

REGULAR MEETING
Morning Session
Monday, June 27, 2016
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 27th day of June, 2016, 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 Booth.

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

The Clerk of the Legislature read the following Memoriam:

ROBERT L. McALLISTER
1919 – 2016

The death of our former colleague, Bob McAllister, who passed away on June 16, 2016, is acknowledged by this Legislature with sadness.

Born in Olean on November 21, 1919, to Linnie and Patrick McAllister, Bob was raised in Hornell and graduated from St. Anne's Parochial School and Hornell High School where he met his wife, Lois Granger. They were married in Hornell on April 21, 1943, and celebrated their 67th anniversary in 2010 before Lois passed away in November of that year.

Following his graduation from Niagara University, Bob served in World War II as Message Center Chief in the Signal Company assigned in support of the Army's 301st heavy bombardment wing in Tunisia and Italy. He was a cryptologist and was awarded the Bronze Star for outstanding service. After the war, Bob and Lois moved to Ithaca where he earned his law degree from Cornell University in 1948. They then settled in Wayland where Bob was a partner of Attorney Edward Gilroy, and later established his own successful law practice.

Bob served his community in many different aspects; as Justice of the Peace, Village Attorney, attorney for Wayland, Naples and Cohocton Central School Districts, trustee for Wayland Free Library and was the Wayland Town Supervisor. He was also a member of the Steuben County Board of Supervisors from 1960 to 1965, where he served as a member of the Grade Crossings Committee, Insurance & Laws Committee, Equalization Committee, Veterans' Service Committee, Appropriations Committee and the Fire Council. He was dedicated and generous to St. Joseph's Church and School, to the Vincent House and to the St. Vincent DePaul Society in Wayland and was a lifelong member of the Wayland Lion's Club.

Public service and community spirit were important to Bob; he will be remembered for his many contributions to Wayland and Steuben County, which were always characterized by faith, good will and loyalty, as well as a high regard for others.

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 children: Linnie, Mary, Robert, Margaret, Anne, Patrick, Jo Ellen, Elise, Catherine and Therese, as an expression of the sympathy felt by this Legislature on the passing of their loved one.

Adopted by rising silent affirmation.

Chairman Hauryski asked Diane Putnam to come forward. Ms. Putnam 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 Peter Mohr to come forward. Mr. Mohr is an employee in the Department of Social Services. He presented him with a Certificate of Appreciation and a pin in recognition of his 25 years of service to Steuben County.

Chairman Hauryski asked Stephanie Easterbrook to come forward. Ms. Easterbrook 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 Susan Neu to come forward. Ms. Neu 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 30 years of service to Steuben County.

Chairman Hauryski asked Patricia Kelly to come forward. Ms. Kelly is an employee in the Buildings & Grounds Department. He presented her with a Certificate of Appreciation and a plaque in recognition of her retirement following 33 years of service to Steuben County.

Chairman Hauryski asked Cynthia Spallone to come forward. Ms. Spallone is an employee in the Probation Department. He presented her with a Certificate of Appreciation and a plaque in recognition of her retirement following 38 years of service to Steuben County.

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

Wayne Wells, Cameron, stated he is disturbed about the efforts of the scientific community not being fully appreciated by politicians. An example of this is the use of fossil fuels driving global warming. Approximately half of tribal politics believe global warming to be a hoax. Science is defined as the knowledge about, or the study of, the natural world. He would appeal to our sense of sanity that no matter how passionate you may be on many issues, we must let scientific data help us make our determinations.

Kristin Klemenz, Owner of B&W Towing, Painted Post, thanked the Legislature for reopening the bid for towing on limited access highways. In addition, she would also ask that this just be a simple rotation for all interested companies. This would allow for a more efficient response and would also be favorable for new companies just getting started. There are several counties, including Allegany and Livingston, that do a rotation. We already do a rotation for non-limited access highways and that process seems to be going well. She asked the Legislature to consider this option.

Roger Miller, Vice President, Bill Carpenter Service, Dansville, stated whoever wrote this 32-page RFP knows nothing about the towing business. There are many contradictions throughout the document. In Livingston County they have a rotating list and the application was three pages. Before you close the submission of RFP's on July 21, 2016, you need to clarify the document and revisit what it is that you are trying to do.

Robert Dickinson, Cajun Towing, Arkport, stated this system is really not working. The rotating list is an effort to try to make it work, but it really is not working. Four years ago when David Cole took over as Sheriff, he asked to meet with the tow companies to set up something that would work. Allegany County has no package and he can tow anywhere in the county. They don't ask me to justify that I have insurance or ask me to resubmit an application package every three years. He stated that he cannot come into Steuben County because of what has been done in this room. We go to the Public Safety &

Corrections Committee meetings and we are not allowed to voice our opinion. Why is it that the County wants to get so far up in my towing business, but yet there is no freedom of speech?

Chairman Hauryski thanked everyone for their comments and 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 for Posting for the Public Hearing relative to hearing public comments on the community development needs of Steuben County and to discuss the possible submission of one or more Community Development Block Grant applications for the 2016 program year. Chairman Hauryski asked if anyone wished to address the Legislature relative to this Public Hearing.

