

**REGULAR MEETING**  
**Morning Session**  
**Monday, October 24, 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 Monday, the 24<sup>th</sup> day of October, 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 Legislators Farrand and Van Etten.

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

Chairman Hauryski asked Wendy Flaitz to come forward. Mrs. Flaitz is the Director of the Real Property Tax Service Agency. He presented her with a Certificate of Appreciation and a Plaque in recognition of her retirement with 41 years of service. *Congratulations!* Mrs. Flaitz stated that she would like to thank everyone. She has had a great career with the County and has loved it.

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

Harry Pierce, Lindley, stated he is here regarding his taxes. He has had his property in the forestry program for 34 years and over that period saved \$64,000. The Legislature passed legislation and now I owe \$147,000 in taxes. I have paid all but \$20,000. This year when I received my tax bill, it shows that I am paying a library tax on 400 acres of woodland property. Why should agricultural land be paying a library tax?

Kristin Klemenz, B & W Towing, Painted Post, stated that she has attempted to set up a meeting with Mr. Wheeler to discuss the towing RFP, however, he did not see that a meeting was necessary. I am very disappointed because the County has made one company the primary. For the last four or five years, no other companies have been called, except for the primary. This is the reason we asked for another RFP, because we thought the County wanted the smaller companies to thrive and be successful, but apparently not. You have eliminated the number one company for lightweight towing.

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

Mr. Gallagher introduced the Youth-In-Government Interns for the Fall 2016 semester.

Mr. Mullen commented that the September 26, 2016, minutes did not accurately reflect the vote on a motion regarding the settlement for the Personnel Officer. There were two opposed, himself and Legislator Booth.

***Motion adopting the minutes of the previous meeting(s) as amended by Mr. Mullen made by Mr. Malter, seconded by Mrs. Ferratella and duly carried.***

Mr. Swackhamer stated that he thinks we need to review the way we run the Legislative meetings. He believes we have violated our Rules of Procedure. He requested that the Rules of Procedure be read so that we know what we can and cannot do during a meeting.

Chairman Hauryski stated the Clerk of the Legislature at different times over the year has had to correct me and I do need to do a better job with regard to what Mr. Swackhamer is referring to. He asked Ms. Mori to provide a review of the Rules of Procedure.

Ms. Mori stated that Rule 10 refers to the right of debate in open meetings. All motions duly made and seconded are debatable. No debate shall be allowed upon the main question, when the motion is to refer to a committee, go into an executive session or caucus, lay a resolution on the table, recess or adjourn. No person other than a Legislator may debate a question without permission of all the Legislators present. The County Attorney shall advise the Legislature on legal questions. No Legislator shall speak more than once on the same question until every member desiring to speak on such question shall have spoken. No Legislator may speak more than twice on any question without the permission of a majority vote of the legislative membership. Before speaking, a Legislator must be recognized by the Chairperson, and when two or more Legislators shall rise at the same time, the Chairperson shall determine whom he will recognize.

## **RESOLUTION NO. 154-16**

Introduced by G. Swackhamer.

Seconded by R. Lattimer.

### **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 a portion of the property listed on Schedule "B" for the consideration offered, with the recited portion being an unopened alleyway approximately 20 feet in depth and 180 feet in length and situate between two parcels each bearing Tax Map No. 299.14-05-028.000, 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 August 9, 2016; and be it further

**RESOLVED**, the Steuben County Commissioner of Finance is further authorized and directed to convey those parcels sold at the Delinquent Tax Auction held on July 15, 2016, 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 of the date of this Resolution, to convey those parcels to the second highest bidder upon receipt of full payment from the second highest bidder, and said transfers made pursuant hereto be and the same hereby are ratified; and be it further

**RESOLVED**, the said grantee(s), previously recited in Schedules "B" and "C", 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, and the Grantee; and certified copies of this resolution contained in Schedule "C" 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 Clerk of the Board of Education of the appropriate School District, and the grantee.

