

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

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers in Bath, NY on the 25th day of March, 2019 at 10:00 a.m. and was called to order by the Vice Chairwoman of the Legislature, Carol A. Ferratella.

Roll Call and all members present except Legislators Hauryski and Hanna.

Mrs. Lando provided the Invocation and the Pledge of Allegiance was led by Mr. Weaver.

Vice Chairwoman Ferratella asked Lisa Adams to come forward. Ms. Adams is an employee in the Department of Social Services. She presented her with a Certificate of Appreciation and a pin in recognition of her 20 years of service to Steuben County.

Vice Chairwoman Ferratella asked Janice Schuck to come forward. Ms. Schuck is an employee in the Department of Social Services. She presented her with a Certificate of Appreciation and a pin in recognition of her 20 years of service to Steuben County.

Vice Chairwoman Ferratella asked Tracy Phillips from the Department of Motor Vehicles to come forward. She presented her with a Certificate of Appreciation and a clock in recognition of her retirement with 30 years of service to Steuben County.

Vice Chairwoman Ferratella opened the floor for opportunity for public comments.

Doug Mitchell, Addison, introduced himself as the Chairman of the Steuben County Chapter of SCOPE. On behalf of the 1,319 petitioners, we thank you for considering the resolution on this morning's agenda memorializing the continued support of the Second Amendment.

Vice Chairwoman Ferratella declared the opportunity for public comment closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting Upon Local Law Tentatively No. One for the Year 2019, Repealing Local Law No. One of 1967 and Local Law No. Six of 1999, as Amended by Local Law No. Nine of 2007, Providing for the Continuity of Steuben County Government in the Event of a Disaster or Emergency. Vice Chairwoman Ferratella opened the floor to comments by members of the public. There being none, she declared the public hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication Upon the Public Hearing on the Community Development Block Grant Applications for the 2019 Program Year. Vice Chairwoman Ferratella opened the floor to comments by members of the public. There being none, she declared the public hearing closed.

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

Ms. Mori reminded the Legislators that the Youth In Government interns will be attending the April Legislative meeting. She also reminded everyone that the Steuben County Land Bank Corporation meeting will be at 11:00 a.m. this morning and also the Elections demonstration will be occurring immediately following today's meeting at the new Office Annex Building.

RESOLUTION NO. 055-19

Introduced by S. Van Etten.

Seconded by F. Potter.

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

Pursuant to Section 2.07 of the Steuben County Charter.

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

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

RESOLVED, the Steuben County Commissioner of Finance is authorized and directed to withdraw the property contained in Schedule "B" from tax foreclosure proceedings pursuant to Real Property Tax Law §1138; and the Commissioner of Finance is further authorized to cancel the unpaid taxes against the property set forth in Schedule "B", pursuant to Real Property Tax Law §558, as approved by the Steuben County Finance Committee on July 10, 2018 and March 12, 2019; and be it further

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

SCHEDULE "A"

Resolution No.	<u>A-1</u>
Name	<u>Daniel Riesen</u>
Parcel No.	<u>098.00-01-043.110</u>
Municipality	<u>Town of Avoca</u>
Disposition	<u>2019 Parcel Split</u>

Resolution No.	<u>A-2</u>
Name	<u>William Pfitzenmaier</u>
Parcel No.	<u>154.00-01-008.111</u>
Municipality	<u>Town of Howard</u>
Disposition	<u>2019 Parcel Split</u>

Resolution No.	<u>A-3</u>
Name	<u>Randolph Weaver</u>
Parcel No.	<u>144.18-01-001.110</u>
Municipality	<u>Village of Bath</u>
Disposition	<u>2019 Parcel Split</u>

Resolution No.	<u>A-4</u>
Name	<u>Richard C. & Shirley I. Tostanoski (William A. Lyons)</u>
Parcel No.	<u>279.00-01-016.100</u>
Municipality	<u>Town of Erwin</u>
Disposition	<u>2019 Parcel Split</u>

Resolution No.	<u>A-5</u>
Name	<u>Andrew & Linda Templin</u>
Parcel No.	<u>173.00-01-005.120</u>
Municipality	<u>Town of Bath</u>
Disposition	<u>2019 Parcel Split</u>

Resolution No.	<u>A-6</u>
Name	<u>Richard D. & Pamela M. Webster</u>
Parcel No.	<u>283.00-01-017.000</u>
Municipality	<u>Town of Corning</u>
Disposition	<u>2019 Correction of Error</u>

Resolution No. A-7
 Name Ann Schutt
 Parcel No. 300.13-01-020.100
 Municipality Town of Corning
 Disposition 2019 Correction of Error

SCHEDULE "B"

Resolution No. B-1
 Name Leon R. Babcock Sr.
 Parcel No. 151.80-01-041.000
 Municipality City of Hornell
 Disposition Cancellation of Void Taxes: 2012 through 2017 Hornell City Taxes

Resolution No. B-2
 Name Leon R. Babcock Sr.
 Parcel No. 151.80-01-041.000
 Municipality City of Hornell
 Disposition Cancellation of Void Taxes: 2012 through 2017 City School Taxes

Mr. Weaver stated he will be abstaining as he is listed on the resolution.