Kathleen Dear, Labella Associates, informed the Legislature that their company was hired by Green Acres Mobile Home Park to prepare an application for Community Development Block Grant funding. Green Acres is in the process of purchasing the mobile home park from the current owner and becoming a cooperative. Once they do that, they will become responsible for the infrastructure, and currently there are some significant issues with the water and sewer system. With the water system, the current 1” lines are inadequate to serve the number of homes and needs to be upgraded. The sewer system is comprised of several septic tanks, a number of which are failing. The best approach to fixing this issue is to construct a public collection system and connect it to the City of Hornell. As a private entity, they are not allowed to apply for these funds and need a municipal sponsor. The Town of Hornellsville declined to sponsor and they have asked the County to sponsor. The Town of Hornellsville held a public hearing and authorized the County to sponsor the submission of the application.

Andrea Miller of the PathStone Corporation in Rochester, stated their organization is helping the residents of Green Acres to become a resident-owned community. They require \$2.8 million in infrastructure needs and we are looking for your support to sponsor their application for funding from the Community Development Block Grant.

Chairman Hauryski thanked everyone for their comments and declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting for the Public Hearing Upon Local Law Tentatively No. Two for the Year 2016, Establishing Residency Requirements for Part-Time Assistant District Attorneys in Steuben County. Chairman Hauryski asked if anyone wished to address the Legislature relative to this Public Hearing. There being no comments, he declared the Public Hearing closed.

Motion adopting the minutes of the previous meeting(s) made by Mr. Van Etten, seconded by Mr. Mullen and duly carried.

Mrs. Ferratella stated that she would like to thank Commissioner Muller and her staff for a successful Foster Parent Recognition Dinner. She also congratulated Legislator Mullen and his wife on the adoption of their son.

RESOLUTION NO. 095-16

Introduced by S. Van Etten.

Seconded by R. Nichols.

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

Pursuant to Section 2.07 of the Steuben County Charter.

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 Commissioner of Finance 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 property(ies) listed on Schedule "B" for the consideration offered, the Steuben County Commissioner of Finance is hereby authorized and directed to execute the necessary documentation to convey the recited parcel(s) to the grantee(s) upon receipt of the consideration indicated, pursuant to Real Property Tax Law §1166 and as approved by the Steuben County Finance Committee on April 12, 2016; and be it further

RESOLVED, the said grantee(s) must accept the parcel(s) "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel(s) if need be, and as upon the "Notice to Bidders and Terms of Sale 2016" as applicable; 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 Commissioner of Finance, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors of the appropriate municipality; and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Commissioner of Finance, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, the grantee(s), and Counsel for the Mortgagee.

SCHEDULE "A"

Resolution No.	<u>A-1</u>	Resolution No.	<u>A-2</u>
Name	<u>Fairside Apartment Ltd Partnership</u>	Name	<u>Fairside Apartment Ltd Partnership</u>
Parcel No.	<u>159.10-02-001.200</u>	Parcel No.	<u>159.10-02-001.200</u>
Municipality	<u>Village of Bath</u>	Municipality	<u>Village of Bath</u>
Disposition	<u>Court-ordered Refund 2016</u>	Disposition	<u>Court-ordered Refund 2015</u>

SCHEDULE "B"

Resolution No.	<u>B-1</u>
Former Owner	<u>James F. Vari and Karen L. Vari</u>
In Rem Index No.	<u>2014-1414CV</u>
Parcel No.	<u>077.15-01-008.130</u>
Municipality	<u>Town of Wayne</u>
Grantee(s)	<u>James F. Vari and Karen L. Vari</u>
Grantee(s) Address	<u>104 Nancy Lane, Ewing, NJ 08638</u>
Mortgagee's Counsel	<u>Michael J. McKleroy, Esq., Akerman LLP</u> <u>2001 Ross Ave., Suite 2550, Dallas, TX 75201</u>
Consideration	<u>\$388.96</u>

Vote: Roll Call – Adopted.

RESOLUTION NO. 096-16

Introduced by J. Hauryski.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE JUNE 27, 2016 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY MANAGER'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 16, 2016

New York State Homes and Community Renewal – Re: Single Audit Management Decision letter for the fiscal year period ending December 31, 2014. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

May 19, 2016

Municipal Electric & Gas Alliance (MEGA) – Re: SolarCity is the preferred provider for solar procurement. *Referred to: Administration Committee; Jack Wheeler, County Manager; and Amy Dlugos, Planning Director.*

May 31, 2016

New York State Department of Transportation – Re: Notification of approval of the 2015-2016 Consolidated Grant Application through the New York State Department of Transportation (NYSDOT) and the Federal Transit Administration (FTA). *Referred to: Amy Dlugos, Planning Director.*

June 2, 2016

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$2,855, which represents the April 2016 surcharge revenue for Steuben County. *Referred to: Finance Committee; and Patrick Donnelly, Commissioner of Finance.*

