

REGULAR MEETING
Morning Session
Monday, September 24, 2018
Legislative Chambers

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers in Bath, NY on the 24th day of September, 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 Weaver.

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

Chairman Hauryski asked Kyle Zver to come forward. Mr. Zver is an employee in the Public Works Department. 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 Donald Hutches to come forward. Mr. Hutches is an employee in the Public Works Department. 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 Warriner to come forward. Mr. Warriner is an employee in the Probation Department. He presented him with a Certificate of Appreciation and a pin in recognition of his 15 years of service to Steuben County.

Chairman Hauryski asked Eric Robarge to come forward. Mr. Robarge is an employee in the Probation Department. He presented him with a Certificate of Appreciation and a pin in recognition of his 15 years of service to Steuben County.

Chairman Hauryski asked Stephanie DuBois to come forward. Ms. DuBois is an employee in the Probation Department. He presented her with a Certificate of Appreciation and a pin in recognition of her 20 years of service to Steuben County.

Chairman Hauryski opened the floor for opportunity for public comment.

Dianna Poissant, Riverside, Rhode Island, stated she and her family are here today to advocate and speak for her deceased brother, Matt Cole. Her brother was found in a snow bank, in the median along State Route 36 in Hornell. We know where he was and what he was doing. No charges were filed by the District Attorney. We have retained the services of Attorney Schlather. We have called the District Attorney, the Sheriff and the State Police. The State Police have been very compassionate, but indicated that the District Attorney has to invite them into the case. What is wrong with inviting the State Police to come in and take a second look? Everyone makes bad decisions, and Matt did. The District Attorney is supposed to work for the people. It seems the alleged perpetrator is being protected and we would like answers.

Wayne Wells, Cameron, NY, stated several weeks ago we had a heavy rain and he had a conference call with physicians and he could barely understand due to the poor connection. He also provided commentary regarding President Trump and his nominee to the United States Supreme Court.

Chairman Hauryski declared the opportunity for public comment closed.

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

Mr. Van Etten announced the first Budget Workshop will be held on Tuesday, October 9th at 10:00 a.m., or immediately following Finance.

Mr. Spagnoletti stated that he would like to provide an update on the rain damage we received Friday night. Woodhull and Tuscarora received 2 – 4 inches of rain in one hour. In Tuscarora, CR 85 is closed from Bland Road to Elkland, PA as there is 1,500 feet of pavement that is washed out. In Lindley, CR 127 to Osceola, PA has 700 feet of pavement that was washed out and road crews were able to fill that back in, however, the road is closed to local traffic only. He stated that represents a cost to us of about \$150,000, not including labor and equipment, for 100 loads of rock to fill in the ditches and protect the walls on the bridges. Mr. Spagnoletti stated that they do have a shoulder project in Prattsburgh on CR 122 that will cost \$189,000. He will be asking for committee authorization to cancel that contract and transfer those funds to the flood damage line. With regard to CR 85 in Tuscarora, the regional director of NYSDOT has been in contact with us. The Town of Lindley is in bad shape and NYSDOT has been helping them with the work that needs to get done.

Mr. Hauryski asked was there any bridge damage? Mr. Spagnoletti replied we are not aware of anything significant. Mr. Potter asked will we be able to receive FEMA funds for this? Mr. Marshall replied with a FEMA declaration we could. We have met our County declaration requirements, but in order to receive the funding, damages statewide need to be \$25 - \$26 million. From this storm, other counties were not seeing the damage. The only way we would be eligible for FEMA funding is if they group this storm with the other storms that occurred this summer; then there is a possibility. We have not seen FEMA do that in recent years. Most likely, this will be local cost. The Town of Lindley lost a couple of roads completely and they are working with NYSDOT and have declared a state of emergency.

Mr. Nichols asked how long will CR 85 be closed? Mr. Spagnoletti replied probably about a month.

RESOLUTION NO. 147-18

Introduced by S. Van Etten.

Seconded by G. Swackhamer.

