

REGULAR MEETING
Morning Session
Monday, February 25, 2019
Legislative Chambers

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers in Bath, NY on the 25th day of February, 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 Lattimer.

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

Chairman Hauryski asked Christine Fiorilla to come forward. Ms. Fiorilla 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 Veronica Berry to come forward. Ms. Berry is an employee in the District Attorney's Office. He presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

Chairman Hauryski announced the Youth in Government luncheon has been cancelled as schools were cancelled due to the weather.

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

Wayne Wells, Cameron, opined about cancer in political life, President Trump and the need to cleanse politics of corruption.

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

Dr. Douglas stated this is her last presentation as President of Corning Community College. She began working at Corning Community College in 2011 and she stated that this morning she would like to provide a review of what has been accomplished over the past eight years. Dr. Douglas stated during her tenure they have instituted a joint admissions program with Binghamton University and are looking to expand to SUNY Geneseo. They have instituted student success initiatives which include the STEM Academy with BOCES, Guided Pathways with Stanford and Quantway with Columbia University. These three programs are all grant funded.

Dr. Douglas stated they have continued their efforts with regard to workforce development. They now offer a welding certificate program and recently built a welding lab which was funded with \$1 million in Federal grants and \$1 million in State grants. They are also offering a Technician Pipeline program along with various apprenticeships.

Dr. Douglas stated the campus of Corning Community College has expanded to include a residential facility, Perry Hall, the new Health Education Center located on Denison Parkway, the Center for Teaching Innovation and Excellence and the Center for Diversity and Inclusion. Additionally they have completed renovation at the Spencer Hill campus on the Houghton Library, Student Commons and the athletic fields.

Dr. Douglas stated during her tenure, Corning Community College has received many recognitions including in 2016 being named the number one two-year college in New York State by

BestColleges.com. In 2019, Corning Community College's online Business degree was rated among the top seventy-five in the nation. Additionally, our founding Math faculty, Herb Gross was awarded the SUNY Honorary Doctorate in 2014. Our students have also received recognition; in 2017 Jacob Zelco was an AACC National Finalist for his development of a water filter. In 2019, Corning Community College was a co-winner in the NYS Department of Health's Aging Innovation Challenge with the development of the GripM8.

Dr. Douglas stated the college is looking ahead to various projects including the Mechatronics lab, energy retrofits beginning with the STEAM Center for Innovation, Planetarium upgrade, expanding sustainable energy use and then installation of the new President in July 2019. The new President will be announced on March 20th. Dr. Douglas stated thank you for eight terrific years; it has been an honor and a privilege.

Mr. Mullen stated with regard to last month's meeting, he would like it noted for the record the reason he abstained from Resolution No. 013-19 at last month's meeting is he is the attorney for the Village of Cohocton, not the Town.

Approving the Minutes of the Previous Meeting as Amended made by Mr. Van Etten, seconded by Mr. Swackhamer and duly carried.

Mrs. Ferratella provided an update on the Ad Hoc Municipal Coordination Committee. This committee is focusing on assessing in the towns and how they can work with the County. Our goal is to make it easier for the assessors to accomplish 100 percent equalization rates. We will be providing a report to the Administration Committee in the near future.

Mrs. Ferratella announced that the former principal of the Columbine School will be speaking at the Corning-Painted School District on February 27th at 6:30 p.m. He will be talking about school safety and the lessons learned from Columbine.

Mr. Mullen stated late last week there was a ruling on a Supreme Court case regarding the potential for asset forfeiture loss to be unconstitutional if an excessive amount of property is taken. He thinks that we should take a look at that law to make sure that we are okay.

Mr. Hauryski announced that Legislator Weaver was named Businessman of the Year by the Central Steuben Chamber of Commerce.

RESOLUTION NO. 034-19

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, 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. A-1
 Name William Martens & Stephanie Spicer
 Parcel No. 140.19-01-070.000
 Municipality Town of Howard
 Disposition 2019 Parcel Split

Resolution No. A-2
 Name Murray Steiner
 Parcel No. 391.00-01-037.200
 Municipality Town of Caton
 Disposition 2019 Parcel Split

Resolution No. A-3
 Name Donald & Stephanie Gates
 Parcel No. 308.00-01-002.112
 Municipality Town of Jasper
 Disposition 2019 Parcel Split

Resolution No. A-4
 Name Dale & Helen M. Schenck
 Parcel No. 305.00-03-005.100
 Municipality Town of Jasper
 Disposition 2019 Parcel Split

Resolution No. A-5
 Name Dale & Helen M. Schenck
 Parcel No. 305.00-03-003.000
 Municipality Town of Jasper
 Disposition 2019 Parcel Split

Resolution No. A-6
 Name Prattsburgh Holdings LLC
 Parcel No. 008.00-01-013.000
 Municipality Town of Prattsburgh
 Disposition 2019 Parcel Split

Resolution No. A-7
 Name Prattsburgh Holdings LLC
 Parcel No. 021.00-01-001.112
 Municipality Town of Prattsburgh
 Disposition 2019 Parcel Split

Resolution No. A-8
 Name MGRE Colonial V, LLC
 Parcel No. 224.00-02-013.100
 Municipality Town of Campbell
 Disposition 2017 Court Ordered Refund

Resolution No. A-9
 Name MGRE Colonial V, LLC
 Parcel No. 224.00-02-013.100
 Municipality Town of Campbell
 Disposition 2018 Court Ordered Refund

Resolution No. A-10
 Name MGRE Colonial V, LLC
 Parcel No. 224.00-02-013.100
 Municipality Town of Campbell
 Disposition 2019 Court Ordered Correction

Resolution No. A-11
 Name MGRE Colonial IV, LLC
 Parcel No. 224.00-02-012.000
 Municipality Town of Campbell
 Disposition 2017 Court Ordered Refund

Resolution No. A-12
 Name MGRE Colonial IV, LLC
 Parcel No. 224.00-02-012.000
 Municipality Town of Campbell
 Disposition 2018 Court Ordered Refund

Resolution No. A-13
 Name MGRE Colonial IV, LLC
 Parcel No. 224.00-02-012.000
 Municipality Town of Campbell
 Disposition 2019 Court Ordered Correction

Resolution No. A-14
 Name Kenneth S. & Eloise R. Brew
 Parcel No. 319.15-01-085.000
 Municipality Town of Corning
 Disposition 2019 Correction - water debt error

