

REGULAR MEETING
Morning Session
Monday, June 22, 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 22nd day of June, 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 Hanna and Legislator Maio who was recorded as late.

Secretary's Note: Legislators Potter, Roush and Ryan attended via Zoom. While Legislator Ryan was in attendance, due to technical issues, we were unable to hear him and therefore not able to record his votes, so for voting purposes he is recorded as absent.

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

Ms. Mori asked that if someone in attendance wishes to speak, there is a microphone that will be brought to you. When a Legislator is seconding a resolution, we will announce it so that those individuals attending via Zoom will hear.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication relative to the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2020 program year. The public will be afforded the opportunity to submit written comment not later than Monday, June 29, 2020.

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

Chairman Van Etten asked the Clerk to read into the record the Proclamation regarding the Stronger Together Program.

“RECOGNIZING MULTI MEDIA SERVICES OF CORNING AND LOCAL SPONSORS FOR THE STRONGER TOGETHER PROGRAM.”

WHEREAS, New York State closed all schools and non-essential businesses in March 2020 due to the COVID-19 Pandemic, leaving many individuals without jobs, businesses without incoming revenue and high school seniors losing out on several rights of passage after working so hard to reach their goal of graduation; and

WHEREAS, Multi Media Services of Corning was deemed an essential business, enrolled in the Payroll Protection Program to keep their employees working, but learned that with many businesses being closed, there was not enough work to keep employees busy; and

WHEREAS, in an effort to keep their employees' jobs safe and to try to make the rest of the school year memorable for high school seniors, they created the Stronger Together! Program; and

WHEREAS, when learning of the efforts of Multi Media Services, other local businesses joined in the effort by sponsoring this program, including Arnot Health, Guthrie, Corning Credit Union, First Heritage Federal Credit Union, Serv U Credit Union and Sharkey Designs; and

WHEREAS, through their combined funding, the Stronger Together! Program produced over 4,200 picture banners recognizing the high school seniors of 49 school districts in 7 counties at no cost to the schools or the seniors; and

WHEREAS, this act of community support deserves recognition, especially in a time when we all need to be stronger together.

NOW THEREFORE, I, SCOTT J. VAN ETTEN, Chairman of the Steuben County Legislature, on behalf of the members of this Legislature, do hereby recognize Multi Media Services of Corning and local sponsors of the Stronger Together! Program for their community support of local high school seniors through the COVID-19 Pandemic and call upon the citizens of Steuben County to take the time to thank these businesses for their efforts.

Dated: June 22, 2020
Bath, New York

Chairman Van Etten stated this project took 900 hours of staff time, 38 liters of ink, 45 rolls of banner materials. This was pretty amazing. All of these banners laid side by side would equal 8,400 feet.

RESOLUTION NO. 128-20

Introduced by G. Swackhamer.

Seconded by K. Fitzpatrick.

MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS, PROPERTY TAXES, AND OTHER REAL PROPERTY ACQUISITIONS AND DISPOSITIONS.

Pursuant to Section 2.07 of the Steuben County Charter.

RESOLVED, the Chairman of the Steuben County Legislature, in accordance with the applications filed herewith, is hereby authorized and empowered on behalf of this Legislature to execute the necessary documentation for the disposition of applications for correction of real property taxes levied on the parcels contained in Schedule "A"; and be it further

RESOLVED, the Steuben County Commissioner of Finance is hereby authorized to make the proper tax adjustment, and/or refund, with respect to the parcels contained in Schedule "A", as set forth in the approved applications, copies of which shall be forwarded to the taxpayer and collecting authority; and be it further

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

Resolution No.	<u>A-1</u>
Name	<u>Michael J Thompson</u>
Parcel No.	<u>332.18-01-010.000</u>
Municipality	<u>Village of Addison</u>
Disposition	<u>2020 Correction of Exemption</u>

Resolution No.	<u>A-2</u>
Name	<u>Michael J Thompson</u>
Parcel No.	<u>332.18-01-010.000</u>
Municipality	<u>Village of Addison</u>
Disposition	<u>2018-19 Correction - Water/Sewer Charge.</u>

Resolution No.	<u>A-3</u>
Name	<u>126 Chemung Street West LLC</u>
Parcel No.	<u>299.13-02-029.000</u>
Municipality	<u>Village of Painted Post</u>
Disposition	<u>2020 Correction of Exemption</u>

Resolution No.	<u>A-4</u>
Name	<u>126 Chemung Street West LLC</u>
Parcel No.	<u>299.13-02-028.200</u>
Municipality	<u>Village of Painted Post</u>
Disposition	<u>2020 Correction of Exemption</u>

Resolution No.	<u>A-5</u>
Name	<u>Kennedy, Susan B & Thomas J</u>
Parcel No.	<u>063.15-01-009.000</u>
Municipality	<u>Town of Pulteney</u>
Disposition	<u>2020 Court Ordered Correction</u>

Vote: Roll Call – Adopted.