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 Vice 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 further authorized and directed to convey those parcels sold at the Delinquent Tax Auction held on July 13, 2018, contained in Schedule "B", and he is further authorized and directed, in the event of a default by the highest bidder by failure to make full payment within thirty (30) days of the date of this Resolution, to convey those parcels to the second highest bidder upon receipt of full payment from the second highest bidder, and said transfers made pursuant hereto be and the same hereby are ratified; and be it further

RESOLVED, the said grantee(s), recited in Schedule "B" 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 2018" 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 Vice Chairman of the County Legislature, the Chairman of the Board of Assessors of the appropriate municipality, and the Clerk of the Board of Education of the appropriate School District; and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Commissioner of Finance, the director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, the Clerk of the Board of Education of the appropriate School District, and the grantee(s).

SCHEDULE "A"

Resolution No.	<u>A-1</u>
Name	<u>Andrew and Lynette Murphy</u>
Parcel No.	<u>197.07-01-063.000/2</u>
Municipality	<u>Village of Canisteo</u>
Disposition	<u>2018 Correction of Re-levy</u>
Resolution No.	<u>A-3</u>
Name	<u>Elsie J. Hauryski</u>
Parcel No.	<u>192.00-01-013.000</u>
Municipality	<u>Town of Bradford</u>
Disposition	<u>2018-19 Correction of STAR Exemption</u>

Resolution No.	<u>A-2</u>
Name	<u>Thomas and Teresa Stockton</u>
Parcel No.	<u>048.00-01-025.100</u>
Municipality	<u>Town of Prattsburgh</u>
Disposition	<u>Parcel Split</u>

SCHEDULE "B"

Resolution No.	<u>B-1</u>
Former Owner	<u>Cleveland, Joseph L. and Cleveland, Rebecca W.</u>
In Rem Index No.	<u>2016-1201CV, Judgment filed May 3, 2018</u>
Date of Tax Sale:	<u>July 13, 2018 (Sale No. 58)</u>
Parcel No.	<u>388.00-01-007.200</u>
Municipality	<u>Town of Lindley</u>
Highest Bidder	<u>Scott May</u>
Highest Bidder's Address	<u>273 Sunset Drive, Corning, NY 14830</u>
Consideration	<u>\$41,980.00, inclusive of buyer's premium & recording fee</u>
Second Highest Bidder	<u>Benjamin Lewis</u>
Second Highest Bidder's Address	<u>224 Sunset Drive, Corning, NY 14830</u>

Chairman Hauryski stated that he will be abstaining due to a family member being named in the resolution. Mr. Mullen stated he will be abstaining due to a client being listed on the resolution.

Vote: Roll Call – Adopted. (Yes – 8262, Absent – 451, Abstained – 1159)
(Absent – Legislator Weaver; Abstained – Legislators Hauryski and Mullen)

RESOLUTION NO. 148-18

Introduced by J. Hauryski.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE SEPTEMBER 24, 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:

August 17, 2018

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and the Golden Age Cheese Co., Inc. Project is scheduled for Tuesday, September 4, 2018 at 10:00am at the Woodhull Town Hall, located at 1585 Academy St, Woodhull, New York. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

Town of Caton – Re: Thank you letter to the Public Works department for the excellent job of rebuilding Route 40A. *Referred to: Public Works committee; and Vince Spagnoletti, Commissioner of Public Works.*

NextEra Energy – Re: Second Supplement to the application for the Eight Point Wind, LLC. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

August 22, 2018

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$2,252, which represents the July 2018 surcharge revenues for Steuben County. *Referred to: Finance Committee; and Patrick Donnelly, Commissioner of Finance.*

NYS Homeland Security and Emergency Services – Re: Notification of being awarded \$187,541 under the New York State 2018-2019 Public Safety Answering Points Operations Grant (2018-2019 PSAP GRANT). *Referred to: Public Safety & Corrections Committee; and Dave Hopkins, 911 Director.*

NYS Department of Transportation – Re: Notification of approval of the Supplemental Agreement #5C003788 in the amount of \$5,000 along with a fully executed agreement. *Referred to: Amy Dlugos, Planning Director; and Brenda Mori, Clerk of the Legislature.*

NYS Office of Children and Family Services – Re: Notification of approval for the Steuben County’s Resource Allocation Plan (RAP) and Youth Bureau Narrative(s) for 2018. *Referred to: Human Services/Health & Education Committee; Kathryn Muller, Commissioner of Social Services; and Bill Caudill, Youth Program Coordinator.*

