

REGULAR MEETING
Morning Session
Monday, April 23, 2018
Legislative Chambers

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers in Bath, NY on the 23rd day of April, 2018 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 Lando.

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

The Clerk of the Legislature read the following Memoriam:

IN MEMORIAM

JOHN W. YOUNG

1936 - 2017

The death of our former colleague, John W. Young, who passed away on April 10, 2018, is acknowledged by this Legislature with deep sadness.

John was born in Wayland to John and Edna (Page) Young. He was a 1953 graduate of Cohocton Central School and a 1955 graduate of Alfred State College with an Associate's Degree in Accounting. He was the husband of Doris (Dexter) Young for 40 years and the stepfather of Michael Stone; Sonja and husband Harney Thomas; and Lisa and husband Patrick Vimislik. He was predeceased by stepson Leo Stone, Jr.

John began his career with Steuben County in 1955 in the County Treasurer's Office. He worked his way up through the ranks in the office until finally being sworn in as the Steuben County Treasurer in 1981. One of his proudest contributions as Treasurer was assisting with the early stage development of what is now the County's IT Department. John served as Steuben County's Treasurer until 1994 when he retired with over 39 years of service.

During his career with the County, he also served 23 years in the US Air Force Reserve, retiring as a Senior Master Sergeant.

Not having enough of public service, John was elected as Steuben County Legislator in 1996 representing the residents of District 4 in Cohocton and Wayland. During his tenure on the Legislature, he held the various leadership positions of Chair of the Health and Education Committee and Vice Chair of the Finance Committee. He also served as a member of the Public Works Committee and the Public Safety Committee.

John worked tirelessly on several of the County's ad hoc and advisory committees, lending his expertise to them all. John always served with honor and distinction, and represented the Legislature with dignity and professionalism throughout his 8 years of service as a County

Legislator. He truly was a dedicated public servant who was always generous to his community with his time, talents and support. He will be sadly missed by all who knew him.

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 wife Doris as an expression of the sympathy felt by this Legislature on the passing of her loved one.

Adopted by rising silent affirmation.

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

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

Chairman Hauryski asked Anita Parulski to come forward. Mrs. Parulski 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 Janet Olin to come forward. Ms. Olin is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 20 years of service to Steuben County.

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

Wayne Wells, Cameron, spoke about his views on President Trump’s appointments.

Chairman Hauryski 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 Parcels for Inclusion in Certified Agricultural Districts 2, 3 and 6 during the Annual Thirty-Day Review Period. 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 from the previous meeting(s) made by Mr. Malter, seconded by Mr. Van Etten and duly carried.

Ms. Mori announced the Youth-In-Government Simulated Session will be held on Wednesday, May 2, 2018, at 10:00 am or immediately following the AIP Committee.

RESOLUTION NO. 078-18

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, the Chairman of the Board of Assessors of the appropriate municipality, and the Clerk of the Board of Education of the appropriate School District.

SCHEDULE "A"

Resolution No.	<u>A-1</u>
Name	<u>Edward A. & Doris A. Sauerbier</u>
Parcel No.	<u>054.00-01-003.000</u>
Municipality	<u>Town of Wayland</u>
Disposition	<u>2018 Correction of School Taxes</u>

Resolution No.	<u>A-2</u>
Name	<u>Brandon L. Dickinson</u>
Parcel No.	<u>160.00-01-056.120</u>
Municipality	<u>Town of Bath</u>
Disposition	<u>2018 Correction of Assessment</u>

Resolution No.	<u>A-3</u>
Name	<u>Stanley C. & Beverly J. Hunt</u>
Parcel No.	<u>347.00-01-008.211</u>
Municipality	<u>Town of Woodhull</u>
Disposition	<u>2017-2018 Correction of Exemption</u>

Resolution No.	<u>A-4</u>
Name	<u>Patrick L. Dunn</u>
Parcel No.	<u>399.00-01-020.310</u>
Municipality	<u>Town of Woodhull</u>
Disposition	<u>2017-2018 Correction of Exemption</u>

Resolution No.	<u>A-5</u>
Name	<u>Elizabeth Tietje</u>
Parcel No.	<u>319.00-01-009.120</u>
Municipality	<u>Town of Corning</u>
Disposition	<u>2018 Parcel Split</u>

Vote: Roll Call – Adopted.

RESOLUTION NO. 079-18

Introduced by J. Hauryski.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE APRIL 23, 2018 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 19, 2018

Young/Sommer LLC, Counselors at Law – Re: Case#15-F-0122 follow-up correspondence on the application of Baron Winds, LLC for a certificate and public need pursuant to construct a wind energy facility. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

NYS Department of Environmental Conservation – Re: Inactive hazardous waste disposal site classification notice for the Gibson Scrapyard, Site ID#851058 located at 2972 Main Street in the Hamlet of Gibson, Town of Corning. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

March 21, 2018

Steuben Tobacco Asset Securitization Corporation – Re: 2017 Public Authorities Reporting Information System Annual Report and Budget. **Referred to: Joseph Hauryski, Steuben County Legislature Chairman.**

March 22, 2018

Internal Revenue Service – Re: Federal exemption letter for the Steuben County Land Bank Corporation effective as of March 27, 2017. **Referred to: Mitchell Alger, Deputy County Manager/SCLBC Executive Director; and Patrick Donnelly, Commissioner of Finance.**

March 23, 2018

NYS Department of Transportation – Re: Notification of approval to extend the No Cost Time Extension of local/miscellaneous contract #C003788 through **December 31, 2019**. **Referred to: Amy Dlugos, Planning Director.**

NYS Board on Electric Generation Siting and the Environment – Re: 2nd notice of availability of pre-application intervenor funds and deadline for requesting funds for the Canisteo Wind Energy, LLC project (issued on March 21, 2018). **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

March 26, 2018

NYS Agriculture and Markets – Re: Notification of Steuben County Agricultural District No. 3 Eight-Year review will be on January 15, 2019. **Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and filed with the Clerk of the Legislature, Brenda Mori.**

NYS Board on Electric Generation Siting and the Environment – Re: Notice clarifying due date for request for pre-application intervenor funds and deadline for requesting funds for the Canisteo Wind Energy, LLC project (issued on March 23, 2018). **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

Eight Point Wind, LLC – Re: Notification of the public noticed being published of the intent to file an application on or about March 29, 2018, with the New York Public Service Commission for a certificate of environmental compatibility and public need in order to begin the permitting stage. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

United States District Court for the District of Connecticut – Re: Class action and proposed indirect purchaser settlement. **Referred to: Alan Reed, County Attorney.**

March 28, 2018

Environmental Design & Research – Re: Request for identification of visually sensitive resources in reference to the Canisteo Wind Energy, LLC project. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

Town of Prattsburgh – Re: Request to relocate the storm water drainage system to the east side of North Main Street. **Referred to: Public Works Committee; Vince Spagnoletti, Commissioner of Public Works; and Alan Reed, County Attorney.**

