't available and they call Officer Mazzo instead, that service should be charged back to the town. Discussion followed.

Vote: Roll Call – Fails. Yes: 4709; No: 2333; Absent: 2830.

No: McAllister, Nichols, Ryan and Swackhamer. Absent: Argentieri, Baker, Donnelly, Isaman and Stachnik.

Mr. McIntyre stated I see that we're contributing \$100,000 to the cities of Hornell and Corning. What is the purpose of this?

Mr. Roche stated this is the bridge money that we had traditionally provided but stopped during the Medicaid crisis. Mr. Swackhamer noted the cities had submitted requests to receive that funding again.

Mr. McIntyre stated I understand we were talking about adding a Budget Analyst position for the County Administrator and the Administration Committee decided to change it to an Assistant Administrator position. It has been my interpretation that we have a Deputy County Administrator to take some of the burden off of the County Administrator. I've looked at adding another person to his staff and I speculate as to why. We have two major projects that he's worked his heart out on, but both are about to be completed in the near future. With these two projects going away, I don't see the rationale behind adding another person to the office. What more can this person do than his deputy does?

Motion: Removing the position of Assistant County Administrator from the proposed 2008 budget made by Mr. McIntyre, seconded by Mr. Schwartz for discussion.

Mr. Swackhamer stated we decided to leave it in the budget and bring it to the full Legislature for discussion. He noted Mr. Alger has some concerns about the future and overlooking the departments.

Mr. Nielsen stated we know that the Deputy County Administrator has a full time position with the County as it is. When Mr. Alger is away, he wears two hats. In addition, these two projects aren't going to be the last projects the County does.

Mr. McAllister asked for some insight into the thinking behind the positions.

Mr. Alger stated as Mr. McIntyre mentioned, the original concept was to obtain a Budget Analyst. That position would look at various programs in the County, analyze them and determine if what we are doing is effective. There are any number of opportunities for us to review programs, contracts and issues but at this point, I don't have enough time to do it myself. I agree there will be more time after the projects are completed, but not enough time to handle issues that come up in all 34 departments and their many, many different programs.

Mr. Alger stated I know Mr. Nichols and Mr. Swackhamer have their reservations about the position and I'm not going to sell it to you as a way of saving you money. It will, however, provide you with the information you need to make informed decisions. The example I use is the Public Defender concept that we currently have in place. We put the office in place full time with the expectation that it would save us money. It probably is, but we haven't done an analysis to see if it truly is. We also haven't done an analysis to see if we should have a Conflict Office. I used to prepare these analyses myself, but the day-to-day operations of the County have increased so much so, that I don't have enough time to do it.

Mr. Alger stated that the position may save you money in the end. Currently we're not able to give you enough good information on specific topics. Also, we can't give you options that you may or may not see. We routinely pick several departments and have them do a comparison against other counties of similar size and scope to see if we are doing things correctly or better. Yes, we've gotten along without the position and, if it isn't approved, I will continue to do anything I can to provide you with the best information to make informed decisions.

Mr. Creath stated I'm in full support of this position and I think we should have the benefit of input from all of the legislators when everyone is present.

Motion tabling the elimination of the Budget Analyst position from the proposed 2008 budget until November 26th made by Mr. Creath, seconded by Mr. McAllister.

Vote: Roll Call – Fails. Yes: 4921; No: 2121; Absent: 2830.

No: McIntyre, Nichols, Schwartz and Swackhamer. Absent: Argentieri, Baker, Donnelly, Isaman and Stachnik.

Mr. Nichols stated an alternate thought would be to hire a contractor to conduct certain evaluations. Once you have an individual in place, it is impossible to remove the position. If Mark has too much work at the time, he should hire a contractor to look at those projects.

Chairman Roche stated you saw that our budget has doubled, yet staffing has remained steady over the past 10 years. Ever since I've been a Legislator, the comment has always been "next year Mark will have more time". Well, next year has never come. Discussion followed.

Mr. McAllister stated we have a \$180 million corporation with one person running it and one support staff. I don't doubt it is needed. I think if the position is eliminated today, the issue to reinstate it should be revisited.

Mr. Gehl stated the work never lessens and there are things that he simply can't get around to doing.

Mr. Alger stated I assure you that I will do my job and do everything I can to provide you with everything I currently provide you. The objective was to provide you with better information to make informed decisions.

Mr. McIntyre stated I look at \$80,000 that the county would have to pay and we may get some sort of analysis out of it; it's pie in the sky for me.

Mr. Ryan stated in this job we get information overload and we need to make decisions based upon good information. I support it.

Vote: Roll Call – Fails. (Motion to eliminate the Assistant County Administrator position.)

Yes: 2121; No: 4921; Absent: 2830. No: Creath, Farrand, Gehl, McAllister, Nielsen, Roche, Ryan and Walsh. Absent: Argentieri, Baker, Donnelly, Isaman and Stachnik.

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

REGULAR MEETING
Afternoon Session
Monday, November 26, 2007
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 26th day of November, 2007 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 present except Legislators Baker and Nichols.

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

Chairman Roche asked Ira Hale to come forward. Mr. Hale is an employee in the Buildings and Grounds Department. Chairman Roche presented him with a Certificate of Appreciation and a pin in recognition of his 10 years of service to Steuben County.

Chairman Roche asked Jeane Dean to come forward. Ms. Dean is an employee in the Department of Probation and Correctional Alternatives. Chairman Roche presented her with a Certificate of Appreciation and a plaque in recognition of her retirement following 37 years of service to Steuben County. **CONGRATULATIONS JEANE!**

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

Susan Multer, League of Women Voters, stated there has been a new development in the voting machine replacement process. Two weeks ago the U.S. Department of Justice mandated that New York State replace all lever machines by September 2008 and provide one handicapped accessible machine in every polling place instead of just one per County. This shouldn't come as a surprise as the Justice Department sued the State in January of 2006 for failure to comply with HAVA. This issue will be ruled upon on December 6th. The machines will need to be ordered in December for them to be received and used by September 2008.

Ms. Multer stated as a Legislature, you could do what many other public officials are doing, which is to say it is out of your hands. Or, you can make a stand today. I recommend doing what the Madison County Board of Supervisors did. They adopted a resolution asking the Department of Justice to withdraw their motion. They also suggested that if New York's current Board of Elections can't agree on a machine then the Justice Department should appoint somebody who will. In addition, they suggested that when lever machines are eliminated, they should approve the use of paper ballots to be counted by optical scanners in order to preserve the financial wellbeing of the County. Please form and express your wishes as Madison County has done. Thank you.

Ira Hale, Canisteo, stated I have learned that the proposed 2008 budget has included an increase for the libraries and the SPCA. I say no to these increases. I'd rather see that money go towards the highway system. I understand that with Medicaid we've always had to make cuts and it has always been the highway department that has suffered from these cuts. If you want to spend the money, spend it on the road system because that is where it is needed. Thank you.

Patricia Eaton, Bath, stated I partially agree with Mr. Hale. However, the SPCA is a very important service in this area. The \$10,000 they are asking for is nominal. That will help them get along. They are a non-profit organization and the service they provide is worth the extra \$10,000. If you gave the public officials a 2 percent raise across the board instead of the 4 percent, you'd have your \$10,000. Thank you.

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

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting for the Public Hearing upon the Agricultural District within the Towns of Avoca, Cohocton, Dansville, Fremont, Prattsburgh and Wayland, New York, known as the Wayland-Cohocton Agricultural District #5, to consider the recommendations of the County Planning Board and the Agricultural and Farmland Protection Board, and any proposed modifications of the District. Chairman Roche asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting for the Public Hearing upon Local Law Tentatively No. Six for the Year 2007, Amending Local Law No. Six of 1999, Providing for the continuity of Office of the Chairman of the Legislature in the event of a disaster or emergency. Chairman Roche asked if anyone wished to address the Legislature relative to the Public Hearing.

Ira Hale stated I understand the purpose for this but why is there a need for a Deputy County Administrator? I don't see a need for it. We've done well all these years without one. To me, it is foolish money spent. Thank you.

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. Argentieri, seconded by Mr. Isaman 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. She noted this report is a summary for resolutions numbered 21 and 22 on the agenda. If you have any question, please feel free to ask.

Mr. Argentieri asked why is there an increase in the City of Hornell? Mrs. Hatch stated they conducted revaluation so their share will be 5 percent more than it was last year. Mr. Argentieri asked what does that mean to the individual taxpayer? Mrs. Hatch stated if their property was previously under assessed, their taxes will increase. If their property was over assessed, their taxes will decrease.

RESOLUTION NO. 169-07

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, 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 Jason Flaitz
Parcel # 122.17-01-003.000
Municipality Hornellsville Town
Disposition Correction_(parcel split)

Resolution # A-2
Name Anthony & Merlyn Cavallaro
Parcel # 224.00-02-012.000
Municipality Campbell Town
Disposition Correction & Refund

Resolution # A-3
Name Anthony & Merlyn Cavallaro
Parcel # 224.00-02-013.100
Municipality Campbell Town
Disposition Correction & Refund

Resolution # A-4
Name Happy Days Land Co Inc
Parcel # 295.00-01-023.211, 295.00-01-023.214, 295.00-01-023.215,
295.00-01-023.216, 295.00-01-023.710, 295.00-01-023.720,
295.00-01-023.730, 295.00-01-023.810, 295.00-01-023.820,
295.00-01-023.910, 295.00-01-023.920
Municipality Addison Town
Disposition Correction

Resolution # A-5
Name William Crane
Parcel # 117.18-01-008.000
Municipality Urbana Town
Disposition Correction

Vote: Roll Call – Adopted.

RESOLUTION NO. 170-07

Introduced by P. Roche.

Seconded by D. Stachnik.

RECEIVING AND ACCEPTING THE NOVEMBER 26, 2007, COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

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

October 12, 2007

6. NYS Emergency Management Office – Re: Notification of approval for the FFY07 Local Emergency Management Performance Grant in the amount of \$28,327. **Referred to: Public Safety & Correction Committee; Finance Committee; Mike Sprague, EMO Director and Carol Whitehead, County Treasurer.**
7. Schuyler County Legislature – Re: Resolution adopted by the Schuyler County Legislature on October 9, 2007 to enter into Shared Services Agreements for Weights & Measures Services. **Referred to: Mark Alger, County Administrator.**
8. NYS Unified Court System Seventh Judicial District – Re: Fully executed 2007-2008 Agreement between the Unified Court System and the County of Steuben for Court Facilities Cleaning and Maintenance. **Referred to: Administration Committee; and Bill Partridge, Superintendent of Building Grounds.**

October 17, 2007

1. NYS Office for the Aging – Re: Notifications of Grant Award for funding for FFY 2007 III-B, III-C-1, III-C-2, III-D and III-E programs. **Referred to: Human Services Committee; and Linda Tetor, OFA Director.**
2. New York State Association of Counties – Re: 2007 County Salary Survey and Employee Benefits Report (CD ROM). **Referred to: Mark Alger, County Administrator.**
3. Steuben County Industrial Development Agency – Re: Meeting notice for Canandaigua Power Partners, LLC, on December 20, 2007 @ 12:00 p.m., located at 7234 Route 54 North, Bath, NY to consider the approval a PILOT which consists of approximately 4,800 acres of leased land, within the Towns of Cohocton and Avoca, Steuben County. **Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.**
4. Steuben County Industrial Development Agency – Re: Meeting notice for Canandaigua Power Partners II, LLC, on December 20, 2007 @ 12:00 p.m., located at 7234 Route 54 North, Bath, NY to consider the approval a PILOT which consists of approximately 2,560 acres of leased land, within the Town of Cohocton, Steuben County. **Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.**

October 22, 2007

1. Bishop Sheen Ecumenical Housing Foundation, Inc. – Re: Public Notice on the HOME 2007 program **filed with the Clerk of the Legislature.**
2. NYS Department of State – Re: Notification of Shared Municipal Service Incentive (SMSI) Grant Program applications are due by December 14, 2007. **Referred to: Mark Alger, County Administrator.**

October 26, 2007

1. NYS Division of Criminal Justice Services – Re: Fully executed grant Contract #LG7078663, District Attorney's Recruitment & Retention Program between NYS Division of Criminal Justice Services and Steuben County. **Referred to: Public Safety & Corrections Committee and Finance Committee; John Tunney, District Attorney; and Carol Whitehead, County Treasurer.**

October 29, 2007

1. United States Senate – Re: Notification that October is National Cyber Security Awareness Month and the online resources that are available (www.consumer.gov/idtheft). **Referred to: Administration Committee; and Ken Peaslee, IT Director.**

October 31, 2007

1. Steuben County Industrial Development Agency – Re: Howard Wind Power Project SEQR Coordinated Review Final Environmental Impact Statement (notice of completion). **Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.**

November 2, 2007

1. New York State Office of Children & Family Services – Re: 92-07-008 Child Fatality Report. **Referred to: Mark R. Alger, County Administrator.**

November 5, 2007

1. Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$13,970 representing the September 2007 retained surcharge revenues (\$5,465) and the municipality's share of the 3rd quarter 2007 net revenues (\$8,505). **Referred to: Finance and Rules Committees; and Carol Whitehead, County Treasurer.**
2. New York State Department of State – Re: Notice of Revision to Request for Applications for the 2007 Environmental Protection Fund Program has been extended to December 7, 2007. **Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.**
3. EMSTAR (Emergency Medical Services Training, Administration & Resources) – Re: 3rd 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.**
4. New York State Office of Cyber Security & Critical Infrastructure Coordination – Re: Notification of Cyber Security Toolkit is being distributed to the County Information Technology Director. **Referred to: Administration Committee; and Ken Peaslee, Information Technology Director.**
5. New York State Department of State – Re: NYS 911 Board/Contract Extension Request for contract Nos. C911040 and C911093. (All required documents need to be submitted by November 30, 2007). **Referred to: Public Safety & Correction Committee; and Tim Wixom, 911 Director.**

November 7, 2007

1. Steuben County Democratic Executive Committee – Re: Appointment of Sandra Dennison to the office of Democratic Commissioner of Elections commencing January 1, 2008. **Filed with the Clerk of the Legislature.**
2. Harris Beach PLLC, Attorneys at Law – Re: Revised Schedule "A" for the PILOT agreement between Steuben County Industrial Development Agency and 736 Addison Road LLC dated as of November 1, 2005 (Property: NYS Route 417, Town of Erwin). **Referred to: Finance and Administration Committees; Carol Whitehead, Treasurer; Donna Hatch, RPTSA Director; and Fred Ahrens, County Attorney.**
3. Hammondsport Central School – Re: Thank you letter for the efforts in coordinating the career exploration program that was hosted by the Youth Bureau on October 29, 2007. **Referred to: Human Services Committee; and Gary Pruyn, Youth Bureau Director.**
4. United States Senate – Re: Notification of deadline for the 2008 Laura Bush 21st Century Librarian Program is due by Monday, December 17, 2007. **Referred to: Health & Education Committee.**
5. United States Senate – Re: Notification of deadline for the We the People Bookshelf Program on "Created Equal" is due by Friday, January 25, 2008. **Referred to: Health & Education Committee.**

November 13, 2007

1. Dutchess County Legislature – Re: Copies of resolutions that were adopted at their October 15, 2007 meeting. Resolution #207302 which is in opposition to the Department of Motor Vehicles to change the license policy. Resolution #207309 requesting the Dutchess County Clerk to comply with New York State Vehicles and Traffic Law when issuing New York State Drivers' Licenses and Non-Driver Identifications cards. **Filed with the Clerk of the Legislature.**

November 14, 2007

1. State of New York Department of Transportation – Re: Notice of significant changes to the Federal Transit Administration (FTA) Coordinated Transportation Planning program which will require adjustments to the planning, administration and project selection process for the following programs: Section 5310-Elderly Individuals and Individuals with Disabilities, Section 5316-Job Access & Reverse Commute, and Section 5317-New Freedom. *Referred to: Human Services Committee; Linda Tetor, Director of OFA; and Kathryn Biehl, Commissioner of Social Services.*
2. Steuben County Industrial Development Agency – Re: The Steuben County Industrial Development Agency has been requested by the Town of Cohocton to freeze the Cohocton Wind Farm project Payment in Lieu of Tax (PILOT) distribution ratios. *Referred to: A.I.P. Committee; Finance Committee; Greg Heffner, Planning Director; Donna Hatch, RPTSA Director; and Carol Whitehead, County Treasurer.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 171-07

Introduced by P. McAllister.

Seconded by F. Gehl.

FINAL ADOPTION OF COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2007, AMENDING LOCAL LAW NO. SIX OF 1999, PROVIDING FOR THE CONTINUITY OF OFFICE OF THE CHAIRMAN OF THE LEGISLATURE IN THE EVENT OF A DISASTER OR EMERGENCY.

