

REGULAR MEETING
Morning Session
Monday, April 22, 2019
Legislative Chambers

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers in Bath, NY on the 22nd day of April, 2019 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 Hanna.

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

Chairman Hauryski asked Calvin Willis to come forward. Mr. Willis is an employee in the Public Works Department. He presented him with a Certificate of Appreciation and Clock in recognition of his retirement with 35 years of service.

Mr. Gallagher introduced the students participating in the spring session of the Youth In Government Program.

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

Wayne Wells, Cameron, provided his opinion regarding President Trump and the challenges our nation faces.

Chairman Hauryski declared the opportunity for public comment closed.

Ms. Muller stated once again it is my pleasure to represent the County's task force, Prevent Child Abuse Steuben, in its annual recognition of child abuse prevention. The task force is operating in its 25th year in promoting the prevention of child abuse through awareness and educational campaigns. I think the most notable activity you will see countywide is the Pinwheel and Promises Campaign. As you might have noticed outside of various schools, businesses and personal homes, there are pinwheels planted in the ground. The pinwheel is a symbol to identify and promote awareness of child abuse and child abuse prevention; and I have noticed with all the wind we have been experiencing this month these pinwheels are really in motion, much like the task force.

The beginning of April kicked off the pinwheel campaign. I'd like to thank Carol Ferratella, Vice Chair, for representing this Legislature by presenting the proclamation naming April as Child Abuse Prevention Month. Further thanks to Hilda Lando and Robin Lattimer for attending the kick off and of course, thank you to this Board and our County Manager, Jack Wheeler, for your continued support of the prevention activities and services across county departments and community agencies.

Finally, last but certainly not least, many thanks go out to Bill Caudill who chairs the task force, and thanks to all of its members. Bill works very hard at ensuring not only the task force is operating at full speed, but also the other youth programs including the upcoming Tyrtle Beach jump this Friday.

As part of this national recognition, locally we recognize an individual, a program or an organization that has significantly contributed to the prevention of child abuse in Steuben County. This year we are recognizing Mike Morey from Hornell. Ms. Muller asked Mr. Morey to join her at the podium. She stated Mike Morey was nominated by Patty Kelly, a board member for Hornell Area Concern for Youth. Amongst the many nominations, the committee chose Mike as standing out amongst the rest.

Mike Morey makes a huge difference for many lives and many programs in the Hornell area, particularly for Hornell Area Concern for Youth. He began volunteering back in 2016. He serves as a chaperone on youth outings conducted by the agency including, but not limited to, frequent trips to Alfred University, the Garden of Fire in Corning, and to Strong Kids Safe Kids and Family Fling Events held throughout the year. He is a frequent flyer. He served as a founding leader and advisor with Hornell Concern as they formed their venturing leadership program in partnership with Boy Scouts. He attends this group every Monday afternoon without fail. He is a community mentor working with ages 8 – 13 every Thursday evening of every week. Given his long history of mentoring, he now mentors other mentors including high school and college students to assist them in understanding their role as a mentor for younger students.

Mike is also a substitute teacher at BOCES where he is actively involved with students both as a mentor and as a support during school and after-school activities. Mike serves on the Board of Directors for Hornell Area Concern for Youth. As a board member, he joined the quality assessment team monitoring all of the agency's programs. This role took him to the schools to observe the agency's "Educators Lead Prevention Curriculum". This took numerous hours to both monitor and report out.

Mike also volunteers every Sunday with the free community suppers program, coordinated by various churches within Hornell. He engages with individuals and families to find out what needs they might have and then further facilitates services where he can. He has had a direct and strong impact on the mission and activities of Prevent Child Abuse Steuben.

Mike is described by Susan Hooker, the Director of Hornell Area Concern for Youth, as having a positive attitude. He is so kind and because of this kindness, the kids gravitate to him and he is such a good influence. Patty Kelly who submitted his nomination also describes Mike as positive. He is an outstanding role model who maintains an excellent rapport with all youth. The kids seek him out. He focuses on their individual needs, making each one feel special in their own way. He goes above and beyond with only respectful qualities that speak to his character, and therefore this nomination. He is truly an exceptional young man. Please join me in congratulating Mike Morey as this year's recipient for the Child Abuse Prevention Award presented by Prevent Child Abuse Steuben.

