REGULAR MEETING
Morning Session
Monday, January 24, 2011
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 24th day of January, 2011, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members present except for Legislator Nichols (arrived at 10:10 a.m.) and Legislator Swackhamer.

Mr. Creath provided the Invocation and the Pledge of Allegiance was led by Mr. Walsh.

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

Chairman Hauryski asked Terrie Dunn to come forward. Ms. Dunn was an employee in the Information Technology/Telephonic Communications Department. He presented her with a Certificate of Appreciation and a watch in recognition of her retirement following 23 years of service to Steuben County.

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

Jack Zigenfus, Supervisor, Town of Cohocton, stated that he is here regarding how the Town and County tax bill is set up. There is a lack of clarity with regard to chargebacks and special taxes. Even though the Town of Cohocton did not increase taxes, on the Town and County tax bill it looks like we raised our levy 4.5 percent. He respectfully asked that the Legislature or the proper committee look at what changes could be made to the Town and County tax bill in order for people to understand it better. There could be more clarity on chargebacks and the other things that affect the town portion of the tax bill. He has some ideas that he is willing to share. Mr. Zigenfus stated additionally, he would like to thank the Public Works Department for mentoring our new Highway Superintendent.

Dan Hubbard, Town of Avoca, stated that he and his wife, Karen, are members of the Steuben County Farm Bureau. The Farm Bureau is made up of 600 farm families across the County. We are a lobbying organization that tries to following issues that are important to farmers on a State and local level. We are backed by the New York Farm Bureau, as well as the American Farm Bureau. There are approximately 28,000 members in the New York Farm Bureau. We do not endorse candidates, however, we do try to keep track of the voting records of our New York State representatives. In addition, we also inform our constituency of what our representatives are doing. Right now, there are two issues of importance that we are looking at. The first is to try to help save the Pro-Dairy Program. This program will be closed down as of March 31, 2011, due to ongoing budget cuts by the State. The second program is the Integrated Pest Management Program, which, due to ongoing budget cuts, is slated to be closed down as of March 31, 2011. Another issue that we are looking at with the American Farm Bureau is to bring back the subsidies for Ethanol. Ethanol is not only a fuel, but a food. One other issue is the outside wood burning. We, at the Farm Bureau, felt betrayed by the New York State Department of Environmental Conservation as they had promised to hold public hearings. However, they voted that through. We would like to have this issue looked at on a local level. This is too broad of a law and we are opposed to it. We are here as an organization to help you make decisions that help local farmers and we appreciate the job that you do.

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

Motion approving the minutes of the previous month's meetings made by Mr. Ryan, seconded by Mr. Hanna and duly carried.

Chairman Hauryski announced that he would like to remind the Legislators to please use their microphones when speaking. After the January Public Works Committee which was held in the Chambers, he had asked that the system be checked as it was difficult to hear. There were two microphones that were not working and they have since been repaired. Mrs. Mori asked that the microphones not be moved around. If you do not wish your conversation to be heard, please use the button located on your desks to mute the microphone.

Chairman Hauryski asked that when a Legislator wishes to be speak, that they raise their hand so that he can acknowledge and recognize them to speak.

RESOLUTION NO. 001-11

Introduced by J. Hauryski/D. Creath. Seconded by S. Van Etten.

FILLING THE VACANCY CAUSED BY THE RESIGNATION OF LEGISLATOR PHILIP A. PALMESANO.

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

WHEREAS, due to the resignation of Philip A. Palmesano on December 31, 2010, a vacancy has arisen for the office of Steuben County Legislator, District #2.

NOW THEREFORE, BE IT

RESOLVED, that **CHRISTOPHER G. QUINLAN** of Corning, New York, be and the same hereby is, appointed to said vacancy effective immediately, said appointment to terminate December 31, 2011; and be it further

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

Vote: Roll Call – Adopted. Yes – 7823, No – 451(Legislator Weaver), Absent – 451(Legislator Swackhamer)

The Honorable Joseph Latham, County and Family Court Justice, administered the Oath of Office to Mr. Quinlan as representative for District #2.

RESOLUTION NO. 002-11

Introduced by J. Hauryski/D. Creath. Seconded by T. Ryan.

FILLING THE VACANCY CAUSED BY THE RESIGNATION OF LEGISLATOR PATRICK F. DONNELLY.

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

WHEREAS, due to the resignation of Patrick F. Donnelly on December 31, 2010, a vacancy has arisen for the office of Steuben County Legislator, District #3.

NOW THEREFORE, BE IT

RESOLVED, that **ROBIN K. LATTIMER** of Bath, New York, be and the same hereby is, appointed to said vacancy effective immediately, said appointment to terminate December 31, 2011; and be it further

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

Vote: Roll Call – Adopted.

The Honorable Joseph Latham, County and Family Court Justice, administered the Oath of Office to Ms. Lattimer as representative for District #3.

RESOLUTION NO. 003-11

Introduced by L. Crossett. Seconded by G. Roush.

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

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

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

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

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

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

SCHEDULE "A"

Resolution No.	A-1	Resolution No.	A-2
Name	Denelle Taylor	Name	Tracey Snyder
Parcel No.	071.00-01-003.140	Parcel No.	134.20-01-053.000
Municipality	Avoca Town	Municipality	Bradford Town
Disposition	Correction	Disposition	Correction
Resolution No.	A-3	Resolution No.	A-4
Name	Chester G Simons	Name	John Machuga Jr
Parcel No.	162.00-01-009.300	Parcel No.	163.00-01-010.000
Municipality	Bradford Town	Municipality	Bradford Town
Disposition	Correction	Disposition	Correction
Resolution No.	A-5	Resolution No.	A-6
Name	John Machuga Jr	Name	Kanda Canisteo LLC
Parcel No.	163.00-01-010.000	Parcel No.	197.11-04-033.000
Municipality	Bradford Town	Municipality	Canisteo Village
Disposition	Correction (address)	Disposition	Correction

Resolution No.	A-7
Name	Anthony & Starlene Kuczynski
Parcel No.	391.00-01-016.111
Municipality	Caton Town
Disposition	Correction

Resolution No.	A-8
Name	Lawrence E & Paula K Miles
Parcel No.	408.00-01-020.110
Municipality	Caton Town
Disposition	Correction (parcel split)

Resolution No.	A-9
Name	Steven P & Nicole L Ilnicki
Parcel No.	425.00-03-006.113
Municipality	Caton Town
Disposition	Correction (parcel split)

Resolution No.	A-10
Name	Ryan W & Julie R Simmons
Parcel No.	425.00-03-018.200
Municipality	Caton Town
Disposition	Correction (parcel split)

Resolution No.	A-11
Name	Lila A Hulo
Parcel No.	042.00-01-026.200
Municipality	Cohocton Town
Disposition	Correction

Resolution No.	A-12
Name	Sonbyrne Sales
Parcel No.	336.06-01-025.300
Municipality	South Corning Village
Disposition	Correction

Resolution No.	A-13
Name	David S Livingston
Parcel No.	038.00-01-063.000
Municipality	Dansville Town
Disposition	Correction

Resolution No.	A-14
Name	Mark Rederer
Parcel No.	053.00-01-033.200
Municipality	Dansville Town
Disposition	Correction (parcel split)

Resolution No.	A-15
Name	Diane Hurlbut
Parcel No.	079.00-01-023.111
Municipality	Dansville Town
Disposition	Correction (parcel split)

Resolution No.	A-16
Name	Bradley P Smith
Parcel No.	080.00-01-040.211
Municipality	Dansville Town
Disposition	Correction (parcel split)

Resolution No.	A-17
Name	Mark Cavallaro
Parcel No.	280.14-01-018.000
Municipality	Erwin Town
Disposition	Correction

Resolution No.	A-18
Name	Robert D Sweet III
Parcel No.	298.17-01-028.200
Municipality	Erwin Town
Disposition	Correction (parcel split)

Resolution No.	A-19
Name	Joyce A Campbell
Parcel No.	299.13-04-056.000
Municipality	Erwin Town
Disposition	Correction

Resolution No.	A-20
Name	Ronald Dichario
Parcel No.	136.00-02-020.000
Municipality	Hornellsville Town
Disposition	Correction (parcel split)

Resolution No.	A-21
Name	Donald E & Ann B Weaver
Parcel No.	124.00-03-007.111
Municipality	Howard Town
Disposition	Correction (parcel split)

Resolution No.	A-22
Name	American Tower Corporation
Parcel No.	124.00-03-027.000/3
Municipality	Howard Town
Disposition	Correction (per Court Order)

Resolution No.	A-23
Name	American Tower Corporation
Parcel No.	140.00-01-012.000/3
Municipality	Howard Town
Disposition	Correction (per Court Order)

Resolution No.	A-24
Name	Gregory L & Brenda Evingham
Parcel No.	167.00-03-015.200
Municipality	Howard Town
Disposition	Correction (parcel split)

Resolution No.	A-25
Name	Mitchell Gaskin
Parcel No.	185.00-01-005.100
Municipality	Howard Town
Disposition	Correction (parcel split)

Resolution No.	A-26
Name	Frank Gross
Parcel No.	289.00-01-007.000/2
Municipality	Jasper Town
Disposition	Correction

Resolution No.	A-27
Name	Edward S & Joan M Medrek
Parcel No.	049.00-01-058.100
Municipality	Pulteney Town
Disposition	Correction (parcel split)

Resolution No.	A-28
Name	Gary Dee
Parcel No.	063.15-01-005.100
Municipality	Pulteney Town
Disposition	Correction

Resolution No.	A-29
Name	William J & Judith A Reagan
Parcel No.	293.00-01-007.100
Municipality	Rathbone Town
Disposition	Correction

Resolution No.	A-30
Name	Randy N Brooks
Parcel No.	294.00-01-020.200/2
Municipality	Rathbone Town
Disposition	Correction

Resolution No.	A-31
Name	Gregory M & Margaret Reagan
Parcel No.	311.04-01-011.110
Municipality	Rathbone Town
Disposition	Correction

Resolution No.	A-32
Name	Daniel J & Saloma S Byler
Parcel No.	348.00-01-015.110
Municipality	Rathbone Town
Disposition	Correction (parcel split)

Resolution No.	A-33
Name	Patrick & Kimberly McAllister
Parcel No.	002.00-01-020.100
Municipality	Wayland Town
Disposition	Correction (per Small Claims Assessment Review)

Resolution No.	A-34
Name	Stephen Kress
Parcel No.	053.00-03-010.000
Municipality	Wayland Town
Disposition	Correction (per Small Claims Assessment Review

Resolution No.	A-35
Name	Nancy Freeland & Stanley Hill
Parcel No.	054.06-01-019.000
Municipality	Wayland Town
Disposition	Correction (per Small Claims Assessment Review)

Resolution No.	A-36
Name	Eric & Elizabeth Shults
Parcel No.	054.07-01-015.000
Municipality	Wayland Town
Disposition	Correction (per Small Claims Assessment Review)

Resolution No.	A-37
Name	Martha & Hubbell Davidson
Parcel No.	054.07-01-016.000
Municipality	Wayland Town
Disposition	Correction (per Small Claims Assessment Review)

Resolution No.	A-38
Name	Michael & Sharon Davidson
Parcel No.	054.07-01-020.000
Municipality	Wayland Town
Disposition	Correction (per Small Claims Assessment Review)

Resolution No.	A-39
Name	Eugene Clancy
Parcel No.	054.07-01-021.000
Municipality	Wayland Town
Disposition	Correction (per Small Claims Assessment Review)

Resolution No.	A-40
Name	Thomas Kinney Jr
Parcel No.	054.07-01-029.000
Municipality	Wayland Town
Disposition	Correction (per Small Claims Assessment Review)

Resolution No.	A-41
Name	Mark & Karen Spinelli
Parcel No.	054.07-01-030.000
Municipality	Wayland Town
Disposition	Correction (per Small Claims Assessment Review)

Resolution No.	A-42
Name	Margaret Carlson
Parcel No.	054.10-01-010.000
Municipality	Wayland Town
Disposition	Correction (per Small Claims Assessment Review)

Resolution No.	A-43
Name	Patrick McAllister
Parcel No.	054.10-01-020.000
Municipality	Wayland Town
Disposition	Correction (per Small Claims Assessment Review)

Resolution No.	A-44
Name	Daniel Spitulnik
Parcel No.	054.10-01-028.100
Municipality	Wayland Town
Disposition	Correction (per Small Claims Assessment Review)

Resolution No.	A-45
Name	John & Ruth Malone
Parcel No.	054.10-01-034.000
Municipality	Wayland Town
Disposition	Correction (per Small Claims Assessment Review)

Resolution No.	A-46
Name	Ronald Talarico
Parcel No.	054.10-01-035.000
Municipality	Wayland Town
Disposition	Correction (per Small Claims Assessment Review)

Resolution No.	A-47
Name	Nan & Dennis Strong
Parcel No.	054.11-01-024.000
Municipality	Wayland Town
Disposition	Correction (per Small Claims Assessment Review)

Resolution No.	A-48
Name	Charles & Ann Brewer
Parcel No.	054.11-01-043.000
Municipality	Wayland Town
Disposition	Correction (per Small Claims Assessment Review)

Resolution No.	A-49
Name	Gary & Marcia Reynolds
Parcel No.	054.15-01-003.000
Municipality	Wayland Town
Disposition	Correction (per Small Claims Assessment Review)

Resolution No.	A-50
Name	Mark & Peggy Richardson
Parcel No.	054.15-01-006.000
Municipality	Wayland Town
Disposition	Correction (per Small Claims Assessment Review)

Resolution No.	A-51
Name	Francis & Josephine Crowe
Parcel No.	054.15-01-016.000
Municipality	Wayland Town
Disposition	Correction (per Small Claims Assessment Review)

Resolution No.	A-52
Name	Copper Ridge Inc
Parcel No.	526.00-06-175.000
Municipality	West Union Town
Disposition	Correction

Resolution No.	A-53
Name	Joseph W Paddock
Parcel No.	364.05-02-044.000
Municipality	Woodhull Town
Disposition	Correction (parcel split)

SCHEDULE "B"

Resolution No.	B-1
Former Owner	Michelle C Wilson
In Rem Index No.	101381, 2008 sale
Parcel No.	372.00-02-011.000
Municipality	Caton Town
Grantee(s)	Joshua Adam & Denise Marie Campbell
Grantee(s) Address	11008 West Caton Rd, Corning, NY 14830
Consideration	$200.00, together with $310.00 recording fees

Resolution No.	B-2
Former Owner	Walter A & Shirley Jones
In Rem Index No.	95453, 2006 sale
Parcel No.	151.09-01-019.000
Municipality	Hornell City
Grantee(s)	Walter A & Shirley Jones
Grantee(s) Address	155 North Main St, Hornell, NY 14843
Consideration	$6,160.27, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Mr. McAllister abstained as he is listed on the resolution.

Vote: Roll Call – Adopted.

RESOLUTION NO. 004-11

Introduced by J. Hauryski. Seconded by C. Ferratella.

RECEIVING AND ACCEPTING THE JANUARY 24, 2011 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, 2010

Bath Town Republican Committee – Re: The committee recommended Robin Lattimer as a candidate for the upcoming replacement of Patrick Donnelly, Steuben County Legislator. ***Referred to: Donald Creath, Steuben County Majority Leader.***

NYS Division of Criminal Justice Services – Re: Fully executed Aid to Defense Contract #AD10-1021-D00. ***Referred to: Public Safety & Corrections Committee; and Byrum Cooper, Public Defender.***

December 15, 2010
NYS Office of Children & Family Services – Re: OCFS Fatality Report #92-10-009. ***Referred to: Mark Alger, County Administrator.***

December 17, 2010
NYS Office of the Medicaid Inspector General – Re: Notice of refund in the amount of $118,365 for the excess receipts received from the Steuben County Infirmary (Provider ID#00355679, Audit # 10-4923). ***Referred to Human Services/Health & Education Committee; and Dave McCarroll, HCF Administrator.***

New York State Association of Counties – Re: SB.68010/AB.42010 (Special Commission on Judicial Compensation). ***Referred to: Public Safety & Corrections Committee; and John Tunney, District Attorney.***

CSEA, AFSCME Local 1000, AFL-CIO – Re: 2010 Annual Report. ***Referred to: Filed with the Steuben County Clerk of the Legislature.***

December 21, 2010
Ontario County Board of Supervisors – Re: A public hearing notice is scheduled for January 6, 2011 at 4:00pm in the Ontario County Court House located at 27 North Main Street, Canandaigua, NY to discuss the Environmental Review of the New Ontario County Emergency Communications System. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

December 23, 2010
Robert Anderson, Ph.D., Director of Steuben County Community Services – Re: Letter of resignation from Dr. Anderson dated December 13, 2010. ***Referred to: Human Services/Health & Education Committee; and Nancy Smith, Personnel Director.***

December 27, 2010
NYS Department of Health – Re: The Steuben County Infirmary's (Medicare Provider #335309, Survey Exit Date: 10/15/2010) Plan of Correction (POC) was reviewed and determined to be acceptable. ***Referred to: Human Services/Health & Education Committee; and Dave McCarroll, HCF Administrator.***

NYS Governor's Traffic Safety Committee – Re: Acknowledgement of receipt of the County's certification page and resolution/budget for the 2011 STOP-DWI plan. ***Referred to: Public Safety & Correction Committee; and Sheriff Ordway.***

NYS Department of Transportation – Re: Introduction of the new Federal Section 5311 Consolidated Grant Application process for 2011 and 2012 fiscal years. ***Referred to: Amy Dlugos, Planning Director.***

NYS Department of Health – Re: Weekly Medicaid local share cap payment amounts for January through March 2011. ***Referred to: Human Services/Health & Education Committee; Kathryn Muller, Commissioner of Social Service; and Tammy Hurd-Harvey, Deputy County Treasurer.***

December 28, 2010
NYS Division of Homeland Security and Emergency Services – Request for acknowledgement of the agency's name changed to New York State Office of Emergency Management (NYSOEM). ***Referred to: Public Safety & Corrections Committee; and Michael Sprague, EMO Director.***

December 29, 2010
Philip Palmesano, Legislator – Re: Letter of resignation as Steuben County Legislator representing District 2 (City of Corning) effective December 31, 2010. ***Referred to: Judith Hunter, County Clerk;*** **and** ***filed with the Clerk of Legislature.***

December 30, 2010
Patrick F. Donnelly, Legislator – Re: Letter of resignation as Steuben County Legislator representing Villages of Bath, Savona and the Town of Bath effective December 31, 2010. ***Referred to: Judith Hunter, County Clerk; and filed with the Clerk of Legislature.***

January 3, 2011
NYS Department of State – Re: Notice of Federal Medical Assistance Percentages (FMAP) Payment Reduction (IT Shared Services C-088881). ***Referred to: Patrick Donnelly, Treasurer; Ken Peaslee, IT Director; and Jack Wheeler, Deputy County Administrator.***

Department of the Army, New York District, Corps of Engineers – Re: Request for Right-of-Entry for Survey & Exploration at the old Hornell Rifle Range located in Steuben County. ***Referred to: Alan Reed, County Attorney; and Vince Spagnoletti, Commissioner of Public Works.***

January 10, 2011
Tiburon, Inc. – Re: Fully executed contract to provide DispatchNow CAD Hosted Solutions for E911 (Steuben County). ***Referred to: Public Safety & Corrections Committee; and Dave Hopkins, 911 Director.***

January 12, 2011
Stuart I. Brown Associates, Inc. – Re: Memo on the 2011 NYS Community Development Block Grant Program. ***Referred to: Amy Dlugos, Planning Director.***

January 13, 2011
Sullivan County Legislature – Re: Resolution adopted by the Sullivan County Legislature on December 29, 2010 imploring the New York State Legislature to enact substantive reform of the Real Property Tax Law Section Governing Tax Exempt Criteria. ***Referred to: Administration Committee; and Wendy Flaitz, Real Property Director.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 005-11

Introduced by D. Creath/L. Crossett. Seconded by B. Schu.

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

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

NOW THEREFORE, BE IT

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

HB 0203 5 250000	Exterior Painting-Clerk's Bldg	$	15,021.03
HB 0204 5 250000	Exterior Painting-Surrogate's Bldg	$	682.91
HB 6404 5 250000	Seal Roof-Corning Courthouse	$	1,026.00
	TOTAL	**$**	**16,729.94**

BE IT FUTHER RESOLVED, the unexpended balances, plus interest, shall be transferred to the Repair and Renovations Reserve Fund; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 006-11

Introduced by R. Nichols. Seconded by R. Weaver.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO EXTEND THE INTERGOVERNMENTAL COOPERATION AGREEMENT WITH TIOGA COUNTY.

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; and

WHEREAS, Steuben County is willing to make capacity available for the disposal of municipal solid waste from Tioga County or from those with whom Tioga County contracts with for the disposal of solid waste; and

WHEREAS, Tioga County desires to contract with Steuben County to provide for the disposal of municipal solid waste at a rate of $29.00/ton - 2011, $30.00/ton - 2012, $31.00/ton - 2013, $32.00/ton - 2014 and $33.00/ton - 2015; and

WHEREAS, all other provisions in the Intergovernmental Cooperation Agreement will remain unchanged; and

WHEREAS, the parties are desirous of extending the Intergovernmental Cooperation Agreement for said purposes.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is hereby authorized to extend the Intergovernmental Cooperation Agreement with Tioga County for the disposal of municipal solid waste at the Steuben County Bath Landfill; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 007-11

Introduced by R. Nichols. Seconded by S. Van Etten.

EXTENDING THE ACCEPTANCE OF AGRICULTURAL PLASTICS AT THE STEUBEN COUNTY LANDFILL AT NO FEE.

WHEREAS, the term "agricultural plastics" is defined as low density polyethylene agricultural film (LDPE) or other synthetics or plastics utilized in agricultural production for which there is no practical recycling market and consists of, but not limited to bunker covers, silage bags, bale wrap, greenhouse covers, haylage covers, row covers and mulch film; those plastics which may be recycled are specifically excluded; and

WHEREAS, the use of agricultural plastics has grown steadily and could become an eyesore to the rural landscape of our county; and

WHEREAS, the open burning of agricultural plastics is both dangerous and illegal; and

WHEREAS, there continues to be a need for a no charge tipping fee for agricultural plastics.

NOW THEREFORE, BE IT

RESOLVED, agricultural plastics presented at the landfill only shall be disposed of without a tipping fee; and be it further

RESOLVED, such agricultural plastics shall be separated and apart from any other waste or recycling stream; and be it further

RESOLVED, the agricultural plastics shall be delivered to the Bath landfill; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 008-11

Introduced by B. Schu. Seconded by G. Roush.

APPROVING AN INTER-MUNICIPAL AGREEMENT BETWEEN THE STEUBEN COUNTY SHERIFF'S OFFICE AND THE MONROE COUNTY ROCHESTER PSYCHIATRIC CENTER FORENSIC UNIT.

WHEREAS, the Rochester Psychiatric Center Forensic Unit has the capability of providing inpatient psychiatric services for Sheriff's Departments of surrounding counties that have inadequate facilities for treatment of mentally ill inmates; and

WHEREAS, Steuben County is desirous of receiving services of the Rochester Psychiatric Center Forensic Unit; and

WHEREAS, the Monroe County Legislature has authorized the execution of this Inter-Municipal Agreement with Steuben for the performance of services specified; and

WHEREAS, the term of this agreement shall be for the period of January 1, 2011 through December 31, 2015.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby authorizes execution of this agreement; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 009-11

Introduced by B. Schu/L. Crossett. Seconded by D. Farrand.

APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE SEVENTH JUDICIAL DISTRICT AND THE STEUBEN COUNTY PROBATION DEPARTMENT.

WHEREAS, the Steuben County Probation Department has provided and is currently providing to the Steuben County Drug Court the service of monitoring and supervising Drug Court participants without compensation; and

WHEREAS, the Steuben County Drug Court has secured funding to provide compensation for this service in the amount of $160,430; and

WHEREAS, this amount will pay for all personnel cost involved with Steuben County Drug Court; and

WHEREAS, the term of this agreement will be in effect from September 1, 2010 through August 31, 2012; and

WHEREAS, the Steuben County Public Safety and Corrections Committee and the Finance Committee have approved this agreement.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby authorizes the signing and execution of this agreement; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 010-11

Introduced by L. Crossett. Seconded by S. Van Etten.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO TRANSFER $150,000 FROM THE CONTINGENCY FUND TO CORNING COMMUNITY COLLEGE TUITION IN THE 2010 BUDGET.

WHEREAS, the County lacks funds to pay invoices from community colleges tuition in the 2010 budget.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to transfer from the Contingency Fund to Community Colleges in the 2010 budget as follows:

From	A 199000 5 499 000	$150,000	Contingency Fund
To	A 249500 5 407 800	$150,000	Corning Community College Tuition

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

Mr. Weaver asked do we do this once a year? Mr. Alger replied this is necessary to close out the 2010 chargebacks. The estimate from the college and what was in the budget was not sufficient.

Mr. Weaver asked are these just for students at Corning Community College? Mr. Alger replied this is just for Corning Community College.

Vote: Roll Call – Adopted.

RESOLUTION NO. 011-11

Introduced by P. McAllister. Seconded by R. Nichols.

APPROVING THE STANDARD WORK DAY AND RETIREMENT REPORTING FOR ELECTED AND APPOINTED OFFICIALS.

WHEREAS, the New York State and Local Employees' Retirement System established §315.4, a new regulation on retirement reporting for elected and appointed officials which became effective August 12, 2009; and

WHEREAS, the new regulation adds additional requirements for both employers and elected and appointed officials, including an expanded record of work activities, a more detailed resolution and specific time frames within which requirements must be completed.

NOW THEREFORE, BE IT

RESOLVED, that the County of Steuben hereby establishes the following as standard work days for certain elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of the Legislature:

TITLE	NAME	STANDARD WORKDAY (HRS/DAY)	TERM BEGINS/ENDS	PARTICIPATES IN EMPLOYER'S TIME KEEPING SYSTEM (Y/N)	DAYS/MO (BASED ON ROA)
Appointed Officials – Part Time					
Assistant District Attorney (2nd)	Bonita Stubblefield	6.0	11/16/2009 – 12/31/2011	N	15.58
Assistant Public Defender (2nd)	Travis Barry	6.0	02/22/2010 – 12/31/2011	N	13.56
Appointed Officials – Full Time					
Risk Manager	Kenneth E. Isaman	7.5	01/04/2010 – 12/31/2011	Y	N/A
Assistant County Attorney	Michelle A. Cooke	7.5	06/14/2010 – 12/31/2011	Y	N/A
Clerk of the Legislature	Brenda K. Mori	7.5	07/26/2010 – 12/31/2011	Y	N/A
Personnel Officer	Nancy B. Smith	7.5	07/26/2010 – 12/31/2015	Y	N/A
Assistant Public Defender	Patricio Jimenez	7.5	07/26/2010 – 12/31/2011	Y	N/A
Assistant District Attorney	Amanda Chafee	7.5	08/09/2010 – 12/31/2011	Y	N/A
Deputy County Attorney/DSS	Jessica M. Drake	7.5	08/30/2010 – 12/31/2011	Y	N/A
Director, Office for the Aging	Michael Keane	7.5	09/27/2010 – 12/31/2011	Y	N/A
Deputy Clerk of the Legislature	Amanda L. Chapman	7.5	09/27/2010 – 12/31/2011	Y	N/A
Deputy County Administrator	Jack K. Wheeler	7.5	10/25/2010 – 12/31/2012	Y	N/A

AND BE IT FURTHER RESOLVED, the above list reflects only those elected and appointed officials with terms of office commencing after the August 12, 2009, as stipulated in the new regulation, and not previously reported in Resolution No. 105-10 duly adopted by the Steuben County Legislature on June 28, 2010, and filed with the New York State Comptroller on July 30, 2010; and be it further

RESOLVED, elected and appointed officials who are not members of the State Retirement System are not subject to the provisions of this law; and be it further

RESOLVED, the Clerk of the Legislature shall forward certified copies of this resolution to the County Treasurer and the Personnel Officer; and then to the New York State Comptroller, with an Affidavit of Posting, 30 days following adoption of this resolution.

Vote: Roll Call – Adopted.

RESOLUTION NO. 012-11

Introduced by P. McAllister. Seconded by D. Creath.

DESIGNATING A RECORDS MANAGEMENT OFFICER.

WHEREAS, the New York State Archives requires the designation of a county official to serve as Records Management Officer; and

WHEREAS, this individual is responsible to serve as point-of-contact for records-related issues, including registering and applying for competitive grants; and

WHEREAS, the recent retirement of the Steuben County Records Manager has created a vacancy in this role.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature designates Jack K. Wheeler, Deputy County Administrator, as the Steuben County Records Management Officer; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Clerk; County Historian; and Gail Fischer, Regional Advisory Officer, New York State Archives, 85 Allen Street, Suite 140, Rochester, NY 14608.

Vote: Roll Call – Adopted.

Chairman Hauryski stated the next 12 resolutions address outside committee appointments. He asked that resolution number 14 be amended to reflect Mark Cleveland as the New York State Police representative and that resolution number 23 be amended to reflect John Collmer as the President of the Steuben County Corrections Officers, Dispatchers and Court Security Officers Unit.

Motion made by Mr. Schu, to amend Resolution No. 014-11 to reflect Mark Cleveland as the New York State Police Representative and to amend Resolution No. 023-11 to reflect John Collmer as the President of the Steuben County Corrections Officers, Dispatchers and Court Security Officers Unit, seconded by Mr. Creath and duly carried.

Motion made by Mr. Weaver, to waive the reading of each of the appointment resolutions and to vote on them as one resolution, seconded by Mr. McAllister and duly carried.

RESOLUTION NO. 013-11

Introduced by T. Ryan. Seconded by D. Farrand.

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 creation of the Steuben County Conference and Visitors' Bureau and establishing the appointment of voting members on the Board of Directors as staggered three (3) year terms; and

WHEREAS, the term for some Board members expired December 31, 2010.

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

Accommodations	**TERMS**
Jan Ebeling, President and COO, Radisson Hotel Corning	01/01/11 – 12/31/13
Linda Wright, General Manager, Fairfield Inn by Marriott	01/01/09 – 12/31/11
Randy Lehman, Owner, Hickory Hill Family Camping Resort	01/01/10 – 12/31/12

Attractions

Beth Manwaring, Marketing & Communications Specialist, Rockwell Museum	01/01/10 – 12/31/12
Joe Serphillips, Dr. Konstantin Frank Vinifera Wine Cellars	01/01/09 – 12/31/11
Sally Berry, Group Sales/Loyalty Marketing Manager, Corning Museum of Glass	01/01/09 – 12/31/11

Chamber of Commerce Representatives

Ralph Brown, Vice President, Hammondsport Chamber of Commerce	01/01/11 – 12/31/11

Community-at-Large

Mary Shupp, Pinnacle State Park Lodge	01/01/10 – 12/31/12
Kirk House, Travel Writer & Step-on Guide	01/01/09 – 12/31/11
Marc Rotman, Black Sheep Inn B&B	01/01/11 – 12/31/13

County Administrator Designee

Amy Dlugos, Planning Director	01/01/10 – 12/31/12

County Legislators

Donald B. Creath, District 2	01/01/09 – 12/31/11
Michael Hanna, District 5	01/01/10 – 12/31/12

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 014-11

Introduced by T. Ryan. Seconded by D. Farrand.

APPOINTING MEMBERS TO THE E 911 ADVISORY BOARD.

WHEREAS, the Steuben County Legislature adopted Resolution No. 058-02 on February 25, 2002, appointing the members of the E911 Advisory Board; and

WHEREAS, the Board members were appointed to serve three-year rotating terms; and

WHEREAS, the term of some Board members expired December 31, 2010.

NOW THEREFORE, BE IT

RESOLVED, as recommended by the Chair of the Steuben County Legislature, the following individuals are hereby appointed (reappointed) to the E 911 Advisory Board for a three year term as indicated:

E 911 ADVISORY BOARD

MEMBERS	**TERM**
Fire Service Representatives (1 paid city; 3 volunteer)	
Larry Day, Bath VA	01/01/11 – 12/31/13
Joseph F. Dick, North Hornell	01/01/09 – 12/31/11

Brian McCarthy, Painted Post	01/01/09 – 12/31/11
Dan Smith, Hornell City Fire Chief	01/01/10 – 12/31/12

Volunteer Ambulance Representatives

Rick Andrews (Woodhull)	01/01/10 – 12/31/12
Gregg Learned (Hammondsport)	01/01/11 – 12/31/13

Paid Ambulance Representative

Alan Lewis, Rural Metro	01/01/11 – 12/31/13

Local Police Representative

David Rouse, Bath Village Police Chief	01/01/11 – 12/31/13

State Police Representative

Sgt. Mark Cleveland	01/01/11 – 12/31/13

Sheriff Representative

Joel R. Ordway, Sheriff	01/01/11 – 12/31/13

City Police Representative

Salvatore Trentanelli, Corning City Police Chief	01/01/10 – 12/31/12

City At-Large Representatives

Shawn Hogan, Hornell City Mayor	01/01/10 – 12/31/12
Mark L. Ryckman, Corning City Manager	01/01/10 – 12/31/12

County Government Representative

Mark R. Alger, County Administrator	01/01/10 – 12/31/12

Alternate: Jack Wheeler
Deputy County Administrator

County Legislature Representatives

Thomas J. Ryan, District 9	01/01/10 – 12/31/12
Brian C. Schu, District 6	01/01/09 – 12/31/11
Carol A. Ferratella, District 13, Chairman's Designee	01/01/11 – 12/31/13

Ex-Officio Members (Non-voting)
David Hopkins, E911 Director
Michael Sprague, EMO Director

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

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 015-11

Introduced by T. Ryan. Seconded by D. Farrand.

APPOINTING REPRESENTATIVES TO THE FISH AND WILDLIFE MANAGEMENT ACT BOARD.

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

BE IT RESOLVED, upon the recommendation of the Chairman of the Steuben County Legislature, the following individuals are appointed to serve as representatives of the Fish and Wildlife Management Act Board:

Steuben County Landowner Representative: *January 1, 2011 – December 31, 2012*	Michael Warren 2901 County Road 56 Hornell NY 14843
Steuben County Sportsman Representative: *January 1, 2010 – December 31, 2011*	David Lannoye 49 Grant Street Avoca NY 14809
Steuben County Legislative Representative: *January 1, 2010 – December 31, 2011*	Thomas J. Ryan Steuben County Legislator 41 Chestnut Street Canisteo NY 14823

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 016-11

Introduced by T. Ryan. Seconded by D. Farrand.

APPOINTING REPRESENTATIVES TO THE INTERCOUNTY ASSOCIATION OF WESTERN NEW YORK.

WHEREAS, the Steuben County Legislature adopted Resolution No. 024-10 on January 25, 2010, appointing members to the InterCounty Association of Western New York; and

WHEREAS, the representatives were appointed to serve two-year terms; and

WHEREAS, a number of vacancies have occurred.

NOW THEREFORE, BE IT

RESOLVED, this Steuben County Legislature does hereby designate the following as representatives of this Legislature to the InterCounty Association of Western New York through December 31, 2011:

1. **LAWRENCE P. CROSSETT**, voting representative
2. **CAROL A. FERRATELLA**, voting representative
3. **THOMAS J. RYAN**, voting representative

4. **MICHAEL HANNA**, alternate voting representative
5. **BRENDA K. MORI,** alternate voting representative
6. **MARK R. ALGER**, alternate voting representative

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 017-11

Introduced by T. Ryan. Seconded by D. Farrand.

APPOINTING MEMBERS TO THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY.

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

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

WHEREAS, the Board members are appointed to serve three (3) year staggered terms, excepting the Legislative appointee who shall serve a term of two (2) years; and

WHEREAS, the term has expired for various Board members.

NOW THEREFORE, BE IT

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

January 1, 2010 through December 31, 2012
Philip J. Roche, Esq., Yorio & Roche Attorneys at Law, 145 W. High Street, Painted Post, NY 14870
John Siranni, 10770 Hidden Meadow Trail, Corning, NY 14830.

January 1, 2010 through December 31, 2011
Joseph J. Hauryski, Chairman, Steuben County Legislature, 6031 County Route 17, Campbell, NY 14821
(filling unexpired term of Patrick F. Donnelly)

January 1, 2009 through December 31, 2011
Christine G. Sharkey, Corning Enterprises, One West Market Street – 6th Floor, Corning, NY 14831
Michael J. Doyle, 54 Lake Street, Hammondsport, NY 14840

January 1, 2011 through December 31, 2013
George Connors, Connors Mercantile, 16 East Market Street, Corning, NY 14830.
Michael L. Nisbet, 20 Bennett Street, Canisteo, NY 14823.

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

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

RESOLVED, a certified copy of this resolution shall be forwarded to each of the appointees; the Steuben County Planning Director; James Sherron, Executive Director, Steuben County Industrial Development Agency, 7234 Route 54N, P.O. Box 393, Bath, NY; Marcia Weber, Executive Director, Southern Tier Central Regional Planning & Development Board, 8 Denison Parkway East, Suite 310, NY 14830; John F. Leyden, Esq., Counsel to said Agency, 110 N. Main Street, Wayland, NY 14572; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 018-11

Introduced by T. Ryan. Seconded by D. Farrand.

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

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

BE IT RESOLVED, upon the recommendation of the Chairman of the Steuben County Legislature, Debbie Meritsky, Owner, Black Sheep Inn, be and the same hereby is reappointed as the Legislature's representative to serve on the Board of Directors of the Finger Lakes Tourism Alliance, Inc., for a term of three (3) years commencing January 1, 2011 through December 31, 2013; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 019-11

Introduced by T. Ryan. Seconded by D. Farrand.

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

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

WHEREAS, the Chairman of the Steuben County Legislature has recommended that Dan C. Farrand, District 10, and Thomas J. Ryan, District 9, be appointed as the Legislative members to the Soil and Water Conservation District Board of Directors.

NOW THEREFORE, BE IT

RESOLVED, that County Legislator Dan C. Farrand of District 10 and County Legislator Thomas J. Ryan of District 9, be and they hereby are appointed members to the Board of Directors of the Steuben County Soil and Water Conservation District for a term of two (2) years commencing January 1, 2011, and not beyond December 31, 2012; and be it further

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 020-11

Introduced by T. Ryan. Seconded by D. Farrand.

APPOINTING A MEMBER TO THE SOUTHERN TIER EXTENSION RAILROAD AUTHORITY.

Pursuant to Article 8, Title 28-AA of the Public Authorities Law.

WHEREAS, Article 8, Title 28-AA of the Public Authorities Law creates the Southern Tier Extension Railroad Authority Act to continue and strengthen the system of railroads serving Allegany, Cattaraugus, Chautauqua and Steuben Counties through the creation of a regional, public benefit corporation; and

WHEREAS, Section 2642-C of the Act requires the establishment of the Southern Tier Extension Railroad Authority; and

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

WHEREAS, one member's term has expired.

NOW THEREFORE, BE IT

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

Thomas J. Ryan
Steuben County Legislator
41 Chestnut Street
Hornell, NY 14843
Term: September 1, 2010 through August 31, 2013

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 021-11

Introduced by T. Ryan. Seconded by D. Farrand.

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, 2011 through December 31, 2011.

1. Mark R. Alger, Steuben County Administrator, 3 E. Pulteney Sq., Bath, NY 14810
2. Peter Bradstreet, Family Court Judge, 3 E. Pulteney Sq., Bath, NY 14810
3. Amy L. Christensen, Southern Tier Legal Services, 104 E. Steuben St., Bath, NY 14810
4. Robert Deuel, 6580 Mossy Bank Pk. Rd., Bath, NY 14810
5. Kathryn A. Muller, Steuben County DSS Commissioner, 3 E Pulteney Sq., Bath, NY 14810
6. Kris Pashley, Director, Corning Parks & Recreation, 8 Civic Cent. Plz., Corning, NY 14830
7. Patrick Rogers, Director, Institute for Human Services, 6666 County Rd. 11, Bath, NY 14810
8. Cora Saxton, 310 E. Naples St., Wayland, NY 14572
9. Rhonda Sweet, Five Star Bank, 44 Liberty St., Bath, NY 14810
10. Milt VonHagn, 4 Mountainview Rd., Bath, NY 14810
11. Kerstin Burns, 5778 Cochrane Road, Bath NY 14810 (Youth)
12. Frank Presher, 9470 Route 53 South, Prattsburgh, NY 14873 (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, a certified copy 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. 022-11

Introduced by T. Ryan. Seconded by D. Farrand.

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

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

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

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

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

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

NOW THEREFORE, BE IT

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

Town of Wayne Elected Official
Dennis Carlson, Wayne Town Councilman
12182 East Lake Road
Hammondsport, NY 14840
Term: 01/01/09-12/31/12
(filling unexpired term of James McAfee)

Steuben County Property Owner in District
Nancy Gabel
9150 Carpenter Road
Wayne, NY 14893
Term: 01/01/11-12/31/14

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

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 023-11

Introduced by T. Ryan. Seconded by D. Farrand.

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

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

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

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

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

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

NOW THEREFORE, BE IT

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

AFFIRMATIVE ACTION COMMITTEE

Term Commencing January 1, 2009 through December 31, 2011
1. Chris Myers, President CSEA ***(filling unexpired term of Michael Stone)***
2. Oscar Ardon, Deputy Sheriff, Steuben County Sheriff's Department
3. April Cook, Employee, Department of Social Services
4. Kathryn M. Muller, Commissioner, Department of Social Services

Term Commencing January 1, 2010 through December 31, 2012
1. Robert McDaniels, President, Steuben County Deputy Sheriffs' Association
2. Victoria Fuerst, Director, Public Health and Nursing Services
3. David McCarroll, Administrator, Health Care Facility
4. Nancy B. Smith, Personnel Officer

Term Commencing January 1, 2011 through December 31, 2013
1. John Collmer, President, Steuben County Correction Officers, Dispatchers and Court Security Officers Unit
2. Scott J. Van Etten, Legislator
3. Brian C. Schu, Legislator

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

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

AFFIRMATIVE ACTION OFFICER /EQUAL EMPLOYMENT OPPORTUNITY COUNSELOR
Nathan Alderman

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

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

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

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 024-11

Introduced by T. Ryan. Seconded by D. Farrand.

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, 2011 and ending December 31, 2014:

William Brown, 2930 W. Waneta Lake Road, Hammondsport, NY 14840
Patricia Rice Gurecki, 126 W Williams St, 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, a certified copy of this resolution shall be forwarded to the above-named appointees, the Planning Department and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 025-11

Introduced by D. Creath. Seconded by R. Nichols.

SUPPORTING PROPOSED LEGISLATION TO STRENGTHEN SOIL & WATER CONSERVATION DISTRICTS.

WHEREAS, there is current proposed legislation before the New York State Assembly and the New York State Senate that strengthens the New York State Soil & Water Conservation Districts as contained in S.7601/A.10843, S.7532/A.10743, and S.7533/A.10751; and

WHEREAS, the New York Ocean and Great Lakes Ecosystem Conservation Act established the New York Ocean and Great Lakes Ecosystem Conservation Council to include those agencies of the State that have responsibility of managing human activities that impact ecosystems; and

WHEREAS, the New York State Soil and Water Conservation Committee is an agency of the State established under New York State law and has specific Ecosystem Based Management principles within its legislative charge; and

WHEREAS, the New York State Soil and Water Conservation Committee's mission is to *"promote a comprehensive natural resource program for New York State by supporting local Soil and Water Conservation Districts to develop and implement projects and programs that will preserve, protect and enhance the wise use of the State's soil, water and related resources."* The recited mission being consistent with the principles and goals of the Ecosystem Based Management program; and

WHEREAS, the New York State Soil and Water Conservation Committee provides guidance to 58 Soil and Water Conservation Districts in New York and has broad legislative authority to support these Districts by setting policies and administering programs that have direct impacts on the natural resources of the State of New York; and

WHEREAS, the New York Ocean and Great Lakes Ecosystem Conservation Council report to the Governor includes a recommendation to amend Article 14 of Environmental Conservation Law to include the New York Soil and Water Conservation Committee as a member of the recited Council; and

WHEREAS, the recited legislation would recognize and authorize conservation education as a role of the Local Soil and Water Conservation Districts together with recognizing the role of the Local Soil and Water Conservation Districts in controlling and mitigating the spread of invasive species; and

WHEREAS, recited legislation would authorize a Local Soil and Water Conservation Districts to become eligible applicants for the Local Waterfront Revitalization Grant Program as administered by the New York State Department of State.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature supports the strengthening of the New York State Water Conservation Committee and the Local New York State Soil and Water Conservation Districts as contained in the legislation recited herein and as may be renumbered hereafter; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 909 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Brian M. Kolb, 933 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 105 East Steuben Street, Bath, NY 14810; Assemblyman Phil Palmesano, 105 East Steuben Street, Bath, NY 14810; Daryl Aubertine, Commissioner of the New York State Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235; Senator Catharine Young, Chair of the Legislative Commission on Rural Resources & Housing, 188 State Street, Room 513 Legislative Office Building, Albany, NY 12247; Joseph Martens, Commissioner, New York Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-1011; and Judy Littrell, Executive Director, New York Association of Conservation Districts, 245 Hartley Rd., Amsterdam, NY 12010.

Vote: Acclamation – Adopted.

Chairman Hauryski announced that following the February 28, 2011, Legislative Meeting, Ken Isaman, Steuben County Risk Manager, has scheduled a one-half hour CPR training for all Legislators.

Motion to adjourn regular session and reconvene in Executive Session pursuant to Public Officers' Law, Article 7§ 105.1.E. Collective Negotiations pursuant to Article Fourteen of the Civil Service Law made by Mr. McAllister, seconded by Mr. Crossett and duly carried.

Motion to adjourn executive session and reconvene in regular session made by Mrs. Ferratella, seconded by Mr. Roush and duly carried.

Motion to adjourn made by Mr. Ryan, seconded by Mr. Crossett and duly carried.

REGULAR MEETING
Morning Session
Monday, February 28, 2011
Legislative Chamber, Bath, New York

The County Legislature of the County of Steuben was convened in Regular Session in the Legislative Chamber, Bath, NY on Monday, the 28th day of February, 2011, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present except for Legislators Creath and Van Etten.

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

The Clerk of the Legislature asked Bruce Grant to come forward. Mr. Grant was an employee with the Steuben County Sheriff's Department. Mr. Hauryski presented him with a Certificate of Appreciation and a watch in recognition of his retirement following 10 years of service to Steuben County.

The Clerk of the Legislature asked Darolene Grant to come forward. Ms. Grant was an employee with the Steuben County Law Department. Mr. Hauryski presented her with a Certificate of Appreciation and a watch in recognition of her retirement following 10 years of service to Steuben County.

The Clerk of the Legislature asked Cindy Jeffers-Norton to come forward. Ms. Jeffers-Norton is an employee in the Department of Social Services who has been nominated for Employee of the Month by Bruce Cornell in the Purchasing Department. Cindy was nominated in the categories of outstanding performance and major project accomplishment.

Mrs. Mori read the following nomination: "Cindy has shown both outstanding performance and major project accomplishment in the completion of the annual Fixed Asset Inventory report for 2010. Cindy does her job very well and efficiently. She would be an example for many of the other County departments to follow in the future in doing their inventory.

In less than a month's time, Cindy completed an inventory count of almost 3000 items that make up 276 work stations with a cost of $605,996.34 in the various areas within the Department of Social Services. That number equals an average cost per work station of $2,195.63. Each item is listed in her report with cost, acquisition date and the person using it. Based upon the size of her department, Cindy did an exceptional job of accounting for each item.

In addition to performing the inventory, Cindy also kept up with all of her regular duties. I deal with her directly with my role in Purchasing on an almost daily basis and Cindy always has been helpful and cooperative in providing the information needed to make our job easier. She always has a bright smile and great attitude. The County could use more employees like her."

Congratulations, Cindy, on being named the Steuben County Employee of the Month for the Month of March 2011.

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

Mrs. Mori announced the Youth-in-Government Interns will be at the March Board Meeting and the Legislators will be having lunch with them immediately following.

Mrs. Mori reminded the Legislators that following today's meeting they will be receiving CPR training.

Mr. Alger stated that he would like to make a point regarding the property tax cap. There are a lot of reasons for considering the cap at this time. In the case of the County, we are not necessarily the same as every other level of government or the school districts. In county government, the NYSAC 9 for 90 Program talks about the bulk of real property taxes being driven by State programs. Approximately 9 percent of every property tax dollar raised is for State purposes. It is incumbent upon me to mention that Medicaid is the biggest program in the nation. No other state requires property taxes to pay for Medicaid. The counties in this State pay a disproportionate share of Medicaid compared to any other State in the Union.

Mr. Alger commented the State needs to take over Medicaid and they would save 47 percent strictly by doing that. The only reason our levy is as high as it is, is because of programs like that. Programs similar to this are driving property taxes in the State. This property tax cap will go into effect this year at the rate of 1 percent for 2012. That equates to $450,000. It is anticipated that Medicaid will go up $1.9 million. In addition, retirement will increase $1.5 million. That is a total increase of $3.4 million and we will only be able to raise taxes $450,000. For the record, Medicaid is the driving force behind our budget. In the absence of any other State action, that will drive the taxes.

RESOLUTION NO. 026-11

Introduced by L. Crossett. Seconded by G. Roush.

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

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

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

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

SCHEDULE "A"

Resolution No.	A-1	Resolution No.	A-2
Name	Bath Town Assessor	Name	Save The Lyon Commission, Inc.
Parcel No.	Multiple Parcels	Parcel No.	159.09-01-060.200
Municipality	Bath Town	Municipality	Bath Village
Disposition	Correction	Disposition	Refund (per Court Order)

Resolution No.	A-3	Resolution No.	A-4
Name	Village of Bath	Name	Kathleen L Potter
Parcel No.	159.09-03-027.000	Parcel No.	129.17-01-017.000
Municipality	Bath Village	Municipality	Bath Town
Disposition	Correction	Disposition	Correction

Resolution No.	A-5
Name	Richard F Small
Parcel No.	187.00-01-025.111
Municipality	Bath Town
Disposition	Correction

Resolution No.	A-6
Name	George R Jamison Living Trust
Parcel No.	242.00-02-020.210
Municipality	Campbell Town
Disposition	Correction

Resolution No.	A-7
Name	Barbara Johnson
Parcel No.	216.00-01-023.100
Municipality	Canisteo Town
Disposition	Correction (parcel split)

Resolution No.	A-8
Name	Bruce G Flipp
Parcel No.	236.00-01-021.123
Municipality	Canisteo Town
Disposition	Correction (parcel split)

Resolution No.	A-9
Name	Joy E Goodsell
Parcel No.	044.00-01-033.000
Municipality	Cohocton Town
Disposition	Correction (parcel split)

Resolution No.	A-10
Name	Timothy Mathews
Parcel No.	337.09-02-024.000
Municipality	Corning Town
Disposition	Correction

Resolution No.	A-11
Name	Norman & Constance Ellis
Parcel No.	137.00-02-003.000
Municipality	Fremont Town
Disposition	Correction (parcel split)

Resolution No.	A-12
Name	Frank & Karen Hall
Parcel No.	266.00-01-003.000
Municipality	Greenwood Town
Disposition	Correction

Resolution No.	A-13
Name	Ann B Cramer
Parcel No.	212.00-01-010.100
Municipality	Hartsville Town
Disposition	Correction (parcel split)

Resolution No.	A-14
Name	Jason Paul Kothen
Parcel No.	171.00-03-012.000
Municipality	Howard Town
Disposition	Correction

Resolution No.	A-15
Name	Arnold Law
Parcel No.	287.00-03-004.120
Municipality	Jasper Town
Disposition	Correction

Resolution No.	A-16
Name	Andy B & Emma A Weaver
Parcel No.	307.00-01-018.120
Municipality	Jasper Town
Disposition	Correction

Resolution No.	A-17
Name	Glen Terwilliger
Parcel No.	407.00-01-004.121
Municipality	Lindley Town
Disposition	Correction (parcel split)

Resolution No.	A-18
Name	Harvey & Brenda Smallwood
Parcel No.	020.00-01-002.111
Municipality	Prattsburgh Town
Disposition	Correction

Resolution No.	A-19
Name	Allan & Carolyn Muscianese
Parcel No.	020.00-01-030.270
Municipality	Prattsburgh Town
Disposition	Correction

Resolution No.	A-20
Name	Harvey & Brenda Smallwood
Parcel No.	020.00-01-057.000
Municipality	Prattsburgh Town
Disposition	Correction

Resolution No.	A-21	Resolution No.	A-22
Name	LuAnn Storms	Name	Zachary M Medrek
Parcel No.	022.00-01-011.100	Parcel No.	049.00-01-058.100
Municipality	Prattsburgh Town	Municipality	Pulteney Town
Disposition	Correction (parcel split)	Disposition	Correction (parcel split)

Resolution No.	A-23	Resolution No.	A-24
Name	Randy L Baker	Name	Lawrence & Thomas Oreilly
Parcel No.	329.00-01-022.120	Parcel No.	359.00-01-015.100
Municipality	Rathbone Town	Municipality	Troupsburg Town
Disposition	Correction (parcel split)	Disposition	Correction

Resolution No.	A-25	Resolution No.	A-26
Name	Dale Lebarron	Name	Susie J Bush
Parcel No.	378.20-01-020.100	Parcel No.	368.00-01-032.100
Municipality	Troupsburg Town	Municipality	Tuscarora Town
Disposition	Correction	Disposition	Correction

Resolution No.	A-27	Resolution No.	A-28
Name	Vincent C & Kirk C Stalis	Name	Alberto Baruffi
Parcel No.	386.00-01-043.000	Parcel No.	178.00-01-030.117
Municipality	Tuscarora Town	Municipality	Bradford Town
Disposition	Correction (parcel split)	Disposition	Correction (parcel split)

Resolution No.	A-29	Resolution No.	A-30
Name	David Smith	Name	Floyd & Diane Sharp
Parcel No.	280.00-01-050.000/309	Parcel No.	270.00-01-027.110
Municipality	Erwin Town	Municipality	Jasper Town
Disposition	Correction	Disposition	Correction

Vote: Roll Call – Adopted.

RESOLUTION NO. 027-11

Introduced by J. Hauryski. Seconded by D. Farrand.

RECEIVING AND ACCEPTING THE FEBRUARY 28, 2011 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 19, 2011

Corning City Republican Committee – Re: Nomination of Christopher Quinlan for the vacancy created by Phil Palmesano to the Steuben County Legislature at their meeting held on January 4, 2011. ***Referred to: Joseph Hauryski, Legislature Chairman; and Donald Creath, Majority Leader.***

Daryl Post, Salamanca, New York – Re: Letter urging to impose a tax on Out of State Workers. ***Referred to: Steuben County Legislature.***

January 20, 2011
Steuben County Industrial Development Agency – Re: Notice of Public Hearing on Monday, January 31, 2011 at 9:00am, located at the Town of Howard Fire Hall, 3622 County Route 70A, Avoca, New York to discuss the Howard Wind LLC Project. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

January 21, 2011
Regional Economic Development & Energy Corporation and REDEC Relending Corporation – Re: Fully executed agreement between Steuben County and REDEC/RRC for the period of January 1, 2011 through December 31, 2011. ***Referred to: Mark Alger, County Administrator.***

January 24, 2011
Tioga County Emergency Services – Re: Invitation to participate in Tioga County's Hazard Mitigation Planning Process. ***Referred to: Mike Sprague, EMO Director.***

January 25, 2011
Town of Corning – Re: Letter from the Town of Corning regarding the General Fire Protection District and East Corning Fire Protection District levies. ***Referred to: Administration Committee; Wendy Flaitz, RPTSA Director; and Pat Donnelly, County Treasurer.***

January 26, 2011
New York State Department of Environmental Conservation – Re: Marcellus Shale Drill Cuttings Disposal in New York State Landfills. ***Referred to: Public Works Committee; Vince Spagnoletti, Commissioner of Public Works; Amy Dlugos, Steuben County Environmental Management Council; and Mark Alger, Natural Gas Task Force Steering Committee.***

Emergency Medical Services Training, Administration & Resources (formerly STREMS) – Re: Fourth Quarter Report for 2010. ***Referred to: Human Services/Health & Education Committee; Victoria Fuerst, PHN Director; Public Safety & Corrections Committee; and Mike Sprague, EMO Director.***

January 27, 2011
NYS Board of Elections – Re: Annual Training Conference for county election commissioners and officials on Wednesday, April 27 through Friday, April 29, 2011, at the Desmond Hotel and Conference Center, Albany, New York. ***Referred to: Administration Committee; Veronica Olin, Republican Elections Commissioner; and Joseph Welch, Democratic Elections Commissioner.***

January 28, 2011
Steuben County Industrial Development Agency – Re: Steuben County Industrial Development Agency/Howard Wind LLC Project. The project will increase by approximately 4.1 MW with the installation of two additional turbines on the existing pilot. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

February 2, 2011
NYS Office of Emergency Management – Re: Approval of Steuben County's Citizen Corps Grant application in the amount of $20,600.00. ***Referred to: Public Safety & Corrections Committee; and Mike Sprague, EMO Director.***
Continental Placer, Inc. – Re: Natural Resources Inventory and Planning. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

February 7, 2011
NYS Office of Parks, Recreation and Historic Preservation – Re: Properties located at 14681-14697 Keuka Village Road, Dundee, NY in Steuben County will be considered by the State Review Board for nomination to the National and State Registers of Historic Places at their next meeting held on March 9, 2011. ***Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Twila O'Dell, Historian.***

NYS Office of the State Comptroller – Re: Notification of the 2010 Annual Report Form for the Indigent Legal Service Fund (ILSF) needs to be completed and filed by March 1, 2011. ***Referred to: Patrick Donnelly, Steuben County Treasurer.***

February 9, 2011

NYS Department of Environmental Conservation – Re: Public Meeting scheduled for Tuesday, March 1, 2011 @ 7:00 pm at the Pulteney Town Hall located on 9226 County Route 74, Pulteney, NY 14874 pertaining to the Nichol Inn Property, NYSDEC Site #E851029. ***Referred to: Administration Committee; Amy Dlugos, Steuben County Environmental Management Council; and Mark Alger, County Administrator.***

NYS Office for the Aging – Re: Approvals of the Long Care Ombudsman Program (LTCOP) for the period of April 1, 2011 to March 31, 2012 and the Older Americans Act (OAA) Title VII Program for the period of January 1, 2011 – December 31, 20011. ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

NYS Office for the Aging – Re: Notification of Grant Award (NGA) for the federal fiscal year 2011 (FFY 2011) Nutrition Services Incentive Program (NSIP). ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

February 10, 2011

Western Regional Off-Track Betting Corporation – Re: Request to consider passing a resolution in opposition of the State taking of Western's participating municipality's assets. ***Referred to: Finance Committee; Patrick Donnelly, County Treasurer; and Mark Alger, County Administrator.***

February 14, 2011

AARP, New York State Office – Re: Request to refrain from passing a resolution on the Complete Streets and welcoming an opportunity to open dialogue with NYSAC on the concerned issues. ***Referred to: Mark Alger, County Administrator.***

February 15, 2011

NYS Office for the Aging – Re: Notification of Grant Award (NGA) and approved application for the Medicare Improvements for Patients and Providers Act – Aging and Disability Resource Center (MIPPA/ADRC) for the period of September 30, 2010 through September 29, 2011. ***Referred to*: *Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

February 17, 2011

Yates County Legislature – Re: Resolution passed by Yates County recognizing the importance of County Sheriff's Marine Patrol and State Navigational Aid Funding for Services. ***Referred to: Public Safety & Corrections Committee; and Sheriff Ordway.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 028-11

Introduced by P. McAllister/L. Crossett. Seconded by R. Weaver.

A REQUEST TO THE NEW YORK STATE LEGISLATURE FOR AN EXTENSION OF THREE ADDITIONAL YEARS OF TAX LAW SECTION 253-S (BEING AN AUTHORIZED MORTGAGE TAX FOR STEUBEN COUNTY).

Pursuant to New York State Tax Law Section 253-i, renumbered as Section 253-s.

WHEREAS, the Administration Committee of the Steuben County Legislature has requested the extension of the County Recording Tax on obligations secured by a mortgage; and

WHEREAS, the County of Steuben has adopted by Local Law No. Six of the Year 2008 Tax Law Section 253-i, renumbered as Section 253-s, for the imposition of a County Recording Tax on obligations secured by a mortgage; and

WHEREAS, said local law adopting the recited recording tax is without a termination date; and

WHEREAS, Tax Law Section 253-i, renumbered as Section 253-s, contains an expiration date of December 1, 2011 as set forth in Session Laws Chapter 447, section 1; and

WHEREAS, said additional tax revenues will continue to lessen the burden on the real property tax levy in the provision of necessary governmental services by Steuben County.

NOW THEREFORE, BE IT

RESOLVED, the Legislature of Steuben County requests the passage of legislation by the New York State Legislature extending the expiration of Tax Law Section 253-s for an additional three years; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Brian M. Kolb, 933 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; and Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248.

Mr. Weaver asked at the State level, is this something we are in danger of losing? Mr. Alger replied this is not new and the expectation is that they will continue this. Hopefully we don't lose it, but there are no guarantees.

Vote: Roll Call – Adopted. Yes – 8,224; No – 593; Absent 1,055
(Mr. Ryan opposed; Mr. Creath and Mr. Van Etten absent)

RESOLUTION NO. 029-11

Introduced by P. McAllisters/L. Crossett. Seconded by D. Farrand.

REQUESTING LEGISLATION FOR AN EXTENSION AUTHORIZING AN ADDITIONAL ONE PERCENT SALES TAX FOR STEUBEN COUNTY FOR THE PERIOD COMMENCING DECEMBER 1, 2011 AND ENDING NOVEMBER 30, 2013.

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, 2011 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, 2011 through November 30, 2013; and be it further

RESOLVED, from said additional revenues for the period December 1, 2011 through November 30, 2013 the County of Steuben shall pay or cause to be paid to the City of Hornell the sum of $740,000.00, to the City of Corning the sum of $740,000.00 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 Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Brian M. Kolb, 933 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; and Patricia Pinto, Esq., State of NY Dept. of Taxation and Finance, W.A. Harriman Campus, Albany, NY 12227.

Mr. Ryan commented it is time that we stick up for our Republican principles and try to shrink the beast. The one way we can do that is not to feed it. I will vote no for that reason.

Mr. Nichols stated this is not a tax increase. This is just a continuation of the tax we have.

Mr. McAllister commented the problem with shrinking the beast is a lot of this is State driven and they are not reducing. We have to pay for it and if we don't do it through sales tax, then we have to raise property taxes.

Mr. Crossett asked how much money does this equate to? Mr. Alger replied it is $11.6 million gross.

Mr. Nichols stated the problem with it is if you do away with it, you will lose $11 million and then you have the 1 percent tax cap.

Vote: Roll Call – Adopted. Yes – 8,224; No – 593; Absent – 1,055
(Mr. Ryan opposed; Mr. Creath and Mr. Van Etten absent)

RESOLUTION NO. 030-11

Introduced by L. Crossett. Seconded by C. Ferratella.

REGARDING THE SALE OF THE SEAGER PROPERTIES BY JAMES PIRRUNG AUCTIONEERS.

WHEREAS, the Guardian Estate of David J. Seager Properties requests that Steuben County agree to Real Estate Auction Agreement dated January 12, 2011 between the agents Pirrung Auctioneers, Inc. and Thomas P. Wamp, Licensed Real Estate Broker as agents to sell the properties located at 21-23 Main Street, Savona, NY (3 parcels) and 4 East

Washington Street, Bath, NY (1 parcel) (hereinafter "Seager Properties"), and as more fully set forth below, the net proceeds after the payment of the real property taxes owing to Steuben County be placed in the Seager Funeral Home Restitution Account; and

WHEREAS, the above-noted agents request to be authorized to offer the subject property at public auction on Sunday, March 20, 2011 at 1:00 p.m. at Savona, New York and 2:00 p.m. at Bath, New York; and

WHEREAS, the Seager Properties are subject to minimum acceptable bids totaling $110,000.00 being in excess of the real property taxes owing to Steuben County; and

WHEREAS, the contract shall remain exclusive with the agents having the right to sell the subject property, publicly or privately, for a period of 60 days past the scheduled auction date; conditioned upon the transfer of the deed(s) and proceeds being exchanged, i.e. closed on or before June 1, 2011, which is the 'date certain'; and

WHEREAS, in the event the closing is not completed on or before June 1, 2011, the selling agents forfeit any and all rights under the contract to sell the Seager Properties and that there shall be no extensions granted.