Pursuant to Executive Law §27.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on October 22, 2007, County of Steuben Local Law Tentatively No. Six for the Year 2007, amending Local Law No. Six of 1999, providing for the continuity of Office of the Chairman of the Legislature in the event of disaster or emergency, and this Legislature by resolution, preliminarily adopted said Local Law on October 22, 2007, making the final adoption of said Local Law subject to a Public Hearing to be held on November 26, 2007; and

WHEREAS, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on November 26, 2007, at 3:00 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law Tentatively No. Six for the Year 2007, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2007**

A LOCAL LAW amending Local Law No. Six of 1999, providing for the continuity of office of the Chairman of the Legislature in the event of a disaster or emergency.

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

SECTION 1. LEGISLATIVE INTENT. It is the legislative intent to provide the continuity of the county and its Chief Executive in the event of absence, disability or vacancy in office pursuant to Executive Law §27, in the event of a natural or man-made disaster causing an emergency.

SECTION 2. ORDER OF SUCCESSION. In the event of the absence, disability or vacancy in office of the Chairman of the Legislature, the order of succession as Chief Executive of the county for purposes of disasters causing emergencies is as follows:

(a) The Chairman, or the immediate former Chairman of the Legislature following midnight of December 31 in an election year until such time as a Chairman is elected, if said former Chairman is elected to office as a County Legislator.

(b) The Vice Chairman in the event of an absence or disability of the Chairman, or the immediate former Vice chairman who is elected to office, if no former Chairman is in office.

(c) [The Majority Leader or immediate former Majority Leader, subject to the terms of subdivision (a) and (b).] **The County Administrator.**

(d) [The Minority Leader or immediate former Minority Leader, subject to the terms and conditions of subdivision (a) and (b).] **The Deputy County Administrator.**

[(e) The County Administrator.]

(e) The Director of Emergency Management.

SECTION 3. SURVIVAL OF SUBORDINATE OFFICER'S SERVICE. The removal for a disability, absence or vacancy of an officer higher on the list or order of succession as provided to an office shall not terminate the service in such office of an individual lower on such list or order of succession who is temporarily filling such office.

SECTION 4. EFFECTIVE DATE. The within resolution shall be effective [immediately] upon **filing with the Secretary of State following** final adoption.

[] Old Material
Bold and underlined - New

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on November 26, 2007 at 3:00 P.M. at the Legislative Chambers, Village of Bath, New York; and be it further

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

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Six for the Year 2007, 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 each County Legislator, the County Administrator, and the Director of Emergency Management.

Vote: Roll Call – Adopted.

RESOLUTION NO. 172-07

Introduced by P. McAllister and P. Donnelly.

Seconded by F. Gehl.

PRESENTING AN AMENDMENT TO THE *RULES OF PROCEDURE* NUMBERS 21 AND 22 RELATIVE TO THE COUNTY ADMINISTRATOR.

WHEREAS, it is desirable to structure the role of the County Administrator both as to the conduct of committee meetings and the interaction with department heads; and

WHEREAS, the attached proposed changes to the *Rules of Procedure* are offered to assure the County Administrator receives notice of all significant issues to be presented by a department head to a committee, as well as, the role of the County Administrator in hiring and retention of department heads.

NOW THEREFORE, BE IT

RESOLVED, there be and the same hereby are presented proposed amendments and modifications of Rules 21 and 22:

21. COUNTY ADMINISTRATOR

All department and agency heads requesting action of a Legislative Committee or the full Legislature shall obtain the consent of [consult with] the County Administrator prior to making such request. The County Administrator may require any such request to be formalized in a standard form by such department or agency head requesting such action. Such standardized form shall be denominated as a "Resolution Request Initiative".

When a department or agency head is required to prepare such an initiative, the County Administrator shall distribute same [prior to] during the meeting at which the resolution is to be debated. An evaluation of such proposed action shall be provided to the Committee or Legislature by the County Administrator. As to such request by a department or agency head:

A. Any request by a department or agency head, which under the Administrative Code requires the County Administrator's approval, shall not be placed upon a Committee Agenda prior to receipt of such approval.

B. Any request by a department or agency head, which shall or is likely to result in a motion by the Committee, and/or the full Legislature, shall be reviewed and approved by the County Administrator prior to the date of presentation unless waived by the County Administrator. Any such request not so reviewed by the County Administrator shall be stricken from the agenda.

**22. [(1)HIRING DEPARTMENT HEADS IN MANAGEMENT GRADE F OR BELOW.
(2)HIRING DEPARTMENT HEADS IN GRADE G OR ABOVE AND THE CLERK OF THE LEGISLATURE.]**

22. HIRING AND REAPPOINTMENT OF DEPARTMENT AND AGENCY HEADS.

In the event of a vacancy or a pending expiration of a term of a department or agency head, the County Administrator and Personnel Officer shall conduct the screening of applicants and conduct interviews. Thereafter, the County Administrator shall make a recommendation as to the hiring of the department or agency head. The County Administrator may recommend one or more persons to fill the vacancy. The County Administrator shall bring the recommended candidate or candidates to the full Legislature for interviews who shall appoint or reject such recommendation for appointment and reappointment. If no one is found acceptable, the process shall then be repeated with a different recommendation or recommendations for appointment or reappointment.

Key [] bracketed material is deleted.

_____ Underlined material is new.

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

Mr. Swackhamer stated I'm not sure why the committees have decided to change this. The Legislators were elected by the people to handle these tasks. I can see where this could be a potential problem, not with our current Administrator but maybe in the future, where Committees would have to overrule the Administrator. I don't see where this will improve the flow of information.

Mr. Stachnik stated I think it is a good change and will bring the *Rules of Procedure* and the *Administrative Code* into the next millennium.

Mr. Donnelly stated our thought behind this was to strengthen the role of the administrator.

Mr. Argentieri stated this will take away input from the Legislature. It implies that they are trying to do an end run. I don't think the resolution is needed in order to change.

Mr. McAllister stated I think if Mr. Alger is involved in the day to day running of the County, he should be aware of proposals coming to the Legislature. In the event the Administrator disapproves something, any of the Legislators can still bring the issue up themselves. I think the Administrator should be informed of anything that comes before a Committee.

Mr. McIntyre stated I concur with Mr. Swackhamer. I think Mr. Alger has many avenues to circumvent these things. He does their evaluation and he recommends their pay raise. If a Department Head doesn't see the light they can be admonished in other ways.

Mr. Argentieri stated if a department head is disregarding procedures, they can be brought to task. This takes away the power from the legislators.

Mr. Stachnik stated there is a wide chasm of difference between loss of power and loss of frivolous power.

Vote: Acclamation – Adopted.

Opposed: Isaman, Schwartz, Swackhamer, Farrand, McIntyre, and Argentieri.

RESOLUTION NO. 173-07

Introduced by K. Isaman and G. Swackhamer.

Seconded by T. McIntyre.

AUTHORIZING THE INVESTMENT IN EQUIPMENT AND INSTALLATION IN THE LANDFILL GAS COLLECTION AND DESTRUCTION PROJECT (THE "PROJECT") AT THE COUNTY'S LANDFILL IN THE TOWN OF BATH (THE "LANDFILL") AND SALE OF THE CARBON CREDITS BY THE STEUBEN COUNTY TREASURER.

WHEREAS, the County of Steuben has a proven commitment to the environment of the County, through waste management, and air quality; and

WHEREAS, the County has installed infrastructure at the Bath Landfill and maintains operations and maintenance of same, for air quality control, which infrastructure was above the required for its operating permit and represents an additional commitment to the environment for control and elimination of greenhouse gases.

NOW THEREFORE, BE IT

RESOLVED, that the County make the investment in equipment and installation in the landfill gas collection and destruction equipment for the Landfill; and be it further

RESOLVED, the direct result of the installation of such equipment will expressly be the reduction of greenhouse gas emissions into the atmosphere. Based on the landfill lifecycle projections, 566,977 tons (Mg CO₂e/yr) of greenhouse gases (“GHG”) are expected to be generated over the next 7 years. (See chart.)

Year	Anticipated Level of GHG Reductions in Tons Mg CO ₂ e/yr	Anticipated Revenues from the Sale of GHG Emission Reductions @ \$2.25 per ton*	Anticipated Investment on an Annual Basis
2007	This may include all landfill gas capture and destruction since system was in place.	This will be determined by eligibility of historical credits.	Amount should include all landfill gas collection system investment.
2008	71,748	\$161,432	\$70,000
2009	75,214	\$169,232	\$73,500
2010	78,434	\$176,477	\$77,200
2011	81,425	\$183,205	\$81,100
2012	84,202	\$189,454	\$85,200
2013	86,780	\$195,256	\$89,500
2014	89,174	\$200,642	\$94,000

* Current price of CFI on the CX

AND BE IT FURTHER RESOLVED, the Project capacity will be sufficient for the collection and destruction of the GHG produced for this time period with such additional investment in maintenance and upgrades as is necessary; and be it further

RESOLVED, the estimated initial cost of the Project is \$815,998; and be it further

RESOLVED, it is expected that the additional investment will be offset by the proceeds of the sale of the GHG emission reductions (carbon credits) on an ongoing basis; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to sell the above referenced carbon credits; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer; Richard McCarthy, President, Environmental Capital LLC, 110 West 40th St, Suite 1804, New York, NY 10018; Environmental Capital LLC, Attn: Christina Magerkurth, P.E., 1111 E. Warrenville Rd, Suite 200, Naperville, IL 60563; and Kevin Voorhees, Barton & Loguidice, P.C., 290 Elwood Davis Rd, Box 3107, Syracuse, NY 13220.

Vote: Roll Call – Adopted.

RESOLUTION NO. 174-07

Introduced by P. Donnelly.

Seconded by T. Schwartz.

APPOINTING THE DEMOCRATIC COMMISSIONER OF ELECTIONS OF THE COUNTY OF STEUBEN FOR A TERM COMMENCING JANUARY 1, 2008.

Pursuant to Section 3-204 of the Election Law of the State of New York.

WHEREAS, Allan C. Johnson has submitted his resignation from the Office of Commissioner of Elections effective December 31, 2007; and

WHEREAS, said resignation has created a vacancy for the balance of the term of office; and

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 dated November 7, 2007, that Sandra Dennison, residing in the Town of Greenwood, County of Steuben and State of New York, is a suitable and qualified person to be appointed as a Commissioner of Elections.

NOW THEREFORE, BE IT

RESOLVED, that Sandra Dennison, residing in the Town of Greenwood, Steuben County, New York, be and is hereby appointed a Commissioner of Elections in and for the County of Steuben for the unexpired term of one (1) year commencing January 1, 2008 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 789 Dennison Rd., Greenwood, New York, 14839; to Shawn Hogan, P.O. Box 627, 82 Main Street, Hornell, New York, 14843; the Steuben County Clerk; the Personnel Officer, and to the Clerks of the Steuben County Board of Elections.

Vote: Roll Call – Adopted.

RESOLUTION NO. 175-07

Introduced by D. Creath and G. Swackhamer.

Seconded by D. Farrand.

APPROPRIATING \$50,000 FROM THE JAIL EXPANSION PROJECT TO A NEW PROJECT ENTITLED “STUDY OF THE OLD HEALTH CARE FACILITY”.

WHEREAS, the new Steuben County Health Care Facility will be completed and occupied in early 2008; and

WHEREAS, the Agriculture, Industry, and Planning Committee and the Finance Committee have determined that possible re-use of the current Steuben County Health Care Facility should be considered; and

WHEREAS, the first step in that process is a study to determine the costs of renovation for possible uses of the facility; and

WHEREAS, LaBella Associates, P.C., in association with L.P. Ciminelli, Inc., has been chosen by the Agriculture, Industry and Planning Committee to complete the study.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature does hereby authorize the Steuben County Treasurer to establish a capital project entitled “Former Health Care Facility Renovation Project”, HB0301; and be it further

RESOLVED, that the Steuben County Treasurer is hereby authorized to transfer fifty-thousand dollars (\$50,000) from the Jail Expansion Project, 3150H4, into the newly created Former Health Care Facility Renovation Project, HB0301; and be it further

RESOLVED, that the Steuben County Administrator is hereby authorized to sign all documents necessary to contract with LaBella Associates, P.C. for the study; and be it further

RESOLVED, that certified copies of this resolution shall be distributed to LaBella Associates, P.C., 300 State St., Suite 201, Rochester, NY 14614; County Administrator; County Treasurer; and the Planning Director.

Mr. Schwartz asked Mr. Alger to explain this resolution. Mr. Alger stated there are two options for the facility. One is to use it for assisted living and the other is to use it for office space. We’ve decided to study both options.

Mr. Argentieri stated if you continue to acquire buildings for office space, it is very likely you'll keep expanding and keep increasing the budget every year. Somehow we have to make use of the property we have. I'm very leery about taking on more property for office space.

Mr. Farrand stated this property already belongs to the County and we need to look at the cost savings. The Department of Social Services is cramped for space and this would alleviate it.

Mr. Swackhamer stated this is going to be a place where we put more and more money into it. It is cheaper to build new than to refurbish and renovate an old building.

Mr. Stachnik stated we need the data from these studies to determine the most feasible option.

Mr. Argentieri stated when we built the facility we're in tonight, I opposed it because I said it was too small. Now we're searching for more space. Take this \$50,000 and give it to the Highway Department.

Mr. McIntyre stated I've been a big proponent of providing more assisted living space for quite some time and I think it is a direction we have to go.

Vote: Roll Call – Adopted. Yes: 7349; No: 1415; Absent: 1108.
No: Argentieri, Schwartz and Swackhamer. Absent: Baker and Nichols.

RESOLUTION NO. 176-07

Introduced by F. Gehl and G. Swackhamer.

Seconded by R. Argentieri.

AUTHORIZING THE STEUBEN COUNTY DISTRICT ATTORNEY TO ACCEPT A GRANT IN THE AMOUNT OF \$35,000 FOR DRUG/ALCOHOL TREATMENT.

WHEREAS, the Legislature of the State of New York has appropriated grant funding in the amount of \$35,000 and has identified this funding for the purposes of drug/alcohol treatment in the STEPS/Road to Recovery Program.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept the \$35,000 as revenue in Line Item No. 116500-4-3389250 in the Steuben County 2007 Budget; and be it further

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

Mr. Tunney stated this is a subsidy for the operation of our office. It pays for inpatient drug and alcohol counseling through the Office of Community Services. If an individual pleads guilty to a felony and aren't violent when sober, they can be admitted to rehab through this process. These funds help defray our operation towards that goal.

Vote: Roll Call – Adopted.

RESOLUTION NO. 177-07

Introduced by F. Gehl and G. Swackhamer.

Seconded by D. Creath.

AUTHORIZING THE STEUBEN COUNTY DISTRICT ATTORNEY TO ACCEPT A GRANT IN THE AMOUNT OF \$13,451 FOR RECRUITMENT/RETENTION OF ASSISTANT DISTRICT ATTORNEYS.

WHEREAS, the Legislature of the State of New York has appropriated grant funding in the amount of \$13,451 and has identified this funding for the purposes of recruitment and retention bonuses to Assistant District Attorneys.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept the \$13,451 as revenue in Line Item No. 116500-4-3030500 and appropriate that amount to Salaries and Wages in Line Item No. 116500-5-1100000 in the Steuben County 2008 Budget; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 178-07

Introduced by F. Gehl and G. Swackhamer.

Seconded by D. Stachnik.

AUTHORIZING THE STEUBEN COUNTY SHERIFF TO ACCEPT A GRANT IN THE AMOUNT OF \$80,000 TO PURCHASE TACTICAL EQUIPMENT FOR THE CRITICAL INCIDENT RESPONSE TEAM.

WHEREAS, the New York State Office of Homeland Security is awarding Steuben County \$80,000 under the Law Enforcement Terrorism Prevention Program; and

WHEREAS, funding for this grant is provided by the Federal Emergency Management Agency's National Preparedness Directorate; and

WHEREAS, it has been established that this equipment would be used for emergencies arising within Steuben County; and

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

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept \$80,000 as revenue and appropriate that amount to 311000 Grant Fund in the Steuben County 2008 Budget; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 179-07

Introduced by F. Gehl and G. Swackhamer.

Seconded by R. Argentieri.

AUTHORIZING THE STEUBEN COUNTY SHERIFF TO ACCEPT \$17,075 IN GRANT FUNDING FROM THE FEDERAL AND NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR THE BULLETPROOF VEST PROGRAM.

WHEREAS, the Federal Government is making available \$8,537.50 for the purchase of bulletproof vests for Steuben County Deputies; and

WHEREAS, the New York State Division of Criminal Justice Services will award \$8,537.50 for the purchase of these bulletproof vests; and

WHEREAS, these vests are required for the safety of the Steuben County Deputies; and

WHEREAS, these funds will be available for four years (2007 to 2010).