June 3, 2016

NYS Department of Transportation – Re: Notification of recently sent vouchers to the State Comptroller that distributes the first quarter SFY 2016-2017 Statewide Mass Transportation Operating Assistance (STOA) payments. *Referred to: Amy Dlugos, Planning Director.*

June 6, 2016

Everpower – Re: Announcement of upcoming submittal of the Preliminary Scoping Statement (PSS) to the New York State Board on Electric Generation, Siting and the Environment (Siting Board) for the Baron Winds Project. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

June 7, 2016

NYS Office of Children and Family Services – Re: OCFS Fatality Report#RO-15-035. *Referred to: Joseph Hauryski, Legislature Chairman; and Jack Wheeler, County Manager.*

June 13, 2016

NYS Department of Public Service – Re: Notification of public statement hearings on the proposed increases for the National Fuel Gas Distribution Corporation's (NFG) gas delivery rates. *Referred to: filed with the Clerk of the Legislature, Brenda Mori.*

June 15, 2016

City of Corning – Re: Notification of the Corning City Council unanimously approved the agreement to dispose of solid waste at the Erwin Transfer Station. *Referred to: Public Works Committee; and Vince Spagnoletti, Commissioner of Public Works.*

Nextera Energy – Re: Eight Point Wind, LLC (Eight Point Wind Energy Center Project) has proposed to be located in the southwestern part of Steuben County and intends to comply with the New York State’s General Code of Conduct agreement for the Wind Farm Development. *Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Alan Reed, County Attorney.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 097-16

Introduced by B. Schu.

Seconded by H. Lando.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2016, ESTABLISHING RESIDENCY REQUIREMENTS FOR PART-TIME ASSISTANT DISTRICT ATTORNEYS IN STEUBEN COUNTY.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on May 23, 2016, County of Steuben Local Law Tentatively No. Two for the Year 2016, Establishing residency requirements for part-time Assistant District Attorneys in Steuben County, making the final adoption of said Local Law subject to a Public Hearing to be held on June 27, 2016; and

WHEREAS, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on June 27, 2016, at 10:00 A.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law Tentatively No. Two for the Year 2016, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2016**

A Local Law, Establishing residency requirements for part-time Assistant District Attorneys in Steuben County.

SECTION 1: INTENT

It is the intent of this local law to expand the area of residence for eligibility for the office(s) of part-time Assistant District Attorney in Steuben County, to include Steuben County or an adjoining county within the State of New York.

SECTION 2: RESIDENCY REQUIREMENT

In the County of Steuben, the provisions of Public Officers Law §3 which require a person to be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen, or within which his or her official functions are required to be exercised, shall not prevent a person regularly admitted to practice as an attorney or counselor in the courts of record of this state from holding the office of Assistant District Attorney provided:

- a. The office has been designated as “part-time”, and
- b. The person resides in Steuben County or an adjoining county within the State of New York.

SECTION 3: EFFECTIVE DATE

This local law shall become effective upon filing with the New York State Secretary of State.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on June 27, 2016 at 10:00 A.M. at the Legislative Chambers, Village of Bath, New York; and be it further

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

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Two for the Year 2016, 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; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Manager, District Attorney, Personnel Officer, County Attorney and the Commissioner of Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 098-16

Introduced by D. Farrand.

Seconded by J. Malter.

AUTHORIZING THE STEUBEN COUNTY DISTRICT ATTORNEY TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH SCHUYLER COUNTY FOR A PART-TIME ASSISTANT DISTRICT ATTORNEY.

Pursuant to Section 2.07 of the Steuben County Charter.

WHEREAS, the Public Safety and Corrections Committee approved an Inter-Municipal Agreement with Schuyler County for sharing the provision of an Assistant District Attorney; and

WHEREAS, the Assistant District Attorney position is appropriated in the 2016 District Attorney budget; and

WHEREAS, Steuben County has agreed to support 50% of this position not to exceed \$50,000; and

WHEREAS, the term of the agreement shall commence July 1, 2016 through June 30, 2017, with the option to renew and a sixty (60) day opt out provision; and

WHEREAS, it is desirable and in the best interest of the County to enter into the agreement to share the recited services with a neighboring county.

NOW THEREFORE, BE IT

RESOLVED, that this Legislature approves an Agreement with Schuyler County for a shared Assistant District Attorney; and be it further

RESOLVED, that the District Attorney is hereby authorized to sign the Inter-Municipal Agreement with Schuyler County; such agreement being subject to the approval of the County Attorney; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Tim O 'Hearn, Schuyler County Administrator, 105 Ninth Street, Unit 37, Watkins Glen, NY 14891; Dennis A. Fagan, Chair of the Schuyler County Legislature, 105 Ninth Street, Unit 6, Watkins Glen, N.Y. 14891; Joseph G. Fazzary, District Attorney; 105 Ninth Street, Unit 26, Watkins Glen, NY 14891; the Steuben County District Attorney; Personnel Officer; Commissioner of Finance; County Attorney; and County Manager.

Vote: Roll Call – Adopted.

RESOLUTION NO. 099-16

Introduced by R. Lattimer and S. Van Etten.

Seconded by G. Roush.