**Vote: Roll Call – Adopted. Yes – 8258; No – 0; Abstained – 451; Absent – 1163
 (Abstained – Legislator Weaver; Absent – Legislators Hauryski and Hanna)**

RESOLUTION NO. 056-19

Introduced by Mrs. Ferratella.

Seconded by Mr. Roush.

RECEIVING AND ACCEPTING THE MARCH 25, 2019 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY MANAGER’S OFFICE.

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

February 21, 2019

NYS Department of Transportation – Re: Statewide Mass Transportation Operating Assistance (STOA) SFY 2018-2019 payment. ***Referred to: Amy Dlugos, Planning Director.***

NYS Board on Electric Generation Siting and the Environment – Re: Notice of evidentiary hearing on the Eight Point Wind LLC issued February 19, 2019. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

NYS Office of Children and Family Services – Re: OCFS Fatality Report #RO-18-026. ***Referred to: Joseph Hauryski, Legislature Chairman; and Jack Wheeler, County Manager.***

February 25, 2019

NYS Board on Electric Generation Siting and the Environment – Re: Notice of evidentiary hearing on the Baron Winds LLC issued February 22, 2019. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

Pandion Optimization Alliance – Re: Annual Disclosure Notice in compliance with the Medicare/Medicaid Fraud and Abuse Law. ***Referred to: Darlene Smith, Public Health Director; Kathy Muller; Commissioner of Social Services and Patrick Donnelly, Commissioner of Finance.***

February 27, 2019

NYS Board on Electric Generation Siting and the Environment – Re: Notice new evidentiary hearing on the Eight Point Wind LLC issued February 25, 2019. ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

March 4, 2019

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$1,843, which represents the January 2019 surcharge revenue for Steuben County. *Referred to: Finance and Administration Committees; and Patrick Donnelly, Commissioner of Finance.*

March 11, 2019

Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Corning Properties Inc. termination of tax agreement for property located at 238 E Parkway, Corning, NY (318.46-01-027.000). *Referred to: Finance and Administration Committees; Patrick Donnelly, Commissioner of Finance; Wendy Jordan, RPTSA Director; and County Attorney.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 057-19

Introduced by Mr. Schu.

Seconded by Mr. Roush.

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

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

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

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

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

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

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. One for the Year 2019, repealing Local Law No. One of 1967 and Local Law No. Six of 1999, as amended by Local Law No. Nine of 2007, Providing for the Continuity of Steuben County Government in the event of disaster or emergency.

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

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

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

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

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

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

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

- a. The County Manager.
- b. The Deputy County Manager.

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

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

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

SECTION 5. ASSUMPTION OF POWERS AND DUTIES OF OFFICE BY EMERGENCY INTERIM SUCCESSOR. If, in the event of an attack or public disaster, an officer described in subdivision a or subdivision b of section four of this local law or the duly authorized deputy, if any, is unable, due to death, absence from the county, or other physical, mental, or legal reasons, to perform the powers and duties of the office, the emergency interim successor of such officer highest in rank in order of succession who is able to perform the powers and duties of the office shall,

except for the power and duty to discharge or replace duly authorized deputies and emergency interim successors of such officer, perform the powers and duties of such officer. An emergency interim successor shall perform such powers and duties only until such time as the lawful incumbent officer or his duly authorized deputy, if any, resumes the office or undertakes the performance of the powers and duties of the office, as the case may be, or until, where an actual vacancy exists, a successor is duly elected or appointed to fill such vacancy and qualifies as provided by law.

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

SECTION 7. RECORDING AND PUBLICATION OF DESIGNATIONS.

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

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

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

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

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

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on March 25, 2019 at 10:00 A.M. at the Legislative Chambers, Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature has caused a Notice of said Public Hearing to be posted at the Courthouses in the municipalities of Bath and Corning and the DMV office in Hornell, said Notice published for one insertion in the two official newspapers of the County, and has caused such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with the proof of posting and publication filed in the Office of the Clerk of the Legislature; and be it further

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law No. One for the Year 2019, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the Office of the Secretary of State of the State of New York, and said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

RESOLVED, the Clerk of the Legislature, in accordance with Section 214, shall cause a true copy of said Local Law to be published in the two County official newspapers within ten (10) days after such Local Law has become effective; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Manager, Clerk of the Legislature, Director of Emergency Management and the County Clerk.