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to accept \$17,075 as revenue and appropriate that amount to 311000 Grant Fund in the Steuben County 2007-2010 Budget; and be it further

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

Mr. Swackhamer asked for an explanation. Sheriff Tweddell stated this is a 4-year grant to replace outdated vests. It is not a matching grant. They receive half of the funding from the Federal government and half from the State.

Mr. Creath asked how much does a vest cost? Sheriff Tweddell stated they cost around \$700.

Mr. Ryan asked will they be the most recent model? Sheriff Tweddell stated they will be the most comfortable vest to wear for each of the seasons and for the ballistics. They are worn daily. He noted that the CIRT team has a different type of vest altogether.

Vote: Roll Call – Adopted.

RESOLUTION NO. 180-07

Introduced by F. Gehl and G. Swackhamer.

Seconded by T. McIntyre.

COMMUNICATIONS RESERVE FUND TRANSFER IN THE AMOUNT OF \$5,625.75 FOR THE PURPOSE OF RADIO COMMUNICATONS UPGRADE.

WHEREAS, the County has received a proposal to upgrade the radio communications system between Rural Metro and 911; and

WHEREAS, this proposal will enhance communications between the City of Corning, 911 and Rural Metro, thus allowing the parties to know the availability and location of Rural Metro ambulances within the service area.

NOW THEREFORE, BE IT

RESOLVED, the County authorizes the implementation of said proposal and the expenditure of \$5,625.75 therefore; and be it further

RESOLVED, the County authorizes and directs the County Treasurer to appropriate said fund from the Communications Reserve Fund A 38783641 to the appropriate line items in the Emergency Communications Department A 364100; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 181-07

Introduced by K. Isaman and P. Donnelly.

Seconded by R. Argentieri.

RECLASSIFICATION OF A HEAVY MOTOR EQUIPMENT OPERATOR, GRADE X POSITION TO AN ASSISTANT LANDFILL SUPERVIROR, GRADE XIV POSITION WITHIN THE PUBLIC WORKS DEPARTMENT.

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

WHEREAS, one Heavy Motor Equipment Operator position in the Highway Division is vacant; and

WHEREAS, State and Federal Safety and Environmental regulations are increasing at a pace such that existing staff will not be able to keep up with the requirements; and

WHEREAS, the new Assistant Landfill Supervisor will be dedicated to making certain that the Landfill Division complies with environmental regulations, safety protocols and the local solid waste management laws; and

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

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Public Works Department is hereby reclassified as follows:

Heavy Motor Equipment Operator, Grade X (\$28,012 to \$39,545) to
Assistant Landfill Supervisor, Grade XIV (\$33,084 to \$46,707)

AND BE IT FURTHER RESOLVED, that the 2008 County 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 County Treasurer, Personnel Officer, and the Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 182-07

Introduced by K. Isaman and P. Donnelly.

Seconded by R. Nielsen.

RECLASSIFICATION OF A GARAGE LABORER, GRADE VIII POSITION TO A BUILDING MAINTENANCE MECHANIC, GRADE IX POSITION WITHIN THE PUBLIC WORKS DEPARTMENT.

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

WHEREAS, the Garage Laborer position in the Parks Division performs carpentry, electrical and plumbing duties that are beyond a Garage Laborer job description; and

WHEREAS, a Building Maintenance Mechanic position appropriately performs these duties; and

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

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Public Works Department is hereby reclassified as follows:

Garage Laborer, Grade VIII (\$25,655 to \$36,217) to
Building Maintenance Mechanic, Grade IX (\$26,748 to \$37,763)

AND BE IT FURTHER RESOLVED, that the 2008 County 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 County Treasurer, Personnel Officer, and the Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 183-07

Introduced by D. Creath.

Seconded by K. Isaman.

MODIFYING AND ADOPTING AGRICULTURAL DISTRICT NO. 5 AS A RESULT OF THE EIGHT YEAR REVIEW OF SAID DISTRICT.

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

WHEREAS, pursuant to the procedures and timetable set forth by the New York State Department of Agriculture and Markets, the County Agricultural and Farmland Protection Board has filed its recommendations, relative to the eight year review of this Agricultural District with this Legislature; and

WHEREAS, this Legislature did hold a Public Hearing on the proposed modifications to said district recommended by the County Planning Board and the Agricultural and Farmland Protection Board on November 26, 2007.

NOW THEREFORE, BE IT

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

- (1) Within the district as recommended to be modified, the number of participating farms and farm acreage thereof is consistent with and substantially furthers the objective of encouraging and protecting viable farming in the area, for which the district was originally created; and,
- (2) The district has since its creation been of substantial assistance to a majority of participating farmers in maintaining an active farm economy in the area; and
- (3) Continuation of this district is consistent with the County's important agricultural economy and predominantly rural pattern of development; and,
- (4) The district deters local government adoption of land use regulations unduly restrictive of normal farm activities, supports orderly patterns of community development, and helps to sustain active farming for its important economic and environmental values; and be it further

RESOLVED, that in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York, this Legislature has deliberated on said District and modifications, and does hereby adopt the proposed modifications of Agricultural District No. 5 in the County of Steuben for a period of eight years; and be it further

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

RESOLVED, that the Clerk of this Legislature shall forward certified copies of this resolution to the Commissioner of the Department of Agriculture and Markets at Albany; to the Director of the Steuben County Planning Department; to Andrew Spencer, Chairman of the Steuben County Agricultural and Farmland Protection Board, 8997 Burns Rd. Arkport, NY 14807; to the Director of the Steuben County Real Property Tax Service Agency; and to James Grace, Steuben County Cooperative Extension Agent at Bath.

Mr. Argentieri asked what does this modification do for that district? Mr. Alger stated the process they go through is to give landowners, particularly farmers, the opportunity to opt in or out of the district. The incentive is a possible tax benefit.

Vote: Roll Call – Adopted.

RESOLUTION NO. 184-07

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, 2007, to the 30th day of September, 2007, 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, 2007, 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, 2007, 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 \$743,135.76.

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 - 11/2007				
TOWN	TOWN/CITY	VILLAGES	VILLAGES	TOTAL
& CITIES	AMT DUE	VILLAGES	AMT DUE	AMT DUE
ADDISON	7,665.83	ADDISON	3,260.39	10,926.22
AVOCA	6,269.87	AVOCA	1,010.50	7,280.37
BATH	63,850.69	BATH (1)	18,428.42	
BRADFORD	4,179.49	SAVONA (2)	1,811.76	84,090.87
CAMERON	2,214.90			4,179.49
CAMPBELL	19,856.54			2,214.90
CANISTEO	10,408.97	CANISTEO	3,405.42	19,856.54
CATON	19,223.34			13,814.39
COHOCTON	10,886.30	COHOCTON	1,509.52	19,223.34
CORNING CITY	103,380.90			12,395.82
CORNING TOWN	51,724.55	RIVERSIDE (1)	2,282.78	
DANSVILLE	13,008.30	S CORNING (2)	3,488.76	103,380.90
ERWIN	109,212.55			57,496.09
FREMONT	4,669.68	PAINTED POST	8,773.59	13,008.30
GREENWOOD	4,269.26			117,986.14
HARTSVILLE	4,779.73			4,669.68
HORNBY	6,160.06			4,269.26
HORNELL CITY	33,165.89			4,779.73
				6,160.06
		ALMOND (1)	48.17	
		ARKPORT (2)	2,071.11	
HORNELLSVILLE	23,271.05	V N HORNELL (3)	2,385.41	33,165.89
HOWARD	8,769.66			27,775.74
JASPER	4,475.73			8,769.66
LINDLEY	9,131.98			4,475.73
PRATTSBURGH	14,326.84			9,131.98
PULTENEY	26,998.05			14,326.84
RATHBONE	5,993.97			26,998.05
THURSTON	7,609.81			5,993.97
TROUPSBURG	9,237.16			7,609.81
TUSCARORA	5,105.90			9,237.16
URBANA	35,946.52	HAMMONDSPORT	3,098.48	5,105.90
WAYLAND	22,344.69	WAYLAND	5,302.73	39,045.00
WAYNE	25,649.07			27,647.42
WEST UNION	1,119.57			25,649.07
WHEELER	3,737.28			1,119.57
WOODHULL	7,614.59			3,737.28
				7,614.59
	686,258.72		56,877.04	743,135.76

Foregoing shall be your sufficient warrant for the payment of said sums as above directed.

Vote: Roll Call – Adopted.

RESOLUTION NO. 185-07

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 2007 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.

Mr. Argentieri asked how do taxes become omitted? Mrs. Hatch stated by the town assessor failing to include the property on the tax rolls.

Vote: Roll Call – Adopted.

RESOLUTION NO. 186-07

Introduced by P. Donnelly.

Seconded by R. Nielsen.

DIRECTING THE LEVY OF RETURNED UNPAID SCHOOL TAXES FOR THE YEAR 2007.

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 2007” 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. 187-07

Introduced by P. Donnelly.

Seconded by T. McIntyre.

DIRECTING THE LEVY OF RETURNED UNPAID VILLAGE TAXES FOR THE YEAR 2007.

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 2007” 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. 188-07

Introduced by P. Donnelly.

Seconded by R. Argentieri.

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 June 25, 2007, 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 2007; and

WHEREAS, on June 25, 2007, there was received and filed with this County Legislature a Table of Apportionment for the Fiscal Year 2008, 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 2008 Table of Apportionment.

NOW THEREFORE, BE IT

RESOLVED, the Affidavit of the Administrator of the Self-Insurance Plan is hereby filed, and the Director of the Steuben County Real Property Tax Service Agency is hereby directed to levy the respective share of the 2008 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 2008 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. 189-07

Introduced by P. Donnelly.

Seconded by F. Gehl.

ADOPTING THE TABLE OF EQUALIZATION RATES FOR THE SPREAD AND LEVY OF THE COUNTY TAX UPON THE TAXABLE REAL PROPERTY OF THE SEVERAL TAX DISTRICTS CONSTITUTING THE COUNTY OF STEUBEN.

Pursuant to Title 2 of Article 8 of the Real Property Tax Law of the State of New York.

WHEREAS, the Director of the Steuben County Real Property Tax Service Agency and the Administration Committee have submitted to the County Legislature of the County of Steuben, the equalization rates for the spread and levy of the County Tax upon the taxable real property of the several tax districts constituting the County of Steuben, and said Administration Committee has recommended the adoption of such equalization rates.

NOW THEREFORE, BE IT

RESOLVED, the Table of Rates of Equalization for the County of Steuben, as submitted by the County Administration Committee, be and the same hereby is received and filed; and be it further

RESOLVED, the several rates therein set forth in said Table of Equalization Rates 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 2008; 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 STEUBEN COUNTY	
10/19/2007	
MUNICIPALITY	2007 COUNTY EQ RATE FOR 2008 TAX LEVY
CITY OF CORNING	98.00
CITY OF HORNELL	100.00
ADDISON	100.00
AVOCA	100.00
BATH	54.00
BRADFORD	99.00
CAMERON	72.00
CAMPBELL	3.50
CANISTEO	69.00
CATON	64.00
COHOCTON	100.00
CORNING TOWN	100.00
DANSVILLE	100.00
ERWIN	100.00
FREMONT	100.00
GREENWOOD	4.00
HARTSVILLE	45.99
HORNBY	100.00
HORNELLSVILLE	73.50
HOWARD	63.00
JASPER	4.85
LINDLEY	4.00
PRATTSBURGH	100.00

PULTENEY	58.00
RATHBONE	100.00
THURSTON	5.00
TROUPSBURG	63.00
TUSCARORA	5.00
URBANA	100.00
WAYLAND	72.00
WAYNE	57.30
WEST UNION	79.00
WHEELER	100.00
WOODHULL	100.00

Vote: Roll Call – Adopted.

RESOLUTION NO. 190-07

Introduced by P. Donnelly.

Seconded by D. Creath.

FILING THE REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2008 BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2007.

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 2008, be and the same hereby is received and filed by this Legislature; and be it further

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

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2008

BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2008

COUNTY

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<i>MUNICIPALITY</i>	<i>TOTAL ASSESSED BEFORE ALL EXEMPTIONS</i>	<i>COUNTY TAXABLE PLUS SR CITIZEN, REG VET, ALT VET, CLERGY, & INC VOL FIRE EXEMPTS</i>	<i>EQUAL RATE</i>	<i>TOTAL FULL VALUE</i>	<i>AGGREGATE TAXABLE FOR COUNTY</i>	<i>AGGR TAXABLE TO</i>
ADDISON	36,765,231	30,381,552	1.0000	30,381,552	29,376,353	29,376,353
CITY OF ADDISON	75,032,063	45,395,271	1.0000	45,395,271	43,542,161	43,542,161
TOWN TOTALS	111,797,294	75,776,823		75,776,823	72,918,514	72,918,514
AVOCA	59,421,691	53,025,542	1.0000	53,025,542	51,913,805	51,913,805
CITY OF AVOCA	39,162,832	20,456,058	1.0000	20,456,058	19,607,070	19,607,070
TOWN TOTALS	98,584,523	73,481,600		73,481,600	71,520,875	71,520,875
BATH	165,665,303	120,539,005	0.5400	223,220,380	118,340,371	118,340,371
CITY OF BATH	188,452,998	103,211,200	0.5400	191,131,852	100,402,437	100,402,437
CITY OF SAVONA	16,487,948	10,237,305	0.5400	18,957,972	9,869,074	9,869,074
TOWN TOTALS	370,606,249	233,987,510		433,310,204	228,611,882	228,611,882
ADDFORD	37,222,611	32,649,945	0.9900	32,979,742	31,887,404	31,887,404
TOWN TOTALS	37,222,611	32,649,945		32,979,742	31,887,404	31,887,404
AMERON	34,025,316	27,002,691	0.7200	37,503,738	26,388,389	26,388,389
TOWN TOTALS	34,025,316	27,002,691		37,503,738	26,388,389	26,388,389
AMPBELL	5,880,757	4,351,982	0.0350	124,342,343	4,150,721	4,150,721
TOWN TOTALS	5,880,757	4,351,982		124,342,343	4,150,721	4,150,721

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2008
 BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2007

<i>MUNICIPALITY</i>	<i>TOTAL ASSESSED BEFORE ALL EXEMPTIONS</i>	<i>COUNTY TAXABLE PLUS SR CITIZEN, REG VET, ALT VET, CLERGY, & INC VOL FIRE EXEMPTS</i>	<i>EQUAL RATE</i>	<i>TOTAL FULL VALUE</i>	<i>AGGREGATE TAXABLE FOR COUNTY</i>	<i>AGGR TAXABLE TO</i>
CANISTEO	44,602,191	39,155,357	0.6900	56,746,894	38,206,648	38,206,648
VILLAGE OF CANISTEO	58,304,708	38,446,165	0.6900	55,719,080	36,539,577	36,539,577
TOWN TOTALS	102,906,899	77,601,522		112,465,974	74,746,225	74,746,225
CORNING	82,875,571	80,743,697	0.6400	126,162,027	79,336,834	79,336,834
TOWN TOTALS	82,875,571	80,743,697		126,162,027	79,336,834	79,336,834
HOCTON	88,073,414	76,268,699	1.0000	76,268,699	73,965,043	73,965,043
VILLAGE OF HOCTON	29,567,537	24,527,143	1.0000	24,527,143	23,654,758	23,654,758
TOWN TOTALS	117,640,951	100,795,842		100,795,842	97,619,801	97,619,801
CORNING	294,097,656	261,087,378	1.0000	261,087,378	256,116,582	256,116,582
VILLAGE OF RIVERSIDE	31,467,257	25,608,229	1.0000	25,608,229	24,894,179	24,894,179
VILLAGE OF CORNING	42,133,492	39,380,638	1.0000	39,380,638	38,144,288	38,144,288
TOWN TOTALS	367,698,405	326,076,245		326,076,245	319,155,049	319,155,049
VILLAGE OF CORNING	640,606,027	461,612,750	0.9800	471,033,418	450,767,324	450,767,324
TOWN TOTALS	640,606,027	461,612,750		471,033,418	450,767,324	450,767,324
WINDSVILLE	74,807,070	68,266,299	1.0000	68,266,299	67,020,134	67,020,134
TOWN TOTALS	74,807,070	68,266,299		68,266,299	67,020,134	67,020,134

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2008
 BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2007

