

**REGULAR MEETING**  
**Morning Session**  
**Monday, May 18, 2020**  
**Via Teleconference**

The County Legislature of the County of Steuben convened in Regular Session via teleconference on the 18<sup>th</sup> day of May, 2020 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Scott J. Van Etten.

Roll Call and all members present except Legislator Van Caeseele.

Chairman Van Etten asked Mrs. Lando to lead the Invocation and Chairman Van Etten led the Pledge of Allegiance.

***Motion adopting the minutes of April 27<sup>th</sup> meeting made by Mrs. Ferratella, seconded by Mrs. Lando and duly carried.***

Mrs. Ferratella asked do we still need to approve the minutes from the March meeting? Chairman Van Etten stated yes, thank you.

***Motion adopting the minutes of the March 23<sup>rd</sup> meeting made by Mr. Potter, seconded by Ms. Lattimer and duly carried.***

Mr. Wheeler provided an update to the Legislature. He stated they have been focused on reopening logistics. Our caseloads have been relatively low. We had two additional deaths at the end of last week. Over the weekend we had one positive case and we have been averaging one case per day. Our case count is looking good. Mr. Wheeler stated we have been working on the logistics of reopening and testing at the nursing homes. Steuben Centers will be completing their universal swabbing today. After that, all of our nursing homes will have been universally swabbed. The current requirements of the State are that nursing homes are required to do testing twice a week and we are trying to help as much as we can. There is a lab capacity issue. He stated we will not wind down the EOC at this time. The staff continues to do a great job and we appreciate all of your support.

Mr. Van Etten asked can you explain the volume of the testing now compared to what we have done? Mr. Wheeler replied we have conducted 3,500 – 3,600 tests over the past two months. To test every nursing home and adult care employee that has been 2,400 tests per week in our County. The State lab has told us not to send the tests as they don't have the capacity. Additionally, U of R cannot process them as they don't have the capacity. We have serious concerns as you could see staff tested four times before they get the results back. Practically, it will be a challenge to complete.

Mr. Van Etten asked this is not just related to us. It has to be statewide. Mr. Wheeler replied yes. Our concern is that our track record has shown that testing at the nursing homes is a good idea and it is effective. Testing nursing homes twice a week with the current lab capacity is an issue as well as testing people who are symptomatic. Testing capacity did click up in the State for people in the community and that was very good. Delays with test results could become a real problem. The State says there is capacity, but we are hearing from the labs that there is not.

Mrs. Lando asked can we petition the State to have it changed to once a week? We certainly need to do the testing. Mr. Wheeler replied some health care professionals have suggested universal testing for everyone and then test the staff every two weeks. There is much more to come on this. The State is very aware of the issues and the current testing requirement was done by Executive Order which is not easily changed.

Ms. Fitzpatrick asked do the employees have to pay for the tests? Mr. Wheeler replied no. Our understanding is they charge their health insurance first. If the large insurers will not pay then it becomes the facilities' responsibility. Ms. Fitzpatrick stated that will be a big bill to have to pay. Mr. Wheeler stated there are estimates that it will be tens of thousands of dollars per month.

Mr. Maio asked are labs being particular about prioritizing? Mr. Wheeler replied they are prioritizing nursing home residents and essential workers. It is a capacity issue.

Mr. Nichols asked has there been any word on churches? He has been getting a lot of questions and people asking about parking lot services. Mr. Wheeler replied we bring that up daily on our regional calls. The State is saying no in-person church services. We have asked specifically and are asking about drive-up services. We need to make a decision on a regional level. The Executive Order says no, but we keep pushing. That is the frustration with the regional control room; we don't have a lot of authority under that. If the State is not making affirmative decisions on these more nuanced things, why can't the regional representatives. At this point the State is saying no, but that changes daily. The State is juggling as much as they can but there is still confusion.

Mr. Ryan stated he has heard that Chemung County is allowing church services. If they are, why can't we? Is this a fact? Mr. Wheeler stated he has heard that Chemung County is allowing it in some cases. The Executive Order talks about gatherings for places of worship and that individuals can access those services virtually. Chemung County is just not enforcing it.

Mrs. Ferratella stated she continues to get calls about DMV. Are they opening by appointment only? Mr. Wheeler replied DMV is still closed. There was a lot of discussion last week on our regional call. All DMV's were closed by Executive Order. Mrs. Hunter is doing more business by drop-off and we are encouraging people to call the DMV office. The Executive Order that has been extended to June 6<sup>th</sup> also closes DMV's to in-person transactions.

Mr. Van Etten thanked Mr. Wheeler and stated we appreciate the update.

