

REGULAR MEETING
Morning Session
Monday, February 24, 2020
Legislative Chambers

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers in Bath, NY on the 24th day of February, 2020 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Scott J. Van Etten.

Roll Call and all members present except Legislators Lando, Lattimer and Swackhamer.

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

Chairman Van Etten asked Courtney Hagadone to come forward. Ms. Hagadone is an employee in the Office for the Aging. He presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

Chairman Van Etten asked Hattie Mullen to come forward. Ms. Mullen 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 Van Etten asked Debby Spencer to come forward. Ms. Spender 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 Van Etten asked Jason Barrett to come forward. Mr. Barrett is an employee in the 911 Department. He presented him with a Certificate of Appreciation and a pin in recognition of his 15 years of service to Steuben County.

Chairman Van Etten opened the floor for comments by members of the public.

Doug Mitchell, Addison, stated he is here today representing the Steuben County SCOPE Chapter. Sadly, I stand here today even more concerned than I was 7 years, 1 month and 10 days ago when the NY SAFE Act was presented under a “message of necessity”, in the dead of night with no desire or prospect of public input or debate. Truly cowardly and tyrannical with no apologies offered. Those who voted in favor of this “feel good” legislation said it was “common sense” legislation that the public wanted...that gun owners were unreasonable and paranoid about their rights and the Constitution. Well, here we are in NY 7 years later...we have a mandated ammo database that is nonexistent, a mandated universal background check procedure that is not always followed, and 95 percent non-compliance in registering existing AR platform rifles. But it sure felt good when they passed it! We now have a “common sense” red flag law that violates “due process” and several other customs we have enjoyed in the past in a “free and just” society. If a person is considered a danger to himself and others, why only confiscate firearms? Why not cars, knives, hammers, screwdrivers, ice picks, baseball bats and golf clubs? Wouldn't it be easier to just lock up the person rather than all the instruments you think might be a problem (or that you're scared of)? I believe it is time that the citizens of Steuben County peacefully, but emphatically say “enough is enough”...that we can do a better job of governing ourselves than NYC or Albany. One size does not fit all. A lot can change in 5, 8 or 10 years...evidence being the NY SAFE Act, the Red Flag Law, the Green Light Law, Bail Reform & Discovery Law in NYS. I will leave you with a quote, not mine, by the way...”This year will go down in history. For the first time, a civilized nation has full gun registration. Our streets will be safer, our police more efficient and the world will follow our lead into the future.” 1935 – Adolf Hitler. Mr. Mitchell stated he sincerely hopes this body will consider the wishes of so many Steuben County residents and consider a sensible Ordinance ensuring both the safety and the rights of your constituents. Thank you.

David Sutfin, Hornell, stated socialism kills and he imagines all of you are aware of that. The average Republic lasts about 200 years. Your duly elected Governor has gone from a civil society to near chaos. This always starts with gun control. The Governor has disregard for the U.S. and State Constitution and has turned gun owners into felons overnight. New York State has become a sanctuary for illegal aliens, we have decriminalized drug use and have instituted bail reform. Criminals are now free to do what they want at will. Where do all the drug addicts get the money to feed their habits? Crime is definitely on the rise. Shootings are up 60 percent in NYC since Bail Reform. Private citizens in NYC are worried they will not get their city back and they cannot protect themselves from criminals. Do you really believe that criminals purchase guns at a gun dealer? They do not register their weapons and there is no background check. Mr. Sutfin stated we need a simple ordinance for a Second Amendment Sanctuary. How close are we to destroying the greatest republic in the world? This county and others across the State are being extorted by the Governor. Without action it will only get worse. When people fear government there is tyranny. When governments fear the people then there is freedom.

Kyle Peterson, Campbell, stated he is here today to re-inform everyone that we are still working on revising the Second Amendment Sanctuary Ordinance. We have been getting more feedback from other counties recently and have made more revisions since the last time I spoke with you all. So, I will leave the current revised copy for everyone to review; this revision comes after Gregg (the person heading the Chemung ordinance) had a meeting with Chemung County Legislators, along with the County Attorney. Again, this is just another revision and we encourage as much feedback from everyone as you are able to give. He would also like to provide everyone with some more information today. If anyone has done research of some of the current firearm bills that have been introduced, you have probably seen some of these bills I am going to talk about. If you have not seen them, I encourage you to go to nysenate.gov, then search bills and type “firearm” in the “title” section. There are hundreds of bills out there related to firearms. A few of them are Senate Bill S3565, S1834, A2847 (multiple versions), A7640, S7065, S1412 and A1724. Mr. Peterson recited the provisions of each of these bills. To make it clear, these are only some of the bills that have been introduced. There are many more out there, but not all of them are bad either. There are some that would be beneficial, such as A5087 which makes amendments to the SAFE Act. Furthermore, since I have started working on this ordinance, I have heard a lot about preemption. Preemption is based off of the Supremacy Clause with Article VI of the U.S. Constitution which dictates that federal law is the “supreme law of the land” and federal law preempts state law, even when the laws conflict. However, in absence of federal law, or when a state law would provide more protection for consumers, employees, and other residents than what is available under existing federal law, then state law holds. On the federal level, we have the National Firearms Act (1934), the Federal Firearms Act (1938), the Gun Control Act of 1968, the Firearms Owners Protection Act (1986), the Brady Act (1993), the Federal Assault Weapons Ban (1994), the Lawful Commerce in Arms Act and Child Safety Lock Act (2005), and the National Instant Criminal Background Check System Improvement Amendments Act (2007). Although we have all these Federal regulations and laws of firearms, NYS continues to introduce and pass more and more firearms restrictions. Some have been within reason, and some have not been within reason. All affect law abiding citizens and few affect criminals as they do not follow the law to begin with. To conclude, the 2nd Amendment states a well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed. As quoted from Samuel Adams, “If ye love wealth better than liberty, the tranquility of servitude better than the animating contest of freedom, go home from us in peace. We ask not your counsels or your arms. Crouch down and lick the hands which feed you. May your chains set lightly upon you, and may posterity forget that you were our countrymen.”

