

**REGULAR MEETING**  
**Morning Session**  
**Monday, July 27, 2020**  
**Annex Building Conference Rooms**

The County Legislature of the County of Steuben convened in Regular Session in the Annex Building Conference Rooms in Bath, NY on the 27<sup>th</sup> day of July, 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 for Legislator Ryan.

*Secretary's Note: Legislators Hanna, Roush and Van Caesele attended via Zoom.*

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

Jennifer Karius, Partnership Specialist with the New York Regional Census Center provided the Legislature with a brief presentation on the census. She explained their job is to promote self-response to the census. The census is still happening and the Census Bureau is the largest statistical agency in the United States. In addition to the U.S. population census that is conducted every 10 years, they also conduct over 130 other surveys to collect statistical data about people, places and the economy. The census is a process mandated by the U.S. Constitution to account for the 330 million people living in the United States. It is important to participate more than ever now and there is an online opportunity to participate this year. The results of the census determine representation as well as funding for the next ten years. There is \$675 billion in funding that is being allocated through federal programs which include roads and bridges, housing, schools, special programs for schools and health services for rural areas. Our businesses also rely on the census information.

Ms. Karius stated the census is safe and we cannot share information under Title 13. We have to adhere to the highest security levels in handling this data. The census survey consists of 10 simple questions. The census can be completed online, by phone or through the mail. We are just ramping up now for our door-to-door operation. We will never ask for social security numbers or bank information. On the online survey as well as the phone survey, there are 12 languages to choose from. There is also a 59-language guide that can be found on YouTube.

Ms. Karius stated they have been delayed due to COVID and have requested a 120-day extension. The self-response phase has been extended to October 31, 2020. We are now up and starting to train people. Once training has been completed, the door knockers will start going out August 11<sup>th</sup> to contact the non-responders. Ms. Karius showed the Legislature the response outreach area mapping. This estimates how likely you are to have a high or low response rate. In Steuben County you are having a slightly lower response. This information is accessible online. The self-response rate for Steuben County is at 58 percent and the national average is 63 percent. The average for New York State right now is 65 percent as of today. Bath has a higher response rate at 64 percent. The southwest and northeast portions of the County are pulling the overall response numbers down. She stated that the Legislature can make a request for our assistance in providing outreach to those specific areas.

Mr. Potter commented in my district we have a large Amish population and they will probably not fill out and return the census. Ms. Karius stated they are considered a harder to count population and we have colleagues who are currently working with the Amish in Yates and Seneca counties. I could have my colleagues contact you. Mr. Van Etten asked are you doing anything above and beyond to identify the Amish communities? Ms. Karius replied no, but I believe this community is being addressed specifically. For you as Legislators, we are looking to you to assist with the outreach. She provided her phone number and also the phone number of her colleague, Jason Eastman.

Mr. Maio asked how do you keep track of or find the homeless or transient population? Ms. Karius replied that is very challenging. We have a list of shelters and food pantries. Someone is visiting on the ground and goes out and does the count. If you know of where those populations are, you can forward that information to me and she will forward that on to a separate operation that is based in Rochester.

Mrs. Lando stated I spoke with Ms. Karius before and she went to Corning City Council and hopefully they will put the link on the website. I would encourage this Legislature to go out and speak at municipal meetings and encourage them to put the link on their websites, and we should also put it on the County website. Ms. Karius stated the link is [www.2020census.gov](http://www.2020census.gov).

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication relative to parcels for inclusion in certified Agricultural Districts 1, 3 and 6 during the annual thirty-day review period. The public will be afforded the opportunity to submit written comment not later than Friday, July 31, 2020.

*Motion adopting the minutes of the previous meeting(s) made by Mr. Mullen, seconded by Mr. Potter and duly carried.*

**RESOLUTION NO. 140-20**

Introduced by G. Swackhamer.

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.	<u>A-1</u>
Name	<u>FHFCU Lot LLC</u>
Parcel No.	<u>318.09-01-013.000</u>
Municipality	<u>Corning City</u>
Disposition	<u>2020 Correction, Special Tax Error</u>

Resolution No.	<u>A-2</u>
Name	<u>Steven J. &amp; Robin A. Dillon</u>
Parcel No.	<u>318.45-01-018.000</u>
Municipality	<u>Corning City</u>
Disposition	<u>2020 Correction, Special Tax Error</u>

Resolution No.	<u>A-3</u>
Name	<u>Steuben County Land Bank Corp.</u>
Parcel No.	<u>037.19-01-072.000</u>
Municipality	<u>Town of Pulteney</u>
Disposition	<u>2020 Cancellation of Tax; Exempt</u>

Resolution No.	<u>A-4</u>
Name	<u>Steuben County Land Bank Corp</u>
Parcel No.	<u>166.18-01-024.000</u>
Municipality	<u>Town of Hornellsville</u>
Disposition	<u>2020 Cancellation of Tax; Exempt</u>

Resolution No.	<u>A-5</u>
Name	<u>County of Steuben</u>
Parcel No.	<u>317.44-02-070.000</u>
Municipality	<u>Corning City</u>
Disposition	<u>2020 Cancellation of Tax; Exempt</u>

**Vote: Roll Call – Adopted.**

## RESOLUTION NO. 141-20

Introduced by S. Van Etten.

Seconded by R. Lattimer.

### RECEIVING AND ACCEPTING THE JULY 27, 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:

#### **June 15, 2020**

NYS Office for the Aging – Re: Notification of Grant Awards (NGAs) for the CMC2 and HDC2 programs under the Families First Coronavirus Response Act (FFCRA) for the period of March 20, 2020 through September 30, 2021. In addition, Notification of Grant Awards (NGAs) for the SSC3, HDC3 and FCC3 programs under the CARES Act for the period of April 1, 2020 through September 30, 2021. ***Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.***

#### **June 22, 2020**

NYS Board on Electric Generation Siting and the Environment – Re: Notice of a teleconference meeting for the Canisteo Wind Energy LLC Project (Case#16-F-0205) will be held on Tuesday, June 30, 2020 at 10:30am. The meeting will be webcast live on the internet, for listening purposes only, and may be accessed at <http://www.dps.ny.gov/Webcasts.html>. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

NYS Office for the Aging – Re: Revised Notification of Grant Awards for the Title III-B, Title III-C-1, Title III-C-2, Title III-D and Title III-E programs of the Older Americans Act for the period of January 1, 2019 through December 31, 2019. ***Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.***

#### **July 6, 2020**

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$7, which represents the May 2020 surcharge payment for Steuben County. ***Referred to: Finance Committee; Administration Committees; and Tammy Hurd-Harvey, Commissioner of Finance.***