### **RESOLUTION NO. 108-20**

Introduced by G. Swackhamer.

Seconded by K. Fitzpatrick.

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

Pursuant to Section 2.07 of the Steuben County Charter.

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

**RESOLVED**, the 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**, it being hereby determined that there is no practical method to enforce the collection of delinquent tax liens against the parcel(s) contained in Schedule "A", and it being further determined that there is no practical method to enforce the collection of tax liens arising hereafter against said parcel(s); and be it further

**RESOLVED**, the Commissioner of Finance is authorized and directed to cancel the unpaid taxes against the property (ies) set forth in Schedule "A" pursuant to Real Property Tax Law §558; and the Commissioner of Finance is further

authorized to issue forthwith a Certificate of Prospective Cancellation for the recited parcel(s) contained in Schedule “A”, as approved by the Finance Committee on May 12, 2020; and be it further

**RESOLVED**, the Commissioner of Finance shall file a copy of the recited certificate(s) with the assessor(s) of the respective assessing unit(s) in which the recited parcel(s) are located and with the Director of Real Property Tax Services; and upon the filing as directed such parcel(s) shall become and be exempt from further taxation, and be it further

**RESOLVED**, that certified copies of this resolution contained in Schedule “A” 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	Denise DeVinney
Parcel No.	136.00-02-062.000
Municipality	Town of Hornellsville
Disposition	Cancellation of Void Town and County Taxes: 2016-2020. Issue Certificate of Prospective Cancellation.

Resolution No.	A-2
Name	Denise DeVinney
Parcel No.	136.00-02-062.000
Municipality	Town of Hornellsville
Disposition	Cancellation of Void City School Taxes: 2014-2019. Issue Certificate of Prospective Cancellation.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 109-20**

Introduced by S. Van Etten.

Seconded by G. Roush.

**RECEIVING AND ACCEPTING THE MAY 18, 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:

**Proclamations:**

National Nurses Week, May 6 – 12, 2020

Peace Officers Day, May 15, 2020

**April 29, 2020**

NYS Office for the Aging – Re: Conditional Notification of Grant Awards (NGAs) for the CMC2 and HDC2 programs of the Families First Coronavirus Response Act (FFCRA) for the period of March 20, 2020 through September 30, 2021.

***Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.***

NYS Office for the Aging – Re: Conditional Notification of Grant Awards for the Title III-B, Title III-C-1, Title III-C-2 and Title III-E programs of the Older Americans Act for the period of January 1, 2020 through December 31, 2020.

***Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.***

**April 30, 2020**

NYS Office for the Aging – Re: 2020-2021 advances for Title III-B, Title III-C-1, Title III-C-2 and Title III-E programs of the Older Americans Act. ***Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.***

**May 6, 2020**

Federal Aviation Administration – Re: Notification of an aeronautical study (ASN# 2019-WTE-8428-OE) concerning the project located in Prattsburgh, NY. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

Young/Sommer LLC., Counselors at Law – Re: Responses to address compliance under Article 10 of the Public Service Law and Siting Board’s regulations for the EDF Renewables Development, Inc./Moraine Solar Energy Project (Case#18-F-0498). *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 110-20**

Introduced by B. Schu and G. Swackhamer.

Seconded by R. Lattimer.

**AUTHORIZING DISTRIBUTION OF 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, 2019 to the 31st day of March 2020, 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**, that 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, 2020, 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, 2019, 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 \$763,784.94.

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 2020**

<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	16,636.84	ADDISON	6,406.49	<b>23,043.33</b>
98337 AVOCA	9,760.99	AVOCA	1,267.82	<b>11,028.81</b>
		BATH (1)	20,083.15	
21601 BATH	78,927.76	SAVONA (2)	2,134.90	<b>101,145.81</b>
98345 BRADFORD	2,683.33			<b>2,683.33</b>