Resolution No. A-15
 Name Philip G. & Judy M. Tuttle
 Parcel No. 337.07-01-021.000
 Municipality Town of Corning
 Disposition 2019 Correction - water debt error

Resolution No. A-16
 Name HHA, LLC
 Parcel No. 316.00-01-010.115
 Municipality Town of Erwin
 Disposition 2019 Correction of Error (Court Order)

Resolution No. A-17
Name Czado Family Trust
Parcel No. 282.00-02-008.000
Municipality Town of Corning
Disposition 2019 Parcel Split

Resolution No. A-18
Name Thomas & Patricia Campbell
Parcel No. 181.00-01-004.000
Municipality Town of Hornellsville
Disposition 2019 Parcel Split

Resolution No. A-19
Name Yort, Inc.
Parcel No. 144.00-02-033.000
Municipality Town of Bath
Disposition 2019 Parcel Split

Resolution No. A-20
Name Bennett Keuka LLC
Parcel No. 064.14-01-004.000
Municipality Town of Wayne
Disposition 2019 Correction of Re-levy Error

Resolution No. A-21
Name Bennett Keuka LLC
Parcel No. 064.14-01-056.000
Municipality Town of Wayne
Disposition 2019 Correction of Re-levy Error

Resolution No. A-22
Name Bennett Keuka LLC
Parcel No. 064.14-01-059.000
Municipality Town of Wayne
Disposition 2019 Correction of Re-levy Error

Resolution No. A-23
Name Margaret S Widuch Living Trust
Parcel No. 259.00-01-001.110
Municipality Town of Thurston
Disposition 2019 Parcel Split

Resolution No. A-24
Name Jerry W. & Joy H. Hamblin
Parcel No. 269.00-01-001.112
Municipality Town of Greenwood
Disposition 2019 Parcel Split

Resolution No. A-25
Name Sara A. Prior (Estate)
Parcel No. 123.00-01-022.100
Municipality Town of Fremont
Disposition 2019 Parcel Split

Resolution No. A-26
Name Joseph L. Cowell Jr.
Parcel No. 169.00-01-014.000
Municipality Town of Howard
Disposition 2019 Correction - Court Order

Resolution No. A-27
Name Richard A. Lattimer
Parcel No. 154.00-01-018.100
Municipality Town of Howard
Disposition 2019 Correction (Court Order)

Resolution No. A-28
Name Richard A. Lattimer
Parcel No. 154.00-01-018.200
Municipality Town of Howard
Disposition 2019 Correction (Court Order)

Resolution No. A-29
Name Richard A. Lattimer
Parcel No. 154.00-01-020.100
Municipality Town of Howard
Disposition 2019 Correction (Court Order)

Resolution No. A-30
Name Richard A. Lattimer
Parcel No. 154.00-01-021.200
Municipality Town of Howard
Disposition 2019 Correction (Court Order)

Resolution No. A-31
Name William Pfitzenmaier
Parcel No. 155.00-01-027.000
Municipality Town of Howard
Disposition 2019 Parcel Split

Resolution No. A-32
Name Lynn & Judith W. Houston
Parcel No. 388.00-01-023.200
Municipality Town of Lindley
Disposition 2019 Parcel Split

Resolution No. A-33
Name Randy L. Rhodes
Parcel No. 387.00-01-045.111
Municipality Town of Lindley
Disposition 2019 Correction of Error

Resolution No. A-34
Name Randy L. Rhodes
Parcel No. 387.00-01-045.111
Municipality Town of Lindley
Disposition 2019 Parcel Split

**Vote: Roll Call – Adopted. Yes – 8670; Absent – 605; Abstained – 597
(Absent – Legislator Lattimer; Abstained – Legislator Mullen due to a client relationship)**

RESOLUTION NO. 035-19

Introduced by J. Hauryski.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE FEBRUARY 25, 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:

January 18, 2019

NYS Board on Electric Generation Siting and the Environment – Re: Revised procedural schedule for the Baron Winds LLC project (Case# 15-F-0122) issued January 16, 2019. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

January 28, 2019

NYS Public Service Commission – Re: Notice of information forums and public statement hearings for the Eight Point Wind, LLC issued January 25, 2019. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

NYS Office for the Aging – Re: Notification of Grant Award (NGA) for the 2019 federal fiscal year (FFY 2019) Nutrition Services Incentive Program (NSIP). *Referred to: Human Services/Health & Education Committee; and Patricia Barody, OFA Director.*

January 31, 2019

NYS Public Service Commission – Re: Notice of prehearing conference for the Eight Point Wind, LLC issued January 29, 2019. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

February 4, 2019

NYS Homes and Community Renewal – Re: Notification of the application for the Steuben County Well and Septic Replacement Program (CDBG 1115WS319-18) is ineligible. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

February 6, 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 February 4, 2019. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$2,019, which represents the December 2018 surcharge revenues for Steuben County. *Referred to: Finance Committee; and Patrick Donnelly, Commissioner of Finance.*

February 7, 2019

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

NYS Board on Electric Generation Siting and the Environment – Re: Notice of corrected ruling on intervenor funding for the Eight Point Wind, LLC issued February 5, 2019. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

February 11, 2019

NYS Public Service Commission – Re: Factsheet and public statement hearings for the Eight Point Wind, LLC. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and Empire Telephone Corporation Project for Tuesday, February 25, 2019 at 10:00am at the Prattsburgh Town Hall, Courtroom, located at 19 North Main Street, Prattsburgh, New York. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 036-19

Introduced by B. Schu.

Seconded by R. Weaver.

PRESENTING LOCAL LAW NO. ONE FOR THE YEAR 2019, REPEALING LOCAL LAW NO. ONE OF 1967 AND LOCAL LAW NO. SIX OF 1999, AS AMENDED BY LOCAL LAW NO. NINE OF 2007, PROVIDING FOR THE CONTINUITY OF STEUBEN COUNTY GOVERNMENT IN THE EVENT OF DISASTER OR EMERGENCY.