NYS Board on Electric Generation Siting and the Environment – Re: Order on rehearing for the Canisteo Wind Energy LLC Project (Case#16-F-0205). ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

Steuben County Industrial Development Agency – Re: Notice of public hearing and proposed financial assistance for the Tyoga Container Company is scheduled via toll-free conference bridge at (866) 804-5312, passcode 585-419-8718 for Thursday, July 16, 2020 at 11:00am at the agency's office located at 7234 Route 54 North, Bath, New York. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

NYS Department of Transportation – Re: Request to review and provide comments on NYSDOT's current "Procedures for Consultation with Public Officials in Rural Areas" (<https://www.dot.ny.gov/programs/smart-planning/repository/RuralConsult2016FINAL.pdf>) by September 8, 2020 to [Jacob.Roloson@dot.ny.gov](mailto:Jacob.Roloson@dot.ny.gov). ***Referred to: Public Safety & Corrections Committee; and Vince Spagnoletti, Commissioner of Public Works.***

**July 10, 2020**

Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and NY Bath I, LLC (payment in lieu of tax) agreement and RP-412-a form for property located at Wildflower Way, Bath NY. ***Referred to: Finance and Administration Committees; Tammy Hurd-Harvey, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, County Attorney.***

NYS Homeland Security and Emergency Services – Re: Notification of being awarded \$21,641 under the FY2020 Emergency Management Performance Grant COVID-19 Supplemental (EMPG-S) program. ***Referred to: Public Safety & Corrections Committee; and Timothy Marshall, Emergency Services Director.***

NYS Seventh Judicial District – Re: Correspondence letter on the draft innovative plan for electronic appearances. ***Referred to: Public Safety & Corrections Committee; Sheriff Allard; Brooks Baker, District Attorney; and Shawn Sauro, Public Defender.***

Mr. Malter asked with regard to the correspondence from Western Regional Off-Track Betting, we received a \$7.00 payment? Mr. Wheeler replied yes.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 142-20**

Introduced by B. Schu.

Seconded by F. Potter.

**PRESENTING LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2020, STEUBEN COUNTY ETHICS LAW.**

Pursuant to Article 18 of the General Municipal Law of the State of New York.

**WHEREAS**, Steuben County passed Local Law No. 5 of 1990, as amended, “Steuben County Ethics and Disclosure Law in Compliance with Article 8 of the General Municipal Law”; and

**WHEREAS**, the 1990 Law, as amended, does not meet current needs of the County as prescribed under Article 18 of the General Municipal Law; and

**WHEREAS**, it is the intent of this Local Law to replace the existing 1990 Law after said 1990 Law is repealed before the passage of this Local Law, “Steuben County Ethics Law”.

**NOW THEREFORE, BE IT**

**RESOLVED**, it is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. One for the Year 2020, “Steuben County Ethics Law”, replacing Local Law No. 5 of 1990, as amended, in full as follows:

**STEUBEN COUNTY ETHICS LAW**

**PART A**

**LEGISLATIVE INTENT:**

It is the intent of the within Local Law to replace Local Law No. Five for the Year 1990, as amended, Resolution No. 200-90, titled “Steuben County Ethics and Disclosure Law in Compliance with Article 8 of the General Municipal Law”.

## SECTION 1. DEFINITIONS

Unless otherwise indicated, the following terms shall be defined as such for purposes of this article:

**AGENCY** — The Steuben County Industrial Development Agency ("SCIDA"), the Steuben County Land Bank Corporation, Steuben Tobacco Asset Securitization Corporation and any other nongovernment organization or entity that performs or is organized to perform County-related functions. An initial list of agencies that are subject to this Ethics Law shall be created by resolution of the County Legislature.

**APPROPRIATE BODY** — Pursuant to Article 18 of General Municipal Law, the Board of Ethics of the County of Steuben.

**CHILD** — Any son, daughter, stepson or stepdaughter of a County official, employee or County elected or appointed official.

**CONTRACT** — An agreement with the County, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law.

**COUNTY** — The County of Steuben or any department, board, division, institution, office, branch, bureau, commission, or agency thereof.

### COUNTY OFFICIAL

- A. Local officers or employees:
  - 1. The heads (other than County elected officials) and any members of the Board of Directors of any County agency, department, division, council, board, commission or bureau and their deputies and assistants, whether paid or not;
  - 2. Other employees of such departments, divisions, boards, bureaus, commissions, councils or agencies who hold policy-making positions, whether paid or not;
  - 3. The term "local officer or employee" shall not mean a judge, justice, officer or employee of the Unified Court System, unless the individual is also a County employee.
- B. County elected officials: County Legislators, Clerk, Sheriff, Coroners and District Attorney.
- C. Other employees: other employees of the County whose duties involve the negotiation, authorization or approval of:
  - 1. Contracts, leases, franchises, revocable consents, concessions, variances, special permits or licenses;
  - 2. The purchase, sale, rental or lease of real property, goods or services, or a contract therefor;
  - 3. The obtaining of grants of money or loans; or
  - 4. The adoption or repeal of any rule or regulation having the force and effect of law.
- D. "Specific Listing," not in limitation of the positions, titles or entities covered by Subsections A, B and C, above, the County Legislature shall, by resolution, set forth a specific list of the positions, titles and entities which shall be particularly covered by this article, and such resolution shall remain in full force and effect unless and until modified in a subsequent resolution by a majority of the County Legislature.

**DEPENDENT** — Any person, related or unrelated, living in the same household with a County official or employee and claimed as a dependent for income tax purposes by said County official.

**EMPLOYEE** — Any employee or official of the County of Steuben, other than those designated as County officials herein.

**INTEREST —**

- A. A direct or indirect financial or material benefit accruing to a County official, employee, his or her relative or dependent, whether as a result of a contract with the County or otherwise. A benefit shall include, but not be limited to, employment, a gift, service, payment, permit, approval, waiver, authorization, travel, entertainment, hospitality, or gratuity, or a promise of any of the foregoing. A County official shall be deemed to have an interest in a contract of:
  - 1. His or her dependent or relative except a contract of employment with the County;
  - 2. A firm, partnership or association of which such County official or his or her dependent or relative is a member or employee;
  - 3. A corporation of which such County official or his or her dependent or relative is an officer or director; or
  - 4. A corporation, at least 10% of the outstanding capital stock of which is owned by a County official or his or her dependent or relative.
- B. A financial or material benefit shall not include a campaign contribution authorized by law.
- C. An "interest" shall not include the setting of County official and employee salaries and benefits, or an action statutorily mandated upon a County official when there is no other County official authorized to undertake such statutorily mandated action. In that event, the statutorily mandated action shall not be undertaken until the County official delivers written disclosure of the interest to the Clerk of the Legislature.