Mr. Morey stated it is an honor to receive this award. He has been involved in this work for only five years and really appreciates this recognition early on what he is hopeful will be a long journey. He would like to recognize all of the people who have come across his path. He stated he would like to dedicate this award to Christian, a 9 year old that first got him started in this work and was his first teacher. He also thanked Susan Hooker, Paul Shephard and so many others as they are amazing people and have taught him so much. We are all working as a team and he wants to recognize the entire team and wants to dedicate this award not only to Christian, but to all of the kids. Thank you.

Motion adopting the minutes of the previous meeting(s) made by Mr. Ryan, seconded by Mrs. Lando and duly carried.

RESOLUTION NO. 071-19

Introduced by S. Van Etten.

Seconded by H. Lando.

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

RESOLVED, it being hereby determined that there is no practical method to enforce the collection of delinquent tax liens against the parcel contained in Schedule "B", and it being further determined that there is no practical method to enforce the collection of tax liens arising hereafter against said parcel; the Steuben County Commissioner of Finance is authorized and directed to withdraw the property contained in Schedule "B" from tax foreclosure proceedings pursuant to Real Property Tax Law §1138 and to cancel the unpaid taxes against the property set forth in Schedule "B" pursuant to Real Property Tax Law §558; and is further authorized to issue forthwith a Certificate of Prospective Cancellation as approved by the Finance Committee on April 9, 2019. The Commissioner of Finance shall file a copy of the recited certificate with the assessor of the respective assessing unit in which said parcel is located and with the Director of Real Property Tax Services; and upon the filing as directed such parcel shall become and be exempt from further taxation, 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; and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Director of the Steuben County Real Property Tax Service Agency, the Steuben County Commissioner of Finance, and the Chairman of the Board of Assessors of the appropriate community.

SCHEDULE "A"

Resolution No. A-1
 Name David A. Abbey
 Parcel No. 244.17-01-004.100
 Municipality Town of Campbell
 Disposition 2018-19 Correction of Omitted Tax

Resolution No. A-2
 Name Jeffrey D. & Kerie F. Cater [sic, Carter]
 Parcel No. 316.07-03-014.000
 Municipality Town of Erwin
 Disposition 2018-19 Correction of Omitted Tax

Resolution No. A-3
 Name Andre Williams
 Parcel No. 034.00-01-056.000
 Municipality Town of Prattsburgh
 Disposition 2018-19 Correction of Omitted Tax

Resolution No. A-4
 Name Lance Rizzon
 Parcel No. 134.000-01-009.200
 Municipality Town of Bradford
 Disposition 2018 Parcel Split

Resolution No. A-5
 Name Robert D. Hamilton
 Parcel No. 280.00-03-032.100
 Municipality Town of Campbell
 Disposition 2018-19 Correction of Omitted Tax

Resolution No. A-6
 Name Aldi, Inc. NY
 Parcel No. 298.00-01-034.211
 Municipality Town of Erwin
 Disposition 2015 Court-Ordered Refund

Resolution No. A-7
 Name Aldi, Inc. NY
 Parcel No. 298.00-01-034.211
 Municipality Town of Erwin
 Disposition 2016 Court-Ordered Refund

Resolution No. A-8
 Name Aldi, Inc. NY
 Parcel No. 298.00-01-034.211
 Municipality Town of Erwin
 Disposition 2017 Court-Ordered Refund

Resolution No. A-9
 Name Aldi, Inc. NY
 Parcel No. 298.00-01-034.211
 Municipality Town of Erwin
 Disposition 2018 Court-Ordered Refund

Resolution No. A-10
 Name Aldi, Inc. NY
 Parcel No. 298.00-01-034.211
 Municipality Town of Erwin
 Disposition 2019 Court-Ordered Refund

Resolution No. A-11
 Name 101 Creekside Drive LLC / Three Rivers LLC
 Parcel No. 316.11-03-006.000
 Municipality Town of Erwin
 Disposition 2016 Court-Ordered Refund