ACCEPTING FEDERAL 5311 CAPITAL PROJECTS FUNDING, AND ADJUSTING VARIOUS CAPITAL PROJECT ACCOUNTS.

WHEREAS, the Planning Department is responsible for the administration of grants, contracts, and finances related to the countywide bus system; and

WHEREAS, due to the multi-year funding cycles of these state and federal grants, these funds should be placed in capital projects to allow for more efficient tracking of expenditures; and

WHEREAS, Steuben County has been approved for a grant of funds by the New York State Department of Transportation pursuant to Section 53 Federal Programs, Title 49, United States Code, under a Supplemental Agreement to Comptroller's Contract #C003788, Section 5311 Capital; and

WHEREAS, the specific funds awarded are as follows:

PIN	Description	Project Cost	Federal Share	State Share	Local Share
6795.35.304	Support vehicle	\$50,000	\$40,000	\$5,000	\$5,000
6796.34.304	replacement buses	\$450,000	\$360,000	\$45,000	\$45,000
6795.36.304	Mobility Management	\$501,811	\$401,499	\$50,181	\$50,181
6795.80.104	Transp. Research & Planning Project	\$31,843	\$25,474	\$3,185	\$3,185
6795.82.104	Transp. Research & Planning Project	\$31,906	\$25,525	\$3,191	\$3,190

WHEREAS, Steuben County and the State of New York will be entering into an agreement which authorizes the undertaking of the Projects and payment of the federal and state shares.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Finance is directed to modify the Bus Operations Capital Project (5630H1) to reflect additional appropriations and revenues of \$500,000, to establish a capital project entitled 'Mobility Management Services Capital Project' (5630H2) and appropriate \$501,811 of revenues and expenditures and to establish a capital project entitled 'Transportation Research Capital Project' (5630H3) and appropriate \$63,749 of revenues and expenditures; and be it further

RESOLVED, that the Planning Director is hereby authorized to sign any and all agreements with the State of New York, third party subcontractors, and any vendors for the purposes of fulfilling the grant requirements; and be it further

RESOLVED, that Steuben County certifies through this Resolution that the local share for the support vehicle and the replacement buses shall be provided by First Transit; and be it further

RESOLVED, that Steuben County certifies through this Resolution that the local share for Mobility Management and the Transportation Research & Planning Project shall be provided by the Institute for Human Services, Bath NY; and be it further

RESOLVED, that four certified copies of this resolution shall be sent to Amy Dlugos, Planning Director.

Mr. Mullen asked for a description of the project. Mr. Wheeler replied this is for the transportation bus program that we sponsor and the funding is run through the County. The local share is picked up from the companies receiving the buses.

Vote: Roll Call – Adopted.

RESOLUTION NO. 100-16

Introduced by R. Lattimer.

Seconded by H. Lando.

APPROVING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION THROUGH THE CONSOLIDATED FUNDING APPLICATION PROCESS.

WHEREAS, it is in the best interests of Steuben County to maintain its housing stock; and

WHEREAS, this Legislature remains committed to furthering fair housing in Steuben County; and

WHEREAS, residents of the former Green Acres Mobile Home Park in the Town of Hornellsville, have obtained funding and made the necessary investments to purchase said mobile home park that is now known as The Woodlands Community, Inc.; and

WHEREAS, The Woodlands Community, Inc. development needs significant infrastructure upgrades, including sewer and water lines, to remain habitable; and

WHEREAS, The Woodlands Community, Inc. has secured some funding for infrastructure improvements but is still in need of further funding; and

WHEREAS, Community Development Block Grant funding for water and sewer infrastructure is available through the Southern Tier Regional Economic Development Council Consolidated Funding Application process; and

WHEREAS, the Town of Hornellsville intends to adopt a resolution authorizing Steuben County to apply on their behalf and enter into a cooperation agreement with Steuben County.

NOW THEREFORE BE IT,

RESOLVED, that the Steuben County Planning Department shall assist with the preparation of a grant application not to exceed \$1 million for the improvement of water and sewer infrastructure at The Woodlands Community, Inc. in the Town of Hornellsville; and be it further

RESOLVED, that the County Manager, Steuben County, New York, is hereby authorized as the official representative of Steuben County to execute and submit a Consolidated Funding Application for Community Development Block Grant and/or other funding to the administrative agency for the Fiscal Year 2016 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required; and be it further

RESOLVED, that the County Manager is hereby authorized to execute a cooperation agreement with the Town of Hornellsville.

Mr. Swackhamer stated at one time, Green Acres was one of the most beautiful mobile home parks in the County. The residents of the park want to take the park over, develop it and make it great again. It is to our advantage to sponsor their application.

Mr. Mullen asked what will be the effect of County sponsorship? Mr. Wheeler replied the cost is negligible, and really it is more time on our end. A municipality needs to sponsor the application and the Town of Hornellsville declined and the mobile park has asked the County to sponsor. The Planning Department will need to work on the paperwork and do site visits to make sure everything is going well. We have done this for other grant applications.

Mr. Mullen asked what is the role of Labella? Mr. Wheeler replied they are working for the mobile home park community.

