

REGULAR MEETING
Morning Session
Monday, March 23, 2020
Via Teleconference

The County Legislature of the County of Steuben convened in Regular Session via teleconference on the 23rd day of March, 2020 at 10:05 a.m. and was called to order by the Chairman of the Legislature, Scott J. Van Etten.

Roll Call and all members present except Legislator Hanna.

Chairman Van Etten stated we would ask that Mrs. Ferratella please provide the Invocation. Mrs. Ferratella stated thank you. Lord, today we need your guidance and spirit as we meet under these challenging circumstances involving the Corona Virus. We are thankful for the dedication of our County employees as they help us navigate these uncharted waters. We are also praying for all of the people, worldwide, that are being affected by this pandemic. In Jesus' name we pray, Amen.

Chairman Van Etten led the Pledge of Allegiance.

Chairman Van Etten stated we are getting through this. Again, for any motions, comments or anything, just identify yourself when you speak because the rules are the Clerks have to provide a verbatim set of minutes of these meetings. So, speak slowly, speak clearly, which is a problem for me, and make sure you identify yourself.

Okay, so adoption of last month's minutes. Is there a motion?

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

Reports of Standing Committees – None.

Reports of Special Committees – None.

Reports of County Officers. Mr. Van Etten stated I have something I would like to read and then we have Jack, Darlene and Tim in the EOC, that are going to give us an update. So, I just want to take a moment and recognize and thank our County's professionals for the outstanding job that they've done these last 2 weeks. As soon as information started coming in that we were facing an eminent crisis, Jack, Darlene and the team of key EMO individuals setup the command center in the 911 building. They have worked there from early in the morning to late into the nights to prepare us for what lies ahead. I stopped in last Monday and spent a couple hours there. I was amazed at how organized and professional they were all working together as a team. I know that I probably will miss mentioning some of the folks but Jack Wheeler, Chris Brewer, Darlene Smith & Matt Marmour from Public Health, Tim Marshall and Ken Forenz from EMO, Dave Hopkins and Tina Goodwin from 911, Sheriff Allard, Eric Rose From Buildings & Grounds, Rob Wolverton from I.T. and all of their staff deserve special recognition for the work that they have done to make our County as prepared as possible for this epidemic. And to Darlene's Public Health Nurses that are manning the phones, and meeting with people that have been quarantined, tested, and either have or are awaiting their results, we appreciate your outstanding service to our community. I stayed in contact with Jack via multiple texts or phone calls every day. We had to make some decisions on the fly that would otherwise go to Committees, but given the immediacy of the situation we made them.

I'll be the first to admit that I've been a skeptic of some of the EMO efforts over the years; the mock disasters, and drills that they have. Well, it's times like this where all of that planning, experience, and

preparedness pays off. The systems, practices, and processes that have been used these past 2 weeks by the team in the EOC are of the highest quality and our residents in the County are the benefactors of that hard work. So thank you and with that, I'll turn it over to Jack.

Mr. Wheeler stated thank you Chairman, and thanks everyone. I would echo that, all departments as well. Like Chairman Van Etten said, there are too many to name, but everyone has had to step up. We have been planning for weeks, but it came to a head last Sunday and they all worked very closely together to implement a concise, clear plan. I think we have a good direction. I think we are well prepared and we will just roll with the punches as the days come. Tim and Darlene as you mentioned, are here in the EOC with me and we are in separate rooms to take this call, but I will have Darlene give you a brief update of where we are at with our situational response efforts.

Mrs. Smith (Darlene) stated good morning everyone and thank you Mr. Chairman and all the Legislators for your support. I can tell you that as of this morning, we received our fifth confirmed positive Covid case. The individual resides in Corning and we are working out the details of all of that right now; making some phone calls and trying to find out all the potential sources of exposure and contact. The numbers as of this morning are five positive Covid cases and at least seventy that we are following in isolation and in quarantine. I expect both of those numbers to increase not only today, but in the coming days. We have a lot of tests out right now waiting on results. A number of them are related to one of the other Covid positive cases that we have had in recent days. So the numbers are going to go up for sure, so don't be alarmed when you see them. Thank you very much. If you have any questions, I'll be happy to answer.

Mr. Swackhamer stated I have a question. Do we have enough tests in the County at this point? Mrs. Smith replied the providers and hospitals do still have testing kits available. I am going to say for the hospitals, on average, well two out of the three on average have 75 – 100 tests left available to them. The third hospital has significantly less in number. I'm not sure how many the providers currently have. We have ordered supplies in case we need to stand up a drive-thru testing and we are waiting for better direction from the NYS Department of Health on that. But even if the word came today from them to get going, I can't do it without the supplies, but we have ordered supplies to do many, many. And we really put that order in I'm going to say it was two weeks ago; ten days to two weeks ago. So, we were ahead of the curve on that, but just we're stalled with it right now. All attention and supplies currently are going downstate to where the numbers are so high. Mr. Swackhamer stated thank you. Mrs. Smith stated you are welcome.

Mr. Van Etten asked Mr. Wheeler (Jack), does Mr. Marshall (Tim) want to speak?

Mr. Marshall stated so, we have been working, as the Chairman said, working pretty straight through for the last two weeks. A lot of our planning got started when this kicked off in China back in early January. We have been coordinating with Public Health all along and I think the efforts we put forth in our planning have brought us to the point of where we are today. Our biggest struggle has been supplies. As Mrs. Smith (Darlene) said, a lot of the supplies seem to be going downstate. We had a request in to the State to fill a supply request for at least ten days, probably two weeks now and we haven't seen the supplies coming in. We did receive some hand sanitizer from the State which we are trying to coordinate and distribute out to County agencies as well as other support agencies, but they came in gallon jugs and they are meant to be refillers of smaller containers so we have been doing that the best we can. We have ordered some supplies of the smaller containers to be able to distribute out to law enforcement, and fire and EMS, as well as to the hospitals. We are waiting for that order to come in for the smaller bottles to be able to distribute that. The other thing, as far as distribution of supplies, we are getting out a stockpile of expired 1095 masks that the Federal government has said that we can use in this event, so we are trying to get those out to fire, law enforcement and EMS today using some of the assistance of our deputy fire coordinators and some of our office staff that are not working in the EOC, to try to get those resources out to our first responders. So we have had two conference calls with fire and EMS over the last week

keeping them updated on the current situation, protocol changes from the State and recommended response efforts. So it has been very good. I think we are in a good spot. I feel very comfortable with our plan right now. The biggest thing is, is just to keep people home and keep them safe.

Chairman Van Etten stated thank you very much. If there are no announcements, we will move to the general orders of the day. I'll ask the Clerk to please read Resolution number 1.

RESOLUTION NO. 057-20

Introduced by S. Van Etten.

Seconded by G. Roush.

AUTHORIZING THE STEUBEN COUNTY LEGISLATURE TO CONDUCT COMMITTEE AND FULL BOARD MEETINGS BY TELECONFERENCE DURING THE COVID-19 STATE(S) OF EMERGENCY.

Pursuant to Governor Cuomo's Executive Order No 202.1 and the County Charter Section 2.07(1)

WHEREAS, on March 12, 2020, via Executive Order 202.1, the New York State Governor suspended portions of Article 7 of the New York's Public Officers Law allowing the attendance of public meetings by public officers telephonically; and

WHEREAS, said Order further allows any public body to meet and take actions authorized by law without public in-person access provided the public has the ability to view or listen to such proceedings and that such meetings are recorded and later transcribed; and

WHEREAS, Steuben County as of March 13, 2020, has declared an on-going State of Emergency for COVID-19 and as a result will be exercising the Governor's above-stated suspension of Open Meetings law to protect its' officials, employees and the public at large; and

WHEREAS, in exercising said suspension the County Legislature hereby enacts, pursuant to the County Charter Section 207(1) and the adoption of this resolution, the following rules:

All Legislative Committee and Board Meetings can be conducted and votes taken via teleconference during the Governor's Suspension pursuant to Executive Order 202.1 and

The public at large will not be allowed to physically attend said meetings in person, or publicly address the Legislature via teleconference during said meetings, but regular minutes of each meeting will be taken and transcribed for the public.

NOW THEREFORE, BE IT

RESOLVED, all Legislative Committee and Board Meetings can be conducted and votes taken via teleconference during the Governor's Suspension of portions of New York's Public Officer's Law (Open Meetings Law) pursuant to Executive Order 202.1; and it is further

RESOLVED, the public at large will not be allowed to physically attend said meetings in person but regular minutes of each meeting will be taken and transcribed for the public; and it is further

RESOLVED, Rule 5. of the Legislature's *Rules of Procedure* allowing members of the public to address the Legislature are hereby waived until Executive Order 202.1 has expired; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 058-20

Introduced by G. Swackhamer.