March 29, 2018

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and Riedman Purcell CH II LLC is scheduled for Tuesday, April 10, 2018 at 9:00am at the Corning City Hall, located at 500 Civic Center Plaza, Second Floor Council Chambers, Corning, New York. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

April 2, 2018

NYS Homes and Community Renewal – Re: Notification of policy change to the Community Development Block Grant program income guidelines. *Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Patrick Donnelly, Commissioner of Finance.*

New York State Department of Labor – Re: Notification of support on the Local Workforce Development Boards (LWDB) implementation of the Workforce Innovation and Opportunity Act. *Referred to: Joseph Hauryski, Legislature Chairman; and Jack Wheeler; County Manager.*

April 4, 2018

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$2,271, which represents the February 2018 surcharge revenue for Steuben County. *Referred to: Finance Committee; and Patrick Donnelly, Commissioner of Finance.*

NYS Office for the Aging – Re: Notification of 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, 2017 through December 31, 2017. *Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.*

April 6, 2018

NYS Department of Environmental Conservation – Re: Notice of availability of the record of decision for the NFG-Hornell MCP (DEC Site#851032) located at 1 Canisteo Square, Hornell, NY. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

NYS Board on Electric Generation Siting and the Environment – Re: Notice on ruling of the adopting protective order on the Baron Winds, LLC project (issued April 3, 2018). *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

April 9, 2018

NYS Education Department – Re: Federal and State Grant Quarterly Status Report for the Local Government Records Management Project#0580187022. *Referred to: Mitch Alger, Deputy County Manager; and Patrick Donnelly, Commissioner of Finance.*

Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and 7100 Route 70A LLC PILOT (payment in lieu of tax) agreement and RP-412-a form for property located at 7100 County Route 70A, Hornell, NY. *Referred to: Finance and Administration Committees; Patrick Donnelly, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Alan Reed, County Attorney.*

April 12, 2018

NYS Office for the Aging – Re: Notification of Grant Award (NGA) for the 2018 federal fiscal year (FFY 2018) Nutrition Services Incentive Program (NSIP). *Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.*

Mr. Mullen asked with regard to the IDA communications, what are those projects for. Mr. Hauryski replied the communication regarding a public hearing with IDA and Riedman Purcell is with regard to Corning Hospital. Mr. Wheeler stated the correspondence from Harris Beach is relative to the St. James project.

Vote: Acclamation – Adopted.

RESOLUTION NO. 080-18

Introduced by A. Mullen.

Seconded by R. Lattimer.

AUTHORIZING AN INTERMUNICIPAL AGREEMENT BETWEEN THE STEUBEN COUNTY SHERIFF AND THE SCHUYLER COUNTY SHERIFF.

WHEREAS, GML Section 209 et seq. authorizes the use of out-of-county deputies under duly authorized and declared emergency circumstances (special detail); and

WHEREAS, Article 5 of the GML permits municipalities to enter into cooperative agreements for the provision of various services and activities; and

WHEREAS, the Fair Labor Standards Act (29 USC Section 207) provides that public safety employees on voluntary special detail assignment to a separate and independent employer are exempt from the aggregate hours provisions which would otherwise apply; and

WHEREAS, Schuyler County reasonably anticipates regularly-recurring emergency situations throughout the auto racing season due to the crowds, traffic volume and related consequences attributable to the large crowds attracted to race events at Watkins Glen International in the Town of Dix, Schuyler County, New York; and

WHEREAS, the resources of the Schuyler County Sheriff's Office are inadequate to address the situations of this magnitude; and

WHEREAS, the Steuben County Sheriff's Office is desirous of responding to requests for mutual aid made by Schuyler County during the auto racing season.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Sheriff be, and the same hereby is, authorized to enter into an Intermunicipal Agreement with the Schuyler County Sheriff to provide special detail deputies on a voluntary basis to perform mutual aid police duties in Schuyler County; and be it further

RESOLVED, the County of Schuyler shall be responsible for all costs associated with mutual aid rendered by Steuben County Deputies from the time of departure to the time of return including, but not limited to, any losses or damage to apparatus, equipment or supplies; all liability, claims, damages, losses and expenses of every kind and nature resulting from the acts or omissions on the part of Steuben County Deputies performing mutual aid police duties within the County of Schuyler, while under the command of the Schuyler County Sheriff and acting within the scope of their duties in the same manner as if such Emergency Special Duties were regularly employed by Schuyler County; and be it further

RESOLVED, the County of Schuyler shall also provide police professional liability, workers' compensation and general liability insurance coverage for Steuben County Deputies performing mutual aid policing for the County of Schuyler; and be it further

RESOLVED, that in addition to payment for personnel, the County of Schuyler shall pay \$30.00 per day, gasoline and oil for each vehicle used by Steuben County in furtherance of services rendered under this agreement; and be it further

RESOLVED, that upon the signing of this Agreement, it shall remain in force for one (1) year and shall be renewed annually, for a total of five (5) years, upon the approval of the Public Safety and Corrections Committee of the Steuben County Legislature; and be it further

RESOLVED, certified copies of this Resolution shall be forwarded to the Steuben County Sheriff, the Schuyler County Sheriff, the Steuben County Risk Manager and the Steuben County Auditor.

Vote: Roll Call – Adopted.

RESOLUTION NO. 081-18

Introduced by G. Swackhamer and B. Schu.

Seconded by J. Malter.

AUTHORIZING THE UPGRADE OF THE MEO SUPERVISOR POSITION WITHIN THE PUBLIC WORKS DEPARTMENT.

Pursuant to Section 204 of the County Law of the State of New York.

WHEREAS, the position of Motor Equipment Operator (MEO) Supervisor within the Department of Public Works is inappropriately graded and not consistent with the duties for said position; and

WHEREAS, the Personnel Officer, County Manager and the Administration and Public Works Committees have approved the adjustment in grade; and

WHEREAS, approval between CSEA and the County of Steuben by Memorandum of Agreement of the upgrade is needed; and

WHEREAS, the *Rules of Procedure* of the County Legislature require an extraordinary majority to approve the aforesaid position that results in an upgrade.

NOW THEREFORE, BE IT

RESOLVED, the following position within the Department of Public Works is hereby upgraded as follows, pending approval of the Memorandum of Agreement:

Motor Equipment Operator Supervisor, Grade XII (\$35,582 – \$50,235) to Grade XIII (\$37,260 - \$52,601)

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works, Personnel Officer and Commissioner of Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 082-18

Introduced by G. Swackhamer.

Seconded by Mr. Potter.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ENTER INTO A LEASE AGREEMENT WITH THE TOWN OF BATH.

WHEREAS, the Town of Bath is in need of storage for their sand and salt for the 2018-2020 snow seasons; and

WHEREAS, the Steuben County Department of Public Works has storage space available on State Route 226 located in the Town of Bradford, Steuben County, State of New York; and

WHEREAS, the County and the Town of Bath are desirous of entering into an lease agreement for said purpose;
and

WHEREAS, this lease is valid for 3 years without consideration pursuant to General Municipal Law; and

WHEREAS, only the Town of Bath will have use of this storage location; and

WHEREAS, the Town of Bath will provide an updated insurance certificate to Steuben County.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works is authorized and directed to enter into this lease agreement with the Town of Bath; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works; the Town of Bath; County Attorney and the Risk Manager.