54771	CAMERON	4,201.67			<b>4,201.67</b>
65153	CAMPBELL	15,189.45			<b>15,189.45</b>
98353	CANISTEO	8,390.95	CANISTEO	2,399.84	<b>10,790.79</b>
98361	CATON	23,020.74			<b>23,020.74</b>
54828	COHOCTON	11,932.10	COHOCTON	1,516.23	<b>13,448.33</b>
64785	CORNING CITY	100,331.34			<b>100,331.34</b>
			RIVERSIDE (1)	2,073.12	
54844	CORNING TOWN	41,206.11	S CORNING (2)	2,853.02	<b>46,132.25</b>
54879	DANSVILLE	9,111.85			<b>9,111.85</b>
36145	ERWIN	149,348.61	PAINTED POST	11,330.54	<b>160,679.15</b>
67458	FREMONT	5,199.84			<b>5,199.84</b>
98388	GREENWOOD	1,140.12			<b>1,140.12</b>
98396	HARTSVILLE	2,969.49			<b>2,969.49</b>
94781	HORNBY	15,822.10			<b>15,822.10</b>
27901	HORNELL CITY	23,721.49			<b>23,721.49</b>
			ALMOND (1)	28.98	
			ARKPORT (2)	1,287.63	
98426	HORNELLSVILLE	14,297.86	V N HORNELL (3)	1,590.53	<b>17,205.00</b>
98418	HOWARD	5,535.12			<b>5,535.12</b>
35548	JASPER	4,983.42			<b>4,983.42</b>
14435	LINDLEY	13,132.24			<b>13,132.24</b>
26360	PRATTSBURGH	12,357.79			<b>12,357.79</b>
18740	PULTENEY	23,049.41			<b>23,049.41</b>
18996	RATHBONE	6,030.97			<b>6,030.97</b>
48984	THURSTON	7,238.28			<b>7,238.28</b>
42951	TROUPSBURG	3,575.69			<b>3,575.69</b>
43745	TUSCARORA	11,927.85			<b>11,927.85</b>
98434	URBANA	32,285.10	HAMMONDSPORT	2,977.37	<b>35,262.47</b>
55026	WAYLAND	13,590.58	WAYLAND	2,510.00	<b>16,100.58</b>
77445	WAYNE	23,469.69			<b>23,469.69</b>
55034	WEST UNION	148.70			<b>148.70</b>
55050	WHEELER	2,845.26			<b>2,845.26</b>
98442	WOODHULL	11,262.58			<b>11,262.58</b>
	<b>TOTAL</b>	<b>705,325.32</b>		<b>58,459.62</b>	<b>763,784.94</b>

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

DATED at Bath, New York: May \_\_\_\_, 2020

STEBEN COUNTY LEGISLATURE

By: Scott J. Van Etten, 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 \_\_\_\_, 2020

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 111-20**

Introduced by R. Nichols and G. Swackhamer.

Seconded by G. Roush.

**AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ACCEPT EXTREME WINTER RECOVERY AND PAVE-NY FUNDING.**

**WHEREAS**, Steuben County is expected to be funded by the State’s 2020 Extreme Winter Recovery funding of \$642,568.88 and Pave NY funding of \$1,011,150.07 totaling \$1,653,718.95.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Public Works is hereby authorized and directed to execute all necessary documents to accept this funding; and be it further

**RESOLVED**, the Commissioner of Finance is hereby authorized to accept and appropriate funding of \$1,653,718.95 to revenue account D 999901 4350100 and the expense account for Permanent Improvement D 511200 and Capital Projects 5 520 000; 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. 112-20**

Introduced by B. Schu and G. Swackhamer.

Seconded by H. Lando.

**AUTHORIZING THE COUNTY TO PARTICIPATE IN TAX CERTIORARI PROCEEDINGS IN THE CITY OF CORNING.**

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

**WHEREAS**, it is in the interest of the County to participate in the appraisals for Tax Certiorari Proceedings where the equalized full value is in excess of \$2 million for roll section one and six parcels as previously set forth in Resolution 010-93, as amended in Resolution 132-03, and as amended in Resolution 047-12; and

**WHEREAS**, a requesting assessment unit should have completed in due course a town/city wide reassessment program and filed a cyclical reassessment plan; and

**WHEREAS**, the City of Corning has recently completed a cyclical reassessment plan and has further requested the County to participate in one (1) Tax Certiorari Proceeding Index No: *E2019-0874CV* pursuant to the County’s participation policy; and

**WHEREAS**, the recited requests comply with the policy of the County to so participate; and

**WHEREAS**, the counsel for the City of Corning has submitted preliminary estimates for consultation services of \$800; and

**WHEREAS**, the Real Property Tax Service Agency has computed the County's share of participation as set forth under the County's policy to participate at \$340.64.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Commissioner of Finance is authorized and directed to disburse to the City of Corning a total sum of \$340.64 in and for the recited proceeding; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Director of the Real Property Tax Service Agency; Commissioner of Finance; Mark Ryckman, City of Corning City Manager, 500 Nasser Civic Center Plaza, Corning, NY 14830; Kathryn Kruger, City of Corning City Finance Director, 500 Nasser Civic Center Plaza, Corning, NY 14830 and Barbara Roberts, City of Corning Appointed Assessor, 500 Nasser Civic Center Plaza, Corning, NY 14830.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 113-20**

Introduced by C. Ferratella and G. Swackhamer.

Seconded by R. Lattimer.