Wayne Wells, Cameron, provided his opinion on President Trump and corruption.

Chairman Van Etten thanked everyone for their comments and declared the opportunity for public comment closed.

Dr. William Mullaney, President of Corning Community College presented his 2020 annual report. He introduced Board of Trustee members Gail Baity and Ronald Allison. He also introduced Financial Officer, Todd Garnier. Dr. Mullaney stated the success of the college is built upon our dedication to the students. The community has been very warm and welcoming and is very supportive of the college. He stated Dr. Douglas accomplished many things during her eight-year tenure, including the construction of the residence halls and the Health Education Center. Dr. Mullaney reviewed various highlights from 2018 through the present. During the Fall of 2018 they introduced the new program in Sustainability Studies. Additionally they partnered with CAF USA, a Spanish-owned railcar manufacturing company with a branch in Elmira to manage employee development training. He noted that they have the highest transfer rates in New York and during the winter 2018 semester they signed a new collaborative agreement with SUNY Oswego. This 2+2 agreement allows students to complete two years of undergraduate study at SUNY CCC and then apply to SUNY Oswego to earn a Bachelor of Arts in Music. During the 2019 spring semester we held the ceremonial groundbreaking for the College's STEAM Innovation Center where state-of-the-art equipment will allow the College to explore and expand public-private partnerships with local employers in order to meet their workforce needs. Additionally, this will allow the College to reduce our carbon footprint, improve energy efficiency and raise student awareness about the importance of environmental sustainability. During the summer of 2019 we implemented free tuition for students who take SUNY CCC courses that are taught in their high schools. We also celebrated the retirement of Dr. Katherine Douglas. The SUNY Chancellor visited the College this past fall and Dr. Mullaney stated we were very proud of how our students and staff presented our College to the Chancellor. We were also recognized as a 2020 Best College by Niche; we were ranked fifth in New York State. Dr. Mullaney stated the *Journal of Microbiology and Biology Education* accepted for publication an article by one of our professors, Dr. Matthew Skerritt.

Dr. Mullaney presented a brief PowerPoint presentation on their STEAM Innovation Zone. The Innovation Zone offers programming and develops collaborations for life-long access to high-quality STEAM education in Healthcare, Information Technology, Digital Design, Engineering, Advanced Manufacturing and Clean Energy. We welcome collaboration with industry, agencies, non-profits and community organizations. Dr. Mullaney outlined the STEAM Innovation Zone programs for 2020 – 2022. These include installing the equipment for the Digital Dome Theatre by Summer 2020 and open for use by Fall 2020; develop and begin offering the Megatronics curriculum by Fall 2020; partnering with Siemens for energy retrofit with a goal of reducing energy use by 20 percent by Summer 2021; develop the Makerspace as a laboratory for design, manufacturing, and information technology course projects by Fall 2021 and creating a STEM summer bridge program to promote STEM careers by Summer 2022.

Mr. Nichols asked it looks like you have a deficit of \$4 million; how did that happen? Dr. Mullaney replied that decrease is largely the result of the depreciation of assets at the college. Mr. Garnier commented that is non-cash. Mr. Van Etten asked what has happened with enrollment? It is interesting that it picked up in 2018 and has dropped down in 2019. Dr. Mullaney replied for the past five years they have seen an enrollment decline at the college. When the economy is doing well, enrollment declines. There are also fewer high school students graduating, however, we did see an increase with the ACE Program and that made up for that decline. Ms. Fitzpatrick asked have the Excelsior Scholarships had any effect on the decreased enrollment? Dr. Mullaney replied by most accounts it has; it seems to have had a more positive effect on the four-year universities. Mrs. Ferratella asked what about international students? Dr. Mullaney replied international students are a small part of our population. We have continued our outreach efforts. One of our largest growth areas is with students from New York City. We would like to look at expanding our international student population.

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

Mr. Wheeler stated he would like to recognize the most recent winners of the Employee Innovation Award. Dr. Ryan Peterson, Lisa Hamilton and Karen Adam presented a proposal for making double-sided printing the default in an effort to save paper and we will start doing that. Our estimate is this will result in an annual savings of \$2,500 - \$4,500.

Chairman Van Etten stated the Legislators should have all received via email a copy of a letter that Mayor Buckley sent thanking the County for our cooperation with the Preston Avenue site. Mr. Wheeler stated the Legislature has done great work with this and he would also like to recognize Chris Brewer and Steve Orcutt as they have been instrumental in coordinating everything.