**JURISDICTION —** Having authority, capacity, power or right to act with regard to the management and administration of policy and supervision of personnel of the County or agency.

**LEGISLATION —** A matter which has been placed upon the calendar or agenda of the Legislature of Steuben County or a committee thereof, upon which official action has been or may be taken, and shall include adopted acts, local laws, ordinances or resolutions.

**RELATIVE —** A spouse, child, grandchild, sibling, child of a sibling or parent of a County official.

**SIBLING —** A brother or sister, half-brother or half-sister, stepbrother or stepsister of a County official.

**SIGNIFICANT OTHER —** An individual, whether of the same sex or the opposite sex, living in a current spousal relationship, but who is not legally a spouse of, a County official.

**SPOUSE —** A husband, wife, or domestic partner, whether of the same sex or the opposite sex, of a County official, unless legally separated from the County official.

**SECTION 2. CODE OF ETHICS**

- A. Every County official and employee shall be subject to and abide by standards of conduct. These standards of conduct are in addition to those which apply to County employees as set forth in the Steuben County Employee Handbook distributed to each employee at his/her orientation session.
- B. Prohibited activities.
  - 1. No County official or employee shall use or permit the use of County property (including land, vehicles, equipment, materials and/or any other property) for personal convenience or profit, except when such use is available to County citizens generally, or is provided as a condition of County employment or is set as a matter of County policy.

2. Certain County officials are precluded from taking part in the purchase of real or personal property owned by the County of Steuben. The titles and positions of those County officials who may not bid for, or acquire or purchase real or personal property, in any manner, offered for sale by the County of Steuben as a result of the tax delinquency of such parcel or parcels or otherwise, shall be separately identified by resolution of the County Legislature. Exempt from this provision are Agency Board members, unless the individual is subject to this prohibition by another law. This includes a prohibition against bidding upon or acquiring or purchasing such properties directly or through an agent, representative, attorney or other third party, including, but not limited to, a relative, sibling, spouse or significant other. It shall be presumptive proof of a violation of this article if such County official shall have acquired any interest in the property whatsoever, including, but not limited to, the holding of a mortgage, lien or other financial interest, no matter how acquired, either directly or through any third parties, within two years of the date upon which such property was sold or conveyed by the County of Steuben.
3. A County official or employee shall take no action on a matter before or against the County or agency, including, but not limited to, official acts and legislation, when he or she has an interest in such matter, as defined herein, which, to his or her knowledge, would conflict with or impair the proper discharge of his or her official duties unless authorized by specific law(s). The County official or employee shall disclose such interest, in writing, to the County Legislature, as soon as he or she has knowledge of such interest. Every such written disclosure shall be made part of and set forth in the official record of the proceedings of the County Legislature.
4. A County official or employee may not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any agency of which he or she is an officer, member or employee or over which he or she has jurisdiction, or to which he or she has the power to appoint any member, officer or employee. This preclusion does not include circumstances when the Legislature declares there to be an urgent need for the specific services so long as any conflict of interest is disclosed in writing and prior to a vote of the Legislature regarding same.
5. A County official may not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any agency whereby his or her compensation is to be dependent or contingent upon any action by such agency with respect to such matter.
6. A County official or employee shall not vote on, or administer, a matter in which he or she has a direct financial interest.
7. A County official shall not knowingly invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction, which creates a conflict of interest with his or her official duties. The County official shall disclose the conflict within 10 business days of attaining knowledge of same, and shall immediately undertake efforts either to divest himself or herself of the investment or resign his or her position. The conflict must be resolved within a reasonable time, but no later than 60 days from the date the County official first learned of it. During the period of time the conflict of interest exists, the County official shall not have direct oversight of the underlying matter and shall recuse himself or herself from any involvement in, discussion of, or vote upon, the matter.
8. A County official shall not engage in, solicit, negotiate for, or promise to accept, private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of official duties.
9. A County official shall not, for one year after the termination of service or employment, appear before his or her own board, agency or division of the County of Steuben in relation to any case, proceeding or application in which he or she

- personally participated or over which he or she had jurisdiction during the period of his or her service or employment.
10. No County official shall use or attempt to use his/her official position to advance or obtain any unwarranted privilege, exemption or advantage for himself, herself or others, not generally available to County citizens.
  11. No County official shall directly or indirectly solicit or accept gifts, whether in the form of money, services, loan, travel, entertainment, hospitality, item or promise, or otherwise under circumstances in which it reasonably could be perceived to influence the performance of official duties or was intended as a reward for any official action. In addition to, and notwithstanding the foregoing, in no event shall a County official accept any gift or benefit which alone or in the aggregate exceeds \$75 in any given twelve-month period, from any person or firm that he or she knows or should know, does or intends to do, business with the County of Steuben. Nothing contained herein shall prohibit a County official from accepting a gift from a family member or personal friend which is customary on family and social occasions. A County official should seek an advisory opinion from the Board of Ethics prior to accepting a gift from such a person or firm in the event the County official believes that acceptance of the gift may create a conflict of interest. Violation of this Subsection B (11) shall constitute a conflict of interest.
  12. No County elected official shall use his or her official position or office, or take or fail to take any action, in a matter in which he or she knows or has reason to know, may result in a benefit to a person or entity from whom the County elected official has received election campaign contributions of more than \$250 in the aggregate during the 12 months prior to taking or failing to take such action. The County elected official shall disclose his or her perceived conflict of interest and thereafter shall abstain on any vote involving the person or entity. The abstention shall not be counted as a vote in favor of the matter before the County elected official.
  13. No County official or County elected official shall engage in bid-rigging or any coercive conduct, such as: influence peddling, threats, fear of retribution, loss of job, intimidation, bullying, or loss of business, for the sake of personal gain or benefit.