**ACCEPTING NEW YORK STATE OFFICE OF ADDICTION SERVICES AND SUPPORTS COST OF LIVING ALLOCATION (COLA).**

**WHEREAS**, the New York State Office of Addiction Services and Supports is awarding the Department of Community Services Cost-of-Living Adjustment (COLA) funding in the amount of \$14,643; and

**WHEREAS**, the COLA funding can only be used to support salary and salary-related fringe benefit increases for Substance Abuse staff as set forth in the Office of Alcohol and Substance Abuse guidelines; and

**WHEREAS**, the County is not required to provide any local funding to secure the \$14,643.

**NOW THEREFORE, BE IT**

**RESOLVED**, this Legislature hereby authorizes the Commissioner of Finance to accept the New York State Office of Addiction Services and Supports COLA funding on behalf of the Department of Community Services; and be it further

**RESOLVED**, the Department of Community Services attests that said funding will be used solely for support salary and salary-related fringe benefit increases as set forth in the Office of Addiction Services and Supports guidelines; and be it further

**RESOLVED**, certified copies of this resolution shall be sent to the NYS OASAS Division of Fiscal Administration, ATTN: Bureau of Budget Management, 1450 Western Avenue, 5<sup>th</sup> Floor, Albany, NY 12203, no later than May 31<sup>st</sup> 2020; Commissioner of Finance and Director of the Department of Community Services.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 114-20**

Introduced by C. Ferratella and G. Swackhamer.

Seconded by F. Potter.

**ACCEPTING AND APPROPRIATING THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT GRANT.**

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

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

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

**WHEREAS**, the Office for the Aging has been awarded a Families First Coronavirus Response Act grant in the amount of \$23,428 under CMC2, and \$46,847 under HDC2, totaling \$70,275; and

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

**NOW THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Finance is hereby authorized and directed to accept \$70,275 as revenue and appropriate the amount in the 2020-2021 Office for the Aging budget as follows:

Revenue:	677300 4 4772750	\$8,000
	677400 4 4772750	\$45,000
	677700 4 3772770	\$16,000
	677800 4 4772730	\$1,275
Expenses:	677300 5 406000	\$8,000
	677400 5 440524	\$40,000
	677400 5 434661	\$5,000
	677700 5 440122	\$11,000
	677700 5 434630	\$5,000
	677800 5 440750	\$1,275

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 115-20**

Introduced by R. Nichols and G. Swackhamer.

Seconded by G. Roush.

**ACCEPTING AND APPROPRIATING INSURANCE PROCEEDS RELATED TO A NEW STONE CHIPPER.**

**WHEREAS**, insurance proceeds of \$59,250 have been received in connection with the motor vehicle accident with the Stone Chipper; and

**WHEREAS**, a replacement Stone Chipper is on the Major Equipment list.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Finance is hereby authorized to accept and appropriate \$59,250 to the Machinery Highway Major equipment account:

Increase Highway Machinery Insurance Recovery Revenue (999902-42680000) by \$59,250  
Increase Machinery Highway Major equipment expenditures (DM 513000-5290000) by \$59,250;  
and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Commissioner of Finance, Risk Manager and Commissioner of Public Works.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 116-20**

Introduced by R. Lattimer and G. Swackhamer.

Seconded by K. Fitzpatrick.

**AUTHORIZING A CONTINGENT FUND TRANSFER TO THE MOBILITY MANAGEMENT CAPITAL PROJECT.**

**WHEREAS**, the County contracts with the Institute for Human Services (IHS) for transportation coordination services that the County is obligated to provide; and

**WHEREAS**, the IHS Mobility Management Program to provide these services is funded with Section 5311 Federal Transportation Funding and funding from the New York State Department of Transportation (NYSDOT); and

**WHEREAS**, 5311/NYSDOT funding from the previous grant has been fully expended; and

**WHEREAS**, the Department of Planning submitted a grant application to NYSDOT in February 2020 for said services and NYSDOT has indicated an award announcement will be made in early summer; and

**WHEREAS**, it is fully anticipated that the grant award will reimburse these costs once a contract with NYSDOT is in place; and

**WHEREAS**, IHS has requested \$170,788.13 to cover mobility management costs through June 2020 during the funding delay; and

**WHEREAS**, an amendment to the County’s contract with IHS is needed to advance funds to IHS; and

**WHEREAS**, the Agriculture, Industry and Planning Committee and Finance Committee have authorized the transfer of \$170,788.13 from the contingent fund to the Mobility Management Capital Project to continue transportation coordination as this critical time.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Finance is hereby authorized and directed to transfer \$170,788.13 from the contingent fund to Capital Project 5630H2 Mobility Management; and be it further

**RESOLVED**, the County contingent fund shall be reimbursed \$170,788.13 upon receipt of Section 5311/NYSDOT mobility management funds from NYSDOT; and be it further

**RESOLVED**, the Director of the Department of Planning shall sign a contract amendment with IHS to affect this resolution; and be it further

**RESOLVED**, certified copies of this resolution shall be sent to the Commissioner of Finance and the Director of the Department of Planning.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 117-20**

Introduced by B. Schu and G. Swackhamer.