RESOLUTION NO. 129-20

Introduced by S. Van Etten.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE JUNE 22, 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:

May 13, 2020

NYS Board on Electric Generation Siting and the Environment – Re: Order approving the amendment to the Baron Winds LLC project (Case#15-F-0122). **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director**

NYS Assemblywoman, Marjorie L. Byrnes – Re: Correspondence letter on the nomination to the Ad Hoc siting board for the EDF Renewables Development, Inc. (Moraine Solar) project (Case#18-F-0498). **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 Bath I LLC project is scheduled via toll-free conference bridge at (866) 804-5312, passcode 585-419-8718 for Friday, May 15, 2020 at 10:00am 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.**

Steuben County Industrial Development Agency – Re: Notice of public hearing and proposed financial assistance for the Bright Hill Solar LLC project is scheduled via toll-free conference bridge at (866) 804-5312, passcode 585-419-8718 for Friday, May 15, 2020 at 11:30am 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.**

May 15, 2020

Cathy Manning, Steuben County Dept. of Social Services Employee – Re: Thank you letter. **Referred to: Steuben County Legislature; and Jack Wheeler, County Manager.**

May 20, 2020

NYS Department of Environmental Conservation – Re: Study Area, Corning NY Residential Properties Investigation & Cleanup (Site#851046). **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

June 10, 2020

Steuben County Industrial Development Agency – Re: Notice of public hearing and proposed financial assistance for the B&H Rail Corp project is scheduled via toll-free conference bridge at (866) 804-5312, passcode 585-419-8718 for Friday, June 19, 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.**

CSEA Employee Benefit Fund – Re: Sunrise Dental and Platinum 12 Vision w/Twin Tiers Rider current rates effective through December 31, 2020. *Referred to: Nathan Alderman, Personnel Officer; Tammy Hurd-Harvey, Commissioner of Finance; and filed with the Clerk of Legislature, Brenda Mori.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 130-20

Introduced by R. Lattimer and G. Swackhamer.

Seconded by C. Ferratella.

ACCEPTING CARES ACT 2020 FUNDING FOR PUBLIC TRANSPORTATION MOBILITY MANAGEMENT SERVICES.

WHEREAS, Public Law No. 116-136 (3/27/20), authorized temporary additional funding for operating activities related to COVID-19 that occur on or after January 20, 2020; and

WHEREAS, Steuben County has been awarded \$249,017 in additional funds for Mobility Management Services; and

WHEREAS, Mobility Management Services are provided for Steuben County through a contract with the Institute for Human Services (IHS); and

WHEREAS, the Agriculture, Industry, and Planning Committee and the Finance Committee approved acceptance of said CARES Act 2020 funding.

NOW THEREFORE, BE IT

RESOLVED, this County hereby accepts said funding; and be it further

RESOLVED, the Planning Director is hereby authorized to sign Comptroller’s Contract No. C0044201 and any other necessary documents to implement said grant; and be it further

RESOLVED, the Commissioner of Finance is authorized to appropriate grant funds in the following accounts:

563000 5 440122	\$249,017.00
563000 4 458900	\$249,017.00; and be it further

RESOLVED, four certified and notarized originals of this resolution shall be given to the Planning Director to be forwarded to the New York State Department of Transportation.

Vote: Roll Call – Adopted.

RESOLUTION NO. 131-20

Introduced by R. Lattimer and G. Swackhamer.

Seconded by F. Potter.

ACCEPTING CARES ACT 2020 FUNDING FOR PUBLIC TRANSPORTATION OPERATING ASSISTANCE.

WHEREAS, Public Law No. 116-136 (3/27/20), authorized temporary additional funding for public transportation operating activities related to COVID-19 that occur on or after January 20, 2020; and

WHEREAS, Steuben County has been awarded \$563,575.00 in additional funds for operating assistance; and

WHEREAS, public bus operations are provide to the County through contracts with First Transit and Arc of Steuben d/b/a Steuben Area Rides; and

WHEREAS, the Agriculture, Industry, and Planning Committee and the Finance Committee approved acceptance of said CARES Act 2020 funding.