August 29, 2018

Southern Tier Library System – Re: 2019 Budget request in the amount of \$123,829. *Referred to: A.I.P. Committee; Finance Committee; Jack Wheeler, County Manager; and Amy Dlugos, Planning Director.*

August 31, 2018

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and Corelle Brands LLC, is scheduled for Tuesday, September 11, 2018 at 10:00am at the Corning Civic Hall, located at 500 Civic Center Plaza, Second Floor Council Chambers, Corning, New York. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

Environment Design and Research – Re: Request for visual impact assessment on the Canisteo Wind Energy Center Project. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

September 4, 2018

NYS Office of Children and Family Services – Re: OCFS Fatality Report #RO-18-011. *Referred to: Joseph Hauryski, Legislature Chairman; and Jack Wheeler, County Manager.*

September 10, 2018

Federal Aviation Administration – Re: Notification of an aeronautical study (SCN# 253319847-384107073) concerning the project located in Cohocton, NY. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

September 12, 2018

NYS Board on Electric Generation Siting and the Environment – Re: Ruling denying without prejudice CMORE’S further request for pre-application intervenor funds for Canisteo Wind Energy, LLC (issued September 10, 2018). *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 149-18

Introduced by A. Mullen and B. Schu.

Seconded by R. Lattimer.

PRESENTING LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2018, AMENDING LOCAL LAW NO. TWO FOR THE YEAR 1982, AS AMENDED, ESTABLISHING THE CORONERS’ ENTITLEMENT TO COMPENSATION.

Pursuant to Articles 5 and 17-A of the County Law of the State of New York, and pursuant to the Steuben County Charter Articles II and XII.

BE IT RESOLVED, that there hereby is presented to each member of the Steuben County Legislature, Local Law Tentatively No. Four for the Year 2018, Amending Local Law No. Two for the Year 1982, as Amended, Establishing the Coroners’ Entitlement to Compensation to wit:

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

A Local Law Amending Local Law No. Two for the Year 1982, as Amended, Establishing the Coroners’ Entitlement to Compensation.

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

SECTION 1. LEGISLATIVE INTENT: [It is the intent of the within Local Law to amend Local Law No. Eight of the Year 1993, as amended, to provide for an increase in the basic compensation for coroners of One Hundred Dollars (\$100.00) to Two Hundred Dollars (\$200.00) plus necessary expenses in each case.] It is the intent of the Steuben County Legislature to amend the recited Local Law to provide for an increase in the basic compensation for coroners of Two Hundred Dollars (\$200.00) to Two Hundred Twenty Five Dollars (\$225.00), in each case. Each and every other provision of the recited Local Law as previously amended hereto is to remain in full force and effect.

SECTION 2. AMENDING LOCAL LAW NO. TWO FOR THE YEAR 1982 as amended, be and the same, here is amended to read as follows:

SECTION 2.1: A basic compensation of [Two Hundred Dollars (\$200.00)] Two Hundred Twenty Five Dollars (\$225.00) plus necessary expenses in each case for all postmortem examinations (including, but not limited to participation at autopsies), investigations, statements, decisions or other report and for the filing thereof.

NOTE: Old law is in brackets [] and deleted;
New matter is underlined.

SECTION 3: EFFECTIVE DATE: The within Local Law shall be effective with respect to cases occurring on or after January 1, 2019.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the Steuben County Legislature, a Public Hearing shall be held at the Steuben County Legislative Meeting on the 22nd day of October 2018, at 10:00 A.M. or such other date and time that may be adjourned, at Steuben County Offices, 3 East Pulteney Square, Bath, New York 14810, and the Local Law is subject to a permissive referendum of the qualified electors of the County of Steuben by filing of a legal petition within forty-five (45) days after its final adoption, with the Clerk of the Legislature of the County of Steuben protesting such Local Law; and be it further

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 150-18

Introduced by G. Swackhamer.

Seconded by K. Hanna.