Resolution No. A-12
 Name 101 Creekside Drive LLC / Three Rivers LLC
 Parcel No. 316.11-03-006.000
 Municipality Town of Erwin
 Disposition 2017 Court-Ordered Refund

Resolution No. A-13
 Name 101 Creekside Drive LLC / Three Rivers LLC
 Parcel No. 316.11-03-006.000
 Municipality Town of Erwin
 Disposition 2018 Court-Ordered Refund

Resolution No. A-14
 Name 101 Creekside Drive LLC / Three Rivers LLC
 Parcel No. 316.11-03-006.000
 Municipality Town of Erwin
 Disposition 2019 Court-Ordered Refund

SCHEDULE "B"

Resolution No. B-1
 Name Kevin H. Ludden
 Parcel No. 158.08-01-005.111
 Municipality Village of Bath
 Disposition 2016-2019 Cancellation of Void Town & County Taxes. Certificate of Prospective Cancellation Issued.

Vote: Roll Call – Adopted. Yes – 8674; No – 0; Abstained – 597; Absent – 601
(Absent – Legislator Hanna; Abstained – Legislator Mullen due to a client relationship)

RESOLUTION NO. 072-19

Introduced by J. Hauryski.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE APRIL 22, 2019 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 18, 2019

NYS Public Service Commission – Re: Notification of being in compliance with the Public Service Law effective March 14, 2019 for the Canisteo Wind Energy LLC (Case# 16-F-0205). *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

NYS Department of Transportation – Re: Notification of grant approval for the Rural Areas Capital Master Grant Agreement (C004142MA) in the amount of \$623,024. *Referred to: Amy Dlugos, Planning Director.*

Steuben County Hunger Coalition – Re: 2018 Annual Report. *Referred to: Human Services/Health & Education Committee; Patty Barody, OFA Director; and Kathryn Muller, Commissioner of Social Services.*

March 20, 2019

NYS Board on Electric Generation Siting and the Environment – Re: Notice of procedural telephone conference for the Canisteo Wind Energy LLC Project (Case# 16-F-0205) issued March 18, 2019. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

NYS Board on Electric Generation Siting and the Environment – Re: Notice of continued evidentiary hearing for the Baron Winds, LLC project (Case# 15-F-0122) is scheduled for March 25, 2019. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

March 25, 2019

NYS Public Service Commission – Re: Ruling for the Eight Point Wind LLC (Case# 18-T-0202) issued March 22, 2019. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

March 26, 2019

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and FHFCU HQ LLC and FHFCU LOT LLC Project for Tuesday, April 9, 2019 at 10:00am 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.**

March 28, 2019

NYS Department of Environmental Conservation – Re: Public input requested for the Great Divide Unit Management Plan. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

EDF Renewables – Re: Public meeting on the Moraine Solar Energy Center Project is scheduled for Thursday, April 11, 2019 from 4:00pm-8:00pm at the American Legion Hall located at 83 Main Street, Canaseraga, NY. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

April 1, 2019

NYS Board on Electric Generation Siting and the Environment – Re: Notice of informational forums and public statements hearings for the Canisteo Wind Energy LLC Project (Case# 16-F-0205) issued March 26, 2019. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

NYS Board on Electric Generation Siting and the Environment – Re: Notice of second procedural conference for the Canisteo Wind Energy LLC Project (Case# 16-F-0205) issued March 27, 2019. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

NYS Public Service Commission – Re: Ruling adopting protective order on the Eight Point Wind, LLC project issued March 29, 2019. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

City of Hornell Industrial Development Agency – Re: Notice of public hearing regarding the City of Hornell Industrial Development Agency and PG Rockland Silk Mill, LLC Project for Tuesday, April 11, 2019 at 10:00am at the offices of the City of Hornell Industrial Development Agency, located at 40 Main Street, Hornell, New York. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

April 3, 2019

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$1,922, which represents the February 2019 surcharge revenue for Steuben County. **Referred to: Finance Committee; and Patrick Donnelly, Commissioner of Finance.**