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

WHEREAS, the Steuben County Legislature adopted a Resolution on August 26, 2019, identified as Permanent No. 135-19, D-2, authorizing the Commissioner of Finance to cancel the unpaid 2013 through 2018 Town and County Taxes against a certain property identified as Tax Map No. 151.80-01-041.000 in the City of Hornell and contained in Schedule D-2 of Resolution 135-19, pursuant to Real Property Tax Law §558; and

WHEREAS, the delinquent taxes identified in Resolution No. 135-19, D-2, having not yet been cancelled against the parcel; and it being determined to be in the best interest of the County to retain the oldest tax lien against the parcel as recited in Resolution No. 135-19, D-2, that being the 2013 Town and County Tax; it is therefore

RESOLVED, that Resolution No. 135-19, D-2, is hereby amended such that the Steuben County Commissioner of Finance is authorized and directed to cancel only the unpaid 2014 through 2018 Town and County Taxes against the parcel identified as Tax Map No. 151.80-01-041.000 in the City of Hornell and contained in this resolution on Schedule B, and retain the 2013 Town and County Tax as an unpaid lien against the property, as approved by the Finance Committee on March 10, 2020; and

WHEREAS, the Steuben County Legislature adopted Resolution No. 040-20, B-1 and B-2, on February 24, 2020, authorizing the Commissioner of Finance to cancel the unpaid 2016-2017 School Taxes and the 2017 Town and County Taxes against a certain gas well identified as Tax Map No. 563.00-06-004.000 in the Town of Corning and contained in Schedule B-1 and B-2 of Resolution No. 040-20, pursuant to Real Property Tax Law §558; and

WHEREAS, prior to the adoption of Resolution No. 040-20, B-1 and B-2, but after sufficient time to publicly notify and amend said Resolution, the delinquent taxes having been paid to the Commissioner of Finance on February 20, 2020 and there being no delinquent taxes remaining against the gas well; it being determined to be in the best interests of Steuben County to amend Resolution No. 040-20, and take no action relating to Tax Map No. 563.00-06-004.000 in the Town of Corning and contained herein as Schedules C-1 and C-2; it is therefore

RESOLVED, that the Resolution adopted as No. 040-20, B-1 and B-2, authorizing the Commissioner of Finance to cancel the unpaid 2016-2017 School Taxes and the 2017 Town and County Taxes against a certain gas well identified as Tax Map No. 563.00-06-004.000 in the Town of Corning, is hereby amended to state that no action shall be taken against the recited parcel relative to the 2016-2017 School Taxes and the 2017 Town and County Taxes, as approved by the Finance Committee on March 10, 2020, and contained herein as Schedules C-1 and C-2; 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; and certified copies of this resolution contained in Schedules "B" and "C" 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. A-1
 Name Paula J. and James Friant
 Parcel No. 317.16-03-086.000
 Municipality City of Corning
 Disposition 2020 Parcel Split

Resolution No. A-2
 Name Danny W. & Kimberly Nightingale
 Parcel No. 407.00-01-012.120
 Municipality Town of Lindley
 Disposition 2017 Refund – Exemption Error

Resolution No. A-3
 Name Danny W. & Kimberly Nightingale
 Parcel No. 407.00-01-012.120
 Municipality Town of Lindley
 Disposition 2018 Refund – Exemption Error

Resolution No. A-4
 Name Danny W. & Kimberly Nightingale
 Parcel No. 407.00-01-012.120
 Municipality Town of Lindley
 Disposition 2019 Refund – Exemption Error

Resolution No. A-5
 Name Danny W. & Kimberly Nightingale
 Parcel No. 407.00-01-012.120
 Municipality Town of Lindley
 Disposition 2020 Refund – Exemption Error

Resolution No. A-6
 Name Joseph L. Cowell Jr.
 Parcel No. 169.00-01-014.000
 Municipality Town of Howard
 Disposition 2018 Court Ordered Refund

Resolution No. A-7
 Name Richard A. Lattimer
 Parcel No. 154.00-01-018.100
 Municipality Town of Howard
 Disposition 2018 Court Ordered Refund

Resolution No. A-8
 Name Richard A. Lattimer
 Parcel No. 154.00-01-018.200
 Municipality Town of Howard
 Disposition 2018 Court Ordered Refund

Resolution No. A-9
 Name Richard A. Lattimer
 Parcel No. 154.00-01-020.100
 Municipality Town of Howard
 Disposition 2018 Court Ordered Refund

Resolution No. A-10
 Name Richard A. Lattimer
 Parcel No. 154.00-01-021.200
 Municipality Town of Howard
 Disposition 2018 Court Ordered Refund

Resolution No. A-11
 Name Joseph L. Cowell Jr.
 Parcel No. 169.00-01-014.000
 Municipality Town of Howard
 Disposition 2020 Court Ordered Correction

Resolution No. A-12
 Name Richard A. Lattimer
 Parcel No. 154.00-01-018.100
 Municipality Town of Howard
 Disposition 2020 Court Ordered Correction

Resolution No. A-13
 Name Richard A. Lattimer
 Parcel No. 154.00-01-018.200
 Municipality Town of Howard
 Disposition 2020 Court Ordered Correction

Resolution No. A-14
 Name Richard A. Lattimer
 Parcel No. 154.00-01-020.100
 Municipality Town of Howard
 Disposition 2020 Court Ordered Correction

SCHEDULE "B"

Resolution No.	<u>B-1, Amending Resolution 135-19, D-2</u>
Name	<u>Leon Babcock Sr.</u>
Parcel No.	<u>151.80-01-041.000</u>
Municipality	<u>City of Hornell</u>
Disposition	<u>Cancellation of Void Taxes: 2014-2018 Town and County Taxes</u>

SCHEDULE "C"

Resolution No.	<u>C-1, Amending Resolution 040-20, B-1</u>
Name	<u>Talisman Energy USA Inc. (Andrews Gas Well)</u>
Parcel No.	<u>563.00-06-004.000</u>
Municipality	<u>Town of Corning</u>
Disposition	<u>No Action to Cancel Void Taxes: 2016-2017 City School Taxes</u>

Resolution No.	<u>C-2, Amending Resolution 040-20, B-2</u>
Name	<u>Talisman Energy USA Inc. (Andrews Gas Well)</u>
Parcel No.	<u>563.00-06-004.000</u>
Municipality	<u>Town of Corning</u>
Disposition	<u>No Action to Cancel Void Taxes: 2017 Town and County Taxes</u>

During the roll call vote, Legislator Lattimer stated I have to recuse myself as I have a relationship with one of the property owners on the list.

During the roll call vote, Legislator Mullen stated I have to abstain as I have some clients with some matters on this list.

Vote: Roll Call – Adopted. Yes – 8069, No – 0, Abstained – 1202, Absent – 601
(Abstained: Legislator Lattimer due to relationship with individual listed on resolution, Legislator Mullen due to client being listed on resolution; Absent: Legislator Hanna)

RESOLUTION NO. 059-20

Introduced by S. Van Etten.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE MARCH 23, 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:

February 18, 2020

NYS Public Service Commission – Re: Factsheet and notice of public hearing for the Baron Winds, LLC Project (Case#19-E-0277). *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

February 21, 2020

Young/Sommer LLC, Attorneys at Law – Re: Notice of Submission of Moraine Solar Energy Center Preliminary Scoping Statement (Case#18-F-0498). *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

February 24, 2019

NYS Office for the Aging – Re: Notification of Grant Award and approved application for the Medicare Improvements for Patients and Providers Act – Aging and Disability Resource Center (MIPPA/ADRC) for the period of September 30, 2019 through September 29, 2020. *Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.*

Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Riedman Purcell CH II LLC partial termination of tax agreement. **Referred to: Finance and Administration Committees; Tammy Hurd-Harvey, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, County Attorney.**

Harris Beach PLLC, Attorneys at Law – Re: City of Hornell Industrial Development Agency and PG Rockland Silk Mill LLC (payment in lieu of tax) agreement and RP-412-a form for property located at 18 North Main Street, City of Hornell, NY. **Referred to: Finance and Administration Committees; Tammy Hurd-Harvey, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, County Attorney.**

February 26, 2020

NYS Board on Electric Generation Siting and the Environment – Re: Notice of meeting scheduled for Friday, March 13, 2020 @ 10:30am for the Canisteo Wind Energy LLC Project (Case#16-F-0205). **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

NYS Department of Transportation – Re: Notification to submit the annual report by March 23, 2020 in order to be in compliance with the Federal Transit Administration (FTA) funding under the Section 5311 Formula Grants for Rural Areas Program. **Referred to: Amy Dlugos, Planning Director.**

February 28, 2020

Young/Sommer LLC, Attorneys at Law – Re: Preliminary scoping statement for the EDF Renewables Development Inc. (Case#18-F-0498). **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

March 2, 2020

Roman Catholic Diocese of Rochester – Re: Notice of deadline for filing proofs of claim. **Referred to: Jack Wheeler; County Manager; and Jennifer Prossick, County Attorney.**

NYS Board on Electric Generation Siting and the Environment – Re: Notice of availability of the pre-application intervenor funds and schedule to request funds for the EDF Renewables Development Inc. (Case#18-F-0498). **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

NYS Board on Electric Generation Siting and the Environment – Re: Notice of availability of a preliminary scoping statement and deadline for submitting comments on the EDF Renewables Development Inc. (Case#18-F-0498) project. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

NYS Board on Electric Generation Siting and the Environment – Re: Notification to nominate four candidates to potentially serve as ad hoc public members of the siting board for EDF Renewables, Inc. (Case#18-F-0498) by March 13, 2020. **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 Tammy Hurd-Harvey, Commissioner of Finance.**

March 9, 2020

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$12,747, which represents the fourth quarter earnings for 2019 from all OTB operations. **Referred to: Finance Committee; and Tammy Hurd-Harvey, Commissioner of Finance.**

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$1,935, which represents the January 2020 surcharge payment for Steuben County. **Referred to: Finance Committee; and Tammy Hurd-Harvey, Commissioner of Finance.**

NYS Office for the Aging – Re: Notification of Grant Award for the 2020 federal fiscal year Nutrition Services Incentive Program (NSIP) for the period of October 1, 2019 through September 30, 2020. *Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.*

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

NYS Board on Electric Generation Siting and the Environment – Re: Notice of the location change for the March 13, 2020 meeting at 10:30am for the Canisteo Wind Energy LLC Project (Case#16-F-0205). The meeting will also be webcast live at the following link <http://www.dps.ny.gov/Webcastshtml>. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

March 12, 2020

New York State Department of Labor – Re: Notice of violation and order to comply with the inspection held on 10/24/2019 at the Steuben County Equipment Maintenance Shop. *Referred to: Vince Spagnoletti, Commissioner of Public Works; and Scott Sprague, Risk Manager.*

Western Regional Off-Track Betting Corporation – Re: Summary of monies distributed over the years to participating municipalities. *Referred to: Steuben County Legislature; Tammy Hurd-Harvey, Commissioner of Finance; and Jack Wheeler, County Manager.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 060-20

Introduced by B. Schu.

