

REGULAR MEETING
Morning Session
Monday, April 24, 2017
Legislative Chambers

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers in Bath, NY on the 24th day of April, 2017 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 Nichols.

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

Chairman Hauryski asked A. J. Howell to come forward. Mr. Howell is an employee in the County Clerk's Office. 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 Mary Smith to come forward. Ms. Smith 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 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 clock in recognition of her retirement with 25 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.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting Relative to Land Submitted for Inclusion in Certified Agricultural District 1, 2, 3, 5 and 6 During the 2017 Annual Thirty-Day Review Period, to Consider the Recommendations of the Agricultural and Farmland Protection Board, and Proposed Modifications of Said Certified Agricultural Districts. Chairman Hauryski opened the floor to comments by members of the public. There being none, he declared the public hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting Upon County of Steuben Local Law Tentatively No. Two for the Year 2017, Relative to Residency Requirements for the Office of the Deputy Commissioner of Public Works for the County of Steuben. Chairman Hauryski opened the floor to comments by members of the public. There being none, he declared the public hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting Upon County of Steuben Local Law Tentatively No. Three for the Year 2017, Providing for the Defense and Indemnification of the Sheriff of the County of Steuben. Chairman Hauryski opened the floor to comments by members of the public. There being none, he declared the public hearing closed.

Motion adopting the minutes of the previous meeting(s) made by Mr. Malter, seconded by Mr. Schu and duly carried.

Mr. Wheeler announced this is Tyrtle Beach week and Sheriff Allard is our jumper. As an incentive, if you choose to donate, the Chairman has donated \$100, and challenges the other Legislators to do the same. This is a great cause for our youth organizations.

Chairman Hauryski reminded the Legislature that the Youth-In-Government Simulated Session will be held on Wednesday, April 26, 2017, at 11 a.m. in the Chambers.

RESOLUTION NO. 062-17

Introduced by S. Van Etten.

Seconded by R. Weaver.

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, 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.

SCHEDULE "A"

Resolution No.	A-1
Name	Seneca Street Associates
Municipality	City of Hornell
Parcel Nos.	151.63-02-016.000
	151.63-02-015.000
	151.63-02-014.000
	151.63-02-013.000
	151.63-02-012.100
	151.63-02-012.200
	151.63-02-011.000
	151.63-02-009.200
	151.63-02-010.000
Index No.	2013-0651CV
Disposition	2014 Court Ordered Refund Upon Consent

Resolution No.	A-2
Name	Seneca Street Associates
Municipality.	City of Hornell
Parcel Nos.	151.63-02-016.000
	151.63-02-015.000
	151.63-02-014.000
	151.63-02-013.000
	151.63-02-012.100
	151.63-02-012.200
	151.63-02-011.000
	151.63-02-009.200
	151.63-02-010.000
Index No.	2014-0550CV
Disposition	2015 Court Ordered Refund Upon Consent

Resolution No.	A-3
Name	Seneca Street Associates
Municipality	City of Hornell
Parcel Nos.	151.63-02-016.000
	151.63-02-015.000
	151.63-02-014.000
	151.63-02-013.000
	151.63-02-012.100

Resolution No.	A-4
Name	Seneca Street Associates
Municipality.	City of Hornell
Parcel Nos.	151.63-02-016.000
	151.63-02-015.000
	151.63-02-014.000
	151.63-02-013.000
	151.63-02-012.100

Index No.	151.63-02-012.200
Disposition	151.63-02-011.000
	151.63-02-009.200
	151.63-02-010.000
	2015-0523CV
	2016 Court Ordered Refund Upon Consent

Index No.	151.63-02-012.200
Disposition	151.63-02-011.000
	151.63-02-009.200
	151.63-02-010.000
	2016-0471CV
	2017 Court Ordered Refund Upon Consent

Mr. Mullen asked for an explanation. Mr. Donnelly replied there was a judicial order on these four parcels and the parties agree on a value for the properties.

Vote: Roll Call – Adopted.