Vote: Roll Call – Adopted.

Mr. Swackhamer asked that resolution #6 be pulled as the contract has not yet been finalized.

WITHDRAWN

AUTHORIZING AND DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH GOOGLE, INC. FOR THE SALE OF CARBON OFFSET CREDITS.

WHEREAS, the Steuben County Department of Public Works, Solid Waste Division voluntarily installed an active landfill gas collection and control system in 2005 to reduce landfill gas and methane emissions being emitted from the landfill facility; and

WHEREAS, this project required significant investments to design, construct, and operate the landfill gas collection and control system; and

WHEREAS, landfill gas is destroyed by an onsite Landfill Gas to Energy Facility (LFGTE) and back up candlestick flare thereby generating carbon offset credits where such offset credits are not useful for County purposes; and

WHEREAS, the project previously generated carbon offset credits during a 10 year crediting period (February 9, 2005 – February 8, 2015) through the Environmental Resources Trust, Inc. (ERT) and the Climate Action Reserve (CAR); and

WHEREAS, the project is eligible to claim additional carbon offset credits through the American Carbon Registry (ACR); and

WHEREAS, the County has received a purchase offer from GOOGLE, Inc. for the purchase of carbon offset credits pursuant to a contract to secure highest offers under the proper offset credit registry; and

WHEREAS, the GOOGLE, Inc. purchase offer is for the purchase of carbon offset credits for an anticipated revenue of \$577,500 for a three (3) year contract term.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby authorize the Commissioner of Public Works or the Assistant Commissioner of Public Works - Solid Waste Division to act on behalf of the County and enter into a three (3) year agreement with GOOGLE, Inc. for the sale of carbon offset credits; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Assistant Commissioner of the Public Works - Solid Waste Division.

RESOLUTION NO. 083-18

Introduced by R. Lattimer.

Seconded by R. Nichols.

APPROVING THE ADDITION OF AGRICULTURAL LANDS TO CERTIFIED AGRICULTURAL DISTRICTS.

Pursuant to 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 23rd day of April, 2018 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, the following tax parcel shall be added to Agricultural District No. 2:

467600 078.12-01-026.200

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

462289 128.00-01-007.210
462289 114.00-01-015.220
462289 172.00-01-024.000

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

464289 280.17-01-014.113

464289 280.00-01-022.121
465000 246.00-01-005.211
467000 403.00-01-003.113
467000 403.00-01-003.114
467000 403.00-01-035.150
467000 403.00-01-035.140

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. 084-18

Introduced by R. Lattimer.

Seconded by G. Roush.

COMMENCING THE REVIEW PERIOD FOR AGRICULTURAL DISTRICT NO. 3

Pursuant to Section 303(a), of the Agriculture and Markets Law of the State of New York.

WHEREAS, Agricultural District No. 3, located in the Towns of Avoca, Bath, Howard, Prattsburgh, Pulteney, Urbana and Wheeler; Steuben County, is now being reviewed pursuant to said Law; and

WHEREAS, the next review date for said district is, January 15, 2018 and a Notice of Review from the State of New York, Department of Agriculture and Markets has been received and pursuant to said Law, the procedure for the necessary review of the Steuben County Agricultural District No. 3 is required to commence.

NOW THEREFORE, BE IT

RESOLVED, that the Review period of the said Agricultural District located in the Towns of Avoca, Bath, Howard, Prattsburgh, Pulteney, Urbana and Wheeler, County of Steuben and State of New York commences effective upon filing of a Notice of Review with the office of the Steuben County Clerk, said Review period to be for a period of thirty (30) days; and be it further

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

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

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

RESOLVED, that the Clerk of this Legislature shall forward certified copies of this resolution to the

Steuben County Clerk; and the Director of the Steuben County Planning Department.

Vote: Acclamation – Adopted.

RESOLUTION NO. 085-18

Introduced by R. Lattimer.

Seconded by J. Malter.

ADOPTING AMENDMENTS TO THE BY-LAWS OF THE STEUBEN COUNTY CONFERENCE & VISITORS' BUREAU.

WHEREAS, the Steuben County Legislature adopted Resolution No. 056-93 on October 25, 1993, authorizing and directing the creation of the Steuben County Conference and Visitors' Bureau (SCCVB) and establishing the appointment of voting members on the Board of Directors; and

WHEREAS, the SCCVB Board of Directors revised the By-Laws on May 27, 2014, stipulating that said By-Laws shall be adopted, amended or repealed only by the affirmative vote of a majority of the entire SCCVB, with final approval by the Steuben County Legislature; and

WHEREAS, the Steuben County Agriculture, Industry and Planning Committee has recommended approval of the revisions to the By-Laws of the SCCVB.

NOW THEREFORE, BE IT

RESOLVED, that the By-Laws of the SCCVB attached hereto are hereby approved by the Steuben County Legislature; and be it further

RESOLVED, a final copy of said by-laws shall be filed in the Office of the Clerk of the Legislature; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Kevin Costello, Executive Director, Steuben County Conference and Visitors Bureau, 1 West Market Street, Corning, NY 14830.

**BY-LAWS
OF THE
STEUBEN COUNTY CONFERENCE AND VISITORS BUREAU**

ARTICLE I

NAME, AUTHORITY AND PURPOSE

Section 1. Name

The name of this organization shall be the "Steuben County Conference and Visitors Bureau", hereinafter referred to as the "SCCVB."

Section 2. Authority

The SCCVB is authorized pursuant to resolution of the Steuben County Legislature to promote tourism. The SCCVB is authorized to receive and expend those funds committed from Steuben County's room tax collections.

Section 3. Purpose

As Steuben County's official tourism marketing agency, the mission is to stimulate the tourism economy through authentic storytelling, supporting & developing destination amenities, and connecting visitors to the Southern Finger Lakes. The SCCVB is to focus attention on tourism as an important local industry. The SCCVB will coordinate the County's tourism efforts and foster coordination, cooperation and improved communication for all participants in the County's tourism industry. The SCCVB will continue efforts to extend visitors' length of stay, extend the local tourism season and seek to influence visitors to plan return visits to the County. SCCVB will undertake such education, planning and research as may be necessary to implement the heretofore described mission and to assess the success of the annual program.