Mr. Swackhamer asked is this taking any powers or duties away from the Legislature, or just cleaning it up? Mr. Wheeler stated this is just cleaning the language up from when we had a County Administrator, to now being a County Charter.

Vote: Roll Call – Adopted.

RESOLUTION NO. 058-19

Introduced by G. Swackhamer.

Seconded by Mr. Roush.

RETURNING THE WILSON HOLLOW ROAD BOX CULVERT (BIN 3371440) TO THE TOWN OF HORNBY FOR ALL FUTURE MAINTENANCE OF THE STRUCTURE AND APPROACHES.

Pursuant to Section 234 of the Town Highway Law of the State of New York.

WHEREAS, the Town of Hornby passed a resolution on March 13, 2017 requesting that Steuben County take over Partial Maintenance of the Wilson Hollow Road bridge that had a span of approximately thirty-one (31) feet; and

WHEREAS, the Steuben County Legislature approved, by resolution, taking over the Wilson Hollow Road bridge in the Town of Hornby for Partial Maintenance; and

WHEREAS, the Commissioner of Public Works subsequently replaced the Wilson Hollow Road bridge in September of 2018 with a box culvert with a span of approximately twenty-four (24) feet; and

WHEREAS, the Town of Hornby passed a resolution on February 11, 2019 agreeing to take back all responsibility of the ownership and future maintenance of the Wilson Hollow Road box culvert from Steuben County.

NOW, THEREFORE BE IT

RESOLVED, the Steuben County Legislature does hereby approve of returning the Wilson Hollow Road box culvert to the Town of Hornby for all future maintenance of the structure and approaches; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Regional Director of the New York State Department of Transportation, 107 Broadway, Hornell, NY 14843, the Town Clerk of the Town of Hornby, 4830 Hornby Road, Beaver Dams, NY 14812, and the County Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 059-19

Introduced by G. Swackhamer.

Seconded by R. Weaver.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH TOWN OF HORNELLSVILLE.

WHEREAS, the Steuben County Solid Waste Division desires to purchase a tractor with a boom mower for maintenance of County Landfill properties; and

WHEREAS, a tractor with boom mower is on the 2019 major equipment list; and

WHEREAS, the Town of Hornellsville owns a surplus 2017 Kubota Tractor with a Boom Mower; and

WHEREAS, the Town of Hornellsville desires to sell the above mentioned for \$120,000 to the County; and

WHEREAS, the Commissioner of Public Works recommends an Inter-Municipal Agreement for the purchase of the 2017 Kubota Tractor with a Boom Mower from the Town of Hornellsville.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works is authorized to sign an Inter-Municipal Agreement with the Town of Hornellsville for the purchase of the 2017 Kubota Tractor with a Boom Mower for \$120,000; and be it further

RESOLVED, that said Agreement is subject to the approval of the County Law Department; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 060-19

Introduced by J. Malter and S. Van Etten.

Seconded by K. Fitzpatrick.

AUTHORIZING THE ACCEPTANCE OF THE FY17 STATEWIDE INTEROPERABLE COMMUNICATIONS FORMULA GRANT.

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

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

WHEREAS, Steuben County has implemented a County-wide 911 system that makes use of this system for notification and operation of the county responders; and

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

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

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

WHEREAS, the New York State DHSES has awarded Steuben County grant funds in the amount of \$804,996 to facilitate the development, consolidation, improvement, sustainability and maintenance of public safety communications to support and enhance statewide interoperable communications for first responders.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized to execute such documents or agreements with the New York State DHSES to accept funding in the amount of \$804,996 for implementation of the Round 6 Statewide Interoperable Communications Formula Grant to support improved operations of public safety communications and interoperability; and be it further

RESOLVED, the Commissioner of Finance is hereby authorized to appropriate funding to a capital project entitled "Round 6 Interoperable Communications Grant" to the grant award amount of \$804,996; and be it further

RESOLVED, the County Manager and Commissioner of Finance are hereby authorized to make all necessary budget adjustments and transfers to facilitate the acceptance of revenue and appropriations of funds; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 061-19

Introduced by S. Van Etten.

Seconded by H. Lando.

AUTHORIZING A TRANSFER FROM THE 2018 CONTINGENT FUND TO THE 2018 BUDGET FOR THE JUDGEMENTS AND CLAIMS COST CENTER.

Pursuant to Section 2.07 of the Steuben County Charter.

WHEREAS, the Steuben County 2018 budget for the Judgements and Claims cost center contains insufficient funds to cover expenditures; and

WHEREAS, the insufficient funds total \$125,000; and

WHEREAS, the Finance Committee has approved a transfer of \$125,000 from the Contingent Fund to the Judgements and Claims account to cover the 2018 expenditures.