<i>MUNICIPALITY</i>	<i>TOTAL ASSESSED BEFORE ALL EXEMPTIONS</i>	<i>COUNTY TAXABLE PLUS SR CITIZEN, REG VET, ALT VET, CLERGY, & INC VOL FIRE EXEMPTS</i>	<i>EQUAL RATE</i>	<i>TOTAL FULL VALUE</i>	<i>AGGREGATE TAXABLE FOR COUNTY</i>	<i>AGGR TAXABLE TO</i>
WIN	512,031,587	399,643,828	1.0000	399,643,828	394,870,971	39
LAGE OF PAINTED ST	105,981,322	71,347,272	1.0000	71,347,272	69,590,157	6
WN TOTALS	618,012,909	470,991,100		470,991,100	464,461,128	45
EMONT	44,159,687	40,221,202	1.0000	40,221,202	39,434,052	3
WN TOTALS	44,159,687	40,221,202		40,221,202	39,434,052	3
GREENWOOD	1,843,772	1,553,244	0.0400	38,831,100	1,507,049	
WN TOTALS	1,843,772	1,553,244		38,831,100	1,507,049	
RTSVILLE	17,071,858	16,143,588	0.4599	35,102,387	15,647,492	1
WN TOTALS	17,071,858	16,143,588		35,102,387	15,647,492	1
RNBY	82,557,672	77,171,394	1.0000	77,171,394	75,965,041	7
WN TOTALS	82,557,672	77,171,394		77,171,394	75,965,041	7
RNELLSVILLE	122,063,719	94,987,836	0.7350	129,235,151	92,335,575	9
LAGE OF ALMOND	884,691	494,179	0.7350	672,352	464,734	
LAGE OF ARKPORT	33,943,458	21,277,871	0.7350	28,949,484	20,479,976	2
LAGE OF N Rnell	29,628,131	24,550,181	0.7350	33,401,607	23,568,102	2
WN TOTALS	186,519,999	141,310,067		192,258,594	136,848,387	13

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2008
 BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2007

<i>MUNICIPALITY</i>	<i>TOTAL ASSESSED BEFORE ALL EXEMPTIONS</i>	<i>COUNTY TAXABLE PLUS SR CITIZEN, REG VET, ALT VET, CLERGY, & INC VOL FIRE EXEMPTS</i>	<i>EQUAL RATE</i>	<i>TOTAL FULL VALUE</i>	<i>AGGREGATE TAXABLE FOR COUNTY</i>	<i>AGGR TAXABLE TO</i>
Y OF HORNELL	320,286,438	230,251,008	1.0000	230,251,008	224,754,449	
Y TOTALS	320,286,438	230,251,008		230,251,008	224,754,449	
WARD	50,115,322	43,524,895	0.6300	69,087,135	42,849,317	4
WN TOTALS	50,115,322	43,524,895		69,087,135	42,849,317	4
SPER	2,790,731	2,370,009	0.0485	48,866,165	2,251,871	
WN TOTALS	2,790,731	2,370,009		48,866,165	2,251,871	
DLEY	3,041,591	2,678,988	0.0400	66,974,700	2,553,048	
WN TOTALS	3,041,591	2,678,988		66,974,700	2,553,048	
ATTSBURGH	117,034,722	101,933,979	1.0000	101,933,979	100,256,431	10
WN TOTALS	117,034,722	101,933,979		101,933,979	100,256,431	10
LTENEY	136,354,587	133,385,455	0.5800	229,974,922	130,330,239	13
WN TOTALS	136,354,587	133,385,455		229,974,922	130,330,239	13
THBONE	51,226,463	40,775,742	1.0000	40,775,742	40,108,398	4
WN TOTALS	51,226,463	40,775,742		40,775,742	40,108,398	4

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2008
 BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2008

<i>MUNICIPALITY</i>	<i>TOTAL ASSESSED BEFORE ALL EXEMPTIONS</i>	<i>COUNTY TAXABLE PLUS SR CITIZEN, REG VET, ALT VET, CLERGY, & INC VOL FIRE EXEMPTS</i>	<i>EQUAL RATE</i>	<i>TOTAL FULL VALUE</i>	<i>AGGREGATE TAXABLE FOR COUNTY</i>	<i>AGGR TAXAB TO</i>
JURSTON	2,654,875	2,612,779	0.0500	52,255,580	2,490,737	
OWN TOTALS	2,654,875	2,612,779		52,255,580	2,490,737	
DUPSBURG	55,131,947	37,577,492	0.6300	59,646,813	37,057,269	3
OWN TOTALS	55,131,947	37,577,492		59,646,813	37,057,269	3
SCARORA	2,635,777	2,545,888	0.0500	50,917,760	2,494,190	
OWN TOTALS	2,635,777	2,545,888		50,917,760	2,494,190	
BANA	220,566,162	206,267,450	1.0000	206,267,450	202,994,202	20
VILLAGE OF COMMONSPORT	49,024,500	39,592,469	1.0000	39,592,469	38,330,549	3
OWN TOTALS	269,590,662	245,859,919		245,859,919	241,324,751	24
WAYLAND	98,402,057	68,739,108	0.7200	95,470,983	67,191,748	6
VILLAGE OF WAYLAND	47,840,866	43,774,710	0.7200	60,798,208	42,549,429	4
OWN TOTALS	146,242,923	112,513,818		156,269,191	109,741,177	10
WYNE	128,813,526	126,681,716	0.5730	221,085,019	125,337,926	12
OWN TOTALS	128,813,526	126,681,716		221,085,019	125,337,926	12
WEST UNION	23,548,597	20,727,257	0.7900	26,237,034	20,575,220	2
OWN TOTALS	23,548,597	20,727,257		26,237,034	20,575,220	2

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2008
 BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2007

<i>MUNICIPALITY</i>	<i>TOTAL ASSESSED BEFORE ALL EXEMPTIONS</i>	<i>COUNTY TAXABLE PLUS SR CITIZEN, REG VET, ALT VET, CLERGY, & INC VOL FIRE EXEMPTS</i>	<i>EQUAL RATE</i>	<i>TOTAL FULL VALUE</i>	<i>AGGREGATE TAXABLE FOR COUNTY</i>	<i>AGGR TAXABLE TO</i>
EELER	58,648,445	52,933,529	1.0000	52,933,529	51,618,600	5
TOWN TOTALS	58,648,445	52,933,529		52,933,529	51,618,600	5
RODHULL	90,534,729	84,134,794	1.0000	84,134,794	82,796,519	8
TOWN TOTALS	90,534,729	84,134,794		84,134,794	82,796,519	8
COUNTY TOTALS	4,453,468,905	3,550,244,769		4,573,973,322	3,474,526,443	2,82

I DO HEREBY CERTIFY THAT THE PRECEDING IS A TRUE STATEMENT OF THE AGGREGATE ASSESSED VALUATIONS OF THE TAXABLE REAL PROPERTY, THE RATES OF EQUALIZATION AND THE FULL VALUATIONS IN THE CITIES AND TOWNS OF STEUBEN COUNTY, AS DETERMINED BY THE BOARD OF LEGISLATORS ON THE 26TH DAY OF NOVEMBER, 2007.

SIGNED: DONNA P HATCH, DIRECTOR, STEUBEN COUNTY REAL PROPERTY TAX SERVICE AGENCY

DATED: 11/26/07

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 Call – Adopted.

RESOLUTION NO. 191-07

Introduced by F. Gehl.

Seconded by D. Stachnik.

MEMORIALIZING THE GOVERNOR AND STATE LEGISLATURE TO WORK WITH LOCAL OFFICIALS IN DEVELOPING POLICIES TO RELIEVE COUNTIES OF THE STAGGERING MANDATES PLACED UPON LOCAL CORRECTIONAL SYSTEMS.

WHEREAS, there are approximately 4,700 parole violators housed in county correctional facilities throughout New York State on any given day; and

WHEREAS, of this number, approximately 2,000 of these individuals are Technical Parole Violators (PVs) and 2,700 are New Arrest Parole Violators (NAPVs); and

WHEREAS, the Upstate daily average cost for housing inmates in county correctional facilities is approximately \$105.00 per inmate and the average cost for New York City and downstate counties is nearly \$300.00 per inmate; and

WHEREAS, the enacted 2006-2007 State Budget responded by increasing the per diem rate for housing technical PVs and state-ready inmates from \$34.00 per day, to the statutory maximum of \$40.00 per day, increasing the reimbursement to counties throughout the State by \$4.4 million; and

WHEREAS, even with this modest budgetary change, this reimbursement is still inadequate and should be increased as a matter of fairness, to reflect the actual cost of housing these state prisoners in local facilities; and

WHEREAS, the State provides no reimbursement for NAPVs and counties are required to take full financial responsibility for medical and transportation costs incurred by all state parole violators and state ready inmates housed in county jails; and

WHEREAS, the State must work with counties to provide cost-effective strategies for the provision of health care services within jail settings for all inmates, as well as improving the continuum of services in the community once incarcerated persons are released from jail; and

WHEREAS, several county correctional facilities are currently operating at or near capacity levels, in large part because they are forced to house State prisoners while State correctional facilities are being considered for closure and downsizing due to significant reductions in their populations; and

WHEREAS, the State Commission of Correction (SCOC), which has no authority to require that jails be built to a specific capacity but can unilaterally approve or deny a county's proposed building plan, has mandated that counties build far larger facilities than they currently need in anticipation of future crime trends, despite the fact that New York State touts their efforts and great successes in the arena of crime reduction; and

WHEREAS, SCOCs policies present significant unfunded mandates by requiring counties to over-build their local jails, and in some instances, they have required counties to construct facilities twice the size of their current inmate populations; and

WHEREAS, many local jails would not be near capacity if they were not forced to house parole violators in their jails.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature memorializes Governor Spitzer and the State Legislature to:

- Take immediate responsibility of their prisoners when they violate the conditions of their parole,
- Provide adequate reimbursement in instances where any parole violators are housed in county correctional facilities,

- Work with county corrections officials to develop alternatives to the massive expansion of local correctional facilities mandated by the State Commission of Correction,
- Work with local officials to reduce the cost of health care service for inmates,
- Continue to fund and expand alternatives to incarceration and re-entry services in an effort to reduce jail populations and recidivism by promoting offender success in the community,
- Make the necessary legislative changes to require all convicted felons serve their sentences in State Department of Corrections facilities; and be it further

RESOLVED, the Steuben County Legislature urges Governor Spitzer and the State Legislature to develop and adopt policies that will ease the burdens placed upon counties from the numerous public safety mandates imposed by the State; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Attorney General Andrew Cuomo; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 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; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Wayne E. Zyra, President, Inter-County Association of Western New York, c/o Monroe County Legislature, 39 West Main Street, Rochester, NY 14614.

Vote: Acclamation – Adopted.

RESOLUTION NO. 192-07

Introduced by F. Gehl.

Seconded by R. Nielsen.

MEMORIALIZING THE GOVERNOR AND THE STATE LEGISLATURE TO PROVIDE COUNTIES WITH AN EQUITABLE AND DEDICATED SHARE OF THE NEW YORK STATE WIRELESS SURCHARGE.

WHEREAS, New York imposes a \$1.20 monthly surcharge on all cellular telephone subscribers in the State, which generates approximately one hundred and twenty million dollars annually; and

WHEREAS, counties that operate Public Safety Answering Point’s (PSAP’s) may enact local legislation, subject to State approval, to impose an additional local surcharge of thirty cents on all wireless telephone subscribers, beyond what the State already receives; and

WHEREAS, New York State has never provided a dedicated portion the State Wireless 911 surcharge revenues to the counties who actually receive the calls and dispatch police, fire and/or emergency medical services to those in distress; and

WHEREAS, in the past, the State has intermittently provided limited funding to counties and other municipalities that run PSAPs and provide wireless 911 services; and

WHEREAS, these local governments require additional funding if they are expected to provide the best wireless 911 services to those seeking assistance throughout the State of New York, and these services must include the implementation of Enhanced Wireless 911, a costly yet necessary life saving technology; and

WHEREAS, federally mandated Enhanced Wireless 911 gives PSAP operators the ability to locate the approximate location of a caller in distress and a call back number; and

WHEREAS, counties and other municipalities opting to provide wireless 911 services to the general public will have to spend considerable sums of money to set up and maintain their wireless 911 systems in a manner that provides the

public with the most efficient system, capable of promptly dispatching emergency state and local police, fire and medical assistance; and

WHEREAS, in recent years, landline surcharge revenues have decreased, as many New Yorkers have dropped their landline service in favor of their cellular telephones, thereby reducing local funding for PSAPs while bolstering the State's Wireless Surcharge revenues; and

WHEREAS, in recent years, deaths have been reported throughout the State as a result of the limitations of our existing wireless 911 systems; and

WHEREAS, local wireless surcharges alone cannot keep pace with rapidly evolving wireless 911 technologies; and

WHEREAS, consumers typically purchase cellular telephones for use in an emergency and everyone who uses a cellular phone in New York State must have the opportunity to access these services.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature memorializes the State of New York to equitably share a portion of the Wireless 911 Surcharge revenue with counties that receive and respond to wireless 911 calls; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Attorney General Andrew Cuomo; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 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; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Wayne E. Zyra, President, Inter-County Association of Western New York, c/o Monroe County Legislature, 39 West Main Street, Rochester, NY 14614.

Mr. Isaman asked are there other counties doing the same? Mr. Alger stated this resolution came from NYSAC so, yes.

Vote: Acclamation – Adopted.

RESOLUTION NO. 193-07

Introduced by F. Gehl.

Seconded by D. Creath.

MEMORIALIZING THE GOVERNOR AND THE STATE LEGISLATURE TO INCREASE PROBATION REIMBURSEMENT TO THE STATUTORILY REQUIRED FIFTY PERCENT.

WHEREAS, Section 246 of the New York State Executive Law stipulates, “State aid shall be granted to the City of New York and the respective counties outside the City of New York only to the extent of reimbursing fifty per centum of the approved expenditures incurred by the county or City in maintaining and improving local probation services.”; and

WHEREAS, over the past two decades, local reimbursement for probation services has decreased from 46.5% to lower than 20%; and

WHEREAS, while reimbursement has diminished, state mandates on probation have increased to include interim supervision, DNA collections, Sex Offender registration, ignition interlock, and community service for DWI; and

WHEREAS, counties have been forced to assume a greater proportion of probation costs as the scope of probation services expands and new technologies arise for tracking and monitoring the activities of probationers; and

WHEREAS, in recent years, these costs have escalated sharply and dwindling state reimbursement and dedicated local funds are not enough to meet the demands placed on local probation departments; and

WHEREAS, probation officers typically travel great distances to meet with probationers at home or work, incurring additional non-reimbursed expenses; and

WHEREAS, the high costs associated with quality probation services has forced counties to assume a greater proportion of probation expenses, resulting in layoffs, reductions in services and increases in property taxes; and

WHEREAS, the Steuben County Legislature realizes that effective probation services provide substantial savings for the State by reducing the reliance on incarceration and placements, as evidenced by the 63,000 felons and the 43,000 juveniles currently receiving probation services.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature in conjunction with Chief Judge Judith Kaye, the Office of Court Administration (OCA) and the New York State Council of Probation Administrators (COPA) memorializes the Governor and the State Legislature to support the restoration of state aid to local probation departments to a full 50% of approved expenditures incurred by the county or City of New York in maintaining and improving local probation services; and be it further

RESOLVED, that any new public safety mandate imposed pursuant to State law, regulation, or Executive Order that imposes additional duties upon local probation departments, or directly increases the population of offenders subject to the jurisdiction of any such department, be fully funded by the State; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Attorney General Andrew Cuomo; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 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; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Wayne E. Zyra, President, Inter-County Association of Western New York, c/o Monroe County Legislature, 39 West Main Street, Rochester, NY 14614.

Vote: Acclamation – Adopted.

RESOLUTION NO. 194-07

Introduced by F. Gehl.

Seconded by P. Donnelly.

MEMORIALIZING THE GOVERNOR AND THE STATE LEGISLATURE TO ASSUME FULL STATE RESPONSIBILITY OF PUBLIC DEFENSE PROGRAMS AS RECOMMENDED BY THE COMMISSION ON THE FUTURE OF INDIGENT DEFENSE SERVICES.

