

**REGULAR SESSION**  
**Morning Session**  
**Monday, May 21, 2018**  
**Legislative Chambers**  
**Bath, New York**

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers in Bath, NY on the 21<sup>st</sup> day of May, 2018 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members present except Legislator Maio.

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

Chairman Hauryski asked Jack Wheeler to stand up. Mr. Wheeler is the County Manager. He presented him with a Certificate of Appreciation and a pin in recognition of his 10 years of service to Steuben County.

Chairman Hauryski asked James Stewart to come forward. Mr. Stewart is an employee in the Probation Department. He presented him with a Certificate of Appreciation and a pin in recognition of his 25 years of service to Steuben County.

Chairman Hauryski asked Margaret Hudacsek to come forward. Ms. Hudacsek is an employee in the Probation Department. He presented her with a Certificate of Appreciation and a pin in recognition of her 25 years of service to Steuben County.

Chairman Hauryski asked James Duquette to come forward. Mr. Duquette is an employee in the Department of Social Services. He presented him with a Certificate of Appreciation in recognition of his retirement with 17 years of service to Steuben County.

Chairman Hauryski asked Judith Jenkins to come forward. Ms. Jenkins is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a clock in recognition of her retirement with 22 years of service to Steuben County.

Chairman Hauryski asked George Sawyer to come forward. Mr. Sawyer is an employee in the Department of Social Services. He presented him with a Certificate of Appreciation and a clock in recognition of his retirement with 23 years of service to Steuben County.

Chairman Hauryski asked Lisa Baker to come forward. Mrs. Baker is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a clock in recognition of her retirement with 33 years of service to Steuben County.

Ms. Muller stated good morning and thank you for the opportunity to take a moment to recognize Lisa Baker, and her over 33 years of service to Steuben County. For anyone interested, we are having a going away gathering at The Center in Corning on May 30<sup>th</sup>. Please call Donna Evingham in our department if you are interested in attending. Lisa began with the Department of Social Services in October of 1984 as a Social Welfare Examiner. Over the years, she advanced through the ranks and was appointed as Director of Temporary and Disability Assistance in February of 2007.

Ms. Muller stated Lisa has had the oversight responsibility for public welfare programs including Temporary Assistance, SNAP, Medicaid, HEAP and Child Care. When Lisa began her employment with Steuben County, there were upwards of 3,000 Temporary Assistance cases with over 6,000 individuals.

Today, we have approximately 800 cases with just over 1,000 individuals. Lisa was at the table when Welfare Reform passed in 1996. Not only was Lisa at the table, she embraced the reform. Under Lisa's direction, she not only reformed services to help people when they were down on their luck, but also to help long-term clients obtain self-sufficiency and get off a system that can often impose a vicious cycle. This is only one example of Lisa's exemplary work and leadership. She managed her work with a collaborative style and worked diligently to enhance communication, strategies and teamwork across all divisions within the department. She represented the department on multiple committees with community partners to address poverty, housing, transportation and other needs across our county. Lisa worked tireless hours. She was available 24/7, including weekends, holidays and vacations. I cannot remember a time when Lisa Baker called in sick. She has been a key member of the executive team and served Steuben County with excellence. Her institutional knowledge is irreplaceable and insuperable. As you might expect, her shoes will be very hard to fill. I have had the pleasure and distinct honor of serving with Lisa. Her professionalism, her leadership and her unwavering dedication have not gone unnoticed. She was firm, yet fair and maintained a great sense of humor! We will miss you Lisa. I will miss you. You have left your mark. You will always be remembered. Thank you for your 33 plus years and on behalf of the department, we wish you all the best in your next chapter.

Chairman Hauryski opened the floor to comments by members of the public.

Wayne Wells, Cameron, provided his comments about political infrastructure, or the lack thereof. Local officials should have some impact on the availability of infrastructure services such as phones and internet.

Kristin Klemenz, Painted Post, stated T&R Towing has acquired Carpenter's and in her opinion now have a monopoly. She is just trying to do the right and fair thing. Recently a letter was sent out and it appears to put towing requests by Fire and EMS over those of the public. She suggested that some clarification of that letter may be a good thing.

Chairman Hauryski thanked everyone and declared the opportunity for public comment closed.

Ms. Muller stated good morning and once again, thank you for the opportunity to represent the Prevent Child Abuse Steuben, formerly known as the Child Abuse Task Force. Prevent Child Abuse Steuben while still a task force, was formed 24 years ago in an effort to promote and prevent child abuse. In April, we celebrated Child Abuse Prevention Month with many activities, most notably the Pinwheels and Promises campaign.

Ms. Muller stated she would like to take this opportunity to thank Chairman Hauryski and Vice Chair Ferratella for attending the kickoff, and for the Chairman's remarks recognizing the efforts and work of the Task Force. Again, many thanks to this Board and County Manager Jack Wheeler for your continued support of the services provided by both the Youth Bureau and the Department of Social Services. Many thanks go out to Bill Caudill, the Director of the Steuben County Youth Bureau, who also chairs the Task Force. Bill has spearheaded and expanded so many activities and programs throughout the County. His efforts are appreciated. He brings community partners together and demonstrates results. Finally, a multitude of thanks goes out to all the members who serve on the Task Force.