NOW THEREFORE, BE IT

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

EXPENSE ACCOUNTS:

Account 199000 5-499-000 Contingent - (\$125,000.00)

Account 193000 5-410-500 Judgements & Claims - \$125,000.00

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

Vote: Roll Call – Adopted. Yes – 8116; No – 593; Abstained – 0; Absent – 1163
(No – Legislator Ryan; Absent – Legislators Hauryski and Hanna)

RESOLUTION NO. 062-19

Introduced by J. Malter and B. Schu.

Seconded by S. Maio.

AUTHORIZING THE RECLASSIFICATION OF ONE PART-TIME CONFLICT DEFENDER TO ONE FULL-TIME CONFLICT DEFENDER.

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

WHEREAS, there is a need to reclassify one Conflict Defender (PT) position within the County Manager's Office to a Conflict Defender (FT) Position; and

WHEREAS, the Public Safety and Corrections Committee and Administration Committee have approved reclassification of the position listed below.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following positions in Steuben County are reclassified as follows:

FROM: One (1) Conflict Defender (PT), Management Grade E (\$36,388)

TO: One (1) Conflict Defender (FT), Management Grade E (\$52,677 – \$68,104)

AND BE IT FURTHER RESOLVED, the 2019 County Job Classification and Salary Schedule is hereby amended to reflect the above-stated changes; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Personnel Officer, Conflict Defender and the County Manager.

Vote: Roll Call – Adopted. Yes – 7214; No – 1495; Abstained – 0; Absent – 1163
(No – Legislators Ryan, Swackhamer and Weaver; Absent – Legislators Hauryski and Hanna)

RESOLUTION NO. 063-19

Introduced by Mr. Malter and Mr. Schu.

Seconded by R. Nichols.

AUTHORIZING THE TRANSFER AND RECLASSIFICATION OF ONE ZERO-BASED LANDFILL RECYCLING MANAGER POSITION, GRADE XIII, FROM THE DEPARTMENT OF PUBLIC WORKS, TO ONE RADIO TECHNICIAN POSITION, GRADE XII, WITHIN THE EMERGENCY MANAGEMENT OFFICE

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

WHEREAS, the Landfill Recycling Manager position in the Department of Public Works is vacant and zero-based; and

WHEREAS, there is a need for a Radio Technician position in the Emergency Management Office; and

WHEREAS, the Personnel Officer, the Public Safety Committee, and Administration Committee have reviewed the needed position and funding for said position, within the Emergency Management Office, and have approved the recommended transfer.

NOW THEREFORE, BE IT

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

FROM: Department of Public Works -One (1) Zero Based Landfill Recycling Manager, Position # 2395-01, Grade XIII (\$38,005 – \$53,653)

TO: Emergency Management Office - One (1) Radio Technician, Grade XII (\$36,294 - \$51,240)

AND BE IT FURTHER RESOLVED, that the 2019 County Job Classification and Salary Schedule is hereby amended to reflect the above stated changes; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Finance, Personnel Officer, and the Emergency Management Office.

Vote: Roll Call – Adopted.

RESOLUTION NO. 064-19

Introduced by R. Lattimer.

Seconded by G. Roush.

AUTHORIZING THE COUNTY PLANNING DEPARTMENT TO SUBMIT AN APPLICATION TO NEW YORK STATE HOMES AND COMMUNITY RENEWAL FOR A COMMUNITY DEVELOPMENT BLOCK GRANT.

WHEREAS, Steuben County is an eligible applicant for New York State Community Development Block Grant (CDBG) funding for Housing Activities; and

WHEREAS, Steuben County and Arbor Development, Inc. want to continue their program of housing rehabilitation for low and moderate income persons; and

WHEREAS, well and septic replacement, and lateral connection assistance, are eligible expenditures of CDBG funds; and

WHEREAS, under the CDBG Program, Steuben County is permitted to contract with Arbor Development, Inc. to provide said assistance.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Planning Department is hereby authorized to submit an application to the NYS Homes and Community Renewal for a Community Development Block Grant to provide funding for well and septic systems repairs or replacements or lateral connections to water or sewer systems; and be it further

RESOLVED, the Planning Director is hereby authorized to sign the application on behalf of Steuben County; and be it further

RESOLVED, should said grant be awarded, Steuben County hereby accepts the grant award and the Steuben County Commissioner of Finance is hereby authorized to appropriate the grant funds in the Steuben County Budget; and be it further

RESOLVED, that the Steuben County Planning Director is hereby authorized to sign all appropriate and necessary documents to implement said grant; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Planning Director, and to the Executive Director, Arbor Development, Inc., 26 Bridge St., Corning NY 14830.

Vote: Roll Call – Adopted.

RESOLUTION NO. 065-19

Introduced by S. Van Etten.

Seconded by H. Lando.