RESOLUTION NO. 040-20

Introduced by K. Fitzpatrick.

Seconded by G. Roush.

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, the Steuben County Commissioner of Finance is authorized and directed to cancel any unpaid taxes against the assessed gas well contained in Schedule "B", pursuant to Real Property Tax Law §558, as approved by the Steuben County Finance Committee on February 11, 2020; and be it further

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

SCHEDULE "A"

Resolution No.	<u>A-1</u>
Name	<u>David C. Morse & Roger L. Bump</u>
Parcel No.	<u>332.17-02-047.000</u>
Municipality	<u>Village of Addison</u>
Disposition	<u>2020 Parcel Split</u>

Resolution No.	<u>A-2</u>
Name	<u>Ronald & Gale Sick</u>
Parcel No.	<u>054.06-01-002.200</u>
Municipality	<u>Town of Wayland</u>
Disposition	<u>2020 Parcel Split</u>

Resolution No.	<u>A-3</u>
Name	<u>Roger P. & Gayla Rounds</u>
Parcel No.	<u>295.00-01-013.000</u>
Municipality	<u>Town of Addison</u>
Disposition	<u>2020 Parcel Split</u>

Resolution No.	<u>A-4</u>
Name	<u>Jill Crooker</u>
Parcel No.	<u>295.00-01-013.100</u>
Municipality	<u>Town of Addison</u>
Disposition	<u>2020 Correction of Exemption</u>

Resolution No. A-5
Name David & Janet Mendez
Parcel No. 148.00-01-016.122
Municipality Town of Bradford
Disposition 2020 Correction – Vacant Land

Resolution No. A-6
Name Magan Kay Stalbird
Parcel No. 191.13-01-068.000
Municipality Village of Savona
Disposition 2020 Correction of Clerical Error

Resolution No. A-7
Name Wades Concrete LLC
Parcel No. 275.00-01-028.110
Municipality Town of Rathbone
Disposition 2020 Parcel Split

Resolution No. A-8
Name Matthias E. & Andrea L. Reisen
Parcel No. 084.00-01-005.000
Municipality Town of Avoca
Disposition 2020 Parcel Split

Resolution No. A-9
Name Eric M. & Bobbie P. Smalt
Parcel No. 003.13-02-021.000
Municipality Village of Wayland
Disposition 2020 Correction of Re-levied Tax

Resolution No. A-10
Name Keuka Surf Shack LLC
Parcel No. 091.05-01-012.100
Municipality Town of Urbana
Disposition 2020 Parcel Split

Resolution No. A-11
Name Gerald D. Morse
Parcel No. 282.00-02-026.000
Municipality Town of Corning
Disposition 2018 Refund due to Acreage Error

Resolution No. A-12
Name Gerald D. Morse
Parcel No. 282.00-02-026.000
Municipality Town of Corning
Disposition 2019 Refund due to Acreage Error

Resolution No. A-13
Name Gerald D. Morse
Parcel No. 282.00-02-026.000
Municipality Town of Corning
Disposition 2020 Correction of Acreage Error

Resolution No. A-14
Name Betty A. Orcutt Irrevocable Family Wealth Trust & Steven P. Orcutt
Parcel No. 203.00-02-002.000
Municipality Town of Bath
Disposition 2020 Court Ordered Correction

Resolution No. A-15
Name Betty A. Orcutt Irrevocable Family Wealth Trust & Steven P. Orcutt
Parcel No. 203.00-02-001.000
Municipality Town of Bath
Disposition 2020 Court Ordered Correction

Resolution No. A-16
Name Betty A. Orcutt Irrevocable Family Wealth Trust & Steven P. Orcutt
Parcel No. 146.00-01-029.000
Municipality Town of Bath
Disposition 2020 Court Ordered Correction

SCHEDULE “B”

Resolution No. B-1
Name Talisman Energy USA Inc. (Andrews Gas Well)
Parcel No. 563.00-06-004.000
Municipality Town of Corning
Disposition Cancellation of Void Taxes: 2016-2017 City School Taxes

Resolution No. B-2
Name Talisman Energy USA Inc. (Andrews Gas Well)
Parcel No. 563.00-06-004.000
Municipality Town of Corning
Disposition Cancellation of Void Taxes: 2017 Town and County Taxes

Vote: Roll Call – Adopted.

RESOLUTION NO. 041-20

Introduced by S. Van Etten.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE FEBRUARY 24, 2020 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 17, 2020

NYS Department of Transportation – Re: Notification of up to \$43 million in funding for operating assistance and capital projects to support public transportation services in rural areas with populations of less than 50,000. *Referred to: Amy Dlugos, Planning Director.*

Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Canandaigua Power Partners, LLC amended and restated tax agreement. *Referred to: Finance and Administration Committees; Tammy Hurd-Harvey, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, County Attorney.*

January 21, 2020

NYS Department of Environmental Conservation – Re: Preliminary data results from the site investigation at the Steuben County Wayland Landfill. *Referred to: Public Works Committee; Steve Orcutt; Assistant Commissioner of Landfill, and Jennifer Prossick, County Attorney.*