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

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

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

NOW THEREFORE, the Steuben County Legislature, duly convened does hereby

RESOLVE, that the Steuben County Legislature approves the Project; and it is hereby further

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

RESOLVED, that the sum of \$480,000 is appropriated and made available to cover the cost of participation in the above phases of the Project; and it is hereby further

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

RESOLVED, that the County Manager of the County of Steuben be and is authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Steuben with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs

and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is hereby further

RESOLVED, that a certified copy of this resolution be filed with the New York State Department of Transportation, Attn: Sharon Grabosky, RPPM, 107 Broadway, Hornell, NY 14843 by attaching it to any necessary Agreement in connection with the Project, and with the Steuben County Commissioner of Public Works; and it is hereby further

RESOLVED, this Resolution shall take effect immediately.

Vote: Roll Call – Adopted.

RESOLUTION NO. 151-18

Introduced by G. Swackhamer and S. Van Etten.

Seconded by T. Ryan.

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

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

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

WHEREAS, the estimated cost of Design and Right of Way Incidentals work for the Project included in the New York State Department of Transportation’s Initial Standard Agreement for the Project is \$480,000; and

WHEREAS, the Steuben County 2018 Budget included \$400,000 for a Federal Aid Bridge NY Project – Design (now titled 5120HI CR 119/Canisteco River).

NOW THEREFORE, the Steuben County Legislature, duly convened does hereby

RESOLVE, that the Steuben County Legislature authorizes and directs the Commissioner of Finance to transfer of \$4,000 from the Future Bridge Projects account (5120H0) to CR 119; and be it hereby further

RESOLVED that the appropriation of \$76,000 of Federal and State Bridge Aid to the County Route 119 over the (Canisteco River bridge project account (5120HI)) in order to fund in the first instance 100% of the federal and non-federal share of the cost of Design and Right of Way Incidentals work for the Project or portions thereof; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 152-18

Introduced by A. Mullen.

Seconded by K. Fitzpatrick.

ACCEPTING A STATE HOMELAND SECURITY PROGRAM GRANT FOR THE FISCAL YEAR 2018.

WHEREAS, Steuben County has identified the risks associated with the effects of terrorism; and

WHEREAS, Steuben County has identified the potential vulnerability throughout the County to this type of incident; and

WHEREAS, Steuben County has identified the need for additional resources, education and training; and

WHEREAS, the New York State Office of Homeland Security is responsible for the assignment of administration of grant allocation provided by the Federal Government; and

WHEREAS, the New York State Office of Homeland Security has awarded Steuben County with Federal Fiscal Year 2018 grant funds in the amount of \$129,963 under the State Homeland Security Program (SHSP); and

WHEREAS, seventy-five percent of the funding (\$97,472) will go to Emergency Management to support response, education, prevention and planning for terrorist incidents and twenty-five percent or (\$32,491) of the total funding must be directed towards law enforcement terrorism prevention activities to the Sheriff's Office.

NOW THEREFORE, BE IT

RESOLVED, that the County Manager be authorized to enter into an agreement with the New York State Office of Homeland Security to accept funding in the amount of \$129,963 for implementation of the State Homeland Security Program (SHSP) to support response, education, prevention and planning for terrorist incidents; and be it further

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

RESOLVED, that the Commissioner of Finance be and the same hereby is authorized to establish a revenue account for the purpose of accepting the grant funding from the Federal Government and the New York State Office of Homeland Security; and be it further

RESOLVED, that the Commissioner of Finance be and the same hereby is authorized to appropriate such revenue to the appropriate expenditure accounts within the Office of Emergency Management and Office of the Sheriff for the purpose of executing the aforementioned grant; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 153-18

Introduced by R. Lattimer.

Seconded by K. Fitzpatrick.

AUTHORIZING AN ALLOCATION FROM THE ECONOMIC DEVELOPMENT FUND TO THE KEUKA LAKE ASSOCIATION FOR THE 2018 STREAM SAMPLING PROGRAM.

WHEREAS, the Keuka Lake Association is working on the nine (9) element plan aimed at preventing harmful algae blooms in Keuka Lake; and

WHEREAS, the first element of the plan involves identifying the pollutants going into the lake; and

WHEREAS, the only way to identify pollutants is by sampling the key streams around the lake during the summer and rain events; and

WHEREAS, having an up to date nine (9) element plan is required to be eligible for funding from the Environmental Protection Agency (EPA) to further address harmful algae blooms; and

WHEREAS, the Keuka Lake Association is seeking funding from Steuben and Yates Counties to split the \$5,200 total cost of the stream sampling program; and

WHEREAS, Steuben County's portion of the cost of the 2018 Stream Sampling Program would be \$2,600; and

WHEREAS, Yates County's authorization to fund half the cost of the sampling program is contingent upon Steuben County's authorization to fund the other half of the cost of the sampling.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Manager is authorized to allocate \$2,600 from the Economic Development Fund to the Keuka Lake Association; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Mark Morris, President-Elect of the Keuka Lake Association, the Steuben County Manager, and the Steuben County Commissioner of Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 154-18

Introduced by R. Lattimer.