NOW THEREFORE, BE IT

RESOLVED, the recited agents are authorized to offer for sale the above-referenced Seager Properties, that any and all deposits obtained at auction by all prospective purchaser(s) shall be made payable to: "The Steuben County Treasurer" and that said deposit(s) shall be placed with the Steuben County Treasurer pending the closing(s); and be it further

RESOLVED, the County agrees to require the immediate payment out of the proceeds of the auction to be used to pay all unpaid property taxes owing to the County, the County shall permit all remaining proceeds to be paid into the Seager Funeral Home Restitution Account established by the State of New York pursuant to the terms of the Consent Judgment filed January 6, 2011; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Benjamin A. Bruce, Esq., Assistant Attorney General, 144 Exchange Blvd., Suite 200, Rochester, NY 14614; Christine M. Valkenburgh, Esq., 7 East Steuben Street, PO Box 232, Bath, NY 14810; and the County Treasurer.

Mr. Weaver asked what is the court doing? Mr. Reed explained this resolution recommends that the properties be sold by Pirrung Auctioneers and any proceeds on that sale by deposited with the County Treasurer. Any proceeds on the sale shall be paid on the back taxes to the County and after that, any remaining proceeds be paid to any victims through the County. The minimum bid figure is $110,000. Currently the taxes owed on the property are approximately $70,000.

Mr. Hanna asked what happens if they do not get the minimum bid? Mr. Reed explained there is a provision that the auctioneer will then pursue individual bidders to see if there is a possible sale for less than the $110,000. However, the Legislature would need to authorize that sale.

Mr. Weaver asked are Legislators precluded from this sale similar to the tax auction? Mr. Alger replied yes. The potential for conflict is obvious and he would suggest that all of us would be precluded from participating.

Vote: Roll Call – Adopted.

RESOLUTION NO. 031-11

Introduced by B. Schu/L. Crossett. Seconded by P. McAllister.

AUTHORIZING THE TRANSFER OF $79,100 FROM THE CONTINGENCY FUND TO THE 2010 BUDGET FOR THE PUBLIC DEFENDER ASSIGNED COUNSELOR EXPENDITURES.

WHEREAS, the Steuben County 2010 budget for Public Defender Assigned Counselor contains insufficient funds to cover expenditures; and

WHEREAS, the Public Safety & Corrections and Finance Committees have approved this transfer from Contingency to cover the 2010 expenditures.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Treasurer is hereby authorized to adjust the following accounts in the 2010 budget:

EXPENSE ACCOUNTS:
Account 199000 5-499-000 Contingency – ($79,100)
Account 117300 5-423-200 Pub Defender-Assigned Counselor - $79,100

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the administrative offices of the Assigned Counsel Administrator, the Steuben County Public Defender, and the County Treasurer.

Mr. Quinlan commented that he will be abstaining from the vote as he is currently finishing casework for the Public Defender. Is this for the conflicts cases? Mr. Alger replied this is still the Assigned Counsel Program. This is separate from the Public Defender's Office.

Vote: Roll Call – Adopted. Yes – 8,275; Absent – 542; Abstained – 542
(Mr. Creath and Mr. Van Etten absent; Mr. Quinlan abstained)

RESOLUTION NO. 032-11

Introduced by J. Hauryski. Seconded by R. Weaver.

OPPOSING THE STATE TAKEOVER OF THE WESTERN NEW YORK OFF-TRACK BETTING CORPORATION.

WHEREAS, in September 1973, eleven western New York counties established the Western Regional Off-Track Betting Corporation, they being Cattaraugus, Chautauqua, Erie (and the City of Buffalo), Genesee, Livingston, Monroe (and the City of Rochester), Niagara, Orleans, Seneca, Steuben, and Wayne, as enabled by state law; and

WHEREAS, these municipal "stockholders" chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

WHEREAS, the start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state confiscation of this purely local venture; and

WHEREAS, now, the incoming Governor and both houses of the State Legislature are publically proposing the takeover of Western OTB's business and its assets by a consolidation of all the regional off-track betting corporations in

this state by some state-sponsored or quasi-governmental interloper that threatens a loss of local revenue, independence and local oversight of gaming in our communities; and

WHEREAS, the participating municipalities of Western, as its shareholders have a *pro-rata* financial interest in the $39 million of net equity re-invested in its 30-plus corporately-owned branch facilities and the track and casino at Batavia Downs; and

WHEREAS, the reality of such state-sponsored consolidation and takeover of the OTB's would rob Western's communities of not only local control, but their substantial re-investment of profits to acquire and maintain such money-making assets;

NOW THEREFORE, BE IT

RESOLVED, that the Board of Directors of the Western Regional Off-Track Betting Corporation, and its individual members representing their respective participating municipality, unalterably oppose such threatened "nationalizing" of Western's business by New York State; and be it further

RESOLVED, that each governing body of Western's participating municipalities be solicited to join this Board in opposition to this ill-timed and poorly-conceived proposed takeover by the State; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Brian M. Kolb, 933 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; Martin Basinait, President, Western Regional Off-Track Betting Corporation, 700 Ellicott Street, Batavia, NY 14020; John D. Sabini, Chairman, New York State Racing and Wagering Board, One Broadway Center, Suite 600, Schenectady, NY 12305-2553; John R. Searles, Clerk/Administrator, Cattaraugus County Legislature, 303 Court Street, Little Valley, NY 14755; Ronald Lemon, Clerk, Chautauqua County Legislature, Gerace office Building, 3 North Erie Street, Mayville, NY 14757-1007; Robert M. Graber, Clerk, Erie County Legislature, Erie County Office Building, 95 Franklin Street, Buffalo, NY 14202; Carolyn P. Pratt, Clerk, Genesee County Legislature, Old Court House, 7 Main Street, Batavia, NY 14020; Virginia O. Amico, Clerk, IIMC-CMC, Livingston County Board of Supervisors, Government Center, 6 Court Street, Geneseo, NY 14454; Cheryl M. Rozzi, Clerk, Monroe County Legislature, 407 County Office Building, 39 West Main Street, Rochester, Y 14614; Mary Jo Tamburlin, Clerk, Niagara County Legislature, 175 Hawley Street, Courthouse, Lockport, NY 14094-2740; Nadine Hanlon, Clerk, Orleans County Legislature, 3 South Main Street, Courthouse Square, Albion, NY 14411-1495; Margaret E. Li, Clerk, Seneca County Board of Supervisors, 1 DiPronio Drive, Waterloo, NY 13165; Sandra J. Sloane, Clerk, Wayne County Board of Supervisors, 26 Church Street, Lyons, NY 14489; Richard Calabrese, President, Inter-County Association of Western New York, Municipal Building, 20 Ontario Street, Canandaigua, NY 14424; and Stephen J. Acquario, Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207-2737.

Mr. Ryan asked for further explanation. What are the ramifications if this is regionalized? Mr. Alger replied a few years ago the State tried to take over the New York City Off-Track Betting Corporation and when they took that over, the bulk of counties that participate in OTB upstate suggested the State would run it into the ground. The State succeeded in doing just that. Now the proposal is to take over the OTB's across the State. Many of the OTB's are having problems continuing their operations. Western Off-Track Betting Corporation has been successful because of the racetrack at Batavia Downs and because of that, are making pretty good money. If the State takes it over, you will no longer get a share. One of the reasons we oppose this is it will have a direct impact on us. The Western OTB generates approximately $80,000 - $100,000 in revenue. It makes little sense for the State to take this over, other than to generate revenue for the State. Mr. Alger explained in the 1960's – 1970's the participating

counties each contributed $20,000 toward start-up costs to get this operational. Since then, the Western OTB has been profitable and the return has been many times over what the original investment was.

Mr. Hauryski asked is the Western OTB our facility? Mr. Alger replied yes. The State would have to enact legislation to dissolve and take over it in some fashion. Many facilities across the State are leased.

Vote: Acclamation – Adopted.

RESOLUTION NO. 033-11

Introduced by B. Schu. Seconded by G. Roush.

MEMORIALIZING THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO MAINTAIN THE COUNTY SHERIFF'S MARINE PATROL AND STATE NAVIGATIONAL AID FUNDING FOR SERVICES.

WHEREAS, Keuka Lake, one of the Finger Lakes waterways stretching in length to 20 miles and encompassing 60 miles of shoreline, is a State owned public waterway as indicated in State Navigation Law; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) Marine Services Division designates the County Sheriff to be the point of contact for marine patrols, safety, law enforcement, boat operators education, salvage operations, inspections and issuance of hull identification numbers, as well as the Sheriff's review/approval of floating object and regatta permits on waterways throughout New York by Navigation Law, in literature both on their OPRHP website and in their official publications; and

WHEREAS, it is noteworthy through the enforcement of laws, marine patrols can remove the dangerous boater from the waterways and Sheriff's officers often are the first responders to 911 calls for incidents on the lakes for recreational users in boating mishaps, water and medical emergencies, reports of reckless operation, vessel fires, accidents, capsized vessels, stranded boaters, drowning, pollution, search, rescue and recovery; and

WHEREAS, a portion of vessel registration fees and other funds since 1959 was historically provided as the State of New York has recognized the need to provide financial encouragement to counties undertaking the enforcement of the state's navigation laws; and

WHEREAS, Steuben County had 5,318 registered vessels in 2009 and the State of New York provided 50 percent reimbursement, which was later increased to 75 percent and then reduced in 2009 to 50 percent, even though the state chose to increase boater registration fees, but earmarked the increased boater funds for the state highway and bridge trust fund; and

WHEREAS, revenue for this program is not from property taxpayers, but provided exclusively from the motorboat user fees paid once every three years upon registration, and presently these fees generate $6.2 million annually to the State of New York, of which only about $2.4 million is needed to pay the statutory reimbursement statewide to counties and municipalities for costs incurred; and

WHEREAS, funding to reimburse County Sheriffs for marine services was cut in the 2011 – 2012 Executive Budget proposal released February 1, 2011, where fundamental changes are proposed to repeal Sections 79a and 79b from the State Navigation Law, thus eliminating reimbursement to counties effective April 1, 2011, wherein also affecting the "I Love NY Waterways" boating safety account, and greatly reducing leverage for federal grant funding to New York State OPRHP from the Coast Guard; and

WHEREAS, the Governor's proposed funding cuts also include costs incurred by counties in 2010, for which $35,719.00 in reimbursement was already submitted as required in 2010 to the New York State OPRHP by the Sheriff, and will now require Steuben County taxpayers to absorb; and

WHEREAS, the Steuben County Sheriff provides the public with a very important public safety service by patrolling this waterway, ensuring the safety of recreational, public and commercial vessels, as well as providing New York State OPRHP certified instructors for boaters safety operation education where in the last two years 304 individuals were certified to operate vessels in Steuben County.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature urges the Governor and the New York State Legislature to consider the public safety of lakeside residents, renters, visitors, tourists, and all recreational boaters and users of the waterways, and realize the detrimental impacts that removing this funding aid will have on county budgets and restore this valuable historical aid; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Brian M. Kolb, 933 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; Peter R. Kehoe, Executive Director, New York State Sheriff's Association, Inc., 27 Elk Street, Albany, NY 12207; Keuka Lake Association, 142 Main Street, PO Box 35, Penn Yan, NY 14527; Yates County Legislature, 417 Liberty Street, Penn Yan, NY 14527; and Stephen J. Acquario, Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207-2737.

Vote: Acclamation – Adopted.

Motion to adjourn Regular Session and reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.F. The Medical, Financial, Credit Or Employment History Of A Particular Person Or Corporation, Or Matters Leading To The Appointment, Employment, Promotion, Demotion, Discipline, Suspension, Dismissal Or Removal Of A Particular Person Or Corporation Made By Made by Mr. Farrand, Seconded by Mrs. Ferratella and duly carried.

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

RESOLUTION NO. 034-11

Introduced by R. Nichols. Seconded by R. Weaver.

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 four (4) persons into the Hall of Fame, selected this year; and

WHEREAS, nominations were allowed to be made by anyone; there were no limits on the number of nominations; the nominees could be living or dead; male or female; could have been born elsewhere as long as they enhanced the name of Steuben County; may have helped develop the County; may have been Steuben County natives who gained fame elsewhere, or those who should especially be remembered; and

WHEREAS, the Steuben County Hall of Fame Committee is authorized to be composed of ten (10) persons representative of the people of Steuben County, has reviewed the nominations submitted and has recommended the names of four (4) 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. Major Thomas Scott Baldwin – He was born in 1855 in Missouri. In 1904, he made America's first airship or dirigible, which was powered by a Curtiss engine. This airship was demonstrated at the 1904 St. Louis World's Fair and also made the first American flight in which the aircraft returned non-stop to its starting point. After his shop was destroyed in the San Francisco earthquake, Major Baldwin moved his manufacturing operations to Hammondsport, New York and moved into the Glenn Curtiss home. In 1908 he contracted with the U. S. Army to create the first powered aircraft for the U. S. Military. This was to be twice the size of anything that had ever been flown in America and would require features not yet invented. In August 1908, he completed the manufacturing of this aircraft and assembly was in Fort Myer. He spent several weeks conducting acceptance trials for the U. S. Army. The Army did purchase this aircraft and it was denoted the SC-1 for the Signal Corps. During his years in Hammondsport, Major Baldwin guided Glenn Curtiss into aeronautics, advised the Aerial Experiment Association and manufactured airships for exhibition.

2. Forrest E. Behm – He was born on July 31, 1919 in Lincoln, Nebraska. At the age of 5, he suffered life threatening burns and at the time, doctors said that he would never learn to walk. However, he went on to become an All American football player, playing for the University of Nebraska in the 1941 Rose Bowl. He was a business executive, serving 41 years working for Corning Glass Works (now known as Corning, Inc.), from 1945 – 1986. Mr. Behm started in plant management and worked his way up the ladder to General Manager of TV Sales; Vice President and Division General Manager; President of Corning Glass International; Senior Vice President, Executive Vice President and member of the Board of Directors. He retired in December 1986 at the age of 65. In his retirement, he has served as a highly renowned general management consultant for Fortune 500 companies.

3. Albertus Larrowe, II – He was born in Cohocton, New York, on July 11, 1826, the son of John and Elizabeth Holmes Larrowe. In 1866 he purchased the "Liberty Mill", a small water power mill used to grind grain, from David Wilcox. The Larrowe Milling Company was formed in 1899 and two years later, changed to a corporation, with Mr. Larrowe as President. This was the largest buckwheat mill in the world and was incorporated in 1890 as Larrowe Milling Corporation, Ltd. As a landowner and mill operator, a large, Italianist house was built on South Main Street, Cohocton, NY and was a reflection of his wealth. The home was handed down to his son, James E. Larrowe and in 1948, James' widower, Amy, gave the home to the Cohocton Town and Village for use as a municipal building. In 1989, the Larrowe House/Cohocton Municipal Building was listed on the New York State Register of Historic Places and was also placed on the national Register of Historic Places in 1990. The Town and Village continued to use the Larrowe House as a municipal building until 2009 when it was deeded to the Cohocton Historical Society.

4. Reuben Robie – He was born on July 15, 1799 at East Corinth, Orange County, Vermont. He was the son of Jonathan Robie and Olive Towle. In 1822, at the age of 23, he left Vermont and came to Bath, New York. Mr. Robie started a mercantile business in Bath that he ran for the next 50 years until his death in 1872. He was Steuben County Treasurer from 1844 – 1847. He also was elected to the 32nd United State Congress and served from 1850 – 1853. While a member of Congress, he was also director of the Buffalo, Corning and New York Railroad Company. In addition, Mr. Robie was a founder of the Steuben County Agricultural Society and served as its Treasurer from 1854 – 1860.

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.

<u>Vote</u>: Acclamation – Adopted.

Motion to adjourn Regular Session and reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.F. Collective Negotiations Pursuant to Article Fourteen of the Civil Service Law Made by Mr. McAllister, seconded by Mr. Weaver and duly carried.

Motion to Adjourn Executive Session and reconvene in Regular Session made by Mrs. Ferratella, seconded by Mr. Roush and duly carried.

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

REGULAR MEETING
Morning Session
Monday, March 28, 2011
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 28th day of March, 2011, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members present except Legislators Crossett and Nichols.

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

Chairman Hauryski asked Nicole Lukenbach to come forward. Ms. Lukenbach is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

Chairman Hauryski asked Bridi Kubiak to come forward. Ms. Kubiak is an employee in the Probation Department. He presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

Chairman Hauryski asked Blaine Morehouse to come forward. Mr. Morehouse is an employee in the Department of Social Services. He presented him with a Certificate of Appreciation and a pin in recognition of his 10 years of service to Steuben County.

Chairman Hauryski asked Craig Pomplas to come forward. Mr. Pomplas is an employee in the Probation Department. He presented him with a Certificate of Appreciation and a pin in recognition of his 10 years of service to Steuben County.

Chairman Hauryski asked Kelli Bigelow to come forward. Ms. Bigelow is an employee in the Probation Department. He presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

Chairman Hauryski opened the floor for comments by members of the public. There being none, he declared the opportunity for public comment closed.

Mr. McCandless stated that since the 1980's we have had 1,000 students participate in the Youth in Government Program. Today we have 18 students; 14 seniors and 4 juniors. He introduced the Interns to the Legislature. Mr. McCandless stated that he would like to compliment the staff who talks with the students as they do a marvelous job. Thank you.

Chairman Hauryski introduced Tyler Sleve, Dillon Ladd, Dakota Garrity and Bill Veley, who are members of Boy Scout Troop 45. They are here today earning their merit badges for citizenship in the community. He also introduced Logan Campbell who is the Troop 45 Leader. He asked Gilbert Mathews, Scoutmaster, to come forward. Mr. Mathews has been the Scoutmaster since 1984 and has dedicated his time and effort to the success of this troop. Out of 7,000 nominations, Mr. Gilbert was one of 300 individuals who were chosen to be inducted into the Boy Scouts of America 100th Anniversary National Hall of Leadership. Chairman Hauryski presented Mr. Gilbert with a Certificate of Recognition in honor of him being inducted into the Boy Scouts of America 100th Anniversary National Hall of Leadership.

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

Mrs. Hunter informed the committee that April has been designated National Donating Life Month. Approximately 97 percent of all organ donors register through the Department of Motor Vehicles. New York State has the lowest percentage of donors, at 13 percent. During 2008 – 2009 there were 103,000 people waiting for an organ transplant and another individual is added to the list every 11 minutes. During 2008, 6,300 people died while waiting for a transplant. She stated that the Motor Vehicle offices in Bath, Corning and Hornell will participate in National Donating Life Month.

Mrs. Flaitz informed the committee that their office has submitted their Annual Report and that has been filed with the Clerk of the Legislature. In addition, members of the Administration Committee have received the Annual Report. This report is available in our office and if anyone has any questions, please stop by.

Mr. Isaman stated as you all know, I'm the Risk Manager. In the course of my first year here I've come across a few things such as tripping hazards. A couple of months ago, I walked into the Administration area and as you walk in you see a window, and through that window, with the light coming through, I saw what appeared to be an ethereal angel rising to the ceiling. I ran in and your Clerk was standing on a well-oiled chair. Two weeks later, I walked in and found her clone doing the same thing – searching for something in a cabinet that stands about 8 feet high. My last discovery is that the County Administrator also gets on that same well-oiled chair to set the clock in the Committee Room. Mr. Isaman stated that he was challenged by the Clerk to correct this situation. He presented the Clerk with a non-metallic, escalatory device made by Babcock Ladder.

RESOLUTION NO. 035-11

Introduced by G. Swackhamer. Seconded by S. Van Etten.

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

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

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

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

SCHEDULE "A"

Resolution No.	A-1	Resolution No.	A-2
Name	Michael W Empson	Name	Tina Crandall
Parcel No.	419.00-01-023.220	Parcel No.	351.00-01-004.100/010
Municipality	Woodhull Town	Municipality	Erwin Town
Disposition	Correction	Disposition	Correction

Resolution No.	A-3	Resolution No.	A-4
Name	Larry Wilkins	Name	Fast Trac Markets, LLC
Parcel No.	197.18-01-008.000	Parcel No.	299.18-02-042.000
Municipality	Canisteo Village	Municipality	Corning Town
Disposition	Correction	Disposition	Refund (per Court Order)

Resolution No.	A-5
Name	Harriet E Clark
Parcel No.	399.00-01-027.000
Municipality	Woodhull Town
Disposition	Correction

Vote: Roll Call – Adopted.

RESOLUTION NO. 036-11

Introduced by J. Hauryski. Seconded by G. Roush.

RECEIVING AND ACCEPTING THE MARCH 28, 2011 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 23, 2011

New York State Department of Environmental Conservation – Re: Fact Sheet on the Brownfield Cleanup Program for property located at the Tioga Avenue Site #C851031, Corning, NY. ***Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Steuben County Environmental Management Council.***

Ontario County Board of Supervisors – Re: Notice of completion and acceptance of the Final Environmental Impact Statement on the new Ontario County Emergency Communications System. ***Referred to: Filed with the Clerk of the Legislature; Sheriff Ordway; Dave Hopkins; 911 Director; and Mike Sprague, EMO Director.***

February 28, 2011

Harris Beach PLLC, Attorneys at Law – Re: Application for Real Property Tax Exemption for the Corning Valley Transmission Project, along with a payment in lieu of tax agreement. ***Referred to: Finance Committee; Administration Committee; Alan Reed, County Attorney; Wendy Flaitz, RPTSA Director; and Patrick Donnelly, County Treasurer.***

NYS Office of Emergency Management – Re: Notification of a Federally-evaluated Ingestion Pathway exercise which encompasses all counties within a 50-mile radius of the James A Fitzpatrick Nuclear Power Plant is scheduled for June 21 through June 23, 2011 in Oswego County. In preparation for this, a workshop and tabletop exercise will be held on April 5, 2011 in the Empire Room/Martha Eddy Room of the NYS Fairgrounds located in Syracuse, NY. ***Referred to: Public Safety & Corrections Committee; and Mike Sprague, EMO Director.***

March 1, 2011

Harris Beach PLLC, Attorneys at Law – Re: Steuben Tobacco Asset Securitization Corporation Annual Meeting and Accountability Materials. ***Referred to: Administration Committee; Alan Reed, County Attorney; Jack Wheeler, Deputy County Administrator; and Patrick Donnelly, County Treasurer.***

March 3, 2011

Western Regional Off-Track Betting Corporation – Re: Check in the amount of $4,337, which represents the January 2011 retained surcharge revenue for Steuben County. ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

Soil & Water Conservation District – Re: Letter concerning the contract ending due to lack of funding for a Stormwater Management Specialist Position in NYS DEC Region 8. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

March 4, 2011
New York State Department of Environmental Conservation – Re: Fact Sheet on the State Superfund Program for the Crystal Cleaners Site #C851022, Corning, NY. ***Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Steuben County Environmental Management Council.***

NYSAC – Re: Introduction of the Pro Act Public Employees Rx Savings Program. ***Referred to: Administration Committee; and Jack Wheeler, Deputy County Administrator.***

March 14, 2011
NYS Division Office of Emergency Management – Re: FFY 2010 Citizen Corps Grant Contract. ***Referred to: Public Safety & Corrections Committee; and Mike Sprague, EMO Director.***

NYS Office of the State Comptroller – Re: Notification of Steuben County being selected for an audit. The audit will cover the County's protection of personal, private and/or sensitive information (PPSI) when disposing or reusing electronic equipment. ***Referred to: Administration Committee; Mark Alger, County Administrator; Jim Gleason, Purchasing Director; Ken Peaslee, IT Director; Dave McCarroll, HCF Administrator; and Kathy Muller, Commissioner of Social Services.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 037-11

Introduced by B. Schu/G. Swackhamer. Seconded by D. Farrand.

APPROPRIATING $54,000 TO THE STEUBEN COUNTY SHERIFF'S BUDGET AND ANTICIPATING REVENUES FOR THE PURCHASE OF TWO VEHICLES.

WHEREAS, funding for this expenditure is provided by Department of Social Services and BOCES with no county funds expended; and

WHEREAS, it has been established that these vehicles would be used for contracted School Resource Officers; 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 appropriate $54,000 to 311000 5 290000 and indicate $54,000 in revenue to 311000 4 2260 960.

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. 038-11

Introduced by T. Ryan/G. Swackhamer. Seconded by B. Schu.

AUTHORIZING TRANSFERS FROM THE EXTERIOR CAPITAL PROJECT AND ROOF REPAIR ACCOUNT (HF0301) TO THE INTERIOR CAPITAL ACCOUNT (HF0201) IN THE AMOUNT OF $ 11,716.70 FOR REPLACEMENT OF ONE HOT WATER HEATER AND REPAIR OF ANOTHER HOT WATER HEATER BY CLIMATE ENGINEERING.

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

WHEREAS, hot water is needed for functionality of the Health Care Facility and to meet applicable health and building codes; and

WHEREAS, a hot water heater replacement and a hot water heater repair were made in 2006 on an emergency basis; and

WHEREAS, the bill for the emergency repairs was submitted to the Health Care Facility on January 17, 2011; and

WHEREAS, that upon recommendation of the County Administrator, the Human Services, Health & Education Committee and the Finance Committee approved the 2006 emergency replacement and repair bill to be paid.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Treasurer be and hereby is authorized and directed to transfer $11,716.70 from the Exterior Roof Repair Account HF0301 to the Steuben County Health Care Facility Interior Project Account to pay for the emergency hot water heater replacement and a hot water heater repair, 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 Health Care Facility.

Mr. Van Etten commented this issue was brought up in the Finance Committee meeting. This is a bill dating back to 2006 and he stated that he voted no in committee. By State statute, this is the last year that the contractor could claim the bill. He stated he will be voting no again as the time has passed that we should have paid for it.

Vote: Roll Call – Adopted. Yes – 7708; No – 964; Absent – 1200
(Opposed: Mr. Van Etten and Mr. Weaver; Absent: Mr. Crossett and Mr. Nichols)

RESOLUTION NO. 039-11

Introduced by D. Creath. Seconded by D. Farrand.

AUTHORIZING A PUBLIC HEARING ON LAND SUBMITTED FOR INCLUSION IN CERTIFIED AGRICULTURAL DISTRICTS DURING THE 2011 ANNUAL THIRTY-DAY PERIOD.

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

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

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

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

NOW THEREFORE, BE IT

RESOLVED, that in accordance with Section 303-b of the Agriculture and Markets Law of the State of New York, a Public Hearing on this matter shall be held by this County Legislature on the 25th day of April, 2011, at 10:00 a.m.; and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the Chairman of the County Agricultural and Farmland Protection Board, William Brown, 9230 W Waneta Lake Rd, Hammondsport, NY 14840; the Director of the Steuben County Planning Department; and James Grace, Cornell Cooperative Extension - Steuben County.

Vote: Acclamation – Adopted.

RESOLUTION NO. 040-11

Introduced by D. Creath. Seconded by C. Ferratella.

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR SECTION 5311 OPERATING ASSISTANCE FOR PUBLIC TRANSPORTATION.

WHEREAS, the County of Steuben is submitting a request for a consolidated grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for a project to provide public mass transportation service for fixed route and demand response transportation service for Steuben County for the 2011 & 2012 fiscal years; and

WHEREAS, the County of Steuben and the State of New York have entered into a continuing agreement which authorizes the undertaking of the Project and payment of the Federal Share; and

WHEREAS, the County of Steuben is contracting with a third party subcontractor for the project described above.

NOW THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature is authorized to act on behalf of the County of Steuben to sign the application for such Section 5311 funds; and be it further

RESOLVED, that the Planning Director is authorized to act on behalf of Steuben County to progress and complete the above named project; and be it further

RESOLVED, that the Planning Director is authorized to sign any contracts or agreements between the County of Steuben and any third party subcontractor necessary to complete the public transportation project, subject to the approval of the County Attorney; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 041-11

Introduced by D. Creath/G. Swackhamer. Seconded by S. Van Etten.

AUTHORIZING THE CREATION OF A LINE ITEM FOR 2009 CAPITAL GRANT FUNDING THROUGH THE 5311 OPERATING ASSISTANCE FOR PUBLIC TRANSPORTATION IN THE AMOUNT OF $19,040.

WHEREAS, the County of Steuben was awarded a 5311 Operating Assistance Capital grant in 2009 to purchase three buses, bus shelters, and route signs; and

WHEREAS, three buses and one bus shelter have been purchased; and

WHEREAS, following those purchases there still remains $19,040 in grant money to be spent; and

WHEREAS, pursuant to the grant agreement, First Transit, Inc., the County's system operator, provides the 10% local share of the grant.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to modify the 2011 Steuben County budget to account for the above-named project in the amount of $19,040 and to anticipate like amount of revenue to include $15,232 Federal share, $1,904 New York State share, and $1,904 local share from First Transit, Inc.; and be it further

RESOLVED, the Planning Director is authorized to act on behalf of Steuben County to progress and complete the above named project; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 042-11

Introduced by D. Creath/P. McAllister. Seconded by G. Swackhamer.

APPOINTING A DIRECTOR OF WEIGHTS & MEASURES.

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

WHEREAS, there exists a vacancy for the position of Director of Weights & Measures; and

WHEREAS, it is necessary to fill such vacancy; and

WHEREAS, the Agriculture, Industry & Planning Committee of the Steuben County Legislature has recommended the appointment of **STEVEN BATES** of Bath, New York, to the position of Director of Weights & Measures.

NOW THEREFORE, BE IT

RESOLVED, that **STEVEN BATES** of Bath, New York be and the same hereby is appointed to the position of Director of Weights & Measures commencing March 28, 2011; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 043-11

Introduced by D. Creath/P. McAllister. Seconded by D. Farrand.

AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH LIVINGSTON COUNTY FOR WEIGHTS AND MEASURES SERVICES.

WHEREAS, the Agriculture, Industry & Planning and Administration Committees have approved an Inter-Municipal Agreement with Livingston County for the provisions of Weights and Measures Services; and

WHEREAS, the agreement anticipates an annual payment of $40,000, plus necessary expenses related to the provision of Weights and Measures Services; and

WHEREAS, it is anticipated the services will require approximately three quarters of a full time employee to complete, which will necessitate filling a vacant Assistant Sealer position; and

WHEREAS, the agreement shall commence April 15, 2011 and is for the balance of 2011, with the option to renew and a sixty day opt out provision; and

WHEREAS, it is desirable to enter into the agreement to assist a neighboring county.

NOW THEREFORE, BE IT

RESOLVED, that the County Administrator is hereby authorized to sign the Inter-Municipal Agreement with Livingston County; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Ian Coyle, Livingston County Administrator, 6 Court Street Geneseo, NY 14454; James C. Merrick, Chair of the Livingston County Board of Supervisors, 6 Court Street Geneseo, NY 14454; Alan Reed, Steuben County Attorney; and Mark Alger, Steuben County Administrator.

Mr. Swackhamer asked will we be adding more vehicles, and if so, will Livingston County be picking up the cost? Mr. Alger replied Livingston County is providing the vehicle. We are not taking possession of the equipment, but we will pay for the certification of the weights and measures devices. They also have equipment that we will be using as well.

Mr. Van Etten asked is this arrangement subject to review? Mr. Alger replied that is correct. Mr. Van Etten asked what will the review entail and who will be a part of that? Mr. Alger replied we have not decided who will do the review. We will do the contract for six months and then we will decide if we want to continue.

Vote: Roll Call – Adopted.

RESOLUTION NO. 044-11

Introduced by G. Swackhamer. Seconded by C. Ferratella.

AMENDING RESOLUTION 031-10 TO AUTHORIZE THE TREASURER OF THE COUNTY OF STEUBEN TO ISSUE A BOND ANTICIPATION NOTE OR NOTES FOR THE UPPER FIVE MILE CREEK WATERSHED PROTECTION DISTRICT.

Pursuant to Section 23 of the Local Finance Law of the State of New York.

WHEREAS, pursuant to Resolution 031-10 the Steuben County Legislature authorized the Treasurer to pledge the County's full faith and credit for the issuance of bonds not to exceed $125,000 for the Upper Five Mile Creek Watershed Protection District; and

WHEREAS, the Treasurer wishes to issues notes in anticipation of the sale of serial bonds for an assessable improvement in accordance with the provisions of the Local Finance Law; and

WHEREAS, the Upper Five Mile Creek Watershed Protection District is responsible for the repayment of said borrowing, together with interest; the County, however, being required to pledge the County's full faith and credit in support of said borrowing.

NOW THEREFORE, BE IT

RESOLVED, that subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell a bond anticipation note or notes in anticipation of the issuance and sale of the bonds authorized by Resolution 031-10 and for the same aggregate period of usefulness stated thereunder, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 045-11

Introduced by M. Hanna. Seconded by C. Quinlan.

ADOPTION OF CONTRACT WITH PIPELINE DEVELOPER; FOR COUNTY ROAD AND RIGHT-OF-WAY PROTECTION, AND ESTABLISHMENT OF COUNTY POLICY.

WHEREAS, Empire Pipeline, Inc. is building a pipeline in Steuben County, in particular the Towns of Caton and Corning affecting County Routes 106, 32, 34, 44, and 45; and

WHEREAS, pipeline construction 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 pipeline construction; 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 relative to the Pipeline Project with Empire Pipeline, Inc.; and be it further

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

Mr. Swackhamer asked if the road is tore up, what are the guidelines for replacing it? Pennsylvania is having problems with companies not taking care of the roads very quickly. Mr. Alger replied the companies are required to maintain the roads in passable condition during their use and to restore them when their work is complete. Mr. Spagnoletti explained in the case of poor roads, they have to make the road better than what it was. We require a $1 million bond which guarantees that. They must keep the road in safe, passable condition during the entire term of construction. If something happens and we think the road is dangerous or impassable, we can stop them and require them to put in a new base prior to the continuation of any work.

Vote: Roll Call – Adopted.

Motion by Mr. Ryan to vote on the appointment resolutions as one resolution, seconded by Mr. Roush and duly carried.

RESOLUTION NO. 046-11

Introduced by D. Creath. Seconded by S. Van Etten.

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

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

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

Dennis Acomb 01/01/10 – 12/31/13
10498 County Road, Dansville, NY 14437

Robert Mahany 01/01/11 – 12/31/14
10046 State Route 36 South, Dansville, NY 14437

Andy Merry 01/01/11 – 12/31/14
8507 Canaseraga Road, Arkport, NY 14807

Jeramie Hurlbut *(filling unexpired term of Andy Spencer)* 01/31/11 – 12/31/11
59 Mill Street, Canaseraga, NY 14822

NOW THEREFORE, BE IT

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

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 047-11

Introduced by J. Hauryski. Seconded by S. Van Etten.

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

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

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

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

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

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

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

NOW THEREFORE, BE IT

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

MEMBERS
LOCAL & STATE GOVERNMENT REPRESENTATIVES

Steuben County Legislature Chair
3 East Pulteney Square
Bath, NY 14810

Public Safety & Corrections Committee Chair
Steuben County Legislature
E East Pulteney Square
Bath, NY 14810

NYS Senator/Designee, 53rd District
105 East Steuben Street
Bath, NY 14810

NYS Assemblyman/Designee, 136th District
105 East Steuben Street
Bath, NY 14810

LAW ENFORCEMENT REPRESENTATIVES

Steuben County Sheriff
P.O. Box 271 - Public Safety Building
Bath, NY 14810

Steuben County Undersheriff
P. O. Box 271 - Public Safety Building
Bath, NY 14810

EMERGENCY SERVICES REPRESENTATIVES

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

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

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

Tina Goodwin, Deputy Director (Alternate)
9-1-1 Enhanced Department
3 East Pulteney Square
Bath, NY 14810

CITIZEN REPRESENTATIVES

Sharon Burke
1657 Dachshund Drive
Corning, NY 14830

David Herrington
328 Victory Drive
Painted Post, NY 14870

Steve Monroe
11540 Ginnan Road
Corning, NY 14830

FIRE SERVICE REPRESENTATIVES

Dan Smith, Chief
Hornell City Fire Department
110 Broadway
Hornell, NY 14843

John Tighe, Chief
Corning City Fire Department
1 Corning Boulevard
Corning, NY 14830

HEALTH SERVICE REPRESENTATIVES

Victoria Fuerst, Director
Steuben County Public Health & Nursing Service
3 East Pulteney Square
Bath, NY 14810
(Alternate: Karen Travis)

Tom Klaseus
NYS Department of Health
107 Broadway
Hornell, NY 14843

HOSPITAL REPRESENTATIVES

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

Lawrence Day, Jr.
Veterans Administration
Medical Center
Bath, NY 14810

Peg Webb
St. James Mercy Health
411 Canisteo Street
Hornell, NY 14843

Robert Philpott
Corning Hospital
176 East Denison Parkway
Corning, NY 14830
(Alternate: Kathy Ann Wolfer)

INDUSTRIAL REPRESENTATIVES

James Orme
Corning Inc.
SP-TG01-01
Corning, NY 14830

Leon E. Tuttle
Dresser Rand Company
Painted Post, NY 14870

John Istler
Kraft Foods
Main Street
Campbell, NY 14821

Brian Polmanteer
T & R Towing
7774 Industrial Park Dr.
Hornell, NY 14843

Roger Cole
Philips Lighting Company
State Route 54
Bath, NY 14810

ENVIRONMENTAL REPRESENTATIVES

Chad Kehoe
NYS Department of Environmental Conservation
100 North Main Street
Elmira, NY 14901

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

NEW YORK STATE POLICE LIAISON

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

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

BE IT FURTHER RESOLVED, that said members shall serve at the pleasure of the Steuben County Legislature and shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Steuben County Local Emergency Planning Committee; 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. 048-11

Introduced by J. Hauryski. Seconded by S. Van Etten.

APPOINTING MEMBERS TO THE COMMUNITY SERVICES BOARD AND SUBCOMMITTEES.

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

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

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

Community Services Board

1. Janis Conklin
   336 Seneca Road (Term 1/1/10 – 12/31/13)
   Hornell, NY 14843

2. Vicki Fuerst
   7863 Miller Road (Term 1/1/09 – 12/31/12)
   Avoca, NY 14809

3. Robert Cole, M.D.
   10101 Grandview Lane (Term 1/1/08 – 12/31/11)
   Hammondsport, NY 14840

4. Nancy Bartell
   7 Pearl Street (Term 1/1/08 – 12/31/11)
   Hornell, NY 14843

5. The Honorable Gary D. Swackhamer ***(filling unexpired term of Philip A. Palmesano)***
Steuben County Legislator
3 East Pulteney Square (Term 1/1/10 – 12/31/13)
Bath, NY 14810

6. Cora Saxton
310 East Naples Street (Term 1/1/09 – 12/31/12)
Wayland, NY 14572

7. Wendy Dresser Recktenwald
8596 Oak Hill Road (Term 1/1/08 – 12/31/11)
Arkport, NY 14807

8. VACANT (Term 1/1/08 – 12/31/11)

9. VACANT (Term 1/1/10 – 12/31/13)

Mental Health Subcommittee

1. Kathryn Muller
3 East Pulteney Square (Term 1/1/10 – 12/31/13)
Bath, NY 14810

2. Gina Reagan
St. James Mercy Hospital
411 Canisteo Street (Term 1/1/08 – 12/31/11)
Hornell, NY 14843

3. Cora Saxton
310 East Naples Street (Term 1/1/09 – 12/31/12)
Wayland, NY 14572

4. Nancy Bartell
7 Pearl Street (Term 1/1/08 – 12/31/11)
Hornell, NY 14843

5. Barbara Eskridge
P.O. Box 1404 (Term 1/1/10 – 12/31/13)
Corning, NY 14830

6. Sylvia Radford
11180 Haradon Road (Term 1/1/09 – 12/31/12)
Corning, NY 14830

7. Marcia Ribble
Arbor Development
16 West William Street (Term 1/1/08 – 12/31/11)
P.O. Box 31
Bath, NY 14810

8. James F. Agan, Jr.
Pathways, Inc.
33 Denison Parkway West (Term 1/1/08 – 12/31/11)
Corning, NY 14830

9. Patrick Rogers
Institute for Human Services
6666 Country Route 11 (Term 1/1/08 – 12/31/11)
Bath, NY 14810

Chemical Dependency

1. Christopher Wilkins
DePaul Addiction Treatment Center
774 West Main Street (Term 1/1/08 – 12/31/11)
Rochester, NY 14611

2. Janis Conklin
336 Seneca Road (Term 1/1/10 – 12/31/13)
Hornell, NY 14843

3. Susan Hooker
Hornell Area Concern for Youth
76 East Main Street (Term 1/1/08 – 12/31/11)
Hornell, NY 14843

4. Michele Mayer
Family Service Society
280 Princeton Avenue Ext. (Term 1/1/08 – 12/31/11)
Corning, NY 14830

5. James Bassage
Bath Area Hope for Youth
8 Pulteney Square (Term 1/1/08 – 12/31/11)
Bath, NY 14810

6. Petra Stone
MATCH
1 Bethesda Drive (Term 1/1/08 – 12/31/11)
Hornell, NY 14843

7. Robert Cole, M.D.
10101 Grandview Lane (Term 1/1/08 – 12/31/11)
Hammondsport, NY 14840

8. VACANT (Term 1/1/10 – 12/31/13)

9. VACANT (Term 1/1/10 – 12/31/13)

Development Disabilities Subcommittee

1. Vicki Fuerst
7863 Miller Road (Term 1/1/09 – 12/31/12)
Avoca, NY 14809

2. Tony Zajchenko
Pathways, Inc.
33 Denison Parkway West (Term 1/1/09 – 12/31/12)
Corning, NY 14830

3. Bernard Burns
Steuben ARC
6838 Industrial Park Road (Term 1/1/10 – 12/31/13)
Bath, NY 14810

4. Douglas Walker
621 Manor Village (Term 1/1/08 – 12/31/11)
Bath, NY 14810

5. The Honorable Gary D. Swackhamer ***(filling unexpired term of Philip A. Palmesano)***
Steuben County Legislator
3 East Pulteney Square (Term 1/1/10 – 12/31/13)
Bath, NY 14810

6. Mary Perham
1976 West Shore Road (Term 1/1/08 – 12/31/11)
Bath, NY 14810

7. Michael Okoniewski
Fawn Hill Drive (Term 1/1/08 – 12/31/11)
Hornell, NY 14843

8. VACANT (Term 1/1/08 – 12/31/11)

9. VACANT (Term 1/1/08 – 12/31/11)

NOW THEREFORE, BE IT

RESOLVED, the Chairman of the Steuben County Legislature shall appoint the aforesaid persons to the Community Services Board for the terms indicated; and be it further

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

RESOLVED, a certified copy of this resolution shall be forwarded to said appointees; Robert W. Anderson, Ph.D., Director of Community Services, and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 049-11

Introduced by J. Hauryski. Seconded by S. Van Etten.

REMOVING THE TERM LIMITS ON MEMBERS OF THE LAMOKA/WANETA LAKES' DISTRICT COMMISSION.

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

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

WHEREAS, it is stipulated by the Intergovernmental Agreement between Steuben and Schuyler Counties that

voting members of the Commission shall consist of one Schuyler County Legislator, one Town of Tyrone elected official, one Town of Orange elected official, two owners of real property within the Schuyler County portion of the District, one Town of Wayne elected official, and one owner of real property within the Steuben County portion of the District; and

WHEREAS, it is further stipulated by the Intergovernmental Agreement that voting members shall not be permitted to exceed three consecutive terms; and

WHEREAS, the term limitation on voting members is making it difficult to maintain membership on the Lakes' District Commission; and

WHEREAS, it is desirous to remove the restriction on the number of consecutive terms members of the Lakes' District Commission may serve; and

WHEREAS, the Schuyler County Legislature and the Wayne, Orange and Tyrone Town Boards have adopted a Resolution/Motion in support of the elimination of the term limits.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby supports the removal of term limits for members of the Lamoka/Waneta Lakes' District Commission; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Patricia Harsh, Wayne Town Clerk, 9772 Silsbee Rd., Wayne, NY 14893; Joanne Randall, Orange Town Clerk, 899 Hornby Rd, Beaver Dams, NY 14812; Helen Baxter, Tyrone Town Clerk, PO Box 120, Tyrone, NY 14887; and Stacy Husted, Clerk of the Schuyler County Legislature, 105 Ninth St., Unit 6, Watkins Glen, NY 14891.

Mr. Weaver asked why did this change? Mrs. Mori stated this was done at the request of Schuyler County.

Vote: Acclamation – Adopted. No – 601; Absent – 1200
(Opposed – Mr. Hanna; Absent: Mr. Crossett and Mr. Nichols)

RESOLUTION NO. 050-11

Introduced by J. Hauryski. Seconded by S. Van Etten.

APPOINTING MEMBERS TO THE STEUBEN COUNTY FIRE ADVISORY BOARD.

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

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

NOW THEREFORE BE IT,

RESOLVED, the following persons are hereby appointed members of the Steuben County Fire Advisory Board for a term of two (2) years, commencing January 1, 2011 and ending December 31, 2011:

NON-LEGISLATIVE MEMBERS

1. Daniel Hulbert, 8813 State Route 36, Arkport, NY 14807

EX-OFFICIO MEMBERS

2. Joseph Gerych, Fire Service Aide, 4891 Chamberlain Road, Bath, NY 14810

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 051-11

Introduced by T. Ryan. Seconded by D. Farrand.

REQUESTING NEW YORK STATE TO MAINTAIN FUNDING FOR YOUTH BUREAUS.

WHEREAS, Governor Cuomo has submitted his proposed 2011-2012 Executive Budget recommending the development of a Primary Prevention Incentive Program (PPIP); and

WHEREAS, this proposal drastically reduces the current allocation of funding for Youth Development and Delinquency Prevention (YDDP), Special Delinquency Prevention Program (SSPP), and Runaway and Homeless Youth Act (RHYA), by at least 50%; and

WHEREAS, this proposal eliminates these funding streams and offers the distribution of funds on a competitive basis to counties, resulting in the elimination of funding to many rural counties, thereby promoting inequities in prevention and positive youth development services across New York State; and

WHEREAS, this proposal will dismantle the current youth bureau system, structure, and funding streams; and

WHEREAS, current youth development and prevention services are provided through a fair and equitable formula-driven allocation through the New York State Office of Children and Family Services; and

WHEREAS, the current funding through youth bureaus structures ensure appropriate local monitoring, evaluation and accountability; and

WHEREAS, youth development, prevention and intervention are essential for critical services to children and youth; and

WHEREAS, if adopted, this portion of the Executive Budget would result in the minimal loss of approximately $80,000 of youth services dollars for Steuben County.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby requests that Governor Cuomo and the New York State Legislature maintain the current youth bureau funding streams, albeit with proportionate reductions, and eliminate the concept of competitive grant funding; and be it further

RESOLVED, that Governor Cuomo and the New York State Legislature are urged to maintain the current youth bureau system and structure which is in the best interest of the youth of Steuben County and of New York State as a whole; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, Executive Chamber, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, John L. Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority

Leader, Brian M. Kolb, 933 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 105 East Steuben Street, Bath, NY 14810; Assemblyman Philip A. Palmesano, 105 East Steuben Street, Bath, NY 14810; Stephen J. Acquario, Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207-2737; and Richard Calabrese, President, Inter-County Association of Western New York, Municipal Building, 20 Ontario Street, Canandaigua, NY 14424.

Mr. Ryan stated initially he opposed to this in committee, however, after discussing this further, he will support this. We do a good job with the youth.

Vote: Acclamation – Adopted.

RESOLUTION NO. 052-11

Introduced by D. Creath. Seconded by C. Quinlan.

OPPOSING NEW YORK STATE SENATE BILL S2994-2011 PROVIDING FOR THE REGISTRATION OF FIREARMS BY THE OWNER AT THE COUNTY CLERK'S OFFICE OF THE COUNTY WHERE THE OWNER RESIDES, EXCEPT IN NEW YORK CITY.

WHEREAS, the Legislature of the State of New York is considering legislation under S2994-2011 requiring the local registration of every firearm possessed by the inhabitants of the State of New York; and

WHEREAS, the State Legislature, in considering new legislation, must not enact legislation that conflicts with the freedoms and liberties protected by the United States Constitution; and

WHEREAS, the proposed registration unreasonably restricts the rights of the citizens of the State of New York protected by the Second Amendment to the United States Constitution while bearing no rational relation to a compelling state interest; and

WHEREAS, the recited proposed legislation further requires every owner of a firearm to inform the local government of the actual location of the firearm when the firearm is not in use; and

WHEREAS, the sponsoring memo supporting the recited proposed legislation states that the local fiscal implications as being "None"; notwithstanding the fact that the recited proposed legislation requires the County Clerk to maintain permanent records and to create and issue "photo identification pocket card"; and

WHEREAS, the recited proposed legislation requires a fee for the registration, even though the sponsoring memo indicates the fiscal implications as being "None"; and

WHEREAS, a violation of the recited proposed legislation would constitute a crime, being a misdemeanor; and

WHEREAS, persons who are prohibited from possessing firearms is a small and distinct class of inhabitants; and

WHEREAS, the announced purpose of the legislation is to better track supervision of firearms in the State of New York and illegally possessed firearms; and

WHEREAS, the State of New York does not currently "supervise" the possession of firearms other than handguns and other classes of prohibited weapons; and

WHEREAS, persons who currently illegally possess firearms are not likely to announce by means of registration, that such person illegally possesses the same; and

WHEREAS, the recited proposed legislation greatly expands the class of persons who would illegally possess a firearm, by including in that class, every "law-abiding citizen" who simply fails to register a firearm that he or she is otherwise in lawful possession of; and

WHEREAS, the recited proposed legislation establishes a disparate burden upon the law-abiding public by a means entirely ineffective in bringing about the purported justification for such legislation; and

WHEREAS, New York State currently has a statutory frame work effective in protecting the public against illegal possession of firearms; and

WHEREAS, the recited proposed legislation unnecessarily impinges upon the responsible free exercise of constitutionally protected liberty without governmental supervision in the free exercise thereof.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature opposes New York State Senate Bill S2994-2011 providing for the registration of firearms by the owner at the County Clerk's office of the county where the owner resides, except in New York City; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Brian M. Kolb, 933 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248.

Mr. Van Etten stated that while this bill was introduced in the Senate, no companion bill was introduced in the Assembly. It is still important that people who own guns and follow the rules shouldn't be burdened by laws like this. We have a tough handgun law in New York State.

Vote: Acclamation – Adopted.

RESOLUTION NO. 053-11

Introduced by D. Creath. Seconded by D. Farrand.

MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO RESTORE FISCAL YEAR 2011 AND FISCAL YEAR 2012 FUNDING FOR THE RESOURCE CONSERVATION & DEVELOPMENT (RC&D) PROGRAM IN THE AGRICULTURAL APPROPRIATIONS BILL.

WHEREAS, the Finger Lakes Resource Conservation & Development Council has served as a valuable partner by providing technical and administrative assistance in regards to the implementation of conservation practices on farms within the six-county boundary; and

WHEREAS, the Finger Lakes RC&D Council has a record of service to our six county regions (Chemung, Ontario, Schuyler, Seneca, Steuben & Yates). During the Council's thirty-six year history with the assistance from USDA's RC&D Program, the Council has completed projects that have improved our region's water quality, encouraged the sustainability of the family farm, promoted agricultural tourism, utilization of alternative energy (wind & solar) for livestock production, assisted with rural fire protection by installing dry hydrants, emphasized the wise use of our region's native timber, administered New York's Venison Donation Program and controlled erosion from agricultural and forested lands, as well as degrading stream banks and road banks; and

WHEREAS, the assistance provided by USDA's RC&D Coordinator, assigned to our Council, has resulted in more than 70 federal, state and private grants being written and totaling $6.5 million. On an average, for every federal dollar generated by the federal government, that creates a benefit of $6.93 dollars generated; and

WHEREAS, President Obama has recommended eliminating funding for USDA's Resource Conservation & Development Program in the Fiscal Years 2011 – 2012 Federal Budget; and

WHEREAS, the loss of funding and the elimination of the RC&D Program will negatively impact the services available to the agricultural and rural communities throughout New York State and the United States.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature supports the Finger Lakes Resource Conservation & Development Council and hereby memorialize the United States Senate to restore the Federal Budget for Fiscal Year 2011 to its current level of $50.73 million in order to continue our strong record of service on conservation, economic development and resource protection in rural areas; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to President Obama, 1600 Pennsylvania Ave. Northwest, Washington, DC 20500-0004; U. S. Congressman Thomas W. Reed II, 1037 Longworth HOB, Washington, D.C. 20515**;** U. S. Senator Charles E. Schumer, 313 Hart Senate Office Bldg., Washington, DC 20510-3202; U. S. Senator Kirsten E. Gillibrand, 478 Russell Senate Office Building, Washington, DC 20510; Richard Winnett, Finger Lakes RC&D Council, 415 West Morris Street, Bath, NY 14810; John Haugen, Executive Director, The National Association of RC&D Councils, 444 North Capitol Street N.W., Suite 345, Washington, D.C. 20001; Richard Calabrese, President, Inter-County Association of Western New York, Municipal Building, 20 Ontario Street, Canandaigua, NY 14424; and Stephen J. Acquario, Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207-2737.

Vote: Acclamation – Adopted.

RESOLUTION NO. 054-11

Introduced by D. Creath. Seconded by C. Ferratella.

MEMORIALIZING THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO CONTINUE TO FUND THE STORMWATER MANAGEMENT POSITION IN REGION 8.

WHEREAS, the Stormwater Management Specialist position for five counties (Chemung, Schuyler, Seneca, Steuben and Yates) is scheduled for termination at the end of May in Region 8. The loss of this position would be a major setback for the stormwater management program in our region. The Stormwater Management Specialist provides training and educational assistance for the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity GP-01-10 and Municipal Separate Storm Sewer System (MS4s) GP-0-10-002; and

WHEREAS, this position performs SWPP reviews, site inspections, maintains up-to-date knowledge to the state permit program and technical assistance, which helped make the stormwater program a successful one in the counties in which this position serves; and

WHEREAS, the Stormwater Management Specialist is also needed to prevent stormwater related water quality and quantity problems from expanded gas drilling. This proposed development of shale resources could involve significant amounts of construction in this area by companies that are not yet familiar with New York's stormwater regulations; and

WHEREAS, steady progress and success toward preventing runoff problems in rural and MS4 areas has been attributed in part by the availability of trained staff dedicated to stormwater management outreach, education, and

assistance. By providing training, SWPP review, recommendations, site inspections, the Stormwater Management Specialist has prevented a significant number of violations.

NOW THEREFORE, BE IT

RESOLVED, we encourage the New York State Department of Environmental Conservation to maintain the Stormwater Management Specialist position for the five counties (Chemung, Schuyler, Seneca, Steuben and Yates) in Region 8 to continue the proactive approach in the stormwater management area and by designating the funds produced by the stormwater permit system to fund this position; and be it further

RESOLVED certified copies of this resolution shall be forwarded to Assemblyman Philip A. Palmesano, 105 East Steuben Street, Bath, NY 14810; Assemblyman Christopher Friend, 476 Maple Street, PO Box 441, Big Flats, NY 14814; Senator Thomas F. O'Mara, 105 East Steuben Street, Bath, NY 14810; Angus Eaton, General Permit Section, NYSDEC, 625 Broadway, Albany, NY 12233-0001; Carol Lamb-LaFay, NYSDEC – Division of Water, Bureau of Water Permits, General Permit Section, 625 Broadway, 4th Floor, Albany, NY 12233-3505; Paul D'Amato, Director, NYSDEC Region 8, 6274 East Avon-Lima Road, Avon, NY 14414-9519; Dixon Rollins, Water Engineer, NYSDEC Region 8, 6274 East Avon-Lima Road, Avon, NY 14414-9519; Jeffrey Parker, District Manager, Steuben County Soil & Water Conservation District; 415 West Morris Street, Bath, NY 14810; Mark Watts, District Manager, Chemung County Soil & Water Conservation District, 851 Chemung Street, Horseheads, NY 14845; Jerry Verrigni, District Manager, Schuyler County Soil & Water Conservation District, Rural Urban Center, PO Box 326, 208 Broadway, Montour Falls, NY 14865-0326; Paul Griswold, District Manager, Seneca County Soil & Water Conservation District, 12 North Park Street, Academy Square Boulevard, Seneca Falls, NY 13148; Richard Calabrese, President, Inter-County Association of Western New York, Municipal Building, 20 Ontario Street, Canandaigua, NY 14424; Stephen J. Acquario, Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207-2737; and James Balyszak, District Manager, Yates County Soil & Water Conservation District, 417 Liberty Street, Suite 1034, Penn Yan, NY 14527.

Vote: Acclamation – Adopted. No – 593; Absent - 1200
(Opposed: Mr. Ryan; Absent: Mr. Crossett and Mr. Nichols)

RESOLUTION NO. 055-11

Introduced by G. Swackhamer. Seconded by D. Farrand.

REQUESTING THE ADOPTION OF SENATE BILL NO. S-4186 AND ASSEMBLY BILL NO. A-6585 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. 029-11 duly adopted February 28, 2011; and

WHEREAS, the Finance Committee subsequently approved increasing the cities shares to $740,000 each for Hornell and Corning, and in addition, the sum of $750,000 to the towns and villages of the County of Steuben, based on their respective equalized full value; and

WHEREAS, Senate Bill No. S-4186 and Assembly Bill No. A-6585 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-4186 and Assembly Bill No. A-6585, 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 Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Brian M. Kolb, 933 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; and Patricia Pinto, Esq., State of NY Dept. of Taxation and Finance, W.A. Harriman Campus, Albany, NY 12227.

Mr. Weaver asked is a three-year extension all we can ask for? Mr. Alger replied yes. We asked if we could go longer and we could not.

Vote: **Roll Call – Adopted. Yes – 7566; No – 1106; Absent – 1200**
(Opposed: Mr. Ryan and Mr. Van Etten; Absent: Mr. Crossett and Mr. Nichols)

RESOLUTION NO. 056-11

Introduced by G. Swackhamer. Seconded by D. Farrand.

REQUESTING THE ADOPTION OF SENATE BILL NO. S.4233 AND ASSEMBLY BILL NO. A.6647 EXTENDING THE EXPIRATION DATE OF THE MORTGAGE RECORDING TAX FOR THE COUNTY OF STEUBEN.

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

WHEREAS, Steuben County has heretofore, pursuant to Resolution No. 016-08, requested legislation from the State of New York extending Tax Law Section 253-s relative to the mortgage recording tax for the County; and

WHEREAS, Tax Law Section 253-s must be reauthorized; and

WHEREAS, Senate Bill No. S.4233 and Assembly Bill No. A.6647 request the amendment of Section 3 of Chapter 365 of the Laws of 2005, extending the Steuben County mortgage recording tax expiration date from December 1, 2011to December 1, 2014; and

WHEREAS, the generation of such mortgage recording tax fees are essential revenues for the operation of the County.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby requests the Governor and the New York State Legislature to adopt special Home Rule legislation as presented in Senate Bill No. S.4233 and Assembly Bill No. A.6647, extending Tax Law Section 253-s; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Brian M. Kolb, 933 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; and Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248.

Vote: Roll Call – Adopted. Yes – 8079; No – 593; Absent – 1200
(Opposed: Mr. Ryan; Absent: Mr. Crossett and Mr. Nichols)

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.D. Discussions Regarding Proposed, Pending or Current Litigation and Article 7§ 105.1.E. Collective Negotiations Pursuant to Article Fourteen of the Civil Service Law made by Mr. Swackhamer, seconded by Mr. Schu and duly carried.

RESOLUTION NO. 057-11

Introduced by J. Hauryski. Seconded by G. Swackhamer.

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

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

WHEREAS, the following civil action has been initiated in the New York State Division of Human Rights:

KARRI M. JENSEN, CASE NO. 10137274
Complainant,
v.

STEUBEN COUNTY, et al.,
Respondents.
; and

WHEREAS, collaterally to the foregoing claim the recited complainant also made claim for workers compensation benefits; and

WHEREAS, the matter has been conferenced for settlement in advance of trial before the New York State Division of Human Rights; and

WHEREAS, the parties are desirous of settling said claims.

NOW THEREFORE, BE IT

RESOLVED, the County does hereby ratify the settlement of the above-entitled claim together with the recited claim for workers compensation made collaterally thereto in an aggregate amount of Thirty-Five Thousand Dollars ($35,000.00), subject to the approval of the Supreme Court, State of New York; and be it further

RESOLVED, the within resolution shall be reported out within five (5) days following the execution of the settlement documents; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to Phillips Lytle LLP, Attention: James R. Grasso, Esq., 3400 HSBC Center, Buffalo, NY 14203; and Kenneth Isaman, Steuben County Risk Manager.

<u>Vote</u>: Roll Call – Adopted.

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mr. Van Etten, seconded by Mr. Roush and duly carried.

Motion to Adjourn made by Mr. Weaver. Seconded by Mrs. Ferratella.

REGULAR MEETING
Morning Session
Monday, April 25, 2011
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 25th day of April, 2011, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members present except for Legislator Ryan.

Mr. Nichols provided the Invocation and the Pledge of Allegiance was led by Mr. Crossett.

Chairman Hauryski asked Diana Koratsis to come forward. Ms. Koratsis is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

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

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

Ms. Martha Weale, Addison, stated she is here to talk about the protocol for announcing the annual school board elections and annual meetings. She showed examples of the legal notices for various school districts. They all vary. There is no consistency as no legislation exists. She urged the Legislature to take action for the benefit of everyone. We are in need of guidance and this affects every resident of New York.

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

Ms. Muller stated on behalf of the Steuben County Task Force for the Prevention of Child Abuse, it is my pleasure to be here once again to acknowledge April as National Child Abuse Prevention Month. In keeping with the national theme, Chairman Hauryski, on behalf of this Legislature, also signed a proclamation recognizing April as Child Abuse Prevention Month, demonstrating our local support. While April has been named as the month of recognition, ongoing efforts occur throughout the year. The Task Force is taking this opportunity to recognize the existence of child abuse and to renew our dedication in reducing child abuse and neglect. In our County alone, we receive on average of 1,800 reports of suspected abuse or neglect each year. 2010 brought an all-time high of over 2,000 reports. I would like to take this opportunity to thank Chairman Hauryski, and this Legislature, for your continued support of our work; thank you Mr. Alger for your ongoing support and direction. I would also like to take a moment to mention our Deputy County Administrator. With the retirement of Mr. Pruyn, Mr. Wheeler assumed the duties and responsibilities of the Youth Bureau. He quickly adapted and has become a strong advocate for youth services in Steuben County. I would like to thank him for his advocacy, his partnership, and his dedication. And speaking of dedication, for those of you who don't know, this Friday, the 29th of April, Mr. Wheeler will be jumping in the lovely, cold waters of Lake Salubria for the benefit of the Tyrtle Beach fundraiser And, by the looks of the cover of this week's *Courier,* it appears the quiet, behind-the-scenes Jack Wheeler has had some serious pool time and folks, it might just be worth the donation to come see, I mean, support Mr. Wheeler and the Tyrtle Beach fundraiser!

Back to being serious…I also want to thank my staff: Teresa Deninger, Shelly Bentley, Jack Roche, the attorneys, supervisors, caseworkers, and support staff…thank you for your dedication, your hard work and your direct care. For the past 19 years, the Task Force has fulfilled their

charge by sponsoring annual events to promote awareness, education, and prevention strategies. The Task Force brings youth and families together within our communities to foster healthy lifestyles. Today the Task Force sponsors the Child Abuse Prevention Award. This award is presented to an individual, a team, a program, or in some cases, an organization. The winner is recognized for their outstanding willingness to go above and beyond normal expectations in helping the youth and families in our communities to improve their lives.