RESOLUTION NO. 063-17

Introduced by J. Hauryski.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE APRIL 24, 2017 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:

March 23, 2017

NYS Department of Taxation & Finance, Office of Real Property Tax Services – Re: Notice of 2017 Oil and Gas unit of Production Values. *Referred to: Wendy Jordan, Real Property Acting Director; and Patrick Donnelly, Commissioner of Finance.*

March 27, 2017

New York State Board on Electric Generation Siting and the Environment – Re: Ruling on the Intervenor funding request for the Baron Winds, LLC wind energy facility. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

Erie County Legislature – Re: Resolution passed recently urging the State to find cost savings measures and mandate relief. *Referred to: Steuben County Legislature.*

March 30, 2017

NYS Homes and Community Renewal – Re: Certificate of completion on the New York State Community Development Block Grant Project#1115HR65-11. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

April 3, 2017

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$2,393, which represents the February 2017 surcharge revenue for Steuben County. *Referred to: Finance Committee; and Patrick Donnelly, Commissioner of Finance.*

NYS Department of Transportation – Re: Notification of the upcoming due dates for the 5311 Annual reports. *Referred to: Amy Dlugos, Planning Director.*

April 5, 2017

Assemblyman Philip Palmesano – Re: Correspondence letter on support for funding for local agricultural fairs in the Governor’s proposed 2017-2018 Executive Budget. *Referred to: A.I.P. Committee; Joseph Hauryski, Steuben County Legislature Chairman; and Jack Wheeler, County Manager.*

April 7, 2017

NYS Homes and Community Renewal – Re: Notification of Lead Agency Consent for the New York State Community Development Block Grant Project#1115PR170-16. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

April 10, 2017

NYS Homeland Security and Emergency Services – Re: Notification of being awarded \$862,857 under the New York State 2016 Statewide Interoperable Communications Grant Program (2016 SICG-Formula). *Referred to: Public Safety & Corrections Committee; and Timothy Marshall, EMO Director.*

NYS Department of Taxation and Finance – Re: 2017 Final Special Franchise Assessments/Full Values. *Referred to: Wendy Jordan, Real Property Acting Director; and Patrick Donnelly, Commissioner of Finance.*

NYS Authorities Budget Office – Re: Filing requirements needed for the Steuben County Land Bank Corporation. *Referred to: Mitch Alger, Deputy County Manager; Jennifer Prossick, Deputy County Attorney; and Patrick Donnelly, Commissioner of Finance.*

April 13, 2017

NYS Office for the Aging – Re: Notification of revised Grant Award 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 programs for the period of January 1, 2016 through December 31, 2016. *Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.*

NYS Department of Transportation – Re: Announcement of the partnership with Milligan and Company to enhance a comprehensive program review and technical assistance program for recipients of funding from the Federal Transit Administration (FTA). *Referred to: Amy Dlugos, Planning Director.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 064-17

Introduced by G. Swackhamer.

Seconded by D. Farrand.

FINAL ADOPTION LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2017, RELATIVE TO RESIDENCY REQUIREMENTS FOR THE OFFICE OF DEPUTY COMMISSIONER OF PUBLIC WORKS FOR THE COUNTY OF STEUBEN.

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

RESOLVED, there is hereby presented to each member of this Steuben County Legislature of the County of Steuben Local Law Tentatively No. Two for the Year 2017, relative to residency requirements for the Office of Deputy Commissioner of Public Works for the County of Steuben, as follows:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2017**

A LOCAL LAW relative to residency requirements for the Office of Deputy Commissioner of Public Works for the County of Steuben.

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

SECTION 1: LEGISLATIVE INTENT

It is the intent of the within Local Law to modify the qualifications to hold the Office of Deputy Commissioner of Public Works, by dispensing with the requirement that they reside in the County of Steuben.

SECTION 2: QUALIFICATIONS OF OFFICE

In the County of Steuben, no provision of law, New York State or otherwise, requiring a person to be a resident of the political subdivision or municipal corporation of the State for which he/she shall be chosen or within which his/her official functions are required to be exercised, shall prevent a person from holding the Office of Deputy Commissioner of Public Works for the County of Steuben, provided that such person resides in the State of New York and the County of Steuben or in a county contiguous to the County of Steuben.

SECTION 3: EFFECTIVE DATE

This Local Law shall become effective immediately upon passage.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on April 24, 2017, at 10:00 A.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature 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 2017, 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, County Attorney, Commissioner of Public Works, Commissioner of Finance and the Personnel Officer.