Seconded by G. Swackhamer.

REQUESTING THE ADOPTION OF SENATE BILL NO. S7816 AND ASSEMBLY BILL NO. A9796 EXTENDING THE EXPIRATION DATE OF THE MORTGAGE RECORDING TAX FOR THE COUNTY OF STEUBEN.

Pursuant to the Tax Law of the State of New York.

WHEREAS, Steuben County has heretofore, pursuant to Resolution No. 016-08 , requested legislation from the State of New York extending Tax Law Section 253-s relative to the mortgage recording tax for the County; and

WHEREAS, Tax Law Section 253-s must be reauthorized; and

WHEREAS, Senate Bill No. S7816 and Assembly Bill No. A9796 request the amendment of Section 3 of Chapter 365 of the Laws of 2005, extending the Steuben County mortgage recording tax expiration date from December 1, 2020, to December 1, 2023; and

WHEREAS, the generation of such mortgage recording tax fees are essential revenues for the operation of the County.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby requests the Governor and the New York State Legislature to adopt special Home Rule legislation as presented in Senate Bill No. S7816 and Assembly Bill No. A9796, extending Tax Law Section 253-s; 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 John J. Flanagan, NYS Senate Republican Conference Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Jeffrey Klein, NYS Senate Independent Conference Leader, 913 Legislative Office Building, Albany, NY 12247; Honorable Andrea Stewart-Cousins, Minority Leader, New York State Senate, 907 Legislative Office Building, Albany, NY 12247; Honorable Carl E. Heastie, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Joseph D. Morelle, Majority Leader, New York State Assembly, 926 Legislative Office Building, Albany, NY 12248; Honorable Brian M. Kolb, Minority Leader, New York State Assembly, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 848 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, 439 Legislative Office Building, Albany, NY 12248; Honorable Joseph A. Errigo, New York State Assemblyman, 527 Legislative Office Building, Albany, NY 12248.

Mr. Wheeler stated Mr. Chairman if I could jump in. This resolution and your next one, from what we are hearing from NYSAC (New York State Association of Counties), is all of these renewals of local revenue bills are likely to be taken up by an omnibus bill that just extends them all. So we can do this, but it will likely end up being moved because they are likely to just be rolled into one bill that will be passed, probably by the end of this week. But, it is still good to get it done since we have the bill numbers, but you know it might be just taken care of by the State. Just wanted to give you that heads up. Chairman Van Etten stated okay, thank you.

Vote: Roll Call – Adopted.

RESOLUTION NO. 061-20

Introduced by G. Swackhamer.

Seconded by H. Lando.

REQUESTING THE ADOPTION OF SENATE BILL NO. S1885B AND ASSEMBLY BILL NO. A9704A EXTENDING THE ADDITIONAL ONE PERCENT (1%) SALES TAX FOR STEUBEN COUNTY.

Pursuant to Article IX of the Constitution of the State of New York and Section 40 of the Municipal Home Rule Law.

WHEREAS, it appears that the County could be facing a sizeable tax increase without extension of the additional sales tax; and

WHEREAS, this increase would impose a disproportionate share of the increase on property owners; and

WHEREAS, the need for additional revenues should be spread among all segments of the County's populace in order to minimize impact on any one segment of the people; and

WHEREAS, the Steuben County Legislature heretofore requested Home Rule legislation authorizing an additional one percent sales tax pursuant to Resolution No. 013-20 duly adopted January 27, 2020; and

WHEREAS, the Finance Committee subsequently approved increasing the cities shares to \$820,000 each for Hornell and Corning, and in addition, the sum of \$790,000 to the towns and villages of the County of Steuben, based on their respective equalized full value; and

WHEREAS, Senate Bill No. S1885B and Assembly Bill No. A9704A have been introduced authorizing the extension of the one percent sales tax relative to a home rule request for an extension of an additional one percent sales tax; and

WHEREAS, a necessity exists for the passage of such legislation by the New York State Legislature.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby requests the New York State Legislature adopt special Home Rule legislation as presented in Senate Bill No. S1885B and Assembly Bill No. A9704A to authorize the Steuben County Legislature to extend the additional one percent sales tax; 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; Honorable Marjorie Byrnes, New York State Assemblywoman, 723 Legislative Office Building, Albany, NY 12248; and Deborah R. Liebman, Esq., New York State Department of Taxation and Finance, W.A. Harriman Campus, Bldg. 9, Room 228, Albany, NY 12227.

Vote: Roll Call – Adopted.

RESOLUTION NO. 062-20

Introduced by J. Malter.

Seconded by G. Roush.

AUTHORIZING THE ACCEPTANCE OF THE NEW YORK STATE 2019-2020 PUBLIC SAFETY ANSWERING POINTS OPERATIONS GRANT.

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

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

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

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

WHEREAS, the New York State Office of Homeland Security has awarded Steuben County with Federal Fiscal Year 2020 grant funds in the amount of \$187,468 under the State PSAP Grant; and

WHEREAS, \$187,468 of the funding will reimburse dispatch personnel payroll costs paid by the County and the grant reimbursement will be directed to Capital Project 3020H7 in the Steuben County Budget currently titled "E-911 Dispatch Upgrades".

NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized to enter into an agreement with the New York State Division of Homeland Security and Emergency Services to accept funding in the amount of \$187,468 for county 911 dispatch personnel payroll costs; and be it further

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

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

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

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 063-20

Introduced by B. Schu.

Seconded by H. Lando.

ACCEPTING THE CENSUS OUTREACH GRANT.

WHEREAS, enumerating every resident in Steuben County during the national census 2020 is crucial to receiving numerous revenue streams from the Federal and State governments; and

WHEREAS, the New York State Census Outreach Grant will assist in strategically targeting and enumerating hard to count populations; and

WHEREAS, the County Senior Planner submitted an application to Empire State Development (ESD) in February 2020 seeking funds to assist with complete count outreach efforts; and

WHEREAS, the County Senior Planner was notified of said grant award on or about Monday March 16, 2020; and

WHEREAS, the Administration Committee approved said grant and issuance of a request for proposals.

NOW THEREFORE, BE IT

RESOLVED, the County hereby accepts said grant award of \$180,910; and be it further

RESOLVED, the County Manager is hereby authorized to sign a grant agreement and any other necessary documents with ESD; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Planning Director, the Commissioner of Finance and the County Manager.

Chairman Van Etten stated he would encourage everyone to go online if you got your mailer and do your online census. I did it yesterday and it took me about five minutes. So make sure to let your neighbors and your family know to do it as well because in this State with everyone moving out, we are going to need as many heads counted as possible.

Vote: Roll Call – Adopted.

RESOLUTION NO. 064-20

Introduced by R. Nichols.

Seconded by F. Potter.

AUTHORIZING THE TRANSFER AND APPROPRIATION OF FUNDS TO THE COUNTY ROUTE 119 OVER THE CANISTEO RIVER FEDERAL-AID BRIDGE PROJECT ACCOUNT.

WHEREAS, a project for the Bridge Replacement (BIN 3334430) of the CR 119 bridge over the Canisteo River in the Town of Cameron, County of Steuben, P.I.N. 6755.17 ("the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County desires to advance the Project by making an initial commitment of 100% of the Federal and non-Federal share of the costs of the Project; and

WHEREAS, the current cost of Design, Right of Way Incidentals and Acquisition, and Construction/Construction Inspection work for the Project included in the New York State Department of Transportation's Supplemental Agreement No. 2 for the Project is \$4,940,000; and

WHEREAS, the total estimated cost included in NYSDOT's Initial Project Proposal for the aforementioned phases of the Project was \$4,640,000; and

WHEREAS, the current Steuben County Budget for the Project includes \$4,685,000 for the aforementioned phases of the Project.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature authorizes the transfer of \$15,000 from the Future Bridge Projects account (5120H0) and the appropriation of \$285,000 of Federal and State Bridge Aid to the Project account (5120HI) in order to fund in the first instance 100% of the Federal and non-Federal share of the cost of Design, Right of Way Incidentals and Acquisition, and Construction/Construction Inspection work for the Project or portions thereof; and be it further

RESOLVED, a certified copy of this resolution shall be filed with the Commissioner of Public Works and Commissioner of Finance.

Mr. Mullen stated I was wondering why the budget on this went up if the contract that we discussed in Public Works is under \$4 million. Mr. Spagnoletti stated when we originally entered into the agreement with NYS Department of Transportation to fund it, our agreement with them was for \$4,640,000. This was made prior to any hydraulic analysis, meaning water flow through the stream, and before any soils testing was done, which is related to the number of pylons you have to drill. Since we did that agreement with them, and you do the soils and hydraulics after the initial agreement, it required a much bigger project so that's why the project price was increased to \$4,940,000 and this requires us to appropriate that funding from the State for the State to pay for it. Mr. Mullen stated okay I thought on the Public Works call that the contract was for \$3 million. It is \$4.9 million? Mr. Spagnoletti replied just a second. The contract to build it, to Twin Tiers is approximately \$4 million. In addition to that you pay \$400,000 to design it, \$450,000 for the inspectors on the job while they are building it, \$50,000 for the railroad design and about another \$45,000 for right-of-way purchase and eminent domain and appraisal. So beyond the bid of \$3,994,000, you have about another \$995,000 cost for those four items. Mr. Mullen stated okay. Chairman Van Etten stated good question and thank you Vince (Mr. Spagnoletti) for the explanation.