For me, it is especially exciting to announce this year's recipient…the Children and Families Services Division of the Steuben County Department of Social Services. I would like to welcome the representatives from the division that are here today and would ask Deputy Commissioner Teresa Deninger, Assistance Directors Jack Roche and Shelly Bentley to join me at the podium to represent their staff. The Children and Families Services Division was nominated by Jack Wheeler and the members of the Task Force. The Services Division consists of units comprising the duties of Child Protective Investigations, ongoing and preventive services, Foster Care, and Adoption. These units are supported by clerical staff who keep everything going. The caseworkers in these units are required to conduct home visits, evaluate family functioning and assess the child's environmental setting for safety and risk. They are available 24 hours a day, 7 days a week. The home visits vary…sometimes planned, sometimes not…sometimes welcome…sometimes not. They place themselves in potentially dangerous situations, often not knowing what is behind the door. Unlike law enforcement, these workers are not armed with anything more than their ability to engage these family members into conversation, and ultimately move them to make changes in their lives for the betterment of their children and their families. The staff works tirelessly for these families. It is emotional, dangerous, frustrating, exhausting, but oh so fulfilling when families reunite, heal, and the ultimate goal of permanency and safety for children is realized. It is because of the diligent efforts and perseverance of the employees in this division, that the number of children in care has been dramatically reduced over the last decade.

On behalf of the Steuben County Task Force, and as your Commissioner, I commend you and I again say thank you for all you do. It is my distinct pleasure to present to you this year's Child Abuse Prevention Award. ***CONGRATULATIONS!***

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Relative to Parcels for Inclusion in Certified Agricultural Districts 1, 2, 7 and 18 During the Annual Thirty-Day Review Period. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

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

RESOLUTION NO. 058-11

Introduced by L. Crossett. Seconded by M. Hanna.

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

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

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

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

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

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

SCHEDULE "A"

Resolution No.	A-1
Name	Raymond Johnson
Parcel No.	335.02-01-021.210
Municipality	Corning Town
Disposition	Correction

Resolution No.	A-2
Name	Jean Kimmel
Parcel No.	002.20-01-024.000
Municipality	Wayland Village
Disposition	Correction

Resolution No.	A-3
Name	Jasper Grange Hall
Parcel No.	325.08-01-025.000
Municipality	Jasper Town
Disposition	Correction

Resolution No.	A-4
Name	Crystal Valley Farms
Parcel No.	390.00-02-022.120
Municipality	Caton Town
Disposition	Correction (parcel split)

Resolution No.	A-5
Name	Harold G & Helen Bill Jr
Parcel No.	031.00-01-010.110
Municipality	Cohocton Town
Disposition	Correction (parcel split)

SCHEDULE "B"

Resolution No.	B-1
Former Owner	Orrin J. Holberton & Ruth Holberton
In Rem Index No.	98375, 2007 sale
Parcel No.	166.25-01-035.000
Municipality	Hornell City
Grantee(s)	Orrin J. Holberton & Ruth Holberton
Grantee(s) Address	72 Front St, Hornell, NY 14843
Consideration	$1,986.93, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Mr. Quinlan stated that he will be abstaining as he is involved with a real estate transaction with one of the parcels.

Vote: **Roll Call – Adopted. Yes – 8737; Absent – 593; Abstained – 542**
(Absent – Mr. Ryan; Abstained – Mr. Quinlan)

RESOLUTION NO. 059-11

Introduced by J. Hauryski. Seconded by G. Roush.

RECEIVING AND ACCEPTING THE APRIL 25, 2011 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 21, 2011
NYS Office of Children & Family Services – Re: Notification of review and approval of Steuben County's reorganizational plan for the Youth Bureau. ***Referred to: Jack Wheeler, Deputy County Administrator.***

March 22, 2011
Steuben County Hunger Coalition – Re: 2010 Annual Report and Statistics. ***Referred to: Filed with the Clerk of the Legislature.***

March 23, 2011
NYS Division Office of Emergency Management – Re: Revised performance period covering three years beginning August 1, 2010 and ending on July 31, 2013 for the FFY 2010 Citizen Corps Grant Contract. ***Referred to: Public Safety & Corrections Committee; and Mike Sprague, EMO Director.***

New York State Electric & Gas – Re: Semiannual inventory report of PCB equipment. ***Referred to: Filed with the Clerk of the Legislature.***

March 25, 2011
County of Fulton – Re: Copy of a recent enacted Local Law Establishing Truth in Taxation in Fulton County. ***Referred to: Mark Alger, County Administrator.***

March 28, 2011
NYS Department of Transportation – Re: Notification of vouchers recently sent to the State Comptroller that distributes the "clean-up" SFY 2010-2011 Statewide Mass Transportation Operating Assistance (STOA) payments to the upstate formula bus systems. ***Referred to: Amy Dlugos, Planning Director.***

NYS Office for the Aging – Re: Notification of the 2011-2012 Annual Implementation Plan (AIP) for Steuben County has been approved. In addition, applications for Older Americans Act (OAA) Title III-B, Title III-C-1, Title III-C-2, Title III-D, Title III-E, HIICAP and WRAP funds have been approved. Applications for State aid under the Expanded In-home Services for the Elderly Program (EISEP), the Community Services for the Elderly(CSE) Program, the Supplemental Nutrition Assistance Program (SNAP), the Congregate Services Initiative (CSI) and State Transportation program, and your Caregiver Resource Center Renewal Application for the period of April 1, 2011- March 31, 2012 has also been approved. ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

March 31, 2011
Robert Plaskov, Attorney at Law – Re: T&R Towing and Service Policy. ***Referred to: Public Safety & Corrections Committee; Dave Hopkins, E911 Director; and Alan Reed, County Attorney.***

April 4, 2011
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $4,291 which represents the February 2011 retained surcharge revenue for Steuben County. ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

NYS Office for the Aging – Re: Notifications of Grant Award (NGAs) for each of the Title III programs with ceilings equal to approximately 40% of the tentative allocations in the FFY 2011 Title III budgets. ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

United States Department of Commerce – Re: The U.S. Census Bureau will be conducting the 2010 Census Count Question Resolution (CQR) program between June 1, 2011 and June 1, 2013. ***Referred to: Tom Sears, GIS Coordinator.***

NYS DEC, Division of Lands and Forests, Region 8 – Re: The final Keuka Highlands Unit Management Plan is now available online at: www.dec.ny.gov/lands/34963.html. ***Referred to: Amy Dlugos, Planning Director.***

April 7, 2011
NYS Department of Environmental Conservation – Re: Notification of the Record of Decision (ROD) for the Nichol Inn Property Site has been issued and copies are available for review. ***Referred to: Amy Dlugos, Planning Director.***

April 8, 2011
Congressman Tom Reed, 29th District – Re: Invitation to a Legislative roundtable to discuss the issues surrounding Marcellus Shale on Monday, April 25, 2011 (from 9:30am-11:30am) at the New York State Academy of Fire Science (600 College Ave., Montour Falls, NY) ***Referred to: Mark Alger, County Administrator.***

April 11, 2011
NYS Division of Alcoholic Beverage Control – Re: Notification of approval of the amendment to the hours of sale of alcoholic beverages on Good Friday for Steuben County. The permitted hours to sell beer, wine and liquor for consumption on the premises and to sell beer for consumption off the premises will be from 8:00am to 1:00am; and the sale of wine and liquor for consumption off the premises will be from 8:00am to 10:00pm. ***Referred to: Brenda Mori, Clerk of the Legislature.***

NYS Department of Taxation and Finance Office of Real Property Tax Services – Re: Certificate of the final 2011 oil and gas unit production values. ***Referred to: Wendy Flaitz, Real Property Director; and Patrick Donnelly, Treasurer.***

April 13, 2011
NYS Department of Environmental Conservation – Re: Notification of the Record of Decision (ROD) for the Crystal Cleaners site has been issued and copies are available for review. ***Referred to: Amy Dlugos, Planning Director.***

Mr. McAllister asked relative to the correspondence received from Fulton County, what is the Truth in Taxation Local Law they are presenting? Mr. Alger replied they want to identify the nine county mandates on their tax bill. In order to do that, they will have to adopt a Local Law.

Vote: **Acclamation – Adopted.**

RESOLUTION NO. 060-11

Introduced by B. Schu/L. Crossett. Seconded by G. Swackhamer.

AUTHORIZING THE STEUBEN COUNTY EMERGENCY MANAGEMENT OFFICE TO ACCEPT A GRANT IN THE AMOUNT OF $20,600 FOR THE 2010 CITIZENS CORPS GRANT PROGRAM.

WHEREAS, the Federal Office of Homeland Security has approved grant funding in the amount $20,600; and

WHEREAS, the Department of Homeland Security has 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 natural disaster.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben accepts this Citizens Corps Grant funding; and be it further

RESOLVED, such funding shall be applied to the Office of Emergency Management grant account appropriate for the purposes of Disaster Preparedness to support the education, training and personal preparedness activities of our citizens and responders as directed by the grant; and be it further

RESOLVED, **t**he Director of Emergency Management will develop a no match 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 is empowered to allocate such funding to the Office of Emergency Management budget in order to facilitate the funding of training as identified by the Director of Emergency Management commensurate with the terms of this grant; and be it further

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

Vote: **Roll Call – Adopted.**

RESOLUTION NO. 061-11

Introduced by D. Creath. Seconded by R. Weaver.

AUTHORIZING THE STEUBEN COUNTY PLANNING DEPARTMENT TO SUBMIT AN APPLICATION TO THE DEPARTMENT OF HOUSING AND COMMUNITY RENEWAL FOR A COMMUNITY DEVELOPMENT BLOCK GRANT.

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

WHEREAS, Arbor Development, Inc., is desirous of continuing its program of housing rehabilitation for low and moderate income households; and

WHEREAS, said housing rehabilitation activities are an eligible expenditure of CDBG funds; and

WHEREAS, under the CDBG Program, Steuben County is permitted to contract with Arbor Development, Inc. to provide said rehabilitation.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Planning Department is hereby authorized to submit an application to the Department of Housing and Community Renewal for a Community Development Block Grant to provide funding for housing rehabilitation; and be it further

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

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

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

RESOLVED, a certified copy of this resolution shall be forwarded to the Steuben County Planning Director, the County Treasurer, and to the Executive Director, Arbor Development, Inc., 16 William Street, Bath, New York 14810.

Vote: **Roll Call – Adopted.**

RESOLUTION NO. 062-11

Introduced by D. Creath. Seconded by R. Nichols.

APPROVING THE ADDITION OF AGRICULTURAL LANDS TO CERTIFIED AGRICULTURAL DISTRICTS.

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

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

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

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

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

WHEREAS, the Steuben County Legislature gave legal notice of and held the required public hearing of this matter on the 25th day of April, 2011 at 10:00 a.m.

NOW THEREFORE, BE IT

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

463289	182.00-01-033.200	463289	182.00-01-041.000

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

466400	276.00-01-008.100
466600	276.00-03-008.100
466600	276.00-03-008.400
466600	276.00-03-012.100
466600	276.00-03-013.000

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

464400	123.00-01-022.000
465289	137.00-01-002.000
465400	153.00-01-047.000
465400	167.00-03-006.200
465400	168.00-01-001.200
465400	169.00-01-003.100

AND BE IT FURTHER RESOLVED, that the following tax parcel shall be added to Agricultural District No. 18:

465800 370.00-01-002.000

AND BE IT FURTHER RESOLVED, that certified copies of this resolution shall be forwarded to the Chairman of the County Agricultural and Farmland Protection Board, William Brown, 9230 W Waneta Lake Road, Hammondsport, NY 14840; the Director of the Steuben County Planning Department; James Grace, Cornell Cooperative Extension - Steuben County; Darrel J. Aubertine, Commissioner, New York State Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235.

Vote: **Roll Call – Adopted.**

RESOLUTION NO. 063-11

Introduced by R. Nichols/P. McAllister. Seconded by G. Roush.

AUTHORIZING THE EXTENSION OF A PERMANENT WATER MAIN EASEMENT IN FAVOR OF THE VILLAGE OF BATH ALONG COUNTY ROUTE 113 ON LANDS OF THE COUNTY IN RESPECT TO THE IMPROVEMENT OF THE VILLAGE WATER DISTRICT FACILITIES.

WHEREAS, pursuant to Resolution 146-09, the Steuben County Legislature authorized the execution of a permanent easement in favor of the Village of Bath along CR 113; and

WHEREAS, the Village has requested that the easement area be extended by 106 feet to a new distance of 586 feet along the southern edge of the right of way limit of CR 113 near the County's "old health care facility"; and

WHEREAS, the Village will be responsible for the restoration of the surface of the easement area after installation or any future repair or reinstallation of the line.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Administrator shall be and is hereby authorized and directed to execute a Permanent Water Main Easement in favor of the Village of Bath along County Route 113 on lands of the County, being from 12 to 18 feet wide by 586 feet long along the southern edge of the right of way limit of CR 113, in respect to the improvement of the Village Water District facilities, provided the Village will be responsible for the restoration of the surface of the easement area after installation or any future repair or reinstallation of the line; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to Mayor Donna Simonson, Village of Bath, 110 Liberty Street, Bath, NY 14810.

Vote: **Roll Call – Adopted.**

RESOLUTION NO. 064-11

Introduced by P. McAllister. Seconded by D. Farrand.

AUTHORIZING THE EXECUTION OF A PERMANENT POWERLINE EASEMENT IN FAVOR OF NEW YORK STATE ELECTRIC & GAS ALONG STATE ROUTE 54 ON LANDS OF THE COUNTY IN RESPECT TO THE REPLACEMENT OF A UTILITY POLE ON THE CIVIL DEFENSE GROUNDS.

WHEREAS, VFW Post 1470 has requested that a new light pole be erected to light the entrance to the Post's parking lot; and

WHEREAS, New York State Electric and Gas (NYSEG) has agreed to install the new pole; and

WHEREAS, the new pole will replace an older pole located on County lands and NYSEG has requested the County grant NYSEG a permanent easement for the placement of the pole; and

WHEREAS, NYSEG will be responsible for the restoration of the surface of the easement area after installation or any future repair or reinstallation of the line and VFW Post 1470 will be responsible for any electric bills resulting from the new light.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Administrator shall be and is hereby authorized and directed to execute a Permanent Powerline Easement in favor of New York State Electric and Gas along State Route 54 on lands of the County in respect to the replacement of a utility pole on the civil defense grounds, provided that NYSEG will be responsible for the restoration of the surface of the easement area after installation or any future repair or reinstallation of the line and VFW Post 1470 will be responsible for any electric bills resulting from the new light; and be it further

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

Vote: **Roll Call – Adopted.**

RESOLUTION NO. 065-11

Introduced by R. Weaver/L. Crossett. Seconded by R. Lattimer.

INCREASING PRIVATE PAY RATES FOR BOTH SEMI-PRIVATE AND PRIVATE ROOMS AT THE STEUBEN COUNTY HEALTH CARE FACILITY EFFECTIVE JUNE 1, 2011.

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

WHEREAS, in its adopted 2011-2012 budget, the State of New York has increased the rates for the Health Facility Cash Assessment Program (HFCAP) by 1.2% up to 7.2%; and

WHEREAS, the Steuben County Health Care Facility is leaving the room rates at their previously established 2011 rates ($270 semi private and $280 private) but will increase the New York State HFCAP portion of the bill by 1.2% which will make the total costs $289.44 for a Semi-private room and $300.16 for a private room; and

WHEREAS, the Human Services, Health and Education Committee and Finance Committee have approved this increase.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Health Care Facility is hereby authorized to implement these changes effective June 1, 2011; and be it further

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

Vote: **Roll Call – Adopted.**

RESOLUTION NO. 066-11

Introduced by L. Crossett. Seconded by S. Van Etten.

FINAL APPROVAL OF THE MARCH 20, 2011 SALE OF THE SEAGER PROPERTIES.

WHEREAS, on February 28, 2011, the Steuben County Legislature authorized by Resolution No. 030-11 the sale of several parcels of properties titled to Steuben County having been previously owned by David J. Seager as more fully described in the recited resolution; and

WHEREAS, the terms of the authorized sale set forth a minimum reserve bid of $110,000 as an aggregate sum for the recited parcels; and

WHEREAS, pursuant to a publication of sale concerning the sale of the recited parcels, a sale for each said parcel was held on March 20, 2011, as set forth in the published notice of sale; and

WHEREAS, the aggregate sum of the combined recited sales totaled $91,000, thereby being below the reserve bid amount of $110,000; and

WHEREAS, the amounts owing the County of Steuben for delinquent taxes covering the recited parcels totals $68,794.52; and

WHEREAS, the Attorney General of the State of New York has established a "Seager Funeral Home Restitution Account" to secure funds for the victims of certain activities of said funeral home as reflected in a Confession of Judgment dated January 6, 2011; and

WHEREAS, the underlying sales proceeds satisfies the previous tax liens respecting the recited parcels and the interests of justice compelling.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben agrees to receive an aggregate sum of $60,239.41 as proceeds from the recited sales and any residual balance of sale proceeds minus costs is authorized to be transferred to the New York State Attorney General for its announced purpose to secure said balance of proceeds to the "Seager Funeral Home Restitution Account"; and be it further

RESOLVED, that any deposit(s) for purchase paid or to be paid respecting the recited sales are to be paid directly to the Treasurer of Steuben County and the same sums paid unto the Treasurer shall be set-off against the aggregate sum to be paid to Steuben County for the recited sales; and be it further

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the following grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof:

Tax Map Nos.: 191.14-01-052.000, McCoy St (N), Savona
191.14-01-053.000, 25 Main St, Savona
191.14-01-054.000, 23 Main St, Savona
Grantee: Savona Free Library
Address: c/o Deborah BeGell, 15 McCoy St, Savona, NY 14879
Consideration: $55,000.00, together with buyers premium & recording fees

Tax Map No.: 159.13-01-029.000, 4 E Washington St (S), Bath Village
Grantee: George L Zemak
Address: 7634 Eagle Valley Rd, Savona, NY 14879
Consideration: $36,000.00, together with buyers premium & recording fees

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

RESOLVED, certified copies of this resolution shall be forwarded to Benjamin A. Bruce, Esq., Assistant Attorney General, 144 Exchange Blvd., Suite 200, Rochester, NY 14614; Christine M. Valkenburgh, Esq., 7 East Steuben Street, PO Box 232, Bath, NY 14810; and the County Treasurer.

Mr. Hanna commented that he will be abstaining from the vote as he was indirectly involved with the sale.

Vote: **Roll Call – Adopted. Yes – 8678; Absent – 593; Abstained – 601**
(Absent – Mr. Ryan; Abstained – Mr. Hanna)

RESOLUTION NO. 067-11

Introduced by J. Hauryski. Seconded by D. Farrand.

APPOINTING A MEMBER TO THE SOIL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS.

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

WHEREAS, the Steuben County Pomona Grange has recommended that Melvin Hann be appointed to the Soil and Water Conservation District Board of Directors.

NOW THEREFORE, BE IT

RESOLVED, that Melvin Hann of 5321 Chamberlain Road, Bath, New York, be appointed to the Soil and Water Conservation District Board of Directors for a three-year term commencing January 1, 2010 through December 31, 2012; and be it further

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

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointee, the County Auditor and the Steuben County Soil and Water Conservation District Office, 415 West Morris Street, Bath, New York 14810.

Vote: **Acclamation – Adopted.**

A M E N D E D

RESOLUTION NO. 068-11

Introduced by J. Hauryski. Seconded by S. Van Etten.

APPOINTING MEMBERS TO THE COMMUNITY SERVICES BOARD.

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

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

WHEREAS, the Chairman of the Legislature has recommended the following appointment:

1. Mark R. Alger ***(filling unexpired term of Ralph Schnell)***
   Steuben County Administrator
   3 East Pulteney Square (Term 1/1/10 – 12/31/13)
   Bath, NY 14810

NOW THEREFORE, BE IT

RESOLVED, the Chairman of the Steuben County Legislature shall appoint the aforesaid persons to the Community Services Board for the terms indicated; and be it further

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

RESOLVED, a certified copy of this resolution shall be forwarded to said appointee, Robert W. Anderson, Ph.D., Director of Community Services, and the County Auditor.

Mr. Alger commented that the vacancy Legislator Crossett was going to be filling, was that of a Ph.D. Psychologist and that vacancy needs to be filled by another Ph.D. Psychologist. Mr. Alger asked that the resolution be amended to remove Larry Crossett.

Vote: **Acclamation – Adopted as amended.**

RESOLUTION NO. 069-11

Introduced by R. Weaver. Seconded by D. Farrand.

MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE FEDERAL GOVERNMENT TO ADOPT ADEQUATE FUNDING AND MAINTENANCE OF THE FORMULA-BASED RESOURCE DISTRIBUTION PROCESS FOR THE COMMUNITY SERVICES BLOCK GRANT.

WHEREAS, Steuben County continues to have a high incidence of poverty and unemployment and these conditions severely affect the quality of life for many of our neighbors; and

WHEREAS, ProAction of Steuben and Yates, Inc. has utilized Community Services Block Grant and other funding leveraged from that source to successfully and efficiently provide services and opportunities to low-income and unemployed residents; and

WHEREAS, the Community Services Block Grant provides not only funding, but by law, assures local control through a mandated board structure and flexibility to address changing local needs; and

WHEREAS, funding for the Community Services Block Grant is targeted for drastic reductions in multiple federal budget proposals, putting the entire range of services and opportunities provided by ProAction of Steuben and Yates, Inc., at risk.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature is fully supportive of ProAction of Steuben and Yates, Inc., and urges that adequate funding for the Community Services Block Grant be adopted in the Congressional appropriations process to assure the continuation of so many vital services to the citizens of Steuben County; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to President Barack Obama, The White House, 1600 Pennsylvania Avenue NW, Washington, DC; Governor Andrew M. Cuomo, Executive Chamber, New York State Capitol Building, Albany, NY 12224; Senator Charles Schumer 322 Hart Senate Building, Washington, DC 20410; Senator Kirstin Gillibrand, 478 Russell Senate Office Building, Washington, DC 20510; Congressman Tom Reed, 1037 Longworth HOB, Washington, DC 20515; David Hill, Executive Director, ProAction of Steuben and Yates, Inc., 117 East Steuben Street, Bath, NY 14810; Richard Calabrese, President, InterCounty Association of Western New York, Municipal Building, 20 Ontario Street, Canandaigua, NY 14424; and Stephen J. Acquario, Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207-2737.

Vote: **Acclamation – Adopted.**

RESOLUTION NO. 070-11

Introduced by D. Creath/P. McAllister. Seconded by S. Van Etten.

RECLASSIFYING A VACANT ASSISTANT SEALER POSITION, GRADE XII, TO DEPUTY DIRECTOR OF WEIGHTS AND MEASURES, MANAGEMENT GRADE D, WITHIN THE DEPARTMENT OF WEIGHTS AND MEASURES.

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

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

WHEREAS, the Steuben County Personnel Officer, the Agriculture, Industry and Planning Committee, and the Administration Committee have reviewed and approved the recommended change of said position.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Steuben County Department of Weights and Measures is hereby reclassified:

Assistant Sealer, Grade XII ($34,970-$49,371) to
Deputy Director, Weights and Measures, Management Grade D ($42,237-$65,184)

AND BE IT FURTHER RESOLVED, the Job Classification and Salary Schedule and Management Salary Plan are 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.**

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.E. Collective Negotiations Pursuant to Article Fourteen of the Civil Service Law made by Mr. Swackhamer, seconded by Mr. McAllister and duly carried.

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

Motion to Adjourn made by Mr. Crossett, seconded by Mr. Van Etten and duly carried.

REGULAR MEETING
Morning Session
Monday, May 23, 2011
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 23rd day of May, 2011, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present.

Mr. Creath provided the Invocation and the Pledge of Allegiance was led by Ms. Lattimer.

Chairman Hauryski asked Melissa Hall-Griffin to come forward. Ms. Hall-Griffin is an employee in the County Clerk's Office. He presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

Chairman Hauryski asked Teresa Deninger to come forward. Ms. Deninger is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 20 years of service to Steuben County.

Chairman Hauryski opened the floor for comments by members of the public. There being none, he declared the opportunity for public comment closed.

Mr. Creath stated it is his pleasure to introduce the Trustees of Corning Community College. Our regional board has 14 trustees, 6 from Steuben, 5 from Chemung, 1 from Schuyler and one student trustee. The Steuben County Legislature appoints three representatives and he introduced Patricia Finnerty, Jack Kelly and Tom Bloomer. Mr. Creath also introduced the President of Corning Community College, Dr. Floyd Amann.

Dr. Amann stated he is here today to provide the Legislature with an update on the status of our college. He stated that he was appointed as the 5th President of Corning Community College and has been with the college for the last ten years, however, he announced his retirement which will be effective June 30, 2011. Dr. Amann introduced the incoming President, Dr. Kate Douglas. During his ten years with the college, they have developed a vision to make Corning Community College the region's choice for education. We are the college of choice for a high number of high school graduates in the area and that number is growing. We want to give local students an opportunity to succeed at Corning Community College. Dr. Amann reviewed what they have accomplished in the past decade, including increasing the chargeback to $300.00 per FTE, establishing the Academic and Workforce Development Center in Elmira, returning the Law Enforcement Academy to the college and merging the Spencer Crest Nature Center with the college. He also stated our enrollment reached its highest at 3,670 FTE's. In addition, our Facilities Master Plan was approved at $100 million.

Dr. Amann informed the Legislature that Corning Community College was identified as one of the "Top 50 Community Colleges in America" by *Washington Monthly* and additionally, was selected among the top 10 percent in the Nation to compete for the Award for the Aspen Institute.

Dr. Amann stated that in looking forward, we will be assisting Dr. Douglas with the transition as she assumes her duties as President. The college has approved the concept of student housing at the Spencer Hill Campus and it is likely that will open in 2013. In addition, other goals for beyond 2011 include enrollment targets, enhancing the college community and culture, governance, sustainability, the expansion of the Elmira Center, Advancement Office restructure and the major gifts campaign. He thanked the Legislature for their support over the past ten years. He has enjoyed the positive relationship with the Legislature and the County Administrator. He expects nothing but good things going forward.

Mr. Tom Carr, Chief Financial Officer, Corning Community College, reviewed the budget status. The college is financially stable and that is related to our enrollment. Our enrollment is down 4 percent from last year, but this is still the second highest enrollment ever. We are looking at new strategies for recruitment and retention of students. With regard to our tuition, we are looking to maintain slight increases over time rather than having a significant increase after many years without one. Our tuition is tied to our State Base Aid Rate which saw a reduction of 15.5 percent in 2011, plus cuts of 6.1 percent in 2012. Our State Base Aid rate is now lower than it was in fiscal year 2000. Due to the reduction in enrollment, we plan to reduce our workforce by 12 full-time positions. We also are instituting a 10 percent cut in other expenditures and plan to borrow $600,000 from our undesignated fund balance and $700,000 from our designated fund balance. Mr. Carr also reviewed their capital projects.

Mr. Nichols asked where will you get the funding for the student housing? Dr. Amann replied the community college will fund any housing projects from the rent received for student use. There are 30 community colleges in the State and 20 of those have student housing. We are proposing housing for 300 beds.

Mr. Ryan asked is there a particular reason why student enrollment is down? Dr. Amann replied that is not unusual. We always see some decline and this doesn't appear to be a long-lasting trend. Over the past ten years our enrollment had gone up and down. Enrollment can also fluctuate from semester to semester. We are addressing that issue by stepping up our recruitment of students and looking at retention efforts. Too many students come and don't finish their education here and we would like them to stay longer. There is no one particular factor for the enrollment decrease. We think that financial uncertainty is driving more and more individuals to attend Community College.

Mr. Quinlan asked are you looking at recruiting students who are labeled non-traditional? Dr. Amann replied yes. He would venture to say that the non-traditional student is the recent high school graduate. We have many adults that take courses. We expect our student population that would stay in the new housing complex to be younger.

Mr. Roush asked do you offer any programs for the gas industry? Dr. Amann replied yes. We have an Energy Process Technology curriculum. There has also been talk of having an Energy Institute. In addition, we also have a non-traditional program to train individuals to be able to go directly to work in the gas industry.

Mr. McAllister asked is available housing a concern because of the gas drilling? Dr. Amann replied that has been a problem for a while. It is a very tight rental market and a lot of our students have difficulty finding a place to stay. We are not just building housing to recruit students, but we are trying to create a different learning environment. This will be a big advantage for students as well as for the community.

Mrs. Ferratella asked do you project an increase in enrollment with the addition of housing? Dr. Amann replied that is difficult to project. We believe it will increase enrollment slightly. They would like to think that it would increase by 300, which is the number of beds they will have.

Chairman Hauryski stated on behalf of the Legislature, thank you for your years of dedicated service to Corning Community College.

John Clifford stated that he is Steuben County's representative on the Western Regional Off-Track Betting Corporation Board of Directors. The WROTBC was formed in 1974. At that time, Steuben County loaned $22,880 to cover start-up costs and that loan was repaid the following year with interest. Since that time, Steuben County has been paid $5.8 million. Mr. Clifford stated the other four OTB's are losing money. The WROTBC is unique as we own a racetrack and slot machines. We have continued to prosper. We have 625 machines at Batavia and we are planning a $20 million expansion which is anticipated to start in 2013 and be completed in 2015. This expansion will be paid for by the NYS Lottery. There are no taxpayer dollars involved. This will benefit local government as well as the horse breeders and the racers. Since our inception, we have paid $36 million to the horse breeders and $25

million in purses. In addition, each month we give $1.2 million to education. We hope to continue our success and appreciate your support.

Mr. Nichols asked is the State trying to take this over? Mr. Clifford replied yes, they are. The NYC OTB went bankrupt and it would be easy for them to take over the other four OTB's because they don't own any real estate and they don't own a racetrack. He commented that he can't say how that initiative will work.

Mr. McAllister asked where will the expansion be? Mr. Clifford replied we want to expand to have 700 slot machines and would like to add table games. The entire first floor will become a gaming area.

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

Mr. Ryan stated he would like to thank the following individuals actively serving in the military:

Ann Flansburg	Richard Mahoney	Kirk McManus	Gregory Argentieri
John Washington	Joe Hornbeck	Kyle Stewart	Sean Stillman
Matthew Randazzo	Ryan Phillips		

RESOLUTION NO. 071-11

Introduced by L. Crossett. Seconded by G. Roush.

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

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

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

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

SCHEDULE "A"

Resolution No.	A-1
Name	Time Warner Entertainment
Parcel No.	548.00-05-002.000
Municipality	Bath Village
Disposition	Refund

Resolution No.	A-2
Name	Fastrac Markets, LLC
Parcel No.	299.18-02-042.000
Municipality	Corning Town
Disposition	Refund (per Court Order)

Resolution No.	A-3
Name	Henkel Block Partners L.P.
Parcel No.	318.45-01-008.000
Municipality	Corning City
Disposition	Refund (per Court Order)

Vote: Roll Call – Adopted.

RESOLUTION NO. 072-11

Introduced by J. Hauryski. Seconded by C. Ferratella.

RECEIVING AND ACCEPTING THE MAY 23, 2011 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 14, 2011
Savona Free Library – Re: Request for the County's assistance with the Savona Free Library in waiving the tipping fees at the County Landfill. ***Referred to: Public Works Committee; and Vince Spagnoletti, Commissioner of Public Works.***

Finger Lakes SPCA – Re: Follow up correspondence on the Town of Thurston's concerns. ***Referred to: A.I.P. Committee; and Legislator Thomas Ryan, District #9.***

April 18, 2011
Liberty Street Café, Carol Mozes – Re: Letter requesting the transfer of contract for concessions to Cheryl Harkness effective June 1, 2011. ***Referred to: Amy Dlugos, Planning Director; and Mark Alger, County Administrator.***

April 21, 2011
New York State Office of Parks, Recreation and Historic Preservation – Re: The Gold Seal Winery located at West Lake Road, in the Town of Urbana, NY is now listed on the National Register of Historic Places. ***Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Twila O'Dell, Historian.***

Washington County Board of Supervisors – Re: Copy of passed resolution adopted by the Washington County Board of Supervisors on April 15, 2011 calling for Immediate Payment of Intergovernmental Transfer (IGT) Payments. ***Referred to: David McCarroll, HCF Administrator.***

April 25, 2011
NYS Department of Health – Notification of upcoming survey for all County Legislators in New York and the Director of Public Health in each county on beliefs and attitudes of New York community leaders toward tobacco product advertising in the retail environment and toward local policies to regulate it. ***Referred to: Steuben County Legislature; and Vicki Fuerst, PHN Director.***

May 2, 2011
Family Service Society, Inc. – Letter thanking Jack Wheeler, Deputy County Administrator for his advocacy efforts on behalf of the Corning Area Youth Center, Family Service Society's In-School Prevention Counseling Services, and the many organizations providing programs serving at-risk children and teens throughout Steuben County. ***Referred to: Human Services/Health & Education Committee.***

May 4, 2011
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $4,598 representing the March 2011 retained surcharge revenue for Steuben County. ***Referred to: Finance Committee; Patrick Donnelly, County Treasurer; and Mark Alger, County Administrator.***

May 6, 2011
Steuben County Industrial Development Agency – Re: Notice of public hearing for Steuben County Industrial Development Agency and RM14 Holdings, LLC on the housing project for seniors. The hearing is scheduled for Monday, May 23, 2011 at 9:00am, at the Erwin Town Hall, located at 117 West Water Street, Painted Post, New York, 14870. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

May 9, 2011
NYS Division of Criminal Justice Services – Re: Notification of approval for the 2011 Alternative to Incarceration (ATI) Performance-Based Service Plan Application. ***Referred to: Public Safety & Corrections Committee; Eugene Greeley, Probation Director; and Sheriff Ordway.***

May 12, 2011
NYS Department of Health – Re: Inquiring on the status of Steuben County's recruitment efforts for a Public Health Director. ***Referred to: Human Services/Health & Education Committee; and Vicki Fuerst, PHN Director.***

> Mr. Swackhamer asked with regard to the correspondence received from the NYS Department of Health on May 12, 2011, did they give any deadline on recruitment of a Public Health Director? Mr. Alger replied no. Their request was to determine what our plan was. He stated that he wrote a letter that indicates we are in the process of recruiting and that Mrs. Fuerst is serving as Director on an interim basis.

Vote: Acclamation – Adopted.

RESOLUTION NO. 073-11

Introduced by R. Nichols. Seconded by G. Swackhamer.

RELATIVE TO THE STATE ENVIRONMENTAL QUALITY REVIEW PROCESS FOR THE BATH LANDFILL ANAEROBIC DIGESTER PROJECT.

WHEREAS, the construction and operation of an anaerobic digester at the Bath Landfill is an unlisted action under the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, on April 28, 2011, Steuben County caused a letter and Part 1 of the Environmental Assessment Form to be sent to other potentially "involved agencies" (as this quoted term is defined in the SEQRA Regulations found at 6 NYCRR Part 617), indicating Steuben County's desire to serve as "lead agency" (as this quoted term is defined in the SEQRA Regulations) for a SEQRA coordinated review of the proposed digester project; and

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

WHEREAS, the Steuben County Commissioner of Public Works and staff have completed the Full Environmental Assessment Form (EAF) dated April 28, 2011, which EAF identified the areas of environmental concern and thoroughly analyzed the identified areas of environmental concern to determine if this proposed action may have a significant adverse environmental impact; and

WHEREAS, the Public Works Committee has determined that no significant adverse environmental impacts were found; and

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

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

NOW THEREFORE, BE IT

RESOLVED, as the SEQRA lead agency for the proposed digester project the Steuben County Legislature does hereby adopt and issue the aforesaid Negative Declaration for the above titled project; and be it further

RESOLVED, the Commissioner of Public Works is the designated responsible officer for the above titled project; and be it further

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

Mr. Spagnoletti explained that Dickson Environmental Services has a proposal to change the system they now have where they land spread food waste. He would like to build an anaerobic digester at the Landfill, next to the gas to energy plant. There will be a large tank with bacteria that will eat the food waste and produce methane. The methane will then go to an engine in the gas to energy plant that will produce electricity. New York State requires projects to undergo a SEQRA review to determine if there are any environmental impacts. That study has been done and we mailed to you the full environmental assessment form. The Steuben County Legislature is the lead agency. This means that you decide if there are any adverse environmental impacts. We have studied it and we do not believe there are any adverse impacts. He recommended approving this resolution.

Vote: Roll Call – Adopted.

RESOLUTION NO. 074-11

Introduced by R. Nichols. Seconded by S. Van Etten.

AUTHORIZING THE LEASE OF 10+/- ACRES OF LAND AT THE STEUBEN COUNTY LANDFILL AND OTHER REQUISITE DOCUMENTATION FOR SUCH PURPOSES TO IMPLEMENT AN ANAEROBIC DIGESTER.

WHEREAS, Dickson's Environmental Services, Inc. has been declared the preferred developer for the utilization of waste heat from the Landfill Gas to Energy Project; and

WHEREAS, Dickson's Environmental Services, Inc. proposes the construction and operation of an anaerobic digester on 10+/- acres at the Steuben County Landfill; and

WHEREAS, the anaerobic digester will process organic waste to produce methane gas for the production of electricity; and

WHEREAS, the County and Dickson's Environmental Services, Inc. are desirous to enter into a lease agreement for a term of fifteen (15) years with a five (5) year extension, the term of lease not to exceed twenty (20) years; and

WHEREAS, Dickson's Environmental Services, Inc. will compensate the County through rental payments and appropriate user fees paid monthly; and

WHEREAS, the Steuben County Legislature acting as lead agency has issued a negative declaration for said project; and

WHEREAS, the Public Works Committee has reviewed the terms and conditions of the draft lease agreement for the anaerobic digester project and recommended adoption of said terms and conditions, subject to final legal review and approval by the County Attorney.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby authorize and direct the Commissioner of Public Works to enter into said lease agreement with Dickson's Environmental Services, Inc. subject to legal review and approval by the County Attorney of the lease's final terms and conditions; and be it further

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

Mr. Spagnoletti explained this is a resolution to enter into a land lease with Dickson's Environment Services for 10 acres at the Landfill. He displayed a photograph of where the proposed digester would be located. Mr. Hauryski asked where are the engines located? Mr. Spagnoletti replied right next to where the digester will be located.

Mr. Farrand asked is there any money being exchanged for this lease? Mr. Spagnoletti explained this is just the land lease. The project is scheduled for next year and there is still a lot of negotiations ahead of us. With the project, Dickson would be bringing in 60,000 gallons per day of food waste. This land lease is for a 15-year period with the option to renew for an additional five years. Dickson will pay $14,000 per month to the County. If he uses more than 10 acres, there will be an additional charge of $1,000 per acre, per month. If Dickson brings in more than 60,000 gallons per day, we would be paid an additional $1.00 per ton for each additional ton. After five years, the lease would increase by the CPI or 3 percent, whichever is lower. There is also a three-month notice required to terminate the lease.

Mr. Van Etten asked if the lease is terminated, will he remove everything? Mr. Spagnoletti replied yes, unless we decided to purchase and operate it.

Vote: Roll Call – Adopted.

RESOLUTION NO. 075-11

Introduced by B. Schu/L. Crossett. Seconded by G. Roush.

AUTHORIZING THE STEUBEN COUNTY SHERIFF'S OFFICE TO ENTER INTO AN AGREEMENT TO PROCURE FOOD PRODUCTS FROM THE NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES' OFFICE OF NUTRITIONAL SERVICES (DOCS-NS).

WHEREAS, food products produced by the DOCS-NS will be delivered to the Steuben County Jail for the purpose of feeding the inmate population; and

WHEREAS, Steuben County considers food products prepared by DOCS-NS to be a preferred means of supplying tasty and wholesome food to its inmate population; and

WHEREAS, the production of food products by DOCS-NS for use by the Steuben County Jail is consistent with Correction Law Sections 170 and 184; and

WHEREAS, the term of this agreement shall be for the anticipated period of August 1, 2011 through July 31, 2016; and

WHEREAS, the Sheriff has two vacant zero-based Cook positions; and

WHEREAS, it is necessary to transfer the sum of $116,401 from the food line item to the Personal services line and benefits line to fund these positions.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby authorizes execution of this agreement; and be it further

RESOLVED, that the zero-based Cook positions are hereby funded; and be it further

RESOLVED, that the Treasurer is hereby authorized to transfer $116,401 from the Jail food line item to the Jail Personal Services and Fringe Benefits line items to fund said positions; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 076-11

Introduced by B. Schu/L. Crossett. Seconded by S. Van Etten.

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

WHEREAS, the Town of Erwin is in need of court/bailiff services in respect of the Town's Justice Court; and

WHEREAS, the Steuben County Sheriff's Office has in place the expertise, policies and procedures, command and control, and experience necessary to provide such court security/bailiff services; and

WHEREAS, the Steuben County Sheriff's Office will agree to provide a trained and qualified court security officer/bailiff to the Justice Court of the Town of Erwin, during standard hours of court, consisting of two days per week; and

WHEREAS, the Town of Erwin shall pay the County the actual cost of personnel services on a quarterly basis, including actual cost of employee compensation or salary, plus the employer's Social Security, Medicare, and Retirement costs incurred. Also included will be an administrative fee of 10% of the actual salary of the court security officer/bailiff; and

WHEREAS, the term of this agreement shall be for the anticipated period of July 1, 2011 through June 30, 2014.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature authorizes execution of an agreement between the County and the Town of Erwin for the provision of court security with such terms and provisions not consistent with the heretofore stated conditions; and be it further

Vote: Roll Call – Adopted. (Yes: 9149; Abstain: 723)
Abstained - Roush

RESOLUTION NO. 077-11

Introduced by P. McAllister/L. Crossett. Seconded by D. Creath.

AUTHORIZING THE STEUBEN COUNTY BOARD OF ELECTIONS TO ACCEPT A GRANT IN THE AMOUNT OF $3,647 TO BE USED FOR POLLING PLACE IMPROVEMENTS.

WHEREAS, Federal and State law require the Steuben County Board of Elections to maintain polling places that are fully accessible to individuals with disabilities; and

WHEREAS, on December 16, 2009 Congress (through the Dept. of H.H.S.) appropriated funds for the Voting Access for Individuals with Disabilities (VOTE) grant program for use by the several States; and

WHEREAS, the New York State Board of Elections proportionally sub-allocated the 2010 VOTE grant funds to be received for use by New York's county boards of elections; and

WHEREAS, both Commissioners of the Steuben County Board of Elections agree there is a need for use of these 2010 VOTE grant funds; and

WHEREAS, the State Board of Elections allocated the above-described polling place access improvement grant funds in the amount of no more than $3,647 to Steuben County; and

WHEREAS, this grant will be made in the form of reimbursement (up to the grant amount) to Steuben County for any expenditures made pursuant to the terms and conditions contained in the grant contract between the Steuben County Board of Elections and the State of New York Board of Elections dated April 1, 2011, a copy of which is maintained at the offices of the Steuben County Board of Elections (Contract #: T003129); and

WHEREAS, the grant contains no matching provisions or any additional contributions to be borne by Steuben County.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby approves acceptance of the 2010 VOTE grant funds from the State of New York Board of Elections in the amount of up to $3,647 which funds are to be received on behalf of the Steuben County Board of Elections for uses that are not inconsistent with the terms and conditions contained in its contract with the State Board of Elections; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Joseph Welch, Democratic Commissioner, Veronica Olin, Republican Commissioner and the County Treasurer.

Mr. Weaver asked what types of improvements would you be doing? Mr. Welch replied this is a Department of Health and Human Services Federal grant. We would do general improvements for special needs users.

Mr. Quinlan asked would this include widening doorways and putting in wheelchair ramps? Mr. Welch replied it could. We will be attending training in a couple of weeks and then will assess each site to see what improvements are needed. Mr. Quinlan asked could you purchase software for the physically handicapped, visually impaired? Mr. Welch replied you could, but this grant is specific to polling place access.

Vote: Roll Call – Adopted.

RESOLUTION NO. 078-11

Introduced by T. Ryan/L. Crossett. Seconded by D. Farrand.

AUTHORIZING THE ESTABLISHMENT OF A PETTY CASH ACCOUNT FOR THE STEUBEN COUNTY HEALTH CARE FACILITY OUTPATIENT REHABILITATION SERVICES.

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

WHEREAS, there is a need to create a petty cash fund for Steuben County Health Care Facility Outpatient Rehabilitation Services; and

WHEREAS, the Human Services/Health & Education and Finance Committees have approved the establishment of such a fund.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be, and the same hereby is, authorized and directed to establish a petty cash fund in the amount of $50 for the Steuben County Health Care Facility Outpatient Rehabilitation Services; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Treasurer and the Administrator of the Steuben County Health Care Facility.

Vote: Roll Call – Adopted.

RESOLUTION NO. 079-11

Introduced by P. McAllister. Seconded by D. Farrand.

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, 2011, to the 31st day of March, 2011, pursuant to provisions of Section 261 (2) of the Tax Law, as made by the Clerk of this Legislature be and the same hereby is ratified and confirmed, and the statement of such apportionment in compliance with the provisions of said Law, filed with the County Treasurer of this County, is hereby and in all things ratified and confirmed and such statement shall be to the County Treasurer a sufficient Warrant for the payment by him of the various sums as apportioned for the various purposes as designed by Law, and be it further

RESOLVED, that the Clerk of this Legislature shall forward certified copies of this resolution to the Steuben County Treasurer, the Steuben County Real Property Tax Service Agency, and the Steuben County Clerk:

MORTGAGE TAX APPORTIONMENT

The amount of money in your hands on March 31, 2011, 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, 2010, 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 $523,783.08.

You are therefore commanded to pay the various towns and cities the amount placed opposite the name of said towns and cities and pay over to the various village officers the amount hereinafter stated to be the distributive amounts due said districts for village purposes, as follows:

MORTGAGE TAX DISTRIBUTION – 5/2011

TOWN & CITIES		Villages		
ADDISON	5,723.95	ADDISON	2,389.86	**8,113.81**
AVOCA	4,056.71	AVOCA	519.29	**4,576.00**
		BATH (1)	12,060.11	**0.00**
BATH	43,326.23	SAVONA (2)	1,177.14	**56,563.48**
BRADFORD	1,144.92			**1,144.92**
CAMERON	1,747.68			**1,747.68**
CAMPBELL	12,876.97			**12,876.97**
CANISTEO	11,477.78	CANISTEO	3,719.34	**15,197.12**
CATON	10,940.27			**10,940.27**
COHOCTON	3,604.43	COHOCTON	486.80	**4,091.23**
CORNING CITY	66,530.43			**66,530.43**
		RIVERSIDE (1)	1,531.90	**0.00**
CORNING TOWN	39,584.42	S CORNING (2)	2,429.41	**43,545.73**
DANSVILLE	4,661.19			**4,661.19**

ERWIN	94,755.20	PAINTED POST	7,643.54	**102,398.74**
FREMONT	3,046.81			**3,046.81**
GREENWOOD	2,476.32			**2,476.32**
HARTSVILLE	2,320.55			**2,320.55**
HORNBY	11,702.69			**11,702.69**
HORNELL CITY	15,057.37			**15,057.37**
		ALMOND (1)	27.26	**0.00**
		ARKPORT (2)	1,098.54	**0.00**
HORNELLSVILLE	12,555.22	V N HORNELL (3)	1,292.62	**14,973.64**
HOWARD	4,947.00			**4,947.00**
JASPER	3,914.81			**3,914.81**
LINDLEY	9,614.38			**9,614.38**
PRATTSBURGH	4,957.80			**4,957.80**
PULTENEY	20,746.02			**20,746.02**
RATHBONE	3,642.83			**3,642.83**
THURSTON	4,686.61			**4,686.61**
TROUPSBURG	5,873.63			**5,873.63**
TUSCARORA	4,794.52			**4,794.52**
URBANA	30,508.06	HAMMONDSPORT	2,688.59	**33,196.65**
WAYLAND	11,386.52	WAYLAND	2,117.47	**13,503.99**
WAYNE	19,603.34			**19,603.34**
WEST UNION	1,513.10			**1,513.10**
WHEELER	4,161.60			**4,161.60**
WOODHULL	6,661.85			**6,661.85**
TOTAL	**484,601.21**		**39,181.87**	**523,783.08**

Vote: Roll Call – Adopted.

RESOLUTION NO. 080-11

Introduced by L. Crossett. Seconded by S. Van Etten.

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

WHEREAS, the County of Steuben has commenced the annual Delinquent Real Property Tax In-Rem procedure pursuant to Article 11 of the New York State Real Property Law; and

WHEREAS, it is desirable to establish the date of the County Delinquent Real Property Tax Auction and the final repurchase date for parcels in said auction.

NOW THEREFORE, BE IT

RESOLVED, the 2011 Delinquent Real Property Tax Auction shall be conducted on Wednesday, July 20, 2011, 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 Thursday, July 14, 2011, at 5:00 P.M. with a 25% repurchase fee on all taxes due, together with all other costs and fees associated therewith; and be it further

RESOLVED, that all prior liens and/or judgments that were against said former owner/said parcel will be re-instated to repurchased parcels; 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.

RESOLUTION NO. 081-11

Introduced by P. McAllister. Seconded by D. Farrand.

AUTHORIZING THE IMPLEMENTATION OF A VOLUNTARY RETIREMENT INCENTIVE.

Pursuant to Older Workers Protection Act 29USC §§623 and 626.

WHEREAS, unprecedented fiscal constraints warrant extreme measures; and

WHEREAS, to the extent possible it is necessary and desirable to reduce staff through attrition to avoid layoffs in this year and next; and

WHEREAS, a voluntary retirement incentive is intended to promote those wishing to retire and provide adequate consideration for doing so.

NOW THEREFORE, BE IT

RESOLVED, there be and hereby is established a voluntary retirement incentive to be conducted consistent with the Older Workers Benefit Protection Act 29USC §§626 and 623; and be it further

RESOLVED, participation in said incentive is subject to approval by the County Administrator and/or County Legislature; and be it further

RESOLVED, terms and conditions for participation are as follows:

1. The employee must be eligible to and in fact retire and execute a revocable release and waiver which release and waiver may be revoked within seven (7) business days of execution and is thereafter binding if not revoked;

2. The incentive is to be targeted and result in the cost savings of a position over this and the ensuing fiscal year; positions in 24/7 operation may be backfilled after the County Administrator has determined there shall be a net savings;

3. The decision to target a position after an employee opts to participate is that of the County Administrator and/or County Legislature and not subject to a veto by a department head;

4. The Personnel Department in conjunction with the County Administrator shall develop the necessary forms, releases, waivers, and notices for implementation of the incentive;

5. Participation in the incentive is strictly voluntary on the part of the employee subject to approval of the County Administrator;

6. Any employee opting to participate must notify the Personnel Officer not later than August 1, 2011 and retire from service on or before September 16, 2011, failure to so retire invalidates the incentive; and be it further

RESOLVED, the voluntary retirement incentive shall consist of the following:

1. Employees with 25+ years service eligible for the 50% Health Insurance payment; County will match current payment percentage up to age 65 or provide a one-time payment of $15,000;

2. Employees with 15 years but less than 25 who receive 25% of single policy contribution at retirement, County will match 25% through age 65 or provide a one-time cash payment of $6,000;

3. Employees with less than 15 years but eligible to retire without reduced benefits are offered 25% of a single policy through age 65 or provide a cash payment of $2,500; and be it further

RESOLVED, any request to refill position shall follow normal channels by filing a vacancy request form with the Personnel Officer; the Vacancy Committee shall have the sole discretion to authorize the filling of such vacancy; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 082-11

Introduced by P. McAllister. Seconded by D. Farrand.

AUTHORIZING THE EXECUTION OF AN AGREEMENT REGARDING THE TERMS AND CONDITIONS OF PUBLIC EMPLOYMENT BETWEEN THE COUNTY OF STEUBEN AND THE STEUBEN COUNTY LOCAL #851 OF THE CIVIL SERVICE EMPLOYEES' ASSOCIATION, INC., FOR THE YEARS 2011, 2012 and 2013.

Pursuant to the provisions of the New York State Public Employees' Fair Employment Act known as the "Taylor Law" and Section 205 of the County Law of the State of New York.

WHEREAS, the negotiating committee for the Steuben County Legislature has, for several months, been meeting with the negotiating committee of the Steuben County Local #851 of the Civil Service Employees' Association, Inc. (CSEA), the bargaining unit for Correction Officers, Dispatchers and Court Security Officers as to recommended proposals for terms and working conditions for County employees for the years 2011, 2012 and 2013; and

WHEREAS, the CSEA has accepted in whole the aforesaid recommended proposals.

NOW THEREFORE, BE IT

RESOLVED, the proposed Agreement, as recommended by the respective negotiating committees, having heretofore been approved by the members of the said CSEA covering the years 2011, 2012 and 2013 be, and the same hereby is, duly ratified, confirmed and adopted; and be it further

RESOLVED, the Chairman of the Steuben County Legislature is hereby authorized and empowered, for and on behalf of this Legislature and the County of Steuben, to execute a final and complete agreement regarding the terms and conditions of public employment between the County and the Steuben County Local #851 of the Civil Service Employees' Association, Inc., for the fiscal years 2011, 2012 and 2013, which agreement shall be drafted by the County Attorney in accordance with the proposed agreement, and upon its approval by the Administration Committee of the Steuben County Legislature and its prior approval and execution by the President of the Steuben County Local #851 of the Civil Service Employees' Association, Inc.; and be it further

RESOLVED, when said final agreement is properly and duly executed as above stated, the original agreement shall be properly filed in the Office of the Clerk of the Legislature and a duplicate original shall be delivered to the President of the Steuben County Local #851 of the Civil Service Employees' Association, Inc., and an additional copy shall be filed with the Public Employees' Relations Board; and be it further

RESOLVED, upon the filing of said agreement with the Clerk of the Legislature, President of CSEA, the Steuben County Treasurer and the Steuben County Personnel Officer, the same shall be, and hereby is, confirmed, ratified and

approved as the entire agreement between the County of Steuben and the County employees included in said Employees' Association bargaining unit as to the terms and conditions of employment for the years 2011, 2012 and 2013; and be it further

RESOLVED, that the Steuben County Treasurer be and the same hereby is authorized and directed to appropriate sufficient funds for the above salaries to the appropriate line items; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Administrator, County Attorney, County Personnel Officer, Clerk of the Legislature, County Treasurer and to the President of the Steuben County Local #851 of the Civil Service Employees' Association, Inc.

Vote: Roll Call – Adopted.

RESOLUTION NO. 083-11

Introduced by P. McAllister. Seconded by D. Farrand.

AUTHORIZING THE TRANSFER OF THE COFFEE CART CONTRACT TO A NEW VENDOR.

WHEREAS, following a request for proposals, on December 1, 2005, Steuben County executed a contract with Carol Mozes, doing business as Liberty Street Café, to operate a coffee cart/vending counter within the County Office Building located in Bath, New York; and

WHEREAS, the County wants to continue to have a coffee cart/vending counter for the convenience of the Court Systems, County employees, and visitors to the County Building; and

WHEREAS, Ms. Mozes has decided to sell her coffee cart/vending counter equipment to follow other pursuits; and

WHEREAS, the terms of the 2005 contract, allow the contract to be assigned to another vendor when consent is given by the County of Steuben; and

WHEREAS, another person intends to purchase Ms. Mozes' equipment; and

WHEREAS, said person would like to operate the coffee cart/vending counter within the County Office Building; and

WHEREAS, said person is found to be of good standing with the necessary skills and permits to operate the coffee cart/vending counter.

NOW THEREFORE, BE IT

RESOLVED, that the County Administrator is authorized to execute a contract with Cheryl Harkness, 5476 Stone House Road, Cameron, New York, to operate the coffee cart/vending counter in the County Office Building; and be it further

RESOLVED, that the period of said contract shall be June 1, 2011 through December 31, 2012.

Vote: Roll Call – Adopted.

RESOLUTION NO. 084-11

Introduced by J. Hauryski. Seconded by G. Roush.

APPOINTING MEMBERS TO THE STEUBEN COUNTY ETHICS BOARD.

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

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

PROPOSED FOR APPOINTMENT BY THE MAJORITY LEADER
Richard P. Rossettie, Esq., 80 E. 2nd Street, Corning, NY 14830
For a three (3) year term, January 1, 2011 through December 31, 2013.

Eric Shults, Esq., 427 Seneca Rd, North Hornell, NY 14843
Filling the unexpired term of Christopher G. Quinlan through December 31, 2012.

PROPOSED FOR APPOINTMENT BY THE MINORITY LEADER
Kathleen Green, 7 Avondale Avenue, Hornell, NY 14843
For a three (3) year term, January 1, 2011 through December 31, 2013.

R. Michael Ingalls, 383 Cleveland Avenue, Hornell, NY 14843
Filling the unexpired term of Clark Maloney through December 31, 2012.

PROPOSED FOR APPOINTMENT BY THE CHAIRMAN OF THE LEGISLATURE
Brian J. Ketchum, 8371 CR 87, Hammondsport, NY 14840
For a three (3) year term, January 1, 2011 through December 31, 2013.

Brenda K. Mori, 8057 Briglin Rd, Hammondsport, NY 14840
Filling the unexpired term of Christine Kane through December 31, 2012.

William Rosplock, 8500 Main Street, Campbell, NY 14821
Filling the unexpired term of Thomas H. Hopper through December 31, 2012.

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. 085-11

Introduced by J. Hauryski. Seconded by D. Creath.

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

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

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

NOW THEREFORE, BE IT

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

SOCIAL SERVICES
Teresa Deninger, Deputy Commissioner
Department of Social Services

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

HOUSING PROGRAM
Kim Brucie
Tri-County Housing Council

HEALTH
Marilyn Peoples, Assistant Director
Public Health Nursing Services

AGING PROGRAM
Michael A. Keane, Director
Office for the Aging

Nan Hammes
RSVP

EDUCATION
Dan Porter, Executive Director
CSS Workforce NY

COUNTY PLANNING
Amy R. Dlugos
Director of Planning

POVERTY PROGRAM
David Hill, Executive Director
ProAction of Steuben and Yates

Dawn Brucie, Deputy Director
ProAction of Steuben and Yates

YOUTH
Jack Wheeler, Deputy County Administrator
Youth Bureau Representative

Jim Gallagher
COMPEER Program

STEUBEN COUNTY LEGISLATOR
Christopher G. Quinlan, District #2

COOPERATIVE EXTENSION
Loree Symonds
Nutrition and Food Safety

Nancy Reigelsperger
Financial Educator

BE IT FURTHER RESOLVED, that said appointees shall serve at the Pleasure of the Legislature, for a term ending December 31, 2011; and be it further

RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Steuben County Regional Human Services Committee; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 086-11

Introduced by D. Creath. Seconded by C. Quinlan.

MEMORIALIZING VARIOUS OFFICIALS AND AGENCIES CONCERNING CERTIFICATION OF FLOOD CONTROL LEVEES FOR FLOOD INSURANCE RATE MAPS.

WHEREAS, the Federal Emergency Management Agency (FEMA) is undertaking the process of updating Flood Insurance Rate Maps for the Chemung Watershed Risk MAP project (which includes the Cohocton River watershed, but not the Tioga and Canisteo River watersheds); and

WHEREAS, the Chemung Watershed area includes 29 miles of levees and floodwalls (in the City of Elmira, Town of Southport, Town of Elmira, City of Corning, Village of South Corning, Village of Riverside, Village of Painted Post, Town of Erwin, Village of Bath, Town of Bath, Village of Avoca, and Town of Avoca) that were designed and built by the United States Army Corps of Engineers (Corps) and are maintained and operated by the New York State Department of Environmental Conservation (NYSDEC) or by municipalities with NYSDEC oversight; and

WHEREAS, these Corps-built levee systems have been designed, constructed, maintained, and operated in conformance with sound engineering practices and have successfully passed annual inspections by the Army Corps of Engineers, without evidence that they are deficient or susceptible to failure; and

WHEREAS, the Corps has significantly upgraded levee inspection procedures and requirements in recent years so that annual inspection of Corp-built levees provides increased assurance that these engineered structures will function as designed; and

WHEREAS, the requirements for incorporating the flood protection provided by levees into FEMA's flood hazard mapping efforts are specified in Title 44, Chapter 1, Section 65.10 of the Code of Federal Regulations (44 CFR Section 65.10), including the provision that "a Federal agency with responsibility for levee design may certify that the levee has been adequately designed and constructed to provide protection against the base flood"; and

WHEREAS, FEMA and the Corps have discontinued procedures in which levee design information, construction records, elevation analysis, and favorable inspection reports constituted sufficient evidence for meeting the requirements of 44 CFR Section 65.10, despite the introduction of more stringent assessment criteria for Corps inspections; and

WHEREAS, neither the Corps of Engineers nor NYSDEC is currently willing to certify any levees in the Chemung Watershed in a manner acceptable to FEMA due to potential costs and concerns about liability, despite the statement in 44 CFR Section 65.2 that "a certification by a registered professional engineer or other party does not constitute a warranty or guarantee of performance, expressed or implied"; and

WHEREAS, an independent engineering assessment of the integrity of the levees has been estimated to cost up to $300,000 per mile (because an entity without prior involvement in construction, maintenance, or inspection would need to conduct extensive geotechnical analyses prior to certification); and

WHEREAS, the expenditure of more than five million dollars to certify flood control levees in the Chemung watershed would not be a wise use of limited taxpayer resources when the design, construction, maintenance, operating procedures, and inspection records for those levee systems provide no reason to expect that they would not function properly; and

WHEREAS, the lack of certification for Corps-built levees in the Chemung Watershed would result in de-accreditation of those levees for flood hazard mapping purposes and the inclusion of levee-protected areas containing thousands of properties in the Special Flood Hazard Area; and

WHEREAS, the insurance costs and construction standards established by the National Flood Insurance Program for areas mapped as Special Flood Hazard Areas do not reasonably account for the risk reduction benefits provided by levees because levee-protected areas are treated as if the levee were not present; and

WHEREAS, lack of accreditation for Chemung Watershed levees would trigger mandatory flood insurance purchase requirements for thousands of levee-protected properties and cost the region millions of dollars each year for flood insurance coverage; and

WHEREAS, the application of construction standards and flood insurance premiums that are not based on actual flood risks in levee-protected areas would impose a significant financial burden on Chemung Watershed communities that are already struggling with difficult economic circumstances; and

WHEREAS, the March 2011 letter from FEMA Administrator W. Craig Fulgate responding to issues raised by New York's Senators and their colleagues (in a February 3, 2011 letter) states that FEMA will replace "without levee"

mapping techniques with more appropriate procedures for mapping floodplains in levee protected areas, but does not address concerns about levee certification, flood insurance costs, and related issues; and

WHEREAS, flood hazard maps that accurately represent flood risks and National Flood Insurance Program policies that are aligned with those risks would be invaluable tools for improving the Chemung Basin's resilience to flooding.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature requests that the United States Congress enact measures that reduce the potential liability of engineering firms and/or government agencies that perform engineering services for levee systems and certification of levees, including discontinuation of the term "certification" in order to better communicate that levee evaluation and accreditation do not imply a guarantee or warrantee; and be it further

RESOLVED, that the Steuben County Legislature requests that the U.S. Army Corps of Engineers and/or New York State Department of Environmental Conservation be made responsible for fulfilling the levee certification and accreditation requirements, as outlined in 44 CFR Section 65.10, for levees that were constructed by the Corps of Engineers, pass annual inspections by the Corp, and are maintained by or under the supervision of the NYSDEC; and that appropriate funding be allocated to the NYSDEC and/or the Corps to support their efforts; and be it further

RESOLVED, that the Steuben County Legislature requests that updated FEMA flood hazard mapping be delayed until levees are accredited for communities that are protected by unaccredited levees that were constructed by the Corps, are maintained by or under the supervision of NYSDEC, and for which there are no known technical conditions that would preclude accreditation (such as an "unacceptable" Corps inspection rating or insufficient level of protection); and be it further

RESOLVED, that the Steuben County Legislature requests that new flood hazard zones be established for areas protected by accredited levees based on the level of levee protection (such as 50-year, 100-year, and 500-year) and that risk-based flood insurance price structures, insurance purchase requirements, and construction standards be applied in these levee-protected zones based on the flood risks; and be it further

RESOLVED, that copies of this resolution be forwarded to Senator Charles Schumer, Fax: 202-228-3027; Senator Kirsten Gillibrand, Fax: 202-228-0282; Congressman Tom Reed, Fax: 202-226-6599; Governor Andrew M. Cuomo, Executive Chamber, NYS State Capital Building, Albany, NY 12224; NYS Senator Thomas O'Mara, 333 East Water St., Suite 301, Elmira, NY 14901; NYS Assemblyman Christopher Friend, 476 Maple St., PO Box 441, Big Flats, NY 14814; NYS Assemblyman Philip Palmesano, 105 E Steuben St., Bath NY 14810; FEMA Regional Director Lynn Gillmore Canton, 26 Federal Plaza, New York, NY 10278; FEMA Risk Analysis Division Director Doug Bellomo, 500 C Street, SW, Washington, DC 20472; Army Corps of Engineers Baltimore District Engineer COL Dave Anderson, PO Box 1715, Baltimore, MD 21203-1715; Army Corps of Engineers Operations Manager George Bielen, 306 Railroad Street, 2nd Floor, Rear Entrance, Danville, PA 17821; NYSDEC Commissioner Joe Martens, 625 Broadway, Albany, NY 12233-3500; NYSDEC Assistant Commissioner for Water Resources Jim Tierney, 625 Broadway, Albany NY 12233-3500; NYSDEC Division of Water Director Mark Klotz, 625 Broadway, Albany NY, 12233-3500; NYSDEC Bureau of Food Protection and Dam Safety Director Alan Fuchs, 625 Broadway, 4th Floor, Albany NY 12233-3504; and NYSDEC Regional Director Paul D'Amato, 6274 E. Avon-Lima Road, Avon NY 14414.

