

SPECIAL MEETING
Morning Session
Thursday, November 26, 2018
Legislative Chambers

The County Legislature of the County of Steuben convened in Special Session in the Legislative Chambers in Bath, NY on the 26th day of November, 2018 at 11:30 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members present except Legislators Schu and Weaver.

Mrs. Lando provided the Invocation and Ms. Fitzpatrick led the Pledge of Allegiance.

Chairman Hauryski opened the floor for comments by members of the public. There being none, he declared the opportunity for public comment closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proof of Posting for the Notice of Completion and Filing of the Assessment Roll for the Marsh Ditch Watershed Protection District. Chairman Hauryski opened the floor for comments by members of the public. There being none, he declared the public hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proof of Posting for the Notice of Completion and Filing of the Assessment Roll for the Upper Five Mile Creek Watershed Protection District. Chairman Hauryski opened the floor for comments by members of the public. There being none, he declared the public hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proof of Posting for the Notice of Completion and Filing of the Assessment Roll for the Lamoka/Waneta Lakes' Protection and Rehabilitation District. Chairman Hauryski opened the floor for comments by members of the public. There being none, he declared the public hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proof of Posting Upon County of Steuben Local Law Tentatively No. Five for the Year 2018, Establishing the annual salaries of certain elected or appointed officials and department heads of the County of Steuben who have a fixed term of office for the fiscal year 2019. Chairman Hauryski opened the floor for comments by members of the public. There being none, he declared the public hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proof of Posting on the Tentative Budget for the Fiscal Year 2019. Chairman Hauryski opened the floor for comments by members of the public. There being none, he declared the public hearing closed.

Mr. Donnelly reported that pursuant to the tax cap requirements, the tentative 2019 budget was filed with the State Comptroller this morning at 9:13 a.m.

Ms. Mori reminded the Legislators that the Youth In Government simulated session will be held Thursday, December 6, 2018, at 10:45 a.m.

RESOLUTION NO. 198-18

Introduced by S. Van Etten.

Seconded by R. Nichols.

ADOPTING LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2018, ESTABLISHING THE ANNUAL SALARIES OF CERTAIN ELECTED OR APPOINTED OFFICIALS AND DEPARTMENT HEADS OF THE COUNTY OF STEUBEN WHO HAVE A FIXED TERM OF OFFICE FOR THE FISCAL YEAR 2019.

Pursuant to Sections 200, 201 and 214 of the County Law and Sections 10, 20 and 24 of the General Municipal Law of the State of New York.

WHEREAS, pursuant to the Steuben County Management Evaluation and Salary Plan, as revised, Management employees, with the exception of elected positions, had performance evaluations conducted; and

WHEREAS, pursuant to the Plan, all salary adjustments for Management employees are based upon the reviews conducted pursuant to said Plan; and

WHEREAS, the Administration Committee has approved salaries for all Management employees, except Legislators, based upon performance evaluations; and

WHEREAS, the Administration Committee has reviewed and studied the evaluations pursuant to the Plan concerning the salaries of certain elected or appointed officials of the County of Steuben who have a fixed term of office for the Fiscal Year 2019, which individuals are presently serving mid-term; and

WHEREAS, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Five for the Year 2018, establishing the annual salaries of such appointed officials for the Fiscal Year 2019.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law Tentatively No. Five for the Year 2018, Establishing the Annual Salaries of Certain Elected or Appointed Officials and Department Heads of the County of Steuben who have a Fixed Term of Office for the Fiscal Year 2019, as hereinafter set forth be and the same hereby is finally adopted, to wit:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2018**

A LOCAL LAW, Establishing the Annual Salaries of Certain Elected or Appointed Officials and Department Heads of the County of Steuben who have a Fixed Term of Office for the Fiscal Year 2019.

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

SECTION 1: Except where inconsistent by operation of law due to prohibitions of increases of compensation during a fixed term of office for County officers and employees as provided in County Law §201 and Municipal Home Rule Law §24(2)(h), the “Steuben County Management Evaluation and Salary Plan”, Administrative Code of the County of Steuben Part XV be, and the same hereby is, applicable to officers and employees having a fixed term of office, whether elected or appointed, as are any and all resolutions of the Steuben County Legislature relative to rights and entitlements of County executive and management personnel.