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and Canisteo Wind LLC proposed financial assistance is scheduled for Tuesday, February 11, 2020 at 3:30pm and 5:30pm at the Troupsburg Town Hall located at 873 Main Street, Troupsburg, New York. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

NYS Office of Children and Family Services – Re: OCFS Fatality Report #RO-19-030. *Referred to: Scott Van Etten, Legislature Chairman; and Jack Wheeler, County Manager.*

January 27, 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, County Attorney; Tammy Hurd-Harvey, Commissioner of Finance; and Brenda Mori, Clerk of the Legislature.*

City of Hornell – Re: Resolution confirming the reappointment of Mayor John Buckley to the Steuben County Land Bank Corporation for a term of two years commencing on January 1, 2020 and expiring on December 31, 2021. *Referred to: Amy Dlugos, Steuben County Land Bank Corporation Executive Director; and Brenda Mori, Clerk of the Legislature.*

January 28, 2020

NYS Parks, Recreation and Historic Preservation – Re: Notification of the application approval for the 2019-2020 snowmobile trail development and maintenance assistance in the amount of \$42,084.00. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

January 31, 2020

Innogy Renewables US LLC – Re: Notification of a public open house for Baron Winds LLC is scheduled on February 12, 2020 from 6:30pm-8:30pm at the Cohocton Development Corporation, located at 71 Maple Avenue, Cohocton, NY. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

Honorable Craig Doran, NYS Supreme Court Justice, 7th Judicial District Administrative Judge - Letter requesting support from the Steuben County Legislature on Chief Judge DiFiore's proposal for the Trial Court Consolidation. *Referred to: Ad Hoc Office Space Committee; and Jack Wheeler, County Manager.*

February 3, 2020

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$1,761, which represents the December 2019 surcharge revenues for Steuben County. *Referred to: Finance Committee; and Tammy Hurd-Harvey, Commissioner of Finance.*

February 5, 2020

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and Canisteo Wind LLC proposed financial assistance is **RESCHEDULED** to Wednesday, February 26, 2020 at 4:00pm and 6:00pm at the Troupsburg Fire Hall located at 893 State Route 36, Troupsburg, New York. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

February 12, 2020

NYS Department of Transportation – Re: Notification of the initiated payment process to fully expend the SFY 2019-2020 Statewide Mass Transportation Operating Assistance (STOA) payment. *Referred to: Amy Dlugos, Planning Director and filed with Brenda Mori, Clerk of the Legislature.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 042-20

Introduced by C. Ferratella and K. Fitzpatrick.

Seconded by F. Potter.

AUTHORIZING THE TRANSFER OF FUNDS FROM THE STEUBEN COUNTY DIABETES COALITION TO THE S2AY RURAL HEALTH NETWORK.

WHEREAS, the Steuben County Diabetes Coalition (coalition) was formed on October 15, 2010; and

WHEREAS, the coalition covered Steuben, Chemung and Schuyler Counties; and

WHEREAS, coalition members now attend the Living Healthy Regional Coalition chaired by the S2AY Rural Health Network; and

WHEREAS, due to the establishment of the Living Healthy Regional Coalition, the Steuben County Diabetes Coalition was disbanded on July 17, 2019; and

WHEREAS, Steuben County Diabetes Coalition members voted to use the remaining money raised by the coalition to fund scholarships for children with a Diabetes diagnosis that live in Steuben, Chemung and Schuyler Counties to attend the American Diabetes Association's Camp Aspire; and

WHEREAS, the S2AY Rural Health Network has agreed to accept and distribute the remaining money for Camp Aspire scholarships.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature authorizes the Commissioner of Finance to transfer \$4,559.29 to the S2AY Rural Health Network from the Steuben County Diabetes Coalition (A 26004025); and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Director of Public Health and Nursing Services, the Commissioner of Finance, and the Executive Director of the S2AY Rural Health Network, PO Box 390, Canandaigua, NY 14424.

Vote: Roll Call – Adopted.

RESOLUTION NO. 043-20

Introduced by J. Malter and K. Fitzpatrick.

Seconded by F. Potter.

AUTHORIZING ACCEPTANCE OF THE FY19 STATEWIDE INTEROPERABLE COMMUNICATIONS FORMULA GRANT.

WHEREAS, Steuben County has a County-wide Communications System to support emergency response; and

WHEREAS, County emergency responders are dependent on the County-wide Communications System; and

WHEREAS, the County has implemented a County-wide 911 system for notification and operation of the county responders; and

WHEREAS, the County has identified the need for additional capabilities within the system to address interoperable communications with all response agencies to address operational issues; and

WHEREAS, the County has identified the need for funding to sustain and maintain our communications system for interoperability with all response agencies; and

WHEREAS, the New York State Department of Homeland Security and Emergency Services (DHSES) Office of Interoperable & Emergency Communications (OIEC) is responsible for the administration of the Statewide Interoperable Communications Grants; and

WHEREAS, the New York State DHSES has awarded the County grant funds in the amount of \$796,257 to facilitate the development, consolidation, improvement, sustainability and maintenance of public safety communications to support and enhance statewide interoperable communications for first responders.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized to execute such documents or agreements with the New York State DHSES to accept funding in the amount of \$796,257 for implementation of the Round 8 Statewide Interoperable Communications Formula Grant to support improved operations of public safety communications and interoperability; and be it further

RESOLVED, the Commissioner of Finance is hereby authorized to appropriate funding to a capital project entitled “Round 8 Interoperable Communications Grant” to the grant award amount of \$796,257; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 044-20

Introduced by K. Fitzpatrick.