Vote: Acclamation – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.E. Collective Negotiations Pursuant to Article Fourteen of the Civil Service Law made by Mr. Farrand, seconded by Mr. McAllister and duly carried.

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

Motion to Adjourn made by Mr. Van Etten, seconded by Mr. Roush and duly carried.

REGULAR MEETING
Morning Session
Monday, June 27, 2011
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 27th day of June, 2011, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present.

Mr. Nichols provided the Invocation and immediately following, Chairman Hauryski asked for a moment of silence for Sgt. Devin Snyder. The Pledge of Allegiance was led by Mr. Ryan.

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

Carol Berry, Director, Dormann Library stated that she is here on behalf of Ristiina Wigg and the 17 public libraries to thank you for your continued support.

Tom Simms, member, Dormann Library Board of Trustees, thanked the Legislature for their support. We offer many programs including use of the internet, musical performances and book signings. Thank you and we hope you continue your support in the future.

Lorraine Nelson, Howard Library, stated she appreciates the Legislature's continued generosity for the Howard Library. As a result of your generosity, children as well as families, have equal access to information. Thank you.

Michael Fay, Addison Library, stated as a result of your support we offer internet access and have a monthly circulation of 500 materials, which is great for the size of our library.

George Welch, Southeast Steuben County Library, stated internet access is a tremendous resource for the library and the Corning Library alone has had 50,000 searches. The library is the driving force for economic development in the area. Thank you for your continued support.

Paul Schnipelsky, Pulteney, stated that he supports the County's proposal to accept drill cuttings into the Steuben County Landfill. Mr. Spagnoletti has used an overabundance of caution in providing protective measures for the workers and in following State regulations. He is convinced that the radiation levels are safe as defined by the National Radiological Lab. The amount of radiation is well below hazardous levels. Mr. Spagnoletti has indicated that he will continue to monitor the cuttings and that is the most important thing.

Mark Schlechter, Bath, stated that he is opposed to the County's proposal to accept drill cuttings into the Steuben County Landfill. A forum was held a couple of weeks ago at the Bath Fire Hill with hundreds of people in attendance. My problem with the County's decision is the timing. What we are seeing now is a trend toward caution. The Environmental Protection Agency (EPA) is targeting counties in Pennsylvania with regard to whether there is contamination in their drinking water. The NYS Department of Environmental Conservation (NYSDEC) hasn't even approved drilling in general. We have lakes, wineries, farms, hunting and fishing. He doesn't know why we want to be known as the only publicly operated landfill in the State to accept drill cuttings. He strongly urged the Legislature to question this and would suggest that this not be done right now.

Guila Armstrong, Bath, stated she is concerned about the County's proposed acceptance of drill cuttings into the County Landfill beginning in the fall of 2011. It is her understanding that up to 10,000 – 15,000 tons of cuttings could be dumped this year alone. Our property borders the landfill and we have a sheep farm and use a pond and spring water to water our animals. We also have a well that supplies our home

with water for bathing and other household uses. While there seems to be some debate between experts over the safety of the drill cuttings themselves, there is no question that the water from the shale is radioactive and that the cuttings can contain up to 20 percent water and still be classified as solid waste. The liquid waste that is mixed with the cuttings is often reused several times at the drilling site making it more radioactive each time that process occurs. This reuse raises the radioactivity to much more dangerous levels. The State of New York is still undecided as to whether to allow hydrofracking. To rush ahead to accept these cuttings from Pennsylvania is dangerous to the environment, to the workers at the landfill, and to the neighbors in the Town of Bath. Please proceed with caution.

Gudren Scott, Andover, stated that she is concerned about the radon gas that will be coming out of the Landfill. The drill cuttings should be in a specialized hazardous waste dump. She distributed various documents for the Legislature's consideration, including the rulings of the Administrative Law Judge regarding Chemung County's application for a modification for their Landfill permit to accept drill cuttings.

Susan Multer, League of Women Voters of Steuben County, distributed copies of the testimony submitted on June 21, 2011 to the Assembly Standing Committee on Environmental Conservation and Assembly Standing Committee on Health regarding the health impacts of hydraulic fracturing techniques. She stated that she understands how closely intertwined health and the environment are. She would first suggest that the Legislature ask the County Health Department to conduct their own study regarding the drill cuttings. Her second suggestion is that you, as elected representatives of the County, show us that you care more about the health and safety of the people who live and work in the County, rather than the potential income from accepting the drill cuttings. Please wait and don't let a decision be made until our DEC comes back with a final recommendation.

Rachel Treichler, Hammondsport, asked that the County require a study of the drill cuttings before accepting them into the landfill. She also agrees that the Public Health Department needs to be involved.

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

Motion approving the minutes from the previous meeting(s) made by Mr. Van Etten, seconded by Mr. Quinlan and duly carried.

Mr. Donnelly introduced Assistant State Attorney General Benjamin Bruce. He presented Mr. Bruce a check in the amount of $30,000 which represents the excess proceeds from the sale of the Seager properties and this amount is being turned over for restitution. Mr. Bruce stated that he would like to thank the Legislature for stepping up to do good work for the citizens of your County. As many of you know, the Seager situation was a public disaster and in your County, over $177,000 was taken for burial fees. He stated that he would like to thank the Sheriff's Department, in particular, Investigator Eric Tyner, who worked on this case with our office. Investigator Tyner was instrumental in getting out to all of the victims and he figured out how bad this situation had become. He would also like to thank those funeral homes who stepped up to do the burials for these victims. Mr. Bruce also thanked the Legislature and Mr. Crossett for bringing this to a vote and for the Finance Committee recognizing the need for these two properties to be sold and for the proceeds to be turned over to the victims. This was not a routine matter and you put the interest of the victims ahead. In addition, he also thanked Pat Donnelly and the Treasurer's Office for their work and for making sure the sale of the property went well. He also would like to thank the guardian of the Seager properties for their help. On behalf of the New York State Attorney General, Eric Schneiderman, thank you for your work.

RESOLUTION NO. 087-11

Introduced by L. Crossett. Seconded by G. Roush.

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

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

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

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

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

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

SCHEDULE "A"

Resolution No.	A-1
Name	Bank of New York
Parcel No.	040.00-01-014.111
Municipality	Dansville Town
Disposition	Correction (parcel split)

SCHEDULE "B"

Resolution No.	B-1
Former Owner	Paul Lockwood
In Rem Index No.	101381, 2008 sale
Parcel No.	368.00-01-052.121
Municipality	Tuscarora Town
Grantee(s)	Paul Lockwood
Grantee(s) Address	1377 Stewart Rd, Addison, NY 14801
Consideration	$6,036.71, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-2
Former Owner	Richard June & Edith June
In Rem Index No.	104021, 2009 sale
Parcel No.	014.00-02-034.000
Municipality	Wayland Town
Grantee(s)	Richard June & Edith June
Grantee(s) Address	1471 County Rte 90, Dansville, NY 14437
Consideration	$735.93, together with $310.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-3
Former Owner	George Makin & Marilyn Makin
In Rem Index No.	104021, 2009 sale
Parcel No.	264.00-01-006.000
Municipality	Hornby Town
Grantee(s)	George Makin & Marilyn Makin
Grantee(s) Address	211 Kaye Dr, Anderson, SC 29624
Consideration	$2,481.73, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-4
Former Owner	Joycelyn N Bergantino
In Rem Index No.	104021, 2009 sale
Parcel No.	225.00-01-043.000
Municipality	Campbell Town
Grantee(s)	Joycelyn N Bergantino
Grantee(s) Address	504 EKAHI Way, Kihei, HI 96753
Consideration	$3,242.50, together with $310.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-5
Former Owner	Wendell Draper II & Virginia Draper
In Rem Index No.	104021, 2009 sale
Parcel No.	119.00-03-013.200
Municipality	Wayne Town
Grantee(s)	Wendell Draper II & Virginia Draper
Grantee(s) Address	8418 N Urbana Rd, Hammondsport, NY 14840
Consideration	$1,422.38, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Vote: Roll Call – Adopted.

RESOLUTION NO. 088-11

Introduced by J. Hauryski. Seconded by C. Ferratella.

RECEIVING AND ACCEPTING THE JUNE 27, 2011 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 18, 2011
Steuben Rural Electric Cooperative, Inc. – Re: Request for the Cummins Power Generation Field Test hours to be extended from 4,000 to 6,000 hours. R***eferred to: Public Works Committee; Vince Spagnoletti, Commissioner of Public Works; and Alan Reed, County Attorney.***

May 20, 2011
Town of Campbell, Thomas Bosket – Re: Notification and request for consent to Town of Campbell for Lead Agency status on the Water District No. 3 Project. ***Referred to: A.I.P. Committee; Alan Reed, County Attorney; and Amy Dlugos, Planning Department.***

May 25, 2011
NYS Office of Children & Family Services – Re: Plan and Allocations for the Supervision and Treatment Services Program for Juveniles. ***Referred to: Kathryn Muller, Commissioner of Social Services; and Eugene Greeley, Probation Director.***

NYS Department of Transportation – Re: Notification of recently sent vouchers to the State Comptroller that distributes the first quarter SFY 2011-2012 Statewide Mass Transportation Operating Assistance (STOA) payments. ***Referred to: Amy Dlugos, Planning Director.***

May 26, 2011
NYS Office of Parks, Recreation and Historic Preservation – Re: Notification of property located on Route 36 (Stephens House/Willows Bend Farm) of Canisteo, NY in Steuben County will be considered by the State Review Board for nomination to the National and State Registers of Historic Places. ***Referred to: A.I.P. Committee; Twila O'Dell, Historian; and Amy Dlugos, Planning Director.***

June 1, 2011
Finger Lakes Regional Watershed Alliance – Re: A statement concerning horizontal drilling with high-volume hydraulic fracturing for natural gas in the Finger Lakes Region. ***Referred to: Mark Alger, County Administrator.***

Western Regional Off-Track Betting Corporation – Re: Check in the amount of $4,518, which represents the April 2011 retained surcharge revenue for Steuben County. ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

June 6, 2011
Senator John L. Sampson, NYS Senate Minority Leader – Re: Correspondence letter in regards to the need to maintain funding for Youth Bureaus. ***Referred to: Jack Wheeler, Deputy County Administrator.***

National Fuel – Re: Copy of letter sent to property owners adjacent to the Empire Tioga County Extension Project. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

Susquehanna River Basin Commission – Re: Public Notice of Susquehanna River Basin Commission scheduled workshops. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

Town of Caton, Marilyn Bockus – Re: Letter of concern on State Mandates put on Towns and Village Assessors. ***Referred to: Steuben County Legislature.***

June 8, 2011
Mark Schlechter – Re: Invitation to a community forum at the Bath Fire Hall on Monday, June 13, 2011 @ 7:00pm to discuss the proposed importing of gas well drill cuttings from Pennsylvania into the Steuben County Landfill. ***Referred to: Mark Alger, Chairman of the Natural Gas Task Force Steering Committee.***

June 9, 2011
NYS Office for the Aging – Re: Notification of Grant Awards (NGAs) for the Community Services for the Elderly (CSE), Caregiver Resource Centers (CRC), Congregate Services Initiative (CSI), Expanded In-home Services for the Elderly (EISEP), Supplemental Nutrition Assistance Program (SNAP) and State Transportation programs for the period of April 1, 2011 through March 31, 2012. ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

June 16, 2011
New York State Department of Environmental Conservation, Division of Water– Correspondence on Steuben County's concerns with the certification of Flood Control Levees for Flood Insurance Rate Maps. ***Referred to: Steuben County Legislature***

Mr. Weaver asked with regard to the request for the Cummins Power General Field Test Hours to be extended, was there a problem? Mr. Alger replied no, they just wanted more time.

Vote: Acclamation – Adopted.

RESOLUTION NO. 089-11

Introduced by R. Nichols/L. Crossett. Seconded by D. Creath.

AUTHORIZING THE TRANSFER OF FUNDS FROM THE FUTURE BRIDGE CAPITAL PROJECTS ACCOUNT AND THE APPROPRIATION OF FEDERAL AND STATE BRIDGE AID TO THE SENECA STREET BRIDGE CAPITAL PROJECT.

WHEREAS, a Project for the replacement of BIN 2016360, Seneca Street over the Canisteo River, Town of Hornellsville, Steuben County, PIN 6754.55 (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 the Project; 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 Right of Way Incidentals and Acquisition is greater than the amount budgeted for this phase of work in the 2011 budget; and

WHEREAS, the Public Works and Finance Committees of the Steuben County Legislature have approved the transfer of $4,300 from the Future Bridge Capital Projects Account to the Seneca Street Bridge Capital Project, representing the 5% County share of the additional cost of the Project, and have also approved the appropriation of $68,800 of Federal Bridge Aid and $12,900 of State Bridge Aid to the Seneca Street Bridge Capital Project.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby approves the above-subject Project; and be it further

RESOLVED, that the County Legislature approves the transfer of $4,300 from the Future Bridge Capital Projects Account to the Seneca Street Bridge Capital Project, representing the 5% County share of the additional cost of the Project, and have also approved the appropriation of $68,800 of Federal Bridge Aid and $12,900 of State Bridge Aid to the Seneca Street Bridge Capital Project; 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 – Acclamation.

RESOLUTION NO. 090-11

Introduced by R. Nichols. Seconded by D. Farrand.

AUTHORIZING THE IMPLEMENTATION AND FUNDING OF A STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE TRANSPORTATION FEDERAL-AID PROJECT, SENECA ROAD OVER CANISTEO RIVER IN THE VILLAGE OF NORTH HORNELL AND CITY OF HORNELL, COUNTY OF STEUBEN P.I.N. 6754.55, TO FULLY FUND THE LOCAL SHARE OF FEDERAL- AND STATE-AID ELIGIBLE AND INELIGIBLE PROJECT COSTS AND APPROPRIATING FUNDS THEREFORE.

WHEREAS, a Project for the Bridge Replacement: Seneca Road over Canisteo River in the Village of North Hornell and City of Hornell, County of Steuben P.I.N. 6754.55 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Steuben desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Project work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement.

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

RESOLVE, that the Steuben County Legislature hereby approves the Project; and it is hereby further

RESOLVED, that the Steuben County Legislature hereby authorizes the County of Steuben to pay in the first instance the full non-federal share of the cost of Right of Way Incidentals and Acquisition work for the Project or portions thereof; and it is further

RESOLVED, that the sum of $86,000 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 non-federal share of the costs of the Project exceed the amount appropriated above, the County of Steuben shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

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

RESOLVED, that 3 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 it is further

RESOLVED, this Resolution shall take effect immediately.

Vote: Roll Call – Acclamation.

RESOLUTION NO. 091-11

Introduced by B. Schu. Seconded by M. Hanna.

AUTHORIZING THE STEUBEN COUNTY SHERIFF'S OFFICE TO ENTER INTO AN AGREEMENT FOR THE HOUSING, SAFEKEEPING AND SUBSISTENCE OF FEDERAL PRISONERS WITH THE UNITED STATES MARSHALL'S SERVICE.

WHEREAS, the Sheriff's Office will accept and provide for the secure custody and care of Federal inmates; and

WHEREAS, the Sheriff's Office will be reimbursed at the negotiated per diem rate of $88.00 for the housing of Federal inmates; and

WHEREAS, the Sheriff's Office will keep Federal inmates in accordance with all state and local laws, standards, regulations, policies and curt orders applicable to the operation of the Jail; and

WHEREAS, the Sheriff's Office will provide reimbursable Federal inmate transportation services to the appropriate United States Courthouse in Rochester, New York; and

WHEREAS, the term of this agreement shall be for the anticipated period of three years starting June 1, 2011 and shall remain in effect unless terminated by either party with written notice.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature authorizes the execution of this agreement; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 092-11

Introduced by D. Creath. Seconded by D. Farrand.

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 2011-2012 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. 093-11

Introduced by P. McAllister. Seconded by S. Van Etten.

APPROVING THE STANDARD WORK DAY AND RETIREMENT REPORTING FOR ELECTED AND APPOINTED OFFICIALS.

WHEREAS, the New York State and Local Employees' Retirement System established §315.4, a new regulation on retirement reporting for elected and appointed officials which became effective August 12, 2009; and

WHEREAS, the new regulation adds additional requirements for both employers and elected and appointed officials, including an expanded record of work activities, a more detailed resolution and specific time frames within which requirements must be completed.

NOW THEREFORE, BE IT

RESOLVED, that the County of Steuben hereby establishes the following as standard work days for certain elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of the Legislature:

TITLE	NAME	STANDARD WORKDAY (HRS/DAY)	TERM BEGINS/ENDS	PARTICIPATES IN COUNTY'S TIME KEEPING SYSTEM (Y/N)	DAYS/MO (BASED ON ROA)
Appointed Officials – Full Time					
Sr. Assistant District Attorney	Christopher Tunney	7.5	09/14/2009 – 12/31/2011	Y	N/A
Assistant District Attorney	Mary T. Northrup	7.5	10/19/2009 – 12/31/2011	Y	N/A
Director, Real Property Tax Service	Wendy Flaitz	7.5	12/20/2010 – 10/01/2013	Y	N/A
County Attorney	Alan R. Reed	7.5	01/01/2011 – 12/31/2011	Y	N/A
Commissioner of Elections (Rep)	Veronica Olin	7.5	01/01/2011 – 12/31/2012	Y	N/A
Commissioner of Elections (Dem)	Joseph R. Welch	7.5	01/01/2011 – 12/31/2012	Y	N/A
Deputy Commissioner of Elections (Rep)	Penny M. Ruest	7.5	01/01/2011 – 12/31/2012	Y	N/A
Deputy Commissioner of Elections (Dem)	Kelly J. Penziul	7.5	01/01/2011 – 12/31/2012	Y	N/A
Deputy Treasurer	Tammy Hurd-Harvey	7.5	01/01/2011 – 12/31/2014	Y	N/A
Assistant County Attorney	Matthew McGrath	7.5	01/10/2011 – 12/31/2011	Y	N/A
Deputy County Attorney/Municipal Affairs	Shawn M. Corey	7.5	02/22/2011 – 12/31/2011	Y	N/A
Appointed Officials – Part Time					
Assistant District Attorney	Brooks T. Baker	6	02/07/2011 – 12/31/2011	N	19.652
Elected Officials					
Chairman, County Legislature	Joseph J. Hauryski	6	12/14/2010 – 12/31/2011	N	16.167
County Treasurer	Patrick F. Donnelly	7.5	01/01/2011 – 12/31/2014	Y	N/A
County Legislator, District 2	Christopher G. Quinlan	6	01/24/2011 – 12/31/2011	N	4.636
County Legislator, District 3	Robin K. Lattimer	6	01/24/2011 – 12/31/2011	N	6.778

AND BE IT FURTHER RESOLVED, the above list reflects only those elected and appointed officials with terms of office commencing after the August 12, 2009, as stipulated in the new regulation, and not previously reported in Resolution No. 105-10 and Resolution No. 011-11, duly adopted by the Steuben County Legislature on June 28, 2010, and

January 24, 2011, respectively; and filed with the New York State Comptroller on July 30, 2010, and March 11, 2011, respectively; and be it further

RESOLVED, elected and appointed officials who are not members of the State Retirement System are not subject to the provisions of this law; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer, the Personnel Officer and the New York State Comptroller.

Vote: Roll Call – Adopted.

Majority Leader Creath called for a Republican Caucus and invited the lone Democrat to attend the caucus.

Motion to Adjourn into a Republican Caucus made by Mr. McAllister, seconded by Mr. Van Etten and duly carried.

Chairman Hauryski reconvened the meeting of the Legislature.

A M E N D E D

RESOLUTION NO. 094-11

Introduced by P. McAllister. Seconded by S. Van Etten.

ADOPTING A GRADUAL HEALTH INSURANCE CO-PAY INCREASE PROPOSAL FOR COUNTY LEGISLATORS USING A 5% INCREASE EACH YEAR FOR THE NEXT FOUR YEARS.

WHEREAS, the Administration Committee has been examining Health Insurance Benefits of County Legislators; and

WHEREAS, the Administration Committee is recommending a gradual increase in co-payments for County Legislators of 5% for each of the next 4 years; and

WHEREAS, such increase would raise the co-payment from 10% to 15% for 2012, 20% for 2013, 25% for 2014 and 30% for 2015.

NOW THEREFORE, BE IT

RESOLVED, that the co-payment for County Legislators health insurance increase as follows:

2011 – 10%
2012 – 15%
2013 – 20%
2014 – 25%
2015 – 30%

AND BE IT FURTHER RESOLVED, that the co-payment shall be the same regardless of whether coverage is single or family; and be it further

RESOLVED, the increases shall commence with the first pay period of 2012 and each year thereafter; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Treasurer, County Personnel Officer, and each County Legislator.

Motion to amend Resolution No. 094-11 to change the percentage increase from 10% to 5% over the next four years made by Mr. McAllister. Seconded by Mr. Crossett. Vote: Yes – 6987, No – 2885 (Ms. Lattimer, Mr. Roush, Mr. Ran, Mr. Van Etten and Mr. Weaver opposed).

Mr. Weaver stated that he feels this is a bad precedent. We are asking others to make cuts, although we are unwilling to.

Vote: Roll Call – Adopted.
Yes – 8828, No – 1044 (Mr. Ryan and Mr. Weaver opposed)

RESOLUTION NO. 095-11

Introduced by P. McAllister/L. Crossett. Seconded by C. Quinlan.

AUTHORIZING THE ACCEPTANCE OF CAPACITY PAYMENTS FROM ENERGY CURTAILMENT SPECIALISTS, INC. AND APPROPRIATING THE REVENUE.

WHEREAS, Steuben County entered into an agreement with Energy Curtailment Specialists, Inc. in June 2010 for the "PowerPay! New York" program, where County-owned facilities reduce electricity use when called upon by ECS, Inc.; and

WHEREAS, Steuben County receives capacity payments after each "event" called by ECS, Inc. as compensation for electricity actually reduced; and

WHEREAS, Steuben County has received $742.51 in capacity payment for the winter 2010-11 event called by ECS, Inc.; and

WHEREAS, Steuben County has previously established an Energy Conservation Capital Project to fund energy conservation measures, which is consistent with the goals of the effort with ECS, Inc.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is authorized and directed to accept payment of $742.51 from ECS, Inc. and appropriate the funds to the Energy Conservation Project (HB010-HB0110); and be it further

RESOLVED, all future payments from ECS, Inc. shall also be appropriated to the Energy Conservation Project (HB010-HB0110); and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 096-11

Introduced by P. McAllister. Seconded by G. Roush.

EXTENDING THE DATE FOR EARLY RETIREMENT INCENTIVE FROM SEPTEMBER 15, 2011 TO OCTOBER 31, 2011.

WHEREAS, several employees have requested an extension of the date for early retirement from September 15, 2011 to October 31, 2011; and

WHEREAS, provided notice is given by October 3, 2011 and employees are off payroll on or before October 31, 2011 there will be adequate time for inclusion in the 2012 budget.

NOW THEREFORE, BE IT

RESOLVED, that the date for early retirement is extended from September 15, 2011 to October 31, 2011; and be it further

RESOLVED, that employees must notify and file the appropriate documents with the Personnel Office on or after October 3, 2011; and be it further

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

Mr. Swackhamer asked how many additional people will you get by extending the date? Mr. Alger replied four.

Mrs. Ferratella asked is moving the original date a matter of convenience? Mr. Alger replied it is a matter of convenience so that we would still have the information we need for the budget. Extending the date does not impact that, and will allow an additional four people to retire

Vote: Roll Call – Adopted.

RESOLUTION NO. 097-11

Introduced by J. Hauryski. Seconded by C. Quinlan.

MEMORIALIZING THE GOVERNOR AND NEW YORK STATE LEGISLATURE IN SUPPORT OF ASSEMBLY BILL #8453/SENATE BILL #5787.

WHEREAS, the Governor and New York State Legislature have enacted a property tax cap without substantive mandate relief; and

WHEREAS, the Medicaid mandate represents the largest State single mandate on Counties in New York State; and

WHEREAS, Steuben County and New York State Association of Counties have advocated a complete takeover of the Medicaid mandate by the State of New York; and

WHEREAS, Assembly Bill #8453/Senate Bill #5787 is a first step toward eliminating the Medicaid burden placed upon the real property taxpayers of New York State; and

WHEREAS, the Medicaid program is projected to increase $165 Million in 2012; and

WHEREAS, the $7.5 Billion local share of Medicaid paid by real property taxes should be a state expense as it is in the other 49 states of the United States; and

WHEREAS, this 7.5 Billion represents a State Property Tax attributing directly to the Governor and New York State Legislature; not County Government.

NOW, THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature urges the full assumption of Medicaid by the State of New York; and be it further

RESOLVED, that the enactment of Assembly Bill #8453/Senate Bill #5787 would be a first step in the State takeover; and be it further

RESOLVED, the Steuben County Legislature urges the New York State Legislature and Governor to approve this legislation as an immediate mandate relief measure in response to the enactment of the property tax cap followed by a complete takeover of the Medicaid Mandate; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248 and New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207.

Mr. McAllister asked he assumes this bill before the Senate and Assembly is for the State to takeover Medicaid? Mr. Alger replied no. This is the first step toward a complete takeover of Medicaid. This is an amendment to the property tax cap bill and it has generated a great deal of discussion.

Vote: Acclamation – Adopted.

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

REGULAR MEETING
Morning Session
Monday, July 25, 2011
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 25th day of July, 2011, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members present except Legislator Roush.

Mrs. Ferratella provided the Invocation and Mr. Hanna led the Pledge of Allegiance.

Chairman Hauryski asked Jeffrey Mitchell to come forward. Mr. Mitchell is an employee in the Probation Department. He presented him with a Certificate of Appreciation and a pin in recognition of his 10 years of service to Steuben County.

Chairman Hauryski asked Gregory Lake to come forward. Mr. Lake is an employee in the Probation Department. He presented him with a Certificate of Appreciation and a pin in recognition of his 10 years of service to Steuben County.

Chairman Hauryski asked Captain Keith Barrett to come forward. Captain Barrett is an employee in the Sheriff's Department. He presented him with a Certificate of Appreciation and a plaque in recognition of his retirement from Steuben County with 25 years of service. ***CONGRATULATIONS!***

Sheriff Ordway stated that Captain Barrett's last official day will be Friday. He has over 34 years of service in the retirement system. He began his service in 1986 as a part-time Corrections Officer. He was hired as a full-time Corrections Officer in 1987. In 1997 he was promoted to Lieutenant and again promoted in 1998 to Captain and worked as the Assistant Jail Administrator. Throughout his career, Captain Barrett has been a stable, rational leader. He has been instrumental in keeping the facility on task. We will miss his presence and his leadership.

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

Beth Miller, Wheeler, stated that she is here to speak about the County accepting drill cuttings into the Landfill. Last month at the Public Works Committee meeting, Bill Weber of Pulteney made the point that only one-third of the cuttings would actually be from the Marcellus Shale. If I gave you a glass of water and said that only one-third of it was radioactive, would you drink it? Economics is a driving issue for why we would want to bring in hazardous waste. The current rate for garbage is $40.00 per ton. Right now the price for the cuttings would be $30.00 per ton and may go lower. You are charging less for hazardous material which will cost us more. We will need to purchase monitors, masks and conduct more testing, not including additional costs for possibility liability. It has also been reported that the Allegany County Landfill, which is current accepting drill cuttings, has seen a decrease in methane production as the cuttings are affecting the bacteria. By taking in thousands of tons of cuttings, that would necessitate us opening a new cell at the Landfill. The cost to do that would be $6 million. Why do we want to pay that cost sooner than later? Hydrofracking has not yet been approved in New York State. We need you to serve us and study this. We cannot rush into this.

Gretchen Schaffer, Wheeler, stated that she grew up in Syracuse. The town of Marcellus is a suburb of Syracuse and is called that because that is where the shale outcrop is. They have very high amounts of radioactivity and have to conduct regular radon tests. There is an Iroquois saying that says in every determination you must consider the impact of the next seven generations. We don't know the effect of this. Please don't accept the cuttings.

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

Sheriff Ordway stated that he would like to present commendations to Officer Snyder, Officer Lawson and Nurse Osborne. On July 13, 2011, an inmate was brought to the Jail and was one of six individuals being processed. One of the officers heard abnormal snoring, checked on the inmate and he was unresponsive. The inmate was resuscitated and transported to Ira Davenport Hospital where it was discovered that he had ingested a Phenotol patch. Without the intervention of these two officers and Nurse Osborne, this inmate would not have survived. He commended them for their calmness during a stressful event.

Motion approving the minutes from the previous meeting(s) made by Mr. Ryan, seconded by Mr. McAllister and duly carried.

RESOLUTION NO. 098-11

Introduced by L. Crossett. Seconded by S. Van Etten.

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

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

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

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

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

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

SCHEDULE "A"

Resolution No.	A-1	Resolution No.	A-2
Name	Anthony J & Starlene M Kuczynski	Name	Dean & Darlene Rawleigh
Parcel No.	391.00-01-016.111	Parcel No.	159.05-02-002.000
Municipality	Caton Town	Municipality	Bath Village
Disposition	Refund	Disposition	Correction Denied

Resolution No.	A-3
Name	Randy & Michelle K Blake
Parcel No.	391.00-01-015.000
Municipality	Caton Town
Disposition	Correction Denied

SCHEDULE "B"

Resolution No.	B-1
Former Owner	Michael L Montiero & Melissa Denison
In Rem Index No.	104021, 2009 sale
Parcel No.	256.13-01-023.000
Municipality	Cameron Town
Grantee(s)	Michael L Montiero & Melissa Denison
Grantee(s) Address	702C S Main St, Horseheads, NY 14845
Consideration	$5,764.95, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-2
Former Owner	Marilyn R Allyn & Rexford Woodhouse
In Rem Index No.	104021, 2009 sale
Parcel No.	352.00-01-031.200
Municipality	Erwin Town
Grantee(s)	Marilyn R Allyn & Rexford Woodhouse
Grantee(s) Address	2019 Scott Rd, Lindley, NY 14858
Consideration	$7,795.00, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-3
Former Owner	Jason Ross
In Rem Index No.	104021, 2009 sale
Parcel No.	127.00-01-035.220
Municipality	Avoca Town
Grantee(s)	Jason Ross
Grantee(s) Address	8052 Bauter Rd, Avoca, NY 14809
Consideration	$2,377.65, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-4
Former Owner	George M Drozda Estate
In Rem Index No.	101381, 2008 sale
Parcel No.	174.00-01-027.000
Municipality	Bath Town
Grantee(s)	George M Drozda Estate
Grantee(s) Address	c/o Sandra Kline, 98 W 3rd St, Apt 201, Corning, NY 14830
Consideration	$6,754.85, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-5
Former Owner	Richard Elliott & Faith Elliott
In Rem Index No.	104021, 2009 sale
Parcel No.	373.00-01-071.000
Municipality	Caton Town
Grantee(s)	Richard Elliott & Faith Elliott
Grantee(s) Address	PO Box 4406, Elmira, NY 14904
Consideration	$935.53, together with $310.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-6
Former Owner	Loraine M Sanderson
In Rem Index No.	104021, 2009 sale
Parcel No.	042.20-01-002.000
Municipality	Cohocton Village
Grantee(s)	Loraine M Sanderson
Grantee(s) Address	16 N Dansville St, Cohocton, NY 14826
Consideration	$5,864.78, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-7
Former Owner	Bret Paige & Bart A Paige
In Rem Index No.	101381, 2008 sale
Parcel No.	042.20-01-014.000
Municipality	Cohocton Village
Grantee(s)	Bret Paige & Bart A Paige
Grantee(s) Address	89 Maple Ave, Cohocton, NY 14826
Consideration	$9,596.96, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-8
Former Owner	Keith A Scorza & Kerry M Scorza
In Rem Index No.	104021, 2009 sale
Parcel No.	317.12-02-083.000
Municipality	Corning City
Grantee(s)	Keith A Scorza & Kerry M Scorza
Grantee(s) Address	740 Hoosick Rd #4214, Troy, NY 12180-6679
Consideration	$12,408.73, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-9
Former Owner	James Fox
In Rem Index No.	98375, 2007 sale
Parcel No.	Dansville Town
Municipality	025.00-01-031.120
Grantee(s)	James Fox
Grantee(s) Address	10739 Sandy Hill Rd, Dansville, NY 14437
Consideration	$6,187.19, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-10
Former Owner	Dragon Arch Inc
In Rem Index No.	104021, 2009 sale
Parcel No.	040.00-01-010.200
Municipality	Dansville Town
Grantee(s)	Dragon Arch Inc
Grantee(s) Address	300 E 56th St, Apt 8L, New York, NY 10022-4137
Consideration	$2,146.98, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-11
Former Owner	Stephen Washburn & Cynthia Washburn
In Rem Index No.	101381, 2008 sale
Parcel No.	067.00-01-010.200
Municipality	Dansville Town
Grantee(s)	Stephen Washburn & Cynthia Washburn
Grantee(s) Address	2371 Co Rd 50, Wayland, NY 14572
Consideration	$8,221.63, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-12
Former Owner	Steven T Olix
In Rem Index No.	104021, 2009 sale
Parcel No.	137.00-01-007.200
Municipality	Hornellsville Town
Grantee(s)	Steven T Olix
Grantee(s) Address	7157 Hungry Hollow Rd, Hornell, NY 14843
Consideration	$1,525.95, together with $310.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-13
Former Owner	Camelot Properties LLC
In Rem Index No.	104021, 2009 sale
Parcel No.	151.63-01-043.000
Municipality	Hornell City
Grantee(s)	Camelot Properties LLC
Grantee(s) Address	20 Ransom St, Hornell, NY 14843
Consideration	$7,548.59, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-14
Former Owner	Allen Retherford & Matthew A Retherford
In Rem Index No.	104021, 2009 sale
Parcel No.	416.00-01-010.330
Municipality	Troupsburg Town
Grantee(s)	Allen Retherford & Matthew A Retherford
Grantee(s) Address	3525 Market St, Camp Hill, PA 17011
Consideration	$1,491.99, together with $310.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-15
Former Owner	Moes Karting World Inc
In Rem Index No.	104021, 2009 sale
Parcel No.	366.00-01-019.120
Municipality	Tuscarora Town
Grantee(s)	Moes Karting World Inc
Grantee(s) Address	7441 S Addison Rd, Addison, NY 14801
Consideration	$6,369.41, together with $310.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-16
Former Owner	Delbert L Buckley & Lawrence Buckley
In Rem Index No.	104021, 2009 sale
Parcel No.	404.00-01-010.112
Municipality	Tuscarora Town
Grantee(s)	Delbert L Buckley & Lawrence Buckley
Grantee(s) Address	405 Townline Rd, Lindley, NY 14858
Consideration	$11,642.36, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-17
Former Owner	Clarke E Niziol
In Rem Index No.	104021, 2009 sale
Parcel No.	078.00-01-001.116
Municipality	Wayne Town
Grantee(s)	Clarke E Niziol
Grantee(s) Address	1542 Greenwood Lake Turnpike, Hewitt, NJ 07421
Consideration	$3,307.45, together with $310.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-18
Former Owner	Clarke E Niziol
In Rem Index No.	104021, 2009 sale
Parcel No.	078.00-01-038.100
Municipality	Wayne Town
Grantee(s)	Clarke E Niziol
Grantee(s) Address	1542 Greenwood Lake Turnpike, Hewitt, NJ 07421
Consideration	$2,280.28, together with $310.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-19
Former Owner	Lisa J Rosenkrans
In Rem Index No.	98375, 2007 sale
Parcel No.	119.00-03-005.000
Municipality	Wayne Town
Grantee(s)	Lisa J Rosenkrans
Grantee(s) Address	9260 Fleet Rd, Hammondsport, NY 14840
Consideration	$40,899.15, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-20
Former Owner	Roy Schoener & Darla D Schoener
In Rem Index No.	101381, 2008 sale
Parcel No.	075.00-01-020.118
Municipality	Wheeler Town
Grantee(s)	Roy Schoener & Darla D Schoener
Grantee(s) Address	7445 Bean Station Rd, Apt 301, Hammondsport, NY 14840
Consideration	$9,693.06, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-21
Former Owner	Edda F Garcia-Martinez
In Rem Index No.	104021, 2009 sale
Parcel No.	086.00-01-032.200
Municipality	Wheeler Town
Grantee(s)	Edda F Garcia-Martinez
Grantee(s) Address	4 St Jude Dr, Cohocton, NY 14826
Consideration	$5,371.88, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-22
Former Owner	John A Francher
In Rem Index No.	98375, 2007 sale
Parcel No.	159.13-02-055.000
Municipality	Bath Village
Grantee(s)	John A Francher
Grantee(s) Address	46 Cortland St, Homer, NY 13077-1506
Consideration	$28,680.69, together with $310.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-23
Former Owner	William Odell & Terry Odell
In Rem Index No.	101381, 2008 sale
Parcel No.	252.00-01-045.000
Municipality	Canisteo Town
Grantee(s)	William Odell & Terry Odell
Grantee(s) Address	4220 SR 36, Canisteo, NY 14823
Consideration	$2,910.05, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-24
Former Owner	Joycelyn N Bergantino & William G Nagy
In Rem Index No.	104021, 2009 sale
Parcel No.	355.00-01-021.000
Municipality	Corning Town
Grantee(s)	Joycelyn N Bergantino & William G Nagy
Grantee(s) Address	504 Ekahi Way, Kihei, HI 96753
Consideration	$2,942.84, together with $310.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-25
Former Owner	Steven T Olix
In Rem Index No.	104021, 2009 sale
Parcel No.	137.00-01-007.100
Municipality	Hornellsville Town
Grantee(s)	Steven T Olix
Grantee(s) Address	7157 Hungry Hollow Rd, Hornell, NY 14843
Consideration	$1,383.25, together with $310.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-26
Former Owner	Thomas R Keegan Jr
In Rem Index No.	90918, 2004 sale
Parcel No.	206.00-03-011.000
Municipality	Campbell Town
Grantee(s)	Thomas R Keegan Jr
Grantee(s) Address	5593 Wolf Run Rd, Campbell, NY 14821
Consideration	$16,882.28, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-27
Former Owner	Reginald Evans II & Vicki Evans
In Rem Index No.	98375, 2007 sale
Parcel No.	166.11-02-057.000
Municipality	Hornell City
Grantee(s)	Reginald Evans II & Vicki Evans
Grantee(s) Address	56 Tuttle St, Hornell, NY 14843
Consideration	$1,496.33, together with $310.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-28
Former Owner	Lewis Shaffer Sr & Linda Shaffer
In Rem Index No.	104021, 2009 sale
Parcel No.	227.00-02-031.000
Municipality	Hornby Town
Grantee(s)	Lewis Shaffer Sr & Linda Shaffer
Grantee(s) Address	PO Box 237, Fishs Eddy, NY 13774
Consideration	$1,018.50, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Vote: Roll Call – Adopted.

RESOLUTION NO. 099-11

Introduced by J. Hauryski. Seconded by D. Creath.

RECEIVING AND ACCEPTING THE JULY 25, 2011 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:

Proclamation Issued:

- Declaring the week of July 18, 2011 as Cohocton Volunteer Fire Department Week in Steuben County.

June 17, 2011

Harris Beach, PLLC – Re: City of Hornell Industrial Development Agency and Federation Lofts LLC, distribution of PILOT agreement and RP-412-a. ***Referred to: Finance and Administration Committees; Patrick Donnelly, County Treasurer; Wendy Flaitz, RPTSA Director; and Alan Reed, County Attorney.***

June 24, 2011

NYS Homes & Community Renewal – Re: Request for the Project Status Report on the New York State Community Development Block Grant Project #1115HR4-09. ***Referred to: Amy Dlugos, Planning Director.***

NYS Homes & Community Renewal – Re: Request for the Project Status Report on the New York State Community Development Block Grant Project#1115HR108-10. ***Referred to: Amy Dlugos, Planning Director.***

July 5, 2011

Western Regional Off-Track Betting Corporation – Re: Check in the amount of $6,199 which represents the May 2011 retained surcharge revenue for Steuben County. ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

Regional Economic Development & Energy Corporation/REDEC Relending Corporation – Re: Request of an allocation of $12,000 in the 2012 budget, with similar commitments for 2013 and 2014 budgets. ***Referred to: A.I.P. Committee; Finance Committee; and Amy Dlugos, Planning Director.***

County of Fulton – Re: Copy of an article in the Leader Herald on why we have to get the truth out about mandates to our constituents. ***Referred to: Steuben County Legislature.***

Dominion Resources Services, Inc. – Re: Information to landowners affected by the Woodhull Storage Pool Boundary Project #CP11-493-000. ***Referred to: Amy Dlugos, Planning Director.***

New York State Association of Counties – Re: Rebasing and the related mitigation plan in the enacted State budget and Intergovernmental Transfers. ***Referred to: Finance Committee; Human Services/Health & Education Committee; and David McCarroll, HCF Administrator.***

July 7, 2011

NYS Department of State – Re: Notification of the 1.1% reduction to the Local Enhanced Wireless 911 Program. ***Referred to: Public Safety & Corrections Committee; and Dave Hopkins, 911 Director.***

Dominion Resources Services, Inc. – Re: An open house is scheduled on Wednesday, July 20th 2011 at the Woodhull Fire Department located on 5193 West Main Street in Woodhull, New York to discuss the Woodhull Storage Pool Boundary Project from 6:00pm-8:00pm. ***Referred to: Amy Dlugos, Planning Director.***

July 8, 2011

NYS Office for the Aging – Re: Notification of approval for the State Aid under the New York State Long Term Care Ombudsman Program (LTCOP) Support Agreement for the program year beginning 04/01/2011- 03/31/2012 and the Older Americans Act (OAA) Title VII program for the period of 01/01/2011 - 12/31/2011. ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

July 11, 2011
NYS Office for the Aging – Re: Second Notification of Grant Award (NGA) for the federal fiscal year 2011 (FFY 2011) Nutrition Services Incentive Program (NSIP). ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

NYS Homes & Community Renewal – Re: Comprehensive Monitoring Report for the NYS CDBG Project #1115HR22-08. ***Referred to: Amy Dlugos, Planning Director.***

Federal Energy Regulatory Commission – Re: Notice of intent to prepare an environmental assessment for the proposed Woodhull storage pool boundary project and request for comments on environmental issues. ***Referred to: Amy Dlugos, Planning Director; and Shawn Corey, Deputy County Attorney.***

July 12, 2011
United States Senate – Re: Notification of the National Endowment for the Humanities (NEH) is currently accepting applications for funding under the America's Historical and Cultural Organizations: Planning and Implementation Grants Program. All applications must be submitted via Grants.gov and are due August 17, 2011. ***Referred to: Twila O'Dell, Historian.***

United States Senate – Re: Notification of the Institute of Museum and Library Services (IMLS) is currently accepting applications for funding under the 2011 Museums for America Grant Program. All applications must be submitted via the Grants.gov website at www.grants.gov and are due by Tuesday, November 1, 2011. ***Referred to: Twila O'Dell, Historian.***

July 13, 2011
NYS Office of Children & Family Services – Re: Overpayments the Office of Children and Family Services (OCFS) made to Steuben County for detention services. ***Referred to: Kathryn Muller, Commissioner of Social Services; and Patrick Donnelly, County Treasurer.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 100-11

Introduced by L. Crossett. Seconded by B. Schu.

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, 2013, 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, 2013, 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, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, 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, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, 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, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, 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, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, 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, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, 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, 2013.

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, 2013, 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, 2011 and ending November 30, 2013, the County shall annually pay or cause to be paid to the City of Hornell the sum of seven hundred forty thousand dollars ($740,000.00), to the City of Corning the sum of seven hundred forty thousand dollars ($740,000.00), 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, 2011.

Section 8. Certified copies of this resolution shall be forwarded to Patricia Pinto, Esq., New York State Dept. of Taxation and Finance, W.A. Harriman Campus, Albany, NY 12227; Deborah R. Liebman, Esq., Deputy Counsel, New York State Dept. of Taxation and Finance, W. A. Harriman Campus, Building 9, Room 200, Albany, NY 12227; Cesar A. Perales, Secretary of State, Office of the Secretary of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231-0001; Thomas P. DiNapoli, Comptroller, Office of the State Comptroller, 110 State St., Albany, NY 12236; Judith M. Hunter, County Clerk; Mark R. Alger, County Administrator; Patrick F. Donnelly, County Treasurer; and Alan P. Reed, County Attorney.

Mr. Ryan commented this sounds like another tax, so he will be voting no.

Vote: Roll Call – Adopted. (Yes – 8556; No – 593; Absent 723)
(No – Mr. Ryan; Absent – Mr. Roush)

RESOLUTION NO. 101-11

Introduced by Mr. McAllister. Seconded by Mr. Van Etten.

FILING THE REPORT OF THE ADMINISTRATOR OF THE STEUBEN COUNTY WORKERS' COMPENSATION SELF-INSURANCE PLAN AND THE COMMITTEE THEREON IN RELATION TO ESTIMATED COST FOR THE FISCAL YEAR 2012.

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 22, 2011 for the Budget Year 2012.

NOW THEREFORE, BE IT

RESOLVED, that the estimated cost (Budget for 2012), a copy of which is attached hereto, as presented by the Administrator of the Steuben County Self-Insurance Workers' Compensation Plan and by the Administration Committee is received, adopted and ordered to be incorporated into the 2012 Steuben County Budget, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Steuben County Treasurer and the Administrator of the Steuben County Self-Insurance Workers' Compensation Plan.

STEUBEN COUNTY SELF-INSURANCE PLAN
ANNUAL ESTIMATE OF EXPENSES
FISCAL YEAR BEGINNING JANUARY 1, 2012

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, 2012 and ending December 31, 2012, pursuant to Section 67, Paragraph 1 of the Workers' Compensation Law.

APPROPRIATED BUDGET FOR 2012

Account	Account Title	2011 Budget	2012 Budget
	Estimated Expenditures		
51100000	SALARIES & WAGES	$ 52,000.00	$ 53,296.00
5298090	MACH & EQUIP - MISC	$ -	$ -
5402990	TELEPHONE-CHARGEBACKS	$ 300.00	$ 350.00
5403800	COPYING	$ 110.00	$ 110.00
5404100	MEMBERSHIPS & DUES	$ 100.00	$ 100.00
5405100	POSTAGE	$ 500.00	$ 600.00
5406000	OFFICE SUPPLIES	$ 1,000.00	$ 1,000.00
5407200	TRAINING & CONFERENCES	$ 1,000.00	$ 1,400.00
5407310	SAFETY TRAINING	$ 1,390.00	$ 1,600.00
5410100	INSURANCE	$ 100.00	$ 100.00
5410300	WC MEDICAL BENEFITS	$ 500,000.00	$ 500,000.00
5410310	WORKERS' COMP PAYMENTS	$ 890,000.00	$ 940,000.00
5410320	EXCESS WC	$ 145,000.00	$ 160,000.00
5410331	WCB - VF60	$ 15,000.00	$ 15,000.00
5410332	WCB - VA60	$ 1,000.00	$ 1,000.00
5410335	WCB 151	$ 40,000.00	$ 45,000.00

5410336	WCB 15-8	$ 263,000.00	$ 263,000.00
5410337	WCB 25A	$ 110,000.00	$ 110,000.00
5410338	WCB IDP	$ 15,000.00	$ 17,000.00
5410339	WCB SPECIAL FUND	$ 75,000.00	$ 75,000.00
5410400	AWARDS & BENEFITS(IBNR)	$ 500,000.00	$ 500,000.00
5412970	MAINTENANCE IN LIEU/RENT	$ 1,300.00	$ 2,000.00
5420000	MEDICAL SERVICES	$ 18,000.00	$ 18,000.00
5420050	PHYSICAL-NON EMPLOYEE		
5423310	PROFESSIONAL WITNESS	$ 500.00	$ 1,000.00
5423330	COURT APPEARANCES	$ 55,000.00	$ 55,000.00
5424210	INVESTIGATION EXPENSE	$ 9,500.00	$ 9,500.00
5430190	REHAB FEES	$ 35,000.00	$ 35,000.00
5444400	THIRD PARTY ADMINISTRATOR	$ 61,000.00	$ 55,000.00
5450999	MOTOR POOL CHARGEBACKS\	$ 100.00	$ 100.00
5498000	DEPRECIATION EXPENSE	$ 1,000.00	$ 1,000.00
5499000	OTHER EXPENSES	$ 850.00	$ 850.00
5810000	NYS EMPLOYEES RETIREMENT	$ 5,000.00	$ 8,260.00
5830000	SOCIAL SECURITY	$ 3,950.00	$ 4,077.00
5840000	WORKERS' COMPENSATION	$ 1,800.00	$ 2,665.00
5860000	GROUP MEDICAL INSURANCE	$ 16,500.00	$ 11,580.00
		$ 2,820,000.00	**$ 2,888,588.00**
	Estimated Revenue		
42222000	Participant Fees	$ 2,600,000.00	$ 2,800,000.00
42401000	Interest	$ 10,000.00	$ 4,000.00
42701000	Refund Prior Year Expenses	$ 210,000.00	$ 210,000.00
		$ 2,820,000.00	**$ 3,014,000.00**

Mr. Weaver asked how are we doing with this? Mr. Isaman replied from last year's budget, the 2012 budget has gone up $250,000. Of that, $50,000 has been put into a fund that has been used extensively. He anticipates if things continue as they have, they should finish the year in the black. We have had the same number of claims this year, but they have been less severe. Our 2011 budget was $2.8 million and our budget for 2012 is a little over $3 million. Mr. Isaman commented that they are also trying to build their reserve back up. There have been changes in the Workers' Compensation Law. Beginning July 1, 2011, the average pay has increased from $400 per week to $739 per week. What they did was take the average weekly wage in New York State, which was $1,079, and took 66 2/3 of that. We will need to watch this very carefully and get people back to work sooner. Mr. Isaman stated that they are looking at other alternatives.

Mr. Van Etten commented your goal is build the reserve to $500,000. Were any of these participating municipalities helping to fund the reserve? If they opt out, are they able to claim or cash out their portion of the reserve? Mr. Reed replied that is something that we will have to look at.

Vote: Roll Call – Adopted.

RESOLUTION NO. 102-11

Introduced by P. McAllister. Seconded by G. Swackhamer.

FILING THE TABLE OF APPORTIONMENT RELATIVE TO THE SHARES OF THE PARTICIPATING MEMBERS OF THE STEUBEN COUNTY SELF-INSURANCE WORKERS' COMPENSATION PLAN FOR 2012.

Pursuant to Article 5 of the Workers' Compensation Law of the State of New York.

WHEREAS, on July 25, 2011 this Steuben County Legislature had filed and approved the estimated cost for

Fiscal Year 2012 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 2012, 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 2012 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 2012; and be it further

RESOLVED, that the Administrator of the Self-Insurance Plan shall notify all participating members of their share and payment options and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Steuben County Treasurer, Director of the Steuben County Real Property Tax Service Agency, and 32 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.

2012
TABLE OF APPORTIONMENT

MUNICIPALITY	CLASS	AMOUNT
STEUBEN COUNTY	I	**$ 2,192,748**
ADDISON	I	$ 10,181
AVOCA	I	$ 30,514
BRADFORD	I	$ 9,839
CAMERON	I	$ 15,857
CAMPBELL	I	$ 41,415
CANISTEO	I	$ 14,583
DANSVILLE	I	$ 19,250
FREMONT	I	$ 10,259
GREENWOOD	I	$ 9,255
HARTSVILLE	I	$ 9,617
HORNBY	I	$ 23,059
HORNELLSVILLE	I	$ 14,512
HOWARD	I	$ 20,531
JASPER	I	$ 15,687
LINDLEY	I	$ 12,061
PRATTSBURGH	I	$ 24,450
PULTENEY	I	$ 34,448
THURSTON	I	$ 17,971
TROUPSBURG	I	$ 13,285
TUSCARORA	I	$ 30,758
WEST UNION	I	$ 8,457
WHEELER	I	$ 24,408
WOODHULL	I	$ 20,914
TOWNS TOTAL		**$ 431,311**

ADDISON	I	$	40,944
ARKPORT	I	$	7,376
AVOCA	I	$	6,957
CANISTEO	I	$	34,734
COHOCTON	I	$	17,069
NORTH HORNELL	I	$	7,851
PAINTED POST	I	$	41,525
WAYLAND	I	$	19,483
VILLAGES TOTAL		**$**	**175,939**

Vote: Roll Call – Adopted.

RESOLUTION NO. 103-11

Introduced by R. Nichols. Seconded by C. Ferratella.

AUTHORIZING THE COMMISSIONER OF THE STEUBEN COUNTY DEPARTMENT OF PUBLIC WORKS TO EXECUTE A REVISED SNOW AND ICE AGREEMENT BETWEEN THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND THE COUNTY OF STEUBEN AND TO EXTEND THE AGREEMENT THROUGH THE 2011-2012 SNOW SEASON.

WHEREAS, the New York State Department of Transportation ("NYSDOT") Commissioner and Steuben County (the "Municipality") have entered into an Agreement No.D014728 entitled "Indexed Lump Sum Snow and Ice Agreement between the New York State Department of Transportation and Municipality of County of Steuben", dated January 11, 2006; and

WHEREAS, the term of the said Agreement is for a period of three (3) years commencing July 1, 2005 and the said Agreement provides that the parties may at the end of each year of the term of the Agreement extend such term for an additional year; and

WHEREAS, the present term of the Agreement, as extended, expires June 30, 2011; and

WHEREAS, Section 7 of the said Agreement provides that the NYSDOT Commissioner shall furnish the Municipality with a suitable map for each term of the Agreement, or for any extended term thereof, modified to show the changes, if any, to the State Highways affected by this Agreement; and

WHEREAS, Section 9 of the said Agreement provides for an annual update of the estimated expenditure to be determined by the NYSDOT Commissioner subject to the provisions of Section 9 at the time for extension of the Agreement; and

WHEREAS, Section 9 of the said Agreement also provides for an adjustment to the actual payment amount based on the intensity and severity of the winter season.

NOW THEREFORE, BE IT

RESOLVED, in consideration of the mutual covenants and benefits between the parties,

1. The aforementioned "Indexed Lump Sum Snow and Ice Agreement between New York State Department of Transportation and the Municipality" is hereby extended for a period of one (1) year; now to expire on June 30, 2012, unless further extended.

2. The State Highways or parts thereof affected by this Agreement are as delineated on the attached map, agreed upon by the NYSDOT Commissioner and the Municipality, which shall be effective for the remainder of the

term of the Agreement commencing July 1, 2011, unless changed by future agreement between the NYSDOT Commissioner and the Municipality.

3. All the terms and conditions of the original contract remain in effect except as follows. The indexed lump sum estimated expenditure specified in Section 9 of the aforementioned Agreement shall be $3,771.77 per lane mile for 213.54 lane miles for a total of $805,423.77 for the 2009/2010 season and for the remainder of the term of the Agreement commencing July 1, 2009, unless changed by future update.

AND BE IT FURTHER RESOLVED, seven (7) certified copies of this resolution shall be forwarded to the Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 104-11

Introduced by R. Nichols. Seconded by R. Weaver.

AUTHORIZING THE CONTINUED INSTALLATION OF THE LANDFILL GAS COLLECTION PROJECT (THE "PROJECT") AT THE COUNTY'S LANDFILL IN THE TOWN OF BATH (THE "LANDFILL") AND THE SALE OF THE CARBON CREDITS BY THE COMMISSIONER OF PUBLIC WORKS.

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 requirement 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 will continue to make the investment in equipment and installation in the landfill gas collection 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, 255,000 tons (Mg CO_2e/yr) of greenhouse gases ("GHG") are expected to be generated over the next 3 years. (See chart.)

Year	**Anticipated Level of GHG Reductions in Tons Mg CO_2e/yr**	**Anticipated Revenues from the Sale of GHG Emission Reductions @ $4.75 per ton**	**Anticipated Investment on an Annual Basis**
2012	80,000	$380,000	**$85,200**
2013	85,000	$399,500	**$89,500**
2014	90,000	$427,500	**$94,000**

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, 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 Commissioner of Public Works be, and the same hereby is, authorized and directed to sell to Google Inc. the above referenced carbon credits; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Vincent Spagnoletti, Commissioner of Public Works; Denise Farrell, Environmental Capital LLC, 110 West 40th Street, Suite 1804, New York, NY 10018; and Kevin E. Voorhees, Barton & Loguidice, P.C., 290 Elwood Davis Road, Box 3107, Syracuse, NY 13220.

Vote: Roll Call – Adopted.

RESOLUTION NO. 105-11

Introduced by B. Schu/L. Crossett. Seconded by S. Van Etten.

AUTHORIZING THE TRANSFER OF $18,850 FROM THE CONTINGENCY FUND TO THE 911 CAPITAL PROJECT FOR THE IMPLEMENTATION OF A PERMANENT BYPASS FOR THE UPS/ELECTRICAL SYSTEM.

WHEREAS, the Steuben County E911 Center has discovered a single point of failure within the design of the UPS/Electrical System at the 911 Center and identified a corrective action plan; and

WHEREAS, said corrective action plan has an associated cost not to exceed the price of $18,850 to eliminate said single point of failure.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby approves the transfer of $18,850 from the Contingency Fund to the 911 Capital Project H22003020H3 for the implementation of a permanent bypass of this single point of failure; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Treasurer and the 911 Director.

Mr. Ryan asked how long was this in place before we realized we had a problem? Mr. Hopkins replied we had conversations regarding this during construction, back in 2000 – 2001. Mr. Ryan asked we were aware of the potential failure? Mr. Hopkins replied this is a single point of failure and in our profession that is an unacceptable risk. We had believed, after the initial failure, that we had implemented a solution. Mr. Ryan asked is there a process in place to evaluate these systems? Mr. Hopkins replied we look at our systems every day. It is critical that we not have our center affected by anything.

Mr. Alger explained one of the reasons we didn't do this initially is that this allows you to bypass the safety system and bring direct power from the power company. There is a risk associated with doing that. The electricity that comes through the line is not conditioned perfectly. Initially, we thought it was too much risk to assume and the decision was if it failed to go to the alternative site. Since this happened a couple of times, we have decided for the short-term, that we should take that risk. It wasn't that we didn't know, it was that initially we didn't think it was worth the risk. Now we are determining that it is worth the risk. At no time are we recommending doing this for an extended period of time. We would only do this in the event of a failure. Mr. Alger stated it is a permanent fix, as they will throw the switch and we will get outside power. We will still have to fix the UPS as quickly as we can. That is the risk. He explained this is similar to not having a surge protector with a computer. This is a big system. If something happens to the UPS, this will allow you to bypass that and go to unconditioned power. Currently all you can do now is abandon the site.

Mr. Van Etten asked if you are on unconditioned power and have a spike, does that void the warranty on any of our equipment? Mr. Hopkins replied during the last episode, we did incur damage to our server and worksites. The manufacturer and the vendor made good on that.

Mrs. Ferratella asked with a typical failure, what is the down time? Mr. Hopkins replied the last failure we were at the backup site for 4 ½ hours. It is an awkward position to have to go to the backup site. Fortunately, when these episodes have occurred, it has been during the middle of the night.

Vote: Roll Call – Adopted.

RESOLUTION NO. 106-11

Introduced by B. Schu/L. Crossett. Seconded by Mr. Van Etten.

AUTHORIZING AN AGREEMENT WITH PICTOMETRY FOR AN UPDATED OBLIQUE IMAGERY OF THE COUNTY.

WHEREAS, it is the recommendation of the Public Safety and Corrections Committee and the Finance Committee to enter into a renewed contractual agreement with Pictometry for an updated oblique imagery to be created during a County wide flight in the spring of 2012 based on the quotation presented in the amount of $318,000; and

WHEREAS, it is desirable to continue the availability of up to date images of the County for various purposes in addition to 911 dispatching, including use by town and city assessors, law enforcement officers, and fire and emergency services officials.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby authorizes the County Administrator to execute an agreement with Pictometry for updating the oblique imagery of the County, not to exceed $318,000 with an annual payment plan commencing in 2012 for the services as outlined in the agreement; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the 911 Director and the Steuben County Treasurer.

Mr. Swackhamer stated that he is not sure that we want to start adding more costs to the project. Right now, we do this when we need to do it. With the assessors, we will be more obligated to do this. We are adding another cost to the budget. He stated that he is not in favor of going forward with this.

Mr. Van Etten stated that currently they have $70,000 in the budget each year to support this. The incremental $30,000 gives us up-to-date information for all of our departments to use, but also provides the assessors with up-to-date information. He stated that he is in favor of spending the money if we can help all of our departments and the towns.

Mr. Hanna asked what other benefits we will get in the future? Will there be any benefit of this with drilling? Mr. Alger replied that with regard to the gas drilling, as they do the flyovers, you will have the locations of the wells. This particular proposal is to do a refly, most probably in the spring. You will have information that will be very useful from our standpoint, as well as for the gas drilling companies.

Mr. Ryan asked is this in addition to the system we already have or is this a new system? Mr. Alger replied this is an upgrade of the current data you already have.

Mr. Van Etten commented anything that has happened in the last three years we do not have.

Mr. Swackhamer asked they will do a refly every three years? Mr. Alger replied this is a complete new flyover and they will do the entire County. Discussion followed.

<u>Vote</u>: Roll Call – Adopted. (Yes – 8093; No – 1056; Absent – 723)
(No – Mr. Crossett & Mr. Swackhamer; Absent – Mr. Roush)

RESOLUTION NO. 107-11

Introduced by B. Schu/L. Crossett. Seconded by R. Nichols.

APPROVING A CONTRACT WITH AK ASSOCIATES FOR THE INSTALLATION OF A SOLACOM VOIP BASED E911 TELEPHONY SYSTEM.

WHEREAS, it is the recommendation of the Public Safety and Corrections and Finance Committees to enter into a purchase agreement with AK Associates for the procurement and installation of a Solacom VOIP based E911 telephony solution; and

WHEREAS the AK Associates proposal was the lowest proposal submitted; and

WHEREAS, the solution includes maintenance for a 5 year period, with an option for a second five year period; and

WHEREAS, the CADD System selected last fall will also be supported for a ten year life with maintenance and upgrades throughout the ten year period; and

WHEREAS, it is desirable to have the telephony and CADD systems in place for the next ten year term.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature authorizes the Steuben County Administrator to execute the necessary contracts to facilitate the implementation of the Telephony Replacement Project; and be it further

RESOLVED, that the Steuben County Legislature hereby authorizes the use of E911 Capital Project funds in the amount of $498,132.00 and a transfer of $122,133.00 from the old Health Care Facility Renovation Project to the E911 Capital Project to fund this Project; and be it further

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to make the necessary budget adjustments and transfers; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the E911 Director, Steuben County Treasurer, and County Administrator.