SECTION 2: Effective with the first county payroll for the County Fiscal Year 2019, the annual salaries of the certain elected or appointed officials and department heads of the County of Steuben who have a fixed term of office are hereby established for the Fiscal Year 2019 as follows, to wit:

<u>TITLE</u>	<u>2018 SALARY</u>	<u>2019 SALARY</u>
Commissioner, Public Works	\$106,266	\$108,923
Commissioner, Social Services	\$106,266	\$108,923
Commissioner of Finance	\$96,857	\$99,278
Clerk of Legislature	\$70,151	\$71,780
County Attorney	\$128,798	\$131,695
County Clerk	\$67,551	\$69,070
Personnel Officer	\$86,455	\$88,616
Director of Real Property	\$66,300	\$68,125
Sheriff	\$86,705	\$90,000

SECTION 3: Should any of the above positions become vacant and subsequently filled by one other than the present incumbent, the salary shall in that instance be set by the Legislature prior to filling said vacancy.

SECTION 4: This Local Law shall become effective, subject to a permissive referendum, forty-five (45) days after the date of its final adoption and on the date it is duly filed in the Office of the Secretary of State of the State of New York and in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

BE IT FURTHER RESOLVED, within twenty (20) days after such Local Law is adopted the Clerk of this Legislature of the County of Steuben shall cause a copy of the Local Law to be published in the two officially designated county newspapers, the Leader of Corning, New York, and the Evening Tribune of Hornell, New York, together with notice that said Local Law is subject to a permissive referendum of the qualified electors of Steuben County by the filing of a petition within forty-five (45) days from the date of the final adoption of the Local Law with the Clerk of this Legislature demanding such referendum, which petition must be signed by qualified electors of the County registered to vote therein at the last preceding election, in number equal to at least ten per centum (10%) of the total number cast for Governor at the last gubernatorial election in the County; and be it further

RESOLVED, within five (5) days after the expiration of the time for the filing of petitions for a permissive referendum of said Local Law, the Clerk of the Legislature shall cause one certified copy thereof to be filed in the office of the Secretary of State of the State of New York, and the said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Finance, the Personnel Officer and all appointed and elected officials mentioned above.

Vote: Roll Call – Adopted.

RESOLUTION NO. 199-18

Introduced by S. Van Etten.

Seconded by J. Malter.

FINAL ADOPTION OF THE ANNUAL COUNTY BUDGET FOR THE FISCAL YEAR 2019.

Pursuant to Section 360 of the County Law, Sections 24 and 25 of the Local Finance Law of the State of New York, and Section 2.07(2) of the Steuben County Charter.

WHEREAS, the Tentative Budget, Budget Message and the Proposed Appropriation Resolution of the County of Steuben for the Fiscal Year 2019 were duly filed with the Clerk of the County Legislature on or before November 15, 2018, and appropriate action taken thereupon and fixing the date, time and place for holding the required public hearings; and

WHEREAS, the duly advertised Public Hearings on the Tentative Budget and for the Watershed Protection Districts were opened, held and completed on November 26, 2018, commencing at 11:30 A.M. in the Legislative Chambers in the Village of Bath; and

WHEREAS, all persons attending said above-mentioned hearings were given the right to provide written and oral statements and comments concerning the entire Budget.

NOW THEREFORE, BE IT

RESOLVED, the Clerk of the Legislature is hereby directed to cause to be filed in her office proofs of publication of the notices of the hearings on the above stated Tentative Budget and Watershed Protection Districts for the Fiscal Year 2019; and be it further

RESOLVED, pursuant to Sections 356 and 360 of the County Law of the State of New York said Tentative Budget for the County of Steuben for the Fiscal Year 2019 as may have been changed, amended, altered and revised by this County Legislature to date be and the same hereby is adopted by this Legislature as the Budget of the County of Steuben for the Fiscal Year 2019; and be it further

RESOLVED, the Clerk of the Legislature with the assistance of the Budget Officer, in accordance with any such changes, amendments, alterations and revisions of the Tentative Budget to date, enter in the column entitled, "adopted" the estimated expenditures in the Tentative Budget as may have been modified or changed; and be it further