Seconded by C. Ferratella.

**ACCEPTING AND APPROPRIATING THE CARES ACT COVID-19 GRANT.**

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

**WHEREAS**, the Federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), enacted March 27, 2020, includes \$400 million in new Help America Vote Act (HAVA) funds, made available to states to prevent, prepare for, and respond to the corona virus for the 2020 Federal election cycle; and

**WHEREAS**, New York State has been allocated \$20,567,088 from the federal government and New York State's 20 percent match of \$4,113,417; and

**WHEREAS**, the New York State Board of Elections will be administering a total of \$24,680,505 in funds relative to COVID-19 pandemic; and

**WHEREAS**, Steuben County's portion of the CARES Covid-19 Grant is \$116,778.00; and

**WHEREAS**, the CARES Covid-19 Grant program is in place only for the federal 2020 election cycle; and

**WHEREAS**, the funds are to be used for additional costs incurred in order to implement the necessary measures for safe, responsible, and fair elections during the Covid-19 pandemic during the federal election cycle 2020.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Finance be and the same hereby is authorized and directed to accept \$116,778.00 as revenue and appropriate that amount to the 2020 Board of Elections Budget; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Commissioners of the Board of Elections and the Commissioner of Finance.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 118-20**

Introduced by J. Malter and G. Swackhamer.

Seconded by H. Lando.

**AUTHORIZING THE DISTRICT ATTORNEY TO ENTER INTO A CONTRACT WITH DIVERSION MANAGEMENT LLC.**

**WHEREAS**, the Office of the District Attorney has requested authorization to enter into a contract with Diversion Management LLC to manage the intake and process of the Steuben County Traffic Diversion Program, which was established under Local Law Number 4 of the year 2019; and

**WHEREAS**, the fees to pay for this service agreement will be derived from fees collected by the Steuben County Traffic Diversion Program.

**NOW THEREFORE, BE IT**

**RESOLVED**, the District Attorney is hereby authorized to enter into a contract with Diversion Management LLC for services with the Steuben County Traffic Diversion Program; and be it further

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

**Vote: Acclamation – Adopted. (No – Legislator Mullen)**

**RESOLUTION NO. 119-20**

Introduced by B. Schu and G. Swackhamer.

Seconded by T. Ryan.

**AUTHORIZING THE DIRECTOR OF THE INFORMATION TECHNOLOGY DEPARTMENT TO ENTER INTO A CONTRACT FOR VIDEO CONFERENCING.**

**WHEREAS**, the COVID-19 Pandemic has required and will continue to require the County to hold numerous conferences, appointments and meetings not in person; and

**WHEREAS**, the County does not currently have a contract for a Video Conferencing software program; and

**WHEREAS**, the Administration and Finance Committees have approved entering into such a contract for one (1) year.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Director of the Information Technology Department is hereby authorized to enter into a contract with Zoom Video Communications, Inc. for software licensing for \$23,667.00; and be it further

**RESOLVED**, the funding for this contract is hereby approved from Account #5 250 000- EDP Equipment; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Director of the Information Technology Department, Commissioner of Finance and the County Manager.

Mr. Swackhamer stated Zoom was having some issues with security. Have those issues been fixed? Mr. Van Etten stated the number we have for the public is different than what we use and there are no speaking rights.

Mr. Roush asked can Ms. Mori control who is on the call and if someone is inappropriate can she cut them out? Ms. Mori replied she is hopeful. She stated she has only used Zoom once, but she is sure that Information Technology will train her.

Mr. Roush stated the Town of Erwin uses Zoom and it works fairly well. Will the municipalities be able to participate with this? Mr. Van Etten stated there are 150 licenses, so I don't think they will. We could ask if they can piggyback on this. Mr. Wolverton stated all of the security concerns have been taken care of. Since this is an enterprise account we can select that all of our traffic will not leave the United States.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 120-20**

Introduced by R. Lattimer and G. Swackhamer.

Seconded by F. Potter.