Vote: Roll Call – Adopted.

RESOLUTION NO. 065-20

Introduced by R. Nichols.

Seconded by G. Swackhamer.

AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT.

WHEREAS, a Project for the Bridge Replacement (BIN 3334430) of the CR 119 bridge over the Canisteo River, Town of Cameron, Steuben County, P.I.N. 6755.17 ("the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Steuben desires to advance the Project by making an initial commitment of 100% of the non-federal share of the costs of the Project.

NOW THEREFORE, BE IT

RESOLVED, this Legislature authorizes the County to pay in the first instance 100% of the federal and non-federal share of the cost of Design, Right of Way Incidentals and Acquisition, and Construction/Construction Inspection work for the Project or portions thereof; and it is further

RESOLVED, the sum of \$4,940,000 (of which \$525,000 has been previously appropriated for the cost of Design and Right of Way Incidentals and Acquisition) is appropriated and made available to cover the cost of participation in the above phase(s) of the Project; and it is further

RESOLVED, in the event the full federal and non-federal share costs of the Project exceed the amount appropriated above, the County shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

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

RESOLVED, a certified copy of this resolution forwarded to the Commissioner of Public Works, the County Manager, and be filed with the New York State Department of Transportation, Regional Planning and Program Management Unit, 107 Broadway, Hornell, NY 14843 by attaching it to any necessary Agreement in connection with the Project.

Vote: Roll Call – Adopted.

RESOLUTION NO. 066-20

Introduced by R. Nichols.

Seconded by T. Ryan.

WAIVING THE ESTABLISHED TIP FEES FOR ROADSIDE CLEANUP WEEKS FOR LOCAL MUNICIPALITIES.

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

WHEREAS, the County operates a mixed municipal solid waste landfill in the Town of Bath; and

WHEREAS, the County recognizes that the Cities, Villages and Towns collect garbage and tires along the streets and roadways in an effort to keep their communities clean; and

WHEREAS, the current tip fees at the landfill are \$44.00/ton for garbage, bulk loads; \$200.00/ton for passenger vehicle tires up to 20” and \$300.00/ton for large truck and tractor tires; and

WHEREAS, the Public Works Committee desires to assist these local municipalities by waiving the posted tip fees for the disposal of 20 tons of garbage and 10 tons of tires for a two (2) week period each year; and

WHEREAS, the waiver is for road side debris that is collected during routine maintenance activities; and

WHEREAS, the Public Works Committee has directed the Commissioner of Public Works to establish guidelines for participation in the Roadside Cleanup Weeks.

NOW THEREFORE, BE IT

RESOLVED, the Legislature does hereby authorize the Commissioner of Public Works to waive posted tip fees for the disposal of garbage, bulk loads and tires and forward the guidelines for the Roadside Cleanup Weeks to all Cities, Villages and Towns; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 067-20

Introduced by R. Nichols.

Seconded by F. Potter.

AUTHORIZING A TIRE AMNESTY WEEK AND ESTABLISHING AN EVENT RECYCLE FEE.

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

WHEREAS, the Solid Waste Division (Division) provides an ongoing tire recycling program for the residents and businesses of Steuben County; and

WHEREAS, the established recycle fee for tires is \$2.50 per passenger vehicle tire; and

WHEREAS, residents expressed concerns that there continues to be an abundance of abandoned tires on properties located within Steuben County; and

WHEREAS, a tire amnesty event would assist with the cleanup of abandoned tires; and

WHEREAS, the Public Works Committee recommends that the Division provide one (1) week each year for a week-long tire amnesty event at the landfill and transfer stations, appropriately named “**Tire Dollar Days**”; and

WHEREAS, “**Tire Dollar Days**” is for the recycling of passenger vehicle tires only; normal posted recycle fees apply to large commercial, construction and agricultural tires; and

WHEREAS, the Public Works Committee has established the recycle fee of \$1.00 per tire for passenger vehicle tires delivered to the landfill and transfer stations.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby authorize the Commissioner of Public Works to host “Tire Dollar Days” for one (1) week each year for the recycling of passenger vehicle tires at the landfill and transfer stations and has established a \$1.00 per tire recycle fee for that one week only; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 068-20

Introduced by R. Nichols.

Seconded by G. Swackhamer.

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 was added to the 2020 major equipment list; and

WHEREAS, the Town of Hornellsville owns a surplus 2019 Kubota Tractor with a Boom Mower; and

WHEREAS, the Town of Hornellsville desires to sell the above mentioned for \$130,000 to the County; and

WHEREAS, the Public Works and Finance Committees recommend an Inter-Municipal Agreement (IMA) for the purchase of the 2019 Kubota Tractor with a Boom Mower from the Town of Hornellsville.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is authorized to sign an Inter-Municipal Agreement with the Town of Hornellsville for the purchase of the 2019 Kubota Tractor with a Boom Mower for \$130,000; and be it further

RESOLVED, 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. 069-20

Introduced by R. Nichols.

Seconded by G. Roush.

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

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

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

WHEREAS, in order to construct and maintain the Project, the County desires to acquire a permanent easement on and over property owned by Norfolk Southern Railway Company, being a portion of Tax Parcel ID 237.00-01-046.000, located adjacent to County Route 119, in the vicinity of Railroad Mile Post 314.75, Town of Cameron, County of Steuben; and

WHEREAS, the permanent easement contains 0.237± acres of real property as delineated on Steuben County Acquisition Map No. 3, Parcel No. 3 for the Project and is described as follows:

BEGINNING at a point on the existing southerly right-of-way (by use) of County Route 119 at its intersection with the westerly boundary of Norfolk Southern Railway Company (reputed owner) [a.k.a. railroad], said point being 25.4± feet distant westerly measured at right angles from station 18+48.2± of the hereinafter described survey baseline for the reconstruction of County Route 119 over the Canisteo River; thence, southerly along the westerly railroad boundary being an arc to the left having a chord bearing of S7°50'43"E, a chord distance of 94.60 feet, a delta of 3°16'43" and a radius of 1653.28 feet to a point being 59.8± feet distant westerly measured at right angles from station 19+36.3± of said baseline; thence, through the property of the railroad the following two (2) courses and distances: (1) S72°03'21"E a distance of 72.7± feet to a point being 10.36 feet distant westerly measured at right angles from station 19+89.59 of said baseline; thence (2) S25°36'29"E a distance of 168.4± to a point on the easterly boundary of said railroad, said point being 20.9± feet distant westerly measured at right angles from station 21+57.6± of said baseline; thence, northerly along the easterly railroad boundary being an arc to the right having a chord bearing of N13°48'35"W, a chord distance of 156.80 feet, a delta of 5°46'57" and a radius of 1554.28 feet to a point at the intersection with the first mentioned southerly right-of-way, said point being 20.7± feet distant easterly measured at right angles from station 20+06.4± of said baseline; thence, through the property of said railroad and along said southerly right-of-way the following four (4) courses and distances: (1) N16°24'38"W a distance of 27.7± feet to a point being 26.8± feet distant easterly measured at right angles from station 19+79.4± of said baseline; thence (2) N31°14'24"W a distance of 41.2± feet to a point being 25.4± feet distant easterly measured at right angles from station 19+38.3± of said baseline; thence (3) N50°06'33"W a distance of 67.9± feet to a point being 1.2± feet distant easterly measured at right angles from station 18+74.9± of said baseline; thence (4) N73°59'55"W a distance of 37.7± feet to the point of beginning, being 10,306± square feet or 0.237± acre, more or less.

RESERVING, however, to the owner of any right, title or interest in and to the property above delineated, and such owner's successors or assigns, the right of access and right of using said property and such use shall not be further limited or restricted under this easement beyond that which is necessary to effectuate its purposes for, and as established by, the construction or reconstruction and as so constructed or reconstructed, the maintenance, of the herein identified project.

Subject to the easements, restrictions and rights of others of record including but not limited to CNG Transmission R.O.W.

The horizontal datum used in the preparation of the survey baseline and mapping shown herein is referenced to the New York State Plane Coordinate System, Central Zone, based on the North American Datum of 1983/2011 (NAD 83/2011). The survey baseline was established for the proposed reconstruction of the County Route 119 over the Canisteo River and is described as follows:

Beginning at Station 10+00.00; thence, N 80°35'33"E to Station 18+00.61; thence, S29°12'16"E to Station 22+10.21.

All bearings referred to True North at the 76°35'00" Meridian of West Longitude; and

WHEREAS, Norfolk Southern Railway Company, the grantor, in consideration of up to five hundred dollars (\$500.00) to be paid by the County, the grantee, desires to convey this permanent easement to the County.

NOW THEREFORE, BE IT

RESOLVED, this Legislature does hereby approve of acquiring a permanent easement, for the sum of up to five hundred dollars (\$500.00), on and over the aforementioned property owned by Norfolk Southern Railway Company, being a portion of Tax Parcel ID 237.00-01-046.000, located adjacent to County Route 119, Town of Cameron, County of Steuben; and be it further

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

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 070-20

Introduced by R. Nichols.