C. Confidential information.

1. No County official or County employee subject to the provisions of this article shall disclose confidential information or use such information to further a personal interest.
2. Public Officers Law of New York State requires counties to make certain records available for public inspection and copying. Permissible exceptions to this requirement are listed in §87, Subdivision 2 of that law. Information defined by this Code of Ethics as either disclosable or confidential are intended to be consistent with the provisions of that law.
3. For the purposes of this section, all information falls into one of three categories: the class of information which is never confidential; the class of information which is always confidential; and the class of information which may be confidential.
  - a) Never confidential:
    - i. Some internal or interagency records, communications and reports are never confidential. According to the Public Officers Law, these include information that is:
      - 1) The result of an external audit; or
      - 2) Statistical data; or
      - 3) An instruction to staff that affects the public; or
      - 4) A final policy or determination made by the county or one of its departments.
    - ii. Disclosure or use of such information is not restricted by this article.
  - b) Always confidential:
    - i. Information is always confidential when its disclosure would:
      - 1) Impair current or imminent contract awards or collective bargaining negotiations; or
      - 2) Interfere with law enforcement investigations or judicial proceedings; or



- 3) Deprive a person of his or her right to a fair trial or impartial adjudication; or
- 4) Constitute an unwarranted invasion of privacy; or
- 5) Endanger the life or safety of any person.
- ii. Information that is always confidential includes:
  - 1) Civil service examination questions or answers prior to the administration of the exam; or
  - 2) Computer access codes; or
  - 3) Information that is specified as non-disclosable by federal or state law.
- iii. No County official may disclose such information, unless pursuant to court order, statute or specific law and may never use such information to further a personal interest.
- c) May be confidential:
 

Information which does not clearly fall into one of the above categories may still be confidential. In those instances where a request has not been filed pursuant to §87 of the Public Officers Law (F.O.I.L.), and a County official or employee is uncertain as to whether information may be disclosed or used, prior to any determination being made with regard to disclosure or personal use, all County officials and employees must submit a written request to the County Attorney as to whether a given piece of information is confidential or not. The County Attorney shall advise whether the County official or employee is at that time legally obligated to deem the information confidential. The County Attorney shall make every best effort to provide the requesting party with a written determination within five business days.
- 4. The restrictions on disclosure and use of confidential information apply without regard to the circumstances in which the information was sought or acquired.
- D. Failure to comply with this Section may result in the imposition of any appropriate penalty set forth in Section 5 hereof.

### **SECTION 3. BOARD OF ETHICS**

- A. Membership and eligibility. There shall be a County Board of Ethics, the members of which shall be appointed by the County Manager, subject to confirmation by the County Legislature. The Board of Ethics shall consist of three members, only one of whom shall be a County official or employee. Members of the Board of Ethics shall be volunteers, and shall receive no compensation for the performance of duties as members. The Board shall have access to and the assistance of County administrative staff to the extent required to conduct its business, at no expense to the Board. County administrative staff shall be required to maintain complete confidentiality of all matters brought before and discussed by the Board. The Board shall be entitled to legal counsel. Each member of the Board shall be a resident of the County of Steuben.
- B. Term. Each member of the Board of Ethics shall serve a term of three years and may be reappointed without term limitation. Each member shall serve until his or her successor has been appointed, except that of the three members first appointed, one shall serve for one year; one shall serve for two years; and one shall serve for three years.
- C. Quorum. Two members shall constitute a quorum.
- D. Meetings.
  - 1. Annual meeting. The Board of Ethics shall meet annually on or before June 1<sup>st</sup>. Such meeting shall serve as an orientation for any new members. At the meeting, the Board shall review the annual disclosure statement filings submitted by required County Officials and employees, and any other business that may come before it.

2. Regular meetings. The Board of Ethics may hold additional meetings throughout the year as shall be called by the Chair or any two members, provided a meeting of the Board of Ethics shall be held within 15 days after the filing of a complaint alleging a violation of this section, at which meeting such complaint shall be considered by the Board in the manner set forth in Section 4 hereof.
- E. Vacancies and removals.
1. In the event a vacancy occurs, it shall be filled for the unexpired term in the same manner as the original appointment. Such appointment shall be made no later than 30 days after the vacancy occurs, or as soon as practicable.
    - a) A member may be removed for cause by the County Manager, with confirmation of the County Legislature. Grounds for removal are: substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this Ethics Law or conviction of a crime.
    - b) The provisions of Section 4 shall control and be applied to removals sought pursuant to this section.
- F. Powers and duties of the Board of Ethics.
1. The Board of Ethics shall have the following powers and duties:
    - a) To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this article;
    - b) To review financial disclosure statements submitted by Steuben County officials, employees and agencies required to file said statements;
    - c) Upon review of a financial or transactional statement, if it is determined to be deficient or reveals a potential violation of this article, the Board shall notify the person in writing of the deficiency or potential violation and of the penalties for failure to comply with this article. A copy of such notice shall be provided to the County Manager and County Attorney. The notice shall be confidential and shall not be subject to disclosure unless required in an employee disciplinary or removal proceeding or by order of court;
    - d) To investigate any alleged impropriety and recommend or undertake appropriate actions and proceedings, as required. To do so, the Board shall have the power to, among other things, administer oaths, affirmations, subpoena witnesses, compel their attendance, and require the production of relevant or material books and records;
    - e) To review the filing of waivers or extensions of time to file financial disclosure statements as set forth in detail in Part B of this article;
    - f) To render, index and maintain on file advisory opinions;
    - g) To recommend any changes to the Ethics Law, including provision of definitions, disclosure forms and instructions for filling them out and filing procedures;
    - h) To maintain records of its reports, proceedings, recommendations, financial disclosure filings and Ethics attestations as recommended by NYS Archives and Records Administration's CO-2 Schedule. Records deemed "confidential" shall be segregated from all other records to maintain their confidentiality until they are destroyed.
  2. Meetings and proceedings of the Board concerning an alleged violation of this article shall not be open to the public except upon the request of the accused County official or employee or as required by law.
  3. The Board of Ethics may act only with respect to Steuben County officials and employees, or on behalf of local municipalities who submit a request for the same in writing to the Steuben County Manager due to their inability to seat a Board of Ethics at the local level. The resignation or termination of a County official or employee from a County office or from employment subsequent to the filing of a complaint, shall not affect the jurisdiction of the Board.

4. The following records of the Board of Ethics shall be available for public inspection:
  - a) The information set forth in the annual statement of financial disclosure filed pursuant to Part B of this article, except the categories of value or amount and personal information, which shall remain confidential.
  - b) Notices of civil assessments imposed under this article.
  - c) Documents required to be disclosed by Public Officers Law §87, Subdivision 2; however, at no time shall a document produced or made available as part of a confidential investigation be released or made available for inspection.
  - d) Documents mandated to be disclosed by court order.

