

REGULAR MEETING
Morning Session
Monday, February 27, 2017
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, in Bath, NY on Monday, the 27th day of February, 2017, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members present except Legislators Farrand, Hanna and Nichols.

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

Chairman Hauryski asked Joan Sutfin to come forward. Ms. Sutfin is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 25 years of service to Steuben County.

Chairman Hauryski asked Lori Longwell to come forward. Ms. Longwell is an employee in the Department of Social Services. He presented with her a Certificate of Appreciation and a clock in recognition of her retirement following 36 years of service to Steuben County.

Chairman Hauryski opened the floor for comments by the public.

Wayne Wells, Cameron spoke about his views on religion in government.

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

Mr. Swackhamer stated that he would like to thank everyone for their concern about his wife, Phyllis and they appreciate all the prayers and cards.

RESOLUTION NO. 028-17

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 be it further

RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Director of the Steuben County Real Property Tax Service Agency and the Steuben County Commissioner of Finance, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors of the appropriate municipality.

SCHEDULE "A"

Resolution No. A-1
 Name Joanne M. Tahirak
 Parcel No. 426.00-01-019.100
 Municipality Town of Caton
 Disposition Parcel Split

Resolution No. A-2
 Name Glenda S. Hoffman, Frances I. Hoffman
 Parcel No. 153.00-01-033.120
 Municipality Town of Howard
 Disposition Parcel Split

Resolution No. A-3
 Name Raymond H. Learn
 Parcel No. 311.00-01-044.200
 Municipality Town of Rathbone
 Disposition 2017 Correction of Error

Resolution No. A-4
 Name Alan and Margaret Skillman
 Parcel No. 047.00-01-023.000
 Municipality Town of Prattsburgh
 Disposition Parcel Split

Resolution No. A-5
 Name Christine L. Cole
 Parcel No. 311.00-01-044.100
 Municipality Town of Rathbone
 Disposition 2016 Refund / Error

Resolution No. A-6
 Name Christine L. Cole
 Parcel No. 311.00-01-044.100
 Municipality Town of Rathbone
 Disposition 2017 Correction of Error

Resolution No. A-7
 Name Timothy Scott
 Parcel No. 427.00-01-011.100
 Municipality Town of Caton
 Disposition 2017 Correction of Error

Resolution No. A-8
 Name Learn Family Trust
 Parcel No. 311.00-01-044.300
 Municipality Town of Rathbone
 Disposition 2015 Refund / Error

Resolution No. A-9
 Name Learn Family Trust
 Parcel No. 311.00-01-044.300
 Municipality Town of Rathbone
 Disposition 2016 Refund / Error

Resolution No. A-10
 Name Learn Family Trust
 Parcel No. 311.00-01-044.300
 Municipality Town of Rathbone
 Disposition 2017 Correction of Error

Resolution No. A-11
 Name Raymond H. Learn
 Parcel No. 311.00-01-044.200
 Municipality Town of Rathbone
 Disposition 2015 Refund / Error

Resolution No. A-12
 Name Raymond H. Learn
 Parcel No. 311.00-01-044.200
 Municipality Town of Rathbone
 Disposition 2016 Refund / Error

Resolution No. A-13
 Name Mary Ellen Ellis
 Parcel No. 092.00-01-025.120
 Municipality Town of Wayne
 Disposition 2017 Court Ordered Correction

Resolution No. A-14
 Name Gregory Bovee and Donna Stage
 Parcel No. 332.17-02-034.000
 Municipality Village of Addison
 Disposition 2017 Correction of Error

Resolution No. A-15
 Name David and Kenneth Young
 Parcel No. 024.00-01-038.110
 Municipality Town of Pulteney
 Disposition Parcel Split

Resolution No. A-16
 Name Wayne O. Hoffman, et.al.
 Parcel No. 153.00-01-038.000
 Municipality Town of Howard
 Disposition Parcel Split

Resolution No. A-17
Name Keith Hoffman
Parcel No. 153.00-01-033.110
Municipality Town of Howard
Disposition Parcel Split

Resolution No. A-18
Name William H. Ellsworth
Parcel No. 263.00-01-016.000
Municipality Town of Hornby
Disposition 2016 Correction of Error

Resolution No. A-19
Name William H. Ellsworth
Parcel No. 263.00-01-016.000
Municipality Town of Hornby
Disposition 2017 Correction of Error

Vote: Roll Call – Adopted.