**CONSENTING TO A PROPOSED PILOT AGREEMENT AND PILOT PAYMENT DISTRIBUTION TO BE PROVIDED BY THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY IN CONNECTION WITH A CERTAIN PROJECT TO BE UNDERTAKEN BY CANISTEO WIND ENERGY, LLC.**

**WHEREAS, CANISTEO WIND ENERGY LLC**, for itself or on behalf of an entity to be formed by it or on its behalf (collectively, the "Company"), has submitted an application (the "Application") to the **Steuben County Industrial Development Agency** (the "Agency") requesting the Agency's assistance with a certain project (the "Project"), consisting of: (i) the acquisition by the Agency of leasehold, easement or other interest in multiple parcels (or portions thereof) of land located in the Towns of Cameron, Canisteo, Greenwood, Jasper, Troupsburg, and West Union, Steuben County, New York (the "Land"), (ii) the construction, installation and operation on the Land of between 117 wind turbines – with a generating capacity of 290.7 MW – together with the associated collection lines (below grade and overhead), access roads, meteorological towers, substation and an operation and maintenance (O&M) building (the "Improvements"), and (iii) the acquisition and installation by the Company in and around the Improvements of certain items of equipment and other tangible personal property to undertake the Project (the "Equipment"; and, collectively with the Land and the Improvements, the "Facility"); and

**WHEREAS**, in connection with the Application, and in furtherance of the Project's positive financial impact within the County of Steuben (the "County"), the Company has requested the Agency's consideration for a payment-in-lieu-of-tax agreement ("PILOT Agreement") that would provide twenty (20) years of real property tax exemption relating to the Improvements and a PILOT payment structure as follows: (i) initial fixed annual PILOT payment of \$5,300.00 per Megawatt ("MW") of production capacity for the Project (the "Base PILOT Payment"), which would escalate two percent (2%) per year, compounded; and (ii) requirement to pay all taxes associated with the value of the Land upon which the Project is situated, as assessed prior to the acquisition of the Land and construction and installation of the Project (the "Land PILOT Payments", such Land PILOT Payments to be distributed by the Agency to the Affected Tax Jurisdictions (as defined hereafter) pro-rata based upon each respective annual tax rate); and

**WHEREAS**, the Agency and the Company have further requested the School District's consent to a PILOT distribution structure (the "PILOT Distribution") whereby the Agency would distribute the Base PILOT Payments received from the Company in connection with the Project among Steuben County, the Town of Cameron, Town of Canisteo, Town of Greenwood, Town of Jasper, Town of Troupsburg, Town of West Union, the Addison School District, the Canisteo Greenwood School District, and the Jasper Troupsburg School District (collectively, the "Affected Tax Jurisdictions"), based upon a negotiated formula; and

**WHEREAS**, the Agency and the Company have requested the consent of the Town to the PILOT Distribution pursuant to and in accordance with General Municipal Law Section 858(15), and in reliance upon the same, anticipate entering into certain project development agreements and memorializing the terms of the PILOT Agreement.

**NOW THEREFORE, BE IT**

**RESOLVED BY THE LEGISLATURE OF STEUBEN COUNTY AS FOLLOWS:**

Section 1. The County hereby consents to and approves the PILOT Distribution and PILOT Agreement, and authorizes and directs the Agency to undertake the PILOT Distribution pursuant to the terms of the PILOT Agreement.

Section 2. The Chair of the Legislature (or other authorized representative) is hereby authorized to execute and deliver a consent certificate (the "Certificate"), such Certificate to be delivered to the Agency as evidence of the County's consent to undertake the PILOT Distribution.

Section 3. This Resolution shall take effect immediately.

**Vote: Roll Call – Adopted. Yes – 7689; No – 0; Abstained – 1732; Absent – 451**  
**(Abstained – Legislator Maio - represents the town of Cameron which may be a beneficiary in this; Legislator Mullen - represents all towns listed in the PILOT and Legislator Ryan - may realize a potential financial benefit; Absent – Legislator Van Caesele)**

**RESOLUTION NO. 121-20**

Introduced by R. Lattimer and G. Swackhamer.

Seconded by H. Lando.

**AUTHORIZING AN AMENDMENT TO THE EXISTING CONTRACT WITH THE REGIONAL ECONOMIC DEVELOPMENT AND ENERGY CORPORATION (REDEC).**

**WHEREAS**, Steuben County has provided funding to assist REDEC in their daily operations of assisting small businesses in Steuben County for many years; and

**WHEREAS**, REDEC in response to the COVID-19 Pandemic has had to alter their standard business model and has incurred increased operational costs in doing so; and

**WHEREAS**, REDEC has the knowledge, skills, and experience to perform services that assist small businesses in Steuben County during the COVID-19 Pandemic; and

**WHEREAS**, the AIP and Finance Committees of the Steuben County Legislature have approved the requested increase in funding.