Seconded by F. Potter.

APPROPRIATING \$75,000 FROM THE CONTINGENT FUND TO THE STEUBEN COUNTY SOIL & WATER CONSERVATION DISTRICT FOR THE STREAMBANK STABILIZATION PROGRAM.

Pursuant to Section 2.07(2) of the Steuben County Charter.

WHEREAS, there was significant damage to streambanks caused by storms this year; and

WHEREAS, the annual allocation of \$75,000 from the County has already been spent on these storms and there is still damage to be repaired without funding to make repairs; and

WHEREAS, recent storms and flooding have created additional expenses that the Soil & Water Conservation District does not have funding to address.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Finance is directed to appropriate \$75,000 from the Contingent Fund and transfer said monies to the account designated as A8710 – Soil and Water Conservation, 5 433 200 Stream Preservation; and be it further

RESOLVED, in determining projects to be assisted under this funding, consideration shall be given to the ability of the local landowner or municipality to assist in providing funding for the share of local match, either directly or in kind; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Jeff Parker, District Manager, Steuben County Soil & Water Conservation District; and the Commissioner of Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 155-18

Introduced by G. Swackhamer and S. Van Etten.

Seconded by H. Lando.

AUTHORIZING THE COMMISSIONER OF FINANCE TO RENAME THE COHOCTON SHOP CAPITAL PROJECT TO “REBUILD COHOCTON SHOP” CAPITAL PROJECT .

WHEREAS, on March 2, 2018 the Cohocton Highway Shop received damage from a fire; and

WHEREAS, the damage to the facility was contained and the structure can be repaired; and

WHEREAS, a capital project needs to be established to facilitate in the repair of the shop; and

WHEREAS, there is an existing capital project in place for the repair of the shop roof titled Cohocton New Roof, HS0601; and

WHEREAS, the Public Works Committee has authorized the renaming of the existing capital project HS0601 from Cohocton New Roof to Rebuild Cohocton Shop to track all building costs including but not limiting tracking insurance proceeds; and

WHEREAS, the capital project currently has (+/-) \$80,000 which will be utilized for the repair of the facility.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Finance is hereby authorized and directed to change the title of the capital project HS0601 from Cohocton New Roof to Rebuild Cohocton Shop; and be it further

RESOLVED, that the current account balance of (+/-) \$80,000 remains in the new project; and be it further

RESOLVED, the Commissioner of Public Works is authorized and directed to proceed with the necessary engineering assessments and repair of the Cohocton Shop; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 156-18

Introduced by B. Schu.

Seconded by F. Potter.

APPROVING THE STANDARD WORK DAY AND RETIREMENT REPORTING RESOLUTION AS REQUIRED BY THE NEW YORK STATE COMPTROLLER.

WHEREAS, the New York State and Local Employees’ Retirement System adopted 2 NYCRR §315.4, a regulation on retirement reporting for elected and appointed officials which became effective August 12, 2009; and

WHEREAS, the regulation requires an expanded record of work activities, a more detailed resolution and specific time frames within which requirements must be completed.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben hereby establishes the following standard work days for the listed titles and will report the officials to the New York State and Local Employees’ Retirement System based on their record of activities:

TITLE	STANDARD WORKDAY (HRS/DAY)	NAME	TIER 1 MEMBER	CURRENT TERM BEGINS/ENDS	ROA Result	ROA Not Submitted
Elected Officials						
Coroner	PerDiem	May, Brian P.		01/01/18-12/31/21	2.67	
Appointed Officials						
Assistant District Attorney, PT	6.0	Timothy J. Rosell		01/02/18-12/31/19	4.42	
Assistant Public Defender, PT	6.0	David A. Hoffmann		12/11/17-12/31/19	11.12	
Assistant Conflict Defender, PT	6.0	Casimir Klepacz		12/04/17-12/31/19	20.82	

AND BE IT FURTHER RESOLVED, elected and appointed officials who are not members of the State Retirement System are not subject to the provisions of this law; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Finance Commissioner, the Personnel Officer and the New York State Comptroller following 30 days of public posting.