#### SCHEDULE "A"

Resolution No. A-1  
 Name Village of Cohocton  
 Parcel No. 043.17-01-066.000  
 Municipality Cohocton Village  
 Disposition Refund

Resolution No. A-2  
 Name Wegmans Enterprises Inc.  
 Parcel No. 317.08-01-066.000  
 Municipality Corning City  
 Disposition Court Ordered Refund - 2015

Resolution No. A-3  
 Name Wegmans Enterprises Inc.  
 Parcel No. 317.08-01-066.000  
 Municipality Corning City  
 Disposition Court Ordered Refund - 2016

Resolution No. A-4  
 Name Terry and Patricia Cordes  
 Parcel No. 225.00-01-072.000  
 Municipality Town of Campbell  
 Disposition Refund - 2015

Resolution No. A-5  
 Name Terry and Patricia Cordes  
 Parcel No. 225.00-01-072.000  
 Municipality Town of Campbell  
 Disposition Refund - 2016

#### SCHEDULE "B"

Resolution No. B-1  
 Former Owner Unknown Owner  
 In Rem Index No. 76932, Corrected Judgment filed November 1, 2012  
 Parcel No. Portion of Parcel No. 299.14-05-034.000, approximately 20 feet in depth and 180 feet in length, situate between two parcels each bearing Parcel No. 299.14-05-028.000  
 Municipality Town of Corning  
 Grantee(s) Robert A. Morse  
 Grantee(s) Address 3324 Charles Street, Corning, NY 14830  
 Consideration \$405.00, inclusive of recording fees

#### SCHEDULE "C"

Resolution No. C-1  
 Former Owner Terry, William E.  
 In Rem Index No. Index No. 2014-1414CV, Judgement filed 05/09/2016  
 Date of Tax Sale: July 15, 2016 (Sale No. 37)  
 Parcel No. 299.16-01-046.000  
 Municipality Corning City  
 Highest Bidder Gerald Wray  
 Highest Bidder's Address 36 Tuxill Avenue, Corning, NY 14830  
 Consideration \$6,785.00, inclusive of buyer's premium & recording fees  
 Second Highest Bidder Robert Lymber  
 Second Highest Bidder's Address 4540 Pine Hill Road, Corning, NY 14830

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 155-16**

Introduced by J. Hauryski.

Seconded by G. Roush.

**RECEIVING AND ACCEPTING THE OCTOBER 24, 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:

**September 19, 2016**

Corning Community College – Re: Notification of the change in the county chargeback rate (\$2,912 per FTE) and an estimate of the total chargeback’s (Jan-Dec 2017: Operating \$2,625,979/Capital \$284,400). ***Referred to: Human Services/Health & Education Committee; Finance Committee; and Patrick Donnelly, Commissioner of Finance.***

**September 22, 2016**

Corning Community College – Re: **Revised** notification of the change in the county chargeback rate (\$2,910 per FTE) and an estimate of the total chargeback’s (Jan-Dec 2017: Operating \$2,616,090/Capital \$284,400). ***Referred to: Human Services/Health & Education Committee; Finance Committee; and Patrick Donnelly, Commissioner of Finance.***

NYS Homes and Community Renewal – Re: Monitoring visit for the New York State Community Development Block Grant (CDBG), Project #1115ED785-13 is scheduled for September 30, 2016 @ 8:30am. ***Referred to: Amy Dlugos, Planning Director.***

Harris Beach PLLC, Attorneys at Law – Re: City of Hornell Industrial Development Agency and Gray Manufacturing Industries, LLC distribution of form RP-412-a and payment in lieu of tax agreement (PILOT Agreement). ***Referred to: Finance and Administration Committees; Patrick Donnelly, Commissioner of Finance; Wendy Flaitz, RPTSA Director; and Alan Reed, County Attorney.***

**September 26, 2016**

NYS Office for the Aging – Re: Fourth and Final Notification of Grant Award (NGA) for the federal fiscal year 2016 (FFY 2016) Nutrition Services Incentive Program (NSIP). ***Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.***

NYS Board on Electric Generation Siting and the Environment – Re: Notice of extending deadline to September 30, 2016 to respond to comments on the preliminary scoping statement for the application of Baron Winds, LLC Wind Energy Project. ***Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Jack Wheeler, County Manager.***

**September 29, 2016**

NYS Homes and Community Renewal – Re: Notification of the Single Audit Fiscal Year period ending December 31, 2015 (Community Development Block Grant, Contract #1115HR65-11) is incomplete and follow up is needed within 30 days. ***Referred to: Amy Dlugos, Planning Director; and Patrick Donnelly, Commissioner of Finance.***