#### **SECTION 4. INVESTIGATION OF ALLEGED VIOLATIONS; ADVISORY OPINIONS**

- A. Complaints. Upon receipt of a complaint of a person alleging a violation of this article, or upon determining on its own initiative that a violation of this article may exist, the Board of Ethics shall have the power and duty to undertake an investigation to determine whether a violation has occurred.
  1. A proceeding may be commenced by the filing of a complaint, or by the Board of Ethics' own determination to investigate.
    - a) In the event a proceeding is commenced by complaint, within five business days or as soon as practicable, the Board shall review the allegations to determine whether or not a violation of this article has occurred. The Board shall render its determination by majority vote. In the event the Board determines that the complaint does not result in a violation of this article, the complaint shall be dismissed and simple notice of the complaint and of its dismissal, without further detail, shall be mailed to the complainant and the subject of the complaint. The complaint and the determination shall be sealed and not available to any person who is not a member of the Board of Ethics.
    - b) In the event a member of the Board of Ethics raises the possibility of a violation by a County official or employee, the Board shall first determine, by majority vote, whether the alleged conduct, if undertaken, would constitute a violation of this article. In the event the Board determines that the conduct would not constitute a violation of this article, it shall render a written determination. The allegation, preliminary investigation and determination shall be sealed and not available to any person who is not a member of the Board of Ethics.
  2. In the event the Board determines that an allegation, if true, would constitute a violation of this article, it shall mail written notification to the accused individual. The Board's notification shall describe the alleged violation and provide a fifteen-day period in which the accused individual may submit a sworn, written response setting forth information and/or documentation relating to the alleged violation. The Board's notification shall also inform the accused individual of its rules regarding the conduct of adjudicatory proceedings, appeals, and the due process procedural mechanisms available to such individual. In the event the Board of Ethics determines at any stage of the proceeding that there is no violation or that any potential conflict of interest or violation has been rectified, it shall provide written notice to the accused individual and the complainant, if any. The foregoing shall be kept confidential, except the subject of the complaint may disclose the facts alleged and determination of the Board.
    - a) In the event the Board of Ethics determines there is reasonable cause to believe a violation has occurred, it shall, within 20 days, provide written notice either in person or by certified mail, of reasonable cause: to the accused individual; to the complainant, if any; in the case of a County official or employee, to the appointing authority for such person; and, in the case of a County elected official, to the Chair of the County Legislature. In the event of a conflict with the Chair,

- then to the Vice Chair. Such determination of reasonable cause shall be confidential and shall not be made public or disclosed unless required by Public Officers Law or required for use in a discipline or proceeding under this article involving the subject individual, complainant, or another County official.
- b) Once reasonable cause has been established, the Board of Ethics shall schedule a hearing, to be held within 60 days, at which the accused individual is entitled to legal representation of his or her own choosing and at his or her own expense. Testimony shall be taken under oath and the proceeding shall be recorded. The Board shall issue a decision containing specific findings within 30 days of the completion of the hearing. A copy of the decision shall be served, by certified mail, on the accused individual or his or her legal representative, the complainant, the Clerk of the Legislature and, if appropriate, the District Attorney. The decision of the Board of Ethics shall not be deemed confidential.
3. Dispositions. The Board shall state in writing the disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. The report shall be made in accordance with Section 3, subject to the confidentiality requirements set forth herein.
  4. Advisory opinions.
    - a) A County official or employee may request an advisory opinion from the Board of Ethics prior to that County official or employee engaging in any behavior which he or she reasonably believes may cause a violation of this article. The request for an advisory opinion shall be written and contain sufficient facts to permit the Board to make its determination. An individual requesting the opinion is obligated to be forthcoming and cooperative throughout the process, in the absence of which no advisory opinion will be provided. The Board shall endeavor to provide written notice of its determination within 10 business days.
    - b) Advisory opinions shall be filed with the Clerk of the Legislature; however, the Board of Ethics shall first redact all names, identifying features, and any other information which would tend to identify the complainant and the subject of the request for the advisory opinion.
    - c) In the event a complaint is subsequently filed against a County official or employee in which a violation of this code is alleged based upon the facts which formed the basis of the request for the advisory opinion, it shall be a complete defense to the alleged violation that the County official or employee acted consistent with, and in reliance upon, said advisory opinion. An unredacted advisory opinion shall be available to the County official who sought or needs it to defend himself or herself.
  5. Complaints against the Board of Ethics. The Board of Ethics shall not conduct an investigation of itself or any of its members or staff. In the event the Board of Ethics receives a sworn complaint in which it is alleged that the Board or any of its members or staff has violated any provision of this article or any other law, it shall transmit a copy of the complaint to the Chair of the Legislature, County Manager and the County Attorney within 48 hours of receipt of same. The Chair of the Legislature shall, within five business days, create a three-person subcommittee of Legislators, at least one of whom is a member of a minority party, to address the complaint, and provide the complainant with written notice of the subcommittee members. The subcommittee shall thereafter conduct whatever investigation or hearing necessary in the same manner and with the same authority as provided generally in this section. A copy of the subcommittee's decision shall be distributed to all members of the Legislature. Further action, if any, shall comply with the provisions of this article.
  6. False complaints. Any person who knowingly files a false complaint may be subject to disciplinary action, civil liability, or criminal prosecution.

## **SECTION 5. PENALTIES FOR OFFENSES**

- A. Any person who willfully and knowingly violates this article shall be subject to a civil action, civil penalty, disciplinary action or relevant criminal prosecution. Penalties are not exclusive.
- B. In addition to the foregoing, a person who knowingly and intentionally violates the provisions of this article may be fined up to \$10,000 per occurrence, unless the violator is subject to the protections and limitations set forth in the Civil Service Law. A County official or County employee may also be reprimanded, suspended, or removed from office or employment, subject to the provisions of the Civil Service Law or any collective bargaining agreement.

## **SECTION 6. VOIDABLE CONTRACTS**

Any contract knowingly entered into in violation of this article shall be voidable at the discretion of the County Legislature.

## **SECTION 7. SUITS AGAINST COUNTY**

Nothing set forth herein shall be deemed to bar or prevent the filing of a lawsuit or claim for or against the County of Steuben under any other provision of law.

## **SECTION 8. TESTIMONY**

No County officer or employee shall decline or refuse to answer any question specifically or directly related to the performance of his or her official duties before any official, board or agency authorized or empowered to so inquire into the performance of such duties. This section shall not be construed to bar any Steuben County officer or employee from exercising his constitutional privileges against self-incrimination; however, when such body or agency is wholly civil in nature, failure to cooperate with and diligently answer the inquiries shall constitute grounds for dismissal or removal, subject to any other provision of law.

## **SECTION 9. CONFLICT WITH OTHER PROVISIONS**

In the event two or more provisions of this article are in conflict with one another, the more restrictive provision shall apply.

## **SECTION 10. DISTRIBUTION OF CODE OF ETHICS**

The Clerk of the Steuben County Legislature shall cause a copy of this Ethics Law to be distributed to every County official and employee, electronically or otherwise, and posted on the County website, within 30 days of its effective date. Each County official, elected or appointed, and each employee thereafter, shall be furnished with a copy of this article as a part of their employment orientation, electronically or otherwise, before entering upon the duties of his office or employment. Acknowledgement of receipt of this article shall be submitted to the Clerk of the Legislature by regular or inter-office mail and must be provided by each County official or employee who is subject to its terms. Receipt of the acknowledgement shall be required in order to commence employment or volunteer work. Acknowledgement of receipt of this article shall be required by current County officials within 30 days after its effective date.