RESOLUTION NO. 029-17

Introduced by J. Hauryski.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE FEBRUARY 27, 2017 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY MANAGER'S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and referred to the appropriate Standing Committee and/or Department Head for information and/or action, to wit:

January 12, 2017

Cohocton Public Library – Re: Thank you letter for the County's continued support for public libraries. *Referred to: A.I.P. Committee; Finance Committee; and Jack Wheeler, County Manager.*

January 13, 2017

Joseph Pelych – Re: Request for assistance with the Assigned Counsel Program office expenses. *Referred to: Jack Wheeler, County Manager.*

January 17, 2017

NYS Governor's Traffic Safety Committee – Re: Approval of the 2017 DWI Plan. *Referred to: Public Safety & Corrections Committee; and Sheriff Allard.*

January 25, 2017

New York Site Board on Electric Generation Siting and the Environment – Re: Eight Point Wind, LLC ruling on intervenor funding request. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning*

January 26, 2017

NYS Office for the Aging – Re: Notification of Grant Award (NGA) for the 2017 federal fiscal year (FFY 2017) Nutrition Services Incentive Program (NSIP). *Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.*

Harris Beach, PLLC, Attorneys at Law – Re: Steuben Tobacco Asset Securitization Corporation annual meeting and accountability materials. *Referred to: Jack Wheeler, County Manager; Alan Reed, County Attorney; Patrick Donnelly, Commissioner of Finance; and Brenda Mori, Clerk of the Legislature.*

January 30, 2017

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

CSEA Employee Benefit Fund – Re: 2016 CSEA Employee Benefit Fund Annual Report. *Referred to: Filed with Clerk of the Legislature, Brenda Mori.*

February 1, 2017

NYS Office of the State Comptroller – Re: Notification of Steuben County being selected for an audit on the County Landfill. *Referred to: Public Works Committee; Vincent Spagnoletti, Commissioner of Public Works; Patrick Donnelly, Commissioner of Finance; Jack Wheeler, County Manager; and Brenda Mori, Clerk of the Legislature.*

February 3, 2017

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$2377, which represents the December 2016 retained surcharge revenues for Steuben County. *Referred to: Finance Committee; and Patrick Donnelly, Commissioner of Finance.*

February 6, 2017

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

February 8, 2017

Southern Tier Central Regional Planning & Development Board – Re: Request for Steuben County to help sponsor the Regional Leadership Conference scheduled on April 6, 2017 at Corning Community College in the amount of \$1,000. *Referred to: Joseph Hauryski, Steuben County Legislature Chairman.*

New York Site Board on Electric Generation Siting and the Environment – Re: Eight Point Wind, LLC ruling on intervenor funding request issued February 3, 2017. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

February 9, 2017

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and the Gunlocke Company for Wednesday, February 22, 2017 at 10:00am at the Town of Wayland Courthouse, 17 North Main Street, Wayland, New York. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

February 10, 2017

New York State Office of the State Comptroller – Re: Notification of terminating the Steuben County Landfill audit covering the period beginning January 1, 2016. *Referred to: Steuben County Legislature; Public Works Committee; Vincent Spagnoletti, Commissioner of Public Works; Jack Wheeler, County Manager; and Brenda Mori, Clerk of the Legislature.*

February 13, 2017

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

NYS Homes and Community Renewal – Re: Correspondence letter on the response to the monitoring of the New York State Community Development Block Grant Project #1115HR3-13. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 030-17

Introduced by S. Van Etten.

Seconded by H. Lando.

PRESENTING LOCAL LAW TENTATIVELY NO. ONE (1) FOR THE YEAR 2017, AUTHORIZING A PARTIAL EXEMPTION FROM TAXATION BY THE COUNTY OF STEUBEN FOR CERTAIN QUALIFYING MIXED USE REAL PROPERTY IN THE CITY OF CORNING PURSUANT TO NEW YORK STATE REAL PROPERTY TAX LAW SECTION 485-N.

WHEREAS, the State of New York has adopted Section 485-N of the Real Property Tax Law; and

WHEREAS, Section 485-N of the Real Property Tax Law authorizes Counties to provide tax abatements for development and redevelopment of mixed use properties that are converted, created, modernized and rehabilitated and which are contained within a designated area; and

WHEREAS, Section 485-N of the Real Property Tax Law allows for abatements from taxes of the new improvements for a period of time; and

WHEREAS, the City of Corning has provided such targeted tax abatements to assist in revitalizing the City of Corning and spur economic activity to properties in the designated area and identified in Appendix “A” annexed hereto; and

WHEREAS, the County of Steuben believes it to be for the best interest of the City of Corning and its’ residents to provide such exemption to the properties identified in Appendix “A” annexed hereto.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. One (1) for the Year 2017, authorizing a partial exemption from taxation by the County of Steuben for certain qualifying mixed-use real property in the City of Corning pursuant to New York State Real Property Tax Law Section 485-N.