Mr. Weaver asked is the $100,000 the first year maintenance? Mr. Alger replied the maintenance is spread over ten years and you are paying up front, the first installment of that. You are paying the software upgrade and maintenance every year.

<u>Vote</u>: Roll Call – Adopted. (Yes – 8105; No – 1044; Absent – 723)
(No – Mr. Ryan & Mr. Weaver; Absent – Mr. Roush)

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

REGULAR MEETING
Morning Session
Monday, August 22, 2011
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on the 22nd day of August, 2011, and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members present except Legislators Creath and McAllister.

Mr. Swackhamer provided the Invocation and Mrs. Ferratella led the Pledge of Allegiance.

Chairman Hauryski asked Emmett Graham to come forward. Mr. Graham is an employee at the Steuben County Jail. He presented him with a Certificate of Appreciation in recognition of his 30 years of service to Steuben County.

Chairman Hauryski asked Vicki Burton to come forward. Ms. Burton is an employee at the Steuben County Jail. He presented her with a Certificate of Appreciation in recognition of her 30 years of service to Steuben County.

Chairman Hauryski opened the floor to comments by members of the public. There being none, he declared the opportunity for public comment closed.

Shirley Magãna, President and COO of Corning Hospital, stated that she is here today to present a brief overview of their proposal to build a new hospital. She stated the current facility is old, however, that does not interfere with our quality of service. We are the No. 6 rated hospital in New York State; out of 175 hospitals and we are very proud of that. We also have been nationally certified by the joint commission and go through an accreditation process every three years.

Ms. Magãna stated the new hospital will look smaller. Currently we are licensed for 90 beds; however, with our new Certificate of Need, we have asked to be taken down to 65 beds. Annually, we have 16,000 patient days, with 5,000 admissions. Our average daily census is 42. Annually there are 7,000 surgical patients, of which 10 percent are inpatient. Our hospital has 100 doctors on staff and 640 employees. The average tenure is 15 years. Ms. Magãna stated we have been in a partnership with Guthrie since 1999 and they have been a wonderful resource for us.

Ms. Magãna commented you may ask why do we need a new hospital? The nature of care has changed over the years. Currently, two-thirds of our rooms are semi-private and in our new hospital all of the rooms will be private. We also need more space for updated technology. The new hospital will have 250,000 square feet and the Cancer Treatment Center will be located on campus. A new hospital will be an economic boom to our area. This is the second hospital to be built in New York State in the past twenty years. We expect that this project will bring in 300 new jobs during construction.

Ms. Magãna stated there will be many challenges ahead. We submitted our Certificate of Need to the NYS Department of Health on July 15, 2011. We are looking to hold a public hearing on November 17, 2011. We could have a potential decision from the State by the end of December. If we don't meet that timeframe, then the dates will be pushed forward two months.

Mr. Swackhamer asked why is the hospital decreasing the number of rooms when the baby boomers are the highest percentage of the population? Ms. Magãna stated we looked at the

numbers and we have the capacity to expand the number of rooms if we need to. We would have liked to have kept the same number of beds, but that is not necessarily what the State wanted.

Mrs. Ferratella asked with the new construction, will you be using green concepts? Ms. Magãna replied yes, that is something that we are currently looking at. We would like to be able to meet the Silver standard and be certified by LEED.

Mr. Van Etten asked will you be using local contractors or large national firms? Ms. Magãna replied we will be extending the bids both locally and nationally.

Mr. Roush commented the hospital in Elmira is planning to fight this. Do you have plans to counter that? Ms. Magãna replied we believe there is room in our area for two healthcare systems. The competition makes us both stronger. She stated she has not received any opposition from Arnot at this time. The window for opposition goes through August 31, 2011.

Mr. Quinlan stated there were some concerns with the City leaders. How were those concerns resolved? Ms. Magãna stated they were disappointed we were moving out of the City limits, however, we couldn't find enough property within the City. We have worked with them and they understand why we made the decision we did. We will have a partnership with the City for the development of the property we will be leaving behind. The plan is to demolish it and Guthrie is paying to hire a firm to help us look at economic development with the City.

Mrs. Ferratella stated that one of the concerns is the number of patients that currently get transferred to Pennsylvania. Is that something that will continue in the new hospital? Ms. Magãna replied those patients who are transferred out of Corning will continue to be transferred. The patients that we typically transfer are those who require more tertiary care.

Chairman Hauryski thanked Ms. Magãna for her presentation.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Authorizing and Directing the Steuben County Treasurer to Transfer $750,000 from the "Communications Reserve Fund" to a Capital Project Entitled "Narrowband Communications Project". Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

Motion approving the minutes from the previous month's meeting made by Mr. Van Etten, seconded by Mr. Swackhamer and duly carried.

Ms. Flaitz provided copies of an example of what this year's school tax bill will look like. With the passage of the State budget, they included a cap of the STAR program. They are capping STAR savings at no more than 2 percent of last year's savings. In the past, the statement showed you the total amount due showing the STAR savings. This year on the bill, the STAR exemption will show up as a credit.

Ms. Flaitz stated the tax roll is a permanent record that the school has to keep. That also does not show the STAR savings. You have to do the calculation manually. After doing the calculation, if the amount is above the basic or enhanced capped amount, then the taxpayer is paying the difference. If the amount is below, then there is no impact. It is very confusing this year.

Mr. Van Etten commented the bill that Ms. Flaitz showed him in her office did not add up, but these do. The change on the bill is that you have moved the credit up to the middle of the bill? Ms. Flaitz replied yes.

RESOLUTION NO. 108-11

Introduced by L. Crossett. Seconded by Mr. Van Etten.

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

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

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

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

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

RESOLVED, the Steuben County Treasurer is further authorized and directed to convey those parcels sold at the Delinquent Tax Auction held on July 20, 2011, contained in Schedule "C", and he is further authorized and directed, in the event of a default by the highest bidder by failure to make full payment within thirty (30) days, to convey those parcels to the second highest bidder, and said transfers made pursuant hereto be and the same hereby are ratified; and be it further

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

SCHEDULE "A"

Resolution No.	A-1	Resolution No.	A-2
Name	Dennis & Rosemary Eiffert	Name	Dennis & Rosemary Eiffert
Parcel No.	151.09-01-073.000	Parcel No.	151.09-01-075.100
Municipality	Hornell City	Municipality	Hornell City
Disposition	Correction	Disposition	Correction

SCHEDULE "B"

Resolution No.	B-1
Former Owner	Robert J Buchanan
In Rem Index No.	104021, 2009 sale
Parcel No.	349.08-02-067.000
Municipality	Addison Village
Grantee(s)	Village of Addison
Grantee(s) Address	35 Tuscarora St., Addison, NY 14801
Consideration	$1.00, together with $310.00 recording fees

SCHEDULE "C"

Resolution # C-1
Former Owner: Stiker Donald R
In Rem Index No. 101381, 2008 sale
Date of Tax Sale: July 20, 2011
Parcel #: 331.20-01-026.000
Municipality: Addison Village
Highest Bidder: Kevin J. Harrison
Highest Bidder's Address: 7100 Golfview, Bath, NY 14810
Consideration: $1,000.00, together with buyers premium & recording fees
Second Highest Bidder: None
Second Highest Bidder's Address:

Resolution # C-2
Former Owner: Lindsay Marissa
In Rem Index No. 101381, 2008 sale
Date of Tax Sale: July 20, 2011
Parcel #: 332.18-01-010.000
Municipality: Addison Village
Highest Bidder: Thomas R. Thompson
Highest Bidder's Address: 1896 Acomb Rd., Dansville NY 14437
Consideration: $1,750.00, together with buyers premium & recording fees
Second Highest Bidder: Kevin Harrison
Second Highest Bidder's Address: 7100 Golfview, Bath, NY 14810

Resolution # C-3
Former Owner: Bovee Sharon L
In Rem Index No. 104021, 2009 sale
Date of Tax Sale: July 20, 2011
Parcel #: 349.07-01-023.000
Municipality: Addison Village
Highest Bidder: Buddy & Audrey Padgett
Highest Bidder's Address: 10 Colwell St., Addison, NY 14801
Consideration: $6,000.00, together with buyers premium & recording fees
Second Highest Bidder: Kristoffer R. Mayo
Second Highest Bidder's Address: 3797 Cottage Rd., Addison, NY 14801

Resolution #_____C-4_____
Former Owner: _____Ashraf Ali_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____349.16-01-005.000_____
Municipality:_____Addison Village_____
Highest Bidder: _Kevin J. Harrison_____
Highest Bidder's Address: 7100 Golfview, Bath, NY 14810
Consideration: $1,250.00, together with buyers premium & recording fees
Second Highest Bidder: Barbara A. Towner_____
Second Highest Bidder's Address: PO Box 10, Addison, NY 14801

Resolution #_____C-5_____
Former Owner: _____Pecoraro Lisa M_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____083.00-02-004.200_____
Municipality:_____Avoca Town_____
Highest Bidder: _Thomas & Bernice Simons_____
Highest Bidder's Address: 10997 Beals Rd., Cohocton, NY 14826
Consideration: $3,750.00, together with buyers premium & recording fees
Second Highest Bidder: Monte P. Fairbrother_____
Second Highest Bidder's Address: 8981 Fairbrother Rd., Avoca, NY 14809

Resolution #_____C-6_____
Former Owner: _____JUHI INC_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____099.20-01-085.000_____
Municipality:_____Avoca Village_____
Highest Bidder: _Steven S. Pilgrim_____
Highest Bidder's Address: PO Box 393, Savona, NY 14879
Consideration: $100.00, together with buyers premium & recording fees
Second Highest Bidder: None_____
Second Highest Bidder's Address:_____

Resolution #_____C-7_____
Former Owner: _____Campbell Mark D_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____159.18-02-020.000_____
Municipality:_____Bath Town_____
Highest Bidder: _Kevin J. Harrison_____
Highest Bidder's Address: 7100 Golfview, Bath, NY 14810
Consideration: $9,000.00, together with buyers premium & recording fees
Second Highest Bidder: David Mendez_____
Second Highest Bidder's Address: 7622 Main St.,Box 456, Bradford, NY 14815

Resolution #_____C-8_____
Former Owner: _____Seager Estate Margo T_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____159.13-01-060.000_____
Municipality:_____Bath Village_____
Highest Bidder: _Kevin J. Harrison_____
Highest Bidder's Address: 7100 Golfview, Bath, NY 14810
Consideration: $44,000.00, together with buyers premium & recording fees
Second Highest Bidder: William J. Vonhagn_____
Second Highest Bidder's Address: 408 Haverling St., Bath, NY 14810

Resolution #_____C-9_____
Former Owner: _____Brockway Steven_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____197.00-01-033.000_____
Municipality:_____Canisteo Town_____
Highest Bidder: _Syed Kamal Uddin_____
Highest Bidder's Address: 372 E. Thurston St., Elmira, NY 14901-1245
Consideration: $23,000.00, together with buyers premium & recording fees
Second Highest Bidder: Anthony G. Clark_____
Second Highest Bidder's Address: 1910 W. Shore Rd., Bath, NY 14810

Resolution #_____C-10_____
Former Owner: _____Thomas Ronny C_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____182.19-01-006.000_____
Municipality:_____Canisteo Village_____
Highest Bidder: _Franklin Garrigues_____
Highest Bidder's Address: 1 Glen Ave., Canisteo, NY 14823
Consideration: $3,600.00, together with buyers premium & recording fees
Second Highest Bidder: Jonathan Kendall_____
Second Highest Bidder's Address: 7602 Airport Rd., Hornell, NY 14843

Resolution #_____C-11_____
Former Owner: _____Ackerson Russell D & Remchuck Brandy S
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____197.11-03-027.000_____
Municipality:_____Canisteo Village_____
Highest Bidder: _Jonathan Kendall_____
Highest Bidder's Address: 10 Eagle St., Apt. 1, Mt. Morris, NY 14510
Consideration: $7,500.00, together with buyers premium & recording fees
Second Highest Bidder: Anthony G. Clark_____
Second Highest Bidder's Address: 1910 W. Shore Rd., Bath, NY 14810

Resolution #_____C-12_____
Former Owner: _____Mattison Randall_____
In Rem Index No.98375, 2007 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____197.11-06-012.000_____
Municipality:_____Canisteo Village_____
Highest Bidder: _Anthony G. Clark_____
Highest Bidder's Address: 1910 W. Shore Rd., Bath, NY 14810
Consideration: $3,500.00, together with buyers premium & recording fees
Second Highest Bidder: Charles W. Fink_____
Second Highest Bidder's Address: PO Box 667, Avoca, NY 14809

Resolution #_____C-13_____
Former Owner: _____Brockway Steve_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____197.12-01-040.000_____
Municipality:_____Canisteo Village_____
Highest Bidder: _Kevin J. Harrison_____
Highest Bidder's Address: 7100 Golfview, Bath, NY 14810
Consideration: $25,000.00, together with buyers premium & recording fees
Second Highest Bidder: Allan R. Hansford_____
Second Highest Bidder's Address: 36 State Rte 230, Dundee, NY 14837

Resolution #_____C-14_____
Former Owner: _____Freeland Ronny H_____
In Rem Index No.101381, 2008 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____197.15-01-051.000_____
Municipality:_____Canisteo Village_____
Highest Bidder: _Melissa Horan_____
Highest Bidder's Address: PO Box 382, Arkport, NY 14807
Consideration: $3,250.00, together with buyers premium & recording fees
Second Highest Bidder: Anthony G. Clark_____
Second Highest Bidder's Address: 1910 W. Shore Rd., Bath, NY 14810

Resolution #_____C-15_____
Former Owner: _____Burger Francis A_____
In Rem Index No.98375, 2007 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____371.00-03-010.000_____
Municipality:_____Caton_____
Highest Bidder: _Arbor Realty Corp_____
Highest Bidder's Address: 218 Main St., #384, Setauket, NY 11733
Consideration: $6,200.00, together with buyers premium & recording fees
Second Highest Bidder: David Mendez_____
Second Highest Bidder's Address: 7622 Main St.,Box 456, Bradford, NY 14815

Resolution #_____C-16_____
Former Owner: _____Thomas Robert E & Barbara M
In Rem Index No.98375, 2007 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____390.11-01-052.000_____
Municipality:_____Caton_____
Highest Bidder: _Cavallaro Real Estate LLC_____
Highest Bidder's Address: 1075 Sexton Hlw Rd., Painted Post, NY 14870
Consideration: $500.00, together with buyers premium & recording fees
Second Highest Bidder: Steven Pilgrim_____
Second Highest Bidder's Address: PO Box 393, Savona, NY 14879

Resolution #_____C-17_____
Former Owner: _____Quest Holdings Inc._____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____017.08-01-025.000_____
Municipality:_____Cohocton Town_____
Highest Bidder: _Daniel L. Grinols & Charles W. Fink
Highest Bidder's Address: PO Box 667, Avoca, NY 14809
Consideration: $16,500.00, together with buyers premium & recording fees
Second Highest Bidder: Chad E. Robbins_____
Second Highest Bidder's Address: 5092 Rte 70A, Bath, NY 14810

Resolution #_____C-18_____
Former Owner: _____Jaeger Douglas_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____017.15-01-027.000_____
Municipality:_____Cohocton Town_____
Highest Bidder: _Joy E. Goodsell_____
Highest Bidder's Address: 38 Main St., Savona, NY 14879
Consideration: $5,000.00, together with buyers premium & recording fees
Second Highest Bidder: Daniel L. Grinols__
Second Highest Bidder's Address: 1161 Airport Rd., Hornell, NY 14843

Resolution #_____C-19_____
Former Owner: _____Conard Douglas_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____044.00-01-034.000_____
Municipality:_____Cohocton Town_____
Highest Bidder: _Daniel L. Grinols & Charles W. Fink
Highest Bidder's Address: PO Box 667, Avoca, NY 14809
Consideration: $35,000.00, together with buyers premium & recording fees
Second Highest Bidder: Dale Alan Lane_____
Second Highest Bidder's Address: 1675 Oak Leaf Lane, Penn Yan, NY 14527

Resolution #_____C-20_____
Former Owner: _____Kish Edward W_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____317.11-02-044.000_____
Municipality:_____Corning City_____
Highest Bidder: _Kevin M. & Caryn L. Grover_____
Highest Bidder's Address: 3388 Selewach Rd., Bradford, NY 14815
Consideration: $28,500.00, together with buyers premium & recording fees
Second Highest Bidder: Joseph M. Cavallaro_____
Second Highest Bidder's Address: 1075 Sexton Hlw Rd., Painted Post, NY 14870

Resolution #_____C-21_____
Former Owner: _____Wilson Ronald & Wilson April
In Rem Index No.101381, 2008 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____317.52-01-020.000_____
Municipality:_____Corning City_____
Highest Bidder: _Cavallaro Real Estate LLC_____
Highest Bidder's Address: 1075 Sexton Hlw Rd., Painted Post, NY 14870
Consideration: $20,500.00, together with buyers premium & recording fees
Second Highest Bidder: Allan R. Hansford_____
Second Highest Bidder's Address: 36 State Rt 230, Dundee, NY 14837

Resolution #_____C-22_____
Former Owner: _____Yokich Patricia A_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____318.13-02-011.000_____
Municipality:_____Corning City_____
Highest Bidder: _James C. Santilli_____
Highest Bidder's Address: 268 W. First St., Corning, NY 14830
Consideration: $43,500.00, together with buyers premium & recording fees
Second Highest Bidder: Agostinha Lando_____
Second Highest Bidder's Address: 2614 Corning Rd., Horseheads, NY 14845

Resolution #_____C-23_____
Former Owner: _____Kolp Robert D_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____318.13-03-022.000 & 318.13-03-023.000___
Municipality:_____Corning City_____
Highest Bidder: _Martha R. & Edward W. Thompson
Highest Bidder's Address: 68 W. Fourth St., Corning ,NY 14830
Consideration: $15,250.00, together with buyers premium & recording fees
Second Highest Bidder: Allan R. Hansford_____
Second Highest Bidder's Address: 36 State Rte 230, Dundee, NY 14837

Resolution #_____C-24_____
Former Owner: _____Dragon Arch Inc_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____318.18-02-084.000_____
Municipality:_____South Corning Village___
Parcel #: _____318.00-02-013.200_____
Municipality:_____Corning Town_____
Highest Bidder: _Kevin J. Harrison_____
Highest Bidder's Address: 7100 Golfview, Bath, NY 14810
Consideration: $1,100.00, together with buyers premium & recording fees
Second Highest Bidder: David Sisson_____
Second Highest Bidder's Address: 33 Fuller Dr., Bath, NY 14810

Resolution #_____C-25_____
Former Owner: _____Fisher Murray & Scouten Darlene
In Rem Index No.101381, 2008 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____318.18-02-086.000_____
Municipality:_____South Corning Village___
Highest Bidder: _Allan R. Hansford_____
Highest Bidder's Address: 36 State Rte 230, Dundee, NY 14837
Consideration: $6,000.00, together with buyers premium & recording fees
Second Highest Bidder: Vicki J. Kopylczak_____
Second Highest Bidder's Address: 11408 Co Rte 122, Prattsburgh, NY 14873

Resolution #_____C-26_____
Former Owner: _____Anderson Thomas C & Anderson Rhonda L
In Rem Index No.101381, 2008 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____336.10-02-002.200_____
Municipality:_____South Corning Village___
Highest Bidder: _Kevin Harrison_____
Highest Bidder's Address: 7100 Golfview, Bath, NY 14810
Consideration: $50.00, together with buyers premium & recording fees
Second Highest Bidder: None_____
Second Highest Bidder's Address:_____

Resolution #_____C-27_____
Former Owner: _____Gordon Gail_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____299.12-01-028.000_____
Municipality:_____Corning Town_____
Highest Bidder: _George Ferenczy_____
Highest Bidder's Address: 111 E. Second St., Corning, NY 14830
Consideration: $23,000.00, together with buyers premium & recording fees
Second Highest Bidder: David Sharpe_____
Second Highest Bidder's Address: 88 W. Fifth St., Corning, NY 14830

Resolution #_____C-28_____
Former Owner: _____Hagerty Robert J_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____335.00-02-044.000_____
Municipality:_____Corning Town_____
Highest Bidder: _Martha R. & Edward W. Thompson
Highest Bidder's Address: 68 W. Fourth St., Corning ,NY 14830
Consideration: $96,000.00, together with buyers premium & recording fees
Second Highest Bidder: Christopher L. Thomas_____
Second Highest Bidder's Address: 10605 Skyline Dr., Corning, NY 14830

Resolution #_____C-29_____
Former Owner: _____Dates Robert M Estate___
In Rem Index No.101381, 2008 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____336.10-03-006.000_____
Municipality:_____Corning Town_____
Highest Bidder: _David Michael Sisson_____
Highest Bidder's Address: 33 Fuller Dr., Bath, NY 14810
Consideration: $1,000.00, together with buyers premium & recording fees
Second Highest Bidder: None_____
Second Highest Bidder's Address:_____

Resolution #_____C-30_____
Former Owner: _____Pucula Bradley_____
In Rem Index No.98375, 2007 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____065.00-01-042.200_____
Municipality:_____Dansville_____
Highest Bidder: _Eugene L. Jackson_____
Highest Bidder's Address: 10911 Lemon Spur Rd., Dansville, NY 14437
Consideration: $3,250.00, together with buyers premium & recording fees
Second Highest Bidder: Chad E. Robbins_____
Second Highest Bidder's Address: 5092 Rte 70A, Bath, NY 14810

Resolution #_____C-31_____
Former Owner: _____Dragon Arch Inc_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____093.00-02-067.000_____
Municipality:_____Dansville_____
Highest Bidder: _Melissa Horan_____
Highest Bidder's Address: PO Box 382, Arkport, NY 14807
Consideration: $50.00, together with buyers premium & recording fees
Second Highest Bidder: None_____
Second Highest Bidder's Address:_____

Resolution #_____C-32_____
Former Owner: _____Johnson Darien & Johnson Theresa
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____280.13-02-028.100_____
Municipality:_____Erwin_____
Highest Bidder: _Douglas Robbins_____
Highest Bidder's Address: 20 Taylor St., Hornell, NY 14843
Consideration: $5,000.00, together with buyers premium & recording fees
Second Highest Bidder: Charles W. Fink_____
Second Highest Bidder's Address: PO Box 667, Avoca, NY 14809

Resolution #_____C-33_____
Former Owner: _____Kelly Steven_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____124.00-01-008.700_____
Municipality:_____Fremont_____
Highest Bidder: _Green Newland, LLC_____
Highest Bidder's Address: RR1, Box 486, Falls, Pa. 18615
Consideration: $10,500.00, together with buyers premium & recording fees
Second Highest Bidder: Christopher Eason_____
Second Highest Bidder's Address: 31 Clay St., Hornell, NY 14843

Resolution #_____C-34_____
Former Owner: _____Matthews Ken & Matthews Danielle
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____265.00-01-019.000_____
Municipality:_____Hornby_____
Highest Bidder: _Green Newland, LLC_____
Highest Bidder's Address: RR1, Box 486, Falls, Pa. 18615
Consideration: $11,000.00, together with buyers premium & recording fees
Second Highest Bidder: Joseph M. Cavallaro_____
Second Highest Bidder's Address: 1075 Sexton Hlw Rd., Painted Post, NY 14870

Resolution #_____C-35_____
Former Owner: _____Caruso Jennine_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____151.19-03-012.000_____
Municipality:_____Hornell City_____
Highest Bidder: _Equity Trust Co., Custodian FBO David C. Williams IRA
Highest Bidder's Address: 225 Burns Rd., Elyria, OH 44035
Consideration: $8,500.00, together with buyers premium & recording fees
Second Highest Bidder: Michelle A. Messervey_____
Second Highest Bidder's Address: 6521 Whitford Rd., Alfred Station, NY 14803

Resolution #_____C-36_____
Former Owner: _____Hoffman Walter_____
In Rem Index No.101381, 2008 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____151.19-04-059.000_____
Municipality:_____Hornell City_____
Highest Bidder: _David K. & Susan L. Kuhn_____
Highest Bidder's Address: 10070 Main St., Dansville, NY 14437
Consideration: $3,500.00, together with buyers premium & recording fees
Second Highest Bidder: Anthony G. Clark_____
Second Highest Bidder's Address: 1910 West Shore Rd., Bath, NY 14810

Resolution #_____C-37_____
Former Owner: _____Moncofsky Doris F_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____151.56-03-033.000_____
Municipality:_____Hornell City_____
Highest Bidder: _Michelle A. Messervey_____
Highest Bidder's Address: 6521 Whitford Rd., Alfred Station, NY 14803
Consideration: $17,000.00, together with buyers premium & recording fees
Second Highest Bidder: Tom Matacale_____
Second Highest Bidder's Address: 268 Main St., Hornell, NY 14843

Resolution #_____C-38_____
Former Owner: _____Phillips Gregory & Phillips Alice__
In Rem Index No.90918, 2004 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____151.71-01-021.000_____
Municipality:_____Hornell City_____
Highest Bidder: _Lloyd Hunt_____
Highest Bidder's Address: 209 Hornell St., Hornell, NY 14843
Consideration: $5,000.00, together with buyers premium & recording fees
Second Highest Bidder: Michelle A. Messervey_____
Second Highest Bidder's Address: 6521 Whitford Rd., Alfred Station, NY 14803

Resolution #_____C-39_____
Former Owner: _____Kepner Jason & Debbie & Janice
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____166.06-02-072.000_____
Municipality:_____Hornell City_____
Highest Bidder: _Thomas F. & Kelly E. Matacale
Highest Bidder's Address: 11 Erie Ave., Hornell, NY 14843
Consideration: $20,000.00, together with buyers premium & recording fees
Second Highest Bidder: Anthony G. Clark_____
Second Highest Bidder's Address: 1910 West Shore Rd., Bath, NY 14810

Resolution #_____C-40_____
Former Owner: _____Capluzzi John_____
In Rem Index No.98375, 2007 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____166.06-06-003.100_____
Municipality:_____Hornell City_____
Highest Bidder: _Emmett & Patricia A. McNeill_____
Highest Bidder's Address: 41 John St., Hornell, NY 14843
Consideration: $1,000.00, together with buyers premium & recording fees
Second Highest Bidder: None_____
Second Highest Bidder's Address:_____

Resolution #_____C-41_____
Former Owner: _____Ellis Patricia A_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____166.06-06-039.200_____
Municipality:_____Hornell City_____
Highest Bidder: _Michelle A. Messervey_____
Highest Bidder's Address: 6521 Whitford Rd., Alfred Station, NY 14803
Consideration: $6,500.00, together with buyers premium & recording fees
Second Highest Bidder: Lloyd Allan Hunt_____
Second Highest Bidder's Address: 209 Hornell St., Hornell, NY 14843

Resolution #_____C-42_____
Former Owner: _____Tierney Michael & Tierney Kelli L
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____107.19-01-051.000_____
Municipality:_____Arkport Village_____
Highest Bidder: _Jon E. Hedges_____
Highest Bidder's Address: PO Box 450, 70 Main St., Arkport, NY 14807
Consideration: $9,000.00, together with buyers premium & recording fees
Second Highest Bidder: Charles W. Fink_____
Second Highest Bidder's Address: PO Box 667, Avoca, NY 14809

Resolution #_____C-43_____
Former Owner: _____Elsenheimer Chevrolet Inc
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____136.00-02-031.000_____
Municipality:_____Hornellsville_____
Highest Bidder: _Cynthia L. Herbert_____
Highest Bidder's Address: 7875 Ricks Rd., Hornell, NY 14843
Consideration: $2,250.00, together with buyers premium & recording fees
Second Highest Bidder: William M. Deninger_____
Second Highest Bidder's Address: 84 E. Washington St., Hornell, NY 14843

Resolution #_____C-44_____
Former Owner: _____Gadsen Minnie P_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____151.00-02-012.200_____
Municipality:_____Hornellsville_____
Highest Bidder: _Daniel L. Grinols_____
Highest Bidder's Address: 1161 Airport Rd., Hornell, NY 14843
Consideration: $11,000.00, together with buyers premium & recording fees
Second Highest Bidder: Christopher Eason_____
Second Highest Bidder's Address: 31 Clay St., Hornell, NY 14843

Resolution #_____C-45_____
Former Owner: _____Berry Thomas J & Berry Cynthia
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____136.14-01-015.000_____
Municipality:_____North Hornell Village____
Highest Bidder: _Thomas F. & Kelly E. Matacale___
Highest Bidder's Address: 11 Erie Ave., Hornell, NY 14843
Consideration: $21,000.00, together with buyers premium & recording fees
Second Highest Bidder: Michael R. Wall_____
Second Highest Bidder's Address: 10221 Deal Rd., North Ft. Meyers, Fl 33917

Resolution #_____C-46_____
Former Owner: _____Lavallee Donna M_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____288.00-01-022.112_____
Municipality:_____Jasper_____
Highest Bidder: _Raymond L. Shetler_____
Highest Bidder's Address: 448 Cook Hollow Rd., Woodhull, NY 14898
Consideration: $400.00, together with buyers premium & recording fees
Second Highest Bidder: Austin Gerow_____
Second Highest Bidder's Address: PO Box 92, Jasper, NY 14855

Resolution #_____C-47_____
Former Owner: _____McCarthy Robert & McCarthy Karleen
In Rem Index No.95453, 2006 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____325.12-01-038.000_____
Municipality:_____Jasper_____
Highest Bidder: _James R. & Amanda K. Graham
Highest Bidder's Address: 3868 Main St., PO Box 26, Jasper, NY 14855
Consideration: $2,500.00, together with buyers premium & recording fees
Second Highest Bidder: Anthony G. Clark_____
Second Highest Bidder's Address: 1910 West Shore Rd., Bath, NY 14810

Resolution #_____C-48_____
Former Owner: _____O'Laskey Barbara M_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____034.00-01-027.100_____
Municipality:_____Prattsburgh_____
Highest Bidder: _Joseph & Vicky Patoine_____
Highest Bidder's Address: 18 Howe St., Prattsburgh, NY 14873
Consideration: $2,500.00, together with buyers premium & recording fees
Second Highest Bidder: Ruth Larsen_____
Second Highest Bidder's Address: 7230 Cook School Rd., Prattsburgh, NY 14873

Resolution #_____C-49_____
Former Owner: _____Wood Kevin L_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____047.00-01-063.000_____
Municipality:_____Prattsburgh_____
Highest Bidder: _Velmer & Diana Bell_____
Highest Bidder's Address: 7 Ash St., Bath, NY 14810
Consideration: $6,500.00, together with buyers premium & recording fees
Second Highest Bidder: Daryn B. Cheney_____
Second Highest Bidder's Address: 1926 Addison Back Rd., Addison, NY 14801

Resolution #_____C-50_____
Former Owner: _____Melzer Mary & Czachorowski Rich
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____047.08-01-004.000_____
Municipality:_____Prattsburgh_____
Highest Bidder: _Kevin J. Harrison_____
Highest Bidder's Address: 7100 Golfview, Bath, NY 14810
Consideration: $5,000.00, together with buyers premium & recording fees
Second Highest Bidder: Thomas R. Thompson_____
Second Highest Bidder's Address: 42 Bittersweet Rd., Fairport, NY 14450

Resolution #_____C-51_____
Former Owner: _____Puccio Tonia_____
In Rem Index No.98375, 2007 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____047.08-01-078.000 & 047.08-01-080.100
Municipality:_____Prattsburgh_____
Highest Bidder: _Michael R. Wall_____
Highest Bidder's Address: 1122 Tamiami Trail, North Ft. Meyers, Fl 33903
Consideration: $2,250.00, together with buyers premium & recording fees
Second Highest Bidder: David J. Henderson_____
Second Highest Bidder's Address: 9000 Rt 21, Cohocton, NY 14826

Resolution #_____C-52_____
Former Owner: _____Moody Douglas P & Moody Nancy A
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____048.00-01-001.120_____
Municipality:_____Prattsburgh_____
Highest Bidder: _Green Newland, LLC_____
Highest Bidder's Address: RR1. Box 486, Falls, Pa. 18615
Consideration: $30,000.00, together with buyers premium & recording fees
Second Highest Bidder: Kevin J. Harrison_____
Second Highest Bidder's Address: 7100 Gulf View, Bath, NY 14810

Resolution #_____C-53_____
Former Owner: _____Cragg Russell B_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____048.00-01-043.000_____
Municipality:_____Prattsburgh_____
Highest Bidder: _Thomas I. McKerlie_____
Highest Bidder's Address: 7425 Kato Lane, Prattsburgh, NY 14873
Consideration: $15,000.00, together with buyers premium & recording fees
Second Highest Bidder: Austin Gerow_____
Second Highest Bidder's Address: PO Box 92, Jasper, NY 14855

Resolution #_____C-54_____
Former Owner: _____Merrill Dennis A Sr_____
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____275.00-01-020.120_____
Municipality:_____Rathbone_____
Highest Bidder: _Neale F.P. & Annette M. Osborn_____
Highest Bidder's Address: 7970 Forty Dollar Rd., Campbell, NY 14821
Consideration: $8,000.00, together with buyers premium & recording fees
Second Highest Bidder: Barbara A. Towner_____
Second Highest Bidder's Address: PO Box 10, Addison, NY 14801

Resolution #_____C-55_____
Former Owner: _____Woodruff Joe & Woodruff Diana
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____204.00-01-023.113_____
Municipality:_____Thurston_____
Highest Bidder: _Aaron & Kerry Moultrup_____
Highest Bidder's Address: 5363 Cty Rte 12, Campbell, NY 14821
Consideration: $1,400.00, together with buyers premium & recording fees
Second Highest Bidder: Terry A. Axtell Jr._____
Second Highest Bidder's Address: 5057 Meads Creek Rd., Painted Post, NY 14870

Resolution #_____C-56_____
Former Owner: _____Hubiak Richard E & Hubiak Ann
In Rem Index No.98375, 2007 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____119.00-01-019.420_____
Municipality:_____Urbana_____
Highest Bidder: _Mary Theresa Northrup & Mary Eileen Traxler
Highest Bidder's Address: 246 Dwight Ave., Corning, NY 14830
Consideration: $15,000.00, together with buyers premium & recording fees
Second Highest Bidder: Peter M. Marchese_____
Second Highest Bidder's Address: 2814 Forest Hill Dr., Corning, NY 14830

Resolution #_____C-57_____
Former Owner: _____Green Lucius & Whitson Nellene Jones
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____014.00-01-010.000_____
Municipality:_____Wayland Town_____
Highest Bidder: _John A. Palmer Jr._____
Highest Bidder's Address: 2130 Deiter Rd., Wayland, NY 14572
Consideration: $3,000.00, together with buyers premium & recording fees
Second Highest Bidder: Doreen L. Lathrop_____
Second Highest Bidder's Address: 2057 Rte 63, Wayland, NY 14572

Resolution #_____C-58_____
Former Owner: _____Raftery Dennis & Raftery Gail
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____002.20-03-028.000_____
Municipality:_____Wayland Village_____
Highest Bidder: _David K. & Susan L. Kuhn_____
Highest Bidder's Address: 10070 Main St., Dansville, NY 14437
Consideration: $26,000.00, together with buyers premium & recording fees
Second Highest Bidder: Donald E. Parker Jr._____
Second Highest Bidder's Address: 6105 Lawrence Hill Rd., Springwater, NY 14560

Resolution #_____C-59_____
Former Owner: _____Mann John Sr & Mann Patricia L
In Rem Index No.95453, 2006 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____077.00-03-022.110_____
Municipality:_____Wayne_____
Highest Bidder: _JoAnn Ungerland & David Frost
Highest Bidder's Address: 2924 County Line Dr., Big Flats, NY 14814
Consideration: $7,750.00, together with buyers premium & recording fees
Second Highest Bidder: Peter M. Marchese_____
Second Highest Bidder's Address: 2814 Forest Hill Dr., Corning, NY 14830

Resolution #_____C-60_____
Former Owner: _____Wray Rory J & Wray Brandi R
In Rem Index No.104021, 2009 sale_____
Date of Tax Sale:_____July 20, 2011_____
Parcel #: _____101.08-01-034.000_____
Municipality:_____Wheeler_____
Highest Bidder: _Brian J. Peck_____
Highest Bidder's Address: PO Box 293, 8841 Glen Brook Rd., Hammondsport NY 14840
Consideration: $100.00, together with buyers premium & recording fees
Second Highest Bidder: Wayne R. Heagy_____
Second Highest Bidder's Address: 8820 St Rt 53, Bath, NY 14810

Vote: Roll Call – Adopted.

RESOLUTION NO. 109-11

Introduced by J. Hauryski. Seconded by Mr. Weaver.

RECEIVING AND ACCEPTING THE AUGUST 22, 2011 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 15, 2011
Pulteney Town Supervisor, Bill Weber – Re: Correspondence letter on the Roadside Cleanup Week. ***Referred to: Public Works Committee; and Vince Spagnoletti, Commissioner of Public Works.***

NYS Office of Children & Family Services – Re: Notification of plan approval for the County's Supervision and Treatment Services for Juveniles Program (STSJ). ***Referred to: Public Safety & Correction Committee; Human Services/Health & Education Committee; Eugene Greeley, Probation Director; and Kathryn Muller, Commissioner of Social Services.***

July 18, 2011
NYS Office for the Aging – Re: Second notification of Grant Award (NGA) for the federal fiscal year 2011 (FFY 2011) Nutrition Services Incentive Program (NSIP). ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

NYS Homes & Community Renewal – Re: Notification of 45-day expiration notice for the New York State Community Development Block Grant Project #1115HR4-09, must be completed and all funds expended by ***August 25, 2011. Referred to: Amy Dlugos, Planning Department.***

National Fuel – Re: Request for comments on the potential changes to the Conservation Incentive Program (CIP) as it relates to rebates for purchasing energy efficient appliances and weatherization programs. ***Referred to: Joseph Hauryski, Legislature Chairman.***

July 22, 2011
NYS Department of Environmental Conservation, Division of Water – Re: Correspondence letter on the request for a meeting about levee issues (Chemung Watershed Study #HUC-8:02050105). ***Referred to: Mark Alger, County Administrator.***

July 25, 2011
United States Senate, Charles E. Schumer – Re: Notification of the National Endowment for the Humanities (NEH) is currently accepting applications for the 2011 America's Media Makers Grant (CFDA No. 45.164). All applications must be submitted via Grants.gov and are due by August 17, 2011. ***Referred to: Twila O'Dell, Historian.***

July 28, 2011
Finger Lakes Health Systems Agency – Re: 2012 Budget Request in the amount of $24,682. ***Referred to: Finance Committee; and Mark Alger, County Administrator.***

NYS Governor, Andrew Cuomo – Re: Working together to create jobs through the new Regional Economic Development Council. ***Referred to: Joseph Hauryski, Legislature Chairman.***

August 1, 2011
NYS Office for the Aging – Re: Notification of Grant Awards under Title III-B, Title III-C-1, Title III-C-2, Title III-D, Title III-E of the Older Americans Act for the Program Year beginning 1/1/2011- 12/31/2011. In addition, Notification of Grant Award for Weatherization Referral and Packaging Program and the Health Insurance Information, Counseling and Assistance Program for the program year beginning 4/1/2011 – 3/31/2012. **R*eferred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

United States Senate, Charles E. Schumer – Re: Notification of the U.S. Department of Homeland Security's Federal Emergency Management Agency Grant Programs Directorate will soon be accepting applications for the 2011 Assistance t o Firefighters Grant Program. ***Referred to: Public Safety & Corrections Committee; and Mike Sprague, EMO Director.***

Robert Plaskov, Attorney at Law – Re: Towing and Service Policy. ***Referred to: Public Safety & Corrections Committee; Dave Hopkins, E911 Director; and Alan Reed, County Attorney.***

Chemung County, Thomas J. Santulli – Re: Request to work together on dealing with the financial impacts the pending Federal Environmental Protection Agency (EPA) regulations on the Total Maximum Daily Load (TMDL) allocation to New York State and the associated upgrading to wastewater treatment plants will have on New York Municipalities and taxpayers. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

August 2, 2011
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $20,077 representing the June 2011 retained surcharge revenues and the municipality's share of the 2nd quarter 2011 net revenues. ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

Emergency Medical Services Training, Administration & Resources – Re: 2nd Quarter Report for 2011 and an invoice for payment in the amount of $1,406.25. ***Referred to: Human Services/Health & Education Committee; Victoria Fuerst, PHN Director; Public Safety & Corrections Committee; and Mike Sprague, EMO Director.***

August 3, 2011
United States Senate, Charles E. Schumer – Re: The Institute of Museum and Library Services (IMLS) is currently accepting applications under the FY2011 Learning Labs in Libraries and Museums Program. Applications must be submitted via Grants.gov and are due by August 15, 2011. ***Referred to: Twila O'Dell, Historian.***

August 5, 2011
Sheen Housing – Re: Bishop Sheen Ecumenical Housing Foundation's (Sheen Housing) 2010-2011 Annual Report. ***Referred to: Brenda Mori, Clerk of the Legislature; and Amy Dlugos, Planning Director.***

August 8, 2011
United States Senate, Charles E. Schumer – Re: The National Historical Publications and Records Commission is accepting applications for the 2012 Documenting Democracy: Access to Historical Records Project (CDA No. 89.003). Applications must be submitted via Grants.gov and are due by October 6, 2011. ***Referred to: Twila O'Dell, Historian.***

NYS Department of Transportation – Re: A 90 day extension granted in order to perform certain work at-grade crossing carrying Lackawanna Avenue over the tracks of the B and H Rail Corp at MP 285.62 and the at-grade crossing carrying Wilson Avenue over the tracks of the Band H Rail Corp. at MP 285.24 in the Village of Bath (Case #38079 & Case #38080). ***Referred to: Public Works Committee; and Vince Spagnoletti, Commissioner of Public Works.***

August 11, 2011
NYS Department of State – Re: Notification of the Community Projects Appropriation Contact #TM81282 needs to be received by the State within (30) days. ***Referred to: Public Safety & Corrections Committee*; and *Mike Sprague, EMO Director.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 110-11

Introduced by T. Ryan. Seconded by G. Roush.

SUPPORTING THE EFFORTS OF THE BOARD OF DIRECTORS OF GUTHRIE-CORNING HOSPITAL AND THE CERTIFICATE OF NEED APPLICATION SUBMITTED TO THE NEW YORK STATE DEPARTMENT OF HEALTH TO BUILD A 21ST CENTURY REPLACEMENT HOSPITAL IN STEUBEN COUNTY.

WHEREAS, the County of Steuben recognizes the 100-year tradition of excellent healthcare provided by Guthrie-Corning Hospital for the residents of Steuben County; and

WHEREAS, Guthrie-Corning Hospital is a committed partner to Steuben County as a Healthcare provider, an employer and an overall community supporter; and

WHEREAS, Guthrie-Corning Hospital's current facility, built in 1900, is outdated and landlocked, and can no longer meet the evolving healthcare needs of our local residents; and

WHEREAS, our citizens need and deserve a more spacious and modern facility to serve our local Healthcare needs well into the future; and

WHEREAS, Guthrie-Corning Hospital has proposed a new state-of-the-art replacement facility that will offer full-service, high quality Healthcare that will serve the citizens of Steuben County; and

WHEREAS, the investment of more than $100 million to construct a new hospital represents the largest investment in Steuben County in more than ten years; and

WHEREAS, this County Legislature is charged with protecting the economic strength of Steuben County as well as its residents' access to high-quality patient care; and

WHEREAS, we as the duly elected representatives of the residents of Steuben County concur with the thorough work of the Guthrie-Corning Hospital Board of Directors in proposing a new facility to meet the healthcare needs of our citizens;

NOW THEREFORE, BE IT

RESOLVED, this Steuben County Legislature fully supports the efforts of the Board of Directors of Guthrie-Corning Hospital and the Certificate of Need application submitted to the New York Department of Health on July 15, 2011, to build a 21st century replacement hospital in Steuben County; and be it further

RESOLVED, this Steuben County Legislature encourages the support of all business leaders in the community to add their support to this effort to improve healthcare and encourage economic development; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to Shirley Magana, President/Chief Operating Officer, Guthrie-Corning Hospital, 176 Denison Parkway East, Corning, NY 14830.

Vote: Acclamation – Adopted.

RESOLUTION NO. 111-11

Introduced by R. Nichols and L. Crossett. Seconded by G. Swackhamer.

AUTHORIZING THE CLOSING OF TWO (2) COMPLETED FEDERAL-AID BRIDGE PROJECT ACCOUNTS AND TRANSFERRING THE REMAINING FUNDS TO THE "FUTURE BRIDGE CAPITAL PROJECTS" ACCOUNT.

WHEREAS, the following two (2) Federal-Aid Bridge Projects have been completed:

5120H2	County Route 85 bridge, Tuscarora
5120H7	Saunders Road bridge, Rathbone; and

WHEREAS, it would be desirable to transfer the total balance from these two (2) projects to the "Future Bridge Capital Projects" account 5120 HO 45031900.

NOW THEREFORE, **BE IT**

RESOLVED, that the Steuben County Legislature, duly convened does hereby close these two (2) above-listed Federal-Aid Bridge Project accounts; and be it further

RESOLVED, that the total balance of $141,950.23 from these two (2) above-listed Federal-Aid Bridge Project accounts, is hereby transferred to the "Future Bridge Capital Projects" account 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. 112-11

Introduced by R. Nichols and L. Crossett. Seconded by D. Farrand.

RECLASSIFICATION OF THREE (3) MOTOR EQUIPMENT OPERATOR, GRADE VIII POSITION(S) TO THREE (3) JUNIOR BRIDGE WORKER, GRADE IX POSITION(S) WITHIN THE PUBLIC WORKS DEPARTMENT.

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

WHEREAS, three (3) Motor Equipment Operators in the Highway Department do bridge reconstruction repair work full time while working out of the Bridge Shop; and

WHEREAS, Junior Bridge Workers appropriately perform these duties; and

WHEREAS, the Personnel Officer, the Administration Committee, and the Public Works Committee have reviewed said positions within the Department of Public Works that require job title changes and have approved the recommended changes.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following three (3) positions in the Public Works Department are hereby reclassified as follows:

(3) Motor Equipment Operators, Grade VIII ($29,198 to $41,221) to
(3) Junior Bridge Workers, Grade IX ($30,442 to $42,979)

AND BE IT FURTHER RESOLVED, that the 2011 County Job Classification and Salary Schedule is hereby amended to reflect the above-stated changes; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 113-11

Introduced by B. Schu and L. Crossett. Seconded by D. Farrand.

AUTHORIZING THE ACCEPTANCE OF $127,599 IN GRANT FUNDING FOR THE FISCAL YEAR 2010 STATE HOMELAND SECURITY PROGRAM.

WHEREAS, Steuben County has identified the risks associated with the effects of terrorism and public health emergencies; and

WHEREAS, Steuben County has identified the potential vulnerability throughout the County to these types of incidents; and

WHEREAS, Steuben County has identified the need for additional resources, education and training; and

WHEREAS, the New York State Office of Homeland Security is responsible for the assignment of administration of grant allocation provided by the Federal Government; and

WHEREAS, the New York State Office of Homeland Security has awarded Steuben County with Federal Fiscal Year 2010 grant funds in the amount of $127,599 under the State Homeland Security Program (SHSP) with $102,055 to support response, education, prevention and planning for terrorist incidents and $25,544 to support health preparedness.

NOW THEREFORE, BE IT

RESOLVED, the County Administrator be authorized to enter into agreement with the New York State Office of Homeland Security to accept funding in the amount of $127,599 for implementation of the State Homeland Security Program (SHSP)) with $102,055 to support response, education, prevention and planning for terrorist incidents and $25,544 to support health preparedness; and be it further

RESOLVED, the County Administrator, and the Director of Emergency Management are authorized and directed to execute the requisite documentation to effectuate this grant and agreement; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized to establish a revenue account for the purpose of accepting the grant funding from the Federal Government and the New York State Office of Homeland Security; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized to appropriate such revenue to the appropriate accounts within the budget of the Steuben County Office of Emergency Management and Steuben County Public Health Nursing for the purpose of fulfilling the aforementioned grant; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the New York State Office of Homeland Security, 1220 Washington Avenue, State Office Building 7A, Albany NY 12226; the County Treasurer; and the Director of Emergency Management.

Mr. Weaver asked is this a non-matching grant? Mr. Alger replied yes.

Vote: Roll Call – Adopted.

RESOLUTION NO. 114-11

Introduced by T. Ryan. Seconded by R. Lattimer.

AUTHORIZING THE ADJUSTMENT OF THE SKILLED NURSING RATE FOR 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 for 2010 and based upon cost and visit projections for 2011, the Medicare and Medicaid cost limits, as well as the estimated 2012 Medicaid rates, it has been determined that an adjustment to the rates will be necessary to establish customary charges for services rendered during 2011; and

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

WHEREAS, the Steuben County Human Services, Health and Education Committee has approved the rate of $165/visit for Skilled Nursing.

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 charge for Skilled Nursing Services rendered based upon the 2010 cost study and that these rates will become effective September 1, 2011; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to Robert Furlani, Assistant Regional Director, New York State Health Department, 584 Delaware Ave., Buffalo, New York, 14202; the County Treasurer, and the Director of Steuben County Public Health and Nursing Services.

Mr. Weaver asked is this a whole rate adjustment? Mr. Alger explained they are adjusting the cost rate. The consultant had recommended a cost adjustment.

Vote: Roll Call – Adopted.

RESOLUTION NO. 115-11

Introduced by L. Crossett. Seconded by G. Roush.

AUTHORIZING THE STEUBEN COUNTY TREASURER TO TRANSFER $750,000 FROM THE "COMMUNICATIONS RESERVE FUND" TO A CAPITAL PROJECT ENTITLED "NARROWBAND COMMUNICATIONS PROJECT".

WHEREAS, Steuben County operates the law enforcement communications in support of all law enforcement operations within Steuben County; and

WHEREAS, the Federal Communications Commission has directed all communications in the VHF-150 MHz and higher be changed to narrowband (12.5 MHz) by January 1, 2013; and

WHEREAS, the Steuben County Law Enforcement communications are all wide-band (25.0 MHz) in operation which will necessitate a change to the narrowband range; and

WHEREAS, Steuben County has $750,000 in a reserve account entitled "Communications Reserve Fund"; and

WHEREAS, Steuben County recognizes the need to address the FCC narrowband directive and need for a capital project entitled "Narrowband Communications Project"; and

WHEREAS, Steuben County has received a proposal to address the FCC requirement with an estimated project cost of $1,131,000.

NOW THEREFORE, BE IT

RESOLVED, that the County Treasurer is hereby authorized and directed to create a capital project entitled "Narrowband Communications Project" with a maximum appropriation of $1,131,000; and be it further

RESOLVED, that the Steuben County Treasurer be authorized and directed to transfer $750,000 from the "Communications Reserve Fund" to the newly established "Narrowband Communications Project"; and be it further

RESOLVED, that the County Administrator is authorized and directed to execute any and all documents necessary for said "Narrowband Communications Project" to comply with the FCC requirements; and be it further

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

Vote: Roll Call – Adopted. Yes - 7592; No - 1044; Absent - 1236
(Opposed: Mr. Ryan and Mr. Weaver; Absent: Mr. Creath and Mr. McAllister)

RESOLUTION NO. 116-11

Introduced by L. Crossett. Seconded by S. Van Etten.

AUTHORIZING THE STEUBEN COUNTY TREASURER TO TRANSFER $381,000 FROM THE "OLD HEALTH CARE FACILITY RENOVATIONS PROJECT" TO A CAPITAL PROJECT ENTITLED "NARROWBAND COMMUNICATIONS PROJECT".

WHEREAS, Steuben County has recognized a need to address the FCC narrowband directive by proceeding with a capital project entitled "Narrowband Communications Project"; and

WHEREAS, the "Narrowband Communications Project" requires additional funding to meet the $1,131,000 project cost; and

WHEREAS, the capital project entitled "Old Health Care Facility Renovations Project" has funds available.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Treasurer is hereby authorized and directed to transfer the sum of $381,000 from the "Old Health Care Facility Renovations Project" to the newly created "Narrowband Communications Project"; and be it further

RESOLVED, that if the Statewide Interoperable Communications Grant is funded, said $381,000 is directed to be transferred back to the original project; and be it further

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

Mr. Farrand asked by taking the $381,000 from the Old Health Care Facility Renovations Fund, are we saying that we are not renovating the Old Health Care Facility? Mr. Alger replied no. No decision has been made and we have not fully completed the review.

Mr. Farrand asked why take the money out of this reserve? Mr. Alger replied we need to do the narrowbanding and that money is available. The other option would be to borrow.

Mr. Swackhamer stated we have to do the narrowbanding. We have been told by the Federal Government that this has to be in place by January 2013. This is another mandate. Mr. Farrand commented that he understands that point, but if we take this money from the Old Health Care Facility account and have to go borrow again, won't the interest rate be higher?

Mr. Alger replied the expectation of doing something with the Old Health Care Facility in the short-term is probably that we are not going to. The long-term prospect is far away. Coupled with the fact that no matter what you do with the Old Health Care Facility, you will need to borrow money. In view of the fact that you probably will borrow anyway, the additional $300,000 isn't going to make much difference. This funding is available that we need to use and it makes sense to use it. These funds that we are asking to use were borrowed.

Mr. Quinlan stated to summarize, you looked at different funding options and this proposal to fund the narrowband project was the most economical and advantageous. Mr. Alger stated we did look at a lease purchase option in committee and the interest rates were fairly significant. It makes sense to pay for this.

Mr. Ryan stated that last month we spent $1 million and this month we are looking to spend $1.1 million. We are talking about a shortfall of between $4 - $6 million in the upcoming budget. There will possibly be no money for roads or health care. When we have to do these types of things, it puts us in a bind and it is hard. He stated that he cannot spend this kind of money when we are looking down the road saying that we may not be able to provide health care services for the elderly.

Mr. Van Etten stated that he agrees with Mr. Ryan that it is frustrating. With regard to the $750,000 in the Communications Reserve Fund, that is what that money is for; to make major equipment purchases. We needed to find the $381,000 elsewhere and it is better to use the available funds that we already have, than to borrow. He is not happy to spend the money, but this needs to be done.

Mr. Alger stated we have pushed this back as far as we can. Mr. Ryan asked are there federal grants available to do this? Mr. Alger replied we have applied for a grant to do this project. If we receive it, then we will not need to spend the funds from the Old Health Care Facility. Doing this transfer does not jeopardize that grant. The timeframe of the project is that if we don't begin it now, we may not be able to comply with the deadline.

Mr. Nichols stated that he can't see borrowing the money when you have money in a fund that you probably are not going to use this year.

Mr. Quinlan asked if we do not have the narrowbanding in place by the January 1, 2013 deadline, what will happen? Mr. Alger stated the purpose of this is so the FCC can divide the frequencies so they sell additional frequencies. If someone purchases frequencies that are in our area and we interfere because we have not complied, the FCC will order us off the air. Law Enforcement will no longer be able to use the radios they have currently. This would become a serious public safety issue. At some point there will be interference from an outside agency. The frequencies are allocated by the FCC. It is incumbent that we take action so that our critical communications remain in place.

Vote: Roll Call – Adopted. Yes – 7592; No – 1044; Absent – 1236
(Opposed: Mr. Ryan and Mr. Weaver; Absent: Mr. Creath and Mr. McAllister)

RESOLUTION NO. 117-11

Introduced by R. Nichols. Seconded by B. Schu.

COMMENCING THE REVIEW PERIOD FOR AGRICULTURAL DISTRICT NO. 6.

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 Addison, Campbell, Erwin, Rathbone, Thurston, and Tuscarora 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 July 17, 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. 6 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 Addison, Campbell, Erwin, Rathbone, Thurston, and Tuscarora, 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 its 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; William Brown, Chairman of the Steuben County Agricultural and Farmland Protection Board, 9230 W. Waneta Lake Road, Hammondsport, NY 14840; Steuben County Planning Director; and James Grace, Cornell Cooperative Extension, Steuben County Office Building, Bath, NY 14810.

Vote: Acclamation – Adopted.

RESOLUTION NO. 118-11

Introduced by R. Nichols. Seconded by D. Farrand.

COMMENCING THE REVIEW PERIOD FOR AGRICULTURAL DISTRICT NO. 13.

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 Caton, Corning, and Lindley 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 August 20, 1984; 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.13 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 Caton, Corning, and Lindley, 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) day; 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 its 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; William Brown, Chairman of the Steuben County Agricultural and Farmland Protection Board, 9230 W. Waneta Lake Road, Hammondsport, NY 14840; Steuben County Planning Director; and James Grace, Cornell Cooperative Extension, Steuben County Office Building, Bath, NY 14810.

Vote: Acclamation – Adopted.

RESOLUTION NO. 119-11

Introduced by R. Nichols. Seconded by C. Quinlan.

COMMENCING THE REVIEW PERIOD FOR AGRICULTURAL DISTRICT NO. 18.

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 Lindley, Tuscarora, and Woodhull did submit to the Steuben County Board of Supervisors a proposal to create an agricultural district within the specified areas of said Towns; and

WHEREAS, said proposal was filed with the Steuben County Board of Supervisors and the appropriate procedures were thereafter followed which led to a certification of the creation of said district effective April 22, 1985; 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. 18 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 Lindley, Tuscarora, and Woodhull, County of Steuben and State of New York commences effective upon filing of a Notice of Review with the office of the Steuben County Clerk, said review period to be for a period of thirty (30) days; and be it further

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

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

RESOLVED, that upon termination of said thirty (30) day period such review and any proposed modifications shall be referred by this Legislature to the Steuben County Agricultural and Farmland Protection Board, which Board shall report to the Steuben County Legislature its 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; William Brown, Chairman of the Steuben County Agricultural and Farmland Protection Board, 9230 W. Waneta Lake Road, Hammondsport, NY 14840; Steuben County Planning Director; and James Grace, Cornell Cooperative Extension, Steuben County Office Building, Bath, NY 14810.

Vote: Acclamation – Adopted.

RESOLUTION NO. 120-11

Introduced by R. Nichols. Seconded by R. Lattimer.

COMMENCING THE REVIEW PERIOD FOR AGRICULTURAL DISTRICT NO. 22.

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 Bath, Campbell, Corning, and Hornby 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 18, 1988; 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. 18 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 Lindley, Tuscarora, and Woodhull, County of Steuben and State of New York commences effective upon filing of a Notice of Review with the office of the Steuben County Clerk, said review period to be for a period of thirty (30) days; and be it further

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

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

RESOLVED, that upon termination of said thirty (30) day period such review and any proposed modifications shall be referred by this Legislature to the Steuben County Agricultural and Farmland Protection Board, which Board shall report to the Steuben County Legislature its 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; William Brown, Chairman of the Steuben County Agricultural and Farmland Protection Board, 9230 W. Waneta Lake Road, Hammondsport, NY 14840; Steuben County Planning Director; and James Grace, Cornell Cooperative Extension, Steuben County Office Building, Bath, NY 14810.

Vote: Acclamation – Adopted.

RESOLUTION NO. 121-11

Introduced by R. Nichols. Seconded by D. Farrand.

APPROVING THE PROPOSED CHANGES TO THE LOCAL DEVELOPMENT CORPORATION WHEREBY STEUBEN COUNTY WOULD BE NAMED THE SOLE MEMBER OF SAID CORPORATION.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "State"), as amended, and Chapter 178 of the Laws of 1972 of the State of New York, as amended (hereinafter collectively called the "Act"), the **STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, the Agency is the sole member of the **STEUBEN AREA ECONOMIC DEVELOPMENT CORPORATION** (the "Corporation"), a New York not-for-profit corporation formed for the purpose of lessening the burdens of government by relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities and acting in the public interest; and

WHEREAS, by resolution dated July 28, 2011, the Agency, as sole member of the Corporation, has appointed the County as sole member of the Corporation; and

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

WHEREAS, the County desires to accept the appointment of the Agency as sole member of the Corporation and to ratify the amendments to the Certificate of Incorporation and By-Laws of the Corporation to give effect to such appointment; and

WHEREAS, the County desires to appoint the Chairman of the County Legislature (the "Chairman") as representative of the County Legislature with respect to the Corporation such that the County will act as sole member of the Corporation by and through the Chairman; and

WHEREAS, the County desires to appoint the Board of Directors of the Corporation.

NOW THEREFORE, BE IT

RESOLVED, that the County hereby accepts its appointment by the Agency as sole member of the Corporation; and be it further

RESOLVED, that the Chairman is appointed representative of the County with respect to the Corporation such that the County shall act as sole member of the Corporation by and through the Chairman; and be it further

RESOLVED, that the County hereby ratifies the amendment of the Certificate of Incorporation of the Corporation pursuant to the terms of a Certificate of Amendment of the Certificate of Incorporation of the Steuben Area Economic Development Corporation (the "Certificate of Amendment"), which Certificate of Amendment is attached hereto as Exhibit A; and be it further

RESOLVED, that the County hereby ratifies the amendment of the By-laws for the Corporation pursuant to the terms of the Amended and Restated By-laws of the Corporation (the "Amended and Restated By-laws") which Amended and Restated By-laws are attached hereto as Exhibit B; and be it further

RESOLVED, that the County hereby appoints the following individuals as directors of the Corporation:

Directors

Michael Doyle, Chairman
Joseph Hauryski, Vice Chairman
George Connors, Secretary
Philip Roche
John Sirianni
Michael Nisbet
Christine Sharkey

AND BE IT FURTHER RESOLVED, that if the Agency or the County provides any services to the Corporation, the Corporation will reimburse the Agency or the County, as the case may be, for the costs of such services at fair market value, including any costs associated with staffing the Corporation; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Joseph J. Hauryski, Chairman, Steuben County Legislature; Russell Gaenzle, Harris Beach PLLC, 99 Garnsey Road, Pittsford, NY 14534; and John F. Leyden, Sullivan & Leyden, PO Box 396, Wayland, NY 14572.

EXHIBIT A

CERTIFICATE OF AMENDMENT
OF THE

CERTIFICATE OF INCORPORATION
OF THE

STEUBEN AREA ECONOMIC DEVELOPMENT CORPORATION

Under Section 803 of the Not for Profit
Corporation Law of the State of New York

The undersigned, being the Chairman of the Steuben Area Economic Development Corporation (the "Corporation"), hereby certifies as follows:

1. The name of the Corporation is the "Steuben Area Economic Development Corporation".

2. The Corporation's Certificate of Incorporation was filed in the office of the Secretary of State on December 21, 1984.

3. The Corporation is a corporation defined in subparagraph (a)(5) of Section 102 of the Not-for-Profit Corporation Law and is and shall hereafter remain a Type C corporation under Section 201 of said Law.

4. The Certificate of Incorporation is hereby amended to effect the following changes as authorized in Section 801 of the Not-for-Profit Corporation Law:

(a) Paragraph 8, regarding the initial Directors of the Corporation, is renumbered as Paragraph 10.

(b) Paragraph 9, regarding designation of the Secretary of State as agent of the Corporation is renumbered as Paragraph 11.

(c) Paragraph 10, regarding income and earnings of the Corporation is renumbered as Paragraph 12.

(d) Paragraph 11, regarding distribution of income and property of the Corporation, activities of the Corporation and dissolution of the Corporation, is renumbered as Paragraph 13.

(e) Paragraph 12, regarding acceptance of mortgage loans by the Corporation, is renumbered as Paragraph 14.

(f) Paragraph 13, regarding approvals, is renumbered as Paragraph 15.

(g) A new Paragraph 8 is added to read in it its entirety as follows:

"8. The types or classes of Membership in the Corporation and the number of Members of the Corporation shall be described in the Corporation's By-laws. The sole Member of the Corporation shall be the County of Steuben (the "County") acting by and through the [Chair of the Legislature of the County].