Each year as part of National Child Abuse Prevention Month, we recognize an individual, a program or an organization that has significantly contributed to the prevention of child abuse in Steuben County. This year's recipient was nominated by Linda George and Wendy Robards from the Family Development Team at ProAction. This year's award recipient is Tawnya Hughes. Tawnya is a Family Development Home Visitor employed by ProAction. If I could ask Tawnya to please join me at the podium.

Before I begin, I have to say this is one of the more comprehensive nominations I have read over the years. In the interest of time, I had to condense and paraphrase her nomination, but let me tell you it was overwhelmingly full of compliments. Tawnya Hughes has been quite a leader in the effort to prevent child abuse in Steuben County. She has 18 years of experience working with at-risk families, 12 years of which were providing services in a home-based setting. Tawnya is certified to facilitate multiple, multiple trainings and workshops. She has over 10 years of training experience using several teaching models and training curriculums to assist children and families across our county. She is a member of Prevent Child Abuse Steuben. She is a visible volunteer at prevention events. To name a few, she assists at the annual Family Fling, Strong Kids Safe Kids, the Pinwheels and Promises Campaign as well as other prevention activities throughout the year. Tawnya led the charge on two initiatives implemented in our county. She was instrumental in bringing the annual Color Walk to life and creating a successful event for families and community members to participate in. Tawnya again brought her passion forward to bring awareness to our community for the prevention of child sexual abuse. She took the lead in starting a new campaign initiative called "Enough Abuse Steuben". Tawnya led this effort by applying for funding through Prevent Child Abuse New York, and Steuben was one of seven counties across New York State to receive this community-wide campaign. The Enough Abuse Campaign is an evidence-based model that works to create public awareness and community-based responses to the issue of child sexual abuse. The campaign provides training in the prevention and recognition of child sexual abuse, and further to develop community prevention efforts to address root causes of abuse for caregivers.

Without saying, Tawnya remains committed and busy. Her nomination also included numerous comments offered by colleagues. She is obviously well known as demonstrated by the sheer volume of remarks. Words to describe her throughout this nomination include dedication, collaboration, passion and partnership. Partnership with colleagues, community members and especially families. Tawnya goes above and beyond in her work. Her energy and positive attitude are contagious. She is motivated, inspirational and comes with limitless energy. It is without hesitation this years' recognition belongs with Tawnya Hughes and it is my privilege on behalf of Prevent Child Abuse Steuben, to present this award to you Tawnya Hughes.

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

Mr. Ryan stated that he would like to recognize the following individuals who are currently serving in the military:

Cory Rose	Jacob O'Heron	Devin Head	Michael Mikolajczyk
Dustin Kinnaird	Matt Randazzo	Zachary Oyer	Ryan Butler

#### **RESOLUTION NO. 096-18**

Introduced by S. Van Etten.

Seconded by H. Lando.

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

Pursuant to Section 2.07 of the Steuben County Charter.

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

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

**RESOLVED**, the Steuben County Commissioner of Finance is hereby authorized and directed to process the rejected Application for Corrected Tax Roll (RP554) with respect to the parcel contained in Schedule “B”, as the applicant is not entitled to the specified exemption as set forth on the executed RP554 application, copies of which shall be forwarded to the taxpayer and collecting authority; and be it further

**RESOLVED**, as it appears to be in the best interest of the County to convey the property listed on Schedule "C" to the Wayland-Cohocton Central School District, the Steuben County Commissioner of Finance is hereby authorized and directed to enter into an agreement by tax districts pursuant to Real Property Tax Law §1136 and §1150 (1), to convey the recited parcel to the Wayland-Cohocton Central School District as approved by the Steuben County Finance Committee at a special meeting held on May 21, 2018 and approved by resolution of the Board of Education of the Wayland-Cohocton Central School District on March 26, 2018; and be it further

**RESOLVED**, the said grantee(s) must accept the parcel(s) "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel(s) if need be, and as upon the "Notice to Bidders and Terms of Sale" as applicable; and be it further

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

SCHEDULE “A”

Resolution No.	<u>A-1</u>
Name	<u>Jeffrey S. &amp; Sarah R. Davis</u>
Parcel No.	<u>289.00-01-005.410</u>
Municipality	<u>Town of Lindley</u>
Disposition	<u>2018 Correction of Error</u>

Resolution No.	<u>A-2</u>
Name	<u>HHA, LLC</u>
Parcel No.	<u>316.00-01-010.112</u>
Municipality	<u>Town of Erwin</u>
Disposition	<u>2016 Tax Cert, Court Order</u>

Resolution No.	<u>A-3</u>
Name	<u>Brandi Coville</u>
Parcel No.	<u>048.00-02-015.000</u>
Municipality	<u>Town of Prattsburgh</u>
Disposition	<u>2017 Correction of Error</u>