NYS Empire State Development – Re: Copy of board resolution and approval from the New York State Department of Financial Services on the Steuben County Land Bank Corporation. ***Referred to: Finance Committee; Patrick Donnelly, Commissioner of Finance; Alan Reed, County Attorney; and Mitchell Alger, Deputy County Manager.***

**October 3, 2016**

EverPower Wind Holdings, Inc. – Re: Responses on the comments from the preliminary scoping application for Baron Winds, LLC Wind Energy Project. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

Harris Beach PLLC, Attorneys at Law – Re: City of Hornell Industrial Development Agency and Uncle Jacks Market & Deli, LLC distribution of form RP-412-a and payment in lieu of tax agreement (PILOT Agreement). ***Referred to: Finance and Administration Committees; Patrick Donnelly, Commissioner of Finance; Wendy Flaitz, RPTSA Director; and Alan Reed, County Attorney.***

Harris Beach PLLC, Attorneys at Law – Re: First amendment tax agreement for Corning Properties, Inc. releasing three parcels of land (318.09-01-055.000/132 East Denison Parkway, 318.09-01-056.000/129 Chemung Street, and 318.09-01-058.000/137 Chemung Street) and the tax agreement for Riedman Purcell CH I LLC encumbering the three parcels of land previously listed. ***Referred to: Finance and Administration Committees; Patrick Donnelly, Commissioner of Finance; Wendy Flaitz, RPTSA Director; and Alan Reed, County Attorney.***

New York State Association of Counties – Re: Advisory notice published by the NYS Department of Labor concerning Solar Power Purchase Agreements which requires the payment of prevailing wages. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

**October 4, 2016**

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$2,985, which represents the August 2016 surcharge revenue for Steuben County. ***Referred to: Finance Committee; and Patrick Donnelly, Commissioner of Finance.***

**October 5, 2016**

NYS Department of Transportation – Re: Approval of the Supplemental Agreement #3 to Section 5311 Capital Master Grant Agreement (C003788 SA#3) in the amount of \$959,005. ***Referred to: Amy Dlugos, Planning Director; and Patrick Donnelly, Commissioner of Finance.***

Young/Sommer LLC, Counselors at Law – Re: Letter of correction to Section 2.31 of the Preliminary Scoping Statement (PSS) for Baron Winds LLC should indicate in the local laws the Town of Fremont, Steuben County. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

**October 11, 2016**

NYS Department of Public Service – Re: National Fuel Gas Distribution Corporation Proposed Rate Increase. ***Referred to: Filed with the Clerk of the Legislature, Brenda Mori.***

NextEra Energy – Re: Eight Point Wind Notice of Submission of Preliminary Scoping Statement. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

NYS Office of Children and Family Services – Re: Notification of approval for the Steuben County's Resource Allocation Plan (RAP) and Youth Bureau Narrative(s) for 2016. ***Referred to: Human Services/Health & Education Committee; Kathryn Muller, Commissioner of Social Services; and Bill Caudill, Youth Program Coordinator.***

**October 12, 2016**

NextEra Energy – Re: Notification of the Eight Point Wind LLC (Case No. 16-F-0062) preliminary scoping statement being filed with the Secretary of the Public Service Commission. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

**October 13, 2016**

Fox & Kowalewski, LLP, Attorneys & Counselors at Law – Re: Release of Public Improvement Lien on the Steuben County Landfill Cell No. #3 Expansion (Contract No. #1A, NY PW-13-070-B). ***Referred to: Alan Reed, County Attorney; Patrick Donnelly, Commissioner of Finance; and Vincent Spagnoletti, Commissioner of Public Works.***

Mr. Mullen asked for explanations for the September 22<sup>nd</sup> communication from Harris Beach specific to the Industrial Development Agency, and the October 13<sup>th</sup> communication from Fox & Kowalewski. Mr. Reed stated that correspondence from Fox & Kowalewski referenced the release of a lien on the Landfill Cell No. 3 Expansion. The correspondence from Harris Beach was in reference to a PILOT agreement with Gray Manufacturing Industries, LLC. Mr. Donnelly stated the PILOT is a standard agreement.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 156-16**

Introduced by A. Mullen and G. Swackhamer.