Vote: **Roll Call – Adopted. Yes – 8087; No – 1190; Absent – 595**
(No – Legislators Booth and Mullen; Absent – Legislator Nichols)

Mr. Spagnoletti introduced the new Deputy Commissioner of Public Works, Doug Rappalee. He will be starting May 1, 2017.

RESOLUTION NO. 065-17

Introduced by D. Farrand and B. Schu.

Seconded by G. Roush.

FINAL ADOPTION LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2017, PROVIDING FOR THE DEFENSE AND INDEMNIFICATION OF THE SHERIFF OF THE COUNTY OF STEUBEN.

WHEREAS, Steuben County provides for the indemnification of its public officers and employees under Resolution #036-85; and

WHEREAS, pursuant to constitutional prohibition (see Public Officers Law §18) the office of County Sheriff is not included in those officials that may be indemnified; and

WHEREAS, the constitutional prohibition has been removed in Article XIII §13(a), [see Bardi v. Warren 194 A2d 21 (1993)]; and

WHEREAS, Steuben County historically and currently provides liability insurance coverage for the Steuben County Sheriff for actions taken in the performance of the Office of the Sheriff; and

WHEREAS, it is determined to be in the best interests of Steuben County to include indemnification of the Sheriff along with the other County Public Officers and employees.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Three for the Year 2017, providing for the Defense and Indemnification of the Sheriff of the County of Steuben.

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2017**

A Local Law, providing for the Defense and Indemnification of Sheriff of the County of Steuben.

Pursuant to Municipal Home Rule Law §10 of the State of New York.

SECTION 1. LEGISLATIVE INTENT –

It is the intent of the within resolution (a) to confer the benefits of Municipal Home Rule Law §10 which authorizes the County to govern its own affairs, to the extent authorized and under the terms and conditions set forth therein, upon the Sheriff of the County of Steuben, as defined in Public Officers Law Section 18(1)(b); and (b) to hold the County of Steuben liable for the costs incurred under the provisions of Municipal Home Rule Law §10.

SECTION 2. DUTY TO DEFEND

(a) Upon compliance by the Sheriff with the provisions of subdivision four of this section, the County of Steuben shall provide for the defense of the Sheriff in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the Sheriff was acting within the scope of his public employment or duties. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or at the behest of the County of Steuben employing such Sheriff.

(b) In the event of a conflict of interest, the County Attorney shall act subject to the terms and conditions set forth in County Law §501 and any other applicable terms and conditions under Public Officers Law §18.

SECTION 3. DUTY TO INDEMNIFY

In accordance with the terms and conditions as set forth in Public Officers Law §18 (4) the County of Steuben shall indemnify and save harmless its Sheriff in the amount of any judgment obtained against such Sheriff in a state or federal court, or in the amount of any settlement of a claim.

SECTION 4. RESPONSIBILITIES OF SHERIFF

The duty to defend or indemnify and save harmless prescribed by this section shall be conditioned upon (i) delivery by the Sheriff to the County of Steuben or to the County Manager of a written request to provide for his defense together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten days after he is served with such document, and (ii) the full cooperation of the Sheriff in the defense of such action or and in defense of any action or proceeding against the County of Steuben based upon the same act or omission, and in the prosecution of any appeal.

SECTION 5. MISCELLANEOUS BENEFITS, OBLIGATIONS & RIGHTS –

The benefits of this section shall inure only to the Sheriff as defined and shall not enlarge or diminish the rights of any other party nor shall any provision of this section be construed to affect, alter or repeal any provision of the workers' compensation law; nor shall the within resolution be construed to be contrary to the provisions contained in Public Officers Law Section 18(7) through (13).

SECTION 6. EFFECTIVE DATE

This local law shall be effective immediately upon filing thereof 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 April 24, 2017 at 10:00 A.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York; and be it further

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

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Three for the Year 2017, 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, County Attorney and County Sheriff.

Vote: Roll Call – Adopted.

RESOLUTION NO. 066-17

Introduced by G. Swackhamer.

Seconded by J. Malter.

GRANTING A CONDITIONAL EASEMENT TO CORY A. CHENEY TO ALLOW AN EXISTING ENCROACHMENT TO REMAIN WITHIN STEUBEN COUNTY ROUTE 119 RIGHT-OF-WAY IN THE VILLAGE OF ADDISON.