Ms. Fitzpatrick commented it bothers her that we are applying for a grant which equates to \$30,000 per resident to clean up things the previous owner should have done. Mr. Weaver stated the biggest issue was that the park was in foreclosure and nobody was running the park. Mr. Swackhamer stated the bank owned the park for a number of years and the membership decided to purchase and make it a community in order to do the upgrades.

Mr. Van Etten asked we assume no responsibility or liability by doing this? Mr. Wheeler replied in his view, no. We have done this with World Kitchen, Arbor Development and others. He is assuming that the contract, if awarded, will be the same as in the past. Based on prior history with these applications, there has never been a liability concern. Mr. Weaver asked is this application similar to the CDBG Well and Septic System program? Mr. Wheeler replied yes, this will be the same type of project.

Mr. Mullen asked when the residents purchased the park, they were not taking into account the value of the grant? Does the bank benefit from this grant? Mr. Swackhamer stated the purchase contract is all ready to be signed. This is above and beyond their deal with the bank. Mrs. Lando asked what happens if they don't receive the grant? Mr. Swackhamer replied they will function as they are and look for other funding sources.

Mr. Swackhamer stated he will be abstaining as he is a partial owner of one of the homes in the park.

**Vote: Roll Call – Adopted. Yes – 8828; No – 0; Absent – 593; Abstained – 451.
(Absent – Legislator Booth; Abstained – Legislator Swackhamer)**

RESOLUTION NO. 101-16

Introduced by D. Farrand and S. Van Etten.

Seconded by G. Roush.

AUTHORIZING THE STEUBEN COUNTY SHERIFF TO ACCEPT A DONATION FROM THE SGT. DEVIN SNYDER MEMORIAL FUND FOR INSERTS FOR THE TWO K9 VEHICLES.

Pursuant to Section 2.07 of the Steuben County Charter.

WHEREAS, the Sgt. Devin Snyder Memorial Fund has offered to provide all necessary equipment (back seat assembly that includes the area for the K9 to ride in the vehicle, caged area for one prisoner to ride with the K9 in use) for the two new K9 vehicles; and

WHEREAS, the value of this equipment will be between \$5,000-\$10,000.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Sheriff is hereby authorized to accept the donation of equipment for the two K9 vehicles from the Sgt. Devin Snyder Memorial Fund; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Sgt. Devin A. Snyder Memorial Fund, c/o Edward & Dineen Snyder, 14 North Dansville Street, Cohocton, NY 14826, the Commissioner of Finance and the Steuben County Sheriff.

Vote: Roll Call – Adopted.

RESOLUTION NO. 102-16

Introduced by D. Farrand and S. Van Etten.

Seconded by G. Swackhamer.

AUTHORIZING THE CREATION OF A CAPITAL PROJECT ACCOUNT FOR LAW ENFORCEMENT PARK DONATIONS.

WHEREAS, the Sheriff would like to accept donations from the public to construct a Law Enforcement Memorial Park at the Public Safety Building; and

WHEREAS, the Sheriff will pay for brick pavers, construction of a statue and construction of a waterfall for the Law Enforcement Memorial Park out of this account; and

WHEREAS, it has been established that these donated funds will only be used for the Law Enforcement Memorial Park.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is authorized and directed to set up account number 3110H3 to appropriate donations; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 103-16

Introduced by G. Swackhamer.

Seconded by R. Nichols.

AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF A HOUSEHOLD HAZARDOUS WASTE GRANT.

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

WHEREAS, the State of New York, herein called the “State”, provides 50% financial aid towards the total cost of the HHW collection event; and

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

WHEREAS, it is necessary that a contract by and between the State and the Municipality be executed for such State Aid.

NOW THEREFORE, BE IT

RESOLVED, by the Steuben County Legislature as follows:

1. The filing of an application in the form required by the State in conformity with the applicable laws of the State including all understanding and assurances contained in said application is hereby authorized.
2. The Commissioner of the Department of Public Works or his designee is directed and authorized as the official representative of the Municipality to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State.
3. The Municipality agrees that it will fund the entire cost of the said HHW collection event and will be reimbursed by the State for its share of such cost.
4. The Municipality or Municipalities set forth their respective responsibilities by attached joint resolution relative to a joint program.

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

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 104-16

Introduced by G. Swackhamer and S. Van Etten.

Seconded by J. Malter.

AUTHORIZING THE ACCEPTANCE OF PAVE NY FUNDING.

WHEREAS, the Public Works Department is scheduled to receive \$1,011,150.07 in funding from New York State’s “Pave NY” program; and

WHEREAS, there is a need to repair 8.65 miles of County Route 113, Bath/Urbana; and

WHEREAS, there is a need to repair .77 miles of County Route 93, Wayland.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is authorized and directed to accept \$1,011,150.07 in “Pave NY” funding; and be it further

RESOLVED, to appropriate \$914,000 of said funding to D 511200, Permanent Improvements, 5 251 022, CR 113 – Bath / Urbana; and be it further

RESOLVED, to appropriate \$97,150.07 of said funding to D 511200, Permanent Improvements, 5 251 023, CR 93 – Wayland; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 105-16

Introduced by G. Swackhamer.