Vote: Roll Call – Adopted. (Yes – 8824, No – 597, Absent – 451)
(No – Legislator Mullen; Absent – Legislator Weaver)

RESOLUTION NO. 157-18

Introduced by G. Swackhamer and B. Schu.

Seconded by R. Nichols.

AUTHORIZING THE UPGRADE OF A MACHINERY SHOP SUPERVISOR POSITION WITHIN THE PUBLIC WORKS DEPARTMENT FROM A GRADE XIII TO GRADE XV.

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

WHEREAS, the position of Machinery Shop Supervisor within the Department of Public Works is inappropriately graded and not consistent with the duties for said position; and

WHEREAS, the Personnel Officer, County Manager and the Administration and Public Works Committees have approved the adjustment in grade; and

WHEREAS, approval between CSEA and the County of Steuben by Memorandum of Agreement of the upgrade is required.

WHEREAS, this resolution is a suspension of the *Rules of Procedure* of the County Legislature which requires a unanimous affirmative vote of the members present.

NOW THEREFORE, BE IT

RESOLVED, with adoption of this resolution the following position within the Department of Public Works is hereby upgraded as follows, pending approval of the Memorandum of Agreement:

Machinery Shop Supervisor, Grade XIII (\$37,260- \$52,601) to Grade XV (\$40,201- \$56,753)

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

Mr. Ryan asked what is the purpose of this? Mr. Wheeler explained Mr. Spagnoletti had asked Personnel to review this position. In comparison to the other management positions in Public Works, the Machinery Shop Supervisor position was graded low. The proposal is to upgrade that position to a Grade XV.

Vote: Roll Call – Adopted.

RESOLUTION NO. 158-18

Introduced by C. Ferratella and B. Schu.

Seconded by G. Roush.

AUTHORIZING THE TRANSFER OF A VACANT SOCIAL WORK ASSISTANT POSITION, GRADE XII FROM THE OFFICE OF COMMUNITY SERVICES TO THE DEPARTMENT OF SOCIAL SERVICES.

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

WHEREAS, this Social Work Assistant position in the Office of Community Services is vacant; and

WHEREAS, there is a need for a Social Work Assistant position in the Department of Social Services; and

WHEREAS, the Personnel Officer, the Human Services, Health & Education Committee and Administration Committee have reviewed said position within the Department of Social Services and have approved the recommended change.

NOW THEREFORE, BE IT

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

Transfer one (1) vacant Social Work Assistant position from the Office of Community Services to the Department of Social Services.

AND BE IT FURTHER RESOLVED, that the 2018 County Job Classification and Salary Schedule is hereby amended to reflect the above stated changes; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Finance, Personnel Officer, the Commissioner of Department of Social Services, and the Director of Community Services.

Vote: Roll Call – Adopted.

RESOLUTION NO. 159-18

Introduced by R. Lattimer.

Seconded by F. Potter.

AUTHORIZING THE DIRECTOR OF WEIGHTS AND MEASURES TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH WYOMING COUNTY.

WHEREAS, the Agriculture, Industry & Planning and Administration Committees have approved an Inter-Municipal Agreement with Wyoming County for the provisions of Weights and Measures Services; and

WHEREAS, the agreement anticipates the service to be performed for Wyoming County through the remainder of calendar year 2018; and

WHEREAS, Wyoming County will be reimbursing Steuben County for all mileage incurred in supplying the services to Wyoming County; and

WHEREAS, Steuben County is already providing these services in Livingston County; and

WHEREAS, it is desirable to enter into the agreement to assist another neighboring county.

NOW THEREFORE, BE IT

RESOLVED, that the Director of Weights and Measures is hereby authorized to sign the Inter-Municipal Agreement with Wyoming County consistent with the foregoing; and be it further

RESOLVED, that certified copies of this resolution be forwarded to James Marley, Wyoming County Director of Weights & Measures, 338 N Main Street, Warsaw, NY 14569; Langdon Holmes, Steuben County Director of Weights and Measures and the Steuben County Law Department.