Resolution No.	<u>A-4</u>
Name	<u>Brandi Coville</u>
Parcel No.	<u>048.00-02-015.000</u>
Municipality	<u>Town of Prattsburgh</u>
Disposition	<u>2018 Correction of Error</u>

Resolution No.	<u>A-5</u>
Name	<u>Community Bank NA</u>
Parcel No.	<u>316.00-01-012.000</u>
Municipality	<u>Town of Erwin</u>
Disposition	<u>2017 Tax Cert, Court Order</u>

Resolution No.	<u>A-6</u>
Name	<u>Community Bank NA</u>
Parcel No.	<u>316.00-01-012.000</u>
Municipality	<u>Town of Erwin</u>
Disposition	<u>2018 Tax Cert, Court Order</u>

Resolution No. A-7  
 Name Kevin P. McFall  
 Parcel No. 354.00-01-020.000  
 Municipality Town of Corning  
 Disposition 2018 Parcel Split

Resolution No. A-8  
 Name Hornell Children’s Home Inc.  
 Parcel No. 166.10-03-055.100  
 Municipality City of Hornell  
 Disposition 2018 Correction of Exemption

SCHEDULE “B”

Resolution No. B-1  
 Name Red Lilac Properties LLC  
 Parcel No. 369.07-01-006.000  
 Municipality Town of Lindley  
 Disposition Application for Correction - Denied

SCHEDULE “C”

Resolution No. C-1  
 Former Owner Edward A. and Doris A. Sauerbier  
 In Rem Index No. 2016-1201CV  
 Parcel No. 054.00-01-003.000  
 Municipality Town of Wayland  
 Grantee(s) Wayland-Cohocton Central School District  
 Grantee(s) Address 2350 Route 63, Wayland, NY 14572  
 Disposition Conveyance pursuant to RPTL §1150 (1)

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 097-18**

Introduced by J. Hauryski.

Seconded by G. Roush.

**RECEIVING AND ACCEPTING THE MAY 21, 2018 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:

**April 16, 2018**

United States District Court for the District of Massachusetts – Re: Notice of class action and proposed end-payor settlement on Solodyn. ***Referred to: Alan Reed, County Attorney.***

**April 18, 2018**

NYS Office of Children and Family Services – Re: OCFS Fatality Report #RO-17-037. ***Referred to: Joseph Hauryski, Legislature Chairman; and Jack Wheeler, County Manager.***

**April 23, 2018**

NYS Board on Electric Generation Siting and the Environment – Re: 2<sup>nd</sup> ruling on the pre-application intervenor funding requests for the Canisteo Wind Energy, LLC project (issued on April 20, 2018). ***Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.***

**April 25, 2018**

Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Marzo Brown, LLC PILOT (payment in lieu of tax) agreement and RP-412-a form for property located at 275 South Hamilton Street, Town of Erwin, NY. *Referred to: Finance and Administration Committees; Patrick Donnelly, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Alan Reed, County Attorney.*

The Halpin Firm – Re: Board assessment proceedings on property located at 200 Robert Dann Drive, Town of Erwin, NY. *Referred to: Patrick Donnelly, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Alan Reed, County Attorney.*

**April 30, 2018**

United States District Court for the District of Massachusetts – Re: Notice of settlement on Solodyn. *Referred to: Alan Reed, County Attorney.*

**May 2, 2018**

NYS Assemblyman Joseph Giglio – Re: Aid Distribution for the Consolidated Highway Improvement Program (CHIPS), PAVE-NY, and Extreme Winter Recovery. *Referred to: Public Safety & Corrections Committee; Vince Spagnoletti, Commissioner of Public Works; and Patrick Donnelly, Commissioner of Finance.*

**May 3, 2018**

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$2,874 which represents the March 2018 surcharge revenue for Steuben County. *Referred to: Finance Committee; and Patrick Donnelly, Commissioner of Finance.*

**May 7, 2018**

NYS Department of Environmental Conservation – Re: Notification of public information meeting on the draft Canistota River Basin Unit Management Plan is scheduled for May 31, 2018 at 6:45pm at the Valley Elementary School (6786 CR 119 in Cameron Mills, NY) *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

**Vote: Acclamation – Adopted.**

**RESOLUTION 098-18**

Introduced by G. Swackhamer and S. Van Etten.

Seconded by F. Potter.

**AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ACCEPT EXTREME WINTER RECOVERY FUNDING.**

**WHEREAS**, New York State’s 2018 CHIPs funding and Pave NY funding for counties was budgeted at \$5,440,968.18; and

**WHEREAS**, \$642,568.88 in “Extreme Winter Recovery” funding for counties was recently added to the 2018 State budget; and

**WHEREAS**, this additional funding will be used to rebuild 3.6 miles of road on CR 10 in Cameron and 2.6 miles of road on CR 25 in Cameron and Rathbone.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Public Works is hereby authorized and directed to execute all necessary documents or agreements relative to the additional “Extreme Weather Recovery” funding; and be it further

**RESOLVED**, the Commissioner of Finance is hereby authorized to accept and appropriate the additional “Extreme Winter Recovery” funding of \$642,568.88 to revenue account for CHIPs D 999901 4350100 and the expense account for Permanent Improvements D 511200, 5 251 065, R010-18, Cameron, 3.6 miles and D 511200, 5 251 066, R025-18B, Cameron-Rathbone, 2.6 miles; and be it further

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

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 099-18**

Introduced by A. Mullen.

Seconded by K. Fitzpatrick.

#### **AUTHORIZING THE E-911 DIRECTOR TO ACCEPT THE NEW YORK STATE 2017-2018 PUBLIC SAFETY ANSWERING POINTS OPERATIONS GRANT.**

**WHEREAS**, Steuben County has a Public Safety Answering Point (“PSAP”) (911 Department) that answers emergency and non-emergency calls for assistance, as well as, dispatches responders to those requests; 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 Division of Homeland Security has awarded Steuben County grant funds in the amount of \$195,340.00 under the State PSAP Grant; and

**WHEREAS**, the \$195,340.00 in grant reimbursement will be directed to the 911 Capital Project in the Steuben County Budget currently titled “E-911 Dispatch Upgrades”.

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

**RESOLVED**, that the E-911 Director is hereby authorized to enter into an agreement with the New York State Division of Homeland Security and Emergency Services to effectuate the grant and to accept funding in the amount of \$195,340.00; and be it further

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

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

**Vote: Roll Call – Adopted.**

#### **RESOLUTION NO. 100-18**

Introduced by A. Mullen.

Seconded by C. Ferratella.

#### **AUTHORIZING THE DIRECTOR OF EMERGENCY SERVICES TO EXTEND THE PROPERTY LEASE AGREEMENT WITH EMPIRE TELEPHONE FOR THE COUNTY ROUTE 7 TOWER SITE.**

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

**WHEREAS**, Steuben County has previously partnered with Empire Telephone for ongoing use of the County Route 7 Tower Site, utilizing a five (5) year lease agreement; and

**WHEREAS**, the previous lease agreement has expired; and

**WHEREAS**, Steuben County has existing equipment and services on this tower and would like to continue the partnership with Empire Telephone to maintain these services; and

**WHEREAS**, Steuben County has agreed to a property lease with Empire Telephone in the amount of Two Thousand Four Hundred Dollars (\$2,400) per year; and

**WHEREAS**, the lease agreement is to be extended for a five (5) year period.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature authorizes the Director of Emergency Services to sign the five (5) year lease subject to County Attorney approval; and be it further

**RESOLVED**, that a certified copy of this resolution shall be forwarded to Timothy D. Marshall, Director of Emergency Services; and Mr. James Bassi of Empire Telephone 34 Main Street Prattsburgh, NY 14873.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 101-18**

Introduced by C. Ferratella.

Seconded by R. Lattimer.

**AUTHORIZING THE COUNTY MANAGER TO ENTER INTO AN AGREEMENT WITH TREAHY CONSULTATION SERVICES LLC.**

**WHEREAS**, Raise the Age (“RTA”) has created challenges for counties attempting to comply with the detention facility mandates prescribed by the RTA legislation passed by New York State; and

**WHEREAS**, several counties in the region have teamed-up to create the “Raise the Age Compliance Coalition” with the collective goal of working collaboratively on a regional detention facility solution for the youth covered by RTA; and

**WHEREAS**, the current RTA Compliance Coalition consists of nine counties in our area including Chemung, Cortland, Livingston, Ontario, Schuyler, Seneca, Steuben, Tioga, and Yates; and

**WHEREAS**, other counties may also join the RTA Compliance Coalition and endeavor to work together on a regional solution for youth detention; and

**WHEREAS**, it is the consensus of the RTA Compliance Coalition to collectively retain professional consulting services to help develop a regional plan to comply with the detention mandates created by RTA; and

**WHEREAS**, Treahy Consultation Services LLC has the requisite expertise and experience with youth detention matters to help counties develop a regional solution.

**NOW THEREFORE, BE IT**

**RESOLVED**, the County Manager is authorized to enter into an agreement with Treahy Consultation Services LLC for a cost not to exceed \$15,000; and be it further

**RESOLVED**, the County Manager is authorized to utilize up to \$15,000 from the Social Services line-item 6070.5446500 to fund the agreement with Treahy Consultation Services LLC; and be it further

**RESOLVED**, Treahy Consultation Services LLC shall assist in the identification of a potential site or sites that could be renovated or developed to provide both secure and specialized secure detention for the youth covered by RTA; and be it further

**RESOLVED**, the costs associated with this study as well as all other costs resulting from the RTA legislation are anticipated to be reimbursed by New York State through the Department of Social Services; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the County Manager, County Attorney, Commissioner of Finance, Sheriff, Probation Director, District Attorney, and the Commissioner of Social Services.