WHEREAS, Local Law No. One of 1967 provides for the continuity of government of the County of Steuben, New York, in the event of an attack or public disaster in accordance with the New York State Defense Emergency Act of 1951, and addresses the continuity of government as it pertains to temporary succession of public offices headed by both elected officers and appointive officers; and

WHEREAS, Local Law No. Six of 1999, as amended by Local Law No. 9 of 2007, provides for the continuity of county and its chief executive in the event of absence, disability or vacancy in office pursuant to New York State Executive Law §27, in the event of a natural or man-made disaster causing an emergency; and

WHEREAS, Local Law No. Six of 1999, as amended by Local Law No. 9 of 2007, lists the chief executive of the County as the Chairman of the Legislature; and

WHEREAS, Local Law No. Three of 2013, establishing the Steuben County Charter, lists the chief executive officer as the County Manager; and

WHEREAS, it is preferable to codify the two existing local laws into one comprehensive local law, and repeal the two existing local laws, thereby clarifying the continuity of county government as it pertains to succession of all public offices, including the chief executive officer.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. One for the Year 2019, repealing Local Law No. One of 1967 and Local Law No. Six of 1999, as

amended by Local Law No. Nine of 2007, Providing for the Continuity of Steuben County Government in the event of disaster or emergency.

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2019**

A Local Law, repealing Local Law No. One of 1967 and Local Law No. Six of 1999, as amended by Local Law No. Nine of 2007, Providing for the Continuity of Steuben County Government in the event of disaster or emergency.

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

SECTION 1. INTENT. The New York State Defense Emergency Act, in section 29-a thereof, authorizes political subdivisions of the state to provide for the continuity of their governments in the event of an actual or imminent attack upon the United States by an enemy or foreign nation. The Executive Law, in section 27 thereof, authorizes political subdivisions to provide for the continuity of the county and its Chief Executive in the event of absence, disability or vacancy in office in the event of a natural or man-made disaster causing an emergency. Based on the authority contained in such laws this local law is adopted so that on such occasions the government of the County of Steuben, New York, may continue to function properly and efficiently under emergency circumstances.

SECTION 2. DEFINITIONS. As used in this local law, the following terms shall mean and include:

- a. "Attack." Any attack, actual or imminent, or series of attacks by an enemy or foreign nation upon the United States causing or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of explosives, bombs, shell fire, or nuclear, radiological, chemical, bacteriological or biological means or other weapons or processes.
- b. "Public disaster." A disaster, catastrophe or emergency, actual or imminent, whether natural or man-made, of such unusual proportions or extent that (1) a substantial number of the residents of the County either sustain injury, become ill, are infected with disease, have their lives imperiled, are killed or die as a result of injury, disease or exposure, or the property of a substantial number of such residents is imperiled, damaged or destroyed and (2) it is necessary and essential in the interest of public safety, health and welfare that the continuity of the government of the County of Steuben be assured in order that it be enabled to function properly and efficiently and to exercise its essential powers in meeting emergency conditions. Such disasters, catastrophes and emergencies may include, but shall not be limited to, conflagrations, explosions, earthquakes or other convulsions of nature, floods, tidal waves, pestilence, riots, insurrections, storms, prolonged failure of electric power or essential transportation services, or any incident or occurrence which causes or threatens to cause danger to life, health or property from exposure to noxious materials or radiation.
- c. "Duly authorized deputy." A person authorized to perform all the powers and duties of a public office in the event the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer, where such authorization is provided pursuant to the provisions of any general, special, or local law other than this local law.
- d. "Emergency interim successor." A person designated pursuant to this local law for possible temporary succession to the powers and duties, but not the office, of a County Officer in the event that neither such officer nor any duly authorized deputy is able, due to death, absence from the county or other physical, mental or legal reasons, to perform the powers and duties of the office.

SECTION 3. ORDER OF SUCCESSION. In the event of the absence, disability, or vacancy in the office of the County Manager, the order of succession as Chief Executive Officer of the County of Steuben for purposes of public disaster or attack causing emergencies is as follows:

- a. The County Manager.

- b. The Deputy County Manager.
- c. The Chairman, or the immediate former Chairman of the Legislature following midnight of December 31 in an election year until such time as a Chairman is elected, if said former Chairman is elected to office as a County Legislator.
- d. The Vice Chairman in the event of an absence or disability of the Chairman, or the immediate former Vice Chairman who is elected to office, if no former Chairman is in office.
- e. The Director of Emergency Management.
- f. The Deputy Director of Emergency Management.

SECTION 4. DESIGNATION, STATUS, QUALIFICATIONS AND TERMS OF DESIGNATION OF EMERGENCY INTERIM SUCCESSORS.

- a. Elective Officers. Within thirty days following the effective date of this local law, and thereafter within thirty days after first entering upon the duties of office, each elective officer shall, in addition to any duly authorized deputy, designate such number of emergency interim successors to the powers and duties of the office and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three duly authorized deputies or emergency interim successors, or combination thereof, to perform the powers and duties of the office.
- b. Appointive Officers. Each officer or body of officers empowered by law to appoint officers shall, within the time specified in subdivision a of this section, in addition to any duly authorized deputy, designate for each such appointive officer, such number of emergency interim successors to such officers and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three duly authorized deputies or emergency interim successors, or combination thereof, for each such officer. Where such a body of officers consists of members having overlapping terms, such body of officers shall review and, as necessary, revise the previous designations of emergency interim successors by such board within thirty days after a new member is elected or appointed to such body of officers and first enters upon the duties of the office as a member of such body of officers.
- c. Review of Designations. The incumbent in the case of those elective officers specified in subdivision a of this section, and the appointing officer of body of officers specified in subdivision b of this section shall, from time to time, review and, as necessary, promptly revise the designations of emergency interim successors to insure that at all times there are at least three duly authorized deputies or emergency interim successors, or combination thereof, for each elective and appointive officer of the county.
- d. Qualifications. No person shall be designated to, nor serve as, an emergency interim successor unless he is legally qualified to hold the office of the person to whose powers and duties he is designated to succeed.
- e. Status of emergency interim successor. A person designated as an emergency interim successor shall hold that designation at the pleasure of the designator and such a designation shall remain effective until replaced by another by the authorized designator.
- f. Compensation. An emergency interim successor shall serve without salary, unless otherwise provided by local law. He/she shall, however, be entitled to reimbursement for actual expenses necessarily incurred in the performance of his/her powers and duties.