Mr. Swackhamer stated he does not mind helping other counties, but if we have this much time to do work for other counties, do we need the number of staff we have? Mr. Wheeler replied we do. We already help in Livingston County and with Wyoming next door, it seemed like it was reasonable. Mr. Swackhamer asked what are they not doing in Steuben that they have time to work in another county? Mr. Wheeler replied they are very busy doing our County and Livingston and there are only three staff. Mr. Swackhamer stated he has no problem having us help other counties, but he was just looking at staff issues.

Mr. Mullen asked is this intended to be permanent? Mr. Wheeler replied no, only six weeks to two months.

Vote: Roll Call – Adopted. (Yes – 8970, No – 451, Absent – 451)
(No – Legislator Swackhamer; Absent – Legislator Weaver)

RESOLUTION NO. 160-18

Introduced by K. Fitzpatrick and S. Van Etten.

Seconded by J. Malter.

AUTHORIZING AN AMENDMENT TO THE EMERGENCY MANAGEMENT INTER-MUNICIPAL AGREEMENT WITH THE VILLAGE OF COHOCTON.

WHEREAS, Steuben County passed Resolution No. 143-18 on 8/27/2018 authorizing the Director of Emergency Management to enter into an Inter-municipal Agreement with the Village of Cohocton; and

WHEREAS, additional authority is now needed to add terms to the same Agreement in order to complete the joint venture.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature authorizes the Director of Emergency Services to enter into a Lease Agreement with the Village of Cohocton for the premises, the subject of the August 27, 2018 Inter-municipal

Agreement which the Village of Cohocton owns, located at County Route 121, parcel ID 055.00-01-005.200; and be it further

RESOLVED, the consideration for said Lease shall be in the amount of \$3,500; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Emergency Services, the County Attorney and the Village of Cohocton Municipal Clerk.

Mr. Mullen stated he will be abstaining as he is the Cohocton Town Attorney.

**Vote: Roll Call – Adopted. (Yes – 8824, Absent – 451, Abstained – 597)
(Absent – Legislator Weaver; Abstained – Legislator Mullen)**

RESOLUTION NO. 161-18

Introduced by C. Ferratella.

Seconded by H. Lando.

AUTHORIZING AN INTERMUNICIPAL AGREEMENT FOR EXPLORING DETENTION FACILITIES AND SERVICES FOR COMPLIANCE WITH “RAISE THE AGE”

WHEREAS, on April 10, 2017, Governor Cuomo signed into law “Raise the Age” legislation that was included as part of the State Budget; and

WHEREAS, under “Raise the Age,” no 16- or 17-year-old will be sentenced to or detained in a facility with adults; youth whose cases are heard in Family Court will be detained or placed in OCFS-operated, OCFS-licensed, or ACS facilities (including Close to Home), as Juvenile Delinquents currently are; while Adolescent Offenders who are detained pre-trial will be held in a specialized secure juvenile detention center for older youth, which will be certified and regulated by OCFS in conjunction with the state commission of correction; and

WHEREAS, these “Raise the Age” detention provisions will create challenges for the counties of New York State, with an anticipated shortage of available beds, specifically in the Finger Lakes region; and

WHEREAS, County Law §218-a authorizes a contract between one or more counties providing for the joint establishment, operation and maintenance by such counties of a joint county detention facility; and

WHEREAS, eleven counties in the Finger Lakes region have met over the past several months to review options for detention; and

WHEREAS, these partner counties are desirous of beginning the process of forming a local development corporation for exploring detention facilities and services; and

WHEREAS, Steuben County is desirous of entering into an Inter-municipal Agreement with the consortium of counties to create a Local Development Corporation for the purpose of recommending how to develop, establish, operate, maintain and fund a new joint detention facility; and

WHEREAS, participation in this Inter-municipal Agreement will not bind the County to contribute funds or resources to acquire and/or construct any detention facility but will require a shared contribution to the cost of creating such corporation, already accounted for in the current contract with Treahy Consultation Services; and

WHEREAS, a draft Inter-municipal Agreement has been prepared by the various respective County Officials in the eleven counties in the Finger Lakes.