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

A Local Law, Authorizing an exemption from taxation by the County of Steuben for certain qualifying mixed use property in the City of Corning pursuant to New York State Real Property Tax Law Section 485-N.

SECTION 1: LEGISLATIVE AUTHORITY

This Local Law is enacted pursuant to the authority conferred by New York State Real Property Tax Law Section 485-N.

SECTION 2: DEFINITIONS

As used in this Local Law, the following terms shall have the following meanings:

- (a) "Applicant" means any person obligated to pay real property taxes on real property for which an exemption from taxes under this section is sought.
- (b) "Benefit area" means the areas within the municipality to which an exemption applies pursuant to Local Laws previously adopted by such municipality specifically identified in Appendix “A”.

- (c) "Mixed-use property" means real property on which will exist, after completion of residential construction work or a combination of residential construction work and commercial construction work, a building or structure used for both residential and commercial purposes.
- (d) "Municipality" means the City of Corning located within Steuben County.
- (e) "Construction" work means the modernization, rehabilitation, expansion or other improvement of the portion of Mixed-use property.

SECTION 3: REAL PROPERTY TAX EXEMPTIONS

- (a) Mixed-use property that was converted, created, modernized, rehabilitated, expanded or otherwise improved, and which is located within the benefit areas designated by the municipality, shall be exempt from taxation and special ad valorem levies as provided hereinafter.
- (b) (i) For a period of twelve years following the approval of an application as hereinafter provided, the increase in assessed value of such property attributable to a conversion, creation, modernization, rehabilitation, expansion or other improvement shall be exempt as provided in subparagraph (b)(ii) of this section. Such exemption shall be computed with respect to the "exemption base." The exemption base shall be determined for each year in which there is an increase in assessed value so attributable from that of the previous year's assessed value.
- (ii) The tax exemption shall be computed as follows:

Year of exemption	Percentage of exemption
1 through 8	100% of exemption base
9	80% of exemption base
10	60% of exemption base
11	40% of exemption base
12	20% of exemption base

- (c) No such exemption shall be granted unless:
 - (i) Such conversion, creation, modernization, rehabilitation, expansion or other improvement was commenced subsequent to the date of the effective date of this local law; and
 - (ii) The cost of such conversion, creation, modernization, rehabilitation, expansion or other improvement exceeds the sum of ten thousand dollars (\$10,000.00) or such greater amount as may be specified by local law.
- (d) For the purposes of this section the term "conversion, creation, modernization, rehabilitation, expansion or other improvement" shall not include ordinary maintenance and repairs.
- (e) No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to the real property, except, where during the period of a previous exemption, payments in lieu of taxes or other payments were made to the municipalities in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section. In such case, an exemption shall be granted for a number of years equal to the twelve year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

SECTION 4: APPLICATION FOR EXEMPTION

- (a) The exemption provided for herein shall be granted only upon application by the owner of real property on a form prescribed by the Commissioner of the New York State Department of Taxation and Finance. Such application shall be filed with the Municipality's assessor on or before the appropriate taxable status dates of the municipality
- (b) If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this local law, he or she shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies as provided herein commencing with the assessment roll prepared after the taxable status date occurring after the granting of the application.

(c) The assessed value of any exemption granted hereunder shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

SECTION 5: EFFECTIVE DATE

This local law shall be effective immediately upon filing thereof with the Secretary of State.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on March 27, 2017 at 10:00 A.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature shall cause a notice of said Public Hearing to be posted at the Courthouses in the municipalities of Bath, Corning and Hornell, have said notice published for one insertion in the two official newspapers of the County, and shall cause such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with proof of posting and publication to 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 the County Manager, District Attorney, Personnel Officer, County Attorney and the Commissioner of Finance.

APPENDIX A

<u>Street Address</u>	<u>Tax Map Number</u>
343 W. Pulteney St.	299.19-03-011.000
207 West Pulteney St.	299.19-04-032.000
47 W. Pulteney St.	299.20-02-021.000
123 Baker St.	299.20-05-015.100
154 Wardell St.	299.15-01-072.000
375 Woodview Ave.	318.10-01-030.000
78 W. Second St.	317.52-01-055.000
138 Pine St.	318.09-02-033.000
143 Pine St.	317.12-02-018.000

Vote: Acclamation – Adopted.