SECTION 5. ASSUMPTION OF POWERS AND DUTIES OF OFFICE BY EMERGENCY INTERIM SUCCESSOR. If, in the event of an attack or public disaster, an officer described in subdivision a or subdivision b of

section four of this local law or the duly authorized deputy, if any, is unable, due to death, absence from the county, or other physical, mental, or legal reasons, to perform the powers and duties of the office, the emergency interim successor of such officer highest in rank in order of succession who is able to perform the powers and duties of the office shall, except for the power and duty to discharge or replace duly authorized deputies and emergency interim successors of such officer, perform the powers and duties of such officer. An emergency interim successor shall perform such powers and duties only until such time as the lawful incumbent officer or his duly authorized deputy, if any, resumes the office or undertakes the performance of the powers and duties of the office, as the case may be, or until, where an actual vacancy exists, a successor is duly elected or appointed to fill such vacancy and qualifies as provided by law.

SECTION 6. SURVIVAL OF SUBORDINATE OFFICER'S SERVICE. The removal of a disability, absence or vacancy of an officer higher on the list or order of succession as provided to an office shall not terminate the service in such office of an individual lower on such list or order of succession who is temporarily filling such office.

SECTION 7. RECORDING AND PUBLICATION OF DESIGNATIONS.

- a. The name, address, phone number and rank in order of succession of each duly authorized deputy and emergency interim successor shall be provided to the Clerk of the Legislature and the Director of Emergency Management for use upon declaration of an emergency.
- b. The name and rank in order of succession of each duly authorized deputy and emergency interim successor shall be filed with the County Clerk and each designation, replacement or change in order of succession of any emergency interim successor shall become effective when the designator files with such clerk the successor's name, address and rank in order of succession. Such clerk shall keep an up-to-date file of all such data regarding duly authorized deputies and emergency interim successors and the same shall be open to public inspection. The clerk shall notify in writing each designated person of the filing of his/her name as an emergency interim successor and his/her rank in order of succession and also shall notify in writing any person previously designated who is replaced, or whose place in order of succession has changed.

SECTION 8. QUALIFICATION FOR TAKING OFFICE. At the time of their designation, or as soon thereafter as possible, emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to perform the powers and duties of the office to which they may succeed.

SECTION 9. QUORUM AND VOTE REQUIREMENTS. In the event of an attack or public disaster, the Chairman of the Legislature, or the duly authorized Vice Chairman or emergency interim successor performing the powers and duties of the Chairman, may suspend quorum requirements for the Steuben County Legislature. If quorum requirements are suspended, any local law, ordinance, resolution or other action requiring enactment, adoption or approval by an affirmative vote of a specified proportion of members may be enacted, adopted or approved by the affirmative vote of the specified proportion of those voting thereon.

SECTION 10. SEPARABILITY CLAUSE. If any section, subdivision, sentence, clause, phrase or portion of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the section, subdivision, sentence, clause, phrase or portion thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 11. EFFECTIVE DATE. This local law shall be effective immediately.

AND BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on Monday, March 25, 2019 at 10:00 a.m. at the Legislative Chambers, 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 and Corning and the DMV office in 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, Clerk of the Legislature, Director of Emergency Management and the County Clerk.

Vote: Acclamation – Adopted.

RESOLUTION NO. 037-19

Introduced by J. Malter and S. Van Etten.

Seconded by K. Fitzpatrick.

AUTHORIZING A TRANSFER FROM THE CONTINGENT FUND TO THE 2018 BUDGET FOR THE ASSIGNED COUNSEL PROGRAM.

Pursuant to Section 2.07 of the Steuben County Charter.

WHEREAS, the Steuben County 2018 budget for the Assigned Counsel Program contains insufficient funds to cover expenditures; and

WHEREAS, the Public Safety & Corrections and Finance Committees have approved this transfer from the Contingent Fund to cover the 2018 expenditures.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Finance is hereby authorized and directed to adjust the following accounts in the 2018 budget:

EXPENSE ACCOUNTS:

Account 199000 5-499-000 Contingent - (\$42,095.06)

Account 117300 5-423-200 Assigned Counsel - \$42,095.06

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the administrative offices of the Assigned Counsel Administrator, the Public Defender, and the Commissioner of Finance.

Mr. Weaver asked how will this be affected by the hiring of staff going forward? Mr. Wheeler replied having a Conflict Defender and the grants to expand has helped. This is based on the number of cases and they have done a great job managing Assigned Counsel.

Mr. Ryan asked are these numbers caused by mandates? Mr. Wheeler replied that is the root of this, but really it is based on caseload.

Mr. Van Etten commented we end up doing an adjustment every year. In the past it has been in the \$70,000 - \$100,000 range. It is good that this year it is only \$40,000.

Ms. Prossick explained this is based on the number of cases. The income levels have increased and now more people qualify for assigned counsel.

**Vote: Roll Call – Adopted. Yes – 8674, No – 593; Absent – 605
(No – Legislator Ryan; Absent – Legislator Lattimer)**

RESOLUTION NO. 038-19

Introduced by J. Malter and S. Van Etten.

Seconded by F. Potter.

AUTHORIZING THE DIRECTOR OF E-911 TO ACCEPT THE NEW YORK STATE 2018-2019 PUBLIC SAFETY ANSWERING POINTS OPERATIONS GRANT.

Pursuant to Section 2.07(12) of the Steuben County Charter.

WHEREAS, Steuben County has a Public Safety Answering Point (911 Department) that answers emergency and non-emergency calls for assistance as well as dispatches responders to those requests; and

WHEREAS, New York State collects cell phone surcharges that allow for state support to counties with eligible public safety call-taking and dispatching operational expenses; and

WHEREAS, the New York State Division of Homeland Security and Emergency Services is responsible for the administration of grant allocation provided by the State Government; and

WHEREAS, the New York State Office of Homeland Security has awarded Steuben County with Federal Fiscal Year 2019 grant funds in the amount of \$187,541 under the State PSAP Grant; and

WHEREAS, \$187,541 of the funding will reimburse dispatch personnel payroll costs paid by the County.

NOW THEREFORE, BE IT

RESOLVED, the County Manager, the 911 Director, and the Director of Emergency Services are authorized and directed to execute the requisite documentation to effectuate this grant and agreement; and be it further

RESOLVED, the Commissioner of Finance be and the same hereby is authorized to accept the grant funding from the State Government and the New York State Office of Homeland Security; and be it further

RESOLVED, the Commissioner of Finance be and the same hereby is authorized to appropriate such grant revenue received to 911 Capital Project 3020H7 (E-911 Dispatch Upgrades) within the budget of the 911 Department; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the New York State Office of Homeland Security, 1220 Washington Avenue, State Office Building 7A, Albany NY 12226; the Commissioner of Finance; the 911 Director and the Director of Emergency Services.