RESOLVED, the Clerk of the Legislature, with the assistance of the Budget Officer, shall enter in the column entitled "adopted" the estimated revenues in the Tentative Budget with any changes or modifications as may have been made to date; and be it further

RESOLVED, the several sums therein mentioned for expenditures and revenues are appropriated for the objects and purposes enumerated, including, but not limited to, the salaries for public officers and officials who are appointed by the Legislature or who are appointed by the Legislature to fixed terms of office commencing January 1, 2019, or thereafter in the Year 2019, and that the salary set forth in the Salary Schedule for Chairman of the Legislature and Legislators be adopted; and be it further

RESOLVED, there be and the same hereby are approved, created and established the following Capital Projects for 2019:

<u>Department/Project</u>	<u>Total Appropriation</u>
Permanent Road Improvements	\$5,160,000
Information Technology	425,000
Buildings & Grounds	329,000
Office Space Utilization	250,000
Elections	100,000
Highway	750,000
Solid Waste	1,221,000
Sheriff/Jail	154,430
Total	\$8,389,430

AND BE IT FURTHER RESOLVED, those Capital Projects denoted as "Buildings and Grounds" and "Office Space Utilization" are hereby appropriated from the Capital Reserve Building Repairs and Renovations.

Vote: Roll Call – Adopted.

RESOLUTION NO. 200-18

Introduced by S. Van Etten.

Seconded by G. Roush.

AMENDING THE STEUBEN COUNTY BUDGET AND ADOPTING THE APPROPRIATION RESOLUTION FOR THE FISCAL YEAR 2019.

Pursuant to Section 360 of the County Law of the State of New York, the official Rules and Regulations of the New York State Department of Audit and Control, Section 520 of the Real Property Tax Law, and Section 2.07(2) of the Steuben County Charter.

WHEREAS, the Legislature, by resolution on even date herewith, has adopted a Budget for the Fiscal Year 2019, for the County of Steuben; and

WHEREAS, Chapter 4 of the official Rules and Regulations of the New York State Department of Audit and Control provides that Sales taxes used to reduce real property taxes on a part-county basis shall not be applied until after the Budget has been adopted and recorded, and that the County Budget shall then be amended by increasing estimated revenues (Account A-1115, Non-Property Taxes to Reduce Town Tax Levy) and reducing the amount to be raised by real property taxes (Account A-1001, Real Property Taxes); and

WHEREAS, Section 360, subdivision 3, of the County Law provides for the raising of the taxes required by the County Budget.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Budget for the Fiscal Year 2019, as previously adopted on even date herewith, is hereby amended to provide that the amount for non-property taxes be applied to the Towns' share of the County tax levy so that the Sales taxes anticipated shall be used to reduce real property taxes on a part-County basis, and hereby directing that the anticipation of Sales tax credit is to be applied on a part-County basis against the County-wide tax levy; and be it further

RESOLVED, other than the amendment, as set forth in the above paragraph of this resolution, the Steuben County Budget for the Fiscal Year 2019 shall remain the same as recorded and adopted in accordance with said prior Budget adoption resolution of even date herewith; and be it further

RESOLVED, the several amounts specified in the 2019 County Budget be and hereby are appropriated for the objects and purposes enumerated therein; and be it further

RESOLVED, the total appropriation required in the Steuben County Budget for the Fiscal Year 2019 to be raised by taxes amounting to the sum of \$49,989,115.00 reduced by the pro-rata and omitted taxes of \$36,124.99 and also reduced by anticipation of the sales tax credit in the amount of \$7,466,627.62 in accordance with the above-stated regulation as to application, shall be levied and assessed upon the property within the County liable therefore for the Fiscal Year beginning January 1, 2019; and be it further

RESOLVED, pursuant to Sections 356 and 360 of the County Law of the State of New York, the Proposed Appropriation Resolution presented November 15, 2018, and filed with the Clerk of the Legislature on November 15, 2018 for the Year 2019, and as amended, altered, or revised by this County Legislature to date, be and the same hereby is adopted by this Legislature as the appropriation resolution for Fiscal Year 2019; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 201-18

Introduced by S. Van Etten.

Seconded by T. Ryan.

COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2018 FOR THE MARSH DITCH WATERSHED PROTECTION DISTRICT.