RESOLUTION NO. 031-17

Introduced by R. Lattimer.

Seconded by C. Ferratella.

ADOPTING THE STEUBEN COUNTY COORDINATED PUBLIC TRANSIT – HUMAN SERVICES TRANSPORTATION PLAN 2017 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 interests 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 2017 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 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. 032-17

Introduced by S. Van Etten.

Seconded by B. Schu.

APPROPRIATING LOCAL REVENUE TO THE CAPITAL PROJECT FOR THE SENECA STREET BRIDGE.

WHEREAS, Steuben County Department of Public Works has established a capital project called “Seneca Street Bridge” account 5120HD; and

WHEREAS, the use of this capital project is to be used in the replacement of the Seneca Street Bridge; and

WHEREAS, the City of Hornell, Village of North Hornell and Town of Hornellsville contributed towards the local share to the capital project in the amount of \$48,016.00; and

WHEREAS, the Capital Project funds generated interest for the capital project in the amount of \$162.86; and

WHEREAS, the Finance Committee has approved the use of said funds for inclusion with the Seneca Street Bridge Capital Project.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Finance appropriate \$48,178.86 of Local Revenue funds within the Seneca Street Bridge Capital Project account 5120HD and appropriate the same to the project expenditure account; and be it further

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

Mr. Weaver asked is this a bridge that we already did? Mr. Spagnoletti replied yes, this bridge was done last year. This resolution and the next are for the bookkeeping.

Vote: Roll Call – Adopted.

RESOLUTION NO. 033-17

Introduced by S. Van Etten.

Seconded by Ms. Fitzpatrick.

AUTHORIZING THE CLOSING OF ONE (1) COMPLETED CAPITAL PROJECT ACCOUNT AND TRANSFERRING THE REMAINING FUNDS TO FUTURE BRIDGE PROJECTS.

WHEREAS, the Seneca Street Bridge Project has been completed and has a remaining balance; and

WHEREAS, it would be desirable to transfer the net balance from this project to the "Future Bridge Capital Projects" account 5120H0 45031900.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature, duly convened does hereby close the Seneca Street Bridge Capital Project account (5120HD);

AND BE IT FURTHER RESOLVED, that the remaining balance of \$60,598.97 from the Seneca Street Bridge Project, is hereby transferred to the "Future Bridge Capital Projects":

From: 5120HD 45031900	\$60,598.97
To: 5120H0 45031900	\$60,598.97

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 034-17

Introduced by S. Van Etten.

Seconded by H. Lando.

REQUESTING LEGISLATION FOR AN EXTENSION AUTHORIZING AN ADDITIONAL ONE PERCENT SALES TAX FOR STEUBEN COUNTY.

Pursuant to Section 40 of the Municipal Home Rule Law.

WHEREAS, an increase in the rate of the Steuben County Sales and Use Tax from 3 percent to 4 percent for the period beginning December 1, 1992 through November 30, 2017 has heretofore been adopted; and

WHEREAS, it is necessary and desirable to avoid a disproportionate increase of the tax burden on real property owners; and

WHEREAS, the New York State Legislature could authorize the Steuben County Legislature to impose an additional one percent sales tax in order to equitably spread the need for additional revenues; and

WHEREAS, a necessity exists for the passage of such Legislation by the New York State Legislature.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby requests the New York State Legislature to adopt special legislation authorizing the Steuben County Legislature to establish an additional one percent sales tax for the period commencing December 1, 2017 through November 30, 2019; and be it further

RESOLVED, from said additional revenues for the period December 1, 2017 through November 30, 2019 the County of Steuben shall pay or cause to be paid to the City of Hornell the sum of \$780,000.00 to the City of Corning the sum of \$780,000.00, and in addition the sum of \$750,000.00 to the towns and villages of the County of Steuben, based on their respective equalized full value; and be it further

RESOLVED, 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 John J. Flanagan, NYS Senate Republican Conference Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Jeffrey Klein, NYS Senate Independent Conference Leader, 913 Legislative Office Building, Albany, NY 12247; Honorable Andrea Stewart-Cousins, Minority Leader, New York State Senate, 907 Legislative Office Building, Albany, NY 12247; Honorable Carl E. Heastie, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Joseph D. Morelle, Majority Leader, New York State Assembly, 926 Legislative Office Building, Albany, NY 12248; Honorable Brian M. Kolb, Minority Leader, New York State Assembly, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 848 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 320 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 439 Legislative Office Building, Albany, NY 12248; Honorable Joseph A. Errigo, New York State Assemblyman, 527 Legislative Office Building, Albany, NY 12248; and Bruce Kastor, Esq., New York State Department of Taxation and Finance, W.A. Harriman Campus, Bldg. 9, Room 100, Albany, NY 12227-0125.