WHEREAS, it has been brought to Steuben County’s attention that a balcony on the front of the building at 11 W. Front Street (CR 119) in the Village of Addison, Tax Parcel 331.20-01-038.200 (“the property”), extends into Steuben County Route 119 Right-of-Way (ROW); and

WHEREAS, the placement of objects within County Highway ROW is a violation of the New York State Highway Law, which governs work within public highway ROW, and is not allowed if they affect the use of the ROW and are therefore considered encroachments to the ROW; and

WHEREAS, any encroachment which constitutes a hazard to traffic must be immediately removed, but it is the policy of Steuben County that as long as an encroachment does not impair the highway or interfere with the free and safe flow of traffic thereon, the encroachment does not need to be removed; and

WHEREAS, if the encroachment becomes a traffic hazard or if the land encroached upon is needed for highway purposes, then, upon written notice by Steuben County to the owner of the encroachment, the encroachment must be removed at the expense of the owner; and

WHEREAS, at the present time, the balcony of the building on “the property” is considered a minor encroachment by Steuben County, and accordingly, it may remain, until such time that Steuben County provides notification that the encroachment no longer meets standards as a minor encroachment, at which time it must be removed at the expense of the owner; and

WHEREAS, the owner of “the property” is seeking a conditional easement from Steuben County to allow the existing balcony of the building on “the property” to remain within Steuben County Route 119 ROW.

NOW THEREFORE, BE IT

RESOLVED, that this Steuben County Legislature does hereby approve of conveying a conditional easement to Cory A. Cheney to allow the existing balcony of the building on “the property” to remain within Steuben County Route 119 ROW; and be it further

RESOLVED, that a certified copy of this resolution shall be mailed to George Welch Jr., Esq. at 5 E. Market Street, Corning, New York 14830; and be it further

RESOLVED, that this conveyance shall be recorded in the Steuben County Clerk’s Office.

Mr. Mullen stated that he will be abstaining as his law firm is involved with this.

Vote: Roll Call – Adopted. Yes – 8680; No – 0; Absent – 595; Abstained – 597 (Absent – Legislator Nichols; Abstained – Legislator Mullen)

RESOLUTION NO. 067-17

Introduced by C. Ferratella.

Seconded by H. Lando.

AUTHORIZING THE EXECUTION OF A LEASE FOR USE OF OFFICE SPACE.

WHEREAS, the City of Hornell IDA is the owner of certain premises located in the City of Hornell, County of Steuben, State of New York, located at 111 Loder Street, Hornell, New York; and

WHEREAS, the City of Hornell IDA, as owner, leases the 111 Loder Street premises to Iron Horse Depot, LLC; and

WHEREAS, Iron Horse Depot, LLC's lease with the City of Hornell IDA allows subleasing by Iron Horse, LLC without further consent from the owner; and

WHEREAS, Bruce W. MacKellar, M.D., P.C., sub-leases a portion of the 111 Loder Street, Hornell, NY premises from Iron Horse Depot, LLC; and

WHEREAS, Bruce W. MacKellar, M.D., P.C., agrees to further sub-lease a portion of premises at 111 Loder Street, Hornell, NY to Steuben County; and

WHEREAS, Iron Horse, LLC also consents to Bruce W. MacKellar, M.D., P.C subleasing a portion of the leased 111 Loder Street, Hornell, New York premises.

NOW THEREFORE, BE IT

RESOLVED, The Director of Community Services is hereby authorized to enter into an agreement with Bruce W. MacKellar, M.D., P.C subject to the following terms and conditions:

1. **TERM** - The term of this Lease shall be for a period of one (1) year beginning June 1, 2017 and ending May 31, 2018.
2. **BASE RENT** - During the entire term, Base Rent shall remain at \$1,000/month or \$12,000 per year.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to Iron Horse Depot, LLC, 111 Loder Street, Hornell, NY 14843; Bruce W. MacKellar, M.D., P.C., 111 Loder Street, Hornell, NY 14843; and the Director of Community Services.

Mr. Swackhamer asked for an explanation of why we need more office space. Mr. Wheeler replied this goes to what we have certified to for Medicaid Redesign. There is a push for behavioral health services to be co-located with medical physicians. This is a pilot, in a lot of way, and will also be revenue generating. This seems to be the wave of the future. Mr. Swackhamer asked what is the difference between our current space and renting this space? Mr. Wheeler replied we are collocating with a primary care physician.