**Vote: Roll Call – Adopted.**

### **RESOLUTION NO. 102-18**

Introduced by R. Lattimer.

Seconded by R. Nichols.

#### **ADJUSTING THE ANNUAL THIRTY-DAY PERIOD FOR LANDOWNERS TO REQUEST INCLUSION IN AN AGRICULTURAL DISTRICT.**

Pursuant to Agriculture and Markets Law Article 25-AA

**WHEREAS**, Agriculture and Markets Law Article 25-AA provides for the creation of Agricultural Districts to promote the preservation of viable farmland; and

**WHEREAS**, amended said Law to provide an annual thirty-day period during which a landowner may request predominantly viable agricultural land be included within a certified Agricultural District prior to the review period that has been established for a District; and

**WHEREAS**, this Legislature on October 27, 2003 established by resolution a thirty-day annual inclusion period in Steuben County of January 15 through February 15; and

**WHEREAS**, farmers and landowners in NY State have until March 1 each year to file for agricultural assessments on eligible lands; and

**WHEREAS**, it is during the agricultural assessment filing process that landowners may learn that land is not included in an Agricultural District; and

**WHEREAS**, it is in the interest of the County, owners of agricultural lands, and farmland preservation that the annual period to add lands to Agricultural Districts be better aligned with the March 1 agricultural assessment deadline.

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

**RESOLVED**, the Steuben County Legislature does hereby designate the period from February 15 through March 17 as the annual period during which a landowner may apply to have land included in a certified Agricultural District; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 103-18**

Introduced by B. Schu and S. Van Etten.

Seconded by G. Roush.

**AUTHORIZING DISTRIBUTION OF THE SEMI-ANNUAL MORTGAGE TAX RECEIPTS.**

Pursuant to Section 261 of the Tax Law of the State of New York:

**RESOLVED**, that the apportionment of tax on mortgages in the County of Steuben collected by the County Clerk from the 1st day of October, 2017 to the 31st day of March 2018, pursuant to provisions of Section 261 of the Tax Law, as made by the Clerk of this Legislature be and the same hereby is ratified and confirmed, and the statement of such apportionment in compliance with the provisions of said Law, filed with the Commissioner of Finance of this County, is hereby and in all things ratified and confirmed and such statement shall be to the said Commissioner a sufficient Warrant for the payment by him of the various sums as apportioned for the various purposes as designed by Law, and be it further

**RESOLVED**, the Clerk of this Legislature shall forward certified copies of this resolution to the Commissioner of Finance, the Real Property Tax Service Agency, and the County Clerk:

**MORTGAGE TAX APPORTIONMENT**

The amount of money in your hands on March 31, 2018, which was received by you from the County Clerk as taxes paid to her upon the real property mortgages filed in her office since October 1, 2017, the date of the last apportionment, and which must be distributed to the various tax districts of the County of Steuben, pursuant to Section 261 of the Tax Law, is the sum of \$655,970.91.

You are therefore commanded to pay the various towns and cities the amount placed opposite the name of said towns and cities and pay over to the various village officers the amount hereinafter stated to be the distributive amounts due said districts for village purposes, as follows:

**MORTGAGE TAX DISTRIBUTION - May 2018**

<b><u>TOWN &amp; CITIES</u></b>	<b><u>TOWN/CITY AMT DUE</u></b>	<b><u>VILLAGES</u></b>	<b><u>VILLAGES AMT DUE</u></b>	<b><u>TOTAL AMT DUE</u></b>
98329 ADDISON	5,038.81	ADDISON	2,019.60	<b>7,058.41</b>
98337 AVOCA	9,559.33	AVOCA	1,256.28	<b>10,815.61</b>
		BATH (1)	11,235.34	
21601 BATH	40,999.63	SAVONA (2)	1,085.27	<b>53,320.24</b>
98345 BRADFORD	5,844.05			<b>5,844.05</b>
54771 CAMERON	3,149.39			<b>3,149.39</b>
65153 CAMPBELL	23,027.17			<b>23,027.17</b>
98353 CANISTEO	10,778.75	CANISTEO	3,084.04	<b>13,862.79</b>
98361 CATON	15,067.56			<b>15,067.56</b>
54828 COHOCTON	8,199.59	COHOCTON	1,083.37	<b>9,282.96</b>