Mr. Mullen asked why is the information for the cities included? Mr. Wheeler replied that information needs to be included on the State bill and we need the cities agreement.

Mr. Mullen asked what is the purpose of the sales tax agreement? Mr. Wheeler replied that is for the 3 percent. The additional 1 percent is authorized every two years and that cannot be included on the sales tax agreement.

Ms. Fitzpatrick asked what was the increase to the cities? Are we not required to share with the towns and villages? Mr. Wheeler replied the cities saw a \$15,000 increase from \$769,000 from the previous two years to \$780,000 for the next two years. We are not required to share any with the towns and villages; however, historically we have.

Vote; Roll Call – Adopted.

RESOLUTION NO. 035-17

Introduced by G. Swackhamer.

Seconded by G. Roush.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO WITHDRAW THE AGREEMENT WITH THE TOWNS OF CAMERON, JASPER, TUSCARORA AND WOODHULL FOR THE USE OF A GRAVEL CRUSHER AND SCREEN.

WHEREAS, in 2007 the County entered into an Inter-governmental Agreement (IMA) with the Towns of Cameron, Jasper, Tuscarora, and Woodhull, collectively referred to as the (Towns), to jointly own, operate and maintain a gravel crusher and screen; and

WHEREAS, the IMA established a Trust and Agency (TA) account, 20865133, for machine maintenance to be managed by the County Finance Department; and

WHEREAS, it is has been determined by the County that due to the increased age of the machine and increased maintenance costs it is no longer beneficial for the County to be a party to the IMA with the Towns; and

WHEREAS, the Commissioner of Public Works has meet with the representatives of the Towns and has expressed his desire to withdraw from the IMA; and

WHEREAS, the Towns are in agreement with the County's decision to withdraw from the IMA and have the balance of TA 2085133 transferred to the Town that is designated as lead agency for the remaining parties; and

WHEREAS, it is the County's intent to withdraw from the Intergovernmental Cooperation Agreement for the gravel crusher and screen with the Towns of Cameron, Jasper, Tuscarora, and Woodhull.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is hereby authorized and directed to sever the County's interest in the joint ownership of the gravel crusher and screen with the Towns; and be it further

RESOLVED, the Director of Finance or his designee is authorized and directed to transfer the balance of TA20865133 to the Town that is designated lead agency for the remaining parties; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works; Director of Finance; Risk Manager and the Town Supervisors for the following Towns; Town of Cameron, PO Box 1932, Cameron, NY 14819; Town of Jasper, Drawer 10, Jasper, NY 14855; Town of Tuscarora, 1094 Gill Road, Addison, NY 14801; and Town of Woodhull, 1585 Academy Road, Woodhull, NY 14898.

Mr. Mullen commented the he is confused as to what is going on with this. On the one hand, the minutes reference that we are giving the crusher and money for maintenance, yet on the other hand, there are concerns about continuing to use the crusher. Are the towns continuing to use the crusher? He stated his concern is if they are selling the crusher and keeping the money, then this needs to be structured differently. Mr. Wheeler stated the intention is that the other towns will continue to use and maintain the crusher. The compromise is to let our bid for gravel so the towns can piggyback on it if they wish.

Mr. Spagnoletti stated we met with the towns last fall and told them we were considering withdrawing from the agreement. Every year each municipality has put money into a fund for the repair and maintenance of the machine. As part of the agreement, the money in that fund stays in the fund for the operation and maintenance of the crusher. Even though we are withdrawing, Jerry Miller and John

Eggleston will still be available to assist the towns. The towns understand what we want to do. The crusher is old and we can do the work for far less cost if we rent a new crusher.

Mr. Mullen asked are the towns planning to continue operating the crusher? Mr. Spagnoletti replied yes, they will continue to use it this year. He doesn't know how much longer they will continue to use it. We will rent a machine and subcontract it, and will include the towns in those bids if they would like to do that instead.

Vote: Roll Call – Adopted. Yes – 7454; No – 597; Absent – 1821.

RESOLUTION NO. 036-17

Introduced by J. Hauryski.

Seconded by J. Malter.

PRESENTATION OF NAMES OF PERSONS SELECTED FOR INDUCTION INTO THE STEUBEN COUNTY HALL OF FAME AND CONFIRMATION BY THE STEUBEN COUNTY LEGISLATURE.