ARTICLE II

MEMBERSHIP AND ORGANIZATION

Section 1. Board of Directors

The Board shall consist of thirteen (13) voting members. The membership shall include: three (3) County representatives to include two (2) County Legislators with at least one Legislator from the Agriculture, Industry and Planning Committee, and the County Manager or his designee; three (3) representatives from attractions, to include one from a winery, one from the Corning Museum of Glass, and one from another attraction; three (3) representatives from accommodations which may include hotels, motels, bed and breakfasts, or campgrounds; three (3) at-large representatives to include no more than one representative from an accommodation and no more than one representative from an attraction; and one (1) representative from the Chambers of Commerce. The term "representative" shall mean an individual who represents a sector of the tourism economy listed above, and who by ownership, employment, or appointment is affiliated with a business, agency, or organization in Steuben County, and who has been appointed to the Board of Directors of the SCCVB as provided for in Section 3 below. Should said business, agency or organization permanently terminate its activities or permanently vacate its location in Steuben County, the representative is no longer eligible for membership on the Board of Directors and shall be replaced according to the procedure in Section 3 below.

Revised 5/27/2014

Section 2. Method of Appointment

The Board of Directors shall hold an election to fill any vacancies, following nominations from a nominating committee and from the floor. The Chamber of Commerce Representative shall be chosen annually on a revolving basis by alphabetical order – Central Steuben, Corning, Hammondspport, Hornell. If the annually designated voting Chamber's representative is not in attendance, the right to vote on behalf of all of the Chambers will go to the person representing the Chamber that is next in line alphabetically.

The successful candidate(s) shall be submitted to the Agriculture, Industry and Planning Committee, to be considered for appointment under the Rules of Procedure of the Steuben County Legislature.

Revised 5/27/2014

Section 3. Tenure of Appointments

Appointments to the Board shall be for a three (3) year term, except for the Chamber of Commerce Representative who will serve for a one (1) year term. Members may serve a maximum of three (3) consecutive terms. The term limit would take effect on 1/1/2009 for the Board Members whose terms commence on 1/1/2009; for those members whose terms began prior to 1/1/2009, the three year term limit would go into effect at the time that their

current term expires. Members appointed to fill an unexpired term shall serve out the remainder of the term being filled, and may subsequently be re-appointed to two (2) consecutive terms.

Revised 5/27/14

Section 4. Resignation, Termination and Absences

In the event of a vacancy occurring in the office of a representative member by death, resignation or otherwise, such vacancy shall be filled by the procedure in Section 3 above.

Any SCCVB member who fails to attend five (5) regular monthly Board meetings (from the date of appointment) each year or who misses three (3) consecutive Board meetings without proper notification to the office by phone or in writing, shall cause the SCCVB to ask the member for their resignation and fill the vacant position according to the procedure in Section 3 above.

Section 5. Member Reimbursement

The members of the Board of Directors shall receive no salary or compensation for their services as members of the Board.

Revised 5/27/2014

Section 6. Indemnification

SCCVB may, to the fullest extent now or hereafter permitted by and in accordance with the standards and procedures provided for by sections 721 through 726 of the New York Not-for-Profit Corporation Law and any amendments thereto, indemnify any person made, or threatened to be made, a party to any action or proceeding by reason of the fact that s/he, his/her testator or intestate was a director, officer, employee or agent of the Corporation, against judgments, fines, amounts paid in settlement and reasonable expenses, including attorneys' fees.

Section 7. Officers

A. The officers of the SCCVB shall consist of a Chairperson, Vice-Chairperson, Secretary-Treasurer, Past Chairperson, all who shall be voting members of the Council, and the President.

Revised 5/27/2014

B. Presiding Officers

1. The Chairperson shall preside at all meetings and hearings of the SCCVB and shall have the duties normally conferred by parliamentary usage on such officers.

2. The Vice-Chairperson shall act for the Chairperson in his/her absence.

C. Duties of Officers

1. The duties of the *Chairperson* are to preside over all meetings and deliberations of the Board; serve as an ex-Officio member of all committees; appoint membership to such temporary committees as deemed necessary to accomplish Board activities; sign and execute certain documents and contracts on behalf of the Bureau as so authorized; and to call for regular, special or called Bureau meetings as required.
2. The duties of the *Vice-Chairperson* are to preside over all meetings and deliberations of the Board in the absence of the Chairperson; and to sign and execute certain documents and contracts on behalf of the Bureau in the absence of the Chairperson as so authorized.
3. The *Secretary-Treasurer* shall supervise the maintenance and keeping records of all receipts and disbursements. The Treasurer shall be authorized to sign vouchers, financial statements, financial reports and other such fiscal forms and reports necessary for the SCCVB to transact its monetary affairs.
4. The *President* shall be the chief administrative officer. The President shall be a non-voting member of the Board, the executive committee, and all SCCVB committees and task forces. The President shall be employed by and report directly to the Board.

Revised 5/27/2014

D. Election of Officers and Their Terms of Office

1. An annual re-organization meeting shall be held during the month of November at which time the elections of officers shall be held. A nominating committee shall present a slate of officers. However, nominations for the various offices may be made from the floor.
2. A candidate for an office of the SCCVB receiving a majority vote of the members present shall be declared elected and shall serve a term of one (1) year or until his successor is elected. Vacancies in SCCVB offices shall be filled immediately by regular election procedure.
3. The Chair shall be elected for a maximum of two (2) one-year terms.
4. Any nominee for the position of Chair of the Board shall have been a member of the Voting Board of the SCCVB for a period of at least one full year prior to candidacy for Chair of the Board.

Section 8. Meetings

- A. Regular Meetings. Regular meetings of the SCCVB shall be held at a time and place designated by the Board of Directors. All regular meetings shall be held open to the public. At a minimum there shall be 6 regular meetings scheduled annually.
- B. Special Meetings. Special meetings of the SCCVB may be called by a majority of the members present at any regular meeting, by the Chair, or at the written request to the Chair of at least one quarter (1/4) of the total authorized representative members of the SCCVB.

- C. Notice. Members of the SCCVB shall be sent written notice of the time and place of each meeting mailed to the address of the member not less than five (5) days prior to the date set for the meeting. Minutes of the previous regular meeting shall be sent with the meeting notice.
- D. Quorum. A majority of the total authorized voting strength of the SCCVB shall consist of a quorum for the transaction of any business or the exercise of any power or the function of the SCCVB.
- E. SCCVB Action. Except as otherwise specifically set forth herein, a majority vote of the members present at any regular or special meeting of the SCCVB (a quorum being present) shall be sufficient to carry any motion, resolution or the other item of business.
- F. Open Meetings. All meetings or portions of meetings at which official action is taken shall be open to the general public. However, the SCCVB may meet in closed executive session for discussion purposes.
- G. Robert's Rules. Unless otherwise specified, Robert's Rules of Order shall govern the proceedings at meetings of the SCCVB.
- H. Voting. Facsimile and email may be used for Board and membership meeting notices and waivers of notice, and may also be used for votes that require unanimous written consent. In person attendance is preferred, however, in special instances Board members can participate in meetings by teleconference, video conference, Skype, and other forms of video communication. Teleconferencing does not constitute attendance.
- I. Conflict of Interest. Any Board member who has any conflict of interest in any matter or issue brought before the Board shall make such fact known to the Board prior to any vote made by the Board on such issue, and such member shall abstain from voting on or discussing such issue unless responding to questions of the board.