April 5, 2019

John Clifford, Director of Western Regional Off-Track Betting Corporation – Re: Letter of resignation effective May 30, 2019. **Referred to: Filed with the Clerk of the Legislature, Brenda Mori.**

Innogy – Re: CD format on the joint application permit for the Baron Winds Project. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

April 8, 2019

Federal Aviation Administration – Re: Notification of an aeronautical study (SCN# 327263673-401649426) concerning the project located in Greenwood, NY. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

April 10, 2019

NYS Board on Electric Generation Siting and the Environment – Re: Ruling granting party status and awarding application-stage intervenor funding for the Canisteo Wind Energy LLC Project (Case# 16-F-0205) issued April 8, 2019. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

NYS Public Service Commission – Re: Notice of information forums and public statement hearings for the Canisteo Wind Energy LLC (Case# 16-F-0205) is scheduled for April 16, 2019 at the Canisteo Fire Hall located at 14 S. Main Street Canisteo, NY 14823. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

Young/Sommer LLC., Counselors at Law – Re: Notice of submission of joint permit application, including water quality certification for the Baron Winds LLC Project (Case#15-F-0122). *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

April 11, 2019

NYS Board on Electric Generation Siting and the Environment – Re: Ruling on motion for the Baron Winds LLC Project (Case# 15-F-0122) issued April 8, 2019. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 073-19

Introduced by J. Malter and S. Van Etten.

Seconded by K. Fitzpatrick.

AUTHORIZING THE STEUBEN COUNTY SHERIFF TO ACCEPT A DONATION OF A K-9 FROM THE DEVIN SNYDER MEMORIAL FUND.

WHEREAS, the Devin Snyder Memorial Fund has offered to provide all necessary funding for the purchase, training and additional living expenses for one (1) narcotics dog; and

WHEREAS, the estimated value of the K-9 and requisite training is \$8,500 and approximately \$1,000 annually for food and veterinary expenses; and

WHEREAS, the Devin Snyder Memorial Fund will provide funding on an annual basis for the life of the dog.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Sheriff be, and the same hereby is authorized to accept the donation of a narcotics dog valued at \$8,500 and to accept an annual donation in the amount of \$1,000 for food and veterinary expenses for the life of the dog; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 074-19

Introduced by C. Ferratella and S. Van Etten.

Seconded by T. Ryan.

AUTHORIZING THE ACCEPTANCE OF LIFESPAN'S ELDER ABUSE EDUCATION AND OUTREACH GRANT.

WHEREAS, Steuben County Office for the Aging has been awarded a \$7,500 New York State Office for the Aging grant that will be administered through Lifespan of Greater Rochester, Inc.; and

WHEREAS, the purpose of the grant is to heighten awareness of elder abuse.

NOW THEREFORE, BE IT

RESOLVED, that the Director of Office for the Aging is authorized to sign the grant contract; and be it further

RESOLVED, the Steuben County Commissioner of Finance is hereby authorized and directed to accept the grant funds into revenue account 42705013 and appropriate the same to expenditure accounts within the Steuben County Office of Aging for the purpose of executing the aforementioned grant; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 075-19

Introduced by G. Swackhamer.

Seconded by F. Potter.

AUTHORIZING A TIRE AMNESTY WEEK AND ESTABLISHING AN EVENT RECYCLE FEE.

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

WHEREAS, the Solid Waste Division (Division) provides an ongoing tire recycling program for the residents and businesses of Steuben County; and

WHEREAS, the established recycle fee for tires is \$2.50 per passenger vehicle tire; and

WHEREAS, residents expressed concerns that there continues to be an abundance of abandoned tires on properties located within Steuben County; and

WHEREAS, a tire amnesty event would assist with the cleanup of abandoned tires; and

WHEREAS, the Public Works Committee recommends that the Division provide one (1) week each year for a week-long tire amnesty event at the landfill and transfer stations, appropriately named "**Tire Dollar Days**"; and

WHEREAS, "**Tire Dollar Days**" is for the recycling of passenger vehicle tires only; normal posted recycle fees apply to large commercial, construction and agricultural tires; and

WHEREAS, the Public Works Committee has established the recycle fee of \$1.00 per tire for passenger vehicle tires delivered to the landfill and transfer stations.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby authorize the Commissioner of Public Works to host “Tire Dollar Days” for one (1) week each year for the recycling of passenger vehicle tires at the landfill and transfer stations and has established a \$1.00 per tire recycle fee for that one week only; and be it further

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

Vote: Roll Call – Adopted.