WHEREAS, the Steuben County Legislature sponsors a Steuben County Hall of Fame through its Steuben County Hall of Fame Committee for the purpose of honoring those persons who have enhanced the County of Steuben and presenting an opportunity for the public to learn more about these persons; and

WHEREAS, said Steuben County Hall of Fame Committee has solicited nominations from citizens of Steuben County for the induction of three (3) persons into the Hall of Fame, selected this year; and

WHEREAS, nominations were allowed to be made by anyone; there were no limits on the number of nominations; the nominees could be living or dead; male or female; could have been born elsewhere as long as they enhanced the name of Steuben County; may have helped developed the County; may have been Steuben County natives who gained fame elsewhere, or those who should especially be remembered; and

WHEREAS, the Steuben County Hall of Fame Committee is authorized to be comprised of seven (7) persons representative of the people of Steuben County, has reviewed the nominations submitted and has recommended the names of three (3) persons to be inducted into said Hall of Fame this year.

NOW THEREFORE, BE IT

RESOLVED, that this Steuben County Legislature does hereby receive, approve, ratify, and confirm the selection and recommendation of the Steuben County Hall of Fame Committee for honoring and inducting into the Steuben County Hall of Fame the following named persons:

1. **Betty and Patrick Monahan** – Patrick Monahan was born November 10, 1920 in Brooklyn, New York. He moved to Bath, New York following his honorable discharge from the U.S. Army after serving during World War II. During his tour of duty, he was assigned to the amphibious force attached to the U.S. Navy Atlantic Fleet. He was wounded twice and received numerous medals, including the Purple Heart. Both Patrick and Betty were active volunteers; she volunteering for 42 years, and he for 60 years at the Bath VA Hospital. Mr. Monahan was a member of the Disabled American Veterans from 1945 – 2011 and served as local commander from 1948 – 1985. He created the VA Wall of Fame, which was the first of its kind in the entire national Veterans Affairs system. Qualifications for induction are 10 years and 10,000 hours of community service. Among numerous recognitions, Mr. Monahan was inducted into the Bath VA Wall of Fame for his more than 22,000 hours of voluntary service. His wife, Betty also was recognized by the New York State Department of Veterans Administration Voluntary Services for her 10,000 hours of volunteerism and was posthumously inducted into the Bath VA Wall of Fame for her 42 years of service to the Bath VA. Patrick and Betty both received the James H. Park Achievement Award for their 20,000 hours of voluntary service with Veterans Affairs. Additionally, they both also received a Certificate of Merit from Senator John R. Kuhl, Jr. for their years of volunteer

service. In 2002, Mr. Monahan was honored as the Outstanding Disabled Veterans of the Year by the Veterans Administration Voluntary Services. In 2012, he was recognized as a “Hometown Hero” in Bath for his service during World War II. In 2009 the Jefferson Award Selection Committee recognized Mr. Monahan for his leadership efforts with senior citizens in Steuben County.

2. **Roy W. Robinson, M.D.** – Roy W. Robinson, M.D., affectionately known as Doc Robinson, was a family physician in Wayland, New York. He graduated from Hornell High School at the age of 15. He attended the University of Buffalo before being accepted into the University of Buffalo Medical School where he graduated on June 7, 1950. Following graduation, he married Marilyn Pfaff before beginning his internship at Millard Fillmore Hospital in Buffalo. Following his internship, he served two years in the U.S. Air Force based in Newfoundland. Upon his discharge from the Air Force in 1953, Doc Robinson came to Wayland to set up his private practice. Doc Robinson’s medical career spanned 42 years during which time he delivered 2,258 babies. He officially retired in 1995, but continued to make house calls until 2005. Not only was he dedicated to his medical practice, he also believed in service to his community. He served as Steuben County Coroner from 1957 until 1969. He served as Health Officer for the Town and Village of Wayland for 25 years. He served as the Wayland Central School Health Officer for 35 years, and upon his retirement from that position, received a letter of thanks and congratulations for his years of service from Governor George Pataki. He was an active member of the Wayland Rotary Club from 1954 until 2009 and received the Paul Harris Award in recognition of his life spent in “Service Above Self”. Doc Robinson was involved with the Boy Scouts for many years and in 1994 received the Thunderbird District “Good Scout” Award. In 2008, he received the “History Maker’s Award” from the Wayland Library where he served as a member of the Board of Directors.