Vote: Roll Call – Adopted.

RESOLUTION NO. 068-17

Introduced by R. Lattimer.

Seconded by B. Schu.

ACCEPTING THE ENVIRONMENTAL ASSESSMENT FOR THE WOODLANDS COMMUNITY, INC. WATER AND SEWER IMPROVEMENT PROJECT.

WHEREAS, Steuben County has received a Community Development Block Grant (CDBG) to make water and sanitary sewer improvements at The Woodlands Community, Inc., a manufactured housing cooperative located in the Town of Hornellsville, CDBG Project #1115PR170-16; and

WHEREAS, that in accordance with the National Environmental Policy Act of 1069 (NEPA) and the related authorities listed at 24 CFP Part 58, the County Legislature of the County of Steuben announces its intent to conduct an environmental review of said project.

NOW, THEREFORE, BE IT,

RESOLVED, that the County Legislature hereby accepts the environmental review of the project prepared by LaBella Associates, DPC and the determination that the project will have no significant adverse impacts on the environment; and be it further

RESOLVED, that the County Legislature hereby authorizes the publication in the County's official newspapers of a Notice of Finding of No Significant Impact and Request for Release of Funds for the project.

Mr. Swackhamer stated he will be abstaining as he has property at this location.

**Vote: Roll Call – Adopted. Yes – 8826; No – 0; Absent – 595; Abstained – 451.
(Absent – Legislator Nichols; Abstained – Legislator Swackhamer)**

RESOLUTION NO. 069-17

Introduced by R. Lattimer.

Seconded by G. Swackhamer.

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 24th day of April, 2017 at 10:00 a.m.; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the addition of these parcels to existing agricultural districts is considered an Unlisted Action and an Environmental Assessment Form has been completed.

NOW, THEREFORE, BE IT

RESOLVED, the proposed action will not result in any significant adverse environmental impacts;

AND BE IT FURTHER RESOLVED, that the following tax parcels shall be added to Agricultural District No. 1:

462800	202.00-01-012.211	462800	202.00-01-019.100
462800	203.00-01-007.000	462800	239.00-01-001.110
462800	257.00-01-002.220	462800	257.00-01-003.111

AND BE IT FURTHER RESOLVED, that the following tax parcel shall be added to Agricultural District No. 2:

467600 078.00-01-002.120

AND BE IT FURTHER RESOLVED, that the following tax parcels shall be added to Agricultural District No. 3:

466200 037.00-02-003.100	466200 050.00-01-018.100
466200 063.00-01-005.110	466200 063.00-01-009.000
466200 063.00-01-011.100	466200 063.00-01-011.300
466200 063.00-01-034.100	466200 063.00-01-040.110
466200 063.00-01-042.112	466200 063.00-01-054.111
466200 077.00-01-012.400	468000 101.00-01-042.100

AND BE IT FURTHER RESOLVED, that the following tax parcel shall be added to Agricultural District No. 5:

467489 026.00-03-011.110

AND BE IT FURTHER RESOLVED, that the following tax parcels shall be added to Agricultural District No. 6:

462089 277.00-02-009.320	462089 278.00-01-002.100
462089 278.00-01-002.200	462089 295.00-01-006.000
462089 295.00-01-007.000	462089 313.00-01-002.111
463400 389.00-03-009.111	463400 390.00-02-022.121
463889 336.00-02-023.111	463889 336.00-02-023.220
466400 294.00-01-028.100	467000 403.00-01-035.200
468200 383.00-01-021.111	

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Director of the Steuben County Planning Department; and Richard A. Ball, Commissioner, New York State Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235.

Vote: Roll Call – Adopted.

RESOLUTION NO. 070-17

Introduced by G. Swackhamer and B. Schu.

Seconded by J. Malter.

RECLASSIFICATION OF ASSISTANT LANDFILL SUPERVISOR, GRADE XIV POSITION TO AN ENVIRONMENTAL PROJECT COORDINATOR, GRADE XVI POSITION WITHIN THE STEUBEN COUNTY DEPARTMENT OF PUBLIC WORKS.