## **SECTION 11. EFFECTIVE DATE**

This article shall take effect 60 days after adoption, upon filing with the New York State Secretary of State, subject to all applicable provisions of law.

**PART B**  
**(Financial Disclosure)**

**SECTION 12. DEFINITIONS**

In addition to the definitions set forth in Part A of this law, the following terms shall have the meanings described below:

**ANNUAL FINANCIAL DISCLOSURE STATEMENT** — A form adopted by the Legislature of the County of Steuben which requires the identification of certain personal and business assets of a required filer.

**REPORTING CATEGORY** — For the purpose of completing annual financial disclosure statements, the category of interest, income, value or worth of reported items. All amounts are to be indicated using the following categories only:

- A. Under \$5,000.
- B. Five thousand dollars to under \$20,000.
- C. Twenty thousand dollars to under \$60,000.
- D. Sixty thousand dollars to under \$100,000.
- E. One hundred thousand dollars to under \$250,000.
- F. Two hundred fifty thousand dollars or over.

**REQUIRED FILER** — A County elected official, County official, or other employee and any other individual whose position within or with the government of the County of Steuben requires him or her to file an annual financial disclosure statement.

- A. On or before the 1st of April of each year, the Chair of the County Legislature shall identify those positions which require the filing of annual financial disclosure statements.
- B. On or before the 1<sup>st</sup> of March of each year, the Board of Ethics may recommend to the Chair of the County Legislature modifications to the positions listed as required filers.

**SECTION 13. ANNUAL FINANCIAL DISCLOSURE STATEMENTS**

- A. Time period. On or before the 15th day of May of each year, required filers shall complete and file their annual financial disclosure statements. An individual who accepts a position or is appointed to a position identified as a required filer by the Chair of the County Legislature after May 1 of any year shall file an annual financial disclosure statement for the year within 30 days of accepting the position.
- B. Place to file. A required filer shall submit to the Clerk of the County Legislature a completed annual financial disclosure statement on the form prescribed by the Steuben County Board of Ethics.
- C. Request for extension of time. On or before May 1 of each year, a required filer may request an extension of time to file his or her annual financial disclosure statement for a period not to exceed 30 days. Such request shall be made in writing to the Clerk of the Legislature. The request shall be approved only upon a showing of justifiable cause or undue hardship. The Clerk shall provide the required filer with written notice of his or her determination within five business days of receipt of such request.

**SECTION 14. RESPONSIBILITIES OF CLERK OF LEGISLATURE**

- A. The Clerk of the Legislature shall be the official repository of all annual financial disclosure statements and shall not release for observation or otherwise any such statement unless authorized to do so by this or other law.

- B. Upon written request, and as required by the Freedom of Information Law, the Clerk of the Legislature shall make an annual financial disclosure statement available, but shall withhold from inspection personal information as permitted by law. All written requests for access to annual financial disclosure statements shall be kept on file by the Clerk of the Legislature.
- C. The Clerk of the Legislature shall receive and catalog all annual financial disclosure statements to determine whether a required filer has filed his or her financial disclosure statement. In the event a required filer has failed to file an annual financial disclosure statement, the Clerk shall provide written notice of the violation and 10 days to correct it. In the event the violation is not cured within 10 days, the Clerk shall report it to the Board of Ethics. In the event the required filer is a member of the Board of Ethics, the Clerk shall report the violation to the Chair of the Legislature.

## **SECTION 15. VIOLATIONS**

- A. A required filer who violates this article may be warned, reprimanded, suspended or removed from office or employment, or be subject to any other sanction as authorized by law. A warning, reprimand, suspension, removal or other authorized sanction may be imposed in addition to any other penalty contained in this article or in any other related provision of law.
- B. In the event of a violation of this article, or in the event the Board of Ethics receives a complaint alleging a violation, or in the event the Board of Ethics determines on its own initiative to investigate a possible violation, the Board of Ethics shall provide written notice to the required filer, in which the alleged violation is set forth in detail. The Board of Ethics shall provide a 10 day period in which the required filer shall submit a detailed written response
  - 1. In the event the Board of Ethics determines further inquiry is justified, it shall provide the required filer with an opportunity to be heard.
  - 2. The Board of Ethics shall inform the required filer of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available as set forth in Part A, Section 4, hereof.
  - 3. In the event the Board of Ethics determines at any stage of the proceeding that there is no violation or that a violation has been cured, it shall so advise the required filer and the complainant, if any. All of the foregoing proceedings shall be confidential.
- C. In the event the Board of Ethics determines there is reasonable cause to believe that a violation exists, it shall send a notice of reasonable cause to: the required filer; the complainant, if any; and, in the case of a County official, his or her appointing authority.
  - 1. The Board's determination of reasonable cause shall not be made public or disclosed unless required by the Freedom of Information Law (Public Officers Law, Article 6) or required for use in a discipline or proceeding involving the required filer.
  - 2. Any further proceedings shall adhere to the procedural requirements set forth in Part A, Section 4, of this article.
  - 3. In the event the Board of Ethics determines that a violation of this article has occurred, it shall provide a copy of its determination to the required filer's appointing authority or, in the event the required filer is a County elected official or member of the Board of Ethics, to the Chair of the County Legislature, for further action. The determination of the Board of Ethics shall include a recommendation as to penalty, sanction or other action.

**BE IT FURTHER RESOLVED**, before said Local Law is adopted by the Steuben County Legislature, a Public Hearing shall be held at the Steuben County Legislative Meeting on the 24<sup>th</sup> day of August 2020, at 10:00 A.M. or such other date and time that may be adjourned, at Steuben County Offices, 3 East Pulteney Square, Bath, New York 14810, and the Local Law is subject to a permissive referendum of the qualified electors of the County of Steuben by filing of a legal petition within forty-five (45) days after its final adoption, with the Clerk of the Legislature of the County of Steuben protesting such Local Law; and be it further

**RESOLVED**, the Clerk of the Legislature shall cause a notice of said Public Hearing to be posted at the Courthouse in the municipality of Bath, Corning City Hall, 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**, a certified copy of this resolution shall be forwarded to the Clerk of the Steuben County Legislature and the County Attorney.

Mr. Mullen asked do you have a redline version of the changes? Mrs. Scotchmer replied this was a total rewrite of the Local Law and I emailed the Legislature the previous local law to use for comparison. Ms. Prossick stated if this goes forward, then next month they will repeal the previous law. Mrs. Scotchmer stated it will be a repeal of Local Law No. 5 of 1990.

**Vote: Acclamation – Adopted.**

#### **RESOLUTION NO. 143-20**

Introduced by B. Schu.

Seconded by K. Fitzpatrick.