3. **Hannah Simpson Spencer** – Hannah Simpson Spencer was the daughter of Hernando C. Simpson and Charlotte Kinney. She married Adoniram Judson Spencer and they had six children. Mrs. Spencer was one of the first women to graduate Alfred University in 1864. She earned a license to practice medicine from the NYS Eye and Ear Infirmary and later opened a sanatorium in Jasper using electricity, baths and rest. Mrs. Spencer was the President of the Jasper Women Christian Temperance Union for 20 years and was also a member of the Woman’s Missionary Society of the Canisteo River Baptist Association for 28 years.

BE IT FURTHER RESOLVED, the Agriculture, Industry and Planning Committee and the County Historian, for and on behalf of the Steuben County Legislature, shall take all necessary steps and ceremony to appropriately enroll and enshrine the names of the inductees into the Steuben County Hall of Fame; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Historian and to any other persons as may be directed by the County Historian.

Vote: Roll Call – Adopted.

RESOLUTION NO. 037-17

Introduced by A. Mullen.

Seconded by G. Roush.

MEMORIALIZING THE GOVERNOR AND THE NEW YORK STATE LEGISLATURE IN SUPPORT OF THE JUSTICE EQUALITY ACT, BILL NO. A.1903

WHEREAS, the United States Supreme Court held in Gideon v. Wainwright that the right to counsel for one charged with a crime is fundamental and that it is the State's responsibility to supply counsel for those unable to afford them; and

WHEREAS, in 1965 the State of New York delegated this State responsibility to the Counties; and

WHEREAS, the decision to entrench responsibility at the County level in the State of New York has resulted in a system by which the County and local property taxpayers are burdened with the vast majority of the cost of this State responsibility; and

WHEREAS, the shift of costs for this State mandated service has become so imbalanced that the Counties of New York now cover more than 80% of the cost burden; and

WHEREAS, in 2006 the Kaye Commission on the Future of Indigent Defense Services declared that the New York State System of County-Delivered Indigent Services is in crisis and urged the expeditious establishment of an Independent Public Defense Commission; and

WHEREAS, the State of New York and multiple Counties were Defendants, and entered into a settlement, in the matter of Hurrell-Harring, et al. v. State of New York, a systemic lawsuit similar to many that have been successful across the country seeking to transform the Indigent Legal Defense System; and

WHEREAS, under this settlement, the State has assumed the costs of alterations to the Indigent Legal Defense System in the five named Counties, while failing to develop a plan of financial support for the remaining 52 Counties that may soon be required to comply with enhanced standards; and

WHEREAS, New York State Senate and Assembly members passed a bipartisan bill (A.10706/S.8114) which would require the State, not the Counties, to incrementally take over payment for such service; and

WHEREAS, Governor Cuomo vetoed this Bill on December 31, 2016; and

WHEREAS this Bill has been reintroduced in the Assembly as A.1903; and

WHEREAS, this systematic change provided by this Bill would directly lead to improvements to this vital service for residents in need, and provide meaningful fiscal mandate relief for Counties and property taxpayers.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature calls upon the Governor and New York State Legislature to create a 100 percent State-funded Indigent Legal Defense System and relieve the Counties of the burden imposed upon them since 1965; and be it further

RESOLVED, that the Steuben County Legislature calls upon the Governor and New York State Legislature to support The Justice Equality Act (Bill No A.1903) and enact this legislation; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized and directed to forward certified copies of this resolution to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable John J. Flanagan, Senate Majority Leader, 330 State Capitol Building, Albany, NY 12247; Honorable Jeffrey Klein, NYS Senate Coalition Co-Leader, 913 Legislative Office Building, Albany, NY 12247; Honorable Andrea Stewart-Cousins, Minority Leader, New York State Senate, 907 Legislative Office Building, Albany, NY 12247; Honorable Carl Heastie, Speaker, New York State Assembly, 522 Legislative Office Building, Albany, NY 12248; Honorable Joseph D. Morelle, Majority Leader, New York State Assembly, 926 Legislative Office Building, Albany, NY 12248; Honorable Brian M. Kolb, Minority Leader, New York State Assembly, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 415 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 723 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 439 Legislative Office Building, Albany, NY 12248; Honorable Joseph A. Errigo, New York State Assemblyman, 527 Legislative Office Building, Albany, NY 12248.

Vote: Acclamation – Adopted. (Legislator Mullen Opposed)

RESOLUTION NO. 038-17

Introduced by R. Lattimer.

Seconded by K. Fitzpatrick.