WHEREAS, since 1965 counties have been the providers and in large part, the financiers of public defense in New York State; and

WHEREAS, many states fund 100% of their public defense programs and do not burden their counties with this financial hardship; and

WHEREAS, counties shoulder 64% of public defense expenditures in New York State, equaling \$280 million annually; and

WHEREAS, the State, through the creation of new specialty courts, as well as the unfunded expansion of mandated representation to assure fairness in our courts, has placed an increasing fiscal strain on county governments and the property tax payers of this State; and

WHEREAS, in June of 2006, a report to the Chief Judge of the State of New York, on the Future of Indigent Defense Services, highlights numerous shortcomings and inequities of the current public defense system, citing the lack of a single, independent body responsible for statewide public defense oversight and administration; and

WHEREAS, the report also states that New York's public defense system is in a state of crisis and suffers from a chronic and acute lack of funding; and

WHEREAS, a more coordinated, state funded public defense system will provide improved services, while alleviating other costly strains on local justice systems and property taxpayers; and

WHEREAS, significant reform of the current system cannot happen without a full State takeover of the public defense program as counties have only limited resources available and must fund an array of other state mandated programs; and

WHEREAS, the State continues to increase the compensation and workload of public defense attorneys by criminalizing more behavior without increasing funding to meet those defense responsibilities.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature memorializes Governor Spitzer and the Legislature to work with the Office of Court Administration to develop and pass legislation authorizing a full state takeover of all public defense services and expenses in New York State; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Attorney General Andrew Cuomo; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 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; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Wayne E. Zyra, President, Inter-County Association of Western New York, c/o Monroe County Legislature, 39 West Main Street, Rochester, NY 14614.

Vote: Acclamation – Adopted.

RESOLUTION NO. 195-07

Introduced by F. Gehl.

Seconded by D. Farrand.

MEMORIALIZING THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE TO PROVIDE SPECIFIC FUNDING FOR SHERIFFS' OFFICES TO AID THEIR EFFORTS IN TAKING ACTION AGAINST DISTRACTED DRIVING.

WHEREAS, Sheriffs' offices across New York are taking action against driver distraction by focusing their attention on what motorists are doing while driving; and

WHEREAS, Sheriffs from across the state recently participated in a week-long targeted effort to reinforce the enormous responsibility that every driver shares when operating a motor vehicle, and to emphasize the notion that operating a motor vehicle warrants a driver's full attention; and

WHEREAS, in 2003, research by the National Highway Traffic Administration estimated that driver inattention contributed to 25% of police-reported crashes; and

WHEREAS, in 2006, another study determined that driver distraction/ inattention was a leading contributing factor in automobile crashes and near-crashes, that study showed that almost 80% of automobile crashes and 65% of near-crashes occurred within three seconds of some type of distraction, primarily cell phone use; and

WHEREAS, in 1985, there were roughly 91,600 mobile phone subscribers in the United States, that number increased to 197,680,000 in 2005 and continues to grow; and

WHEREAS, it is estimated that 70 to 90 percent of drivers in the United States use their phones while driving at least some of the time and that at any one time 3% to 5% of drivers are talking on their phone; and

WHEREAS, Sheriffs' departments hope to minimize the adverse effects of driver distraction and improve the safety on our roadways through raising awareness and enforcement; and

WHEREAS, the Governor's Traffic Safety Committee (GTSC), charged with coordinating traffic safety activities throughout the state, provides timely, accurate and useful news, information and other resources about traffic safety and the State's Highway Safety Grant Program.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature memorializes the GTSC to partner with Sheriffs' departments and provide direct funding for road patrols to build up an increased presence on the roadways of New York State, in an effort to promote safe driving habits; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Attorney General Andrew Cuomo; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 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; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Wayne E. Zyra, President, Inter-County Association of Western New York, c/o Monroe County Legislature, 39 West Main Street, Rochester, NY 14614.

Vote: Acclamation – Adopted.

RESOLUTION NO. 196-07

Introduced by P. Roche.

Seconded by R. Argentieri.

SETTING THE DATE OF THE DECEMBER 2007 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 2007, on Monday, December 17, 2007, 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. 197-07

Introduced by P. Roche.

Seconded by F. Gehl.

SETTING THE DATE, TIME AND PLACE OF THE MEETING FOR THE ORGANIZATION OF THE STEUBEN COUNTY LEGISLATURE FOR THE YEARS 2008 AND 2009.

Pursuant to Section 151 and Section 450 of the County Law of the State of New York.

BE IT RESOLVED, this Steuben County Legislature shall meet at the Legislative Chambers on Pulteney Square in the Village of Bath, New York, on Wednesday, the 2nd day of January, 2008, at 10:00 A.M. for the purpose of the transaction of any business that may properly come before any regular meeting of this Legislature; and be it further

RESOLVED, the Clerk of this Legislature shall forward the necessary, proper and legal notice of the above meeting to all County Legislators and department heads of the County of Steuben.

Vote: Acclamation – Adopted.

Motion to allow Legislators-Elect to observe the Executive Session made by Mr. Gehl, seconded by Mr. Donnelly and duly carried.

Motion to adjourn regular session and reconvene in Executive Session pursuant to Public Officers' Law, Article 7§ 105.1.D. Discussions Regarding Proposed, Pending Or Current Litigation made by Mr. Donnelly, seconded by Mr. Nielsen and duly carried.

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

Motion authorizing the County Attorney to appeal the decision relative to Dennis Putnam and Leanne Putnam, Index No. 93164 in State of New York Supreme Court, County of Steuben made by Mr. Gehl, seconded by Mr. Nielsen. Vote: Roll Call – Adopted.

Motion to adjourn made by Mr. Argentieri, seconded by Mr. Walsh and duly carried.

SPECIAL MEETING
Evening Session
Legislative Chambers, Bath, New York
Monday, November 26, 2007

The County Legislature of the County of Steuben convened in Special Session in the Legislative Chambers, Bath, New York, on Monday, November 26, 2007, at 6:00 p.m. and was called to order by the Chairman of the Legislature, Philip J. Roche.

Roll Call and all members present except Legislators Baker and Nichols.

Mr. Swackhamer provided the invocation and Mr. Schwartz 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. Seven for the Year 2007, 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 2008. 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 2007 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 2007 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 2007 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 2008. Chairman Roche asked if anyone wished to address the Legislature relative to the Public Hearing.

David Hardy, President of the Hornell Public Library, stated thank you for your ongoing support of public libraries in Steuben County. One of the programs we find particularly useful is the summer reading program. In 2006 we had 190 young people signed up and this past summer over 300. Hopefully that will continue to grow. Your support is appreciated.

Ristiina Wigg, Southern Tier Library System Director, stated thank you for your support of libraries this year. We appreciate your attention. Your support continues to connect libraries and allow shared services and resources. It allows folks all over the county to receive materials. Many people benefit from the libraries. Because costs are rising, we would appreciate an increase in funding. Thank you.

Shirley Edwards, Avoca Free Library, stated we've seen increasingly good times since I've been at the library. There aren't enough hours in the day for people to do their work in and, in Avoca, we're the only open community building. We thank you for all of your support. The books-on-loan program has been very beneficial for our library. We can't afford to buy all of the books people would like to see but this has opened the doors to allow people to order books if a particular library doesn't have it. Thank you.

Pauline Emery, Director of the Southeast Steuben Library, stated libraries are reaching out to the community to bridge the gap for the underprivileged and encouraging pre-k reading. We can do more to help the underserved, children and seniors, as well as people looking for employment opportunities.

Bonnie Covell, Bath, stated I'm here on behalf of the SPCA, as well as myself and community. As we near the end of the year, we are also close to running out of everyday materials needed at the SPCA. Somebody has to take on the responsibility of taking in these animals and the SPCA does it. If it weren't for these extra funds coming in, these animals would have nothing. We ask a lot of Scott Mazzo to be out on the road taking care of these complaints. Please consider an increase in their funding. Thank you.

Carol Kelly, Prattsburgh, stated my husband and I have done volunteer work for the SPCA for the past 10 years. I ask for your continued support. Thank you for the allocation of \$25,000 last year. However, the number of complaints has increased which means there are more costs. They operate on a shoe string budget and need all the support they can get. Vicki Mosgrove does the best with what she has to work with. Some of the cases I know about haunt me. Sometimes these animals can be saved and sometimes they cannot. We're grateful to have Scott Mazzo. There is a high correlation between animal abuse and spousal/child abuse. Certainly the primary reason for intervention is to prevent suffering. I realize you have to think in terms of dollars and cents. I believe it would be helpful to support this group to break the cycle of abuse. This would be a proactive response, rather than reactive. Mr. Mazzo has the full support of the Sheriff's Office. Thank you for your previous support and please continue your support in future years as well.

Scott Mazzo, SPCA, stated there were a few comments made this afternoon that I'd like to clarify. The license fee money comes from those individuals that license their dogs. The County didn't give up that money; I found it written in the State Law where it could be appropriated for this purpose. Regarding the comment of bailing out the SPCA by providing the funds from the sale of property, that is not what happened. This was done because there was a court order from a large seizure that stated the restitution was to be made to the SPCA by the subject who owned all the lands. The County fronted the SPCA that money and the money is being paid back to the County by the individual named in that Court Order. The job I do is large. In 2002, Seneca County had a large horse seizure. They do not have an SPCA. Therefore, Seneca County had to pay an outside agency to take those animals. It cost them \$84,000. The same scenario happened in Livingston County and Wayne County. If you recall, we had a 300 animal seizure in Steuben County. If we had brought in an outside agency to handle that seizure, it would have cost Steuben County \$50,000. We recently had the fighting pitbull seizure in Wayland. That would have cost Steuben County \$9,000. That's \$59,000 we've saved Steuben County in recent history. If I wasn't here to take care of these things, you'd be paying for it. These are also crimes that have to be investigated. If I weren't here to do that, the responsibility would fall on other agencies. The SPCA saves the County money. I respectfully request an increase in funding. Thank you.

Marjory Cleaveland-Yaekel, Pulteney, stated I'm a long term volunteer for the SPCA and one of my contributions is maintaining a donor database. You are probably aware that 80 percent of our funding comes from private donors. I'd like to say that well over 90 percent of our donors are from within the County. The Finger Lakes SPCA gives its donors the right to indicate what programs they'd like to support with their contributions. There are 2 programs that stand out. The spay/neuter program, which hopefully will be the solution to our problem in the future and, by far, the greatest amount of money is allocated to the cruelty program and that is from the donors themselves. Please support the SPCA. Thank you.

Karen Doucette, Wayne, stated I'm a veterinarian and also the Vice President of the SPCA Board of Directors. I just wanted to give you a few thoughts. Through just 4 years of working with Scott Mazzo, he's brought me several different types of cases. Where would these animals be without Mr. Mazzo and the SPCA. They'd be suffering and dying in silence. I emphasize that anti-cruelty to animals helps people as well. I've seen the link between animal abuse and child abuse and neglect. Our community benefits from the intervention and education provided by the SPCA. We struggle every year to raise the additional \$20,000 needed to run the program. I request you increase their appropriation to \$39,000 this year. Thank you.

There being no further comments, Chairman Roche declared the Public Hearing closed.

BUDGET WORKSHOP

Motion to increase the appropriation to the Finger Lakes SPCA by \$10,000 to \$39,000 made by Mr. McIntyre, seconded by Mr. Farrand. Discussion followed.

Mr. McAllister stated the problem I have is the amount of increase in their budget. It is a 50 to 60% increase. Any of our departments would love that kind of increase. Also, when we talked last time about the DCO's not being on duty during the day, it leads me to wonder if the County would be taking over some of the responsibility the towns should be assuming. I support an increase; it just seems like too big an increase.

Mr. Schwartz stated that we had to build more cells to house more inmates and it has a direct relationship to abuse of animals.

Mr. Gehl thanked the SPCA for their work in this field. Just seeing what they do with what they have out there is a miracle. I fully support the extra \$10,000.

Mr. Farrand stated I don't think the Sheriff's Department is able to understand the Ag & Markets Law the way Mr. Mazzo does. The DCO's utilize him an awful lot and he has increased their ability to understand the laws by forming an association. They can do their jobs better now because of Mr. Mazzo.

Mr. Ryan asked will Mr. Mazzo lose his job if we don't give them the extra \$10,000? Representatives of the SPCA stated that he would not.

Vote: Roll Call – Adopted. Yes: 7477; No: 1287; Absent: 1108.
No: McAllister and Ryan. Absent: Baker and Nichols.

Motion to increase the appropriation to the Southern Tier Library System by \$10,000 to \$110,000 made by Mr. Donnelly, seconded by Mr. Isaman. Discussion followed.

Mr. Argentieri stated I just wanted to comment that cutting the SPCA and the Library in the County budget is like cutting music and sports in a school budget.

Mr. Swackhamer stated I would like it noted for the record that we did not cut their budgets. In fact, we increased their budgets. We just didn't give them the full amount of their request.

Vote: Roll Call – Adopted.

Motion to decrease the amount of the Contingent fund by \$20,000 to cover the cost of these additional appropriations made by Mr. Argentieri, seconded by Mr. Gehl. Discussion followed.

Mr. Swackhamer stated a one percent increase is equivalent to \$400,000 in the budget so an additional \$20,000 appropriation isn't going to make that much of a difference in the budget. Leave it on the tax levy rather than take it from contingency.

Vote: Roll Call – Motion failed. Yes: 2068; No: 6696; Absent: 1108

No: Donnelly, Farrand, Gehl, Isaman, McAllister, Nielsen, Roche, Ryan, Stachnik, Swackhamer and Walsh.

Absent: Baker and Nichols.

Mr. Schwartz asked do we have any idea what we've generated in revenue from the sales tax on gasoline? Mr. Alger stated I haven't seen that number but the Treasurer has it. Mr. Schwartz stated if that becomes substantial, can we use that additional revenue as unanticipated to lower the taxes?

Chairman Roche stated any increase in sales tax would be dealt within the context of the budget in 2009.

Mr. Isaman asked do we have funding set aside to cover the cost of the new voting machines?

Mr. Alger stated we don't know what's going to be determined by the courts but we currently have purchased one of the auto-marking devices for the handicapped. The funding we are to receive from the Federal Government, through the State, is around \$300,000 to \$400,000 and the cost of the machines will come out of those funds. However, the court order may only affect the 2008 elections. The State may decide after that to require us to purchase a different machine. If for some reason the State changes in midstream, that will become a local cost and it would impact us in 2009 or beyond. There's no way to predict their next move and, therefore, we haven't budgeted specifically for that.

Mr. Swackhamer stated that's why we have the contingency fund set where it is and why we are safe in our estimates of sales tax. We need a surplus to be able to pay for these without going out to bond.

Mr. Farrand stated that many counties' sales tax figures were lower than estimated. We were one of the lucky ones.

Motion to close the budget workshop made by Mr. McIntyre, seconded by Mr. McAllister and duly carried.

RESOLUTION NO. 198-07

Introduced by P. Donnelly.

Seconded by K. Isaman.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. SEVEN FOR THE YEAR 2007, 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 2008.

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, 2007, County of Steuben Local Law Tentatively No. Seven for the Year 2007, 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 2008, and this Legislature by resolution, preliminarily adopted said Local Law on November 15, 2007, making the final adoption of said Local Law subject to a Public Hearing to be held on November 26, 2007, and also subject to a permissive referendum; and

WHEREAS, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on November 26, 2007 at 6:00 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law Tentatively No. Seven for the Year 2007, as hereinafter set forth be and the same hereby is finally adopted, to wit:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. SEVEN FOR THE YEAR 2007**

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 2008.

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 2008, the annual salaries of the certain elected or appointed officials and department heads of the County of Steuben who have a fixed term of office are hereby established for the Fiscal Year 2008 as follows, to wit:

<u>TITLE</u>	<u>2007 SALARY</u>	<u>2008 SALARY</u>
Commissioner, Public Works	\$ 81,225.00	\$ 84,880
Commissioner, Social Services	\$ 78,364.00	\$ 81,890
Commissioners of Elections	\$ 13,046.00	\$ 13,633
County Administrator	\$ 96,500.00	\$101,000
County Treasurer	\$ 76,000.00	\$ 79,040
Director, Real Property Tax	\$ 62,667.00	\$ 65,487
Personnel Officer	\$ 80,283.00	\$ 83,896
Sheriff	\$ 72,406.00	\$ 75,302

SECTION 3: Should any of the above positions become vacant and subsequently filled by one other than the present incumbent, the salary shall in that instance be set by the Legislature prior to filling said vacancy.

SECTION 4: This Local Law shall become effective, subject to a permissive referendum, forty-five (45) days after the date of its final adoption and on the date it is duly filed in the Office of the Secretary of State of the State of New York and in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

BE IT FURTHER RESOLVED, within twenty (20) days after such Local Law is adopted the Clerk of this Legislature of the County of Steuben shall cause a copy of the Local Law to be published in the two officially designated county newspapers, the Leader of Corning, New York and the Evening Tribune of Hornell, New York, together with notice that said Local Law is subject to a permissive referendum of the qualified electors of Steuben County by the filing of a petition within forty-five (45) days from the date of the final adoption of the Local Law with the Clerk of this Legislature demanding such referendum, which petition must be signed by qualified electors of the County registered to vote therein at the last preceding election, in number equal to at least ten per centum (10%) of the total number cast for Governor at the last gubernatorial election in the County; and be it further

RESOLVED, within five (5) days after the expiration of the time for the filing of petitions for a permissive referendum of said Local Law, the Clerk of the Legislature shall cause one (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. Schwartz stated I don't have anything personal against anybody in particular, but this raise is higher than the cost of living so I'll be voting no on the pay increases.