Section 9. Committees

- A. Standing Committees. The SCCVB may create and terminate standing committees, composed of members and/or non-members of the SCCVB, as it deems necessary and appropriate. Such committees shall perform such duties as may be specifically delegated to them by written resolution of the SCCVB.
- B. Advisory Committees and Councils. The SCCVB may create and terminate advisory committees or councils, whose members need not be members of the SCCVB, but shall be composed of persons whose experience, training and interest qualifies them to lend valuable assistance in an advisory capacity in technical and special phases of the SCCVB's program. The advisory committee will be advising the agency (SCCVB) and not the Board of Directors. Members of such advisory bodies shall receive no compensation for their services. The Chair of such committees or councils must be an official voting member of the SCCVB.
- C. Executive Committee. Membership on the Executive Committee shall include the Chair, Vice-Chair, Treasurer, One (1) Legislature member, the County Manager/Designee, the immediate Past Chair of the Board, and one (1) additional member of the Board of Directors elected annually by the Board. The Chair of the SCCVB shall serve as Chair to the Executive Committee. The individual holding the Chair position on 1/1/2009 would be the first person to hold the Past Chair position. The Executive Committee

shall be responsible for acting for the SCCVB in the interim between regular SCCVB meetings. Its authority shall be limited to that granted by the SCCVB and will usually include, unless otherwise specified by the SCCVB, carrying out the policies of the SCCVB, reviewing personnel problems and changes, taking action on routine monthly financial statements and vouchers and executing contracts. The Executive Committee will report all its activities to the SCCVB at the next regular SCCVB meeting. Minutes of the Executive Committee meetings shall be kept and shall be open to inspection by an SCCVB member and shall be considered a matter of public record.

Revised 5/27/2014

- D. Rules Governing All Committees. Formal minutes shall be kept of all committee meetings. Robert's Rules shall govern all meetings. As deemed appropriate by the Committee Chair, a committee report shall be presented at regular or special SCCVB meetings. In policy matters, unresolved differences between Committees and staff shall be resolved by the SCCVB.

Section 10. Fiscal and Financial

- A. The SCCVB shall use the same fiscal year as Steuben County (January 1 – December 31)
- B. The SCCVB shall adopt policies governing the supervision of the budget, expenditures and contract obligations.
- C. In the event of a voluntary dissolution of this SCCVB, the assets of the SCCVB (office furniture, equipment, etc.) shall be returned to the agency from which they originated, or shall become the property of Steuben County.
- D. The SCCVB shall be responsible to keep accurate accounts and records of all its financial transactions. Annual audits will be performed by a certified public accountant as mandated by the State or Federal program requirements or upon request of the Steuben County Legislature.

Revised 5/27/2014

Section 11. Employees

- A. The Board is empowered to employ a president/CEO to carry out the functions, operations and purposes of the Bureau. The president/CEO shall serve at the pleasure of the Board of Directors, and can be terminated at any time by the Board with or without cause. The Board shall delegate to the president/CEO all authority and responsibility necessary to properly administer the business of the Bureau, within policies set by the Board and subject to its review. The president/CEO shall have full charge of the Bureau offices and all of the employees, including authority to employ and terminate employment of the Bureau employees. The president/CEO shall be paid a salary and provided fringe benefits as determined and fixed by the Board.
- B. The Board may establish personnel policies in writing to govern the employment, pay scale, grievance procedures, benefits, retirement, promotion, discipline and dismissal of Bureau employees. The personnel policies of the SCCVB shall conform in all respects to the law of the State of New York and the Federal Government as required.

ARTICLE III

SCCVB POWERS, DUTIES AND RESPONSIBILITIES

Section 1. Powers

The SCCVB shall have all the powers and shall conduct its affairs in accordance with the provisions of the authorizing Legislation adopted by the Steuben County Legislature and any amendments thereto, and its Articles of Incorporation.

Section 2. SCCVB Responsibilities

- A Investigate, assess and decide on the best approach to promote tourism within Steuben County.
- B. Set Goals for the SCCVB over a three-year time frame which reflects the results of increases in tourism from promotions and market plans measured by:
 - 1. Attendance at attractions, events and activities.
 - 2. Room tax revenues.
- C. Decide on those attractions, facilities and tourism opportunities which should be promoted over a three-year time frame.
- D Be accountable to the Steuben County Legislature on an annual basis for:
 - 1. Reviewing program goals.
 - 2. How money is to be spent.
 - 3. Justification of allocation of funds with appropriate results.
 - 4. Forecast versus actual results of increases.
- E Authorized to manage or contract for implementation of tourism promotion programs.

Section 3. Amendments to By-Laws

These By-Laws shall be adopted, amended or repealed only by the affirmative vote of a majority of the entire SCCVB, with final approval by the Steuben County Legislature.

Revised: May 27, 2014
Revised: October 14, 2010
Reviewed: March 6, 2014
Revised: May 2014
Revised: March 2018

Vote: Roll Call – Adopted.

RESOLUTION NO. 086-18

Introduced by B. Schu and S. Van Etten.

Seconded by R. Lattimer.

AUTHORIZING THE COUNTY TO PARTICIPATE IN A TAX CERTIORARI PROCEEDING 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 assessment 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 Index No: 2016-0772CV and 2017-0795CV pursuant to the County's participation policy; and

WHEREAS, the recited request complies with the policy of the County to so participate; and

WHEREAS, the counsel for the Town of Erwin has submitted preliminary appraisal estimates of \$12,500; 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 \$2,037.50, plus charges to provide testimony in Court at \$150/hr.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Finance is authorized and directed to disburse to the properly credentialed and retained appraiser(s) a total sum not to exceed \$3,500 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; the Commissioner of Finance; and Rita McCarthy, Erwin Town Manager, 310 Town Center Road, Painted Post, New York 14870.

Mr. Roush abstained as he is a member of the Erwin Town Board.

**Vote: Roll Call – Adopted. Yes – 8607; No – 0; Absent; 542; Abstained – 723
(Absent – Legislator Lando; Abstained – Legislator Roush)**

RESOLUTION NO. 087-18

Introduced by B. Schu.

Seconded by G. Swackhamer.

AUTHORIZING THE COMMISSIONER OF FINANCE TO ENTER INTO AN UPDATED MASTER TREASURY MANAGEMENT SERVICES AGREEMENT WITH M&T BANK

WHEREAS, the Commissioner of Finance has recently expanded the role of M&T Bank as a County banking partner; and

WHEREAS, the Commissioner of Finance would like to take advantage of the ability to initiate wire transfers with M&T Bank using its online services; and

WHEREAS, M&T Bank requires an updated Treasury Management Services Agreement.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Finance is authorized to enter into an updated Master Treasury Management Services Agreement with M&T Bank.

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 088-18

Introduced by S. Van Etten.

Seconded by F. Potter.

AUTHORIZING THE COMMISSIONER OF FINANCE TO ADD \$6,000 FROM THE UPPER FIVE MILE CREEK FUND BALANCE TO THE 2018 BOND ANTICIPATION NOTE REPAYMENT ACCOUNT.