NOW THEREFORE, BE IT

RESOLVED, that the County Manager is hereby authorized to sign the Inter-municipal Agreement consistent with the recited draft Inter-Municipal Agreement to further the establishment of a local development corporation that will explore options for detention subject to Raise the Age requirements; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 162-18

Introduced by R. Lattimer.

Seconded by G. Roush.

ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR CERTAIN STEUBEN COUNTY OFFICE BUILDINGS.

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the County is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Steuben County Legislature desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the County; and

WHEREAS, the County Legislature desires to establish procedure or guideline for County staff to conduct such Building Energy Benchmarking.

NOW THEREFORE, IT IS HEREBY

RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) "Superintendent" shall mean the head of the Department.

(4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the County that is 1,000 square feet or larger in size.

(5) "Department" shall mean the Buildings and Grounds Department.

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Superintendent may exempt a particular Covered Municipal Building from the benchmarking requirement if the Superintendent determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than December 15, 2018, and no later than December 15 every year thereafter, the Superintendent or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Superintendent or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than April 1, 2019 and by April 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

- (1) The Superintendent or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.
- (2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.
- (3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Legislature including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Superintendent determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

AND BE IT FURTHER RESOLVED, that certified copies of this resolution, shall be forwarded to Amy Dlugos, Planning Director and Eric Rose, Superintendent of Buildings & Grounds.

Vote: Roll Call – Adopted.

RESOLUTION NO. 163-18

Introduced by B. Schu.

Seconded by S. Van Etten.

AUTHORIZING THE COMMISSIONER OF FINANCE TO SELL THE HORNELL COURTHOUSE VIA PUBLIC AUCTION.

Pursuant to County Law Section 215

WHEREAS, the County of Steuben did acquire property from Russell M. Tuttle and Orvilla G. Tuttle on April 1, 1907 by deed recorded with the Steuben County Clerk at Liber 304, Page 32; and

WHEREAS, the County of Steuben did acquire property from Augustus Henry on April 1, 1907 by deed recorded with the Steuben County Clerk at Liber 304, Page 33; and

WHEREAS, a building was constructed on the recited premises in the early 1900's for use as a Courthouse and for County purposes, and the building is no longer needed for County purposes; and

WHEREAS, it appears to be in the best interests of the County of Steuben to transfer title of the recited property to the highest bidder at a public auction, pursuant to County Law Section 215.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Finance be authorized and directed to sell the subject premises at a public auction; and be it further

RESOLVED, that the Commissioner of Finance be authorized to execute the necessary documents to effectuate the intentions of this resolution; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 164-18

Introduced by J. Hauryski

Seconded by G. Swackhamer.

SETTING THE DATE AND TIME FOR A SPECIAL LEGISLATIVE MEETING FOR THE PRESENTATION OF THE 2019 BUDGET.

BE IT RESOLVED, a Special Legislative Meeting of the Steuben County Legislature be, and the same hereby is, established for Thursday, November 15, 2018, at 10:00 A.M. in the Legislative Chambers, 3 East Pulteney Square, Bath, New York, for the presentation of the 2019 Budget; and be it further

RESOLVED, the Clerk of this Legislature shall forward the necessary, proper and legal notice of the above meeting to all County Legislators and department heads of the County of Steuben.

Vote: Acclamation – Adopted.

RESOLUTION NO. 165-18

Introduced by J. Hauryski.

Seconded by H. Lando.

SETTING THE DATE FOR THE DECEMBER 2018 MEETING OF THE STEUBEN COUNTY LEGISLATURE.

BE IT RESOLVED, the regular meeting of the Steuben County Legislature be, and the same hereby is, established for December 2018, on Monday, December 17, 2018 at 10:00 A.M. in the Legislative Chambers, 3 East Pulteney Square, Bath, New York; and be it further

RESOLVED, the date and time of any Public Hearings arising by virtue of the within meeting which are inconsistent with this resolution be and the same hereby are amended to reflect the date and time above-stated; and be it further

RESOLVED, the Clerk of the this Legislature shall forward the necessary, proper and legal notice of the above meeting to all County Legislators and department heads of the County of Steuben.

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 Mr. Potter, seconded by Ms. Lattimer and duly carried.

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mr. Roush, seconded by Mr. Van Etten and duly carried.

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