Mr. Weaver requested an Executive Session at the end of the meeting to discuss personnel relative to resolution number six on the agenda.

RESOLUTION NO. 076-18

Introduced by J. Malter.

Seconded by K. Fitzpatrick.

AUTHORIZING THE DIRECTOR OF EMERGENCY MANAGEMENT TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT BETWEEN STEUBEN COUNTY AND LIVINGSTON COUNTY FOR INTEROPERABLE COMMUNICATIONS.

WHEREAS, Livingston County Sheriff’s Department has implemented a new P25 Land Mobile Radio system, serving Public Safety agencies and jurisdictions within Livingston County; and

WHEREAS, Livingston County desires to implement methods for interoperability with all jurisdictions that neighbor the County including Steuben County; and

WHEREAS, in order to provide interoperability, Livingston County desires to provide interconnectivity with Steuben County through connecting of radio networks; and

WHEREAS, to implement this interoperability with Steuben County, Steuben County proposes to install control stations, programmed to operate on a Steuben County selected channel pair, from the Livingston County “County Line Road” tower site; and

WHEREAS, this Inter-Municipal Agreement will provide mutual benefit to Steuben County which has the desire to have access to the “County Line Road” tower site in order to fill voids in its current radio infrastructure; and

WHEREAS, all fees associated with the licensing will be incurred and paid by Steuben County.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature authorizes the County Director of Emergency Management to sign the Inter-municipal agreement upon approval of the same by the County Attorney; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to Timothy D. Marshall, Director of Steuben County Emergency Management; and Mr. David LeFeber, Livingston County Board of Supervisors Livingston County Government Center, 6 Court Street, Room 302, Geneseo, NY 14454.

Vote: Roll Call – Adopted.

RESOLUTION NO. 077-19

Introduced by S. Van Etten.

Seconded by K. Fitzpatrick.

AUTHORIZING THE STEUBEN COUNTY LAW DEPARTMENT TO ENTER INTO A CONTRACT WITH HARTER SECREST AND EMERY.

WHEREAS, Steuben County is entitled to a disputed portion of funds as part of what is commonly known as the Universal Settlement; and

WHEREAS, there is a dispute between Steuben County and another entity regarding the amount of the funds that each is entitled to under the Universal Settlement; and

WHEREAS, it is in the best interest of Steuben County to resolve said dispute in a manner that brings it the most financial gain possible; and

WHEREAS, the County Attorney has received a proposal for retaining legal counsel regarding the aforementioned dispute wherein \$50,000 is payable up front together with a 40% contingency with a total cap of \$200,000.

NOW THEREFORE, BE IT

RESOLVED, that the County Attorney is authorized to enter into such retainer agreement with Harter Secrest and Emery for legal representation in relation to moneys payable under the Universal Settlement; and it is further

RESOLVED, that the Commissioner of Finance is authorized to pay said \$50,000 from Judgements & Claims account 193000-5410500; and it is further

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

Mr. Potter asked what is this? Ms. Prossick replied this is relative to the Universal Settlement which was money that was awarded to the Health Care Facility. There is currently \$800,000 in a trust account and we are entitled to a portion of that. We would like to enter into a contract with **Harter Secrest and Emery** to try to resolve this issue.

Mr. Weaver asked what is our share? Ms. Prossick replied we, along with another party, are trying to obtain the highest portion. Mr. Mullen asked does Centers for Specialty Care Group have any claim to this? Ms. Prossick stated they are the other interested party.

Mr. Van Etten asked were the funds received prior to or after the sale of the Health Care Facility? That is the argument of who would get the whole part. Mr. Wheeler explained this is all part of the Medicaid recoupment. The State is returning what the facility should have received over a period of time. Every facility, whether county-owned or not was entitled to receive a recoupment. We had a change of ownership and the question is who is entitled to what portion.