WHEREAS, an inadequate amount was included in the original budget for the principal portion of the 2018 Bond Anticipation Note payment; and

WHEREAS, the full amount of the Upper Five Mile Creek Watershed 2018 budget was funded from the restricted fund balance for the watershed.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Finance is authorized to adjust the Upper Five Mile Creek 2018 budget for the principal portion of the Bond Anticipation Note from \$24,000 to \$30,000; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 089-18

Introduced by B. Schu.

Seconded by J. Malter.

AMENDING THE SALARY GRID OF THE DEPUTIES ASSOCIATION 2017-2020 COLLECTIVE BARGAINING AGREEMENT.

WHEREAS, the Deputy Sheriff Corporal position within the Sheriff's Office was inadvertently left out of the salary grid of the Deputies Association's 2017-2020 Collective Bargaining agreement; and

WHEREAS, the Personnel Officer, County Manager, County Sheriff and the Administration Committee of the County Legislature have approved amending the salary grid to reincorporate the Deputy Sheriff Corporal position.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature approves amending the salary grid of the Deputies Association 2017-2020 Collective Bargaining Agreement to include the following position within the Sheriff's Office as follows:

Deputy Sheriff Corporal, Grade XII within the salary grid as follows:
2018 - \$62,213

2019 - \$63,457

2020 - \$64,726

AND BE IT FURTHER RESOLVED, this change will be effective upon the approval of a Memorandum of Agreement between the Deputies Association and the County of Steuben; and be it further

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

Attorney, Personnel Officer, Clerk of the Legislature, Commissioner of Finance and to the President of the Deputies Association of the County of Steuben.

Vote: Roll Call – Adopted.

RESOLUTION NO. 090-18

REVISING THE LANGUAGE IN THE DEPUTIES ASSOCIATION 2017-2020 COLLECTIVE BARGAINING AGREEMENT.

WHEREAS, it has become increasingly difficult to recruit and retain Deputy Sheriffs in the Sheriff's Office; and

WHEREAS, the Sheriff's Office requires flexibility in hiring Deputy Sheriffs; and

WHEREAS, the Deputies Association and the County of Steuben have met and conferred in regards to the starting wages/salaries for lateral transfers of experienced officers from outside police agencies into the Steuben County Sheriff's Office; and

WHEREAS, the parties have agreed to contract language which provides a definitive understanding of such wages/salaries for said lateral transfers; and

WHEREAS, the Personnel Officer, County Manager, County Sheriff, and the Administration Committee of the County Legislature have recommended the changes in the current contract contained in the attached Proposed Memorandum of Agreement be approved.

NOW THEREFORE, BE IT

RESOLVED, the proposed changes to the language in the current contract contained in the proposed Memorandum of Agreement between Steuben County, the County Sheriff and the Deputies Association of the County of Steuben are hereby approved; and be it further

RESOLVED, the changes will become effective the pay period following the signing of the Memorandum of Agreement; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Manager, County Attorney, Personnel Officer, County Sheriff, Clerk of the Legislature, Commissioner of Finance and to the President of the Deputies Association of the County of Steuben.

Memorandum of Agreement

By and Between, the County of Steuben and the Deputies Association of the County of Steuben (DACS)

Whereas, the above parties have met and conferred in regards to starting wages/salaries for lateral transfers into the Steuben County Sheriff's Office, and

Whereas, the parties have agreed to establish and agree to a definitive understanding of such wages/salaries for lateral transfers, and

Whereas, the parties have agreed, that said agreement and understanding will take effect the next full pay period following the full execution of this Agreement and will remain in effect until negotiated otherwise.

Now therefore, the parties herein agree as follows:

1. All Deputy Sheriffs who are hired as a lateral transfer by the County of Steuben and were previously employed as a Deputy Sheriff with the Steuben County Sheriff's Office shall be entered into the salary grid system with full credit for years of service up to the maximum step on the salary grid.

Example: Deputy Y had 2 years prior SCSO full time Deputy Sheriff experience before transferring to Anywhere PD and worked at Anywhere PD for 5 years. Deputy Y starting salary will be placed at the top step of the salary grid.

2. All Deputy Sheriffs who are hired as lateral transfers by the County of Steuben with prior full-time law enforcement experience as a Deputy Sheriff or Police Officer with this or another law enforcement agency in the State of New York, shall be inserted into the salary steps as follows:
For every year of New York State full-time law enforcement experience a lateral transfer has acquired, he/she shall be credited with (1) one year on the SCSO salary grid. The maximum salary grid step for any outside lateral transfer covered in this category shall be step 5. All subsequent movement in the salary grid will be in accordance with the provisions of the current collective bargaining agreement.

Example: Deputy X completes a lateral transfer from Anywhere PD to the SCSO. Deputy X has no prior SCSO full-time Deputy Sheriff experience, but has 8 years full-time experience with Anywhere PD. Deputy X's starting salary will be at step 5. Deputy X will then continue to climb the salary grid as years of service are completed.

IT IS ALSO AGREED THAT,

- B. Any Deputy Sheriff hired as a lateral transfer, regardless of their years of full-time service with the SCSO or any other law enforcement agency, shall not be given preference in "in-house" seniority in regards to any seniority based assignment or any other benefit other than those described in the current collective bargaining agreement. "In-house" seniority for any Deputy Sheriff hired as a lateral transfer shall be the lateral transfer's new date of hire.
- C. Civil Service seniority and probationary periods for any Deputy Sheriff hired as a lateral transfer shall be set by the Steuben County Civil Service Rules.
- D. Any Deputy Sheriff hired as a lateral transfer, may use their years of prior full-time service with the SCSO as service requirement established for any competitive position as outlined in the current collective bargaining agreement. Any Deputy Sheriff hired as a lateral transfer with only outside agency

experience must complete the years of service requirement established for any competitive position as outlined in the current collective bargaining agreement, from their date of hire with the SCSO. Years of service needed for any position in the collective bargaining agreement are to be determined in the Civil Service Job Description and shall include any appointment from a competitive civil service list or as a provisional appointment.

The parties herein acknowledge that during the course of resolving this matter they were fully and fairly represented and all parties had the unlimited right and opportunity to propose any terms to this Agreement.

All parties acknowledge that they voluntarily and knowingly enter into this agreement and have read and understood the terms as outlined above.

The parties acknowledge that this Agreement constitutes the entire Agreement and understanding between the parties and this Agreement supersedes all prior agreements and understanding, whether written or oral. This agreement replaces Art. 18 Section 2 of the current Agreement.

The parties acknowledge that this signed Agreement, represents the entire Agreement between the parties on the Salaries/Wages for Lateral Transfers that became effective January for those employed as of January 1, 2018 and thereafter, and shall be added to the collective bargaining agreement during the next contract negotiations.

Any alleged violation of this MOA can be submitted for resolution through the contractual grievance arbitration procedures.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the date shown after each of the signatures below.