Seconded by C. Ferratella.

**AUTHORIZING THE STEUBEN COUNTY SHERIFF TO ACCEPT TWO DONATIONS FOR THE K9 PROGRAM.**

Pursuant to Section 2.07 of the Steuben County Charter.

**WHEREAS**, the Steuben County Sheriff's Office has been offered a \$500 donation from Mrs. Mary Lou Butler in the memory of her late husband, Paul for the K9 Program; and

**WHEREAS**, the Steuben County Sheriff's Office has also been offered a \$300 donation from the NARFE Chapter 1294 for the K9 Program; and

**WHEREAS**, the donations totaling \$800 will be used for various purposes for the K9 Program.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Sheriff is hereby authorized to accept the donations totaling \$800 for the K9 Program; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 157-16**

Introduced by A. Mullen and G. Swackhamer.

Seconded by G. Roush.

**AUTHORIZING THE STEUBEN COUNTY EMERGENCY MANAGEMENT OFFICE TO ACCEPT A DONATION FROM GOODRICH AUTO WORKS FOR AUTO BODY REPAIRS TO THE FIRE INVESTIGATION BUS.**

**WHEREAS**, the Steuben County Emergency Management Office was in need to replace an aging 1987 International Bus that was being used for the operations of the Fire Investigation Team; and

**WHEREAS**, the Steuben County Emergency Management Office recently acquired a used bus to replace the current 1987 fire investigation bus; and

**WHEREAS**, the vehicle, when acquired, was in need of auto body work, sanding, painting, and lettering; and

**WHEREAS**, Steuben County Emergency Management was approached by Chris Goodrich owner of Goodrich Auto Works, to donate the labor and materials for the project.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Director of the Emergency Management Office be allowed to accept the donation of time and materials for the refurbishing of the Emergency Management Fire Investigation Bus by Goodrich Auto Works, in the amount of \$9,900; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Director of the Emergency Management Office and to Mr. Chris Goodrich at Goodrich Auto Works, 7225 Worth Rd. Bath, NY 14810.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 158-16**

Introduced by C. Ferratella and G. Swackhamer.

Seconded by H. Lando.

**AUTHORIZING THE ACCEPTANCE OF A DONATION FROM THE CANISTEO AMERICAN LEGION.**

**WHEREAS**, the Steuben County Office for the Aging was recently presented with a restricted donation of \$2,100 from the Canisteo American Legion; and

**WHEREAS**, the conditions are designated for the construction of ramps with priority given to those residing in the Canisteo-Greenwood communities, and it is in the best interest of the County of Steuben to receive these funds.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Finance is hereby authorized and directed to accept \$2,100 into account number 677800 as revenue from account 43772850 and appropriate the same to expenditure line 5440526; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Director of Office for the Aging and the Commissioner of Finance.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 159-16**

Introduced by G. Swackhamer.

Seconded by R. Nichols.

**CONFIRMING THE APPOINTMENT OF THE COMMISSIONER OF PUBLIC WORKS.**

Pursuant to Section 10.00 of the Steuben County Charter.

**WHEREAS**, Vincent Spagnoletti of Hammondsport, New York, has been appointed by the County Manager as the Steuben County Commissioner of Public Works; and

**WHEREAS**, the Public Works Committee has recommended the Steuben County Legislature confirm said appointment.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature confirms the appointment of Vincent Spagnoletti of Hammondsport, New York as the Steuben County Commissioner of Public Works for a term of five (5) years; and be it further

**RESOLVED**, that certified copies of this resolution be sent to the above-named appointee and the Personnel Officer.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 160-16**

Introduced by B. Schu.

Seconded by G. Swackhamer.