(h) A new Paragraph 9 is added to read in its entirety as follows:

"9. The Corporation shall be managed by a Board of Directors consisting of [not less than three (3) not more than seven (7)] Directors. Any subsequent increase or decrease in the size of the Board of Directors will require the approval of the Members."

5. The foregoing amendment to the Certificate of Incorporation was authorized by the affirmative vote of a majority of the members of the Corporation entitled to vote thereon, with such vote being at least equal to a quorum.

IN WITNESS WHEREOF, the undersigned has made, subscribed and acknowledged this Certificate of Amendment this 21st day of July, 2011.

STATE OF NEW YORK)
COUNTY OF STEUBEN) ss.:

On this 21st day of July, 2011, before me personally came Michael Doyle to me known to be the person described in and who executed the foregoing Certificate, and he duly acknowledged to me that he executed the same.

Kathryn J. Warren
Notary Public

Kathryn J. Warren
State of NY, Co. of Steuben
Notary Public # 4638541
My commission expires
November 30, 2010

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EXHIBIT B

BY-LAWS

OF

STEUBEN AREA ECONOMIC DEVELOPMENT CORPORATION

Adopted _____

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BY-LAWS

OF

STEUBEN AREA LOCAL DEVELOPMENT CORPORATION

ARTICLE I-THE CORPORATION

SECTION 1.-NAME.

The Corporation shall be known as "Steuben Area Economic Development Corporation."

SECTION 2.-OFFICES.

The Corporation shall have and continuously maintain an office within Steuben County, New York (the "County"), and may have other offices within or without the State of New York as the Board of Directors may from time to time determine.

SECTION 3.-PURPOSES.

The Corporation shall have such purposes as are now or hereafter set forth in its Certificate of Incorporation. The purposes of the Corporation as stated in its Certificate of Incorporation are:

(a) Relieving and reducing unemployment;

(b) Promoting and providing for additional and maximum employment;

(c) Bettering and maintaining job opportunities;

(d) Instructing or training individuals to promote or develop their capacities for employment;

(e) Carrying on research for the purposes of aiding the Steuben County area by encouraging the development and retention of existing businesses and industries in the Steuben County area;

(f) Carrying on research for the purposes of aiding the Steuben County area by attracting new industry to Steuben County area;

(g) Lessening the burdens of government;

(h) To otherwise act in the public interest.

ARTICLE II-MEMBERSHIP

SECTION 1.-COMPOSITION OF MEMBERSHIP.

The sole member of the Corporation shall be the County, acting by and through [the Chair of Legislature of the County], ex officio. The Corporation shall be managed by its Board of Directors in accordance with the provisions contained herein.

SECTION 2.-RIGHTS AND POWERS OF THE MEMBERS.

The Members shall have and exercise all the rights and powers of corporate membership created by the laws of the State of New York, the Certificate of Incorporation and the By-laws of the Corporation.

SECTION 3.-ANNUAL MEETING OF MEMBERS.

The Members shall hold an annual meeting of the Members within six months after the end of each fiscal year at a convenient time and place designated by the Members. At the annual meeting, the Members shall appoint Directors for positions where a new directorship is created or the term of a Director has expired, receive the annual report and transact such other business as may properly come before the meeting; provided, however, that such Directors shall not be the same persons as the President/CEO or the Treasurer/CFO of the Corporation.

SECTION 4.-ANNUAL REPORT TO THE MEMBERS.

At the annual meeting of the Members, the CEO/President and the Treasurer/CFO of the Corporation shall present an annual report showing in appropriate detail the following information:

(a) A complete audited financial statement of the Corporation for the fiscal year immediately preceding the date of the report showing the assets and liabilities, principal changes in assets and liabilities, revenue, receipts, expenses and disbursements of the Corporation; and

(b) A summary of the activities of the Corporation during the preceding year.

The annual report shall be filed with the minutes of the annual meeting.

SECTION 5.-SPECIAL MEETING OF THE MEMBERS.

Special meetings of the Members may be called at any time by a majority of the Members and shall be called by the Secretary within fourteen (14) days of receipt of a written request from a majority of the Members. Such request shall state the purpose or purposes for the proposed meeting. Business transacted at a special meeting shall be confined to the purposes stated in the notice of such meeting; provided, however, if by unanimous consent all of the Members present at such meeting elect to transact business not previously described in the aforementioned notice, then the Corporation may transact such other business.

SECTION 6.-PLACE OF MEETINGS; ORGANIZATION.

All membership meetings shall be held at the principal office of the Corporation or at such other convenient location as may be determined by the Members of the Corporation. At each membership meeting, the Members shall select, by a majority of the Members present, a Member to preside. The Secretary, or in his or her absence, a person chosen by a majority of the Members present, shall keep complete and accurate minutes of the meeting.

SECTION 7. NOTICE OF MEMBERSHIP MEETINGS; WAIVERS.

(a) Notice of each membership meeting shall state the purpose or purposes for which the meeting is called, the place, date and time of the meeting, and unless it is the annual meeting, shall indicate that it is being issued by or at the direction of the person or persons calling the meeting. Such notice shall be given either personally or by mail to each member not less than ten (10) nor more than fifty (50) days before the date of the meeting. If mailed, the notice is given when deposited in the United States mail, with postage thereon prepaid, directed to a member at his or her address as it appears on the record of the Member or, if he or she shall have filed with the Secretary a written request that notices be mailed to some other address, then directed to such other address.

(b) Formal notice of meeting need not be given to a Member if he or she executes a waiver of notice, either before or after the meeting. The attendance of a Member at a meeting, without protesting prior to the conclusion of the meeting the lack of notice of such meeting, shall constitute a waiver of notice.

SECTION 8.-QUORUM OF MEMBERS.

(a) The presence of at least a majority of the Members shall constitute a quorum for the transaction of business at any annual or special membership meeting.

(b) A majority of the Members present at a meeting, whether or not a quorum is present, may adjourn any membership meeting to another time and place. Notice of the time and place of holding an adjourned meeting need not be given to absent Members if the time and place is announced at the meeting adjourned.

SECTION 9.-ACTION BY THE MEMBERS

(a) Each Member shall be entitled to one vote on each matter properly submitted to the Members for action at any meeting of the Members. Unless otherwise required by law of these By-Laws, the vote of the majority of Members present at the time of a vote at a duly convened meeting, provided a quorum is then present, shall be the act of the Members.

(b) Every Member entitled to vote at a meeting of Members may authorize another person or persons to act for him or her by proxy. Every proxy must be signed by the Member or the Member's attorney-in-fact. No proxy shall be valid after the expiration of eleven (11) months from the date thereof unless otherwise provided in the proxy. Every proxy shall be revocable at the pleasure of the Member executing it, except as otherwise provided by law.

SECTION 10.-PROPERTY RIGHTS OF MEMBERS.

The Members shall not have any right or interests in or to the property or assets of the Corporation.

ARTICLE III-BOARD OF DIRECTORS

SECTION 1.-POWER OF BOARD OF DIRECTORS.

The Corporation shall be managed by its Board of Directors, which shall establish all general policies governing its operations.

SECTION 2.-NUMBER, TERM AND RESTRICTIONS OF DIRECTORS.

(a) The number of Directors of the Corporation shall be [seven] as established by a resolution adopted by the Members. The Directors shall be appointed by the Members, the initial sole Member shall be the County, acting by and through the [Chair of the Legislature of the County]. The Directors shall exercise all rights of Directors as described herein and in the Certificate of Incorporation or any applicable resolution. Any subsequent increase or decrease in the size of the Board of Directors will require the approval of the Members. As used in these By-laws, "the entire board of Directors" means the total number of Directors that the Corporation would have it there were no vacancies on the Board.

(b) All Directors shall serve at the pleasure of the Members.

(c) Neither the President/CEO nor the Treasurer/CFO shall serve as Directors of the Corporation.

(d) All Directors of the Board shall participate in training approved by the State of New York regarding their legal, fiduciary, financial and ethical responsibilities as Directors within one (1) year of appointment to the Board. Thereafter, the Directors shall participate in such continuing training as may be required to remain informed of best practices, regulatory and statutory changes relating to the effective oversight of the management and financial activities of the Corporation and the adhere to the highest standards of responsible governance.

(e) As soon as practicable and in compliance with Section 2825 of the Public Authorities Law, the majority of the Directors shall be Independent Directors, as such term is defined in paragraph (g) below.

(f) Independence. For the purposes of these By-Laws, an Independent Director means any person who:

(i) is not, and in the past two (2) years has not been, employed by the Corporation or another corporate body having the same ownership and control of the Corporation in an executive capacity;

(ii) is not, and in the past two (2) years has not been, employed by an entity that received remuneration valued at more than fifteen thousand dollars ($15,000.00) for goods and services provided to the Corporation or received any other form of financial assistance valued at more than fifteen thousand dollars ($15,000.00) from the Corporation;

(iii) is not a relative of an executive officer or employee in an executive position of the Corporation or another corporate body having the same ownership and control of the Corporation; and

(iv) is not, and in the past two (2) years has not been, a lobbyist registered under a state or local law and paid by a client to influence the management decisions, contract awards, rate determinations or any other similar actions of the Corporation or another corporate body having the same ownership and control of the Corporation.

(g) Board Offices. A Chairperson, Vice-Chairperson, Treasurer and Secretary shall be elected from among the Directors of the Board at the organizational meeting and subsequent annual meetings of the Board of Directors. The term of office for the Chairperson, Vice-Chairperson, Treasurer and Secretary shall extend for one year after his or her election and until a successor is elected. The Chairperson, Vice-Chairperson, Treasurer and Secretary shall be eligible to serve an unlimited number of consecutive terms.

SECTION 3.-RESIGNATIONS AND REMOVAL OF DIRECTORS.

(a) Any Director of the Corporation may resign at any time by giving written notice to the President or the Secretary. Such resignation shall take effect at the time specified therein or, if no time is specified, then on delivery. Acceptance of the resignation shall not be necessary to make it effective.

(b) Any Director may be removed from the Board with or without cause by the affirmative vote of the Members.

SECTION 4.-NEWLY CREATED DIRECTORSHIPS AND VACANCIES.

Newly created directorships resulting from an increase in the number of directors, and vacancies occurring for any reason, shall be filled by the Members as soon as practicable but in no event later than sixty (60) days after the increase or vacancy occurs. A Director elected to fill a vacancy caused by resignation, death, disability or removal shall hold office for the unexpired term of his or her predecessor in office and until a successor is elected and takes office.

SECTION 5.-ANNUAL MEETING.

The annual meeting of the Board of Directors shall be held after the annual meeting of the Corporation described in Article II, Section 3 above at a convenient time and location designated by the Board. Written notice of the annual meeting shall be mailed or delivered to each voting Director of the Corporation prior to the meeting.

SECTION 6.-ANNUAL REPORT.

The President and the Treasurer shall present at the annual meeting of the Board of Directors a copy of the annual report described in Article II, Section 4 above.

SECTION 7.-SPECIAL MEETINGS AND NOTICE.

Special meetings of the Board of Directors may be called at any time by the President or any other officer of the Corporation. Written notice shall be mailed or delivered to each voting Director of the Corporation prior to the meeting. Said notice shall state the purposes, time and place of the special meeting and that no business other than that specified in the notice may be transacted.

SECTION 8.-WAIVERS OF NOTICE.

Notice of a meeting need not be given to any voting Director who submits a signed waiver of notice whether before or after the meeting, or who attends the meeting without protesting, prior thereto or at its commencement, the lack of notice to him or her.

SECTION 9.-PLACE OF MEETINGS.

The Board of Directors may hold its meetings at such place or places within or outside the State of New York as the voting Directors may from time to time by resolution determine.

SECTION 10.-OPEN MEETINGS.

To the extent required by law, the Corporation shall comply with the Open Meetings law of the State of New York, as set forth within Article 7 of the Public Officers Law.

SECTION 11.-FREEDOM OF INFORMATION.

To the extent required by law, the Corporation shall comply with the Freedom of Information Law of the State of New York, as set forth within Article 6 of the Public officers Law.

SECTION 12.-PUBLIC AUTHORITIES ACCOUNTABILITY ACT.

The Corporation is subject to the Public Authorities Accountability Act of 2005, as amended by Chapter 506 of the Laws of 2009 (collectively, the "PAAA") and shall comply with the PAAA, as set forth within the New York State Public Authorities Law.

SECTION 13.-STATE ENVIRONMENTAL QUALITY REVIEW ACT.

Upon the determination of the Board of Directors to do business with the State of New York, the Corporation shall comply with the State Environmental Quality Review Act, as set forth within Article 8 of the New York Environmental Conservation Law.

SECTION 14.-QUORUM AND ADJOURNED MEETINGS.

(a) A majority of the entire Board of Directors shall constitute a quorum for the transaction of business at meetings of the Board. When a quorum is once present to organize a meeting, it shall not be broken by the subsequent withdrawal of any Director(s).

(b) A majority of the Directors present, whether or not a quorum is present, may adjourn any Board meeting to another time and place. If a quorum is present at the adjourned meeting, any business may be transacted that might have been transacted on the original date of the meeting. Notice of the adjourned meeting shall be given to all voting Directors.

SECTION 15.-ACTION BY THE BOARD OF DIRECTORS.

Any corporate action to be taken by the Board of Directors means action at a meeting of the Board. Each voting Director shall have one vote regarding any corporate action to be taken by the Board. The majority of the Directors shall be the act of the Board of Directors. All references to actions of the Board of Directors herein and in the Certificate of Incorporation shall mean the affirmative vote of a majority of the Directors.

SECTION 16.-ORGANIZATION.

At each meeting of the Board of Directors, a chairman chosen by a majority of the Directors, shall preside. The Secretary, or, in his or her absence, a person chosen by a majority of the Directors, shall keep complete and accurate minutes of the meeting.

SECTION 17.-ATTENDANCE AT MEETINGS.

Attendance at each meeting of the Board shall be recorded by the Secretary in the minutes thereof.

SECTION 18.-COMPENSATION.

The Directors shall serve without compensation. All Directors may be reimbursed for reasonable expenses incurred in the performance of corporate duties.

SECTION 19.-ANNUAL INDEPENDENT AUDIT.

The Audit Committee shall present to the Board upon its completion, the annual independent audit report performed in accordance with the requirements of the PAAA and generally accepted government auditing standards certified by a firm of independent public accountants. The certified independent public accounting firm that performs the annual independent audit shall timely report to the Audit Committee the following:

(i) the assets and liabilities, including the status of reserve, depreciation, special or other funds including the receipts and payments of such funds, of the Corporation as of the end of the fiscal year;

(ii) the principal changes in assets and liabilities, including trust funds, during said fiscal period;

(iii) the revenue or receipts of the Corporation, both unrestricted and restricted, to particular purposes during said fiscal period;

(iv) the expenses or disbursements of the Corporation for both general and restricted purposes, during said fiscal period; and

(v) a schedule of the bonds and notes of the Corporation outstanding during said fiscal period, including all refinancings, calls, refundings, defeasements, and interest rate exchange or other such agreements, and for any debt issued during the fiscal period, together with a statement of the amounts redeemed and incurred during such fiscal period as a part of a schedule of debt issuance that include the date of issuance, term, amount, interest rate, means of repayment and cost of issuance.

Furthermore, the certified independent public accounting firm that performs the annual independent audit shall timely report to the Audit Committee the following:

(i) all critical accounting policies and practices to be used;

(ii) all alternative treatments of financial information within generally accepted accounting principals that have been discussed with the management of the Corporation, ramifications of the use of such alternative disclosures and treatments, and the treatment preferred by the certified independent public accounting firm; and

(iii) other material written communications between the certified independent public accounting firm and the management of the Corporation, such as the management letter along with management's response or plan of corrective action, material corrections identified or schedule of unadjusted differences, where applicable.

SECTION 20.-PROPERTY RIGHTS.

No Director of the corporation shall, by reason of that position, have any rights to or interest in the property or assets of the Corporation.

ARTICLE IV-COMMITTEES

SECTION 1.-STANDING COMMITTEES.

(a) The Standing Committees of the Board shall be as described in subparagraph (b) below. Except as otherwise provided by these By-laws, each Standing Committee shall consist of at least three Directors. No Standing Committee shall have authority as to the following matters:

(i) The submission to the Members of any action requiring its approval;
(ii) The filling of vacancies on the Board of Directors or any committee;
(iii) The amendment or repeal of these By-laws or the adoption of new By-laws; or
(iv) The amendment or repeal of any resolution of the Board which by its terms is not so amendable or repealable.

(b) Until changed by amendment of these By-laws, the Corporation shall have Audit and Governance Standing Committees comprised of independent members, as required by the Public Authorities Accountability Act:

Audit and Finance Committee. There shall be an Audit and Finance Committee consisting entirely of Independent members, who shall be elected by a plurality of the votes cast by the Directors of the Corporation at each annual meeting of the Board and shall serve until the next annual meeting. To the extent practicable, members of the Audit and Finance Committee should be familiar with corporate financial and accounting practices. The Audit and Finance Committee shall recommend to the Board the hiring of a certified independent accounting firm in compliance with the PAAA to conduct the annual independent audit, establish the compensation to be paid to the accounting firm and provide direct oversight of the performance of the annual independent audit. The Audit and Finance Committee shall have the responsibility to review proposals for the issuance of debt by the Corporation and its subsidiaries, if any, and make recommendations.

Governance Committee. There shall be a Governance Committee consisting entirely of Independent members, who shall be elected by a plurality of the votes cast by the Directors of the Corporation at each annual meeting of the Directors and shall serve until the next annual meeting. The Governance Committee shall keep the Board informed of current best governance practices, review corporate governance trends, update the Corporation's corporate governance principles, and advise the Members and Directors on the skills and experience required of potential Directors.

SECTION 2.-SPECIAL COMMITTEES.

The Board of Directors, by resolution adopted by a majority of the entire Board of voting Directors, may create Special Committees, which shall have only the powers specifically delegated to them and shall in no case have powers which are not authorized for Standing Committees. The members of Special Committees shall be appointed by the President from among the Directors, with the approval of the Board.

SECTION 3.-MEETINGS.

Meetings of committees shall be held at such times and places as shall be fixed by the respective committee chairmen, or by vote of a majority of all of the members of the committee. Written notice shall be mailed (via regular mail or electronic mail) or delivered to all members of the committee prior to each meeting. Written minutes of the

proceedings shall be kept at all committee meetings and shall be submitted at the next meeting of the Board. The President, or his or her designee, may attend all committee meetings.

SECTION 4.-QUORUM.

Unless otherwise provided by resolution of the Board of Directors, a majority of all of the members of a committee shall constitute a quorum for the transaction of business.

SECTION 5.-MANNER OF ACTING.

Any corporate action to be taken by a committee shall mean such action to be taken at a meeting of the committee. Action by a committee shall be taken by majority vote at a meeting.

ARTICLE V-OFFICERS

SECTION 1.-PRESIDENT; VICE PRESIDENT; OTHER OFFICERS.

The Corporation shall have a President/CEO, a Treasurer/CFO, and a Secretary and other officers and assistant officers as the Board of Directors may determine. The offices of president and secretary shall not be held by the same person. No Director shall hold the office of President/CEO or Treasurer/CFO. The officers shall have such duties as may be prescribed by these By-laws and the Board of Directors.

SECTION 2.-TERMS OF OFFICERS.

The officers shall be elected by the Directors from among the members of the Board at its annual meeting. Unless a shorter term is provided in the resolution of the Board electing such officer, the term of office of each officer shall extend for one year after his or her election and until a successor is elected or appointed and qualified. Officers shall be eligible to serve an unlimited number of consecutive terms.

SECTION 3.-ADDITIONAL OFFICERS.

Additional officers may be elected for such period, have such authority and perform such duties, either in an administrative or subordinate capacity, as the Board of Directors may from time to time determine. Such positions may include a Chief Executive Officer and Acting Secretary, and any other position established by the Board of Directors from time to time.

SECTION 4.-REMOVAL OF OFFICERS.

Any officer may be removed by vote of the Directors, with or without cause, at any time.

SECTION 5.-RESIGNATION.

Any officer may resign at any time by giving written notice to the Board of Directors, the President or the secretary. Any such resignation shall take effect at the time specified therein, or, if no time is specified, then on delivery. Acceptance of the resignation shall not be necessary to make it effective.

SECTION 6.-VACANCIES.

A vacancy in any office of the Corporation shall be filled by the majority vote of the entire Board of Directors.

SECTION 7.-PRESIDENT.

The President shall be the chief executive officer of the Corporation and shall generally supervise all its affairs. The President shall perform such other duties as may be assigned to him or her from time to time by the Board of Directors.

SECTION 8.-SECRETARY.

It shall be the duty of the Secretary to supervise the preparation of minutes of all meetings of the Members and the Board of Directors and its committees, the giving of all notices required to be given by the Corporation, and the keeping of a current list of the Corporation's Members, Directors and officers and their residence addresses. The Secretary shall be responsible for supervising the preparation and maintenance of the books and records of the Corporation. The Secretary shall attend to such correspondence as may be assigned to him or her and perform all the duties customarily incidental to that office and such other duties as may be assigned to him or her by the Board of Directors or the President. From time to time, the Board of Directors may designate duties of the Secretary to an appointed Acting Secretary who will perform such duties as may be assigned to him or her.

SECTION 9.-TREASRUER.

It shall be the duty of the Treasurer, as Chief Financial Officer of the Corporation, to oversee the financial affairs of the Corporation, report at each regular meeting of the Board of Directors, and participate in preparing the annual report of the Corporation and the filing of all required tax returns and other regulatory reports. The Treasurer shall perform such other duties as may be assigned to him or her by the Board of Directors or the President. From time to time, the Board of Directors may employ or contract with an appointed Acting Treasurer to whom the Board of Directors may designate certain duties of the Treasurer and other such duties as may be assigned to him or her.

[SECTION 10.-STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY - PERSONNEL.

The Corporation may use the agents, employees and facilities of the County and/or the Steuben County Industrial Development Agency (“SCIDA”) to perform any or all of its functions as described in the Certificate of Incorporation and these By-Laws. In such event, the Corporation will, by resolution, enter into a contract with the County and/or SCIDA providing the terms upon which the County and/or SCIDA will provide the use of its agents, employees and facilities to the Corporation and the compensation, if any, that the Corporation shall pay to the County and/or SCIDA for the use by the Corporation of County and/or SCIDA agents, employees and facilities.]

ARTICLE VI-CONTRACTS, CHECKS, DRAFTS AND BANK ACCOUNTS

SECTION 1.-EXECUTION OF CONTRACTS.

The Board of Directors, except as these By-laws otherwise provide, may authorize any officer or officers, agent or agents, employee or employees, in the name of and on behalf of the Corporation, to enter into any contract or execute and deliver any instrument, and such authority may be general or confined to specific instances; but, unless so authorized by the Board of Directors, or expressly authorized by these By-laws, no officer, agent or employee shall have any power or authority to bind the Corporation by any contract or engagement or to pledge its credit or to render it liable pecuniarily in any amount for any purpose.

SECTION 2.-LOANS.

No loans shall be contracted on behalf of the Corporation unless specifically authorized by the Board of Directors.

SECTION 3.-CHECKS, DRAFTS, ETC.

All checks, drafts and other orders for the payment of money out of the funds of the Corporation, and all notes or other evidences of indebtedness of the Corporation, must be signed on behalf of the Corporation by the President, Vice-President or Chief Executive Officer and the Secretary, Treasurer or Acting Secretary.

SECTION 4.-DEPOSITS.

All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Treasurer may recommend and the Board of Directors approves.

SECTION 5.-INVESTMENTS.

The Board of Directors may authorize the Corporation to contract with an investment advisor and custodian to manage its investments in accordance with an investment policy established by the Board.

ARTICLE VII-GENERAL

SECTION 1.-SEAL

The corporate seal shall have inscribed thereon the name of the Corporation, the year of its organization, and the words "Corporate Seal, New York." The seal may be used by causing it or a facsimile thereof to be impressed or affixed or otherwise reproduced.

SECTION 2.-BOOKS AND RECORDS.

There shall be kept by the Corporation (1) correct and complete books and records of account, (2) minutes and statements of written action by the Members, (3) minutes of the proceedings of the Board of Directors and its committees, (4) a current list of the Members, Directors and officers of the Corporation and their residence addresses, (5) a copy of the Certificate of Incorporation, and (6) a copy of these By-laws.

SECTION 3.-INDEMNIFICATION.

The Corporation shall indemnify each Member, each Director, each officer, and, to the extent authorized by the Board of Directors, each other person authorized to act for the Corporation or on its behalf, to the full extent to which indemnification is permitted under the Not-for-Profit Corporation Law.

SECTION 4.-INTERESTED DIRECTORS AND OFFICERS.

The Board of Directors may adopt a policy regarding conflicts of interest which shall apply to all directors and officers.

ARTICLE VIII-FISCAL YEAR

The fiscal year of the Corporation shall commence on the first day of January of each calendar year and end on the last day of December.

ARTICLE IX-RULES OF ORDER AND BYLAW CHANGES

SECTION 1.-RULES OF ORDER.

Meetings of the Members and the Board of Directors and its committees shall be governed by Robert's Rules of Order, except in cases otherwise provided for by these By-laws.

SECTION 2.-BYLAW CHANGES.

These By-laws may be amended, repealed or adopted only by the Members of the Corporation.

Vote: Roll Call – Adopted.

RESOLUTION NO. 122-11

Introduced by R. Nichols. Seconded by C. Ferratella.

EXTENDING AND AMENDING THE AGREEMENT BETWEEN THE COUNTY OF STEUBEN AND THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY FOR THE OLD COUNTY FARM.

WHEREAS, the County conveyed the portion of the Old County Farm referred to as the west portion to the Steuben County Industrial Development Agency in 1999; and

WHEREAS, upon review of the original agreement, certain amendments have been recommended by the Industrial Development Agency to the Agriculture, Industry & Planning Committee; and

WHEREAS, the Agriculture, Industry & Planning Committee has reviewed the proposal and recommends the agreement be so amended; and

WHEREAS, the Industrial Development Agency has also requested the agreement be extended for an additional ten year period commencing with the adoption of this resolution; and

WHEREAS, it is desirable to continue to have the Industrial Development Agency market the property for development purposes with the expectation of creating and improving employment opportunities as well as stimulating the economy.

NOW THEREFORE, BE IT

RESOLVED, the County Administrator be and the same hereby is authorized and directed to execute any and all necessary documents to facilitate the amendment and extension of the agreement with the Steuben County Industrial Development Agency for an additional ten year period commencing with the adoption of this resolution; and be it further

RESOLVED, that any other uses not specified within the agreement must be separately presented to the Steuben County Legislature for approval; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to James C. Johnson, Executive Director of the Steuben County Industrial Development Agency, 7234 Route 54, Bath, NY; and Mark R. Alger, Steuben County Administrator.

Mr. Swackhamer stated he doesn't agree with this. Why can't the County hold onto this property and then if the IDA has interest, we can look at it. Why can't we have an agreement that the property will be available, rather than turning it over to them?

Mr. Alger explained the position we are in, is this. The County, ten years ago, conveyed this property to the IDA. They own this property. The agreement we had called for certain development to take place. The IDA has approached us to amend the agreement to include a few more allowable uses. In order for us to take the property back, we would have to petition the Supreme Court and convince them that it is in the best public interest for the IDA to relinquish the property and convey it back to the County. It is not as simple as having allowed them to use the property and then take it back. With that said, the original purpose and intent was to promote the use of the property for economic development activities. It is likely, with the amendments proposed in this agreement by the new Executive Director, that they will see

more activity than we have in the last ten years. The best thing to see would be the opportunity for additional jobs in the County. Mr. Alger stated we need jobs and we need to do what we can to encourage the creation of jobs.

Mr. Swackhamer stated that he remembers discussion that the property was to be turned back over to the County if it was not used. Mr. Alger stated the provision was such that we could petition to have it returned. Your point is well taken. If the County took over the property and an economic developer had to get approval from the County for a project, it may discourage them from doing that. That is why we transferred the property to the IDA.

Mr. Crossett asked was anything excluded from the previous agreement? Mr. Alger replied the amendments were minor. He asked Jamie Johnson, SCIDA Executive Director, to come forward.

Mr. Johnson stated that in the previous agreement, the uses were fairly limited to light industry and manufacturing. Conditions have changed and we had a fairly limited focus on that property. He stated that he looked at the economic plan that the IDA did and he took the targeted industries in the plan and used them in the agreement. The use now includes light industry, professional services and renewable energy. There is a provision to consider retail, but that would need to come back to the IDA and the Legislature for approval. We are looking to partner with the County on this. Mr. Johnson stated that he does not see this site as one big project site. He sees it more as small with 10 -15 job projects.

Mrs. Ferratella asked if the property came back under County control, which department would market that for us? Mr. Alger replied that he guessed it would be him. Mr. Swackhamer stated the IDA would still market it and come back to us for approval. Now we have lost control and if we needed the property for something, we will have to purchase property. We have 108 acres. If the IDA owns that, would the County be able to negotiate if we needed a portion of it?

Mr. Alger replied we certainly would ask and, given the history we have with the IDA, they would be hard-pressed to deny, but they certainly could. Mr. Johnson explained the ability of the IDA, on any economic development project, to have control of the site without getting approval from the County is invaluable. Everything we do is extremely confidential and this ability is crucial to us being able to negotiate deals.

Vote: Roll Call – Adopted. Yes – 8185; No – 451; Absent – 1236
(Opposed: Mr. Swackhamer; Absent: Mr. Creath and Mr. McAllister)

RESOLUTION NO. 123-11

Introduced by B. Schu. Seconded by All Legislators.

RECOGNIZING THE EFFORTS OF MULTIPLE AGENCIES INVOLVED IN THE RESCUE OPERATION OF THE BUS ACCIDENT ON I-390 THAT OCCURRED ON JULY 17, 2011.

WHEREAS, Steuben County recognizes the potential for serious transportation incidents on our roadways; and

WHEREAS, Steuben County has a dedicated, well trained cadre of emergency response personnel; and

WHEREAS, Steuben County recognizes the network of agencies and personnel that support the effects of a transportation incident; and

WHEREAS, on July 17, 2011 a tour bus left the road and overturned on I-390 in the Town of Avoca; and

WHEREAS, this incident involved 37 persons, mostly of international travelers, who were injured and trapped; and

WHEREAS, through the extraordinary actions of the local emergency responders to include fire rescue; emergency medical personnel from Steuben and Livingston Counties; law enforcement; local tow truck personnel; emergency medical helicopter operations; emergency management personnel; and Department of Transportation personnel; 35 individuals survived; and

WHEREAS, injured were transported to hospitals throughout Steuben, Livingston and Monroe Counties and their staff performed critical life-saving work; and

WHEREAS, these same hospitals provided extraordinary measures to support the injured and their families; and

WHEREAS, the local Red Cross Disaster Assistance Team provided shelter with the support of a local hotel to care for and provide lodging as these travelers were released from the many hospitals; and

WHEREAS, the local Red Cross Disaster Assistance Team in conjunction with Steuben County Mental Health provided invaluable crisis counseling in the week following the accident.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature wishes to formally acknowledge and commend the efforts of the team work and selfless acts performed by the emergency personnel at the scene of the emergency on the 17th of July 2011; and be it further

RESOLVED, the Steuben County Legislature wishes to formally acknowledge and commend the efforts of the hospital staff; the Red Cross Disaster workers; and Mental Health workers who supported the recovery and well-being of the victims; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Emergency Management; the Steuben County Sheriff; the Director of the Office of Community Services; the Avoca Volunteer Fire & Ambulance; the Bath Volunteer Ambulance; the Bath Volunteer Fire Rescue.; Prattsburgh Ambulance; Atlanta/North Cohocton Volunteer Fire & Ambulance; Cohocton Volunteer Fire & Ambulance; Wayland Volunteer Fire Rescue & Ambulance; Fremont Volunteer Fire & Ambulance; City of Hornell Fire Dept. Ambulance; Rural Metro Ambulance; Livingston County Advance Life Support; Bath VA Fire & Ambulance; Dansville Volunteer Ambulance; Naples Volunteer Ambulance; Wayne Volunteer Fire & Ambulance; Livonia Volunteer Ambulance; Penn Yan Volunteer Ambulance; Life Net Helicopter Transport; Guthrie Medical Transport; Mercy Flight Helicopter Transport; NYS Police; T&R Towing; Ira Davenport Memorial Hospital; Noyes Memorial Hospital; St James Hospital; Bath VA Hospital; Corning Hospital; Strong Memorial Hospital, Rochester General Hospital; and The Greater Steuben Chapter American Red Cross.

Chairman Hauryski stated that he would like to recognize the incident commander at the scene, Randy Hammond. As incident commander, Mr. Hammond coordinated the response and is to be commended for his work.

Vote: Acclamation – Adopted.

Motion to adjourn made by Mr. Quinlan, seconded by Mr. Roush and duly carried.

REGULAR MEETING
Morning Session
Monday, September 26, 2011
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 September 2011, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present.

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

Chairman Hauryski asked Lucy Smith to come forward. Ms. Smith is an employee in the Buildings & Grounds Department. He presented her with a Certificate of Appreciation and a watch in recognition of her retirement following 16 years of service to Steuben County.

Chairman Hauryski asked Scott Ferree to come forward. Mr. Ferree is an employee in the Department of Social Services. He presented him with a Certificate of Appreciation and a pin in recognition of his 15 years of service to Steuben County.

Chairman Hauryski asked Kim Stone to come forward. Ms. Stone is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation in recognition of her 30 years of service to Steuben County.

Chairman Hauryski opened the floor for comments by members of the public. There being none, he declared the opportunity for public comment closed.

Motion approving the minutes of the August 22, 2011 meeting made by Mr. Hanna, seconded by Mr. McAllister and duly carried.

Mr. Isaman stated this year's United Way Campaign Drive has started and will run through mid-October. The need is great and your donations really do help.

Mr. Farrand stated that recently the Public Works Department worked on CR126 and CR61 and they did a great job.

RESOLUTION NO. 124-11

Introduced by L. Crossett. Seconded by S. Van Etten.

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

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

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

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

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

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

SCHEDULE "A"

Resolution No.	A-1
Name	Stern & Stern Industries, Inc.
Parcel No.	151.09-02-038.000
Municipality	Hornell City
Disposition	Court Ordered Refund

Resolution No.	A-2
Name	Richard F Andolina & Molly Andolina
Parcel No.	151.63-02-022.000
Municipality	Hornell City
Disposition	Court Ordered Refund

Resolution No.	A-3
Name	Main Street Real Estate, LLC
Parcel No.	151.64-03-016.000
Municipality	Hornell City
Disposition	Court Ordered Refund

Resolution No.	A-4
Name	David A Shults & Eric Shults
Parcel No.	151.64-03-025.000
Municipality	Hornell City
Disposition	Court Ordered Refund

Resolution No.	A-5
Name	David A Shults & Elizabeth B Shults
Parcel No.	151.64-03-026.000
Municipality	Hornell City
Disposition	Court Ordered Refund

Resolution No.	A-6
Name	David A Shults & Barbara L S Finch
Parcel No.	151.71-03-050.000
Municipality	Hornell City
Disposition	Court Ordered Refund

Resolution No.	A-7
Name	Weyand LLC EH (formerly Animal Identification and Marking Systems, Inc.
Parcel No.	166.15-01-085.110
Municipality	Hornell City
Disposition	Court Ordered Refund

SCHEDULE "B"

Resolution No.	B-1
Former Owner	Karen Ida Scott & Eleanor Mehlenbacher
In Rem Index No.	104021, 2009 sale
Parcel No.	054.06-01-020.000
Municipality	Wayland Town
Grantee(s)	Karen Ida Scott & Eleanor Mehlenbacher
Grantee(s) Address	PO Box 514, Wayland, NY 14572
Consideration	$7,920.10, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-2
Former Owner	Karen Ida-Wells Scott
In Rem Index No.	104021, 2009 sale
Parcel No.	054.00-01-039.000
Municipality	Wayland Town
Grantee(s)	Karen Ida-Wells Scott
Grantee(s) Address	PO Box 514, Wayland, NY 14572
Consideration	$24,536.53, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-3
Former Owner	James E Heil
In Rem Index No.	101381, 2008 sale
Parcel No.	131.06-01-025.000
Municipality	Urbana Town
Grantee(s)	James E Heil
Grantee(s) Address	PO Box 730, Hammondsport, NY 14840
Consideration	$50,307.34, together with $310.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-4
Former Owner	Walter Updike
In Rem Index No.	104021, 2009 sale
Parcel No.	024.00-01-009.000
Municipality	Pulteney Town
Grantee(s)	Walter Updike
Grantee(s) Address	2998 State Rte 54A, Bluff Point, NY 14478
Consideration	$11,370.06, together with $185.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No.	B-5
Former Owner	Jeremy Shinebarger
In Rem Index No.	104021, 2009 sale
Parcel No.	151.13-01-086.000
Municipality	Hornell City
Grantee(s)	City of Hornell
Grantee(s) Address	82 Main St., Hornell, NY 14843
Consideration	$2,053.70, together with $185.00 recording fees

Resolution No.	B-6
Former Owner	Dale C Harvey
In Rem Index No.	104021, 2009 sale
Parcel No.	151.80-01-038.000
Municipality	Hornell City
Grantee(s)	City of Hornell
Grantee(s) Address	82 Main St., Hornell, NY 14843
Consideration	$4,313.44, together with $185.00 recording fees

Resolution No.	B-7
Former Owner	David P Tipton & Carolyn Tipton
In Rem Index No.	98375, 2007 sale
Parcel No.	151.80-01-050.000
Municipality	Hornell City
Grantee(s)	City of Hornell
Grantee(s) Address	82 Main St., Hornell, NY 14843
Consideration	$10,993.29, together with $185.00 recording fees

Resolution No.	B-8
Former Owner	Orlanda Stoddard
In Rem Index No.	104021, 2009 sale
Parcel No.	166.06-02-090.000
Municipality	Hornell City
Grantee(s)	City of Hornell
Grantee(s) Address	82 Main St., Hornell, NY 14843
Consideration	$4,719.72, together with $185.00 recording fees

Resolution No.	B-9
Former Owner	Dale C Harvey
In Rem Index No.	104021, 2009 sale
Parcel No.	166.26-01-009.200
Municipality	Hornell City
Grantee(s)	City of Hornell
Grantee(s) Address	82 Main St., Hornell, NY 14843
Consideration	$5,752.83, together with $185.00 recording fees

Vote: Roll Call – Adopted.

RESOLUTION NO. 125-11

Introduced by J. Hauryski. Seconded by G. Roush.

RECEIVING AND ACCEPTING THE SEPTEMBER 26, 2011 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 12, 2011
Peter Wasson, Town of Wayne – Re: Letter commending Jeff Parker and crew of the Soil and Water Conservation District on a great job performed throughout the entire process which was recently completed near his residence. ***Referred to: A.I.P. Committee; and Joseph Hauryski, Legislature Chairman.***

August 16, 2011
Harris Beach PLLC, Attorneys at Law – Re: Revised Form RP-412a and revised Schedule A to Pilot agreement for the City of Hornell Industrial Development Agency and Federation Lofts LLC. ***Referred to: Finance Committee; Administration Committee; Alan Reed, County Attorney; Wendy Flaitz, RPTSA Director; and Patrick Donnelly, County Treasurer.***

August 17, 2011
NYS Office of the State Comptroller – Re: Acknowledgement of receipt of the response on the draft findings and recommendations for the Protection of Personal, Private and Sensitive Information (PPSI) Audit for Steuben County. ***Referred to: Administration Committee; Ken Peaslee, IT Director; Jim Gleason, Purchasing Director; and Jack Wheeler, Deputy County Administrator.***

August 19, 2011
NYS Department of Health – Re: Notification of the supplemental Medicaid Upper Payment Limit (UPL)
Payments have been authorized for Public Nursing Facilities. ***Referred to: Human Services/Health & Education Committee; David McCarroll, HCF Administrator; Kathryn Muller, Commissioner of Social Services; and Patrick Donnelly, County Treasurer.***

August 24, 2011
NYS Department of Transportation – Re: Upstate Statewide Mass Transportation Operating Assistant (STOA) 2nd quarter SFY 2011-2012 payment. ***Referred to: Amy Dlugos, Planning Director.***

Southern Tier Central Regional Planning & Development Board – Re: Summary of Work performed and financial summary on the second quarter of the STC RiskMap project. ***Referred to: Mark Alger, County Administrator; and Amy Dlugos, Planning Director.***

August 25, 2011
NYS Homes & Community Renewal – Re: Budget Modification Approval on the New York State Community Development Block Grant (CDBG) Project #1115HR4-09. ***Referred to: Amy Dlugos, Planning Director.***

NYS Department of Transportation – Re: Letter of appreciation on the help provided by the Steuben County Soil and Water Conservation District in cleaning and reestablishing the stream channels on two bridges located on State Route 226. ***Referred to: A.I.P. Committee; and Joseph Hauryski, Legislature Chairman.***

August 26, 2011
NYS Office for the Aging – Re: Notification of Grant Award and approved application for the Retired and Senior Volunteer Program (RSVP) for the period from April 1, 2011 - March 31, 2012. ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

August 29, 2011
NYS Homes & Community Renewal – Re: Grant Agreement Termination Notice for the New York State Community Development Block Grant (CDBG) Project #1115HR4-09. Referred to: ***Referred to: Amy Dlugos, Planning Director.***

September 1, 2011
Western Regional Off-Track Betting Corporation - Re: Check in the amount of $4,526 representing the July 2011 retained surcharge revenues for Steuben County**.** ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

September 6, 2011
Corning Community College – Re: Notification of the new county chargeback rate ($2,708 per FTE) and an estimate of the total chargeback's (Jan-Dec 2012; Operating $3,461,429/Capital $385,466). ***Referred to: Human Services/Health & Education Committee; Finance Committee; and Patrick Donnelly, County Treasurer.***

NYS Homes & Community Renewal – Re: Grant Agreement 12-Month Expiration Notice **(August 26, 2012)** on the NYS CDBG Project #1115HR108-10. ***Referred to: Amy Dlugos, Planning Director.***

McKesson Governmental Entity – Re: McKesson Governmental Entities Average Wholesale Price Litigation, Case #1:08-cv-10843-PBS. ***Referred to: Alan Reed, County Attorney.***

September 8, 2011
NYS Department of Environmental Conservation – Re: Notification of sufficient evidence for an enforcement action against Corning Inc. for failure to comply with the company's Title V air pollution control permit. ***Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Steuben County Environmental Management Council.***

September 9, 2011
State of New York Unified Court System – Re: Notification of the reappointment of Joseph Hauryski to the Board of Trustees of the Steuben County Supreme Court Law Library for a two year term commencing October 3, 2011. ***Referred to: Joseph Hauryski, Legislature Chairman.***

National Fuel – Re: A meeting notice for Tuesday, September 27, 2011 at the Holiday Valley Resort and Conference Center located on 6557 Holiday Valley Road in Ellicottville, NY 14731 from 2:00pm-3:30pm. The meeting will provide important information about National Fuel's current operations in Western New York, including an update on issues concerning drilling in the Marcellus Shale. ***Referred to: Joseph Hauryski, Legislature Chairman; and Amy Dlugos, Planning Director.***

New York State Department of Environmental Conservation – Re: The revised draft Supplemental Generic Environmental Impact Statement (SGEIS) on the oil, gas and solution mining regulatory program. The department is accepting comments on the revised draft until December 12, 2011 and is available on the department's website at http://www.dec.ny.gov/energy/75370.html. ***Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Steuben County Environmental Management Council.***

September 12, 2011
CSEA, AFSCME Local 1000, AFL-CIO – Re: Contract between Steuben County (Correction Officers, Dispatchers and Court Security Officers) and the CSEA Employee Benefit Fund for the Horizon Dental and the Platinum 12 Vision Plan. ***Referred to: Administration Committee; Nancy Smith, Personnel Director; and Patrick Donnelly, County Treasurer.***

September 15, 2011
Harris Beach PLLC, Attorneys at Law – Re: Distribution of Form RP-412a and the Second Amendment to the Pilot Agreement for the Gunlocke Company. ***Referred to: Finance Committee; Administration Committee; Alan Reed, County Attorney; Wendy Flaitz, RPTSA Director; and Patrick Donnelly, County Treasurer.***

September 16, 2011
Mercy Flight Central – Re: 2012 Budget Request in the amount up to $5,000. ***Referred to: Human Services/Health & Education Committee; Finance Committee; Public Safety & Corrections Committee; and Patrick Donnelly, County Treasurer.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 126-11

Introduced by R. Nichols and L. Crossett. Seconded by C. Ferratella.

AUTHORIZING THE TRANSFER OF FUNDS FROM THE COUNTY ROAD CONSTRUCTION CAPITAL PROJECTS AND ROAD PROJECT ACCOUNTS TO THE HIGHWAY MACHINERY FUEL AND REPAIR ACCOUNTS.

WHEREAS, the 2007, 2008, 2009 three year average price for gas was $2.40/gallon and for diesel fuel was $2.80/gallon; and the 2011 average prices are $3.15/gallon and $3.33/gallon; and

WHEREAS, the budgets for fuel were initially prepared using the three year averages plus 3% per year inflation; yielding an estimated 2011 budget of $970,000; and

WHEREAS, a budget figure of $825,000 was actually used; and the actual inflation was 9% per year; and

WHEREAS, it is estimated that the total gas and diesel expense for 2011 will be $1,227,000; and

WHEREAS, $276,882 was set aside in Capital Projects for increases in liquid asphalt prices; but was not needed due to lower than expected bid prices; and

WHEREAS, $124,855 can be deducted from the CR 69 Road Project by delaying part of the paving until next year; and

WHEREAS, another $50,000 was previously transferred from Machinery Repairs to fund the shortfall in fuel funding; and

WHEREAS, the Public Works and Finance Committees of the Steuben County Legislature have considered, deliberated upon, and approved these transfers of funds from the County Road Construction Capital Projects accounts and the Road Project accounts to the Highway Machinery Fuel and Repair accounts.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Treasurer is hereby authorized and directed to make the following transfer:

- Decrease Permanent Improvements, 511200.5.250000, Capital Projects by $276,882
- Decrease Permanent Improvements, 511200.5.250545, 69-1 Road Project by $124,855

- Increase Machinery Highway, 513000.5.450320, Unleaded Gasoline by $75,000
- Increase Machinery Highway, 513000.5.450330, Diesel Fuel by $276,737
- Increase Machinery Highway, 513000.5.451300, Parts & Repairs by $50,000

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

Vote: Roll Call – Acclamation.

RESOLUTION NO. 127-11

Introduced by P. McAllister. Seconded by G. Roush.

AUTHORIZING AND DIRECTING THE COUNTY REAL PROPERTY TAX OFFICE TO INVOICE $38,300 FOR THE REAL PROPERTY SYSTEM VERSION 4 (RPS V4) LICENSE AND SUPPORT FEES TO EACH TOWN AND SUBMIT A LIST OF CHARGES TOTALING $3,200 FOR THE CITY OF CORNING AND THE CITY OF HORNELL FOR THE REAL PROPERTY SYSTEM VERSION 4 (RPS V4) LICENSE AND SUPPORT FEES TO THE COUNTY TREASURER TO BE INCLUDED IN THE TOTAL COUNTY CHARGEBACKS FOR EACH 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 Administration Committee has approved the invoicing of the fees to the towns; and

WHEREAS, the cities did not have the opportunity to budget these items in their 2011-12 budgets; 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 for the two cities be forwarded to the County Treasurer to be included in the report of total town and city chargebacks for the next tax levy; the chargeback will be added to the city's share of the County tax levy and tax rate, payable to the County Treasurer; and be it further

RESOLVED, the Real Property Tax Office will invoice each town for the Real Property System Version 4 (RPS V4) license and support charge as more fully set forth in the RPS V4 Invoice and Chargebacks for January 1, 2012 Tax Levy schedule attached hereto; and be it further

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

RPS V4 INVOICE AND CHARGEBACKS FOR 1/1/12 TAX LEVY

o:\tax levy dist rates resolutions report\rpsv4 chargebacks.xls 08/11/2011

Swis	***Municipalaity***	***Parcel Count***	***ORPTS License Fee***	***County Support Fee***	***Total Charge***
4603	Corning City	4,290	$1,500	$200	$1,700
4606	Hornell City	3,813	$1,300	$200	$1,500
4620	Addison	1,278	$1,000	$200	$1,200
4622	Avoca	1,326	$1,000	$200	$1,200
4624	Bath	5,052	$1,500	$200	$1,700
4626	Bradford	558	$850	$200	$1,050
4628	Cameron	745	$850	$200	$1,050
4630	Campbell	1,584	$1,000	$200	$1,200
4632	Canisteo	2,043	$1,200	$200	$1,400
4634	Caton	1,299	$1,000	$200	$1,200
4636	Cohocton	1,829	$1,000	$200	$1,200
4638	Corning Town	3,278	$1,300	$200	$1,500
4640	Dansville	1,264	$1,000	$200	$1,200
4642	Erwin	3,216	$1,300	$200	$1,500
4644	Fremont	773	$850	$200	$1,050
4646	Greenwood	725	$850	$200	$1,050
4648	Hartsville	567	$850	$200	$1,050
4650	Hornby	983	$850	$200	$1,050
4652	Hornellsville	2,428	$1,200	$200	$1,400
4654	Howard	1,184	$1,000	$200	$1,200
4656	Jasper	847	$850	$200	$1,050
4658	Lindley	1,016	$1,000	$200	$1,200
4660	Prattsburgh	1,867	$1,000	$200	$1,200
4662	Pulteney	1,686	$1,000	$200	$1,200
4664	Rathbone	769	$850	$200	$1,050
4666	Thurston	982	$850	$200	$1,050
4668	Troupsburg	914	$850	$200	$1,050
4670	Tuscarora	869	$850	$200	$1,050

ORPTS License Fee Schedule

Number of Parcels	Fee
0-500	$750
501-1000	$850
1001-2000	$1,000
2001-3000	$1,200
3001-4000	$1,300
4001-6000	$1,500

Steuben County
Real Property Tax Service Agency
3 E. Pulteney Square
Bath, New York 14810

4672	Urbana	1,983	$1,000	$200	$1,200
4674	Wayland	2,277	$1,200	$200	$1,400
4676	Wayne	1,597	$1,000	$200	$1,200
4678	West Union	532	$850	$200	$1,050
4680	Wheeler	1,008	$1,000	$200	$1,200
4682	Woodhull	1,144	$1,000	$200	$1,200
		55,726	$34,700	$6,800	$41,500

Vote: Roll Call – Adopted.

RESOLUTION NO. 128-11

Introduced by P. McAllister and L. Crossett. Seconded by D. Farrand.

AUTHORIZING THE APPROPRIATION OF $1,755 FOR ADDITIONAL COSTS ASSOCIATED WITH THE NICHOL INN CLEAN-UP TO BE FUNDED WITH EXCESS REVENUES FROM THE REAL PROPERTY TAX FORECLOSURE AUCTION.

WHEREAS, the costs related to the clean-up of the Nichol Inn site have exceeded the existing capital project budget; and

WHEREAS, the 2011 real property tax foreclosure auction generated revenues in excess of the amount budgeted.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to transfer existing funds in the following manner:

995000	5936000	Provisions for Capital Projects	$1,755.00
136400	41051000	Sale of Tax Acquired Property	$1,755.00
1364H1	5250000	Nichol Inn, Capital Projects	$1,755.00
13641H1	45031900	Nichol Inn, Inter-fund Transfers	$1,755.00

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

Mr. Weaver asked will this ever go away? Mr. Spagnoletti replied we have to monitor the wells for another three years. The Department of Environmental Conservation is paying for most of it, but this is a portion that we have to pay. Mr. Alger commented once we complete the monitoring we expect to sell the property. Mr. Weaver asked how much money does it cost to monitor the wells? Mr. Donnelly replied the cost is $5,000 each year.

Vote: Roll Call – Adopted.

RESOLUTION NO. 129-11

Introduced by J. Hauryski. Seconded by G. Swackhamer.

SETTING THE TIME FOR THE NOVEMBER 2011 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 2011, on Monday, November 28, 2011, 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. 130-11

Introduced by J. Hauryski. Seconded by S. Van Etten.

SETTING THE DATE FOR THE DECEMBER 2011 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 2011, on Monday, December 19, 2011, 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. 131-11

Introduced by T. Ryan. Seconded by S. Van Etten.

MEMORIALIZING THE GOVENOR AND THE NEW YORK STATE LEGISLATURE TO MAINTAIN MEDICAID REIMBURSEMENT FOR TEEN AGE SERVICES ACT (TASA) AND NEIGHBORHOOD BASED ALLIANCE (NBA) PROGRAMS.

WHEREAS, TASA provides case management services for eligible pregnant and parenting teens and/or at risk teens under the age of 21; and

WHEREAS, TASA services demonstrate success in meeting the performance measures and benchmarks that reflect healthy births to teen parents, appropriate utilization of health care, reduction of secondary pregnancies and, reduced dependence on Social Services welfare programs and foster care placements; and

WHEREAS, on average the annual Medicaid cost per teen family is approximately $1,200 to $1,300 demonstrating minimal expense with high success rates further preventing uncontrollable costs; and

WHEREAS, NBA program targets individuals residing in under-served and economically distressed areas, and currently operates in the Addison School District; and

WHEREAS, NBA program serves high risk youth and families and proves successful in reducing dependency on Social Services welfare programs and foster care placements; and

WHEREAS, the average cost per youth and family is approximately $3,000 per year, far below the annualized cost of foster care; and

WHEREAS, the loss of funding will eliminate 3.5 full time Case Managers serving over 150 clients and families; and

WHEREAS, New York State Department of Health (NYS DOH) cited the basis of termination as "the availability of other case management services and community base programs"; and

WHEREAS, Steuben County does not have available other case management or community based programs to fill this need; and

WHEREAS, NYS DOH has directed service providers to contact the Local Department of Social Services for funding and direction; and

WHEREAS, there is no new source of funding authorized to support these programs thus creating another unfunded mandate; and

WHEREAS, Steuben County is already straining under the weight of unfunded mandates, reduced state funding, and a constrictive 2% tax cap.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature urges the Governor and the New York State Legislature to maintain Medicaid reimbursement for the Teen Age Services Act (TASA) and NBA Programs; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Brian M. Kolb, 933 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207; and Richard Calabrese, President, InterCounty Association of Western New York, c/o Ontario County Legislature, 20 Ontario Street, Canandaigua, NY 14424; New York Public Welfare Association, 130 Washington Ave., Albany, NY 12210; David Hill, Executive Director, 117 E. Steuben St., Suite 11, Bath, NY 14810; Patrick Rogers, Executive Director, Institute for Human Services, 6666 County Road 11, Bath, NY 14810; and Kathryn A. Muller, Commissioner, Steuben County Department of Social Services, 3 East Pulteney Square, Bath, NY 14810.

Vote: Acclamation – Adopted.

RESOLUTION NO. 132-11

Introduced by B. Schu. Seconded by G. Roush.

REQUESTING SUPPORT OF HR2629 "NEXT GENERATION 911 ADVANCEMENT ACT OF 2011".

WHEREAS, for the sake of the public safety of our communities nationwide, a universal emergency service number (9–1–1) that is enhanced with the most comprehensive and up to date telecommunications capabilities possible, including voice, data, and video communications, should be available to all citizens wherever they live, work, and travel; and

WHEREAS, surcharges imposed and collected on wireless phones and devices in New York State are not disbursed to the counties for equipment as intended and updates resulting in the lack of intended funding to the jurisdictions overseeing the 911 centers; and

WHEREAS, the purpose of HR2629 is to focus Federal policies and funding programs to ensure a successful funding from voice centric 9–1–1 systems to IP-enabled, Next Generation 9–1–1 emergency response systems that use voice, data, and video services to greatly enhance the capability of 9–1–1 and emergency response services.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature is fully supportive of HR2629 "Next Generation 911 Advancement Act of 2011" and requests Congressman Thomas Reed to sponsor and Congress to support this bill; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to U.S. Congressman Thomas Reed, 1037 Longworth HOB, Washington, DC 20515; Congressman Greg Walden, Chair, House Subcommittee on Communications and Technology, 2182 Rayburn House Office Building, Washington, DC 20515; Congressman Terry Lee, Vice Chair, House Subcommittee on Communications and Technology, 2331 Rayburn House Office Building, Washington, DC 20515; U. S. Senator Charles E. Schumer, 313 Hart Senate Office Bldg., Washington, DC 20510-3202; U. S. Senator Kirsten E. Gillibrand, 478 Russell Senate Office Building, Washington, DC 20510; Washington, DC 20510; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; and David Hopkins, Director of 9-1-1 Department.

Mr. Hauryski asked Mr. Hopkins to provide a brief explanation. Mr. Hopkins explained this proposed legislation is the first document that speaks to the transition from the telephony network over to next generation 911. This identifies a mechanism for funding as well as penalties for inappropriate use of that funding. He stated that he is very optimistic that this legislation will be passed. Once it is passed, this will set the plan for how the next generation 911 transition should take place. This will make that process complete.

Vote: Acclamation – Adopted.

Chairman Hauryski asked if there was any opposition to a resolution being presented that was not previously on the agenda. There being none, he asked the Clerk to read the following resolution:

RESOLUTION NO. 133-11

Introduced by J. Hauryski. Seconded by All Legislators Present.

RESOLUTION CALLING ON THE GOVERNOR AND LEGISLATURE OF THE STATE TO IMPLEMENT A FULL TAKEOVER OF ALL LOCAL COSTS OF THE MEDICAID PROGRAM IN ORDER TO REDUCE NEW YORK'S HIGHEST IN THE NATION LOCAL TAX BURDEN.

WHEREAS, Medicaid is a Federal and State health care program, which costs total nearly $53 billion annually; and

WHEREAS, Medicaid is one of nine major state mandates causing the vast majority of local taxes, which now exceeds $7.3 billion annually; and

WHEREAS, Medicaid financing at the local level forced increases in property taxes for decades, along with a decline in the number and comprehensiveness of local services; and

WHEREAS, the 2011-12 State budget included significant program reforms and cost savings measures that benefit the state and federal government but do not help the county government; and

WHEREAS, Congress has enacted comprehensive health care reform that greatly expands Medicaid coverage at enhanced Federal matching rates and provides Federal tax subsidies for all Americans required to purchase health insurance up to 400 percent of the federal poverty level; and

WHEREAS, New York's Medicaid program and all public health spending must be reevaluated in the context of the numerous federal and state program reforms with a focus on a modern, patient-driven system that ensures public integrity, improves patient outcomes, and places it on a fiscally sustainable path; and

WHEREAS, these federal reforms and subsidies can help New York to reduce its Medicaid and public health cost by billions of dollars annually.

NOW THEREFORE, BE IT

RESOLVED, Steuben County Legislature urges the Governor and State Legislature to use the recently enacted federal health reform law and State Medicaid reforms as the first steps in freezing in the local share and implementing a gradual state takeover of all local government Medicaid costs, as set forth in Senate Bill 5889B (Gallivan/McDonald); and be it further

RESOLVED, that the Steuben County Legislature calls upon our New York State Senator Thomas O'Mara and Assemblyman Philip Palmesano to co-sponsor and support the Bill; and be it further

RESOLVED, that by taking such action, this will lead to significant property tax and budget relief for all counties and New York City and lower tax burdens for property taxpayers across the State, vastly improving the State's economic competitiveness; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Brian M. Kolb, 933 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207; and Richard Calabrese, President, InterCounty Association of Western New York, c/o Ontario County Legislature, 20 Ontario Street, Canandaigua, NY 14424.

Mr. Alger explained this resolution is requesting a 100 percent takeover of all local costs of the Medicaid Program in order to reduce the local tax burden.

Mr. Nichols stated that it sounds good here but then it will go back to Albany and they will not vote for it. Mr. Alger replied that is what we are trying to change. This is a bi-partisan bill that a group of senators have sponsored to implement a takeover beginning next year. It looks like it has some traction. This is an effort very much akin to what we did with the Medicaid Cap. There is local effort and pressure to move it.

Mr. Hauryski stated we have to get the message out. We are zeroing in on our representatives, but we have to get the message out to the press and the public. Mr. Alger stated we are proposing to request that our local representatives, Assemblyman Palmesano and Senator O'Mara, step up and co-sponsor this legislation.

Vote: Acclamation – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officer's Law, Article 7§ 105.1.D. Discussions Regarding Proposed, Pending or Current Litigation made by Mr. Weaver, seconded by Mr. Van Etten and duly carried.

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

RESOLUTION NO. 134-11

Introduced by S. Van Etten. Seconded by C. Ferratella.

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

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

WHEREAS, the following civil action has been initiated in the Supreme Court of the State of New York, County of Steuben:

DARCIA LEONARD, previously known as
DARCIA STEVENS, INDEX NO. 101745

Plaintiff,

v.

THE COUNTY OF STEUBEN, NEW YORK,

Defendant.

; and

WHEREAS, the parties are desirous of settling said claim.

NOW THEREFORE, BE IT

RESOLVED, the County does hereby ratify the Settlement Negotiation together with the Discontinuance of Action and Release of Claims to be executed by the respective parties to the above-entitled claim requiring the payment of Thirty-Five Thousand Dollars ($35,000.00) on the part of the County any necessary documents, the Chairman to execute on behalf of the County; and be it further

RESOLVED, the County Attorney or counsel designated by him shall make application to Supreme Court for approval of the recited settlement terminating the litigation of the above-entitled claim; and be it further

RESOLVED, the County does hereby ratify the settlement of the above-entitled claim in the amount of Thirty-Five Thousand Dollars ($35,000.00); and be it further

RESOLVED, the within resolution shall be reported out within five (5) days following the execution of the settlement documents; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to Davidson & O'Mara, P.C., Attention: Donald S. Thomson, Esq., 243 Lake Street, Elmira, NY 14901-3192; and Ken Isaman, Steuben County Risk Manager.

Vote: Roll Call – Adopted.

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

REGULAR MEETING
Morning Session
Monday, October 24, 2011
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath NY on Monday, the 24th day of October, 2011, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present.

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

Chairman Hauryski asked Eileen Higgins to come forward. Ms. Higgins is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of her retirement following 20 years of service to Steuben County.

Chairman Hauyrski asked Michael Parulski to come forward. Mr. Parulski is an employee in the Buildings and Grounds Department. He presented him with a Certificate of Appreciation and a plaque in recognition of his retirement following 30 years of service to Steuben County.

Chairman Hauryski asked Diane Rice to come forward. Ms. Rice is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a plaque in recognition of her retirement following 31 years of service to Steuben County.

Chairman Hauryski asked Deborah Hall to come forward. Ms. Hall is an employee in the Department of Social Services. He presented her with a Certificate of a Appreciation and a plaque in recognition of her retirement following 37 years of service to Steuben County.

Chairman Hauryski asked Michael Ordway to come forward. Mr. Ordway is an employee in the Sheriff's Department. He presented him with a Certificate of Appreciation and a pin in recognition of his 20 years of service to Steuben County.

Chairman Hauryski asked Richard McCandless to come forward. Mr. McCandless is the Coordinator for the Youth in Government Program. He presented him with a Certificate of Appreciation in recognition of his retirement following 16 years of service to Steuben County.

Mr. McCandless stated this semester there are 16 students participating in the Youth in Government Program. He introduced the Interns to the Legislature.

Mr. McCandless stated that he would like to thank the Legislature for their cooperation, support and unyielding kindness to the students. The County staff has been incredible with their preparation and sharing information with the interns. Without their support and yours, there would be no program. He stated that he would also like to thank Gary Pruyn, Mark Alger and Jack Wheeler. In addition, he also thanked his wife for her support, hard work and inspiration. He has been fortunate to have met so many fine adults and young students.

Chairman Hauryski opened the floor for comments by members of the public. There being none, he declared the opportunity for public comment closed.

Motion approving the minutes of the September 26, 2011 meeting made by Mr. Ryan, seconded by Mr. McAllister and duly carried.