**MEMORIALIZING CONGRESSIONAL REPRESENTATIVES IN SUPPORT OF MINTING
COMMEMORATIVE COINS IN HONOR OF GLENN H. CURTISS.**

WHEREAS, local residents have championed an effort to have the United States Mint create commemorative coins in honor of Glenn H. Curtiss; and

WHEREAS, the United States Mint has a history of minting commemorative coins in honor of individuals who have been influential in technological innovation and industrial leadership; and

WHEREAS, Glenn H. Curtiss was a pioneer in the design and manufacturing of motorcycles and airplanes, earning the moniker as the “Father of Naval Aviation”; and

WHEREAS, the contributions of Glenn H. Curtiss provided tremendous benefit and advancement in society and his recognition is well-deserved.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature does hereby support the effort to have the United States Mint create commemorative coins in honor of Glenn H. Curtiss; and be it further

RESOLVED, that the Steuben County Legislature requests that Representative Tom Reed, Senator Charles Schumer, and Senator Kirsten Gillibrand support and endorse this effort; and be it further,

RESOLVED, that certified copies of this resolution shall be sent to Honorable Tom Reed, 89 West Market Street, Corning, NY 14830; Honorable Charles E. Schumer, 15 Henry Street, Room 100 A-F, Binghamton, NY 13901; Honorable Kirsten Gillibrand, Kenneth B. Keating Federal Office Building, 100 State Street, Room 4195, Rochester, NY 14614.

Mr. Weaver asked once they mint a coin, what will happen? Mr. Wheeler explained a portion of any proceeds from the sale of the coin will go back to the Curtiss Museum.

Vote: Acclamation – Adopted.

RESOLUTION NO. 039-17

Introduced by B. Schu.

Seconded by G. Swackhamer.

**MEMORIALIZING THE GOVERNOR AND THE NEW YORK STATE LEGISLATURE TO
INCREASE THE SHARE OF REVENUE COUNTIES RETAIN FOR PROVIDING STATE DMV
SERVICES.**

WHEREAS, 51 of the 62 New York counties are mandated by the State to operate a local Department of Motor Vehicles (DMV) Office; and

WHEREAS, this local DMV operation is one of many examples of shared services that counties provide for the state; and

WHEREAS, under current law, the Steuben County Clerk pays 87.3% of the fees collected from work performed by the County operated DMV to the State; and

WHEREAS, the remaining 12.7% county share has not been increased since 1999, yet the amount of work required by the local DMV offices has increased in that same time period; and

WHEREAS, local DMV offices process many no fee transactions on behalf of the State and provide numerous customer services; and

WHEREAS, the Governor and State Legislature have repeatedly stated that lowering property tax burden on local residents is a key priority; and

WHEREAS, increasing the county DMV revenue sharing rate will provide counties with needed revenue to continue to provide necessary local government services and reduce pressure on property taxes without increasing costs or fees to local residents; and

WHEREAS, there is a clear inequity present when a county DMV provides all the services, including overhead and staffing needs, to fulfill these DMV services needed for state residents, yet the State takes 87.3% of the revenue generated from providing these services; and

WHEREAS, the New York State Association of County Clerks (NYSACC) strongly supports Senate Bill S1908 (Ritchie)/Assembly Bill A3397 (Brindisi) which would increase the DMV revenue to counties and provide a more equitable share in order to run DMV offices and help offset county property taxes.

NOW, THEREFORE, BE IT RESOLVED that the Steuben County Legislature supports New York State Senate Bill S1908 and New York State Assembly Bill A3397, which would increase the counties' share of Department of Motor Vehicles (DMV) Revenue to provide a more equitable share for counties and to urge the NYS Senate and Assembly to approve Senate Bill S1908 and Assembly Bill A3397; and

BE IT FURTHER RESOLVED that the Clerk of the Legislature forward copies of this resolution to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; the Steven J. Acquario, Executive Director, New York State Association of Counties, 540 Broadway #5, Albany, NY 12207; Honorable Thomas M. O'Mara, New York State Senator, 415 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 723 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 439 Legislative Office Building, Albany, NY 12248; Honorable Joseph A. Errigo, New York State Assemblyman, 527 Legislative Office Building, Albany, NY 12248; Honorable Anthony Brindisi, New York State Assemblyman, 538 Legislative Office Building, Albany, NY 12248; and all counties in New York State encouraging them to enact similar resolutions.

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 made by Mrs. Lando, seconded by Mrs. Ferratella and duly carried.

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

Motion to Adjourn made by Mrs. Lando, seconded by Mr. Van Etten and duly carried.