NOW THEREFORE, BE IT

RESOLVED, this County hereby accepts said funding; and be it further

RESOLVED, the Planning Director is hereby authorized to sign Comptroller’s Contract No. C004185 and any other necessary documents to implement said grant; and be it further

RESOLVED, the Commissioner of Finance is authorized to appropriate grant funds in the following accounts:

563000 5 440100	\$463,575.00	
563000 5 440550	\$100,000.00	
563000 4 458900	\$563,575.00;	and be it further

RESOLVED, four certified and notarized originals of this resolution shall be given to the Planning Director to be forwarded to the New York State Department of Transportation.

Vote: Roll Call – Adopted.

RESOLUTION NO. 132-20

Introduced by R. Lattimer and G. Swackhamer.

Seconded by G. Roush.

ACCEPTING SECTION 5311 FEDERAL TRANSIT OPERATING ASSISTANCE FUNDS.

WHEREAS, the County of Steuben submitted an application to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for a project to provide public mass transportation service for fixed route and demand response transportation service for Steuben Transit and Steuben Area Rides for Steuben County; and

WHEREAS, Steuben County has been awarded funds pursuant to a Federal Transit Operating Agreement Comptroller’s Contract No. C004099 between the County and the New York State Department of Transportation; and

WHEREAS, the Federal Share of said project is \$405,020 and has already been appropriated in the Steuben County Budget.

NOW THEREFORE, BE IT

RESOLVED, that the Planning Director is authorized to act on behalf of the County of Steuben to sign Comptroller’s Contract No. C004099 for such Section 5311 funds and to progress and complete the above named project; and be it further

RESOLVED, that the Planning Director is authorized to sign any contracts or agreements between the County of Steuben 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 Planning Director.

Mr. Swackhamer asked are people using transportation as much today? Mr. Wheeler replied yes, my understanding is it is definitely picking up. It is not what it was. We can get data on that if you would like.

Vote: Roll Call – Adopted.

RESOLUTION NO. 133-20

Introduced by C. Ferratella.

Seconded by H. Lando.

AUTHORIZING AN INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE COUNTY OF STEUBEN AND THE FINGER LAKES' COUNTIES FOR MUTUAL AID DURING A PUBLIC HEALTH EMERGENCY.

Pursuant to GML Section 119-o

WHEREAS, the counties of Chemung, Monroe, Livingston, Ontario, Schuyler, Seneca, Steuben, Wayne and Yates are referred to as the “Finger Lakes Counties”; and

WHEREAS, the County Health Departments of the Finger Lakes Counties all have responsibilities for public health emergency planning and response; and

WHEREAS, some public health problems may require public health services that exceed the capacities of the individual County Public Health Departments; and

WHEREAS, the County Public Health Departments of the Finger Lakes Counties are desirous of establishing an inter-municipal agreement to provide mutual aid during a Public Health emergency.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized to enter into an intergovernmental agreement with the Finger Lakes Counties for mutual aid during a public health emergency under such terms as approved by the Human Services, Health & Education Committee and approved as to form by the County Attorney; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Public Health Director.

Vote: Roll Call – Adopted.

RESOLUTION NO. 134-20

Introduced by R. Lattimer.

Seconded by R. Nichols.

AUTHORIZING A PUBLIC HEARING ON LAND SUBMITTED FOR INCLUSION IN CERTIFIED AGRICULTURAL DISTRICTS DURING THE 2020 ANNUAL THIRTY-DAY PERIOD.

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

WHEREAS, the Steuben County Legislature established a required annual period from February 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 will be forwarded to the Steuben County Agriculture and Farmland Protection Board for their review, and

WHEREAS, the Steuben County Agriculture and Farmland Protection Board will review the matter and will submit a report to this Legislature;

NOW THEREFORE, BE IT

RESOLVED, in accordance with Section 303-b of the Agriculture and Markets Law of the State of New York, a Public Hearing on this matter shall be held by this County Legislature on the 28th day of July, 2020, at 10:00 a.m.; and be it further

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

RESOLVED, should social distancing requirements and the Governor's Executive Orders prevent the public's attendance at said hearing on July 28, 2020, the hearing shall be held in such a manner that written comments may be submitted by the public; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 135-20

Introduced by G. Swackhamer.

Seconded by K. Fitzpatrick.