Seconded by J. Malter.

AUTHORIZING A TRANSFER FROM THE 2019 CONTINGENT FUND.

Pursuant to Section 2.07 of the Steuben County Charter.

WHEREAS, the Steuben County budget for the Nichol Inn Capital Project contains insufficient funds to cover expenditures; and

WHEREAS, environmental monitoring costs will continue to be incurred related to the property known as “The Nichol Inn”; and

WHEREAS, the Finance Committee has approved this transfer from the 2019 Contingent Fund to cover the 2019 expenditures and future years’ environmental monitoring costs.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized and directed to adjust the following accounts in the 2019 budget and transfer funds from the County General Fund (A) to the Nichol Inn capital project fund (H3164):

ACCOUNTS:

- Account 199000 5-499-000 Contingent Expenditures- (\$35,000.00)
- Account 995000 5-936-000 Provisions for Capital Projects Expenditures - \$35,000.00
- Account 1364H1 4-503-1900 Interfund Transfer Revenue - \$35,000.00
- Account 1364H1 5-250-000 Capital Projects Expenditures - \$35,000.00

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 045-20

Introduced by R. Nichols.

Seconded by G. Roush.

AUTHORIZING STEUBEN COUNTY TO ENTER INTO A MAINTENANCE AGREEMENT WITH NYSDOT TO MAINTAIN A PORTION OF COUNTY ROUTE 60.

WHEREAS, the New York State Department of Transportation (NYSDOT) has submitted to the County of Steuben a proposed agreement by which the County of Steuben is to maintain 0.016 centerline miles of a County Road (shown as part numbered 6 on the Table of Maintenance) known as County Road 60 Christian Hollow Road and to be designated as a portion of New York Project No. 6048.24, D264118; and

WHEREAS, prior to the County’s maintenance of said road, NYSDOT will provide improvements under United States Federal Highway Administration funds; and

WHEREAS, said proposed agreement also provides for the County to request the NYSDOT, to submit the aforementioned project with the recommendation that it be approved by the Administrator of the United States Federal Highway Administration; and

WHEREAS, if such project is approved and constructed by NYSDOT and the Administrator of the United States Federal Highway Administration, the County will thereafter at its own cost and expense maintain the previously described portion of this project in a manner satisfactory to NYSDOT and the Administrator of the United States Federal Highway Administration, or their authorized representatives, and make ample provision each year for such maintenance.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben shall maintain said portion of said road and guarantees the maintenance of such road when constructed and will pay the cost of such maintenance and will maintain the project in a manner satisfactory to NYSDOT or its authorized representatives and will make ample provisions each year for such maintenance; and be it further

RESOLVED, the County recommends that NYSDOT submit such project to the Administrator of the United States Federal Highway Administration and recommend to him/her the approval of the same for construction with funds apportioned to the State for construction of Highways and related projects under the provisions of Federal Highway Acts; and be it further

RESOLVED, the County Manager is hereby authorized to enter into an agreement with NYSDOT, for the maintenance of that certain part of County Route 60 after NYSDOT project is completed; and be it further

RESOLVED, two certified copies of this resolution shall be submitted to the State Department of Transportation; the Commissioner of Public Works; County Attorney and the Administrator of the United States Federal Highway Administration.

Vote: Roll Call – Adopted.

RESOLUTION NO. 046-20

Introduced by R. Nichols.

Seconded by F. Potter.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO WAIVE THE OVERNIGHT CABIN FEE AT KANAKADEA PARK.

WHEREAS, Kanakadea Park has a lean-to shelter and outhouse located in the County park limits; and

WHEREAS, both are in disrepair and in need of replacement; and

WHEREAS, the Finger Lakes Trail traverses through Kanakadea Park; and

WHEREAS, the Finger Lakes Trail Conference, Inc. (FLTC) volunteers will be furnishing all labor and materials to replace both of the aforementioned structures; and

WHEREAS, the FLTC volunteers have requested the County waive the nightly fees for the use of two cabins, one campsite with electric and one campsite without electric for four nights at Kanakadea Park; and

WHEREAS, the Public Works Committee has determined that it is in the best interest of the County to waive the cabin and camping fees in exchange for the replacement of the above-mentioned structures and authorized the Commissioner of Public Works to waive the said fees to the FLTC volunteers.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is hereby authorized and directed to waive the nightly fees for two cabins, one campsite with electric and one campsite without electric for four nights at Kanakadea Park for the FLTC volunteers for the replacement of the lean-to shelter and outhouse; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 047-20

Introduced by R. Nichols.

Seconded by J. Malter.

ESTABLISHING A TIP FEE FOR STABILIZED AND UN-STABILIZED WASTE WATER TREATMENT PLANT SLUDGE.

Pursuant to Section 226-b of the NY State County Law.