Mr. Maio asked is this the going rate for a case of this nature? A 40 percent contingency seems high. Ms. Prossick replied they said they would reduce their rate, but then other items increased. In comparison, it was to our benefit to do the 40 percent contingency. There is a cap of \$200,000.

Mr. Mullen commented it seems like there is a lot of room to settle that with Centers. Mr. Wheeler replied we have had conversations with them over the last two years to no avail.

Vote: Roll Call – Adopted.

RESOLUTION NO. 078-19

Introduced by R. Lattimer.

Seconded by S. Maio.

ADOPTING THE STEUBEN COUNTY COORDINATED PUBLIC TRANSIT – HUMAN SERVICES TRANSPORTATION PLAN 2019 UPDATE.

WHEREAS, the Steuben County Coordinated Public Transit – Human Services Transportation Plan has been prepared to comply with the regulations of the Federal Transportation Administration (FTA); and

WHEREAS, FTA programs require projects to be derived from such a locally developed and coordinated plan; and

WHEREAS, the Plan guides the funding of specific projects funded by the FTA under said programs; and

WHEREAS, the goal of the Plan is to improve transportation services for persons with disabilities, elderly people, those with low incomes, youth, and all citizens of Steuben County; and

WHEREAS, it is in the County’s interest to serve our citizens efficiently, cost effectively, and with minimal duplication of services.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby approves the Steuben County Coordinated Public Transit – Human Services Transportation Plan 2019 Update; and be it further

RESOLVED, transportation agencies operating in Steuben County may seek funding from FTA programs for local coordinated transit projects that carry out the intent of the Plan; and be it further

RESOLVED, as stated in policy in the Steuben County Administrative Code, Steuben County operates its programs and services in accordance with Title VI of the Civil Rights Act of 1964, as amended, and is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.B.; and be it further

RESOLVED, a certified copy of this resolution shall be sent to the County Planning Director and Belinda Hoad, Steuben County Mobility Manager, at the Institute for Human Services, Inc., 50 Liberty Street, Bath NY 14810-1523.

Vote: Roll Call – Adopted.

RESOLUTION NO. 079-19

Introduced by R. Lattimer.

Seconded by R. Nichols.

AUTHORIZING A PUBLIC HEARING ON LAND SUBMITTED FOR INCLUSION IN CERTIFIED AGRICULTURAL DISTRICTS DURING THE 2019 ANNUAL THIRTY-DAY PERIOD.

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

WHEREAS, the Steuben County Legislature established a required annual period from February 15th to March 17th 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 will review the matter and will submit a report to this Legislature.

NOW THEREFORE, BE IT

RESOLVED, that in accordance with Section 303-b of the Agriculture and Markets Law of the State of New York, a Public Hearing on this matter shall be held by this County Legislature on the 20th day of May 2019, at 10:00 a.m.; and be it further

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

RESOLVED, that a certified copy of this resolution shall be forwarded to the Director of the Steuben County Planning Department.

Vote: Acclamation – Adopted.

RESOLUTION NO. 080-19

Introduced by R. Lattimer.

Seconded by T. Ryan.

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

Pursuant to Section 12.20 of the Steuben County Charter and Section 7 of the Soil Conservation District Law of the State of New York.

WHEREAS, the Chairman of the Legislature, upon the recommendation of the Agriculture, Industry and Planning Committee, has recommended that **James McGlynn** of Bath, New York, be appointed as the Pomona Grange Representative to the Soil and Water Conservation District Board of Directors.

NOW THEREFORE, BE IT

RESOLVED, that **James McGlynn** of 5217 Turnpike Road, Bath, New York, be appointed as the Pomona Grange Representative to the Soil and Water Conservation District Board of Directors for a three-year term commencing January 1, 2019 and ending December 31, 2021; and be it further

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

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointee, the County Auditor and the Steuben County Soil and Water Conservation District Office, 415 West Morris Street, Bath, New York 14810.

Vote: Acclamation – Adopted.

RESOLUTION NO. 081-19

Introduced by J. Hauryski.

Seconded by R. Weaver.