Seconded by J. Malter.

AUTHORIZING THE PURCHASE OF LAND ADJACENT TO THE LANDFILL IN THE TOWN OF BATH.

WHEREAS, Steuben County Department of Public Works – Solid Waste Division wishes to expand landfill operations at the Bath Landfill; and

WHEREAS, in order to expand, the County is desirous of purchasing 28 (+/-) acres along CR 15, Knight Settlement Road adjoining lands currently owned by the County, for public use at the existing landfill; and

WHEREAS, the landowner(s), have agreed to sell the same for \$2,000 per acre for a total of (+/-) \$56,000; and

WHEREAS, the County agrees to pay for the survey and appropriate recording costs if warranted; and

WHEREAS, the funds are available in the Bath Landfill Expansion Capital Project EL/HL 6201; and

WHEREAS, the Public Works and Finance Committees of this Legislature have authorized the land purchase.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized to enter into a Purchase and Sale Agreement for 28 (+/-) acres per the terms set forth herein; and be it further

RESOLVED, the Commissioner of Finance is hereby authorized and directed to make appropriate intra-fund adjustments within the Bath Landfill Capital Project EL/HL 6201 for said purchase; and be it further

RESOLVED, the County Manager is authorized to execute the document and effectuate the purchase; and be it further

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

Vote: Roll – Call – Adopted.

RESOLUTION NO. 071-20

Introduced by R. Nichols.

Seconded by H. Lando.

AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN TWO PARCELS OF REAL PROPERTY BOTH LOCATED IN THE TOWN OF CAMERON, FOR THE PURPOSE OF REPLACING AND MAINTAINING THEREON THE COUNTY ROUTE 119 BRIDGE OVER THE CANISTEO RIVER.

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

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

WHEREAS, the County has caused to be performed extensive title searches of the records of the Steuben County Clerk's Office as such pertain to ownership of Unknown Owner Parcel 1 and Unknown Owner Parcel 2, that are necessary for this Project and the County has been unable to ascertain the identity of persons or entities presently in existence who/which might hold fee title to such parcels; and

WHEREAS, as a consequence of the County's inability to ascertain the identities of persons or entities presently in existence who/which hold fee title to Unknown Owner Parcel 1 and Unknown Owner Parcel 2, it is necessary for the County to acquire the aforementioned fee interests in and to portions of Unknown Owner Parcel 1 and Unknown Owner Parcel 2, as depicted and described in maps 5 and 2, respectively, by means of EDPL Article 4 acquisition proceedings; and

WHEREAS, EDPL Article 2 requires, as a condition precedent to acquiring title by means of an EDPL Article 4 proceeding, that the County conduct a public hearing to inform the public and to review the public use to be served by the proposed project and the impact on the environment and residents of the locality where the proposed Project will be constructed unless such Project is exempt from the EDPL Article 2 hearing requirements in accordance with EDPL §206; and

WHEREAS, EDPL §206 (A) provides that the County is exempt from compliance with the provisions of Article 2 when pursuant to other state, federal, or local law or regulation it considers and submits factors similar to those enumerated in Article 2, subdivision (B) of section 204, to a state, federal, or local government agency, board, or commission before proceeding with the acquisition and obtains a license, a permit, a certificate of public convenience or necessity, or other similar approval from such agency, board, or commission; and

WHEREAS, all such licenses, permits, certificates of public convenience or necessity, or other similar approvals from such agency(ies), board(s), or commission(s) has been received; and

WHEREAS, in accordance with the requirements of 23 U.S.C.A. §128 and other applicable Federal and State statutes and regulations, the County, on prior notice to the public and potentially affected landowners, conducted a public informational meeting on July 31, 2019, to present information regarding the Project, including the use, benefit and purpose of the Project, the approximate location of the Project and the reasons for selecting the location, and the general effect of the Project on the environment and residents of the locality, and to obtain comments from individuals, groups, officials, and local agencies; and

WHEREAS, in light of the foregoing, the Legislature is of the opinion that it is exempt from the hearing requirements of EDPL Article 2 with respect to the project; and

Parcel 1

WHEREAS, in order to construct and maintain the Project, the County desires to acquire by Eminent Domain in fee a parcel of land from Owner Unknown, being a portion of Tax Parcel ID 256.00-01, located adjacent to the Project on County Route 119, Town of Cameron, County of Steuben containing 0.263± acres of real property as delineated on Steuben County Acquisition Map No. 2, Parcel No. 2 for the Project and is described as follows:

BEGINNING at a point on the existing southerly right-of-way (by use) of County Route 119 at its intersection with the westerly boundary of Norfolk Southern Railway Company (reputed owner) [a.k.a. railroad], said point being 25.4± feet distant westerly measured at right angles from station 18+48.2± of the hereinafter described survey baseline for the reconstruction of County Route 119 over the Canisteo River; thence, southerly along the westerly railroad boundary being an arc to the left having a chord bearing of S7°50'43"E, a chord distance of 94.60 feet, a delta of 3°16'43" and a radius of 1653.28 feet to a point being 59.8± feet distant westerly measured at right angles from station 19+36.3± of said baseline; thence, through the property of an unknown owner the following two (2) courses and distances: (1) S87°44'09"W a distance of 85.8± feet to a point being 136.28 feet distant westerly measured at right angles from station 18+97.4± of said baseline; thence (2) N64°00'58"W a distance of 58.0± feet to a point at the center of the Canisteo River, said point being 103.6± feet distant southerly measured at right angles from station 16+57.9± of said baseline; thence along the centerline of the river N16°40'44"W a distance of 35.0± feet to a point at its intersection with the property line of Riverside Cemetery to the north, being the former centerline of the original County Route 119, said point being 68.9± feet distant southerly measured at right angles from station 16+53.4± of said baseline; thence, along the last mentioned property line and former County Route centerline N62°07'52"E a distance of 102.0± feet to a point being 36.6± feet distant southerly measured at right angles from station 17+50.2± of said baseline; thence, continuing along said line N90°00'00"E a distance of 11.5± feet to a point on the first mentioned southerly right-of-way, said point being 38.5± feet distant southerly measured at right angles from station 17+61.5± of said baseline; thence, along said southerly right-of-way S73°59'55"E a distance of 34.7± feet to the point of beginning, being 11,466± square feet or 0.263± acre, more or less.

Subject to the easements, restrictions and rights of others of record including but not limited to CNG Transmission R.O.W.

The horizontal datum used in the preparation of the survey baseline and mapping shown herein is referenced to the New York State Plane Coordinate System, Central Zone, based on the North American Datum of 1983/2011 (NAD 83/2011). The survey baseline was established for the proposed reconstruction of the County Route 119 over the Canisteo River and is described as follows:

Beginning at Station 10+00.00; thence, N 80°35'33"E to Station 18+00.61; thence, S29°12'16"E to Station 22+10.21.

All bearings referred to True North at the 76°35'00" Meridian of West Longitude; and

WHEREAS, the appraised value of this parcel of property is five hundred dollars (\$500.00); and

PARCEL 2

WHEREAS, in order to construct and maintain the Project, the County desires to acquire by Eminent Domain in fee a second parcel of land from Owner Unknown, being a portion of Tax Parcel ID 256.00-01-001.000, Riverside Cemetery, located adjacent to County Route 119, Town of Cameron, County of Steuben containing 0.048± acres of real property as delineated on Steuben County Acquisition Map No. 5, Parcel No. 5 for the Project and is described as follows:

BEGINNING at a point on the existing southerly right-of-way (by use) of County Route 119 at its intersection with the centerline of the Canisteo River, said point being 30.6± feet distant southerly measured at right angles from station 16+46.3± of the hereinafter described survey baseline for the reconstruction of County Route 119 over the Canisteo River; thence, along the center of the river S26°21'09"E a distance of 13.0± feet to a point being 43.0± feet distant southerly measured at right angles from station 16+50.1± of said baseline; thence, continuing along the center of the river S16°40'44"E a distance of 26.0± feet to a point at its intersection with the assumed southerly property line of Riverside Cemetery also being the former original centerline of County Route 119, said point being 68.9± feet distant southerly measured at right angles from station 16+53.4± of said baseline; thence, along the last mentioned line N62°07'52"E a distance of 102.0± feet to a point being 36.6± feet distant southerly measured at right angles from station 17+50.2± of said baseline; thence, continuing along said line N90°00'00"E a

distance of 11.5± feet to a point on the first mentioned southerly right-of-way, said point being 38.5± feet distant southerly measured at right angles from station 17+61.5± of said baseline; thence, along said right-of-way N73°59'55"W a distance of 11.2± feet to a point being 33.7± feet distant southerly measured at right angles from station 17+51.4± of said baseline; thence, continuing along said right-of-way S82°15'30"W a distance of 105.1± feet to the point of beginning, being 2,110± square feet or 0.048± acre, more or less.

The horizontal datum used in the preparation of the survey baseline and mapping shown herein is referenced to the New York State Plane Coordinate System, Central Zone, based on the North American Datum of 1983/2011 (NAD 83/2011). The survey baseline was established for the proposed reconstruction of the County Route 119 over the Canisteo River and is described as follows:

Beginning at Station 10+00.00; thence, N 80°35'33"E to Station 18+00.61; thence, S29°12'16"E to Station 22+10.21.

All bearings referred to True North at the 76°35'00" Meridian of West Longitude; and

WHEREAS, the appraised value of this parcel of property is one hundred dollars (\$100.00).