WHEREAS, 6NYCRR Part 360 defines two types of waste water treatment plant sludge, stabilized - 360.2(b) and untreated solids – 360.2(b); and

WHEREAS, the un-stabilized/untreated waste water treatment plant sludge presents unique environmental, health and safety issues that require different waste screening and handling practices as well as handling costs; and

WHEREAS, 6 NYCRR 363-7.1(j) requires that all bio-solids accepted for disposal must be stabilized, dewatered to 20 percent solids, and exhibit no free liquids; and

WHEREAS, bio-solids that do not meet the above criteria require authorization from NYSDEC for disposal in the landfill; and

WHEREAS, the current unilateral tip fee at the Bath Landfill for the waste water treatment plant sludge is \$36.00/ton; and

WHEREAS, the Solid Waste Division desires to establish a \$37.00/ton tip fee for stabilized waste water treatment plant sludge and a \$50.00/ton tip fee for un-stabilized waste water treatment plant sludge.

NOW THEREFORE, BE IT

RESOLVED, the Legislature recognizes that un-stabilized/untreated waste water treatment plant sludge possesses more complex environmental, health and safety issues; and be it further

RESOLVED, the Legislature hereby authorizes the Commissioner of Public Works to establish the \$37.00/ton tip fee for stabilized waste water treatment plant sludge and the \$50.00/ton tip fee for the un-stabilized/untreated waste water treatment plant sludge; and be it further

RESOLVED, the new tip fees will take effect on March 1, 2020; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 048-20

Introduced by K. Hanna.

Seconded by G. Roush.

AUTHORIZING AN APPLICATION TO THE 2019-2020 FEDERAL TRANSIT ADMINISTRATION (FTA) FORMULA GRANTS FOR RURAL AREAS PROGRAM (SECTION 5311).

WHEREAS, the County of Steuben is submitting a request for a grant of funds to the New York State Department of Transportation, pursuant to 49 USC. 5311, for a project to provide public mass transportation services for Steuben County operated by First Transit, Inc. and Steuben Area Rides (Arc of Steuben) for the 2019 and 2020 fiscal years; and

WHEREAS, the County and the State of New York have entered into a continuing agreement which authorizes the undertaking of the Project and payment of the Federal Share; and

WHEREAS, the County is contracting with a third party subcontractor for the project described above.

NOW THEREFORE, BE IT

RESOLVED, the Planning Director is authorized to act on behalf of Steuben County and to sign the application and to progress and complete the above named project; and be it further

RESOLVED, the Planning Director is authorized to sign any contracts or agreements between Steuben County and any third party subcontractor necessary to complete the public transportation project, subject to the approval of the County Attorney; and be it further

RESOLVED, a certified copy of this resolution shall be distributed to the County Planning Director.

Vote: Roll Call – Adopted.

RESOLUTION NO. 049-20

Introduced by B. Schu.

Seconded by K. Fitzpatrick.

AUTHORIZING INTER-MUNICIPAL AGREEMENTS FOR INFORMATION TECHNOLOGY SERVICES.

WHEREAS, the Department of Information Technology enters into contracts with the Cities, Towns, Villages and School Districts of Steuben County for purposes of printing tax bills, as well as providing Information Technology services to the City of Corning; and

WHEREAS, in an effort to streamline and clarify the approval process to properly comply with General Municipal Law governing inter-municipal agreements it is necessary for the County Legislature to formally approve entering into the current and future agreements for these services; and

WHEREAS, any such future agreements would still require standing committee authorization and oversight.

NOW THEREFORE, BE IT

RESOLVED, this Legislature authorizes the County Manager to enter into inter-municipal agreements with the Cities, Towns, Villages and School Districts of Steuben County; and be it further

RESOLVED, the Administration Committee of this Legislature is authorized to approve future agreements and is directed to provide oversight of such agreements subject to the Rules of Procedure of this County Legislature; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Manager and the Director of Information Technology.

Vote: Roll Call – Adopted.

RESOLUTION NO. 050-20

Introduced by R. Nichols.

Seconded by C. Ferratella.

AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY LOCATED IN THE TOWN OF CAMERON FOR THE PURPOSE OF REPLACING AND MAINTAINING THEREON THE COUNTY ROUTE 119 BRIDGE OVER THE CANISTEO RIVER.

WHEREAS, the Bridge Replacement Project, P.I.N. 6755.17, CR 119 over the Canisteco River, BIN 3334430, Town of Cameron, County of Steuben (“the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds, 15% State funds and 5% local funds; and

WHEREAS, the County of Steuben (“the County”) has entered into an agreement with the New York State Department of Transportation to advance the Project by making a commitment of 100% of the non-federal share of the design and right-of-way costs of the Project; and

WHEREAS, in order to construct and maintain the Project, the County desires to acquire in fee a parcel of land from Steven Thomas Jenks, being a portion of his property, Tax Parcel ID 255.00-01-006.000, located at 5772 County Route 119, Town of Cameron, County of Steuben; and

WHEREAS, the fee acquisition contains 1.613 acres of real property as delineated on Steuben County Highway Department Acquisition Map No. 1, Parcel No. 1 for the Project; and

WHEREAS, Steven Thomas Jenks, the grantor, in consideration of up to five thousand dollars (\$5000.00) to be paid by the County, the grantee, desire to convey this parcel of property to the County.