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

Pursuant to Section 12.20 of the Steuben County Charter.

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

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

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

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

WHEREAS, a vacancy has occurred.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Manager, recommends the appointment of the following individuals to the Lamoka/Waneta Lakes Commission for the term specified:

Steuben County Property Owner in District
Stephen Butchko (*filling unexpired term of Dennis Carlson*)
9772 Silsbee Road
Wayne, NY 14840
Term: 01/01/17 – 12/31/20

Steuben County Property Owner in District
Nancy Gabel
9150 Carpenter Road
Hammondsport, NY 14840
Term: 01/01/19 – 12/31/22

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

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 082-19

Introduced by J. Hauryski.

Seconded by H. Lando.

FILLING VACANCIES ON THE COMMUNITY SERVICES BOARD AND SUBCOMMITTEES.

WHEREAS, a vacancy exists on a Steuben County Community Services Subcommittee; 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:

Chemical Dependency Subcommittee

TERM

- 1. Colleen Banik (*filling unexpired term of Norman McCumiskey*)
 Steuben Prevention Coalition
 8 East Morris Street
 Bath, NY 14810

01/01/17 – 12/31/20

RESOLVED, the Steuben County Legislature shall confirm the appointment of the aforesaid person to the Community Services Board Chemical Dependency Subcommittee for the term indicated; and be it further

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

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointee; Henry W. Chapman, Psy.D., Director of Community Services; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 083-19

Introduced by R. Lattimer.

Seconded by F. Potter.

OPPOSING THE GOVERNOR’S AND STATE LEGISLATURE’S PROPOSED FARMWORKERS FAIR LABOR PRACTICES ACT.

WHEREAS, the New York State Senate and Assembly are in the process of considering a bill entitled the Farmworkers Fair Labor Practices Act (S.2837/A.2750), which would extend collective bargaining rights to farm laborers, including overtime and unemployment insurance benefits; and

WHEREAS, opponents of the bill, including the New York Farm Bureau, estimate the impact to be over \$300 million to farmers in the State, increasing labor costs by over 20%; and

WHEREAS, the regulatory climate of New York State already places a significant burden upon our agriculture sector, which remains one of the primary economic engines of Steuben County; and

WHEREAS, it is estimated that over the past five years, 20% of dairy farms in New York State have closed; and

WHEREAS, the proposed legislation would only further economically disadvantage farmers at a time they can least afford.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature opposes the Farmworkers Fair Labor Practices Act (S.2837/A.2750), and urges the Governor and New York State Legislature to reject its passage; and be it further

RESOLVED, that prior to any consideration of similar legislation, that the New York State Legislature hold regional public hearings to directly receive feedback from our local farmers; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Thomas M. O'Mara, New York State Senator, 406 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 320 Legislative Office Building, Albany, NY 12248; Honorable Marjorie Byrnes, 723 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, 525 Legislative Office Building, Albany, NY 12248; Honorable Andrea Stewart-Cousins, NYS Senate Majority Leader, 907 Legislative Office Building, Albany, NY 12247; Honorable Carl Heastie, Assembly Speaker, 932 Legislative Office Building, Albany, NY 12248; Rochelle Stein, President, Inter-County Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, NY 14020; and New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207.

Mr. Nichols commented if the Governor and State Legislature pass this, it will eliminate many dairy farms in the State. This hurts others types of agriculture as well. Under this proposal, any time a farm worker works over eight hours in one day they will be paid overtime. This is devastating to agriculture. On rainy days, they may not work, but when it is sunny, workers may put in 14 – 16 hour days to make up for the time lost on rainy days. For what little they are paying agriculture today, this will be devastating. With the larger farms, you will see that they will probably go to using robots and they will no longer need the workers. Other farms will just end up going out of business or will only have family labor. This proposal is a real threat to New York State agriculture. This will be devastating to Steuben County and all agriculture within the State of New York. This is a very clear message to agriculture that New York is not the place to be. The State population is decreasing and if the State keeps doing things like this, the population will decrease even more. This is a very unfriendly business climate. At today's prices, farms cannot afford to pay for this.