AUTHORIZING THE COUNTY MANAGER TO ENTER INTO A SALES TAX AGREEMENT WITH THE CITIES OF CORNING AND HORNELL FOR A FIVE-YEAR TERM.

WHEREAS, Section 1262(c) of the Tax Law authorizes the County to enter into an agreement with each of its Cities regarding the allocation of sales and compensating use tax revenue; and

WHEREAS, the County and the Cities of Corning and Hornell have negotiated a Sales Tax Allocation Agreement in the form attached to this resolution; and

WHEREAS, this agreement was tentatively approved by the Corning City Council and by the Hornell City Council; and tentative approval has been received from the Office of the State Comptroller.

NOW THEREFORE, BE IT

RESOLVED, that the County Manager is authorized to execute the attached Sales Tax Allocation Agreement with the Cities of Corning and Hornell to be effective March 1, 2020; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Manager; County Attorney; Commissioner of Finance; Mark Ryckman, Corning City Manager, 1 Nasser Civic Center Plaza, Corning, NY 14830; John Buckley, Mayor of Hornell, 82 Main Street, PO Box 627, Hornell, NY 14843; and Thomas P. DiNapoli, New York State Comptroller, 110 State Street, Albany, NY 12236.

**AGREEMENT
SALES TAX ALLOCATION
COUNTY OF STEUBEN, CITY OF CORNING, and CITY OF HORNELL**

THIS AGREEMENT made this day of _____ by and between the COUNTY OF STEUBEN, with offices at the 3 East Pulteney Square, Bath, NY 14810, the CITY OF CORNING, with offices at 1 Nasser Civic Center Plaza, Corning, NY 14830, and the CITY OF HORNELL, with offices at 82 Main Street, Hornell, NY 14843.

WITNESSETH:

WHEREAS, Steuben County, the City of Corning, and the City of Hornell have hereto reached an agreement in principal regarding the allocation and distribution of sales and compensating use tax revenue in Steuben County; and

WHEREAS, Steuben County, the City of Corning, and the City of Hornell recognize that the interests of residents in each municipality would be best served if the revenue derived from sales and taxes were to be stabilized and distributed in an equitable manner; and

WHEREAS, the parties hereto wish to enter into an Agreement pursuant to Subdivision (c) of Section 1262 of the Tax Law of the State of New York.

NOW, THEREFORE, IT IS AGREED TO AS FOLLOWS:

FIRST: Steuben County shall, during the term of this Agreement, impose all of the sales and use taxes authorized by section 1210(i) of the Tax Law of the State of New York, at the rate of three percent (3%) and shall set aside, pay and allocate net collections from such taxes during such term as provided in this Agreement.

SECOND: This agreement shall not apply to Steuben County's additional one percent (1%) rate of sales and use taxes and Steuben County will continue to be apply net collections from such additional rate as required by Section 1262-H of the Tax Law of the State of New York, as amended.

THIRD: The City of Corning and the City of Hornell shall each repeal their sales and use taxes authorized by section 1210 of the Tax Law, effective March 1st, 2020, and they shall not reimpose any such taxes to take effect earlier than March 1, 2025.

FOURTH: Steuben County shall set aside or allocate and distribute net collections from its three percent (3%) rate of sales and use taxes as follows:

A. In each year of this agreement, Steuben County shall allocate and distribute the following amounts: to the City of Corning, \$2,200,000; to the City of Hornell, \$2,150,000; and to the Towns and Villages within the County, \$11,100,000.

B. If the County's net collections in any year are insufficient to cover the allocations described in paragraph B of this section, the allocations shall each be reduced on a pro rata basis.

C. If the County's net collections in a year exceed the allocations described in paragraph B of this section, the County shall set aside for County purposes forty nine percent (49%) of such excess; and the County shall allocate eight percent (8%) of such excess to the City of Corning, seven percent (7%) to the City of Hornell, and thirty six percent (36%) to the Towns and Villages in the County.

D. A Town or Village's share of the amounts that paragraph C of this section requires the County to allocate to the Towns and Villages in the County shall be determined on the basis of the ratio which the full valuation of real property in the Town or Village bears to the aggregate full valuation of real property in all of the Towns and Villages in the County.

E. For purposes of this section , the term “year” shall mean a twelve month period commencing March first and ending the last day of the following February.

FIFTH: The term of this Agreement shall be five years commencing March 1st, 2020, and ending February 29, 2025.

SIXTH: That on or before the first day of 2024, the Steuben County Manager, the Corning City Manager, and the Hornell City Mayor and/or their representatives will meet to develop recommendations for the Steuben County Legislature and each City Council whether or not to amend, modify, or extend this Agreement for an additional term.

The County Legislature and each City Council thereafter, and prior to June 1st, 2024, shall, by resolution, notify the other bodies that it intends, at the end of the term or any extension, thereof, to terminate, amend or modify this Agreement.