RESCINDING RESOLUTION NO. 077-20 ESTABLISHING THE DATE, TIME AND PLACE FOR THE 2020 DELINQUENT REAL PROPERTY TAX PUBLIC AUCTION.

WHEREAS, Resolution No. 077-20 dated March 23, 2020 was passed to establish the date, time and place for the 2020 delinquent real property tax public auction; and

WHEREAS, due to the Covid-19 pandemic and public health safety issues, the public real property tax auction is unable to be held as previously scheduled.

NOW THEREFORE, BE IT

RESOLVED, that Resolution No. 077-20, establishing the date, time and place for the 2020 delinquent real property tax public auction, is hereby rescinded; be it further

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

Mrs. Lando asked have we set another date? Mr. Wheeler replied not yet.

Mr. Swackhamer explained there are many different reasons why we are doing it such as where will you have it. The courts are just getting opened and a lot of the properties have to go through the courts before we can do anything.

Mr. Mullen stated I don't know what we can do about the auction. Maybe it would be good to consider adding an online format and that might reduce the number of people that would show up.

Chairman Van Etten stated Mr. Donnelly did say that Pirrung can do online auctions. We are not sure if they could do a mix. Because the schools may actually be in session in the fall, we have the option of using the fairgrounds or we could do it under a tent at the County Farm.

Mr. Horton stated that Pinnacle Rental does have an outdoor projector system.

Ms. Fitzpatrick commented from personal experience, I know that the auction could be done both online and in-person. It may slow it down, but they should be able to do that.

Mrs. Lando asked how many properties do we have? Ms. Prossick replied we have about 150, but that does not take into account the orders to show cause which is about 20.

Vote: Roll Call – Adopted.

RESOLUTION NO. 136-20

Introduced by R. Lattimer.

Seconded by F. Potter.

DESIGNATING THE STEUBEN COUNTY CONFERENCE & VISITORS' BUREAU AS THE OFFICIAL TOURISM PROMOTION AGENCY FOR THE COUNTY OF STEUBEN.

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

WHEREAS, the Steuben County Agriculture, Industry & Planning Committee (AIP) in its administrative function for tourism matters is qualified to recommend the appropriate agency for official Tourism Promotion Agency (TPA) designation; and

WHEREAS, the State of New York has made available to its counties “matching funds” for the promotion of tourism; and

WHEREAS, the New York State Tourist Promotion Act requires the legislature of each county to designate a Tourism Promotion Agency as the applicant for and the recipient of such funds; and

WHEREAS, the Steuben County Conference and Visitors' Bureau is charged with the duty to promote tourism within Steuben County.

NOW, THEREFORE BE IT

RESOLVED, the Steuben County Legislature hereby designates the Steuben County Conference & Visitors' Bureau as the official Tourism Promotion Agency for the County of Steuben for the period January 1, 2020 through December 31, 2020; and be it further

RESOLVED, the President of the Steuben County Conference and Visitors' Bureau shall report any changes that may occur in State tourism funding requirements to the Steuben County Manager; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Kevin Costello, President, Steuben County Conference and Visitors' Bureau, Inc., 1 West Market Street, Suite 201, Corning, NY 14830.

Vote: Roll Call – Adopted. Yes – 8136; No – 0; Abstained – 542; Absent – 1194
(Abstained – Legislator Maio abstained as he just walked in prior to the vote; Absent – Legislators Hanna and Ryan)

RESOLUTION NO. 137-20

Introduced by B. Schu.

Seconded by R. Lattimer.

APPROVING THE STANDARD WORK DAY AND RETIREMENT REPORTING RESOLUTION AS REQUIRED BY THE NEW YORK STATE COMPTROLLER.

WHEREAS, the New York State and Local Employees’ Retirement System adopted 2 NYCRR §315.4, a regulation on retirement reporting for elected and appointed officials which became effective August 12, 2009; and

WHEREAS, the regulation requires an expanded record of work activities, a more detailed resolution and specific time frames within which requirements must be completed.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben hereby establishes the following standard work days for the listed titles and will report the officials to the New York State and Local Employees’ Retirement System based on their record of activities:

TITLE	STANDARD WORKDAY (HRS/DAY)	NAME	TIER 1 MEMBER	CURRENT TERM BEGINS/ENDS	ROA Result	ROA Not Submitted
Elected Officials						
Legislator, District 1	6.0	Paul E. VanCaeseele		1/1/20-12/31/23	5.31	
Legislator, District 6	6.0	Brian C. Schu		1/1/20-12/31/23	10.62	
Legislator, District 7	6.0	Aaron I. Mullen		1/1/20-12/31/23	1.6	
Legislator, District 8	6.0	Jeffrey P. Horton		1/1/20-12/31/23	11.45	
Legislator, District 11	6.0	Robert V. Nichols		1/1/20-12/31/23	13.34	
Legislator, District 13/Chairman	6.0	Scott J. Van Etten		1/1/20-12/31/23	16.89	
Appointed Officials						
Assistant Public Defender, PT	6.0	Travis Barry		1/1/20-12/31/23	3.5	
Assistant Public Defender, PT	6.0	Terrence Baxter		1/1/20-12/31/23		X
Assistant Public Defender, PT	6.0	Peter Degnan		1/1/20-12/31/23	17.88	
Assistant Public Defender, PT	6.0	Christopher Tunney		5/6/19-12/31/23	10.05	
Assistant District Attorney, PT	6.0	Peter Glanville		1/1/20-12/31/23		X
Assistant District Attorney, PT	6.0	Joan Merry		1/1/20-12/31/23	12.89	
Assistant District Attorney, PT	6.0	Timothy Rosell		1/1/20-12/31/23	10.63	

AND BE IT FURTHER RESOLVED, elected and appointed officials who are not members of the State Retirement System are not subject to the provisions of this law; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Finance Commissioner, the Personnel Officer and the New York State Comptroller following 30 days of public posting.

Chairman Van Etten commented this is an annual juggernaut to get people to submit their information. The Clerk is frustrated as people in the District Attorney’s Office needed numerous reminders. She should not have to beg people to submit their information. Mrs. Lando commented it hurts them if they do not do it. Chairman Van Etten replied yes and the District Attorney told them that in an email.

Ms. Mori commented I will not chase people down as it does not affect me either way. Chairman Van Etten stated it is frustrating and it should not have to happen. Ms. Mori stated this is a very time consuming process.

Mrs. Ferratella asked who is still outstanding? Ms. Mori replied there is one Assistant District Attorney and one Assistant Public Defender who have not submitted their information. There are also two individuals who started weeks after COVID and the State will let them wait to record time until after the courts are open.

Mr. Maio asked Ms. Mori why is this your job? Ms. Mori replied this was gifted to the Clerks of the Board by the State Comptroller. We are third in the process of double checks. Personnel submits a report monthly and that has to balance with what I submit to the State annually. It is just to make sure that everyone is getting credited the appropriate time; and through this process we have found mistakes.

**Vote: Roll Call – Adopted. Yes – 8081; No – 597, Absent – 1194
(No – Legislator Mullen; Absent – Legislators Hanna and Ryan)**

RESOLUTION NO. 138-20

Introduced by R. Nichols.

Seconded by G. Swackhamer.

URGING NY STATE TO UPDATE ELECTRONICS RECYCLING AND REUSE ACT.

WHEREAS, the main reasons for the adoption of the New York State Electronic Equipment Recycling and Reuse Act (Act) in 2010 were to assist local governments with managing the fast-growing electronics waste stream by relying on electronics manufacturers to fund a recycling infrastructure and relieve municipalities from the recycling and end-of-life management costs; and

WHEREAS, the Act requires electronics manufacturers to fund electronics recycling programs that are effective, continuous, and convenient to all consumers across the state at no cost; and

WHEREAS, due to deficiencies in the Act, Steuben County and municipalities across the state continue to bear the burden of organizing the recovery, as well paying the cost to recycle the materials; and

WHEREAS, this has resulted in many local governments across the state having grappled with the burden to fund or cease electronics collection, or to pass these costs on to the residents; and

WHEREAS, we recommend that:

- For all counties with populations between 65,000 and 300,000 people, in no event shall there be less than 3 (three) permanent collection locations.
- The so-called “mail back” provision shall be removed from the statute, as it undermines the requirement that manufacturers provide convenient drop-off for residents.
- Any materials collected at a permanent municipal collection site shall be accepted by manufacturers, or their agents, at no cost to the municipality, including reasonable costs for preparation and transport.