Pursuant to Steuben County Charter Section 2.07.

WHEREAS, an Assistant Landfill Supervisor in the Department of Public Works performs all environmental compliance, management and operation of landfill gas collection system, management of recycling programs and other duties as they relate to the operation of the Division of Solid Waste; and

WHEREAS, an Environmental Project Coordinator will have added duties of direct management of the Leachate Treatment Plant personnel and process controls as well as maintaining the duties and responsibilities of the Assistant Landfill Supervisor; and

WHEREAS, an Environmental Project Coordinator more appropriately performs these duties; and

WHEREAS, the Personnel Officer, the Public Works Committee and Administration Committee have reviewed said position within the Department of Public Works, Division of Solid Waste that requires a job title change and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Department of Public Works, Division of Solid Waste is hereby reclassified as follows:

Assistant Landfill Supervisor, Grade XIV (\$37,654 to \$53,159) to
Environmental Project Coordinator, Grade XVI (\$49,385 to \$59,260)

AND BE IT FURTHER RESOLVED that the 2017 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 Commissioner of Finance, Personnel Officer and the Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 071-17

Introduced by C. Ferratella and B. Schu.

Seconded by R. Lattimer.

RECLASSIFICATION OF ONE VACANT SOCIAL SERVICES ATTORNEY, MANAGEMENT GRADE E POSITION TO A SENIOR SOCIAL SERVICES ATTORNEY, MANAGEMENT GRADE G POSITION WITHIN THE STEUBEN COUNTY DEPARTMENT OF SOCIAL SERVICES.

Pursuant to Steuben County Charter Section 2.07.

WHEREAS, the position duties of the Social Services Attorney in the Department of Social Services aligns with the position duties for the title of Senior Social Services Attorney; and

WHEREAS, the Senior Social Services Attorney position will have added duties of supervision, and requires an extensive knowledge of specific department functions and applicable laws, rules, policies, and procedures; and

WHEREAS, this Senior Social Services Attorney position will have direct supervision over the work of supporting clerical and (4) Social Services Attorneys; and

WHEREAS, the Senior Social Services Attorney position more appropriately performs these duties; and

WHEREAS, the Personnel Officer, the Human Services, Health and Education Committee, and Administration Committee have reviewed said position within the Department of Social Services that requires a job title change and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Department of Social Services is hereby reclassified as follows:

One Social Services Attorney, Management Grade E (\$50,756 to \$80,485) to

One Senior Social Services Attorney, Management Grade G (\$61,338 to \$95,088)

AND BE IT FURTHER RESOLVED that the 2017 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 Commissioner of Finance, Personnel Officer and the Commissioner of Social Services.

**Vote: Roll Call – Adopted. Yes – 8680; No – 597; Absent – 595
(No – Legislator Mullen; Absent – Legislator Nichols)**

RESOLUTION NO. 072-17

Introduced by C. Ferratella and S. Van Etten.

Seconded by G. Roush.

AUTHORIZING THE ACCEPTANCE OF A DONATION FROM THE ESTATE OF A FORMER RECIPIENT OF OFFICE FOR AGING SERVICES.

WHEREAS, the Steuben County Office for the Aging recently acquired an unrestricted donation of \$12,139.69 from the estate of a former client; and

WHEREAS, no conditions are associated with the receiving of the recited funds 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 \$12,139.69 as revenue in account 677300 42705000 and appropriate the same to expenditure lines 677300 5403100 - \$2,100; 677300 5298090- \$350; 677300 5298000- \$5,330; 677300 5413000- \$4,159.69 and 677300 5406000 - \$200; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 073-17

Introduced by S. Van Etten.

Seconded by C. Ferratella.

AUTHORIZING THE COUNTY MANAGER TO ACCEPT AND APPROPRIATE A \$500,000 GRANT FOR THE STEUBEN COUNTY LAND BANK CORPORATION.