64785	CORNING CITY	52,142.49			<b>52,142.49</b>
			RIVERSIDE (1)	2,108.36	
54844	CORNING TOWN	44,673.20	S CORNING (2)	3,222.52	<b>50,004.08</b>
54879	DANSVILLE	6,065.62			<b>6,065.62</b>
36145	ERWIN	96,595.52	PAINTED POST	7,476.21	<b>104,071.73</b>
67458	FREMONT	3,593.16			<b>3,593.16</b>
98388	GREENWOOD	4,127.59			<b>4,127.59</b>
98396	HARTSVILLE	1,340.84			<b>1,340.84</b>
94781	HORNBY	11,557.66			<b>11,557.66</b>
27901	HORNELL CITY	108,251.29			<b>108,251.29</b>
			ALMOND (1)	27.70	
			ARKPORT (2)	1,183.14	
98426	HORNELLSVILLE	12,954.09	V N HORNELL (3)	1,455.21	<b>15,620.14</b>
98418	HOWARD	7,918.54			<b>7,918.54</b>
35548	JASPER	6,166.42			<b>6,166.42</b>
14435	LINDLEY	7,097.09			<b>7,097.09</b>
26360	PRATTSBURGH	11,568.28			<b>11,568.28</b>
18740	PULTENEY	22,768.07			<b>22,768.07</b>
18996	RATHBONE	1,926.65			<b>1,926.65</b>
48984	THURSTON	5,416.60			<b>5,416.60</b>
42951	TROUPSBURG	3,024.49			<b>3,024.49</b>
43745	TUSCARORA	9,265.08			<b>9,265.08</b>
98434	URBANA	30,608.44	HAMMONDSPORT	2,824.98	<b>33,433.42</b>
55026	WAYLAND	15,660.30	WAYLAND	2,913.14	<b>18,573.44</b>
77445	WAYNE	17,437.05			<b>17,437.05</b>
55034	WEST UNION	2,069.26			<b>2,069.26</b>
55050	WHEELER	3,702.99			<b>3,702.99</b>
98442	WOODHULL	7,400.75			<b>7,400.75</b>
	<b>TOTAL</b>	<b>614,995.75</b>		<b>40,975.16</b>	<b>655,970.91</b>
					<b>655,970.91</b>

Foregoing shall be your sufficient warrant for the payment of said sums as above directed.

DATED at Bath, New York: May \_\_\_\_, 2018

STEBEN COUNTY LEGISLATURE

\_\_\_\_\_  
By: Joseph J. Hauryski, Chairman

I, Brenda K. Mori, Clerk of the County Legislature of Steuben County, DO HEREBY CERTIFY that the foregoing apportionment of Mortgage Tax, pursuant to Law, is correct.

DATED: May \_\_\_\_, 2018

\_\_\_\_\_  
Brenda K. Mori, Clerk of the Legislature

**Vote: Roll Call – Adopted.**

## RESOLUTION NO. 104-18

Introduced by S. Van Etten.

Seconded by G. Swackhamer.

### **RATIFYING AND CONFIRMING THE NOTICE TO BIDDERS AND TERMS OF SALE 2018.**

Pursuant to the Steuben County Charter, Article II, Section 2.07.

**WHEREAS**, on March 26, 2018, the Commissioner of Finance was authorized and directed to establish and publish the terms and conditions of the 2018 Delinquent Tax Auction; and

**WHEREAS**, on May 8, 2018 the Commissioner of Finance did present the *Notice to Bidders and Terms of Sale – 2018* to the Finance Committee of the County Legislature for review and approval; and

**WHEREAS**, on May 8, 2018 said Finance Committee did unanimously approve the recited *Notice to Bidders and Terms of Sale – 2018* as modified.

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

**RESOLVED**, that the revised *Notice to Bidders and Terms of Sale - 2018* as attached hereto is hereby ratified and confirmed; and be it further

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

### **Notice to Bidders and Terms of Sale – 2018**

1. All bidders are urged to consult an attorney before submitting a bid.
2. The County obtained title to these properties in accordance with the procedures of Article 11 of Real Property Tax Law of the State of New York.
3. There is absolutely no representation as to the quality of title, lot size, condition or existence of improvements of any parcel to be auctioned and all persons proceed at their own risk with respect to same. Any photographs, maps, and all other depictions of the property are for reference only and all properties are subject to such state of facts that an instrument survey will determine. The County sells only its interest. Any information provided by any County employee is subject to the terms and conditions of this Notice to Bidders and Terms of Sale - 2018.
4. All properties are offered for sale to the highest bidder.
5. There is no minimum bid requirement.
6. The Commissioner of Finance retains the right to establish the auction with or without reserve.
7. The County shall retain the right to reject any and all bids.
8. To the extent allowable under law the County reserves the option to retain all the oil and gas rights. This reservation will be announced at the commencement of the bidding on an applicable parcel.
9. All real property, including any buildings thereon, are sold "as is...where is" as of the date of closing without any representation or warranty whatsoever as to the condition or title and subject to (a) any state of facts an accurate survey or personal inspection of the premises would disclose, and (b) applicable zoning and use/building regulations.
10. Any improvement description concerning manufactured homes, mobile homes and trailers is done for identification purposes of the parcel in question. The manufactured home, mobile home or trailer may or may not be deemed a fixture on the parcel in question and no representations or warranties are made in that regard.
11. The premises being sold may be subject to tenancies and/or leases affecting the said premises. Purchaser is to determine the existence and status of such interests and the applicable legal rights thereto. Evictions, if necessary, are solely the responsibility of the purchaser after closing and recording of the deed. Subject to the rights of a tenant or lease affecting the