For the County of Steuben;

For the Deputies Association of the County of Steuben;

Chairman of the Legislature

President, DACS

Sheriff of Steuben County

DACS Representative

This Agreement shall take effect on the _____ day of _____, 2018.

Mr. Mullen stated he needs a little more clarification on this. What are we trying to accomplish with this change and what is the difference in the position? Mr. Wheeler explained after discussion with the Deputies Association, there are issues of recruitment and fairness when bringing individuals in who had previous experience with us. Due to decisions you have made financially, it is more feasible for us to bring people back. We would like to recognize the experience of the individuals who are coming back to the agency. The first category is for someone who had previous experience with us as a Deputy Sheriff and is transferring back to us. We will count their previous years of experience and they will be placed in the grade that is commensurate with that experience. The second category is for an individual who has never worked for the Sheriff's Office, but has worked with a different agency. We would cap them at a

Step 5. This is a recruitment tool for us. If an individual worked for us in the past, we would have shouldered the cost of their training. If we are bringing in individuals from other agencies, we will save a significant amount of money as they would have already gone through training with another agency.

Vote: Roll Call – Adopted.

RESOLUTION NO. 091-18

Introduced by R. Lattimer.

Seconded by S. Van Etten.

CONCURRING WITH THE COMMISSIONER OF FINANCE’S ABILITY TO ENTER INTO AN AGREEMENT WITH AIRBNB, INC.

WHEREAS, pursuant to Local Law No. 3 of 1987, and all amendments thereto, Steuben County imposes a tax on the occupancy of hotels as defined therein; and

WHEREAS, the tax imposed by this Local Law is administered and collected by the Steuben County Commissioner of Finance; and

WHEREAS, there is support by the Legislature in the collection of occupancy taxes for online booking platforms such as Airbnb, Inc.; and

WHEREAS, Airbnb, Inc. has agreed to a voluntary collection agreement to collect occupancy taxes for online booking in Steuben County through their platform, which would be remitted to the Steuben County Commissioner of Finance.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby memorializes its support for the County Commissioner of Finance to enter into a voluntary collections agreement with Airbnb, Inc. to pay occupancy taxes as set forth in Local Law No. 3 of 1987, and all amendments thereto; and be it further

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

Mr. Hanna asked what is the anticipated revenue from this? Mr. Wheeler replied that is yet to be seen, but we are conservatively projecting \$30,000 - \$40,000. Mr. Hanna asked will this apply to any rental? Mr. Wheeler replied yes.

Mr. Weaver asked will we be pursuing others like VRBO? Mr. Wheeler replied yes. A lot of the relationship with Airbnb was coordinated through the New York State Association of Counties (NYSAC). We have talked with NYSAC about other entities.

Mr. Mullen asked why do we need an agreement? Mr. Wheeler replied we currently do not collect room tax through Airbnb. This is a voluntary agreement. Mr. Mullen asked why did we not have a discussion about doing this by Local Law? Mr. Wheeler replied this is a voluntary agreement without going the route other counties have with a Local Law and defining short-term rentals. This is a way to capture that revenue.

MOTION: REQUESTING PERMISSION TO ASK ADDITIONAL QUESTIONS REGARDING THIS ISSUE MADE BY MR. MULLEN, SECONDED BY MR. WEAVER AND DULY CARRIED.

Mr. Mullen asked what legal ability do we have to collect this? He does not want a situation where we have money that we cannot collect legally.

Mr. Reed explained under a Local Law, it is ultimately the responsibility of the people staying at the facility to pay the room tax. Currently, our ability to audit platforms like Airbnb is nonexistent. This is entirely voluntary for them to collect the tax where otherwise we would not have the ability to require them to do it in the first place.

Vote: Roll Call – Adopted.

RESOLUTION NO. 092-18

Introduced by J. Hauryski.

Seconded by R. Lattimer.

APPOINTING THE STEUBEN COUNTY REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE GENESEE VALLEY REGIONAL MARKET AUTHORITY.

Pursuant to Section 12.20 of the Steuben County Charter and Article 4, Title 4 of the Public Authorities Law.

WHEREAS, it is in the best interest of Steuben County to have a representative on the Board of Directors of the Genesee Valley Regional Market Authority.

NOW THEREFORE, BE IT

RESOLVED, John Meyer of Joseph L. Meyer & Sons, Inc. is hereby appointed as the Steuben County representative on the Board of Directors of the Genesee Valley Regional Market Authority for a term of two (2) years from January 1, 2018 through December 31, 2019; and be it further

RESOLVED, said member shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of his duties on the Genesee Valley Regional Market Authority; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointee at 9260 State Route 21, Cohocton, NY 14826; Brendan Tydings, Administrator, Genesee Valley Regional Market Authority, 900 Jefferson Road, Rochester, NY 14623; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 093-18

Introduced by J. Hauryski.

Seconded by B. Schu.

APPOINTING MEMBERS TO THE COMMUNITY SERVICES BOARD AND SUBCOMMITTEES.

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

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

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

Community Services Board

TERM

1. Cora Saxton
310 East Naples Street
Wayland, NY 14572
01/01/17 – 12/31/20
2. Victoria Fuerst
7863 Miller Road
Avoca, NY 14809
01/01/17 – 12/31/20
3. Mark R. Alger
109 Rumsey Street
Bath, NY 14810
01/01/18 – 12/31/21
4. The Honorable Gary D. Swackhamer
Steuben County Legislator
67 N. Main Street
Hornell, NY 14843
01/01/18 – 12/31/21
5. Gina Reagan
Catholic Charities of Steuben
23 Liberty Street
Bath, NY 14810
01/01/18 – 12/31/21
6. Doreen Patterson (*filling unexpired term of Mark Rectenwald*)
Arbor Development
26 Bridge Street
Corning, NY 14830
01/01/15 – 12/31/18
7. Kathryn Muller, Commissioner (*filling unexpired term of George Basher*)
Steuben County Department of Social Services
3 East Pulteney Square
Bath, NY 14810
01/01/16 – 12/31/19
8. Nancy Bartell
7 Pearl Street
Hornell, NY 14843
01/01/16 – 12/31/19
9. Robert Cole, M.D.
10101 Grandview Lane
Hammondsport NY 14840
01/01/16 – 12/31/19

Mental Health Subcommittee

1. Cora Saxton
310 East Naples Street
Wayland, NY 14572
01/01/17 – 12/31/20
2. Craig Pomplas

- Steuben County Probation
3 East Pulteney Square
Bath, NY 14810 01/01/17 – 12/31/20
3. Kathryn Muller, Commissioner
Steuben County Department of Social Services
3 East Pulteney Square
Bath, NY 14810 01/01/18 – 12/31/21
 4. Harmony Aries-Friedlander (*filling unexpired term of Barbara Eskridge*)
Family Service Society, Inc.
280 Princeton Avenue Ext.
Corning, NY 14830 01/01/18 – 12/31/21
 5. Doreen Patterson
Arbor Development
26 Bridge Street
Corning, NY 14830 01/01/15 – 12/31/18
 6. Stephanie Ulicny
Finger Lakes Parent Network
25 West Steuben Street
Bath, NY 14810 01/01/15 – 12/31/18
 7. Gina Reagan
Catholic Charities of Steuben
23 Liberty Street
Bath, NY 14810 01/01/16 – 12/31/19
 8. Lynn M. Goodwin
Pathways, Inc.
33 Denison Parkway East
Corning, NY 14830 01/01/16 – 12/31/19
 9. Nancy Bartell
7 Pearl Street
Hornell, NY 14843 01/01/16 – 12/31/19