**Vote: Roll Call – Adopted. Yes: 7800; No: 964; Absent: 1108.
No: Argentieri and Schwartz. Absent: Baker and Nichols.**

RESOLUTION NO. 199-07

Introduced by P. Donnelly and G. Swackhamer.

Seconded by F. Gehl.

APPROVING AND CREATING THE FUNDED 16 (B) POSITIONS CONTAINED IN THE TENTATIVE 2008 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 2008 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>			
Staff Social Worker	3	15	\$42,271 - \$50,726
Account Clerk Typist	1	6	\$24,433 - \$34,495
<u>Administrator</u>			
Assistant County Administrator	1	F	\$45,445 - \$58,584
<u>Department of Social Services</u>			
Sr. Caseworker	1	14	\$40,284 - \$48,339
Case Supervisor, Grade B	1	16	\$44,911 - \$53,891
Accountant	1	14	\$34,241 - \$48,339

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

Mr. McIntyre stated I disagree with the Assistant County Administrator position and, therefore, cannot be in favor of this resolution.

Mr. Argentieri stated I don't agree with the Assistant County Administrator position. We find a lot of ways to spend county tax dollars and this is one of them. Mr. Farrand stated I don't agree with it either.

Motion to remove the position of Assistant County Administrator from the resolution made by Mr. Swackhamer, seconded by Mr. Schwartz. Discussion followed.

Mr. Gehl asked can we vote on it separately if we take it out of the resolution? Mr. Ahrens stated if you vote no now you are, in effect, voting in favor of keeping the position.

Mr. Stachnik asked Mr. Donnelly to recap the Administration Committee's discussion of this position.

Mr. Donnelly stated we discussed it at length and one of the basic benefits is it would give us depth of management. Mr. Heffner is the Deputy, but he also has the full time position of Planning Director. We need somebody to study efficiencies and give recommendations on improvements.

Mr. McIntyre stated we brought on a Deputy Personnel Officer to handle personnel studies and we brought on an engineer to study the roads. They are performing these duties. The jail project is done and that is a big item off of Mr. Alger's plate. The Health Care Facility project will be done on March 1st. Let a year go by and if he still feels the position is appropriate, fine, but right now there's enough people handling the statistical items.

Mr. Creath stated I support this position. It is an analyst type of position to look at the effectiveness of the departments. We spend a lot of money on outside consultants. Mr. Alger has been tied down with other duties; departments have brush fires and Mr. Alger has to handle them. This person would relieve Mr. Alger of a great deal of extra detail. I see this job paying for itself in the first or second year.

Mr. Gehl stated each and every one of those positions Mr. McIntyre mentioned has fulfilled what they were going to do. I spend a lot of time in the office while many of you show up for your meetings and then leave immediately afterwards. I see what goes on behind the scenes that a lot of you don't. You're not around every day to see what is going on and a lot of it is done by Mr. Alger. Anytime there's a question, I rely on him to answer it for me. He's saying he can do more for the County by having this position and I agree with him.

Mr. Schwartz stated it's time for us to discuss going to an elected executive for the county. To include a brand new position for the Administrator is not wise or ethical.

Mr. Alger stated the intent of the position is to provide you with better information to make decisions. There are things we don't get done that would be of assistance to the Legislature to make decisions. If we don't have the position, I'll do the best I can to get you the information, as I always have. There are things I simply cannot get to. There are only so many things I can handle at a time. The intent was to provide you with better information to make better decisions.

Mr. Stachnik stated there are 25 to 30 non-charted counties in New York and the majority of them have Assistant County Administrators. We're not exactly reinventing the wheel; we're merely catching up to where we should be.

Mr. McIntyre stated as Chairman of the Ad Hoc Committee on Personnel, I went through every department and looked at personnel changes that could be done. One area that was underutilized was the Planning Department. That department could do a lot more than what they are doing. These people could provide more support to Mr. Alger.

Mr. Argentieri stated my primary concern is the taxpayer. Let's bite the bullet and if Mr. Alger has to do more, so be it. Let's stop creating this big dynasty. We have to stop somewhere. Our adjoining counties have reduced taxes. We've increased them. It is time to give the taxpayers a break.

Mr. Alger stated I'd like to point out that what Chemung County has promoted is a reduction of the tax rate. Steuben County's tax rate has also been reduced.

Chairman Roche stated our budget is \$180 million and we seem to do a very good job of investing in our capital programs but it appears that investing in human capital isn't valued as much.

Mr. Stachnik stated with the complexity of the budget, it would only follow that the people at the top are stretched thin. This position may very well pay for itself in finding new ways to do things. I think we owe the taxpayer this as an investment.

Mr. Nielsen stated I've backed the creation of this position for several months. This is a large County and these two projects certainly won't be the last ones we have. Why not give the man a little help here? I believe it is the way to go.

Mr. Swackhamer stated the Finance Committee built in a one-year review of this job.

Vote on amendment: Fails. Yes: 1526; No: 7238; Absent: 1108.

No: Creath, Donnelly, Farrand, Gehl, Isaman, McAllister, Nielsen, Roche, Ryan, Stachnik, Swackhamer and Walsh. Absent: Baker and Nichols.

Vote: Roll Call – Adopted. Yes: 7751; No: 1013; Absent: 1108.

No: Argentieri and McIntyre. Absent: Baker and Nichols.

RESOLUTION NO. 200-07

Introduced by G. Swackhamer.

Seconded by T. McIntyre.

FINAL ADOPTION OF THE ANNUAL COUNTY BUDGET FOR THE FISCAL YEAR 2008 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 2008.

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 2008 were duly filed with the Clerk of the County Legislature on or before November 15, 2007, and appropriate action taken thereupon and fixing the date, time and place for holding the required public hearings; and

WHEREAS, the duly advertised Public Hearings on the Tentative Budget and for the Watershed Protection Districts were opened, held and completed on November 26, 2007, commencing at 6:00 P.M. in the Legislative Chambers in the Village of Bath; and

WHEREAS, all persons attending said above mentioned hearings were given the right to provide written and oral statements and comments 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 2008; 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 2008 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 2008; 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, 2008 or thereafter in the Year 2008, 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 2008:

<u>Department/Project</u>	<u>Total Appropriation</u>
Buildings and Grounds	\$ 76,000
Information Technology & Telecommunications	546,200
Paving	1,500,000
Public Works	3,560,000
Solid Waste	2,355,800
Copier Project	11,500
Treasurer	57,500
Parks	4,300
TOTAL	\$8,111,300

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 2007 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, 2008, 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, 2009, 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 2007 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 2008 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.

Vote: Roll Call – Adopted. Yes: 7800; No: 964; Absent: 1108.
No: Argentieri and Schwartz. Absent: Baker and Nichols.

RESOLUTION NO. 201-07

Introduced by G. Swackhamer.

Seconded by T. McIntyre.

AMENDING THE STEUBEN COUNTY BUDGET FOR THE FISCAL YEAR 2008, 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 2008, AND PROVIDING FOR THE RAISING OF THE TAXES REQUIRED BY THE COUNTY BUDGET, AS AMENDED, FOR THE FISCAL YEAR 2008, AND ADOPTING THE APPROPRIATION RESOLUTION FOR THE FISCAL YEAR 2008.

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 2008, 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 2008, 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 2008 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 2008 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 2008 to be raised by taxes amounting to the sum of **\$ 42,591,089** and reduced by anticipation of the sales tax credit in the amount of **\$7,449,201** 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, 2008; 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, 2007 and filed with the Clerk of the Legislature on November 15, 2007 for the Year 2007, 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 2008; and be it further

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

Vote: Roll Call – Adopted.

Motion to vote on resolutions numbered five through ten on the agenda as one vote made by Mr. McIntyre, seconded by Mr. Gehl and duly carried.

RESOLUTION NO. 202-07

Introduced by P. Donnelly.

Seconded by D. Creath.

COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2007 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 2007, 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 2008, has been completed and properly filed with the Steuben County Real Property Tax Service Agency at its office in the Steuben County Office Building, 3 East Pulteney Square in the Village of Bath, New York for review and inspection by the public and interested parties; and

WHEREAS, proper notice of the completion and filing of said assessment roll, and also proper notice that the Public Hearing on the assessment roll would be held by the County Legislature of the County of Steuben in the Legislative Chambers of the County Office Building in the Village of Bath, New York on November 26, 2007, at 6:00 P.M. to hear and consider any objections pertaining to said assessment roll; and

WHEREAS, due and proper proof of the publication of the notice of the aforesaid Public Hearing has been filed in the Office of the Clerk of the Legislature; and

WHEREAS, the aforesaid Public Hearing was duly held on November 26, 2007, 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 2007 for the Marsh Ditch Watershed Protection District in the Towns of Dansville and Hornellsville in the County of Steuben and State of New York be and the same hereby is approved as completed and filed in the office of the Steuben County Real Property Tax Service Agency; and be it further

RESOLVED, the Director of Steuben County Real Property Tax Service Agency and the Steuben County Treasurer shall see to the proper procedure for the levy and collection of the appropriate taxes on the several real properties situate and benefited within said Water Protection District; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; County Treasurer; the Attorney for said District; and President of the Board of Directors of the said Water Protection District.

Vote: Roll Call – Adopted.

RESOLUTION NO. 203-07

Introduced by P. Donnelly.

Seconded by D. Creath.

ACCEPTING THE 2008 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 2008; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; Attorney for the Protection District; and the President of the Administrative Board of the Marsh Ditch Watershed Protection District.

Vote: Roll Call – Adopted.

RESOLUTION NO. 204-07

Introduced by P. Donnelly.

Seconded by D. Creath.

COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2007 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 2007 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 2008 has been completed and properly filed with the Steuben County Real Property Tax Service Agency at its office in the Steuben County Office Building, 3 East Pulteney Square in the Village of Bath, New York for review and inspection by the public and interested parties; and

WHEREAS, proper notice of the completion and filing of said assessment roll, and also proper notice that the Public Hearing on the assessment roll would be held by the County Legislature of the County of Steuben in the Legislative Chambers of the County Office Building in the Village of Bath, New York on the 26th day of November 2007, at 6:00 P.M. to hear and consider any objections pertaining to said assessment roll; and

WHEREAS, due and proper proof of the publication of the notice of the aforesaid Public Hearing has been filed in the Office of the Clerk of the Legislature; and

WHEREAS, the aforesaid Public Hearing was duly held on the 26th day of November 2007, 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 2007 for the Upper Five Mile Creek Watershed Protection District in the Towns of Prattsburgh, Wheeler and Urbana in the County of Steuben and State of New York, be and the same hereby is, approved as completed and filed in the Office of the Steuben County Real Property Tax Service Agency; and be it further

RESOLVED, the Director of Steuben County Real Property Tax Service Agency and the Steuben County Treasurer shall see to the proper procedure for the levy and collection of the appropriate taxes on the several real properties situate and benefited within said Water Protection District; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; County Treasurer; Attorney for said District; and President of the Board of Directors of the said Water Protection District.

Vote: Roll Call – Adopted.

RESOLUTION NO. 205-07

Introduced by P. Donnelly.

Seconded by D. Creath.

DIRECTING THE LEVY OF THE UPPER FIVE MILE CREEK WATERSHED PROTECTION DISTRICT TAXES DUE JANUARY 2008.

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 2008, levied upon the various parcels of land in the said Protection District be received and filed, and the Director of the Steuben County Real Property Tax Service Agency is directed to levy the amount upon the various parcels therein mentioned in accordance with said report; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; Attorney for the Protection District; and the President of the Administrative Board of the Upper Five Mile Creek Watershed Protection District.

Vote: Roll Call – Adopted.

RESOLUTION NO. 206-07

Introduced by P. Donnelly.

Seconded by D. Creath.

COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2007 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 2007 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 2008 has been completed and properly filed with the Steuben County Real Property Tax Service Agency at its office in the Steuben County Office Building, 3 East Pulteney Square in the Village of Bath, New York for review and inspection by the public and interested parties; and

WHEREAS, proper notice of the completion and filing of said assessment roll and also proper notice that the Public Hearing on the assessment roll would be held by the County Legislature of the County of Steuben in the Legislative Chambers of the County Office Building in the Village of Bath, New York on November 26, 2007, at 6:00 P.M. to hear and consider any objections pertaining to said assessment roll; and

WHEREAS, due and proper proof of the publication of the notice of the aforesaid Public Hearing has been filed in the Office of the Clerk of the Legislature; and

WHEREAS, the aforesaid Public Hearing was duly held on November 26, 2007, 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 2007 for the Lamoka/Waneta Lakes' Protection and Rehabilitation Districts in the Towns of Wayne and Bradford in the County of Steuben and State of New York be and the same hereby is approved as completed and filed in the Office of the Steuben County Real Property Tax Service Agency; and be it further

RESOLVED, the Director of the Steuben County Real Property Tax Service Agency and the Steuben County Treasurer shall see to the proper procedure for the levy and collection of the appropriate taxes on the several real properties situate and benefited within said Lakes' Protection and Rehabilitation Districts; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; County Treasurer; Attorney for said Lakes' Protection and Rehabilitation Districts; the Lamoka/Waneta Lakes' District Commission and the Clerk of the Schuyler County Legislature.

Vote: Roll Call – Adopted.

RESOLUTION NO. 207-07

Introduced by P. Donnelly.

Seconded by D. Creath.

DIRECTING THE LEVY OF THE LAMOKA/WANETA LAKES' PROTECTION AND REHABILITATION DISTRICT TAXES DUE JANUARY 2008.

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 2008, 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.

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

REGULAR MEETING
Morning Session
Monday, December 17, 2007
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 17th day of December, 2007 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members were present except Legislators Argentieri and Stachnik.

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

Chairman Roche asked Stephanie Dubois to come forward. Ms. Dubois is an employee in the Department of Probation and Correctional Alternatives. Chairman Roche presented her with a pin and a Certificate of Appreciation in recognition of her 10 years of service to Steuben County.

Chairman Roche asked Michele Wagner to come forward. Ms. Wagner is an employee in the Department of Social Services. Chairman Roche presented her with a plaque and a Certificate of Appreciation in recognition of her retirement following 30 years of service with Steuben County. **CONGRATULATIONS MICHELE!**

Commissioner Biehl stated thank you for the opportunity to take a few minutes to recognize Michele Wagner's 30 years of exemplary service to the children and families in Steuben County. Much like Michele's personality, she has requested that she retire quietly and without a lot of fan fare. While I respect Michele's wishes, I also respect her work and her dedication, so I will quietly say a few words of recognition:

Michele began working for the department in September 1977. Since that time she has held 5 positions of increasing responsibility. During her tenure, Michele has impacted the lives of thousands of families either directly or indirectly as a Child Welfare Supervisor. Her outstanding ability to engage these families has served as a model for others. Michele's responsibility is to supervise staff and programs who provide child protective preventive services for all of Steuben County. It is Michele's guidance and supervision that protects and keeps the most vulnerable children of Steuben County safe from further harm or abuse.

As a supervisor, Michele has always been well respected and employees within the department enjoy working for her. Her patience, knowledge, sense of humor, and her ability to teach others have made Michele an outstanding employee. While I have no headline stories to share, Michele's work is in prevention where the action is much like her retirement, quiet. Prevention often goes unnoticed because it does just that, it prevents the headline crisis. Foster care placements have reached an all time low in Steuben County this year. This is a department headline and a direct tribute to you Michele.

I have greatly appreciated your knowledge, skill and commitment. You will be greatly missed by myself and so many others within the department as well as the county's human services community. Thank you, Michele, for all of your work and your integrity. Congratulations on your retirement. Ms. Wagner stated thank you, I've learned a lot from some very good people.

Legislator Gehl presented Ron Nielsen and Doc Baker with Certificates of Appreciation on behalf of the InterCounty Association of Western New York. He stated I've traveled a good thousand miles with these guys over 19 nineteen counties, representing over 3 million people and you both will be missed greatly.

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.

Traditional Fruitcake Presentation

Ken Peaslee, Director of Information Technology and last year's recipient of the coveted fruitcake, stated I did a little research on fruitcakes. Food scholars date fruitcake back to ancient Egypt and the Roman Empire. According to some historians, Egyptian fruitcake was considered an essential food for the afterlife and there are those today who maintain that this is the only thing they are good for. In ancient Rome, raisins, pine nuts and pomegranate seeds were added to barley mash, making the fruitcake a lethal catapult ammunition, but also hearty compact foodstuff for the long campaigns waged by the conquering Roman legions.