NOW THEREFORE, LET IT BE

RESOLVED, that Steuben County does hereby call upon Governor Cuomo, the New York State Assembly, and the New York State Senate to update the New York State Electronic Equipment Recycling and Reuse Act on its 10-year anniversary in 2020, by adopting the above referenced changes to the Act's Convenience Standard and clarifying electronic equipment manufacturers' requirements to provide year-round, no-cost collection of electronics for residents, and thereby also helping alleviate the immediate extreme financial pressures faced by local governments; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Todd Kaminsky, New York State Senator, Environmental Conservation Committee Chairmen, Legislative Office Building Room 307, Albany, NY 12247; New York State Assemblyman Steve Englebright, Legislative Office Building 62, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 307 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 320 Legislative Office Building, Albany, NY 12248; Brooke Harris, President, Inter-County Association of Western New York, c/o Allegany County Legislature, 7 Court Street, Belmont, NY 14813; and New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207.

Vote: Acclamation – Adopted.

RESOLUTION NO. 139-20

Introduced by J. Malter.

Seconded by K. Fitzpatrick.

SUPPORTING AN AMENDMENT TO THE VEHICLE AND TRAFFIC LAW IN RELATION TO ACCESSIBLE PARKING SPACE REQUIREMENTS FOR PERSONS WITH DISABILITIES AND ENFORCEMENT OF ILLEGAL PARKING.

WHEREAS, State Senator Patty Ritchie and Assemblyman Will Barclay have introduced Senate Bill S.5459 and Assembly Bill A.6215, which will update accessible parking requirements to bring New York State law in line with the Americans with Disabilities Act (ADA) and International Building Code as adopted by New York State; and

WHEREAS, under the current 1981 law, shopping facilities with more than five stores and at least twenty parking spaces must designate 5 percent or ten spaces (whichever is less) as accessible parking spaces, and law enforcement can ticket and/or tow violators if a local law is in place; and

WHEREAS, current law does not align with International Building Code, and local law enforcement is often unable to ticket violators if no local law is in place, creating unnecessary hardships for persons with disabilities; and

WHEREAS, the term "handicapped" is no longer a phrase used when referring to persons with disabilities; and

WHEREAS, the proposed legislation amends Section 1203-c of the Vehicle and Traffic law to give law enforcement the authority to ticket and tow illegally parked vehicles in spaces and access aisles designated for persons with disabilities, and removes the provision that accessible parking requirements only apply to shopping centers or facilities with five separate retail stores; and

WHEREAS, the proposed legislation clarifies that the number of accessible parking spaces shall be in compliance with the International Building Code as adopted by New York State; and

WHEREAS, the proposed legislation amends Section 1203 of the Vehicle and Traffic Law to replace the term "handicapped" with the term "persons with disabilities".

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature supports Senate Bill S.5459 and Assembly Bill A.6215, which amends the Vehicle and Traffic law in relation to accessible parking space requirements for persons with disabilities and enforcement of illegal parking; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Andrea Stewart Cousins, NYS Senate Majority Leader, 907 Legislative Office Building, Albany, NY 12247; Honorable John J. Flanagan, NYS Senate Minority Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Carl E. Heastie, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Crystal D. Peoples-Stokes, NYS Assembly Majority Leader, 926 Legislative Office Building, Albany, NY 12248; Honorable William A. Barclay, NYS Assembly Minority Leader, Capitol 444, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 406 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 320 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 525 Legislative Office Building, Albany, NY 12248; and Honorable Marjorie Byrnes, New York State Assemblywoman, 723 Legislative Office Building, Albany, NY 12248.

Mrs. Lando commented this bill is confusing. Once this is approved, do we have to go back to the local municipalities to tell them to change their parking restrictions and to add spaces? Mr. Wheeler explained we are urging the State to amend the Vehicle and Traffic Law so that it aligns with the ADA (Americans with Disabilities Act) and International Building Code.

Mrs. Lando asked are we adding spaces? What does it mean? Ms. Prossick explained there is one part of the ADA that is not compliant and the two laws use two different terms; the State law uses handicapped and ADA does not. The other issue is law enforcement is not allowed to ticket people in violation because there had to be a local law in place to authorize law enforcement to enforce.

Mr. Malter commented this is for private parking spaces. Mr. Maio stated it is also his understanding that they have to have a designated number of spots and now they are taking that out. That means that places like Home Depot, Wal-Mart and other similar places would have to have designated spots.

Ms. Prossick explained the ADA law has a grandfather clause and a lot of those types of lots are grandfathered in. Now they can enforce what they have.

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 Mrs. Lando and duly carried.

Motion to Adjourn Executive Session and Reconvene Regular Session made by Ms. Lattimer, seconded by Mrs. Ferratella and duly carried.

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