Seconded by R. Nichols.

AUTHORIZING THE REDUCTION OF THE TIP FEE FOR TRANSFER TRAILERS TO THE BATH LANDFILL.

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

WHEREAS, the County estimates that 30,000 to 40,000 tons of waste is being exported from Steuben County to lower priced, out-of-county, privately-operated landfills; and

WHEREAS, there are solid waste transfer stations operating outside of the County that transfer part of this waste; and

WHEREAS, it is determined to be in the best interest of the County that regional transfer stations utilize the Bath Landfill; and

WHEREAS, the current tip fee at the Bath Landfill for transfer trailer loads of mixed municipal solid waste (MSW) is \$35.00/ton and the County determines it to be prudent and economically responsible to establish a \$33.00/ton tip fee for transfer trailer loads of mixed MSW, retroactive to June 6, 2016; and

WHEREAS, for consideration of the reduced tip fee the customer will be required to sign a three year disposal agreement; and

WHEREAS, for consideration of the reduced tip fee the customer must submit a copy of its facility's operating permit/registration issued by the permitting authority with jurisdiction for the facility.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby authorize the Commissioner of Public Works to establish the tip fee of \$33.00/ton at the Bath Landfill for loads of mixed MSW from permitted/registered transfer stations; and be it further

RESOLVED, the tip fee will be granted upon execution of the disposal agreement and verification of the appropriate transfer station operating permit/registration; and be it further

RESOLVED, the new tip fee for mixed MSW on transfer trailers from transfer stations shall be retroactive to June 6, 2016; and be it further

RESOLVED, these modifications shall apply to private individuals, businesses, industry, commercial haulers and local political subdivisions of the State of New York; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 106-16

Introduced by B. Schu and S. Van Etten.

Seconded by R. Lattimer.

APPROVING AN AGREEMENT FOR ACCEPTANCE OF ELECTRONIC PAYMENTS.

Pursuant to the Steuben County Charter, Article II, Section 2.07.

WHEREAS, the Finance Committee, on November 10, 2015, authorized the Commissioner of Finance, in conjunction with the Purchasing Director, to issue a Request for Proposal to provide for the online acceptance of credit card payments and for a swipe-card payments system; and

WHEREAS, the Commissioner of Finance and the Director of Purchasing reviewed the proposals, with participation from various Departments within the County using or interested in using the recited products; and

WHEREAS, it was determined that the products and services offered by Value Payment Systems Inc. in its Response dated February 4, 2016 fit the needs of the various Departments of the County; and

WHEREAS, on June 14, 2016 the Administration and Finance Committees approved the recommendation of the Commissioner of Finance to accept the Response to the RFP from Value Payment Systems, Inc.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Finance is hereby authorized to execute an agreement for services with Value Payment Systems, Inc.; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of Finance and Director of Purchasing.

Vote: Roll Call – Adopted.

RESOLUTION NO. 107-16

Introduced by S. Van Etten.

Seconded by G. Swackhamer.

AUTHORIZING THE COUNTY TO PARTICIPATE IN TAX CERTIORARI PROCEEDINGS IN THE TOWN OF ERWIN.

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

WHEREAS, it is in the interest of the County to participate in the appraisals for Tax Certiorari Proceedings where the equalized full value is in excess of \$2 million for roll section one and six parcels as previously set forth in Resolution 010-93, as amended in Resolution 132-03, and as amended in Resolution 047-12; and

WHEREAS, a requesting assessing unit should have completed in due course a town/city wide reassessment program and filed a cyclical reassessment plan; and

WHEREAS, the Town of Erwin has recently completed a cyclical reassessment plan and has further requested the County to participate in one (1) Tax Certiorari Proceeding pursuant to the County's participation policy; and

WHEREAS, the recited requests comply with the policy of the County to so participate; and

WHEREAS, the counsel for the Town of Erwin has submitted initial preliminary appraisal estimates of \$3,750 together with a court-ready appraisal estimate of \$4,000 for a total estimate of \$7,750 together with additional costs for expert testimony at a rate of \$150/hr.; and

WHEREAS, the Real Property Tax Service Agency has computed the County's share of participation as set forth under the County's policy to participate at \$1,240, plus charges to provide testimony in Court at \$150/hr.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is authorized and directed to disburse to the properly credentialed and retained appraiser(s) a total sum not to exceed \$2,500 in and for the recited proceeding; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of the Real Property Tax Service Agency; Commissioner of Finance; Rita McCarthy, Erwin Town Manager, 310 Town Center Road, Painted Post, New York 14870; and David English, Esq., Counsel for the Town of Erwin, 215 Watauga Avenue, Corning, New York 14830.

Mr. Mullen asked what property does this refer to? Mr. Van Etten replied this is the Old Ramada Inn.

Mr. Roush stated that he will be abstaining as he is a member of the Erwin Town Board.