- property, no one is permitted to enter upon any parcels offered for sale for any purpose whatsoever, at any time prior to the closing of the sale and recording of the Deed conveying title to the Grantee. See also Term # 17.
12. No personal property is included in the sale. The disposition of any personal property shall be the sole responsibility of the successful bidder following the closing of the sale. The previous owner should be notified and provided the opportunity to remove personal items.
  13. Any taxes levied after January 1 of the current year will be the responsibility of the purchaser (City – Village – School, if applicable). Purchaser may also be liable for unpaid water and sewer charges not included in previously levied taxes. It is the Buyer's responsibility to contact the taxing entity, obtain information and pay these taxes, fees, charges and assessments, as the case may be.
  14. All prospective bidders must register at the door and show a valid NYS Driver's License or other acceptable identification. Bidders must disclose if they are acting as the agent for another party and the identity of the party they are acting as agent for. Failure to show proper ID and disclose principals will result in disqualification from bidding.
  15. The purchaser shall provide information consistent with #14 above and such other information necessary to complete the deed, and shall execute the necessary forms and documents required for recording the deed. [Note: Social Security or Federal Identification Number will be required.] Such information shall be furnished to the County Finance Department on the date of the sale or within 5 business days thereafter. Failure to provide this information will result in a failure to complete the purchase (see Term #s 23 & 24). The charge to issue and record a correction deed is \$500 per parcel.
  16. Conveyance shall be by quit claim deed only, containing a description of the property on the tax roll for the year during which the County acquired title. A separate deed shall be issued for each parcel, and applicable fees charged.
  17. Buyers requesting expedited handling shall pay in full and provide correct recording information on the day of the sale.
  18. The County will record the deed after receipt of the full purchase price and recording fees, and information necessary to complete the transfer of title (see Term #15) The purchaser may take possession only after the deed has been recorded.
  19. Purchaser shall be responsible for the payment of a ten percent (10%) buyer's premium in addition to the accepted purchase price.
  20. Twenty-percent (20%) of the bid price plus the ten-percent (10%) buyer's premium shall be paid on the day of the auction. The minimum deposit is \$1,000.00. If the total amount of your purchase (including fees) is less than \$1,000 the entire amount is due in full on the date of the sale.
  21. All sales are subject to subsequent County Legislature confirmation and any balance due must be remitted within thirty days (30) of such confirmation. Any balance due must be paid in full in one payment; partial payments are not permitted. Those requesting expedited handling must pay in full on the day of the sale.
  22. Payment may be in the form of cash, money order, bank draft, certified check, wire transfer or good personal check payable to STEUBEN COUNTY FINANCE DEPARTMENT, payable in US Dollars only; any negotiable instrument tendered in payment must be drawn on a bank located in the United States. Credit/debit card payments are available; there is a service fee on the amount charged, based on the type of card used.
  23. All parcels purchased by a purchaser must be paid for in full, selective closings are not permitted. Failure to remit full payment on all parcels purchased at the auction will result in a forfeiture of all deposits paid, which will be retained by the County as liquidated damages, and the cancellation of all sales to the purchaser.
  24. Failure of the purchaser to complete the purchase within the required time limits shall result in the forfeiture of both the down payment and the buyer's premium as liquidated damages. In the event of default of the highest bidder, the County reserves the right to offer the property to the second highest bidder, or to dispose of the property by any means as may be authorized by the Steuben County Legislature.
  25. Any person who fails to complete a purchase may be disqualified from participating in future County tax auctions as a non-responsible bidder as determined by the Commissioner of Finance.
  26. Those persons who have allowed the foreclosure of real property for nonpayment of taxes shall be disqualified from participating in County tax auctions for a period of 10 years from the date of such foreclosure proceeding.
  27. All employees and immediate families of Steuben County Legislators, the auctioneers' service, and the following County offices are forbidden to purchase properties at tax auction: Finance Department, Law Department, County Manager, Real Property Tax Office, and the Clerk of the Legislature.
  28. All sales are final, absolute and without recourse.
  29. The auctioneer's decision regarding any disputes is final, and the auctioneer reserves the right to reject any bid that is not an appreciable advancement over the previous bid.

30. In the event a sale is cancelled by Court Order, the purchaser shall be entitled to a return of the purchaser's payment of the purchase price, together with any deposit paid, "deposit" being those sums paid under #20. The purchaser shall not be entitled to any special or consequential damages, attorney fees, reimbursement for any expenses incurred as a result of ownership or improvements of the property, nor for taxes paid during the period of ownership.
31. All Buyers agree to accept title according to these terms and conditions. In the event the Successful Bidder nominates a third party to receive title, such nominee will be required to execute an acknowledgment of the said terms of sale prior to receiving title.
32. In the event that any recited term herein or part thereof is determined to be unlawful, then in such event, the remaining terms of sale and unaffected portion(s) thereof shall survive and remain in full force and effect.
33. Auction results and updates will be posted at [www.steubencony.org](http://www.steubencony.org)

Prior history redacted.