SEVENTH: Within the time frames set forth herein and the statutory notice requirements in Article 29 of the Tax Law, this Agreement may be modified, terminated, or otherwise amended in the event that both City Councils and the County Legislature, by formal resolution, mutually agree to do so. Neither party may do so unilaterally. Any such modification, termination, or amendment must be reduced to writing, executed by such officers of each body as they shall respectively designate and be approved by the Office of the State Comptroller as set forth above.

EIGHTH: Notwithstanding any contrary provision of this Agreement, if the County and Cities cannot agree by May 15, 2024, and receive approval of such agreement from the State Comptroller by such date, on terms either to extend this Agreement effective March 1, 2025, or to enter into a new agreement to take effect March 1, 2025, and if either City elects, or both Cities elect, to impose sales and use taxes authorized by section 1210 of the Tax Law to take effect March 1, 2025, the Steuben County Legislature hereby agrees to waive, and does waive, pursuant to Tax Law section 1223(b), the requirements of either City to provide notice to the County of the City’s imposition of taxes on transactions taxed by the County and of the postponement of the effective date of such taxes imposed by the City, so that such City’s taxes, can take effect March 1, 2025.

NINTH: This Agreement is subject to the approval of the State Comptroller of the State of New York as set forth in section 1262(c) of the Tax Law.

IN WITNESS WHEREOF, the undersigned have set their hands this day of _____.

COUNTY OF STEUBEN

CITY OF CORNING

CITY OF HORNELL

Title:

Title:

Title:

Mr. Mullen asked has this changed from the original agreement? Mr. Wheeler replied the original agreement had an incentive payment and that has been taken out, with the agreement of both of the cities.

Vote: Roll Call – Adopted.

RESOLUTION NO. 066-19

Introduced by J. Malter and B. Schu.

Seconded by S. Maio.

AUTHORIZING THE COUNTY MANAGER TO SIGN THE CONTRACT FOR STATEWIDE EXPANSION OF HURRELL-HARRING REFORM.

WHEREAS, A.10360/S.7209-A, signed by Governor Andrew Cuomo on November 28, 2016, and the *Hurrell-Harring, et al. v. State of New York* settlement mandate indigent defense reform to ensure counsel at first appearance; the hiring of lawyers, investigators and support staff to ensure attorneys have the time and support necessary to vigorously represent defendants; the setting of caseload standards that will substantially limit the number of cases any lawyer can carry to ensure a better defense; requiring the State of New York to spend \$4 million over the next two years to increase attorney communications with defendants, promote the use of investigators and experts, and improve the qualifications, training and supervision of lawyers representing indigent defendants; mandating the creation of eligibility standards for representation, allowing more New York residents to access public defense services; and strengthening the Office of Indigent Legal Services as a state-level oversight entity tasked with ensuring the constitutional provision of public defense services and committing New York to provide the office with the resources it needs to develop plans and implement and monitor reforms mandated by the settlement; and

WHEREAS, a Contract between Steuben County and the State of New York for “Statewide Expansion of Hurrell-Harring Reform” has been developed through the combined efforts of the Steuben County Public Defender; Steuben County Conflict Defender; Steuben County Assigned Counsel Program; Steuben County Attorney; representatives of the Steuben County Legislature, and the Steuben County Manager; and

WHEREAS such a contract will greatly enhance the ability of the County of Steuben to deliver quality legal services to the community.

NOW THEREFORE, BE IT

RESOLVED, that the Contract for Statewide Expansion of Hurrell-Harring Reform in its current proposed form is hereby approved and shall become effective upon execution by all parties; and it is further

RESOLVED, that the County Manager is authorized to execute the Contract for Statewide Expansion of Hurrell-Harring Reform on behalf of the County of Steuben; and it is further

RESOLVED, that a copy of this resolution shall be forwarded to the County Public Defender, County Conflict Defender, County Attorney, County Manager and Commissioner of Finance.

Vote: Roll Call – Adopted. Yes – 8116; No – 593; Abstained – 0; Absent – 1163
(No – Legislator Ryan; Absent – Legislators Hauryski and Hanna)

RESOLUTION NO. 067-19

Introduced by S. Van Etten.

Seconded by K. Fitzpatrick.

AUTHORIZING THE CHAIRMAN TO ENTER INTO AGREEMENTS WITH THE NEW YORK ENVIRONMENTAL PROTECTION AND SPILL COMPENSATION FUND.