Vote: Roll Call – Adopted. Yes – 8556; No – 0; Absent – 593; Abstain – 723.
(Absent – Legislator Booth; Abstain – Legislator Roush)

RESOLUTION NO. 108-16

Introduced by B. Schu.

Seconded by K. Hanna.

AUTHORIZING AN AMENDMENT TO THE LEASE FOR THE OLD HEALTH CARE FACILITY WITH CENTERS HEALTH CARE.

WHEREAS, an agreement was entered into dated July 1, 2014 between the County of Steuben and Centers Health Care for the premises located at 6979-7007 Rumsey Street Extension, Bath, New York; and

WHEREAS, the parties have mutually agreed that the purpose of this addendum is to include \$8,650.60 for 2016 Taxes and Insurance; and

WHEREAS, the County has agreed to cover these costs in consideration of the county's occupancy of the premises.

NOW THEREFORE, BE IT

RESOLVED, that the County Manager is authorized to execute an amended lease agreement with Centers Health Care in the amount of \$8,650.60 for 2016 Taxes and Insurance; and be it further

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

Mr. Mullen asked was this originally planned for? Mr. Wheeler replied we have an agreement with Centers to maintain the Old Health Care Facility and to pay the utilities. They approached us and indicated that there were additional costs to them even though they are not using the facility. There is an additional cost to the County, but only for the short-term as we are in the process of constructing a

Records facility. This is significantly less expensive as opposed to having a straight lease. This is a partnership with Centers as we currently do not have a place to store our records.

Mr. Mullen asked how long was the lease? Mr. Wheeler replied he believes it is open-ended. Mr. Swackhamer stated we discussed this in Finance. It was no surprise that this was going to come. We are ahead of the game and should pay until we get our new building up.

**Vote: Roll Call – Adopted. Yes – 7689; No – 1590; Absent – 593.
(No – Legislators Maio, Mullen and Weaver; Absent – Legislator Booth)**

RESOLUTION NO. 109-16

Introduced by B. Schu.

Seconded by R. Lattimer.

AUTHORIZING THE ADDITION OF AN INTERNSHIP POLICY INTO THE ADMINISTRATIVE CODE.

Pursuant to Section 2.07(6) of the Steuben County Charter.

WHEREAS, the Steuben County Administrative Code, adopted in 1985 and amended various times since, details policies and procedures of Steuben County; and

WHEREAS, Internships can benefit both the participant and the County by promoting the exchange of information and education, exposing students to County government and encouraging careers in public service; and

WHEREAS, the County Manager has drafted an Internship Policy after researching, evaluating, and considering examples of effective Internship Policies; and

WHEREAS, the County Manager recommends adding the Internship Policy to the Administrative Code in an effort to facilitate Steuben County's offering of internship opportunities for students enrolled in undergraduate and graduate programs at area colleges and universities; and

WHEREAS, the Internship Policy is further intended to outline various responsibilities and ensure student workers have a productive experience with the County; and

WHEREAS, the draft Internship Policy has been distributed to the Legislature for review; and

WHEREAS, the Administration Committee has reviewed the proposed changes and recommends approval by the Legislature.

NOW THEREFORE, BE IT

RESOLVED, that the Administrative Code is hereby amended to include the Internship policy; and be it further

RESOLVED, the revised Administrative Code will be made available via the Steuben County intranet, and employees and staff will be notified of said revisions; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 110-16

Introduced by B. Schu.

Seconded by J. Malter.

AMENDING THE MANAGEMENT SALARY PLAN.

WHEREAS, on a regular basis the Management Salary Plan needs to be reviewed and updated to account for the ever-changing nature of county government operations and staffing; and

WHEREAS, as a result of the recent review, the County Manager and Personnel Officer have made recommendations to account for changes that have occurred since the Management Salary Plan was last reviewed, most notably, the adoption of the Steuben County Charter; and

WHEREAS, the recommended changes include updated policies and procedures, roles and responsibilities, title additions and deletions; and

WHEREAS, no salary adjustments are required as a result of these amendments; and

WHEREAS, the Administration Committee has reviewed and approved the recommended changes.

NOW THEREFORE, BE IT

RESOLVED, the Management Salary Plan is hereby amended as presented by the County Manager and Personnel Officer; and be it further

RESOLVED, the changes do not result in a change to the 2016 salaries of the individuals within the positions; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Personnel Officer, the County Manager, and the Commissioner of Finance.

Mr. Mullen asked is it a requirement under the Charter that the legislative committees no longer have input on the plan? Mr. Wheeler replied no, that is referencing the evaluations. The committees do not directly have input, but you would in your discussion with the Chair. The evaluations for the Clerk of the Legislature, County Attorney and County Manager will be conducted by the Chairman of the Legislature.

Mr. Mullen stated he would not think that it was a good idea to tie the salary ranges to the Union contract as he believes there would be a conflict of interest with the primary negotiators being Management. Mr. Wheeler stated that provision was added by resolution adopted in 2006. Ultimately, the Legislature has the ability to not give raises every year. The salary grid changes if the CSEA grid changes. We are frugal and we represent you when we are negotiating.