NOW THEREFORE, BE IT

RESOLVED, that this Legislature has considered all relevant information pertaining to the proposed CR 119 Bridge over Canisteo River Project and has determined the project development process implemented by the County qualifies the Project to be exempt from the hearing requirements of EDPL Article 2, pursuant to EDPL Section 206 (A) and (C); and it is further

RESOLVED, this Legislature does hereby approve of acquiring in fee by, Eminent Domain , for the sum of five hundred dollars (\$500.00), the aforementioned 0.263± acre parcel of land from Owner Unknown, being a portion of Tax Parcel ID 256.00-01, located adjacent to the Project on County Route 119, Town of Cameron, County of Steuben; and be it further

RESOLVED, , this Legislature does hereby approve of acquiring in fee, by Eminent Domain, for the sum of one hundred dollars (\$100.00), the aforementioned 0.048± acre parcel of land from Owner Unknown, being a portion of Tax Parcel ID 256.00-01-001.000, Riverside Cemetery, located adjacent to the Project on County Route 119, Town of Cameron, County of Steuben; and be it further

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

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

Mr. Maio stated I just have a question on this. Because we don't know the owners of the property, who are we going to make the payment to if we acquire it? Ms. Prossick replied what happens is we will file a petition with the court for eminent domain and the court most likely will order that the money be held by the Commissioner of Finance to place a claim against that money. Mr. Maio stated okay thanks.

Vote: Roll Call – Adopted.

T A B L E D

RESOLUTION NO. 072-20

Introduced by B. Schu.

WAIVING THE 16B PROCESS AND AUTHORIZING THE CREATION OF ONE (1) PART-TIME ASSISTANT DISTRICT ATTORNEY POSITION IN THE DISTRICT ATTORNEY’S OFFICE.

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

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

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

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

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

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

NOW THEREFORE, BE IT

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

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

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

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

Motion to table made by Ms. Fitzpatrick. Seconded by Mr. Swackhamer

Mr. Van Etten asked Ms. Fitzpatrick if she has a defined date. Ms. Fitzpatrick replied the April Meeting.

Motion amending the previous motion to table until the April 27, 2020 Legislative Meeting made by Ms. Fitzpatrick. Seconded by Mr. Swackhamer. Acclamation vote carries with Legislator Maio opposed.

RESOLUTION NO. 073-20

Introduced by R. Nichols and B. Schu.

Seconded by G. Roush.

AUTHORIZING THE RECLASSIFICATION OF ONE (1) VACANT MOTOR EQUIPMENT OPERATOR POSITION, GRADE VIII, TO AN AUTOMOTIVE MECHANIC POSITION, GRADE X IN THE DEPARTMENT OF PUBLIC WORKS.

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

WHEREAS, there is need for an Automotive Mechanic in the Department of Public Works; and

WHEREAS, there is one vacant Motor Equipment Operator in the Department of Public Works; and

WHEREAS, the Personnel Officer, the Public Works Committee and Administration Committee have reviewed said position within the Department of Public Works that requires a job title change and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Department of Public Works is hereby reclassified as follows:

One (1) Vacant Motor Equipment Operator Position #2680-46, Grade VIII, (\$30,909 - \$43,637), to One (1) Automotive Mechanic Position, Grade X, (\$33,749 - \$47,644);

AND BE IT FURTHER RESOLVED, the 2020 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 Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 074-20

Introduced by R. Nichols and B. Schu.

Seconded by T. Ryan.

AUTHORIZING THE RECLASSIFICATION OF ONE (1) VACANT MOTOR EQUIPMENT OPERATOR POSITION, GRADE VIII, TO A DISTRICT SUPERVISOR, GRADE XV IN THE DEPARTMENT OF PUBLIC WORKS.

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

WHEREAS, there is need for a District Supervisor in the Department of Public Works; and

WHEREAS, there is one vacant Motor Equipment Operator in the Department of Public Works; and

WHEREAS, the Personnel Officer, the Public Works Committee and Administration Committee have reviewed said position within the Department of Public Works that requires a job title change and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Department of Public Works is hereby reclassified as follows:

One (1) Vacant Motor Equipment Operator Position #2680-08, Grade VIII, (\$30,909 - \$43,637), to One (1) District Supervisor, Grade XV, (\$41,825 - \$59,046);

AND BE IT FURTHER RESOLVED, that the 2020 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 Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 075-20

Introduced by R. Nichols and B. Schu.

Seconded by G. Roush.

AUTHORIZING THE RECLASSIFICATION OF ONE (1) TYPIST POSITION, GRADE IV, TO AN ACCOUNT CLERK-TYPIST POSITION, GRADE VI IN THE DEPARTMENT OF PUBLIC WORKS.

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

WHEREAS, the Typist in the Department of Public Works performs Account Clerk-Typist duties; and

WHEREAS, the Account Clerk-Typist will have added duties of performing higher level clerical and account keeping duties; and

WHEREAS, an Account Clerk-Typist position more appropriately performs these duties; and

WHEREAS, the Personnel Officer, the Public Works Committee and Administration Committee have reviewed said position within the Department of Public Works that requires a job title change and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Department of Public Works is hereby reclassified as follows:

One (1) Typist Position #4360-01, Grade IV (\$26,279 - \$37,099), to
One (1) Account Clerk-Typist Position, Grade VI, (\$28,442 - \$40,151);

AND BE IT FURTHER RESOLVED, that the 2020 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 Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 076-20

Introduced by B. Schu.

Seconded by G. Swackhamer.

DECLARING APRIL AS DONATE LIFE MONTH.

WHEREAS, through our membership with the New York State Association of Counties and the New York State Association of County Clerks, New York Counties have come together to collectively support April as Donate Life Month; and

WHEREAS, this observance pays tribute to organ and tissue donors and their families whose meaningful decision enables others to receive life-saving organs or tissue, whereby a transplant not only improves the quality of life for the recipient, but in many cases can save a life; and

WHEREAS, a single individual's donation of organs can save up to 8 lives while a donation of tissue can save the lives of up to 75 others; and

WHEREAS, there are nearly 9,700 men, women and children waiting for an organ transplant in New York State which represents the third highest need in the nation, and there are approximately 400 New Yorkers that die every year while waiting for an organ transplant; and

WHEREAS, only 40 percent of New York State residents are currently signed up to be organ, eye and tissue donors, and there are tens of thousands persons nationwide in need of bone, corneal or other tissue transplant, with names added to the waiting list each day; and

WHEREAS, New Yorkers can help save another's life by joining the New York State Donate Life Registry located at www.donatelife.ny.gov and enrolling when they apply for, or renew, their New York State driver's license, or non-driver's license identification card, when they apply for health insurance through the New York State of Health Official Health Plan Marketplace or on voter registration forms.

NOW THEREFORE, BE IT

RESOLVED, this Legislature does hereby declare the month of April 2020 as DONATE LIFE MONTH and encourages all residents of Steuben County to consider enrolling as an organ donor through the New York State Donate Life Registry; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 077-20

Introduced by G. Swackhamer.

Seconded by R. Lattimer.

ESTABLISHING THE DATE, TIME AND PLACE FOR THE 2020 DELINQUENT REAL PROPERTY TAX PUBLIC AUCTION.

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

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

NOW THEREFORE, BE IT

RESOLVED, the 2020 Delinquent Real Property Tax Public Auction shall be conducted on Friday, July 10, 2020, commencing at 10:00 A.M. at the Bath/Haverling High School, 25 Ellas Avenue, Bath, New York; and be it further

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

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

Mr. Swackhamer stated since everything is happening, this is going to be a pie in the sky to hold this date, but this may be changed in the future. Chairman Van Etten stated that's right, yep. Mr. Mullen stated that was my thought as well. I just want to make sure that we could change the date if needed. Mr. Swackhamer stated yes, I think there is a certain time that we would have to put forward. Mr. Donnelly called me and asked me and said that he was kind of concerned about the date and that we may have to push it back. So that's just for information for the future.

Ms. Prossick stated I think we have currently about a month wiggle room in our calendar. So we'll see what happens. At this point we normally proceed with default judgement in May. There are no default judgements at this point in time and we could probably do it as late as June and probably still make this date. We will just monitor.

Vote: Roll Call – Adopted.

Chairman Van Etten asked can we do the next five, do we need a motion to do that? Is there someone willing to make a motion to combine resolutions 23 – 26 as one and waive the reading.

Motion combining resolutions 23 – 26 as one and waiving the reading made by Mr. Schu, seconded by Mr. Potter and duly carried.

RESOLUTION NO. 078-20

Introduced by S. Van Etten.

Seconded by B. Schu.

APPOINTING THE STEUBEN COUNTY REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE FINGER LAKES TOURISM ALLIANCE, INC.

Pursuant to Section 12.19 of the Steuben County Charter, and Section 224 of the County Law of the State of New York.

BE IT RESOLVED, upon the recommendation of the Steuben County Manager, **Kevin Costello**, Executive Director of the Steuben County Conference & Visitors' Bureau, be and the same hereby is appointed as the Legislature's representative to serve on the Board of Directors of the Finger Lakes Tourism Alliance, Inc., for a term three (3) years commencing January 1, 2020 through December 31, 2022; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointee at 1 West Market Street, Suite 201, Corning, NY 14830; and Cynthia Kimble, Executive Director, Finger Lakes Tourism Alliance, Inc., 309 Lake Street, Penn Yan, NY 14527-1831.

Vote: Acclamation – Adopted.

RESOLUTION NO. 079-20

Introduced by S. Van Etten.

Seconded by B. Schu.

APPOINTING MEMBERS TO THE COMMUNITY SERVICES BOARD AND SUBCOMMITTEES.