Mr. Nichols stated that he would like to introduce Bill Peoples who is running to fill his position on the Board.

James Johnson, Executive Director, Steuben County Industrial Development Agency, stated that he is here to provide the Legislature with an update. The Steuben County Industrial Development Agency was established in 1972 by an act of the New York State Legislature to promote economic development by offering certain tax benefits to businesses within the County. All of our funding comes from private fees; we take no tax revenue from the County or municipalities. Our mission is to undertake projects and develop strategies to advance job opportunities, health, recreational opportunities, general prosperity, and the economic welfare of the people of Steuben County. Last October we adopted a strategic plan which has identified five strategic priorities. Those priorities are to retain and grow Steuben County's economic base; to enhance economic infrastructure to support business development; to manage the development of natural gas and other energy sector development; to leverage the innovation and creativity of businesses, education and entrepreneurs to stimulate new product development and commercialization of technology and lastly, to expand service sector industries. Mr. Johnson stated the vision of the Steuben County Industrial Development Agency is to successfully sustain and expand the Steuben County economy by being the lead partner in executing a collaborative economic development strategy.

Mr. Ryan asked what about the Hornell area? Mr. Johnson replied we work very closely with the Hornell Industrial Development Agency. They are the lead economic development agency for the City of Hornell.

Mrs. Ferratella asked Mr. Johnson if he could explain "building stock?" Mr. Johnson replied in today's market, the manufacturing industry, for example, is looking for buildings with a minimum of a 20,000 square foot with a ceiling height of 24 feet. In the last twelve to eighteen months in Corning and Elmira, the natural gas industry has leased up approximately 1 million square feet of that type of space. The eastern portion of the County does not have a lot of building stock, but the western part of the County does. Companies don't want to come in and hear that a building will be available nine months from now. That is one of the things that we are trying to work with developers on; getting buildings ready.

Mr. Swackhamer asked about the status of hotel/motel availability for the natural gas industry? Mr. Johnson replied Corning Inc. had done a housing study. There is a different dynamic between the eastern and western parts of the County. There is a severe housing crisis in Corning. Previously you could get an apartment for $400 per month and that rate has now escalated to $700 - $800 per month. The market where there is a lack of housing is temporary housing. However, there is also a shortage in the availability of homes in the $150,000 - $300,000 range. Hotel and housing projects are hot right now. Chairman Hauryski thanked Mr. Johnson for his presentation.

RESOLUTION NO. 135-11

Introduced by L. Crossett. Seconded by R. Weaver.

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

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

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

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

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

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

SCHEDULE "A"

Resolution No.	A-1
Name	Casey Dailey (former owner David Smith)
Parcel No.	166.05-01-063.000
Municipality	Hornell City
Disposition	Correction

SCHEDULE "B"

Resolution No.	B-1
Former Owner	Alexander O Hoke & Deborah A Holbrook
In Rem Index No.	104021, 2009 sale
Parcel No.	130.00-03-009.000
Municipality	Bath Town
Grantee(s)	Alexander O Hoke & Deborah A Holbrook
Grantee(s) Address	301 E Third St, Juneau, AK 99801
Consideration	$177.58

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 – Acclamation.

RESOLUTION NO. 136-11

Introduced by J. Hauryski. Seconded by G. Roush.

RECEIVING AND ACCEPTING THE OCTOBER 24, 2011 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR'S OFFICE.

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

September 19, 2011

New York State Association of Counties – Re: NYSAC has partnered with the Public Employer Risk Management Association (PERMA) to develop programs that will enable counties to stabilize and reduce local expenditures with workers compensation insurance. ***Referred to: Mark Alger, County Administrator.***

Board of Supervisors of Fulton County – Re: Copy of a board resolution passed by Fulton County requesting the comptroller to reform the funding policy for the New York State Common Retirement Fund. ***Referred to: Steuben County Legislature.***

New York State Department of Health – Re: The schedule for the Medicaid Upper Payment Limit (UPL) for State Fiscal years 2009-2010, and 2010-2011. ***Referred to: Human Services/Health & Education Committee; David McCarroll, HCF Administrator; Kathryn Muller, Commissioner of Social Services; and Patrick Donnelly, County Treasurer.***

September 26, 2011

NYS Office for the Aging – Re: Third Notification of Grant Award (NGA) for the federal fiscal year 2011 (FFY 2011) Nutrition Services Incentive Program (NSIP). ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

Village of Wayland – Re: Request for direction on acquiring a piece of property located in the Village of Wayland. ***Referred to: Finance Committee; Alan Reed, County Attorney; and Patrick Donnelly, County Treasurer.***

September 28, 2011

New York State Office of Parks, Recreation & Historic Preservation – Re: Notification of Approval for the 2010-2011 Phase III of the Snowmobile Trail Development and Maintenance State Aid. ***Referred to: Amy Dlugos, Planning Director.***

September 30, 2011

United States Department of Commerce – Re: Notification of upcoming Government Units Survey (GUS) will be mailed out the week of October 11, 2011. ***Referred to: Amy Dlugos, Planning Director.***

NYS Department of State – Re: Notification of the eligibility to apply for reimbursements on certain costs associated with the provisions of the Wireless 911 Services. ***Referred to***: ***Public Safety & Corrections Committee; and Dave Hopkins, 911 Director.***

October 3, 2011

Western Regional Off-Track Betting Corporation – Re: Check in the amount of $4,905 representing the August 2011 retained surcharge revenues for Steuben County***. Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

United States Senate – Re: The Institute of Museum and Library Services (IMLS) is currently accepting applications for funding under the 2012 Laura Bush 21st Century Librarian Program. All applications are due by Thursday, December 15, 2011 and need to be submitted online at www.grants.gov***. Referred to: Twila O'Dell, Historian.***

United States Senate – Re: The U.S. Department of Justice Office of Community Oriented Policing Services (COPS) has made resources available to help law enforcement and elected officials tackle important school and youth safety issues. To order free publications and CDs, call 1-800-421-6770. ***Referred to: Sheriff Ordway; and Jack Wheeler, Acting Youth Bureau Director.***

October 5, 2011

New York State Office of Parks, Recreation and Historic Preservation – Re: Cottages located at Central Point, 14681-14697 Keuka Village Road, Dundee, NY is now listed on the New York State Register of Historic places and the nomination will be forward for consideration to the National Register. ***Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Twila O'Dell, Historian.***

October 6, 2011

NYS Office of Children & Family Services – Re: Notification of approval for Steuben County's Resource Allocation Plan (RAP) for 2011. ***Referred to: Human Services/Health & Education Committee; Kathryn Muller, Commissioner of Social Services; and Jack Wheeler, Deputy County Administrator.***

October 7, 2011
Finger Lakes SPCA, Inc. – Re: Request for funding in the amount of $39,000 to help support the 2012 Animal Cruelty Program. ***Referred to: A.I.P. and Finance Committees; Amy Dlugos, Planning Director; and Patrick Donnelly, County Treasurer.***

Independent Oil & Gas Association of New York – Re: Invitation to an open discussion to ask industry experts about the future of the natural gas industry in New York State. This is scheduled for Wednesday, October 12 @ 7:00pm in the Hornell City Hall Court Room. ***Referred to: Joseph Hauryski, Legislature Chairman; Mark Alger, County Administrator; and Amy Dlugos, Planning Director.***

October 11, 2011
CSEA, AFSCME Local 1000, AFL-CIO – Re: Notification of the contract between Steuben County (Employee) and the CSEA Employee Benefit Fund will expire on December 31, 2011. Based on having a participation rate of 95% or higher, the rates for the Sunrise Dental and Platinum 12 Vision Plan will continue through June 30, 2012. ***Referred to: Administration Committee; Nancy Smith, Personnel Director; and Patrick Donnelly, Treasurer.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 137-11

Introduced by B. Schu and L. Crossett. Seconded by D. Creath.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO TRANSFER $6,500 FROM THE CONTINGENCY FUND TO THE PUBLIC DEFENDER'S 2011 BUDGET.

WHEREAS, the County lacks funds to pay invoices and expenses for the 2011 budget.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to transfer from the Contingency Fund to the Public Defender's 2011 budget as follows:

From	A 199000 5 499 000	$ 6,500	Contingency Fund
To	A 117000 5 471 000	$ 2,000	Employee Mileage
To	A 117000 5 423 400	$ 2,000	Transcripts
To	A 117000 5 407 110	$ 1,500	Law Books
To	A 117000 5 406 000	$ 1,000	Office Supplies

AND BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to the Public Defender and the Steuben County Treasurer.

Vote: Roll Call – Adopted. Yes: 9421; No: 451
(No: Swackhamer)

RESOLUTION NO. 138-11

Introduced by T. Ryan. Seconded by D. Creath.

ADOPTING A REVISED STEUBEN COUNTY CORPORATE COMPLIANCE PLAN.

WHEREAS, the Office of the Medicaid Inspector General (OMIG) has instituted a comprehensive work plan to aggressively address specific areas of the Medicaid program that are particularly vulnerable to improper payments; and

WHEREAS, the Steuben County Legislature, in recognition of the specific areas of the Medicaid program that are particularly vulnerable to improper payments, previously adopted the Steuben County Regulatory Compliance Plan on September 28, 2009; and

WHEREAS, the Steuben County Corporate Compliance Committee, in an effort to proactively monitor and manage compliance, has revised this Plan to strengthen the policies, practices, and reporting procedures pertaining to major federal and state healthcare regulations; and

WHEREAS, the Steuben County Legislature has reviewed the revised Corporate Compliance Plan and affirms that the Plan will become a part of the Administrative Code of the County of Steuben, replacing the former Regulatory Compliance Plan, and will be reviewed and maintained as is deemed necessary and appropriate by the Administration Committee or its successor Committee.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature does hereby adopt the revised Steuben County Corporate Compliance Plan; and be it further

RESOLVED, that the Steuben County Corporate Compliance Plan become a part of the Steuben County Administrative Code replacing the heretofore Regulatory Compliance Plan and be reviewed and maintained as is deemed necessary and appropriate by the Administration Committee or its successor Committee; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to the Director of Community Services, the Director of Public Health, the Director of the Steuben County Health Care Facility, and the Steuben County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 139-11

Introduced by P. McAllister. Seconded by G. Roush.

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 2012, 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 2012 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 14, 2011.

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 2012, shall be filed with the Clerk of this County Legislature on or before November 14, 2011, 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 2012, as herein filed, shall be held on November 28, 2011, 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 Budget Officer and County Treasurer.

Vote: Roll Call – Adopted.

Motion to vote on Resolutions #6, #7 and #8 as one made by Mr. Swackhamer, seconded by Mr. Van Etten and duly carried.

RESOLUTION NO. 140-11

Introduced by Mr. McAllister. Seconded by Mr. Creath.

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 2011, for the Budget Year of 2012, for the Marsh Ditch Watershed Protection District shall be held on November 28, 2011 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. 141-11

Introduced by Mr. McAllister. Seconded by Mr. Creath.

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 2011, for the Budget Year of 2012 for the Upper Five Mile Creek Watershed Protection District shall be held on November 28, 2011 at 6:00 P.M. in the Legislative Chambers, County Office Building, East Pulteney Square in the Village of Bath, New York and the Clerk of the Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 270 of the County Law in the two official newspapers of the County, and the Clerk is further directed to forward a certified copy of this resolution to the President of the Board of Managers for said Watershed District, to the Director of Real Property Tax Service Agency, and the County Treasurer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 142-11

Introduced by P. McAllister. Seconded by D. Creath.

FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE LAMOKA/WANETA LAKES' PROTECTION AND REHABILITATION DISTRICT.

Pursuant to Section 270 of the County Law and upon the recommendation of the Administration Committee.

RESOLVED, the Public Hearing on the Assessment Roll for the Year 2011, for the Budget Year of 2012, for the Lamoka/Waneta Lakes' Protection and Rehabilitation District shall be held on November 28, 2011 at 6:00 P.M. in the Legislative Chambers, County Office Building, East Pulteney Square in the Village of Bath, New York and the Clerk of the Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 270 of the County Law in the two official newspapers of the County, and the Clerk is further directed to forward a certified copy of this resolution to the Schuyler County Legislature, 105 Ninth Street, Unit 6, Watkins Glen, NY 14891; Director of Real Property Tax Service Agency, and the County Treasurer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 143-11

Introduced by J. Hauryski. Seconded by R. Nichols.

DIRECTING THE CLOSING OF ALL STEUBEN COUNTY OFFICES ON FRIDAY, NOVEMBER 25, 2011.

Pursuant to Section 206-a of the County Law and the current agreement between the County of Steuben and the Civil Service Employees' Association, Inc.

WHEREAS, the County of Steuben, by contractual agreement with the employees of Steuben County has declared the day after Thanksgiving day to be a holiday for all employees, with the exception of the County Clerk, the County Treasurer, the Clerk of this Legislature, and the Sheriff's Office (Administrative Offices); and

WHEREAS, this County Legislature determines because of the lack of the traditional business volume on the day after Thanksgiving, coupled together with the savings of energy costs and unnecessary payroll expenses that it would be in the best interest of the County, the taxpayers and its employees to close all of the offices of Steuben County on the day after Thanksgiving, November 25, 2011.

NOW THEREFORE, BE IT

RESOLVED, that this County Legislature declares November 25, 2011, to be a County holiday pursuant to the present contract with the Civil Service Employees' Association, Inc.; and be it further

RESOLVED, that all of the department heads, in particular the County Clerk, the County Treasurer, the Clerk of this Legislature, and the Sheriff (Administrative Offices), are directed to close their respective offices on said date; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 144-11

Introduced by P. McAllister. Seconded by C. Ferratella.

SUPPORTING THE REINSTATEMENT OF VISION TESTING FOR NEW YORK STATE DRIVER LICENSE RENEWALS.

WHEREAS, the State of New York has a long history of setting policies and enacting legislation for the sole purpose of improving the level of safety for motorists, passengers and pedestrians using the streets and highways within this state; and

WHEREAS, effective September 28, 2011, the New York State Department of Motor Vehicles initiated a new policy eliminating the current vision and medical certification requirement for non-commercial driver license renewals processed in local DMV offices, by mail and online; and

WHEREAS, the purpose of a vision test or medical certification from an eye care professional is to ensure a driver meets the minimum vision requirements in order to safely operate a motor vehicle; and

WHEREAS, the new policy would allow motorists to self-certify their vision meets the minimum 20/40 standard requirement at the time of renewal of their 8-year license; and

WHEREAS, this policy raised grave concerns by public officials, eye care professionals and law enforcement agencies regarding the impact on public safety and a potential increase in motor vehicle-related accidents; and

WHEREAS, the new policy would promote the use of the mail and Internet for driver license renewals, and thereby deprive counties of much needed revenues; and

WHEREAS, on September 30, 2011, DMV Commissioner Barbara Fiala announced that effective immediately, the state was placing a hold on the new policy until further notice, and that vision tests were reinstated; and

WHEREAS, the Commissioner only placed the implementation of the new policy on hold and is expected to reinstate the elimination of the vision test in the near future.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature supports New York State's position to reinstate vision testing for driver license renewals and continue to require that vision testing will continue to be a permanent part of the license renewal process; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Brian M. Kolb, 933 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; Barbara Fiala,Commissioner of the Department of Motor Vehicles, 6 Empire State Plaza, Albany, NY 12228; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207; Richard Calabrese, President, InterCounty Association of Western New York, c/o Ontario County Legislature, 20 Ontario Street, Canandaigua, NY 14424 and the Steuben County Clerk.

Vote: Acclamation – Adopted.

RESOLUTION NO. 145-11

Introduced by P. McAllister. Seconded by S. Van Etten.

OPPOSING THE NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES' PROPOSED CLOSING OF TWO OF THE THREE ROAD TEST SITES WITHIN STEUBEN COUNTY.

WHEREAS, the Commissioner of Department of Motor Vehicles has arbitrarily determined that a road testing site which has less than 900 scheduled tests per year is not viable; and

WHEREAS, the two targeted sites to be dropped in Steuben County are Hornell and Bath leaving only the Corning testing site to serve County residents; and

WHEREAS, while neither site reaches the 900 scheduled tests per year they each have over 750 scheduled tests per year; and

WHEREAS, closing both sites will greatly inconvenience County residents requiring them to travel unreasonable distances for road tests**;** and

WHEREAS, the Department is acting without regard to the rural nature of the County leaving rural residents with limited viable options.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature requests the Governor and New York State Legislature take such steps as may be necessary to preserve the services to the rural residents in Steuben County by continuing roads tests at the three locations; and be it further

RESOLVED, that the Commissioner of Motor Vehicles is urged to seek alternatives to the complete elimination of testing sites which would meet the State's goal of increasing productivity while maintaining essential services; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; Barbara Fiala, NYS Commissioner of Motor Vehicles, 6 Empire State Plaza, Albany NY 12228; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207; and Richard Calabrese, President, InterCounty Association of Western New York, c/o Ontario County Legislature, 20 Ontario Street, Canandaigua, NY 14424.

Vote: Acclamation – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.D. Discussions Regarding Proposed, Pending or Current Litigation made by Mr. McAllister, seconded by Mr. Van Etten and duly carried.

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mrs. Ferratella, seconded by Mr. Crossett and duly carried.

Motion to Adjourn made by Mr. Swackhamer, seconded by Mr. Weaver and duly carried.

SPECIAL MEETING
Morning Session
Monday, November 14, 2011
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Special Session in the Legislative Chambers, Bath, NY on Monday, the 14th day of November, 2011, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members present except Legislator Weaver.

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

Mark Alger, County Administrator, presented the following 2012 Budget Message.

PRESENTATION OF BUDGET MESSAGE

INTRODUCTION

Today I am here to present the Tentative 2012 Steuben County Budget. This year, like the past several years, we've been struggling to maintain funding for our local non- mandated programs. Once again, we have significant increases in the State's bills for mandated programs coupled with cost-shifts by the Governor and State Legislature. These two issues combine to push the County tax levy higher and County discretionary services lower.

The loss of the Federal Stimulus funds and the annual 3% increase in Medicaid will result in an increase of $1.8 million in Medicaid. Additionally, the State's cost-shift in the Safety Net program increases the local costs by $798,400, while the savings in the TANF program only amounts to $712,500. The difference is $85,000 in cost-shifts from the Governor and State Legislature. The fact is this cost-shift will continue to annually grow because the Safety Net program continues to increase while the Federal TANF program decreases. New York State is one of the few states in the nation to have a Safety Net program and now rather than assuming responsibility for it, the Governor and State Legislature have made it primarily a local property tax item saving them State tax dollars.

While the Governor and State Legislature have talked about the importance of local property tax reform and have enacted a 2% Property Tax Cap, they have by sleight of hand, mislead the property tax payers in the State. The Governor and State Legislature have failed to cut any of the State programs delivered by Counties but have rather just shifted the funding responsibility to the Counties for the State's bills. The property tax payer needs to understand without significant cuts in State programs Counties are required to pay for, there will continually be reductions in non-mandated local services. These services range from Public Health, Sheriff, Transit Services, Soil & Water Conservation, Libraries and Meals on Wheels to name a few. In a short time, five years, and maybe more, maybe less, these services may all be gone. Counties will not be able to afford them under the property tax cap.

But the Counties' bill for Medicaid, Handicapped Children Services, Community College Charge backs, Welfare benefits, Foster Care, and payments for Juvenile Delinquents housed in state facilities will continue to escalate and cost the taxpayer even more. Further, Court facility expenses, Indigent Defense costs, Probation, Jail costs and Leandra's Law supervision, will all be paid largely with local property tax dollars. These happen to be the programs growing at double digits rates with no local control and no one at the State level trying to contain costs. The Governor and Lieutenant Governor don't even acknowledge these program costs even exist, let alone assume responsibility for the programs that they require us to pay for and administer on their behalf.

Isn't it time for the Governor and State Legislature to pay their bills for their own programs and allow us discretion to fund local priorities? Don't local programs have value? What will happen when we can't afford to do any road construction, or afford to plow our roads?

We're not whining; it's a reality they seem to be unable to grasp. Unwilling to admit that the major problem in this State is the lack of fiscal responsibility at the State level for the programs they create. They have, for the last thirty years, shifted costs and responsibility to the local taxpayer without even a mention of it to the press or taxpayer. The current Governor's father, Mario Cuomo was one of the worst cost-shifters and the current Governor has continued this tradition. That is why the Tax Cap is the height of political misdirection. The Governor and State Legislature have shifted focus to what we are doing with our tax levy without regard to the State program's bills driving up our costs. Maybe they should cap all their cost increases to Counties at 2%.

The largest increases for 2012 are the Department of Social Services and the Retirement costs. The Department of Social Services increase is $1.8 Million or 10.26%. While Retirement rates increased from 16.3% to 18.9% resulting in a $1.1 Million gross impact. What needs to be recognized is these two impacts will be with us for some time. The expectation is retirement rates are likely to increase a like amount in 2013 resulting in another $1 Million to $1.5 Million impact. Additionally, we need to continue to closely monitor events in Albany, as the Governor is still facing a large state budget deficit.

I want to thank all of those who once again have made this budget process work. The Finance Committee with Chairman Larry Crossett, Vice Chairman Gary Swackhamer and committee members, Don Creath, Gary Roush, and Scott Van Etten, as well as the Legislative Chairman, Joseph Hauryski, are to be commended. I would also like to recognize the committee chairmen for their assistance, Pat McAllister, Bob Nichols, Tom Ryan, Don Creath, and Brian Schu, all contributed to the success of the process. I would point out the key role of the Treasurer, Pat Donnelly and the Deputy County Treasurer, Tammy Hurd-Harvey have had in the preparation of this budget. Without the Treasurer's Office, this would be a much more difficult task. I would also be remiss if I didn't recognize Deputy County Administrator, Jack Wheeler for his help and analysis of various items. We also called upon the Personnel Officer, Nancy Smith for assistance with the personnel impacts. I want to once again acknowledge the efforts of the Commissioners of Social Services and Public Works, Kathy Muller and Vince Spagnoletti. Every County department has cooperated to arrive at this budget.

The first look at the budget in May of 2011 contained over a 25% tax increase. That is the reason we began early in 2011 to prepare the 2012 budget. I suggest we continue early budget discussions and closely monitor 2012 expenditures. An early start on budget discussions provides direction to routine activities throughout the year. Spending constraints and funding availability dictate how we view each expenditure. Budget information and management is an ongoing team effort. The department heads are key to its success.

Budget Goals

The Budget Goals that have been established for 2012 are as follows:

1. Minimize any property tax impact through careful review of expenditures and maximizing alternative revenues and comply with Tax Cap
2. Provide sufficient funding for Public Works Construction
3. Provide sufficient funds for State mandated Medicaid and Social Services' programs
4. Meet the County's retirement payment obligations

Total Budget

The total proposed budget for 2012 is $ 185,715,290, representing an increase of $3.2 Million or 1.75% in total expenditures. The areas of increase include Special Children Services 13.5%; Public Safety up 6.31%; DSS up 5.81%; Health 3.73%; Culture and Recreation up 3.73%; General Government increased 0.46%; Public Works up 0.2%; Home and Community Services -0.77%; and Capital Projects up 23.7%.

The County budgets for the past five years are as follows:

2008	$180,880,633
2009	$179,497,241

2010	$183,256,342
2011	$182,661,060
2012 (Proposed)	$185,715,290

The average increase in expenditures between 2008 and 2012 is 0.7%. The 1.7% increase anticipated from 2011 to 2012 is a result of an increase in various segments of the budget's personal services and fringe benefits, as well as the large increase in Social Services, retirement costs and capital projects.

MAJOR CHANGES BY DEPARTMENT

Highways

The total proposed 2012 budget for transportation stands at $24,367,881 compared to $24,297,112 in 2011, with a County cost increase of $70,769 or 0.3%. The Finance Committee is proposing that we budget $800,000 next year to replace key pieces of major equipment and $13,000 in small equipment funding. My recommendation again for 2012, is that only replacement equipment be purchased. The budget contains $420,000 in capital projects for the Landfill and $4,300,000 for Public Works for the Seneca Street Bridge in Hornell. This year as last, the Highway Construction Projects totaling $5,392,000 have been set up as capital projects totaling $4,215,000 and $1,177,000 within the general repairs budget. Once again, this is a robust program for the County considering the difficult budget times we are experiencing.

Department of Social Services

The total 2012 County cost for the Department of Social Services increased as a result of the loss of Medicaid FMAP Stimulus funding. The Medicaid appropriation has increased from $20.2 Million to $21.3 Million for 2012; which reflects the increase of $500,000 in local cost for Medicaid and the IGT. Additionally, we are budgeting a $965,000 decrease in Child Care for children in custody of the County. This represents a 28.8% decrease in this cost. We've seen our number of children in custody decrease and outside reimbursements increased from the current year.

I would also note several concerns with the major welfare programs. TANF is decreased in 2012 to appropriations of $3.2 Million while the Safety Net program is increasing from $3.4 Million in 2011 to $3.7 Million in 2012. The other consideration is the cost-shift enacted by the State making Counties the primary funder of Welfare, despite our inability to in any way impact program operations or eligibility. The Safety Net program will continue to grow and become more of a burden to the property taxpayers in the future.

Sheriff/Jail

The Sheriff's Department and Jail budgets are both impacted by the increase in salaries and fringe benefits resulting in a 5.27% increase in the Sheriff's overall County cost for the budget. The Jail budget anticipates approximately 53 federal or other county inmates at an $88.00 per day rate. That totals approximately the same as 2011 but a shift from other non-federal inmates to the additional three federal inmates. The revenues help to offset the increased costs of salary adjustments and fringe benefits. It's critical the Sheriff continues his solid working relationship with the Federal Marshals to maintain the revenue stream. At this time, we are projecting $1.7 Million for boarding in prisoners.

Health Care Facility

The 2012 budget continues to be directly impacted by reductions in Medicaid reimbursement enacted by the state. The continuation of the Intergovernmental Transfer (IGT) allows the County to recover half of the Medicaid rate cuts up to the upper payment limit. At this point, we have anticipated a total of $1.6 Million in IGT revenues. We have received the IGT for 2009 and 2010 but revenues only brought the facility to an even position. As the losses continue, the projection for next year is the Fund Balance appropriated for 2012 will come from the General Fund. There are still several unknowns in the future of the facility's finances. The one thing we can be sure of is, it is now a General Fund liability and will begin to drain your fund balance. It cannot be sustained in its current financial position. Alternatives must be explored and decisions made in the very near future.

COUNTY REVENUES

Sales Tax

The 2011 sales tax receipts are up compared to 2010. While certainly not a full recovery, the modest growth is encouraging. We are projecting an increase of $1,000,000 for 2012. Total collections after adjustments have continued to grow allowing an increase in anticipated revenues.

Budgeted sales tax revenues for the last five years are as follows:

2008	$24,450,000
2009	$25,450,000
2010	$25,450,000
2011	$25,700,000
2012	$26,700,000

Fund Balance

The tentative budget includes a General Fund appropriation of $4.1 Million for 2012. The Fund Balance use will be critical as we implement the tax cap. We are losing approximately $1.3 Million in FMAP assistance in 2012 which, when coupled with the normal 3% increase in Medicaid, raises Medicaid spending by $1.86 Million for 2012. In 2013, the increase should only be the 3% increase or approximately $500,000. We have used additional highway and machinery fund balance to offset the 2012 budget.

Real Property Taxes

The increase in sales tax and use of Fund Balance has resulted in our ability to maintain the services to residents with a minimal increase in property taxes for 2012. The tax levy is proposed to increase 1.71% with the full value tax rate of $8.66 for 2012 representing a 1.15% decrease for 2012. This translates to an $11.50 decrease for a home assessed for $100,000 at full value.

The property tax collections and average full value rate for the last five years are as follows:

	Tax Levy	Rate Per Thousand
2008	$42,591,089	$9.30
2009	$43,798,265	$8.76
2010	$44,996,816	$8.75
2011	$46,004,435	$8.76
2012	$46,786,950	$8.66

CONCLUSION

These are very difficult budget times. Federal and State level budgets are constantly changing. We must be ever vigilant in monitoring changes to our reimbursements and responsibilities. The changes made by Governor Cuomo have not been positive for County Government. The TANF/Safety Net swap is a clear shift from State responsibility for their programs to requiring Counties to fund State bills. Medicaid continues to escalate and with the 2% Property Tax Cap, our share of the State's bills continues to increase. Local discretion has been curtailed and will ultimately be eliminated.

There is no free lunch; when the State shifts costs to Counties to pay State bills, we will ultimately have to make cuts. Particularly in light of the new 2% Property Tax Cap. As has been demonstrated before with the 9 for 90 efforts by NYSAC, State bills continue to escalate at a faster rate than local revenues. To meet the Tax Cap, we have to reduce local services. Counties in New York now bear the burden of being the primary funder of Welfare. So, when the economy gets bad, our costs will rise. The Tax Cap will mean other services will get cut.

I think it is important to talk about what optional local services are. I always describe them as those things which make sense. That is, anyone with common sense would do anyway as opposed to the State bills which most everyone agrees they would not fund if given a choice. So what are optional local services? They include first round Maintenance and Construction, followed by services and meals for

Aging, Veterans, Libraries, Home Care for Elderly, some Mental Health and Alcohol Services, Sheriff's Patrols and Investigation Activities, Public Health Immunization Clinics, Fires Service Support and Emergency Medical Coordination & Training, Food Bank Support, Parks, Youth Programs, Cooperative Extension Services, Soil & Water Conservation Services and the list goes on. But the important thing to recognize is none of these services' costs are increasing at the rate of our State bills for mandated programs are.

Unfortunately, at the County level, the Tax Cap guarantees we will see the loss of local programs and local priority setting by the County Legislature. They eventually will only be able to fund State mandated bills.

In looking ahead to 2013, at this time, we've been told pension costs will continue to rise. We know Medicaid and the other 9 major mandated bills have continued to rise at a rate much greater than 2%. We will undoubtedly be required next year to reduce more staff and cut additional local services to fund our State bills for mandated services. The fact is we have always been treated like the poor step child for the State, but now we are also being told how we will develop our budgets and that local priorities don't matter.

Finally, let's talk briefly about the Cap itself. My first comment to taxpayers is when is 2% not 2%? It's when it's the NYS Property Tax Cap. The Cap has to be one of the most bureaucratic convoluted calculations a mathematician could come up with. It will never be 2% except by accident.

Additionally, the Governor and Comptroller can't figure out what to do with chargebacks to the Towns' levy. Traditionally, Election expenses, Workers Compensation, Tax omissions, corrections of errors; etc., have been added to the Town levy by the County. They are generally not large numbers. The largest being the Workers Compensation charges for the Towns' participation in the County Self-Insurance Plan. The State has indicated that the Town share should be added to the County's levy calculation for the Tax Cap. It is clearly a Town bill that the law allows the Town to have added to their levy rather than creating an entire bureaucratic process to bill them and track payments, which merely adds to the administrative costs for the program; clearly not a decision in the interest of the taxpayer.

Because of the State's indecision on these issues, I have advised the County Legislature to pass the override Local Law to protect them from the State's audit of the Cap three to five years in the future. Keep in mind; if in year one an error has been made in the handling of the chargebacks, every subsequent year will also be wrong. That means, potentially, a large impact at some unknown point in the future.

We will meet the intent of the Cap, but must pass the override to protect the County from such a ridiculous bureaucratic finding in the future. This unfortunately is all about politics. The Governor and Comptroller are trying to garner support from the voters. While they are failing to do anything about the root cause of County property taxes increasing; Mandated State bills, particularly Medicaid. To point out the politics of it, the Governor takes no responsibility for the program or local payment, failing to recognize it is the States' program driving local taxes.

We need every taxpayer to contact the Governor and New York State Legislature to voice support for the Medicaid takeover bill proposed. It is the first real step toward local property tax relief. Just think how much good could be done with even a fraction of the 20 Million local dollars being spent on Medicaid.

Whether it's for jobs from Economic Development, improved roads or better care for the elderly. We are prohibited from such steps by the State and now it's Tax Cap. Help us obtain real property tax relief by voicing your support for the Medicaid takeover.

Mark R. Alger
County Administrator / Budget Officer

Mr. Hauryski stated that recently there was an article in the paper where the Governor was broadcasting that the 2 percent tax cap was working and doing what it was intended to do. What upset him in reading that is he thinks it is supposed to be a cure all. He asked Mr. Alger how he would respond to that? Mr. Alger replied particularly at the County level, unless the State does something with their programs, we cannot manage the cap. Everyone wants to meet the cap. One of the things that bothers him about the Governor's statement is the State is not assuming responsibility for their programs. Medicaid is a State program, not a County program. They should be doing something with that program and should be looking at a takeover of Medicaid. That program is paid for out of property tax. That doesn't happen in other states. Our taxes are high in New York because the State has not accepted responsibility for their costs. Until the State and Federal governments do something about their programs, you will not see a decrease. We are stuck with the State programs driving our budget.

Mr. Van Etten stated that he would like to congratulate Mr. Alger and Mr. Donnelly for putting together a good, solid budget. It is also safe to say that we are running out of low-hanging fruit. It would be helpful for all of us, if you could do a five-year projection on all of the State programs. Then we could look at the local programs and look at where we would have to make cuts in order to meet the 2 percent tax cap.

Mr. Alger stated we had a number of things that helped us get through this budget. The other counties are in much worse condition. He stated that Mr. Van Etten's point is well taken. Eventually we will be in a position of needing to look at what we are going to cut. Looking at the 2013 budget, he doesn't know how much more we can get out of the contractuals. Long-term, we will be faced with cuts.

Mr. Van Etten stated we are always pointing out the 9 for 90 and pointing out that we are an agent of the State. It would be helpful and insightful to do a five-year projection. Mr. Alger commented that to some extent we are starting that process. We have been looking at the CHHA, Mental Health and the Health Care Facility to see how we can contain and/or reduce costs.

Mr. Swackhamer stated the people don't understand how the tax cap could affect them in the next couple of years. Until they get pinched themselves, they aren't going to care. We continue to fund outside agencies such as the SPCA, the libraries and Cornell Cooperative Extension. All of those agencies have the ability to lobby for funds, yet they continue to come to us each year with budget requests that are more or the same as the previous year. We have to pass the pinch on to those groups. We have cut everything that we can, but we are not getting those groups. He stated that he does not want to see us getting rid of the CHHA, Health Care Facility or road patrol. We need to get the word out to our State and Federal representatives. Mr. Alger replied that Mr. Swackhamer is right. He stated that he doesn't know that next year's budget will be as easy as this year. The circumstances are changing.

Mr. Van Etten stated the SPCA, the libraries and Cornell Cooperative Extension, we are talking small amounts of money for one year and then it will be gone forever. You will get the savings, but it will be a small amount for a big problem. Mr. Alger commented we did not fund the libraries at their request. If you add those items, you probably won't get to $1 million.

Mr. Swackhamer commented the purpose is the message, not the money. Mr. Van Etten stated both of our State representatives voted for a tax cap. It was a political vote. Mr. Ryan stated if you go to the town and village meetings, they are feeling the pinch and will be going to their State associations. Mr. Alger commented the question to the State is don't our local programs have value? The State is removing your discretion and forcing you to pay for programs you don't own. Your discretionary funding will be taken away.

Mr. Nichols stated the only thing that could change would be if gas drilling comes to our area. The tax revenue that would generate could save our local programs. The sad thing is many of the State representatives came from county legislatures. They have turned their backs and are not helping the counties. Mr. Quinlan stated our representatives are also pushing for tax relief from the State. Their constituents wanted a tax cap. Mr. Alger stated we need to keep pushing for a Medicaid takeover bill.

Chairman Hauryski stated the points made here by everyone today are very important. People don't understand the tax cap; they just know their taxes won't go up more than two percent. He challenged everyone to come up with ideas for how to send the message to Albany that something needs to be done. Mr. Alger stated the average taxpayer thinks their taxes won't go up more than 2 percent. The rates will be different due to the equalization rates. It is very difficult for the average person on the street to grasp. Chairman Hauryski stated it really is a challenge to try to communicate with the taxpayers about what we are really faced with. It will be good to look at a five-year projection as it will give us a timeline.

RESOLUTION NO. 146-11

Introduced by L. Crossett. Seconded by S. Van Etten.

PRESENTING LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2011, AUTHORIZING THE OVERRIDE OF THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C.

WHEREAS, the State of New York adopted General Municipal Law §3-c limiting the ability of local governments to adopt a budget requiring a tax levy in excess of the tax levy limit as defined by said law, and

WHEREAS, due to the uncertainty relating to the application of the various provisions of General Municipal Law §3-c including, but not limited to, the proper calculation of the tax levy limit, and

WHEREAS, subdivision 5 of General Municipal Law §3-c authorizes the governing body of a local government, by a 60% vote of the total voting power of such body, to override the tax levy limit for the coming fiscal year.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. One for the Year 2011, authorizing the override of the tax levy limit established in General Municipal Law §3-c, as follows:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2011

A Local Law authorizing the override of the tax levy limit established in General Municipal Law §3-c.

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

Section 1. **Legislative Intent:** Due to the uncertainty relating to the various provisions and limitations of General Municipal Law §3-c and due to the calculations reflecting the best good faith estimates made in accordance with the provisions and limitations of General Municipal Law §3-c as understood to be in compliance therewith and in order to mitigate and eliminate adverse impacts of any audit process that may be undertaken in review of the current budget appropriations and the real property levy established thereby; it is the express intention of the Legislature of the County of Steuben, pursuant to subdivision 5 of General Municipal Law §3-c, to authorize an override of the limitations and prohibitions of General Municipal Law §3-c.

Section 2. **Budget Authorization:** The Board of Legislators hereby overrides the tax levy limit for Steuben County for 2012 and authorizes Steuben County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2012 that requires a tax levy that is greater than the tax levy limit calculated for 2012 pursuant to §3-c of the General Municipal Law.

Section 3. **Effective Date:** This local law shall take effect immediately upon filing with the Secretary of State.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on November 28, 2011 at 6:00 P.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York; and be it further

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

Vote: Acclamation – Adopted.

BUDGET WORKSHOP

Chairman Hauryski asked if anyone had any questions or changes related to the 2012 Budget. He stated that Mr. Alger and the department heads did a remarkable job. They should be commended for a job well done with the difficult task they had. There being no changes or recommendations, Chairman Hauryski declared the Budget Workshop closed.

Motion to Adjourn made by Mr. Quinlan, seconded by Mr. Roush and duly carried.

REGULAR MEETING
Afternoon Session
Monday, November 28, 2011
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 28th day of November, 2011, at 3:00 p.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present.

Chairman Hauryski introduced and welcomed Aaron Mullen, newly elected Legislator for District 7; Avoca, Fremont, Howard and Wheeler.

Mr. Creath provided the Invocation and the Pledge of Allegiance was led by Mr. Schu.

Chairman Hauryski asked Wendy Kesel to come forward. Ms. Kesel is an employee in the Office of Community Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

Chairman Hauryski asked Karen Simons to come forward. Ms. Simons is an employee in the Office of Community Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

Chairman Hauryski asked Kathleen Swarthout to come forward. Ms. Swarthout is an employee in the 911 Department. He presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

Chairman Hauryski asked Evelyn Hall to come forward. Ms. Hall is an employee in the Probation Department. He presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

Chairman Hauryski asked Lynn Lewis to come forward. Ms. Lewis is an employee in the Office of Community Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 15 years of service to Steuben County.

Chairman Hauryski asked Catherine Baker to come forward. Ms. Baker is an employee in the Office of Community Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 15 years of service to Steuben County.

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

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

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

Chairman Hauryski asked Colleen Murphy to come forward. Ms. Murphy is an employee in the Office of Community Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 25 years of service to Steuben County.

Chairman Hauryski asked Dr. Robert Anderson to come forward. Dr. Anderson is the Director of the Office of Community Services. He presented him with a Certificate of Appreciation and a plaque in recognition of his retirement following 25 years of service. Dr. Anderson stated it has been a wonderful time and he has enjoyed every minute. Thank you for the opportunity.

The following is a list of individuals from the Office of Community Services, who received Certificates of Appreciation for their years of service, but due to the volume, were unable to attend today's meeting: Susan Baker – 10 years, Christopher Baldwin – 10 years, Lynn Bob – 10 years, Candace Bryson – 10 years, Toni Burns – 10 years, Nanette Cappadonia – 10 years, Judith Cardamone – 10 years, Henry Chapman – 10 years, Wendy Conte – 10 years, John Hosier – 10 years, Auralee Jefferds – 10 years, Kimberly Jessup – 10 years, Scott Kesel – 10 years, Richard Lucas – 10 years, David Morsch – 10 years, Vicki Presler – 10 years, Dorothy Ryan – 10 years, Ellen Stephens – 10 years, Jill Troup – 10 years, Deborah Turner – 10 years, Deborah Zansitis – 10 years, Ann Bouton – 15 years, Robert Burns – 15 years, Dennis Chauvin – 15 years, Christine DeSocio-Burns – 15 years, Patricia Everett – 15 years, Carol Gamet – 15 years, Lisa Hamilton – 15 years, Bonnie Hicks-Tolly – 15 years, Angela Jeronimo – 15 years, Patricia Novitskey – 15 years, David Schenck – 15 years, Susan Clark – 20 years, Paul McKinley – 20 years, Carol Miller – 20 years, Kimberly Stedman – 20 years, Penny Burdick – 25 years, and Ruth VanWie – 25 years.

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

Janet Stone, Pulteney, stated she is here to talk about the draft EIS and how hydrofracking will be banned in the Syracuse and New York City watersheds because their water is filtered. She stated her water is not filtered, she eats fish from the lake and they drink unfiltered water. The AIP Committee has elected to do nothing. There will be unintended consequences if the lake is contaminated due to hydrofracking. They cannot do hydrofracking so close to the Finger Lakes. If we assume contamination, there will be contamination and/or death of our fish and wildlife. There will be no swimming or sailing lessons, and no fishing will be allowed. Lake home owners will be unable to sell their houses and most will unlikely be unable to get a mortgage or insurance. Who would monitor the lakes waters and how often? How would that be paid for? Who would pay the cost for removing contaminants? Protecting the wildlife and the people on the lake is of the utmost importance. Please do as Yates County did and pass a resolution and send it to the DEC and the Governor and Legislature asking them to give us the same consideration they are giving to the Syracuse and New York City watersheds.

Chairman Hauryski thanked Ms. Stone for her comments and declared the opportunity for public comment closed.

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

Mrs. Flaitz stated she had sent out packets to the Legislators regarding the resolutions on today's agenda, and asked if there were any questions.

Mr. Ryan stated in the past we have mentioned ten individuals monthly from Steuben County who are in the military. Today he asked, that we acknowledge all individuals from Steuben County who are currently serving in the military, especially during the holidays and let them know that we appreciate their service.

Mr. Weaver announced that the Hornell Red Raiders football team won their third straight State title.

RESOLUTION NO. 147-11

Introduced by L. Crossett. Seconded by R. Weaver.

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

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

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

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

SCHEDULE "A"

Resolution No.	A-1
Name	Peter Michael Maciak, Jr.
Parcel No.	299.13-02-004.000
Municipality	Erwin Town
Disposition	Refund (per Court Order)

Vote: Roll Call – Adopted.

RESOLUTION NO. 148-11

Introduced by J. Hauryski. Seconded by G. Roush.

RECEIVING AND ACCEPTING THE NOVEMBER 28, 2011 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 17, 2011
NYS Governor, Andrew Cuomo – Re: Thanks for the ongoing commitment and involvement in the effort to build a stronger, more competitive New York. ***Referred to: Joseph Hauryski, Legislature Chairman.***

October 18, 2011
Kathleen Wright – A letter of appreciation for the excellent customer service provided to her by Denis Oliver, Veterans Service Officer. ***Referred to: Human Service/Health & Education Committee; and Dan McRae, Director of Veterans Services.***

Pulteney Free Library – A letter of appreciation for honoring the 130th Anniversary of the Pulteney Free Library Association. ***Referred to: Steuben County Legislature.***

NYSEG & RG&E – A video on natural gas, recognizing and avoiding the hazards. ***Referred to: Public Safety & Corrections Committee; and Mike Sprague, EMO Director.***

October 20, 2011

Harris Beach, PLLC, Attorneys at Law – Re: RM14 Holdings, LLC: Distribution of Form RP-412-a and PILOT agreement for Project on Creekside Drive in the Town of Erwin, Steuben County. ***Referred to: Finance and Administration Committees; Patrick Donnelly, County Treasurer; Wendy Flaitz, RPTSA Director; and Alan Reed, County Attorney.***

New York State Office for the Aging – Re: Notification of Grant Awards (NGAs) and Annual Implementation Plan budget for the Title III-B, Title III-C-1, Title III-C-2, Title III-D and Title III-E for the period of January 1, 2011 through December 31, 2011. In addition, Notification of Grant Awards and Annual Implementation Plan budget for WRAP, HICAP and EISEP programs for the period of April 1, 2011 through March 31, 2012. ***Referred to: Human Services/Health & Education Committee; and Michael Keane, OFA Director.***

NYS Department of Health – Re: Notification of the change in due date for the Medicaid cycle payment #1843 is now moved to January 2, 2013. ***Referred to: Finance & Human Services/Health & Education Committees; Kathryn Muller, Commissioner of Social Services; and Patrick Donnelly, County Treasurer.***

October 24, 2011

NYS Homes & Community Renewal – Re: A monitoring visit is scheduled for Tuesday, December 6th at 10:00am for the New York State Community Development Block Grant (CDBG) projects #1115HR-09 and #115HR108-10. ***Referred to: Amy Dlugos, Planning Director.***

New York State Association of Counties – Re: Resolutions adopted by the County delegates to the New York State Association of Counties at their 2011 Fall Seminar held in Lake Placid, NY**.** ***Referred to: Brenda Mori, Clerk of the Legislature.***

October 27, 2011

Emergency Medical Services Training, Administration & Resources (formerly STREMS) – Re: Third Quarter Report for 2011. ***Referred to: Human Services/Health & Education Committee; Victoria Fuerst, PHN Director; Public Safety & Corrections Committee; and Mike Sprague, EMO Director.***

October 28, 2011

NYS Division of Homeland Security and Emergency Services – Re: Announcement of grant award under the FY 2011 State Homeland Security Program (SHSP) in the amount of $150,000. ***Referred to: Public Safety & Corrections Committee; Human Services/Health & Education Committee; Mike Sprague, EMO Director; Sheriff Ordway; and Victoria Fuerst, PHN Director.***

NYS Department of Taxation and Finance – Re: Notification of all requirements have been completed by Wendy Flaitz for certification as Director of Real Property Tax Services effective October 4, 2011. ***Referred to: Administration Committee; and Nancy Smith, Personnel Officer.***

October 31, 2011

New York State Association of Counties – Re: Report on the New York's Land Bank Act effective July 29, 2011. ***Referred to: Administration Committee; Alan Reed, County Attorney; and Patrick Donnelly, County Treasurer.***

Steuben County Soil and Water Conservation District – Re: Follow up on the meeting held to discuss the 2010 audit for the Soil and Water Conservation District. ***Referred to: Patrick Donnelly, County Treasurer.***

November 1, 2011

Empire Energy Forum – Re: There are two forums scheduled for Tuesday, November 15th in Oneonta, New York and Wednesday, November 16th in Ellicottville, New York to discuss Hydraulic Fracturing in New York. Additional information can also be found on the following website www.EmpireEnergyForum.com. ***Referred to: Amy Dlugos, Planning Director.***

November 3, 2011
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $17,747 representing the September 2011 retained surcharge revenues ($4,126) and the municipality's share of the 3rd quarter 2011 net revenues ($13,621). ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

Ontario County Planning Department – Re: Ontario County Public draft 10-year Solid Waste Management Plan. Any public comments should be submitted no later than December 1, 2011 to solidwasteplan@co.ontario.ny.us. ***Referred to: Amy Dlugos, Planning Director.***

November 4, 2011
New York State Office of Parks, Recreation and Historic Preservation – Re: Notification of property located at (Cottages at Central Point) 14681-14697 Keuka Village Road, Dundee, NY 14837 are listed on the National Register of Historic places. ***Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Twila O'Dell, Historian.***

November 9, 2011
Southern Tier Regional EMS Council – Re: Notification in order to receive continued funding for EMS training for NYS certified First Responders; all necessary forms need to be completed by December 31, 2011 to the New York State Department of Health and Bureau of EMS. ***Referred to: Public Safety & Corrections Committee; and Mike Sprague, EMO Director.***

November 14, 2011
Corning Inc., G. Thomas Tranter, Jr. – Re: Notification of the new replacement of Jamie Johnson to the Southern Tier Regional Economic Development Council. ***Referred to: Joseph Hauryski, Legislature Chairman.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 149-11

Introduced by P. McAllister and L. Crossett. Seconded by D. Farrand.

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, 2011 to the 30th day of September, 2011, 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, 2011, 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, 2011, 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 $519,124.74.

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 – November 2011

TOWN & CITIES	TOWN/CITY AMT DUE	VILLAGES	VILLAGES AMT DUE	TOTAL AMT DUE
ADDISON	7,590.27	ADDISON	3,124.52	10,714.79
AVOCA	5,013.02	AVOCA	647.99	5,661.01
		BATH (1)	7,934.65	0.00
BATH	28,621.27	SAVONA (2)	769.32	37,325.24
BRADFORD	1,120.67			1,120.67
CAMERON	3,105.98			3,105.98
CAMPBELL	17,361.51			17,361.51
CANISTEO	7,656.80	CANISTEO	2,459.20	10,116.00
CATON	11,226.78			11,226.78
COHOCTON	8,617.15	COHOCTON	1,145.32	9,762.47
CORNING CITY	77,623.16			77,623.16
		RIVERSIDE (1)	2,284.76	0.00
CORNING TOWN	57,259.80	S CORNING (2)	3,948.37	63,492.93
DANSVILLE	8,211.34			8,211.34
ERWIN	73,524.27	PAINTED POST	5,886.01	79,410.28
FREMONT	1,634.50			1,634.50
GREENWOOD	2,276.50			2,276.50
HARTSVILLE	5,419.52			5,419.52
HORNBY	6,663.06			6,663.06
HORNELL CITY	20,216.42			20,216.42
		ALMOND (1)	36.77	0.00
		ARKPORT (2)	1,511.51	0.00
HORNELLSVILLE	17,256.22	V N HORNELL (3)	1,762.02	20,566.52
HOWARD	4,899.51			4,899.51
JASPER	5,658.66			5,658.66
LINDLEY	11,786.22			11,786.22
PRATTSBURGH	5,462.19			5,462.19
PULTENEY	14,774.97			14,774.97
RATHBONE	5,078.16			5,078.16
THURSTON	2,418.58			2,418.58
TROUPSBURG	2,083.78			2,083.78
TUSCARORA	4,865.29			4,865.29
URBANA	26,391.38	HAMMONDSPORT	2,338.20	28,729.58
WAYLAND	12,113.01	WAYLAND	2,264.81	14,377.82
WAYNE	19,792.94			19,792.94
WEST UNION	0.00			0.00
WHEELER	3,256.30			3,256.30
WOODHULL	4,032.06			4,032.06
TOTALS	**483,011.29**		**36,113.45**	**519,124.74**

Mr. Weaver asked how does this year compare to last year? Mr. Alger replied this six month period is lower than the prior period, but is higher than last year.

Vote: Roll Call – Adopted.

RESOLUTION NO. 150-11

Introduced by P. McAllister. Seconded by G. Swackhamer.

DIRECTING THE ADDITION OF OMITTED TAXES AND/OR PRO-RATED OMITTED TAXES ON EXEMPT PARCELS.

Pursuant to Sections 553 and 558 of the Real Property Tax Law of the State of New York.

RESOLVED, the report of the Steuben County Treasurer of 2011 omitted taxes, and/or pro-rated omitted taxes on exempt parcels be and hereby is received and filed, and the Director of the County Real Property Tax Service Agency is hereby directed to levy the amounts thereof upon the parcels in accordance with said report; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 151-11

Introduced by P. McAllister. Seconded by R. Weaver.

DIRECTING THE LEVY OF RETURNED UNPAID SCHOOL TAXES FOR THE YEAR 2011.

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 2011" 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. 152-11

Introduced by P. McAllister. Seconded by G. Roush.

DIRECTING THE LEVY OF RETURNED UNPAID VILLAGE TAXES FOR THE YEAR 2011.

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 2011" 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. 153-11

Introduced by P. McAllister. Seconded by D. Farrand.

DIRECTING THE LEVY OF THE SHARE OF THE ESTIMATED COST OF WORKERS' COMPENSATION.

Pursuant to Article 5 of the Workers' Compensation Law of the State of New York.

WHEREAS, on July 25, 2011, 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 2011; and

WHEREAS, on July 25, 2011, there was received and filed with this County Legislature a Table of Apportionment for the Fiscal Year 2012, 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 2012 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 2012 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 that have opted to make payment in cash, upon the real property in each respective municipality, as the 2012 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. 154-11

Introduced by P. McAllister. Seconded by D. Creath.

ADOPTING THE TABLE OF EQUALIZATION RATES FOR FISCAL YEAR 2012.

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 2012; and be it further

RESOLVED, the Clerk of the Legislature is hereby directed to forward to the New York State Office of Real Property Tax Services a certified copy of this resolution, together with the Table of Rates, so that the same may be published in the annual report of said Commissioner; and be it further

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

TABLE OF COUNTY EQUALIZATION RATES
STEUBEN COUNTY

10/20/2011

MUNICIPALITY	2011 COUNTY EQ RATES FOR 2012 TAX LEVY
CITY OF CORNING	99.00
CITY OF HORNELL	100.00
ADDISON	96.00
AVOCA	100.00
BATH	47.00
BRADFORD	77.00
CAMERON	100.00
CAMPBELL	2.99
CANISTEO	58.00
CATON	100.00
COHOCTON	92.00
CORNING TOWN	100.00
DANSVILLE	100.00
ERWIN	100.00
FREMONT	100.00
GREENWOOD	100.00
HARTSVILLE	100.00
HORNBY	100.00
HORNELLSVILLE	100.00
HOWARD	53.90
JASPER	4.40
LINDLEY	3.00
PRATTSBURGH	100.00
PULTENEY	100.00
RATHBONE	98.22
THURSTON	3.76
TROUPSBURG	49.00
TUSCARORA	3.85
URBANA	100.00
WAYLAND	100.00
WAYNE	100.00
WEST UNION	52.75
WHEELER	100.00
WOODHULL	100.00

Vote: Roll Call – Adopted.

RESOLUTION NO. 155-11

Introduced by P. McAllister. Seconded by C. Ferratella.

FILING THE REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2012.

Pursuant to Title 2 of Article 8 of the Real Property Tax Law of the State of New York.

WHEREAS, Title 2 of Article 8 requires the County to determine the total full valuation of taxable real property for all cities and towns within the County by dividing the taxable assessed value of taxable real property of the city or town plus the amount of assessed value partially exempt from County taxation pursuant to Real Property Tax Law Section 458 (Veteran), Section 460 (Clergy), Section 464 (Volunteer Firemen's Association) and at County option Section 458.3, 458A and 458B (Veterans); Section 467 (Senior Citizens) by the corresponding County Equalization rate.

NOW THEREFORE, BE IT

RESOLVED, the Report of County Equalization for the Year 2012, 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 2012
BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2011

STEUBEN COUNTY O:\LA22\LA22 tax levy.xls 10/20/2011

SWIS CODE	MUNICIPALITY	TOTAL ASSESSED BEFORE ALL EXEMPTIONS	COUNTY TAXABLE PLUS SR CITIZEN, REG VET, ALT & COLD WAR VETS, CLERGY, & INC VOL FIRE EXEMPTS	EQUAL RATE	TOTAL FULL VALUE	AGGREGATE TAXABLE FOR COUNTY	AGGREGATE TAXABLE FOR TOWN
462089	ADDISON	39,635,006	33,040,985	0.9600	34,417,693	31,670,063	31,982,276
462001	VILLAGE OF ADDISON	76,931,938	46,823,440	0.9600	48,774,417	44,524,972	44,753,763
	TOWN TOTALS	116,566,944	79,864,425		83,192,110	76,195,035	76,736,039
462289	AVOCA	84,167,759	75,172,591	1.0000	75,172,591	73,019,286	74,156,756
462201	VILLAGE OF AVOCA	42,574,621	22,840,991	1.0000	22,840,991	21,313,009	22,017,246
	TOWN TOTALS	126,742,380	98,013,582		98,013,582	94,332,295	96,174,002
462489	BATH	199,422,612	126,185,491	0.4700	268,479,768	122,827,043	124,287,870
462401	VILLAGE OF BATH	188,049,691	101,653,726	0.4700	216,284,523	97,803,710	99,027,649
462403	VILLAGE OF SAVONA	16,315,348	9,947,627	0.4700	21,165,164	9,441,683	9,601,464
	TOWN TOTALS	403,787,651	237,786,844		505,929,455	230,072,436	232,916,983
462600	BRADFORD	36,719,595	32,426,878	0.7700	42,112,829	31,548,034	34,599,331
	TOWN TOTALS	36,719,595	32,426,878		42,112,829	31,548,034	34,599,331
462800	CAMERON	62,035,101	42,595,943	1.0000	42,595,943	41,151,857	42,828,252
	TOWN TOTALS	62,035,101	42,595,943		42,595,943	41,151,857	42,828,252
463000	CAMPBELL	5,921,898	4,285,593	0.0299	143,330,870	4,048,023	4,196,090
	TOWN TOTALS	5,921,898	4,285,593		143,330,870	4,048,023	4,196,090
463289	CANISTEO	48,972,791	39,373,856	0.5800	67,885,959	38,286,900	38,794,076
463201	VILLAGE OF CANISTEO	57,531,564	38,031,098	0.5800	65,570,859	35,668,612	36,710,233
	TOWN TOTALS	106,504,355	77,404,954		133,456,818	73,955,512	75,504,309

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2012
BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2011

STEUBEN COUNTY O:\LA22\LA22 tax levy.xls 10/20/2011

SWIS CODE	MUNICIPALITY	TOTAL ASSESSED BEFORE ALL EXEMPTIONS	COUNTY TAXABLE PLUS SR CITIZEN, REG VET, ALT & COLD WAR VETS, CLERGY, & INC VOL FIRE EXEMPTS	EQUAL RATE	TOTAL FULL VALUE	AGGREGATE TAXABLE FOR COUNTY	AGGREGATE TAXABLE FOR TOWN
463400	CATON	160,799,928	156,140,438	1.0000	156,140,438	153,125,767	154,662,422
	TOWN TOTALS	160,799,928	156,140,438		156,140,438	153,125,767	154,662,422
463689	COHOCTON	221,174,218	79,402,536	0.9200	86,307,104	76,851,545	77,462,830
463601	VILLAGE OF COHOCTON	29,398,275	24,236,444	0.9200	26,343,961	23,198,799	23,747,759
	TOWN TOTALS	250,572,493	103,638,980		112,651,065	100,050,344	101,210,589
463889	CORNING	409,756,158	325,141,884	1.0000	325,141,884	317,702,212	324,358,281
463801	VILLAGE OF RIVERSIDE	34,944,032	29,007,761	1.0000	29,007,761	27,932,037	29,046,854
463803	VILLAGE OF S CORNING	54,564,917	50,138,728	1.0000	50,138,728	48,134,597	50,196,717
	TOWN TOTALS	499,265,107	404,288,373		404,288,373	393,768,846	403,601,852
460300	CITY OF CORNING	721,348,020	533,883,741	0.9900	539,276,506	517,897,925	
	CITY TOTALS	721,348,020	533,883,741		539,276,506	517,897,925	0
464000	DANSVILLE	91,872,456	81,536,279	1.0000	81,536,279	79,489,712	81,629,583
	TOWN TOTALS	91,872,456	81,536,279		81,536,279	79,489,712	81,629,583
464289	ERWIN	555,478,413	448,315,406	1.0000	448,315,406	440,268,218	439,861,929
464201	VILLAGE OF PAINTED POST	112,660,024	79,591,141	1.0000	79,591,141	76,797,808	76,555,208
	TOWN TOTALS	668,138,437	527,906,547		527,906,547	517,066,026	516,417,137
464400	FREMONT	55,522,217	49,245,241	1.0000	49,245,241	47,780,109	49,014,428
	TOWN TOTALS	55,522,217	49,245,241		49,245,241	47,780,109	49,014,428
464600	GREENWOOD	192,003,057	57,797,399	1.0000	57,797,399	56,171,860	59,418,562

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2012
BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2011

STEUBEN COUNTY O:\LA22\LA22 tax levy.xls 10/20/2011

SWIS CODE	MUNICIPALITY	TOTAL ASSESSED BEFORE ALL EXEMPTIONS	COUNTY TAXABLE PLUS SR CITIZEN, REG VET, ALT & COLD WAR VETS, CLERGY, & INC VOL FIRE EXEMPTS	EQUAL RATE	TOTAL FULL VALUE	AGGREGATE TAXABLE FOR COUNTY	AGGREGATE TAXABLE FOR TOWN
	TOWN TOTALS	192,003,057	57,797,399		57,797,399	56,171,860	59,418,562
464800	HARTSVILLE	41,240,929	38,723,439	1.0000	38,723,439	37,401,486	38,565,906
	TOWN TOTALS	41,240,929	38,723,439		38,723,439	37,401,486	38,565,906
465000	HORNBY	85,174,015	78,639,313	1.0000	78,639,313	76,809,334	81,342,373
	TOWN TOTALS	85,174,015	78,639,313		78,639,313	76,809,334	81,342,373
465289	HORNELLSVILLE	179,722,351	146,059,494	1.0000	146,059,494	140,807,173	142,780,292
465201	VILLAGE OF ALMOND	780,467	778,467	1.0000	778,467	741,042	752,867
465203	VILLAGE OF ARKPORT	47,105,777	32,169,244	1.0000	32,169,244	30,515,946	30,949,981
465205	VILLAGE OF N HORNELL	51,417,792	37,722,142	1.0000	37,722,142	35,404,776	36,079,467
	TOWN TOTALS	279,026,387	216,729,347		216,729,347	207,468,937	210,562,607
460600	CITY OF HORNELL	343,569,021	236,614,318	1.0000	236,614,318	229,849,324	0
	CITY TOTALS	343,569,021	236,614,318		236,614,318	229,849,324	0
465400	HOWARD	53,117,609	46,186,593	0.5390	85,689,412	45,193,159	45,770,059
	TOWN TOTALS	53,117,609	46,186,593		85,689,412	45,193,159	45,770,059
465600	JASPER	5,133,747	2,807,582	0.0440	63,808,682	2,682,973	2,755,193
	TOWN TOTALS	5,133,747	2,807,582		63,808,682	2,682,973	2,755,193
465800	LINDLEY	3,000,207	2,635,219	0.0300	87,840,633	2,509,518	2,553,303
	TOWN TOTALS	3,000,207	2,635,219		87,840,633	2,509,518	2,553,303

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2012
BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2011

STEUBEN COUNTY O:\LA22\LA22 tax levy.xls 10/20/2011

SWIS CODE	MUNICIPALITY	TOTAL ASSESSED BEFORE ALL EXEMPTIONS	COUNTY TAXABLE PLUS SR CITIZEN, REG VET, ALT & COLD WAR VETS, CLERGY, & INC VOL FIRE EXEMPTS	EQUAL RATE	TOTAL FULL VALUE	AGGREGATE TAXABLE FOR COUNTY	AGGREGATE TAXABLE FOR TOWN
466000	PRATTSBURGH	128,209,948	115,986,335	1.0000	115,986,335	112,987,044	114,068,391
	TOWN TOTALS	128,209,948	115,986,335		115,986,335	112,987,044	114,068,391
466200	PULTENEY	278,055,547	268,390,990	1.0000	268,390,990	263,185,307	266,493,160
	TOWN TOTALS	278,055,547	268,390,990		268,390,990	263,185,307	266,493,160
466400	RATHBONE	57,956,452	46,935,057	0.9822	47,785,641	45,851,604	46,298,552
	TOWN TOTALS	57,956,452	46,935,057		47,785,641	45,851,604	46,298,552
466600	THURSTON	2,871,382	2,819,637	0.0376	74,990,346	2,705,560	2,805,995
	TOWN TOTALS	2,871,382	2,819,637		74,990,346	2,705,560	2,805,995
466800	TROUPSBURG	55,911,966	38,648,153	0.4900	78,873,782	38,123,278	38,345,946
	TOWN TOTALS	55,911,966	38,648,153		78,873,782	38,123,278	38,345,946
467000	TUSCARORA	2,696,682	2,604,592	0.0385	67,651,740	2,554,941	2,581,272
	TOWN TOTALS	2,696,682	2,604,592		67,651,740	2,554,941	2,581,272
467289	URBANA	250,777,576	232,028,514	1.0000	232,028,514	228,185,386	228,679,287
467201	VILLAGE OF HAMMONDSPORT	57,772,690	45,814,979	1.0000	45,814,979	44,372,286	44,459,586
	TOWN TOTALS	308,550,266	277,843,493		277,843,493	272,557,672	273,138,873
467489	WAYLAND	180,795,915	136,927,649	1.0000	136,927,649	133,495,553	133,707,949
467401	VILLAGE OF WAYLAND	71,636,788	63,925,252	1.0000	63,925,252	61,879,530	61,498,213
	TOWN TOTALS	252,432,703	200,852,901		200,852,901	195,375,083	195,206,162

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2012
BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2011

STEUBEN COUNTY O:\LA22\LA22 tax levy.xls 10/20/2011

SWIS CODE	MUNICIPALITY	TOTAL ASSESSED BEFORE ALL EXEMPTIONS	COUNTY TAXABLE PLUS SR CITIZEN, REG VET, ALT & COLD WAR VETS, CLERGY, & INC VOL FIRE EXEMPTS	EQUAL RATE	TOTAL FULL VALUE	AGGREGATE TAXABLE FOR COUNTY	AGGREGATE TAXABLE FOR TOWN
467600	WAYNE	293,420,411	288,471,729	1.0000	288,471,729	283,812,717	285,057,035
	TOWN TOTALS	293,420,411	288,471,729		288,471,729	283,812,717	285,057,035
467800	WEST UNION	24,369,350	21,402,643	0.5275	40,573,731	21,188,932	21,271,110
	TOWN TOTALS	24,369,350	21,402,643		40,573,731	21,188,932	21,271,110
468000	WHEELER	64,408,211	56,353,205	1.0000	56,353,205	54,337,369	56,366,406
	TOWN TOTALS	64,408,211	56,353,205		56,353,205	54,337,369	56,366,406
468200	WOODHULL	111,897,720	101,523,892	1.0000	101,523,892	99,459,191	100,221,134
	TOWN TOTALS	111,897,720	101,523,892		101,523,892	99,459,191	100,221,134
	COUNTY TOTALS	5,888,842,192	4,530,983,655		5,404,816,384	4,410,707,210	3,712,313,056

I DO HEREBY CERTIFY THAT THE PRECEDING IS A TRUE STATEMENT OF THE AGGREGATE ASSESSED VALUATIONS OF THE TAXABLE REAL PROPERTY, THE RATES OF EQUALIZATION AND THE FULL VALUATIONS IN THE CITIES AND TOWNS IN STEUBEN COUNTY, AS DETERMINDED BY THE BOARD OF LEGISLATORS ON THE 28TH DAY OF NOVEMBER, 2011.