The role of the fruitcake in American history is dubious and cloudy. One theory presented by a historian dates it back to the days of the American Revolutionary War. Commander-in-Chief, George Washington, asked Benjamin Franklin to come up with an easy to use barricade material to guard against incoming British cannon fire. Benjamin Franklin thought about it, went to bed early and rose early, healthy, wealthy and wise enough to tell the waiting general about his mother-in-law's fruitloaf. Her attempt at some kind of bread had been so hard that his uncle had broken a tooth while biting into it at the previous year's holiday dinner! It is not known if the general followed Franklin's advice. It's more likely that he never asked him again.

Receiving the Fruit Cake last year was one of my highlights of recognition working here at the County. The fruit cake has been guarded by my Staff. This fruit cake has been in service for 16 years now. It is nearing the point of being ready to serve.

Passing this honor on to a worthy recipient has been pondering me for a long time. I feel I have chosen a person more deserving than me, to behold this honorable and time tried tradition. The recipient has been a County employee much longer than myself. This person has helped me out numerous times and has always freely given unlimited wisdom to me. This person always has a smile and friendly greeting to anyone he meets. Therefore I would like to present this honorable Fruitcake to Mr. James Gleason.
CONGRATULATIONS JIM!

Mr. Gleason stated I will do my best to carry on the tradition.

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

Chairman Roche asked Commissioner Biehl to come forward to present her item under Reports of County Officers:

Commissioner Biehl stated the second item I am here to discuss is not so pleasant. Let me first apologize for not having brought this situation to your attention sooner. In the spirit of today's meeting, I am compelled to bring this highly crucial matter for your scrutiny. I am requesting an allocation of \$85.00 from the contingency fund to purchase a florescent yellow jacket similar to the one I am wearing to ensure my safety during future outings with the Commissioner of Public Works. For your information, the Commissioner refuses to purchase a jacket for my use, he says I have to buy my own. I would hope that you would concur with my request upon hearing the following resolution:

WHEREAS, on November 27, 2007, Public Works Commissioner Spagnoletti, Social Services Commissioner Biehl, Director of Temporary and Disability Assistance, Lisa Baker, and District Supervisor, Phil Hink went on a site visit to the Woodhull shop, operated by the Public Works Department, and

WHEREAS, the purpose of this site visit was to evaluate and monitor the Mobile Work Program which is operated in partnership between Public Works and Social Services, and

WHEREAS, upon completion of this site visit, Commissioner Spagnoletti insisted the group dine for lunch at the Main Street Café in the town of Woodhull, and

WHEREAS, upon leaving the restaurant to return to our respective offices, the group resumed their positions in the 2000 Chevy Lumina, the Public Works vehicle operated by Commissioner Spagnoletti, and

WHEREAS, Commissioner Spagnoletti turned the key to operate the vehicle only to find the battery dead, and

WHEREAS, one can only assume the lights were accidentally left on after having driven through rain and sleet, and

WHEREAS, upon the realization there was no cell phone service in the town of Woodhull, and no jumper cables in the car, Town Justice, George Farrand, very graciously gave Mr. Hink a ride to the Woodhull shop to access help, and

WHEREAS, Mr. Hink returned in a Public Works truck with another staff member of the Public Works Department, and with jumper cables, and

WHEREAS, upon opening the hood of this vehicle the search began for the battery, and

WHEREAS, the search continued for the battery, under the hood, in the trunk and under the seats. No battery..... and no owner's manual to be found, and

WHEREAS, Mr. Hink and the other member of the Public Works Department again departed in the truck back to the Woodhull shop only to return this time with three more Public Works employees, and

WHEREAS, the search continued...,and

WHEREAS, finally, a nice neighborly gentleman from the town of Rathbone approached the crew and offered his assistance, instantaneously pointing out where the battery cable extensions were located under the hood of the vehicle, and

WHEREAS, contact was made and the engine "turned over" and

In response to the Commissioner of Public Works being properly clad in fluorescent yellow while the Department of Social Services Commissioner dressed dangerously in Navy with a black umbrella, about which disparaging comments were made.

NOW THEREFORE BE IT

RESOLVED, the Steuben County Legislature authorizes the transfer of \$85 from the Contingency Fund to purchase a fluorescent yellow jacket for the Commissioner of Social Services to be worn solely for safety when with the Public Works Commissioner, and

BE IT FURTHER RESOLVED, the Commissioner of Social Services presents on this 17th day of December 2007, the *Dead Battery Award* along with a vehicle manual for a Chevrolet Lumina for the Commissioner's future use to: Vincent Spagnoletti, Commissioner of Public Works.

Chairman Roche thanked Commissioner Biehl for her presentation and opened the floor for Announcements.

Legislator McIntyre stated it has been a pleasure being a part of this august body. I remember a lot of issues that have been on our plate and we have come a long way. I want to thank the employees and management for all of their hard work. I feel we have the highest level of managers and our employees are, bar none, the best. I'm also appreciative of my wife for supporting me through the years. I'll miss you all. Thank you for allowing me to be here.

RESOLUTION NO. 208-07

Introduced by G. Swackhamer.

Seconded by T. Schwartz.

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

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

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

RESOLVED, as it appears to be in the best interest of the County to sell the properties listed on Schedule "B" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof, and be it further

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

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

SCHEDULE "A"

Resolution # A-1
Name Sean M Fitzpatrick
Parcel # 092.00-01-015.420
Municipality Wayne Town
Disposition Correction & Refund

SCHEDULE "B"

Resolution # B-1
Former Owner Roger A Rice & Larry Rice
In Rem Index No. 93123, 2005 sale
Parcel # 151.13-01-086.000
Municipality Hornell City
Grantee(s) Ronald M Eason
Grantee(s) Address 86 N Main Street, Hornell, NY 14843
Consideration \$500.00, together with taxes and recording fees. Conveyance shall be by Quit Claim Deed executed by Steuben County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 209-07

Introduced by P. Roche.

Seconded by K. Isaman.

RECEIVING AND ACCEPTING THE DECEMBER 17, 2007 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

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

November 16, 2007

1. NYS Office Of Parks, Recreation & Historic Preservation – Re: Notification of consideration by the State review Board at its next meeting for nomination to the National and State Registers of Historic places on the following location: Hammondsport School, 21 Lake Street, Hammondsport, NY 14840. ***Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Twila O'Dell, Historian.***
2. Steuben County Industrial Development Agency – Re: Notice of Public Hearing regarding the Windfarm Prattsburgh, LLC. on Tuesday, December 18, 2007 @ 10:00am at the Prattsburgh Town Hall, 19 North Main Street, Prattsburgh, NY 14873. ***Referred to: A.I.P. Committee; Greg Heffner, Planning Director.***
3. New York State Emergency Management Office – Re: Notification of Pre-Disaster Mitigation (PDM) FY 2008 Competitive Grant Program. ***Referred to: Public Safety & Correction Committee; and Mike Sprague, EMO Director.***
4. New York State Emergency Management Office – Re: Notification of acceptance of Letters of Intents for the FY 2008 Repetitive Flood Claims Program. ***Referred to: Public Safety & Correction Committee; and Mike Sprague, EMO Director.***

November 19, 2007

1. Steuben County Industrial Development Agency – Re: Windfarm Prattsburgh, LLC consisting of approximately 2,500 acres of land located all within the Town of Prattsburgh, Steuben County which will consist of the construction and equipping of approximately thirty-six wind turbines. The project will also consist of an interconnection substation located in the Town of Italy, Yates County, for which the agency will not provide assistance, take title or take a leasehold interest. ***Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.***
2. NYS Office of the State Comptroller – Re: Audit on the Policies and Procedures of County Self-Insured Workers' Compensation Plans (Written response within 15 days). ***Referred to: Administration Committee; and Lew Eason, Risk Manager.***

3. New York State Senate – Re: Request for Steuben County to phase out the use of polystyrene products (commonly known as Styrofoam) from all County use, including all food service activity done through County contracts. ***Referred to: Amy Dlugos, Steuben County Environmental Management Council.***
4. Steuben County Farm Bureau – Re: Steuben County Farm Bureau 2008 Resolution supporting Wind Power Development in Steuben County. ***Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and filed with the Steuben County Clerk of the Legislature.***

November 26, 2007

1. NYS Department of Health and Environmental Facilities Corporation – Re: Notification of the funding period on the final Intended Use Plan (IUP) for the Drinking Water State Revolving Fund (DWSRF) program from October 1, 2007 to September 30, 2008. ***Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.***
2. Fulton County Board of Supervisors – Re: Copy of Resolution Supporting Federal Medicaid County Protection Act of 2007 that was adopted at their meeting held on November 13, 2007. ***Filed with the Clerk of the Legislature.***
3. NYS Division of Criminal Justice Services – Re: DCJS#RR05110319- STEPS/Road to Recovery fully executed grant contract between the NYS Division of Criminal Justice Services and Steuben County. ***Referred to: Public Safety & Corrections Committee; Finance Committee; John Tunney, District Attorney; and Carol Whitehead, County Treasurer.***

November 28, 2007

1. Steuben County Industrial Development Agency – Re: Gunlocke PILOT Proposal: (10) year program that will begin with a 50% reduction in the then current assessment and the reduction would decrease by 5% per annum until year ten (10) when it would be at full assessment. ***Referred to: A.I.P. Committee; Finance Committee; Greg Heffner, Planning Director; Donna Hatch, RPTSA Director; and Carol Whitehead, County Treasurer.***

November 30, 2007

1. NYS Department of Environmental Conservation – Re: Notification of property located at 37 East Pulteney Street in the City of Corning, Steuben County (Loohns Corning/Site #851028) has been recently added as a Class Code 2, which signifies a significant threat to the public health or environment. ***Referred to: A.I.P. Committee; Greg Heffner, Planning Director; Amy Dlugos, Steuben County Environmental Management Council; Fred Ahrens, County Attorney; and Carol Whitehead, Treasurer.***

December 3, 2007

1. NYS Department of Transportation – Re: Notification of availability of applications for the Safe Routes to School Program (April 1, 2008 is the deadline to apply for funds). ***Referred to: Public Works Committee; Public Safety & Correction Committee; Vince Spagnoletti, Commissioner of Public Works; and Sheriff Tweddell.***

December 5, 2007

1. Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$5,829 representing the October 2007 retained surcharge revenue for Steuben County from the WROTB. ***Referred to: Rules and Finance Committees and Carol Whitehead, County Treasurer.***
2. City of Corning – Re: Thank you letter to the County Legislature and Public Safety Committee for authorizing expenditure of funds for the radio system upgrades on Higman Hill. ***Referred to: Steuben County Legislature; Mike Sprague, EMO Director; and Tim Wixom, 911 Director.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 210-07

Introduced by P. McAllister and P. Donnelly.

Seconded by D. Creath.

FINAL ADOPTION OF AN AMENDMENT TO THE RULES OF PROCEDURE NUMBERS 21 AND 22 RELATIVE TO THE COUNTY ADMINISTRATOR.

WHEREAS, it is desirable to structure the role of the County Administrator both as to the conduct of committee meetings and the interaction with department heads; and

WHEREAS, the attached proposed changes to the *Rules of Procedure* were offered to assure the County Administrator receives notice of all significant issues to be presented by a department head to a committee, as well as, the role of the County Administrator in hiring and retention of department heads.

NOW THEREFORE, BE IT

RESOLVED, the following amendments and modifications of Rules 21 and 22 were presented for consideration by the Legislature on November 26, 2007 and now come before this body for final adoption:

21. COUNTY ADMINISTRATOR

All department and agency heads requesting action of a Legislative Committee or the full Legislature shall obtain the consent of [consult with] the County Administrator prior to making such request. The County Administrator may require any such request to be formalized in a standard form by such department or agency head requesting such action. Such standardized form shall be denominated as a "Resolution Request Initiative".

When a department or agency head is required to prepare such an initiative, the County Administrator shall distribute same [prior to] during the meeting at which the resolution is to be debated. An evaluation of such proposed action shall be provided to the Committee or Legislature by the County Administrator. As to such request by a department or agency head:

A. Any request by a department or agency head, which under the Administrative Code requires the County Administrator's approval, shall not be placed upon a Committee Agenda prior to receipt of such approval.

B. Any request by a department or agency head, which shall or is likely to result in a motion by the Committee, and/or the full Legislature, shall be reviewed and approved by the County Administrator prior to the date of presentation unless waived by the County Administrator. Any such request not so reviewed by the County Administrator shall be stricken from the agenda.

**22. [(1)HIRING DEPARTMENT HEADS IN MANAGEMENT GRADE F OR BELOW.
(2)HIRING DEPARTMENT HEADS IN GRADE G OR ABOVE AND THE CLERK OF THE LEGISLATURE.]**

22. HIRING AND REAPPOINTMENT OF DEPARTMENT AND AGENCY HEADS.

In the event of a vacancy or a pending expiration of a term of a department or agency head, the County Administrator and Personnel Officer shall conduct the screening of applicants and conduct interviews. Thereafter, the County Administrator shall make a recommendation as to the hiring of the department or agency head. The County Administrator may recommend one or more persons to fill the vacancy. The County Administrator shall bring the recommended candidate or candidates to the full Legislature for interviews who shall appoint or reject such recommendation for appointment and reappointment. If no one is found acceptable, the process shall then be repeated with a different recommendation or recommendations for appointment or reappointment.

Key [] bracketed material is deleted.

____ Underlined material is new.

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

Mr. Donnelly sated this doesn't abridge any of the legislators' rights at all. Mr. Swackhamer stated after discussing this with Mr. Alger and Mr. Donnelly, I will support this resolution.

Vote: Roll Call – Adopted.

RESOLUTION NO. 211-07

Introduced by P. Donnelly.

Seconded by R. Nielsen.

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 2008, and also by prior resolution duly adopted, made appropriations for the conduct of the County government for the Fiscal Year 2008; and

WHEREAS, the County Real Property Tax Service Director has prepared the statement of taxes due January 1, 2008, 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, 2008, tax rates and tax rolls for the taxes for the Year 2008 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, 2008; 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. 212-07

Introduced by R. Nichols.

Seconded by F. Gehl.

AUTHORIZING AN AMENDMENT TO SOLID WASTE TIPPING FEES EFFECTIVE FEBRUARY 1, 2008.

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

WHEREAS, the County has decreased 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, the capping of the landfill and the 30 year post closure expenses; and

WHEREAS, the present fee at the Bath Landfill is \$38.00/ton, \$52.00/ton at the Erwin, Hornell and Wayland Transfer Stations, and \$7.00/ton at the Leachate Pre-Treatment Plant; 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 \$40.00/ton for bulk loads at the Bath Landfill, \$54.00/ton at the Erwin, Hornell and Wayland Transfer Stations, and a fee of \$9.00/ton at the Leachate Pre-Treatment Plant; and be it further

RESOLVED, the modifications shall become effective February 1, 2008, and remain in effect until further notice; and be it further

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

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

Mr. Ryan asked will this increase in tipping fees to the haulers come back on the homeowners?

Mr. Spagnoletti stated this is an increase to \$2/ton at the landfill and transfer stations. We have to assume they will pass an increase back to the customers.

Mr. Ryan asked why wasn't this incorporated into the 2008 budget? Mr. Spagnoletti stated a slight increase in the revenues was reflected in the 2008 budget.

Mr. Nichols stated the reason for this increase is because after the landfill is closed, we will have to pay for monitoring for 30 years. The cost of that is estimated into the landfill budget so we need to charge enough to put funds in the reserve to pay for that closure.

Mr. Schwartz asked are other landfills under the same constraints as we are and how much are their tipping fees?

Mr. Spagnoletti stated they are under the same constraints as we are. These prices will increase the price to \$40/ton at the landfill. Casella in Chemung charges \$50/ton and in Ontario County, Casella charges \$32/ton. The reason the price is lower in Ontario is because they bring in two to three times the amount of garbage we do, thereby allowing them to have a lower cost.

Mr. Donnelly stated an average truck brings in how many tons? Mr. Spagnoletti stated 6 to 10 tons. Mr. Donnelly stated it is only going to cost a hauler at the most an additional \$20 per truck load and it probably has 55 or 60 homeowners' garbage on it. The amount passed along to the customers should be very low.

Mr. Ryan stated he just wondered if we charge too much because some of the roads in the county look like they have dumps along them. Are people too lazy or just can't afford it? Discussion followed.

Mr. Spagnoletti stated if we talk to DEC about that, they will send out an investigator and they will go after the offenders. As far as the price, we are competitive. In Schuyler and Yates counties, they charge \$180/ton. The only County that is lower in price of the contiguous counties is Ontario.

Mr. McAllister stated our tipping fees have decreased in the recent past, haven't they? Mr. Spagnoletti stated yes, in 1994, the price was \$62/ton. We will need \$18 million to care for the landfill after it is closed. He noted the per bag price is the same.