**APPROVING THE STANDARD WORK DAY AND RETIREMENT REPORTING RESOLUTION AS REQUIRED BY THE NEW YORK STATE COMPTROLLER.**

**WHEREAS**, the New York State and Local Employees’ Retirement System adopted 2 NYCRR §315.4, a regulation on retirement reporting for elected and appointed officials which became effective August 12, 2009; and

**WHEREAS**, the regulation requires 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**, the County of Steuben hereby establishes the following standard work days for the listed titles and will report the officials to the New York State and Local Employees’ Retirement System based on their record of activities:

<b>TITLE</b>	<b>STANDARD WORKDAY (HRS/DAY)</b>	<b>NAME</b>	<b>TIER 1 MEMBER</b>	<b>CURRENT TERM BEGINS/ENDS</b>	<b>ROA Result</b>	<b>ROA Not Submitted</b>
<b>Elected Officials</b>						
District Attorney	7.5	Brooks T. Baker		01/01/16-12/31/19	13.38	
County Clerk	7.5	Judith M. Hunter		01/01/16-12/31/19	10.74	
Legislator, District 1	6.0	Randolph J. Weaver		01/01/16-12/31/19	4.5	
Legislator, District 6	6.0	Brian C. Schu		01/01/16-12/31/19	1.78	
Legislator, District 7	6.0	Aaron I. Mullen		01/01/16-12/31/19	0.74	
Legislator, District 8; Chairman	6.0	Joseph J. Hauryski		01/01/16-12/31/19	7.47	
Legislator, District 13; Vice Chair	6.0	Scott J. Van Etten		01/01/16-12/31/19	3.44	
<b>Appointed Officials</b>						
Assistant District Attorney, PT	6.0	Joan Merry		01/01/16-12/31/19	5.89	
Assistant District Attorney, PT	6.0	Michelle Cooke		01/01/16-12/31/19	8.3	
Assistant District Attorney, PT	6.0	Patrick F. McAllister		01/01/16-12/31/19	0	X
Medical Director, Public Health	6.0	Dennis O’Connor		01/01/16-12/31/19	1.33	
Assistant Public Defender, PT	6.0	Travis Barry		01/01/16-12/31/19	1.62	
Assistant Public Defender, PT	6.0	Terrance Baxter		01/01/16-12/31/19	2.31	
Assistant Public Defender, PT	6.0	Thomas Bowes		01/01/16-12/31/19	3.41	
Assistant Public Defender, PT	6.0	Peter Degnan		01/01/16-12/31/19	4.08	
Assistant Public Defender, PT	6.0	William Kelley		01/01/16-12/31/19	9.21	
Assistant Public Defender, PT	6.0	Thomas Stahr		01/01/16-12/31/19	7.24	
Conflict Defender	6.0	Brenda Aston		02/01/16-12/31/19	1.44	

**AND BE IT FURTHER RESOLVED**, the above list reflects only those elected and appointed officials commencing new terms of office, as stipulated in the regulation; 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 Finance Commissioner, the Personnel Officer and the New York State Comptroller.

Mr. Mullen commented that he believes we should set the standard workday at either 7.5 or 8 hours for everyone.

**Vote: Roll Call – Adopted. Yes – 8137, No – 597, Absent – 1138.**  
**(No – Legislator Mullen; Absent – Legislators Farrand and Van Etten)**

### **RESOLUTION NO. 161-16**

Introduced by B. Schu.

Seconded by G. Roush.

**DIRECTING THE FILING OF THE TENTATIVE BUDGET AND THE BUDGET MESSAGE WITH THE CLERK OF THE LEGISLATURE 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 2017 with its recommendations to this Steuben County Legislature, which Tentative Budget and Budget Message together with copies, shall be filed with the Clerk of the Legislature on or before November 15, 2016.

**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 2017, shall be filed with the Clerk of this County Legislature on or before November 15, 2016, 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 2017, as herein filed, shall be held on November 28, 2016, 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 Commissioner of Finance.

**Vote: Acclamation – Adopted.**

### **RESOLUTION NO. 162-16**

Introduced by B. Schu.

Seconded by H. Lando.

**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 2016, for the Budget Year of 2017, for the Marsh Ditch Watershed Protection District shall be held on November 28, 2016 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 Commissioner of Finance.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 163-16**

Introduced by B. Schu.

Seconded by R. Nichols.

**FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE UPPER FIVE MILE CREEK WATERSHED PROTECTION DISTRICT.**

Pursuant to Section 270 of the County Law and upon the recommendation of the Administration Committee.