Vote: Roll Call – Adopted.

RESOLUTION NO. 039-19

Introduced by J. Malter and B. Schu.

Seconded by S. Maio.

AUTHORIZING THE RECLASSIFICATION OF A 1ST ASSISTANT PUBLIC DEFENDER, GRADE E POSITION, TO A SENIOR ASSISTANT PUBLIC DEFENDER, GRADE G POSITION WITHIN THE PUBLIC DEFENDER'S OFFICE.

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

WHEREAS, there is currently one 1st Assistant Public Defender in the Public Defender's Office; and

WHEREAS, there is now a need for a Senior Assistant Public Defender in the Public Defender's Office instead of the current 1st Assistant Public Defender.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Public Defender's Office is hereby reclassified as follows:

One (1) 1st Assistant Public Defender position # 0530-01, Grade E (\$52,677 - \$68,104) to
One (1) Senior Assistant Public Defender, Grade G (\$63,659 - \$81,175).

AND BE IT FURTHER RESOLVED, 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 Public Defender.

Vote: Roll Call – Adopted. Yes – 8223; No – 1044; Absent – 605
(No – Legislators Ryan and Swackhamer; Absent – Legislator Lattimer)

RESOLUTION NO. 040-19

Introduced by J. Malter.

Seconded by G. Roush.

AUTHORIZING THE STEUBEN COUNTY SHERIFF'S OFFICE TO ENTER INTO INTER-MUNICIPAL AGREEMENTS FOR THE HOUSING OF INMATES.

WHEREAS, the Steuben County Sheriff agrees to house inmates in other Counties' respective jails; and

WHEREAS, historically Steuben County has mutually accommodated conflict and over population in the respective jails by housing such inmates from the other Counties; and

WHEREAS, each County is authorized to so house inmates from other jurisdictions; and as a result, the Counties are authorized under GML § 119-0 to enter into an inter-municipal agreement for such purposes.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Sheriff is hereby authorized to enter into a contract with other counties to house the other counties' inmates from time to time under such terms as approved by the Public Safety & Corrections Committee and approved as to form by the County Attorney; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Sheriff; the County Manager; the County Attorney; and the corresponding County Sheriff .

Vote: Roll Call – Adopted.

RESOLUTION NO. 041-19

Introduced by G. Swackhamer.

Seconded by H. Lando.

AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE, THE STATE-AID PROGRAM ELIGIBLE COSTS OF A CAPITAL PROJECT, AND APPROPRIATING FUNDS THEREFORE.

WHEREAS, a Project for County Road 42 Reconstruction, Town of Hornby, Steuben County. P.I.N. 6755.41 (the Project") is eligible for funding under a New York State Program administered by the New York State Department of Transportation (NYSDOT); and

WHEREAS, a sum not to exceed \$250,000 in Program Funding is available to progress the project; and

WHEREAS, the County of Steuben desires to advance the Project by making a commitment of 100% of the State share of the costs of the County Road 42 Reconstruction, Town of Hornby, Steuben County.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED, the Steuben County Legislature hereby authorizes the County of Steuben to pay in the first instance, 100% of the cost of Construction phase work for the Project or portions thereof; and it is further

RESOLVED, the sum of \$250,000 is hereby appropriated from the County of Steuben and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full state share costs of the project exceeds the amount appropriated above, the County of Steuben shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, the County Manager of the County of Steuben be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for State Aid on behalf of the County of Steuben with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's/Sponsor's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, certified copies of this resolution shall be filed with the New York State Commissioner of Transportation of the State of New York by attaching it to any necessary agreements in connection with the Project between the County of Steuben and the State of New York.

Vote: Roll Call – Adopted.

RESOLUTION NO. 042-19

Introduced by S. Van Etten.

Seconded by K. Fitzpatrick.

EXEMPTING THE PROPERTY COMMONLY KNOWN AND DESIGNATED AS MOSSY BANK PARK IN THE TOWN OF BATH FROM TAXATION BY THE COUNTY OF STEUBEN.

Pursuant to Real Property Tax Law Section 406(2) and GML §119-O.

WHEREAS, the property commonly known and designated as Mossy Bank Park in the Town of Bath, owned by the Village of Bath (Parcel ID# 173.00-01-026.220), is currently subject to County taxation; and

WHEREAS, said park is open and available to members of the public at no cost; and

WHEREAS, said park represents a valuable asset for the entire County of Steuben; and

WHEREAS, it is desirable to exempt same from taxation for County tax purposes.

NOW THEREFORE, BE IT

RESOLVED, that the aforesaid parcel be and the same hereby is exempt from County taxation; and be it further

RESOLVED, said exemption shall terminate in the event fees are charged for usage of the facilities and/or the County adopts a subsequent resolution; and be it further

RESOLVED, the effective date of said exemption shall be March 1, 2019; and be it further

RESOLVED, the County Manager is hereby authorized to enter into an Inter-Municipal Agreement memorializing the exemption; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Finance; Town of Bath and the Real Property Tax Director.

**Vote: Roll Call – Adopted. Yes – 8670; Absent – 605; Abstained – 597
(Absent – Legislator Lattimer; Abstained – Legislator Mullen as he is the attorney for the Village of Bath)**

RESOLUTION NO. 043-19

Introduced by S. Van Etten.

Seconded by K. Fitzpatrick.

EXEMPTING THE PROPERTY COMMONLY KNOWN AND DESIGNATED AS VILLAGE OF SAVONA PARK IN THE TOWN OF BATH FROM TAXATION BY THE COUNTY OF STEUBEN.

Pursuant to Real Property Tax Law Section 406(2) and GML §119-O.

WHEREAS, the property commonly known and designated as Village of Savona Park in the Town of Bath, owned by the Village of Savona (Parcel ID# 191.00-01-031.000), is currently subject to County taxation; and

WHEREAS, said park is open and available to members of the public at no cost; and

WHEREAS, said park represents a valuable asset for the entire County of Steuben; and

WHEREAS, it is desirable to exempt same from taxation for County tax purposes.