#### **AUTHORIZING THE CLERK OF THE LEGISLATURE, COUNTY ATTORNEY AND COUNTY MANAGER TO CONDUCT A REVIEW OF THE STEUBEN COUNTY CHARTER.**

**WHEREAS**, the present Steuben County Charter was approved by the voters of Steuben County and became effective January 1, 2014; and

**WHEREAS**, this Legislature recognizes the need to conduct a review of said Charter from time to time, to make sure it remains cogent and workable.

#### **NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature authorizes the Clerk of the Legislature, County Attorney and County Manager to conduct a review of the Steuben County Charter; and be it further

**RESOLVED**, proposed changes are to be presented to the Steuben County Legislature's Administration Committee for review and recommendation; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Clerk of the Legislature, County Attorney and County Manager.

Mr. Van Etten asked why do you need permission? Mrs. Scotchmer replied in the State law it requires that we form a committee or designate officials to review the charter.

**Vote: Acclamation – Adopted.**



**RESOLUTION NO. 144-20**

Introduced by C. Ferratella and G. Swackhamer.

Seconded by H. Lando.

**ACCEPTING AND APPROPRIATING CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITIES (CARES) ACT FUNDING.**

**WHEREAS**, the Office for the Aging is administering funds relative to COVID-19 response; and

**WHEREAS**, the threat of COVID-19 disease is a top national public health priority; and

**WHEREAS**, these awards are to be used for COVID-19 response to support the needs of older County residents; and

**WHEREAS**, the Office for the Aging has been awarded CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITIES (CARES) ACT FUNDING in the amount of \$58,314 under SSC3, and \$140,541 under HDC3, and \$31,004 under FCC3, totaling \$229,859; and

**WHEREAS**, the Office for the Aging has been awarded CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITIES (CARES) ACT FUNDING in the amount of \$21,612 under the Aging and Disabilities Resource Center (ADRC); and

**WHEREAS**, these funds will be used to comply with existing and future guidance from the New York State Office for the Aging regarding the response to the needs of older persons related to the COVID-19 pandemic.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Finance is hereby authorized and directed to accept \$251,471 as revenue and appropriate \$187,157 into the 2021 Office for the Aging budget and \$64,314 into the 2020 Office for the Aging budget as follows:

Revenue:	677400 4 4772750	\$46,000
	677700 4 4772850	\$6,000
	677800 4 3772800	\$4,000
	677800 4 4772730	\$8,314
Expenses:	677400 5 434 661	\$6,000
	677400 5 440 524	\$40,000
	677700 5 434 630	\$6,000
	677800 5 440 520	\$4,000
	677800 5 440 750	\$8,314

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 145-20**

Introduced by R. Lattimer.

Seconded by R. Nichols.

**APPROVING THE ADDITION OF AGRICULTURAL LANDS TO CERTIFIED AGRICULTURAL DISTRICTS.**

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

**WHEREAS**, this Legislature established a required annual period from February 15 to March 17 for landowners to submit requests to add agricultural land to certified Agricultural Districts; and

**WHEREAS**, landowners submitted requests to add land and said requests were forwarded to the Steuben County Agriculture and Farmland Protection Board for their review; and

**WHEREAS**, the Steuben County Agriculture and Farmland Protection Board has reviewed the matter, found the land to be viable for agricultural production, and submitted a report to this Legislature; and

**WHEREAS**, inclusion of these viable agricultural lands in certified agricultural districts will serve the public interest by helping to maintain the agricultural industry of Steuben County; and

**WHEREAS**, the Steuben County Legislature gave legal notice of and held the required public hearing of this matter on the 27<sup>th</sup> day of July, 2020 at 10:00 a.m.; and

**WHEREAS**, pursuant to the New York State Environmental Quality Review Act (SEQRA), the addition of these parcels to existing agricultural districts is considered an Unlisted Action and an Environmental Assessment Form has been completed.

**NOW THEREFORE, BE IT**

**RESOLVED**, the proposed action will not result in any significant adverse environmental impacts; and be it further

**RESOLVED**, that the following tax parcels shall be added to Agricultural District No. 1:

463289 217.00-01-016.000; and be it further

**RESOLVED**, that the following tax parcels shall be added to Agricultural District No. 3:

462201 113.12-01-050.114  
462289 099.00-01-023.200; and be it further

**RESOLVED**, that the following tax parcels shall be added to Agricultural District No. 6:

466400 276.00-01-002.111  
466400 348.00-01-013.200  
466400 294.00-01-013.210  
466400 294.00-01-013.220  
468200 383.00-01-021.121  
468200 383.00-01-021.122; and be it further

**RESOLVED**, that certified copies of this resolution shall be forwarded to the Director of the Planning Department; and Richard A. Ball, Commissioner, New York State Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 146-20**

Introduced by J. Malter.

Seconded by F. Potter.

**AUTHORIZING THE DIRECTOR OF EMERGENCY SERVICES TO ENTER INTO A CONTRACT WITH MIDSTATE COMMUNICATION & ELECTRONICS INC.**

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

**WHEREAS**, this system is made up of various communications towers and components; and

**WHEREAS**, the County must comply with FCC and FAA regulations for Tower Operations; and

**WHEREAS**, the County has identified the need for replacement of tower lighting at the Mount Washington and Call Hill Tower Sites to maintain FCC and FAA Regulations; and

**WHEREAS**, Mid-State Communications & Electronics Inc. of Oriskany, NY is Motorola's authorized Premier Service Partner in our region; and

**WHEREAS**, the New York State Department of Homeland Security and Emergency Services (DHSES) Office of Interoperable & Emergency Communications (OIEC) has provided grant funding to support and fund the installation of new tower lighting through the FY17 Statewide Interoperable Communication Grant.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Director of Emergency Services is hereby authorized to execute a contract with Mid-State Communication & Electronics Inc. for the purpose of Tower Lighting Replacement not to exceed \$36,000; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to Mid-State Communication & Electronics Inc. C/O Scott Musacchio 185 Clear Road, Oriskany, NY 13424 and the Director of Emergency Services.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 147-20**

Introduced by B. Schu.

Seconded by G. Swackhamer.

**APPROVING THE 2021 WORKERS' COMPENSATION BUDGET.**

Pursuant to Article 5 of the Workers' Compensation Law of the State of New York.

**WHEREAS**, an estimate of the cost is to be filed with this County Legislature on or before August 15, 2020 for the Budget Year 2021.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the estimated cost (Budget for 2021), a copy of which is attached hereto, as presented by the Administrator of the Steuben County Self-Insurance Workers' Compensation Plan and by the Administration Committee is received, adopted and ordered to be incorporated into the 2021 Steuben County Budget; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Commissioner of Finance and the Administrator of the Steuben County Self-Insurance Workers' Compensation Plan.