NOW THEREFORE, BE IT

RESOLVED, that this Legislature does hereby approve of acquiring in fee the 1.613 acre parcel of land from Steven Thomas Jenks, being a portion of his property, Tax Parcel ID 255.00-01-006.000, located at 5772 County Route 119, Town of Cameron, County of Steuben; and

RESOLVED, that the County Manager, is authorized to make and enter into agreements on behalf of the County of Steuben, to execute any and all documents associated with the acquisition of the aforementioned property; and be it further

RESOLVED, that certified copies of this resolution shall be filed with the County Clerk, Director of the Real Property Tax Service Agency, Commissioner of Public Works and County Manager.

Vote: Roll Call – Adopted.

RESOLUTION NO. 051-20

Introduced by J. Malter, B. Schu and K. Fitzpatrick.

Seconded by S. Maio.

WAIVING THE 16B PROCESS AND AUTHORIZING THE CREATION OF ADDITIONAL POSITIONS WITHIN THE PUBLIC DEFENDER’S OFFICE AND THE CONFLICT DEFENDER’S OFFICE TO COMPLY WITH HURRELL-HARRING.

WHEREAS, pursuant to Hurrell-Harring mandates, and per Indigent Legal Services (ILS), additional positions are necessary in the Public Defender’s Office and Conflict Defender’s Office; and

WHEREAS, the State has mandated duties of a Data Control Officer under the ILS mandate to assist with coordinating communications of data from all three indigent defense departments to ILS to ensure compliance; and

WHEREAS, a Senior Typist position, Grade VI, is necessary to comply with the State mandated duties of Data Control Officer in the Public Defender’s Office; and

WHEREAS, a Senior Assistant Public Defender position, Management Grade I, will assist with the caseload cap in the Public Defender’s Office; and

WHEREAS, a Typist position, Grade IV and Paralegal Assistant position, Grade XI, will support the additional attorneys required in the Public Defender’s Office; and

WHEREAS, a Part-time Assistant Conflict Defender position, Management Grade H, will assist with the caseload cap in the Conflict Defender’s Office, which will potentially result in fewer cases being sent to Assigned Counsel, thereby saving the County money; and

WHEREAS, the funding for said positions is currently available within the 2020 budget.

NOW THEREFORE, BE IT

RESOLVED, Rule 16B of the *Rules of Procedure* be and the same hereby is waived; and be it further

RESOLVED, the following positions are hereby created and funded for the denoted department:

<u>Department/Position</u>	<u>Quantity</u>	<u>Grade</u>	<u>Salary</u>
<u>Conflict Defender</u>			
Assistant Conflict Defender Part-time	1	H (Mgmt.)	\$28,746 - \$34,147
<u>Public Defender</u>			
Typist	1	IV	\$26,279 - \$37,099
Senior Typist	1	VI	\$28,442 - \$40,151
Paralegal Assistant	1	XI	\$35,279 - \$49,804
Senior Assistant Public Defender	1	I (Mgmt.)	\$63,232 – \$75,116

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

**Vote: Roll Call – Adopted. Yes – 7681; No – 593; Absent – 1598
(No – Legislator Ryan; Absent – Legislators Lando, Lattimer and Swackhamer)**

LOST

RESOLUTION NO. 052-20

Introduced by J. Malter, B. Schu and K. Fitzpatrick.

Seconded by S. Maio.

WAIVING THE 16B PROCESS AND AUTHORIZING THE CREATION OF ONE PART-TIME ASSISTANT DISTRICT ATTORNEY POSITION IN THE DISTRICT ATTORNEY'S OFFICE.

WHEREAS, the District Attorney previously shared an Assistant District Attorney position on a part-time basis with Schuyler County through an inter-municipal agreement; and

WHEREAS, Schuyler County now needs the shared Assistant District Attorney to work full-time for Schuyler County; and

WHEREAS, the District Attorney is requesting a 16B waiver to create one (1) Part-time Assistant District Attorney position, Management Grade H; and

WHEREAS, it is desirable to create one (1) Part-time Assistant District Attorney position, Management Grade H, to cover the workload previously handled by the shared Part-time Assistant District Attorney; and

WHEREAS, the funding for said positions is currently available within the 2020 budget; and

WHEREAS, Rule 16B of the *Rules of Procedure* of the County Legislature requires an extraordinary majority to create the aforesaid position as a result of said request not having been anticipated for the year 2020.

NOW THEREFORE, BE IT

RESOLVED, Rule 16B of the *Rules of Procedure* be and the same hereby is waived; and be it further

RESOLVED, the following position is hereby created and funded for the denoted department:

<u>Department/Position</u>	<u>Quantity</u>	<u>Grade</u>	<u>Salary</u>
<u>District Attorney</u> Assistant District Attorney PT	1	H (Mgmt.)	\$28,746 - \$34,147

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

Mr. Mullen stated he will not vote for this. He understands there was a part-time position in the office and the District Attorney is looking to fill that void, but he believes that we recently added additional positions and before we add another, he would like to get data on how the other positions are functioning. He would like that data to also include CAP court attendance and who is actually going; work performed for youthful offenders and also the volume of work due to the new Discovery requirements. We should have more data.

Vote: Roll Call – Lost. Yes – 4691; No – 3583; Absent – 1598
(No – Legislators Fitzpatrick, Hanna, Horton, Mullen, Potter and Ryan; Absent – Legislators Lando, Lattimer and Swackhamer)

RESOLUTION NO. 053-20

Introduced by C. Ferratella and B. Schu.