NOW THEREFORE, BE IT

RESOLVED, that the aforesaid parcel be and the same hereby is exempt from County taxation; and be it further

RESOLVED, said exemption shall terminate in the event fees are charged for usage of the facilities and/or the County adopts a subsequent resolution; and be it further

RESOLVED, the effective date of said exemption shall be March 1, 2019; and be it further

RESOLVED, the County Manager is hereby authorized to enter into an Inter-Municipal Agreement memorializing the exemption; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Finance; Town of Bath and the Real Property Tax Director.

**Vote: Roll Call – Adopted. Yes – 8670; Absent – 605; Abstained – 597
(Absent – Legislator Lattimer; Abstained – Legislator Mullen as he is the attorney for the Village of Savona)**

RESOLUTION NO. 044-19

Introduced by G. Swackhamer.

Seconded by J. Malter.

DESIGNATING THE COUNTY OF STEUBEN AS LEAD AGENCY FOR SEQRA PURPOSES FOR MODIFICATION OF THE NYSDEC BATH LANDFILL OPERATING PERMIT.

WHEREAS, the County desires to modify the Bath Landfill NYSDEC Operating Permit to increase the permitted approved design capacity to 850 tons per day; and

WHEREAS, it is necessary and desirable as required by the State Environmental Quality Review Act (SEQRA) to designate a lead agency for purposes of complying with SEQRA.

NOW THEREFORE, BE IT

RESOLVED, by the County Legislature of the County of Steuben, as follows:

Section 1. It is hereby determined that the County Legislature adopting this resolution declares itself to be the lead agency under the State Environmental Quality Review Act and the regulations promulgated thereunder for purposes of determining the environmental impact of the project described in Section 3 hereof.

Section 2. Based upon the Environmental Assessment Form verified the 25th day of February, 2019 and filed with the Clerk of the Legislature and the Planning Department and made a part hereof as incorporated by reference, it is hereby determined that the project described in Section 3 hereof is a Type 1 Action, as of December 23, 2015, which will not have a significant impact upon the environment.

Section 3. The project which is the subject of this resolution is described as follows:

Modification of the Bath Landfill NYSDEC Operating Permit to increase the permitted approved design capacity to 850 tons per day.

Section 4. This resolution shall take effect immediately.

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 045-19

Introduced by G. Swackhamer.

Seconded by R. Weaver.

ADOPTING THE STEUBEN COUNTY LOCAL SOLID WASTE MANAGEMENT PLAN MODIFICATION.

WHEREAS, Steuben County is the planning unit responsible for developing a Local Solid Waste Management Plan (LSWMP) pursuant to New York State Conservation Law Section 27-0107 and the State's Local Solid Waste Management Plan Contents regulations, 6 NYCRR Part 366-2; and

WHEREAS, on February 7, 2019 the New York State Department of Conservation (NYSDEC) issued a letter stating that the current draft of the LSWMP constitutes an approvable plan; and

WHEREAS, the Public Works Committee has reviewed the Final LSWMP and recommends approval of this resolution.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Final LSWMP is hereby adopted by the County Legislature as the solid waste planning unit for Steuben County effective upon NYSDEC's final approval of the LSWMP; and it is further

RESOLVED, that the County will implement the solid waste management programs, projects and plans as identified in the LSWMP; and it is further

RESOLVED, that the County will submit annual planning unit reports and biennial updates; and it is further

RESOLVED, the Public Works Department is directed to send notice of the availability of the LSWMP to adjacent solid waste planning units and will ensure that an electronic copy of the final LSWMP is made available for public review on the County's website; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Planning Director and Richard Clarkson, Director, Bureau of Solid Waste Management, Division of Materials Management, New York State Department of Environmental Conservation, 623 Broadway, 9th Floor, Albany, NY 12233-7260.

Vote: Roll Call – Adopted.

RESOLUTION NO. 046-19

Introduced by K. Hanna.

Seconded by C. Ferratella.

AUTHORIZING THE COUNTY MANAGER TO EXECUTE A LEASE WITH THE STEUBEN COUNTY HISTORICAL SOCIETY FOR THE MAGEE HOUSE.

Pursuant to Section 2.07 of the Steuben County Charter and Section 215 of the County Law of the State of New York.

WHEREAS, the Magee House is located at 1 Cohocton Street, Village of Bath, County of Steuben, State of New York; and

WHEREAS, the County Historian's Office has been housed in the Magee House for greater than a decade; and

WHEREAS, the public has become familiar with and accustomed to visiting the Magee House for their Historical needs; and

WHEREAS, the co-location of the Steuben County Historical Society and Steuben County Historian's Office has proven to be an effective arrangement; and

WHEREAS, the County desires to continue to house the County Historian's Office at the Magee House; and

WHEREAS, the Steuben County Historical Society desires to continue to lease a portion of the Magee House to the County.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is authorized to execute an agreement with the Steuben County Historical Society for a five-year lease for space at the Magee House for \$7,655 annually; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 047-19

Introduced by S. Van Etten.

Seconded by H. Lando.

ESTABLISHING THE DATE AND TIME FOR THE 2019 DELINQUENT REAL PROPERTY TAX PUBLIC AUCTION.

WHEREAS, the County of Steuben has commenced the annual Delinquent Real Property Tax In-Rem procedure pursuant to Article 11 of the New York State Real Property Tax Law; and

WHEREAS, it is desirable to establish the date and time of the County Delinquent Real Property Tax Public Auction.

NOW THEREFORE, BE IT

RESOLVED, the 2019 Delinquent Real Property Tax Public Auction shall be conducted on Friday, July 12, 2019, commencing at 10:00 A.M. at the Campbell-Savona Jr./Sr. High School, 8455 County Route 125, Campbell, New York; and be it further

RESOLVED, the Commissioner of Finance is hereby authorized and directed to establish and publish the terms and conditions of the recited sale in advance of said sale; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Finance, Director of Real Property Tax Service Agency, and the County Attorney.

Vote: Roll Call – Adopted.

Motion Combining Resolutions 15 – 19 and Waiving the Reading made by Mrs. Lando, seconded by Mr. Van Etten and duly carried.

RESOLUTION NO. 048-19

Introduced by J. Hauryski.

Seconded by H. Lando.

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, the term of a Steuben County appointee has expired and a vacancy has occurred.