Chemical Dependency Subcommittee

1. Norman McCumiskey
Steuben Prevention Coalition
8 East Morris Street
Bath, NY 14810 01/01/17 – 12/31/20
2. VACANT (*unexpired term of George Basher*) 01/01/17 – 12/31/20
3. Ruth Goodwin (*filling unexpired term of Carly Cushing*)
Family Service Society, Inc.
280 Princeton Avenue Ext.
Corning, NY 14830 01/01/18 – 12/31/21
4. Rick McInroy

- Center for Dispute Settlement
25 Wilkes Avenue
Bath, NY 14810 01/01/18 – 12/31/21
5. Susan Hooker
Hornell Area Concern for Youth
76 East Main Street
Hornell, NY 14843 01/01/15 – 12/31/18
6. VACANT 01/01/15 – 12/31/18
7. James Bassage
Bath Area Hope for Youth
8 Pulteney Square
Bath, NY 14810 01/01/16 – 12/31/19
8. Gina Reagan
Catholic Charities of Steuben
23 Liberty Street
Bath, NY 14810 01/01/16 – 12/31/19
9. Robert Cole, M.D.
10101 Grandview Lane
Hammondsport, NY 14840 01/01/16 – 12/31/19

Developmental Disabilities Committee

1. Matt Mehlenbacher
Steuben ARC
One Arc Way
Bath, NY 14810 01/01/17 – 12/31/20
2. Victoria Fuerst
7863 Miller Road
Avoca, NY 14809 01/01/17 – 12/31/20
3. Sandra Buto
Capabilities, Inc.
1149 Sullivan Street
Elmira, NY 14901 01/01/18 – 12/31/21
4. The Honorable Gary D. Swackhamer
Steuben County Legislator
67 N. Main Street
Bath, NY 14810 01/01/18 – 12/31/21
5. Lynn M. Goodwin
Pathways, Inc.
33 Denison Parkway West
Corning, NY 14830 01/01/15 – 12/31/18

- | | | |
|----|--|---------------------|
| 6. | Mark R. Alger
109 Rumsey Street
Bath, NY 14810 | 01/01/15 – 12/31/18 |
| 7. | Jeannie Wheeler (<i>filling unexpired term of Michael Okoniewski</i>)
Bath Central School District
25 Ellas Avenue
Bath, NY 14810 | 01/01/15 – 12/31/18 |
| 8. | Mary Perham
1976 West Shore Road
Bath, NY 14810 | 01/01/16 – 12/31/19 |
| 9. | Deborah Marshall, Psy.D.
99 Miller Street
Wellsville, NY 14895 | 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: Acclamation – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers Law, Article 7§105.1.D. Discussions Regarding Proposed, Pending or Current Litigation; and Article 7§105.1.H. The Proposed Acquisition, Sale or Lease of Real Property or the Proposed Acquisition of Securities, or Sale or Exchange of Securities Held by Such Public Body, but only when Publicity would Substantially Affect the Value Thereof made by Mr. 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. Potter and duly carried.

RESOLUTION NO. 094-18

Introduced by G. Swackhamer and S. Van Etten.

Seconded by G. Roush.

AUTHORIZING THE PURCHASE OF LAND ADJACENT TO THE LANDFILL IN THE TOWN OF BATH.

WHEREAS, Steuben County Department of Public Works – Solid Waste Division wishes to expand landfill operations at the Bath Landfill; and

WHEREAS, in order to expand, the County is desirous of purchasing 120.93 (+/-) acres along Turnpike Road for public use at the existing landfill; and

WHEREAS, the landowners, have agreed to sell for \$5,000 per acre for a total of (+/-) \$604,650; and

WHEREAS, the County agrees to pay for the survey and appropriate closing costs if warranted; and

WHEREAS, the funds need to be appropriated and transferred from the fund balance into the Bath Landfill Expansion Capital Project EL/HL 6201; and

WHEREAS, the Public Works and Finance Committees of this Steuben County Legislature have authorized the land purchase.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is hereby authorized to enter into a Purchase and Sale Agreement for 120.93 acres per the terms set forth herein; and be it further

RESOLVED, the Commissioner of Finance is hereby authorized and directed to make the following appropriation and transfer of Purchase and Sale/ purchase proceeds:

- Decrease the Fund Balance by (+/-) \$604,650.00
- Increase HL/EL6201.5.210.000 Bath Landfill Expansion Land by (+/-) \$604,650.00

AND BE IT FURTHER RESOLVED, the Commissioner of Public Works is authorized to execute the document and effectuate the purchase; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Public Works, Commissioner of Finance, County Attorney, County Auditor, Real Property Tax Director and the Risk Manager.

Vote: Roll Call – Adopted.

RESOLUTION NO. 095-18

Introduced by G. Swackhamer.

Seconded by C. Ferratella.

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

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

WHEREAS, the following civil action has been initiated in the New York State Supreme Court:

CHARLES WRIGHT

Index No. 100219

Plaintiff,

vs.

THE COUNTY OF STEUBEN,
THE TOWN OF HORNBY, NEW YORK
AND THE TOWN OF CAMPBELL, NEW YORK

Defendants.

; and

WHEREAS, the Town of Campbell, New York was discontinued in this action pursuant to an executed Stipulation of Discontinuance, filed with the Steuben County Clerk's Office on September 19, 2011; and

WHEREAS, the matter was scheduled for Mediation before the Supreme Court of the State of New York for settlement in advance of trial before the New York State Supreme Court; and

WHEREAS, the parties having mediated the matter and agreed to settle the claim in the amount of Eighty Five Thousand Dollars (\$85,000.00) as follows: Steuben County to pay Fifty Five Thousand Dollars (\$55,000.00) and the Town of Hornby to pay Thirty Thousand Dollars (\$30,000.00); and

WHEREAS, the parties are desirous of settling said claims.

NOW THEREFORE, BE IT

RESOLVED, the County does hereby ratify the above recited settlement of the above-entitled claim and the payment of the County's portion thereof in the amount of, Fifty Five Thousand Dollars (\$55,000.00) to be paid by Steuben County subject to the approval of the Supreme Court, State of New York; and be it further

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

RESOLVED, a certified copy of this resolution shall be forwarded to Barclay Damon LLP, 243 Lake Street, Elmira, New York 14901 Attn: Jeremy J. Hourihan, Esq.; and Scott Sprague, Steuben County Risk Manager.

Vote: Roll Call – Adopted.

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