Vote: Roll Call – Adopted. Yes – 8683; No – 597; Absent – 593.
(No – Legislator Mullen; Absent – Legislator Booth)

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.F. The Medical, Financial, Credit or Employment of a Particular Person, or Matters Leading to the Appointment, Employment, Promotion, Demotion, Discipline, Suspension, Dismissal or Removal of a Particular Person made by Ms. Lattimer, seconded by Mr. Swackhamer and duly carried.

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mr. Mullen, seconded by Mrs. Lando and duly carried.

RESOLUTION NO. 111 – 16

Introduced by G. Swackhamer.

Seconded by S. Maio.

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; General Municipal Law 6-n; Steuben County Charter Article II, Section 2.07 (12); and Administrative Code Part IX (C) (2).

WHEREAS, the following civil action has been initiated in the U.S. Equal Employment Opportunity Commission (EEOC):

JENNIFER (CARLSON) REED,

CHARGE NO. 525-2015-00279

Plaintiff,

vs.

THE COUNTY OF STEUBEN, NEW YORK,

Defendant.

; and

WHEREAS, the parties are desirous of settling the claim arising from the recited EEOC charge; and

WHEREAS, the Legislature previously approved the settlement of this matter under Perm. No. 094-16 and that the EEOC has required specific policy adjustments in the course of the conciliation process; and

WHEREAS, the Steuben County Personnel Officer has reviewed the adjustments and finds them to be proper for the operations of the County functions. The County finds those adjustments to be in the best interests of the County.

NOW THEREFORE, BE IT

RESOLVED, the County does hereby ratify the Conciliation Agreement as agreed to by the Steuben County Sheriff through the EEOC Conciliation process; and be it further

RESOLVED, the within resolution shall be reported out promptly following the Supreme Court’s approval of the recited settlement; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to Phillips Lytle LLP, Attention: James R. Grasso, Esq., One Canalside, 125 Main Street, Buffalo, New York 14203-2887; and Scott Sprague, Steuben County Risk Manager.

A M E N D E D

RESOLUTION NO. 112-16

Introduced by S. Van Etten.

Seconded by H. Lando.

AUTHORIZING AND DIRECTING THE CHAIRMAN OF THE LEGISLATURE TO ENTER INTO A WRITTEN EMPLOYMENT AGREEMENT WITH JACK K. WHEELER, COUNTY MANAGER

Pursuant to the Steuben County Charter §§3.0, 3.1.

WHEREAS, the residents of Steuben County adopted a Charter form of government as established in the certified results for the General Election of the year 2013, and the Steuben County Charter having been filed in the Office of the Secretary of State as set forth under Steuben County Charter §13.00; and

WHEREAS, the adopted Steuben County Charter calls for a County Manager under Article III to be appointed by the Steuben County Legislature; and

WHEREAS, pursuant to Resolution No. 085-15, the Steuben County Legislature appointed Jack K. Wheeler as County Manager effective June 30, 2015; and

WHEREAS, Steuben County Charter §3.1 allows the County Legislature to negotiate and by resolution authorize the Chairman to execute a written employment agreement with the County Manager for a term of up to, but not exceeding five years, and such contract to contain terms and conditions of employment; and

WHEREAS, the County Legislature is desirous of securing an employment agreement with Jack K. Wheeler and to provide a salary plan extending salary increments in order to foster stability for said incumbent.

NOW THEREFORE, BE IT

RESOLVED, the Chairman of the Steuben County Legislature is hereby authorized to enter into a written employment agreement with Jack K. Wheeler, County Manager, effective June 30, 2016, and terminating on December 31, 2020; and be it further

RESOLVED, as set forth in the schedule herein providing for rates of compensation through additional increments of salary effective on the 30th day of June of each year listed as follows:

2016	\$120,000
2017	\$122,400
2018	\$124,848
2019	\$127,345
2020	\$129,892

AND BE IT FURTHER RESOLVED, said individual shall enjoy all of the management fringe benefits to the same extent as provided to the County Management Group; and be it further

RESOLVED, this agreement may be terminated by either party upon written notice; and be it further

RESOLVED, pursuant to §3.1 of the Steuben County Charter, this agreement contains the terms and conditions of employment and should not be misconstrued as to setting a term of office; and be it further

RESOLVED, the Chairman of the Legislature is authorized and directed to reflect an agreement consistent with this resolution; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Personnel Officer, the Commissioner of Finance and Jack K. Wheeler.

Motion to amend Resolution No. 112-16 to reflect that termination may be made by either party, and eliminating the resolved clause relative to just cause made by Mr. Swackhamer, seconded by Mr. Maio and duly carried.

**Vote: Roll Call – Adopted. Yes – 8619; Absent – 1253.
(Absent – Legislators Booth and Schu)**

*Note: Regarding the above resolution designated as 112-16 authorizing the Chairman to negotiate a contract with the County Manager; while the resolution was approved, the contract was **not** negotiated and said resolution will be rescinded at the July 25, 2016, Legislative Meeting. s/Brenda K. Mori, Clerk of the Legislature*

Motion to Adjourn made by Mr. Mullen, seconded by Mr. Malter and duly carried.