**RESOLVED**, that the Public Hearing on the Assessment Roll for the Year 2016, for the Budget Year of 2017 for the Upper Five Mile Creek Watershed Protection District shall be held on November 28, 2016 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 Commissioner of Finance.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 164-16**

Introduced by B. Schu.

Seconded by H. Lando.

**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 2016, for the Budget Year of 2017, for the Lamoka/Waneta Lakes' Protection and Rehabilitation District shall be held on November 28, 2016 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 Commissioner of Finance.

**Vote: Roll Call – Adopted.**

## RESOLUTION NO. 165-16

Introduced by G. Swackhamer.

Seconded by B. Schu.

### **ESTABLISHING THE 2017 ANNUAL SALARY FOR COUNTY LEGISLATORS AND THE CHAIRMAN OF THE COUNTY LEGISLATURE.**

**WHEREAS**, the salaries proposed to be fixed and paid for the Year 2017 must be included in the Notice of Public Hearing on the Tentative Budget for the Year 2017; and

**WHEREAS**, the Finance Committee on October 11, 2016 reviewed and recommended that each Legislator's salary for the Year 2017 be set at \$12,500.00 per annum and \$20,000 per annum for the Chairman of the County Legislature.

#### **NOW THEREFORE, BE IT**

**RESOLVED**, that the annual compensation for the County Legislators shall be \$12,500.00 per annum and \$20,000.00 per annum for the Chairman of the County Legislature; and be it further

**RESOLVED**, that said annual rates of compensation shall be effective commencing January 1, 2017; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Clerk of the Legislature, Commissioner of Finance, Personnel Officer, and the members of the Steuben County Legislature.

Mr. Mullen stated he believes the salaries should be higher to attract more people to run. He especially thinks the Chairman's salary should be higher. How many hours does the Chair put in? Ms. Mori replied in a ten-day pay period, he puts in 7.5 days. Mr. Mullen commented that he thinks the Chairman is underpaid. The future Legislature should consider increasing the Chairman's salary.

Mr. Wheeler stated this was a proposal that he brought to the Administration Committee. The last raise the Legislature received was in 2007. Prior to that, raises were given every three to four years, and were in a much smaller amount. We did a study of comparable counties that had a population of 100,000 and a similar budget. The average salary is about \$12,500. He stated with all the work that you do, that is a lot of effort for that small salary. This increase is included in the proposed 2017 budget.

Mr. Maio stated that he echoes Mr. Mullen's comment, especially with regard to the Chairman's salary. This is always controversial. We may want to look at an auto mechanism. If we can agree, we could review the salary automatically every five years or so and have it indexed for the cost of living. That would take away the controversy.

Ms. Mori stated ten years ago we had looked at doing that, and there is no mechanism to do so. The salary has to be published in a public hearing notice. The only way to change is to take action in a Legislative meeting.

Mr. Wheeler stated we are limited in making it automatic, but this gives us a prompt to look at more often. You also increased your health insurance premiums. Right now your salaries are substantially lower than comparable counties. This change would be put you at the average.

Mrs. Ferratella stated she also echoes the others. Her comment about the Chairman's salary is that it is well deserved in light of everything that he has accomplished in the past four years. She appreciates that and would vote to increase the salary.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 166-16**

Introduced by J. Hauryski.

Seconded by G. Roush.

**DIRECTING THE CLOSING OF ALL STEUBEN COUNTY OFFICES ON FRIDAY, NOVEMBER 25, 2016.**

Pursuant to Section 2.07(12) of the Steuben County Charter 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 Finance Office, 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, 2016.

**NOW THEREFORE, BE IT**

**RESOLVED**, that this County Legislature declares November 25, 2016, 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 Commissioner of Finance, 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, Commissioner of Finance, Clerk of the Legislature, and the Sheriff.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 167-16**

Introduced by J. Hauryski.

Seconded by R. Lattimer.

**SETTING THE DATE FOR THE DECEMBER 2016 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 2016, on Monday, December 19, 2016, 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: Roll Call – Adopted.**

*Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.D. Discussion regarding Proposed, Pending or Current Litigation made Mr. Roush, seconded by Mrs. Ferratella and duly carried.*

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

*Motion to Adjourn made by Mr. Roush, seconded by Ms. Lattimer and duly carried.*