Seconded by G. Roush.

RECLASSIFYING ONE (1) ZERO-BASED STAFF PSYCHOLOGIST POSITION, GRADE XIX TO AN ASSISTANT DIRECTOR OF COMMUNITY SERVICES POSITION, MANAGEMENT GRADE I.

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

WHEREAS, a Staff Psychologist position in the Office of Community Services is vacant and zero- based; and

WHEREAS, there is a need for an Assistant Director of Community Services position in the Office of Community Services; and

WHEREAS, the Personnel Officer, County Manager, Human Services Health & Education Committee, and Administration Committee have reviewed said position and funding for said position within the Office of Community Services and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position is hereby reclassified and funded as follows:

Fund & Reclassify:

One (1) zero-based Staff Psychologist position, Grade XIX (\$68,445 - \$96,631) to an Assistant Director of Community Services, Management Grade I (\$63,232 - \$75,116)

AND BE IT FURTHER RESOLVED, the 2020 County Job Classification and Salary Schedule and Management Salary Plan are hereby amended to reflect the above-stated change; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Finance, Personnel Officer, and the Director of Community Services.

Vote: Roll Call – Adopted.

Motion to postpone resolution #15 until the March 23, 2020, Legislative Meeting made by Mr. Potter, seconded by Mr. Roush and duly carried.

RESOLUTION NO. 054-20

Introduced by S. Van Etten.

Seconded by K. Fitzpatrick.

APPOINTING MEMBERS TO THE HALL OF FAME COMMITTEE.

Pursuant to Section 12.20 of the Steuben County Charter.

BE IT RESOLVED, the County Manager is recommending the following individuals for appointment to the Hall of Fame Committee for a three-year term commencing January 1, 2020 and ending December 31, 2022:

LEGISLATIVE REPRESENTATIVE

Robin K. Lattimer, Legislator, District 3, 7600 County Route 14, Bath, NY 14810

EDUCATION REPRESENTATIVE

Sheri Golder, 58 River Road, Corning, NY 14830

PRIVATE INDUSTRY REPRESENTATIVE

Minnie Brennan, Haines Equipment, 25 Chase Street, Avoca, NY 14809

AT-LARGE REPRESENTATIVES

Kathy Hagenbuch, 4737 Clawson Drive, Campbell, NY 14821

Carol Mykel, 2018 Michigan Road, Wayland, NY 14572

Becky Stranges, 117 West Washington Street, Bath, NY 14810

AND BE IT FURTHER RESOLVED, the above-named appointees shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Hall of Fame Committee; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 055-20

Introduced by S. Van Etten.

Seconded by F. Potter.

APPOINTING A MEMBER TO THE CORNING COMMUNITY COLLEGE REGIONAL BOARD OF TRUSTEES.

Pursuant to §6306 of the Education Law of the State of New York and §12.20 of the Steuben County Charter.

WHEREAS, by resolution duly adopted on May 20, 2019, George W. Welch, Jr. of Corning, New York was appointed to the Regional Board of Trustees of Corning Community College for a term to expire June 30, 2024; and

WHEREAS, George W. Welch, Jr. has submitted his resignation to said Board; and

WHEREAS, the Chairman of the Legislature has recommended Thomas F. Beers of Hornell, New York, for appointment to the Regional Board of Trustees to fill the unexpired term of George W. Welch, Jr. through June 30, 2024.

NOW THEREFORE, BE IT

RESOLVED, that Thomas F. Beers of Hornell, New York, be and the same hereby is appointed to the Corning Community College Board of Trustees for the above-mentioned terms; and be it further

RESOLVED, said member shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Corning Community College Regional Board of Trustees; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to Dr. William Mullaney, President of Corning Community College, 1 Academic Drive, Corning, New York 14830; Thomas F. Beers, 145 Main Street, Hornell, New York 14843; and the County Auditor.

Vote: Acclamation – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.D. Discussions Regarding Proposed, Pending or Current Litigation made by Mr. Malter, seconded by Mr. Ryan and duly carried.

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

RESOLUTION NO. 056-20

Introduced by J. Malter.

Seconded by F. Potter.

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

WHEREAS, the County of Steuben maintains a County Self-Insurance Plan as authorized under Article 5 of the Workers' Compensation Law and as established under Local Law No. 2 of 1956; and

WHEREAS, certain claims made under the recited Plan remain open; and

WHEREAS, the Third Party Administrator of the Steuben County Self Insurance Plan has requested authorization to settle a claim with respect to a claimant, Gregory L. Mullen; and

WHEREAS, it is in the best interest of the County to settle the claim.

NOW THEREFORE, BE IT

RESOLVED, the County does hereby ratify the settlement of the above-entitled claim in the amount of One Hundred Sixty Five Thousand Dollars (\$165,000); and be it further

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

RESOLVED, a certified copy of this resolution shall be forwarded to the County Manager, County Attorney, Risk Manager and PERMA, 9 Cornell Road, Latham, New York 12110.

**Vote: Roll Call – Adopted. Yes – 7732; No – 542; Absent – 1598
(No – Legislator Maio; Absent – Legislators Lando, Lattimer and Swackhamer)**

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