WHEREAS, vacancies exist on the Steuben County Community Services Board and Subcommittees; and

WHEREAS, Article 41.11 of the Mental Hygiene Law requires that said appointments be made by local government; and

WHEREAS, the Steuben County Manager has recommended the following appointments, subject to confirmation by the Steuben County Legislature:

Community Services Board

TERM

- | | | |
|----|--|---------------------|
| 1. | Cora Saxton
310 East Naples Street
Wayland, NY 14572 | 01/01/17 – 12/31/20 |
| 2. | Darlene Smith, Director (<i>filling unexpired term of Victoria Fuerst</i>)
Steuben County Public Health
3 East Pulteney Square
Bath, NY 14810 | 01/01/17 – 12/31/20 |
| 3. | Mark R. Alger
109 Rumsey Street
Bath, NY 14810 | 01/01/18 – 12/31/21 |
| 4. | The Honorable Gary D. Swackhamer
Steuben County Legislator
67 N. Main Street
Hornell, NY 14843 | 01/01/18 – 12/31/21 |
| 5. | Gina Reagan
Catholic Charities of Steuben
23 Liberty Street
Bath, NY 14810 | 01/01/18 – 12/31/21 |
| 6. | Doreen Patterson (<i>filling unexpired term of Mark Rectenwald</i>)
Arbor Development
26 Bridge Street
Corning, NY 14830 | 01/01/19 – 12/31/22 |
| 7. | Kathryn Muller, Commissioner
Steuben County Department of Social Services
3 East Pulteney Square
Bath, NY 14810 | 01/01/20 – 12/31/23 |
| 8. | Matt Mehlenbacher
Steuben ARC
One Arc Way
Bath, NY 14810 | 01/01/20 – 12/31/23 |

9. Robert Cole, M.D.
10101 Grandview Lane
Hammondsport NY 14840 01/01/20 – 12/31/23

Mental Health Subcommittee

1. Cora Saxton
310 East Naples Street
Wayland, NY 14572 01/01/17 – 12/31/20
2. Craig Pomplas
Steuben County Probation
3 East Pulteney Square
Bath, NY 14810 01/01/17 – 12/31/20
3. Kathryn Muller, Commissioner
Steuben County Department of Social Services
3 East Pulteney Square
Bath, NY 14810 01/01/18 – 12/31/21
4. Harmony Aries-Friedlander (*filling unexpired term of Barbara Eskridge*)
Family Service Society, Inc.
280 Princeton Avenue Ext.
Corning, NY 14830 01/01/18 – 12/31/21
5. Doreen Patterson
Arbor Development
26 Bridge Street
Corning, NY 14830 01/01/19 – 12/31/22
6. Vacant 01/01/19 – 12/31/22
7. Gina Reagan
Catholic Charities of Steuben
23 Liberty Street
Bath, NY 14810 01/01/20 – 12/31/23
8. Lynn M. Goodwin
Pathways, Inc.
33 Denison Parkway East
Corning, NY 14830 01/01/20 – 12/31/23
9. Rick McInroy
Center for Dispute Settlement
25 Wilkes Avenue
Bath, NY 14810 01/01/20 – 12/31/23

Chemical Dependency Subcommittee

1. Colleen Banik (*filling unexpired term of Norman McCumiskey*)
Steuben Prevention Coalition
8 East Morris Street
Bath, NY 14810 01/01/17 – 12/31/20

2. Darlene Smith, Director (*filling unexpired term of George Basher*)
Steuben County Public Health
3 East Pulteney Square
Bath, NY 14810 01/01/17 – 12/31/20
3. Ruth Goodwin (*filling unexpired term of Carly Cushing*)
Family Service Society, Inc.
280 Princeton Avenue Ext.
Corning, NY 14830 01/01/18 – 12/31/21
4. Rick McInroy
Center for Dispute Settlement
25 Wilkes Avenue
Bath, NY 14810 01/01/18 – 12/31/21
5. Susan Hooker
Hornell Area Concern for Youth
76 East Main Street
Hornell, NY 14843 01/01/19 – 12/31/22
6. Chad Mullen, Chief
Bath Police Department
110 Liberty Street
Bath, NY 14810 01/01/19 – 12/31/22
7. James Bassage
Bath Area Hope for Youth
8 Pulteney Square
Bath, NY 14810 01/01/20 – 12/31/23
8. Gina Reagan
Catholic Charities of Steuben
23 Liberty Street
Bath, NY 14810 01/01/20 – 12/31/23
9. Robert Cole, M.D.
10101 Grandview Lane
Hammondsport, NY 14840 01/01/20 – 12/31/23

Developmental Disabilities Committee

1. Matt Mehlenbacher
Steuben ARC
One Arc Way
Bath, NY 14810 01/01/17 – 12/31/20
2. Charlene Robinson (*filling unexpired term of Victoria Fuerst*)
5788 Bonny Hill Road
Bath, NY 14810 01/01/17 – 12/31/20
3. Sandra Buto
Capabilities, Inc.
1149 Sullivan Street
Elmira, NY 14901 01/01/18 – 12/31/21

- | | | |
|----|--|---------------------|
| 4. | The Honorable Gary D. Swackhamer
Steuben County Legislator
67 N. Main Street
Bath, NY 14810 | 01/01/18 – 12/31/21 |
| 5. | Mary Perham
1976 West Shore Road
Bath, NY 14810 | 01/01/19 – 12/31/22 |
| 6. | Mark R. Alger
109 Rumsey Street
Bath, NY 14810 | 01/01/19 – 12/31/22 |
| 7. | Jeannie Wheeler
Bath Central School District
25 Ellas Avenue
Bath, NY 14810 | 01/01/19 – 12/31/22 |
| 8. | Erin Warr
Pathways, Inc.
33 Denison Parkway West
Corning, NY 14830 | 01/01/20 – 12/31/23 |
| 9. | Deb Marshall, Psy. D.
79 Miller Street
Wellsville, NY 14895 | 01/01/20 – 12/31/23 |

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature shall confirm the appointment of the aforesaid persons to the Community Services Board for the terms indicated; and be it further

RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Community Services Board and subcommittees; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees; Henry W. Chapman, Psy. D., Director of Community Services; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 080-20

Introduced by S. Van Etten.

Seconded by B. Schu.

REAPPOINTING THE COUNTY REPRESENTATIVE TO THE WESTERN REGIONAL OFF-TRACK BETTING CORPORATION BOARD OF DIRECTORS.

Pursuant to Section 12.19 of the Steuben County Charter, Chapter 346 of the Session Laws of the State of new York for 1973 and County of Steuben Local Law No. Two of 1973.

WHEREAS, it is necessary for the County of Steuben to have a legal representative by and through a member on the Board of Directors of the Western Regional Off-Track Betting Corporation in order to participate in the operation of said Corporation; and

WHEREAS, the term of the current representative has expired effective December 31, 2019.

NOW THEREFORE, BE IT

RESOLVED, that **Norman (Ed) Schneider** of **4488 Lent Hill Road, Cohocton, New York** be and the same hereby is, reappointed as Steuben County's representative to the Western Regional Off-Track Betting Corporation Board of Directors for a four (4) year term commencing January 1, 2020 through December 31, 2023; and be it further

RESOLVED, that as a member of said Board of Directors, the appointee is hereby authorized and empowered to make decisions and recommendations, and to participate in those activities which would be normally and legally commensurate with the position of a Director of said corporation; and be it further

RESOLVED, that said appointee shall serve without compensation except for necessary expenses as provided for by the Western Regional Off-Track Betting Corporation Board of Directors, and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointed; the New York State Racing and Wagering Board, 1 Watervliet Avenue Extension, Suite #2, Albany, NY 12206; and Henry F. Wojtaszek, President and CEO, Western Regional Off-Track Betting Corporation, 700 Ellicott Street, Batavia, NY 14020.

Vote: Acclamation – Adopted.

RESOLUTION NO. 081-20

Introduced by J. Malter.

Seconded by B. Schu.

URGING THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO SUPPORT S.7280 AND A.9107 THE "EMERGENCY FIRST RESPONDERS PRIVACY AND PROTECTION ACT".

WHEREAS, new discovery reform laws were passed in the 2019-2020 NYS Budget that overhauled the discovery process, requiring an expedited timeline to provide materials such as police reports, radio transmissions, body-worn and dash-cam video, along with other data related to prosecution; and

WHEREAS, the current law protects law enforcement personnel by allowing their personal identifying information to be excluded from discovery documents and records, but does not include protections for first responders, who in many instances provide service at crime scenes; and

WHEREAS, ambulance services personnel, advanced life support first response services, certified first responders, firefighters, emergency medical technicians or advanced emergency medical technicians, who are employed by or enrolled members of any such service should also have their personal identifying information protected from discovery so they are not subject to retaliation or witness tampering.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby encourages all members of the New York State Senate and Assembly to support S.7280/A.09107, the "Emergency First Responders Privacy and Protection Act"; 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; Honorable Marjorie Byrnes, New York State Assemblywoman, 723 Legislative Office Building, Albany, NY 12248; Stephen Acquario, Executive Director, NYSAC, 540 Broadway, 5th Floor, Albany, NY 12207; and Inter County Association of WNY, Brooke Harris, President, c/o Allegany County Legislature, 7 Court Street, Belmont, NY 14813.

Vote: Roll Call – Adopted.

RESOLUTION NO. 082-20

Introduced by C. Ferratella.

Seconded by B. Schu.