**NOW THEREFORE, BE IT**

**RESOLVED**, the County Manager is hereby authorized to increase the existing contract with the Regional Economic Development and Energy Corporation (REDEC) by \$150,000.00, to be paid for from the Economic Development Fund; and be it further

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

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 122-20**

Introduced by R. Nichols.

Seconded by G. Roush.

**AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY IN THE TOWN OF CAMERON FOR THE COUNTY ROUTE 119 BRIDGE OVER THE CANISTEO RIVER PROJECT.**

**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**, in order to construct and maintain the Project, the County desires to acquire in fee a parcel of land from Marie Dartt-Bentley of 6021 County Route 119, Cameron, NY, 14819 being a portion of Tax Parcel ID 256.00-01-30.110, located adjacent to the Project; and

**WHEREAS**, the fee acquisition contains 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).

**NOW THEREFORE, BE IT**

**RESOLVED**, this Legislature does hereby approve of acquiring in fee, for the sum of one thousand dollars (\$1,000.00), the aforementioned 0.263± acre parcel of land from Marie Dartt-Bentley of 6021 County Route 119, Cameron, NY, 14819, being a portion of Tax Parcel ID 256.00-01-30.110, located adjacent to the Project; and be it further

**RESOLVED**, the County Manager is authorized to make and enter into agreements on behalf of the County of Steuben and 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, County Attorney, and County Manager.

**Vote: Roll Call – Adopted. Yes – 8816; No – 605; Abstained – 0; Absent – 451**  
**(No – Legislator Fitzpatrick)**

**RESOLUTION NO. 123-20**

Introduced by J. Malter.

Seconded by R. Lattimer.

**AUTHORIZING THE COUNTY MANAGER TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH SCHUYLER COUNTY E-911 FOR A 911 CALL PROCESSING SYSTEM.**

**WHEREAS**, Steuben and Schuyler Counties would like to build and share a 911 call processing system and utilize the Southern Tier Fiber Network to connect the respective sites and related computer systems; and

**WHEREAS**, substantial cost savings may be realized when two or more counties consolidate 911 call processing services and equipment; and

**WHEREAS**, the Public Safety and Corrections Committee approved this proposed Inter-Municipal Agreement.

**NOW THEREFORE, BE IT**

**RESOLVED**, the County Manager is hereby authorized to execute the Inter-Municipal Agreement, subject to approval by the County Attorney; and be it further

**RESOLVED**, certified copies of this resolution are provided to the County Manager, Director, E-911 Department, Director, Office of Emergency Services, County Attorney and Schuyler County Administrator Timothy O'Hearn 105 Ninth St. Unit 37 Watkins Glen, NY 14891.

Mr. Mullen asked where will this be built and what will be the cost? Mr. Wheeler replied we don't have that yet. This is really establishing a more formal working relationship to get quotes. This is just the starting point. Mr. Mullen stated I thought it was a good idea generally.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 124-20**

Introduced by R. Lattimer.

Seconded by C. Ferratella.

**APPOINTING A CERTIFYING OFFICER FOR THE CDBG PROJECT AND DECLARING THE PROJECT A TYPE II ACTION.**

**WHEREAS**, the County has received a Community Development Block Grant (CDBG) to repair or replace failing septic systems or drinking water wells, or install water/sewer laterals, and replace manufactured homes, for low- and moderate-income homeowners throughout the county, CDBG Project #1115HR339-19; and

**WHEREAS**, an environmental review of said project must be completed; and

**WHEREAS**, a Certifying Officer must be appointed for the environmental review.

**NOW THEREFORE, BE IT**

**RESOLVED**, that in accordance with the National Environmental Policy Act of 1069 (NEPA) and the related authorities listed at 24 CFR Part 58, the County Legislature of the County of Steuben announces its intent to conduct an environmental review of said project; and be it further

**RESOLVED**, that the County Legislature designates Amy Dlugos, Director, Department of Planning, as the Certifying Officer, responsible for all activities associated with the environmental review process to be completed in conjunction with NYS Project #1115HR339-19; and be it further

**RESOLVED**, that for the purposes of the NYS Environmental Quality Review Act (SEQRA), CDBG Project #1115WS339-19 is a Type II action, with no further review required under NYS regulations; and be it further

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

**Vote: Roll Call – Adopted.**

### **RESOLUTION NO. 125-20**

Introduced by S. Van Etten.

Seconded by G. Swackhamer.