Pursuant to Sections 270 and 271 of the County Law of the State of New York.

WHEREAS, the assessment roll for the Year 2018, for the Marsh Ditch Watershed Protection District in the Towns of Dansville and Hornellsville, in the County of Steuben, and State of New York for the Budget Year 2019, has been completed and properly filed with the Steuben County Real Property Tax Service Agency at its office in the Steuben County Office Building, 3 East Pulteney Square in the Village of Bath, New York for review and inspection by the public and interested parties; and

WHEREAS, proper notice of the completion and filing of said assessment roll, and also proper notice that the Public Hearing on the assessment roll would be held by the County Legislature of the County of Steuben in the Legislative Chambers of the County Office Building in the Village of Bath, New York on November 26, 2018, at 11:30 A.M. to hear and consider any objections pertaining to said assessment roll; and

WHEREAS, due and proper proof of the publication of the notice of the aforesaid Public Hearing has been filed in the Office of the Clerk of the Legislature; and

WHEREAS, the aforesaid Public Hearing was duly held on November 26, 2018, and any persons appearing in regard to the said assessment roll having been heard.

NOW THEREFORE, BE IT

RESOLVED, said assessment roll for the Year 2018 for the Marsh Ditch Watershed Protection District in the Towns of Dansville and Hornellsville in the County of Steuben and State of New York be and the same hereby is approved as completed and filed in the office of the Steuben County Real Property Tax Service Agency; and be it further

RESOLVED, the Director of Steuben County Real Property Tax Service Agency and the Steuben County Commissioner of Finance shall see to the proper procedure for the levy and collection of the appropriate taxes on the several real properties situate and benefited within said Water Protection District; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; County Commissioner of Finance; the Attorney for said District; and President of the Board of Directors of the said Water Protection District.

Vote: Roll Call – Adopted.

RESOLUTION NO. 202-18

Introduced by S. Van Etten.

Seconded by F. Potter.

ACCEPTING THE 2019 BUDGET OF THE MARSH DITCH WATERSHED PROTECTION DISTRICT.

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

RESOLVED, the Budget for the Marsh Ditch Watershed Protection District be and the same hereby is established in the amount of \$12,500 of which sum \$12,500 shall be appropriated from surplus; and be it further

RESOLVED, the Steuben County Legislature hereby accepts the report of the Marsh Ditch Watershed Protection District and adopts the respective Budget for 2019; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; Attorney for the Protection District; and the President of the Administrative Board of the Marsh Ditch Watershed Protection District.

Vote: Roll Call – Adopted.

RESOLUTION NO. 203-18

Introduced by S. Van Etten.

Seconded by C. Ferratella.

COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2018 FOR THE UPPER FIVE MILE CREEK WATERSHED PROTECTION DISTRICT.

Pursuant to Sections 270 and 271 of the County Law of the State of New York.

WHEREAS, the assessment roll for the Year 2018 for the Upper Five Mile Creek Watershed Protection District in the Towns of Prattsburgh, Wheeler and Urbana in the County of Steuben and State of New York for the Budget Year 2019 has been completed and properly filed with the Steuben County Real Property Tax Service Agency at its office in the Steuben County Office Building, 3 East Pulteney Square in the Village of Bath, New York for review and inspection by the public and interested parties; and

WHEREAS, proper notice of the completion and filing of said assessment roll, and also proper notice that the Public Hearing on the assessment roll would be held by the County Legislature of the County of Steuben in the Legislative Chambers of the County Office Building in the Village of Bath, New York on the 26th day of November 2018, at 11:30 A.M. to hear and consider any objections pertaining to said assessment roll; and

WHEREAS, due and proper proof of the publication of the notice of the aforesaid Public Hearing has been filed in the Office of the Clerk of the Legislature; and

WHEREAS, the aforesaid Public Hearing was duly held on the 26th day of November 2018, and any persons appearing in regard to the said assessment roll having been heard.