Chairman Hauryski commented that agriculture is the largest industry we have in the State. This proposal will also affect the fruit and vegetable growers. This is totally unfriendly to agriculture and will devastate New York agriculture. This is very unreasonable.

Mr. Mullen stated that he read an article that was sent out by the New York State Association of Counties (NYSAC). In short, the most recent agricultural census showed that New York lost 2,100 farms. There has been a 20 percent decline in the number of dairy farms since 2012. The USDA agricultural census is done every five years. For the period 2013 – 2017, the decline in the number of farms in New York was the largest in 20 years and was three times the national average. The net average income was \$42,875 per farm, which is below the national average. Farms in New York are not in a position to take this.

Mr. Ryan stated this is on top of the already stifling regulations that are put on the farmers.

Mrs. Ferratella stated at last Friday's InterCounty meeting, they also opposed this proposal. She has heard that even the farm workers are opposed to this.

**Vote: Acclamation – Adopted. No – 451; Absent – 601
(No – Legislator Weaver; Absent – Legislator Hanna)**

Motion to adjourn Regular Session and reconvene in Executive Session pursuant to Public Officers' Law, Article 7§ 105.1.F. The Medical, Financial, Credit or Employment History of a Particular Person or Corporation, or Matters Leading to the Appointment, Employment, Promotion, Demotion, Discipline, Suspension, Dismissal or Removal of a Particular Person or Corporation made by Mr. Mullen, seconded by Mrs. Ferratella and duly carried.

Motion to adjourn Executive Session and reconvene in Regular Session made by Mr. Potter, seconded by Mr. Weaver and duly carried.

RESOLUTION NO. 084-19

Introduced by J. Malter and B. Schu.

Seconded by T. Ryan.

AUTHORIZING THE RECLASSIFICATION OF A VACANT DEPUTY SHERIFF SERGEANT POSITION, GRADE XIII TO A SENIOR CRIMINAL INVESTIGATOR POSITION, GRADE XIV WITHIN THE SHERIFF'S OFFICE.

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

WHEREAS, this Deputy Sheriff Sergeant position in the Sheriff's Office performs basic Law Enforcement work;
and

WHEREAS, this Deputy Sheriff Sergeant position is vacant in the Sheriff's Office; and

WHEREAS, a Senior Criminal Investigator position is more appropriate for the needs of the Sheriff's Office; and

WHEREAS, the Personnel Officer, the Public Safety Committee and Administration Committee have reviewed said position within the Sheriff's Office 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 Sheriff's Office is hereby reclassified as follows:

One (1) Deputy Sheriff Sergeant Position, Grade XIII (\$66,586 annually) to
One (1) Senior Criminal Investigator Position, Grade XIV (\$69,707 annually).

AND BE IT FURTHER RESOLVED, that the 2019 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 Sheriff.

Vote: Roll Call – Adopted.

RESOLUTION NO. 085-19

Introduced by J. Hauryski.

Seconded by S. Van Etten.

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

Pursuant to Steuben County Charter Section 2.07(12) and Administrative Code Part IX (C) (2).

WHEREAS, a disciplinary matter was commenced against an employee in the Sheriff's Office; and

WHEREAS, the parties are desirous of settling the matter and such settlement is determined to be in the best interests of the County; and

WHEREAS, it is determined that the matter is properly payable through the Judgments and Claims account to the extent such account is not subject to the provisions of General Municipal Law §6-n.

NOW THEREFORE, BE IT

RESOLVED, that the County does hereby approve and ratify the Stipulation of Settlement and General Release executed by the Sheriff on April 12, 2019 requiring the payment of \$110,000.00 on the part of the County; and be it further

RESOLVED, that the Commissioner of Finance is authorized and directed to make a payment of \$110,000.00 from Judgements and Claims account 193000-5410500.

AND BE IT FURTHER RESOLVED, that the Commissioner of Finance is authorized and directed to pay the sum of \$110,000.00 to Clark Zimmerman, Attorney for the claimant; and be it further

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

Vote: Roll Call – Adopted.

Motion to adjourn made by Mr. Mullen, seconded by Mr. Potter and duly carried.