NOW THEREFORE, BE IT

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

Steuben County Property Owner in District

Dennis Carlson
12182 East Lake Road
Hammondsport, NY 14840

Term: 01/01/17 – 12/31/20

Steuben County Property Owner in District

Nancy Gabel
9150 Carpenter Road
Wayne, NY 14893

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. 049-19

Introduced by J. Hauryski.

Seconded by H. Lando.

FILLING VACANCIES ON THE STEUBEN COUNTY CONFERENCE & VISITORS' BUREAU BOARD OF DIRECTORS.

Pursuant to Section 12.20 of the Steuben County Charter.

WHEREAS, the Steuben County Legislature adopted Resolution No. 056-93 on October 25, 1993, authorizing and directing the creation of the Steuben County Conference & Visitors' Bureau and establishing the appointment of voting members on the Board of Directors as staggered three (3) year terms, with the exception of one member who shall serve a one (1) year term; and

WHEREAS, the term for some Board members expired December 31, 2018.

NOW THEREFORE, BE IT

RESOLVED, the following individuals, as recommended by the Steuben County Manager, are hereby appointed as members of the Steuben County Conference & Visitors' Bureau Board of Directors for the terms as indicated, and shall hold office until reappointed or a successor is appointed and qualified to wit:

VOTING MEMBERS

Accommodations

Michele Donegan, General Manager, Radisson Hotel, Corning	01/01/17 – 12/31/19
Brett Bixby, General Manager, Hampton Inn, Corning – Painted Post	01/01/18 – 12/31/20
Ronald F. Leonard, President, Keuka Lakeside Inn, Hammondspport	01/01/19 – 12/31/21

TERMS

Attractions

Ryan Doolittle, Tourism Sales Specialist, Corning Museum of Glass	01/01/17 – 12/31/19
Vacant	01/01/18 – 12/31/20
Coleen Fabrizi, Executive Director, Corning's Gaffer District	01/01/19 – 12/31/21

Community-At-Large

Justin Recktenwald, Owner, Wild Brute Winery, Arkport <i>(filling unexpired term of Cameron Dunlap)</i>	01/01/17 – 12/31/19
Larkin Podsiedlik, Executive Director, Cornell Cooperative Extension	01/01/18 – 12/31/20
Chris Waters, Community Arts Manager, The ARTS Council of Southern Finger Lakes	01/01/19 – 12/31/21

Chamber of Commerce Representative

Denise Ackley, Corning Area Chamber of Commerce	01/01/19 – 12/31/19
---	---------------------

County Manager Designee

Amy Dlugos, Planning Director	01/01/19 – 12/31/21
-------------------------------	---------------------

County Legislators

K. Michael Hanna, District 5	01/01/19 – 12/31/21
Hilda T. Lando, District 2	01/01/18 – 12/31/20

BE IT FURTHER RESOLVED, the above-named appointees shall serve without compensation, other than necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Steuben County Conference and Visitors' Bureau Board of Directors; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees and the Executive Director of the Steuben County Conference and Visitors' Bureau, Inc., 1 West Market Street, Baron Steuben Building, Suite 301, Corning, NY 14830.

Vote: Acclamation – Adopted.

RESOLUTION NO. 050-19

Introduced by J. Hauryski.

Seconded by H. Lando.

APPOINTING MEMBERS TO THE MARSH DITCH WATERSHED PROTECTION DISTRICT ADMINISTRATIVE BOARD.

WHEREAS, vacancies have occurred on the Marsh Ditch Watershed Protection District Administrative Board; and

WHEREAS, the following appointees have been recommended for appointment by the District's Board of Directors, the Soil and Water Conservation District, and the Agriculture, Industry & Planning Committee of the Steuben County Legislature for the term indicated:

Robert Mahany

10046 State Route 36 South, Dansville, NY 14437

01/01/19 – 12/31/2022

Andrew Merry

8507 Canaseraga Road, Arkport, NY 14807

01/01/19 – 12/31/2022

Robert V. Nichols

743 Thompson Road, Addison, NY 14801

01/01/18 – 12/31/2021

RESOLVED, that these appointees are hereby appointed to the Marsh Ditch Watershed Protection District Administrative Board for the terms as indicated; and be it further

RESOLVED, members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Marsh Ditch Watershed Protection District Administrative Board; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to the above-named appointees; the Steuben County Auditor; and the Steuben County Soil & Water Conservation District.

Vote: Acclamation – Adopted.

RESOLUTION NO. 051-19

Introduced by J. Hauryski.

Seconded by H. Lando.

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 has recommended that **Thomas J. Ryan, District 9**, and **Robert V. Nichols, District 11**, be reappointed as the Legislative Representatives to the Soil and Water Conservation District Board of Directors; and

WHEREAS, the Chairman of the Legislature recommended that **David Stull** of Addison, New York, be reappointed as the At-Large Representative to the Soil and Water Conservation District Board of Directors.

NOW THEREFORE, BE IT

RESOLVED, that Legislator **Thomas J. Ryan, District 9**, be and the same hereby is appointed as a Legislative Representative to the Soil and Water Conservation District Board of Directors for a term of two (2) years commencing January 1, 2019 and not beyond December 31, 2020; and be it further

RESOLVED, that Legislator **Robert V. Nichols, District 11**, be and the same hereby is appointed as a Legislative Representative to the Soil and Water Conservation District Board of Directors for a term of two (2) years commencing January 1, 2019 and not beyond December 31, 2020; and be it further

RESOLVED, that **David Stull** of 3461 County Route 3, Addison, New York, be reappointed as the At-Large Representative to the Soil and Water Conservation District Board of Directors for a term of three (3) years commencing January 1, 2019 and not beyond December 31, 2021; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 052-19

Introduced by J. Hauryski.

Seconded by H. Lando.

APPOINTING MEMBERS TO THE SOUTHERN TIER CENTRAL REGIONAL PLANNING AND DEVELOPMENT BOARD’S STEUBEN COUNTY HUMAN SERVICES COMMITTEE.