5/09/18 approved Finance Committee

**Vote: Roll Call – Adopted.**

### **RESOLUTION NO. 105-18**

Introduced by B. Schu.

Seconded by J. Malter.

#### **AUTHORIZING AN INCREASE TO THE FINANCE DEPARTMENT'S PETTY CASH ACCOUNT.**

**WHEREAS**, the Finance Department has a need for petty cash funds for daily operations; and

**WHEREAS**, current petty cash funds are \$150.00; and

**WHEREAS**, the Finance Department is now increasing from one (1) cash drawer to four (4) cash drawers; and

**WHEREAS**, the existing petty cash account within the financial system requires adjustment to include the four (4) cash drawers.

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

**RESOLVED**, that the Steuben County Legislature hereby authorizes an increase to the Finance Department Petty Cash account from \$150.00 to \$450.00; and be it further

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

**Vote: Roll Call – Adopted.**

### **RESOLUTION NO. 106-18**

Introduced by S. Van Etten.

Seconded by R. Nichols.

#### **AMENDING RESOLUTION 043-16 TO AUTHORIZE THE COMMISSIONER OF FINANCE OF THE COUNTY OF STEUBEN TO ISSUE A BOND ANTICIPATION NOTE OR NOTES FOR THE UPPER FIVE MILE CREEK WATERSHED PROTECTION DISTRICT.**

Pursuant to Section 23 of the Local Finance Law of the State of New York.

**WHEREAS**, pursuant to Resolution 043-16 the Steuben County Legislature authorized the Commissioner of Finance to pledge the County's full faith and credit for the issuance of bonds not to exceed \$150,000 for the Upper Five Mile Creek Watershed Protection District; and

**WHEREAS**, the Commissioner of Finance wishes to issue notes in anticipation of the sale of serial bonds for an assessable improvement in accordance with the provisions of the Local Finance Law; and

**WHEREAS**, the Upper Five Mile Creek Watershed Protection District is responsible for the repayment of said borrowing, together with interest; the County, however, being required to pledge the County's full faith and credit in support of said borrowing.

**NOW THEREFORE, BE IT**

**RESOLVED**, subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell a bond anticipation note or notes in anticipation of the issuance and sale of the bonds authorized by Resolution 043-16 and for the same aggregate period of usefulness stated thereunder, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Commissioner of Finance.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 107-18**

Introduced by J. Hauryski.

Seconded by T. Ryan.

**MEMORIALIZING THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO AMEND THE EXECUTIVE LAW IN RELATION TO THE COST OF MAINTENANCE AND OPERATION OF VETERANS' SERVICE AGENCIES.**

**WHEREAS**, legislation has been introduced in the New York State Senate (S.8210) and New York State Assembly (A.10714) to amend §359 of the Executive Law to provide that full payment of expenditures for the maintenance and operation of County Veterans' Service Agencies be made by the New York State Veterans' Service Agency; and

**WHEREAS**, pursuant to New York State Executive Law Section 359(1) counties are entitled to \$10,000 per annum in state revenue, of which Steuben County Veterans' Service Agency is currently receiving \$8,529 per annum in state revenue for operation and maintenance costs; and

**WHEREAS**, with this amendment, each County Veterans' Service Agency would be eligible for a minimum of \$20,000 towards the maintenance and operation expenditures; and

**WHEREAS**, it is beneficial to Steuben County to support the passage of S.8210 and A.10714.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature hereby supports New York State Senate Bill S.8210 and New York State Assembly Bill A.10714, amending §359 of the Executive Law, and urges the New York State Legislature and the Governor to approve this legislation; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Thomas M. O'Mara, New York State Senator, 415 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 723 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; Honorable John Flanagan, NYS Senate Majority Leader, 330 State Capitol Building, Albany, NY 12247; Honorable Carl Heastie, Assembly Speaker, 932 Legislative Office Building, Albany NY 12248; Honorable Andrea Stewart-Cousins, Senate Democratic Conference Leader, 907 Legislative Office Building, Albany, NY 12247; Honorable Jeffrey D. Klein, Senate Independent Democratic Conference Leader, 913 Legislative Office Building, Albany, NY 12247; Honorable Joseph D. Morelle, Assembly Majority Leader, 926 Legislative Office Building, Albany, NY 12248; Honorable Brian M. Kolb, Assembly Minority Leader, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas Croci, Chair, Senate Committee on Veterans, Homeland Security and Military Affairs; 306 Legislative Office Building, Albany, NY 12247; Honorable Michael G. DenDekker, Chair, Assembly Committee on Veterans' Affairs, 840 Legislative Office Building, Albany, NY 12248; Rochelle Stein, President, Inter-County Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, NY 14020; and New York State Association of Counties, 540 Broadway, 5<sup>th</sup> Floor, Albany, NY 12207.

**Vote: Acclamation – Adopted.**

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

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

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