Vote: Roll Call – Adopted.

RESOLUTION NO. 213-07

Introduced by R. Nichols.

Seconded by T. Schwartz.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO EXTEND THE INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE CITY OF HORNELL FOR THE YEAR 2008.

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 fourteen (14) 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 \$28.00/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 at a rate of \$28.00/ton; 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, NY 14843.

Vote: Roll Call – Adopted.

RESOLUTION NO. 214-07

Introduced by R. Nichols.

Seconded by T. McIntyre.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH DUTCHESS COUNTY RESOURCE RECOVERY AGENCY FOR THE DISPOSAL OF BUDS MATERIALS.

WHEREAS, the Dutchess County Resource Recovery Agency is desirous of disposing of approximately 6,000 tons of BUDS materials at the Steuben County Landfill at \$12/ton; and

WHEREAS, the County of Steuben is desirous of accepting said sum for daily cover and utilization at the Landfill; and

WHEREAS, said agreement will provide positive economic benefits for the operation of the solid waste division.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is authorized to enter into an Intergovernmental Cooperation Agreement with the Dutchess County Resource Recovery Agency for the disposal of approximately 6,000 tons of BUDS materials per annum at \$12/ton; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works; Dutchess County Resource Recovery Agency, c/o William J. Calogero, Executive Director, 96 Sand Dock Road, Poughkeepsie, NY 12601; and James E. Nelson, Esq., Van DeWater & Van DeWater, LLP, Mill and Garden Streets, PO Box 112, Poughkeepsie, NY 12602.

Mr. Spagnoletti stated DEC allows some material to be used to cover garbage. Ash is one of these materials. Dutchess County has an incinerator and they are making agreements with other counties to dispose of their ash. At the Public Works Committee meeting, he stated that he thought he could get Dutchess County to pay for the 6,000 tons they want to bring us even if they don't bring it, but they said that was prohibitive to them. So we will accept up to 6000 tons for \$12/ton.

Vote: Roll call – Adopted.

RESOLUTION NO. 215-07

Introduced by R. Nichols.

Seconded by D. Farrand.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE TOWNS OF CAMERON, JASPER, TUSCARORA, AND WOODHULL FOR THE UTILIZATION OF A GRAVEL CRUSHING MACHINE.

WHEREAS, the Towns of Cameron, Jasper, Tuscarora, and Woodhull and the County of Steuben 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 Towns of Cameron, Jasper, Tuscarora, and Woodhull and the County of Steuben have a continuing need to crush and screen gravel for road construction located in each respective jurisdiction; and

WHEREAS, it is hereby determined that by jointly acquiring, maintaining and operating a gravel crusher and screen, the Towns of Cameron, Jasper, Tuscarora, and Woodhull and the County of Steuben avoid the necessity of individually purchasing and maintaining such special purpose and unique equipment, thereby saving the taxpayers money; and

WHEREAS, it is the intent of this Legislature that the County enter into an Intergovernmental Cooperation Agreement for the acquisition, maintenance and operation of a Gravel Crusher and Screen with the Towns of Cameron, Jasper, Tuscarora, and Woodhull.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works of the County of Steuben is hereby directed to make payment of \$9,000 to each of the four Towns for part ownership of the machines; and be it further

RESOLVED, upon the total payment of the \$36,000 the Commissioner of Public Works of Steuben County is hereby authorized to sign on behalf of the County of Steuben, an Intergovernmental Cooperation Agreement for the ownership, maintenance and operation of a Gravel Crusher and Screen; and be it further

RESOLVED, the Steuben County Treasurer shall manage and administer the financial account established and maintained in accordance with said Intergovernmental Cooperation Agreement; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works; County Treasurer; Risk Manager; Herbert Smith, Supervisor, Town of Cameron, 6139 County Rte 119, PO Box 1932, Cameron, NY 14819; Lucille Kernan, Supervisor, Town of Jasper, Drawer 10, Jasper, NY 14855; Robert V. Nichols, Supervisor, Town of Tuscarora, 743 Thompson Rd., Addison, NY 14801; and Darleen M. English, Supervisor, Town of Woodhull, PO Drawer 121, Woodhull, NY 14898.

Vote: Roll Call – Adopted.

RESOLUTION NO. 216-07

Introduced by R. Nichols.

Seconded by D. Creath.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ENTER INTO A BOUNDARY LINE AGREEMENT WITH REGARD TO THE DIVENS PROPERTY LOCATED ON THE TURNPIKE ROAD, TOWN OF BATH.

WHEREAS, Robert H. Divens is the owner/occupant of a parcel of land with residential improvements located on the south side of Turnpike Road in the Town of Bath, and the said parcel is bounded on the south and west by lands of the County of Steuben; and

WHEREAS, a question has arisen regarding the location of the west line to said parcel, there being improvements such as a mobile home concrete pad, septic and leach field, associated with the residence which may be near or over the assumed boundary line; and

WHEREAS, Divens and the County have determined that it is in the interest of both to enter into a Boundary Line Agreement which will settle the location of the west line of the Divens parcel and include any improvements and infrastructure associated with the residence; and

WHEREAS, in consideration of the Boundary Line Agreement Mr. Divens will grant to the County a Right of First Refusal to purchase the entire Divens parcel as modified by the Boundary Line Agreement.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is hereby authorized to execute a Boundary Line Agreement with Robert H. Divens, which will settle the location of the west line of the Divens parcel, in exchange for a Right of First Refusal to purchase the entire Divens parcel as modified by the Boundary Line Agreement, said instruments to be reviewed and approved by the County Attorney; and be it further

RESOLVED, copies of this resolution shall be distributed to the Commissioner of Public Works, the County Attorney, and Mr. Robert H. Divens, 5532 Turnpike Road, Bath, NY 14810.

Vote: Roll Call – Adopted.

RESOLUTION NO. 217-07

Introduced by D. Baker and G. Swackhamer.

Seconded by F. Gehl.

AUTHORIZING THE ACCEPTANCE OF FUNDING FROM THE NEW YORK STATE DEPARTMENT OF STATE LOCAL ENHANCED WIRELESS 911 PROGRAM AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE REQUISITE DOCUMENTATION THEREFOR.

WHEREAS, Steuben County has developed a 911 system that is able to handle Phase II wireless calls; and

WHEREAS, the New York State Department of State has developed the Local Enhanced Wireless 911 Grant Program and has awarded Steuben County funding in the amount of \$114,166 through this program; and

WHEREAS, the monies secured from this grant will enable Steuben County to continue to ensure the 911 Center will remain Phase II compliant in regards to answering wireless 911 calls.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to accept \$114,166 in additional revenue into account #302000.43389000 State Aid – Wireless 911 and appropriate the same into account #302000.5290000 Major Equipment; and be it further

RESOLVED, the E911 Director is hereby authorized and directed to execute all necessary documents or agreements in order to receive this funding; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the E911 Director.

Vote: Roll Call – Adopted.

RESOLUTION NO. 218-07

Introduced by D. Baker and G. Swackhamer.

Seconded by F. Gehl.

AUTHORIZING THE TRANSFER OF \$100,000 FROM THE 2007 CONTINGENT FUND TO THE E911 DEPARTMENT’S OVERTIME AND SALARIES/WAGES ACCOUNTS.

WHEREAS, the 2007 County Budget for the E911 Department contains insufficient funds for the balance of the Fiscal Year to cover the cost of the overtime and salaries/wages accounts.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to transfer \$100,000 from the Contingent Fund to the following line items:

From	A199000 5 499 000	\$100,000	Contingent Fund
To	A302000 5 110 0000	\$90,000	Salaries/Wages
	A302000 5 190 0000	\$10,000	Overtime

and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the E911 Director.

Mr. Swackhamer asked what is being done to reduce the overtime? Mr. Alger stated we have provided the department with 3 training positions. Because of the nature of civil service tests and lists, it took us some time to get people hired and on staff so they’ve only been at full staff about a month and a half. He noted that since then, Mr. Wixom is seeing a reduction in the overtime cost. Also, we’ve identified a consultant that will assist us with reviewing our staffing levels on a daily basis.

Dr. Baker asked is the stress element part of why people aren’t staying long? Are they getting adequate breaks? Mr. Wixom stated there was a period of time where we were 4 people short on staffing and that resulted in 320 hours of overtime that had to be assigned. There were many times when the Deputy Director and myself filled in. There are some people who want to work at 911 because they think it’s a “glitzy” job. While we do save lives, the hours get long because it is a 24/7 operation. Half of the staff has been here since day one and they are 12 very dedicated people. Our attrition rate since opening was 42 percent but this year we’ve dropped that to 30 percent. That is a considerable decrease. Of course, another complaint I’m getting now is the overtime is going away and some people liked that overtime. Discussion followed.

Vote: Roll Call – Adopted. Yes: 8307; No: 513; Absent: 1052.
(No: Schwartz; Absent: Argentieri and Stachnik)

RESOLUTION NO. 219-07

Introduced by P. Donnelly.

Seconded by T. McIntyre.

AUTHORIZING THE RECLASSIFICATION OF A TAX CLERK, GRADE VIII POSITION TO A SENIOR ACCOUNT CLERK-TYPIST, GRADE X POSITION IN THE OFFICE OF THE TREASURER.

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

WHEREAS, a position exists within the Steuben County Treasurer's Office that is inappropriately titled and not consistent with the duties of said position; and

WHEREAS, the Steuben County Personnel Officer and Administration Committee have reviewed and approved the recommended changes for that position.

NOW THEREFORE, BE IT

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

Tax Clerk,	Grade VIII	(\$26,552 - \$37,488) <u>to</u>
Senior Account Clerk-Typist,	Grade X	(\$28,992 - \$40,928)

AND BE IT FURTHER RESOLVED, that the 2008 County 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 County Treasurer and the Personnel Officer.

Mr. Donnelly stated this is part of the continuing practice of making clerk positions typist positions, as it gives more flexibility in the job description.

Vote: Roll Call – Adopted.

RESOLUTION NO. 220-07

Introduced by P. Roche.

Seconded by F. Gehl.

SETTING THE DATE OF THE JANUARY 2008 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 January 2008, on Tuesday, January 22, 2008, 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. 221-07

Introduced by P. Roche.

Seconded by All Members Present.

RECOGNIZING THE SERVICE AND ACHIEVEMENTS OF RETIRING COUNTY LEGISLATOR GARY D. SWACKHAMER.

WHEREAS, all members of the Steuben County Legislature would like to formally recognize and thank **LEGISLATOR GARY D. SWACKHAMER** for his years of service on the Steuben County Legislature upon his retirement from public service.

NOW THEREFORE, BE IT

RESOLVED, that this Legislature is honored to recognize the service and achievements of **LEGISLATOR SWACKHAMER**, and publicly note its appreciation and thanks to him for his public service to the residents of Steuben County as a member of the Legislature commencing in 1984 as a Legislator representing District 1. During **Gary's** tenure on the Legislature he held leadership positions as Chairman of the Health and Education Committee, Chairman of the Finance Committee, Vice-Chairman of the Legislature and Majority Leader. **Gary** has served with distinction and particularly has shown strong financial leadership over the years in monitoring the County's financial health; and be it further

RESOLVED, that the members of this Steuben County Legislature wish to thank **GARY D. SWACKHAMER** for his dedication, contributions and service to the residents of Steuben County and wish him continued success and good health.

Vote: Acclamation – Adopted.

RESOLUTION NO. 222-07

Introduced by P. Roche.

Seconded by All Members Present.

RECOGNIZING THE SERVICE AND ACHIEVEMENTS OF RETIRING COUNTY LEGISLATOR THOMAS J. McINTYRE.

WHEREAS, the members of the Steuben County Legislature would like to formally recognize and thank **LEGISLATOR THOMAS J. McINTYRE**, for his years of service on the Steuben County Legislature upon his retirement from public service.

NOW THEREFORE, BE IT

RESOLVED, that this Legislature recognizes the service and achievements of **LEGISLATOR McINTYRE** and publicly notes its appreciation and thanks to him for his public service to the residents of Steuben County as a member of the Legislature commencing in January 1994 as Legislator representing the residents of District 8. During **Tom's** tenure on the Legislature he held leadership positions as Chair of the Human Services Committee and Vice-Chairman of the Legislature. Additionally, **Tom** served on numerous ad hoc and advisory committees of the Legislature always lending his professionalism to their work; and be it further

RESOLVED, that the members of this Steuben County Legislature wish to thank **THOMAS J. McINTYRE** for his dedication, contributions and service to the residents of Steuben County and wish him continued success and good health.

Vote: Acclamation – Adopted.

RESOLUTION NO. 222-07

Introduced by P. Roche.

Seconded by All Members Present.

RECOGNIZING THE SERVICE AND ACHIEVEMENTS OF RETIRING COUNTY LEGISLATOR L. RONALD NIELSEN.

WHEREAS, all members of the Steuben County Legislature would like to formally thank and recognize **LEGISLATOR L. RONALD NIELSEN** for his years of service on the Steuben County Legislature upon his retirement from public service.

NOW THEREFORE, BE IT

RESOLVED, that this Legislature is proud to recognize the service and achievements of **LEGISLATOR NIELSEN**, and publicly note its appreciation and thanks to him for his public service to the residents of Steuben County as a member of the Legislature commencing in January of 1994 as a Legislator representing District 3. During **Ronnie's** tenure on the Legislature he has held leadership positions as Vice-Chairman of the Public Safety and Corrections Committee and Vice-Chairman of the Public Works Committee. **Ronnie** has served with honor and distinction and has also served on a variety of ad hoc and advisory committees; and be it further

RESOLVED, that the members of this Steuben County Legislature wish to thank **L. RONALD NIELSEN** for his dedication, contributions and service to the residents of Steuben County and wish him continued success and good health.

Vote: Acclamation – Adopted.

RESOLUTION NO. 224-07

Introduced by P. Roche.

Seconded by All Members Present.

RECOGNIZING THE SERVICE AND ACHIEVEMENTS OF RETIRING COUNTY LEGISLATOR KENNETH E. ISAMAN.

WHEREAS, all members of the Steuben County Legislature would like to formally recognize and thank **LEGISLATOR KENNETH E. ISAMAN** for his years of service on the Steuben County Legislature upon his retirement from public service.

NOW THEREFORE, BE IT

RESOLVED, that this Legislature is pleased to recognize the service and achievements of **LEGISLATOR ISAMAN**, and publicly note its appreciation and thanks to him for his public service to the residents of Steuben County as a member of the Legislature commencing January 1996 as a Legislator representing District 6. During **Ken's** tenure on the Legislature he held the leadership position of Chair of the Health and Education Committee. **Ken** served with honor and distinction and worked tirelessly on many of the County's ad hoc and advisory committees lending his expertise and his superb sense of humor to them all; and be it further

RESOLVED, that the members of this Steuben County Legislature wish to thank **KENNETH E. ISAMAN** for his dedication, professionalism, contributions and service to the residents of Steuben County and wish him continued success and good health.

Vote: Acclamation – Adopted.

RESOLUTION NO. 225-07

Introduced by P. Roche.

Seconded by All Members Present.

RECOGNIZING THE SERVICE AND ACHIEVEMENTS OF RETIRING COUNTY LEGISLATOR DeWITT T. BAKER, D.V.M.

WHEREAS, all members of the Steuben County Legislature would like to formally recognize and thank **LEGISLATOR DeWITT T. BAKER, D.V.M.** for his years of service on the Steuben County Legislature upon his retirement from public service.

NOW THEREFORE, BE IT

RESOLVED, that this Legislature is proud to recognize the service and achievements of **LEGISLATOR BAKER**, and publicly note its appreciation and thanks to him for his public service to the residents of Steuben County as a member of the Legislature commencing January 1988 as Legislator representing District 13. During **Doc's** tenure on the Legislature he held leadership positions as Chair of the Agriculture, Industry & Planning Committee, Public Safety & Corrections Committee and Finance Committee, Vice Chairman of the Legislature and Chairman of the Legislature. **Doc** always served with honor and distinction and additionally lent his expertise and leadership to a wide variety of ad hoc and advisory committees representing the Legislature with dignity and professionalism; and be it further

RESOLVED, that the members of this Steuben County Legislature wish to thank **DeWITT T. BAKER, D.VM.** for his dedication, contributions, leadership and friendship to the residents of Steuben County and wish him good health and success in his retirement.

Vote: Acclamation – Adopted.

Dr. Baker introduced Scott VanEtten, who has been elected to serve the towns of Caton, Corning and Hornby.

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. Isaman and duly carried.

Motion to adjourn Executive Session and reconvene in Regular Session made by Mr. Swackhamer, seconded by Mr. Nielsen and duly carried.

Motion to adjourn made by Mr. Nielsen, seconded by Dr. Baker and duly carried.