WHEREAS, at its July 1973 meeting, the Southern Tier Central Regional Planning and Development Board appropriated a proposal to recognize a Human Services Committee in each of the three participating counties to act as each respective County’s human services advisory council to the Southern Tier Central Regional Planning and Development Board and in addition, said Board voted to encourage the Legislature in each County to support its County Human Services Committee and to send representatives to such Committee, and

WHEREAS, vacancies have occurred on the committee

NOW THEREFORE, BE IT

RESOLVED, that the following individuals are hereby authorized, in their fair and reasonable discretion and in relevant matters connected with human rights services, to represent their agencies and the County on the Southern Tier Central Regional Planning and Development Board’s Human Services Committee:

SOCIAL SERVICES

Teresa Stever, Deputy Commissioner
Department of Social Services

MENTAL HEALTH

Henry W. Chapman, Psy.D., Director
Office of Community Services

HOUSING PROGRAM

Sharron Beckworth
Arbor Development

HEALTH

Lorelei Wagner, Public Health Educator
Steuben County Public Health

STEUBEN COUNTY LEGISLATOR

Steven P. Maio, District #2

COUNTY PLANNING

Amy R. Dlugos
Director of Planning

POVERTY PROGRAM

Laura Rossman, Executive Director
ProAction of Steuben and Yates

Amy Rusak, Deputy Director
ProAction of Steuben and Yates

YOUTH

Bill Caudill
Youth Bureau Coordinator

COOPERATIVE EXTENSION

Larkin Podsiedlik, Executive Director

AGING PROGRAM

Patty Baroody, Director
Office for the Aging

EDUCATION

Dan Porter, Executive Director
CSS Workforce NY

Christine Towner, RSVP Coordinator

BE IT FURTHER RESOLVED, that said appointees shall serve at the pleasure of the Legislature, for a two-year term commencing January 1, 2019 and not beyond December 31, 2020, 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 Steuben County Regional Human Services Committee, and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees, the County Auditor and to the Southern Tier Central Regional Planning and Development Board, 8 Denison Parkway East, Suite 301, Corning, NY 14830.

Vote: Acclamation – Adopted.

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 and Article 7§ 105.1.H. The Proposed Acquisition, Sale, or Lease of Real Property of 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. Potter. Seconded by Mr. Malter and duly carried.

Motion: Authorizing the Negotiation of a Claim made by Mr. Van Etten. Seconded by Mr. Malter. Roll Call – Adopted. Yes – 8725; No – 542; Absent – 605. (No – Legislator Lando; Absent – Legislator Lattimer)

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

RESOLUTION NO. 053-19

Introduced by C. Ferratella.

Seconded by R. Weaver.

AUTHORIZING THE TERMINATION OF THE EXISTING LANDFILL GAS UTILIZATION PROJECT AGREEMENT WITH STEUBEN RURAL ELECTRIC COOPERATIVE, INC. AND THE PURCHASE OF THE SAME GAS TO ENERGY PROJECT AND ALL RELATED EQUIPMENT.

WHEREAS, the County of Steuben and Steuben Rural Electric Cooperative, Inc. entered into a Landfill Gas Utilization Project Agreement in March of 2009 located at the Steuben County Landfill; and

WHEREAS the Landfill Gas Utilization Project Agreement was negotiated by the parties for a twenty five (25) year term; and

WHEREAS, Steuben Rural Electric Cooperative, Inc. has since 2009 purchased and installed equipment and a building to run and operate the Landfill Gas Utilization Project; and

WHEREAS, the County of Steuben and Steuben Rural Electric Cooperative, Inc. both now desire to terminate the parties’ March of 2009 Landfill Gas Utilization Project Agreement; and

WHEREAS, after negotiations being had between the parties, the County of Steuben now desires to terminate the Agreement and purchase the project and personal property installed by Steuben Rural Electric Cooperative, Inc. for the same.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature approves the termination of the 2009 Landfill Gas Utilization Project Agreement with Steuben Rural Electric Cooperative, Inc.; and be it further

RESOLVED, the Steuben County Legislature approves the purchase of the gas to energy project and equipment, including the building installed by Steuben Rural Electric Cooperative, Inc., at the agreed-to-price of TWO MILLION THREE HUNDRED FIFTY THOUSAND and 00/100 (\$2,350,000.00); and be it further

RESOLVED, the Commissioner of Finance is hereby authorized and directed to appropriate said amount from the Enterprise Fund Balance; and be it further

RESOLVED, the within termination of the Agreement and purchase are subject to receipt of a Resolution authorizing the same from Steuben Rural Electric Cooperative, Inc.'s Board of Directors and approval of a written agreement by the County Attorney for the terms and conditions of the termination and purchase consistent with the terms of this resolution; and be it further

RESOLVED, a certified copy of this Resolution shall be forwarded to Steuben Rural Electric Cooperative, Inc., Commissioner of Finance, Commissioner of Public Works, the County Manager and the County Attorney.

Secretary's Note: Legislators Hauryski and Nichols recused themselves from discussion and abstained from voting as they are members of Steuben Rural Electric's Board of Directors.

**Vote: Roll Call – Adopted. Yes – 8110; Absent – 605; Abstained – 1157
(Absent – Legislator Lattimer; Abstained – Legislators Hauryski and Nichols)**

RESOLUTION NO. 054-19

Introduced by J. Hauryski.

Seconded by J. Malter.

AUTHORIZATION TO PURCHASE 0.65 ACRES OF LAND WITH AN EXISTING BUILDING LOCATED AT 29 E. STEUBEN STREET, VILLAGE OF BATH.

WHEREAS, there is an available parcel of land with an existing building available for purchase adjacent to the Steuben County Office Building; and

WHEREAS, in planning for the future, the County is desirous of purchasing the adjacent 29 E. Steuben Street, Bath real property; and

WHEREAS, the owners of 29 E. Steuben Street property, Mark E. Foster and David M. Fusco, have agreed to sell said parcel to the County of Steuben for \$70,000.00 total; and

WHEREAS, adequate funding exists in the Office Space Utilization Capital Project (HB030 HB0301); and

WHEREAS, this purchase amount is within the guidelines set by the Ad-Hoc Office Space Committee.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized to appropriate \$70,000 from the Office Space Utilization Capital Project (HB030 HB0301) for this purchase; and be it further

RESOLVED, the County Manager is authorized and directed to execute all contracts and agreements for purchase said parcel of land; and be it further

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

Vote: Roll Call – Adopted. Yes – 8219; No – 451; Absent – 605; Abstained – 597
(No – Legislator Weaver; Absent – Legislator Lattimer; Abstained – Legislator Mullen as he owns the adjoining building)

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