SIGNED: WENDY G FLAITZ, ACTING DIRECTOR, STEUBEN COUNTY REAL PROPERTY TAX SERVICE AGENCY

DATED: 11/28/11

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Vote: Roll Call – Adopted.

RESOLUTION NO. 156-11

Introduced by R. Nichols and L. Crossett. Seconded by B. Schu.

AUTHORIZING AND DIRECTING THE COUNTY TREASURER TO CREATE A CAPITAL ACCOUNT FOR THE REVENUE FROM A FUEL SURCHARGE FOR THE USE OF COUNTY FUEL TANKS.

WHEREAS, the Steuben County Department of Public Works allows other non-County Government agencies to obtain fuel from County fuel tanks for a fee; and

WHEREAS, the cost to purchase, maintain, and operate the tanks and fire suppression systems, and to administer the invoicing for this service, is twelve cents per gallon of fuel at current costs; and

WHEREAS, beginning January 1, 2012, the Steuben County Department of Public Works will charge non-County Government agencies twelve cents per gallon as their share of the cost of this system; and

WHEREAS, it is anticipated that the Steuben County Department of Public Works will designate and segregate ten cents per gallon of this charge for such future purchases of tanks and fire suppression systems.

NOW THEREFORE, BE IT

RESOLVED, that the County Treasurer is authorized and directed to create a capital project entitled:

"County Fuel Tanks" Capital Project, Account 5130H1;

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 157-11

Introduced by T. Ryan and L. Crossett. Seconded by R. Nichols.

INCREASING PRIVATE PAY RATES FOR BOTH SEMI-PRIVATE AND PRIVATE ROOMS AT THE STEUBEN COUNTY HEALTH CARE FACILITY.

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

WHEREAS, the Steuben County Health Care Facility needs to implement the annual room rate increase of semi-private room rate from $270 to $285 per day and the private room rate from $280 to $295 per day; and

WHEREAS, the New York State Department of Health requires that an assessment be paid on Private Pay and Medicaid room rate payments and these assessments will be paid at the rate indicated by New York State in addition to the room rate; and

WHEREAS, the Human Services, Health and Education Committee and Finance Committee have approved this increase.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Health Care Facility is hereby authorized to increase the semi-private room rate from $270 to $285 per day and the private room rate from $280 to $295 per day effective January 1, 2012; and be it further

RESOLVED, that in the event that the New York State Department of Health makes an adjustment to the Cash Receipts Assessment rate the Administrator of the Health Care Facility is hereby authorized to make a corresponding adjustment to the approved room rates; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 158-11

Introduced by B. Schu and L. Crossett. Seconded by D. Creath.

AUTHORIZING THE ACCEPTANCE OF THE BYRNE JAG RECOVERY TELECONFERENCING GRANT.

WHEREAS, the Steuben County Sheriff's Office will accept the BYRNE JAG Recovery Teleconferencing Grant in the amount of $29,450 with zero County matching funds; and

WHEREAS, the Sheriff's Office will purchase and install video teleconferencing equipment to enhance approved inmate communication outside of the secured facility; and

WHEREAS, an inmate will be able to teleconference with local courts, attorneys, probation and parole officers, mental health, drug and alcohol and social services, medical professionals, religious institutions, family members and other appropriate agencies and individuals; and

WHEREAS, teleconferencing will minimize travel time and costs and increase security of the Correctional Facility; and

WHEREAS, the safety and security of the facility will be increased, as inmate transports outside of the secured facility will be reduced.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Sheriff is authorized to enter into an agreement with New York State accepting the BYRNE JAG Recovery Teleconferencing Grant; and be it further

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

Mr. McAllister asked is there a plan in place to use this for court proceedings and bail hearings? Mr. Alger replied yes. The Sheriff is putting together a proposal for review. The only caveat is that the inmate could still refuse that.

Mr. Swackhamer asked will there be any future costs with regard to maintaining and replacing this equipment? Sheriff Ordway replied this is a zero match grant and we will have local IT support. The maintenance costs in the future would be up to us, as would be any replacements.

Mr. Weaver asked do you have enough money to do the entire system? Sheriff Ordway replied yes. We have the system in place. By not having to transport inmates to hearings and proceedings, we will be saving money in our transport and fuel line items.

Vote: Roll Call – Adopted.

RESOLUTION NO. 159-11

Introduced by B. Schu and L. Crossett. Seconded by G. Roush.

AUTHORIZING THE TRANSFER OF $50,000 FROM THE CONTINGENCY FUND TO THE SHERIFF'S OFFICE FUEL LINE ITEM.

WHEREAS, the 2011 Sheriff's Office vehicle fuel charge backs line item contains insufficient funds for the balance of the Fiscal Year; and

WHEREAS, funds for the recited line item are necessary and vital to the provision of services for the public safety; and

WHEREAS, it is determined to be in the best interests of the County to provide sufficient funds for said line item.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to transfer from the Contingency Fund, the amount of $50,000 to the 2011 Sheriff's Office vehicle fuel charge backs line 311000 5 450 990.

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

Mr. Weaver asked is this due to an increased cost of fuel or usage? Mr. Alger replied this is due to the unanticipated cost of fuel.

Vote: Roll Call – Adopted.

RESOLUTION NO. 160-11

Introduced by B. Schu and L. Crossett. Seconded by S. Van Etten.

AUTHORIZING A TRANSFER FROM THE CONTINGENCY FUND IN THE AMOUNT OF $45,000 FOR THE PURCHASE OF MOBILE DATA TERMINALS.

WHEREAS, the Steuben County Sheriff has advised that it is in the best interests of the County to purchase 22 Mobile Data Terminals (MDT's) for the administration of public safety services; and

WHEREAS, these MDT's would be replacement units to be used for law enforcement in Steuben County Sheriff's Office owned patrol vehicles; and

WHEREAS, the total cost for the MDT's is $93,732; and

WHEREAS, the Sheriff's Office has secured $49,401 in funds for said purchases; and

WHEREAS, a purchase balance of $45,000 results without current appropriation there for.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized and directed to transfer from the Contingency Fund, the amount of $45,000 to the 2011 Sheriff's Office line Major Equipment Fund 311000 5 290 000; and be it further

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

Mr. McAllister asked for an explanation. Are we doing this because the current MDT's are outdated? Mr. Alger replied the current MDT's are outdated. There is an issue with the change in the platform for 911 that the current MDT's will no longer work. We evaluated leasing versus purchasing. It is less expensive to purchase the MDT's with the same maintenance. There is an issue of compatibility with the systems. The current MDT's have gone beyond their useful life. Mr. Ordway explained the MDT's are four years past the five-year warranty.

Mr. Ryan asked will this be in addition to doing the narrowband project? Mr. Alger replied they are related, but the MDT's are not the same as narrowband. Narrowband deals directly with the radio frequency.

Mr. Hanna asked how will this affect the Village of Hammondsport? Will they have to upgrade their MDT's? Sheriff Ordway replied they will have to upgrade their MDT at their own cost. Mr. Ryan asked will all the municipalities have to do that? Sheriff Ordway replied they will if they want to continue to use MDT's.

Mr. McAllister asked when we originally got the MDT's, did we pay for them all? Sheriff Ordway replied we absorbed the cost the first time around, with the anticipation that the municipalities would have money set aside to do upgrades down the road. When we first purchased the MDT's we had approximately $200,000 in grants and STOP-DWI funds.

Vote: Roll Call – Adopted.

RESOLUTION NO. 161

Introduced by B. Schu. Seconded by R. Nichols.

AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION FOR ACCEPTANCE OF A PATROL BOAT.

WHEREAS, the State agrees to allow the Sheriff's Office to use one (1) Boston Whaler outboard-driven patrol boat, engine and trailer; and

WHEREAS, this vessel will be used by the Sheriff's Navigation Department for marine law enforcement purposes; and

WHEREAS, the County shall maintain the equipment such that it remains in good working order; and

WHEREAS, the Sheriff's Office shall receive the equipment at no cost to the County

WHEREAS, this agreement may be terminated by either party upon at least thirty (30) days written notice to the other party; and

WHEREAS, upon the termination of this Agreement, the County shall return the equipment to the State.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Sheriff is authorized to enter into an agreement with New York State accepting one (1) Boston Whaler outboard-driven patrol boat, engine and trailer; and be it further

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

Mr. Weaver asked is there any set term on this? Sheriff Ordway replied we have lifetime use and there is no cost to the County. This is paid for by boat registration fees.

Vote: Roll Call – Adopted.

RESOLUTION NO. 162-11

Introduced by B. Schu and L. Crossett. Seconded by C. Quinlan.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO APPROPRIATE $30,904 TO THE PUBLIC DEFENDER 2011 BUDGET FOR THE INDIGENT LEGAL SERVICES GRANT MONIES.

WHEREAS, the County has been granted monies from the State of New York in the amount of $30,904 for indigent legal services which must be advanced by the Public Defender and thereafter said monies will be replaced upon vouchering with the State of New York; and

WHEREAS, it is determined to be in the best interests of the County of Steuben to so appropriate and thereafter be reimbursed said funds.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized to establish a revenue account for the purpose of accepting the funding for the Indigent Legal Services Grant; and be it further

RESOLVED, the Steuben County Treasurer be and the same hereby is authorized to appropriate such revenue to:

A 117000	5 424 210	$15,000	Investigative Expenses
A 117000	5 407 110	$15,904	Law Books

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 163-11

Introduced by P. McAllister. Seconded by S. Van Etten.

AUTHORIZING AND DIRECTING THE LEASING OF DIGITAL EQUIPMENT, SOFTWARE, AND MATERIAL FOR PISTOL LICENSING.

WHEREAS, the Administration Committee of the Steuben County Legislature authorized the Steuben County Clerk to receive competitive sealed proposals for professional services from interested and qualified firms/individuals to provide a pistol management program; and

WHEREAS, Info Quick Solutions, Inc. (IQS), being determined to be a responsible vendor of professional services, submitted a proposal meeting the specifications for the necessary pistol permit management program.

NOW THEREFORE, BE IT

RESOLVED, the County Clerk is hereby authorized to enter into a five-year agreement in the amount of $600 per month with Info Quick Solutions, Inc., 7460 Morgan Road, Liverpool, NY 13090, to lease digital equipment, software, and consumable items for the issuance and amendment of pistol licenses in Steuben County; and be it further

RESOLVED, this resolution shall be effective immediately; and be it further

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

Mr. Swackhamer asked for an explanation of this. Mr. Alger stated this is a replacement system for the Plasticard System that the County Clerk currently has. It will be cheaper to lease than to purchase the system. There will be a $5,000 savings. The current system has exceeded its capacity and is crashing. This new system has a better software package.

Mr. Swackhamer asked is there anything different with this system? Mr. Alger replied he believes it will be an improvement over our current system. Mrs. Hunter commented when we originally purchased the Plasticard system, they were the only vendor.

Mr. Van Etten stated the current system runs on Access and can only handle a certain amount of data. The new system is not Access based. This will allow for report writing and will allow them to attach photos to their files. This system pays for itself with user fees.

Vote: Roll Call – Adopted.

RESOLUTION NO. 164-11

Introduced by J. Hauryski. Seconded by S. Van Etten.

SETTING THE DATE, TIME AND PLACE OF THE MEETING FOR THE ORGANIZATION OF THE STEUBEN COUNTY LEGISLATURE FOR THE YEARS 2012 AND 2013.

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 Tuesday, the 3rd day of January, 2012, 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.

RESOLUTION NO. 165-11

Introduced by D. Creath. Seconded by R. Nichols.

OPPOSING THE CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD REGULATION.

WHEREAS, clean water and healthy watersheds are a priority for New York farmers, which play a critical role in proven and successful local efforts to conserve and protect New York's natural resources, and

WHEREAS, the U. S. Environmental Protection Agency Region 3 is implementing a Chesapeake Bay Total Maximum Daily Load **(**TMDL) which imposes new and costly federal regulations on approximately 19 counties, 650,000 residents and 2,000 New York family farms within the New York portion of the Chesapeake Bay watershed area, and

WHEREAS, New York accounts for 10% of the total watershed area which is mostly forested (76%), is home to 4% of the total population in the watershed with agriculture (21%) being the dominant business sector, and

WHEREAS, the federally-designed TMDL, intended to limit nitrogen, phosphorous and sediment discharges into the Chesapeake Bay watershed, is now projected to cost New York State as much as $250 million over the next 15 years, without being able to satisfy EPA's regulatory goal, and

WHEREAS, the best way to achieve the important public benefit of clean water at a regional level is through locally led conservation efforts, rather than a top-down federal, one-size- fits-all regulatory approach such as EPA's TMDL for the Chesapeake Bay watershed, and

WHEREAS, EPA's proposed TMDL regulation imposes disproportionately heavier restrictions for water quality in New York in order to help other states meet their overall TMDL goal, ignores New York's excellent record of environmental accomplishments over the past 25 years using state and local conservation efforts and forces unrealistic costs on the businesses, governments and residents within the watershed area, and

WHEREAS, even if the other states achieve their EPA mandated allocations by 2025, their water would still contain higher nutrient loads per acre than New York's current 2010 load per acre because of progressive natural resource management programs like New York State's Agricultural Environmental Management Program, and

WHEREAS, even with the elimination of animal agriculture and utilizing every best management practice available in the watershed area, New York would still not be able to meet EPA's TMDL allocation, and

WHEREAS, we object to EPA's discriminatory regulatory process that disproportionately burdens our farm communities with costly mandates, weakens our rural economies, disrupts local food systems and provides no additional water quality protection for the Chesapeake Bay watershed, and

WHEREAS, we oppose EPA increasing its federal regulatory control and usurping state and local jurisdiction and authority in order to impose their TMDL, instead of working collaboratively with State agriculture and environmental protection agencies, Soil and Water Conservation Districts and local communities to address Bay watershed water quality concerns, and

WHEREAS, we object to the fact that in order to satisfy EPA's regulatory goals without confirmation of water quality improvement, EPA has not ensured realistic delivery of needed funding and technical assistance and has not provided regulatory flexibility to allow for implementation of continually improving on-farm practices in response to site-specific environmental variables, and

WHEREAS, each and every day farmers across New York work to improve their environmental sustainability recognizing that appropriate natural resource management is critical to maintaining success of their businesses for future generations; supporting farmers in these endeavors is how government can best aid agriculture in protecting water quality, and

WHEREAS, we support state and locally driven collaborative initiatives which effectively use federal environmental funds and specifically address areas of high environmental risk and employ a farm-specific focus, such as New York State Department of Agriculture and Market's Agricultural Environmental Management Program, and

WHEREAS, we support New York State Department of Environmental Conservation's recommendations in their draft Phase 1 Watershed Implementation Plan which recognizes the environmental stewardship of New York farmers and inherent inequality of the current EPA proposal.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature fully supports responsible efforts to improve water quality in the Chesapeake Bay watershed, to protect our State's environmental and natural resources, and we object to the unfair and

unattainable mandate the Chesapeake Bay TMDL forces upon our local governments, local communities and family farms, and be it further

RESOLVED, that this Legislature urges its Congressional and State representatives to intercede with EPA, and enact superseding legislation if required, to delay implementation of the Chesapeake Bay TMDL and request that EPA report to them on their response and adaptations regarding the aforementioned concerns, and be it further

RESOLVED, that the Clerk of this Board is directed to send certified copies of this resolution to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; U.S. Senator Charles E. Schumer, 322 Hart Senate Office Building, Washington, DC 20510; U.S. Senator Kirsten E. Gillibrand, 478 Russell Senate Office Building, Washington, DC 20510; U.S. Congressman Thomas W. Reed II, 1037 Longworth House Office Building, Washington, DC 20515; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; Patrick Hooker, Commissioner of the New York State Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235; Alexander B. Grannis, Commissioner of the New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-1011; and Administrator Judith Enck, Environmental Protection Agency, Region 2, 290 Broadway, New York, NY 10007-1866.

Vote: Acclamation – Adopted.

RESOLUTION NO. 166-11

Introduced by B. Schu. Seconded by G. Swackhamer.

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

WHEREAS, the New York State Department of Health Emergency Medical Services Bureau (EMS) has instituted programs whereby all Certified First Responder Squads must reapply for their certification by a specific deadline in order to continue providing services and receive valuable training funds; and

WHEREAS, the EMS has promulgated a policy directive whereby all EMS agencies will be required to submit Patient Condition Reports (PCRs) electronically in the near future without direction; financial support; or financial assistance on how to meet this policy; and

WHEREAS, the EMS has provided no direction to hospitals and EMS agencies regarding communications state-wide, as required by the impending Federal Communications Commission mandate to narrow-band by January 1, 2013, which could cripple this vital communications link; and

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

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

WHEREAS, the County of Steuben has identified the shortage of trained emergency medical response personnel resulting in delays in the response of EMS agencies within the County; and

WHEREAS, with Steuben County's limited volunteer manpower and EMS agencies' fiscal limitations, the EMS' actions and in some cases inaction, is adding to the burden of providing critical emergency services in the rural areas of the state.

NOW THEREFORE, BE IT

RESOLVED, that the County of Steuben memorializes New York State to take immediate action to address the timely resolution of the communications needs of EMS to hospitals; identify a mechanism whereby EMS agencies can meet electronic Patient Condition Reporting requirement before enacting directives requiring such, and not develop additional paperwork/certification requirements that add additional burdens to an already strained system; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; Dr. Nirav R. Shah, M.D., M.P.H., Commissioner, State Department of Health, Corning Tower, Empire State Plaza, Albany, NY 12237; Lee Burns, Acting Director, Bureau of Emergency Medical Services, Central Office, 433 River St., 6th Floor, Troy, NY 12180; Robert Rajski, Chair, Southern Tier Regional Emergency Medical Services Council, 1058 West Church Street, Elmira, NY 14905; and Michael Sprague, Director Steuben County Office of Emergency Services.

Vote: Acclamation – Adopted.

Motion to adjourn made by Mr. Farrand, seconded by Mr. Schu and duly carried.

SPECIAL MEETING
Evening Session
Monday, November 28, 2011
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Special Session in the Legislative Chambers, Bath, NY on Monday, the 28th day of November, 2011, at 6:00 p.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present.

Chairman Hauryski introduced Hilda Lando, newly elected Legislator for District 2, City of Corning; William Peoples, newly elected Legislator for District 11, Addison, Lindley and Tuscarora; and Aaron Mullen, newly elected Legislator for District 7, Avoca, Fremont, Howard and Wheeler.

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

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

Carol Berry, Dormann Library, stated that she is here tonight to say thank you for your continued support of the libraries in Steuben County, specifically, the Dormann Library. Two-thirds of all Americans have library cards. The Dormann Library has 12,000 library card holders. The libraries in Steuben County do matter.

Lorraine Nelson, Howard Public Library, stated our library serves a 60-square mile radius. People come to the library for many services, particularly during financially strained times. Thank you for your continued support.

Michael Fay, Addison, stated he is a member of the Board of Trustees of the Addison Library. For a small library, we have a circulation of over 1,000 pieces per month. We are also the focal point for internet access. Thank you for your support.

Ristiina Wigg, Southern Tier Library System, stated that on behalf of the 17 libraries in the County, thank you for your continued support in 2012. In recognition of the economic times, we did suggest a 10 percent reduction in our aid. We appreciate your continued support. People are using our 17 libraries to get free computer access. Thank you for your support.

Paul Schnipelsky, Pulteney Library, stated our library is our social center. We do depend on the kindness of strangers to support us and we provide free internet access to the community. In addition, we also have youth and adult reading programs. Our library runs on a shoestring. Please continue to support us. Thank you.

Francis Gehl, Corning, stated that he is here representing the Finger Lakes SPCA. Thank you for your continued support. You are doing a great job.

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

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Upon Notice of Completion and Filing of the Assessment Roll for the Marsh Ditch Watershed Protection District. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Upon Notice of Completion and Filing of the Assessment Roll for the Upper Five Mile Creek Watershed Protection District. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Upon Notice of Completion and Filing of the Assessment Roll for the Lamoka/Waneta Lakes' Protection and Rehabilitation District. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Upon County of Steuben Local Law Tentatively No. One for the Year 2011, Authorizing the Override of the Tax Levy Limit Established in General Municipal Law §3-c. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

The Clerk of the Legislature read the Office Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Upon the Tentative Budget for the Fiscal Year Beginning January 1, 2012. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

Chairman Hauryski opened the floor for discussion on the proposed 2012 Budget.

Mr. Alger stated that at this afternoon's Special Finance Committee, he requested authorization to appropriate capital project funds in the amount of $420,000 for the landfill and to anticipate revenue in the amount of $420,000.

Mr. Van Etten stated this does not change the tax rates. Mr. Alger stated that is correct. This is merely a correction. There is no impact on the budget for the tax levy. This is funded through Landfill revenues.

Motion: authorizing an increase in the 2012 anticipated revenue for the landfill in the amount of $420,000 and appropriating $420,000 in capital project funds for the landfill to the proposed 2012 budget made Mr. Crossett. Seconded by Mr. Van Etten.

Vote: Roll Call – Adopted.

There being no further comments, Chairman Hauryski declared the Budget Workshop closed.

RESOLUTION NO. 167-11

Introduced by L. Crossett. Seconded by D. Farrand.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2011, TO AUTHORIZE THE OVERRIDE OF THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on November 14, 2011, County of Steuben Local Law Tentatively No. One for the Year 2011, to authorize the override of the tax levy limit established in General Municipal Law §3-c, and this Legislature by resolution, preliminarily adopted said Local Law on November 14, 2011, making the final adoption of said Local Law subject to a Public Hearing to be held on November 28, 2011; 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 28, 2011, 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.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law Tentatively No. One for the Year 2011, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2011

A Local Law to authorize the override of the tax levy limit established in General Municipal Law §3-c.

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

Section 1. **Legislative Intent:** Due to the uncertainty relating to the various provisions and limitations of General Municipal Law §3-c and due to the calculations reflecting the best good faith estimates made in accordance with the provisions and limitations of General Municipal Law §3-c as understood to be in compliance therewith and in order to mitigate and eliminate adverse impacts of any audit process that may be undertaken in review of the current budget appropriations and the real property levy established thereby; it is the express intention of the Legislature of the County of Steuben, pursuant to subdivision 5 of General Municipal Law §3-c, to authorize an override of the limitations and prohibitions of General Municipal Law §3-c.

Section 2. **Budget Authorization:** The Board of Legislators hereby overrides the tax levy limit for Steuben County for 2012 and authorizes Steuben County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2012 that requires a tax levy that is greater than the tax levy limit calculated for 2012 pursuant to §3-c of the General Municipal Law.

Section 3. **Effective Date:** This local law shall take effect immediately upon filing with the Secretary of State.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on November 28, 2011 at 6:00 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. One for the Year 2011, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the Office of the Secretary of State of the State of New York, and said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

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

Mr. McAllister commented that it should be stated that the County is within the 2 percent cap and the public should understand that even though we are within it, it is not like everyone's taxes will be 2 percent more.

Mr. Alger stated that he would like to point out when is 2 percent no 2 percent? It's when it's the New York State Property Tax Cap. You will rarely be at 2 percent exactly. Taxpayers across all the towns, cities and villages will see a varying rate depending upon the equalization rates. On the County level, the tax levy increase is 1.7 percent, which is below the calculated cap that the County was provided. We have met the cap intent. With this particular override, we are protecting ourselves from future audits of the cap that will be done by the State Comptroller. There are certain charges/chargebacks that are added to certain municipalities that are not clear in the interpretation at the State level. We have no direct guidance on how to include or exclude those. Once they make a determination, two to four years from now, it is inevitable that what you do now will be determined to be wrong. Mr. Alger stated that his recommendation is to pass the override despite the fact that we are below the cap to protect ourselves from future reviews. If you are wrong in year one and they do an audit in year five, you will be wrong for each year. The local law is for protection and he agrees that this is something that needs to be stated.

Vote: Roll Call – Adopted.

RESOLUTION NO. 168-11

Introduced by L. Crossett. Seconded by G. Swackhamer.

FINAL ADOPTION OF THE ANNUAL COUNTY BUDGET FOR THE FISCAL YEAR 2012.

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 2012 were duly filed with the Clerk of the County Legislature on or before November 14, 2011, 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 28, 2011, commencing at 6:00 P.M. in the Legislative Chambers in the Village of Bath; and

WHEREAS, all persons attending said above mentioned hearings were given the right to provide written and oral statements and comments concerning the entire Budget.

NOW THEREFORE, BE IT

RESOLVED, the Clerk of the Legislature is hereby directed to cause to be filed in her office proofs of publication of the notices of the hearings on the above stated Tentative Budget and Watershed Protection Districts for the Fiscal Year 2012; 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 2012 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 2012; 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, 2012, or thereafter in the Year 2012, 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 2012:

Department / Project	Total Appropriation
Information Technology	$ 300,000.00
Buildings & Grounds	103,000.00
Narrowband Communications Project	1,205,779.00
Parks	5,000.00
Public Works	8,515,000.00
Solid Waste	420,00000
Southern Tier Fiber Project	1,227,786.00
TOTAL	**$11,776,565.00**

AND BE IT FURTHER RESOLVED, those Capital Projects denoted as "Buildings and Grounds" are hereby appropriated from the Capital Reserve Building Repairs and Renovations; and be it further

RESOLVED, that $710,843.58 of those capital projects denoted as "Narrowband Communications Project" are hereby appropriated from the reserve account entitled "Restricted Communications System Reserved Fund Balance" and $494,935.42 appropriated from the "Former Health Care Facility Renovations Capital Project" in modification of resolution numbers 115-11 and 116-11 of August 22, 2011; and be it further

RESOLVED, those Capital Projects denoted as "Southern Tier Fiber Project" are hereby appropriated from the Former Health Care Facility Renovations Capital Project; and be it further

RESOLVED, that $100,000 of those Capital Projects denoted as "Information Technology" are hereby appropriated from telephone chargebacks revenue; and be it further

RESOLVED, from and after January 1, 2012, 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, 2013, 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 2011 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 2012 Steuben County Budget with the New York State Comptroller in accordance with State Finance Law, Section 54-a; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; County Treasurer; and Lawrence P. Crossett, Chairman, Finance Committee.

Vote: Roll Call – Adopted.

RESOLUTION NO. 169-11

Introduced by L. Crossett. Seconded by R. Nichols.

AMENDING THE STEUBEN COUNTY BUDGET AND ADOPTING THE APPROPRIATION RESOLUTION FOR THE FISCAL YEAR 2012.

Pursuant to Section 360 of the County Law of the State of New York in the County of Steuben and in accordance with the official Rules and Regulations of the New York State Department of Audit and Control and Section 520 of the Real Property Tax Law.

WHEREAS, the Legislature, by resolution on even date herewith, has adopted a Budget for the Fiscal Year 2012, 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 2012, 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 2012 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 2012 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 2012 to be raised by taxes amounting to the sum of $46,786,950 reduced by the pro-rata and omitted taxes of $33,765.28 and also reduced by anticipation of the sales tax credit in the amount of $7,711,002.12 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, 2012; 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 14, 2011, and filed with the Clerk of the Legislature on November 14, 2011 for the Year 2012, 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 2012; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 170-11

Introduced by P. McAllister. Seconded by D. Farrand.

COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2011 FOR THE MARSH DITCH WATERSHED PROTECTION DISTRICT.

Pursuant to Sections 270 and 271 of the County Law of the State of New York.

WHEREAS, the assessment roll for the Year 2011, 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 2012, 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 28, 2011, 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 28, 2011, 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 2011 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. 171-11

Introduced by P. McAllister. Seconded by R. Weaver.

ACCEPTING THE 2012 BUDGET OF THE MARSH DITCH WATERSHED PROTECTION DISTRICT.

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

RESOLVED, the Budget for the Marsh Ditch Watershed Protection District be and the same hereby is established in the amount of $12,500 of which sum $12,500 shall be appropriated from surplus; and be it further

RESOLVED, the Steuben County Legislature hereby accepts the report of the Marsh Ditch Watershed Protection District and adopts the respective Budget for 2012; 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. 172-11

Introduced by P. McAllister. Seconded by S. Van Etten.

COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2011 FOR THE UPPER FIVE MILE CREEK WATERSHED PROTECTION DISTRICT.

Pursuant to Sections 270 and 271 of the County Law of the State of New York.

WHEREAS, the assessment roll for the Year 2011 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 2012 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 28th day of November 2011, 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 28th day of November 2011, 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 2011 for the Upper Five Mile Creek Watershed Protection District in the Towns of Prattsburgh, Wheeler and Urbana in the County of Steuben and State of New York, be and the same hereby is, approved as completed and filed in the Office of the Steuben County Real Property Tax Service Agency; and be it further

RESOLVED, the Director of Steuben County Real Property Tax Service Agency and the Steuben County Treasurer shall see to the proper procedure for the levy and collection of the appropriate taxes on the several real properties situate and benefited within said Water Protection District; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; County Treasurer; and President of the Board of Directors of the said Water Protection District.

Vote: Roll Call – Adopted.

RESOLUTION NO. 173-11

Introduced by P. McAllister. Seconded by G. Roush.

DIRECTING THE LEVY OF THE UPPER FIVE MILE CREEK WATERSHED PROTECTION DISTRICT FOR TAXES DUE JANUARY 2012.

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 2012, levied upon the various parcels of land in the said Protection District in the amount of $47,550 to be received and filed, and the Director of the Steuben County Real Property Tax Service Agency is directed to levy the amount upon the various parcels therein mentioned in accordance with said report; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; and the President of the Administrative Board of the Upper Five Mile Creek Watershed Protection District.

Vote: Roll Call – Adopted.

RESOLUTION NO. 174-11

Introduced by P. McAllister. Seconded by R. Nichols.

COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2011 FOR THE LAMOKA/WANETA LAKES' PROTECTION AND REHABILITATION DISTRICT.

Pursuant to Sections 270 and 271 of the County Law of the State of New York.

WHEREAS, the assessment roll for the Year 2011 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 2012 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 28, 2011, 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 28th day of November 2011, 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 2011 for the Lamoka/Waneta Lakes' Protection and Rehabilitation Districts in the Towns of Wayne and Bradford in the County of Steuben and State of New York be and the same hereby is approved as completed and filed in the Office of the Steuben County Real Property Tax Service Agency; and be it further

RESOLVED, the Director of the Steuben County Real Property Tax Service Agency and the Steuben County Treasurer shall see to the proper procedure for the levy and collection of the appropriate taxes on the several real properties situate and benefited within said Lakes' Protection and Rehabilitation Districts; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Schuyler County Legislature, 105 Ninth Street, Unit 6, Watkins Glen, NY 14891; Director of Real Property Tax Service Agency, and the County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 175-11

Introduced by P. McAllister. Seconded by D. Creath.

DIRECTING THE LEVY OF THE LAMOKA/WANETA LAKES' PROTECTION AND REHABILITATION DISTRICT FOR TAXES DUE JANUARY 2012.

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 2012, levied upon the various parcels of land in the said Lakes' Protection and Rehabilitation Districts in the amount of $30,429.85 to be received and filed, and the Director of the Steuben County Real Property Tax Service Agency is directed to levy the amount upon the various parcels therein mentioned in accordance with said report; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Schuyler County Legislature, 105 Ninth Street, Unit 6, Watkins Glen, NY 14891; Director of Real Property Tax Service Agency, and the County Treasurer.

Vote: Roll Call – Adopted.

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

REGULAR MEETING
Morning Session
Monday, December 19, 2011
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 19th day of December, 2011, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present except for Legislators Crossett, Schu and Weaver.

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

The Clerk read the following Memoriam:

IN MEMORIAM
THOMAS C. SCHWARTZ
1945-2011

The death of our former colleague, Thomas C. Schwartz, who passed away on December 6, 2011, is acknowledged by this Legislature with deep sadness.

Tom was born on December 1, 1945 to the late Charles and Marjorie Carr Schwartz; the oldest of nine children. Tom graduated from East High School in 1964 and was a veteran of the Vietnam War, serving in the U.S. Marine Corps. Upon returning from Vietnam, Tom worked for New York Telephone, later known as Verizon. He began his public service by earning a seat on the Corning-Painted Post school board. Upon retiring from Verizon in 1995, he ran for the County Legislature representing the towns of Caton, Corning and Hornby in District 13.

Tom served on the County Legislature from 1996 through 2009. He was a member of the Health and Education Committee, Public Works Committee, Rules Committee, Human Services Committee and Administration Committee. He also served terms as Chairman and Vice Chairman of the Public Safety and Corrections Committee.

Tom will be remembered as being a champion for open government, lower taxes and working hard as an advocate for working families, the underprivileged and the elderly. He was a dedicated public servant who was always generous to his community, family and friends with his time, talents and support.

The members of this Steuben County Legislature respectfully move that the above "Memoriam" be spread upon the minutes of this meeting and that the Clerk of the Legislature forward a copy of this Memoriam to his daughters Shannon Peterson and Megan Schwartz, as an expression of the sympathy felt by this Legislature on the passing of their loved one.

Adopted by silent rising affirmation.

Chairman Hauryski asked Joanne Woodard to come forward. Ms. Woodard is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 20 years of service to Steuben County.

Chairman Hauryski asked Rosemary Randall to come forward. Ms. Randall is an employee in the Sheriff's Department. He presented her with a Certificate of Appreciation in recognition of her retirement following 10 years of service to Steuben County.

Chairman Hauryski asked John Tunney to come forward. Mr. Tunney is the Steuben County District Attorney. He presented him with a Certificate of Appreciation in recognition of his retirement following 24 years of service to Steuben County. Mr. Tunney stated thank you. He has been extraordinarily fortunate. The business of being District Attorney is difficult, and it would be impossible without the support of you, the Legislature. I am fantastically grateful to you and your predecessors for the support you provide. With regard to the County Administrator, Mark Alger, we, as a County, are fortunate to have him. Thank you.

Mr. Hauryski opened the floor for comments by members of the public. There being none, he declared the opportunity for public comment closed.

Mr. Creath introduced the President of Corning Community College, Dr. Katherine Douglas. Dr. Douglas is here today to provide us with a brief update. He introduced the following members of the Corning Community College Board of Trustees, Tom Blumer, Jack Kelley, Patricia Finnerty, Gail Baity and Kevin O'Connell. He also introduced Debbie Kelly, Interim Director of the Office of Institutional Advancement.

Dr. Douglas introduced herself and stated that she is just finishing up her first six months as President of Corning Community College. The Board of Trustees, staff and students are very appreciative of your support and certainly Mr. Creath has been an outstanding Trustee. Dr. Douglas stated Corning Community College is supported by the community and has put quality first and foremost. In the college's 54-year history, she is honored, and humbled, to be the 6th President.

Dr. Douglas stated that she started on July 1, 2011. This fall they are educating 5,500 students. The three most popular areas are Liberal Arts with our transfer students; health and human services, most notably our nursing program and business majors. Our regional board of trustees voted to support the continued exploration of a residence hall on the Spencer Hill Campus. The demographics of our population is changing. We are seeing an ever younger group of students coming directly from high school. Those students would like the option of living on campus. We are looking at a 300-bed residence hall with 22 additional beds for residence hall staff.

Dr. Douglas stated that with regard to our State aid, our Board of Trustees, along with SUNY, is forwarding a rational State Aid request to the Legislature. This is a five-year plan to raise the State aid per FTE to $205. The State aid would equate to one-third of what was originally proposed. The SUNY system supports this. Community College trustees at the State level are in support of advancing this legislation.

Mr. Creath asked that each of the Legislators introduce themselves to Dr. Douglas and give a brief overview of what they do and if they have had any ties to Corning Community College.

FRUITCAKE PRESENTATION

Ms. Smith commented that she has taken good care of Fixed Asset #29001, which is 20 years old. While sporting a variety of fashionable hats, Ms. Smith made the following presentation:

'Twas the night before Christmas and all 'round Keuka Lake
Not a creature was stirring, not even a fruitcake.
How this tradition got started is a mystery,
But each passing December adds to its history.

While County employees work hard each day,
With visions of gifts they will buy with their pay,
The Legislative Meeting attendees await
To see who is chosen to receive the fruitcake.

In 2010, much to my surprise,
I was the recipient of the grand prize.
He was chubby & plump, a right jolly old elf,
Mr. Hopkins gave me the fruitcake himself.

I rolled up my sleeves, put on my apron,
And settled in for a long winter's baking.
Many years in the kitchen made my task a breeze
As I mixed and stirred the ingredients with ease.

With mango, currants, molasses & cherries,
Dark rum, brown sugar, pecans & cranberries.
Beat eggs, cream butter, add sugar & flour,
And turn up the mixer, all the way, to full power.
That's all the ingredients if I recall,
Now, mix together, mix together, mix together all.

My eyes, how they twinkled! My dimples, how merry!
My cheeks were like roses, my nose like a cherry.
My mind's in a flurry, not sure who to pick,
But I knew in the end, I could pull off the trick.

I jumped on my bike, heavy thinking to do,
Swam lots of laps and ran miles, too.
Hours of thinking while shifting bike gears,
I finally came up with a plan for this year.

He has a broad face and a little round belly,
That shakes when he laughs like a bowl full of jelly.
So I proclaim with fruitcake in hand,
The winner this year is…Ken Isaman!

Happy Christmas to all, and to all a great day!

Mr. Isaman stated that he will accept the fruitcake on the premise that everyone in the room will get a piece. He stated that he will guard it with his life. Thank you. Mr. Donnelly commented that the Treasurer's Office will offer safekeeping services at a reasonable fee.

Mr. Creath stated that he will be retiring as Majority Leader and he would like to share his "bucket list" for the Legislature. Over his 16 total years on this Board, there is only one vote that he regrets; voting for a 12-year term limit. He has found that the voters will limit your term. He would like to suggest areas that the Legislature should continue to look at. First, with economic development, we have bolstered the Industrial Development Agency and they have become a cash cow. We had supplemented their funding in the early years. He encouraged the Legislature to continue to support the key industries of agriculture, biomass and tourism. With the emergence of gas drilling, this is a controversial area. It may turn out that we will not have drilling in the Keuka Lake Watershed. He believes drilling will be limited to southern tier areas that border Pennsylvania. Mr. Creath stated that windfarms are another energy source. We should continue to support effectiveness and efficiencies in government. There are not-for-profits that have merged into tri-county organizations such as United Way, the Arts of the Finger Lakes, and the Southern Tier Library System. You should look at governmental structure. He commented that he is a great supporter of countywide assessment. With regard to social areas, the key problem is welfare and fractured families. We have to legislate support of the sense of family. He feels that too many people are in jail. We need to reduce the amount of time that people are in the criminal justice pipeline. Lastly, he urged the Legislature to continue vigorous lobbying against unfunded mandates.

RESOLUTION NO. 176-11

Introduced by J. Hauryski. Seconded by G. Roush.

RECEIVING AND ACCEPTING THE DECEMBER 19, 2011 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, 2011
New York State Association of Counties – Re: Request for feedback on the proposal to increase the age of criminal responsibility from age 16 to 18. NYSAC will be collecting comments up until December 15, 2011. ***Referred to: Public Safety & Corrections Committee; Humans Services/Health & Education Committee; Sheriff Ordway; Eugene Greeley, Probation Director; and Kathryn Muller, Commissioner of Social Services.***

November 17, 2011
New York State Department of Economic Development – Re: The Regional Economic Council of the Southern Tier provided the Strategic Economic Development Plan for 2011-2016. ***Referred to: Joseph Hauryski, Legislature Chairman.***

November 21, 2011
NYS Department of Transportation – Re: Notification of vouchers recently sent to the State Comptroller that distributes the third quarter 2011-2012 Statewide Mass Transportation Operating Assistance (STOA) payments to the upstate formula bus systems. ***Referred to: Amy Dlugos, Planning Director.***

Orange County, Edward Diana – Re: Correspondence on the financing for Community Colleges. ***Referred to: Joseph Hauryski, Legislature Chairman.***

City of Corning, Mike Harris – Re: Request for reimbursement from the County for Bridge Funding. ***Referred to: Public Works Committee; Finance Committee; and Vince Spagnoletti, Commissioner of Public Works.***

Visiting Nursing Association of WNY, Inc. – Re: Correspondence on providing Home Health Care Services to Steuben County. ***Referred to: Mark Alger, County Administrator.***

November 22, 2011
Office for the Aging – Re: Results from the "Walk ability" survey that was conducted throughout Steuben County. ***Referred to: Joseph Hauryski, Legislature Chairman; Human Services/Health & Education Committee; and Bill Partridge; Superintendent of Building and Grounds.***

November 30, 2011
New York State Office for the Aging – Re: Notification of Grant Award and approved application for the Medicare Improvements for Patients and Providers Act/Aging and Disability Resource Center (MIPPA/ADRC) for the period of September 30, 2011 through September 29, 2012. ***Referred to: Human Services/Health & Education Committee; and Mike Keane, OFA Director.***

December 5, 2011
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $4,421, which represents the October 2011 retained surcharge revenue for Steuben County. ***Referred to: Finance Committee; and Patrick Donnelly, County Treasurer.***

Philip A. Palmesano, Assemblyman 136th District – Re: A correspondence letter on advocating for Medicaid Reform and Mandate Relief. ***Referred to: Joseph Hauryski, Legislature Chairman.***

Independent Oil & Gas Association – Re: Invitation to a community discussion titled "Fuel for Thought" which is scheduled for 6:00pm on Tuesday, December 6th at the Southeast Steuben County Library, 300 Nasser Civic Center Plaza. ***Referred to: Mark Alger, County Administrator.***

December 6, 2011
Harris Beach, Attorneys at Law – Re: Application for Real Property Tax Exemption for City of Hornell Industrial Development Agency and Iron Shore Properties LLC, along with a payment in lieu of tax agreement. ***Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; Alan Reed, County Attorney; Wendy Flaitz, RPTSA Director; and Patrick Donnelly, County Treasurer.***

December 8, 2011
New York State Office of Children & Family Services – Re: Fatality Report #92-11-007. ***Referred to: Mark Alger, County Administrator.***

Philip A. Palmesano, Assemblyman 136th District – Re: A correspondence letter on concerns about the impending action of the Public Health and Health Planning Council to approve emergency regulations which would open the process for issuing a Certificate of Need (CON) to counties with less than two certified home health agencies (CHHAs). ***Referred to: Steuben County Legislature.***

New York State Office of Children & Family Services – Re: Notification of Counties having the option, but not required to, use the detention risk assessment instrument (RAI) beginning January 1, 2012, while the OCFS develops and approves an empirically validated RAI. ***Referred to: Public Safety & Corrections Committee; Human Services/Health & Education Committee; Sheriff Ordway; Kathryn Muller, Commissioner of Social Services; and Eugene Greeley, Probation Director.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 177-11

Introduced by P. McAllister. Seconded by C. Quinlan.

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 2012, and also by prior resolution duly adopted, made appropriations for the conduct of the County government for the Fiscal Year 2012; and

WHEREAS, the County Real Property Tax Service Director has prepared the statement of taxes due January 1, 2012, 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, 2012, tax rates and tax rolls for the taxes for the Year 2012 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, 2012; and be it further

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

Vote: Roll Call – Adopted.

T A B L E D

RESOLUTION NO. 190-11

Introduced by T. Ryan. Seconded by S. Van Etten.

RELATIVE TO CERTIFIED HOME HEALTH AGENCY.

Mr. Alger requested this be considered in Executive Session at the end of the meeting.

Motion tabling discussion on Resolution No. 190-11 until the end of the meeting made by Mr. Swackhamer, seconded by Mr. Farrand and duly carried.

RESOLUTION NO. 178-11

Introduced by R. Nichols and G. Swackhamer. Seconded by C. Ferratella.

AUTHORIZING AND DIRECTING THE COUNTY TREASURER TO CREATE A CAPITAL ACCOUNT FOR THE REPAIR OF CR 27 AND CR 109.

WHEREAS, the Steuben County Department of Public Works entered into a Road Use Agreement with Howard Wind Farm, LLC for the repair of 3.5 miles of CR 27 and CR 109; and

WHEREAS, the portion of repair cost owed by Howard Wind Farm, LLC is estimated at $537,255; and

WHEREAS, it is anticipated that the Steuben County Department of Public Works will repair CR 27 and CR 109 in 2013; and

WHEREAS, it is in the best interest of Steuben County to receive the recited estimated sum together with any future sums so dedicated into capital project accounts.

NOW THEREFORE, BE IT

RESOLVED, that the County Treasurer is authorized and directed to create a capital project entitled "CR 27 and CR 109 Road Repair" Capital Project, Account 5112H9; and be it further

RESOLVED, that the County Treasurer is authorized to appropriate $537,255 to the following accounts

5112H9-42222000 Participants Share Revenues

5112H9-5250000 Capital Projects Expenditures

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 179-11

Introduced by D. Farrand and G. Swackhamer. Seconded by C. Quinlan.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO TRANSFER $30,000 FROM THE CONTINGENCY FUND TO THE DISTRICT ATTORNEY 2011 BUDGET.

WHEREAS, the District Attorney had extraordinary expert witness expenses in and for the prosecution of various cases during the 2011 fiscal year; and

WHEREAS, certain expense lines are in need of year end supplementation as a result of the recited expenses.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to transfer from the Contingency Fund to the District Attorney 2011 budget as follows:

From	A 199000 5 499 000	$30,000	Contingency Fund
To	A 116500 5 423 400	$ 4,500	Transcripts
To	A 116500 5 423 310	$12,000	Professional Witnesses
To	A 116500 5 407 100	$ 3,500	Books & Subscriptions
To	A 116500 5 402 240	$ 700	Telephone Chargebacks
To	A 116500 5 471 000	$ 1,500	Employee Mileage
To	A 116500 5 450 990	$ 700	Vehicle Fuel Chargebacks
To	A 116500 5 403 800	$ 700	Copying
To	A 116500 5 450 999	$ 300	Motor Pool Chargebacks
To	A 116500 5 450 000	$ 4,600	Operation of Vehicles
To	A 116500 5 423 300	$ 200	Witness Fees
To	A 116500 5 402 990	$ 500	Telephone Chargebacks
To	A 116700 5 450 990	$ 500	Vehicle Fuel Chargebacks
To	A 116700 5 402 990	$ 300	Telephone Chargebacks

AND BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the County Treasurer and the District Attorney.

Vote: Roll Call – Adopted.

RESOLUTION NO. 180-11

Introduced by D. Farrand and G. Swackhamer. Seconded by C. Quinlan.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO TRANSFER $100,000 FROM THE CONTINGENCY FUND TO THE 2011 BUDGET FOR THE ASSIGNED COUNSEL PROGRAM.

WHEREAS, the County lacks funds to pay invoices from Public Defender Assigned Counsel attorneys in the 2011 budget.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to transfer from the Contingency Fund to Public Defender Assigned Counsel in the 2011 budget as follows:

From	A 199000 5 499 000	$100,000	Contingency Fund
To	A 117300 5 423 200	$100,000	Public Defender Assigned Counsel

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 181-11

Introduced by G. Swackhamer. Seconded by S. Van Etten.

DELEGATING TO THE FINANCE COMMITTEE, WITH THE PARTICIPATION OF THE COUNTY TREASURER AND COUNTY ADMINISTRATOR, THE AUTHORIZATION TO ASSIGN AMOUNTS TO SPECIFIC PURPOSES IN THE ASSIGNED FUND BALANCE.

WHEREAS, the Governmental Accounting Standards Board has issued GASB Statement Number 54 requiring a reclassification of municipal equity accounts; and

WHEREAS, Steuben County desires to comply with this Statement so that it can continue to receive unqualified audit opinions; and

WHEREAS, the Finance Committee has existing and historical authority and other similar delegations given to it, together with the need for continued efficient decision making; and

WHEREAS, the Legislature desires to delegate authority to assign fund balance for specific purposes.

NOW THEREFORE, BE IT

RESOLVED, the Legislature delegates to the Finance Committee**,** with the participation of the County Treasurer and County Administrator, the authorization to assign amounts to specific purposes in the assigned fund balance; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Chairman of the County Legislature, Chairman of the Finance Committee, the County Treasurer, and the County Administrator.

Mr. Swackhamer asked for an explanation of this. Mr. Alger explained under the new GASB54 regulations, there are new definitions for how to classify fund balances. One option is to designate a group, other than the Full Board, for certain designations. It makes sense for the Finance Committee,

along with the Treasurer and the Administrator, to be that group for certain purposes. This doesn't change what you do, the designations are within the accounting structure.

Vote: Roll Call – Adopted.

RESOLUTION NO. 182-11

Introduced by P. McAllister and G. Swackhamer. Seconded by D. Farrand.

ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF $68,234 FOR DIGITIZATION OF LAND RECORDS IN THE STEUBEN COUNTY CLERK'S OFFICE.

WHEREAS, the Steuben County Clerk has been notified the County has been awarded a grant to digitize land records and to write archival microfilm for the same; 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 Records Management Grant in the amount of $68,243; and 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. 183-11

Introduced by T. Ryan and G. Swackhamer. Seconded by C. Ferratella.

ACCEPTING AND APPROPRIATING THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 IMMUNIZATION PROGRAM GRANT.

WHEREAS, the New York State Bureau of Immunization is administering funds from the American Recovery and Reinvestment Act of 2009; and

WHEREAS, the mission of the statewide Immunization Program is to increase the number of children and adults vaccinated against vaccine-preventable diseases; and

WHEREAS, Steuben County has been awarded an Immunization Program Grant in the amount of $4,238.46.

NOW THEREFORE, BE IT

RESOLVED, Steuben County accepts and appropriates these funds in the 2011 Steuben County Budget; and be it further

RESOLVED, the Steuben County Treasurer is, and the same hereby is, authorized and directed to accept the $4,238.46 as revenue and appropriate same to Revenue Line Item A 402000 4 4600802, and $4,238.46 to Expense Line Item No. A 402000 5 290020; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 184-11

Introduced by D. Creath. Seconded by R. Nichols.

AUTHORIZING A PUBLIC HEARING ON EIGHT-YEAR REVIEWS OF AGRICULTURAL DISTRICT NO. 6, AGRICULTURAL DISTRICT NO. 13, AGRICULTURAL DISTRICT NO. 18, AND AGRICULTURAL DISTRICT NO. 22.

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

WHEREAS, Agricultural District No. 6, located in the Towns of Addison, Campbell, Erwin, Rathbone, Thurston, and Tuscarora, Steuben County, New York was certified on July 17, 1976; and

WHEREAS, Agricultural District No. 13, located in the Towns of Caton, Corning, and Lindley, Steuben County, New York was certified on 20, 1984; and

WHEREAS, Agricultural District No.18, located in the Towns of Lindley, Tuscarora, and Woodhull, Steuben County, New York was certified on April 22, 1985; and

WHEREAS, Agricultural District No.22, located in the Towns of Bath, Campbell, Corning, and Hornby, Steuben County, New York was certified on May 18, 1988; and

WHEREAS, pursuant to said Law, said Districts are now being reviewed; and

WHEREAS, the Clerk of the Legislature did file a copy of the Notices of Review in the Steuben County Clerk's office and did properly publish and have posted the thirty day (30) Notices as required by Law, and the affidavits of publication and posting of the Notices of Review of the Agricultural Districts having been received and filed on behalf of this Legislature; and

WHEREAS, upon completion of the thirty day review period, any and all proposals filed were referred to the Steuben County Agricultural and Farmland Protection Board and said Board did file written reports with this County Legislature, containing their recommendations and any proposed modifications concerning the same. Said reports being hereby approved, ratified, and confirmed by this County Legislature.

NOW THEREFORE, BE IT

RESOLVED, that in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York, a Public Hearing on the review of said Agricultural Districts together with any modification thereof set forth in the reports 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 the 23rd day of January, 2012, at 10:00 a.m.; and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the Steuben County Clerk; William Brown, Chairman of the County Agricultural and Farmland Protection Board, 9230 W Waneta Lake Road, Hammondsport, NY 14840; Director of the Steuben County Planning Department; and James Graces, Cooperative Extension Agent at Bath, New York.

Vote: Acclamation – Adopted.

RESOLUTION NO. 185-11

Introduced by P. McAllister. Seconded by All Legislators.

REQUESTING THAT THE STATE SENATE AND ASSEMBLY MOVE NEW YORK STATE'S 2012 SEPTEMBER PRIMARY TO THE SAME DATE AS THE 2012 FEDERAL PRIMARY.

WHEREAS, a denial of waiver has been issued by the Court in the matter of *USA v. State of New York & SBOE*, the so-called "MOVE Act lawsuit"; and

WHEREAS, this denial of waiver will potentially cause there to be scheduled three separate primaries in 2012; and

WHEREAS, an additional third primary had neither been expected nor been budgeted for in the Steuben County Board of Elections submitted 2012 budget, creating an unexpected financial burden.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature urges the State of New York to schedule the September Primary on the same date as the Federal Primary, thereby avoiding the imposition of costs upon the County associated with a third primary; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the office of Assemblyman Philip Palmesano, 105 East Steuben St., Bath, NY; and forwarded to the office of Senator Thomas O'Mara, 105 East Steuben St., Bath, NY.

Vote: Acclamation – Adopted.

RESOLUTION NO. 186-11

Introduced by J. Hauryski. Seconded by C. Quinlan.

RECOGNIZING THE SERVICE AND ACHIEVEMENTS OF OUTGOING COUNTY LEGISLATOR DONALD B. CREATH.

WHEREAS, all members of the Steuben County Legislature would like to formally recognize and thank **LEGISLATOR DONALD B. CREATH** for his years of service on the Steuben County Legislature.

NOW THEREFORE, BE IT

RESOLVED, that this Legislature is honored to recognize the service and achievements of **LEGISLATOR CREATH**, 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 1994 through December 1997, and again in January 2000, representing District 2. During Don's tenure, he has been a member of the Administration Committee, Finance Committee, Human Services Committee, and Public Safety & Corrections Committee. He was also the Chairman of the Agriculture, Industry & Planning Committee and the Vice Chair of the Rules Committee. Mr. Creath has served as Majority Leader since 2008. Don has served with honor and distinction over his past sixteen (16) years as a member of

the Steuben County Legislature, having also served on the Corning Community College Board of Trustees, the Southern Tier Central Regional Planning & Development Board, Steuben County Conference & Visitors' Bureau and the ProAction Board of Directors; and be it further

RESOLVED, that the members of this Steuben County Legislature wish to thank **DONALD B. CREATH** for his dedication, contributions and service to the residents of Steuben County.

Vote: Acclamation – Adopted.

RESOLUTION NO. 187-11

Introduced by J. Hauryski. Seconded by T. Ryan.

RECOGNIZING THE SERVICE AND ACHIEVEMENTS OF OUTGOING COUNTY LEGISLATOR ROBERT V. NICHOLS.

WHEREAS, all members of the Steuben County Legislature would like to formally recognize and thank **LEGISLATOR ROBERT V. NICHOLS** for his years of service on the Steuben County Legislature.

NOW THEREFORE, BE IT

RESOLVED, that this Legislature is honored to recognize the service and achievements of **LEGISLATOR NICHOLS**, 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 2000, representing District 11. During Bob's tenure on the Legislature, he served as a member of the Agriculture, Industry & Planning Committee, Chairman of Public Works and the Health & Education Committee and Vice Chairman of the Rules Committee. Bob has served with honor and distinction over his twelve (12) years as a member of the Steuben County Legislature, having also served on the Cornell Cooperative Extension Board of Directors, the Southern Tier Central Regional Planning & Development Board and the Steuben County Agriculture and Farmland Protection Board; and be it further

RESOLVED, that the members of this Steuben County Legislature wish to thank **ROBERT V. NICHOLS** for his dedication, contributions and service to the residents of Steuben County.

Vote: Acclamation – Adopted.

RESOLUTION NO. 188-11

Introduced by J. Hauryski. Seconded by P. McAllister.

RECOGNIZING THE SERVICE AND ACHIEVEMENTS OF OUTGOING COUNTY LEGISLATOR JOHN S. WALSH.

WHEREAS, all members of the Steuben County Legislature would like to formally recognize and thank **LEGISLATOR JOHN S. WALSH** for his years of service on the Steuben County Legislature.

NOW THEREFORE, BE IT

RESOLVED, that this Legislature is honored to recognize the service and achievements of **LEGISLATOR WALSH**, 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 2004, representing District 7. During John's tenure on the Legislature, he served as a member of the Agriculture, Industry & Planning, Public Safety & Corrections, Rules, Administration, Human Services and Finance Committees. He also served as Vice Chairman of the Health & Education Committee. John has served with honor and distinction over his eight (8) years as a member of the Steuben County Legislature, having also

served as a member of the Cornell Cooperative Extension Board of Director and the Fire Advisory Board; and be it further

RESOLVED, that the members of this Steuben County Legislature wish to thank **JOHN S. WALSH** for his dedication, contributions and service to the residents of Steuben County.

Vote: Acclamation – Adopted.

RESOLUTION NO. 189-11

Introduced by J. Hauryski. Seconded by D. Farrand.

RECOGNIZING THE SERVICE AND ACHIEVEMENTS OF OUTGOING COUNTY LEGISLATOR CHRISTOPHER G. QUINLAN.

WHEREAS, all members of the Steuben County Legislature would like to formally recognize and thank **LEGISLATOR CHRISTOPHER G. QUINLAN** for his years of service on the Steuben County Legislature.

NOW THEREFORE, BE IT

RESOLVED, that this Legislature is honored to recognize the service and achievements of **LEGISLATOR QUINLAN**, 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 2011, representing District 2. During Chris' tenure on the Legislature, he served as a member of the Human Services, Health & Education Committee. Chris has served with honor and distinction as a member of the Steuben County Legislature, having also served as a member of the Southern Tier Central Regional & Planning Development Board's Human Services Committee; and be it further

RESOLVED, that the members of this Steuben County Legislature wish to thank **CHRISTOPHER G. QUINLAN** for his dedication, contributions and service to the residents of Steuben County.

Vote: Acclamation – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.E. Collective Negotiations Pursuant to Article Fourteen of the Civil Service Law and 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. Quinlan. Seconded by Ms. Lattimer and duly carried.

Motion to Remove Resolution No. 190-11 from the Table for Discussion made by Mr. Quinlan, seconded by Mr. Roush and duly carried.

Motion to Adjourn Executive Session made by Mr. Ryan, Seconded by Mr. Van Etten and duly carried.

RESOLUTION NO. 190-11

Introduced by T. Ryan. Seconded by S. Van Etten.

RELATIVE TO CERTIFIED HOME HEALTH AGENCY.

WHEREAS, Steuben County presently holds operating certificates for a Certified Home Health Agency (CHHA) and a Long Term Home Health Care Program (LTHHCP); and

WHEREAS, while the Human Services, Health and Education Committee recognizes that the Steuben County CHHA has consistently provided quality care, it has carefully reviewed the options to provide home health care and long

term home health care services of the highest quality in the most cost effective manner to the citizens of Steuben County; and

WHEREAS, the Committee recognizes that home health care services continue to change and that it is no longer economically possible to serve the County's citizens' need for quality home care without substantial county investment and the duplication of services already available through private and not-for-profit service providers; and

WHEREAS, the County has solicited proposals for the purchase of the operating certificates of the Steuben County CHHA & LTHHCP; and

WHEREAS, following review of the proposals and discussion thereof with the potential purchasers, it is the recommendation of the Human Services, Health and Education Committee that the Steuben County Legislature discontinue the provision of home health care services, surrender its operating certificates, and accept the proposal of the Visiting Nursing Association of WNY, Inc., with the conditions stated therein, to purchase these certificates, for the sum of $1,000,000, provided that no material adverse change in financial performance occurs prior to closing, and to provide interim management services until such time as the New York State Department of Health approves the assumption of such services in Steuben County by Visiting Nursing Association of WNY, Inc.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby agrees to surrender its operating certificates for its Certified Home Health Agency and Long Term Home Health Care Program, upon approval by the NYS Department of Health, and accepts the proposal of Visiting Nursing Association of WNY, Inc., dated September 16, 2011, and filed with the Clerk of the Legislature; and be it further

RESOLVED, that the County Administrator and Director of Public Health are directed to negotiate and execute all documents necessary to effectuate this resolution, consistent with the terms of the Proposal and this resolution without the further approval of this Board, including but not limited to the development of transitional agreements to enable the continuation of care for existing patients; any and all applications and schedules required by the NYS Department of Health; and a Purchase Agreement and closing documents for the consummation of this transaction, with all such documents to be provided to the Human Services, Health and Education Committee and filed with the Clerk of the Legislature; and be it further

RESOLVED, that certified copies of this resolution be sent by the Clerk of the Legislature to Visiting Nursing Association of WNY, Inc, Judy Baumgartner, President, 2100 Wehrle Drive, Williamsville, NY 14221; and the New York State Department of Health, Commissioner, Nirav R. Shah, M.D., M.P.H., Corning Tower, Empire State Plaza, Albany, NY 12237.

Vote: Roll Call – Adopted. (Yes: 7,559; No: 597; Absent: 1,716) (Mr. Walsh opposed)

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