**STEBEN COUNTY SELF-INSURANCE PLAN**

**ANNUAL ESTIMATE OF EXPENSES**  
**FISCAL YEAR BEGINNING JANUARY 1, 2021**

Your Administrator for Workers' Compensation Insurance respectfully submits the annual estimate of expenses for the Steuben County Self-Insurance Plan for the fiscal year beginning January 1, 2021 and ending December 31, 2021, pursuant to Section 67, Paragraph 1 of the Workers' Compensation Law.

**APPROPRIATED BUDGET FOR 2021**

<b>Account</b>	<b>Account Title</b>	<b>2021 Budget</b>
	<u>Estimated Expenditures</u>	
51100000	SALARIES & WAGES	\$45,500
5298090	MACH & EQUIP - MISC	
5402990	TELEPHONE-CHARGEBACKS	\$300
5403800	COPYING	\$200
5404100	MEMBERSHIPS & DUES	\$300
5405100	POSTAGE	\$300
5406000	OFFICE SUPPLIES	\$500
5407200	TRAINING & CONFERENCES	\$700
5407310	SAFETY TRAINING	\$9,500
5410100	INSURANCE	\$100
5410320	EXCESS WC INSURANCE	
	PERMA COSTS	\$680,000
	WC MEDICAL & INDEMNITY BENEFITS	\$1,520,000
	WCB TOTAL ASSESSMENTS	\$220,000
5410400	AWARDS & BENEFITS (IBNR)	
5412970	MAINTENANCE IN LIEU/RENT	\$2,000
5420000	MEDICAL SERVICES	\$10,000
5423310	PROFESSIONAL WITNESS	\$1,000
5423330	COURT APPEARANCES	\$5,000
5424210	INVESTIGATION EXPENSE	\$10,000
5430190	REHAB FEES	\$10,000
5444400	THIRD PARTY ADMINISTRATOR	\$40,000
5450999	MOTOR POOL CHARGEBACKS	\$100
5498000	DEPRECIATION EXPENSE	\$1,000
5499000	OTHER EXPENSES	\$850
5810000	NYS EMPLOYEES RETIREMENT	\$6,750
5830000	SOCIAL SECURITY	\$3,450
5840000	WORKERS' COMPENSATION	\$3,150
5860000	GROUP MEDICAL INSURANCE	\$25,000
	ADDITION TO FUND BALANCE	\$104,300
	<b><u>TOTAL EXPENDITURES</u></b>	<b>\$2,700,000</b>
42222000	Participant Fees	\$2,700,000
42401000	Interest	
	Reimbursement of Expenses (from withdrawn munic)	
	<b>TOTAL</b>	<b>\$2,700,000</b>

Mr. Van Etten stated I want to thank Mr. Sprague for his very good work on getting the Workers' Compensation Plan under control and managing it effectively and for making it attractive for the municipalities that want to join back in. He has done a very good job.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 148-20**

Introduced by B. Schu.

Seconded by J. Malter.

**APPROVING THE 2021 WORKERS' COMPENSATION TABLE OF APPORTIONMENT.**

Pursuant to Article 5 of the Workers' Compensation Law of the State of New York.

**WHEREAS**, on July 14, 2020 the Administration Committee of this Legislature had filed and approved the estimated cost for Fiscal Year 2021 of the Steuben County Self-Insurance Workers' Compensation Plan; and

**WHEREAS**, the Administrator of the Steuben County Self-Insurance Workers' Compensation Plan based on the number of members and the estimated cost for the year 2021, has caused a Table of Apportionment to be developed.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Table of Apportionment for the participating members of the Steuben County Self-Insurance Plan for Workers' Compensation for the year 2021 is hereby received and adopted and filed herewith; and be it further

**RESOLVED**, this resolution together with said Table of Apportionment shall serve as due and proper notice of their liability to the plan for the year 2021; and be it further

**RESOLVED**, that the Administrator of the Self-Insurance Plan shall notify all participating members of their share; and be it further

**RESOLVED**, that any participating member shall pay its share directly to the Steuben County Finance Department not later than June 1, 2021; and be it further

**RESOLVED**, that certified copies of this resolution shall be forwarded to the Commissioner of Finance, Director of the Real Property Tax Service Agency, and 36 certified copies to the Administrator of the Steuben County Self-Insurance Workers' Compensation Plan for distribution to the Town/Village Clerks of the participating members.

**2021**

**TABLE OF APPORTIONMENT**

<u>MUNICIPALITY</u>	<u>CLASS</u>	<u>AMOUNT</u>
STEBEN COUNTY	I	\$ 1,543,495
ADDISON	I	\$ 11,900
AVOCA	I	\$ 32,397
BRADFORD	I	\$ 11,245
CAMERON	I	\$ 21,618
CAMPBELL	I	\$ 53,912

CANISTEO	I	\$	18,730
DANSVILLE	I	\$	21,811
FREMONT	I	\$	17,583
GREENWOOD	I	\$	21,650
HARTSVILLE	I	\$	7,526
HORNBY	I	\$	24,038
HORNELLSVILLE	I	\$	34,146
HOWARD	I	\$	36,019
JASPER	I	\$	25,005
LINDLEY	I	\$	28,656
PRATTSBURGH	I	\$	37,606
PULTENEY	I	\$	34,340
THURSTON	I	\$	27,203
TROUPSBURG	I	\$	26,304
TUSCARORA	I	\$	18,227
URBANA	I	\$	29,500
WEST UNION	I	\$	13,309
WHEELER	I	\$	27,265
WOODHULL	I	\$	27,271
<b>TOWNS TOTAL</b>		<b>\$</b>	<b>607,530</b>
ADDISON	I	\$	33,406
ARKPORT	I	\$	11,612
AVOCA	I	\$	12,618
BATH	I	\$	168,000
CANISTEO	I	\$	45,404
COHOCTON	I	\$	12,793
HAMMONDSPORT	I	\$	10,980
NORTH HORNELL	I	\$	12,543
PAINTED POST	I	\$	51,643
SAVONA	I	\$	15,500
WAYLAND	I	\$	14,476
<b>VILLAGES TOTAL</b>		<b>\$</b>	<b>388,975</b>
HORNELL CITY	I	\$	160,000
<b>GRAND TOTAL</b>		<b>\$</b>	<b>2,700,000</b>

**Vote: Roll Call – Adopted.**

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

*Motion to Adjourn Executive Session and Reconvene in Regular Session made by Ms. Lattimer, seconded by Mr. Horton and duly carried.*

*Motion to Adjourn made by Mr. Potter, seconded Mrs. Ferratella and duly carried.*