### **CALLING ON THE STATE OF NEW YORK TO RELEASE ENHANCED FEDERAL MEDICAID MATCHING FUNDS TO COUNTIES AND NEW YORK CITY.**

**WHEREAS**, in response to the COVID-19 pandemic, Congress has enacted extraordinary measures to help states and localities with increased costs and lost revenues; and

**WHEREAS**, a key action enacted by the Federal Government was a 6.2 percent increase in the Federal Medical Assistance Percentage (FMAP); and

**WHEREAS**, Congress has used this mechanism to provide fiscal relief to states and their local government Medicaid funding partners to reduce the financial burden they often experience in an economic downturn; and

**WHEREAS**, counties and New York City are struggling with higher costs responding to COVID-19 and experiencing extensive revenue declines due to the shutdown of large swaths of the economy; and

**WHEREAS**, we project that each quarter of enhanced FMAP funding is worth hundreds of millions of dollars for counties and New York City.

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

**RESOLVED**, that the County of Steuben, is respectfully requesting financial assistance through Federal FMAP monies by reducing county weekly Medicaid payments retroactive to January 1, 2020 to provide some partial fiscal relief to the current conditions; and be it further

**RESOLVED**, we also respectfully request that the State provide a timeline to all counties on the release of the enhanced Federal Medicaid matching funds related to the Affordable Care Act “reconciliation funds” that have been withheld for over three years and the likely mechanism on how these funds will be delivered to counties and New York City; 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; Congressman Thomas Reed, 89 W. Market Street, Corning, NY 14830; Senator Charles Schumer, United States Senate, 322 Hart Senate Office Building, Washington, DC 20510-3202; and Senator Kirsten Gillibrand, United States Senate, 100 State St., Room 4195, Rochester, NY 14614; Stephen Acquario, Executive Director, NYSAC, 540 Broadway, 5<sup>th</sup> 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.**

**RESOLUTION NO. 126-20**

Introduced by S. Van Etten.

Seconded by F. Potter.

**MEMORIALIZING THE UNITED STATES CONGRESS TO PROVIDE DIRECT AID TO LOCAL GOVERNMENTS.**

**WHEREAS**, the largest single source of revenue for many counties in New York State is sales tax, and Counties such as Steuben rely on the economic activity of a strong tourist industry and the substantial occupancy tax that is generated by that industry; and

**WHEREAS**, the New York State Association of Counties predicts that counties across New York State will face revenue shortfalls in excess of two billion dollars from lost sales and occupancy taxes, gaming revenue, and other fees as a consequence of the social distancing measures necessary to stop the spread of COVID-19; and

**WHEREAS**, in response to the Covid-19 pandemic counties are facing unprecedented fiscal stress as revenue has plummeted at the same time that counties are experiencing record demand for services; and

**WHEREAS**, County Health Departments, Emergency Response Departments, 911, Office for the Aging, and many other County departments and agencies are on the front lines in the fight against COVID-19 and are extending every possible resource to help flatten the curve, save lives and return our County to normal operation as soon as possible; and

**WHEREAS**, the healthy function of our democratic society depends on effective and responsive local government in order to provide necessary services and resources; and

**WHEREAS**, the NYS Division of Budget has announced that budget shortfalls resulting from the COVID-19 pandemic could result in cuts of up to 50% in State aid to local governments, and that "The scope and depth of the reductions to local aid programs needed to balance the FY 2021 Budget have no precedent in modern times" and that "In the absence of Federal aid, nearly every activity funded by state government in the aid to localities budget ... will face steep cuts"; and

**WHEREAS**, local property taxpayers cannot absorb the cost of this loss of these revenues and state aid cuts; and

**WHEREAS**, the dissolution or bankruptcy or disintegration of our local government is clearly undesirable and a threat to the public good; and

**WHEREAS**, H.R. 748 Corona Virus Aid, Relief and Economic Security Act (CARES) has not yet provided any direct aid to local governments; and

**WHEREAS**, New York State Residents paid \$22 billion more to the Federal Government than they got back in Federal spending in 2019, and more than \$116 billion over the past four years; and

**WHEREAS**, New York pays more to the Federal Government than the next two largest donor states combined.

**NOW THEREFORE, BE IT**

**RESOLVED**, as Congress negotiates the next COVID-19 response package, the Steuben County Legislature calls upon our United States Congressional Representatives to demand direct assistance to County and Local Governments; and be it further

**RESOLVED**, the Clerk of the Legislature shall send a copy of this resolution to United States Senators Charles E. Schumer and Kirsten Gillibrand and Congressman Thomas Reed.

**Vote: Acclamation – Adopted.**

Chairman Van Etten stated New York on Pause has been extended to June 6<sup>th</sup>. We have four committee meetings scheduled the first week of June and we will continue to do those via teleconference. Hopefully, if the Pause is lifted, we will be on site the following week.

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