WHEREAS, Steuben County has four (4) current tax delinquent properties that tax foreclosure proceedings have been commenced against identified as follows:

1. Owner: Dragon Arch, Inc.
Address: 7324 State Route 54, Bath, NY
Tax Map #: 144.02-01-020.200
2. Owner: JMK 235, Inc.
Address: 511 East High Street, Painted Post, NY
Tax Map #: 299.14-01-028.000
3. Owner: Hornell Development Company LLC
Address: 179 Seneca Street, Hornell, NY
Tax Map #: 151.10-01-051.000
4. Owner: Mukhtar Ahmed
Address: 10881 State Route 21S, Wayland, NY
Tax Map #: 027.00.02-023.100

; and

WHEREAS, the New York Environmental Protection and Spill Compensation Fund (the "Fund") was created by Navigation Law § 179; and

WHEREAS, these four (4) properties have current liens held by the New York Environmental Protection and Spill Compensation Fund for cleanup of contaminants at the four Sites; and

WHEREAS, the Fund may continue to have costs for cleanup of contaminants at the four Sites; and

WHEREAS, pursuant to Navigation Law §180, the administrator of the Fund is authorized to settle claims on behalf of the Fund and to make additional expenditures for cleanup of any potentially petroleum contaminated sites; and

WHEREAS, any agreement between the Fund and the County would require the State of New York to perform all environmental contamination remediation at the Sites after the County acquires title to the Sites through tax foreclosure at a cost to be solely borne by the State of New York; and

WHEREAS, in order to facilitate redevelopment of the Site, the County desires to enter into an agreement with the Fund wherein the Fund would release its potential claims against the County, for past and future cleanup and removal costs incurred by the State, including interest thereon and applicable penalties prior to the County taking title to the Sites through tax foreclosure in consideration for fifty percent (50%) of any sale price at the foreclosure auction; and

WHEREAS, any release provided by the Fund to the County shall extend to the County's successors or assigns with respect to each of the Sites, however, such release shall not extend, nor can it be transferred to any successors or assigns of the County at the Sites, if such successors in title are persons deemed legally responsible for the discharge of petroleum at the Sites, respectively.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature authorizes the Chairman to sign an agreement with the New York Environmental Protection and Spill Compensation Fund, and any other agreements necessary, for these tax delinquent properties in Steuben County, upon approval of the County Attorney; and be it further

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

Mr. Weaver stated he will be abstaining as he has a property that is contiguous to one of the properties listed on this resolution.

**Vote: Roll Call – Adopted. Yes – 8258; No – 0; Abstained – 451; Absent – 1163
(Abstained – Legislator Weaver; Absent – Legislators Hauryski and Hanna)**

RESOLUTION NO. 068-19

Introduced by G. Swackhamer.

Seconded by F. Potter.

AUTHORIZING THE CONTRACTS FOR CONSTRUCTION SERVICES FOR THE CATON SHOP REPLACEMENT PROJECT.

WHEREAS, Steuben County desires to secure contractors to build the Caton Highway Shop; and

WHEREAS, the Steuben County Purchasing Department received bids for construction services on February 7, 2019; and

WHEREAS, the Public Works Department and LaBella Associates reviewed the bids and made the recommendation to the Public Works Committee to award the contracts as noted:

- 1. General Construction - JS General Contracting, Inc., Osceola, PA - \$496,500**
- 2. Mechanical - John Kuhn Plumbing, Heating & Cooling, Inc., Hornell, NY - \$83,808**
- 3. Plumbing - John Kuhn Plumbing, Heating & Cooling, Inc., Hornell, NY - \$62,925**
- 4. Electrical – Bouille Electric, Inc., Elmira, NY - \$98,260; and**

WHEREAS, the Public Works Committee has determined that the Caton Shop Replacement capital project has sufficient funds and recommends the awards as noted.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature authorizes the award of the Caton Shop Construction Services as follows:

- 1. General Construction - JS General Contracting, Inc., Osceola, PA - \$496,500**
- 2. Mechanical - John Kuhn Plumbing, Heating & Cooling, Inc., Hornell, NY - \$83,808**
- 3. Plumbing - John Kuhn Plumbing, Heating & Cooling, Inc., Hornell, NY - \$62,925**
- 4. Electrical – Bouille Electric, Inc., Elmira, NY - \$98,260; and be it further**

RESOLVED, that construction services are to be paid with the Caton Shop Replacement capital project; and be it further

RESOLVED, that the County Manager is authorized and directed to execute the contracts as noted above; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 069-19

Introduced by T. Ryan and J. Malter.

Seconded by G. Roush.

MEMORIALIZING CONTINUED SUPPORT OF THE SECOND AMENDMENT OF THE UNITED STATES CONSTITUTION.