RESOLUTION CALLING ON THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO PRESERVE THE ZERO PERCENT MEDICAID GROWTH CAP FOR ALL COUNTIES AND NEW YORK CITY.

WHEREAS, spending in New York State for Medicaid is the single largest expense in the State budget; and

WHEREAS, the funding to support the Medicaid program is provided by a combination of federal, state and local resources; and

WHEREAS, the required county and New York City contribution is \$7.6 billion annually; and

WHEREAS, the local share of Medicaid funding paid in New York is the highest of any state in the country and is more than what 43 individual states pay in State share for their Medicaid programs; and

WHEREAS, this large local funding share for Medicaid and other state programs is a major contributor to New York's high local tax burden compared to other states; and

WHEREAS, the Governor and legislative leaders recognize the fiscal burden the financing of Medicaid is for local taxpayers and initiated steps to relieve part of that burden by capping the growth in local costs in this program; and

WHEREAS, in 2012, one of the most prominent property tax reduction and mandate relief initiatives in state history was Governor Cuomo's establishment of the zero percent Medicaid growth cap; and

WHEREAS, this zero percent growth cap enables counties to keep funding for the growing cost of many vital state programs and services, while continuing local quality of life services demanded by taxpayers; and

WHEREAS, the Medicaid budget is facing billions of dollars in annual deficits over the next several years; and

WHEREAS, these Medicaid deficits are contributing to the largest budget deficit the state has faced since the Great Recession; and

WHEREAS, the Governor's Executive Budget Recommendation is proposing a variety of ways to address these combined fiscal shortfalls; and

WHEREAS, budget proposals advanced by the Governor rely on a minimum of \$150 million in Medicaid program costs assumed by local taxpayers; and include:

- Using county government federal enhanced Medicaid match savings;
- Losing state Medicaid growth cap if counties breach the state property tax cap;

•Shifting the local share of Medicaid growth above the Medicaid Global Cap rate (currently 3%) to counties, if counties cannot contain costs under the Medicaid Global Cap rate; and

WHEREAS, the Potential Fiscal Impact for Steuben County is \$1,618,845 to \$3,889,668 dependent on the final expenditures and calculation factors; and

WHEREAS, the State in the Global Cap Report for April – December 2019, has identified the factors that are placing upward pressure on State-share Medicaid spending (which includes spending under and outside the Global Cap) include, but are not limited to: Long Term Care (increased enrollment and costs in managed long-term care); reimbursement to providers for the cost of the increase in the minimum wage; the phase-out of enhanced Federal funding; and payments to financially distressed hospitals; and

WHEREAS, this allowable growth rate is significantly less than estimates for health care spending growth by the Federal Centers for Medicare and Medicaid Service Office of the Actuary which estimate growth 5.5 percent annual growth on average between 2018 and 2027.

WHEREAS, counties do not have tools to control the Medicaid program growth; some of these limitations include:

- The ability to audit the Medicaid program;
- The ability to control the cost of prescription drugs;
- The ability to set provider reimbursement rates;
- The ability to modify eligibility and benefit levels for Medicaid recipients;
- The ability to control changing demographics across the state;
- The ability to control provider contracts; and

WHEREAS, if state experts in the Medicaid program are unable to develop solutions to control growth in the Medicaid program, it will be difficult for counties to do so, since they do not have this authority to control costs.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature urges the Governor and legislative leaders to maintain the zero percent Medicaid growth cap for counties and New York City as they address state budget shortfalls in order to keep downward pressure on the local tax burden; 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; Honorable Marjorie Byrnes, New York State Assemblywoman, 723 Legislative Office Building, Albany, NY 12248; Stephen Acquario, Executive Director, NYSAC, 540 Broadway, 5th Floor, Albany, NY 12207; and Inter County Association of WNY, Brooke Harris, President, c/o Allegany County Legislature, 7 Court Street, Belmont, NY 14813.

Vote: Acclamation – Adopted.

Chairman Van Etten stated Mr. Wheeler had a comment. Mr. Wheeler stated thank you. One person who wasn't recognized at the beginning is the Chairman himself. I think if he knew what was about to happen

when he ran, he may have reconsidered it. He has been doing an awesome job. You know I have been on the phone and texts with him all hours of the day and night. All you Legislators need to be recognized for really supporting the staff and the safety of the public, and Chairman Van Etten specifically because he has been there. It makes our job out here and the departments' jobs much easier when we have great leadership and guidance and support, so thank you.

Mr. Ryan asked do you have any suggestions on what we can do locally here? Any ideas of how we can help and pitch in as Legislators in our communities? Mr. Wheeler replied yeah that is a good question and he has been communicating with a lot of you by text and email. I think what we need your help with is just spreading the Public Health messages that you see and that we send to you and that is on Facebook. And that is whenever there is a positive case reported, we are going to get more, you know, just spread the calming messages. Public Health is putting out as much information as we possibly can about where individuals are known to be without violating HIPAA or any other laws because it is a public health concern. Just help calm your residents and I mean obviously, stay inside, stay inside, stay inside. But it is not a time for panic. It is a time for action.

Chairman Van Etten stated all right, is there anything else for open session? Ms. Mori stated okay, before you adjourn. Mr. Ryan stated I do have a question. Ms. Mori stated go ahead. Mr. Ryan stated the question I have about the next meeting do we use the same number? Ms. Mori replied because the next meeting is executive session, we need to keep the numbers in-house so that nobody can listen in all right. The second email I sent you, that has executive session at the top, it's the same phone number, it's just a different access code. Mr. Ryan stated right, that's my question, thank you. Ms. Mori stated the access code does start with 716, okay? Once you adjourn you hang up your phone and you call the number again.

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. Swackhamer. Seconded by Mr. Mullen for discussion.

Chairman Van Etten stated we will vote on this and hang up. It will take about five minutes before you can call back in, that's what our IT folks are telling us. So, you gotta let this one drop off, wait five minutes and then call back in to the other number. Mr. Malter asked if we are sitting out there and going to adjourn the regular session or are we going to sit out there and go into executive session and then come back into regular session and then adjourn? Ms. Mori replied we will probably have to come back into the regular session because we hopefully will be getting a vote. Mr. Swackhamer stated good question. Chairman Van Etten stated that's because the vote needs to be in public session? Ms. Mori replied yes. Mr. Schu asked so will the number that we called into this time still be active to call back in after the executive session? Ms. Mori stated I am looking to my IT guys...Mr. Wolverton stated it depends how long it lasts. Mr. Ryan (Cody) stated this number is good for two hours. Ms. Mori stated it won't take long. Chairman Van Etten stated so the original call was for a two hour window, so when we go to executive session, that won't take long and then we will still have time to call into the original one again. Mr. Mullen asked for the public listening in and not on the line we are on to speak, if they want to hear what happens when we come back into public session, can they just stay on their line right now? Ms. Mori replied yes, the line will be kept open.

Vote on previous motions. All being in favor. Motion carries.

Chairman Van Etten stated all right, we will talk in five minutes, at 11:10 a.m.

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

RESOLUTION NO. 083-20

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

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

WHEREAS, the following civil action has been initiated in the Steuben County Supreme Court, State of New York:

JENA FAITH

Index No: E2019-1208CV

Plaintiff,

vs.

STEBEN COUNTY, SHERIFF JAMES ALLARD,
JAIL SUPERINTENDENT MATTHEW WHITMORE,
JAIL PHYSICIAN BRUCE MACKELLAR and DOE
DEFENDANTS 1-5

Defendants.

; and

WHEREAS, the parties having entered into settlement negotiations in this matter and the parties having agreed to settle the County's portion of this claim, in the amount of Thirty Thousand Dollars (\$30,000.00).

NOW THEREFORE, BE IT

RESOLVED, the County does hereby ratify the above recited settlement of the above-entitled claim and of the payment of the County's portion thereof in the amount of, Thirty Thousand Dollars (\$30,000.00), to be paid by Steuben County subject to the approval of the County Attorney; and be it further

RESOLVED, the Sheriff is authorized to execute all necessary Releases and Stipulations of Settlement; and be it further

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

RESOLVED, a certified copy of this resolution shall be forwarded to David Fitch, Esq., Underberg & Kessler LLP 300 Bausch & Lomb Place, Rochester, NY 14604; Steuben County Sheriff and Scott Sprague, Risk Manager.

Vote: Roll Call – Adopted. Yes – 6904, No – 1673, Abstained – 0, Absent – 1295
(No – Legislators Mullen, Potter and Van Caeselee; Absent – Legislator Malter)

Chairman Van Etten stated if there is no other business, he will entertain a motion to adjourn.

Mrs. Lando stated that I wanted to just thank everybody who got this whole thing started because this teleconferencing wasn't bad. I don't think it was bad at all. Thank you everybody.

Mr. Malter stated as far as the committee meetings, how are we handling them? Ms. Mori replied we will still be doing them by teleconference as well. I will be working with IT to do it in a way that you can log into Webex and leave a call-in number, like a call me back, and the system will call you back when we are ready to start. So we will know who is actually on the call. Mr. Malter asked so as far as the chairmen, of these committees, how will they be able to handle this situation? Ms. Mori stated well we haven't gotten that far yet. Probably what's going to happen is Mrs. Chapman and or myself will have to proctor the session just so we know who is on and who is not, and then just let the chairman take over

running the meeting. But we will work on it; we've got about a week before we have to worry about it, so we'll be working on it.

Ms. Lattimer stated so we will continue in this fashion until further notice? Ms. Mori stated correct. Chairman Van Etten stated that is correct.

Motion to adjourn made by Mr. Potter, seconded by Mrs. Lando and duly carried.