NOW THEREFORE, BE IT

RESOLVED, said assessment roll for the Year 2018 for the Upper Five Mile Creek Watershed Protection District in the Towns of Prattsburgh, Wheeler and Urbana in the County of Steuben and State of New York, be and the same hereby is, approved as completed and filed in the Office of the Steuben County Real Property Tax Service Agency; and be it further

RESOLVED, the Director of Steuben County Real Property Tax Service Agency and the Steuben County Commissioner of Finance shall see to the proper procedure for the levy and collection of the appropriate taxes, if any, on the several real properties situate and benefited within said Water Protection District; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; County Commissioner of Finance; and President of the Board of Directors of the said Water Protection District.

Vote: Roll Call – Adopted.

RESOLUTION NO. 204-18

Introduced by S. Van Etten.

Seconded by H. Lando.

ACCEPTING THE 2019 BUDGET OF THE UPPER FIVE MILE CREEK WATERSHED PROTECTION DISTRICT.

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

RESOLVED, the Budget for the Upper Five Mile Creek Watershed Protection District be and the same hereby is established in the amount of \$42,025 of which sum \$42,025 shall be appropriated from surplus; and be it further

RESOLVED, the Steuben County Legislature hereby accepts the report of the Upper Five Mile Creek Watershed Protection District and adopts the respective Budget for 2019; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency; and the President of the Administrative Board of the Upper Five Mile Creek Watershed Protection District.

Vote: Roll Call – Adopted.

RESOLUTION NO. 205-18

Introduced by S. Van Etten.

Seconded by G. Roush.

COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2018 FOR THE LAMOKA/WANETA LAKES' PROTECTION AND REHABILITATION DISTRICT.

Pursuant to Sections 270 and 271 of the County Law of the State of New York.

WHEREAS, the assessment roll for the Year 2018 for the Lamoka/Waneta Lakes' Protection and Rehabilitation Districts in the Towns of Wayne and Bradford in the County of Steuben and State of New York for the Budget Year 2019 has been completed and properly filed with the Steuben County Real Property Tax Service Agency at its office in the Steuben County Office Building, 3 East Pulteney Square in the Village of Bath, New York for review and inspection by the public and interested parties; and

WHEREAS, proper notice of the completion and filing of said assessment roll and also proper notice that the Public Hearing on the assessment roll would be held by the County Legislature of the County of Steuben in the Legislative Chambers of the County Office Building in the Village of Bath, New York on November 26, 2018, at 11:30 A.M. to hear and consider any objections pertaining to said assessment roll; and

WHEREAS, due and proper proof of the publication of the notice of the aforesaid Public Hearing has been filed in the Office of the Clerk of the Legislature; and

WHEREAS, the aforesaid Public Hearing was duly held on 26th day of November 2018, and any persons appearing in regard to the said assessment roll having been heard.

NOW THEREFORE, BE IT

RESOLVED, said assessment roll for the Year 2018 for the Lamoka/Waneta Lakes' Protection and Rehabilitation Districts in the Towns of Wayne and Bradford in the County of Steuben and State of New York be and the same hereby is approved as completed and filed in the Office of the Steuben County Real Property Tax Service Agency; and be it further

RESOLVED, the Director of the Steuben County Real Property Tax Service Agency and the Steuben County Commissioner of Finance shall see to the proper procedure for the levy and collection of the appropriate taxes, if any, on the several real properties situate and benefited within said Lakes' Protection and Rehabilitation Districts; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Schuyler County Legislature, 105 Ninth Street, Unit 6, Watkins Glen, NY 14891; Director of Real Property Tax Service Agency, and the County Commissioner of Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 206-18

Introduced by S. Van Etten.

Seconded by R. Nichols.

DIRECTING THE LEVY OF THE LAMOKA/WANETA LAKES' PROTECTION AND REHABILITATION DISTRICT FOR TAXES DUE JANUARY 2019.

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

RESOLVED, the report of the Lamoka/Waneta Lakes' District Commission of the several amounts of taxes due January 2019, levied upon the various parcels of land in the said Lakes' Protection and Rehabilitation Districts in the amount of \$43,146.00 to be received and filed, and the Director of the Steuben County Real Property Tax Service Agency is directed to levy the amount upon the various parcels therein mentioned in accordance with said report; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Schuyler County Legislature, 105 Ninth Street, Unit 6, Watkins Glen, NY 14891; Director of Real Property Tax Service Agency, and the County Commissioner of Finance.

Vote: Roll Call – Adopted.

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