WHEREAS, the right of the people to keep and bear arms is guaranteed to law abiding individuals under the Second Amendment of the United States Constitution; and

WHEREAS, the lawful ownership of firearms has been and continues to be a valued tradition in Steuben County; and

WHEREAS, the Steuben County Legislature opposes any legislative infringements on the Second Amendment and other constitutionally protected rights of its law abiding residents, such as, but not limited to, long-gun registration; social media and search engine history backgrounds and lack of procedural due process rights; and

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby goes on record reaffirming and memorializing its support for the Second Amendment of the United States Constitution Which states: "A well-regulated militia, being necessary to the security for a free state, the right of the people to keep and bear arms, shall not be infringed."; and be it further

RESOLVED, that 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 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 Marjorie Byrnes, 723 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, 525 Legislative Office Building, Albany, NY 12248; Honorable Andrea Stewart-Cousins, NYS Senate Majority Leader, 907 Legislative Office Building, Albany, NY 12247; Honorable Carl Heastie, Assembly Speaker, 932 Legislative Office Building, Albany, NY 12248; Rochelle Stein, President, Inter-County Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, NY 14020; and New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207.

Mrs. Lando asked why are we doing this again? Mr. Ryan stated laws are being forced down our throats from Albany. Those laws coming down to us are violating our constitutional rights. This is just sending a message.

Mrs. Lando stated she looked at the minutes and didn't see any discussion on this last month. Mr. Maio stated there was some discussion about it and he moved to amend the resolution as proposed and it was approved. Mr. Wheeler stated this resolution reflects the change that was made. The discussion was that a memorializing resolution is a way to get your voice on record. Mr. Maio commented the wording of the resolution is such that he can support. Does he think it is effective, no. Mr. Ryan stated this is just to let the State know that we will not be stepped on.

Vote: Acclamation – Adopted. (Mrs. Lando was opposed)

RESOLUTION NO. 070-19

Introduced by B. Schu.

Seconded by F. Potter.

MEMORIALIZING THE GOVERNOR AND STATE LEGISLATURE IN OPPOSITION TO THE PROPOSED AND AMENDED 2020 EXECUTIVE STATE BUDGET IMPACTING AIM FUNDING.

WHEREAS, on February 15, 2019, Governor Cuomo announced a 30-Day Amendment to the 2020 Executive Budget making impacted Towns and Villages whole from changes to Aid and Incentives for Municipalities (AIM) funding by utilizing revenue from county sales tax; and

WHEREAS, instead of restoring AIM with State funding and signifying a desire by the State to act as partners with local governments, this budget amendment requires Counties to make up for lost AIM funding with sales tax revenue, imposing a new mandate on Counties; and

WHEREAS, already-existing unfunded State mandates are the cause of high local taxes in New York State; and

WHEREAS, Counties were granted the authority to levy a local sales tax in the late 1960s to help pay for Medicaid, indigent legal defense services, and other state mandates on counties; and

WHEREAS, requiring Counties to make up for the State's cut in AIM funding to Towns and Villages sets an unsustainable precedent and unnecessarily shifts the State's burden to local taxpayers who already pay some of the highest property taxes in the nation; and

WHEREAS, currently nine state mandated programs placed on counties equals more than 90 percent of the typical County property tax levy, and these mandated costs continue to grow; and

WHEREAS, cutting AIM funding in the first place is a tax-shift from broad-based State income taxes to regressive local property taxes; and

WHEREAS, replacing what had been State AIM assistance with funding from County revenues is simply a tax-shift that will ultimately result in higher property taxes; and

WHEREAS, the projected cost to Steuben County for this proposed mandate is \$247,619.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature opposes the Governor's proposal to utilize County sales tax to make Towns and Villages whole for cuts to AIM funding; and be it further

RESOLVED, that this Legislature supports the full restoration of AIM funding and urges the Governor and State Legislature to fully restore this State funding in the final 2019/2020 state budget; and be it further

RESOLVED, that 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 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 Marjorie Byrnes, 723 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, 525 Legislative Office Building, Albany, NY 12248; Honorable Andrea Stewart-Cousins, NYS Senate Majority Leader, 907 Legislative Office Building, Albany, NY 12247; Honorable Carl Heastie, Assembly Speaker, 932 Legislative Office Building, Albany, NY 12248; Rochelle Stein, President, Inter-County Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, NY 14020; and New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207.

Vote: Acclamation – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.F. The Medical, Financial, Credit or Employment History of a Particular Person or Corporation, or Matters Leading to the Appointment, Employment, Promotion, Demotion, Discipline, Suspension, Dismissal or Removal of a Particular Person or Corporation made by Mr. Potter, seconded by Mr. Malter and duly carried.

Motion to adjourn Executive Session and reconvene in Regular Session made by Mr. Maio, seconded by Mrs. Lando and duly carried.

Motion authorizing the settlement of a claim in the amount of \$110,000 made by Mr. Swackhamer, seconded by Mr. Van Etten and duly carried.

Motion to Adjourn made by Mrs. Lando, seconded by Ms. Lattimer and duly carried.