WHEREAS, Steuben County recently established a Not-For-Profit Corporation known as the Steuben County Land Bank Corporation (SCLBC); and

WHEREAS, New York State grant funding was applied for to assist with start-up and operational costs for the SCLBC; and

WHEREAS, Steuben County has received notice that it was awarded a \$500,000 grant from the Local Initiatives Support Corporation (LISC) to use towards start-up and operational costs for the SCLBC; and

WHEREAS, the SCLBC will use the grant to rehabilitate or demolish tax delinquent and foreclosed properties in an effort to revitalize and improve housing stock in the County; and

WHEREAS, Steuben County must now accept these grant funds and agree to the terms surrounding the disbursement of these funds; and

WHEREAS, \$50,000 was appropriated in the 2017 Budget to further help with the SCLBC's startup and operational costs and serve as the County's local contribution to the SCLBC.

NOW THEREFORE, BE IT

RESOLVED, that the County Manager be authorized to enter into an agreement with the LISC to accept funding in the amount of \$500,000 for the SCLBC's startup and operational costs; and be it further

RESOLVED, that the Commissioner of Finance be and the same hereby is authorized to appropriate the grant funding in the sum of \$500,000 to revenue 42770300 (Land Bank Grant) and expenditure 5440409 (Land Bank Administration) in A136400 (Tax Acquired Property); and be it further

RESOLVED, the County Manager is authorized to utilize the \$50,000 that was appropriated in the 2017 Budget to A136400 (Tax Acquired Property) 5444000 (Contracts for Services) for the SCLBC's startup and operational expenses as well as the County's local contribution to the SCLBC.

RESOLVED, that the County Manager is authorized and directed to execute the requisite documentation to effectuate this grant and all associated agreements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Local Initiatives Support Corporation, Attn: Helene Caloir, 501 Seventh Avenue, 7th Floor, New York, NY 10018; the Commissioner of Finance; the County Manager and the County Attorney.

Vote: Roll Call – Adopted.

RESOLUTION NO. 074-17

Introduced by D. Farrand and S. Van Etten.

Seconded by R. Lattimer.

AUTHORIZING THE COUNTY MANAGER TO ACCEPT A POLICE PROTECTIVE EQUIPMENT PROGRAM GRANT IN THE AMOUNT OF \$49,200.

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) issued requests for proposals for a 2016-2017 Police Protective Equipment Program (PPEP) grant; and

WHEREAS, Steuben County, on behalf of itself and eight police agencies in the county, applied for funding and was awarded a total of \$49,200 for all agencies; and

WHEREAS, the Public Safety and Corrections and Finance Committees have recommended acceptance and appropriation of said grant.

NOW THEREFORE, BE IT

RESOLVED, that the County Manager is hereby authorized and directed to accept a 2016-2017 Police Protective Equipment Program (PPEP) grant in the amount of \$49,200, which will be distributed according to the recited State grant guidelines; and be it further

RESOLVED, that certified copies of this resolution shall be sent to the County Manager, Commissioner of Finance, and the Sheriff.

Vote: Roll Call – Adopted.

RESOLUTION NO. 075-17

Introduced by J. Hauryski.

Seconded by R. Weaver.

FILLING VACANCIES ON THE COMMUNITY SERVICES BOARD SUBCOMMITTEES.

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

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

WHEREAS, the County Manager has recommended the following appointments, subject to confirmation by the Steuben County Legislature:

Mental Health Subcommittee

TERM

- | | | |
|----|--|---------------------|
| 1. | Stephany Ulicyn
Finger Lakes Parent Network
25 West Steuben Street
Bath, NY 14810 | 01/01/15 – 12/31/18 |
|----|--|---------------------|

Chemical Dependency Subcommittee

- | | | |
|----|---|---------------------|
| 1. | Rick Mcinroy
Center for Dispute Settlement
25 Wilkes Avenue
Bath, NY 14810 | 01/01/14 – 12/31/17 |
| 2. | VACANT | 01/01/15 – 12/31/18 |

Developmental Disabilities Committee

- | | | |
|----|---|---------------------|
| 1. | Matt Mehlenbacher (<i>filling unexpired term of Michael Okoniewski</i>)
Steuben ARC
1 Arc Way
Bath, NY 14810 | 01/01/15 – 12/31/18 |
| 2. | Sandra Buto
Capabilities, Inc.
1149 Sullivan Street
Elmira, NY 14901 | 01/01/16 – 12/31/19 |

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature shall confirm the appointment of 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 the above-named appointees; Henry W. Chapman, Psy.D., Director of Community Services; and the County Auditor.

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 by Mr. Mullen, seconded by Mrs. Ferratella and duly carried.

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

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